by way of illustration but not of limitation, could be an enlarged parking area in the industrial park or shopping center or one or more special parking areas. Bus and commuter van stops shall be designated at these special parking areas as well as other key locations.

(g) All applications shall comply with the minimum standards set forth in Chapter 159, Site Plan Review § 159-39A(3).

F. Nonresidential design standards.

(1) The placement of individual structures and their design shall be done in a manner using existing topographic and vegetative characteristics, or man-made contours and planting, to minimize the visual impact of a large structure and development and to use such features to separate uses, screen major areas of improvements and soften the visual impact of buildings and paved areas.

(2) Light industrial, office and office research/laboratory or retail.

(a) Minimum of two acres.

(b) Maximum building coverage: 25%.

(c) Maximum building and paved surface: 60%.

(d) Minimum lot width and depth: 250 feet.

(e) Minimum front and rear yard: 80 feet.

(f) Minimum side yard: 50 feet.

(g) Required access from collector or arterial street.

(3) Development of the nonresidential sector of the PUD shall comply with the requirements of Chapter 159, Site Plan Review.

§ 217-62. Cluster and lot averaging subdivisions. [Amended 3-17-1986 by Ord. No. 6-86; 3-20-1989 by Ord. No. 4-89; 4-17-1989 by Ord. No. 11-1989; 7-15-1991 by Ord. No. 17-91; 3-19-2001 by Ord. No. 5-01]

A. General. It is the intent of this section to preserve large contiguous tracts of open space and farmland within Washington Township. Open space and open lands parcels shall be devoted to farmland, recreation, passive open space or natural resource conservation, as appropriate. In residential zones, as designated in this chapter, an applicant for a major subdivision may apply to the Planning Board for a cluster or lot averaging subdivision. An applicant seeking to subdivide a tract of land 40 acres or greater in size, or a tract of land adjacent to land which has been deed restricted for farmland or open space preservation, or a tract identified as or adjacent to greenway or open space lands in the Washington Township Master Plan, Open Space Plan or Farmland Preservation Plan, shall apply to the Planning Board for a mandatory cluster or lot averaging subdivision. Such application, as proposed in a letter, shall be accompanied by a concept plan indicating, in general, the development plan and the area to be retained as open lands, in open space, agricultural use, recreation or used for other municipal purposes not inconsistent with open space

preservation. If, in the opinion of the Planning Board, such a development will assist in achieving the objectives of the Master Plan, Official Map or other planning documents and ordinances, the applicant may be permitted to submit a cluster or lot averaging plan for a parcel of less than 40 acres. The Planning Board shall have sole authority as to whether cluster or lot averaging shall be permitted. If the applicant proposes that the open space resulting from a cluster development be dedicated to the township, either in fee or through conveyance of development rights, then the Planning Board shall request approval from the governing body that the open space or interest therein, resulting from the application of cluster development, will be accepted by the township. If approval is not granted within 60 days from the date of referral and the Planning Board approves submission of a cluster plan, the applicant may submit a cluster plan providing either for ownership of common land in accordance with the subdivision procedures as provided in Chapter 175, Subdivision of Land, or for deeding the lot to a homeowners association or to the township for municipal use, not inconsistent with open space preservation, subject to a deed restriction prohibiting further subdivision or development.

B. Maximum number of lots. The maximum number of lots shall be determined by design of a conventional subdivision. Lands with slopes of 15% or greater shall comply with § 217-38.

C. Criteria for voluntary cluster or lot averaging development on parcels of less than 40 acres that are not adjacent to deed restricted farmland or preserved open space, or identified as or adjacent to greenway or open space lands in the Washington Township Master Plan, Open Space Plan or Farmland Preservation Plan.

(1) Minimum tract size: not less than 10 acres.

(2) Minimum lot size and yard requirements.

(a) The Planning Board may authorize up to a fifty-percent reduction of lot area*, dimensions and yards, subject to compliance with § 217-39 for the R-1, R-2, PUD R-2, except that the minimum lot width shall not be less than:

[1] R-1 Zone: 125 feet.

[2] R-2 Zone: 145 feet.

[3] PUD/R-2 Zone: 145 feet.

[4] R-3 Zone: 145 feet.*

[5] R-5 Zone: 145 feet.*

NOTE: *A minimum lot size of 80,000 square feet is permitted in the R-3 and R-5 Zones under this section.

(b) The percentage of the total tract of land equal to the percentage that the average lot areas are reduced from that otherwise required in the zone shall be used for open space or included as the open lands. However, such open space or open lands shall not be less than five acres.

(3) Housing type: the same as permitted in the zone.

(4) Cluster or lot averaging development shall not be permitted in an R-20 Zone.

D. Criteria for mandatory cluster or lot averaging development on parcels of 40 acres or more or parcels of less than 40 acres that are adjacent to deed restricted farmland or preserved open space, or identified as or adjacent to greenway or open space lands in the Washington Township Master Plan, Open Space Plan or Farmland Preservation Plan.

(1) The open space parcel or any designated open lands shall contain a minimum of 50% of the gross tract area in the R-5 Zone or 33% of the gross tract area in the R-3 Zone and shall contain a minimum of 30% of the unconstrained tract area in the R-5 Zone and 25% of the unconstrained tract area in the R-3 Zone. The unconstrained tract area shall be defined as the area of the tract that does not contain floodplains, wetlands, slopes greater than 25%, easements (excluding sight triangles) and right-of-way areas. The stormwater management system for the proposed subdivision may be located in the open space or open lands parcel; however, the land area of any detention or retention basin(s) shall not be counted toward the minimum area requirements in this section.

(2) Any open space parcel shall contain a minimum lot circle of 300 feet.

(3) Rights-of way or cartways of any existing or proposed public or private streets shall not be included in the calculation of the minimum required open space or open lands area.

(4) Cluster subdivisions under previous cluster requirements prior to the adoption of mandatory cluster provisions shall be permitted to continue as approved.

E. Open space and open lands regulation. The open space lot(s) of a cluster development used for recreation facilities approved by the township, or open lands in a lot averaging subdivision, shall be permanently deed restricted from further development and shall be subject to the following regulations:

(1) New agricultural construction (e.g., barns, shelters and greenhouses) shall not result in an impervious surface coverage in excess of 10% of the total acreage of the preserved open lands. New agricultural construction shall be located a minimum of 200 feet from the property line.

(2) The deed of any single-family dwelling sold as part of a lot averaging development under this section shall contain a notice that the Township Zoning Ordinance specifically includes farming as a permitted use in the zone and that the open lands in the development may be deed restricted for farming use. Furthermore the developer and/or landowner who plans to sell the dwellings referenced above shall inform, through their agents, prospective purchasers of the protections that the Township Right-To-Farm Ordinance, § 217-40, conveys to agricultural operations.

(3) Open lands created as a result of these regulations shall be included within a single lot in a lot averaging subdivision.

F. Open space and open lands guidelines. The following guidelines should be considered in determining the configuration and location of open space parcels resulting from development under open space cluster provisions and open lands resulting from lot averaging subdivisions:

(1) The preserved open space or open lands area shall be configured in such a manner as to facilitate agricultural use. Factors such as, but not limited to, the proposed proximity of the open space or open lands to adjacent tracts containing farming operations, the ability to create large contiguous tracts of open space and/or farmland and the desirability of maximizing separation between farming operations and residential units should be considered.

(2) In order to maintain the rural character and scenic viewsheds of the township, as perceived from the public rights-of-way, open space and open lands parcels should be located in such manner as to preserve scenic vistas and preserve the rural character of farmsteads, barns and homesteads after development.

(3) Where subdivision tracts include existing farmland operations, open space parcels and designated open lands should be configured to preserve such uses, to the greatest extent possible, in order to facilitate the continuation of farming.

(4) Open space parcels and designated open lands should be located in such a manner (i.e., physical separation) as to reduce the potential for conflicts between farm operations and residential uses.

