

**HARDING TOWNSHIP
ORDINANCE NO. 13-11**

"AN ORDINANCE AMENDING THE NEW VERNON REDEVELOPMENT PLAN AND THE B-1 ZONE REGULATIONS CONTAINED IN CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF HARDING"

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING, IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1: The New Vernon Village Redevelopment Plan shall be amended as follows:

1. Mixed uses (residential and commercial uses on the same lot) should be encouraged, not mandated, in the redevelopment area so as to allow greater flexibility in developing sites within the redevelopment area.
2. Restaurants should be permitted in the B-1 Historic Village Business Zone. The scale of this type of development will be limited by the small size of the lots in the redevelopment area and the need to accommodate off-street parking and on-site wells and wastewater disposal facilities in compliance with Board of Health regulations.
3. Two-family dwellings should be allowed in the B-1 Zone. The zone already permits single-family homes, rental apartments as an accessory use, and affordable housing. Two-family dwellings are compatible with these uses and will promote the goal of maintaining a strong residential presence in the redevelopment area.

SECTION 2: Article XXIX (B-1 Historic Village Business Zone) within Chapter 225 is hereby amended to include the incorporation of section 225-140 (a reserved section in Article XXVIII) and to read in its entirety as follows:

**ARTICLE XXIX
B-1 HISTORIC VILLAGE BUSINESS ZONE**

225-140. Purpose of the B-1 Historic Village Business Zone.

- A. Purpose. The intent of the B-1 Historic Village Business Zone is to provide for a mix of residential and small-scale neighborhood and family-oriented business and service uses compatible with the historic, compact, and pedestrian-friendly village development pattern that is characteristic of New Vernon Village. The entire B-1 Historic Village Business Zone is included in the New Vernon Historic District and the designated New Vernon Redevelopment Area. There is no public water supply or public wastewater disposal (sewer) system in New Vernon Village. All uses must rely on private wells and must meet on-site wastewater disposal (septic system) requirements approved by the Harding Township Board of Health. The requirements and limitations stipulated herein are intended to carry out the policies and standards set forth in the New Vernon Village Redevelopment Plan adopted by Ordinance 6-03 as may be supplemented from time to time. It is also the intent of this Article that, to the extent feasible, the integrity of historic or contributing buildings listed in the Historic Survey for the New Vernon Historic District be retained in their historic setting, and that new development be undertaken in a manner compatible with the character of the New Vernon Historic District.
- B. Encouraging redevelopment. The Township of Harding encourages redevelopment within the B-1 Historic Village Business Zone. Applicants are requested to contact the Township Administration for assistance and to participate in the Township's Small Business Initiative.

225-141. Permitted uses. In the B-1 Historic Village Business Zone, no building, structure or premises shall be used, erected, or altered except for the following permitted uses.

- A. Residential uses.
 - (1) A single-family dwelling, which may include accommodation for up to two (2) boarders.
 - (2) A rental dwelling as an accessory and subordinate use on the same lot as a single-family dwelling.
 - (3) A two-family dwelling, also known as a duplex or twin house (see definitions, section 225-5).
 - (4) Residential dwellings shall be permitted in conjunction with nonresidential uses in the same building or on the same lot.
- B. Nonresidential uses.

