

**AN ORDINANCE AMENDING CHAPTER 25, SECTIONS 4.b, 11.14, and PART A:
PERMITTED USES TABLE OF DISTRICT REGULATIONS OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(Fast Casual Restaurants)**

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 municipal code sections governing land use regulation to implement a recommendation 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 to modify permitted uses in commercial zones, in recognition of market changes for retail and other uses, including the evolution of restaurant categories and definitions.

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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Fast Casual Restaurant shall mean a restaurant with a limited menu, limited service, or self-service format, whose food is made to order and is fresher and higher quality and has more complex flavors than fast food restaurants, and whose décor is more upscale, unique or highly developed.

Fast Food Restaurant shall mean the retail sale of ready-to-eat foods and beverages for on and/or off premises consumption, whenever the foods and beverages are available upon a short waiting time, and orders are placed by the customer at a counter or drive-through window, and primarily served in or on disposable wrappers, containers or plates, ~~and where there is a seating capacity of more than 15 individuals~~. This does not include restaurants which have "take-out" as accessory to a traditional restaurant.

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III. CHAPTER 25, SECTION 11 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO ADD THE FOLLOWING:

25-11.14 Drive-Through Windows.

A drive-through window shall be permitted as an accessory use for banks, restaurants, fast casual restaurants, fast food restaurants and pharmacies 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.
- b. Stacking lanes shall have sufficient length for a minimum of six vehicles in total and 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, they shall merge into one drive-up window lane prior to reaching any window or windows.
- 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.

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

25-Part A: Permitted Uses Table of District Regulations

ZONE	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES	PERMITTED CONDITIONAL USES
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	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

	<u>Fast casual restaurant</u> Massage, bodywork or somatic therapy establishment Fitness center/health club		golf club Video or amusement arcade Fast food restaurant Commercial antenna Microbreweries, craft distilleries and wineries Licensed Cannabis Retail Licensed Medical Marijuana Dispensary
B-2	Retail store Personal service store or studio Office or office building Business or vocational school Restaurant Bar <u>Fast casual restaurant</u> 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 <u>Fast casual restaurant</u> Motor vehicle fueling station Post office Civic center, limited to assembly hall and noncommercial 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

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.

SUSAN MCCARTNEY, MAYOR

**BILL RUTHERFORD,
COUNCIL PRESIDENT**

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

INTRODUCED: February 27, 2024

ADOPTED: April 9, 2024