(5) Proposed roads should be located within the development portion of the property. It is the intent of this section to keep the open space or open lands portion continuous and free of roadway intrusions; however, adequate access must be provided to the open space or open lands area.

(6) Open lands created as a result of these regulations may be used for recreation, agriculture or resource conservation. No buildings or structures shall be constructed or maintained on the deed restricted open lands except such structures that are accessory to the agricultural, natural resource conservation or open space use.

(7) Existing or proposed equestrian trails, and other trails, including Patriot's Path, which may be shown on the Master Plan of Washington Township or Morris County, and which are located on lands within any proposed cluster or lot averaging subdivision, shall be identified on the preliminary subdivision plat and preserved, established or relocated, as may be appropriate. The Planning Board may require easements for this purpose.

§ 175-52.1. Open space and open lands guidelines. [Added 3-19-2001 by Ord. No. 5-01]

The following guidelines should be considered in determining the configuration and location of open space parcels resulting from development under open space cluster provisions and open lands resulting from lot averaging subdivisions:

A. The preserved open space or open lands area shall be configured in such a manner as to facilitate agricultural use. Factors such as, but not limited to, the proposed proximity of the open space or open lands to adjacent tracts containing farming operations, the ability to create large contiguous tracts of open space and/or farmland and the desirability of maximizing separation between farming operations and residential units should be considered.

B. In order to maintain the rural character and scenic viewsheds of the township, as perceived from the public rights-of-way, open space and open lands parcels should be located in such manner as to preserve scenic vistas and preserve the rural character of farmsteads, barns and homesteads after development.

C. Where subdivision tracts include existing farmland operations, open space parcels and designated open lands should be configured to preserve such uses, to the greatest extent possible, in order to facilitate the continuation of farming.

D. Open space parcels and designated open lands should be located in such a manner (i.e., physical separation) as to reduce the potential for conflicts between farm operations and residential uses.

E. Proposed roads should be located within the development portion of the property. It is the intent of this section to keep the open space or open lands portion continuous and free of roadway intrusions; however, adequate access must be provided to the open space or open lands area.

F. Open lands created as a result of these regulations may be used for recreation, agriculture or resource conservation. No buildings or structures shall be constructed or maintained on the deed-restricted open lands except such structures that are accessory to the agricultural, natural resource conservation or open space use.

G. Existing or proposed equestrian trails, and other trails, including Patriot's Path, which may be shown on the Master Plan of Washington Township or Morris County, and which are located on lands within any proposed cluster or lot averaging subdivision, shall be identified on the preliminary subdivision plat and preserved, established or relocated, as may be appropriate. The Planning Board may require easements for this purpose.

RO-18-05

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS AND STATE OF NEW JERSEY TO AMEND CHAPTER 217, ZONING, TO REPEAL SECTION 217-59.4, CLUSTER AND LOT AVERAGING SUBDIVISIONS

WHEREAS, the recently enacted Highlands Watershed Protection Act significantly impacts Washington Township wherein it promotes the preservation of open space, farmland and environmentally sensitive areas in the Township; and

WHEREAS, the Highland Watershed Protection Act maintains the goal and objectives of the Township's Master Plan and Land Use Plan Element.

NOW, THEREFORE, 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 217, Zoning, Article 6, Supplemental Regulations Governing Certain Uses, Section 217-59.4, Clustering and Lot Averaging Subdivisions, of the Code of the Township of Washington, County of Morris, State of New Jersey is hereby amended to read as follows:

"217-59.4. Cluster and lot averaging subdivisions.

This Section is hereby repealed except that this repeal shall not apply to any subdivision application filed prior to May 1, 2005 and the provisions of this section, as in effect prior to the effective date of this Ordinance, shall be applicable to those applications."

SECTION 2. 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 3. 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 effect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

TOWNSHIP OF WASHINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

_____
Dianne S. Gallets, Clerk

By:_____
Kenneth W. Short, Mayor