

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV LAND USE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE TO IMPLEMENT RECOMMENDATIONS OF THE MASTER PLAN REEXAMINATION

BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, as follows:

Section 1. Chapter XXV Land Use Regulations is hereby amended by making the following changes to the Township's Zoning Map:

1. Block 152.02, Lot 186: rezone from O-R to R-1.
2. Block 169, Lots 19 and 19.01 and abutting right-of-way of Cedar Avenue: rezone from R-3 to R-1.
3. Block 106, Lot 20.02: rezone from OB-2 to R-1.
4. Block 89, Lots 1.01, 3, 4, 5, 6, 10, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 41.01: rezone from OB-1 to B-1.
5. Block 171.03, Lot 17: rezone from R-4 to B-2.
6. Block 155, Lot 40.04: rezone from P-C to B-2.

Section 2. Chapter XXV Land Use Regulations, Section 25-4b is hereby amended and supplemented by adding the following definitions:

25-4 DEFINITIONS.

b. *Specific Definitions.*

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

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

Mixed-use development shall mean a building or buildings that includes one or more dwelling units above one or more nonresidential uses on the ground floor.

Winery shall mean a salesroom operated by the holder of a plenary winery license as defined and regulated within N.J.S.A. 33:1-10.

Section 3. Chapter XXV Land Use Regulations is hereby amended and supplemented by amending the following sections:

25-7 GENERAL REGULATIONS AND PROVISIONS.

Township of West Orange Zoning Ordinance, Section 25-7.1

TABLE OF DISTRICT REGULATIONS – PART A: PERMITTED USES

ZONE	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES	PERMITTED CONDITIONAL USES
R-1	One family, detached dwelling Water reservoir, well tower, filter bed Federal, state, county or township building Golf course and golf club house Farm, nursery, greenhouse and similar uses Hospital	Required accessory parking Private garage Horticultural or agricultural building Customary accessory building or structure Private swimming pool Private recreation facility Home occupation Home professional office Signs Fences and dividing walls Farm produce stand for produce grown on premises Private storage shed Greenhouses	Commercial recreation Public school Private school Library Museum Park or playground Public utility building or structure Telephone exchange Private club, other than a golf club House of worship
R-2	SAME AS R-1 AND in addition Senior citizens housing project (Sen. C.H.) as defined in Sec. 25-4	SAME AS R-1	SAME AS R-1
R-3	SAME AS R-1	SAME AS R-1	SAME AS R-1 AND in addition Townhouse residential cluster development but EXCLUDING Commercial recreation
R-3AH	SAME AS R-3	SAME AS R-3	SAME AS R-3
R-4	SAME AS R-1	SAME AS R-1	SAME AS R-1 AND in addition Banquet and Conference centers but EXCLUDING Farm produce stands Commercial recreation
R-5	SAME AS R-1	SAME AS R-1	SAME AS R-4 AND in addition Hotels and Restaurants on ten (10) or more acres Townhouse/low-rise residential cluster development Additional off-street parking
R-6	SAME AS R-1	SAME AS R-1	SAME AS R-4 AND in addition Additional off-street parking
R-T	SAME AS R-1 AND in addition Two family dwelling	SAME AS R-1	SAME AS R-4 AND in addition Nursing home Long-term care residential health care facility

			Additional off-street parking
R-G	SAME AS R-1 AND in addition Garden apartment on site of 5 acres or more only Professional office building Offices for insurance Banks	SAME AS R-1	SAME AS R-4 AND in addition Senior citizens housing project Assisted living Congregate care facility Nursing home Long-term care residential health care facility Additional off-street parking
R-M	SAME AS R-T AND in addition Multi-family development	SAME AS R-1	SAME AS R-G EXCLUDING Public school Private school Public utility building or structure Telephone exchange Library Museum Park or playground
OB-1	SAME AS R-1 AND in addition Office building	Required accessory parking Signs	SAME AS R-1 EXCLUDING Produce stand AND in addition Nursing home Long-term care residential health care facility Congregate care facility Assisted living Commercial antenna Check cashing facility
OB-2	SAME AS OB-1	SAME AS OB-1	SAME AS OB-1 EXCLUDING Check cashing facility AND in addition Senior citizens housing project
B-1	SAME AS R-T AND in addition Retail store Personal service store or studio Office or office building Business or vocational school Restaurant Bar Massage, bodywork or somatic therapy establishment Fitness center/health club	Required accessory parking Private garage Home occupation Home professional office Signs Vending machines	Motor vehicle fueling station Theater Public utility building or structure Telephone exchange Senior citizens housing project Hotel Private club, other than a golf club Video or amusement arcade Fast food restaurant Commercial antenna Microbreweries, craft distilleries and wineries
B-2	Retail store Personal service store or studio Office or office building Business or vocational school Restaurant Bar Massage, bodywork or somatic therapy establishment Fitness center/health club	SAME AS OB-1 AND in addition Vending machines	SAME AS B-1

P-C	Retail store Personal service store or studio Restaurant Bar Motor vehicle fueling station Post office Civic center, limited to assembly hall and non-commercial indoor recreation facilities Theater on lots of 8-acre minimum Urgent care Physical therapy Fitness center/health club Home design showroom Indoor commercial recreation	Required accessory parking Required accessory truck loading spaces Private garage Signs	Video or amusement arcade Commercial antenna Microbreweries, craft distilleries and wineries
O-R	Office building Post office Civic center, limited to assembly hall and non-commercial indoor recreation facilities Research laboratory	SAME AS P-C AND in addition Restaurant Bar	Commercial antenna
I	Light industry, including dry cleaning plants, machine shops, publishing or printing plants, research laboratories and steam laundries Office building Warehouse Self-storage facility Storage yard Wholesale business Motor vehicle fueling station Motor vehicle service station Car wash, Public utility building	SAME AS OB-1	Billiard parlor Bowling alley Commercial recreation Commercial antenna Motor vehicle sales establishment Microbreweries, craft distilleries and wineries
R-C	Townhouses One family, detached dwelling	SAME AS R-1	SAME AS R-1 AND in addition Congregate care facility Assisted living
PURD	Townhouses Garden apartments Multi-family development	SAME AS R-1	SAME AS R-1 AND in addition Congregate care facility Assisted living
GA	Open space Recreation		
E-C, E-LR, E-MU, E-MR, HSD, MSS, HD: see the Downtown Redevelopment Plan for use regulations			
O-RA: see the Organon Redevelopment Plan for use regulations			
MUBR: see the Valley Road Area (Harvard Press) Redevelopment Plan for use regulations			

25-8.12 Principal Uses.

There shall be no more than one (1) principal use upon any single lot, except:

- a. In B-1 and B-2 Districts, mixed-use developments shall be permitted as a conditional use in accordance with the requirements of Section 25-24.2b2(m).
- b. All proposed mixed-uses must comply with all health and building code regulations, including Certificate of Continued Occupancy requirements. Off-street parking shall be provided as required for each individual use, except that shared parking shall be permitted for a mixed-use development containing a residential use, per Section 25-12.2a3.
- c. All commercial/retail uses currently on the street level cannot be converted to residential use.
- d. Mixed uses and multiple principal uses on one lot shall be permitted in the B-1, B-2, P-C, O-R and I Districts.

25-8.2 Yard Encroachments.

In all districts, the space in a required front, side, side front yard or rear yard shall be open and unobstructed except for:

- a. An unroofed terrace projecting not more than eight (8) feet into the required rear yard.
- b. Steps projecting not more than six (6) feet leading to a basement or first floor.
- c. Doorways, windows, sills, lintels, wall ornaments or leaders projecting not more than two (2) feet. A variance shall be required for any feature that projects more than two (2) feet into a required yard.
- d. Fire escapes required by law, and chimneys, not over four (4) feet wide, provided that the Building Inspector shall determine that such projections are so placed as not to obstruct light or ventilation.
- e. An existing private garage for a one-family or two-family dwelling may be rebuilt within its same footprint.
- f. A handicap accessibility ramp for a one-family or two-family dwelling, in accordance with Section 25-9.12.

25-12.1 General Provisions for Off-Street Parking.

In all districts off-street parking spaces for the storage or parking of passenger vehicles of occupants, employees and patrons of main buildings and structures hereafter occupied or used shall be provided in accessory private garages or in accessory parking areas in amounts not less than specified in this section, provided that nothing in this section shall prevent the repairing, reconstruction or rebuilding and continued use, pursuant to Section 25-24, of any nonconforming building or structure lawfully existing. All parking areas in all uses other than one (1), two (2) and three (3) family houses shall meet all of the following requirements:

- a. All off-street parking areas shall be surfaced with an asphalt, bituminous, or cement binder pavement which shall be graded and drained to dispose of all surface water as provided by the Township Engineer. There shall be a five (5) foot wide sidewalk at least five (5) inches above the parking area level between any building and a parking area or drive used by the public.
- b. The entire perimeter of all parking areas and the edges of all entrance and exit drives shall be enclosed with a concrete or granite block curb at least six (6) inches above the paving surface. Curbing shall not be less than five (5) feet from any fence or screening nor less than five (5) feet from any structure. Where required, concrete wheel stops shall be provided.
- c. All parking spaces within a parking area shall be clearly marked showing the parking arrangement and traffic direction within the parking area, and such marking shall be continuously maintained.

- d. Any lighting in connection with off-street parking shall conform with Section 25-14 of this chapter.
- e. Any parking area shall be screened on any side which adjoins or faces premises situated in any residence district by a fence, wall, berm, evergreen or hedge maintained in good condition as required. The fences as required by this subsection may be waived by the Planning Board or the Zoning Board if in the Board's judgment, because of the topography or other extraordinary or exceptional conditions, the fence is not necessary to protect the adjoining property.
- f. All parking areas shall be so designed that vehicles are not compelled to back directly onto a public right-of-way.
- g. Such parking area shall be used solely for the parking of passenger automobiles and no repair work or service of any kind shall be conducted in the parking lot. No permitted sign shall be larger than two (2) square feet in area.
- h. All parking areas shall be designed with service aisles to meet the following standards:
 - 1. Parallel parking, twelve (12) foot aisle width.
 - 2. Thirty (30°) degree angle parking, eleven (11) foot aisle width. One way.
 - 3. Forty-five (45°) degree angle parking, thirteen (13) foot aisle width. One way.
 - 4. Sixty (60°) degree angle parking, eighteen (18) foot aisle width. One way.
 - 5. Ninety (90°) degree angle parking, twenty-four (24) foot aisle width. Two way.
 - 6. All driveways for two way traffic shall be a minimum of twenty-four (24) feet wide and in no case shall a driveway be less than fourteen (14) feet wide.
- i. Each entrance or exit from such parking area shall be at least fifty (50) feet from any residential district.
- j. Every off-street parking area shall be subject to site plan approval by the Planning Board or Board of Adjustment to ensure its adequacy, relation to traffic safety and protection of the adjacent properties.
- k. Off-street parking facilities as required by this chapter shall be provided on the same lot as the principal building or use that they serve, except that off-site parking facilities for non-residential uses in the B-1, B-2, OB-1 and OB-2 Districts may be provided on properties within 250 feet of the lot on which the principal building is located.
- l. Off-street parking facilities may be placed in any required yard in the I, I-B, P-C and O-R Districts, provided the parking area, placed in the front yard, is at no point closer to the public right-of-way than one-half (1/2) the setback requirement or fifty (50) feet whichever is less. No parking in the side yard shall be closer than one-half (1/2) the side yard requirements to the side property line or ten (10) feet whichever is greater. In the O-B and B Districts, off-street parking may be placed in the side or rear yard only.
- m. The parking requirement for a building or development with a mix of non-residential uses shall be the total of the requirements of the component uses, computed separately in accordance with the provisions of this subsection. Shared parking shall be permitted for a mixed-use development containing a residential use, per Section 25-12.2a3.
- n. The amount of parking area to be improved as required by subsection 25-12.2 may be reduced by the Planning Board or Board of Adjustment if it can be clearly demonstrated by the applicant that the full amount of parking area is not necessary, however, the area to remain unimproved shall at all times be available for parking in the event that future conditions should so require, shall be fully graded and suitably landscaped in keeping with the remainder of the site. The approved site plan shall show the location of all required parking

stalls and shall designate those spaces which meet the definition of compact size as described in paragraph p. below. The Board, in its discretion, may allow up to twenty-five (25%) percent of the total number of required spaces to be designated as compact size if the applicant presents adequate proof that such spaces will not adversely affect the health, safety or welfare of the Township and/or the users of the subject property.

- o. Landscaped plans shall be submitted for detailed planting within the parking area. In parking areas with 30 or more parking spaces, there shall be a minimum of one (1) tree plus ground level planting for each ten (10) parking stalls, which may be provided within and/or on the perimeter of the parking area. The maximum length of a single row of parking spaces shall be 20 spaces, at which point a landscaped area with a minimum width of eight feet shall be provided.
- p. Standard size parking spaces shall have minimum dimensions of nine (9) feet by eighteen (18) feet measured perpendicular to the axis of the length with adequate provision for ingress and egress to all parking spaces. Compact size spaces shall not be less than eight (8) feet by fifteen (15) feet, if approved by the Planning Board or Board of Adjustment.

25-12.2 Minimum Required Number of Parking Spaces.

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- b. Non-residential uses.
 - 1. The number of off-street parking spaces required for any non-residential use shall be determined by reference to Parking Schedule II below, except for uses in the B-1 and B-2 zones in the Central Business District which are regulated by Section 25-12.2b5.

Parking Schedule II Parking Requirements for Non-Residential Uses	
Use	Required Parking Spaces
Assisted living or congregate care facility	1 per bed
Car wash	3 per washing lane
Child care facility, day care center or nursery school	1 for each 350 square feet of gross square feet plus 1 for each employee and cooperative adult assistant on the premises at the same time during peak periods. Such uses shall also provide for additional off-street areas for loading and unloading of school buses.
Bank	1 for each 300 square feet of gross floor area
Billiard parlor	2 per billiard table
Bowling alley	2.5 per lane
Commercial recreation, fitness center/health club	1 per 150 square feet of gross floor area, plus 5 per each outdoor court or field
Motor vehicle fueling station or motor vehicle service station	5, plus 2 for each service bay and 1 for each 200 square feet of gross floor area of retail space. Vehicles that are on the premises to be repaired shall be parked in standard or compact parking spaces that are appropriately striped.

Hospital, nursing home or long -term care residential health care facility	1 per bed, plus 1 per every 2 nonresident employees and 1 per every resident employee
Hotel	1 per room, plus 1 space for each 1,000 square feet of gross floor area of ballrooms, conference rooms or similar space
Light industrial, laboratory and research uses	1 for each 400 square feet of gross floor area
Medical, dental, psychiatric and chiropractic offices	1 for each 150 square feet of gross floor area
Office, other than medical, dental, psychiatric and chiropractic offices	1 per 250 square feet of gross floor area
Places of worship, community buildings, social halls and places of indoor public assembly	1 for each 3 seats of fixed capacity or 1 for each 45 square feet of floor area available to patrons. Benches and pews shall be considered as 1 seat for each 2 linear feet of seating space.
Private clubs, community center buildings and swim clubs	1 for each 45 square feet of gross floor area. For outdoor swim clubs, 1 for each 45 square feet of gross floor area, plus 1 for each 2 registered members.
Public, private, business or vocational school	1 for each employee on the premises at the same time during peak hours, plus 1 for each 5 pupils in the eleventh and twelfth grade, plus 1 parking space for each 2 pupils over 18 years of age who are not in the eleventh and twelfth grades. Additional parking spaces shall be provided for any other activity and use on the premises, such as an assembly hall in accordance with the provisions of this ordinance.
Restaurant, fast food restaurant, bar, cabaret and catering facilities	1 for each 3 seats or stools or 1 for each 45 square feet of floor area available to patrons, whichever requirement is greater. Benches shall be considered as 1 seat for each 2 linear feet of seating space.
Retail stores and personal service stores or studios not separately listed	1 per 250 square feet of gross floor area. Food service uses such as delis, bakeries and coffee shops with on-site seating shall add one additional space for every 3 seats.
Self-storage facility	1 per 10,000 square feet of gross floor area, plus 1 space per 250 square feet of gross floor area of office and retail accessory uses
Storage yard, machine shop, research laboratory, steam laundry, dry cleaning plant, publishing or printing plant or public utility building	1 per 300 square feet of gross floor area
Theater	1 for each 3 seats
Warehouse, wholesale business	1 per 600 square feet of gross floor area

2. **Unscheduled uses.** Off-street parking requirements for uses not listed in Parking Schedule II shall be established by the approving authority, based upon accepted industry standards.
3. **Fractional spaces.** Whenever the application of Parking Schedule II results in a fractional parking space in excess of one-half, a full space shall be required.
4. **Joint parking facilities.** Persons developing property in the B-1 and B-2 Districts may meet the required parking provisions of this subsection by participation in a joint parking program of two (2) or more business uses, provided plans for such a joint program have been approved by the Planning Board and further provided that the area of the parking facilities equals the total parking area requirements of each use participating therein. Furthermore, a joint parking agreement establishing the rights and obligations of all parties to the agreement shall be signed and submitted to the Board. The agreement shall be conditioned on approval by the Board and the filing of same with the County as a recorded easement.
5. The following standards shall only apply to permitted nonresidential uses in the portions of the B-1 and B-2 zones in the Central Business District:
 - (a) Restaurant or bar: one space for each four seats or stools
 - (b) All other permitted nonresidential uses: no off-street parking spaces are required for the first 1,000 square feet of gross floor area of an individual use. One space shall be provided per 300 square feet of gross floor area above the first 1,000 square feet.

25-14 LIGHTING.

25-14.1 General Standards.

- a. *Purpose.* Site lighting shall be designed to:
 1. Provide adequate illumination in appropriate locations for site users and the general public for purposes of traffic and pedestrian safety, security, property and building identification, and aesthetic improvement;
 2. Prevent excessive illumination and glare; and
 3. Provide proper orientation and shielding of fixtures to prevent undue illumination of adjacent properties.
- b. *Shielding of fixtures.* All lighting fixtures shall be directed downward and shall be equipped with the necessary shielding so as to prevent the direct source of light from being visible from any point beyond the property lines of the premises upon which the lighting structure is located.
- c. *Height of fixtures.* Light poles shall not exceed a height of 18 feet above normal grade in the vicinity of the light fixture. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, excavating or curbing or retaining wall which alters the grade at the base of the light fixture from the grade in the general vicinity of the fixture.
- d. *Maximum illumination level at property line.* The level of illumination at ground level shall not exceed 0.5 of a foot-candle at the property line, nor 0.3 of a foot-candle at any property line abutting a property used by or zoned for residential use.
- e. *Duration of illumination.* Duration of operation of all lighting and maximum lumen power permitted shall be as determined satisfactory by the Planning Board or Zoning Board of Adjustment with due regard to whether any limitations imposed will deprive the applicant of a reasonable use of his property and whether the application will be detrimental to the public

health and general welfare or to the property and personal rights of the abutting owners. Provision shall be made for the reduction in the intensity of illumination to the minimum needed for security purposes when the facility is not in operation.

- f. *Underground installation.* All wiring for light fixtures shall be laid underground, and not strung between poles or buildings.

25-14.2 Scope and Details of Site Lighting.

All areas of the site as depicted on the site plan shall be identified as to the minimum level of illumination in compliance with subsection 25-14.3. The fixture spacing, type mounting height, wattage, photometric pattern shall be shown and calculated for each type of fixture used. A plot of the minimum design illumination shall show the location of each fixture by a symbol and the limits of the isolux/isocandela trace. The lighting for off-street parking shall be designed to direct light downward towards the parking areas.

25-14.3 Minimum Levels of Illumination.

<i>Minimum Levels of Illumination</i>	<i>Pedestrian Walkways</i>	<i>Parking Areas</i>	<i>Streets</i>
RG	4/0.4	5/0.5	4/0.4
RM	4/0.4	5/0.5	4/0.4
Cluster	4/0.4	5/0.5	4/0.4
PURD	4/0.4	5/0.5	4/0.4
OB-1	6/0.6	16/1.5	6/0.6
OB-2	6/0.6	16/1.5	6/0.6
B-1	10/0.9	20/2.0	13/1.2
B-2	10/0.9	20/2.0	13/1.2
PC	10/0.9	16/1.5	13/1.2
OR	4/0.4	11/1.0	6/.06
I	4/0.4	11/1.0	6/.06
Parking Garage*	75/7.5	54	
Circulation Aisles	110/10		
*Day Conditions are listed; Night Conditions		54/5	

Lux/Foot-Candles

The levels shown are measured in lux/foot-candles. The minimum standards are based on the level of light that will be available for new lamps and clean luminaries. When by test or other means it has been determined that less than eighty (80%) percent of the light specified in the minimum standards is attained or a significant number of burnouts are evident the owner shall be notified and he will have thirty (30) days in which to correct the lighting level to the minimum standards.

25-24.2 Conditional Uses.

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- b. *Specific Requirements.* Subject to the stipulations, guiding principles and conditions contained in this section, the Planning Board shall have the power to grant conditional uses authorized by the Table of District Regulations, in specified districts, as follows:

...

2. Business and Industrial Districts.

...

- (h) Video Arcade or Amusement Arcade. A video arcade or amusement arcade shall be a conditional use in an I, P-C, B-1 and B-2 Zoning District subject to the following conditions:
- (1) There shall be no more than one (1) video arcade or amusement arcade in any structure.
 - (2) Appropriate lighting, both indoor and outdoor, to ensure the safety of patrons must be provided.
 - (3) The video arcade or amusement arcade shall comply with all West Orange ordinances with respect to signage. In addition, there will be no signs illuminated in any manner so as to make them appear to be flashing.
 - (4) The operation of the video arcade or amusement arcade shall not cause a disturbance to the public including but not limited to noise, nuisance or loitering.
 - (5) A video arcade or amusement arcade shall be monitored during all hours of operation by an individual whose duties shall include assuring the safety of arcade patrons.
 - (6) A video arcade or amusement arcade shall contain a minimum of fifty (50) square feet of floor area per each mechanical amusement device or similar player operated device.
- (i) Fast Food Restaurant. A fast food restaurant shall be permitted in a B-1 or B-2 District as a conditional use if the following requirements are satisfied:
- (1) A site plan, prepared by a New Jersey licensed architect or engineer, shall be submitted to the Planning or Zoning Board, as required by this chapter and State law, and the plan shall show all standards, established herein for fast food restaurant operation as a conditional use, have been satisfied.
 - (2) No part of any building or structure used as a fast food restaurant nor any driveway entrance or exit to or from the same shall be located within five hundred (500) feet of any line of any lot upon which is located another fast food restaurant.
 - (3) No part of any building or structure used as a fast food restaurant shall be located within one thousand (1,000) feet of any residential district boundary line.
 - (4) The minimum size for any lot upon which any fast food restaurant is located shall be thirty thousand (30,000) square feet, and the minimum street frontage of such lot shall be two hundred (200) feet. If a fast food restaurant is located on a corner lot, the minimum street frontage on each street shall be two hundred (200) feet.
 - (5) Combined entrance and exit driveways to and from any lot upon which is located a fast food restaurant shall have an unrestricted width of not less than twenty-four (24) feet nor more than thirty (30) feet, shall be located not

nearer than twenty (20) feet to any lot line and shall be so designed to avoid the need for any existing vehicle to back across or into any portion of a public sidewalk or street. One-way entrance or exit driveways shall have a minimum width of eighteen (18) feet.

- (6) The minimum distance between driveways on a lot upon which is located a fast food restaurant shall be one hundred (100) feet, measured from the two (2) closest driveway curbs.
- (7) The minimum distance of any driveway into the street, of a lot upon which a fast food restaurant is located, from a street intersection shall be one hundred (100) feet, measured from the nearest end of the curb radius of the intersection to the nearest end of the curb radius of the driveway.
- (8) All fast food restaurants shall provide suitable areas for storage of trash, designed and constructed to allow no view of the trash storage from the street, to prevent trash from blowing around the site onto adjacent properties or public rights-of-way and to permit safe removal of trash.
- (10) All fast food restaurants shall provide parking in accordance with Section 25-12.2b.
- (11) Any lot on which is located a fast food restaurant must comply with the front yard, side yard, and rear yard requirements for the B-1 or B-2 District in which the lot is located.

25-28.5 Exceptions to Section 28.

The terms of this section shall not apply to the following:

- a. Existing single family homes built before the date of this ordinance's approval, additions to such homes or rebuilding of such homes after a disaster.
- b. Improvements for which preliminary subdivision or site plan approval or construction permits have been issued prior to the effective date of this.
- c. Areas which previously contained structures or other improvements, or were previously graded.
- d. Other than where the exceptions set forth herein apply, all applications for subdivision or site plan approval shall be reviewed under these requirements by the applicable land use board and its professionals to determine the presence of steep slopes and other natural features, if any, on the subject property and compliance with the provisions of this chapter. All construction permit applications that include grading or clearing of any lot, other those within the scope of the exceptions set forth herein, shall be reviewed under these requirements by the Township Engineer and the Township Planner.

Section 4. Chapter XXV Land Use Regulations is hereby amended and supplemented

by adding the following sections:

25-9.12 Ramps for One-Family and Two-Family Dwellings.

The installation of wheelchair or other handicap access ramps shall be permitted in accordance with the following conditions:

- a. Handicap access ramps which are needed to facilitate access to dwellings in a residential zone in which a disabled person or persons reside are exempt from the setback requirements applicable to that zone.
- b. Where a handicap access ramp has been constructed which does not meet the setback requirements otherwise applicable, the ramp may remain as long as the dwelling is occupied by a disabled person for whom the ramp will facilitate access. Access ramps shall be removed within 60 days from the date that the disabled person or persons no longer reside at the dwelling unless a variance is approved for the continuation of the access ramp.
- c. A zoning permit shall be required for the construction of a handicap access ramp.

25-11.14 DRIVE-UP WINDOWS

A drive-up window shall be permitted as an accessory use for banks, restaurants, fast food restaurants, pharmacies and similar retail uses in the zoning districts in which such uses are permitted and shall meet the following conditions:

- a. Drive-up window stacking lanes shall be separate and distinct from parking lot aisles and driveways by means of defined separation including curbing, landscaping, striping so as to meet the required circulation aisle standards exclusive of the drive-through window lane.
- b. Stacking lanes shall have sufficient length for a minimum of six vehicles in total for restaurants and fast food restaurants and three vehicles for banks and retail uses. Each lane shall have a minimum width of nine feet.
- c. The entire length of the stacking lane or lanes shall be behind the front yard limit line and shall not block any parking space, aisle, driveway or loading area when the stacking lane is occupied with the maximum number of vehicles.
- d. If multiple stacking lanes are provided for restaurant or fast food restaurant uses, they shall merge into one drive-up window lane prior to reaching any window or windows. Facilities with separate lanes served by separate windows or transaction portals shall be exempt from this requirement.
- e. The drive-up window stacking lane may end after the last window and merge with the exit driveway of the property.
- f. The drive-up window lane shall not be used as an exit driveway from the property.
- g. The drive-up windows and stacking lane or lanes shall be designed to prevent uncontrolled conflicting movements between any on-site vehicles and pedestrian traffic and shall also be designed to allow safe ingress and egress from the site at all times.
- h. One or more drive-up windows may be used for payment and/or pickup of product, said window or windows shall be an integral part of the principal building.
- i. No drive-up windows shall be permitted in a required yard setback.

25-24.2 Conditional Uses.

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- b. *Specific Requirements.* Subject to the stipulations, guiding principles and conditions contained in this section, the Planning Board shall have the power to grant conditional uses authorized by the Table of District Regulations, in specified districts, as follows:

...

- 2. Business and Industrial Districts.

...

- (m) Mixed-use Development. A mixed-use development shall be permitted as a conditional use in a B-1 and B-2 District subject to the following conditions:
 - (1) Permitted uses on the ground floor of a mixed-use development shall include the following permitted uses in the B-1 and B-2 Districts: retail store, personal service store or studio, office, business or vocational school, restaurant, bar, massage, bodywork or somatic therapy establishment, and fitness center/health club.
 - (2) One or more dwelling units shall be permitted on the upper floor(s) above any of the permitted ground floor uses in Section 25-24.2b2(m)(1).
 - (3) Access to upper floor uses shall be provided by means of a separate entrance than provided for ground floor uses.
 - (4) Minimum lot area shall be 5,000 square feet, and the minimum street frontage of such lot shall be 50 feet.
- (n) Microbreweries, craft distilleries and wineries. Microbreweries, craft distilleries and wineries shall be permitted as a conditional use in an I, P-C, B-1 and B-2 Zoning District subject to the following conditions:
 - (1) Sampling room and retail sales. A microbrewery, distillery or winery shall provide a sampling room and retail sales area where product shall be sold to consumers and where samples shall be offered.
 - (2) Street frontage. Warehousing of materials or product, or offices ancillary to the microbrewery, distillery or winery shall not occupy any street frontage. In addition, at least 50% of the street frontage of the tenant space shall be occupied by the sampling room and retail sales area.

Section 5. If any provision of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision(s) or application(s) and to this end the provisions of this Ordinance are severable.

Section 6. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 7. This Ordinance shall take effect upon final passage and publication in accordance with law.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Michelle Casalino
Council President

Robert D. Parisi, Mayor

Introduced:

Adopted:

LEGISLATIVE HISTORY

This Ordinance is presented to revise the municipal code section governing land use regulation to implement recommendations in the Township of West Orange Master Plan Reexamination Report and Land Use Element adopted by the West Orange Planning Board on January 8, 2020.