

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 14-2023

AMENDING CHAPTER 180 ENTITLED “ZONING” OF THE TOWNSHIP OF MOORESTOWN TO REZONE BLOCK 7401, PROPOSED LOT 1.02 (UNNUMBERED LOT ON BORTON LANDING ROAD) TO AMF-6 ZONING DISTRICT, AND TO REZONE BLOCK 7401, LOT 3 (200 HARTFORD ROAD) TO BP-2 ZONING DISTRICT

WHEREAS, the Township of Moorestown adopted Ordinance 11-2019 adopting the AMF-6 Affordable Multiple Residence 6 District which applied to Block 7401, Lot 3, property commonly known as the Nagle Tract; and

WHEREAS, the Township of Moorestown purchased Block 7401, Lot 3 in 1988 for the purpose of affordable housing; and

WHEREAS, the United States Navy and the LMC Properties, Inc. notified the Township of Moorestown that, the proposed development of Block 7401, Lot 3, for any purpose, would create vulnerabilities that would negatively impact National Security interests, more specifically, it would pose Counterintelligence (CI), Signal Intelligence (SIGINT), and Operational Security (OPSEC) threats; and

WHEREAS, LMC Properties, Inc., in order to cooperate with the Township of Moorestown and to assist the Township with its affordable housing obligations, offered to exchange nearby land to provide a suitable property within the same vicinity to be used for affordable housing; and

WHEREAS, the land proposed by LMC Properties, Inc. for swapping is Block 7401, Proposed Lot 1.02 fronting on Borton Landing Road, consisting of 12.5 acres; and

WHEREAS, the zoning on the lots needs to be revised to be consistent with the intended uses of the properties; and

WHEREAS, the Township Council previously adopted Ordinance 20-2021 which rezoned the properties as contemplated herein, but that ordinance was invalidated by decision of the Appellate Division of the Superior Court of New Jersey in a case entitled Reddy v. Township of Moorestown, requiring further action by the Township Council; and

WHEREAS, following introduction, the Township Council formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, following introduction, this Ordinance will be appropriately noticed pursuant to Municipal Land Use Law at N.J.S.A. 40:55D-15 and N.J.S.A.40:55D-62.1.

Language with a ~~strike through~~ shall be deleted.
Language with an underline shall be added.

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. §180-4, Zoning Map; Boundaries, is hereby amended to apply the following zoning district to the block and lots as indicated on the tax assessment maps of the Township of Moorestown to create a location for meeting its affordable housing obligations, as follows:

Block(s)	Lot(s)	Existing District	New District
7401	1.02 (12.5 acres) (Proposed Lot)	BP-2	AMF-6
7401	3 (11.23 acres)(Nagle Tract)	AMF-6	BP-2

Section 2. §180-33.7, Affordable Housing Multi-Family 6 Residence Districts, is hereby amended in Article XIA, as follows:

§ 180-33.7. AMF-6, Affordable Multi-Family 6 Residence Districts

C. Required Income Restriction. In any AMF-6 district, ~~at least thirty percent (30%)~~ up to Fifty percent (50%) of the total number of dwellings shall be affordable to very low, low and moderate income households.

D. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots and buildings:

(1) Tract Requirements.

(c) Tract perimeter setbacks for buildings, parking and access. No building shall be located closer than fifty (50) feet to the perimeter boundary line of the tract. No parking area or driveway, excepting for access to and from a public street, shall be located closer than ~~twenty-five (25)~~ 20 feet to the perimeter boundary line of the tract.

(2) Density limitation. ~~Twelve (12)~~ Thirteen (13) units per gross acre in the AMF-6 district, up to a maximum of 152 units

Section 3. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 4. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provision which imposes the greater restriction or limitation shall control.

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Section 5. Severability. If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Township Council of the Township of Moorestown declares that it would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

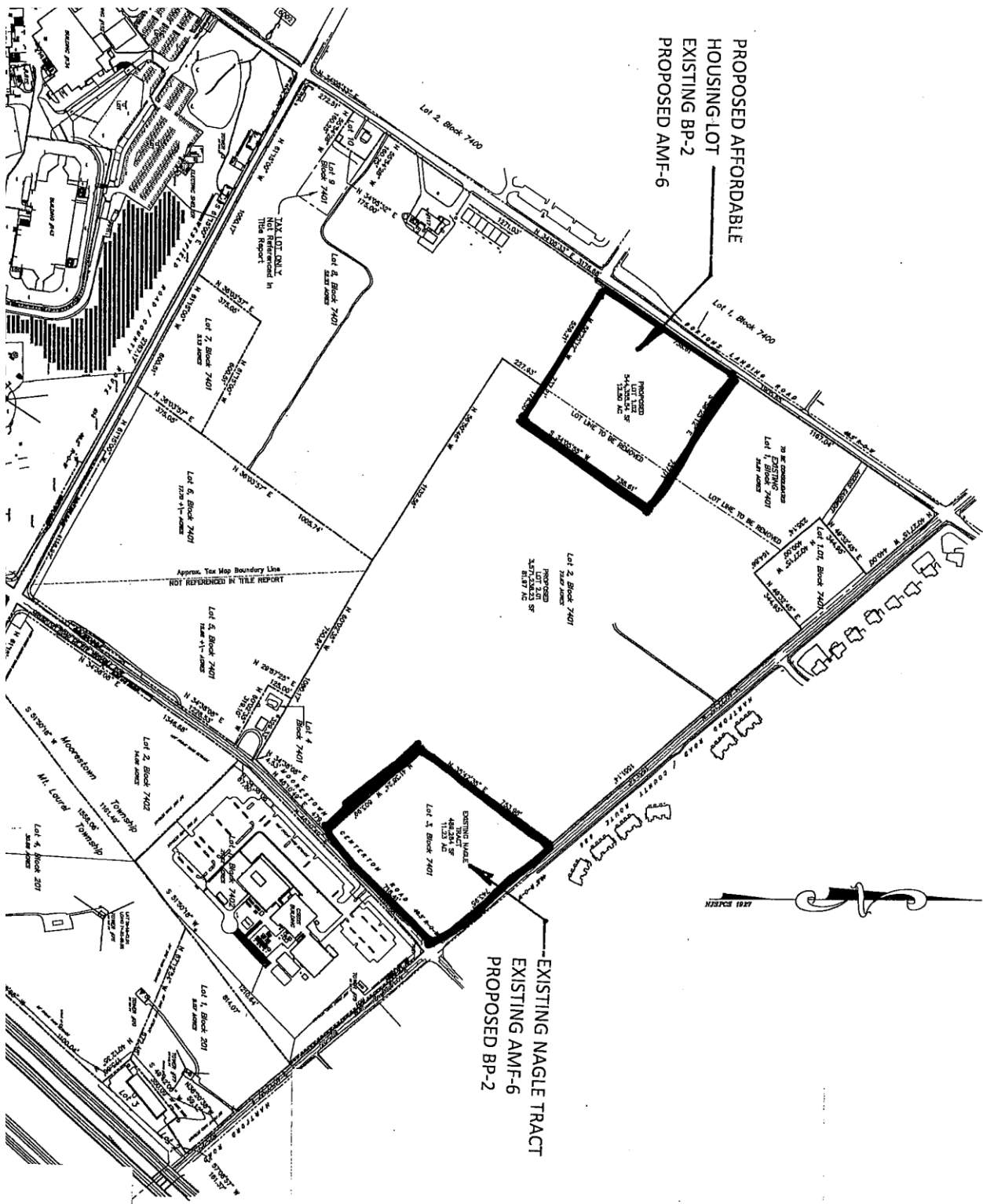
Section 6. Effective Date. This Ordinance shall take effect immediately upon passage, transmittal to the Burlington County Planning Board, and publication according to law.

CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 14-2023 which was introduced and adopted on first reading on July 10, 2023 and heard on second reading and 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 July 24, 2023.

<u>VOTE:</u>	
GILLESPIE	YES
LAW	YES
MAMMARELLA	YES
VAN DYKEN	YES
ZIPIN	RECUSED

Patricia L. Hunt, RMC
Township Clerk



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