

**ORDINANCE NO. 2020-12**

**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 THE OFFICIAL ZONING MAP AND REZONE THE AREA KNOWN AS  
CHERRYVILLE TO VILLAGE BUSINESS ZONE AND EXPAND THE  
NEIGHBORHOOD BUSINESS ZONE; AND PERMIT SOLAR PANELS IN CERTAIN  
INSTANCES**

**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 indicated that the zoning for the village of Quakertown does not necessarily reflect existing conditions and lot sizes, especially for the lots zoned AR-7.0 and as a result recommended that specific parcels be rezoned to the Neighborhood Business Zone; and

**WHEREAS**, the Township Committee has reviewed the 2019 Master Plan Reexamination Report and agrees that the specific lots identified in the report should be rezoned to the Neighborhood Business Zone; and

**WHEREAS**, the 2019 Master Plan Reexamination Report recommended rezoning Cherryville to a new zone to reflect the small-lot pattern of the village and permit small-scale commercial development; and

**WHEREAS**, the Township Committee has reviewed the Report and agrees Cherryville should be rezoned; and

**WHEREAS**, the 2019 Master Plan Reexamination Report make recommendations related to specifically permitting solar panels in certain instances; and

**WHEREAS**, the Township Committee has reviewed the Report and agrees that Chapter 220 should be amended to specifically permit solar panels as an accessory use.

**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:**

## **SOLAR ENERGY SYSTEM**

A system and all its associated equipment that converts solar energy into useable electrical energy through the use of solar panels.

## **SOLAR ENERGY SYSTEM, COMMERCIAL**

A system and all its associated equipment that converts solar energy into useable electrical energy through the use of solar panels for off-site distribution and consumption.

## **SOLAR PANELS**

A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy.

## **SECTION 2.**

**Amend Chapter 220 “Land Use”, Article II “Districts; Maps; Boundaries”, Section 6 “Districts enumerated”, subsection A “Districts enumerated” to delete the following text in ~~strikeout~~ and add the following underlined text:**

AR-7.0	Agricultural Residential (7 acres)
RR-5.0	Rural Residential (5 acres)
C-N	Commercial Zone North (5 acres)
C-S	Commercial Zone South (7 acres)
NB	Neighborhood Business (7 <u>2</u> acres)
<u>VB</u>	<u>Village Business</u>
MF	Multifamily Housing Zone
MXD	Mixed-use Development Overlay Zone

## **SECTION 3.**

**Amend Chapter 220 “Land Use”, Article II “Districts; Maps; Boundaries”, Section 6 “Districts enumerated”, subsection B “Designation of certain zone boundaries” to insert the following underlined text:**

(3) The Quakertown Neighborhood Business Zone shall include:

- (a) Block 37, Lots 9, 10, 13, 15, 15.01, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, and 29, and 34.01. A portion of Lots 14, 16, and 34.02 as illustrated on the zoning map.
- (b) Block 37, Lots 25 and 26, for a depth of 250 feet from the center line of Route 579.
- (c) Block 36, Lots 1, 3, 4, 5, 6, 8, and 47, and 48.

- (d) Block 36, Lots 2, 7 and 50, for a depth of 250 feet from the center line of Route 579.
  - (e) Block 29, Lots 1, 2, 3, 4, 4.01 and 7.
  - (f) Block 29, Lots 6 and 55, for a depth of 250 feet from the center line of Route 579.
  - (g) Block 28, Lots 34 and 37.
  - (h) Block 28, Lots 35 and 36, for a depth of 250 feet from the center line of Route 579.
- (4) The Pittstown Neighborhood Business Zone shall include:
- (a) Block 26, Lots 1 to 17 and 17.04.
  - (b) Block 28, Lots 1 and 2.
- (5) The Village Business Zone shall include:
- (a) Block 30, Lot 20 and a portion of Lot 19 as depicted on the zoning map.
  - (b) Block 31, Lots 36, 38, 39, 40, 41, and a portion of Lot 37 as depicted on the zoning map.
  - (c) Block 34, Lots 1, 2, 4, 5, 6, 7, 8, and 9.
  - (d) Block 35, Lots 8, 29, and 30.

