

ORDINANCE NO. 7-2016

AN ORDINANCE AMENDING "CHAPTER 13, 2000 BOROUGH OF MORRIS PLAINS LAND DEVELOPMENT ORDINANCE" TO PROVIDE FOR THE FOLLOWING: (1) THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF THE DEFINITION OF "FLOOR AREA" IN SECTION 13-2.1 "DEFINITIONS OF TERMS"; (2) THE PARTIAL AMENDMENT, REPEAL AND REVISION OF SECTION 13-5.1.C, SCHEDULE "C," SCHEDULE OF PERMITTED USES TO DELETE THE REFERENCE TO FOOTNOTE 3 FROM THE PRINCIPAL USE FOR LIMITED MANUFACTURING; (3) THE PARTIAL AMENDMENT, SUPPLEMENTATION AND REVISION OF SECTION 13-5.1.D, SCHEDULE "D," SCHEDULE OF ZONING REQUIREMENTS TO INCREASE THE MAXIMUM PERMITTED FLOOR AREA RATIO AND HEIGHT IN THE "I LIMITED INDUSTRIAL" DISTRICT; (4) THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF SECTION 13-5.2.A, "EXCEPTION TO HEIGHT REQUIREMENTS" TO MODIFY THE EXCEPTION FOR THE I LIMITED INDUSTRIAL ZONE IN SUBPART (22.4); AND (5) THE PARTIAL AMENDMENT, SUPPLEMENTATION AND REVISION OF SECTION 13-5.7.A, SCHEDULE "E," OFF-STREET PARKING SPACE REQUIREMENTS TO EXCLUDE THE "I LIMITED INDUSTRIAL" DISTRICT FROM THE REQUIREMENTS OF NOTE (C).

WHEREAS, the Borough Council has concluded that it is in the best interests of the Borough of Morris Plains to amend various zone regulations relating to the "I Limited Industrial" District with respect to maximum floor area ratio, building height and parking requirements; and

WHEREAS, the Borough Council is also desirous of clarifying the definition of floor area as it relates to non-residential properties.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

The second paragraph in the definition of "FLOOR AREA" in Section 13-2.1, "Definitions of Terms" in "Chapter 13, 2000 Borough of Morris Plains Land Development Ordinance" (hereinafter "Chapter 13") is hereby amended, supplemented and revised with the addition of the term "non-residential" after the term "computing" in the introductory phrase, so that hereafter, the definition of floor area shall read, in its entirety, as follows:

FLOOR AREA - For the purpose of computing floor area when calculating minimum residential floor area, it shall be defined as the area of all floors computed by measuring the inside dimension of the outside walls in a building, excluding the floors of the following: crawl spaces, cellars, porches,

breezeways, patios, terraces, garages, and carports. The floor area of a second floor room or attic shall be included if the ceiling height is at least 7 feet notwithstanding that the room or attic has minor ceiling slopes, provided that these walls are at least 5 feet in height.

For the purpose of computing non-residential off-street parking requirements and floor area ratio, floor area shall be defined as the area of all floors computed by using the dimensions of the outside walls of a building excluding the basement area only if it is used for storage or mechanical equipment for heating and ventilation and not devoted to the principal use of the building and also excluding any floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space.

Section 2:

Section 13-5.1.C, Schedule “C”, SCHEDULE OF PERMITTED USES of Chapter 13 is hereby amended, supplemented and revised by deleting the reference to Footnote (3) from the Principal Use for Limited Manufacturing, fabrication, processing, assembly and packaging.

Section 3:

Section 13-5.1.D, Schedule “D,” SCHEDULE OF ZONING REQUIREMENTS” of Chapter 13 is hereby amended, supplemented and revised by increasing the permitted Floor Area Ratio percentage from “25(8)” to “28(8)” in the “I Limited Industry” District.

Section 4:

Section 13-5.1.D, Schedule “D,” SCHEDULE OF ZONING REQUIREMENTS” of Chapter 13 is hereby amended, supplemented and revised by increasing the permitted Height in feet from “35(10, 17)” to “40(10, 17)” in the “I Limited Industry” District.

Section 5:

Section 13-5.2.A (22) of Chapter 13 is hereby amended, supplemented and revised by replacing in its entirety, the existing subpart (22.4) with the following new subpart (22.4):

(22.4) Nothing in part 4 of this Chapter shall prevent the erection above the height limitation of a parapet wall or cornice extending above such height limit not more than three (3) feet within the B Business Districts or C1 Commercial District, four (4) feet within the OB Office Building District, L-1 Research Laboratory District, or L-2 Research Laboratory District, or four and one-half (4.5) feet within the I Limited Industrial District.

Section 6:

Section 13-5.7.A, Schedule "E," OFF-STREET PARKING SPACE REQUIREMENTS, Note (c) of Chapter 13 is hereby amended, supplemented and revised by excepting the "I Limited Industrial" District from the requirements of Note (c) so that hereafter, Note (c) shall read, in its entirety, as follows:

(c) Except for uses located within the I Limited Industrial, L-1 and L-2 Research Laboratory Districts, if the parking requirement for any business, commercial or industrial use is less than one (1) space for each 200 sq. ft. GFA, an applicant for site plan approval shall demonstrate that a standard of one (1) space for each 200 sq. ft. GFA can be met even though a lesser amount of parking is required based on the proposed use.

Section 7:

All other provisions of Section 13-3.1 and "Chapter 13, 2000 Borough of Morris Plains Land Development Ordinance" shall be unaffected and are hereby continued.

Section 8:

All other Ordinances, parts of Ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

Section 9:

This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law. Notwithstanding that any provision of this Ordinance is, for any reason, held to be invalid or unconstitutional by

a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue to be of full force and effect. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

Section 10:

The Borough Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled to notice pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

Section 11:

This Ordinance shall take effect immediately after final passage and publication as required by law.

Introduced: April 7, 2016

Adopted: April 21, 2016

/s/ Frank J. Druetzler