

ORDINANCE 2020-06

(amended)

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY REVISING CHAPTER 220 OF THE CODE OF THE
TOWNSHIP OF FRANKLIN TO AMEND AND ENHANCE PARKING REGULATIONS,
TO ELIMINATE OUTDATED AFFORDABLE HOUSING REFERENCES AND
REGULATIONS, TO CLARIFY REGULATIONS RELATED TO ELECTRONIC
SIGNAGE, TO PERMIT LIVE-WORK UNITS AS A CONDITIONAL USE, AND TO
PERMIT WIND ENERGY SYSTEMS AS AN ACCESSORY CONDITIONAL USE**

WHEREAS, Franklin Township wishes to foster investment and economic development within the Township; and

WHEREAS, the Planning Board adopted a 2019 Master Plan Reexamination Report on October 23, 2019, which contained several recommendations regarding Chapter 220; and

WHEREAS, the Planning Board recognizes that the existing parking requirements do not comply with the Residential Site Improvement Standards and that new uses need parking requirements; and

WHEREAS, the 2019 Master Plan Reexamination Report makes several recommendations to update and streamline parking regulations; and

WHEREAS, the Township Committee has reviewed the 2019 Master Plan Reexamination Report and agrees Chapter 220 should be amended to update and streamline the Township's parking requirements; and

WHEREAS, the 2019 Master Plan Reexamination Report cites several outdated references and regulations regarding affordable housing and recommends those obsolete standards be deleted; and

WHEREAS, the Township Committee has reviewed the Report and agrees Chapter 220 should be amended to delete the outdated references and regulations regarding affordable housing.

WHEREAS, the 2019 Master Plan Reexamination Report make recommendations related to electronic signage; and

WHEREAS, the Township Committee has reviewed the Report and agrees that Chapter 220 should be clarified with regard to electronic signage; and

WHEREAS, the 2019 Master Plan Reexamination Report recommends permitting live-work units as a conditional use along all County Roads within the Township; and

WHEREAS, the Township Committee has reviewed the Report and the recommendation for live-work units and fully supports this recommendation as it expands opportunities for economic development within Franklin; and

WHEREAS, the 2019 Master Plan Reexamination Report recommends that wind facilities be permitted as a conditional accessory use in certain zones; and

WHEREAS, the Township Committee has reviewed this recommendation and agrees that alternative energy sources should be permitted in certain locations.

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 Chapter 220 “Land Use”, Article I “General Provisions”, Section 5 “Definitions and word usage” to insert the following new terms and definitions alphabetically:

BIG BOX STORE

A retail store, usually part of a chain of stores, encompassing 10,000 square feet or more.

LIVE-WORK UNIT

A residential unit that contains space in which to conduct a business or trade.

SHOPPING CENTER

A group of commercial establishments planned, constructed, and managed as a total entity.

SIGN, FLASHING

A sign which permits light to be turned on or off intermittently more frequently than once per minute or any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light-emitting diode) or digital sign and changes more frequently than once per minute.

SIGN, OPEN

A sign hung in a window or on a door that states “open”. Open signs may be electronic but shall not flash as defined in “Flashing Sign”. Open signs shall be a maximum of four-square feet and permitted in the C-S, C-N, NB, and MXD Zones.

WIND ENERGY SYTEM

A wind energy conversion system consisting of a wind turbine, a tower, and associated controls or conversion electronics, which has a rate capacity consistent with applicable provisions of the State Uniform Construction Code and which will be used to generate electrical power primarily for on-site consumption. Said system shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a wind energy system designed to meet the energy needs of the principal use.

WIND ENERGY SYSTEM, ROTAR DIAMETER

The cross-sectional dimension of the circle swept by the rotating blades of a wind energy system.

WIND ENERGY SYSTEM, TOTAL HEIGHT

The vertical distance measured from the average elevation of the finished grade to the tip of a wind generator blade when the tip is at its highest point, or the highest point of the wind energy system, whichever is greatest.

SECTION 2.

Amend Chapter 220 “Land Use”, Article I “General Provisions”, Section 5 “Definitions and word usage” to delete the following definitions:

FAIR HOUSING PROGRAM

The procedures and provisions to provide technical and/or financial assistance for affordable housing within the Township.