#### **SECTION 4.**

**Amend Chapter 220 “Land Use”, Article II “Districts; Maps; Boundaries”, Section 7 “Zoning Map” to delete the following text in ~~strikeout~~ and add the following underlined text:**

The location and boundaries of these zones or districts are hereby established on the Zoning Map of the Township, dated ~~November 14, 2006~~ August 2020, as may be amended or revised, which is attached hereto, as Attachment 2, and made part of this chapter. In the event of conflict with the depiction on the Zone Map and the provisions of § ~~220-6~~, the provisions of § ~~220-6~~ shall prevail.

#### **SECTION 5.**

**Amend Chapter 220 “Land Use” to create a new Attachment 2 “Zoning Map” and adopt the attached map as the official zoning map of the Township of Franklin, which shall become Attachment 2.**

#### **SECTION 6.**

**Amend Chapter 220 “Land Use”, Article III “Use Regulations”, Section 10 “Zone district use regulations” to delete the following text in ~~strikeout~~, to insert the following underlined**

**text and to create a new subsection H “VB Village Business Zone” as noted by the underlined text below:**

**A. AR-7.0 Agricultural Residential and RR-5.0 Rural Residential Zones.**

**(2) Permitted accessory uses and structures.**

- (h) Solar panels as a rooftop installation, provided that the solar panels do not exceed a height of eight inches from the rooftop.**

**(3) Conditional uses and structures.**

- (e) Ground array solar energy system as an accessory use in accordance with the provisions of § 220-24.2.**
- (f) Commercial solar energy system in accordance with the provisions of § 220-24.3.**

**C. C-N Commercial Zone North.**

**(2) Permitted accessory uses and structures.**

- (d) Solar panels as a rooftop installation, provided that the solar panels do not exceed a height of eight inches from the rooftop.**

**(3) Conditional uses and structures.**

- (d) Commercial solar energy system in accordance with the provisions of § 220-24.3.**

**D. C-S Commercial Zone South.**

**(2) Permitted accessory uses and structures.**

- (d) Solar panels as a rooftop installation, provided that the solar panels do not exceed a height of eight inches from the rooftop.**

**(3) Conditional uses and structures.**

- (e) Commercial solar energy system in accordance with the provisions of § 220-24.3.**

E. Neighborhood Business Zone.

(2) Permitted accessory uses and structures.

- (e) Solar panels as a rooftop installation, provided that the solar panels do not exceed a height of eight inches from the rooftop.

(3) Conditional uses.

- (b) Commercial solar energy system in accordance with the provisions of § 220-24.3.

F. Multifamily housing zone.

(2) Permitted accessory uses and structures.

- (g) Solar panels as a rooftop installation, provided that the solar panels do not exceed a height of eight inches from the rooftop.

G. MXD Mixed-use Development Overlay Zone.

(2) Permitted accessory uses and structures.

- (h) Solar panels as a rooftop installation, provided that the solar panels do not exceed a height of eight inches from the rooftop.

H. VB Village Business Zone.

(1) Permitted principal uses and structures.

- (a) Bakery.
- (b) Banks and financial institutions.
- (c) Coffee shop.
- (d) Child care center.
- (e) Clubs, lodges and fraternal societies.
- (f) Delicatessen.

- (g) Eatery.
  - (h) Family day-care homes pursuant to N.J.S.A. 30:5B-16 et seq.
  - (i) Farms, including any form of agriculture or horticulture, including the storage or sale of farm products, where produced, subject to the restrictions of § 220-13, Right to farm, the Schedule of Zone Requirements, § 220-8, and § 310-38, Applicability.
  - (j) Fire and rescue services.
  - (k) Home occupations.
  - (l) Personal service.
  - (m) Retail.
  - (n) Single detached dwelling units.
- (2) Permitted accessory uses and structures.
- (a) Farm structures, including barns, greenhouses, silos and temporary stands for the sale of products grown on the principal use.
  - (b) Off-street parking. See Article VIII of this chapter.
  - (c) Outdoor dining, outside of the public right-of-way.
  - (d) Residential purpose garages of not more than three bays.
  - (e) Residential recreational structures for private use.
  - (f) Residential storage structures.
  - (g) Signs. See Article IX of this chapter.
  - (h) Solar panels as a rooftop installation, provided that the solar panels do not exceed a height of eight inches from the rooftop.
- (3) Conditional uses and structures.
- (a) Live-work units in accordance with the provisions of § 220-24.

