

Ordinance 05-2026

FRANKLIN BOROUGH

ORDINANCE OF THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR THE ZINC MINE REDEVELOPMENT AREA, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, *et. seq.*

WHEREAS, the Zinc Mine Redevelopment Area was designated an Area in Need of Redevelopment by Franklin Borough in 1982, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 *et. seq.*; and

WHEREAS, pursuant to the LRHL at N.J.S.A. 40A:12A-7, "no redevelopment projects shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body upon its finding that the specifically delineated project area is located in an area in need of redevelopment or an area in need of rehabilitation, or both, as appropriate;" and

WHEREAS, in accordance with the Redevelopment Law, the Municipal Council (the "Borough Council") of the Borough of Franklin (the "Borough") authorized and directed the Borough Planning Board (the "Planning Board") to review the draft Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-7(e); and,

WHEREAS, following such review, the Planning Board has rendered its report and recommendations to the Borough Council and noted the amended Redevelopment Plan is not inconsistent with the Borough's Master Plan and with comments and recommendations, pursuant to N.J.S.A. 40A:12A-7(e); and,

WHEREAS, the Borough Council hereby finds it appropriate for the amended Redevelopment Plan to be adopted for the Redevelopment Area, the Redevelopment Plan being, among other things, substantially consistent with the Master Plan for the Borough; and,

WHEREAS, the Borough Council now desires to adopt the amended Redevelopment Plan and to direct the applicable provisions of the Borough's Zoning Ordinance/Code and Map be amended and superseded to reflect the provisions of the Amended Redevelopment Plan, as and to the extent set forth therein;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Franklin Borough as follows:

1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. Adoption. The Redevelopment Plan, as filed in the Office of the Borough Clerk and attached hereto as Exhibit A, is hereby approved and adopted.

3. Amendment of Zoning Ordinance and Map. The sections of the Borough's Zoning Ordinance/Code and Map are hereby amended to incorporate and reflect the change in the Redevelopment Plan and, to the extent provided in the current Redevelopment Plan, are superseded thereby.
4. Severability. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.
5. All ordinances and/or parts of ordinance which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only with this Ordinance.

NOTICE

TAKE NOTICE that the above-entitled Ordinance 05-2026 was introduced at a regular meeting of the Borough Council of the Borough of Franklin on February 24, 2026 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Franklin to be held on March 10, 2026 at 7:00 p.m.



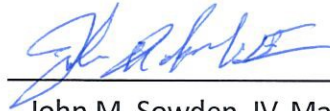
Colleen L. Little, Municipal Clerk

CERTIFICATION

I, Colleen L. Little, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10th day of March, 2026.



Colleen L. Little, Municipal Clerk



John M. Sowden, IV, Mayor

Introduced: February 24, 2026

Adopted: March 10, 2026

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
PATRICIA CARNES COUNCIL PRESIDENT				X		
CONCETTO FORMICA	X				X	
RACHEL HEATH	X					X
JOSEPH LIMON		X				
STEPHEN SKELLENGER	X					
GILBERT SNYDER	X					
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
PATRICIA CARNES COUNCIL PRESIDENT	X					
CONCETTO FORMICA	X					X
RACHEL HEATH	X				X	
JOSEPH LIMON		X				
STEPHEN SKELLENGER	X					
GILBERT SNYDER	X					
MAYOR SOWDEN, IV (Tie Only)						

EXHIBIT A

**Zinc Mine
Redevelopment Plan
Franklin Borough
Sussex County, New Jersey**

**Block 904, Lots 1.01, 1.02 & 1.03
May 1, 2024
Revised May 31, 2024
Revised April 17, 2025
Revised February 23, 2026**



**J Caldwell
& Associates, LLC**
Community Planning Consultants



ACKNOWLEDGEMENTS

Mayor John M. Sowden, IV

BOROUGH COUNCIL

Patricia Carnes, Council President
Concetto Formica
Rachel Heath
Joe Limon
Stephen Skellenger
Gilbert Snyder

