

**BOROUGH OF FRANKLIN  
ORDINANCE NO. 14-2024**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,  
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY  
AMENDING CHAPTER 161, LAND DEVELOPMENT, TO  
ADD THE 520 ROUTE 23 INCLUSIONARY ZONE**

**WHEREAS**, the property owner request that the Borough review the zoning for the referenced property;

**WHEREAS**, the governing body directed the Borough Planner to review the zoning and make a recommendation;

**WHEREAS**, the Borough Planner, Jessica Caldwell, issued a report date May 28, 2024 making recommendations for a new Zone to be created;

**WHEREAS**, the Mayor and Council are in agreement with the recommendations of the report and now consider this Ordinance.

**BE IT ORDAINED** by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that the Code of the Borough of Franklin is hereby amended as follows:

**SECTION I.**

Section 161-27A is hereby amended to add:

RT23            520 Route 23 Inclusionary Zone

**SECTION II.**

Section 161-33 is hereby amended to add:

Q. 520 Route 23 Inclusionary Zone (RT23).

- (1) Purpose. The purpose of the 520 Route 23 Inclusionary Zone (RT23) is to expand the housing stock in the Borough through both market-rate and affordable residential units. The RT23 Zone seeks to provide townhouse style residential units along with a variety of recreational amenities for residents. Development in the RT23 Zone will be designed in a manner that protects the environmentally sensitive nature of the area.
- (2) Lands to be included. The following two (2) parcels are hereby included within the RT23 Inclusionary Zone: Block 104, Lots 1 and 2.
- (3) Permitted principal uses.
  - (a) Single-family detached dwellings.
  - (b) Townhouse/attached single-family dwellings as defined in § 161-3.
- (4) Permitted accessory uses and structures.

- (a) Public and Private garages;
  - (b) Off-street parking;
  - (c) Signs; and
  - (d) Recreational uses and residential amenities such as, but not limited to, clubhouses, common open spaces, walking paths, gazebos, swimming pools, putting greens, tot lots and sports courts.
  - (e) Any use deemed to be customarily incidental to a principal permitted use.
- (5) Area and bulk requirements.
- (a) Tracts.
    - [1] Minimum tract size: 50 acres.
    - [2] Minimum building setback from external lot line: 50 feet.
    - [3] Minimum building setback from parking areas: 10 feet.
  - (b) Individual townhouse/attached single-family dwelling lots.
    - [1] Minimum lot area: 1,000 square feet.
    - [2] Minimum lot width: 18 feet.
    - [3] Minimum lot depth: 65 feet.
    - [4] Minimum front yard setback: 15 feet.
    - [5] Minimum rear yard setback: 20 feet.
    - [6] Minimum side yard setback: Zero (0) feet.
  - (c) Townhouse/attached single-family dwelling building standards.
    - [1] Maximum building height: 35 feet.
    - [2] Maximum number of stories: Three (3) stories.
    - [3] Maximum dwelling units per building: 12 units.
    - [4] Maximum number of units without an offset: Four (4) units.
    - [5] Minimum offset in building: Two (2) feet.
    - [6] Maximum building length: 200 feet.
    - [7] Minimum distance between townhouse buildings: 25 feet.
    - [8] Maximum building coverage: 20 percent.
    - [9] Maximum improved lot coverage: 50 percent.
    - [10] Maximum density: Six (6) units per acre.
  - (d) Accessory structure requirements.
    - [1] Except for fences and retaining walls, accessory buildings and structures shall meet the property line setbacks of principal buildings.
    - [2] Signs.
      - a. Maximum number of freestanding or monument identification signs per tract: Two (2).
      - b. Maximum sign area per sign: 40 square feet.
  - (e) Off-street parking shall comply with the New Jersey Residential Site Improvement Standards for number of spaces, size of spaces, and all other standards.
  - (f) Electric Vehicle Supply/Service Equipment (EVSE) requirements:
    - [1] At least 15% of the required off-street parking spaces prepared as Make-Ready spaces. EVSE installed in at least one-third of the total number of Make-Ready spaces. More conditions after three (3) and six (6) years found in C.40:55D-66.20(3)(a).

[2] At least 5% of EVSE and Make-Ready spaces must be ADA accessible.