(4) Prohibited uses.

- (a) Any use not specifically permitted is prohibited.
- (b) Dry cleaner.
- (c) Fast food restaurant.
- (d) Gas station.
- (e) Service station.

**SECTION 7.**

**Amend Chapter 220 “Land Use”, “Attachment 1”, “Schedule of Zone Requirements” as indicated in red underlined text on the attached table.**

**SECTION 8.**

**Amend Chapter 220 “Land Use”, Article V “Conditional Uses”, to create a new Section 24.2 “Ground array solar energy system” and Section 24.3 “Commercial solar energy system” as indicated by the following underlined text:**

**§ 220-24.2 Ground array solar energy system.**

Ground array solar energy systems are permitted subject to compliance with the following conditions:

- A. The primary purpose of a ground array solar energy system shall be to provide power for the principal and/or accessory use of the property whereon said system is to be located and 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 ground array solar energy system designed to meet the energy needs of a principal use.
- B. Ground array solar energy systems shall be permitted in the AR-7.0 Zone on lots with at least seven acres.
- C. Ground array solar energy systems shall comply with the principal structure setbacks in the underlying zone.
- D. Said use shall be located in the rear yard and a maximum of 15 feet tall.
- E. Said use shall be screened from any adjacent home within 250 feet of the system. Screening shall consist of six-foot-tall evergreen shrubs and/or trees or a solid fence.

**§ 220-24.3 Commercial solar energy system.**

Commercial solar energy systems are permitted subject to compliance with the following conditions:

- A. Commercial solar energy systems shall be permitted in non-residential zones on lots with at least 10 acres and in residential zones on lots with at least 40 acres.
- B. Commercial solar energy systems shall comply with the principal structure setbacks in the underlying zone.
- C. Said use shall be a maximum of 15 feet tall.
- D. All electrical wires servicing the system, other than wires necessary to interconnect the solar panels, and the grounding wires shall be located underground.
- E. The installation of a commercial solar energy system shall conform to the National Electric Code as adopted by the New Jersey Department of Community Affairs.
- F. Said systems that connect to the electric utility shall comply with New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems and as required by the electric utility servicing the parcel.
- G. Said systems shall not be used for displaying any advertising except for reasonable identification of the manufacture or operator of the system. In no case shall identification be visible from a property line.
- H. The design of a commercial solar energy system shall, to the extent practicable, use materials, colors, textures, screening and landscaping that will blend the facility into a natural setting and existing environment.
- I. Abandonment:
  - (1) A commercial solar energy system that is out of service for a continuous 12-month period shall be deemed abandoned.
  - (2) The Construction Official may issue a notice of abandonment to the owner. The notice shall be sent via regular and certified mail return receipt required to the owner of record.
  - (3) Any abandoned system shall be removed at the owner's sole expense within six months after the owner receives the Notice of Abandonment from the Township Construction Official. If the system is not removed within six months of receipt of notice, the Township may remove the system as set forth below.

- (4) When an owner of a commercial solar energy system has been notified to remove same and has not done so six months after receiving said notice, then the Township may remove such system and place a lien upon the property for the cost of the removal. If removed by the owner, a demolition permit shall be obtained, and the facility shall be removed. Upon removal, the site shall be cleaned, restored and revegetated to blend with the existing surrounding vegetation at the time of abandonment.
- (5) Solar panels removed from the site should be deposited at a recognized solar panel recycling center. Panels that are not recycled must be disposed of in accordance with current NJDEP or EPA requirements.

J. Permit requirements:

- (1) A building and electrical permit shall be required for the installation of a commercial solar energy system.
- (2) The site plan shall include the following:
  - (a) Name, address and phone number of the owner and applicant; north arrow, graphic and written scale; date of preparation; block and lot; name and address, signature and license number of person(s) preparing the survey; revision box and date of each revision; zone data box; and key map;
  - (b) Property lines and physical dimensions of the property;
  - (c) Location, dimension, and types of existing principal and accessory structures on the property;
  - (d) Location of the proposed commercial solar energy system;
  - (e) The right-of-way delineation of any public road that is contiguous with the property;
  - (f) Any overhead utility lines;
  - (g) Location and definition of easements;
  - (h) Commercial solar energy systems specifications; including manufacturer and model of all components, panel height and width;
  - (i) At least one photograph of the subject site depicting the area for which a commercial solar energy system is proposed; and

- (j) Valid survey representative of current conditions of the property and a site plan of proposed conditions.

