

ORDINANCE NO. 9 – 2022

AN ORDINANCE TO PROVIDE FOR THE PARTIAL AMENDMENT, SUPPLEMENTATION AND REVISION OF “CHAPTER 13, 2000 BOROUGH OF MORRIS PLAINS LAND DEVELOPMENT ORDINANCE” SECTION 13-2.1, “DEFINITIONS OF TERMS”; THE PARTIAL AMENDMENT, SUPPLEMENTATION, AND REVISION OF SECTION 13-5.5 “HOTEL AND SPECIFIED USE OVERLAY ZONE” AS APPLIED TO THE L-2 ZONE ONLY; AND THE ESTABLISHMENT OF A NEW SECTION 13-5.5.1 ENTITLED “L-2 MIXED-USE COMMERCIAL USE OVERLAY ZONE” ON CERTAIN PROPERTIES IN THE “L-2 RESEARCH LABORATORY DISTRICT” IN THE BOROUGH AS SET FORTH ON THE REVISED ZONING MAP ATTACHED AS EXHIBIT A, AND AMENDING SECTION 13-5.1B, ZONING MAP, RELATING TO THE “HOTEL AND SPECIAL USE OVERLAY ZONE” AND THE “L-2 MIXED-USE COMMERCIAL USE OVERLAY ZONE.”

WHEREAS, the Borough Council is desirous of amending “Chapter 13, 2000 Borough of Morris Plains Land Development Ordinance” by repealing the existing Hotel and Specified Use Overlay Zone as applied to those properties in the L-2 Research Laboratory District and creating a new, overlay zone that will be applicable to Block 171 Lot 45 and a portion of Block 171 Lot 45.01 on the Official Tax Map of the Borough of Morris Plains as shown on a new Borough of Morris Plains Zoning Map attached hereto as Exhibit A which will promote land use synergy with existing and proposed commercial and residential uses in the surrounding neighborhood by allowing a variety of more contemporary non-residential land uses located in close proximity to Route 202, Route 10 and Johnson Road in order to advance a modern mixed-use environment designed for working, playing and shopping consistent with existing and future development in the surrounding area.

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 2000 ("Revised Ordinances") is hereby amended, supplemented and revised with the repeal of the existing definitions for "Drive-in Restaurant," "Restaurant, Café," "Restaurant, Drive-in", "Sign, Area of", "Sign, Freestanding" and "Store, Retail."

Section 2:

Section 13-2.1 Definitions of Terms, in Chapter 13 of the Revised Ordinances is hereby amended, supplemented and revised with the addition of new definitions for "Convenience Store," "Craft Distillery," "Finance, Insurance, and Real Estate Office," "Gas Station with Convenience Store," "Indoor Commercial Recreation Facility," "Instructional Schools and Studios," "Office," "Office, Medical," "Restaurant," "Restaurant, Drive-In," "Restaurant, Drive-Thru," "Retail Food Establishment," "Sign, Area of" "Sign, Freestanding," "Sign, Monument," "Sign, Ordering Menu Board," "Sign, Preordering Menu Board," and "Supermarket," which shall hereafter read as follows:

CONVENIENCE STORE –A retail establishment selling food and beverages, groceries and convenience items with a maximum of 4,000 square feet of gross floor area. Such items may be pre-packaged and/or include freshly prepared food and beverage for on or off-site consumption, coffee, snacks, dairy products, dry goods, grocery items, newspapers, tobacco, lottery sales, over-the-counter medication and minor automotive accessories.

The following accessory facilities shall be permitted, but not required: automated teller machines within the store, electric vehicle supply/service equipment, and outdoor amenities such as outdoor dining areas, plazas and planters.

CRAFT DISTILLERY - A distillery operating with a craft distillery license as defined and regulated within N.J.S.A. 33:1-10.

FINANCE, INSURANCE, AND REAL ESTATE OFFICES - Establishments such as banks and financial institutions, credit agencies, investment companies, mortgage brokers, real estate agents, brokers of and dealers in securities and commodities, security and commodity exchanges, insurance

agents, lessors, lessees, buyers, sellers, agents, and developers of real estate.

GAS STATION WITH CONVENIENCE STORE –A single use that includes a retail store with a fuel dispensing facility on the same premise, under common management and operated by a single business entity with a minimum of 3,000 square feet of gross floor area and maximum of 6,500 square feet of gross floor area in conjunction with the sale of gasoline and diesel for motor vehicles. If the establishment is on Route 10 then the maximum gross floor area may be 7,000 square feet. These establishments may contain indoor and outdoor dining areas for the purpose of on-site consumption of products. The following accessory facilities shall be permitted, but not required: automated teller machines within the store, electric vehicle supply/service equipment, outdoor vacuums, air pumps for the inflation of tires, outdoor amenities such as outdoor dining areas, plazas, and planters, and the outdoor display of minor automotive accessories located adjacent to the fuel dispensers. These facilities may operate 24 hours per day and seven (7) days per week. The following accessory facilities shall not be allowed: any kind of vehicle repair or maintenance services, tire sales or services, vehicle rental services, vehicle customization or accessory sales, taxis or bus services, and any long term or overnight parking and any other accessory use not specifically permitted.

INDOOR COMMERCIAL RECREATION FACILITY - An establishment where entertainment or recreation services are provided to the general public, and for which user fees are charged. Uses include, but are not limited to batting cages, indoor soccer, roller- and ice-skating rinks, indoor climbing gyms, gymnastics centers, bowling alleys, arcades, escape rooms, billiards and virtual experience centers. Accessory uses might include the sale of food and refreshments prepared off-premises, and private event rooms.

INSTRUCTIONAL SCHOOLS AND STUDIOS– Establishments including but not limited to, dance, yoga, Pilates, barre, culinary, creative arts and crafts, painting, pottery, glassblowing, music, martial arts, academic and athletic instruction. Accessory uses may include small retail areas and/or small performance spaces related to the principal use. Accessory uses may include serving food and beverages. However, no food may be prepared on site.

OFFICE - A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

OFFICE, MEDICAL - a room or group of rooms used to provide consultation, diagnosis, therapeutic, preventive, physical therapy, or corrective personal treatment services by

doctors, dentists, medical and dental laboratories, physical therapists, and similar practitioners of medical and healing arts for humans, licensed for such practice.

RESTAURANT - An establishment where food and drink, which may include alcohol, are prepared, served (with or without wait staff), and consumed primarily within the principal building as part of an operation, which may be designed with carry-out service; delivery service; self-service; or on-premises consumption, except that no drive-in, drive-thru, or service in vehicles is permitted. A restaurant may include indoor and outdoor dining areas where permitted.

RESTAURANT, DRIVE-IN - " An establishment where the majority of the patrons purchase food, soft drinks, ice cream, and similar confections for takeout or consumption on the premises but outside the confines of the principal building, or in automobiles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons.

RESTAURANT, DRIVE-THRU - An establishment where some or all of the food and/or drink sold is served from a window to customers within vehicles and/or over the counter for consumption off the premises and/or for consumption on premises. A drive-thru restaurant may include indoor and outdoor dining areas.

RETAIL FOOD ESTABLISHMENT - Any fixed facility in which food or drink, including alcoholic drink, is sold primarily for off-premises preparation and consumption, but allows on-site consumption. Food establishments include specialty stores, boutique markets, bakeries, delicatessens, and similar types of uses. Retail food establishments do not include supermarkets as defined herein. A retail food establishment may include indoor and outdoor dining areas.

SIGN, AREA OF - The product of the largest horizontal width and the largest vertical height of the lettering, illustration, logo, display or background. If the lettering, illustration, display or background is attached directly to the face of a building, or to a flat surface which is an integral part of the building facade, the height and width of the sign shall be the height of the largest letter and the total width of the length of all lettering. As to free-standing and monument signs, the area shall not include sign support structures, piers or other architectural details, and shall be calculated by the height and width of the area containing lettering, illustration, logos, display or background associated with the sign legends.

SIGN, FREESTANDING - A sign that is mounted on a freestanding pole(s), uprights, braces, or other means and not attached to any other structure.

SIGN, MONUMENT - A sign in which the entire bottom is in contact with or is close to the ground.

SIGN, ORDERING MENU BOARD - A free-standing or monument sign oriented to the drive-thru lane for a restaurant that advertises the menu items available from the drive-thru window. An ordering menu board sign has an intercom or other communication system by which the customer makes an order.

SIGN, PREORDERING MENU BOARD - A free-standing or monument sign oriented to the drive-thru lane for a restaurant that advertises the menu items available from the drive-thru window. A preordering menu board sign does not have an intercom or other communication system by which the customer makes an order.

SUPERMARKET - A retail establishment selling a wide variety of fresh, frozen, packaged, prepared food products, alcohol, as well as other convenience and household goods. A supermarket shall have a minimum of 10,000 square feet of gross floor area and may have a food court for on-site consumption indoors and/or outdoor dining areas.

Section 3:

Section 13-5.1A in Chapter 13 of the “Revised Ordinances” is hereby amended, supplemented and revised with the addition of a new paragraph (3) establishing a new overlay zone entitled “L-2 Mixed-Use Commercial Use Overlay Zone” such that hereafter Section 13-5.1A shall read as follows:

A. ZONE DISTRICTS. For the purpose of this Chapter, the Borough is hereby subdivided into zone districts as follows:

(1) BASIC DISTRICTS.

