

**TOWNSHIP OF HARDING
ORDINANCE #05-2019**

AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND REVISING CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND SPECIFICALLY §225-112 IN ORDER TO CREATE AN AHO-1 AFFORDABLE HOUSING OVERLAY 1 ZONE AND AHO-2 AFFORDABLE HOUSING OVERLAY 2 ZONE; §225, PART 3, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY AND BULK REGULATIONS FOR THE AHO-1 AND AHO-2 ZONING DISTRICTS AND §225-113 TO RE-ZONE CERTAIN PROPERTIES TO BE INCLUDED IN THE AHO-1 AND AHO-2 AND TO AMEND THE TOWNSHIP ZONING MAP

WHEREAS, it is the intent and purpose of the Municipal Land Use Law (the "MLUL") to encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, pursuant to MLUL N.J.S.A. 40:55D-62(a), reasonable consideration must be given to the character of each district and its suitability to particular uses, and appropriate uses must be encouraged; and

WHEREAS, the Harding Township Planning Board has adopted a Housing Element/Fair Share Plan (the Plan) pursuant to the MLUL at N.J.S.A. 40:55D-1, et seq. The Housing Element/Fair Share Plan has been endorsed by the Township Committee; and

WHEREAS, this Ordinance implements the adopted and endorsed Housing Element/Fair Share Plan; and

WHEREAS, the Plan proposes to partially address the Township's Affordable Housing Obligation through the development of a four-bedroom special needs housing project by Cerebral Palsy of North Jersey (CPNJ). All bedrooms will be affordable and apply to the Township's Third-Round obligation; and

WHEREAS, the site is located along Route 202, Block 46.01 Lot 7; and

WHEREAS, the site is appropriate for special needs housing; and

WHEREAS, the site is located in the B-2 Business Zone and is proposed to be rezoned as an Affordable Housing Overlay 1 Zone (AHO-1), which specifically permits special needs housing; and

WHEREAS, the Plan is also proposing overlay zoning along the southern end of the Route 202 corridor to permit mixed-use inclusionary development if sufficient water and/or sewer become available; and

WHEREAS, the proposed overlay zoning area is located within the B-2 Business Zone, OB Office Building Zone, and the R-1 Residence Zone; and

WHEREAS, the Township proposes to partially address its Third Round affordable housing obligation through the Affordable Housing Overlay 2 Zone (AHO-2) to permit the construction of inclusionary mixed-use development at densities ranging from 6 to 10- units per acre; and

WHEREAS, an affordable housing set aside of 20% for sale and 15% for rental will be required; and

WHEREAS, the AHO-2 zone is suitable for the proposed development upon the implementation of the appropriate infrastructure and utilities.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Harding, in the

**TOWNSHIP OF HARDING
ORDINANCE #05-2019**

AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND REVISING CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND SPECIFICALLY §225-112 IN ORDER TO CREATE AN AHO-1 AFFORDABLE HOUSING OVERLAY 1 ZONE AND AHO-2 AFFORDABLE HOUSING OVERLAY 2 ZONE; §225, PART 3, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY AND BULK REGULATIONS FOR THE AHO-1 AND AHO-2 ZONING DISTRICTS AND §225-113 TO RE-ZONE CERTAIN PROPERTIES TO BE INCLUDED IN THE AHO-1 AND AHO-2 AND TO AMEND THE TOWNSHIP ZONING MAP

County of Morris, State of New Jersey, that the Chapter 225, §112 entitled "Zones enumerated", Chapter 225, Part 3, Article XXVIII entitled "AH Affordable Housing Zone" and Chapter 225, §113 entitled "Zone Boundaries and Zoning Map" of the Township Code entitled "General regulations" be and are hereby amended as follows [added portions are **bolded and underlined**; deleted portions have ~~strikethrough~~]:

SECTION 1. § 225-112 Zones enumerated, is hereby amended and supplemented as follows:

§ 225-112 Zones enumerated.

A. The territory of the Township shall be divided into the following zones:

R-1 Residence Zone
R-2 Residence Zone
R-3 Residence Zone
R-4 Residence Zone
AH Affordable Housing Zone
TH-1 Townhouse Zone 1
AHO-1 Affordable Housing Overlay Zone 1
AHO-2 Affordable Housing Overlay Zone 2
B-1 Historic Village Business Zone
B-2 Business Zone
OB Office Building Zone
PL Public Land Zone
RR Rural Residential Zone
PRN-RC Planned Residential Neighborhood -Residential Cluster Zone
Great Swamp Watershed Overlay Zone

SECTION 2. Chapter 225, Part 3, Article XXVIII is hereby amended as follows.

Article XXVIII: AH Affordable Housing Zone, TH-1 Townhouse Zone 1, **AHO-1 Affordable Housing Overlay Zone 1 and AHO-2 Affordable Housing Overlay Zone 2**

I. AH Affordable Housing Zone.

§ 225-136 *No changes.*

§ 225-137 *No changes except for § 225-137K which shall be deleted in its entirety.*

II. TH-1 Townhouse Zone 1.

§ 225-137.1 *No changes.*

TOWNSHIP OF HARDING
ORDINANCE #05-2019

AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND REVISING CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND SPECIFICALLY §225-112 IN ORDER TO CREATE AN AHO-1 AFFORDABLE HOUSING OVERLAY 1 ZONE AND AHO-2 AFFORDABLE HOUSING OVERLAY 2 ZONE; §225, PART 3, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY AND BULK REGULATIONS FOR THE AHO-1 AND AHO-2 ZONING DISTRICTS AND §225-113 TO RE-ZONE CERTAIN PROPERTIES TO BE INCLUDED IN THE AHO-1 AND AHO-2 AND TO AMEND THE TOWNSHIP ZONING MAP

§ 225-137.2 *No changes.*

III. §225-138 "Affordable Housing Regulations" shall be deleted in its entirety and replaced with the following:

§225-138 AHO-1 Affordable Housing Overlay 1 Zone.

- A. Purpose: The purpose of the AHO-1 Affordable Housing Overlay 1 Zone is to permit the construction of special needs housing on Block 46.01 Lot 7 in the B-2 Business Zone. This implements a portion of the Township's adopted Housing Element/Fair Share Plan. The underlying zoning remains in effect and any use permitted in the B-2 zone continues to be permitted.
- B. Principal Permitted Use: No building, structure or premises shall be used, erected or altered except for the following principal and accessory uses: Income restricted special needs housing. The underlying B-2 uses continue to be permitted.
- C. Accessory Uses Permitted
 - (1) Garages and off-street parking facilities.
 - (2) Administrative offices for an on-site resident superintendent, property manager, or Township personnel.
 - (3) Sewage treatment or conveyance facilities, as appropriate, including one or more pumping stations serving the principal use.
 - (4) Storage and maintenance areas or buildings.
 - (5) Storage areas for solid waste and recycling.
 - (6) Other uses customarily incidental and accessory to the principal use such as fencing and signs
- D. Bulk and Supplementary Regulations: The B-2 bulk regulations in §225-149 and §225-150 shall apply, except that the minimum side yard setback shall be 30 feet and the minimum rear yard setback shall be 50 feet.

IV. § 225-139 "Supplemental Regulations and requirements" shall be deleted in its entirety and replaced with the following:

§225-139 AHO-2 Affordable Housing Overlay 2 Zone.

- A. Purpose: The purpose of the AHO-2 Affordable Housing Overlay 2 Zone is to provide mechanisms for partially addressing the Township's affordable housing obligation consistent with the adopted Housing Element/Fair Share Plan. The overlay zone permits mixed-use development with either a 15% or 20% affordable housing set aside in the southern portion of the B-2 Business Zone, OB Office Building Zone, and R-1 Residence Zone along Route 202/Mount Kemble Avenue. The underlying zoning remains in effect and any use permitted in the underlying zones continues to be permitted.

The properties subject to the AHO-2 Affordable Housing Overlay 2 Zone are shown on the amended zoning map of the Township of Harding.

TOWNSHIP OF HARDING
ORDINANCE #05-2019

AN ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND REVISING CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND SPECIFICALLY §225-112 IN ORDER TO CREATE AN AHO-1 AFFORDABLE HOUSING OVERLAY 1 ZONE AND AHO-2 AFFORDABLE HOUSING OVERLAY 2 ZONE; §225, PART 3, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY AND BULK REGULATIONS FOR THE AHO-1 AND AHO-2 ZONING DISTRICTS AND §225-113 TO RE-ZONE CERTAIN PROPERTIES TO BE INCLUDED IN THE AHO-1 AND AHO-2 AND TO AMEND THE TOWNSHIP ZONING MAP

- B. Principal Permitted Uses: No building, structure or premises shall be used, erected or altered except for the following principal and accessory uses: Mixed-use inclusionary development with commercial ground floor uses permitted by B-2 Business Zone. Commercial ground floor uses permitted by the underlying zoning shall be required. Up to two (2) floors of residential development shall be permitted subject to the density provisions of this Chapter and the provisions of the appropriate inclusionary zoning set aside. The sites may be developed through adaptive reuse of the existing buildings, adaptive reuse and expansion of existing buildings, or the demolition and construction of new mixed-use buildings. The uses of the underlying zones continue to be permitted.
- C. Accessory Uses Permitted
- (1) Garages and off-street parking facilities.
 - (2) Administrative offices for an on-site resident superintendent, property manager, or Township personnel.
 - (3) Sewage treatment or conveyance facilities, as appropriate, including one or more pumping stations serving the principal use.
 - (4) Storage and maintenance areas or buildings.
 - (5) Storage areas for solid waste and recycling.
 - (6) Other uses customarily incidental and accessory to the principal use such as fencing and signs
- D. Maximum Residential Densities:
- (1) The following blocks and lots may be developed at a maximum density of six (6) units/acre for lots under two (2) acres; eight (8) units/acre for existing lots or assembled lots that are parcels two (2) acres or more in size.
 - i. Block 32 Lots 1.02, 4, 9.01 and 9.02; Block 46.01 Lots 8 and 9.01; Block 33.03 Lots 3.02, 4, 8, 18, and 19
 - (2) The following blocks and lots may be developed at a maximum density of eight (8) units/acre for sale projects or ten (10) units/acre for rental projects
 - i. Block 46.01 Lots 9 and 10; and Block 46.01 Lot 13.02
- E. Bulk and Supplementary Regulations
- (1) Minimum Lot Size: 40,000 sq. ft.
 - (2) Minimum Lot Width: 140 feet
 - (3) Maximum Building Height: 3 stories and 37.5 feet above mean grade
 - (4) Minimum Setbacks: 50 feet from any lot line
 - (5) Maximum Total Lot Coverage: 45%
 - (6) §225-147 Supplementary Standards for the B-2 Zone shall apply.
- F. Affordable Housing Requirements: An affordable housing set aside of 20% for sales projects and 15% for rental projects is required.

SECTION 3. § 225-113, Zone boundaries and Zoning Map, is hereby amended and supplemented as follows:

The Harding Township Zoning Map shall hereby be amended as follows: Block 46.01 Lot 7 shall be re-

**TOWNSHIP OF HARDING
ORDINANCE #05-2019**

AN ORDINANCE OF THE TOWNSHIP HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND REVISING CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND SPECIFICALLY §225-112 IN ORDER TO CREATE AN AHO-1 AFFORDABLE HOUSING OVERLAY 1 ZONE AND AHO-2 AFFORDABLE HOUSING OVERLAY 2 ZONE; §225, PART 3, ARTICLE XXVIII TO ESTABLISH NEW SECTIONS THAT SETS FORTH THE USE, DENSITY AND BULK REGULATIONS FOR THE AHO-1 AND AHO-2 ZONING DISTRICTS AND §225-113 TO RE-ZONE CERTAIN PROPERTIES TO BE INCLUDED IN THE AHO-1 AND AHO-2 AND TO AMEND THE TOWNSHIP ZONING MAP

zoned to include the B-2 Business Zone and the AHO--1 Affordable Housing Overlay 1 Zone. Block 32 Lots 1.02, 4, 9.01, 9.02; Block 33.03 Lots 3.02, 4, 8, 18, 19; and Block 46.01 Lots 8, 9, 9.01, 10, 13.02 shall be rezoned to include the B-2 Business Zone 2, OB Office Building Zone, and R-1 Residence Zone and the AHO-2 Affordable Housing Overlay 2 Zone.

SECTION 4. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

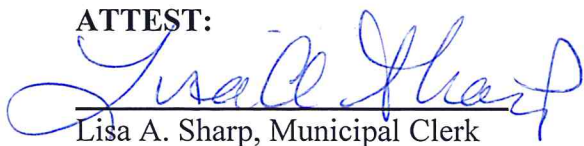
SECTION 5. This ordinance shall take effect upon final passage and publication according to law.

SECTION 6. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:550-15. Upon adoption of this Ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:550-16 and with the Township Tax Assessor.

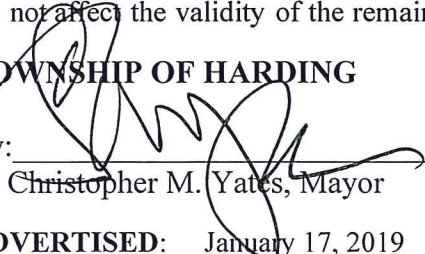
SECTION 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

ATTEST:


Lisa A. Sharp, Municipal Clerk

TOWNSHIP OF HARDING

By: 
Christopher M. Yates, Mayor

INTRODUCED: January 14, 2019
PUBLIC HEARING: January 28, 2019
ADOPTED: January 28, 2019

ADVERTISED: January 17, 2019
ADVERTISED: January 31, 2019

Vote on Adoption:

| | MOTION | FOR APPROVAL | AGAINST APPROVAL | ABSTAIN |
|-------------|--------|-------------------------------------|--------------------------|--------------------------|
| Ms. DiTosto | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Jones | and | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Modi | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Platt | ist | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mr. Yates | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |