

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXV LAND USE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE TO IMPLEMENT A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25 of the Revised General Ordinances of the Township of West Orange be and is hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to update the Land Use Regulations Ordinance of the Township of West Orange to provide for affordable or inclusionary development that contributes to the region's fair share of affordable housing, in accordance with a court settlement agreement which outlines provisions for same.

II. CHAPTER 25, SECTION 24.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

(deletions are shown in ~~striketrough~~, additions are underlined):

25-24.2 Conditional Uses.

- a. General Requirements. Pursuant to the provisions of the Municipal Land Use Law, the Planning Board shall have the power to grant conditional uses on particular sites, according to the definite specifications and standards set forth in Subsection 25-24.2b. Such use shall be one which is specifically authorized as a conditional use by the Table of District Regulations, for the location in the district within which such particular site is located.
- 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.

...

- (o) Licensed Cannabis Entities. Licensed Cannabis Retailers and Licensed Medical Cannabis Dispensaries shall be permitted as a conditional use in the B-1, B-2, and I Districts. All other Licensed Cannabis Entities shall be permitted as a conditional use in the I Districts. These conditional uses shall be subject to the following conditions:

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- (1) The Licensed Cannabis Entity shall be required to have a Local License pursuant to Chapter 5, § 5-34 of the Township of West Orange Municipal Code.
- (2) No Licensed Cannabis Entity shall be located within one hundred feet (100') from the property line of any property with a school building owned and operated by the West Orange Board of Education.
- (3) No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.
- (4) No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.
- (5) Any signage for a Licensed Cannabis Entity shall be subject to the approval from either the Planning Board or the Zoning Board of Adjustment.
- (6) A Licensed Cannabis Entity shall meet of the required security measures as set forth in Chapter 5, § 5-34 of the Township of West Orange Municipal Code.
- (7) Cannas Consumption Areas, as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq., shall be prohibited from all Licensed Cannabis Entities

(p) 100% Affordable/Inclusionary Senior Citizen Housing. Housing intended for, and solely occupied by, persons 62 years of age or older, which provides affordable housing units and which has significant facilities and services specifically designed to meet the physical or social needs of older persons, shall be permitted as a conditional use in the OB-2 District. This conditional use shall be subject to the following conditions:

- (1) A development may be 100% affordable or may be an inclusionary development. If a development is to be inclusionary, the following minimum set-aside of affordable housing units shall be provided:
 - (i) 15% of rental units shall be affordable senior rental units.
 - (ii) 20% of for-sale units shall be affordable senior units.
- (2) A library and/or community center may be provided within a 100% Affordable/Inclusionary Senior Citizen Housing development.
- (3) The following accessory uses shall be permitted:
 - (i) Health, wellness, and support service offered in conjunction with senior citizen housing.
 - (ii) Office.

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- (iii) Parking, including parking structures.
 - (iv) Signage.
 - (v) Green roof.
 - (vi) Roof mounted solar photovoltaic panels.
 - (vii) Other uses customarily incidental to the principal use.
- (4) The following bulk standards shall apply:
- (i) Minimum setback to Mt. Pleasant Avenue: 40 feet to the curbline.
 - (ii) Minimum setback to Gaston Street: 25 feet to the right-of-way.
 - (iii) Minimum setback to Block 68, Lot 18: 10 feet.
 - (iv) Minimum setback to Block 67, Lot 1: 0 feet.
 - (v) Minimum setback to any other property line: 0 feet.
 - (vi) Maximum habitable building height: six (6) habitable floors. Architectural features such as pitched roofs, gables, domes, steeples, etc. shall be permitted. Projections for roof equipment shall be permitted provided they are screened with a solid or decorative shield and do not exceed fifteen (15') feet in height above the roof deck.
 - (vii) Maximum residential gross density: 50 units per acre.
 - (viii) Maximum lot (impervious) coverage: 80%. Building area with a green roof shall not be considered impervious coverage.
- (5) Minimum parking requirements. The Residential Site Improvement Standards (RSIS N.J.A.C. 5:21) indicates that a "Retirement Community" shall have a parking requirement commensurate with the most appropriate housing type that the facility resembles. For reference, "Assisted Living" facilities require 0.50 parking spaces per dwelling unit and "High-rise" apartments have a requirement of 0.8 spaces per one-bedroom unit and 1.3 spaces per two-bedroom unit. In order to balance the likely parking demand, land available, and access to other modes of transportation, the following parking requirements shall apply, which require a de minimis exception from RSIS:
- (i) Studio/1 bedroom unit: 0.8 spaces per unit.
 - (ii) 2 bedroom unit: 1.25 spaces per unit.

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III. CHAPTER 25, PART A: PERMITTED USES TABLE OF DISTRICT REGULATIONS SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

(deletions are shown in ~~striketthrough~~, additions are underlined):

25-Part A: Permitted Uses Table of District Regulations

ZONE	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES	PERMITTED CONDITIONAL USES
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 <u>100% Affordable/ Inclusionary Senior Citizen Housing</u>

IV. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

V. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VI. EFFECTIVE DATE

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

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ROBERT D. PARISI, MAYOR

**SUSAN McCARTNEY
COUNCIL PRESIDENT**

KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK

INTRODUCED:

ADOPTED:

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LEGISLATIVE HISTORY

This Ordinance is presented pursuant to the Affordable Housing Settlement Agreement with Fair Share Housing Center approved by the Township Council on April 14, 2020. The Superior Court of New Jersey confirmed the Settlement Agreement on July 10, 2020.