PLANNING BOARD

Floy Estes – Chairman (Class IV)
Keri Marino – Vice Chairman (Class IV)
John M. Sowden, IV – Mayor
Concetto Formica – Councilman
James Williams – Member (Class II)
James Nidelko – Member (Class IV)
George Drossel – Member (Class IV)
Wes Suckey – Member (Class IV)
Sharon Schultz – Member (Class IV)
James Affinito – Alternate #1

BOARD PROFESSIONALS

Michelle Babcock, Board Secretary
David Brady, Esq., Board Attorney
Thomas Knutelsky, PE, PP, Board Engineer
Jessica C. Caldwell, PP, AICP, LEED-GA, Board Planner

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

Jessica C. Caldwell, PP, AICP, LEED-GA, New Jersey Professional Planner #59

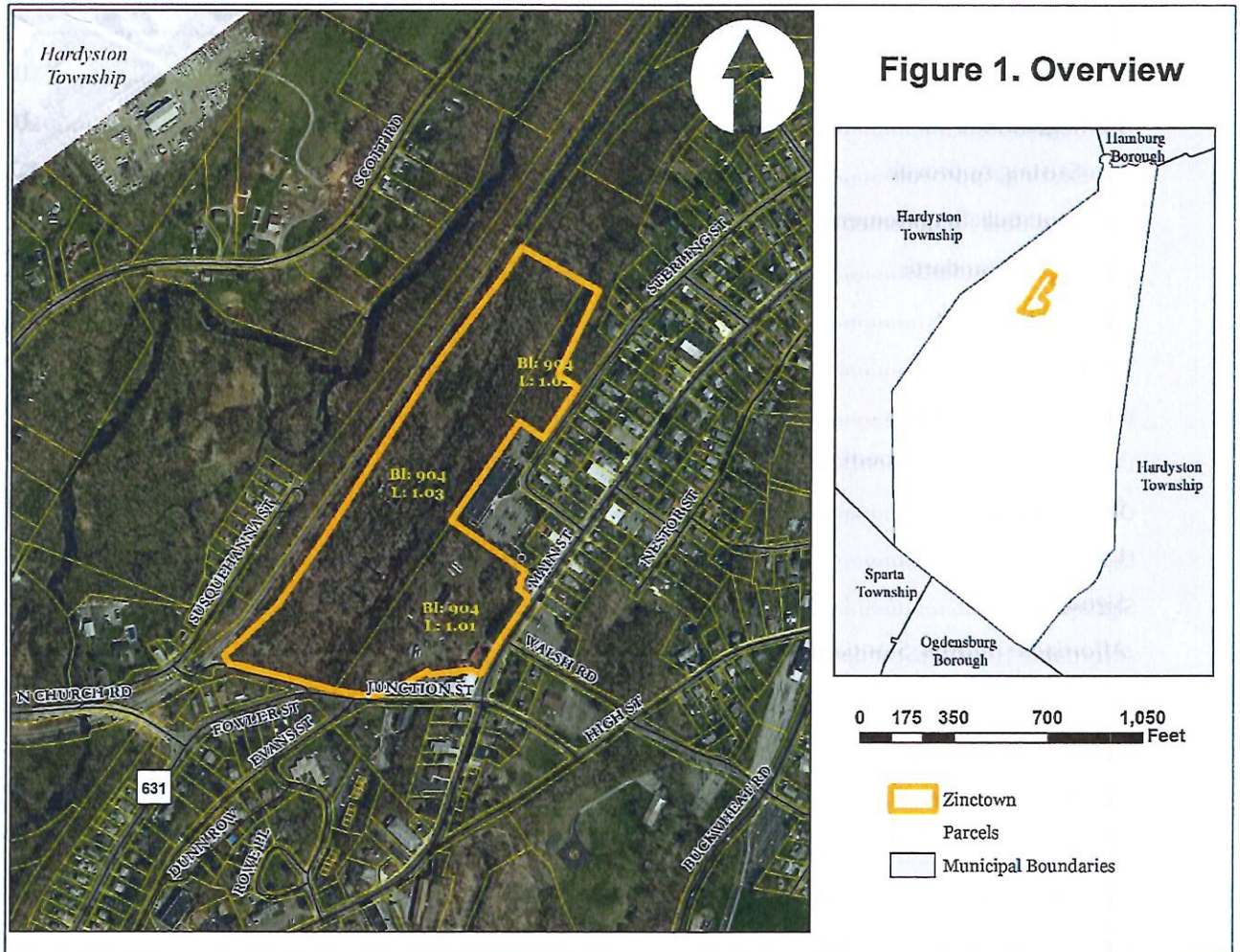


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INTRODUCTION

The Zinc Mine Redevelopment Plan, (the "Plan") governs the Area in Need of Redevelopment (the "Plan Area") designated by a resolution adopted by the Governing Body of the Borough of Franklin in 1982, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Plan"), including Block 904, Lots 1.01, 1.02, 1.03, with an address of 95 Main Street, 15 Sterling Street and 30 Junction Street (the "Plan Area"). This plan is proposed to effectuate the redevelopment of the Area, shown below.



PLAN CONTEXT

The Plan Area occupies approximately twenty-one (21) acres and is bounded by Main Street, Junction Street and Sterling Street to the south and east, and a rail line to the west. The Plan Area is in the northern part of the Borough along Main Street approximately a quarter mile from both State Route 23 and the Hardyston Township border. The Plan Area is irregular in shape and maintains approximately 350 feet of frontage on Main Street, 550 feet of frontage on Junction Street, and approximately 230 feet of frontage along Sterling Street. The Plan Area was the location of the New Jersey Zinc Mine and contains former structures along with mine shafts from the former mining operation. The Plan Area is now largely vegetated and does not resemble the large industrial complex which once existed on the Plan Area. The Change House Building, the Time Office Building and Bosses Change House are still located in the Plan Area. Ideally, one or more of these structures can be renovated and incorporated into the overall development of the Plan Area, although it is not required by the Plan. The primary goal of the Redevelopment Plan is to increase the economic productivity and utilization of the property in order to bolster redevelopment and revitalization of Main Street and the surrounding area.

