

ORDINANCE NO. 08-2026

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, AMENDING CHAPTER 225 ZONING OF THE HARRISON TOWNSHIP CODE TO ADD TO ARTICLE II RESIDENTIAL DISTRICTS §225-15.3 R-10 SPECIAL RESIDENTIAL DISTRICT AND REZONING

WHEREAS, in 1975, the New Jersey Courts announced in Southern Burlington County N.A.A.C.P., et al, v. Township of Mount Laurel, 67 N.J. 151 (1975), that New Jersey municipalities have a constitutional obligation to affirmatively plan and provide for its fair share of affordable housing for low- and moderate-income households; and

WHEREAS, the New Jersey Legislature codified this constitutional obligation in 1985 through the adoption of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (“FHA”); and

WHEREAS, on March 20, 2024, the New Jersey Legislature adopted an amendment to the FHA, which abolished the Council on Affordable Housing (“COAH”), created an Affordable Housing Dispute Resolution Program within the Courts (the “Program”), and codified standards for complying with a municipality’s affordable housing obligation (“FHA Amendments”); and

WHEREAS, the Department of Community Affairs adopted regulations set forth at N.J.A.C. 5:99-1 et seq. (“Affordable Housing Regulations”), implementing the FHA Amendments and the New Jersey Housing and Mortgage Finance Agency also adopted amendment to the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”) to implement the FHA Amendments; and

WHEREAS, N.J.S.A. 52:27D-304.1(f)(2)(a) requires municipalities seeking to participate in the Program and secure immunity from exclusionary zoning lawsuits to prepare and adopt a housing element and fair share plan that sets forth a plan for providing for a municipality’s fair share of affordable housing, and N.J.S.A. 52:27D-304.1(f)(2)(c) requires municipalities to adopt ordinances to implement the housing element and fair share plan; and

WHEREAS, on June 19, 2025, the Joint Land Use Board of the Township of Harrison, acting as a planning board, adopted a Housing Element and Fair Share Plan which identified Block 41.01, Lot 1 as a potential site for the provision of a 100% family affordable housing project; and

WHEREAS, pursuant to that authority, and the authority set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (“MLUL”) to adopt zoning ordinances, the Township has determined it is in the best interest of the Township of Harrison to create a new overlay zone to be known as the “R-10 Special Residential District” on property known as Block 41.01, Lot 1 to permit a 100% affordable multi-family residential development containing exclusively affordable

housing in order to create a realistic potential for the provision of affordable housing to satisfy, in part, the Township's Mount Laurel obligations.

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

1. The Township hereby amends Article II "Residential Districts" of Chapter 225, "Zoning" of the Code of the Township of Harrison to add a new Section 225-15.3 "R-10 Special Residential District," as set forth in Exhibit A attached hereto.

2. Block 41.01, Lot 1 is hereby rezoned to add the R-10 Special Residential District as an overlay zone on said property.

3. Section 225-5, entitled "Zoning Maps" of Article I, entitled "General Provisions" of Chapter 225, "Zoning" of the Code of the Township of Harrison is hereby amended by way of an amendment to the Zoning Map to create an overlay zone on Block 41.01, Lot 1 known as the R-10 Special Residential District in accordance with this Ordinance. The Zoning Map shall be amended to reflect this new overlay zone.


4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

5. In the event any clause, section, or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

6. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF HARRISON



JULIE CUNDEY, Township Clerk



THOMAS COAKLEY, Deputy Mayor

PUBLIC NOTICE

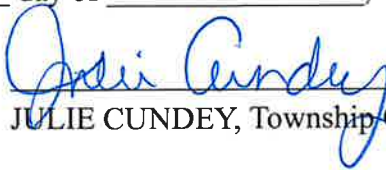
NOTICE is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, held on the _____ day of _____, 2026, and will be considered for

final passage after a public hearing at a meeting of the Township Committee of the Township of Harrison to be held on the ___ day of _____, 2026.



JULIE CUNDEY, Township Clerk

I hereby certify that the foregoing Ordinance was approved for final adoption by Mayor and Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey at a meeting held on the ___ day of _____, 2026.



JULIE CUNDEY, Township Clerk

EXHIBIT A

Chapter 225, Zoning

Article II, Residential Districts

Section 225-15.3, R-10 Special Residential District

§225-15.3 R-10 Special Residential District

A. Permitted Principal Uses:

- (1) Multifamily residential apartments. The maximum number of residential units shall not exceed sixty-six (66).
- (2) All residential units shall be affordable to very low-, low-, and moderate-income households and shall be family rentals.

B. Permitted Accessory Uses:

- (1) Off-street Parking and Loading; Bicycle Racks
- (2) Electric Vehicle Recharging Facilities
- (3) Stormwater Management Facilities
- (4) Utility Infrastructure
- (5) Waste and Recycling Facilities
- (6) Signage
- (7) Mailbox Cluster
- (8) Patios
- (9) Community Room
- (10) Ground Maintenance Storage Buildings
- (11) Enclosures for dumpsters or trash compactors for trash and recyclable materials
- (12) Community and indoor and outdoor recreational amenities and facilities, including but not limited to clubhouse, rental office, management office, swimming pools, tot lots, playgrounds, dog parks, benches, gazebos, pavilions and fire pits. If one or more of these are combined into a single lot, then they shall be collectively considered a single principle permitted use;

- (13) Fitness center
- (14) Fire pit
- (15) Sidewalks and pathways
- (16) Other accessory uses and amenities customarily incidental to the principal permitted use as approved by the Planning Board

C. Site Area and Bulk Requirements. The following shall be the bulk standards for the R-10 Special Residential District:

- Minimum Lot Area 10 acres
- Minimum Front Yard Setback 25 Feet
- Minimum Side Yard Setback 10 Feet to Area boundary
- Minimum Rear Yard Setback 15 Feet
- Maximum Building Height 3 stories and 45 Feet
- Maximum Building Coverage 35%
- Maximum Lot Coverage 65%
- Minimum Parking and Driveway Setback 10 Feet
- Minimum Buffer 15 Feet
- Minimum Setback and Landscaped Buffer Areas along tract Boundary:

The perimeter tract setback and buffer shall be 50'. Parking, drive aisles, trash and recycling enclosures, fencing, play areas, green infrastructure improvements, mailboxes, and similar accessory uses as determined by the Planning Board, may be permitted within the buffer area, but set back at least twenty-five feet (25') from the tract boundary, and provided with adequate landscape buffering. Stormwater management facilities and underground utilities are also permitted within the buffer area but shall be set back at least 10' from the tract boundary and provided with adequate landscaping.

D. Design Criteria.

- (1) Building site design principles
 - (a) Minimum Distance between Principle buildings: A minimum separation of 35' shall be provided between any two residential buildings.
 - (b) Minimum distance of 30' separation between any residential building and any accessory building, including but not limited to a clubhouse.

(c) Mailbox clusters and package pavilions are excluded from these setback requirements but subject to Fire Marshal requirements.

(d) Principal buildings shall be setback a minimum of 75' from any tract boundary.

(2) Parking Requirements.

(a) The standards set forth in the RSIS shall govern all parking requirements as to size and number of parking spaces. Parking spaces, open or enclosed, shall be on the same lot or tract of land as the building or use to be served.

(b) Accessible parking spaces in the quantity required to comply with State regulations governing accessible parking spaces shall be provided and shall comply with the dimensional requirements set forth by State regulations governing accessible parking spaces.

(c) No parking spaces shall be closer than 10' to a building and within 25' of a tract perimeter. This regulation shall not apply to garage and drive aisles or accessways.

(d) Electric vehicle parking spaces shall be provided as follows:

- i. Prepare as make-ready parking spaces at least fifteen percent (15%) of the required off-street parking spaces, and install EVSE in at least one-third of the fifteen percent (15%) of make-ready parking spaces;
- ii. Throughout the installation of EVSE in the make-ready parking spaces, at least five percent (5%) of the electric vehicle supply equipment shall be accessible for people with disabilities.
- iii. Locations of make-ready parking spaces shall be approved by the Planning Board as part of site plan review.
- iv. Applicant at its option may install electric vehicle supply equipment in all make-ready parking spaces prior to issuance of the initial certificate of occupancy, or may phase installation in such a manner that electric vehicle supply equipment is installed to serve "make-ready" parking spaces at not less than the rate of one third prior to issuance of the initial certificate of occupancy, one third within three (3) years of issuance of the initial certificate of

occupancy, and one third within six (6) years of issuance of the initial certificate of occupancy.

(e) Should the applicant demonstrate conformance with parking generation rates as specified in the most recent ITE Parking Generation Manual and the Planning Board deems these parking requirements to be reasonable, relief may be requested.

(f) Parking for tractor trailers and delivery trucks shall not be permitted. Exterior storage of any boat, motorhome, travel trailer, camper, recreational or commercial vehicle is prohibited.

(3) Access and Circulation.

(a) One access point, to and from the tract, shall be permitted for every 300 feet of frontage. Access drives or driveways shall be provided in accordance with the criteria provided in this section. If requested by the fire chief, an emergency access drive shall be provided. Vehicular connections to adjacent properties may be provided where appropriate.

(b) All parking and drive aisles shall comply with RSIS.

(c) Adequate access and on-site circulation for emergency vehicles shall be provided at the direction of the Fire Marshal.

(d) Comprehensive on-site pedestrian circulation shall be provided that includes ADA-compliant crosswalks at all internal intersections and sidewalks along both sides of all roads and throughout the site.

(e) A comprehensive bicycle and pedestrian plan shall be provided that takes into consideration future development at the state, county, and local level. Consideration shall be given to linking pedestrian and bicycle circulation features to adjoining open space and amenities, as determined, to be appropriate and feasible.

(f) Bicycle parking facilities shall be located indoors and outdoors. Indoor bicycle parking shall be a dedicated space for storage of bicycles.

(4) Lighting Design Standards. Luminaire height shall not exceed twenty feet (20'). Luminaire height to be measured from grade level to center line of fixture. LED lighting with a maximum color temperature of 3000K with

sharp cutoff luminaires shields is required. The measure of lighting intensity at the boundary of the property shall not exceed 0.1 foot-candles. Lighting intensity limits are exclusive of any driveway access points for purposes of vehicular and pedestrian safety and where additional lighting may be advantageous for pedestrian sidewalk areas. Suitable security and convenience lighting shall be provided as necessary along all walks, interior roads and off-street parking areas, with the exception of driveways, where sufficient illumination for the safety and convenience of residents and vehicular traffic shall be provided. Lighting performance criteria include provisions for residential level security, safety, and adequate (not excessive) illumination, while providing for control of offsite glare and uplighting. Lighting fixture designs shall complement building architecture.

(5) Signage

- (a) Entry signs may be monument style and illuminated backlit or direct LED with no light spillage.
- (b) Entry signs shall be monument style, not exceed thirty-six (36) S.F. in area nor 6 feet (6') in height including the base and located outside of any sight triangle areas.
- (c) Entry signs are to be set back a minimum of ten feet (10') from the right-of-way
- (d) Directional and information signs are permitted, not to exceed 18 S.F. in area.
- (e) Temporary signage, including freestanding ground signs, flag signs, banner signs, contractor signs, or other signs advertising the availability of the residential units and/or directing the public to the development are permitted until the development reaches 100% occupancy.
- (f) ADA parking signs shall be provided consistent with N.J. State and Federal requirements.

(6) All dwelling units shall be serviced by public water and sewer systems, and constructed in conformance with Township standards.

(7) Loading, refuse and recycling, and service utility areas.

- (a) A central area consisting of trash compactors and recycling facilities shall be provided to service the entire development. This area shall be conveniently located for residential deposition of waste and recyclables.

- (b) All loading, refuse and recycling collection, service and utility areas shall be sufficient in size to collectively serve the development. The required method of screening for dumpsters, trash compactors, recycling facilities or other outdoor storage areas shall conform to the standards outlined in §174-14G.
 - (c) Outside deposit areas shall not be permitted in any required yard, setback, or buffer area, nor shall they interfere with the operation of off-street parking facilities.
 - (d) Trash compactors, recycling facilities, and loading areas shall be located on the site so as to provide clear and convenient access for collection vehicles.
 - (e) The applicant shall provide a waste management and recycling plan, subject to Township review and approval. Such management plan shall be submitted with an application for preliminary approval.
 - (f) Refuse and recycling requirements. All refuse and recycling requirements of §185-8 shall apply.
- E. Stormwater Management. Development shall be designed with stormwater management facilities pursuant to the design requirements of RSIS, NJDEP green infrastructure, NJAC 7:8 Stormwater Management Rules, Harrison Township Ordinances and the Standards for Soil Erosion and Sediment Control in New Jersey. Proposed Stormwater Management Facilities are required only for the proposed improvements associated with the development. Stormwater management facilities may be located and integrated within the buffer/screening areas, subject to meeting screening criteria as required by the planning board.
- F. Performance Criteria and Standards
- (1) Promote energy conservation in construction design.
 - (2) Control adverse development impacts including noise and light.
 - (3) Utility improvements, including electric and other utility wires shall be underground wherever possible for safety, efficiency, and aesthetics.
 - (4) On-site solar electric generation is recommended to advance municipal green initiatives.
 - (5) Provide ample buffering/screening so to screen views and reduce noise perception offsite.

- (6) Existing obsolete improvements are to be demolished and disposed of in accordance with all governing regulations.
- (7) Buildings are to include architectural design features that add visual interest to the residential buildings. While not required, all buildings shall try to integrate the design standards set forth in §174-13 as related to architectural style and materials.
- (8) As visible to the public, roof mounted or ground placed equipment shall be screened by appropriate architectural landscape design features.
- (9) Adequate provision shall be made through the physical design of the residential development for public services, waste, and recycling collection, control over vehicular and pedestrian traffic, the amenities of light and air, passive recreation and visual enjoyment, and stormwater management.
- (10) Screening or buffers consisting of fencing, landscaping, berms, or other improvements may be required around parking, utility and refuse disposal areas, existing adjacent residential areas, and around other similar areas as determined by the Planning Board.

G. All design and performance standards set forth in the Township code that are not address herein remain applicable.

H. Affordable Housing Requirements.

- (1) Design of Affordable Units. Design and siting of the affordable units and market rate units must comply with the occupancy standards set forth in N.J.A.C. 5:80-26.5(a)(2) and/or (a)(3), as applicable, and Chapter 67 of the Township Code. Bedroom and income distribution shall be determined by the Municipal Housing Liaison in consultation with the Administrative Agent approved by the Township for the project, at or before the time of application for a construction permit for the first dwelling unit in the project. This shall be an essential and non-severable condition of any approval.
- (2) Compliance with settlement agreement. Full compliance with the Mediation Agreement entered into between the Township and Fair Share Housing Center, dated December 15, 2025, as may be amended and supplemented, and shall be an essential and a non-severable condition of any approval.
- (3) Construction and phasing of construction of all affordable units shall be in strict compliance with the most current version of UHAC and Chapter 67 of the Township Code in effect at the time of application for a construction permit. Administration of all affordable units shall be in accordance with the most current version of UHAC and Chapter 67 of the Township Code in

effect at the time of administration. To the extent that the provisions of UHAC conflict with the provisions of the Township Ordinance, UHAC will apply. This shall be an essential and non-severable condition of any approval.

- (4) Deed Restriction. The signature of the Municipal Housing Liaison on the subdivision plan shall be a required signature for recording the subdivision plan or subdivision deed. Prior to signing the subdivision plan or subdivision deed, the developer or owner of the tract shall record a deed restriction, in the form approved by the Municipal Housing Liaison and required by UHAC, identifying the affordable units to be constructed as part of the project. This shall be an essential and non-severable condition of any approval.

