

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1404

**AN ORDINANCE AMENDING CHAPTER 17 ENTITLED “LAND DEVELOPMENT ORDINANCE”
OF THE CODE OF THE TOWN OF HARRISON TO INCLUDE PROVISIONS FOR THE
AFFORDABLE SENIOR HOUSING ZONE**

WHEREAS, the Mayor and Council of the Town of Harrison have the power to adopt or amend zoning ordinances provided such ordinances or amendments are either (i) substantially consistent with the Land Use Plan Element and the Housing Element of the Master Plan or (ii) designed to effectuate such plan elements pursuant to N.J.S.A. 40:55D-62; and

WHEREAS, the Mayor and Council of the Town of Harrison desire to create a realistic opportunity for the creation of affordable housing within the Town; and

WHEREAS, the Mayor and Council of the Town of Harrison has determined that certain land within the Town is suited for age-restricted affordable development; and

WHEREAS, the Town wishes to foster development that provides affordable housing for seniors; and

WHEREAS, the Town has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region’s need for affordable housing; and

WHEREAS, pursuant to that obligation, the Town entered into a settlement agreement with Fair Share Housing Center (“FSHC”), which was signed by the Mayor on November 12, 2019, which provides for a new affordable senior housing zone along Supor Boulevard; and

WHEREAS, a Housing Element and Fair Share Plan was prepared and adopted by the Planning Board on December 17, 2019 (“HEFSP”) recommending the implementation of an affordable senior housing zone.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF HARRISON, IN THE TOWN OF HARRISON AS FOLLOWS:

THAT: Ordinance Section 17-81.1, entitled “Establishment of Zones,” is hereby amended to remove the “AH Affordable Housing Overlay” and the “SAH/SH Senior and Affordable Housing Zone” and include the “ASH Affordable Senior Housing Zone.”

THAT: Ordinance Section 17-81.2, entitled “Zoning Map” is hereby amended to read as follows:

“The location and boundaries of the above zones are hereby established on the Zoning Map, dated January 2020, which is attached hereto and made part of this Chapter.”

THAT: The Official Zoning Map of the Town of Harrison is hereby amended in accordance with Attachment A to rezone the following parcels to the ASH Affordable Housing Zone:

Block 89	Lots 1, 5, 6, 7, 8, 27, and 33
Block 189	Lot 1
Block 193	Lots 1, 2, 4, 5, 27, and 32
Block 198	Lot 1
Block 199	Lots 1, 5, 9, 13, 19, 20, 21, and 23
Block 202	Lot 1, 13, 17, and 21

THAT: Ordinance Section 17-83, entitled “Affordable Housing Overlay” is deleted in its entirety and replaced with the following:

17-83 ASH Affordable Senior Housing Zone

A. Purpose. The principal purpose of the ASH Affordable Senior Housing Zone is to provide areas within the Town for age-restricted affordable development in the form of multi-family, townhouse, and/or mixed-use development. The development shall include age-restricted affordable housing that will be incorporated into the multi-family, townhouse, and/or mixed-use development. A minimum of 98 age-restricted affordable units shall be generated from this zone.

The units may be delivered as part of an inclusionary development and/or as a 100% affordable development.

B. Permitted Principal Uses.

1. Multi-Family Housing. Multi-family housing is a building containing (4) or more dwelling units where each unit is joined to other dwelling units above, adjacent, and/or below. Also known as an “apartment building.”
2. Townhouse. A townhouse is a single-family dwelling in a row of at least three such attached dwellings in which each dwelling has its own front and rear access to the outside. No dwelling is located over another dwelling and each dwelling is separated from all other attached dwellings by one or more vertical common fire-resistant walls.
3. Mixed-Use Development. Mixed-use development is the development of a tract of land or building or structure with two or more permitted uses, one of which shall be residential. Permitted non-residential uses include office/co-working space, retail, restaurants, medical uses, and TV and film studios, adult educational facilities/schools. Office/co-working space is an arrangement where multiple companies share an office space in order to save costs through the utilization of common facilities, including office space, equipment, utilities, and administrative staff such as a receptionist and/or IT personnel.

C. Permitted Accessory Uses.

1. All uses accessory and incidental to the principal use

D. Area and Yard Requirements

1. Minimum lot area: 20,000 square feet
2. Minimum setback from the public right-of-way:
 - i. Residential-only development: 10 feet
 - ii. Mixed-use development: 5 feet

E. Maximum Height

1. 6 stories if parking is provided under the building
2. 5 stories if no parking is provided under the building

F. Maximum Density

1. 55 dwelling units per acre

G. Minimum Off-Street Parking

1. Age-restricted residential: 1 space per unit
2. Office/Retail/Financial Institutions/TV and Film Studios: 1 space per 1,000 square feet of gross floor area
3. Off-site parking is permitted for non-residential uses only if the developer can provide a long-term parking arrangement to the satisfaction of the Planning Board.

H. Affordable Housing

1. A minimum on-site affordable housing set-aside of 15% shall be required for rental residential inclusionary development and 20% for sales inclusionary development.
2. The development of all affordable units shall comply with the executed Settlement Agreement between the Town and Fair Share Housing Center (signed by the Town on November 12, 2019), the Uniform Housing Affordability Controls (“UHAC”) found at N.J.A.C. 5:80-26.1 et. seq. or any successor legislation; COAH’s applicable regulations including but not limited to the phasing requirements of N.J.A.C. 5:97-6.4(d); the Fair Housing Act, and all other relevant law, including but not limited to, affirmative marketing requirements, bedroom and income distribution requirements, and deed-restriction requirements.

3. A minimum of 50% of all affordable units shall be affordable to very low and low-income households. A minimum of 13% of all affordable units shall be affordable to very low-income households. All other affordable units may be affordable to moderate-income households.
4. Affordable units shall remain affordable for a period of at least thirty (30) years from the date of their initial occupancy.
5. The developer's obligations related to the creation of Affordable Housing shall, as a condition of any site plan approval, be incorporated into a developer's agreement with the Town of Harrison.
6. A 100% age-restricted affordable development is permitted.

- I. Article V, "Development Requirements and Standards" of the Harrison Land Development Ordinance shall apply. Should the standards in Article V conflict with the standards in this ordinance section, the standards in this section shall apply.

THAT: Zoning Schedule I, entitled "Bulk Regulations – All Districts," and Zoning Schedule II-A, entitled "Use Regulations – Residential Districts," is hereby amended to remove all references to the SH Senior Housing Zone and AH Affordable Housing Overlay and shall include the following additional language:

"ASH Affordable Senior Housing Zone: see Ordinance Section 17-83
Affordable Senior Housing Zone for all use and bulk regulations"

BE IT FURTHER ORDAINED that all prior Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon final passage and publication as required by law.

/s/ Ellen Mendoza

Councilwoman Ellen Mendoza

Introduced: 04-07-2020

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council held on April 7, 2020, the foregoing Ordinance passed on first reading.

Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT		X	X			
M. CAMANO			X			
M. DOLAGHAN			X			
J. DORAN	X		X			
J. HUARANGA			X			
E. MENDOZA			X			
F. NASCIMENTO			X			
E. VILLALTA			X			
J. FIFE			X			

Adopted: 06-30-2020

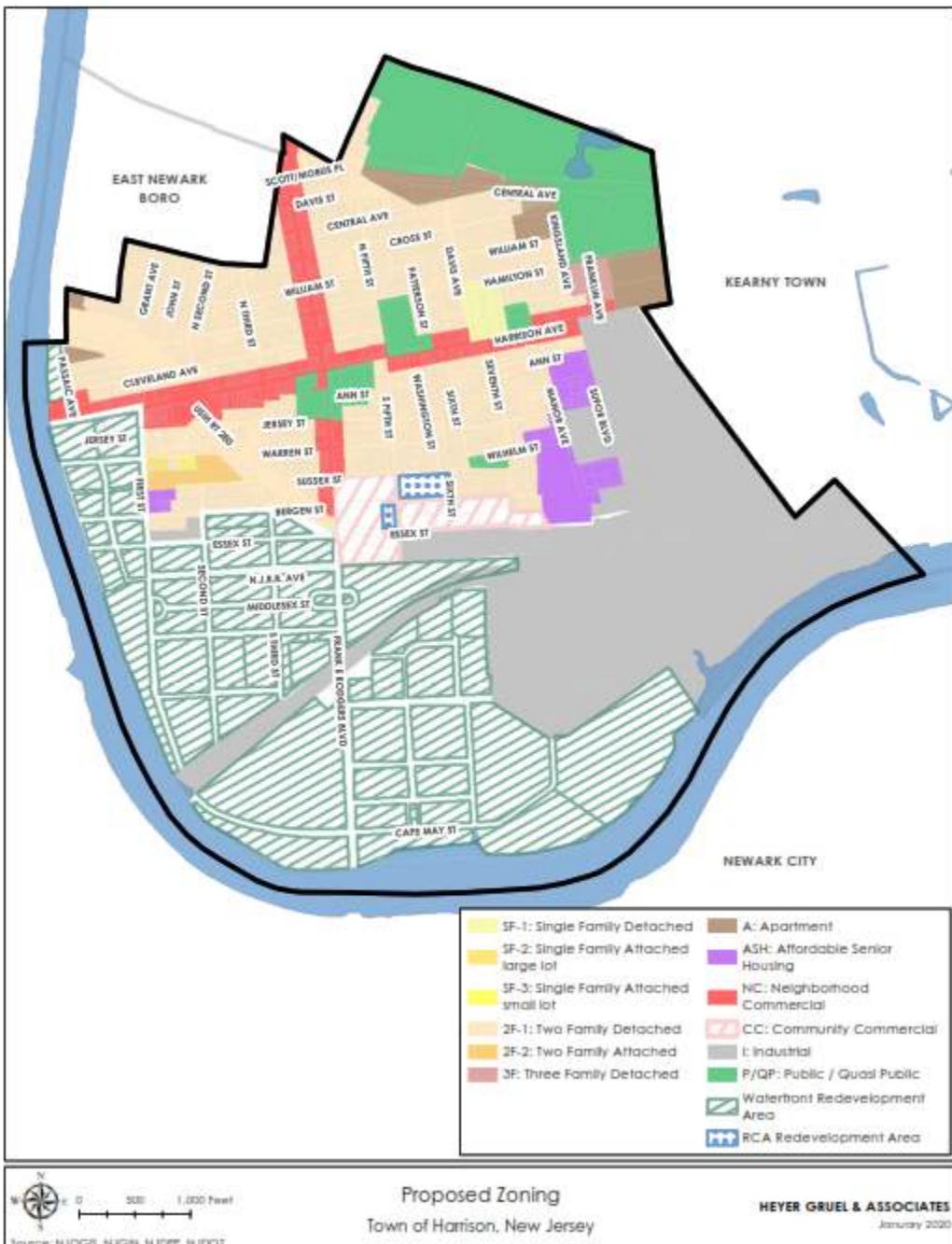
Approved: _____

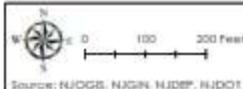
Mayor James A. Fife

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on June 30, 2020 the foregoing Ordinance, previously published according to law, was adopted on second reading, approved by the Mayor, spread in full in the ordinance book, and published according to law.

Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT		X	X			
M. CAMANO	X		X			
M. DOLAGHAN			X			
J. DORAN			X			
J. HUARANGA			X			
E. MENDOZA			X			
F. NASCIMENTO			X			
E. VILLALTA			X			
J. FIFE			X			

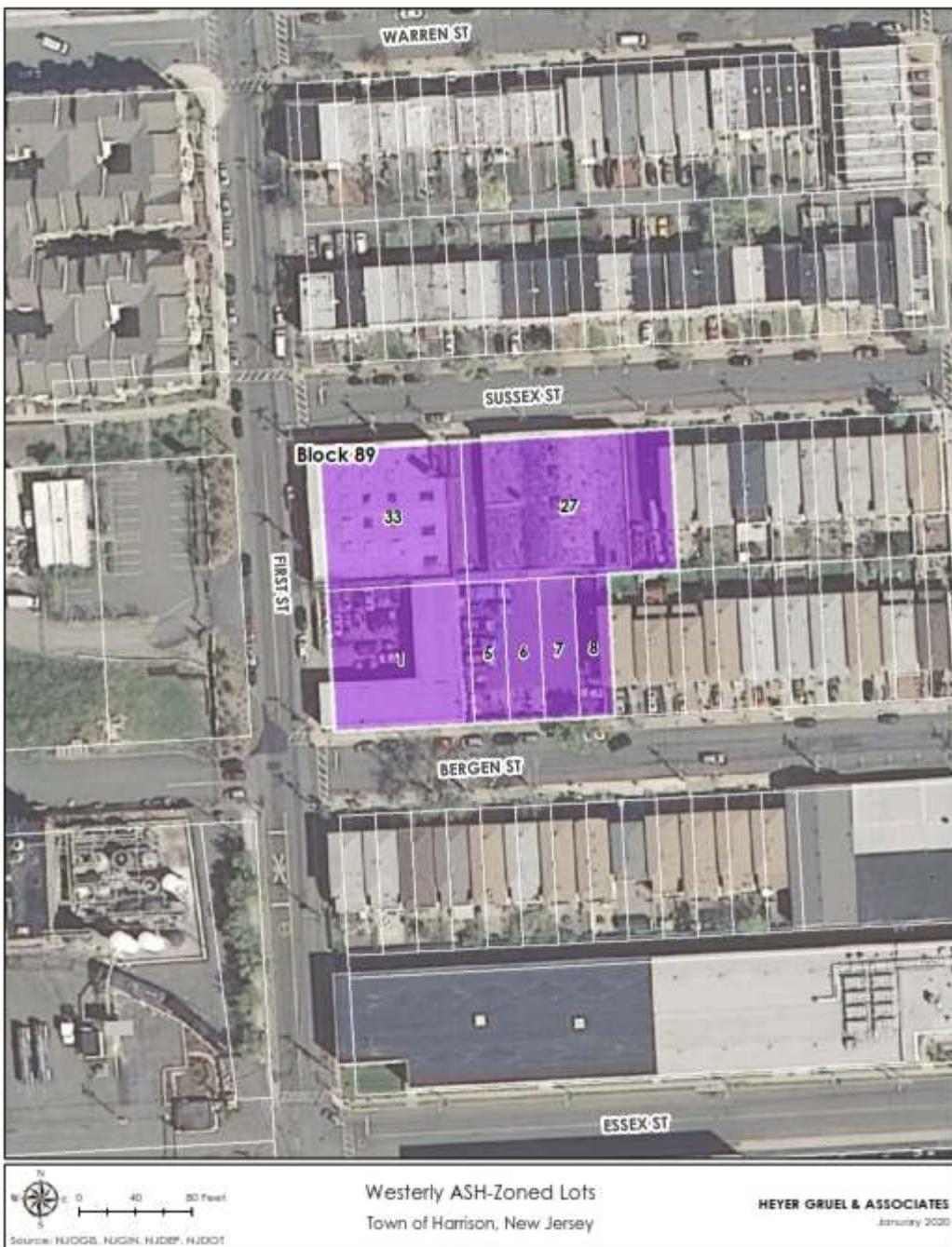




Easterly ASH-Zoned Lots
Town of Harrison, New Jersey

HEYER GRUEL & ASSOCIATES
January 2020

Source: NJOGIS, NJGIN, NJDEP, NJDOT



W
N
E
S
0 40 80 feet
Source: NJDOB, NJGIN, NJDEP, NJDOT

Westerly ASH-Zoned Lots
Town of Harrison, New Jersey

HEYER GRUEL & ASSOCIATES
January 2000