- (6) Requirements for low- and moderate-income housing.
  - (a) All developments within the RT23 District shall include a set-aside of low- and moderate-income housing units at a rate of 20% of the total number of units in the development.
  - (b) The building design for the low- and moderate-income units shall be similar in style and character to the building design for the market rate units; however, affordable units may be stacked.
  - (c) The income-based restriction shall be set forth in a master deed or other recorded instrument applicable to all of the income-limited dwellings in the development. The master deed or other recorded instrument shall contain procedures governing the sale, transfer and rental of income-limited units within the district so that the municipality, developer and homeowners' association can enforce the occupancy restrictions set forth herein. The master deed or other recorded instrument may be recorded on a phased basis as long as the restriction applies to every income-restricted dwelling within the phase. The income restrictions shall also be set forth or referred to in every deed of conveyance of an individual income-restricted dwelling unit in the development.
  - (d) The affordable housing obligation shall be satisfied by constructing affordable housing units within the development, consistent with Uniform Housing Affordability Controls (UHAC) (N.J.A.C. 5:80-26.1 et seq.) Housing and any other applicable requirements.
  - (e) The specific mix of the above designations shall be set forth in a written agreement between the Borough and the developer.
- (7) Common open space implementation requirements.
  - (a) A minimum of 20 percent of the total tract area shall be preserved as open space by permanent deed restriction. At least 15% of the total open space area shall be developed with a mix of active and passive recreation facilities. All or part of this open space area may, at the discretion of the developer, be dedicated to the Borough or maintained as a common open space by the Homeowner's Association. The Borough is under no obligation to accept such dedication, if offered.
  - (b) Active recreation space shall be improved with facilities, buildings and structures for indoor and/or outdoor recreational activities consistent with the residential character of the development and the lifestyle needs of the residents therein.
- (8) Environmentally constrained areas.
  - (a) Environmentally constrained areas may only be disturbed according to following table, existing and proposed access drives, roads and areas where an NJDEP permit applies are not included in the percentages below:

<b>Constraint Category</b>	<b>Permitted Land Disturbance within Constraint Area</b>
Steep slopes (greater than 15%)	65%
Wetlands/transition areas	As regulated by NJDEP.
Rock outcrops, high groundwater, and shallow bedrock	Any proposed disturbance of or construction on lands containing these constraint categories shall be required to demonstrate engineering feasibility.
Riparian buffers, floodplains, or any USFS-identified streams	As regulated by N.J.A.C. 7:8 Stormwater Management Rules and N.J.A.C. 7:13 Flood Hazard Area Control Act Rules.

- (b) Man-made steep slopes, such as those associated with rights-of-way and culverts, are exempt from the disturbance limitations.
- (c) These sections supersede the requirements set forth in § 161-25, regarding environmentally sensitive areas, of the Franklin Code for the property included in the 520 Route 23 Inclusionary Zone District.

**(9) Roads and circulation.**

- (a) Development of all tracts within the RT23 District shall be served by a single access road, the design of which shall include a boulevard-style configuration and be consistent with New Jersey Residential Site Improvement Standards requirements. The minimum dimensions of a boulevard road shall provide one twelve-foot-wide travel lane in each direction, separated by a minimum four-foot curbed or striped island. Notwithstanding the foregoing, if it can be shown that the disturbance area limitations or other features associated with a boulevard-style entrance will be disapproved by NJDEP, then the curbed island can be eliminated and a typical two-lane access road can be constructed, the width of which will be up to 36 feet wide as appropriate.
- (b) All public streets, internal roadways and private driveways shall be designed and constructed in accordance with the requirements of the New Jersey Residential Site Improvement Standards. Private driveways shall be designed and constructed in accordance with the applicable sections of the Franklin Borough Land Development Standards.
- (c) A gatehouse may be located at the entrance to a development in the RT23 District.
- (d) Residential off-street parking shall be provided in accordance with the New Jersey Residential Site Improvement Standards. The Planning Board is permitted to grant de minimis exceptions to RSIS standards as deemed appropriate.
- (e) Required off-street parking for residents must be provided in private driveways and garages, common garages under residential buildings, or surface parking facilities. Visitor parking may also be provided in surface parking lots. On-street parking is permitted as set forth by RSIS.
- (f) Said parking shall be landscaped, lighted and conveniently located within 150 feet of the building to be served, with the exception of guest parking.

