

**AN ORDINANCE AMENDING CHAPTER 25, SECTIONS 4(b), 7.1, and 9.12 OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(Standby Power Generators)**

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 revise the municipal code section governing land use regulation to incorporate a provision addressing issues related to the use of Standby Power Generators, including setback requirements.

II. CHAPTER 25, SECTION 4(b) SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-4 Definitions.

b. *Specific Definitions.*

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Site plan, minor shall mean any development plan of one or more lots that does not involve planned development, any new street, or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42; and proposes development that would require not more than five new parking spaces over and above the existing permitted spaces on the site, pursuant to the Township's zoning requirements; and proposes development of not more than 1,000 square feet of new building floor area. (Ord. No. 2436-15 § 2)

Site Plan Review Advisory Board shall mean the Board established pursuant to N.J.S.A. 40:55D-39f and Section 25-51.15 as amended and supplemented. (Ord. No. 2436-15 § 2)

Standby Power Generator shall mean a permanently installed backup electric power source that is powered by natural gas, propane or diesel fuel and is integrated with the electrical system of the facility.

Store shall mean keeping for safe care or custody whether temporarily or permanently.

Story shall mean the space of a building between the surface of a floor and any floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it. A story shall also be constituted between a floor and roof above when sixty (60%) percent of the total floor area has a minimum

ceiling height of seven (7) feet six (6) inches. See Figures 4 and 5 for illustrations of story, half story and first story.

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III. CHAPTER 25, SECTION 7.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-7.1 Zoning District Regulations.

PART A: PERMITTED USES TABLE OF DISTRICT REGULATIONS

(Subsection 25-7.1)

West Orange Land Use Regulations

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 Standby power generators	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	SAME AS R-1	SAME AS R-G EXCLUDING Public school

	development		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 Standby power generators	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	Required accessory parking Private garage Home occupation Home professional office Signs Vending machines Standby power generators	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
B-2	Retail store Personal service store or studio Office or office building Business or vocational school Restaurant	SAME AS OB-1 AND in addition Vending machines	SAME AS B-1

	Bar Massage, bodywork or somatic therapy establishment		
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	Required accessory parking Required accessory truck loading spaces Private garage Signs Standby power generators	Video or amusement arcade Commercial antenna
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
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			

IV. CHAPTER 25, SECTION 9.12 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-9.12 Standby Power Generators.

A standby power generator shall be a permitted accessory use in all zoning districts and shall meet the following conditions:

- a. The generator shall not be located in a required front yard or side front yard, or in any easement, buffer zone, right-of-way or other restricted area.
- b. The generator shall be located a minimum of 10 feet from any side or rear property line.
- c. The generator shall be located a minimum of 10 feet from any operable window or door.
- d. The generator should be screened by landscaping to the extent practicable so that it is not visible from adjoining properties or any street.
- e. The self test for the generator shall only be permitted between 9:00 AM and 7:00 PM.

V. 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.

VI. 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.

VII. EFFECTIVE DATE

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

Victor Cirilo
Council President

Robert D. Parisi
Mayor

Introduced: February 9, 2016

Adopted: February 23, 2016

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

Karen J. Carnevale, RMC
Municipal Clerk

Legislative History

This ordinance is drafted to incorporate into the land use chapter of the municipal code to provisions that address to use of standby power generators, including declaring standby power generators as a permitted use in all zones within the Township and to establishment setback requirements for standby power generators.

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