

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 1-2008

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN AMENDING CHAPTER 180 (ZONING) TO REVISE PROVISIONS FOR ENCOURAGING RETAIL STORES ON THE FIRST FLOOR LEVEL OF BUILDINGS IN THE CRO COMMERCIAL-RETAIL/OFFICE DISTRICT

WHEREAS, the Township Council of the Township of Moorestown has reviewed the current code provisions for uses permitted in the CRO Commercial-Retail/Office District, and

WHEREAS, the CRO Commercial-Retail/Office District encompass's the Main Street and Chester Avenue portions of the Main Street Town Center Area of the Township of Moorestown, and

WHEREAS, the Master Plan of the Township of Moorestown specifically encourages an increase in the number of retail stores on the first floor level of buildings located in the Main Street Town Center Area to maintain the area's unique identity, increase the variety of retail uses, encourage a better pedestrian environment, and benefit the existing businesses located in the Main Street Town Center and the community as a whole, and

WHEREAS, the Economic Development Advisory Committee, the Appearance Committee, and the Township Planning Board have advised that increasing the number of retail stores on the first floor level of buildings in the CRO Commercial-Retail/Office District will benefit other businesses in the Main Street Town Center and the community as a whole, and that regulations should be revised.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington and State of New Jersey as follows:

Section 1. Article XVI, Section 180-48.N. shall be deleted in its entirety and the following language inserted in its place:

N. Activities outside the confines of buildings.

1. Not located within the public right-of-way:

(a) Outdoor seating as an accessory use to a restaurant shall be permitted and shall not be included in a restaurant's seating or floor area when calculating on site parking requirements. Outdoor furnishings are limited to tables, chairs, umbrellas, a menu pedestal, a reservation podium and other such furnishings as required to conduct the operation as is conducted in the indoor establishment and shall be stored inside the restaurant after normal operating hours. Advertising or promotional features shall be

limited to the name of the restaurant on the permitted outdoor furnishings.

- (b) All other sales, solicitation of sales, display or storage of merchandise or goods, the performance of any commercial service or the installation or operation of vending machines, other than telephone or postal facilities, shall be conditional uses subject to approval by the Planning Board.

2. Located within the public right-of-way:

- (a) Activities as permitted by Township Council.

- (b) Outdoor seating as an accessory use to a restaurant, shall be permitted, provided that it does not impede pedestrian flow by maintaining a minimum pathway of at least five (5) feet that is free of obstacles at all times. A zoning permit and site meeting with the Township Zoning Officer is required prior to location within the right-of-way to ensure that the required five (5) foot pedestrian path can be established. Once issued, the zoning permit may be retracted for up to one year by the Zoning Officer for failure to maintain the minimum five (5) foot pedestrian pathway or the limitations imposed by subsection § 180-48.N.1.(a).

Section 2. Article XVI, Section 180-50. Miscellaneous requirements shall be amended by the addition of the following:

- G. Existing first floor retail uses or first floor retail uses that result from the conversion of an existing non-retail use located in the CRO Zone will not be required to provide additional on-site parking to that which exists on site, provided that there is no increase to the size of the building square footage. No additional on-site parking to that which exists on the site will be required for the relocation of existing non-retail first floor uses to another floor (any other floor other than the first floor) for buildings that convert its first floor from non-retail to retail.

Section 3. Effective date. This ordinance shall take effect upon its final passage, adoption and publication on the earliest date permitted by law.

Section 4. Severability. If any section, paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 5. Short Title. This ordinance may be cited as Ordinance No. 1-2008

CERTIFICATION

I hereby certify that Ordinance No. 1-2008 was introduced and adopted on first reading by the Township Council at a meeting held on January 7, 2008. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on January 28, 2008.

<u>VOTE:</u>	
ABERANT	YES
ROCCATO	YES
BRODER	YES
SEGAL	YES
ERON	YES

PATRICIA L. HUNT, RMC
Township Clerk