

ORDINANCE NO. RO-03-26
TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY
AN ORDINANCE AMENDING CHAPTER 217 (ZONING) OF THE CODE OF THE
TOWNSHIP OF WASHINGTON TO ESTABLISH THE “DRAKESTOWN ROAD
MULTIFAMILY RESIDENTIAL OVERLAY (DR-MFRO)” APPLICABLE TO BLOCK 8,
LOT 8 (67 DRAKESTOWN ROAD), AMENDING THE OFFICIAL ZONING MAP, AND
PROVIDING FOR AFFORDABLE HOUSING REQUIREMENTS, REPEALER,
SEVERABILITY, AND AN EFFECTIVE DATE

WHEREAS, The Township Committee finds that adoption of an overlay district applicable to Block 8, Lot 8 (67 Drakestown Road) is consistent with the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and is intended to establish clear, objective standards for multifamily residential development on the tract; and

NOW, THEREFORE, BE IT ORDAINED By the Township Committee of the Township of Washington, County of Morris, State of New Jersey, as follows:

SECTION 1. Zoning Map; overlay designation.

Chapter 217 of the Code of the Township of Washington is hereby amended to create and map an overlay zone to be known as the Drakestown Road Multifamily Residential Overlay ("DR-MFRO"), applicable solely to Block 8, Lot 8 (67 Drakestown Road), and the Official Zoning Map and legend shall be amended accordingly.

SECTION 2. Chapter 217 is hereby amended and supplemented to establish the “Drakestown Road Multifamily Affordable Housing Residential Overlay (DR-MFRO),” as new Section 217-16.2, as follows:

§ 217-16.2 Drakestown Road Multifamily Residential Overlay (DR-MFRO).

A. Permitted uses.

- (1) Residential dwelling units. Multifamily residential rental dwelling units as defined at §111-46 of the Code, at a maximum density of 10.0 dwelling units per gross acre, on Block 8, Lot 8 (67 Drakestown Road) (the “Tract”).
- (2) No other principal uses shall be permitted.

B. Permitted accessory uses.

- (1) Other uses and structures customarily incidental to a principal permitted use.
- (2) Private parking, internal drive aisles, sidewalks and pedestrian walkways, lighting, landscaping, fences and walls, gazebos, utility and stormwater management facilities, and refuse and recycling enclosures.

- (3) Signs. All signs shall conform to the regulations and standards set forth in Chapter 159, Site Plan Review and the Township's Sign Regulations (See Chapter 159, Site Plan Review, and the Township sign regulations at §§159-32, 159-39 and 159-42.)
- (4) Utility Structures, including, but not limited to hot boxes, generators, and air conditioning units, subject to aesthetic enhancements that may be required by the Planning Board.

C. Conditional uses.

- (1) None.

D. Design and performance standards.

- (1) Tract control; unified plan. Development within the DR-MFRO overlay shall be permitted only as part of a unified development plan for the Tract under the ownership or control of a single entity and the subject of a development application.
- (2) Architectural review. New development shall be guided by site plan review and shall incorporate façade articulation, variation in exterior building materials, façade breaks to minimize the appearance of scale and massing of the structure, and high-quality materials on façades visible from public rights-of-way, such as, but not limited to cementitious horizontal siding, channel-drain metal roofing.
- (3) Lighting. Lighting shall be designed and installed to minimize glare and light trespass on adjacent properties. All lighting shall be in accordance with the standards of §159-41, "Lighting, landscaping and buffering."
- (4) Screening. Refuse/recycling areas and mechanical equipment shall be screened from view.
- (5) Buffers. A landscaped buffer shall be provided along Tract boundaries as part of site plan review to provide a visual screen during all seasons, as viewed from the public right-of-way and any existing adjacent residential uses. All buffering, landscaping and open space shall be in accordance with §159-31 of the Township Code and shall consist of native coniferous and deciduous tree species approved by the Joint Land Use Board.
- (6) Utilities and drainage. All development within the overlay shall comply with applicable Township, County and State utility and stormwater requirements; all utility lines, including power, telephone and cable television lines, shall be installed underground and adequately shielded where feasible and permitted.
- (7) Emergency access. The layout of roads, buildings and parking areas shall be suitably designed to facilitate emergency access by police, fire-fighting and ambulance service vehicles.

- (8) Phasing. If development is proposed in phases, the developer shall submit a phasing plan and schedule as part of the site plan application in accordance with the most recently adopted version of the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq.
- (9) RSIS. All site design standards not specifically set forth herein shall be in accordance Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21, as amended, and applicable Township site plan design requirements and shall be consistent with the Highlands Regional Master Plan.

E. Schedule of area, yard and building requirements.

Development within the DR-MFRO shall comply with the following bulk and intensity standards, which shall govern where they differ from the standards of the underlying zoning district:

- (1) Minimum tract area. The minimum tract area for development under this overlay shall be the entirety of Block 8, Lot 8 (67 Drakestown Road).
- (2) Minimum tract frontage and width. As legally existing.
- (3) Minimum front yard setback. 100 feet.
- (4) Minimum side yard setback. 50 feet.
- (5) Minimum rear yard setback. 100 feet.
- (6) Minimum distance between principal buildings. In the DR-MFRO community, the minimum distance between residential buildings shall be as follows:
 - a. Front-to-front: 70 feet.
 - b. Front-to-side: 60 feet.
 - c. Front-to-rear: 70 feet.
 - d. Side-to-side: 20 feet.
 - e. Side-to-rear: 35 feet.
 - f. Rear-to-rear: 50 feet.
- (7) Maximum building height. Three- and one-half stories (3.5) or forty-five (45) feet.
- (8) Maximum density. 10.0 dwelling units per gross acre.
- (9) Maximum number of dwelling units. (Gross tract acreage × 10), rounded to the nearest whole dwelling unit.
- (10) Parking. The minimum number of off-street parking spaces for development in the DR-MFRO shall be in accordance with the maximum parking requirements provided in the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21, as amended, and applicable.
- (11) Permitted projections into setbacks. Chimneys, bay windows, roof overhangs and similar architectural projections may encroach up to four (4) feet into required yard

setbacks; decks, patios, steps, landings and similar features may encroach up to ten (10) feet into required yard setbacks, provided no projection shall encroach into any required buffer area established as part of site plan approval.

F. Affordable housing requirements. Any development or redevelopment for residential units shall be subject to the following requirements:

- (1) Mandatory set-aside. Twenty percent (20%) of all dwelling units constructed in the DR-MFRO development shall be set aside as affordable housing units. Any fractional unit resulting from application of the set-aside shall be rounded up to the next whole unit.
- (2) General compliance. Affordable units shall conform to the requirements of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”), the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et seq., all other relevant statutes, regulations, and policies, and the Washington Township Fourth-Round Affordable Housing Ordinance.
- (3) Low-income minimum. At least fifty percent (50%) of the affordable units provided shall be low-income units.
- (4) Very low-income requirement. At least 13% of the affordable units provided shall be available to very low-income households, and evenly among all housing types in the development.
- (5) Affordability average; bedroom distribution. Affordable units shall be provided in accordance with N.J.A.C. 5:80-26.1 et seq.
- (6) Affirmative marketing. Affordable units shall be affirmatively marketed in accordance with N.J.A.C. 5:80-26.1 et seq. and the Township’s most current affirmative marketing plan.
- (7) Controls on affordability; deed restrictions. There shall be an income control period pursuant to the UHAC, of at least thirty (30) years for fee-simple ownership units and at least forty (40) years for rental units. The Township reserves the right to extend the affordability controls in accordance with then applicable law, within a reasonable time prior to the end of the initial control period.
 - a. The applicant shall utilize the Township’s approved affordable housing deed restriction for all affordable units. The applicant shall submit a copy of the draft deed restriction to be placed on the affordable units at the time of application for site plan approval for Planning Board Attorney review and approval prior to the Planning Board granting preliminary or final site plan approval.
- (8) Affordability controls shall be established in the form of a deed restriction, which shall be approved by the Planning Board Attorney and Township Attorney, and recorded with the Morris County Clerk and filed with Washington Township Municipal Clerk and Washington Township Municipal Housing Liaison.
- (9) Administrative agent; costs of administration. The developer shall enter into an agreement with the Township to pay for the cost of administration of affordable units in

the development by a New Jersey certified Affordable Housing Administrative Agent, or the developer shall annually provide evidence that a contract is in full force and effect between the developer and a New Jersey certified/qualified Affordable Housing Administrative agent for all aspects of administration of the affordable units.

- (10) Design of developments comprising market-rate rental units and restricted rental units:
- a. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes.
 - b. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - c. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - d. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - e. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type.
 - f. Each bedroom in each restricted unit must have at least one window.
 - g. Restricted units must be of the same unit type as market-rate units within the same building.
 - h. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- (11) Other Affordable Housing Unit Requirements: Applicants/Developers shall also comply with all of the other requirements of the Township's Affordable Housing Ordinance, including, but not limited to, (i) affirmative marketing requirements, (ii) candidate qualification and screening requirements, (iii) integrating the affordable units amongst the market rate units, and (iv) unit phasing requirements. Developers shall identify the exact location of each affordable unit at the time of site plan application.

- G. Development within the DR-MFRO shall be subject to site plan approval in accordance with Chapter 159 of the Township Code.
- H. Development within the DR-MFRO shall conform to any applicable municipal zoning or site plan requirement pertaining to development in the underlying zoning district not specifically modified herein.
- I. Nothing herein exempts any development within the DR-MFRO from the applicable provisions of the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq., the Highlands Regional Master Plan, and the regulations promulgated pursuant thereto.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this Ordinance is held invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This ordinance, and any sections and sub-parts therein may be renumbered for purposes of codification.

SECTION 6. This Ordinance shall take effect upon final passage and publication as required by law.

TOWNSHIP OF WASHINGTON,
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Denean Probasco, RMC, Township Clerk

Michael A. Marino, Mayor

NOTICE OF FINAL ADOPTION

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of Washington Township, in the County of Morris, New Jersey, held on the 17th of February, 2026, and the same came up for final passage at a meeting of said Township Committee on the 16th day of March, 2026 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Township according to law. By order of the Township Committee of the Township of Washington, County of Morris and State of New Jersey.

Attest: I Denean Probasco, herein certify that the foregoing Ordinance was duly adopted by the Washington Township Committee at a regular meeting held by the Township Committee on March 16, 2026.

Denean Probasco, RMC, Township Clerk