

ORDINANCE NO. 1-2013

AN ORDINANCE TO PROVIDE FOR THE PARTIAL AMENDMENT AND SUPPLEMENTATION OF "CHAPTER 13, 2000 BOROUGH OF MORRIS PLAINS LAND DEVELOPMENT ORDINANCE" WITH THE AMENDMENT, SUPPLEMENTATION OF THE MAXIMUM FLOOR AREA RATIO IN THE L-1 ZONE AS SET FORTH IN SECTION 13-5.1D, "SCHEDULE OF ZONING REQUIREMENTS," ENTITLED SCHEDULE "D" AND FOOTNOTES TO SCHEDULE "D"; THE AMENDMENT AND SUPPLEMENTATION OF OFF-STREET PARKING SPACE REQUIREMENTS RELATING TO OFFICE FOR BUSINESS, PROFESSIONAL, ADMINISTRATIVE AND EXECUTIVE PURPOSES AS SET FORTH IN SECTION 13-5.7A, "OFF-STREET PARKING SPACE REQUIREMENTS," ENTITLED SCHEDULE "E"; AND THE AMENDMENT AND SUPPLEMENTATION OF SECTION 13-4.2G(3) CHECKLIST "C" FOR FINAL MAJOR SUBDIVISION AND SECTION 13-4.2G(5) CHECKLIST "E" FOR PRELIMINARY AND FINAL SITE PLAN WITH THE ADDITION OF A NEW CHECKLIST ITEM REQUIRING A CAD COPY OF THE FINAL PLAT OR FINAL SITE PLAN.

WHEREAS, the Borough Council is desirous of revising the floor area requirement and certain off-street parking requirements in "Chapter 13, 2000 Borough of Morris Plains Land Development Ordinance" in order to promote and encourage the marketing and occupancy of existing vacant buildings in the L-1 Zone; and

WHEREAS, the Borough Council is also desirous of adopting certain housekeeping amendments to the Land Development Ordinance recommended by the Borough Engineer; and

WHEREAS, the Borough Council proposes to amend Chapter 13, consistent with these objectives.

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:

Section 13-5.1D, Schedule "D", Schedule of Zoning Requirements and Footnotes to Schedule "D" of Chapter 13 is hereby amended and supplemented with the revision of the 34% maximum floor area ratio in the L-1 Office & Research Zone so that a single lot in the L-1 Zone shall be permitted a maximum 40% floor area ratio, while applications for development of adjacent lots in the L-1 Zone that are developed as a single parcel shall be limited to the maximum 34% floor area ratio permitted

district-wide in the L-1 Zone, so that hereafter Schedule "D", Schedule of Zoning Requirements and Footnotes to Schedule "D" shall read as set forth on the attached Schedule "D" and Footnotes to Schedule "D" which is annexed hereto and incorporated herein by reference as if set forth at length.

Section 2:

Section 13-5.7A, Schedule E, is hereby partially amended, supplemented and revised by repealing the existing "Off-Street Parking Space Requirements" relating to "Office for Business, Professional, Administrative and Executive Purposes" which reads as follows:

Office for Business, Professional,
Administrative and Executive Purposes:

Less than 10,000 sq. ft. GFA	1 for each 150 sq. ft. GFA.
10,000 to 25,000 sq. ft. GFA	1 for each 200 sq. ft. GFA.
25,000 to 75,000 sq. ft. GFA	1 for each 250 sq. ft. GFA.
75,000 sq. ft. GFA or more	1 for each 350 sq. ft. GFA.

and inserting the following new "Off-Street Parking Space Requirements" for "Office for Business, Professional, Administrative and Executive Purposes" in its place and stead:

Office for Business, Professional,
Administrative and Executive Purposes:

Less than 10,000 sq. ft. GFA	1 for each 150 sq. ft. GFA.
10,000 to 24,999 sq. ft. GFA	1 for each 200 sq. ft. GFA.
25,000 to 74,999 sq. ft. GFA	1 for each 250 sq. ft. GFA.
75,000 to 99,999 sq. ft. GFA	1 for each 350 sq. ft. GFA.
100,000 to 299,999 sq. ft. GFA	1 for each 400 sq. ft. GFA.
300,000 sq. ft. GFA or more	1 for each 450 sq. ft. GFA.

Section 3:

Section 13-4.2G(3), Checklist "C," Checklist for Determining Completeness of An Application For Approval of A Final Major Subdivision" is hereby amended and supplemented with the addition of a new paragraph "c" in Item 38 entitled "Final Submissions," which shall read as follows:

c. A CAD copy of the final plat, certified by a New Jersey licensed surveyor, prepared in accordance with the New Jersey Map Filing Act, N.J.S.A. 46:23-9.9 et seq., shall be submitted to the Borough Engineer. All required information appearing on the digital version of the final plat shall appear on separate layers of the drawing in accordance with the adopted criteria as found in Appendix G, Digital Mapping Submission Standards, of the County of Morris. All work shall be based upon the New Jersey system of plane coordinates as defined in N.J.S.A. 51:3-7. The drawing shall identify a minimum of three corners distributed around the

tract and shall indicate the grid coordinate values geo referenced to within 0.3 feet of the National Geodetic Reference Network, as amended and updated. The monumentation shall be in United States Survey Feet based upon the standard conversions from meters to feet in accordance with adopted standards of the National Oceanic Atmospheric Administration.

Section 4:

Section 13-4.2G(5), Checklist "E," Checklist for Determining Completeness of An Application For Approval of A Preliminary and Final Site Plan" is hereby amended and supplemented with the addition of a new Item 64 entitled "FINAL SUBMISSIONS," which shall read as follows:

64. FINAL SUBMISSIONS (to be submitted following approval of the final site plan by the Board).

- a. A CAD copy of the final site plan, certified by a New Jersey licensed surveyor, prepared in accordance with the New Jersey Map Filing Act, N.J.S.A. 46:23-9.9 et seq., shall be submitted to the Borough Engineer. All required information appearing on the digital version of the final site plan shall appear on separate layers of the drawing in accordance with the adopted criteria as found in Appendix G, Digital Mapping Submission Standards, of the County of Morris. All work shall be based upon the New Jersey system of plane coordinates as defined in N.J.S.A. 51:3-7. The drawing shall identify a minimum of three corners distributed around the tract and shall indicate the grid coordinate values geo referenced to within 0.3 feet of the National Geodetic Reference Network, as amended and updated. The monumentation shall be in United States Survey Feet based upon the standard conversions from meters to feet in accordance with adopted standards of the National Oceanic Atmospheric Administration.

Section 5:

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

Section 6:

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 7:

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 8:

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 9:

This Ordinance shall take effect immediately after final passage and publication and upon approval by the County Review Agency, or sixty (60) days from the receipt of the ordinance by the County Review Agency if the County Review Agency should fail to act.

**SECTION 13-5.1D
SCHEDULE "D"
SCHEDULE OF ZONING REQUIREMENTS
BOROUGH OF MORRIS PLAINS, NEW JERSEY**

Zone	Primary Use	Minimum Lot Area (sq. ft.)	Maximum Depth of Meas'mt(ft.)	Lot Width		Minimum Yards (ft.)			Minimum Side Yards Combined(ft)(2)Setback(ft.)	Minimum Res. Zone Setback(ft.)	Maximum Coverage	Maximum F.A.R.(%)	Maximum Stories	Height Feet
				Minimum @ Street Line (ft.)	@ Setback Line (ft.)	Front	Rear	Side(1)						
R-1	One-Family Dwellings Conventional Lot Cluster Lot	40,250 25,000	230 200	50 50	175 125	50(3) 50(3)	50 50	25 15	60 40	-- --	(6) (6)	-- --	2-1/2 2-1/2	35 35
R-2	One-Family Dwellings	18,000	150	50	120	35(4)	25	12	30	--	(6)	--	2-1/2	35
R-3	One-Family Dwellings	7,200	120	50	60	25(5)	25	8	18	--	(6)	--	2-1/2	35
R-4	One-Family Dwellings Townhouses	18,000	150	50	120	35(4)	25	12	30	--	(6)	--	2-1/2	35
R-5	Apartments & Townhouses													
R-6	Interlocking Townhouses													
B-1	Retail Sales & Service	--	--	--	--	15	10	0 or 10(7)	--	28	--	35(8)	2	28
B-2	Retail Sales & Service	--	--	--	--	25	10	0 or 10(7)	--	35	--	35(8)	3	35
B-3	Retail Sales & Service	--	--	--	--	150	50	30(9)	--	--	--	20(8)	2	25
B-4	Office Buildings	--	--	--	--	25	35	10	--	--	--	35(8)	2-1/2	35
C-1	Highway Commercial	40,250	230	--	175	50	50	25	--	28	--	35(8)	2	28
OB	Office Buildings & Hotels	87,500	350	--	250	75	75	75	--	100	--	25	3	35(10,17)
L-1	Office & Research	500,000	700	--	250	125	150	100	--	150	--	34/40(14)	4	60(10,15, 16,17)
L-2	Office & Research	175,000	700	--	250	150	100	100	--	100	--	25(8)(11) &(12)	--	35(10,17)
I	Limited Industry	175,000	700	--	250	100	100	100	--	100	--	25(8)	2	35(10,17)

See §13-5.6.1 For Development Requirements

See §13-5.6.2 For Development Requirements

FOOTNOTES TO SCHEDULE "D"
LAND DEVELOPMENT ORDINANCE
BOROUGH OF MORRIS PLAINS, NEW JERSEY

- (1) There shall be two (2) side yards except where one is superseded by a second front yard in the case of a corner lot, or as otherwise provided in Section 5.2A(8.2).
- (2) Measured at the building line.
- (3) Where existing buildings on the same side of the street and within 200 feet form an established setback, new buildings and alterations shall conform to such established line, provided none shall be nearer than 40 feet from the front property line.
- (4) Where the existing buildings on the same side of the street and within 240 feet form an established setback, new buildings and alterations shall conform to such established line, provided none shall project closer than 25 feet to the front property line.
- (5) Where the existing buildings on the same side of the street and within 180 feet form an established setback, new buildings and alterations shall conform to such established line, provided none shall project closer than 20 feet to the front property line.
- (6) See Section 13-5.2A(22).
- (7) A side yard is not required, but if provided it shall be at least 10 feet.
- (8) Where a lot extends into an adjoining residential zone, the total lot area shall be computed within 300 feet of the front street property line. This shall not be construed to waive any required building setback from a zone boundary.
- (9) One hundred (100) feet where a side yard abuts a residential zone.
- (10) See §13-5.2A(22) Exceptions to Height.
- (11) Every principal building shall have a minimum floor area of 40,000 square feet.

FOOTNOTES TO SCHEDULE "D" - continued

- (12) If an L-1 Zone property extends into an adjoining residential zone, the lot area shall include the residentially-zoned portion for purposes of calculating the maximum permitted floor area, provided the residentially-zoned portion does not constitute more than ten (10%) percent of the total lot area.
- (13) See Sections 13-5.6.1 E & F. [Added by Ord. #7-2001]
- (14) A single, individual lot within the L-1 zone shall be permitted a F.A.R. of up to 40%. However, adjacent lots in the L-1 zone that are developed as a single parcel shall be limited to the maximum permitted L-1 district-wide F.A.R. of 34%. The permitted F.A.R. shall be exclusive of areas as defined herein, as well as walkways and other building connectors used exclusively for pedestrian circulation.
- (15) No building shall exceed 68' at any one point. Building height shall not include parapet walls provided that they do not exceed a height of 4 feet over the roof level. There shall be a minimum separation of 75' between buildings.
- (16) Does not apply to bulkheads, elevator enclosures, water tanks, stairs, unoccupied mechanical roof top enclosures, cooling towers or similar accessory structures occupying an aggregate of thirty-five percent (35%) or less of the area of the roof on which they are located, and further provided that such structures do not exceed the height limit by more than sixteen (16) feet and are setback a minimum 20 feet from the building facade.
- (17) Public utility uses shall be permitted within the required yard setbacks where such uses are adjacent to existing public utility right-of-ways. Subject to Planning Board review, additional landscape buffering may be required. All State and Federal regulations shall be met.
- (18) Up to 120,000 square feet of space used solely for data center use may be eliminated from the calculation of F.A.R. in the L-1 Zone District. In the I and L-2 Zone Districts, up to five (5) percent of the building area(s) utilized solely for data center uses may be excluded from floor area ratio calculations.

Introduced: 1/10/13
Adopted: 1/24/13

/s/ Frank J. Druetzler