

HARDING TOWNSHIP

ORDINANCE #11-2022

AN ORDINANCE AMENDING CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF  
HARDING, SPECIFICALLY ARTICLE XXI, §225-116 ENTITLED "GENERAL  
REGULATIONS" TO APPLY EMERGENCY GENERATOR STANDARDS TO AIR  
CONDITIONING CONDENSERS/HEAT PUMPS

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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, the Township Code currently includes exemptions for standards related to emergency generator but does not currently include any exemptions for heating, ventilation, and air conditioning units/heat pumps; and

WHEREAS, this has created an issue for homeowners that desire to upgrade their air conditioning units/heat pumps; and

WHEREAS, due to these created issues, the Master Plan Reexamination Report recommended updating the Township Code so that the standards for emergency generators would apply to other residential mechanical equipment such as air conditioner condenser pads.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, that Chapter 225, Article XXI, §225-116 of the Code of the Township of Harding be and is hereby amended as follows (deletions have strike through; additions are bolded and underlined):

SECTION 1. §225-116 **General Regulations.**

A. – O. *No changes.*

P. Emergency generators, **air conditioning condensers and heat pumps**. Notwithstanding the provisions of § 225-116D(6), emergency generators, **air conditioning condensers and heat pumps** 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, **air conditioning condensers and heat pumps** having: a footprint, including the pad, not exceeding 20 square feet **per unit**; a height not exceeding four feet; **and for generators, a manufacturer's noise level rating that does not exceed 70dB(A) at 23 feet (7 meters).**
- (2) The emergency generator, **air conditioning condenser or heat pump** shall not be located in front of the principal building on the lot.
- (3) No portion of the emergency generator, **air conditioning condenser or heat pump** and pad may be located more than 20 feet from the principal structure on the lot.

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- (4) The emergency generator, **air conditioning condenser or heat pump** shall not be located within the required tree conservation area on a lot in the RR, R-1, R-2, R-3 or R-4 Zoning District as follows:
- (a) RR and R-1 Zones:
- [1] Minimum side and rear setbacks: 25 feet.
  - [2] Minimum front setback: 50 feet (but not in front of the principal structure).
- (b) R-2 Zone:
- [1] Minimum side setback: 10 feet.
  - [2] Minimum rear setback: 12.5% of the lot depth up to 25 feet.
  - [3] Minimum front setback: 25 feet (but not in front of the principal structure).
- (c) R-3 Zone:
- [1] Minimum side setback: five feet.
  - [2] Minimum rear setback: 12.5% of the lot depth up to 12.5 feet.
  - [3] Minimum front setback: 17.5 feet (but not in front of the principal structure).
- (d) R-4 Zone:
- [1] Minimum side setback: four feet.
  - [2] Minimum rear setback: 12.5% of the lot depth up to 12.5 feet.
  - [3] Minimum front setback: 12.5 feet (but not in front of the principal structure).
- (5) The emergency generator, **air conditioning condenser or heat pump** 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, **air conditioning condenser or heat pump** 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.
- (7) The maintenance exercise of any emergency generator shall only occur on Monday to Friday and between the hours of 10 a.m. and 4 p.m. and for a duration not to exceed twenty (20) minutes.**

Q. No change.



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SECTION 2. 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 3. This Ordinance shall take effect upon final passage and publication according to law.

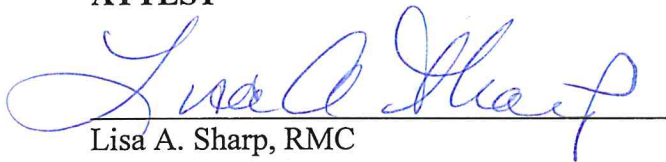
SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing 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 5. All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

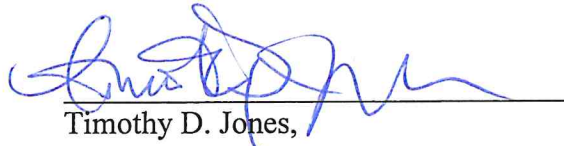
SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**ATTEST**

**TOWNSHIP OF HARDING**



Lisa A. Sharp, RMC  
Township Clerk



Timothy D. Jones,  
Mayor

**INTRODUCED:** August 8, 2022

**ADVERTISED:** August 11, 2022

**PUBLIC HEARING:** September 12, 2022

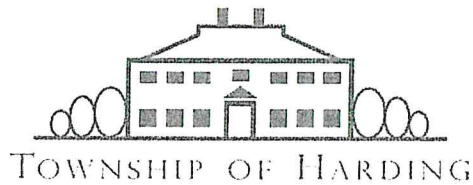
**ADOPTED:** September 12, 2022

**ADVERTISED:** September 15, 2022

**Vote on Adoption:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz		<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



## **MEMORANDUM**

TO: Harding Township Committee

FROM: Planning Board

DATE: August 24, 2022

**RE: ORDINANCE #11-2022 AMENDING CHAPTER 225 OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §225-116 ENTITLED “GENERAL REGULATIONS” IN ARTICLE XXII GENERAL ZONING PROVISIONS TO APPLY EMERGENCY GENERATOR STANDARDS TO AIR CONDITIONING CONDENSERS/HEAT PUMPS**

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At the August 22, 2022 regular meeting of the Planning Board, the Board reviewed Ordinance #11-2022. Amending Chapter 225 Of The Code Of The Township Of Harding, Specifically §225-116 Entitled “General Regulations” In Article XXII General Zoning Provisions To Apply Emergency Generator Standards To Air Conditioning Condensers/Heat Pumps.

The Planning Board appreciates the consideration given to our previous recommendations on this ordinance and unanimously agreed that the ordinance is consistent with the Harding Township Master Plan.

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MARIAN & ALLAN P. KIRBY MUNICIPAL BUILDING