

**BOROUGH OF FRANKLIN LAKES
ORDINANCE NO. 2019**

**AN ORDINANCE SUPPLEMENTING PROVISIONS OF CHAPTER 300
“LAND USE AND DEVELOPMENT” OF THE CODE OF THE
BOROUGH OF FRANKLIN LAKES TO ESTABLISH THE
AFFORDABLE HOUSING OVERLAY 8 DISTRICT**

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. Section 300-99 “Zoning districts” of Article XI “Zoning: General Provisions” of Chapter 300 “Land Use and Development” of the Code of the Borough of Franklin Lakes is hereby supplemented by the addition of the following:

AFO-8 Affordable Housing Overlay District 8

Section 2. Section 300-100 “Zoning Map” of Article XI of Chapter 300 is hereby supplemented by the addition of the following:

U. The Zoning Map of the Borough of Franklin Lakes is hereby amended to include the following lots within the AHO-8 Overlay District: Block 1510, Lots 7, 8 and 9, and Block 1515, Lot 1.04.

Section 3. Article XIII “Zoning: Zone Districts and Permitted Uses” of Chapter 300 is hereby supplemented by the addition of the following:

§ 300-119.13 Affordable Housing Overlay District 8 (AHO-8)

A. Purpose.

- (1) The purpose of the Affordable Housing Overlay 8 District (hereinafter AHO-8) is to provide for the construction of a multifamily residential development including a mix of single-family homes, townhomes, and stacked townhouses with a required affordable housing component to satisfy a portion of the Borough’s affordable housing obligation pursuant to the New Jersey Fair Housing Act as amended and supplemented by P.L./2024, c.2 (C.52:27D-304.1 et al.), and consistent with the development concept proposed in the Borough’s approved 4th Round Housing Element and Fair Share Plan.
- (2) The provisions of this section shall supersede all contrary provisions of Articles VII, VIII, X through XX, of the Borough Code.

B. The principal permitted uses allowed in the AHO-8 District include the following:

- (1) Single-family dwellings.

- (2) Townhouse dwelling units.
- (3) Stacked townhouse dwelling units.
- (4) A combination of the above.

C. The accessory permitted uses allowed in the AHO-8 District include the following:

- (1) Accessory uses and structures customarily incidental to permitted uses, subject to §300-121A.
- (2) Private garages as part of an approved development plan.
- (3) Freestanding signs.
- (4) Off-street parking.
- (5) Incidental home occupations, subject to §300-121J.
- (6) Recreational open space areas and amenities serving the residential uses.

D. The conditional uses allowed in the AHO-8 District include the following:

- (1) None

E. Affordable housing.

- (1) The required affordable housing set-aside for any development under the provisions outlined in this section shall be:
 - (a) Consistent with the development concept proposed in the Borough's approved 4th Round Housing Element and Fair Share Plan, 9 units shall be set aside as affordable housing.
 - (b) Where a development is proposed with fewer units than permitted pursuant to subsection (a), above, the minimum affordable housing set aside is 20% of total proposed units, provided any fractional affordable unit of 0.4 or less shall be rounded down.
- (2) Affordable housing units shall comply with the Borough's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1 et seq.), which shall control in the case of any conflicts with this section, provided that a minimum of 13% of the total low- and moderate-income units shall be affordable to very-low-income households (i.e., 30% or less of median income).

F. Area and bulk standards.

- (1) Maximum unit count: 46 units.
- (2) Minimum overall lot area: 7 acres, inclusive of any future subdivisions, public rights-of-way and/or takings.
- (3) Minimum overall lot width: 350 feet, measured along the frontage of Pulis Avenue.
- (4) Multiple principal structures may be constructed on one lot.
- (5) Minimum front yard setback:
 - (a) Pulis Avenue: 50 feet.
 - (b) Anntaramiss Lane: 10 feet.
- (6) Minimum side yard setback: 25 feet.
- (7) Minimum rear yard setback (Rte. 287): 40 feet.
- (8) Maximum building coverage: 30%.
- (9) Maximum lot coverage: 65%.
- (10) Maximum building height:
 - (a) Single-family dwellings: 40 feet/2.5 stories.
 - (b) Townhome dwellings: 40 feet/3 stories.
 - (c) Stacked townhouse dwellings: 45 feet/3 stories.
 - (d) Building height shall be measured as the difference between the elevation of the highest point on the roof, excluding chimneys, antennas and similar structures, and the elevation of the primary finished floor. Walkout basements shall not be considered a primary finished floor.
- (11) Maximum building length: No more than 6 attached townhomes or 12 stacked flat structures in one grouping.
- (12) Minimum distance between building groupings: 15 feet.

