

TO: Town of Harrison Planning Board
CC: Michael Pichowicz, Esq.
Antonios Panagopoulos, PE
Mary Gaines, Planning Board Secretary
FROM: M. McKinley Mertz, PP, AICP, LEED Green Associate
RE: Proposed Land Development Ordinance (Title 17)
DATE: July 10, 2020

The following memo highlights several of the proposed changes in the new Land Development Ordinance (Title 17 of the Town's Code). While it will be a completely new Land Development Ordinance, this memo focuses on the proposed standards that relate to two-family development. These standards have been designed to mitigate some of the issues that have arisen in relation to two-family construction.

- A "Minor Subdivision" is now defined as any subdivision creating no more than 2 lots.
 - Currently the definition is 3 lots. This change means that any application for a 3-lot subdivision must seek Major Subdivision approval.
- Balconies will be permitted to extend into the rear yard by no more than 3 feet.
 - This standard was previously 6 feet and has been reduced.
- Juliette balconies are permitted to project no more than 1 foot into any front yard.
 - This is a new standard, designed to help break up the front façades of residential buildings.
- HVAC units are permitted to encroach into the rear yard of residential properties no more than 3 feet and must be adequately screened by shrubs and/or other vegetation.
 - This is a new standard as the current ordinance is silent about HVAC units. Applicants currently require variances for this condition.
- Two-family dwellings are required to provide a minimum of 2 off-street parking spaces within a garage through tandem parking.
 - This is a new standard, designed to provide additional parking and discourage the use of the rear portion of the ground floor as an additional unit.
 - A deficiency in parking will now require a variance as opposed to a waiver, requiring a higher burden of proof from the applicant.

- Any new residential development that requires site plan or subdivision approval, or variance relief shall abide by new design standards. Deviations from these standards will require design waivers. It is at the Board's discretion as to whether these standards have been met.
- Amend checklists to require:
 - Information on drainage (Antonios to confirm); landscaping; lighting
- Proposed lighting standards relevant to two-family residential:
 - When adjacent to other residential properties or zones, a maximum of 0.5 foot-candles is permitted at the property line.
 - All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to 75 degrees from vertical.
 - Lights Shall be appropriately shielded and directed so that the lighting, to the extent possible, shall not spill over onto adjacent properties.
- **Potential regulations not currently within draft ordinance but to be discussed:
 - In all two-family zones, the ground floor habitable space cannot be exclusively accessible through common areas OR exterior access. The ground floor habitable space must be internally connected to the floor above it. Direct exterior means of ingress and egress to ground floor habitable space can only be provided by sliding or French doors. Full baths are prohibited on the ground floor.
 - Any indoor living space that could be converted to an additional dwelling unit shall be considered an additional dwelling unit for all zoning, building, or land development regulation purposes. Such an indoor space shall be defined as having two hundred and fifty (250) or more square feet and having direct access to the structure's common stairwell, hallway, or lot. Such spaces are typically labeled as recreation rooms, storage rooms, home offices, dens, or a combination of such rooms. If, however, this space contains the dwelling unit's only entranceway, or consists of a dwelling unit's only living room, dining room, or kitchen, it shall not be considered an additional dwelling unit. If this space consists of a commercial or live/work area required because it fronts on a commercial row or is proposed as permitted commercial space, it shall not be considered an additional dwelling unit.

Zone Change Standards for the Board to be Aware Of:

- Changes in Names of the Zones
- Addition of an NC-2 Zone that allows residential on the ground floor

		Existing Zone Names		New Zone Names	
Residential	SF-1	Single-Family Detached Residential	1-F	Single-Family Residential	
	SF-2	Single-Family Attached Residential	TH-1	Townhouse 1 Residential	
	SF-3	Single-Family Attached Residential	TH-2	Townhouse 2 Residential	
	2F-1	Two-Family Detached Residential	2-F	Two-Family Residential	
	2F-2	Two-Family Attached Residential	TH-3	Townhouse 3 Residential	
	3-F	Three-Family Residential	3-F	Three-Family Residential	
	A	Apartment	MF	Multi-Family Residential	
	SH	Senior Housing	ASH	Affordable Senior Housing	
Public	P/QP	Public / Quasi Public	P/QP	Public / Quasi Public	
Commercial	NC	Neighborhood Commercial	NC-1	Neighborhood Commercial 1	
	CC	Community Commercial	NC-2	Neighborhood Commercial 2	
Industrial	I	Industrial	I	Industrial	
Overlay	-	-	TV&F	TV & Film Studio Overlay	

FINAL PROPOSED ZONING		
Residential	1-F	Single-Family Residential
	2-F	Two-Family Residential
	3-F	Three-Family Residential
	TH-1	Townhouse 1 Residential
	TH-2	Townhouse 2 Residential
	TH-3	Townhouse 3 Residential
	MF	Multi-Family Residential
	ASH	Affordable Senior Housing
Public	P/QP	Public / Quasi Public
Commercial	NC-1	Neighborhood Commercial 1
	NC-2	Neighborhood Commercial 2
	CC	Community Commercial
Industrial	I	Industrial
Overlay	TV&F-O	TV & Film Studio Overlay