The Plan Area is currently zoned ZM, Zinc Mine Mixed Use. The purpose of the ZM Zone is to create a new center with a mix of destination and niche commercial users, residential uses and new community space. The ZM Zone is a key component of plans to revitalize and redevelop Main Street in the Borough. The ZM Zone is broken into two sections: the upper section and the lower section. The lower section currently permits a planned adult community that is connected to the upper section by a pedestrian pathway. The lower section includes all lots in the low-lying areas around the train tracks below the 570-foot contour and the portion of the property fronting on Sterling Street including Block 904, Lots 1.02 and 1.03. The upper section is the portion of property fronting on Main Street including Block 904, Lot 1.01.

This Redevelopment Plan will replace the existing ZM Zone to promote a variety of uses in both the upper and lower sections to provide for a mix of residential and commercial uses, with the goal of encouraging redevelopment of the Plan Area.

The primary goal of this plan is to increase residential uses along Main Street as a method for infusing a larger population base into the Main Street area to support business and services along Main Street. The large size of the Plan Area offers the greatest potential to create a positive impact on Franklin's Main Street by bringing new residents within walking distance of Main Street. Along with the large-scale residential opportunity comes the potential to provide for a variety of housing types that supports affordable housing and inclusionary development to assist the Borough in meeting its affordable housing obligations. Existing historic structures on the property provide for an opportunity for creative placemaking by using Franklin's mining history and remaining structures as components of the redevelopment plan; however, it is not required. While the long-term overarching goal is to revitalize Main Street, the first step is to provide for a population base within walking distance of Main Street. Commercial, retail, restaurants and services are projected to follow the infusion of residential uses in the area.

