ORDINANCE No. RO-10-22

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING CHAPTER 217 "ZONING", ARTICLE VII "CONDITIONAL USES", AND ARTICLE III "USE REGULATIONS", SECTION 217-9 "R-5 WASHINGTON TOWNSHIP CONSERVATION ZONE" TO ADD ACCESSORY APARTMENT WITHIN A SINGLE-FAMILY RESIDENCE AS A CONDITIONAL USE

WHEREAS, Chapter 217, Article VII "Conditional Uses", enumerates conditional uses and specific conditions and standards for those uses; and

WHEREAS, the Township Committee desires to allow accessory apartments within single-family residences as a conditional use only when certain requirements are met; and

WHEREAS, the Township Committee of the Township of Washington finds there is a substantial interest in furthering the quality of life of the Township's residents by establishing conditions and standards for such use; and

WHEREAS, the Township Committee deems it to be in the best interest of the residents of the Township to modify the Township Code to effectuate the aforementioned purpose; 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 ONE. Chapter 217 "Zoning", Article VII "Conditional Uses", shall be amended to add a new Section 217-72 "Accessory Apartments within a Single-Family Residence" to read as follows:

§217-72 Accessory Apartment within a Single-Family Residence.

A. The number of apartments within a single-family residence shall be limited to one and shall be located within the principal building.

B. Not more than 25% of the floor area of the principal building may be used for the apartment.

C. The applicant shall demonstrate that adequate off-street parking is available for the combination of the principal residential use and the apartment.

D. The exterior appearance of the principal structure shall not be substantially altered or its appearance as a single-family residence changed.

E. The minimum size of apartments shall conform to FHA minimum unit size by bedroom count.

F. The occupants of the apartment shall be limited to the mother, father, son, daughter, brother, sister, grandparent (in any degree) and/or grandchild (in any degree), together with their respective spouses and children, of one of the principal occupants of the single-family residence.

G. At such time as the apartment becomes unoccupied, or at such time as the occupants of the apartment do not, or no longer, bear the requisite relationship (by blood or marriage) to a principal occupant of the single-family residence pursuant to Paragraph F of this subsection, the conditional use approval shall terminate. In the event that ownership of the premises changes, there shall be a rebuttable presumption that such requisite relationship no longer exists.

H. The owner of the premises which has been granted approval for such conditional use shall certify annually, on a form provided by the Municipal Housing Liaison, that the conditions for the conditional use are still being satisfied.

SECTION TWO. Chapter 217 “Zoning”, Article II “Use Regulations”, Section 217-9 “R-5 Washington Township Conservation Zone” shall be amended to read as follows:

C. Conditional uses

(11) Accessory Apartment within a single-family residence.

All other portions of this Section not addressed herein shall remain unchanged.

SECTION THREE. **RENUMBERING.** This Ordinance may be renumbered for codification purposes.

SECTION FOUR. **SEVERABILITY.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

SECTION FIVE. **REPEALER.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of Washington Township held on August 15, 2022, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Washington Township Committee to be held on September 19, 2022 at 7:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Washington Township Municipal Building, 43 Schooley’s Mountain Road, Long Valley, NJ 07853, at which time all persons interested may appear for or against the passage of said Ordinance.

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Denean Probasco, Township Clerk

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Matthew T. Murello, Mayor

Adopted:

Attest: I herein certify that the foregoing Ordinance was duly adopted by the Washington Township Committee at a regular meeting held by the Township Committee on September 19, 2022.

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Denean Probasco, Township Clerk