

**ORDINANCE OF THE TOWNSHIP OF SOUTH HARRISON
AMENDING CHAPTER 90, THE LAND USE AND DEVELOPMENT ORDINANCE OF
THE TOWNSHIP OF SOUTH HARRISON**

WHEREAS, the Township of South Harrison strives to adopt and implement land use regulations that advance the goals and objectives of the Township as set forth in the Master Plan in a clear and consistent fashion; and

WHEREAS, the South Harrison Township Planning Board has adopted by Planning Board Resolution No. R-08-21, a Master Plan, on June 9, 2008 containing recommendations as to the proposed zoning in the Township as a result of a periodic review pursuant to N.J.S.A. 40:55D-89; and

WHEREAS, the Township Committee finds that the proposed zoning scheme is in the best interest of the Township and will advance the goals and objectives of the Township and will benefit the general welfare; and

WHEREAS, the Planning Board has recommended that the density and minimum lot sizes be altered within the AR Agricultural Residential zoning district to better reflect the rural nature of the Township, to alter the pattern of consumptive sprawl that scatters housing over the landscape without regard to natural features and contiguous open spaces; and

WHEREAS, the recommendations are consistent with sound planning and will provide a means to implement the goals and objectives of the Master Plan.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Mayor and Committee of the Township of South Harrison, County of Gloucester, State of New Jersey as follows:

SECTION I. Amend the South Harrison Township zoning map to indicate the location of the Agricultural Residential zoning district as prepared by Bach Associates, PC and dated June 9, 2008.

SECTION II. Amend Section 90-1.03B Definitions and Word Usage to include new definitions in the appropriate alphabetical location as follows:

MANUFACTURED HOME- A factory built, single family structure that meets the Federal Manufactured Home Construction and Safety Standards Act. Manufactured homes consist of one or more transportable sections that are joined together on site. The Manufactured Home is only mobile at the time it is moved from the factory to the site and then becomes a permanent structure. Manufactured homes are also referred to as modular homes.

MOBILE HOME PARK- A parcel of land containing spaces with required improvements and utilities that are leased for the long term placement of manufactured houses. Mobile home parks do not include trailers or recreational vehicles.

TRAILER- A structure standing on wheels, towed or hauled by another vehicle and without its own motor power, and used for short term human occupancy, as a recreational vehicle, carrying of materials, goods or objects, or as a temporary office.

SECTION III. Revise section 90-5.15 in its entirety as follows, and delete section 90-5.16 in its entirety keeping section 90-5.16 in reserve:

90-5.15 Agricultural Residential Zoning District

A. Purposes. The overall purpose of the AR zoning district is to provide for a residential district that respects and promotes the rural character of the Township, consistent with the Township's history as a farming community and its location within the Rural Planning Area on the State Plan Policy Map (PA- 4). As outlined in the 2008 Master Plan, the AR zone is intended to encourage the continuation of commercial agricultural operations and in the alternative provide opportunities for the development of residential housing in a manner that reflects the environmental

attributes of a the site and considers the broader local context, while avoiding some of the inefficiencies and undesirable impacts of what is referred to as “suburban sprawl”. The use of conservation subdivision design techniques are intended to provide well designed, quality neighborhoods with equal attention given to the home sites and the open space associated with a subdivision. Specific purposes are:

- (1) Provide a flexible subdivision design approach that first considers the environmental and physical attributes of a site, its relationship to the surrounding area, and the most desirable and appropriate locations for home sites and then draws subdivision lines to implement the proposed layout.
- (2) Protect environmentally sensitive lands such as stream corridors, woodlands, steep slopes and other special features and natural resources by requiring that the most fragile areas of the site remain as open space.
- (3) Allow residential developments to be constructed at a lower cost per dwelling for streets, utilities and other site improvements.
- (4) Provide recreational opportunities that are appropriate to the needs of and convenient to the residents of the Township.
- (5) To reduce the amount of clearing, grading, and construction disturbance resulting from subdivisions and to increase the quantity and quality of open spaces
- (6) To provide a desirable visual environment through creative development techniques and design arrangements that relate to the particular site and to the vision for the Township.
- (7) To provide clear requirements and a clear process so that the intended results can be realized, while allowing flexibility in the design process.

