

ORDINANCE NO. 1-2022

AN ORDINANCE TO PROVIDE FOR THE PARTIAL AMENDMENT, SUPPLEMENTATION, REPEAL AND REVISION OF “CHAPTER 13, LAND DEVELOPMENT” IN “THE REVISED ORDINANCES OF THE BOROUGH OF MORRIS PLAINS, 1972” SECTION 13-2.1, “DEFINITIONS OF TERMS”; SECTION 13-5.1C “SCHEDULE C PERMITTED USES, BOROUGH OF MORRIS PLAINS, NEW JERSEY;” AND SECTION 13-5.7A “SCHEDULE E OFF-STREET PARKING SPACE REQUIREMENTS” AS THE ABOVE PERTAIN TO MICROBREWERIES.

WHEREAS, a review of provisions in “Chapter 13, Land Development” (hereinafter “Chapter 13”) has revealed the need for various amendments to supplement existing definitions of terms and other provisions of the zoning ordinance; and

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 13-2.1 “Definitions of Terms,” in Chapter 13, Land Development (“Chapter 13”) of the Revised Ordinances of the Borough of Morris Plains, New Jersey 1972 (“Revised Ordinances”) is hereby amended, supplemented, and revised with the addition of a new definition “Microbrewery” which shall hereafter read as follows:

MICROBREWERY - A brewery operating with a limited brewery license as defined and regulated within N.J.S.A. 33:1-10.

Section 2:

Section 13-5.1C, “Schedule C, Permitted Uses, Borough of Morris Plains, New Jersey”, in Chapter 13 of the Revised Ordinances is hereby amended, supplemented, and revised with the addition of “Microbrewery” as a permitted use in the B-3 Business District, C-1 Highway Commercial District, and the OB Office Building District such that hereafter that a new row in Schedule C shall read as follows:

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	AF-1	AF-2	B-1	B-2	B-3	OB	C-1	L-1	L-2	I	TRPUD
Microbrewery													X	X	X				

Section 3:

Section 13-5.7A, “Schedule E, Off-Street Parking Space Requirements”, in Chapter 13 of the Revised Ordinances is hereby amended, supplemented, and revised with the addition of off-street parking space requirements for “Microbrewery” such that hereafter that a new row in Schedule “E” shall read as follows:

Type of Building or Use	Minimum Number of Spaces
Microbrewery	1 for every 3 seats or 1 for each 75 square feet of GFA whichever yields the highest number of spaces.

Section 4:

All other provisions of "Chapter 13, Land Development" in “The Revised Ordinances” shall be unaffected and are hereby continued.

Section 5:

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and parts of Ordinances or other local requirements inconsistent or in conflict with this ordinance are hereby repealed and superseded to the extent of any such inconsistency or conflict, and the provisions of this Ordinance shall apply.

Section 6:

This Ordinance shall be construed so 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 7:

The Borough Clerk is hereby directed to give notice at least ten (10) days prior to hearing on the adoption of this Ordinance to the County Planning Board and, if required, to all other persons entitled to notice pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-62.1 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 8:

This Ordinance shall take effect immediately after final passage and publication and after a copy of same is filed with the Morris County Planning Board.

Introduced: February 3, 2022

Adopted: March 3, 2022

/s/ Jason Karr