

**BOROUGH OF FRANKLIN LAKES
ORDINANCE NO. 1927**

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 300 “LAND USE AND DEVELOPMENT” OF THE
CODE OF THE BOROUGH OF FRANKLIN LAKES TO ESTABLISH A MIXED-USE 1 DISTRICT IN THE
BOROUGH OF FRANKLIN LAKES**

WHEREAS, the Borough of Franklin Lakes entered into an Amended and Restated Settlement Agreement with the SHG Franklin Lakes LLC on August 28, 2023 (hereinafter the “Settlement Agreement”) that sets forth redevelopment, including affordable housing for Block 2607, Lot 1; and

WHEREAS, the Borough desires to implement the Settlement Agreement; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Franklin Lakes, in the County of Bergen and State of New Jersey as follows:

Section 1. Article XI Zoning: General Provisions

§ 300-100 Zoning Map

T. The Zoning Map of the Borough of Franklin Lakes is hereby amended to include the following lot within a newly created MU-1 District: Block 2607 Lot 1.

Section 2. Article XIII Zoning: Zone District and Permitted Uses

§ 300-119.12 Mixed Use 1 (MU-1)

A. Purpose

(1) The purpose of the Mixed Use - 1 District (MU-1) is to provide standards that will permit a variety of housing types and nonresidential uses pursuant to the Borough’s settlement agreement with SHG Franklin Lakes, LLC. Additionally, development in this district is intended to assist the Borough to meet its affordable housing obligation and to implement the Settlement Agreement with SHG Franklin Lakes, LLC.

(2) This section has been adopted, in part, pursuant to said Amended and Restated Settlement Agreement with SHG Franklin Lakes, LLC, dated amended August 28, 2023 executed between SHG Franklin Lakes, LLC and the Borough of Franklin Lakes (collectively, the "Parties") with regard to the zoning of the lands located on Block 2607 Lot 1 (the "Property") and, with regard to any application or development of the Property, the Parties intend and it is hereby resolved that the terms and conditions of the Settlement Agreement shall be deemed included herein and made a part hereof and shall be applicable to any such application or development.

B. The principal permitted uses allowed in the MU-1 include the following:

(1) Inclusionary multi-family and townhouse residential units.

(2) 100% affordable housing multi-family and townhouse residential units.

- (3) Retail sales or personal services. This includes but is not limited to grocery stores, shops, convenience stores, restaurants, nail and hair salons, dry cleaners, fitness centers and gyms.
- (4) Professional offices. This includes but is not limited to offices for a professional, dentist, physician, attorney, real estate agent, or co working space for professionals.
- (5) Federal Use. As defined in the SHG Franklin Lakes Settlement Agreement: "Federal Use" means A use proposed by the United States Government and/or one of its agencies. The use shall permit office, education, storage, communications, financial services, open space and recreation, places of assembly, or any combination thereof. It shall not permit prisons, detention centers or fulfillment centers or warehouses but the storage of currency, monetary assets and valuable metals shall be permitted. The storage of hazardous substances shall not be permitted.
- (6) Municipal buildings and uses.

C. The accessory permitted uses allowed in the MU-1 include the following:

- (1) Off-street parking, subject to § 300-71 and § 300-72, except as noted herein.
- (2) Fences and walls, subject to § 300-121F.
- (3) Signs: In addition to those permitted by § 300-128, the following signs shall be permitted:
 - (a) One (1) sign for each exterior wall for each tenant of space involving retail sales, personal services and professional offices ,subject to the following:
 - [1] A wall sign shall have a maximum letter height of 36"; a maximum sign width of 90% of the business unit front. For any tenant that occupies more than 25,000 square feet, the maximum letter height shall be increased to no more than 60". A 6" clear band shall be provided along the top and bottom of each sign.
 - [2] In addition to the sign permitted in "1" above, each tenant shall be permitted a projecting blade sign not to exceed 5 square feet in area.
 - (b) Signs for a Federal Use shall be subject to standards for the OB-RL district.
 - (c) Signs for residential uses shall be subject to standards for residential developments in the AHO districts.
 - (d) Two (2) primary monument signs are permitted subject to the following:
 - [1] One (1) may be located at the intersection of Old Mill Road and Parsons Pond.
 - [2] One (1) may be located at the intersection of Parsons Pond Road and the municipal boundary line shared with the Township of Mahwah, proximate to Wyckoff Avenue.

[3] Each sign shall have a maximum sign area of 150 square feet, a maximum height of 10 feet, and a minimum setback of 5 feet.

- (4) Recreational open space areas such as parks, preserves, recreation areas or facilities, pickleball courts, fitness centers, spas, dog runs/parks, tennis courts, lakes, ponds, bikeways, playgrounds and swimming facilities, along with structures and necessary features appurtenant thereto, subject to § 300-120B.
- (5) Pump station/lift stations/utility structures and all customary appurtenances.
- (6) Stormwater management facilities, including detention/retention ponds, conveyance systems, and all other structures required for sound stormwater management control associated with a development in the same district.
- (7) Accessory uses and structures customarily incidental to permitted uses, provided they do not include any activity customarily conducted for gain, subject to § 300-120B and § 300-121A.
- (8) Structured parking including parking garages.

D. The conditional uses allowed in the MU-1 include the following:

- (1) None

E. Area and bulk standards are the following:

- (1) Minimum tract area (prior to any permitted subdivisions): 80 acres
- (2) Maximum number of inclusionary residential units (including affordable housing units but excluding those units built as part of the 100% affordable housing project):
 - (a) If no Federal Use is proposed and constructed: 495 units
 - (b) If a Federal Use is proposed and constructed: 250 units
- (3) Number of affordable residential units in a 100% affordable project (which is in addition to the inclusionary units permitted): 71 affordable units. A manager's unit may also be provided.
- (4) Maximum total gross floor area for Federal Use: 330,000 s.f.
- (5) Maximum total gross floor area (not including leasing offices and amenities associated with and located in the inclusionary residential project) of retail sales or personal services and professional offices (combined): 70,000 s.f.
- (6) Affordable Housing
 - (a) Inclusionary development set-aside if no Federal Use is proposed and constructed: 12.5% of the units shall be affordable housing units.

- (b) Inclusionary development set-aside if a Federal Use is proposed and constructed: not less than 62 affordable housing units (24.8%)
- (c) The affordable units shall comply with the Borough's affordable housing regulations set forth in Chapter 135, as well as the Round 2 regulations of the New Jersey Council on Affordable Housing ("COAH"), the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and all other applicable law, including a requirement that 13% of all affordable units in each bedroom distribution are available to very low income households (as defined by the Fair Housing Act "FHA") and said Inclusionary Development shall be deed restricted for a period of not less than 30 years.

(7) Building Height

- (a) Residential: A maximum of 52 feet and 3 stories plus one level dedicated to partially/fully exposed parking deck.

[1] Building height shall be measured from finished ground floor to the midpoint of the roof for sloped roof, and to the top of parapet for flat roofs excluding all roof top mechanicals, equipment, elevators or stair bulkheads and any and all other rooftop equipment or structures. A design goal of this project is to mitigate height by utilizing grading.

- (b) Federal use/retail height: 50 feet

[1] Building height shall be measured from finished ground floor to the midpoint of the roof for sloped roof, and to the top of parapet for flat roofs excluding all roof top mechanicals, equipment, elevators or stair bulkheads and any and all other rooftop equipment or structures. A design goal of this project is to mitigate the appearance of height to elevations facing external property lines by encouraging the use of horizontal and/or vertical articulation. . All mechanical equipment (but excluding elevator/stair bulkheads) that are located on the rooftop shall be no closer than 10 feet from the edge of rooftop. To the extent visible from grade, elevator and stair bulkheads shall be clad with materials that are compatible with the façade materials.