B. Permitted Principal Uses. Within the AR zoning district the following uses are permitted.

- (1) Farm and Agricultural Uses of land subject to the regulations in sections 90-5.23F and 90-5.36 of this chapter
- (2) The sale and processing of agricultural products subject to the requirements of section 90-5.23F, on a seasonal basis
- (3) Municipal buildings, structures and uses owned or operated by South Harrison Township,
- (4) Outdoor public or non-profit recreation, athletic fields, conservation areas and parks.
- (5) Cemeteries on lots a minimum of 3 acres and with 25 foot buffers along the perimeter.
- (6) Detached single family dwelling units
- (7) Community residences for the disabled, provided that:
 - (a) off street parking is provided on site at a rate of two (2) spaces per bedroom
 - (b) the parking areas are on the side and/or rear yards, not in the front yards;
 - (c) site plan approval shall be required;
 - (d) the minimum lot size is met in conjunction with needing such larger lot size as may be required so that the maximum intensity of occupancy of two thousand square feet (2,000 sq. ft.) of lot area per room used for sleeping purposes is not exceed;
 - (f) the building is a single, detached structure as opposed to an assemblage of units.

C. Permitted Accessory Uses. Accessory uses must be incidental to the primary use.

- (1) Private residential swimming pools, provided that they are a minimum of 25 feet from the rear and side property lines, including all appurtenances to the actual pool itself, such as the filtering equipment; paving surrounding the pool; decking whether attached or detached from the pool; and fencing, if said fencing immediately surrounds the pool. Pools are not permitted in the front yard.
- (2) Sheds a maximum of 200 square feet in area, a minimum of 10 feet from all property lines, not more than 20 feet in height and not permitted in the front yard.
- (3) Off Street parking for vehicles and motorcycles, including private garages. Driveways may be located in the front yard.
- (4) Fences and walls, not exceeding three feet (36 inches) in height in the front yard and six feet in the rear yards.
- (5) Signs subject to the requirements of 90-5.37

- (6) Septic disposal systems
- (7) Private wells
- (8) Farm buildings and uses
- (9) Home occupations in accordance with section 90-5.29

D. Conditional Uses

- (1) Temporary buildings, temporary construction offices, temporary sales offices, and temporary storage of material provided that:
 - (a) the structure is located on the lot where the construction is taking place or on a lot adjacent to or part of the development site
 - (b) the structure is removed and the use terminated prior to the issuance of a final certificate of occupancy for the total project or work is abandoned according to NJAC 5:23-2.15
- (2) Public and private elementary, junior and high schools subject to the following in addition to the minimum lot sizes and requirements established by the New Jersey State Department of Education:
 - (a) The location of access driveways, landscaping and site plan design shall be designed with consideration for and compatible with the neighborhood in which it is to be located.
 - (b) No building, parking area, loading area or accessory structure may be located nearer than 50 feet to any property line or right-of-way line
- (3) Public libraries and museums operated by a public or non-profit entity subject to the following:
 - (a) The location of access driveways, landscaping and site plan design shall be designed with consideration for and compatible with the neighborhood in which it is to be located.
 - (b) No building, parking area, loading area or accessory structure may be located nearer than 50 feet to any property line or right-of-way line
 - (c) The minimum lot area is 3 acres
- (4) Electric and gas substation and service facilities, and all other public utilities no greater than 400 square feet in gross floor area, subject to the following requirements:
 - (a) Project must be designed to be structurally and architecturally compatible with the neighborhood
 - (b) Project conforms to the required setbacks
 - (c) Adequate landscaping is provided in conformance with the requirements of section 90-5.25 and 90-5.24
 - (d) The project is needed to serve the public interest or a permitted use within the neighborhood.
- (5) Church or other place of worship, or religious school building subject to the following:
 - (a) The location of access driveways, landscaping and site plan design shall be designed with consideration for and compatible with the neighborhood in which it is to be located.
 - (b) No building, parking area, loading area or accessory structure may be located nearer than 50 feet to any property line or right-of-way line
 - (c) The minimum lot area is 3 acres and the minimum setbacks shall be provided
 - (d) Adequate off street parking shall be provided in accordance with ordinance requirements and the applicant must provide a written statement indicating that all parking will be accommodated on the site.
 - (e) No parking shall be located closer than 50 feet to any property line
 - (f) Impervious coverage shall not exceed 60%
- (6) Planned Age-Restricted Housing in accordance with the Township's 2006 Fair Share Plan and the following:
 - (a) Minimum tract size is 50 acres
 - (b) Maximum density is three units per acre
 - (c) A feasible water supply and on-site wastewater disposal plan must be provided. The proposed community wastewater system should be proposed for review by the Planning Board engineer and the Township engineer. A maintenance plan must also be submitted.

- (d) Minimum Affordable Housing set aside is 25% of the total number of units
- (e) Affordable units must be made affordable in accordance with the New Jersey Council on Affordable Housing's regional income limits and the Uniform Affordability Controls at N.J.A.C.5:80-26.1 et seq. regarding affordability, occupant eligibility, bedroom distribution, price and rent restrictions and affirmative marketing.
- (f) Affordable units must be designed in accordance with the New Jersey Fair Housing Act with regard to first floor accessibility.
- (g) Bulk requirements:

	Required
Maximum density	3 units per acre
Minimum Lot Area	7,000 sq ft
Minimum lot width	65 feet
Minimum side yards	10 feet each
Minimum Rear yard	25 feet
Minimum front yard	20 feet
Maximum impervious	60%
Minimum % of tract for Centrally located community Open space	25%
Maximum Height	35 feet

- (h) Design Standards
 - (i) A minimum of 4 architectural plans must be provided for the development
 - (ii) no more than 50% of the horizontal area of the façade may be consumed by garage doors
 - (iii) Sidewalks must be provided throughout the community
 - (iv) The open space area should be provided with consideration for the conservation subdivision design standards

E. Bulk and Area Regulations for the AR zoning district

- (1) The maximum permitted density is .25 units per acre. (minor subdivisions are exempt from the density requirement in accordance with NJSA 40:55D-70(5))
- (2) The base minimum lot size is 3 acres.
- (3) Minimum lot size for stormwater management lots or open space lots is one (1) acre.
- (4) For minor subdivisions, lot size averaging is permitted with the average lot size being three acres and the minimum lot size being 1.5 acres (65,340 square feet).
- (5) For major subdivisions, the conservation subdivision design approach is required as outlined in section F below.
- (6) Table of Performance Regulations

	Major subdivision	Minor Subdivision
Maximum Density	.25 units per gross acre	n/a
Minimum Lot Average	3 acres	3 acres
Minimum lot size using lot averaging	n/a	1.5 acres
Minimum Lot size using conservation design	1 acre	n/a
Minimum open space area using conservation design	40% of gross tract area	n/a
Minimum lot width	100 feet	150 feet
Minimum lot depth	200 feet	200 feet
Minimum Front yard setback Local Roads State or County Road (see also section 90-5.24B for additional Rural vista setback)	50 feet 50 feet	50 feet 50 feet
Minimum Side yard setback	Aggregate 40 feet, 20 feet each 10 feet one side if side loaded	Aggregate 50, 25 each side

	garage is on the opposite side	
Minimum Rear yard setback	50 feet	50 feet
Maximum impervious coverage	.25	.15
Maximum height	2 ½ stories or 35 feet	2 ½ stories or 35 feet

F. Conservation Subdivision Design Procedure

- (1) Overview. Simply stated the conservation subdivision design process involves the following four steps. More specific details follow. First the primary (wetlands, floodplains, steep slopes) and secondary conservation areas (woodlands, large trees over 24", hedgerows, prime agricultural soils, important wildlife habitats, proposed greenway corridors, historic and cultural sites and structures) are identified. Second, house sites are located to enjoy views of and access to the open space. Third, the roads and trails are laid out for vehicles and pedestrians, and lastly the lot lines are drawn.
- (2) A yield plan is prepared to determine the "by right" lot yield for the site. The yield plan is an inexpensive, conceptual design with a conventional lot and street layout. In the yield plan, each lot must contain the minimum 3-acre gross area and a minimum of 1 acre unconstrained by easements, floodplains, wetlands, wetland buffers, steep slopes and other sensitive areas. The plan should show rights-of-way, conceptual stormwater management areas and other applicable requirements (such as rural vista setbacks and farmland buffers).
- (3) The applicant reviews the existing resources information contained in the Master Plan and the Environmental Resources Inventory to identify, locate and describe noteworthy features. These may include mature woodlands, hedgerows, trees over 24 inches in diameter, lands supporting threatened or endangered species, unique wildlife habitats, historic or cultural features, special scenic views, and prime agricultural soils. The applicant should also refer to the map of potential conservation lands.
- (4) Applicants are encouraged to attend a Planning Board workshop session to review the lot yield and the site analysis map.
- (5) The applicant may wish to bring a sketch plan to the workshop session to conceptually illustrate the proposed conservation design layout.
- (6) In order to safely accommodate septic disposal systems on lots in the development area, the applicant should consider the locations of the deepest, driest soils on the site. The applicant should conduct a soil suitability analysis and locate the proposed homes in the area that can most effectively accommodate them. In this way, the house lots may be reduced to 1 to 1.5 acres, preserving the areas with more marginal soils for open space.
- (7) The Planning board will entertain major subdivision applications proposing off-lot wells or septic disposal drain fields within easements on the undivided common open space (to be owned and maintained by the homeowners association) in order to locate the homes upon the best suited soils and provide for a desirable and efficient lot layout.
- (8) Applicants are required to provide a conservation easement for the open space areas in order to ensure that the land will not be significantly altered over time. If some areas are intended for active recreation, active farming or other activities, they should be spelled out in the easement with a map delineating the areas. Easements may be granted to the municipality, the State, the County or a conservation trust.

G. Design Standards

- (1) Conservation or open space lands on one developed parcel should adjoin the conservation and open space lands on the adjoining parcels to realize an interconnected network of open spaces and greenways over time.
- (2) Side entry garages are encouraged where the lot geometry permits. When this is not possible, garages must be set back a minimum of 10 feet from the principal façade plane.
- (3) The architecture of dwellings with frontage on two streets shall respond to both streets, with architectural details, windows and other elements that respond to the street frontage.
- (4) In order to ensure variety among residential dwellings, houses on the same side of the street must be substantially different in appearance than other dwellings within 2 lots from it. On a cul-de-sac, any lot on the cul-de-sac is considered to be on the same side of the street. All major subdivisions must

provide a minimum of three basic house designs with exterior variations possible for each one.

- (5) Paved driveways are required for all houses on lots under 4 acres.
- (6) Except for lighting that may be required at intersections with County roads and at the end of cul-de-sac, street lighting should be of a traditional residential character (lamp post style) and no more than 12 feet in height.

H. Exceptions for existing non-conforming lots

- (1) Lots that have been previously subdivided (via a minor subdivision, farm subdivision or final major subdivision) and that have been filed and recorded at the County Clerk's office prior to the effective date of this ordinance, and that is a minimum of one acre in area, and was compliant with the AR zoning requirements prior to July 9, 2008 may continue to exist as a conforming lot.

SECTION IV. REPEALER

Ordinances or provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION V. INVALIDITY

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall only apply to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect upon adoption and publication according to law and the filing of same with the Gloucester County Planning Board in accordance with N.J.S.A. 40:55D-16.

TOWNSHIP OF SOUTH HARRISON

CHARLES TYSON, MAYOR

ATTEST:

NANCY KEARNS, RMC
MUNICIPAL CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Special Meeting of the Township of South Harrison held on the 17th day of June, 2008 and will be considered for final passage and adoption at a meeting to be held on the 9th day of July, 2008, at 7:30P.M., at the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, NJ 08039, at which time any person interested therein will be given an opportunity to be heard.

Nancy Kearns, RMC
Municipal Clerk

NOTICE

NOTICE is hereby given that the foregoing Ordinance O-08-15 was finally adopted at a meeting of the South Harrison Township Committee held on the 9th day of July 2008 at 7:30 pm in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk