

**AN ORDINANCE AMENDING CHAPTER 25, SECTIONS 8.4, 9.9, 9.10, and 11.10 and
CHAPTER 32, SECTION 3, OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF WEST ORANGE
(REVISION OF VARIOUS ZONING ORDINANCES)**

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 are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to make additional revisions as part of the overhaul and revision of the Township of West Orange Code governing various aspects of zoning and planning consistent with recommendations provided from the West Orange Planning Board and adopted by the Township of West Orange Council.

II. CHAPTER 25-8.4 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-8.4 Walls and Fences.

Walls and fences are permitted under the following conditions:

- a. Walls and fences which are not more than fifty (50%) percent solid are permitted anywhere on the property, in all districts, provided they are not higher than four (4) feet.
- b. Solid walls and fences not higher than six (6) feet are permitted in the rear yard and on the side property line up to the rear line of the applicant's house. If the distance on each side of such a fence is more than five (5) feet to each adjacent house, such solid fence may be located in the side property up to the front of the applicant's house.
- c. In all nonresidential districts, fences or walls not exceeding six (6) feet in height shall be permitted in the side and rear yards provided the fence or wall is not closer than five (5) feet at any point to a principal building in a residential district.
- d. In all nonresidential districts, a fence or wall to be used for screening may not exceed six (6) feet in height.
- e. In all districts the finished side of the fence must face away from the applicant's property.
- f. The use of barbed and/or razor wire is prohibited in all districts.
- g. Electrical wire fence is prohibited in all districts.
- h. No fence as described in this section may be constructed in any district without a written application being made to the Zoning Officer who shall issue a permit after compliance with the following fee schedule:
 1. A fifty (\$50.00) dollar fee for erection in any residential district.
 2. A one hundred (\$100.00) dollar fee for erection in any nonresidential district.

III. CHAPTER 25-9.9 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-9.9 Home Occupations.

No home occupation may be conducted in a legal owner-occupied one (1) family residence unless the following conditions are met:

- a. A simplified site plan indicating the location of the use on the premises within the principal structure and written description of the occupation to be conducted shall be submitted to the **Building Department and Zoning Official**. A Certificate of Continued Occupancy, Certificate of Occupancy, or Certificate of Habitability shall be required for home occupations.
- b. The proposed activity shall comply with the following:
 1. Only one such activity shall be permitted on the premises within the principal structure; and such use must not be incompatible with or disturb the adjacent residential neighborhood.
 2. The activity shall be conducted solely by a person or persons, and members of his/her immediate family, all of whom shall be residing full-time and permanently on the premises, and by no other person or persons living off the premises.
 3. Not more than twelve and one-half (12.5%) percent or one-eighth (1/8) of the floor area of the principal structure shall be used for such activity.
 4. No display or advertising of products or services shall be visible from outside of the principal structure in which the activity takes place.
 5. No outside storage any way related to the activity shall be visible from outside of the principal structure in which the activity takes place.
 6. No pick-up or delivery or materials to or from the premises in which the activity takes place shall be made, except by private passenger vehicle, licensed package delivery service, or US Postal Service.
 7. The activity, including deliveries as described in paragraph 6, shall be conducted only between the hours of 8:00 a.m. and 8:00 p.m.
 8. The activity shall not give rise of the need for on-street parking which shall interfere with the residential parking on the street adjacent to the principal structure in which the activity is permitted.
- c. The following activities related to home occupations are prohibited:
 1. Any activity which creates noise, smells or sights, which are ascertainable outside of the principal structure in which the activity takes place;
 2. Any activity which causes interference with electrical or electronic equipment off the premises in which the activity takes place;
 3. A retail or wholesale salesroom(s) or showroom(s);
 4. Any activity which involves the use or storage of hazardous materials as defined by law.

IV. CHAPTER 25-9.10. SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS

25-9.10 Home Professional Office.

A home professional office must meet the following conditions:

- a. The home must be located on one of the following streets or roadways: Pleasant Valley Way, Mount Pleasant Avenue, State Highway 10, Northfield Avenue, Main Street, Prospect Avenue, Gregory Avenue, Old Short Hills Road, Eagle Rock Avenue, Park Avenue, Washington Street, Harrison Avenue, Valley Road or South Valley Road.
- b. The professional use must be located on the entry level, and shall not occupy (i) more than fifty (50%) percent of the entry level and (ii) shall not exceed one thousand (1,000) square feet.
- c. A site plan indicating the part of the premises, with square footage, to be used shall be submitted to the Planning Board for approval. A Certificate of Continued Occupancy, or Certificate of Occupancy, shall be required. Amended site plan approval and a new Certificate shall be required for any change of the profession practiced on the premises.
- d. The applicant shall submit evidence that he or she has the degree, certificate or license of the profession for which the premises are to be used.
- e. Not more than three (3) people, including the resident of the home and staff, can work in the professional activity on the premises.
- f. A sufficient number of spaces shall be provided for off-street parking for residents of the home and staff personnel.
- g. A name plate, not exceeding one (1) square foot in area, may be used after obtaining a sign permit from the Planning Department. No interior illuminated lighting in the sign shall be permitted; and only the name of the professional and the profession shall appear on the sign which shall be within the property lines not more than five (5) feet high, and shall be located within the property lines of the site. No signs shall be posted in windows.
- h. If a home is located on a corner lot, and one of the adjacent streets is listed in paragraph a, a home professional office, otherwise subject to the requirements of this ordinance is permitted.

V. CHAPTER 25-11.10. SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

25-11.10 Outdoor Cafes in the B-1, B-2 and PC Districts.

Outdoor cafes shall be permitted subject to the standards and conditions of Section 5-10 of Chapter V, General Licensing, of the Revised General Ordinances of the Township of West Orange and in conjunction with the following conditions:

- a. Adequate access for emergency response personnel must be allowed to the main entrance of the serving establishment from the outdoor serving area as defined by Township fire regulations.
- b. Adequate sidewalk access (at least four (4) feet) must be maintained for easy passage of pedestrians on any public sidewalk or right-of-way.
- c. Some form of formal space delineation, such as a removal fence, may be required during cafe business hours to define sidewalk space from cafe space.
- d. Outdoor or patio type furniture must be used; upholstered furniture is prohibited.

- e. Street furniture (seating, tables, fencing, etc.) must be moved into the serving establishment when the outdoor cafe is not open for business.
- f. Cleanliness of the outdoor serving area is the responsibility of the serving establishment.
- g. Signage, in addition, to that permitted for the serving establishment pursuant to Section 25-15, is prohibited.
- h. A sketch showing the proposed location of tables, chairs and umbrellas shall be prepared and submitted to the Director of Planning and Development for approval prior to the use of the sidewalk area.
- i. The use of the described locations shall be authorized by a sidewalk cafe permit issued by the Director of Planning upon compliance by the applicant with the requirements of this paragraph and the payment of an annual fee of fifty (\$50.00) dollars.
- j. Any permit issued by the Director of Planning shall designate the hours of operation of any sidewalk cafe but in no event may a sidewalk cafe remain open after 11:00 p.m. on Sunday through Thursday or after 12:00 midnight on Friday, Saturday and legal holidays.
- k. Nothing herein shall be deemed to be a waiver of the provisions of any health and/or licensing ordinance regulating the operation of a sidewalk cafe.

VI. CHAPTER 32-3 SHALL BE AND HEREBY IS AMENDED AND SUPERCEDED TO READ AS FOLLOWS:

32-3 Approving Agency; Administration.

The approval provisions of this chapter shall be administered by the Planning Board or Zoning Board of Adjustment in accordance with Sections 25-46.7b and 25-47.8d of Chapter XXV, Land Use Regulations.

VII. 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.

VIII. 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.

IX. EFFECTIVE DATE

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

Jerry Guarino, Council President

Robert D. Parisi, Mayor

Karen J. Carnevale, Municipal Clerk

Introduced: September 29, 2015

Adopted: October 27, 2015

Approved as to form on the basis of the facts provided:

Legislative History

This ordinance is drafted as an additional part of the overhaul of the Municipal Code governing the zoning for the Township of West Orange. These revisions are another set of revisions approved and proposed by the Township of West Orange Planning Board and Zoning Board of Adjustment.

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