- R-1 Residence District
- R-2 Residence District
- R-3 Residence District
- R-4 Residence District
- R-5 Residence District
- R-6 Residence District
- R-7 Residence District
- R-8 Residence District
- AF-1 Affordable Residential District
- AF-2 Affordable Residential District
- B-1 Business District
- B-2 Business District
- B-3 Business District
- B-4 Business District
- C-1 Highway Commercial District
- OB Office Building District

L-1 Research Laboratory District
L-2 Research Laboratory District
I Limited Industrial District
TRPUD Tabor Road Planned Unit Development District

- (2) Hotel and Specified Use Overlay Zone. In addition to the above zone districts, there is also established a Hotel and Specified Use Overlay Zone, which is superimposed over and includes portions of the B-3 District.
- (3) L-2 MIXED-USE COMMERCIAL USE OVERLAY ZONE. In addition to the above zone districts, there is also established a L-2 Mixed-Use Commercial Use Overlay Zone, which is located on certain properties in the L-2 Research Laboratory District in the Borough.

Section 4:

Chapter 13 of the “Revised Ordinances” is hereby further amended, supplemented and revised with the addition of a new Section 13-5.5.1, entitled “L-2 Mixed-Use Commercial Use Overlay Zone,” which shall read, in its entirety, as follows:

§ 13-5.5.1 L-2 MIXED-USE COMMERCIAL USE OVERLAY ZONE

A) Permitted uses. Uses permitted under this section are limited to the following:

- (1) Bar/Tavern
- (2) Child-Care Center
- (3) Craft Distillery
- (4) Finance, Insurance, and Real Estate Office
- (5) Gas Station with Convenience Store with frontage on Route 10
- (6) Health or Fitness Center
- (7) Indoor Commercial Recreation Facility
- (8) Instructional Schools and Studio
- (9) Medical Office
- (10) Microbrewery
- (11) Office
- (12) Restaurant
- (13) Restaurant, Drive-In
- (14) Restaurant, Drive-Thru
- (15) Retail Food Establishments
- (16) Retail Service
- (17) Retail Store
- (18) Self-Storage Facility
- (19) Supermarket
- (20) Urgent Medical Care Facility

B) Conditional uses. Conditional uses permitted under this section are limited to the following:

- (1) Helistops existing in the Overlay Zone on the date that this Ordinance is enacted may continue to operate in accordance with the terms and conditions of its license and any other applicable permits and approvals and shall not be subject to the terms of Section 13-5.4A.
- (2) Wireless Telecommunications Antenna and Facilities subject to the conditions of Section 13-5.4E.

C) Accessory uses. Accessory uses permitted under this section are limited to the following:

- (1) Drive-thru windows, provided the Planning Board determines that there is adequate stacking for vehicles.
- (2) Electric vehicle supply/service equipment (EVSE). Fences and/or decorative walls.
- (3) Off-street parking and loading facilities.
- (4) Outdoor amenities such as outdoor dining areas, plazas and planters.
- (5) Outdoor workout/fitness area.
- (6) Permanent mounted generators.
- (7) Signage.
- (8) Any other use which is subordinate and customarily incidental to a permitted principal use.

D) Site Plan Applications. Application shall be made initially for preliminary site plan approval for an entire L-2 Mixed-Use Commercial Use Overlay Zone tract, or simultaneously, for preliminary site plan approval for an entire L-2 Mixed-Use Commercial Use Overlay Zone tract and final site plan approval for a portion or portions of the tract.

E) Minimum Tract Size; Future Subdivision. Minimum tract size and future subdivision shall be limited to the following:

- (1) The minimum tract area shall be 20 acres, which may include multiple tax lots. If multiple tax lots are assembled to meet the minimum tract size requirement, the lots shall be merged and consolidated into a single lot if the application is only for preliminary or preliminary and final site plan approval. If the application is for preliminary and/or final site plan approval and simultaneously for subdivision approval under the standards set forth below, the lots shall not be required to be merged or consolidated but will be re-subdivided as part of the application in accordance with the standards set forth below.
- (2) If the application is for preliminary and/or final site plan approval and simultaneously for subdivision approval under the standards set forth below, the provisions of this ordinance regarding minimum tract size and maximum floor area ratio for the L-2 Mixed-Use Commercial Use Overlay Zone tract shall not apply to subdivided lots created from the tract, PROVIDED, HOWEVER, that minimum tract size and maximum floor area ratio shall continue to apply to the entire tract, together with setback requirements from public roads, internal roads and internal lot lines. Any subdivision of the tract shall conform to the following standards:
 - (i) No building may be located on more than one (1) lot.

- (ii) Internal lots are to be provided with appropriate cross-easements for access, parking and utility purposes among the various lots simultaneously with the perfection of the subdivision and the filing of the subdivision plats, in a form reasonably acceptable to the Planning Board attorney, and shall be recorded against the L-2 Mixed-Use Commercial Use Overlay Zone tract providing for the construction, maintenance, access and use of all shared facilities by the owners of each of the subdivided lots, as appropriate. There shall be a single entity that will be solely responsible for the operation, maintenance, upkeep, improvement, repair and replacement of all areas affected by the cross easements for access, parking and utility purposes in order to ensure uniform and consistent operation, maintenance, upkeep, improvement, repair and replacement for said areas affected by the referenced cross easements.
- (iii) The minimum principal building setback to an internal lot line shall be twenty-five feet (25'). This requirement shall not apply to the helipad or accessory structures.
- (iv) Parking spaces, parking aisles, sidewalks and driveways may extend across internal lot lines and shall have no setback requirements to such internal lot lines.
- (v) Internal lots are not required to front on a public street.
- (vi) There shall be at least one principal building on each subdivided lot created from the tract. There may be more than one principal building on any subdivided lot created from the tract, PROVIDED HOWEVER, that there shall be no more than an aggregate of seven subdivided lots created from the tract and no more than an aggregate of eight principal buildings constructed on the tract inclusive of existing buildings on the tract.

F) Floor Area Ratio. The maximum floor area ratio for the tract shall be 0.40. Canopies over gas pumps shall not be included in the calculation of floor area ratio.

G) Maximum Building Height.

- (1) The maximum building height as defined in Section 13-2.1 shall be 3 stories or 45 feet. However, no multistory building shall be located within 65 feet of Johnson Road.
 - (a) Mechanical equipment may extend above the maximum building height by not more than 15 feet; shall not occupy more than 20 percent of the surface area of the roof; and shall be stepped back at least 10 feet from the roof edge.
 - (b) Building height shall not include parapet walls, provided that the parapet walls do not exceed a height of four feet over the maximum building height.

H) Minimum and Maximum Square Footage of Buildings. Buildings shall be a minimum of 2,000 square feet but no building shall exceed 200,000 square feet in size.

I) Setbacks.

(1) Minimum setback from the Route 10 Right-of-Way.

- (a) The minimum setback of any building from the Route 10 right-of-way shall be 60 feet exclusive of gas station canopies.
- (b) The minimum setback of any parking area or interior roadway from the Route 10 right-of-way shall be 20 feet.
- (c) The minimum setback of any canopy over gas pumps shall be 30 feet.

(2) Minimum setback from the Johnson Road Right-of-Way.

- (a) The minimum setback of any one-story building from the Johnson Road right-of-way shall be 40 feet.
- (b) The minimum setback of any multistory building from the Johnson Road right-of-way shall be 65 feet.
- (c) The minimum setback of any parking area or interior roadway from the Johnson Road right-of-way shall be 15 feet.

(3) Minimum setback from abutting commercial properties.

- (a) Setbacks do not apply to internal lot lines within the overall development tract.
- (b) The minimum setback of any building from any lot line shared with a commercially zoned property shall be 30 feet.
- (c) The minimum setback of any parking area or interior roadway from any lot line shared with a commercially zoned property shall be 5 feet.

(4) Minimum setback from abutting residential properties.

- (a) The minimum setback of any building from any lot line of a residentially zoned property shall be 55 feet.
- (b) The minimum setback of any parking area or interior roadway from any lot line of a residentially zoned property shall be 25 feet.

(5) Principal building or principal use in building setback area. No principal building or principal use shall be permitted in the building setback area.

(6) Minimum setbacks between buildings. The minimum setback of any building to another building in the overlay district shall be 70 feet. This does not include separation between a canopy and a building.

(7) Maximum setbacks related to gas stations with convenience stores. The maximum setback of the front façade of any convenience store from the Route 10 right-of-way shall be 250 feet. The maximum setback of any portion of the canopy from the Route 10 right-of-way shall be 150 feet.

J) Development standards in the L-2 Mixed-Use Commercial Use

Overlay Zone. The intent of these regulations is to encourage creative and innovative design and provide flexibility in terms of how proposed buildings shall visually relate to each other as well as the general landscape and streetscape. As such, the following development standards shall apply:

- (1) **Multiple principal buildings on a lot.** If the minimum tract area is developed as a single lot, multiple principal buildings on the single lot shall be permitted, and there shall be no minimum lot area, depth, width

or yard requirements or maximum floor area ratio governing development other than as established herein.

(2) **Sidewalks.**

- (a) Sidewalks shall be provided along all frontages on Route 10, Route 202, and Johnson Road, unless the applicant demonstrates to the satisfaction of the approving entity that an alternative pedestrian system provides safe and convenient circulation.
- (b) Sidewalks shall be provided within parking areas and in front of individual buildings to create pedestrian connections between these areas as well as to provide connections to sidewalks on Johnson Road, Route 202 and Route 10.
- (c) All sidewalks shall have a minimum width of five feet.

(3) **Vehicular Access Points.**

- (a) One vehicular access driveway is permitted along Route 10.
- (b) Two vehicular access driveways are permitted along Johnson Road.
- (c) The existing shared access driveway on Route 202 which is located off-tract will remain and be incorporated into the proposed development of the subject tract.

(4) **Street/Driveway design.** All streets and driveways shall comply with the Borough standards as set forth in Section 13-4.14 of the Borough Ordinance.

(5) **Electric vehicle charging stations.** Electric vehicle charging stations shall be provided throughout the overlay zone in accordance with P.L. 2021, c.171.

(6) **Permanent mounted generators for any gas station with convenience store.** Permanent mounted generators with adequate capacity shall be provided for any gas station with convenience store.

K) Building design standards in the L-2 Mixed-Use Commercial Use Overlay Zone.

(1) **Building articulation and massing.**

- (a) The base of all buildings should be highlighted with a contrasting material, texture or color that is heavier in appearance than the main façade cladding, such as a stone base below a brick façade. The base may also project outwards from the building by at least several inches. The top of the base cladding may also be capped with a sill or water table or other dimensional transition. Low planters and base planting may be placed around the base for further emphasis.
- (b) The top of buildings encompasses the roof and/or roofline. Using features such as distinct and multiple architectural roof forms, clearly pronounced eaves, and distinct parapet designs and cornice treatments may achieve a well-defined building top. Building roof mass may also be broken up by towers, steeples, gables, shed dormers, and similar elements.
- (c) A change in plane and variation in materials and/or detailing should be provided for any windowless wall area in excess of -40 feet in length.
- (d) These standards would not apply to the existing office building located at 225 Littleton Road and any expansion(s) of this office building.

(2) **Building transparency.**

- (a) Pedestrian building entries should be clearly visible and highlighted within the front façade through projections, recessions, material changes, canopies, overhangs and/or lighting, not merely punched into the facade.
- (b) Retail storefront glass windows shall be transparent, non-tinted glazing.
- (c) Drive-through window elements should be architecturally integrated into the building, rather than appearing to be applied or "stuck on" to the building.

(3) **Building materials.**

- (a) The selected building materials should also incorporate variations in color, textures and/or patterns to be employed to create further distinctions.
- (b) The level of materials, detailing and articulation should form a coherent design theme. Materials should be extended around corners and extensions in order to avoid a "pasted on" appearance.
- (c) The following are preferred building materials for facades:
 - (i) Brick.
 - (ii) Cast/cultivated stone and/or other masonry facing.
 - (iii) Fiber cement siding or backboard.
 - (iv) Metal panels.
 - (v) Metal and glass.
 - (vi) Synthetic Stucco
 - (vii) Wood siding

(4) **Screening of mechanical equipment.**

- (a) All roof-mounted and ground-mounted mechanical equipment (e.g. air conditioning, heating, ventilation ducts and exhaust vents, elevator overruns, transformers and generators, and similar equipment, but excluding solar collectors and related equipment) shall be screened.
- (b) Screening should be compatible with the architectural style, materials, and color of the building.

(5) **Screening of trash and recycling containers.** Outdoor trash and recycling containers shall be screened from view by means of a masonry enclosure compatible with the architectural style, materials, and color of the building to which it is associated and landscaping as approved by the Planning Board.

L) Signage standards in the L-2 Mixed-Use Commercial Use Overlay

Zone. In addition to the requirements below, signage shall conform to the general sign provisions of Chapter 13-5.8A.

(1) **Freestanding signs.**

- (a) One freestanding sign shall be permitted at the proposed access drive from the Route 10 right-of-way.
- (b) One freestanding sign shall be permitted at the existing access drive from Route 202 ("Littleton Road") right-of-way within the existing sign easement area on an adjacent, contiguous lot, currently designated as Lot 46, Block 171.
- (c) Freestanding signs shall not exceed 200 square feet in size.

- (d) Freestanding signs shall not exceed 25 feet in height fronting Route 10 right-of-way or 20 feet in height fronting Route 202 right-of-way.
 - (e) Freestanding signs shall be setback a minimum of 5 feet from Route 10 right-of-way and a minimum of 10 feet from Route 202 right-of-way.
 - (f) Exposed light-emitting diode (LED) lighting is not permitted on freestanding signs except for displaying gas prices.
 - (g) Light-emitting diode (LED) lighting is permitted for internally illuminated signs or backlighting of individual letters comprising a sign legend all where it is not directly visible to motorists.
- (2) **Monument signs.**
- (a) One monument shall be permitted at each driveway entrance from Route 10 and Johnson Road.
 - (b) Monument signs shall not exceed 125 square feet or 15 feet in height except any monument sign fronting Johnson Road and within 200 feet of Block 171 Lot 1 shall be no greater than 75 square feet in size and 12 feet in height.
 - (c) A monument sign fronting on Route 10 displaying gas prices for an associated fueling station may utilize light-emitting diode (LED) lighting for the gas price display. Such LED lighting shall not move, blink or flash and shall be turned off when the gas station is closed. No exposed LED lighting is permitted on monument signs fronting on Johnson Road or Route 202.
 - (d) Light-emitting diode (LED) lighting is permitted for internally illuminated signs or backlighting of individual letters comprising a sign legend all where it is not directly visible to motorists.
- (3) **Wall signs.**
- (a) Each tenant may have one wall sign per facade that faces a driveway, parking area or external roadway not to exceed 2 wall signs per building per tenant. However, no wall sign shall be located on a façade facing an abutting residentially zoned lot if said façade is within 150 feet of the lot line shared with the residential zone.
 - (b) The total area of a single wall sign shall not exceed 2.5 percent of the area of the façade to which it is affixed or 100 square feet, whichever is less.
 - (c) The total area of all wall signs on any one façade shall not exceed 5 percent of the area of the façade to which the signs are affixed or 150 square feet, whichever is less.
 - (d) Wall signage shall not exceed a maximum sign height of 10 feet.
 - (e) Wall signs shall be placed a minimum of 8 feet above finished grade of the façade to which it is affixed.
 - (f) The sign shall not extend above the façade of the building, which includes the parapet.
 - (g) The sign shall not extend further than 12 inches from the façade.
 - (h) The location of signs shall be limited to the first story facade on buildings containing more than one story, except for office buildings.
 - (i) Wall-mounted signs may be individual channel-cut letters with internal LED illumination, or through LED backlighting of letters.

- (4) **Canopy Signs.**
- (a) For the gas station and convenience store, two (2) canopy signs and logos shall be permitted.
 - (b) Canopy signs shall not face interior roadways but may face exterior roadways.
 - (c) A canopy sign and logo together shall not exceed one (1) square foot per foot of length of such canopy to which the sign is attached or a total area of twenty-five (25) square feet, whichever is less.
 - (d) Canopy signs shall not extend beyond the ends or extremities of the canopy to which they are attached.
- (5) **Preordering and Ordering Menu Board Signs.**
- (a) One preordering menu board sign which does not advertise the name of the business is permitted for each drive-through lane associated with a drive-thru restaurant.
 - (b) One ordering menu board sign which does not advertise the name of the business is permitted for each drive-through lane associated with a drive-thru restaurant.
 - (c) The maximum sign area of an ordering menu board sign shall not exceed thirty (30) square feet.
 - (d) The maximum sign area for a preordering menu board sign shall not exceed twenty (20) square feet.
 - (e) The maximum height for each preordering menu board and ordering menu board sign shall not exceed six (6)-feet.
 - (f) Preordering and ordering menu board signs may be digital LED signs or illuminated box signs.
- (6) **Directional Signs in Off-Street Parking Areas.**
- (a) Entrance, exit, identification, directional and conditions-of-use signs are permitted in conjunction with off-street parking facilities and are not to exceed six (6) square feet in size.
 - (b) No directional sign shall be so located that it will interfere with the safe operation of vehicles within the off-street parking facility or while entering or leaving the facility.
- (7) **Other site signage.** All other site signage aside from the signage permitted according to the requirements of § 13-5.5L(1) through (6) shall conform with § 13-5.8A.

M) Off-street parking and loading requirements.

- (1) **Off-street parking.** Off-street shall be provided as follows:
- (a) **Finance, insurance, and real estate offices.** One parking space shall be provided per 200 square feet of gross floor area.
 - (b) **Child-care centers.** One parking space shall be provided per 250 square feet of gross floor area or as permissible under the Municipal Land Use Law.
 - (c) **Gas station with convenience store.** One parking space shall be provided per 200 square feet of gross floor area of the convenience store.
 - (d) **Instructional schools and studios, indoor commercial recreation, and health or fitness centers.** One parking space shall be provided per 200 square feet of gross floor area.

- (e) **Medical office.** One parking space shall be provided per 250 square feet of gross floor area.
 - (f) **Office.** Parking shall be provided according to the following schedule:
 - (i) Less than 10,000 square feet gross floor area. 1 for each 150 square feet gross floor area.
 - (ii) 10,000 to 24,999 square feet gross floor area. 1 for each 200 square feet gross floor area.
 - (iii) 25,000 to 74,999 square feet gross floor area. 1 for each 250 square feet gross floor area.
 - (iv) 75,000 to 99,999 square feet gross floor area. 1 for each 350 square feet gross floor area.
 - (v) 100,000 to 299,999 square feet gross floor area. 1 for each 400 square feet gross floor area.
 - (vi) 300,000 square feet gross floor area. or more 1 for each 450 square feet gross floor area.
 - (g) **Restaurants and restaurants, drive thru.** One parking space shall be provided per 2.5 seats within the building or one parking space for every 75 square feet of gross floor area, whichever is greater. Outdoor seating is excluded from calculating parking requirements.
 - (h) **Retail food establishments.** One parking space shall be provided per 200 square feet of gross floor area.
 - (i) **Retail service and retail store.** One parking space shall be provided per 200 square feet of gross floor area.
 - (j) **Self-storage facilities.** One parking space for each 4,000 square feet of gross floor area plus two additional spaces for the manager/administrative offices.
 - (k) **Supermarket.** One parking space shall be provided per 200 square feet of gross floor area.
 - (l) **Urgent care center.** One parking space shall be provided per 200 square feet of gross floor area.
- (2) **Shared parking.** Shared parking is permitted and encouraged as a means to reduce the total parking supply that would otherwise be required based on the above parking ratios as calculated as a summation of the individual uses. If a shared parking approach is followed, the developer shall provide a shared parking study for review and approval by the Planning Board. If shared parking is followed, the developer shall submit a shared parking study employing the methodologies established by the Urban Land Institute or other commonly accepted source which demonstrates that: (1) The particular combination of uses and the peak periods of demand for parking and/or loading spaces, as applicable, are such that a lesser number of spaces are necessary to meet the total parking and/or loading needs for the development at all times; and (2) Parking shall be located to be reasonably convenient, safe and suitable for the various uses, buildings and/or lots involved in the shared parking program.
- (3) **Required loading.** A minimum of one loading space shall be provided for each building with a gross floor area of 10,000 square feet or more or gas station with convenience store.

N) Landscaping, buffer areas and fencing.

- (1) All areas not devoted to principal, conditional or accessory uses shall be landscaped as deemed appropriate by the Planning Board.
Specifically:
 - (a) Landscaping and/or buffer areas shall be required in setback areas not devoted to permitted principal, conditional or accessory uses along Route 10 and Johnson Road, maintaining appropriate sight triangles as required by the agency having jurisdiction.
 - (b) Landscaping, fencing and/or buffer areas shall be required along all property lines of adjacent uses as approved by the Planning Board.

O) Outdoor lighting requirements.

- (1) Site lighting shall be in compliance with Section 13-4.14C(2.2)g except as noted below.
- (2) Site lighting and street lighting shall incorporate decorative fixtures and poles within pedestrian areas, along interior driveways and, as appropriate, along public streets. Standard fixtures and pole details shall be permitted within interior portions of parking fields and areas that area removed from public visibility.
- (3) Driveways, parking areas, loading areas and walkways shall provide adequate lighting with fixtures not exceeding an overall height of 25 feet above grade in the case of streets, driveways and parking areas and 15 feet in the case of walkways and other pedestrian areas, except that any lighting fixtures located within 75 feet of the southern property shall not exceed an overall height of 15 feet. Such fixtures shall minimize adverse visual impacts, such as glare and overhead sky glow, on adjacent properties and on any public right-of-way. Light cutoff shields shall be provided where fixtures abut a residential use and in other locations as directed by the Planning Board Engineer.
- (4) Use of low wattage metal halide, color-corrected sodium or light-emitting diode (LED) light sources is required. Non-color-corrected low-pressure sodium and mercury vapor light sources are prohibited.
- (5) Building facade lights shall be incorporated into the overall lighting plan design; all fixtures shall be of compatible design and detail with site and streetlights.
- (6) Lighting levels at exterior tract boundary lines shall not exceed 0.5 footcandles, except where driveways/streets intersect with a public street and where lighting levels along external roadways must meet NJDOT criteria. Lighting levels at exterior tract boundary lines abutting residential zones shall not exceed 0.1 footcandles.
- (7) Strings of lights would be permitted in outdoor dining and/or plaza areas. within of 700 feet of Route 10 which shall be extinguished at the close of the business.

P) Utility and drainage improvements.

- (1) All buildings shall be served by public water and public sanitary sewerage systems.
- (2) All utility improvements shall be located underground. This excludes water meter/valve enclosures (“hot box”), transformers and other utility boxes as may be required by the various utility companies. Any such structures shall be:

- (a) Setback at least 10 feet from the property line
 - (b) Be buffered by landscaping and/or other screening.
- (3) All utility improvements, including, but not necessarily limited to storm drainage collection and conveyance systems, stormwater management systems/facilities, sanitary sewerage collection and disposal systems, water supply, gas, electric, telephone and cable television utilities shall be subject to review and approval by the Planning Board in accordance with the standards and procedures established in the Borough Ordinances, the New Jersey Department of Environmental Protection, and appropriate County and other State agencies and utility companies having jurisdiction where applicable.

Q) Emergency facilities. Any development shall be suitably designed to facilitate emergency access by police, fire and first-aid service vehicles and personnel.

R) Accessibility for the handicapped. Any development shall be designed in accordance with the applicable standards for accessibility and/or occupancy by handicapped persons promulgated by the federal government and/or the State of New Jersey or through their respective departments or agencies having jurisdiction in such matters.

Section 5:

Section 13-5.1B, entitled, “Zoning Map, Borough of Morris Plains”, is hereby amended, supplemented and revised so that the “Hotel and Specified Use Overlay” in the L-2 zone district only is removed from the map and that an overlay zone to be named “L-2 Mixed-Use Commercial Use Overlay Zone” is placed on specified properties or portions thereof (Block 171, Lot 45 and a portion of Lot 45.01 on the Official Tax Map of the Borough of Morris Plains) in the “L-2 Research Laboratory Zone District” as shown on the revised “Borough of Morris Plains Zoning Map as Amended through and including the adoption of this Ordinance # -2022 attached hereto as Exhibit A.

Section 6:

Section 13-5.5 in Chapter 13 of the “Revised Ordinances” is hereby amended, supplemented and revised such that hereafter Section 13-5.5 shall read as follows:

§ 13-5.5 Hotel and Specified Use Overlay Zone applicable to portions of B-3 Business Zone. Hotels and other specified uses listed below are permitted in

portions of the B-3 Zone as designated for such use on the Zoning Map, provided all of the following requirements are met:

- A) Permitted uses.** Uses permitted under this section are limited to the following:
- (1) Executive and administrative office.
 - (2) Computer data processing centers.
 - (3) Scientific and research laboratories.
 - (4) Executive conference and training centers.
 - (5) Hotels, including accessory restaurant, banquet and recreational facilities.
 - (6) Any combination of the above.
- B) Minimum lot area.** Each lot shall have a minimum area of 7.5 acres.
- C) Frontage.** Each lot shall front on and be capable of being served from State Highway Route 10.
- D) Setback.** No building shall be located within 150 feet of a street nor within 100 feet of a property line.
- E) Height.** No building shall exceed a height of 35 feet; provided, however, that no building shall exceed a height of 40 feet measured from any point at grade along the foundation. Elevator enclosures, water towers, air conditioning units and similar mechanical equipment and roof appurtenances may extend above the height limit by not more than 10 feet, provided they occupy an aggregate of not more than 10% of the surface area of the roof. All such equipment and appurtenances shall be screened or otherwise enclosed in such a manner as to aesthetically coordinate with the overall appearance of the building.
- F) Minimum floor area.** The total floor area constructed on the site shall not be less than 75,000 square feet.
- G) Maximum building coverage.** The total ground floor area of all buildings shall not exceed 15% of the total lot area.
- H) Maximum impervious coverage.** The total ground floor area of all buildings and the total area of all paved surfaces combined shall not exceed 65% of the total lot area.
- I) Minimum distance between buildings.** There shall be a minimum distance between buildings of 100 feet.
- J) Parking.** Off-street parking shall be provided in accordance with Section 13-5.7. No off-street parking area or access drive or aisle shall be closer than 25 feet to any property line, or closer than 75 feet to any street right-of-way.
- K) Signs.** The sign provision of Section 13-5.8 applicable to the I Zone shall be complied with.
- L) Landscaping.** All portions of all front, rear and side yards that are not used for off-street parking shall be attractively planted with trees, shrubs, plants and grass lawns as required by the Planning Board. Special plan fence shall be provided along the front, side and rear property lines as required by the Planning Board so that the parking area is not visible from the abutting streets and properties.
- M) Storage.** All materials and equipment shall be stored in completely enclosed buildings, or shall be otherwise screened by such walls, fences and landscaping as may from time to time be determined by the Planning

Board to be adequate to appropriately screen such material and equipment from the abutting residential properties.

N) Performance standards. All requirements of Section 13-5.2A(24) shall be complied with.

Section 7:

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

Section 8:

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 9:

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 10:

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 applicable, 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 11:

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: July 21, 2022

Adopted: August 18, 2022

/s/ Jason Karr

EXHIBIT A: Borough of Morris Plains Zoning Map