(13) Accessory structures:

- (a) Minimum setback from principal structures: 10 feet, except for mechanical equipment and/or trash enclosures serving the structure.
- (b) Minimum setback from rights-of-way: 8 feet.
- (c) Maximum Height: 12 feet/1 story.

(14) Setback exceptions.

- (a) Patios and decks may be located in any required setback, provided they are not closer than 10 feet to a property line.
- (b) Residential freestanding signs located along Pulis Avenue may be within a required front yard setback, provided that it is not within a sight triangle.
- (c) Fences and walls may project into any required setback to the property line.

G. Parking requirements.

(1) Minimum residential parking:

- (a) Single-family dwellings: 3 spaces/unit.
- (b) Townhome dwellings: 2 spaces/unit.
- (c) Stacked townhouse dwellings: 1.5 spaces/unit.

(2) Minimum guest parking:

- (a) Single-family dwellings: 0 spaces/unit.
- (b) Townhome dwellings: 0 spaces/unit.
- (c) Stacked townhouse dwellings: 0.5 spaces/unit.

(3) Minimum dimensions:

- (a) Perpendicular parking spaces shall be a minimum of 9 feet by 18 feet.
- (b) On-street parallel parking spaces shall be a minimum of 8.5 feet by 22 feet.

(4) Parking spaces reserved for units shall be located no more than 150 feet from the unit they serve.

- (5) Parking spaces may be located under, on or in single-family dwellings, townhouse dwellings or stacked townhouse dwellings.
- (6) Surface parking spaces may encroach within required setbacks.

H. Design standards.

Below are general guidelines intended to inform massing and materiality throughout the development tract. The following design standards supersede Chapter 300 Article VIII. Design waivers may be approved at the discretion of the Planning Board during a Site Plan Application or subsequent Amendment.

- (1) Building groupings shall provide a vertical articulation in the form of an architectural projection (bay window, overhang or similar), facade material change, facade offsets or similar at a minimum of every 75 linear feet of façade.
- (2) Buildings with rear frontages shall utilize primary materials and window/opening fenestration consistent with a front façade design.
- (3) Pedestrian lighting shall be provided in accordance with Borough requirements along all proposed sidewalk areas.
- (4) Exterior lighting shall be architecturally integrated with the buildings style, material and color.
- (5) Street trees shall be provided along proposed roadways consistent with §300-66 and Chapter 453 of the Borough ordinance.
- (6) Accessory structures are encouraged to be designed to be harmonious with the architecture of the principal structures.
- (7) Mechanical equipment shall be appropriately screened so as to limit visibility from public rights-of-way.
- (8) Mechanical equipment located on a roof shall be set back from building line a minimum of 10 feet on all sides and shall be appropriately screened.
- (9) Retaining walls shall not exceed 4 feet in height. Where more than 4 feet is needed to stabilize a grade change, a terraced approach to wall design shall be required with no less than 4 feet between retaining walls. Retaining walls shall maintain a minimum setback of 3 feet to any property line.
- (10) Landscape and buffering standards:
 - (a) Buffer plantings shall be provided along all property lines abutting a residential lot to the maximum extent practicable. Buffer areas shall provide year-round visual

screening along property lines and shall provide no less than 10 feet of planted area, except where planting would compromise the long-term structural stability of a retaining wall or area of steep slope.

- (b) Buffer areas will be contiguous with residential property lines.
- (c) An applicant may be required by the Planning Board, the Board of Adjustment or the Shade Tree Commission to provide a landscape buffer and a six-foot-high fence within the buffer area parallel to the lot line of the abutting residential lot and interstate highway.
- (d) Buffer areas shall be maintained and kept clean of all debris, rubbish, weeds and tall grass. Any screen planting shall be maintained permanently by the property owner, and any plant material which does not live shall be replaced within one year or one growing season.
- (e) Any buffer area is encouraged to provide a naturalized landscape design.

(11) Tree replacement standards.

- (a) Where tree replacement is required pursuant to the provision of this article, said tree replacement shall comply with the following schedule:

Diameter at Breast Height (DBH) of Existing Tree to Be Removed (inches)	Number of Replacement Trees (Minimum 2 1/2 inch caliper)
Between 7 and 16	1
Between 16 and 22	1
Between 22 and 28	2
Between 28 and 34	2
Greater than 24	3

- (b) Replacement trees are to be planted at a spacing appropriate to preserve the health of existing trees. Final replacement locations and spacing will be specified on a planting plan signed by a licensed Landscape Architect.
- (c) Replacement trees must be cared for, kept alive and not removed for 10 years after planting except where identified disease is determined to be a risk to adjacent tree canopy.
- (d) Replacement trees shall be planted in the next planting season - either before June 1 or after October 1.
- (e) Shade trees are deciduous trees that mature at greater than 50 feet in height and are 2.5 inches caliper, one foot above the trunk flare or evergreens eight feet and over in height. No more than 60% of total replacement trees can be evergreen.

- (f) The trees must be planted at a depth where the trunk flare is visible and level with the final grade. No mulch may be touching the trunk. The wire baskets and burlap must be removed. The trees must be planted at least 20 feet away from each other and every other tree. Trees must be planted at least 10 feet from the pavement or curb and they may not be planted under the canopy of existing trees.
- (g) Replacement trees need to be planted according to standards developed by the International Society of Arboriculture, described in the pamphlet titled, "New Tree Planting." All tree stock must be of quality according to the ANSI standards of Nursery stock. The Tree Specialist may make concessions of locations due to aspect.

(12) Waiver of tree replacement.

- (a) Where, in the discretion of the Construction Official, Tree Specialist, Planning Board, Zoning Board or Mayor and Council, new plantings are required by the ordinances of the Borough but are not necessary due to the existence of a sufficient number of trees presently on the property, the Construction Official, Tree Specialist, Planning Board, Zoning Board or Mayor and Council may waive any or all requirements for new plantings. If the requirement for new plantings is waived, for each replacement tree that would have been required in accordance with the standards outlined in Section 10 above, the applicant shall pay a fee which shall be deposited in the Tree Escrow Fund, for the replacement of three trees or less, \$850 per replacement tree; and for the replacement of more than three trees, \$1,000 per replacement tree.

(13) Protection of critical slope areas.

- (a) To accomplish the stated purpose of this AHO-8 District, it is acknowledged that there will be disturbance to steep slope areas. Any disturbance to steep slope areas will be identified and stabilized through a combination of building foundations, retaining walls, berms or regrading.
- (b) No buildings, improvements or structures, including roads, driveways or parking areas shall be constructed, nor shall any displacement of soil or removal of vegetation occur within critical slope areas, except in accordance with the following schedule:

Slope Category	Percent Grade	Maximum Disturbed Area
1	15 to 19.99%	80% of area in Slope Category 1
2	20 to 24.99%	85% of area in Slope Category 2
3	25% or greater	90 % of area in Slope Category 3

- (c) Calculations are to be based on the entire tract prior to subdivision. Existing steep slopes as a result of man-made conditions, such as soil stockpiles, shall be excluded from disturbance calculations. Common areas are also subject to the maximum disturbed area. Roadways are exempt from the above limits of disturbed area but are

subject to the maximum permitted grade provisions of the Residential Site Improvement Standards.

(d) Any retaining walls shall meet the standards outlined in Section H(8) above.

(14) Single-family home standards. Where future development of the tract results in for-sale dwelling units, the following lot regulations shall apply:

(a) Single-family dwellings:

(i) Minimum Lot Area: 5,000 square feet

(ii) Minimum Setbacks: 8 feet from all property lines, provided all other application requirements are met.

I. The provision of Chapter 300, Article VIII, Section 300-77(B), related to advisable, although not essential off-tract improvements, shall not apply.

Section 4. 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 5. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: _____
Charles J. X. Kahwaty, Mayor

ATTEST: _____
Gail M. Rulli, Borough Clerk

Introduced: 01-20-2026

Adopted: 03-03-2026