- (10) General design standards.
- (a) Existing residential use. Efforts should be made to retain the existing historic residence on Lot 1, Block 104. The residence may be retained as an existing single-family use or converted to an amenity space for the townhouse development.
  - (b) Buffer. The developer shall provide and maintain a buffer area inclusive of the required yard of not less than 50 feet from all external lot lines of the development. The buffer area shall, to the extent possible, be kept in its natural state where wooded. Where natural vegetation is sparse or nonexistent, the area shall be supplemented and planted to provide a year-round natural vegetative screen. The required buffer area shall be included for the purpose of computing compliance with the common open space requirements and yard setback requirements of this chapter. Only the following uses shall be permitted in a buffer area:
    - [1] Detention and stormwater management basins.
    - [2] Underground utilities.
    - [3] Walkways, trails and bicycle paths.
    - [4] Roadways.
    - [5] Fences and retaining walls, where needed.
    - [6] A gatehouse.
    - [7] Parking spaces and driveways.
- (11) Landscaping. Landscaping shall be provided throughout the development site to provide a natural setting for building structures and recreational facilities. All islands or unpaved areas within a street shall be landscaped. Existing vegetation shall be retained and maintained to the greatest extent possible. Indigenous vegetation shall be chosen for its weather-tolerant and decorative qualities, as well as its ability to support native wildlife.
- (12) Walkways shall be provided between residential buildings and common parking areas and to all amenities provided on the site. Walkways shall have a minimum width of four (4) feet and shall meet ADA grade requirements when required.
- (13) No natural vegetation shall be disturbed except as approved by the Planning Board pursuant to a site plan application. The site plan shall indicate the maximum area of clearing and the natural areas to be maintained.
- (14) Adequate lighting fixtures for walks, steps, parking areas, driveways, streets and other facilities shall be provided at locations to provide for the safe and convenient use of the same. Fixtures shall be situated and designed in keeping with the character of the development and shall be adequately shielded to screen windows of surrounding residential units, both within and surrounding the district, from glare and spillover light. No flashing, intermittent, or moving light shall be permitted.
- (15) Air-conditioning units in excess of 2,500 BTUs shall be screened and insulated for aesthetic and acoustical purposes if they are less than 10 feet from sidewalks.

- (16) Ownership and maintenance. The ownership and maintenance requirements of developments in the RT23 District shall be in accordance with the regulations of the New Jersey Department of Community Affairs.
- (17) Developments subject to applicable ordinances.
- (a) Except as indicated below, any development in the RT23 District shall be subject to all applicable ordinances of the Borough of Franklin. Where there is any conflict between the provisions of this subsection and the provisions of the Site Plan Ordinance and/or the Land Subdivision Ordinance, the provisions of this subsection shall prevail.
- (b) Development in the RT23 District is exempt from the following ordinance provisions:
- [1] Section 161-24, regarding design and building layout requirements.
  - [2] Section 161-25, regarding environmentally sensitive areas.

### **SECTION III.**

§ 161 Attachment 2, Schedule A. Permitted, Conditional, and Accessory Uses & Structures is amended to add:

*[new column to be added]* RT23

*[new footnote in RT23 column]* See § 161-33Q, 520 Route 23 Inclusionary Zone for all permitted, conditional, and accessory uses and structures.

*[items to be marked as "P" for permitted principal use]* Attached single-family/townhouses

*[items to be marked as "A" for permitted accessory use]* Private garages, off-street parking, signs, recreation building and personal facilities

### **SECTION IV**

§ 161 Attachment 3, Schedule B. Bulk and Yard Requirements is amended to add:

*[new row to be added]* RT23

*[new footnote in RT23 row]* See § 161-33Q, 520 Route 23 Inclusionary Zone for all permitted, conditional, and accessory uses and structures.

### **SECTION V**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION VI**


If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.


**SECTION VII**

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

**BOROUGH OF FRANKLIN**


  
\_\_\_\_\_  
Darlene J. Tremont, CLERK

  
\_\_\_\_\_  
BY: John M. Sowden IV, MAYOR

DATED: September 10, 2024


**NOTICE**


**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on July 16, 2024, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on September 10, 2024, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

  
\_\_\_\_\_  
Darlene J. Tremont  
Municipal Clerk

**CERTIFICATION**

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10<sup>th</sup> day of September, 2024.

  
\_\_\_\_\_  
Darlene J. Tremont, Clerk  
Borough of Franklin

  
\_\_\_\_\_  
John M. Sowden IV, Mayor