

**HARDING TOWNSHIP**  
**ORDINANCE #06-2019**  
**AN ORDINANCE OF THE TOWNSHIP OF HARDING RESCINDING AND REPLACING**  
**CHAPTER 225, ARTICLE XXXVI OF THE CODE OF THE TOWNSHIP OF HARDING,**  
**ENTITLED “AFFORDABLE ACCESSORY RESIDENCE PROGRAM”**

**BE IT ORDAINED**, by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that it does hereby rescind and replace the entirety of Chapter 225, Article XXXVI, to read as follows:

**SECTION 1: Chapter 225 Article XXXVI: Affordable Accessory Residence Program**

**§225-165 Regulations.**

- A. The following accessory apartment regulations are hereby enacted for the purpose of providing additional opportunities for affordable housing in the Township. All accessory apartment units shall meet the following conditions:
- (1) Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to local building codes;
  - (2) The accessory apartment shall, for a period of at least 10 years from the date of the issuance of the certificate of occupancy for the unit, be rented only to a duly qualified (at the time of initial occupancy) very low, low or moderate income household based upon a rent level calculated to be affordable to such household in accordance with the criteria set forth in the Township's Affordable Housing Ordinance;
  - (3) Affordable rent levels for accessory apartments shall be calculated to include a deduction for tenant paid utilities (a utility allowance);
  - (4) There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental in accordance with the foregoing requirements for the entire term of the deed restriction;
  - (5) Each accessory apartment shall have living/sleeping space, a complete kitchen and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom;
  - (6) The accessory apartment shall have a separate door with direct access to the outdoors;
  - (7) The potable water supply and sewage disposal system for the accessory apartment shall be demonstrated to be adequate;
  - (8) The accessory apartment shall be affirmatively marketed throughout the Township's housing region; and
  - (9) In the case of an accessory apartment created illegally or without proper permits which the property owner desires to legitimize as an accessory apartment under this ordinance, all of the requirements of this ordinance shall apply, except that no subsidy shall be provided by the Township.
- B. The Township shall designate an Administrative Agent to administer the accessory apartment program.

- (1) The Administrative Agent shall administer the accessory apartment program including advertising, income qualifying prospective tenants, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory apartment program;
  - (2) The Administrative Agent shall only deny an application for an accessory apartment if the project is not in conformance with all of the requirements of the municipal development ordinance, including this Section, or the Township's Affordable Housing Ordinance. All denials shall be in writing with the reasons clearly stated; and
  - (3) The Township shall provide at least \$20,000.00, which may be provided from the Township's Affordable Housing Trust Fund in accordance with the Spending Plan, to subsidize the physical creation of an accessory apartment conforming to all applicable requirements. Prior to the grant of any subsidy, the property owner shall enter into a written agreement with Harding Township insuring that (i) the subsidy shall be used only to create the accessory apartment and (ii) the apartment shall meet all applicable requirements of the Township of Harding.
- C. Applications for the creation of an accessory apartment shall be submitted to the Administrative Agent and shall include the following:
- (1) A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and primary dwelling or use within the building;
  - (2) Rough elevations showing the modification of any exterior building façade to which changes are proposed; and
  - (3) A site development sketch showing the location of the existing dwelling and other existing structures; all property lines; proposed addition if any, along with minimum building setback lines; the required parking spaces for both dwelling units; and any man-made conditions which might affect the proposal.

**§225-166 Where Permitted.**

- A. R-1 and RR Zoning Districts. An affordable accessory residence, as defined in this chapter, shall be a permitted accessory use in the R-1 and RR Zoning Districts on lots comprised of at least five acres, provided that all of the requirements of this article and Article XLI of this chapter are satisfied.
- (1) An affordable accessory residence may be established within or constructed as an addition to an existing principal dwelling or established within or constructed as an addition to an accessory building or constructed as a new accessory building on the same lot as a principal single-family residential dwelling.
  - (2) Except with respect to the minimum lot size stipulated above, the establishment of a new dwelling to be used as an affordable accessory residence shall comply with all of the applicable bulk standards of the zoning district in which the property is situated.
- B. All zoning districts. Notwithstanding any other accessory use regulation in this Part 3, Zoning, in any zoning district, without regard to the size of the lot, an existing unoccupied space previously used as separate living quarters and which is subordinate to a principal single-family dwelling or other principal use located on the same property, may be converted to an affordable accessory residence, as defined in this chapter, provided that all of the requirements below and Article XLI are met



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.

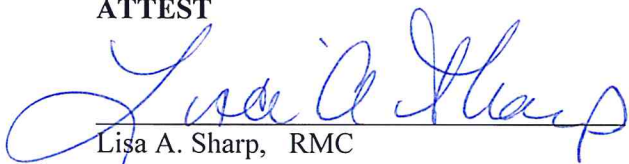
SECTION 3. This ordinance shall take effect upon final passage and publication according to law.

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. 40:550-15. 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 5. All ordinances 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**



Lisa A. Sharp, RMC  
Township Clerk

**TOWNSHIP OF HARDING**

By:

Christopher M. Yates  
Mayor

**INTRODUCED:** January 14, 2019

**ADVERTISED:** January 17, 2019

**PUBLIC HEARING:**

**ADOPTED:**

**ADVERTISED:**

**Vote on Introduction**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. DiTosto	1st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	2nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>