TOWNSHIP OF FAIRFIELD
ORDINANCE #2019-15

AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD AMENDING AND SUPPLEMENTING CHAPTER 45 OF THE CODE OF THE TOWNSHIP OF FAIRFIELD TO ESTABLISH A NEW IRO INCLUSIONARY RESIDENTIAL OVERLAY ZONE AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

WHEREAS, in response to the New Jersey Supreme Court’s decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 2, 2015, the Township filed an action with the Superior Court of New Jersey (“Court”), entitled In the Matter of the Application of the Township of Fairfield, County of Essex, Docket No. ESX-L-4660-15, seeking a Judgment of Compliance and Repose approving its Housing Element and Fair Share Plan, in addition to related relief, and simultaneously filed a motion for temporary immunity, which was subsequently granted by the Court and is still in force and effect; and

WHEREAS, the Township Council of the Township of Fairfield desires to create a realistic opportunity for the creation of affordable housing within the Township; and

WHEREAS, the Township Council has determined that certain lands comprised of approximately 70 acres within the R-1 District commonly referred to as Block 2003, Lot 1, Block 2101, Lot 8.03 and Block 1902, Lot 13 are suited for inclusionary development; and

WHEREAS, the Township has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region’s need for affordable housing; and

WHEREAS, the Township wishes to foster development that provides a realistic opportunity for the construction of affordable housing, via inclusionary residential development; and

WHEREAS, the Township and the owner of property located at Block 2003, Lot 1, Block 2101, Lot 8.03, and Block 1902, Lot 13 entered into a Settlement Agreement on or about November 26, 2018, providing for the property owner’s development of 150 for-sale market rate single family homes with a maximum of three bedrooms, and 35 affordable units, 18 of which will be family rental units and 17 of which will be age-restricted senior rental units and providing for the Township’s adoption of an overlay zoning ordinance to facilitate the agreed upon development;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Fairfield in the County of Essex and the State of New Jersey as follows:

Section 1. Chapter 45 of the Code of the Township of Fairfield, Section 45-5.1, “Zones Established” is hereby amended and supplemented by inserting the following new zone district into the list of zones:

IRO Inclusionary Residential Overlay Zone

Section 2. Chapter 45 of the Code of the Township of Fairfield, Section 45-5.2 shall be amended to insert a new subsection b(10), which shall include the following language:

Ordinance No. 2019-15 The Zoning Map is hereby amended to include the following new overlay zone. The underlying zone shall still be in effect; the overlay zone is supplemental to the underlying zone.

IRO Inclusionary Residential Overlay: Block 2003, Lot 1; Block 2101, Lot 8.03; Block 1902, Lot 13.

Section 3. Chapter 45 of the Code of the Township of Fairfield is hereby amended and supplemented by adding a new Section 45-34, “IRO Inclusionary Residential Overlay Zone” as follows.
45-34.1 Purpose and Planning Rationale.

The purpose of the IRO Inclusionary Residential Overlay Zone is to provide a realistic opportunity for the construction of affordable housing as part of a comprehensively planned inclusionary development, and thereby help to address the fair share housing obligation of the Township of Fairfield under the New Jersey Fair Housing Act (“FHA”), applicable Council on Affordable Housing (“COAH”) regulations, the settlement agreement entered into between the Township and Fair Share Housing Center (“FSHC”) on November 26, 2018, the Township’s Housing Element and Fair Share Plan, which may be amended from time to time, and any applicable order of the Court, including a Judgment of Compliance and Repose Order.

45-34.2 Applicability.

The following standards shall apply to development within the IRO Inclusionary Residential Overlay Zone. All other provisions of Chapter 45, Zoning, of the Fairfield Township Code shall apply to development in the IRO Inclusionary Residential Overlay Zone only where specifically indicated as applicable in this § 45-34 of the Fairfield Code. No overlay zoning, other than the IRO Inclusionary Residential Overlay zoning, shall apply to the Tract. Sections 10-2; 10-3; 16-1.8-16-1.16; 17-4.19-17-4.22; 17-4.24-17.4.28, 17-5; 18-1.7; 20; 21-1; 22-1; 42-5.1; and 42-10 of the Township Code shall not apply in the IRO Inclusionary Residential Overlay Zone. When development of a use permitted by the IRO Inclusionary Residential Overlay Zone is proposed, only the IRO Inclusionary Residential Overlay Zoning shall apply and the R-1 zoning shall be of no force or effect.

45-34.3 Definitions.

The Definitions provided in Section 45-7.1, Chapter 45 Article XIV, and Section 42-2 of the Township of Fairfield Code shall apply in the IRO Inclusionary Residential Overlay Zone, except as provided herein. The following definitions shall apply only within the IRO Inclusionary Residential Overlay Zone, shall supplement any non-conflicting definitions within Chapter 45 of the Township Code, and shall supersede any conflicting definitions in the Township Code.

*External Tract Line* shall mean the boundary between the Tract and any parcel outside the IRO Inclusionary Residential Overlay Zone, excluding any municipal boundary line.

*Tract* shall be defined as the entirety of the parcels of land comprising the IRO Inclusionary Residential Overlay Zone, meaning the combination of Block 2003, Lot 1, Block 2101, Lot 8.03, and Block 1902, Lot 13.

*Single Family Tract Area* shall mean the acreage of the Tract to be developed with single family homes.

*Single Family Lot Area* shall mean the total square footage of a Lot to be developed with a single family dwelling unit.

*Internal Road* shall be defined as a public or private road connecting any two or more lots created by subdivision and located entirely in the Tract.

*Front Single Family Lot Line* shall be defined as the line which separates the Internal Road or a publicly owned or controlled street right-of-way from the single family lot which abuts upon that street or Internal Road, as distinct from a sidewalk line, curbline or edge-of-pavement line.

*Rear Single Family Lot Line* shall be defined as the Lot Line opposite and most distant from the Front Single Family Lot Line.
Side Single Family Lot Line shall be defined as any Lot Line of a Lot with a single family dwelling unit, other than a Front Single Family Lot Line or a Rear Single Family Lot Line.

Affordable Apartments Tract Area shall mean the acreage of the Tract to be developed with Affordable Apartments.

Building Height shall be measured as follows: The vertical distance measured from the average final finished grade at the four corners of the building, to the highest roof beams on a flat roof, to the deck level on a mansard roof, and to the highest ridge line for gable, hip and gambrel roofs.

Story shall mean that portion of a building included between the surface of any floor above the average elevation of ground at the foundation wall and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it, but excludes any Basement Room, walkout-basement or Cellar.

Lot width shall mean the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight parallel line to the front lot line at the minimum required building setback line.

45-34.4 Application Requirements.

a. Any application for development for any portion or the entirety of the IRO Inclusionary Residential Overlay Zone shall be submitted in accordance with the requirements of Chapters 40 and 42 of the Township of Fairfield Code, except as provided herein. Notwithstanding § 40-6 and § 42-3, the maximum sheet size of site and subdivision plans submitted in connection with an application for development shall be 30 inches by 42 inches. Consistent with N.J.A.C. § 5:93-10.1(b), no unnecessary cost generative requirements shall apply to any development of permitted uses within the IRO Inclusionary Residential Overlay Zone, including but not limited to the requirements of § 42-3.7(b) and (e); § 42-3.8(d), (e), and (n); and Chapter 44 of the Township of Fairfield Code. Further to that end, notwithstanding § 40-6 and § 42-3.8(h), no application for development in the IRO Inclusionary Residential Overlay Zone shall be required to include floor plans for existing buildings; location and design of existing parking, loading, access and circulation improvements and dimensions of same; existing and proposed cable utility service; existing storm drainage design and improvements; existing site illumination; existing landscaping; existing signs; landscaping buffering of temporary contractor’s construction structures and storage areas; a Professional Planning Report; and location of all telephone, electric, gas, and cable television lines and easements. Applications for development in the IRO Inclusionary Residential Overlay Zone shall not be required to utilize the Township’s datum. However, an application for development shall include an Environmental Impact Statement for review by the Planning Board, which such Environmental Impact Statement shall include the data required by § 44-3.1 and § 44-3.2(a)-(f) and (i) and shall include floor plans of typical Affordable Apartment units.

b. Notwithstanding § 40-7, the application fee for preliminary and final major subdivision and site plan in the IRO Inclusionary Residential Overlay Zone shall be $1,500.00 and the initial escrow fee due at the time of initial filing of an application for development in the IRO Inclusionary Residential Overlay Zone shall be $15,000.00.

c. For the avoidance of doubt, development of principal permitted uses in the IRO Inclusionary Residential Overlay Zone shall constitute an Affordable Housing Development and be exempt from payment of Development Fees pursuant to § 45-74 of the Township Code.

d. It is the intent of this ordinance for the Planning Board to expedite its review of any application for development submitted for this overlay zone within the time frames established under N.J.S.A. 40:55D-1 et. Seq. No application or review by any Citizens’ Advisory Committee or Environmental Commission shall be required in connection with
any application for development. Application may be made simultaneously for preliminary and final subdivision and/or site plan approval. Application for development to the Planning Board shall be deemed to also serve as an application for an excavation and regrading permit, diversion permit, soil movement permit, tree removal permit, signs, and for fencing. The Planning Board has the sole authority to approve and issue Excavation and Regrading Permits, diversion permit, Soil Movement Permits, tree removal, signs, and fencing applications in connection with any development proposed via site plan application in the IRO Inclusionary Residential Overlay Zone. It is further the intent of this ordinance to not require off-site or off-tract improvements for development, unless the need for such improvements arise from the development within the overlay zone nor shall the approving authority require items deemed as “cost-generating” as defined by N.J.A.C. 5:93-10.1 et. seq.

45-34.5 Permitted Principal Uses.

No building, structure, or premises in the IRO Inclusionary Residential Overlay Zone shall be used and no building shall be erected or altered except for the following uses:

a. Single Family Dwelling Units.
b. Affordable Apartments.

45-34.6 Permitted Accessory Uses.

Accessory uses permitted in the IRO Inclusionary Residential Overlay Zone are as follows:

a. Private garages.
b. Signs.
c. Buildings and uses customary and incidental to the principal use.
d. Recreational facilities, clubhouse, lobbies, fitness facilities, outdoor barbecues, fire pits, gazebos, leasing and management offices, club rooms, lounges, libraries, business centers, game rooms, pool rooms, community gardens, rec rooms, children’s play rooms, private theater rooms, community kitchens for tenant use, locker rooms, mail rooms, package storage areas, valet spaces, or related mechanical equipment, and similar interior tenant amenities, provided that such amenities serve only the residents of the development and their guests, and any residents or guests of residents of any portion of the approximately 99 acres comprising Block 1600, Lot 1 in the Borough of North Caldwell.
e. Sports facilities, including but not limited to fields, courts, putting greens and swimming pools.
f. Playground facilities.
g. Dog park or dog run.
h. Satellite dish antennas, subject to the requirements of § 45-22.2(f).
i. Storage spaces unattached to Affordable Apartments, but used by occupants of Affordable Apartments, which are incorporated into the Affordable Apartments building.
j. Waste and recycling receptacles and dumpster enclosures.
k. Fences.
l. Surface parking.
m. Maintenance facilities.

45-34.7 Permitted Modifications and Conditional Uses.

Permitted modifications and conditional uses in the IRO Inclusionary Residential Overlay Zone are as follows:

a. Home offices.
b. Home based business offices.
45-34.8 Area, Yard and Building Requirements.

The following area, yard and building requirements shall be applicable in the IRO Inclusionary Residential Overlay Zone:

a. Tract Requirements.

1. The Tract shall be subdivided such that no Affordable Apartments shall be located on the same Lot as any single-family dwelling unit. To the extent necessary, access, drainage, and utilities to subdivided lots within the Tract may be provided via cross-easements.

2. Minimum setbacks from External Tract Lines (feet): 25 feet. Balconies and decks may extend into a required External Tract Line setback by no greater than six-feet for balconies and 10-feet for decks. Retaining walls, sidewalks, public or private streets, walkways, railings, perimeter fences, freestanding signs, parking spaces, driveways, patios, pathways, appurtenances such as HVAC units, stationary generators, pedestrian structures such as stairs, pads, roof overhangs, trash enclosures, above and below-ground storm water detention basins and/or facilities, and underground utilities as needed, landscaping, and lighting shall be permitted within the External Tract Line setbacks.

3. Tract Design Requirements. All buildings on the Tract shall utilize similar building materials.

b. Single Family Requirements.

1. Single Family Dwelling Unit Design Requirements. Single family dwelling units in the IRO Inclusionary Residential Overlay Zone shall be market-rate units without age restriction, and shall include no more than three bedrooms. All single family dwelling units shall have a first floor master bedroom or an elevator. For those single family dwelling units with an elevator, the second floor master suites shall be at least 500 square feet, inclusive of bathroom and closet space.

2. Area, Yard and Bulk Requirements. The area, yard and bulk requirements for the single family lots are as follows:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Measurement</th>
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<tr>
<td>Minimum Single Family Tract Area</td>
<td>65 Acres</td>
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<tr>
<td>Maximum Single Family Dwelling Units per Tract</td>
<td>150</td>
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<tr>
<td>Minimum Single Family Lot Area</td>
<td>5000 SF</td>
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<td>Minimum Setbacks Between Single Family Dwelling Unit and:</td>
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<tr>
<td>Front Single Family Lot Line</td>
<td>20 Feet</td>
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<tr>
<td>Rear Single Family Lot Line</td>
<td>20 Feet</td>
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<tr>
<td>Side Single Family Lot Line</td>
<td>7 Feet</td>
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<tr>
<td>Maximum Single Family Dwelling Unit Building Height (feet)</td>
<td>35 Feet</td>
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<tr>
<td>Maximum Single Family Dwelling Unit Building Height (stories)</td>
<td>2.5 Stories</td>
</tr>
<tr>
<td>Minimum Single Family Lot Width</td>
<td>50 feet</td>
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</tbody>
</table>

3. Encroachments. Balconies and decks may extend into a required front, rear, or side yard setback on a single family lot by no greater than six-feet for balconies and 10-feet for decks. Retaining walls, sidewalks, public or private streets, walkways, railings, perimeter fences measuring up to five feet in height, freestanding signs, parking spaces,
driveways, patios, pathways, appurtenances such as HVAC units, stationary generators, pedestrian structures such as stairs, pads, roof overhangs, bay windows, trash enclosures, above and below-ground storm water detention basins and/or facilities, and underground utilities as needed, landscaping, and lighting shall be permitted within the required front, rear, and side yard setbacks on single family lots.

4. Parking. The number and dimensions of parking spaces required by the Residential Site Improvement Standards shall be provided for parking for single family dwelling units constructed in the IRO Inclusionary Residential Overlay Zone.

5. Trash. Curbside pick-up shall be permitted for single family dwelling units.

c. Affordable Apartment Requirements.

1. Affordable Apartment Design Requirements. Affordable Age-Restricted Dwelling Unit Apartments may be in a separate building from Affordable Apartments that are not Age-Restricted Dwelling Units.

2. Area, Yard and Bulk Requirements. The area, yard and bulk requirements for the Affordable Apartments are as follows:

<table>
<thead>
<tr>
<th>Minimum Affordable Apartments Tract Area</th>
<th>2 Acres</th>
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<tbody>
<tr>
<td>Affordable Non-Age Restricted Apartments</td>
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<tr>
<td>Required per Tract</td>
<td>18</td>
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<tr>
<td>Affordable Age Restricted Dwelling Unit</td>
<td></td>
</tr>
<tr>
<td>Apartments Required per Tract</td>
<td>17</td>
</tr>
<tr>
<td>Minimum Setbacks from External Lot Lines</td>
<td>50 Feet</td>
</tr>
<tr>
<td>Maximum Affordable Apartment Building Height (feet)</td>
<td>40 Feet for flat roof; 45 feet for pitched roof</td>
</tr>
<tr>
<td>Maximum Affordable Apartment Building Height (stories)</td>
<td>3.5 Stories*</td>
</tr>
</tbody>
</table>

* Of the permitted 3.5 Stories, one half story shall be permitted to accommodate a pitched roof; such half story shall not be utilized as living space.

3. Encroachments. Balconies and decks may extend into a required setback by no greater than six-feet for balconies and 10-feet for decks. Retaining walls, sidewalks, public or private streets, walkways, railings, perimeter fences measuring up to five feet in height, freestanding signs, parking spaces, driveways, patios, pathways, appurtenances such as HVAC units, stationary generators, pedestrian structures such as stairs, pads, bay windows, roof overhangs, trash enclosures, above and below-ground storm water detention basins and/or facilities, and underground utilities as needed, landscaping, and lighting shall be permitted within the setbacks.

4. Parking. The number and dimensions of parking spaces required by the Residential Site Improvement Standards shall be provided for parking for Affordable Apartments constructed in the IRO Inclusionary Residential Overlay Zone.

5. Trash.

(a) Trash produced by the Affordable Apartments may be stored inside the Affordable Apartment building(s) and/or in outdoor trash containment areas.
(b) All outdoor trash containment areas must be enclosed within a six (6) foot high enclosure to prevent windblown litter. The enclosure shall be opaque and complement the design and materials of the principal building.

(c) Landscape plantings shall be located to blend the outdoor trash enclosure into the visual environment and obscure it from view.

d. The Area, Yard, and Building Regulations set forth for the IRO Inclusionary Residential Overlay Zone in this § 45-34.8 shall be incorporated into the Schedule of Area, Yard and Building Regulations at § 45-18.1.

45-34.9 Other Requirements.

a. Utilities. Applicant(s) for development in the IRO Inclusionary Residential Overlay Zone shall be responsible for creating, extending or improving on and off site infrastructure necessary to provide adequate potable water, waste water, and stormwater service to the lot which is the subject of an application for development.

b. Access. The primary ingress and egress to the Tract shall be from Green Brook Road and/or the Borough of North Caldwell. Inwood Terrace shall not be used for access to the Tract, with the exception of emergency access to be used exclusively by emergency vehicles, utilizing Tufftrack or an equivalent grassed fire lane. Block 1902 Lot 13 shall be used solely for said emergency access.

c. Affordable Housing. In accordance with any applicable Judgment of Compliance and Repose Order entered by the Superior Court of New Jersey with regard to In the Matter of the Application of the Township of Fairfield, County of Essex, Docket No. ESX-L-4660-15 the following affordable housing requirements shall apply:

1. Except as provided herein, all Affordable Apartments within the IRO Inclusionary Residential Overlay Zone shall comply with the Township’s Affordable Housing Ordinance at Article XIV, Chapter 45, Section 74A of the Township Code, the Uniform Housing Affordability Controls ("UHAC") (N.J.A.C. 5:80-26.1 et seq.), the Township’s Housing Element and Fair Share Plan, and any applicable Order of the Court, including a Judgment of Compliance and Repose Order. In the event of any conflict between the IRO Inclusionary Residential Overlay zoning and the Township’s Affordable Housing Ordinance or UHAC, the zoning for the IRO Inclusionary Residential Overlay shall control. This includes, but is not limited to, the following requirements for all affordable units:

(a) Deed Restriction Period. All affordable units shall be deed restricted as Affordable to Very Low, Low, or Moderate Income Households for a period of at least thirty (30) years from the date of the initial occupancy of each affordable unit (the “Deed-Restriction Period”), until the Township takes action to release the controls on affordability, so that the Township may count each affordable unit against its obligation to provide affordable housing. Single family homes in the IRO Inclusionary Residential Overlay Zone shall not be deed restricted as Affordable. The affordability controls shall not expire until such time, after thirty (30) years from the date of initial occupancy that the Township takes action to release the controls on affordability, and that, thereafter, the affordability controls shall continue in effect until the date on which the individual Affordable Apartment shall become vacant, provided that the occupant household continues to earn a gross annual income of less than eighty percent (80%) of the applicable median income. If, at any time after the release of the affordability controls by the Township, a rental household’s income is found to exceed eighty percent (80%) of the regional median income, the rental rate restriction shall expire at the later of the next scheduled lease renewal of sixty (60) days.

(b) Income Distribution. Of the Affordable Non-Age Restricted Apartments, nine (9) shall be for Moderate Income Households, six (6) shall be for Low Income Households, and
three (3) shall be for Very Low Income Households. Of the Affordable Age-Restricted Apartments, eight (8) shall be for Moderate Income Households, six (6) shall be for Low Income Households, three (3) shall be for Very Low Income Households.

(c) Bedroom Distribution.

(1) Affordable Age-Restricted Dwelling Unit Apartments. The Affordable Age-Restricted Dwelling Unit Apartments may be efficiency, one or two bedroom units, or any combination thereof, provided that the number of bedrooms shall equal the number of Affordable Age-Restricted Dwelling Unit Apartments. This standard may be met by one-bedroom units or by including one two-bedroom unit for each efficiency unit provided.

(2) Affordable Non-Age Restricted Apartments. At least four (4) of the non-age restricted Affordable Apartments shall be three bedroom units. At least six (6) of the non-age restricted Affordable Apartments shall be two bedroom units. No more than three (3) of the non-age restricted Affordable Apartments shall be one bedroom units. The remainder of the non-age restricted Affordable Apartments may be two or three bedroom units, at the discretion of the developer.

(d) Phasing Requirements. Construction of the Affordable Apartments and the Single Family Dwelling Units shall comply with N.J.A.C. 5:93-5.6(d), with the Certificates of Occupancy for the market rate Single Family Dwelling Units being phased with the Certificates of Occupancy for the Affordable Apartments in accordance with that regulation.

(e) Administrative Agent. Administration of all Affordable Apartments shall be by a qualified and experienced third party administrative agent paid for by the developer, which may be the administrative agent for the Township of Fairfield.

(f) Location Requirements. Within the IRO Inclusionary Residential Overlay Zone, Affordable units may be consolidated into a single building or buildings. Such a building need not contain any market-rate units.

(g) Other Affordable Housing Unit Requirements. Developers shall also comply with all of the other requirements of the Township’s Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification and screening requirements, and (3) adaptability requirements.

d. Circulation.

1. Roadway widths shall comply with Residential Site Improvement Standards.

2. Sidewalks. Notwithstanding the Residential Site Improvement Standards, sidewalks shall be required on one side of the Internal Roads.

e. Residential Site Improvement Standards. To the extent any waiver, exemption, or exception is required from the Residential Site Improvement Standards due to an inconsistency with this zoning or otherwise, the Township Planning Board may liberally grant such waiver, exemption, or exception so as to refrain from imposing cost-generative requirements upon the application and/or development.

f. Retaining Walls.

1. No single retaining wall or retaining wall tier shall exceed a height of 15 feet. There shall be a minimum of four feet between retaining wall tiers. The use of retaining wall tiers to accommodate severe grade changes shall be permitted.
2. Ornamental walls utilizing loose laid stone may be provided throughout the site as appropriate, up to a height of four feet.

g. Shade Trees. Shade trees shall be planted at a distance of not more than sixty (60') feet from each other along all Internal Roads.


i. Lighting.

1. On-site lighting shall protect and enhance the character and quality of the surrounding neighborhood.

2. LED (light-emitting diode) light of the soft white category shall be incorporated into site, service and parking lot lighting.

3. All exterior lights shall be designed so as to reduce glare, lower energy usage and direct lights only to where they are needed.

j. Signage.

1. Ground signs. Ground signs shall be permitted at each entrance to the Single Family Tract and the Affordable Apartments Tract from any Internal Road or public street, with the exception of the emergency access via Inwood Terrace.

   (a) The face of each such ground sign shall not exceed 60 square feet in area, exclusive of any monument or structure to which the sign is affixed. The maximum height of a ground sign from the ground, including base support, shall be six feet. The sign may be internally or external illuminated, provided the sign shall not incorporate scrolling, animation, or flashing elements. The sign materials and design should complement the architecture of the building(s).

   (b) Each such ground sign shall be set back a minimum distance from any Internal Road or public street so as to preserve sight triangles.

2. Wall signs. Wall signs for purposes of address and unit number identification shall be permitted. No other wall signs shall be permitted.

3. Directional signs not to exceed four (4) square feet shall be permitted where it is determined that such signage promotes the safe circulation of vehicles onsite.

4. Temporary banners, pennants, and bunting. Banners, streamers, pennants and/or bunting used for sales or marketing purposes shall be permitted, provided they do not exceed four feet in height.

5. The area of a sign face shall be computed by drawing a square or rectangle that encompasses the extreme limits of the verbiage, logo or emblem.

Section 4. The Planning Board hearing an application for development within the IRO Inclusionary Residential Overlay Zone shall be authorized to grant such variances, waivers, and exceptions as are necessary to facilitate development.

Section 5. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.
Section 6. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Fairfield, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Fairfield are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 7. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Essex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 8. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Fairfield for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 9. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 10. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Essex County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

JAMES GASPARINI
Mayor

ATTEST:

DENISE D. CAFONE
Municipal Clerk

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on June 24, 2019, introduced and read by title and passed first reading and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting that is to be held on July 22, 2019 at 7:00 p.m.; at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

DENISE D. CAFONE
Municipal Clerk
ORDINANCE #2019-15 – AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD AMENDING AND SUPPLEMENTING CHAPTER 45 OF THE CODE OF THE TOWNSHIP OF FAIRFIELD TO ESTABLISH A NEW IRO INCLUSIONARY RESIDENTIAL OVERLAY ZONE AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

INTRODUCED BY: Councilman McGlynn
SECONDED BY: Councilman LaForgia
PUBLISHED: June 27, 2019

ROLL CALL VOTE

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<th>GOVERNING BODY</th>
<th>AYES</th>
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<th>ABSENT</th>
<th>NOT VOTING</th>
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<td>THOMAS J. MORGAN</td>
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2ND READING AND PUBLIC HEARING: JULY 22, 2019

INTRODUCED BY: Councilman Cifelli
SECONDED BY: Council President Morgan
PUBLISHED: July 25, 2019

ROLL CALL VOTE

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