

**HARDING TOWNSHIP
ORDINANCE NO. 05-2021**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3
(ZONING) OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §225-116
ENTITLED “GENERAL REGULATIONS” IN ARTICLE XXII GENERAL ZONING
PROVISIONS TO PERMIT CONSTRUCTION OF A REPLACEMENT PRIMARY DWELLING
WHILE OCCUPYING AN EXISTING PRIMARY DWELLING**

WHEREAS, the Township of Harding has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., the authority to regulate land uses within its municipal boundaries; and

WHEREAS, the Township of Harding through the adoption of the Harding Township Code Chapter 225 has established Land Use and Development Regulations; and

WHEREAS, the permitted use provisions in the RR, R1, R2, R3, and R4 Zones do not allow a resident to construct a replacement primary dwelling while occupying an existing primary dwelling; and

WHEREAS, this has required residents to obtain a temporary use variance from the Zoning Board of Adjustment to construct a replacement primary dwelling while occupying an existing primary dwelling; and

WHEREAS, the Township of Harding has determined it is in the best interest of the general welfare to amend the provisions associated with the replacement of the primary dwelling to reduce the burden on homeowners.

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 (ADDITIONS ARE BOLDED AND UNDERLINED; DELETIONS HAVE STRIKETHROUGH):

SECTION 1: §225-116 “General regulations” is hereby amended to add the following new paragraph R:

R. An existing single-family dwelling may continue to be occupied while a new dwelling is being constructed on the same lot notwithstanding the permitted use provision allowing only one single-family residence per lot. This arrangement is subject to the approval of the Township Construction Official and Board of Health. Variance relief must be requested from any proposed deviations from the bulk regulations for the new dwelling. The new building must be completed and ready for occupancy within eighteen months of issuance of a building permit. The Township Zoning Officer may grant a six-month extension to this time period for reasonable good cause subject to the approval of the Township Construction Official and Board of Health. After a temporary certificate of occupancy is issued for the new dwelling, the original dwelling must be removed within 30 days of the issuance of that certificate. As assurance for the removal of the original dwelling, the applicant shall post a bond equivalent to 120% of the demolition cost. Additionally, the certificate of occupancy for the new dwelling shall be temporary in nature (for 30 days only). The required bond shall be posted at the time of building permit issuance for the new dwelling. A permanent certificate of occupancy for the new dwelling will only be issued after removal of the original dwelling has been completed and the site has been stabilized to the satisfaction of the Township Engineer and Construction Official.

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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.

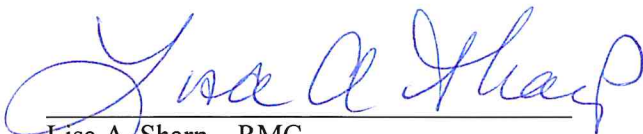
SECTION 4: The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing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



Timothy D. Jones
Mayor

INTRODUCED: February 8, 2021

ADVERTISED: February 11, 2021

PUBLIC HEARING: March 8, 2021

ADOPTED:

ADVERTISED:

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		☐	☒	☐
Ms. DiTosto		☐	☒	☐
Ms. Platt		☐	☒	☐
Mr. Yates		☐	☒	☐
Mr. Jones		☐	☒	☐

2nd
1st