(8) Minimum building setback from all external property lines: 30 feet

(9) Minimum building setback from northerly property line: 75 feet

F. Miscellaneous Standards

- (1) A Federal Use shall be permitted to operate without restriction on their hours of operations and a Federal Use and any other use permitted by this ordinance shall be permitted to operate without restriction regarding the size or weight of trucks. The provisions of § 470-10 shall continue to apply to the portion of Old Mill Road from Parsons Pond Road to Pulis Avenue but shall not apply as set forth in section 4 of this ordinance.

A Federal Use shall be exempt from Chapter 186 Business Hours.

- (2) Retail sales and personal services and professional office uses shall be subject to Chapter 186 Business Hours, with the exception that employees shall be permitted 24 hour access to the site and buildings.
- (3) Off street parking shall not be subject to §300-71D4k[3].
- (4) The minimum size of parking stalls shall be nine feet by 18 feet (9'x18') in dimension.
- (5) Parking for the 100% affordable housing development:
 - (a) The maximum number of units is limited by providing off-street parking in an amount equal or greater than required by the RSIS.
 - (b) The development is permitted to landbank up to 25% of the off-street parking otherwise required by the RSIS after demonstrating the full RSIS parking requirement can be constructed on-site but is not required.
 - (c) If, at any time the parking associated with the 100% affordable housing project occurs on other than the affordable housing project site, the Borough or Developer or its successor in interest may request and the owner of the affordable project shall immediately construct the previously land banked off-street parking.
- (6) Street trees shall be provided along all public and private roads consistent with § 300-66, Shade Trees. At the discretion of the Board, the developer may install an evergreen screen within 50 feet of a public or private road in lieu of street trees.
- (7) Sidewalks shall be provided along one side of all roads and drives serving the residential and retail portions of the development.
- (8) Sidewalks shall be provided along one side of Parsons Pond Road which is the southerly property line.
- (9) Loading areas shall not be subject to §300-71.E.(1).
 - (a) Loading docks associated with the retail sales and personal service and professional office uses where facing a residential use (view uninterrupted by a building) shall be screened by a single row of evergreen trees with a planting height of not less than 6 feet, or a solid fence of not less than 6 feet and shrubs and/or other low plantings facing the residential use.
 - (b) Loading docks associated with the warehouse use (excluding loading docks associated with a retail use) where facing (view uninterrupted by a building) a residential use on the tract or Parsons Pond Road to the south shall be screened to said residential use or Parsons Pond Road by a double row of evergreen trees with a planting height of not less than 6 feet.

Section 3. LAND USE AND DEVELOPMENT 300 ATTACHMENT 13

Zone	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Radius From Center Point (feet)	Minimum Front Yard (feet)	Minimum Side Yards (feet)	Minimum Rear Yard (feet)	Maximum Building Coverage (feet)	Maximum Total Coverage (stories/feet)	Maximum Building Height (stories/feet)	Density / Floor Area Ratio
MU - 1	See § 300-119.12 for regulations for this zone district.									

Section 4. Rescission of Section 470-10.

The provision of §470-10 and all other ordinance(s) which impose any limitation, including by way of example and not limitation, weight restrictions that would otherwise limit or prohibit the travel of any and all trucks (including tractor trailers) on Old Mill Road between the Property and Summit Avenue and NJ Route 208 to travel to and from the Property and NJ Route 208 are hereby rescinded as to the Property and the use of the Property.

Section 5. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Franklin Lakes declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 6. Conflict.

The Parties agree that the terms of their Settlement Agreement shall control the development of the Property and shall discharge, supersede and render void all prior agreements, contracts, terms, restrictions, easements, covenants or document of any kind, whether written or oral and/or whether recorded or unrecorded, which are inconsistent with the Settlement Agreement This includes but is not limited to any ordinance of the Borough which is either inconsistent with the Settlement Agreement or not specifically incorporated by reference in this Ordinance.

Section 7. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law or upon court approval of the SHG Settlement Agreement, whichever is later.

APPROVED: _____
Charles J. X. Kahwaty, Mayor

ATTEST: _____
Gail M. Rulli, Borough Clerk

Introduced: 09-05-2023
Adopted: 11-09-2023