

**O:26-05**

**AN ORDINANCE BY THE TOWNSHIP OF HARMONY, COUNTY OF WARREN AND STATE OF NEW JERSEY, ESTABLISHING AFFORDABLE HOUSING FOURTH ROUND OVERLAY ZONE**

**WHEREAS**, the passage of P.L. 2024, c2 by the New Jersey State Legislature established procedures and requirements for the fourth round of affordable housing obligations pursuant to the State's Fair Housing Act; and

**WHEREAS**, all municipalities in the State are required, pursuant to the procedures established above, to adopt an updated Housing Element and Fair Share Plan, with all required components pursuant to the State's Fair Housing Act, to reflect their respective municipalities' plans to satisfy their fair share of regional need for and moderate-income housing, by no later than June 30; and

**WHEREAS**, the Township of Harmony Land Use Board has adopted an updated Housing Element and Fair Share Plan as an amendment to the Township Master Plan at its regular meeting held on June 18, 2025; and

**WHEREAS**, the adopted Housing Element and Fair Share Plan proposes the establishment of an Affordable Housing Fourth Round overlay zone comprising Block 38, Lot 11 within the Township as the preferred mechanism for compliance with the Township's affordable housing obligation for the fourth round; and

**WHEREAS**, all municipalities in the State are required, pursuant to the procedures established above, to adopt ordinances to effectuate the provisions of their updated Housing Element and Fair Share Plans by March 30, 2026; and;

**WHEREAS**, the Township of Harmony has received a Consent Order of Conditional Compliance of Certification from the Superior Court of New Jersey regarding the Township's adoption of an updated Housing Element and Fair Share Plan (HEFSP) for the Fourth Round of affordable housing obligations pursuant to the Fair Housing act; and

**WHEREAS**, the Township of Harmony remains in compliance with all required actions to retain substantive certification status for its existing Housing Element and Fair Share Plan and wishes to maintain this status for all future rounds.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee, Township of Harmony, County of Warren, State of New Jersey that Chapter 525, entitled "Harmony Township Zoning Ordinance of 1979," shall be amended as follows:

1. Article II, "Use Regulations" shall be amended to include new chapter 525-13.1 as follows:

§ 525-13.1 AH-4 Affordable Housing Fourth Round Zone

- A. Purpose: The purpose of the AH-4 Affordable Housing Fourth Round Overlay Zone is to provide mechanisms for addressing the Township's affordable housing obligation consistent with the adopted Housing Element and Fair Share Plan dated June \_\_, 2025. The overlay zone permits inclusionary residential development with an affordable set aside agreed on between the Township and developer within a portion of the AR-250 Zone north the crossroads of Harmony Station Road and Garrison Road, subject to the expansion of water and sewer and subject to distribution of dwelling types outlined in the Housing Element and Fair Share Plan. The underlying zoning remains in effect and any use permitted in the underlying zones continues to be permitted. The properties subject to the AH-4 Affordable Housing Fourth Round Overlay Zone shall include Block 38, Lot 11 only.
  - B. Permitted principal uses: Planned inclusionary residential development.
  - C. Permitted accessory uses:
    - (1) Signs in accordance with Article VI
    - (2) Off-street parking
    - (3) Open space and recreational areas for public use
    - (4) Any use which is customary and incidental to the principal permitted use
  - D. Bulk Standards: Bulk standards shall be determined prior to the approval of a planned residential development sufficient to satisfy the Township's obligations as detailed in the Housing Element and Fair Share Plan, taking into consideration all factors of area, height, setbacks, density impervious coverage, and other factors appropriate for the protection of the health, safety, and welfare of the Township.
  - E. Parking standards shall be subject to the Residential Site Improvement Standards (RSIS) (N.J.A.C. 5:21).
2. The bulk schedule attached to Article III, "Area, Yard, and Bulk Regulations" is hereby amended to include a zone district called "AH-4," with planned inclusionary residential development as a permitted use and a referral to § 525-13.1 E for all requirements therein.
  3. The zoning map in the zoning ordinance of the Township is hereby amended to depict an overlay zone called the "Affordable Housing Fourth Round Overlay Zone," with a boundary of Block 38, Lot 11 only.

4. The Harmony Township Committee hereby directs the Municipal Attorney to attach this Ordinance as an exhibit to the declaratory judgment action that is filed in Warren County and to submit and/or file this resolution with the Affordable Housing Dispute Resolution Program, or any other such entity as may be determined to be appropriate, within 48 hours of the adoption of this ordinance.
5. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.
6. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
7. This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Township Committee of the Township of Harmony introduced on February 18, 2026, and will be further considered for adoption after Public Hearing held on March 12, 2026, at 6:00 p.m. in the Harmony Township Municipal Building, 3003 Belvidere Road, Phillipsburg, NJ 08865

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Brian R. Tipton, Mayor

ATTEST:

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Kelley Smith, Municipal Clerk

Adopted: March 12, 2026