

Approved By: _____
Meeting Date: _____

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 21-2008

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN AMENDING CHAPTER 180 (ZONING) OF THE CODE OF THE TOWNSHIP OF MOORESTOWN CREATING CONSERVATION DESIGN SUBDIVISION STANDARDS IN THE R-1, R-1-A AND R-2 RESIDENCE DISTRICTS

BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington and State of New Jersey that Chapter 180 shall be amended as follows:

Article I: Purpose; Definitions

[Revise] Section 180-1. Purpose

[Add] D. There is a need to provide open space and natural resource conservation areas in Moorestown Township in order to provide opportunities for recreation, land for the preservation of wildlife habitats and other natural environments, a gathering place for community events, and visual relief from urbanization, as stated in the Master Plan. Conservation Design provides a mechanism to provide additional open space in the township, while still maintaining landowner equity. Conservation Design Zoning Options shall be applied to any parcel equal to or greater than 5 acres in size in the R-1 and R-1-A Residence Districts, and parcels equal to or greater than 3 acres in the R-2 Residence District.

The purposes of conservation design are as follows:

1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility lines, and the amount of paving required for residential development;
3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
5. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the municipality's Master Plan, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;

6. To implement adopted land use, transportation, and community policies, as identified in the municipality's Master Plan;
7. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space/conservation areas, and with a strong neighborhood identity;
8. To provide for the conservation and maintenance of open land within the municipality to achieve the above-mentioned goals and for active or passive recreational use by residents;
9. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, transition areas, vernal pools, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls);
10. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties;
11. To conserve scenic views and elements of the municipality's rural character, and to minimize perceived density, by minimizing views of new development from existing roads; and
12. To protect areas of the municipality with productive agricultural soils for continued or future agricultural use.

[Revise] Section 180-2. Definitions

[Add] Primary Conservation Areas (PCAs): are floodplains, wetlands and transition areas, stream corridors, slopes over 20% and vernal pools.

[Add] Secondary Conservation Areas (SCAs): are areas of High Groundwater Recharge (11-16 inches per year), slopes between 10% and 20%, Natural Heritage Priority Sites, and Critical Habitat Areas as designated by the NJDEP Landscape Project, as well as other scenic, natural, cultural and historic features such as viewsheds, natural swales, groves of trees, local landmarks, and historic structures that may be unmapped but should be incorporated into site plans during the site visit.

[Add] Scenic Roads: Haines Drive along Strawbridge Lake, Garwood Road, Cox Road, and McElwee Road, as designated in the Master Plan.

[Add] Historic Roads: Old Salem Road, Kings Highway, Riverton Road, Lenola Road, and Church Street, as designated in the Master Plan.

[Add] Country Properties: Large lots in Conservation Design subdivisions and/or site plans that have a conservation easement placed on them that protects the natural features on the site and prohibits further subdivision of the lot. In Conservation Design subdivisions with country properties, no common open space/Conservation Area land is provided. See R-1, R-1-A, and R-2 Residence Districts for lot size requirements.

Article IV: R-1 Residence Districts

[Amend] Section 180-8 H: Planned Unit Developments, subject to the requirements of Section 180-10.1, are no longer valid nor applicable in the R-1 District after September 22, 2008 except for subdivisions built under those regulations, those PUD regulations still apply.

[Revise] Section 180-9: Area restrictions and regulations

In all R-1 Residence Districts, parcels of land smaller than 5 acres in size are subject to the restrictions and regulations established in subsections (A) through (F) below. Parcels of land 5 acres or larger in the R-1 Residence District are subject to the restrictions and regulations established in **180-10.2 Conservation Design Subdivisions**.

[Retain Subsections 180-9 (A) through 180-9 (F)]

[Amend] Section 180-10.1. Planned unit development. Planned unit developments as defined in this section are not valid or applicable in the R-1, R-1-A or R-2 Districts after September 22, 2008 except for subdivisions built under the PUD regulations, such PUD regulations still apply.

[Retain Subsections]

[Add] Section 180-10.2. Conservation Design Subdivisions in R-1 Residence Districts.

In designing new major residential subdivisions or site plans on parcels of land 5 acres or larger in size, the Conservation Design Four-Step Process shall be applied. In order to achieve the purposes stated in Section 180-1 (D), the R-1 District provides for flexibility in designing new residential subdivisions by allowing two forms of “by-right” development, referred to as “options,” which are summarized below:

1. Option One: *Basic Conservation*, providing for residential uses at the density permitted by the underlying zoning, as determined by a yield plan. Conservation Area lands comprise at least half the tract. The flexibly-designed layouts work well with either individual wells and septic systems located on individual lots or within the common open space/conservation area.
2. Option Two: *Country Properties*, providing for rural-suburban residential uses at lower densities in conventional layouts of standard houselots, where homes and additional streets, if needed are located carefully to minimize impacts on primary and secondary conservation areas. Permanent conservation easements are placed on houselots to maintain appropriate uses.

Table of Options and Density Standards

	Option 1 Basic Conservation	Option 2 Country Properties
Minimum Tract Size	5 acres	5 acres
Tract Density	65,340 SF/du max gross density	5 acres/du *
Lot Size Max with Minimum Lot Width	43,560 SF/du 125 feet	NA
Lot Size Avg with Minimum Lot Width	32,670 SF/du (or 50% of 65,340 SF) 100 feet	5 acres* 300 feet
Lot Size Min with Minimum Lot Width	10,000 SF/du 75 feet	2.5 acres* 300 feet
Minimum Open Space/Conservation Area	50%	no common open space/conservation area

* See Section 10.2 D. 2. for regulations governing tracts greater than 6 acres and less than 10 acres.

A. Applicability:

Tracts of 5 acres or greater must apply either Option 1 or 2.

B. General Regulations:

The design of all new subdivisions in the R-1 District following Option 1 or Option 2 shall be governed by the following minimum standards:

1. Ownership: The tract of land may be held in single and separate ownership or in multiple ownerships. However, when a tract is held in multiple ownerships, it shall be planned as a single entity with common authority and common responsibility.
2. Site Suitability: As evidenced by the Existing Resources and Site Analysis Map, the Sketch Plan, and the Preliminary and Final Plan submittals, the tract incorporating these design options shall be suitable for supporting development in terms of environmental conditions, size, and configuration.
3. Intersections and Access: New intersections with existing public roads shall be minimized. Where 2 (two) access points on a public road are needed, they must be separated by at least 300 feet. Road layouts should limit access points to arterial roads but encourage connectivity to internal roads.
4. Sensitive Area Disturbance: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Map. Lands within the 100-year floodplain, stream corridors, wetlands and transition areas, vernal pools and slopes in excess of 10% shall constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be

prerequisite to approval of the sketch plan, Preliminary Plan and the detailed Final Plan.

C. Principal & Accessory Permitted Uses:

Permitted Uses on the land and in buildings shall adhere to the use restrictions and regulations established in **Section 180-8. Use restrictions and regulations.**

D. Area and yard requirements:

1. Lots in tracts that apply Option 1 shall conform to the R-1 regulations set below:

- a. Minimum Required Conservation Area Lands: The subdivision will include at least 50% of the gross tract area as Conservation Area lands. Conservation Area lands shall not be counted toward minimum lot size nor used in any way for residential lots or streets ROW.
- b. Density: As determined through the yield plan described in Section 180-10.2 (E) below
- c. Lot sizes: Minimum 10,000 SF; average 32,670 SF, maximum 43,560 SF
- d. Minimum Lot Widths at Building Setback: 75 feet for 20,000 SF lot, 100 feet for 32,670 SF lot, and 125 feet for 43,560 SF lot
- e. Minimum Street Frontage: 45 feet
- f. Yard Regulations: The builder or developer is urged to consider variation in the principal building positions and orientation, but shall observe the following minimum standards:
Front Yard Setback: 50 feet; except along major thoroughfares, scenic roads and historic roads, 150 feet
Side Yard Setback: 40 feet (aggregate), no less than 15 feet on either side
Rear Yard Setback: 25 feet
- g. Maximum Impervious Coverage: 25 percent limit on each lot of 32,670 SF or greater, 30% on lots between 20,000 SF and 32,670 SF, and 35% on lots between 10,000 SF and 20,000 SF
- h. Maximum height regulations: 35 feet

2. Lots in tracts that apply Option 2 shall conform to the R-1 regulations set forth below:

- a. Minimum Required Conservation Area Lands: The subdivision will not have common open space/conservation areas. Lots are held by private owners.
- b. Density: 5 acres/dwelling unit, except tracts greater than 6 acres and less than 10 acres are permitted to be subdivided into two Country Properties, with conservation easements protecting the natural resource values of the site and prohibiting further subdivision.

- c. Lot sizes: Minimum 2.5 acres; average 5 acres, no maximum size. Tracts greater than 6 acres and less than 10 acres that are subdivided into 2 lots are permitted an average lot size smaller than 5 acres per dwelling unit, and a minimum lot size of 1.5 acres.
- d. Minimum Lot Widths at Building Setback: 300 feet
- e. Minimum Street Frontage: 50 feet
- f. Yard Regulations: The builder or developer is urged to consider variation in the principal building positions and orientation, but shall observe the following minimum standards:
 Front Yard Setback: 100 feet
 Side Yard Setback: 100 feet (aggregate), no less than 40 feet on either side
 Rear Yard Setback: 75 feet
- g. Maximum Impervious Coverage: 12 percent limit on each lot
- h. Maximum height regulations: 35 feet

E. Density Determination – Yield Plan Approach

1. Determination of density, or maximum number of permitted dwelling units, shall be based upon the density factor in Option 1, applied to the net tract acreage, after wetlands, wetland transition areas, 100 year floodplains, slopes over 20%, certified vernal pools and stream corridors are subtracted out, as demonstrated by an actual Yield Plan. Option 2 subdivisions have a density of 1 dwelling unit per 5 acres. Yield plans shall meet the following requirements:
2. Yield Plans must be prepared as conceptual layout plans in accordance with the standards of the Subdivision Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. It must be drawn to scale and the tract boundaries must be based on a survey to ensure the correct size of the tract. It must be a realistic layout reflecting a development pattern that could actually be built, after delineating the presence of wetlands and transition areas, certified vernal pools, 100-year floodplains and stream corridors with 25-foot buffers, steep slopes, existing easements or encumbrances and the suitability of soils for subsurface sewage disposal.
3. Yield Plan Dimensional Standards: The following dimensional standards shall be used in the development of Yield Plans for Option 1 subdivisions:

Standard	Option 1: Basic Conservation – Tract greater than 5 acres
Minimum lot area	65,340 SF
Minimum lot width	200 feet
Front yard setback	50 feet; 150 feet on major thoroughfares
Rear yard setback	25 feet; 150 feet on major thoroughfares
Side yard setback	15 feet; 40 feet aggregate

F. Design Standards for Option 1 and Option 2 Subdivisions

1. Buildings shall not encroach upon Primary Conservation Areas as identified in Section 158-1 and Section 158-8.1 (A) of the Subdivision Ordinance, and their layout shall respect Secondary Conservation Areas as described in both the Zoning Ordinance and in the Subdivision Ordinance.
2. All new dwellings shall meet the following setback requirements:
 - a. From all major thoroughfares, scenic roads, and historic roads – 150 feet
 - b. From all other road right-of-ways – 50 feet
 - c. From all other tract boundaries – 50 feet
 - d. From cropland or pastureland – 150 feet
 - e. From permanently preserved farmland – 300 feet
 - f. From active recreation areas such as courts or playing fields (but not including tot-lots) – 150 feet
3. Views of houses from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements Chapter 158 Subdivision of Land and/or Chapter 160 Preservation and Restoration of Existing Vegetation.
4. Houses shall generally be accessed from interior streets, rather than from roads bordering the tract.
5. At least three-quarters of the lots shall directly abut or face Conservation Area land across a street.
6. Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the Conservation Area land created under this Zoning District are contained in Article XXX of this Ordinance, and in Section 158-17 G, H, I and J of the Subdivision Ordinance

[Revise] Section 180-12: Area restrictions and regulations

In all R-1-A Residence Districts, parcels of land smaller than 5 acres in size are subject to the restrictions and regulations established herein. Parcels of land 5 acres or larger in the R-1-A Residence District are subject to the restrictions and regulations established in **180-12.1 Conservation Design Subdivisions in R-1-A Residence Districts**.

[Retain Subsections A through G.]

[Add] Section 180-12.1 Conservation Design Subdivisions in R-1-A Residence District.

In designing new residential subdivisions on parcels of land 5 acres or larger in size, the Conservation Design Four-Step Process shall be applied. In order to achieve the purposes stated in Section 180-1 (D), the R-1-A District provides for flexibility in designing new residential subdivisions by allowing two forms of “by-right” development, referred to as “options,” which are dependent on tract size, and are summarized below:

1. Option One: *Basic Conservation*, providing for residential uses at the density permitted by the underlying zoning, as determined by a yield plan. Conservation Area lands comprise at least half the tract. The flexibly-designed layouts work well with either individual wells and septic systems located on individual lots or within the common open space/conservation area.
2. Option Two: *Country Properties*, providing for rural-suburban residential uses at lower densities in conventional layouts of standard houselots, where homes and additional streets, if needed are located carefully to minimize impacts on resource lands. Permanent conservation easements are placed on houselots to maintain appropriate uses.

Table of Options and Density Standards for R-1-A Districts

	Option 1 Basic Conservation	Option 2 Country Properties
Minimum Tract Size	5 acres	5 acres
Density	25,000 SF/du	2.5 acres/du
Lot Size Max with Minimum Lot Width	20,000 SF/du 75 feet	NA
Lot Size Avg with Minimum Lot Width	12,500 SF/du 60 feet	2.5 acres 300 feet
Lot Size Min with Minimum Lot Width	7,500 SF/du 50 feet	1.5 acres 150 feet
Minimum Open Space/Conservation Area	50%	no common open space/conservation area

A. Applicability:

Tracts of 5 acres or greater must apply either Option 1 or 2.

B. General Regulations:

The design of all new subdivisions in the R-1-A District following Option 1 or Option 2 shall be governed by the following minimum standards:

1. Ownership: The tract of land may be held in single and separate ownership or in multiple ownerships. However, when a tract is held in multiple ownerships, it shall be planned as a single entity with common authority and common responsibility.

2. Site Suitability: As evidenced by the Existing Resources and Site Analysis Map, the Sketch Plan, and the Preliminary and Final Plan submittals, the tract incorporating these design options shall be suitable for supporting development in terms of environmental conditions, size, and configuration.

3. Intersections and Access: New intersections with existing public roads shall be minimized. Where 2 (two) access points on a public road are needed, they must be separated by at least 300 feet. Road layouts should limit access points to arterial roads but encourage connectivity to internal roads.

4. Sensitive Area Disturbance: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Map. Lands within the 100-year floodplain, stream corridors, wetlands and transition areas, vernal pools and slopes in excess of 20% shall constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of the sketch plan, Preliminary Plan and the detailed Final Plan.

C. Principal & Accessory Permitted Uses:

Permitted Uses on the land and in buildings shall adhere to the use restrictions and regulations established in **Section 180-14. Use restrictions and regulations.**

D. Area and yard requirements:

1. Lots in tracts that apply Option 1 shall conform to the R-1-A regulations set below:

a. Minimum Required Conservation Area Lands: The subdivision will include at least 50% of the gross tract area as Conservation Area lands. Conservation Area lands shall not be counted toward minimum lot size nor used in any way for residential lots or streets ROW.

b. Density: As determined through the yield plan described in Section 180-12.1 (E) below

c. Lot sizes: Minimum 25,000 SF; average 12,500 SF, maximum 20,000 SF

d. Minimum Lot Widths at Building Setback: 50 feet for 7,500 SF lot, 60 feet for 12,500 SF lot, and 75 feet for 20,000 SF lot.

e. Minimum Street Frontage: 45 feet

f. Yard Regulations: The builder or developer is urged to consider variation in the principal building positions and orientation, but shall observe the following minimum standards:

Front Yard Setback: 50 feet; except along major thoroughfares, scenic roads and historic roads, 150 feet

Side Yard Setback: 40 feet (aggregate), no less than 15 feet on either side

Rear Yard Setback: 25 feet

- g. Maximum Impervious Coverage: 30 percent limit on each lot
- h. Maximum height regulations: 35 feet

2. Lots in tracts that apply Option 2 shall conform to the R-1-A regulations set forth below:
 - a. Minimum Required Conservation Area Lands: The subdivision will not have common open space/conservation areas. Lots are held by private owners.
 - b. Density: 2.5 acres/dwelling unit
 - c. Lot sizes: Minimum 1.5 acres; average 2.5 acres, no maximum size
 - d. Minimum Lot Widths at Building Setback: 150 feet for 1.5 acres, 300 feet for 2.5 acres
 - e. Minimum Street Frontage: 45 feet, 50 feet on major thoroughfares, scenic roads and historic roads
 - f. Yard Regulations: The builder or developer is urged to consider variation in the principal building positions and orientation, but shall observe the following minimum standards:
 - Front Yard Setback: 100 feet
 - Side Yard Setback: 100 feet (aggregate), no less than 40 feet on either side
 - Rear Yard Setback: 75 feet
 - g. Maximum Impervious Coverage: 15 percent limit on each lot
 - h. Maximum height regulations: 35 feet

E. Density Determination – Yield Plan Approach

1. Determination of density, or maximum number of permitted dwelling units, shall be based upon the density factor in Option 1, applied to the net tract acreage, after wetlands, wetland transition areas, 100 year floodplains, slopes over 20%, certified vernal pools and stream corridors are subtracted out, as demonstrated by an actual Yield Plan. Option 2 subdivisions have a density of 1 dwelling unit per 2.5 acres.
2. Yield Plans must be prepared as conceptual layout plans in accordance with the standards of the Subdivision Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. It must be drawn to scale and the tract boundaries must be based on a survey to ensure the correct size of the tract. It must be a realistic layout reflecting a development pattern that could actually be built, after delineating the presence of wetlands and transition areas, floodplains and stream corridors, steep slopes, existing easements or encumbrances and the suitability of soils for subsurface sewage disposal. 2.
3. Yield Plan Dimensional Standards: The following dimensional standards shall be used in the development of Yield Plans for Option 1 Subdivisions.

Standard	Option 1: Basic Conservation – Tract greater than 5 acres
Minimum lot area	25,000 SF
Minimum lot width	150 feet
Front yard setback	50 feet; 150 feet on major thoroughfares
Rear yard setback	25 feet; 150 feet on major thoroughfares
Side yard setback	15 feet; 40 feet aggregate

F. Design Standards for Option 1 and Option 2 Subdivisions

1. Buildings shall not encroach upon Primary Conservation Areas as identified in Section 158-1 and Section 158-8.1 (A) of the Subdivision Ordinance, and their layout shall respect Secondary Conservation Areas as described in both the Zoning Ordinance and in the Subdivision Ordinance.
2. All new dwellings shall meet the following setback requirements:
 - a. From all major thoroughfares, scenic roads and historic roads – 150 feet
 - b. From all other road rights-of-way – 50 feet
 - c. From all other tract boundaries – 50 feet
 - d. From cropland or pastureland – 150 feet
 - e. From permanently preserved farmland – 300 feet
 - f. From active recreation areas such as courts or playing fields (but not including tot-lots) – 150 feet
3. Views of houses from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements Chapter 158 Subdivision of Land and/or Chapter 160 Preservation and restoration of Existing Vegetation.
4. Houses shall generally be accessed from interior streets, rather than from roads bordering the tract.
5. At least three-quarters of the lots shall directly abut or face Conservation Area land across a street.
6. Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the Conservation Area land created under this Zoning District are contained in Article XXX of this Ordinance, and in Section 158-17G, H,J and I of the Subdivision Ordinance.

[Delete] Article VII R-1-A-OS Residence Districts in its entirety. Replace with Article VII (Reserved)

[Revise] Article VIII R-2 Residence Districts

Section 180-22 Area restrictions and regulations.

In all R-2 Residence Districts, tracts of land smaller than 3 acres in size are subject to the restrictions and regulations established in Subsections (A) through (F) below. Tracts of land 3 acres or larger in the R-2 Residence District are subject to the restrictions and regulations established in **180-22.1 Conservation Design Subdivisions in R-2 Residence Districts**.

[Retain Subsections A through F.]

[Add] Section 180-22.1 Conservation Design Subdivisions in R-2 Residence Districts.

In designing new residential subdivisions on parcels of land 3 acres or larger in size, the Conservation Design Four-Step Process shall be applied. In order to achieve the purposes stated in Section 180-1 (D), the R-2 District provides for flexibility in designing new residential subdivisions by allowing two forms of “by-right” development, referred to as “options,” which are dependent on tract size, and are summarized below:

1. Option One: Basic Conservation, providing for residential uses at the density permitted by the underlying zoning, as determined by a yield plan. Conservation Area lands comprise at least half the tract. The flexibly-designed layouts work well with either individual wells, and septic systems located on individual lots or within the common open space/conservation area.
2. Option Two: Country Properties, providing for rural-suburban residential uses at lower densities in conventional layouts of standard houselots, where homes and additional streets, if needed, are located carefully to minimize impacts on resource lands. Permanent conservation easements are placed on houselots to maintain appropriate uses.

Table of Options and Density Standards for R-2 Districts

	Option 1 Basic Conservation	Option 2 Country Properties
Minimum Tract Size	3 acres	3 acres
Density	20,000 SF/du max gross density	2.0 acres/du
Lot Size Max with Minimum Lot Width	15,000 SF/du 65 feet	NA
Lot Size Avg with Minimum Lot Width	10,000 SF/du 60 feet	2.0 acres 300 feet
Lot Size Min with Minimum Lot Width	7,500 SF/du 50 feet	1.5 acres 150 feet
Minimum Open Space/Conservation Area	50%	no common open space/conservation area

A. Applicability:

Tracts of 3 acres or greater must apply either Option 1 or 2.

B. General Regulations:

The design of all new subdivisions in the R-2 district following Option 1 or Option 2 shall be governed by the following minimum standards:

1. Ownership: The tract of land may be held in single and separate ownership or in multiple ownerships. However, when a tract is held in multiple ownerships, it shall be planned as a single entity with common authority and common responsibility.
2. Site Suitability: As evidenced by the Existing Resources/Site Analysis Map, the Sketch Plan, the Preliminary Plan and the detailed Final Plan, the tract incorporating these design options shall be suitable for supporting development in terms of environmental conditions, size, and configuration.
3. Intersections and Access: New intersections with existing public roads shall be minimized. Where 2 (two) access points on a public road are needed, they must be separated by at least 300 feet. Road layouts should limit access points to arterial roads but encourage connectivity to internal roads.
4. Sensitive Area Disturbance: The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the Existing Resources and Site Analysis Map. Lands within the 100-year floodplain, stream corridors, wetlands and transition areas, vernal pools and slopes in excess of 10% shall constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of the Sketch Plan, Preliminary Plan and the detailed Final Plan.

C. Principal & Accessory Permitted Uses:

Permitted Uses on the land and in buildings shall adhere to the use restrictions and regulations established in **Section 180-21. Use restrictions and regulations.**

D. Area and yard requirements:

1. Lots in tracts that apply Option 1 shall conform to the R-2 regulations set forth below:
 - a. Minimum Required Conservation Area Lands: The subdivision will include at least 50% of the gross tract area as Conservation Area lands. Conservation Area lands shall not be counted toward minimum lot size nor used in any way for residential lots or street ROWs.
 - b. Density: As determined through the yield plan described in Section 180-22.1 (E) below

- c. Lot sizes: Minimum 7,500 SF, average 10,000 SF, maximum 15,000
- d. Minimum Lot Widths at Building Setback: 50 feet for 7,500 SF, 60 feet for 10,000 SF, and 65 feet for 15,000 SF
- e. Minimum Street Frontage: 45 feet; 50 feet on major thoroughfares, scenic roads and historic roads
- f. Yard Regulations: The builder or developer is urged to consider variation in the principal building positions and orientation, but shall observe the following minimum standards:
 - Front Yard Setback: 30 feet; 50 feet on major thoroughfares, scenic roads and historic roads
 - Side Yard Setback: 20 feet (aggregate), no less than 8 feet on either side
 - Rear Yard Setback: 25 feet
- g. Maximum Impervious Coverage: 35% for lots 10,000 SF to 15,000 SF, and 40% for lots less than 10,000 SF.
- h. Maximum height regulations: 35 feet

2. Lots in tracts that apply Option 2 shall conform to the regulations set forth below:

- a. Minimum Required Conservation Area Lands: The subdivision will not have common open space/conservation areas. Lots are held by private owners and preserved through deed restrictions and/or conservation easements.
- b. Density: 2 acres per dwelling unit
- c. Lot sizes: Minimum 1.5 acres, average 2 acres, no maximum size
- d. Minimum Lot Widths at Building Setback: 150 feet for 1.5 acres, 300 feet for 2 acres
- e. Minimum Street Frontage: 45 feet; 50 feet on major thoroughfares, scenic roads and historic roads
- f. Yard Regulations: The builder or developer is urged to consider variation in the principal building positions and orientation, but shall observe the following minimum standards:
 - Front Yard Setback: 100 feet
 - Side Yard Setback: 100 feet (aggregate), no less than 50 feet on either side
 - Rear Yard Setback: 75 feet
- g. Maximum Impervious Coverage: 12%

h. Maximum height regulations: 35 feet

E. Density Determination – Yield Plan Approach

Determination of density, or maximum number of permitted dwelling units, shall be based upon the density factor in Option 1, applied to the net tract acreage, after wetlands, wetland transition areas, 100 year floodplains, slopes over 20%, certified vernal pools and stream corridors are subtracted out, as demonstrated by an actual Yield Plan. Option 2 subdivisions have a density of 1 dwelling unit per 2 acres. Yield Plans shall meet the following requirements:

1. Yield Plans must be prepared as conceptual layout plans in accordance with the standards of the Subdivision Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. It must be drawn to scale and the tract boundaries must be based on a survey to ensure the correct size of the tract. It must be a realistic layout reflecting a development pattern that could actually be built, after delineating the presence of wetlands and transition areas, floodplains and stream corridors, vernal pools, steep slopes, existing easements or encumbrances and the suitability of soils for subsurface sewage disposal.
2. Yield Plans should also reflect the dimensional standards of 20,000 SF lots (1/2 acres) lots. The Yield Plan must identify the site's primary and secondary resources, as identified in the Existing Conditions and Site Analysis Map, and demonstrate that the primary resources could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the density factor of the chosen option.
3. Yield Plan Dimensional Standards: The following dimensional standards shall be used in the development of Yield Plans for Option 1 subdivisions.

Standard	Option 1: Basic Conservation – Tract greater than 3 acres
Minimum lot area	20,000 SF
Minimum lot width at building line	100
Front yard setback	50 feet; 150 feet for major thoroughfares
Rear yard setback	25 feet; 150 feet for major thoroughfares
Side yard setback	15 feet; 40 feet aggregate

F. Design Standards for Option 1 and Option 2 Subdivisions

1. Buildings shall not encroach upon Primary Conservation Areas as identified in Section 158-1 and Section 158-8.1 (A) of the Subdivision Ordinance,

and their layout shall respect Secondary Conservation Areas as described in both the Zoning Ordinance and in the Subdivision Ordinance.

2. All new dwellings shall meet the following setback requirements:
 - a. From all external road right-of-way – 50 feet
 - b. From all other tract boundaries – 50 feet
 - c. From cropland or pastureland – 150 feet
 - d. From permanently preserved farmland – 300 feet
 - e. From active recreation areas such as courts or playing fields (but not including tot-lots) – 150 feet
3. Views of houses from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements Chapter 158 Subdivision of Land and/or Chapter 160 Preservation and Restoration of Existing Vegetation.
4. Houses shall generally be accessed from interior streets, rather than from roads bordering the tract.
5. At least three-quarters of the lots shall directly abut or face Conservation Area land across a street.
6. Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the Conservation Area land created under this Zoning District are contained in ArticleXXX of this Ordinance, and in Section 158-17 G,H, I and J of the Subdivision Ordinance, Chapter 158.

[Add] Article XXX. Conservation Area Land Use and Design Standards

Protected Conservation Area lands in all subdivisions shall meet the following standards:

Section 180-118. Uses Permitted On Conservation Area Lands

The following uses are permitted in Secondary Conservation Area land areas:

1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow). The Primary Conservation Area must be left in or restored to its natural state.
2. If tract is used as a farm immediately prior to design proposal/application, agricultural and horticultural uses, including raising crops or livestock or horses, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors. Impervious coverage cannot be increased.
3. Pastureland and facilities for horses.

4. Neighborhood open space/secondary conservation area uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses; specifically excluding motorized off-road vehicles, rifle ranges, paint ball operations, hunting, and other uses similar in character and potential impact as determined by the Board.
5. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available as an integral, passive recreation use in the Secondary Conservation Area lands.
6. Easements for drainage, access, sewer or water lines, or other public purposes.
7. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse Conservation Areas but shall not count toward the minimum required Conservation Area land.

Section 180-119. Conservation Area Lands Design Standards

1. Conservation Area lands shall be laid out in general accordance with the municipality's Master Plan to ensure that an interconnected network of Conservation Area will be provided. The required Conservation Area land consists of a mixture of Primary Conservation Areas (PCAs), all of which must be included, and Secondary Conservation Areas (SCAs). PCAs comprise floodplains, stream corridors, wetlands and transition areas, vernal pools and slopes over 10%. SCAs should include special features of the property that would ordinarily be overlooked or ignored during the design process. Examples of such features are listed and described in Section 158-17 (G): Resource Conservation and Conservation Area Delineation Standards and (H): Other Design Considerations in the Subdivision Ordinance.
2. Where zoning requires that Conservation Area land comprise a minimum of 50% of the tract area, this land shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the municipality, the municipality, the county, or by a private individual (typically as part of the original farmhouse or farm). These ownership options may be combined so that different parts of the Conservation Area land may be owned by different entities.
3. Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, a natural greenway buffer at least fifty (50) feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, the Board may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

Section 180-120. Other Requirements

1. No portion of any building lot may be used for meeting the minimum required Conservation Area land. However, existing active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required Conservation Area land.
2. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes as defined in Section 158-1 and identified in Section 180-118, shall be provided to common Conservation Area land in accordance with the following requirements:
 - a. Each neighborhood shall provide one centrally located access point per 15 lots, a minimum of thirty-five (35) feet in width.
 - b. If the Conservation Area lands are being used for agricultural purposes exclusively, access to such Conservation Area land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
3. All Conservation Area land areas that are not wooded or farmed shall be left in a natural state. Where such areas are unwooded, the Board may require that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

Section 180-121. Permanent Conservation Area Protection Through Conservation Easements

A. Conservation Area Lands and Country Properties

1. The required Conservation Area land and Country Properties subdivisions shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and/or to install subsurface septic disposal systems.) The determination of necessity shall lie with the Municipal Agency. A list of permitted uses of Conservation Area lands is contained in this Article in Section 180-118.

Section 180-122. Ownership of Conservation Area Land And Common Facilities

A. Development Restrictions

All Conservation Area lands shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the Conservation Area at any time, except for those uses listed in Section 180-118.

B. Ownership Options

The following methods may be used, either individually or in combination, to own common facilities. Common facilities shall not be transferred to another entity

except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the Conservation Area ratio of the overall development. Ownership methods shall conform to the following:

1. Fee Simple Dedication to the Municipality. The municipality may, but shall not be required to, accept any portion of the common facilities, provided that:
 - a. There is no cost of acquisition to the municipality; and,
 - b. The municipality agrees to and has access to maintain such facilities in perpetuity.
2. Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as "common element".
3. Homeowners' Association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
 - a. The applicant shall provide the municipality a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities;
 - b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development;
 - c. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title;
 - d. The association shall be responsible for maintenance and insurance of common facilities;
 - e. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his/her dues. Such dues shall be paid with the accrued interest before the lien may be lifted;
 - f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the municipality no less than thirty days prior to such event; and
 - g. The association shall have adequate staff to administer, maintain, and operate such common facilities.
4. Private Conservation Organization or the County. With permission of the municipality, an owner may transfer either fee simple title of the Conservation

Area or easements on the Conservation Area to a private non-profit conservation organization or to the County provided that:

- a. The conservation organization is acceptable to the municipality and is a bona fide conservation organization intended to exist indefinitely;
 - b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or Burlington County becomes unwilling or unable to continue carrying out its functions;
 - c. The Conservation Area land is permanently restricted from future development through a conservation easement and the municipality is given the ability to enforce these restrictions; and
 - d. A maintenance agreement acceptable to the municipality is established between the owner and the organization or Burlington County.
5. Dedication of Easements to the Municipality. The municipality may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the municipality. In addition, the following regulations shall apply:
- a. There shall be no cost of acquisition to the municipality;
 - b. Any such easements for public use shall be accessible to the residents of the municipality; and
 - c. A satisfactory maintenance agreement shall be reached between the owner and the municipality.
6. Non-Common Private Ownership. Up to 100 percent of the required Conservation Area land may be included within one large "conservancy lot" of at least 3 acres provided the Conservation Area is permanently restricted from future development through a conservation easement, and that the municipality is given the ability to enforce these restrictions. A conservation easement must be recorded at the same time as the deed with Burlington County.

C. Maintenance of Conservation Area Lands and Common Facilities

1. Unless otherwise agreed to by the Municipal Agency, the cost and responsibility of maintaining common facilities and Conservation Area land shall be borne by the property owner, condominium association, homeowners' association, municipality, county, private owner, or conservation organization.
2. The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Conservation Area Lands and Operation of Common Facilities in accordance with the requirements contained within this section. If 100% of the Conservation Area lands are to remain in private ownership and continue as farming or conservation lands, no maintenance plan is required.
 - a. The Plan shall define ownership;

- b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space/conservation areas (i.e. lawns, meadow, pasture, cropland, woodlands, etc.);
 - c. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Conservation Area land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
 - d. At the municipality's discretion, the applicant shall be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and,
 - e. Any changes to the maintenance plan shall be approved by the Board.
3. In the event that the organization established to maintain the Conservation Area lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the municipality may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
 4. The municipality may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the municipality in the office of the County Clerk or County Registrar.

In all other respects, Chapter 180 shall remain in full force and effect.

Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies

Severability. In the event that 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 unenforceable for any reason, such judgment shall not effect, 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.

Effective Date. This Ordinance shall take effect twenty (20) days after the first publication thereof, after final passage and in accordance with law.

Short Title. This Ordinance shall be known as Ordinance 21-2008.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on July 28, 2008. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Auditorium of the William Allen Middle School, 801 North Stanwick Road, Moorestown, NJ on September 22, 2008 at 7:30pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk