

**AN ORDINANCE AMENDING CHAPTER 25, SECTIONS 3.2 and 26.13 OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(Zone Map and Conservation District)**

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 zoning designation of certain township owned lots in the “Upper Mellon Avenue” section of the Township of West Orange (the “Township”) from an R-2 zoning designation and change them to an R-5 zoning designation and to remove the properties from conservation district. The change in zoning designation and removal from the conservation district is part of an overall plan to sell the properties pursuant to the Local Lands and Buildings Law so that the lots can be developed as single-family homes. Currently, the R-2 designation prevents any development of these properties, because the lots are too small to meet the 40,000 square foot requirement for construction of a one family home. The change in zoning designation would lower the square footage requirement to 10,000 square feet and the removal of these properties from the conservation district would allow for these lots to be developed as single-family homes. The change in zoning designation of these properties will also conform the zoning designations in a manner that is consistent with the surrounding properties and the residential homes built upon those surrounding properties.

II. CHAPTER 25, SECTION 3.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-3.2 Zone Map and Table of District Regulations.

- a. District locations and boundaries are established as shown and delineated on the “Zoning District Map of the Township of West Orange,” referred to as “Zoning District Map.” The map is hereby declared to be part hereof and the Zone Districts so bounded and defined are hereby established. The bulk and use regulations for each district are established in the Table of District Regulations which may be found at the end of this chapter. The Zoning District Map may be found on file in the Township Offices.
 1. The "Zone District Map" of the Township of West Orange is hereby amended to remove the following lands from an R-2 District and place them in an R-5 District:
 - (a) Block 175.07, Lot 7.
 - (b) Block 175.07, Lot 9.
 - (c) Block 175.08, Lot 7.
 - (d) Block 175.14, Lot 1.
 - (e) Block 175.14, Lot 2.
 - (f) Block 175.15, Lot 1.

- (g) Block 175.15, Lot 2.
- (h) Block 175.15, Lot 3.
- b. District boundary lines follow the center lines of streets and similar rights-of-way, or lot lines, unless a specified dimension on the Zoning Map indicates otherwise.
- c. In case of uncertainty as to the true location of a district boundary line, the determination shall be made by the Zoning Officer. An appeal may also be taken to the Zoning Board provided in N.J.S.A. 40:55D-70.
- d. Any use not specifically permitted in a zoning district established by this chapter is hereby expressly prohibited from that district.

III. CHAPTER 25, SECTION 26.13 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-26.13 Schedule I.

A schedule (Schedule I) is added to this chapter which lists those properties that are subject of this section and which are depicted on the Zoning Map. Where a difference exists between Schedule I and the Zoning Map, Schedule I controls.

SCHEDULE I PUBLIC LANDS WITHIN THE CONSERVATION DISTRICT

In accordance with the provisions of subsection 25-26.2 the following lands shall be designated as being within the Conservation District.

- b. *Potential Public Parks and Public Recreational Areas.*

175.07	1- 12
175.08	1- 146
	<u>12</u>
175.14	1-2
175.15	1-16

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.

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

Robert D. Parisi, Mayor

Jerry Guarino, Council President

Introduced: April 30, 2019

Adopted: May 14, 2019

Legislative History

The purpose of this Ordinance is to revise the zoning designation of certain township owned lots in the “Upper Mellon Avenue” section of the Township of West Orange (the “Township”) from an R-2 zoning designation and change them to an R-5 zoning designation and to remove the properties from conservation district. The change in zoning designation and removal from the conservation district is part of an overall plan to sell the properties pursuant to the Local Lands and Buildings Law so that they lots can be developed as single-family homes. Currently, the R-2 designation prevents any development of these properties, because the lots are too small to meet the 40,000 square foot requirement for construction of a one family home. The change in zoning designation would lower the square footage requirement to 10,000 square feet and the removal of these properties from the conservation district would allow for these lots to be developed as single-family homes. The change in zoning designation of these properties will also conform the zoning designations in a manner that is consistent with the surrounding properties and the residential homes built upon those surrounding properties.