

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 Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, as follows:

Section 1. Chapter XXV Land Use Regulations is hereby amended and supplemented by adding the following sections:

25-22 IH-2 (INCLUSIONARY HOUSING) DISTRICT

a. Purpose

The purpose of the IH-2 District is to provide for 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.

b. Description of Zone Boundary

The zone boundary of the IH-2 District shall encompass the entirety of the property identified as Block 155, Lot 40.03. The municipal zone map is hereby amended to reflect same.

c. Use Regulations

1. Permitted Principal Uses.

- (a) Retail stores
- (b) Personal service stores or studios
- (c) Offices
- (d) Restaurants and bars
- (e) Banks
- (f) Fitness centers
- (g) Medical, dental, psychiatric or chiropractic offices
- (h) Multi-family residential dwellings
- (i) Mixed-use development including any of the above permitted principal uses

2. Permitted Accessory Uses.

- (a) Parking
- (b) Signage
- (c) Outdoor dining
- (d) Uses which are customarily incidental to the principal use

d. Bulk Regulations

- 1. Minimum Lot Area: four acres

2. Minimum Setback to Rooney Circle: 15 feet
 3. Minimum Setback to All Other Property Lines: 20 feet
 4. Maximum Building Height: 4 stories/50 feet. The building height shall be the vertical distance measured from the mean elevation of the finished grade adjacent to the building foundation to the roof line elevation of a flat roof, or the midpoint elevation of a pitched roof. Projections for roof equipment shall be permitted provided they are screened with a solid or decorative shield and do not exceed 15 feet in height above the roof deck. Rooftop amenities and architectural roof design features such as attics, mansards, parapets, cupolas, and other similar architectural design features and/or appurtenances shall not be considered a story or fractional portion thereof.
 5. Maximum Gross Residential Density: 32 dwelling units/acre
 6. Maximum Impervious Coverage: 65%
- e. Parking Regulations
1. Residential portion of a mixed-use development. Off-street parking for residential uses shall be provided in accordance with the requirements of Parking Schedule I in Subsection 25-12.2a.1.
 2. Nonresidential uses. Off-street parking for nonresidential uses shall be provided in accordance with the requirements of Parking Schedule II in Subsection 25-12.2b.1.
- f. Affordable Housing Requirements
1. Low- and moderate-income dwelling units shall be provided in accordance with this subsection. The minimum affordable housing set-aside shall be 20 percent of the dwelling units in the development for for-sale units, or 15 percent for rental units. Of these, at least half must be reserved for, and affordable to, low-income households. A minimum of 13 percent of the affordable units shall be affordable to households earning 30 percent or less of the area median income for the Council on Affordable Housing region. Low- and moderate-income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and shall comply with the applicable rules of the Council on Affordable Housing and any other relevant state regulations. All development including affordable dwelling units shall also be subject to Section 25-18 Affordable Housing; Low/Moderate Housing Provisions of the Township of West Orange Land Use Regulations Ordinance.
 2. The minimum unit sizes for the affordable units shall be as follows, except if the square footage of the market rate units is smaller than the minimum square footage of the affordable units, then the affordable units shall be the same size as the market rate units:
 - (a) One-bedroom 650 square feet
 - (b) Two-bedroom 875 square feet
 - (c) Three-bedroom 1,150 square feet
- g. Additional Standards
1. Structured parking shall be designed to blend into the architectural character of the building and to be screened from public view.
 - (a) All parking structures shall be designed using compatible or complementary materials to the principal building(s). All voids in the structures shall be architecturally screened, so that lights and vehicles are not individually visible.
 - (b) No blank walls of parking structures shall face Rooney Circle. Any Rooney Circle facing **façade** shall provide pedestrian interest at ground level through a building lobby, storefront, or other architectural screening / wrapping mechanism.

2. Pedestrian connections shall be provided across Rooney Circle to the Essex Green Shopping Center. The connections shall feature pedestrian activated signals, raised or stamped concrete crosswalks or other similar improvements subject to approval by the Township Council, Township Engineer, and Planning Board.
3. Amenity space shall be provided as part of any multi-family residential development, consisting of one or more of a community room, a roof deck, a pool, a fitness center, or other similar offering.

Section 2. If any provision of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision(s) or application(s) and to this end the provisions of this Ordinance are severable.

Section 3. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with law.

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

Cindy Matute-Brown
Council President

Robert D. Parisi, Mayor

Introduced: March 9, 2021

Adopted: March 23, 2021

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.