- (1) Business, administrative and professional offices.
- (2) Businesses that provide retail sales and services.
- (3) Banks and other businesses that provide insurance, financial or investment services.
- (4) Public and quasi-public offices or facilities, including a Post Office, library, educational institution, and a senior citizens' activity center.
- (5) Delicatessens, coffee shops, and restaurants in accordance with the following limitations.
 - (a) The total number of seats for patrons shall be limited by the capacity of the site to accommodate water supply and satisfy waste disposal requirements to service all uses on the premises in compliance with Board of Health regulations.
 - (b) Outdoor dining shall be permitted in accordance with the following additional limitations:
 - [1] The number of seats provided for patrons outside the building shall be limited to one-third (1/3) of the total seating permitted on the premises for patrons.
 - [2] Outdoor dining shall be permitted in front of a building only if situated on a covered porch or attached patio.
 - [3] Outdoor dining shall be permitted to the side or rear of a building provided, however, that after 6:00 PM, outdoor dining shall only be permitted in these areas if there is no adjacent residence within fifty (50) feet of the outdoor dining area.
 - [4] The placement of tables, benches and chairs outside the building shall comply with all setback and buffer requirements. Bench seating shall be calculated on the basis of one (1) seat for every twenty-five (25) inches.
 - [5] Umbrellas shall be permitted.
 - [6] There shall be no outdoor food preparation, cooking or storage.
 - [7] All outdoor dining areas shall be kept free of debris and solid waste, except in appropriate containers. All outside waste containers shall be emptied periodically as necessary and in any event, by the close of business each day.
 - (c) The service of alcoholic beverages shall be permitted in accordance with the terms of any license, or if the establishment is not licensed, the business owner may allow patrons to bring their own beverages in conformance with any applicable state or municipal regulations.
- C. Accessory buildings and structures. Accessory buildings and structures that are incidental to the principal use(s) shall be permitted. All accessory buildings and structures, including garages, sheds and storage buildings shall comply with yard setbacks, floor area ratio limitations and buffer requirements. With the exception of HVAC and energy-related structures or generators, no accessory building or structure shall be located closer than ten (10) feet to any other structure. No accessory building or structure shall exceed twenty-five (25) feet in height.
- D. Mixed uses. Mixed uses (residential and nonresidential uses) are encouraged, but not mandated, and shall be permitted in the same building or on the same lot in order to encourage the retention and development of residential uses within the B-1 Historic Village Business Zone.
- E. Multiple uses/buildings on a lot. Notwithstanding the provisions of section 225-116C of this Chapter, multiple uses and multiple buildings shall be permitted on the same lot, provided that all of the requirements of this ordinance are met.
- F. Storage of vehicles. No lot or parcel of land shall be used as a storage area for commercial vehicles except in connection with a permitted use, and provided it is clearly incidental and subordinate to the use of the property and does not provide a means of advertising or signage.
- G. Storage of products. The storage of products within a building in connection with a permitted use shall be allowed provided that such storage is clearly subordinate and incidental to the primary permitted use.
- H. Hours of operation for nonresidential uses. The daily hours of operation for any nonresidential use in the B-1 Historic Village Business Zone shall not be prior to 6:00 AM or later than 9:00 PM. Delicatessens, coffee shops and restaurants shall cease food service by 9:00 PM, but may remain open until 10:00 PM.

225-142. Prohibited uses. The following uses shall be prohibited in the B-1 Historic Village Business Zone.

- A. Franchised fast food restaurants shall be prohibited.
- B. No drive-thru facility, window service, or service to patrons in a motor vehicle, shall be permitted in connection with any business. The limitations of this section, however, shall not be construed so as to prohibit the installation of a banking institution's ATM machine, provided that such ATM machine shall only be accessible

to pedestrians, and further, that the installation of an ATM machine meets all of the other applicable requirements of this Article, including the limitation on hours of operation stipulated above.

- C. No warehousing shall be permitted except that the enclosed storage, as an accessory use, of products sold on the premises shall be permitted in accordance with section 225-141G above.
- D. No outdoor storage shall be permitted.
- E. The outdoor display of goods shall be limited to the front porch or attached patio in accordance with applicable safety considerations.
- F. No flea markets shall be permitted.

225-143. Bulk regulations.

- A. Minimum lot size: nine thousand (9,000) square feet.
- B. Minimum lot width: sixty-five (65) feet.
- C. Height of principal buildings.
 - (1) Minimum height: one and one-half (1½) stories with two (2) floors above the basement or slab on grade.
 - (2) Maximum height: two and one-half (2½) stories and not more than thirty-five (35) feet.
- D. Front yard. All structures must be set back at least twenty (20) feet from any front lot line or road line.
- E. Side yards. The width of each side yard must be at least six (6) feet and the aggregate width of both side yards must be at least twenty (20) percent of the lot width. All side yards shall remain unimproved with structures or paved surfaces, but shall be fully landscaped with evergreen plantings of nursery stock on average at least five (5) feet in height so as to serve as a buffer to adjoining properties. Whenever parking spaces adjoin the minimum side yard, the minimum side yard dimension shall be increased to eight (8) feet to accommodate any vehicle overhang. A satisfactory surface treatment for the vehicle overhang area shall be provided so as to minimize any adverse impact on the landscaped area. Where a side lot line abuts a residence zone or Public Land Zone, the side yard area shall be increased consistent with the buffer requirements set forth in this Article.
- F. Rear yard: a minimum depth of ten (10) percent of the lot depth or fifteen (15) feet, whichever is greater, from any rear lot line or road line.
- G. Minimum lot frontage: sixty-five (65) feet.
- H. Floor area ratio. Except as indicated below, the maximum permitted floor area ratio for all uses shall be fifteen (15) percent.
 - (1) Incentive for historic preservation. The maximum permitted floor area ratio shall be limited to twenty (20) percent in connection with the redevelopment of a site which includes the retention or restoration of a principal building that is listed in the township's Historic Survey as historic or as contributing to the historic character of the New Vernon Historic District, provided its historic integrity is maintained.
 - (2) Incentive for affordable housing. The maximum permitted floor area ratio shall be limited to twenty (20) percent in connection with the redevelopment of a site that includes a residential dwelling intended for rent or for sale to a low or moderate income household meeting state-regulated affordability standards and requirements. All affordable housing shall be developed and occupied in compliance with state rules and regulations and shall be subject to a recorded deed restriction and/or agreement with the Township of Harding demonstrating compliance with applicable regulations to ensure affordability controls.
 - (3) Basement space devoted exclusively to storage, HVAC or other mechanical equipment shall not be counted in the calculation of floor area ratio, provided that such areas are not used in the conduct of business activities or for habitation.
- I. Building area. The maximum permitted building area for all uses shall be fifteen (15) percent.
- J. Maximum total lot coverage: fifty (50) percent.
- K. Buffers. Wherever a lot abuts a residential zone or Public Land Zone, a minimum fifteen-foot (15)-wide landscaped buffer shall be provided along the lot line adjoining such zone. The buffer shall remain unimproved, except that said buffer shall be fully landscaped with evergreen plantings of nursery stock quality averaging at least five (5) feet in height throughout the area. This requirement may be waived or modified by the Board where satisfactory evidence is provided to demonstrate that existing vegetation adequately serves as a buffer. This requirement shall apply only to nonresidential uses.

225-144. Off-street parking and loading, pedestrian pathways, lighting and waste disposal. It is the intent of this section to require a minimum of off-street parking on individual sites so as to minimize impervious coverage

and mitigate the negative impact that large parking lots would have on the character of the New Vernon Historic District. Shared parking arrangements are strongly encouraged.

- A. Off-street parking requirements. All off-street parking areas shall be placed behind the front setback line or front elevation of the building located closest to the road, whichever is located a greater distance from the road line. Off-street parking on individual sites shall be provided for various uses as follows:
 - (1) Office (including medical/dental): 2.2 spaces per 1,000 square feet of floor area.
 - (2) Retail/service: 2.0 spaces per 1,000 square feet of floor area.
 - (3) Bank: 3.0 spaces per 1,000 square feet of floor area.
 - (4) Post Office: 3.0 spaces per 1,000 square feet of floor area.
 - (5) Deli/coffee shop/restaurants: 3.0 spaces per 1,000 square feet of floor area.
 - (6) Residential uses shall comply with the New Jersey Site Improvement Standards (RSIS).
- B. Shared parking arrangements. The Board may waive some or all of the parking otherwise required by subsection A above, where an applicant can demonstrate that adequate parking is available in a shared parking arrangement with other uses or in connection with municipally sponsored parking. The Board shall take into consideration, among other factors, the nature of the business activity, the projected vehicular trip generation of the proposed use(s), the physical proximity and relationship of the shared parking arrangement to the proposed use(s), the current usage of the alternative parking site and whether it is reasonably accessible to pedestrians in relation to the proposed business.
- C. Loading and delivery facilities. Adequate provision shall be made for loading areas for nonresidential uses where needed in connection with business operations. No permanent space devoted to a loading area shall be located within the front yard or in front of the building façade located closest to the street and all loading areas shall be screened from view from the public street and from adjoining residential uses. The Board may require fencing, landscaping, or sound abatement techniques to minimize the transmission of noise. There shall be no loading or delivery activities undertaken at any business establishment prior to 6:00 AM or after 9:00 PM.
- D. Pedestrian pathways. Pedestrian pathways may be constructed and maintained on each lot within the B-1 Historic Village Business Zone in accordance with the adopted New Vernon Village Redevelopment Plan, as amended and/or supplemented by ordinance.
- E. Lighting. Exterior lighting shall be shielded such that it will not create glare or shine on adjoining properties. For nonresidential uses, after 9:00 PM (10:00 PM for food service establishments), only that lighting deemed by the Board to be necessary for security and emergency purposes shall be permitted to remain on.
- F. Waste Disposal. All refuse disposal and recycling areas, generators, air conditioning units, and any other special utilities or equipment related to any buildings on the site shall be placed behind the front façade of the principal building or, in the case of multiple principal buildings, the building located closest to the street, and all shall be appropriately screened from view. Refuse disposal and recycling areas shall be enclosed with a solid wood fence at least six (6) feet in height, but not higher than eight (8) feet. The Board may, at its sole discretion, approve landscaping in lieu of or in addition to fencing to satisfy the screening requirement for refuse disposal areas.

SECTION 3: If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 4: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: This ordinance shall take effect after final passage and publication as prescribed by law.

I, Gail W. McKane, Township Clerk of the Township of Harding, do hereby certify this document to be a true copy of the original ordinance as adopted at the meeting of the Township Committee on November 16, 2011.

Date: November 18, 2011



Gail W. McKane, RMC, Township Clerk, Township of Harding