

ORDINANCE 2018-19
FRANKLIN TOWNSHIP
HUNTERDON COUNTY, NEW JERSEY

ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER 220 OF THE CODE OF THE TOWNSHIP OF FRANKLIN TO
ESTABLISH A NEW MXD MIXED-USE DEVELOPMENT OVERLAY ZONE AND TO SET FORTH THE STANDARDS
AND CRITERIA APPLICABLE THERETO

WHEREAS, Franklin Township has a constitutionally-mandated requirement to provide affordable housing; and

WHEREAS, the Township Committee desires to create opportunities for the creation of affordable housing within the Township; and

WHEREAS, the Township Committee has determined that certain lands comprised of approximately 44 acres within the C-N Commercial North Zone commonly referred to as Block 5, Lots 1 and 20 are suitable for inclusionary development; and

WHEREAS, the Township wishes to foster development that provides an affordable housing set-aside that is located above shops and services; and

WHEREAS, the location of the site next to church and preserved farmland eliminates any concern for impacts on residential neighbors within the Township; and

WHEREAS, the site is located in close proximity to the Interstate 78 interchange, providing easy access to commuters; and

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Franklin in the County of Hunterdon and the State of New Jersey as follows:

SECTION 1.

Amend Section 220-5 "Definitions and word usage" to add the following new terms:

SIGN, WALL

A sign fastened to the wall of a building in such a manner that the wall becomes the supporting structure for the sign and that does not project more than 8 inches from such building.

SECTION 2.

Amend Section 220-6.A “Districts enumerated”, to add MXD Mixed-Use Development Overlay Zone to the list of districts.

SECTION 3.

Amend Chapter 220 Land Use, Article III Land Use Regulations, Subsection 10 “Zone District Use Regulations” to add a new subsection G. as follows:

G. MXD Mixed-use Development Overlay Zone.

(1) Permitted principal uses and structures.

- (a) Uses permitted in the C-N Commercial North Zone on the ground floors of buildings only, but specifically excluding motor vehicle garages and service stations and any establishment with a drive-through facility; and**
- (b) Subject to the availability of sufficient public water and sewer service to accommodate it, multi-family housing on the second and third floors of buildings only.**

(2) Permitted accessory uses and structures.

- (a) Signs. See Article IX of this chapter.**
- (b) Off-street parking.**
- (c) Indoor and outdoor recreation facilities and amenities for the multi-family tenants.**
- (d) Management and/or leasing office for the development.**
- (e) Walk-up automated teller machines, incorporated into a building’s design.**
- (f) Outdoor dining, outside of the public right-of-way.**
- (g) Utilities and essential services.**

(3) Prohibited uses.

- (a) Any use not specifically permitted is prohibited.**
- (b) Motor vehicle garages and service stations.**
- (c) Establishments with a drive-through facility.**

(4) Bulk regulations in the MXD Mixed-use Development Overlay Zone are as follows:

- (a) Minimum lot area – 10 acres
- (b) Minimum lot width at right-of-way – 250 feet
- (c) Minimum front yard setback – 100 feet
- (d) Minimum side yard setback – 25 feet
- (e) Minimum rear yard setback – 25 feet
- (f) Maximum height – 3 stories and 40 feet
- (g) Maximum impervious coverage – 75%
- (h) Maximum residential density – 16 units per acre
- (i) Building wall front-to-front setback – 70 feet
- (j) Building wall side-to-side setback – 30 feet
- (k) Building wall rear-to-rear setback – 60 feet
- (l) Building wall other configuration – 45 feet
- (m) Maximum building length – 200 feet
- (n) Accessory buildings shall be set back 10 feet from any property line and shall be a maximum of 15 feet in height. No accessory building shall be located in a front yard.

(5) Affordable housing requirements. Within the MXD Mixed-use Development Overlay Zone all applications including residential development shall comply with the following:

- (a) A minimum of 20% of the total units shall be reserved for affordable housing, if the affordable housing units are for sale.
- (b) A minimum of 15% of the total units shall be reserved for affordable housing, if the affordable housing units are for rent.
- (c) All required affordable housing units shall be built on site.

- (d) If the required number of affordable units results in a fraction of 0.4 or less, the number of units to be built on site may be rounded down and the application shall make a pro-rated payment-in-lieu to cover the fraction. If the required number of affordable units results in a fraction of 0.5 or greater, the Applicant shall round up and provide the additional affordable unit. The payment-in-lieu fee in for 2018 is \$100,000. The payment-in-lieu shall increase each year by 3%. Therefore, the fee will be \$103,000 in 2019, \$106,090 in 2020 and so on.
- (e) Affordable units shall comply with the Fair Housing Act, the Uniform Housing Affordability Controls, Chapter 176 entitled "Affordable Housing Ordinance" and shall be deed restricted for a minimum of 30 years.
- (f) Unless the Township has retained its own Administrative Agent, the developer/property owner shall be responsible for retaining a qualified Administrative Agent, who shall be approved by the Township Committee and who shall be supervised by and report to the Township, to manage the affordable housing units.
- (g) The developer shall be responsible for paying the required development fees as outlined by the Statewide Non-residential Development Fee Act applicable to the non-residential portion of the development.

(6) Market-rate residential unit standards.

- (a) Market-rate residential units shall have the following minimum unit sizes:

- [1] One-bedroom – 600 square feet
- [2] Two-bedroom – 750 square feet
- [3] Three-bedroom – 950 square feet

- (7) Refuse and recycling standards. Refuse and recycling shall be in a centralized area. These areas shall be located for the convenience of the residents of the development and shall be screened from the public right-of-way and fully enclosed. Outdoor refuse areas shall be screened and fully enclosed with a solid enclosure a minimum of 6 feet in height. Alternatively, refuse and recycling may be stored inside of the building.

(8) Circulation.

- (a) Sidewalks shall be provided along all public street frontages. In addition, sidewalks and/or walkways shall link all buildings within the development to the sidewalks of all adjoining public streets.
- (b) Where sidewalks traverse vehicular driveways, crosswalks shall be provided and marked with textured paving in a contrasting material and color.
- (c) All sidewalks shall have minimum clear paved walking width of at least 5 feet; however, sidewalks in front of all commercial storefronts and in other areas with high pedestrian traffic shall have a minimum width of at least 7 feet.
- (d) Sidewalks adjacent to streets shall also include a landscape strip with street trees and grass. Where street trees are thus required, they shall be planted no more than 50 feet apart, on center, on average. Street trees shall be a minimum of 3 inches caliper.

(9) Landscape standards.

- (a) Areas of the property not used for buildings, parking or other impervious surfaces shall be landscaped.
- (b) There shall be a minimum 10-foot-wide landscaped buffer around the perimeter of the property (excluding driveways and utilities).
- (c) Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees and shrubs. Existing shade and evergreen trees within the buffer area may be counted in fulfilling the required buffer planting.
- (d) Buffer plants shall include, at a minimum, the following:
 - [1] One shade tree for every 75 linear feet of buffer;
 - [2] One evergreen tree for every 40 linear feet of buffer; and
 - [3] Ten shrubs for every 50 linear feet of buffer.
- (e) Buffer plants shall be the following size at the time of planting:
 - [1] Shade trees shall be planted at a minimum 3-inch caliper and shall be a minimum of 12 to 14 feet in height, balled and burlapped.

[2] Evergreen trees shall be planted at a minimum height of 7 feet, balled and burlapped.

[3] Shrubs shall be planted at a minimum of 36 inches in height. All shrubs shall be evergreen.

(f) No more than twenty-five percent (25%) of the plantings shall be of the same species and/or variety of plant.

(10) Design parameters.

- (a) Building facades shall consist of brick, stone, cast stone or other high-quality material along all sides.
- (b) Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies and recesses shall be used to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers or gables shall be provided to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- (c) The maximum spacing between building wall offsets shall be 40 feet.
- (d) The minimum projection or depth of any individual vertical offset shall not be less than 1.5 feet.
- (e) The maximum spacing between roof offsets shall be 50 feet.
- (f) The architectural treatment of the front façade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.
- (g) Gable and hipped roofs shall be used to the greatest extent possible. Both gable and hipped roofs shall provide overhanging eaves on all sides that extend a minimum of 6 inches beyond the building wall. Flat roofs are permitted only as part of a green roof or renewable energy system, if all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.
- (h) Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.

- (i) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- (j) Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

(11) Utility improvements and services.

- (a) All utilities lines and cables shall be underground.
- (b) All development shall be provided with public water and sewer service.

SECTION 4.

Amend Section 220-52 “Off-street parking space requirements”, subsection A as follows:

Multifamily dwelling	5 for each 2 dwelling units
Multifamily dwellings in the MF Multi-family Housing Zone <u>and the MXD Mixed-use Development Overlay Zone</u>	Residential Site Improvements Standard
Farms	As above or 2 for each vehicle used or stored on the premises.

SECTION 5.

Amend Section 220-52 “Off-street parking space requirements”, adding new subsection D as follows:

D. Shared parking. Nothing in the above requirements or in this Subsection shall be construed to prevent the employment of shared parking, which may be implemented in one of two manners:

- (1) On-site shared parking. For parcels containing a mixed-use building(s), on-site shared parking may be implemented.
 - (a) A 50% shared parking allowance shall be permitted for combining weekday uses with evening/weekend uses in the same building. Office and retail uses are weekday uses, while residential and restaurant uses are evening/weekend uses.
 - (b) Up to 50% of the parking requirement of the evening/weekend use of the building may be met through parking already provided for the weekday use. For example, a building

contains retail space that requires 20 parking spaces and residential units that require 8 parking spaces. The residential parking is permitted to be reduced by 50% or 4 parking spaces. Therefore, the development would only be required to construct 24 parking spaces instead of 28.

SECTION 6.

Amend Section 220-54 "Parking area design standards", to add new language as follows:

C. General location. No off-street parking or loading area shall be located in a minimum required front yard. All parking shall be located in bays generally perpendicular to driveways or roads. Off-street parking within the MF Multi-family Housing Zone and MXD Mixed-use Development Overlay Zone shall be a minimum of 10 feet away from any property line.

SECTION 7.

Amend Section 220-55 "Landscaping and drainage or parking areas", to add a new language to subsection D as follows:

D. Parking areas in the MF Multi-family Housing Zone and the MXD Mixed-use Development Overlay Zone shall provide one landscape area for every 20 off-street parking spaces. The landscape area shall be a minimum of 160 square feet. At least half of the landscape areas shall contain a shade tree. The remaining landscape area may contain shrubs. Shade trees shall be a minimum 3-inch caliper and shrubs shall be a minimum 24 inches high at installation.

SECTION 8.

Amend Section 220-56 "Lighting of parking areas", to amend the text as follows:

A. All nonresidential and nonfarm parking areas shall be lighted to provide a minimum of three footcandles at intersections and a total average of illumination of 1 1/2 footcandles throughout the parking area. Such lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.

B. Lighting within the MF Multi-family Housing Zone and the MXD Mixed-use Development Overlay Zone shall comply with the following standards:

(1) Low-pressure sodium or mercury vapor lighting is prohibited.

(2) Parking lot lighting shall be no more than 20 feet in height.

(3) A minimum of one-half footcandle shall be maintained within the parking lot and over all pedestrian walkways.

SECTION 9.

New Section 220-61.2 Signs in MXD Mixed-use Development Overlay Zone.

Signs in the MXD Mixed-use Development Overlay Zone shall be regulated as follows:

A. Wall sign. One wall sign shall be permitted per entrance, subject to the following limitations:

(1) The maximum sign area shall be 6 square feet.

(2) A wall sign may be illuminated.

SECTION 10.

WHEREAS, upon adoption of this Ordinance, the Township Planner is directed to amend the official Zoning Map of the Township of Franklin to illustrate the location of the MXD Mixed-use Development Overlay Zone.

SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

EFFECTIVE DATE. This Ordinance shall not take effect until approved by the Court.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Franklin held on November 8, 2018, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on December 13, 2018 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 202 Sidney Road, Pittstown, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Ursula V. Stryker

Township Clerk




Adopted: DECEMBER 13, 2018

Craig Repmann, Mayor

Township Committee

Attest:



Ursula V. Stryker, RMC

Municipal Clerk