## SECTION 9.

**Amend Chapter 220 “Land Use”, Article VIII “Off-Street Parking and Loading”, Section 53 “Off-street loading requirements” to add the following underlined text:**

- A. In all zones, except for the Village Business Zone, for every use or building requiring receipt or distribution in vehicles of materials or merchandise, there shall be maintained on the same premises with such building or use at least one off-street loading space.
- B. Within the Village Business Zone, the Planning Board shall make a determination if a loading zone is needed for the proposed use. This decision shall be based on testimony from the Applicant regarding the proposed use, frequency of deliveries, and types of delivery vehicles.
- C. Each loading space shall be at least 14 feet in width, 60 feet in length and have a sixteen-foot clearance above grade.
- D. Such space shall be located in the side or rear yard only, but in no case in a side yard adjoining a street.

## SECTION 10.

**Amend Chapter 220 “Land Use”, Article IX “Signs”, to create a new Section 61.3 “Signs in VB Village Business Zone” as noted by the underlined text below:**

### **§ 220-61.3 Signs in the VB Village Business Zone.**

Signs in the VB Village District Zone shall be regulated as follows:

- A. No business or other establishment shall be allowed a total of more than two signs. Internally illuminated or neon signs shall not be allowed. Signs may be indirectly lighted.
- B. Wall signs. Wall signs are permitted on any business building wall that faces on a street, subject to the following limitations:
  - (1) Not more than one wall sign on each wall shall be permitted for each business establishment or use located in the building.
  - (2) The bottom of the signs shall be at least four feet above the ground level or sidewalk below the sign if it extends more than three inches from the face of the building wall.
  - (3) The height of any such sign shall not exceed three feet.

- (4) The total width of any such sign shall not exceed five feet.
- (5) The total area of any such sign shall not exceed 15 square feet.
- C. Projecting signs. Not more than one projecting sign shall be permitted for each business building, subject to the following limitations and requirements:
  - (1) No such sign shall project more than four feet from the building wall to which it is attached.
  - (2) The bottom of sign shall be at least eight feet above the ground level or sidewalk below the sign.
  - (3) The height of the sign shall not exceed three feet, the width shall not exceed five feet and the area shall not exceed 15 square feet.
- D. Ground signs. Ground signs are permitted subject to the following limitations:
  - (1) The principal building must be set back at least 50 feet from the right-of-way.
  - (2) No such sign shall extend more than five feet above the ground level below the sign.
  - (3) No such sign shall exceed a width of five feet, a height of three feet nor an area of 15 square feet.
  - (4) Said sign shall be at least 10 feet from a street, right-of-way or property line.
  - (5) Said sign shall be at least 50 feet from the point of intersection of any two street lines.

**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 October 8, 2020 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 November 12, 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/88129969129> 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:

**Scheduled Zoom meeting.**

Topic: Town Committee

Time: Nov 12, 2020 07:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88129969129>

Meeting ID: 881 2996 9129

One tap mobile

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+13017158592,,88129969129# US (Germantown)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 881 2996 9129

Find your local number: <https://us02web.zoom.us/j/88129969129>

I, Christine Burke, Clerk for the Township of Franklin, hereby certify that Ordinance #2020-12 was introduced on first reading by the governing body of the Township of Franklin, County of Hunterdon, on October 8, 2020.

Public hearing and consideration for adoption was held on November 12, 2020, at which time the Ordinance was finally adopted.

  
Christine Burke, Township Clerk

Introduction	: October 8, 2020
Published	: October 15, 2020
Amended	: N/A
Published	: N/A
Public Hearing	: November 12, 2020
Adopted	: November 12, 2020
Published	: November 19, 2020

**FRANKLIN TOWNSHIP  
HUNTERDON COUNTY  
FINAL PASSAGE**

**PUBLIC NOTICE** is hereby given that the following titled Ordinance was duly considered for final passage and adopted by the Franklin Township Committee upon conclusion of the public hearing held on Thursday, November 12, 2020.

**ORDINANCE 2020-12**

**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 THE OFFICIAL ZONING MAP AND REZONE THE AREA KNOWN AS CHERRYVILLE TO VILLAGE BUSINESS ZONE AND EXPAND THE NEIGHBORHOOD BUSINESS ZONE; AND PERMIT SOLAR PANELS IN CERTAIN INSTANCES.**

**By Order of the Township Committee**

**Christine J. Burke, RMC  
Municipal Clerk**

**EMAIL TO THE HUNTERDON COUNTY DEMOCRAT**

**LEGAL NOTICE, ONE PUBLICATION ONLY, THURSDAY, NOVEMBER 19, 2020**

**NO AFFIDAVIT NEEDED**

Land Use  
220 Attachment 1

Schedule of Zone Requirements<sup>1</sup>

[Amended 6-26-1985 by Ord. No. 85-1; 9-14-1995 by Ord. No. 95-12; 12-4-1997 by Ord. No. 97-44; 12-4-1997 by Ord. No. 97-44A;  
12-4-1997 by Ord. No. 97-44B; 8-21-2003 by Ord. No. 2003-06; 9-16-2004 by Ord. No. 2004-12<sup>4</sup>; 10-31-2006 by Ord. No. 2006-12; 11-14-2006 by Ord. No. 2006-14]

Zone	Principal Permitted Uses	Minimum Lot Area (acres)	Minimum Lot Width at Right-of-Way (frontage) (feet)	Minimum Lot Width at Front Setback (feet)	Minimum Lot Depth (feet)	Minimum Setback for All Structures (feet)			Maximum Height (feet)	Maximum Impervious Coverage (percent of)	Maximum Floor Area Ratio (FAR)	Acreage Added for Each Bedroom in Excess of Four to the Minimum Zone Acreage Requirements <sup>3</sup>
						Front	Rear	Side (each)				
AR-7.0 Agricultural Residential	See § 220-10A	7	400	400	400	150	50	50	35	10%	N/A	1.75
RR-5.0 Rural Residential	See § 220-10A	5	350	350	350	150	50	50	35	10%	N/A	1.25
R-3.0 Residential <sup>4</sup>	See § 220-10B	3	250	250	300	100	50	50	35	10%	N/A	0.75
NB Neighborhood Business	See § 220-10E	2	275	275	300	100	100	50	35	75%	2.0	—
C-N Commercial North	See § 220-10C	5	250	250	250	100	25	25	35	60%	2.0	—
C-S Commercial South	See § 220-10D	7	400	400	400	150	50	50	35	60%	1.5	—
MF Multi-Family	See § 220-10F	10	N/A	N/A	N/A	30	30	30	35	0.75%	N/A	N/A
<u>VB Village Business</u>	<u>See § 220-10H</u>	<u>2</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>30</u>	<u>50</u>	<u>10</u>	<u>35</u>	<u>50%</u>	<u>N/A</u>	<u>0.75</u>

NOTES

<sup>1</sup> For existing, nonconforming lots, see §§ 220-50 and 220-51 of this chapter. For conditional uses, also see particular zone and conditional use requirements.

<sup>2</sup> Reserved.

<sup>3</sup> Preliminary approved and all preexisting lots meeting the schedule of requirements as of date of adoption shall be exempt from this requirement, up to an additional two bedrooms (six total).

<sup>4</sup> Setback requirements for lawfully existing lots of less than seven acres in the R-3.0 Zone are preserved (per Ord. No. 2006-14, adopted 11-14-2006). See § 220-10B.

<sup>5</sup> Flag lots shall provide a front yard setback. The front yard shall commence at the end of the stem and be perpendicular to the stem or in alignment with the front entrance to the dwelling. Lots on a lane shall provide a front yard setback with the front yard setback back immediately adjacent to the lane.

<sup>6</sup> The front yard setback shall be measured from the bordering edge of the road right-of-way.

<sup>7</sup> Side and rear setbacks defined in a new subdivision shall be adjusted to allow a minimum of 150 feet separation from existing structures on adjacent lots.

<sup>8</sup> A new residential structure being constructed in the R-3 Zone which exceeds a total of 3,000 square feet of interior area shall conform with the R-7 setbacks.

<sup>9</sup> Road frontage (as measured at curb) cul-de-sac: 100 feet.

