

**TOWNSHIP OF MOORESTOWN
ORDINANCE NO. 17-2020**

**AN ORDINANCE AMENDING CHAPTER 180 OF THE
CODE OF THE TOWNSHIP OF MOORESTOWN
ENTITLED “ZONING” TO CREATE THE BUSINESS
PARK -1 (BP-1) ZONING DISTRICT IN PLACE OF THE
EXISTING SRI ZONING DISTRICT SITUATED IN THE
WESTERN REGION OF THE TOWNSHIP**

WHEREAS, on December 6, 2018, the Planning Board adopted a Reexamination Report of the Master Plan entitled “Acknowledging the Past to Inform the Future,” (hereafter, “Re-Examination Report”) that reviewed and analyzed the land use and development policy of the Township of Moorestown; and

WHEREAS, the Re-Examination Report examined the existing Specially Restricted Industrial (SRI) zoning district in the Western portion of the Township and found it appropriate to recommend to remove most, if not all uses from conditional to permitted uses; expand the allowed uses to reflect the development of new business establishments compatible with existing uses and nearby residential neighborhoods; to revise the review process to ensure that all or most of the “change in use” permits could be addressed administratively; and to change the name to remove the “restricted” language; and

WHEREAS, the business community has indicated that Moorestown’s approval process for placing tenants in buildings is cumbersome and time consuming which puts them at a disadvantage when other surrounding municipalities have a much easier process only involving their administrative staff; and

WHEREAS, the Planning Board of the Township of Moorestown adopted a modified Land Use Plan Element of the Master Plan on December 5, 2019, that incorporated recommendations in the Re-Examination Report; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Land Use Plan Element; and

WHEREAS, the Township Council, in furtherance of the recommendations made in the Re-Examination Report finds it in the best interest of the public’s welfare to amend the zoning regulations applicable to the northwest corner of the Township to enhance the commercial tax base.

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. §180-2, Definitions, is hereby amended to add the following definition (to be inserted in alphabetical order among existing definitions):

Brewery, Winery, or Distillery- Any establishment or facility that brews, distills, manufactures, blends, or bottles alcoholic beverages, including, but not limited to, wine, hard cider, mead, cordials, or liquors.

Section 2. §180-3, Establishment of Zoning Districts, is hereby amended as follows:

§ 180-3 Establishment of Zoning Districts.

For the purposes of this chapter, the area of the Township of Moorestown is hereby divided into zones, districts, or zoning districts designated respectively as follows:

Symbol	Zoning District
R-1	Residence Districts
R-1-A	Residence Districts
R-1-Aa	Residence Districts
R-1-A-OS	Residence Districts Open Space
R-2	Residence Districts
R-3	Residence Districts
SC-1	Senior Citizen Residence 1 Districts
AR-1	Age-Qualified Residence 1 Districts
AMF-1	Affordable Multi-Family Residence 1 District
AMF-2	Affordable Multi-Family Residence 2 District
AMF-4	Affordable Multi-Family Residence 4 District
AMF-5	Affordable Multi-Family Residence 5 District
AMF-6	Affordable Multi-Family Residence 6 District
L-MR	Low- and Moderate Income Residence Districts
R3-TH	Residence Districts
R/PO	Residential/Professional Office Districts
RTC-1	Residence Town Center-1 Districts
RTC-2	Residence Town Center-2 Districts
CIO	Commercial-Institutional Office Districts
CRO	Commercial-Retail Office Districts
CHS	Commercial-Highway Service Districts
RLC	Residence-Limited Commercial Districts
C	Commercial Districts

Symbol	Zoning District
SRC	Specially Restricted Commercial Districts
SRC-O1	Specially Restricted Commercial – Overlay 1 Districts
SRC-1	Specially Restricted Commercial 1 Districts
SRC-2	Specially Restricted Commercial 2 Districts
LTC	Lenola Town Center District
MX-1	Lenola Town Center Affordable Housing Overlay District
BP-1	Business Park 1
SRI	Specially Restricted Industrial District
MX-1	Mixed Use Overlay District 1
MX-2	Mixed Use Overlay District 2

Section 3. §180-4, Zoning Map; Boundaries, is hereby amended to apply the BP-1 Zoning District to all lands currently zoned as SRI in the Western region of the Township roughly bounded by the Township of Maple Shade to the West, the Township of Cinnaminson to the North, the Pompeston Creek to the East, and various zoning districts to the South (See Exhibit A).

Section 4. §180-67, heretofore reserved and part of Article XXI LTC-Lenola Town Center District, is hereby moved to Article XXII. Further, Article XXII of Chapter 180 is amended to change the title “SRI Specially Restricted Industrial Districts” to “BP-1 Business Park 1 and SRI Specially Restricted Industrial District.”

Section 5. The following sections shall be added to Article XXII of Chapter 180:

§ 180-67.1 Intent.

The BP-1 Business Park -1 District is designed for comprehensively planned office, administrative, and laboratory research centers, a variety of light manufacturing, and warehouse uses in single and multi-tenant buildings.

§ 180-67.2. Use restrictions and regulations in the BP-1 Business Park 1 District.

A. The following uses of land and buildings, and no others, are permitted principal uses, subject to the requirements below:

- (1) Municipal uses.
- (2) Residential uses and structures in existence prior to September 1, 1992 that conform to the R-1 District Area Restrictions and Regulations. In addition, residential uses and structures on exception areas within tracts of permanently preserved farmland that conform to the R-1-A District Area Restrictions and Regulations.

- (3) Offices for administrative, executive, business, utility, professional and financial services, insurance, photography, polling, advertising, public relations, marketing, translation, promoters of performing arts, sports, or similar events, and managers for artists, athletes, entertainers, or other public figures.
- (4) Establishments that provide health services including urgent care, outpatient care, outpatient mental health and substance abuse care and counselling, medical offices including, but not limited to, physicians, dentists, chiropractors, optometrists, physical therapists, occupational therapists, speech therapists, audiologists, health practitioners, and medical and diagnostic laboratories.
- (5) Facilities that engage in scientific research and development.
- (6) Establishments that provide information technology services, including management, programming, consulting, installation, integration, publishing, motion picture and sound recording, broadcasting, telecommunications, data processing, hosting and related services, and internet publishing, except telecommunications and broadcasting towers (see §180-67.2 C(2) Conditional Uses).
- (7) Providers of educational services including special education, business schools, computer and management training, technical and trade schools, driving schools, life-skills training, and educational support services, except academic tutoring services and exam preparation.
- (8) Gyms, health clubs, and facilities for indoor sports or sports training, recreation, performing arts, dance facilities, including instruction of same.
- (9) Facilities that provide child-care, adult-care, special needs care, services for the elderly and persons with disabilities, transitional and supported employment services, occupational skills, or job training.
- (10) Establishments engaged in the construction industry, including general contractors, building or civil engineering, specialty trade contractors, building equipment manufacturers and suppliers, and finishing contractors.
- (11) Establishments engaged in manufacturing, including production, processing, distribution, and wholesale sale, of fresh, refrigerated, and frozen food (except animal slaughtering), beverages, breweries, wineries, distilleries, pharmaceuticals and medicines, durable medical goods, textiles, apparel, printing, machine tool, machinery, computer and electronic products, electrical equipment, appliances, components, transportation equipment, and furnishings.
- (12) Facilities that provide warehousing and storage, including self and personal storage.
- (13) Wholesale trade establishments that engage in wholesaling merchandise, such as goods for resale, capital or durable non-consumer goods, and raw materials and supplies used for production.

(14) Establishments that provide transportation, including truck, transit and ground passenger, scenic and sightseeing, charter and school bus, special needs, medical (non-emergency), postal services, couriers and messengers, motor vehicle towing, or moving and storage.

(15) Support services providing routine support activities for other organizations including administration, clerical, security, and cleaning.

(16) Wind and solar facilities pursuant to N.J.S.A. 40:55D-66.11.

B. The following uses of land and buildings are permitted accessory uses:

(1) Signs in accordance with the applicable provisions of Article XXIV.

(2) Restaurants or cafeterias, outdoor picnic, and outdoor recreation areas for employees, students, patients, and occasional visitors.

(3) Retail food and beverage stores and retail banks only within an existing building.

(4) Maintenance, security, or real estate rental and leasing services and offices, serving the business park.

(5) Training facility or center for employees.

(6) Outdoor sports training facilities, comprising an area of no more than 25% of the interior floor area of an indoor sports training facility, and not located within any required parking or service area.

(7) Seasonal Warehouse Sales, permitted one time per quarter year, except for brewery, winery, and distilleries where the products can only be sold wholesale and distributed, and a warehouse can be maintained.

(8) Truck terminals or specialized distribution buildings used to redistribute goods from one truck to another, serving as an intermediate transfer point for staging, not long-term storage.

(9) Accessory uses and structures on the same lot and customarily incidental to the principal use, including but not limited to loading docks, satellite dish and television antennae, security office, guardhouse, and guard gate.

C. The following uses shall be permitted when approved as a conditional use by the Planning Board subject to meeting and following the conditions set forth below:

(1) Horticulture and Agricultural uses, on no less than 5 acres, for the growing and harvesting of crops, including nurseries. Roadside stands and garden centers providing support of same pursuant to the following requirements:

(a) Stands shall be setback from the right-of-way a minimum of thirty (30) feet.

(b) The floor area of the display/stand shall not exceed four hundred (400) square feet.

(c) Approval of the ingress and egress driveway(s), location of parking, on-site circulation, and other public safety concerns.

(2) Telecommunications and broadcasting towers, conforming to the following conditions:

(a) The minimum lot size shall be two (2) acres.

(b) The maximum height of a telecommunication tower, excluding antennae, shall not exceed one hundred and fifty (150) feet, nor one hundred seventy-five (175) feet including antennae. This limitation shall not apply to broadcasting towers.

(c) The tower shall be set back a minimum distance equal to 1.1 times the total height of the structure from all property boundaries of the site. The minimum distance shall increase to twice the total height from any abutting property boundary containing either a residential use or a residentially zoned district. Antennae to be attached to existing structures shall not be subject to this subsection.

(d) Prior to the granting of any such approval, the applicant should demonstrate that no existing tower, utility, building, or other structure is feasible for such use based on bona fide inquiries for co-location of antennae and equipment.

(e) Any telecommunications tower shall be structurally designed to permit at least two additional carriers to co-locate on the tower and to place equipment thereto, and any approval shall require the applicant to permit the co-location of at least two additional carriers and to place equipment thereto.

(f) No sign of any kind shall be placed upon the antennae, tower structure or encircling fence, with the exception of incidental signs indicating "warning", "no trespassing" or similar admonition and one sign at the entrance of the gate or property indicating the name of the owner and a telephone to which incidents involving the tower may be reported.

(g) Notwithstanding any other provision to the contrary, the tower shall be enclosed by a fence or wall, no less than six (6) feet or more than eight (8) feet in height, to deter trespassers. Such fencing or wall may be topped with three strands of barbed wire.

(h) The base of the tower shall be screened with landscaping from the view of a passerby on a public street, from within public open space, or from a residentially used property in accordance with Township standards.

(i) Notwithstanding any other provision to the contrary, no tower shall be located on a site containing a historic building or structure as identified in the Historic Preservation Element of the Master Plan.

D. In addition to the prohibited uses set forth in §180-90, the following uses of land and buildings are prohibited:

- (1) All uses not expressly permitted.
- (2) Heavy industrial uses.
- (3) Retail uses, except as otherwise permitted.
- (4) Retail gas stations or fueling stations.
- (5) Landscape contractor storage or wholesale landscaping supplies, including but not limited to fertilizers, pesticides, topsoil, decorative stone or mulch.
- (6) Uses which utilize in process any substance listed in N.J.A.C. 7:27-21, Appendix 1, Table 1, Toxic Air Pollutants To Be Reported in Emission Statements.

E. The following limitations are imposed on the use of any land or buildings:

- (1) Loading, unloading, or transfer of goods or outdoor storage of materials and products shall not be permitted in a front yard or a side yard abutting a street, but may be permitted in rear or side yard on a lot in compliance with the following:
 - (a) Setback from property lines in accordance with the district standards applicable to principal structures.
 - (b) Screened from the view from any point off the premises by means of a wall, planting, or opaque fence not less than 6 feet in height and not greater than 10 feet in height. The screening must be accompanied by landscaping which must include a combination of evergreen and deciduous materials designed in conjunction with the overall site landscaping plan.
 - (c) Materials stored within an outside storage area shall not be stacked higher than the height of the screening material or 10 feet, whichever is less. An opening of adequate size shall be provided in any fencing to facilitate fire-fighting operations.
 - (d) Outdoor storage areas shall not exceed the building area.
 - (e) Outdoor storage areas shall not be arranged or organized in a manner that constitutes a fire hazard.
 - (f) Outdoor storage of edible products or materials is prohibited.
- (2) Hazardous and/or Flammable Chemicals are subject to the following:

(a) Uses which manufacture,¹ fabricate, recycle, warehouse and distribute a primary product comprised of a substance in any form containing one or more of the following; explosives, industrial solvents, pesticides, fertilizers, biohazards, petroleum products or other hazardous, flammable liquids, or chemicals having an NFPA Hazard rating higher than Category One.

(b) Notwithstanding the prohibitions set forth above in paragraph (a) to the extent that any of the above prohibited substances are used as an ingredient of a final product that is not within any one or more of the prohibited categories set forth above, or to the extent said substance is used as part of a process and/or service by the user, the use of said substance is permitted subject to compliance with current statutory regulations including but not limited to the Uniform Construction Code and the Uniform Fire Safety Act set forth at N.J.S.A. 52:27D-192, et. seq. including all standard referenced therein. Examples of the use of the substances described herein would include propane gas to run equipment, pesticides used by a service provider, industrial solvents used in printing or manufacturing, chemicals used in a research facility or products stored and sold as part of a distributor's product line but not as a primary product.

(3) No noise greater than that provided by the New Jersey Noise Control Statutes (N.J.A.C. 7:29 et seq., as amended) shall be permitted.

(4) Odor as an air contaminant that unreasonably interferes with the enjoyment of life or property due to the odor's character, severity, frequency, and duration should be limited to the property. Where odors or emissions are created by any process, methods shall be employed to control odor. Where odor results in complaints, referral to the New Jersey Department of Environmental Protection Division of Air Quality for investigation shall be undertaken.

(5) No material or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces or be allowed to enter the air or any stream, watercourse or wetland.

(6) All permanent outdoor solid waste receptacles shall be screened on all sides by a fence or wall no less than six feet in height. In no case shall the receptacle be visible. Receptacles shall not be permitted closer than 15 feet to any building located on the site.

(7) Trucks and trailers used in conjunction with activities conducted within a building on each site shall be parked only in spaces designated for same on a site plan. See §180-90N.

(8) All activities, except for loading, and unloading, vehicles and personnel entering and exiting the site, shall be contained within the building.

¹ The manufacture of the items set forth in 180-67.2 E(2)(a) shall mean the transformation of raw material into a final or finished product or products within the prohibited products and substances set forth therein.

- (9) No measurable vibration shall be permitted beyond the property line.
- (10) No motor vehicles shall be permitted to run idle on any property in accordance with NJDEP standards (NJAC 7:27-14.3, as amended).

§ 180-67.3. Area restrictions and regulations.

The following area restrictions and regulations are established, subject to the area requirements below:

- A. Area, yard, height, and other bulk requirements.
 - (1) Minimum lot area: 120,000 square feet.
 - (2) Minimum lot frontage: 200 feet.
 - (3) Minimum lot width at the building line: 200 feet.
 - (4) Yards:
 - (a) Front: 100 feet minimum along main thoroughfares; 75 feet minimum along other streets.
 - (b) Side: 50 feet minimum each.
 - (c) Rear: 25 feet minimum.
 - (5) Impervious surface:
 - (a) Building: 35%.
 - (b) Total coverage: 60%.
 - (6) No building shall exceed three stories or 45 feet in height; provided, however, that structures housing auxiliary mechanical equipment, the use of which is incidental to the permitted use, may exceed the actual building height by no more than 12 feet.
 - (7) All auxiliary structures housing rooftop mechanical equipment shall be screened from ground level views with a visually impervious structure architecturally compatible with the exterior materials of the building's facade. If the required screening is not achieved by such structure, the equipment screen shall be set back a minimum of 15 feet from the vertical plane established by the facade of the uppermost floor. The total area encompassed by the mechanical equipment screening shall not exceed 45% of the total roof area.
- B. Along any residential district boundary line or along any property line of a lot on which a residential use is located, the following standards apply:

(1) A landscape buffer of at least 75 feet in width or three times the height of the nonresidential building, whichever is greater, shall be provided. A four-to six-foot-high berm shall be provided within the landscape buffer.

(2) When the residential district boundary line is within a railroad right-of-way, the landscape buffer may be reduced to 50 feet in width.

(3) No building which is located within 500 feet of a residence district boundary line shall have any wall facing such a residence district which is longer than 300 linear feet; further, any continuous wall plane facing such district or property which is longer than 100 linear feet shall have architectural and landscaping features to vary the texture and visual appearance of the wall.

(4) No building which is located within 500 feet of a residence district boundary line shall have a loading platform facing such a residence district.

(5) The foregoing requirements with respect to plantings, building and loading platform locations and building lengths may be modified by the Planning Board at the time of site plan review and public hearing wherever existing barriers such as parks, railroads, highways, streams, berms, wooded areas or other features serve as an effective buffer between a Business Park and a residence district.

C. Off-street parking.

(1) Off-street parking shall be provided according to the requirements of Article XXIII, § 180-73, of this chapter.

(2) Any parking which fronts on a street, whether in front of a building or to the side or rear of a building, i.e., on corner lots, shall be suitably screened from the street.

(3) It is the policy of the Township of Moorestown that on-street parking shall not be permitted in areas zoned Business Park. Parking standards, as included herein, are considered as minimums, and it is the owner's and/or user's responsibility to provide additional parking as warranted.

Section 6. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 7. 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.

Section 8. 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 9. 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. 17-2020 which was introduced and adopted on first reading on July 13, 2020 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 27, 2020.

<u>VOTE:</u>	
GILLESPIE	YES
DONNELLY	YES
LOCATELL	YES
NAPOLITANO	YES
PETRIELLO	YES

Patricia L. Hunt, RMC
Township Clerk

Exhibit A: Proposed Business Park 1 Zoning District (All SRI shown on Map below)

