

This Ordinance was introduced on February 20, 2007.  
The Public Hearing will be held March 20, 2007.

**ORDINANCE NO. 1-2007**

**BOROUGH OF WASHINGTON  
COUNTY OF WARREN  
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE CODE  
OF THE BOROUGH OF WASHINGTON, CHAPTER 94 “ZONING AND LAND  
USE” TO ADD NEW SECTIONS, PERMITTING CLUSTERING IN THE  
MOUNTAIN DISTRICT**

**WHEREAS**, the governing body of the Borough of Washington, County of Warren, has determined that portions of Chapter 94 “Zoning and Land Use” should be amended, revised and supplemented to include provisions permitting clustering in the Mountain District.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Washington, Warren County, that Chapter 94 “Zoning and Land Use” of the Code of the Borough of Washington is hereby amended, revised and supplemented as follows:

**§ 94-74            M-3 MOUNTAIN DISTRICT**

- A.     Purpose. The Mountain District is created to provide for large lot residential uses recognizing the existing remote character of the area, the rock conditions, difficult road access, steep slopes, heavy forest cover, and adjacent zoning in Washington Township.
  
- B.     Permitted Uses.
  - 1.     Single-family detached dwellings.
  
  - 2.     Accessory uses customarily incident to the above use, provided that they do not include any activity commonly conducted for gain unless specifically permitted in this District.

3. Permitted uses include home offices and instruction for musical instruments on one-to-one basis not entailing more than one student at any one time for one teacher in a residence.

C. Area yard and bulk requirements (principals permitted uses)

Use Type	Min Lot Area (acres)	Min. Lot Width (Feet)	Min. Lot Depth (Feet)	Min. Front Yard (Feet)	Min. Side Yard (Feet)	Min. Rear Yard (Feet)	Max. Bldg. Height (Feet)	Max. Lot. Cov. (Percent)
Detached single-family dwelling	3	225	300	75	40	40	35	8%

D. Area yard and bulk requirements (Accessory uses)

1. Any accessory building or deck constructed of any material attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building.
2. The minimum distance of any accessory building to a property line or to be a building on the same lot shall be five (5) feet.
3. Height and area. Accessory buildings shall not exceed fifteen (15) feet in height and may not occupy an area totaling more than twenty-five percent (25%) of a required rear yard or a maximum of nine hundred (900) square feet, whichever is smaller.
4. Location. An accessory building may be erected in the side or rear yard only. If erected on a corner lot, it shall be set back from the side street to comply with the setback line applying to the principal building.

E. Cluster Option – A single family residential cluster option is permitted within the M-3, Mountain District Zone. All cluster developments shall meet the following requirements:

1. Permitted uses as set forth in §94-74 B.
2. Minimum tract area required for cluster options is one-hundred acres (100 ac).

3. Maximum Gross Density for cluster option is (1) dwelling unit per three (3) acres (total tract area divided by three (3))
4. A minimum of sixty percent (60%) of the gross tract area shall be reserved for open space as defined in NJSA 40:55D-5. The open space may be offered to the Borough of Washington or other governmental agencies or non-profit land conservation entities and if accepted by borough, other government agencies, by deed at the time of Final Subdivision approval.

F. Area and yard bulk requirements for cluster option (principal permitted use)

<b>Use Type</b>	<b>Min Lot Area (square feet)</b>	<b>Min. Lot Width (Feet)</b>	<b>Min. Lot Depth (Feet)</b>	<b>Min. Front Yard (Feet)</b>	<b>Min. Side Yard (Feet)</b>	<b>Min. Rear Yard (Feet)</b>	<b>Max. Bldg. Height (Feet)</b>	<b>Max. Lot. Cov. (Percent)</b>
Detached Single-family dwelling	17,500	100	175	35	15	40	35	40%

G. Area and yard bulk requirements (accessory uses)

1. Any accessory building or deck constructed of any material attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building.
2. The minimum distance of any accessory building to a property line or to be a building on the same lot shall be five (5) feet.
3. Height and area. Accessory buildings shall not exceed fifteen (15) feet in height and may not occupy an area totaling more than twenty-five percent (25%) of a required rear yard or a maximum of nine hundred (900) square feet, whichever is smaller.
4. Location. An accessory building may be erected in the side or rear yard only. If erected on a corner lot, it shall be set back from the side street to comply with the setback line applying to the principal building.

H. Affordable Housing

1. All development shall comply with the growth share provisions as adopted by Ordinance 10-2006 or as subsequently amended.

In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

#### NOTICE

NOTICE IS HEREBY GIVEN that the aforesaid Ordinance was introduced at a meeting of the Borough Council of the Borough of Washington, County of Warren and State of New Jersey, held on Tuesday, February 20, 2007, and that a meeting of the same will be held on Tuesday, March 20, 2007, at 8:00 P.M. in the Borough Council Chambers on the second floor of the Borough Hall, 100 Belvidere Avenue, Washington, New Jersey, for the purpose of holding a public hearing to consider the final passage of said Ordinance.

Kristine Blanchard  
Borough Clerk

This Ordinance was approved as to form by:

Richard P. Cushing, Esq.  
Municipal Attorney

Published in the Star Gazette:

BOROUGH OF WASHINGTON

ATTEST:

\_\_\_\_\_  
Kristine Blanchard, Borough Clerk

By \_\_\_\_\_  
Marianne Van Deursen, Mayor