HOUSING ADMINISTRATOR

A person hired by the Township to perform the duties described in Chapter 176 (Fair Housing) of the Code of Franklin Township.

SECTION 3.

Amend Chapter 220 “Land Use”, Article V “Conditional Uses”, Section 24 “ECHO housing” to delete Section 24 in its entirety and rename Section 24 “Live-work unit”.

SECTION 4.

Amend Chapter 220 “Land Use”, Article V “Conditional Uses”, to create a new Section 24.1 “Wind energy system”.

SECTION 5.

Amend Chapter 220 “Land Use”, Article III “Use Regulations”, Section 10 “Zone district use regulations”, Subsection A “AR-7.0 Agricultural Residential and RR-5.0 Rural Residential Zones” to delete the following text in ~~strikeout~~, add the following underlined text, and renumber accordingly:

- (1) Permitted principal uses and structures.
 - (a) Farms, including any form of agriculture
 - (b) Single detached dwelling units.
 - ~~(c) Affordable housing as required by the Fair Housing Act.~~
 - (d) Home occupations.
 - (e) Family day-care pursuant to N.J.S.A. 30:5B-16 et seq.
 - (f) Municipal facilities.
 - (g) A golf course/clubhouse. See Article XII of this chapter.
 - (h) Flag lots in accordance with § 220-12.

- (2) Permitted accessory uses and structures.

- (a) Farm structures, including barns, greenhouses, silos and temporary standards for the sale of products grown on the principal use.
 - (b) Residential purpose garages of not more than three bays.
 - (c) Residential storage structures.
 - (d) Residential recreational structures for private use.
 - (e) Off-street parking. See Article VIII of this chapter.
 - (f) Signs. See Article IX of this chapter.
 - (g) Animals shelters for not more than four domestic pets.
- (3) Conditional uses and structures.
- (a) Public schools and houses of worship in accordance to the conditions established by **§ 220-22**.
 - (b) Two-dwelling-unit conversions in accordance with the provisions of **§ 220-23**.
 - ~~(c) Accessory apartments which comply with all the condition enumerated in **§ 176-10** of the Code of the Township of Franklin and which meet the affordable housing requirements set by the Council on Affordable Housing.~~
 - ~~(d) ECHO housing in accordance with **§ 220-24**.~~
 - (e) Live-work unit in accordance with the provisions of **§ 220-24**.
 - (f) Wind energy system as an accessory use in accordance with the provisions of **§ 220-24.1**.

SECTION 6.

Amend Chapter 220 “Land Use”, Article III “Use Regulations”, Section 10 “Zone district use regulations”, Subsection C(3) “Conditional uses and structures” to delete the following text in ~~strikeout~~:

- (a) Farms, subject to the limitations of **§ 220-13**, Right to farm, the Schedule of Zone Requirements, **§ 220-8**, and **§ 310-38**, Applicability.

(b) Two-dwelling-unit conversions, subject to the limitations of § 220-23.

~~(e) Accessory apartments in accordance with Chapter 176, Fair Housing.~~

SECTION 7.

Amend Chapter 220 “Land Use”, Article III “Use Regulations”, Section 10 “Zone district use regulations”, Subsection D “C-S Commercial Zone South”, to add a new conditional use as noted by the following underlined text and delete the following text in ~~strikeout~~:

(3) Conditional uses and structures.

(a) Farms,

(b) Two-dwelling-unit conversions, subject to the limitations of § 220-23.

~~(c) Accessory apartments in accordance with Chapter 176, Fair Housing.~~

(d) Live-work unit in accordance with the provisions of § 220-24.

SECTION 8.

Amend Chapter 220 “Land Use”, Article III “Use Regulations”, Section 10 “Zone district use regulations”, Subsection E “NB Neighborhood Business Zone”, to add a new conditional use as noted by the following underlined text and delete the text in ~~strikeout~~:

(4) Conditional uses. ~~(Reserved)~~

(a) Live-work unit in accordance with the provisions of § 220-24.

SECTION 9.

Amend Chapter 220 “Land Use”, Article V “Conditional Uses”, Section 24 “Live-work units” to add the following new underlined text:

§ 220-24 Live-work unit.

A. A live-work unit is permitted only in accordance with the conditions set forth herein:

(1) A live-work unit shall be located on a parcel with frontage along a County Road or be located on a parcel within the Neighborhood Business Zone.

(2) The “work” or non-residential component may consist of one of the following uses: retail, personal service, office or medical office.

(3) The non-residential use shall comprise no more than 45% of the total principal structure’s square footage.

(4) The building shall be owner-occupied, and the non-residential use shall be conducted by a member of the immediate family residing on the premises, and entirely within the residential building.

(5) There shall be a maximum of five non-resident employees.

(6) Parking shall be provided in accordance with RSIS for the residential use and in accordance with § 220-52 for the non-residential use.

B. The following standards shall apply to live-work units, but any deviation from the below shall be treated as a “c” bulk variance:

(1) No loading space shall be required.

(2) A minimum average of 0.5 footcandles shall be maintained in the parking area. Along any property line common with an adjacent residential use the maximum footcandles shall be 0.5.

(3) A maximum of one ground sign for the non-residential use is permitted. Said ground sign shall be a maximum of five feet tall and a maximum of 15 square feet in area. Said sign shall be located at least ten feet from the property line and may be illuminated.

SECTION 10.

Amend Chapter 220 “Land Use”, Article V “Conditional Uses”, Section 24.1 “Wind facilities” to add the following new underlined text:

§ 220-24.1 Wind energy system.

A. A wind energy system is permitted only in accordance with the conditions set forth herein:

(1) A wind energy system may be located in the AR-7.0 Zone and shall be an accessory use to the principal use on the same lot.

(2) The parcel shall contain a minimum of 20 acres.

(3) The wind energy system shall be setback a minimum of 150% of the system height as defined in § 220-5 from all property lines and 110% of the system height from any buildings.

(4) The wind energy system shall be a maximum of 100 feet tall. If this height limit precludes the effective use of a wind energy system on a particular site, such system shall not be a permitted use.

(5) Wind energy systems shall not be permitted in a front yard unless they are a minimum of 400 feet from the right-of-way.

(6) No more than one wind energy facility shall be permitted per property.

- (7) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (8) A wind energy system shall not be artificially lit unless such lighting is required by the Federal aviation Administration.
- (9) The system shall remain painted or finished in the color or finish that was originally applied by the manufacturer.
- (10) There shall be no signs posted on the wind energy system or any associated building that would be visible from any public road except for the manufacturer's or installers' s identification, appropriate warning signs or owner identification.
- (11) The wind energy system shall be designed with an automatic brake or governing system to prevent over-speeding and excessive pressure on the tower structure.
- (12) For wind speeds between zero and 25 mph, the noise level generated by any wind energy system, measured at the common property line, shall not exceed 55 decibels.
- (13) Site plan approval shall be required for the wind energy system.
- (14) Wind energy systems that connect to the electric utility shall comply with New Jersey's Net Metering and Interconnection Standards for Class 1 Renewable Energy Systems and as required by the electric utility servicing the parcel.

B. The following standards shall apply to wind energy systems, but any deviation from the below shall be treated as a "c" bulk variance:

- (1) The application for site plan approval shall include all of the following information:
 - (a) A survey indicating property lines, physical dimensions of the property along with location, dimensions, and existing structures on the property.
 - (b) A plan indicating the proposed location and dimensions of the proposed wind energy facility.
 - (c) A plan indicating the locations of any overhead utility easements on the property.

- (d) Proposed wind facility specifications, including manufacturer and model, rotor diameter, system height, tower height, and tower type (freestanding or guyed).
 - (e) At least on photograph of the subject premises depicting the area for which a wind energy system is proposed.
- (2) A wind energy system that has been out of service for a continuous twelve-month period shall be deemed to have been abandoned and shall be completely removed from the premises within three months of such abandonment; areas from which wind energy system have been removed shall be restored to a pre-installation state. The owner of the land occupied by the wind energy system shall be responsible for such removal.
- (a) The Zoning officer may issue a notice of abandonment to the landowner of a wind energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
 - (b) The landowner shall have the right to respond to the notice of abandonment within 14 days of receipt.
 - (c) If the owner provides information to the Zoning Officer within the requisite 14-day respond period that demonstrates that the wind energy system has not been abandoned, the Zoning Officer shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn.
 - (d) If the Zoning Officer determines that the wind energy system has been abandoned the landowner of the wind energy system shall remove the wind energy system and all other equipment associated with it, at the landowner's sole expense, within three months after receipt of the notice of abandonment, and the area of the site that contains such equipment shall be restored to a preinstallation state.
 - (e) If the owner fails to remove the wind energy system and other equipment in the time allowed under Subsection (2)(d) above, the municipality may pursue legal action to have such equipment removed at the landowner's expense.
- (3) Termination of the principal use of the lot shall terminate the accessory conditional use of the wind energy system and shall require the immediate removal of the wind energy system as provided in Subsection (2)(d) above.

SECTION 11.

Amend Chapter 220 “Land Use”, Article VIII “Off-Street Parking and Loading”, Section 52 “Off-street parking space requirements”, Subsection A to delete the table and replace it with the following table.

Uses	Required Parking Spaces
One-family dwelling	Residential Site Improvement Standards
Two-family dwelling	Residential Site Improvement Standards
Multifamily dwelling	Residential Site Improvement Standards
Multifamily dwellings In the MF Multifamily Housing Zone and the MXD Mixed-Use Development Overlay Zone	Residential Site Improvement Standards
Townhomes	Residential Site Improvement Standards
Farms	As above or 2 for each vehicle used or stored on the premises
Hotels and motels	1 for each rental unit
Restaurant	1 for every 2 seats or each 50 square feet of floor area devoted to patron use, whichever is greater
Hospitals	1 for every 2 beds of planned capacity
Church, auditorium, theater, including school auditoriums	1 for each 3 seating spaces or equivalent accommodation
Banks	1 for each 400 square feet of gross floor area
Administrative, executive, professional and other business offices	1 for each 300 square feet of gross floor area
Furniture and appliance store, building material store and similar hardware sales	1 for each 400 square feet of gross floor area
Medical or dental clinics or offices	4 for each doctor and dentist, plus 1 for each 100 square feet of floor area
Shopping center	1 for each 200 square feet of gross floor area
Big box retail	1 for each 250 square feet of gross floor area
Retail, other than shopping centers and big box retail	1 for each 300 square feet of gross floor area
Bakery	1 for each 50 square feet of patron area, plus 1 for every 2 employees during the peak shift
Coffee Shop, Eatery, Fast Food Restaurant	1 for each 2 seating accommodations, plus 1 for every 2 employees during the peak shift
Delicatessen	1 for each 2 seating accommodations or 1 for each 40 square feet of floor area devoted to patron dining use, whichever yields the greatest number of spaces, plus 1 for every 2 employees during the peak shift
Child Care Center	1 for each 300 square feet of gross floor area
Dog Daycare	1 for each employee during the peak shift, plus 2 spaces for customers
Gas Station	1 for each employee during the peak shift, if there is a retail component, the retail

	component shall comply with the applicable retail requirements
Mini-warehouse	1 for every 25 storage units, plus one for each 300 square feet of office space
Personal service	1 for every 250 square feet of gross floor area
Service station	2 for each service bay, plus 1 for each employee during the peak shift
Warehouse	1 space for each 3,000 square feet of gross floor area

SECTION 12.

Amend Chapter 220 “Land Use”, Article IX “Signs”, Section 58 “Permit required; prohibited signs”, Subsection B “Prohibited signs” to add the following new underlined text:

- (1) Advertising billboard signs shall not be permitted in any zone.
- (2) Moving, fluttering or rotating signs, including streamers, pennants and similar displays, are not permitted in any zone.
- (3) Signs which might be mistaken for a traffic light or similar safety device or which might interfere with traffic visibility are not permitted in any zone.
- (4) Flashing signs.

SECTION 13.

Amend Chapter 220 “Land Use”, Article XV “Affordable Housing Based on Growth Share” to delete Article XV in its entirety and rename the Article “Reserved”.

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 take effect upon final passage and publication as provided by law.

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 April 23, 2020 and ordered published in accordance with the law. Said Ordinance was amended and re-introduced on May 21, 2020 and will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on June 25, 2020 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance Online at <https://us02web.zoom.us/j/82238382394> and/or 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.

Christine Burke
Township Clerk

Additional Information:

Topic: Town Committee

Time: Jun 25, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82238382394>

Meeting ID: 822 3838 2394

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