

**HARDING TOWNSHIP  
ORDINANCE NO. 02-11**

**“AN ORDINANCE AMENDING CHAPTER 225 (LAND USE AND DEVELOPMENT) OF THE  
CODE OF THE TOWNSHIP OF HARDING CONCERNING DEVELOPMENT ON STEEP  
SLOPE AREAS IN THE R-1 AND RR ZONING DISTRICTS AND DRY WELL  
REQUIREMENTS FOR CERTAIN STRUCTURES”**

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

SECTION 1. Section 225-116 is hereby revised to add new paragraphs N and O to read in their entirety as follows:

**225-116. General regulations.**

A. - M. (no change)

- N. Steep slope development. All development activity on any lot within the R-1 and RR Districts shall comply with the steep slope development regulations in section 225-95.
- O. Dry well requirements. The construction of new roofed areas, patios and recreation courts shall be subject to dry well installation requirements to the extent required by section 225-186A and section 225-187, subject to the waiver provisions in Section 225-184.

SECTION 2. Paragraph A in Section 225-184 is hereby revised to read as follows:

- A. If the natural or existing physical characteristics of the project site preclude achievement of any of the above no net increase provisions, the **Township Engineer [municipality]** may grant a waiver from strict compliance with the specific no net increase provisions, provided that the applicant demonstrates to the satisfaction of the Township Engineer that **[the]** adjacent waterways **and/or property** will not be impacted by **[the]**:
  - (1) deterioration or damage of existing culverts, bridges, dams, and other structures;
  - (2) deterioration of **[their] the waterways'** biological functions, drainage, flood water conveyance, and other purposes;
  - (3) streambank or streambed erosion or siltation;
  - (4) increased flooding endangering public health, life and/or property.

SECTION 3. Section 225-184 is hereby revised to add a new paragraph D to read in its entirety as follows:

- D. Any final decision by the Township Engineer on a waiver request may be appealed to the Board of Adjustment in accordance with N.J.S.A. 40:55D-70(a).

SECTION 4. Paragraph A of Section 225-187 is hereby revised to add a new second sentence to read as follows:

- A. Runoff from roof areas and paved recreation courts, such as tennis and basketball courts, and impervious patios shall be transported to dry wells for recharge of groundwater resources. **Plans for such dry wells shall be submitted to the Township Engineer for review and approval, which shall require issuance of a grading permit.**

SECTION 5. Paragraph J of Section 225-187 is hereby revised to read in its entirety as follows:

- J. Where soil and groundwater conditions are not suitable for the installation of dry wells, the applicant may request a waiver **of strict compliance** from the **[Planning Board or Board of Adjustment with respect to site plans and subdivision applications, and from the Township Committee with respect to applications for building permits] Township Engineer pursuant to the criteria in Section 225-184.**

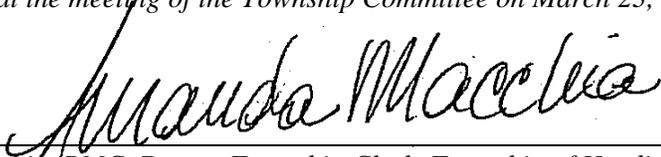
SECTION 6. If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 7. 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 8: This ordinance shall take effect after final passage and publication as prescribed by law.

*I, Amanda G. Macchia, Deputy 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 March 23, 2011.*

Date: March 29, 2011

  
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Amanda G. Macchia, RMC, Deputy Township Clerk, Township of Harding