

**HARDING TOWNSHIP  
ORDINANCE NO. 03-2021**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3  
(ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §225-5  
ENTITLED “DEFINITION” IN ARTICLE II AND §225-145 ENTITLED “USE REGULATIONS”  
IN ARTICLE XXX B-2 BUSINESS ZONE TO AMEND THE PERMITTED USES**

**WHEREAS**, the Township of Harding, in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-89) prepared a Master Plan Reexamination Report, dated October 2020 to review and evaluate the Township’s Master Plan and Development Regulations to determine the need for updates and revisions; and

**WHEREAS**, the Township of Harding Planning Board adopted the Master Plan Reexamination Report, dated October 2020 on October 26, 2020; and

**WHEREAS**, a recommendation within the Master Plan Reexamination Report is to evaluate the permitted uses in the Township’s B-2 Business Zone in order to modify and update the uses where necessary; and

**WHEREAS**, the Township of Harding wishes to amend the list of permitted uses to allow for a broader range of uses that encourage economic growth within the B-2 Business Zone corridor.

**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: §225-5 “Definitions” of the Code of the Township of Harding is hereby amended to add the following terms and definitions in this section and which are to be inserted in alphabetical order within the current terms and definitions:

**BUSINESS, PROFESSIONAL, AND MEDICAL OFFICES**

The office of a member of a profession, maintained for the conduct of that profession, including but not limited to doctors or physicians, veterinarians, psychologists, dentists, optometrists, architects, professional engineers, professional planners, land surveyors, attorneys, certified professional accountants, physical therapists, speech therapists, other New Jersey licensed therapists, insurance agents, and real estate brokers.

**CHILD CARE CENTER**

An establishment providing for the care, supervision, and protection of children that is licensed by the State of New Jersey pursuant to P.L. 1983, c. 492 (C. 30:5B-1 et seq.). This term shall include but not be limited to day care centers, drop-in centers, nursery and play schools, child centers, and day cares.

**EATING AND DRINKING ESTABLISHMENTS**

Establishments serving food or drink for immediate consumption on the premises or off the premises, including restaurants, lunch counters, pizza parlors, ice cream parlors, coffee bars and cafes, and luncheonettes, but excluding drive-in or drive-thru restaurants.

**FINANCIAL AND INSURANCE INSTITUTIONS**

Business establishments where a monetary nature is transacted, such as banks, savings and loans associations, mortgage companies and similar institutions.

**FITNESS CENTER**

An enclosed building or structure containing multi-use facilities for conducting fitness related activities such as aerobic exercises, weight training, swimming, sports, yoga, pilates, crossfit, barre, and cycling / spin

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classes. Group and individual fitness instruction are included in this use. Customary accessory uses include locker rooms, saunas, showers, sale of packaged food and drink, and sale of equipment and apparel.

**LIVE/WORK UNIT**

A unit configured for both residential and non-residential use to be used and occupied by the same resident, in which the primary activity is the non-residential use and the residential use is ancillary to the primary activity; which contains essential living facilities containing living and sleeping facilities, cooking facilities, and complete sanitary facilities; and which may or may not have walls separating the working and living areas of the unit. The use of the non-residential component shall be the production and sale of a skilled craft (e.g. painting, drawing, jewelry, pottery, sculpture, photography, video, etc.) or any other use permitted in the zone.

**PERSONAL SERVICES**

Establishments providing services, as opposed to products or goods, involving the care of a person or his/her personal goods or apparel. Such services include but are not limited to tailors, dry cleaning, shoe repair, custom printing shops, pet grooming, motor vehicle repair (where such establishment does not include the retail sale of gasoline), and services licensed by the Board of Cosmetology and Hairstyling and operate pursuant to N.J.A.C. 13:28-1 et. seq. This definition does not include establishments regulated N.J.A.C. 8:27-1 et. seq.

**PRIVATE EDUCATIONAL SERVICES**

Institutions engaged in specialized instructional areas, including but not limited to computer/tech, driving schools, language, SAT tutors, art, music, and dance.

**PUBLIC AND QUASI-PUBLIC USES**

Offices or facilities owned, used, or operated by a governmental agency or by a nonprofit, including but not limited to, libraries, post offices, and charitable institutions.

**RETAIL SALES**

Establishments engaged in the selling of goods or merchandise for consumption or use by the customer off the premises and in rendering services incidental to the sale of such goods. Such uses shall include but not be limited to bookstores, antique stores, clothing/apparel stores, jewelers, retail food establishments (i.e. supermarkets, bakeries, butchers, etc. where prepared food may be sold for immediate consumption on premises as accessory use). This definition does not include the retail sale of gasoline.

SECTION 2: §225-145 “Use regulations” is hereby amended by repealing paragraphs A-C therein and replacing them with the following:

In the B-2 Business Zone, no building, structure or premises shall be used, erected or altered except for the following permitted uses:

**A. Principally Permitted Uses**

- (1) Single-Family Residential

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- (2) Business, Professional, and Medical Offices
  - (3) Child Care Centers
  - (4) Retail Sales
  - (5) Personal Services
  - (6) Private Educational Services
  - (7) Farm Markets
  - (8) Farm Stands
  - (9) Financial and Insurance Institutions
  - (10) Eating and Drinking Establishments
  - (11) Fitness Centers
  - (12) Live/Work Units
  - (13) Public and Quasi-Public Uses

**B. Accessory Uses**

- (1) Electric Vehicle Charging (EVC) Stations
- (2) Home Occupations Associated with Single-Family Homes
- (3) Signage
- (4) Uses Customarily Incidental and Accessory to the Principal Use

SECTION 3: 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 4: This Ordinance shall take effect upon final passage and publication according to law.

SECTION 5: 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. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Municipal 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. 40:55D-16 and with the Township Tax Assessor.

SECTION 6: All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

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SECTION 7: 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**

**TOWNSHIP OF HARDING**

  
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Lisa A. Sharp, RMC  
Municipal Clerk

  
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Timothy D. Jones  
Mayor

**INTRODUCED:** February 8, 2021

**ADVERTISED:** February 11, 2021

**PUBLIC HEARING:** March 8, 2021

**ADOPTED:** March 8, 2021

**ADVERTISED:** March 11, 2021

**Vote on Adoption:**

	<b>MOTION</b>	<b>FOR APPROVAL</b>	<b>AGAINST APPROVAL</b>	<b>ABSTAIN</b>
Ms. Chipperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiTosto		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Platt		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*2nd  
1st*