

RO-36-05

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON,
COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO
AMEND THE CODE OF THE TOWNSHIP OF WASHINGTON,
TO ESTABLISH RESOURCE CONSERVATION REGULATIONS**

BE IT ORDAINED, by the Township Committee of the Township of Washington, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 111, Land Use Procedures, Article VI, Definitions, Section 111-46, Terms defined, "Improvable Lot Area" is hereby amended to read as follows:

"IMPROVABLE LOT AREA – A contiguous area located on a residential lot within the minimum required setbacks that is free of areas of existing conservation easements, bodies of water, area of floodplains, wetlands, stream corridors (drainage and conservation easements as per §175-47); areas of slopes 20% and greater based on 10' contour intervals, NJDEP-required wetland transition areas; areas of 300' buffer to Category 1 Waters; and Highlands Special Resource Protection Areas, except that the improvable lot area may contain a total of 1,000 sq. ft. of area of slopes 20% and greater."

SECTION 2. Chapter 217, Article IV, Zone Regulations, Section 217-29, Schedule of Area, Yard and Building Requirements, of the Code of the Township of Washington, County of Morris, State of New Jersey, is hereby amended by the addition of a new paragraph to read as follows:

"Area and yard requirements specified throughout Chapter 217 shall apply to principal and accessory structures and buildings. The extent of permitted development shall be calculated according to Resource Conservation Calculations, as provided in Chapter 217, Article V, Supplementary Lot, Height and Yard Regulations, Subsection 217-39.1"

SECTION 3. Chapter 217, Article V, Supplementary Lot, Height and Yard Regulations, of the Code of the Township of Washington, County of Morris, State of New Jersey, is hereby amended by the addition of the following new Section 217-39.1, Resource Conservation Calculations, to read as follows:

"217-39.1 Resource Conservation Calculations.

This section shall be used to compute the total area of a tract that is suitable for development after subtracting identified resource conservation areas. This section is to be used to determine the maximum number of residential lots that may be created on a tract of land and will assist the Board in guiding, to the greatest extent practicable, all development activities to suitable area(s) of the tract.

- A. Applicability. The calculations required in Paragraph B below shall be submitted as part of any conceptual subdivision plan for informal subdivision review and/or any minor or major subdivision or site plan application.
- B. Resource Conservation Factors – Maximum Tract Yield. The Maximum Tract Yield Calculation Form shall be prepared by

the applicant and submitted to the Board, along with a map of the entire tract illustrating natural resource identifying features including flood plains, wetlands, NJDEP required wetlands transition areas, stream channels, stream corridors, areas of slopes greater than 15%, but less than 20%, and areas of slopes 20% and greater.”

**RESOURCE CONSERVATION AREA
MAXIMUM TRACT YIELD CALCULATION FORM**

		Column A	Column B	Column C
		Acres	Resource Conservation ratio	Acres
1.	Gross Tract Area			
2.	Area of existing conservation easements			
3.	Adjusted Gross Tract Area (Line 1 less Line 2)			
	Resource Conservation Areas: see Notes (a) and (b)			
4.	Bodies of water, area of flood plains, wetlands, stream corridors		1	
5.	Area of slopes 20% and greater based on 10' contour intervals		1	
6.	Area of slopes greater than 15% but less than 20% based on 10' contour intervals		0.75	
7.	NJDEP-required wetlands transition areas		0.75	
8.	Area of 300' buffer to Category 1 Waters		1	
9.	Highlands Special Resource Protection Area		0.5	
10.	Total Deductible Resource Conservation Area (sum of Lines 4 through 9)			
11.	Net site area adjusted for Resource Conservation Areas (Line 3 less Line 10)			
12.	Maximum number of residential lots			1 d.u. / 200,000 s.f.
13.	Maximum permitted number of residential lots (Line 11 multiplied by Line 12 - See note (c) & (d))			

Notes:

- (a) Enter appropriate acreage in Column A, multiply Column A by factor in Column B and place result in Column C.
- (b) When resource conservation areas overlap, enter the affected acreage on the line with the higher resource conservation factor and do not include it in the calculation of the resource conservation area having the lower factor. Do not double-count resource conservation acreage.
- (c) Round down to the nearest dwelling unit or square foot.
- (d) Within the Washington Township Conservation District (R-5) there shall be provided on each lot a 'minimum improvable lot area' not less than 25,000 sq. ft., which shall be located entirely within the building envelope for the principal building. For the purpose of this subsection, the minimum improvable lot area shall be a contiguous area of each lot that is free of all constrained areas including: areas of existing conservation easements, bodies of water, area of flood plains, wetlands, stream corridors; area of slopes 20% and greater based on 10' contour intervals; NJDEP-required wetlands transition areas; areas of 300' buffer to Category 1 Waters; and Highlands Special Resource Protection Areas; except that the minimum improvable lot area may contain a total of 1,000 sq. ft. of area of slopes greater than 20%.

SECTION 4. Chapter 217, Article V, Supplementary Lot, Height and Yard Regulations, Section 217-38, Steep Slopes and Ridge Protection, Paragraphs C and D, of the Code of the Township of Washington, County of Morris, State of New Jersey, are hereby amended to read as follows:

“C. Construction control limitations. Disturbance of steep slopes shall be limited to the following based on the indicated slopes:

Slope	Permitted Activity
Less than 15%	All activities
15% to less than 20%	All activities subject to review and approval of individual grading plans per Subsection E below.
Greater than 20%	No disturbance permitted (except that disturbance shall be permitted in man-made slope areas greater than 20%)

D. Exception. The above construction control limitations are not applicable for isolated steep slopes with an area of 1,000 square feet or less”.

SECTION 5. All ordinances of the Township of Washington that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. If any 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.

SECTION 7. This Ordinance may be renumbered for codification purposes.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

ATTEST:

TOWNSHIP OF WASHINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY

Dianne S. Gallets, Township Clerk

By: _____
Kenneth W. Short, Mayor