

ORDINANCE NO. 14 – 2023

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;” SECTION 13-5.1(C), “SCHEDULE C: PERMITTED USES;” SECTION 13-5.7(A), “SCHEDULE E OFF-STREET PARKING SPACE REQUIREMENTS;” “AND SECTION 13-5.2A(12) “PROHIBITED USES;” SECTION 13-5.2(B)(5), “ADULT-CARE CENTERS;” “SECTION 13-5.4(B), “PUBLIC GARAGES AND MOTOR VEHICLE SERVICE STATIONS;” SECTION 13-5.4(C), “PUBLIC UTILITIES AND INSTITUTIONAL USES;” AND SECTION 13-5.5(A), “PERMITTED USES” IN THE HOTEL AND SPECIFIED USE OVERLAY ZONE APPLICABLE TO PORTIONS OF B-3 BUSINESS ZONE.

WHEREAS, the Master Plan Reexamination Report (Reexam Report) for the Borough of Morris Plains (the “Borough”) adopted October 2018 recognized that increased competition with online shopping has adversely impacted brick-and-mortar retail sales establishments in the Borough’s non-residential zones. To combat vacancies in the downtown areas, the Reexam Report recommended that the Borough “Examine all of the permitted uses in all of the non-residential zones in order to permit more ‘experiential type’ retail.” Experiential retail seeks to attract customers to experience something in person at a commercial space or showroom that would not be possible online including, but not limited to, instructional schools; indoor recreation areas, tutoring centers, entertainment retail, etc.

WHEREAS, in summer 2021, the Master Plan Review Committee of the Planning Board undertook an examination of the permitted uses in the non-residential zones in the “Chapter 13, 2000 Borough of Morris Plains Land Development Ordinance” (“Chapter 13”) to ensure that a variety of retail and commercial uses are permitted, specifically uses that emphasize on-site experiences. As part of this examination, the Master Plan Committee made recommendations for adding new permitted uses in the non-residential zones in the Borough; providing definitions for all uses permitted; and updating, refining, and/or modernizing existing uses and definitions in the current ordinance.

WHEREAS, the Master Plan Review Committee submitted a report of its recommended changes to Chapter 13 to the Borough Council on May 10, 2023.

WHEREAS, the Borough Council is desirous of amending “Chapter 13, 2000 Borough of Morris Plains Land Development Ordinance” to allow a variety of more contemporary non-residential land uses in the Borough’s non-residential zones; and to ensure that the Borough’s commercial areas remain vibrant and attractive both to

existing and future potential commercial tenants and customers.

WHEREAS, the Borough Council, by Resolution 2023-88, directed the Borough Professional Planner to draft an ordinance amending the Borough’s permitted uses in all non-residential zones.

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 “Adult Care Center,” “Data Center,” “Data Processing,” “Garage, Public,” “Health or Fitness Center,” “Institutional Uses,” “Public Garage,” “Retail Service,” “Store, Retail,” and “Warehouse.”

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 “Adult Care Center,” “Art Gallery,” “Art Studio,” “Assisted Living Residence,” “Automobile Repair,” “Automobile Sales,” “Automobile Parts Sales,” “Car Wash,” “Cidery, Meadery,” “Continuing Care Retirement Community (‘CCRC’),” “Contractor Services,” “Executive Conference And Training Centers,” “Funeral Home,” “Gasoline Service Stations,” “Health-Care Services,” “Health Or Fitness Center,” “Independent Living,” “Institutional Uses,” “Life Plan Communities,” “Light Industry,” “Non-Profit Clubs, Lodges, Fraternal, Civic And Charitable Organizations,” “Nursing Home,” “Office, Co-Working,” “Public Buildings And Uses,” “Public Utility,” “Research, Design And Testing Laboratories,” “Retail Nursery,” “Retail, Pop-Up,” “Retail Service,” “Vocational School, Private,” “Warehouse,” “Wholesale Establishments,” and “Winery” which shall hereafter read as follows:

ADULT CARE CENTER

A non-residential facility that provides meals, social and recreational activities under general supervision for elderly persons and adult persons with disabilities for a period not to exceed 12 hours a day.

ART GALLERY

A commercial establishment that engages in the sales, loan, and/or display of paintings, sculpture, photography, video art, or other works of art. An art gallery does not include uses such as a library, museum or noncommercial gallery that may also display paintings, sculpture, video art or other works of art.

ART STUDIO

A studio for artist activities, such as paintings, sculpture, photography, video art, and the creation of artisan-related crafts, such as metalworking, glassblowing, furniture making, pottery, leathercraft and related items.

ASSISTED LIVING RESIDENCE

A residential facility which is licensed by the Department of Health to provide rooms, meals, and personal care. Residential units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance. Assisted living residences may provide other services to residents such as dining, housekeeping, social and recreational activities, medication administration, financial services, and transportation.

AUTOMOBILE REPAIR

General repair, rebuilding, or reconditioning of engines, transmissions, or other major systems of motor vehicles or trailers, including bodywork, welding, and major painting service.

AUTOMOBILE SALES

The use of any building, land area, or other premise principally for the display, sale, rental, or lease of new or used automobiles (but may include light trucks or vans, trailers, or recreation vehicles), and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

AUTOMOBILE PARTS SALES

Establishments selling automobile parts and accessories.

CAR WASH

Any building or premises used for washing motor vehicles.

CIDERY, MEADERY

An establishment operating with a cidery and meadery license as defined and regulated within N.J.S.A. 33:1-10.

CONTINUING CARE RETIREMENT COMMUNITY (“CCRC”)

A residential community for older adults which provides a continuum of living accommodations and care including provisions for health care for individuals from independent living to assisted living to skilled nursing care. The CCRC must be registered with the New Jersey Department of Community Affairs. Also see LIFE PLAN COMMUNITIES.

CONTRACTOR SERVICES

Establishments primarily engaged in installation, servicing, and repair services to individuals and other businesses including plumbing, heating, electrical, air conditioning, exterminator service, janitorial, lawn and garden, and construction services. Such establishments may include incidental office and retail sales. Contractor services does not include automobile services.

EXECUTIVE CONFERENCE AND TRAINING CENTERS

A facility used for professional conferences, seminars and training programs including banquet facilities in connection with the conference, seminars, and training programs.

FUNERAL HOME

A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GASOLINE SERVICE STATIONS

Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; minor or light servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

HEALTH-CARE SERVICES

Establishments providing support to medical professionals and their patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

HEALTH OR FITNESS CENTER

An establishment or part thereof providing facilities for physical exercise, whether individual activity or group session. Accessory uses may include snack bars and cafes serving food and refreshments prepared off-premises, child-care facilities, locker rooms, showers, small retail areas related to the principal use, lounges, saunas, and steam rooms.

INDEPENDENT LIVING

A dwelling unit in a continuing care retirement community which is unrestricted except as to an age requirement for occupancy.

INSTITUTIONAL USES

Uses serving a public need, such as places of worship, libraries, schools, and museums. teaching academic subjects, including the kindergarten level and above but below the college level. The term "institutional uses" does not include child-care centers as defined elsewhere in this chapter.

LIFE PLAN COMMUNITIES

See CONTINUING CARE RETIREMENT COMMUNITY ("CCRC").

LIGHT INDUSTRY

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. Typical light manufacturing uses include but are not limited to: furniture making; commercial bakeries; volume printing, publishing and mailing; and laundry services for other businesses.

NON-PROFIT CLUBS, LODGES, FRATERNAL, CIVIC AND CHARITABLE ORGANIZATIONS

A group of people organized for a common purpose to pursue common goals, interests, or activities that promote the general welfare of the community, and are usually characterized by certain membership qualifications, payment of fees and dues, regular

meetings, and a constitution and bylaws. Such organizations shall have tax exempt status from the Internal Revenue Service.

NURSING HOME

A facility that is licensed by the Department of Health to provide health care under medical supervision and continuous nursing care for 24 or more consecutive hours to two or more patients who do not require the degree of care and treatment which a hospital provides and who, because of their physical or mental condition, require continuous nursing care and services above the level of room and board.

OFFICE, CO-WORKING

An office use in which common and unassigned office space is made available to individuals and companies on a short-term basis, including daily rates. Assigned office spaces and longer lease periods may be included in this definition so long as they are still provided access to common use space and common facilities. Long term assigned (increments greater than 1 month) office space without access to common use space and common facilities shall be considered to fall within the definition of "OFFICE."

PUBLIC BUILDINGS AND USES

Any building used exclusively for public purposes by any department or branch of government including post offices; and police, rescue, and fire stations.

PUBLIC UTILITY

A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Wireless Telecommunications Antennas and Facilities are not included in this definition.

RESEARCH, DESIGN AND TESTING LABORATORIES

An establishment engaged in industrial or scientific research and product design. The facility may also include administrative services related to product design or sales.

RETAIL NURSERY

The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public. Also known as garden centers.

RETAIL, POP-UP

Retail space that is temporary, utilized for short-term sales, ranging from one day to several weeks but in no instance shall the retail space be occupied for more than 120 consecutive days.

RETAIL SERVICE

Establishments providing services, as opposed to products to the general public for personal and/or household use. Personal services usually include the following: laundry, including cleaning and pressing service; beauty salons; barbershops; shoe repair; clothing rental; and personal shipping and delivery services.

VOCATIONAL SCHOOL, PRIVATE

A for-profit school providing instruction to students of special skills, knowledge, or techniques that are generally related to furthering a specific vocation or professional occupation. Private vocational schools may offer instruction in computers, business and accounting, cosmetology, and language, or other similar activity or pursuit.

WAREHOUSE

A building in which goods, supplies, equipment, materials and merchandise are stored, where no physical change in such articles takes place and where such articles are not otherwise used on the premises, such as in storage areas when part of a retail establishment or manufacturing plant. Office space accessory to the principal warehouse use is permitted. Warehouse use does not include self-storage facility.

WHOLESALE ESTABLISHMENTS

Establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users; and other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WINERY

A winery operating with an instructional winemaking facility license as defined and regulated within N.J.S.A. 33:1-10.

Section 3:

Section 13-5.1(C) “Schedule C Permitted Uses, Borough of Morris Plains, New Jersey,” in Chapter 13 of the Revised Ordinances is hereby amended, supplemented and revised as follows. The following uses are to be removed from the table of permitted principal uses: “Adult Care Center,” “Banks and Similar Financial Institutions,” “Bowling Alleys,” “Computer and Data Processing Centers,” “Indoor Health and Fitness Centers, Including Tennis, Racquetball, Volleyball Centers, Martial Arts & Exercise Studios,” “Mail, Reproduction and Stenographic Services,” “Medical and Dental Laboratories,” “Motor Vehicle Sales and Service,” “Office for Business, Professional, Administrative and Executive Purposes,” “Pool, Billiard & Table Tennis Rooms,” “Printing Establishments,” “Residential Health Care Facilities, Including Assisted Living,” “Restaurants, Taverns, and Cafes,” “Retail Stores and Services,” “Storage Warehouses,” and “Studios and Galleries for Art, Music, Dance & Photography.”

Section 13-5.1(C) “Schedule C Permitted Uses, Borough of Morris Plains, New Jersey,” in Chapter 13 of the Revised Ordinances is hereby amended, supplemented and revised as follows. The following uses are to be added to the table of permitted principal uses: “Adult Care Center,” “Art Gallery,” “Art Studio,” “Assisted Living Residence,” “Automobile Repair,” “Automobile Sales,” “Automobile Parts Sales,” “Car

Wash,” “Cidery, Meadery,” “Continuing Care Retirement Community (‘CCRC’),” “Contractor Services,” “Health-Care Services,” “Health Or Fitness Center,” “Independent Living,” “Institutional Uses,” “Light Industry,” “Nursing Home,” “Office, Co-Working,” “Restaurant, Drive-Thru,” “Retail Nursery,” “Retail, Pop-Up,” “Retail Service,” “Retail Stores,” “Vocational School, Private,” “Warehouse,” and “Winery.”

Section 13-5.1(C) “Schedule C Permitted Uses, Borough of Morris Plains, New Jersey,” in Chapter 13 of the Revised Ordinances is hereby amended, supplemented and revised as follows. The following uses are to be added to the table of permitted accessory uses: “Drive-Through Windows,” “Outdoor Workout/Fitness Area,” and “Permanent Mounted Generators.”

Section 13-5.1(C) “Schedule C Permitted Uses, Borough of Morris Plains, New Jersey,” in Chapter 13 of the Revised Ordinances is hereby amended, supplemented and revised as follows. The following uses are to be removed from the table of permitted conditional uses: “Public Garages and Gas Stations Section 13-5.4B,” and “Public Utilities & Institutional Uses Section 13-5.4C.”

Section 13-5.1(C) “Schedule C Permitted Uses, Borough of Morris Plains, New Jersey,” in Chapter 13 of the Revised Ordinances is hereby amended, supplemented and revised as follows. The following uses are to be added to the table of permitted conditional uses: “Gasoline Service Stations Section 13-5.4B” and “Public Utilities Section 13-5.4C.”

Section 13-5.1(C) “Schedule C Permitted Uses, Borough of Morris Plains, New Jersey,” in Chapter 13 of the Revised Ordinances is hereby amended, supplemented and revised as follows. The following footnotes are to be amended, supplemented and revised to read as follows:

- (1.) Uses in the C-1, L-1, L-2 and I Zones subject to the performance standards in § 13-5.2A(24).
- (2.) Each apartment unit shall have a minimum floor area of 500 square feet plus 150 square feet for each habitable room other than a living room, dining room or kitchen.
- (3.) Office, co-working office, and medical office may only be located on floors above the first floor in the B-1 zone.
- (4.) Non-profit Clubs, Lodges, Fraternal, Civic & Charitable Organizations may only be located on floors above the first floor in the B-1 and B-2 Zones.
- (5.) The maximum floor area of any individual retail store shall be 75,000 square feet.
- (6.) Drive-through windows are permitted accessory use to financial institutions in the B-2, B-3, OB, and C-1 zones if the approving board is satisfied there is enough room on site for queuing of cars. Drive-through windows are permitted accessory use to pharmacies in the B-3 zone if the approving

board is satisfied there is enough room on site for queuing of cars. Drive-through restaurants are permitted principal uses in the B-2 and B-3 zones.

- (7.) Subject to the requirements of Chapter 4, Amusements and Amusement Businesses, of the Borough Code.
- (8.) Not including any activity commonly conducted for gain unless otherwise specifically permitted.
- (9.) Accessory buildings prohibited in the B-3 Zone.
- (10.) Includes parking decks.
- (11.) Apartment units shall not be permitted above the first floor in buildings located within the B-1 Zone and B-5 Zone that are used as restaurants, retail food establishments, taverns and/or bars.
- (12.) Excluding drive-thru facilities in the B-1 zone.
- (13.) Off-street parking facilities shall be permitted both in common parking areas and private driveways and garages. [Added by Ord. No. 12-2010]
- (14.) Limits retail sales and service, and automobile sales and repair to the OB Zone to lots with at least 150 feet of direct frontage on Route 10.
- (15.) Subject to the special use provisions set forth in § 13-5.2B(15) [Ord. No. 07-2014]

Section 13-5.1(C) “Schedule C Permitted Uses, Borough of Morris Plains, New Jersey,” in Chapter 13 of the Revised Ordinances is hereby amended, supplemented and revised as shown in Exhibit A.

Section 4:

Section 13-5.7(A) “Schedule E Off-Street Parking Space Requirements,” in Chapter 13 of the Revised Ordinances is hereby amended, supplemented and revised to read as follows:

Type of Building or Use	Minimum Number of Spaces
Adult-care center	1 for each 100 square feet GFA
Art Gallery	1 for each 300 square feet GFA
Art Studio	1 for each 300 square feet GFA
Assisted Living Facility	In accordance with the Residential Site Improvement Standards (RSIS) found at N.J.A.C. 5:21.
Automobile Parts Sales	1 for each 1,000 square feet of GFA
Automobile Repair	3 for each service bay plus 1 for each service vehicle
Automobile Sales	1 for each 500 square feet of GFA excluding automobile repair areas if provided onsite.
Bar, Tavern	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.
Car Wash	1 for each employee
Child-care center	1 for every 10 students plus 1 for each employee at peak shift
Cidery, Meadery	1 for every 3 seats or 1 for each 75 square feet of GFA whichever yields the highest number of spaces.
Continuing Care Retirement Community (“CCRC”)	The sum of the requirements for individual use such as Independent

Type of Building or Use	Minimum Number of Spaces
	Living, Assisted Living Facilities, and Nursing Homes.
Contractor Services	1 for each 250 SF of GFA plus 1 for any dedicated service vehicles.
Convenience Store	1 for each 200 square feet GFA
Courts for tennis, racquetball, etc.	4 for each court plus 1 for each 200 square feet devoted to health and fitness activities
Craft Distillery	1 for every 3 seats or 1 for each 75 square feet of GFA whichever yields the highest number of spaces.
Executive conference and training center	1 for each 50 square feet GFA
Finance, Insurance, and Real Estate Offices	1 for each 200 square feet of GFA
Funeral Home	1 for each 50 square feet GFA
Gasoline Service Station	1 for each fuel pump and 3 for each service bay plus 1 for each service vehicle
Gas Station with Convenience Store	As permitted in Section 13-5.5.1(M.) L-2 Mixed-Use Commercial Use Overlay Zone.
Health Care Services	1 for each 500 square feet GFA
Health or Fitness center	1 for each 50 square feet GFA
Hotel	12 for each 10 guest rooms; except in the TRPUD Zone the requirement shall be 1 space for each guest room; plus additional spaces for other facilities available to persons other than hotel guests as follows:
Restaurant in Hotel	As specified elsewhere in this schedule. However, in the TRPUD Zone the requirement shall be 1 space for each 4 seats.
Convention/Conference Facilities in Hotel	1 for each 150 square feet GFA devoted to such use
Banquet/Ballroom Facilities in Hotel	1 for each 100 square feet GFA devoted to such use
Independent Living	In accordance with the Residential Site Improvement Standards (RSIS) found at N.J.A.C. 5:21.
Indoor Commercial Recreation Facility	1 for each 200 square feet GFA devoted to such use
Institutional Uses	1 space for each 250 square feet GFA. See parking requirements for schools and places of worship specified elsewhere in this schedule.
Instructional Schools and Studios	1 space for each 200 square feet GFA.
Light Industry	1 for each 500 square feet GFA
Limited Manufacturing	1 for each 500 square feet GFA
Microbrewery	1 for every 3 seats or 1 for each 75 square feet of GFA whichever yields the highest number of spaces.
Moving and Storage Operation	1 for each 1,000 square feet GFA
Non-Profit Club, Lodge, Fraternal, Civic and Charitable Organization	1 for each 100 square feet GFA
Nursing Home	1 for each employee plus 0.5 per bed
Office	1 for every 3 seats or 1 for each 75 square feet of GFA whichever yields the highest number of spaces
Less than 10,000 square feet GFA	1 for each 150 square feet GFA
10,000 to 24,999 square feet GFA	1 for each 200 square feet GFA
25,000 to 74,999 square feet GFA	1 for each 250 square feet GFA
75,000 to 99,999 square feet GFA	1 for each 350 square feet GFA
100,000 to 299,999 square feet GFA	1 for each 400 square feet GFA
300,000 square feet GFA or more	1 for each 450 square feet GFA

Type of Building or Use	Minimum Number of Spaces
Office, Co-Working	1 for each 300 square feet GFA
Office, Medical	1 for each 250 square feet GFA
Place of Worship	1 for every 3 seats or 1 for each 75 square feet of GFA whichever yields the highest number of spaces.
Public Buildings and Uses	1 for each 200 square feet GFA
Public Utility	None.
Motor vehicle service station	1 for each 50 square feet GFA
Research, Design and Testing Laboratories	1 for each 250 square feet GFA
Residential uses	In accordance with the Residential Site Improvement Standards (RSIS) found at N.J.A.C. 5:21. ^(d) .
Restaurants, including Drive-Thru and Drive-In Restaurants	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.
Retail Food Establishments	1 for each 200 square feet GFA.
Retail Stores and Services including Pop-Up Retail and Retail Nurseries	1 for each 200 square feet GFA
Food sales, except restaurants	1 for each 150 square feet GFA
Non-food sales and service	1 for each 200 square feet GFA
Schools, auditoriums	1 for each 3 seats in public assembly areas. If no public assembly area, 1 space for each 100 space feet GFA.
Self-Storage Facility	1 for each 4,000 square feet GFA plus two additional spaces for the manager/administrative offices.
Supermarket	1 for each 200 square feet GFA
Urgent care medical facility	1 for each 250 square feet GFA
Vocational School, Private	1 per employee plus 1 for each 150 SF of GFA for classroom, laboratories, or other square footage used for instruction.
Warehouse	1 for each 1,000 square feet GFA
Wholesale Establishment	1 for each 400 square feet GFA

GFA = Gross Floor Area

NOTES:

- (a) Any building containing more than one permitted use shall meet the combined parking space requirements for all uses in the building. Any change in principal permitted uses within a building shall be required to meet the minimum parking requirements for the new use(s), with the exception that in an application for a change of use for a multi-tenant building located within the L-1, L-2 or I Zone Districts, the applicant shall provide evidence of the extent of utilization of existing off-street parking to demonstrate the adequacy thereof in satisfying the off-street parking requirements.
- (b) For any use not listed above, there shall be provided at least one parking space for each 200 square feet GFA.
- (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 space for each 200 square feet GFA, an applicant for site plan approval shall demonstrate that a standard of one space for each 200 square feet GFA can be met even though a lesser amount of parking is required based on the proposed use.
- (d) Exceptions to RSIS are permitted in the R-8 Zone pursuant to § 13-5.12 for affordable units in the multifamily apartment building and affordable age-restricted units in the multifamily apartment building

Section 5:

Section 13-5.2(A)(12) “Prohibited Uses,” in Chapter 13 of the Revised Ordinances is hereby replaced with the following revised language:

- (12) Prohibited uses. Any use not specifically permitted in this ordinance, or by State or Federal Law, is prohibited. In addition, the following uses are expressly prohibited in all zoning districts throughout the Borough.
 - (12.1) Massage services, tattoo shops, steam/turkish baths and saunas.
 - (12.2) Sexually oriented businesses.
 - (12.3) All classes of cannabis licenses pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), including, but not limited to, all cannabis establishments, cannabis distributors and/or cannabis delivery services, are hereby prohibited from operating anywhere in the Borough of Morris Plains, except for the delivery of cannabis items and related supplies by a delivery service.

Section 6:

Section 13-5.2(B)(5), “Adult-care centers,” in Chapter 13 of the Revised Ordinances shall be repealed.

Section 7:

Section 13-5.4(B), “Public garages and motor vehicle service stations” in Chapter 13 of the Revised Ordinances shall be amended to read as follows:

“B. Gasoline Service Stations. Wherever permitted in this chapter, gasoline service stations shall meet the following requirements:

- (1) The lot or parcel shall meet the minimum lot size requirements for its zone district; provided, however, that no lot shall be less than 25,000 square feet.
- (2) The lot or parcel of land so to be used shall have a street frontage of at least 150 feet and an average depth of at least 150 feet.
- (3) The walls of the building or structure are set back at least 25 feet from every property line at least 40 feet from a street line; provided, however, that all yard requirements of the zone in which the use is located are met.
- (4) The fascia of any canopy erected over pump islands and pump lanes shall be at least 10 feet from a street right-of-way line, at least 25 feet from the intersection of street rights-of-way and at least 25 feet from any property line.
- (5) Entrance and exit driveways shall be at least 30 feet in width with a three-foot radius at the curbline. There shall be a safety zone between driveways of at least 30 feet in width with a three-foot radius at the curbline and driveways shall be at least 10 feet from adjoining property lines.
- (6) Corner lots shall have a curb radius of at least 25 feet and driveway entrances shall start at least 20 feet from the radius tangent points.
- (7) Every gasoline or oil tank, pump, lift, filling, greasing or other device, appliance or apparatus is located at least 25 feet from any street line and at least five feet from the side and rear lines of the premises.
- (8) No floor drains shall be connected to the sanitary sewer system.
- (9) The nearest boundary line of the lot or parcel of land so to be used is at least 500 feet from any boundary line of property which is used as, or upon which is erected:
 - (9.1) A public or private school.
 - (9.2) A church or other place of worship.
 - (9.3) A hospital.
 - (9.4) A public library, a public art museum or other public building.
 - (9.5) A theater or other building used or intended to be used for motion picture, theatrical or operatic productions, or for public entertainment.
 - (9.6) A public playground or civic center.
 - (9.7) A firehouse or fire station.
 - (9.8) An existing service station.
- (10) The nearest boundary line of the lot or parcel of land so to be used is at least 300 feet on either the same or opposite site of the street from

- any residential district boundary line.
- (11) No part of any gasoline service station operation or paved area shall be conducted within 25 feet of a residential zone boundary. A six-foot-high unpierced fence shall be installed along any residential zone boundary.
 - (12) All paved areas within the property shall be at least 10 feet from a property line or a street right-of-way line and bounded by concrete or granite block curbing at least six inches above the surface.
 - (13) Curbing shall be installed in the street right-of-way in accordance with Borough specifications.
 - (14) A gasoline service station may include a convenience food store not exceeding a floor area of 2,500 square feet and provision for additional parking for that use in accordance with Schedule E.
 - (15) Adequate parking for automobiles of employees and patrons shall be provided and shall be limited to those vehicles of employees, those which are involved in gasoline servicing at the station and those commercial vehicles accessory and necessary to the operation of the service station. No other parking shall be permitted. No parking shall be permitted on unpaved areas. Parking shall be provided in accordance with Schedule E.
 - (16) There shall be no outdoor storage of supplies, materials or automobile parts whether for sale, storage or waste. The sale of used cars for the customers is permitted as an accessory use only, provided that not more than two such vehicles are parked on the premises at any time.
 - (17) Repair work other than incidental minor repair shall take place within the building and all repair or service apparatus shall be located within the building.

Section 8:

Section 13-5.4(C), "Public utilities and institutional uses" in Chapter 13 of the Revised Ordinances shall be amended to read as follows:

"C. Public utilities. Wherever permitted in this chapter, public utilities shall meet the following requirements:

- (1) The minimum lot area for the zone district in which the use is located shall be met; provided, however, that no lot shall contain less than two acres.
- (2) All yard and setback requirements of the zone district shall be met; provided, however, that no yard shall be less than the height of the facility nor shall any facility be located within 100 feet of a residential zone boundary line.
- (3) Adequate off-street parking shall be provided. Parking areas and driveways shall meet parking setback requirements of the zone district.
- (4) Fencing or screening shall be provided as required by the Planning Board.
- (5) Building design shall be consistent with the character of the neighborhood in which the use is to be located.
- (6) All applicable provisions of Article 5 of this chapter relating to site plan approval shall be complied with.
- (7) This section shall not apply to any use or building expressly or by implication permitted by right in any zone.

Section 9:

Section 13-5.5(A), "Permitted uses" in the Hotel and Specified Use Overlay Zone Applicable to Portions of the B-3 Business Zone" in Chapter 13 of the Revised Ordinances shall be amended to read as follows:

- A. Permitted uses. Uses permitted under this section are limited to the following:
 - (1) Research, Design, and Testing laboratories.
 - (2) Executive conference and training centers.
 - (3) Hotels, including accessory restaurant, banquet and recreational facilities.
 - (4) Any combination of the above.

Section 10:

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

Section 11:

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 12:

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 13:

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 14:

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: September 7, 2023

Adopted: October 5, 2023

/s/ Jason Karr

EXHIBIT A: SECTION 13-5.1(C), "SCHEDULE C: PERMITTED USES