

**HARDING TOWNSHIP
ORDINANCE NO. 12-11**

"AN ORDINANCE AMENDING CHAPTER 225 (LAND USE AND DEVELOPMENT) OF THE CODE OF THE TOWNSHIP OF HARDING TO ADDRESS EMERGENCY GENERATOR ZONING REGULATIONS"

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 225-5 shall be revised to amend the definition of "LOT COVERAGE OR COVERAGE" to read as follows:

LOT COVERAGE OR COVERAGE - The percentage of lot area that is occupied by buildings and structures, including all roofed areas, plus the area of all uncovered driveways, aisles, sidewalks, parking spaces, loading spaces, swimming pools and associated pool decks, patios, recreation courts and similar areas that are improved or required, *specifically excluding any emergency generator having: (i) a rated generating capacity not exceeding 20 kilowatts; (ii) a footprint, including the pad, not exceeding 20 square feet; and (iii) a height not exceeding 4 feet.* For purposes of this definition, drainage and landscaped areas shall not be considered improved. For lots containing land in two or more zones, see §225-116E.

SECTION 2: Section 225-116D(6) shall be revised to read in its entirety as follows:

- (6) Energy-related structures, including but not limited to solar panels, windmills or turbines, generators, and air[-]conditioning equipment, shall comply with all of the setback and height limits of the zone in which the lot is situated, *except as provided in Section 225-116N.* This limitation shall not apply to the installation of utility transformers, switches and similar utility equipment required to provide underground utility services to a lot or lots.

SECTION 3: Section 225-116 shall be revised to add a new Section 225-116N to read in its entirety as follows:

N. Emergency generators. Notwithstanding the provisions of Section 225-116D(6), emergency generators may be located outside the building envelope on lots in the RR, R-1, R-2, R-3, R-4 and B-2 zoning districts subject to the following:

- (1) These provisions only apply to emergency generators having: (i) a rated generating capacity not exceeding 20 kilowatts; (ii) a footprint, including the pad, not exceeding 20 square feet; and (iii) a height not exceeding 4 feet.*
- (2) The emergency generator shall not be located in front of the principal building on the lot.*
- (3) No portion of the emergency generator and pad may be located more than 20 feet from the principal structure on the lot.*
- (4) The emergency generator shall not be located within the required tree conservation area on a lot in the RR, R-1, R-2, R- and R-4 zoning district as follows:*

RR & R-1 Zones

Minimum side and rear setbacks: 25 feet

Minimum front setback: 50 feet (but not in front of the principal structure)

R-2 Zone

Minimum side setback: 10 feet

*Minimum rear setback: 12.5% of lot depth up to 25 feet
Minimum front setback: 25 feet (but not in front of the principal structure)*

R-3 Zone

*Minimum side setback: 5 feet
Minimum rear setback: 12.5% of lot depth up to 12.5 feet
Minimum front setback: 17.5 feet (but not in front of the principal structure)*

R-4 Zone

*Minimum side setback: 4 feet
Minimum rear setback: 12.5% of lot depth up to 12.5 feet
Minimum front setback: 12.5 feet (but not in front of the principal structure)*

- (5) *The emergency generator shall have minimum setbacks in the B-2 Zone of 25 feet from all lot lines (but not in front of the principal structure).*
- (6) *The emergency generator shall be appropriately screened/buffered by non-deciduous plantings (subject to seasonal planting timing limitations) and/or a fence so as to minimize visibility from all lot lines from which the setback is less than the minimum applicable to buildings and structures.*

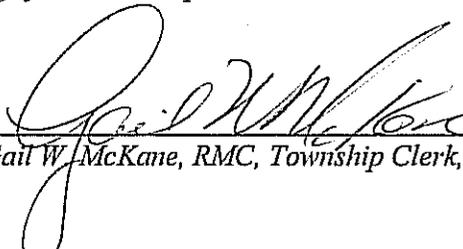
SECTION 4: If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5: 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 6: 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