

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 15-2011

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN REVISING THE CRITERIA FOR MINOR SUBDIVISION CLASSIFICATION SET FORTH IN ARTICLE II CHAPTER 158 OF THE TOWNSHIP OF MOORESTOWN LAND SUBDIVISION ORDINANCE AT SECTION 158-10A TO ELIMINATE THE AVAILABILITY OF MUNICIPAL WATER AND SANITARY SEWERAGE FACILITIES AND ZONING CONFORMITY AS A REQUIREMENT

WHEREAS, the Township of Moorestown has previously adopted the Land Subdivision Ordinance which includes criteria specifying the requirements for minor subdivision classification; and

WHEREAS, the adopted ordinance includes the requirements that Municipal water and sanitary sewerage facilities are available to each lot and that the proposed minor subdivision conform with the zoning ordinance of the Township; and

WHEREAS, the aforesaid requirement results in applications which would otherwise be treated as minor subdivisions being classified as major subdivision if either Municipal water or sewerage facilities are not available or any form of variance relief is necessary; and

WHEREAS, the definition of a minor subdivision in the *Municipal Land Use Law* does not contain either of the aforesaid requirements; and

WHEREAS, the Township of Moorestown has determined that it is in the best interests of the Township to delete from the requirements for minor subdivision classification the requirements for Municipal water and sewerage facility availability and zoning ordinance conformity and thereby rely on the particular land use board from which land use relief is sought to address the matter as a minor subdivision, if all other criteria are satisfied, and to determine pursuant to law whether any zoning relief should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that Article II, of the Moorestown Land Subdivision Ordinance at Section 158-10A hereby amended as follows:

Section 1:

158-10 Minor Subdivisions and Exceptions.

- A. In the event that the municipal agency shall determine, with respect to any plat or application for subdivision submitted to it, that such plat or application does not show more than five new lots, that no new street is involved, that no off-tract improvements are required, that the proposed subdivision will not interfere with the proper subdivision and development of the adjacent lands and that the appropriate provisions of Article IV are complied with, the municipal agency, after a public hearing has been held, is authorized but not required to approve by resolution said application as a minor subdivision.

- Section 2: Effective Date. This ordinance shall take effect upon its final passage, adoption and publication on the earliest date permitted by law.
- Section 3: 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, inhere or invalidate the remainder thereof, which 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 4: Short Title. This Ordinance may be cited as Ordinance No. 15-2011.

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 May 23, 2011. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Media Center of the William Allen Middle School, 801 North Stanwick Road, Moorestown, NJ on June 13, 2011 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