

**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-08-33, an Amended Housing Element of the Master Plan and Fair Share Plan, on December 22, 2008; and

WHEREAS, the Amended Housing Element and Fair Share Plan was endorsed by the Township Committee on December 29, 2008; and

WHEREAS, the Housing Element and Fair Share Plan contains a plan to provide opportunities for the provision of affordable housing in accordance with the Council on Affordable Housing's rules; and

WHEREAS, South Harrison Township would like to encourage a variety of housing types, including homes that would be attractive to senior citizens with mixed income levels; and

WHEREAS, in accordance with N.J.A.C. 5:97-6.4, site specific inclusionary zoning is an acceptable means for providing a realistic opportunity for the creation of affordable housing when sufficient incentives are provided to ensure that there is a realistic opportunity for the provision of affordable housing.

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 Age-Restricted Residential Inclusionary zoning district as prepared by Bach Associates, PC and dated May 13, 2009.

SECTION II. Add Section 90-5.16.2 Age Restricted Residential Inclusionary Zoning District as follows:

90-5.16.2 Age Restricted Residential Inclusionary (ARI) Zoning District

A. Purposes. The purpose of the Age Restricted Residential Inclusionary Zoning District is to provide viable locations for the development of inclusionary housing development for senior citizens within the Township. It is the intent of this district to provide a realistic opportunity for the provision of market rate and affordable housing at a moderate density, with a minimum of 20% of all units set aside for households of low and moderate income. The COAH rules (NJAC 5:97-6.4(b)) assume that inclusionary zoning is economically feasible if it meets the minimum densities and maximum set asides set forth in the rules at NJAC 5:97-6.4(b)(2). The inclusionary

zone will require a 20% affordable housing set aside consistent with COAH's rules, the Township's affordable housing ordinance and UHAC.

B. Designated Lots. The Age Restricted Residential Inclusionary Zoning District applies to block 19, lots 4 and 6 consisting of approximately 15 acres.

C. Permitted Principal Uses. Within the ARI 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) Detached single family dwelling units in accordance with the density, bulk and area requirements of section 90-5.15 for the Agricultural Residential zoning district.
- (6) Detached age-restricted single family dwelling units with 20% of the total number of units set aside for affordable housing in accordance with COAH's rules in accordance with the density, bulk and area requirements below.
- (7) Attached age-restricted dwelling units (twin, duplex or townhouse units) in accordance with the density, bulk and area requirements below when a minimum of 20% of the total number of units are set aside and 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, phasing, price and rent restrictions, affirmative marketing, and that meet the requirements of Chapter 29 of the South Harrison Township Code (affordable housing ordinance).
- (8) Community residences for the disabled, consistent with the requirements of section 90-5.15B(7)

D. Permitted Accessory Uses. Accessory uses must be incidental to the primary use. For development in accordance with 90-5.16.2C(6) and (7) above, the accessory uses permitted are:

- (1) Sheds a maximum of 120 square feet in area, a minimum of 10 feet from all property lines, no more than 15 feet in height and not permitted in the front yard.
- (2) Off street parking for private vehicles and motorcycles.
- (3) Fences and walls not exceeding three feet (36 inches) in height in the front yard and not exceeding six feet in the rear yards. For properties with reverse frontage, a uniform fence location plan and fence design must be presented at the time of preliminary and final subdivision.
- (4) Signs subject to the requirements of section 90-5.37.
- (5) Septic disposal systems, either individual or community systems.
- (6) Private wells
- (7) Farm buildings and uses

E. Conditional Uses are permitted in accordance with section 90-5.15D

F. Bulk and Area Regulations for the age restricted development in the ARI zoning district.

- (1) The maximum permitted density is 2.2 units per gross acre with a 20% affordable housing set aside.
- (2) Minimum lot size for stormwater management lots or open space lots is 20,000 square feet.
- (3) All subdivision approvals will be conditioned upon the applicant's ability to achieve compliance with the applicable requirements for wastewater (septic systems) and private wells for drinking water.
- (4) Table of Performance Regulations.

Age-Restricted Residential Inclusionary Zone		
	Detached Age-restricted Single Family Homes	Attached Age-restricted homes
Maximum Density	2.2 units per gross acre	2.2 units per gross acre
Minimum Lot size	14,000 square feet	2,000 square feet inside unit 3,000 square feet end unit
Minimum lot width	90 feet	20 feet inside unit 30 feet end unit
Minimum lot depth	100 feet	100 feet
Minimum Front yard setback Local Roads/ right-of-way	20 feet	20 feet
Minimum set back to State or County right-of-way	50 feet	50 feet
Minimum Side yard setback	Aggregate 30 feet minimum 10 feet one side	0 feet to shared wall 10 feet end unit
Minimum Rear yard setback	25 feet	25 feet
Maximum impervious coverage	.30	.45
Maximum height	2 1/2 stories or 35 feet	2 1/2 stories or 35 feet
Perimeter Buffer to existing development (in addition to setbacks)	25 feet	25 feet

* If the affordable age restricted homes are developed with a shared yard area to be owned by an association, then the units and overall lot area must meet the intent of the minimum lot sizes.

G. Conservation Subdivision Design. The principles of Conservation Design should be followed to the extent possible to guide design in accordance with section 90-5.15F.

H. Preservation of vegetation and buffers. All reasonable efforts should be made to retain and protect existing perimeter buffers and vegetation. Where gaps exist, a mix of evergreen and deciduous trees should be added to the buffer area.

I. Design Standards. The design standards set forth in section 90-5.15G shall apply, however the Board shall make reasonable exceptions when needed to maintain the affordability of affordable housing units.

J. Non-conforming lots. Non-conforming lots shall be permitted as set forth in section

90-5.15H

SECTION III. 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 IV. 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 V. 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

ATTEST:

ROBERT S. CAMPBELL, MAYOR

NANCY KEARNS, RMC
MUNICIPAL CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of the Township of South Harrison held on the 13th day of May 2009 and will be considered for final passage and adoption at a meeting to be held on the 10th day of June 2009, 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 E. Kearns, RMC
Municipal Clerk

NOTICE

NOTICE is hereby given that the foregoing Ordinance O-09-08 was finally adopted at a meeting of the South Harrison Township Committee held on the 10th day of June 2009 at 7:30 pm in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk