

ORDINANCE NO 04-2023 AN ORDINANCE TO AMEND CHAPTER 207 ZONING, ARTICLE II, DEFINITIONS, ARTICLE V SUPPLEMENTARY REGULATIONS, AND ARTICLE XVII SENIOR RESIDENTIAL ZONE OF THE BOROUGH OF KINNELON, MORRIS COUNTY, NEW JERSEY TO ADOPT REVISED ZONES AND UPDATES PURSUANT TO AN AMENDED MASTER PLAN.

WHEREAS, pursuant to N.J.S.A. 40:38-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of public health, safety, and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Planning Board of the Borough of Kinnelon adopted a Master Plan Reexamination Report and Land Use Element Update on December 28, 2022, that proposed a revised Zoning Map including revisions to the Commercial Zone, Restricted Commercial Zone, and certain other zones; and

WHEREAS, the Governing Body desires to update Chapter 207, Zoning to reflect the revised Zoning Districts in the Master Plan of the Borough of Kinnelon;

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

SECTION 1. Chapter 207 Zoning, Section 207-4 is hereby amended and supplemented as follows:

§ 207-4 Definitions and word usage.

The definition for Restricted Commercial shall be deleted in its entirety.

The following definitions shall be added to this section.

SIGN - Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

SIGN, BILLBOARD [BILLBOARD SIGN] - A sign containing a commercial message, or messages, which direct(s) attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. A sign advertising both businesses on-premises and off-premises is still considered a billboard. (See Also: Sign, Off-Premises Advertising). There are two types of billboard signs: Multiple Message Billboard Signs and Static Message Billboard Signs as follows:

MULTIPLE MESSAGE BILLBOARD SIGN - A billboard sign capable of changing the message or copy on the sign electronically, such that the alphabetic, pictographic, or symbolic informational content of which can be changed or altered on a fixed display surface composed of electronically illuminated or electronically actuated or motivated elements which can be changed or altered electronically.

STATIC MESSAGE BILLBOARD SIGN - A billboard sign that includes, but is not limited to, any graphics that are painted, printed or otherwise adhered to a sign face that remain static until manually changed and do not change electronically.

SIGN DISPLAY AREA - The entire area of a sign that is within a single perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, demonstration, display, illustration, insignia, surface, or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate the sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which the sign is placed. On no sign shall the display area be less than 50 percent of the surface area of the sign.

SIGN, DOUBLE-FACED [DOUBLE-FACED SIGN] - A freestanding sign with two identical display areas which are back-to-back.

SIGN, FREESTANDING [FREESTANDING SIGN] - Any non-movable sign, not affixed to a building, which is permanently erected, constructed, supported or maintained on a base, post(s), pole(s) or other bracing or supporting device(s).

SIGN, ILLUMINATED [ILLUMINATED SIGN] - A sign lighted by or exposed to artificial lighting either exterior to the sign or lit from within (internally illuminated).

SIGN, MULTIPLE MESSAGE [MULTIPLE MESSAGE SIGN] - A sign capable of changing the message or copy on the sign electronically, such that the alphabetic, pictographic, or symbolic informational content of which can be changed or altered on a fixed display surface composed of electronically illuminated or electronically actuated or motivated elements which can be changed or altered electronically.

SIGN, OFF-PREMISES ADVERTISING [OFF-PREMISES ADVERTISING SIGN] - A sign containing a commercial message, or messages, which direct(s) attention to a business, commodity service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. A sign advertising both businesses on-premises and off-premises is still considered an off-premises advertising sign. (See Also: Sign, Billboard)

SIGN, ON-PREMISES ADVERTISING [ON-PREMISES ADVERTISING SIGN] - A sign which identifies a principal activity, product or service which is conducted, available, offered or produced on the property where the sign is located, including a sign which exclusively advertises the sale or lease of the property on which the sign is located.

SIGN, STATIC MESSAGE [STATIC MESSAGE SIGN] - A sign that includes, but is not limited to, any graphics that are painted, printed or otherwise adhered to a sign face that remain static until manually changed and do not change electronically.

SIGN, V-TYPE [V-TYPE SIGN] - A freestanding sign with a structure or structures with two sign faces, forming the shape of the letter "V" when viewed from above, with an angle between two faces of not more than 60 degrees.

SIGN AREA MEASUREMENT - The area of any sign face shall be computed as the product of the largest horizontal width and the largest vertical height of the lettering, illustration, display or background. Where there is no geometric frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the sign. This shall not be construed to include the supporting members of any sign which are used solely for such purpose.

SECTION 2. Chapter 207 Zoning, Section 207-5 is hereby amended and supplemented as follows:

§ 207-5 Designation of Zones.

For the purpose of limiting and restricting to specified zones and regulating therein buildings and structures according to their construction and the nature and extent of their use and the nature and extent of the use of land and to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied and the size of yards, courts and other open spaces, the density of population and the location and use and extent of use of buildings and structures and land for residence or other purposes, the Borough of Kinnelon is hereby divided into zones, of which there shall be seven in number, as follows:

R	Residential Zone
C	Commercial Zone
RC	Restricted Commercial Zone
RR	Restricted Recreation Zone
AH	Affordable Housing Zone
AH-2	Affordable Housing-2 Overlay Zone
SR	Senior Residential Zone

- A. The location and boundaries of said zones are hereby established as shown on the Land Use Map of the Borough of Kinnelon, dated March 2023, which is attached hereto and hereby made a portion of this chapter. Said map or maps and all notations, references and designations shown thereon shall be, as such, a part of this chapter as if the same were all fully described and set forth herein.
- B. Anything to the contrary notwithstanding, Lot 101, Block 10201, on the Official Tax Map of the Borough of Kinnelon is hereby zoned AH as set forth in Article XI hereof.
- C. Soil maps. The United States Department of Agriculture Soil Conservation Service Survey Maps for Morris County, Map Nos. 3, 6, 7, 10 and 11, are hereby adopted as supplements to the Zoning Map of the Borough of Kinnelon for purposes of indicating critical areas. Said maps are hereby adopted by reference and made a part of this chapter fully as if entirely set forth herein. Copies of said maps are on file in the office of the Clerk of the Borough of Kinnelon and are available for inspection.
- D. Anything to the contrary notwithstanding, Lots 168.01, 181, 195, 201, 204, 204:01 and 205. Block 11 on the Official Tax Map of the Borough of Kinnelon is hereby zoned SR as set forth in Article XVII hereof. [Added 9-19-2002 by Ord. No. 15-2002; amended 10-17-2002 by Ord. No. 17-2002].
- E. Anything to the contrary notwithstanding, the following properties shall hereafter be designated as being in the C Commercial Zone:

Block	Lot
10101	101
10101	102
10101	103
10102	102
10103	101
10104	104
11208	101
12302	102
45202	101
45202.01	101
45202.01	102

Block	Lot
45202.01	103
45202.01	104
45202	102
45301	101
45301	102
57501	122
57501	123
57501	124
57501	125
57501	126
57601	103

Block	Lot
57601	104
57601	105
57601	106

F. Anything to the contrary notwithstanding, the following properties shall hereafter be designated as being in the RC Restricted Commercial Zone:

Block	Lot
10201	102
10201	103
10201	104
10202	101
10902	101
10902	102
10902.01	1
10902.01	2
10902.01	3
10902.01	4
10902.01	5
10902.01	6
10902.01	7
10902.01	8
10902.01	9
10902.01	10
10902.01	11

Block	Lot
10902.01	12
10902.01	13
10902.01	14
10902.02	15
10902.02	16
10902.02	17
10902.02	18
10902.02	19
10902.02	20
10902.02	21
10902.03	23
10902.03	24
10902.03	25
10902.03	26
10902.03	27
10902.03	28
10902.03	29

Block	Lot
10902.03	30
10902.03	31
10902.03	32
10902.03	33
10902.03	34
10902.03	35
10902.03	36
10902.03	37
10902.03	38
10902.03	39
44901	125
45201	101
45201	102
45205	138
45205	139
45205.02	101
45205.02	102

Block	Lot
45205.02	201
45205.02	202
45205.02	301
45205.02	302
45601	139
45601	145
45601	146
57601	101
57601	102

D. Anything to the contrary notwithstanding, Block 22801, Lot 104 shall hereafter be designated as being in the RR Restricted Recreation Zone.

E. Anything to the contrary notwithstanding, any parcels not identified in Subsections B through G above are designated as being in the R Residential Zone.

SECTION 3. Chapter 207 Zoning, Section 207-7 is hereby amended and supplemented as follows:

The following shall be added to § 207-7 the existing wording.

The most restrictive zone is the Residential Zone. The other zones are less restrictive in the following sequence: Restricted Recreation, Restricted Commercial, and Commercial.

§ 207-16 Limited Industrial Zone shall be deleted in its entirety.

The following shall be added to § 207-17 Commercial Zone.

Purpose statement. The purpose of the Commercial Zone is to provide standards for the orderly development of commercial land uses on properties located along State Highway Route 23. The intent of this Commercial Zone is to permit a variety of commercial land uses which are appropriate for areas located along a state highway which are “highway commercial” in nature, meaning, they may be of a larger scale and intensity that provides for regional commercial needs while also serving the needs of the immediate community.

- M. Billboards are permitted in the C- Commercial Zone and are subject to the following regulations:
- a. The terms used in this section are defined in Section 207-4.
 - b. Compliance with State laws for billboard signs.
 - i. All billboard signs must be in compliance with the Roadway Signs Outdoor Advertising Act (N.J.S.A. 27:1A-5, 27:1A-6, 27:5-5 et seq.).
 - ii. No billboard sign shall be permitted unless specifically authorized by permit from the applicable agency of the State of New Jersey having jurisdiction over outdoor advertising signs, where said billboard signs shall be maintained within the State of New Jersey or any department thereof right-of-way, or any portion of limited access or unlimited access highways within the State of New Jersey. This prohibition shall not apply to signs, public notices, or markers erected or maintained by the Department of Transportation, the County of Morris or the Borough of Kinnelon.
 - c. Billboard sign location restrictions.
 - i. Billboard signs shall only be permitted in the C - Commercial Zone on properties with frontage along New Jersey State Highway Route 23 (hereinafter “NJSJH Route 23”) and commercially zoned and shall be constructed to confine their lines of sight to motorists traveling along NSJH Route 23, which area is identified within the map annexed hereto as Attachment “1” and shall be prohibited elsewhere within Kinnelon Borough.
 - d. Billboard signs are considered principal uses and may be a second principal use on properties within the C -Commercial zone.
 - e. Any billboard sign to be erected under these regulations shall employ sideline blocking technology including but not limited to louver systems to limit visibility from residential zones and residences.
 - f. Double-faced-type and v-type billboard signs shall be permitted only under the terms and conditions of this ordinance.
 - g. Billboard signs shall only be permitted as freestanding signs.
 - h. No billboard signs shall be permitted that are painted on or attached to a building, railroad bridges, overhead bridges, or any other structure over any highway or overhanging the highway, and within the right-of-way of any highway.
 - i. No billboard signs shall be affixed to motor vehicles, buildings, bridges, overpasses, or overhead structures. They shall be permanently affixed to a base, post(s), pole(s) or other bracing or supporting device(s), comparable to a freestanding sign.

- j. No billboard sign shall be painted, drawn, erected, or maintained upon trees, or other natural features, or public utility poles.
- k. No billboard sign shall be located within 500 feet of an interchange, intersection at grade, or safety rest area. This restriction prohibits any sign on either side of the highway that would be visible to a main-traveled way where it would be within 500 feet of the beginning or ending of pavement widening, within 500 feet of the point of gore, or any point between those features where the pavement is widened. This distance shall be measured along the pavement edge of the highway nearest those points. If an interchange lacks a point of pavement widening, a sign shall not be located in that direction within 1,000 feet of the point of gore.
- l. There shall be a minimum setback for the billboard sign from the lot line nearest to NJSH Route 23, which shall be not less than ten (10') feet as measured from the right-of-way line. The minimum side yard setback shall be a minimum of 20 feet per side yard.
- m. No billboard signs shall interfere with the ability of an operator of a motor vehicle to have a clear and unobstructed view of streets or highways ahead, approaching, merging or intersecting traffic, or official signs, signals or traffic control devices.
- n. No billboard sign shall interfere with or contain advertisements that resemble any official traffic sign, signal or device.
- o. No billboard sign shall be of a type, size, or character or placed at a location that will endanger or potentially injure public safety or health, or pose a physical threat to property in the vicinity.
- p. No advertisements shall be permitted on any billboard sign that are deemed to be in violation of federal, state, or local law, offensive to the moral standards of the community, false, misleading or deceptive, or in any way reflect upon the character, integrity or good standing of any organization or individual.
- q. No billboard sign shall be permitted which have any animated or moving parts or have reflectorized materials which may impair the vision of a motorist.
- r. Billboard dimensional requirements.
 - i. The billboard sign display area shall be the entire area of a sign that is within a single perimeter composed of squares or rectangles that enclose the extreme limits of the advertising message, announcement, demonstration, display, illustration, insignia, surface, or space of a similar nature, together with any frame or other material, color, or condition that forms an integral part of the display and is used to differentiate the sign from the wall or background against which it is placed, excluding the necessary supports or uprights on which the sign is placed. On no billboard sign shall the display area be less than 50 percent of the surface area of the billboard sign.
 - ii. The sign area of any billboard sign face shall be computed as the product of the largest horizontal width and the largest vertical height of the lettering, illustration, display or background. Where there is no geometric frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape which most closely outlines the sign. This shall not be construed to include the supporting members of any sign which are used solely for such purpose.
 - iii. No billboard sign may exceed the maximum height of 40 feet from the ground level to the highest point of the sign.
 - iv. The billboard sign display area shall be rectangular-shaped and not exceed 11 feet by 36 feet for each display area.

- v. The billboard sign display area shall not exceed 396 square feet for each billboard sign display area. All dimensions include border, trim, cutouts, and extensions but exclude decorative bases, decorative trim and supports.
- s. Billboard lighting requirements.
 - i. A lighting plan prepared by a qualified individual shall be provided with site plan applications.
 - ii. Lighting of billboard signs is permitted from dusk to dawn for static message billboard signs and 24 hours per day for multiple message billboard signs.
 - iii. The light intensity at ground level shall average 0.5 footcandle; however, variations are permitted depending upon the intensity of the use. The light intensity shall not exceed 0.3 footcandle along any property line and shall be so arranged and shielded to reflect the light away from adjoining streets or properties.
 - iv. The lighting plan shall indicate the proposed light intensity (including existing fixtures to remain) at ground level where 0.5 footcandle occurs. Manufacturer's lighting detail and specifications including footcandle distributions shall be provided. All lights shall be concealed-source nonglare lighting and shall be installed only to reasonably illuminate the subject billboard sign face(s) from dusk to midnight. The minimum footcandle in the areas used by the public shall be 0.5; the maximum footcandle 1.0.
 - v. No perimeter, strobing, or other attracting type of lighting may be operated in conjunction with a billboard sign.
 - vi. Technology to limit glare and light pollution shall be employed for all multiple message billboards including, but not limited to, automatic dimming technology and honeycomb technology.
 - vii. No billboard sign shall be of such intensity or brilliance to cause glare, or be otherwise operated in a manner that impairs the safe operation of a motor vehicle. Illumination of billboard signs shall be shielded, so as to prevent light from being directed at any portion of the main-traveled way of any highways. All such lighting shall also be subject to any other provision relating to lighting of signs applicable to highways under the jurisdiction of the State of New Jersey.
- t. Billboard landscaping.
 - i. Billboard signs shall be suitably landscaped to improve the environment of the site and surrounding area.
 - ii. Plant types which shall be installed shall be a mixture of hardy evergreen and other deciduous canopy and understory trees and shrubs, which shall be indigenous to the area. A conscious effort shall be made to preserve and incorporate the existing vegetation on site, wherever possible. The support for the billboard sign shall be screened with evergreen and deciduous shrubs and trees.
 - iii. All plant material installed as part of a billboard sign planting screening shall be guaranteed for a period of two years.
 - iv. To the extent possible any landscaping should be used to buffer the billboard sign from areas away from NJSH Route 23.
- u. Multiple-message billboard sign standards.
 - i. The minimum spacing between multiple message billboard signs on the same side of NJSH Route 23 shall be 3,000 feet being measured along the nearest edge of the pavement between points directly opposite the side of the sign faced nearest to the center line of the right-of-way of NJSH Route 23 where the sign shall be erected,

- and shall apply only to sign faces on the same side of NJSH Route 23 in the C-Commercial Zone and visible in the same travel direction.
- ii. Notwithstanding the above, the minimum distance between static message billboard signs and multiple message billboard signs on the same side of NJSH Route 23 shall be 1,000 feet.
 - iii. Multiple message billboard signs shall not be placed within 800 feet, as measured along the edge of the pavement, of an official permanent variable electronic traffic sign, which is capable of displaying any message allowed by the Manual on Uniform Traffic Control Devices (MUTCD).
 - iv. Each face of a multiple message billboard sign shall be permitted a three (3) foot decorative apron at the bottom of the sign face to include the name of the billboard operator, and such decorative apron shall not be considered when calculating sign face area.
 - v. No more than one (1) billboard sign shall be permitted on any lot. For the purposes of this section, only single-sided, double faced or V-type billboard signs with a single display per face shall be permitted.
 - vi. The Borough of Kinnelon shall have access to the multiple message billboard sign(s) for emergency messaging and/or community information displays at one message per cycle.
 - vii. Multiple message billboard signs shall contain a default design that will freeze the sign in one position if a malfunction occurs.
 - viii. The dwell time for each message on a multiple message billboard sign shall not be less than eight seconds per N.J.A.C. 16:41C-11.1(a)3.
 - ix. The change from one display to the next shall be completely accomplished within one second or less and the entire display shall change at the same time.
 - x. No multiple message billboard sign shall be operated so that the meaning of one display is continued on the next display.
 - xi. No regulations in this section or portions thereof are intended to be less restrictive than state or federal regulations.
- v. Static-message billboard sign standards.
- i. The minimum distance (spacing) between static message billboard signs on the same side of NJSH Route 23 shall be 1,000 feet being measured along the nearest edge of the pavement between points directly opposite the side of the sign faced nearest to the center line of the right-of-way of Route 23 where the sign shall be erected, and shall apply only to sign faces on the same side of NJSH Route 23 in the C- Commercial Zone and visible in the same travel direction.
 - ii. Notwithstanding the above, the minimum distance between static message billboard signs and multiple message billboard signs on the same side of NJSH Route 23 shall be 1,000 feet.
 - iii. Each face of a static message billboard sign shall be permitted a three (3) foot decorative apron at the bottom of the sign face to include the name of the billboard operator, and such decorative apron shall not be considered when calculating sign face area.
 - iv. No more than one (1) billboard sign shall be permitted on any lot. For the purposes of this section, double-faced billboards visible from opposite directions but built on a common frame shall be considered one billboard sign.

- v. Only single-sided and back-to-back or V-type billboard signs with a single display per face shall be permitted.
- vi. A static message billboard sign may be multi-colored and illumination shall be installed only to reasonably illuminate the subject billboard sign from dusk to midnight. No perimeter, strobing or other attracting type of lighting may be operated in conjunction with a billboard sign.
- vii. No static message billboard sign shall be permitted which, because of its size, shape and/or location, may obscure or obstruct the view of vehicular traffic.
- viii. No regulations in this section or portions thereof are intended to be less restrictive than state or federal regulations.
- w. Approval and review procedures for billboard signs.
 - i. Billboard sign applications shall follow the preliminary site plan application process pursuant to Article XII § 176-28 of the Borough of Kinnelon Code.

The following shall be added to § 207-18 Restricted Commercial Zone.

Purpose statement. The purpose of the Restricted Commercial Zone is to provide standards for the orderly development of small-scale commercial land uses within the Borough where neighborhood commercial-oriented retail and service uses may be located, primarily serving residents of the Borough.

The following shall replace subsection B of § 207-19 Signs.

- B. Commercial and Restricted Commercial Zones. No signs or advertising devices shall be permitted outside or attached to the exterior of any building in these zones, except signs referring to the premises upon which they are displayed or to the services rendered thereon, provided that no sign shall project beyond a property line and that the aggregate area of such signs shall not exceed 50 square feet.
 - a. A billboard, signboard or advertising sign shall be permitted as a permitted principal use an accessory use, provided that it meets the standards provided in § 207-17M.

The following shall be added to § 207-27 Schedule IV Commercial Zone.

Type of Control

Principal permitted uses

Requirements

Retail bakeries, barbershops and beauty parlors, funeral homes, hand laundries, launderettes, offices, banks, restaurants, salesrooms or showrooms, retail dyeing and cleaning establishments, retail stores and theaters and motion-picture houses, billboards pursuant to § 207-17M.

SECTION 4. § 207-29 Schedule III: Industrial Zone shall be deleted in its entirety.

SECTION 5. Chapter 207 Zoning, Section 207-29 is hereby amended and supplemented as follows:

SECTION 6. All ordinances of the Borough of Kinnelon, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

SECTION 8. This Ordinance may be renumbered for codification purposes.

Introduced:

Adopted:

Effective Date:

ATTEST:

BOROUGH OF KINNELON
COUNTY OF MORRIS
STATE OF NEW JERSEY



Karen M. Iuele, RMC, Borough Clerk

By: _____



James J. Freda, Mayor