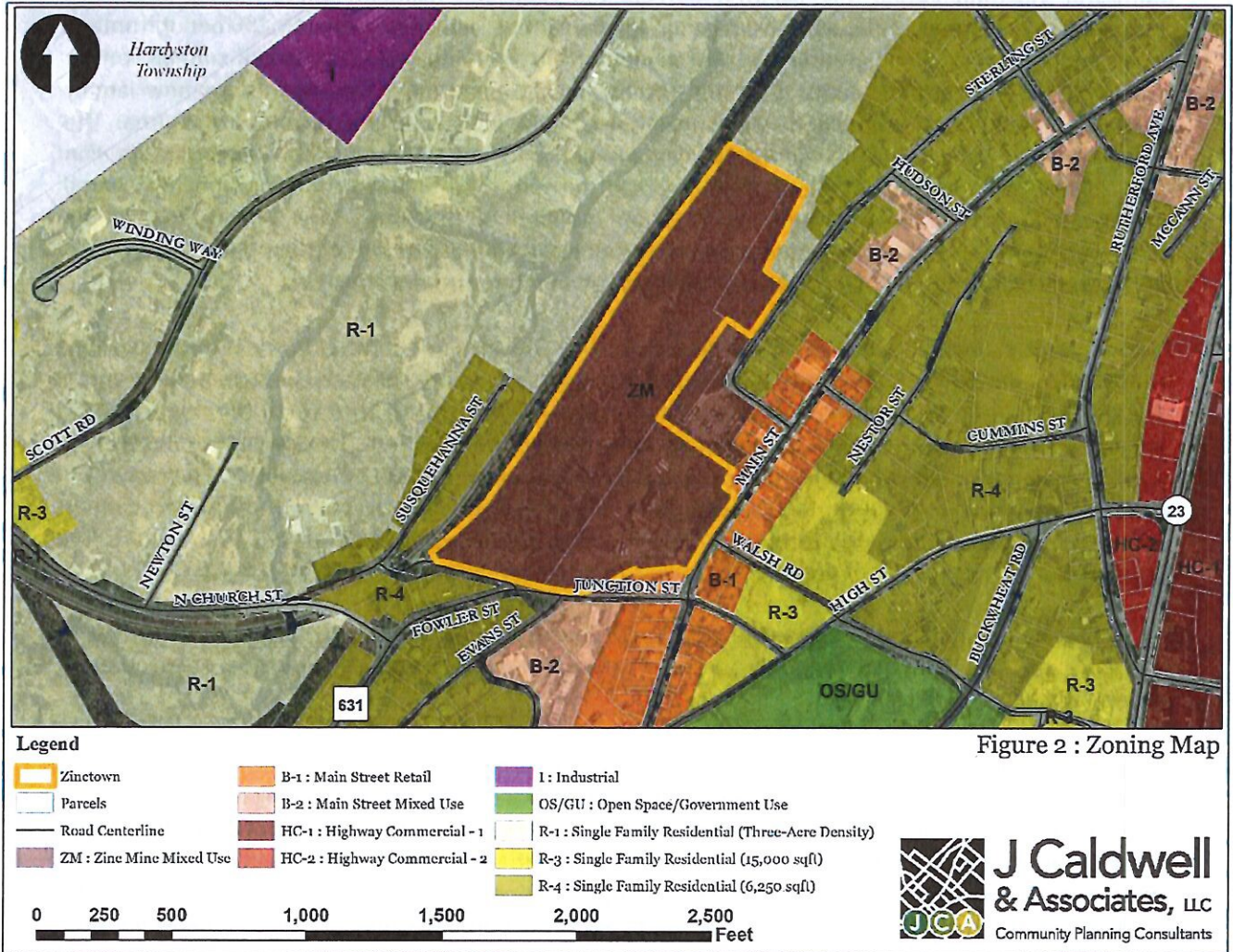


Figure 2 : Zoning Map

PURPOSE

The Redevelopment Plan is designed to serve as the zoning for the Plan Area to provide guidelines for new construction in the Plan Area and establish permitted land uses and building requirements for the Plan Area. The Plan allows for a wide possibility of uses to maximize the residential and mixed-use development potential of the Plan Area while maintaining uses that are consistent with the Borough's Master Plan. Franklin Borough has been engaged in a comprehensive planning process for decades, updating its planning policies and objectives on a regular basis. This Redevelopment Plan is part of that process and builds on what has gone before it, including but not limited to the 2003 Franklin Borough Master Plan, the 2006 Main Street Revitalization Plan and the 2009 and 2016 Reexamination Reports. Both the 2009 and 2015 Master Plan Re-examination Reports included a vision statement for the Borough which establishes the foundation for redevelopment of the Plan Area and Main Street:

"The Borough's "Original" Main Street, by 2030, will have undergone a transformation making it again a focal point of the community, albeit a different type of focal point than it was originally. New residents and commercial uses will increase the level of activity in this part of the borough, taking advantage of the compact, walkable environment that by 2030 will be enhanced and expanded. The new commercial uses will serve the residents in the immediate area but will also include niche, specialty uses that will draw customers from other areas as well. The historical character and resources of this area will be enhanced and also complemented by any new development."

In support of the Borough's Main Street Vision, the following goals and objectives will serve as the guide for the redevelopment of the Zinc Mine properties.

- To encourage the revitalization of the Main Street area of Franklin;
- To strengthen the residential base in Franklin which will help enhance retail and service commercial opportunities on the site and along Main Street;
- To encourage the development of vacant land, not important for open space or recreational purposes and adaptive reuse or redevelopment of vacant buildings wherever possible;
- To return underutilized areas to a productive state;
- To promote the health safety and general welfare of the community through the redevelopment of Plan Area while minimizing impacts on surrounding properties; and
- To incorporate the historic character of Main Street and Franklin's mining history into any new development.

PLAN CONSISTENCY REVIEW

Franklin Borough Master Plan Consistency

The Redevelopment Law requires that the Redevelopment Plan define the plan's relationship to local master plan goals and objectives such as appropriate land uses, population densities, improvements to traffic, public utilities, recreational and community facilities, and other improvements. The Redevelopment Law also requires that the Redevelopment Plan be substantially consistent with the municipal master plan or designed to effectuate the master plan.

The Borough's most recent Master Plan Reexamination Report was adopted March 21, 2016. The Master Plan Reexamination Report confirmed the Borough's interest in and commitment to revitalization of Main Street, despite multiple setbacks over the years. The report noted that mixed-use and residential development on the Zinc Mine site presented an opportunity to improve Main Street and create a more productive and attractive area than currently exists. The Reexamination Report also noted that zoning changes might be needed to accomplish these goals.

The following Master Plan goals and objectives relate to the Plan Area:

Land Use:

- The Main Street area and the Zinc Mine site were seen as demanding specific attention. The goal was to create a new "downtown" for the Borough using various techniques, such as the establishment of an 'Open Market Area'. It was also determined that it might be necessary to designate portions of the Main Street area and adjoining properties as "Areas in Need of Redevelopment" in order to facilitate this revitalization goal.
- Encouraging the re-occupancy of vacant nonresidential buildings was identified as an important aspect of Main Street revitalization. This dovetails with the Zinc Mine site as a focus of revitalization, as well as Route 23 and other areas of the Borough.
- The Zinc Mine Redevelopment Area is referenced as an area of specific focus. Redevelopment in this area proposed to create a vibrant mixed-use walking district in a corridor consisting of similar uses which would offer a retail and service experience to residents and visitors alike.

This Redevelopment Plan is consistent with these goals and objectives of the Borough's Master Plan.

Local, Regional, and State Plan Consistency

The relationship of the Redevelopment Plan with surrounding communities' master plans is also reviewed to determine whether any significant relationship exists. Its relationship to the County Strategic Growth Plan, the Highlands Regional Master Plan and the State Development and Redevelopment Plan must also be reviewed.

Franklin Borough is surrounded by: Hamburg Borough to the north; Hardyston Township to the east and west; and Sparta Township and Ogdensburg Borough to the south. The Plan Area is located in the northern section of the Borough within a quarter of a mile of the Hardyston Township border. With regard to these

municipalities, the Plan Area does not create any potential issues or significant relationships with master plans in other surrounding municipalities as physical separation exists between the redevelopment area and the municipalities of Hardyston Township and Hamburg Borough. Overall, redevelopment of the Plan Area would create a positive impact on the surrounding area by bringing positive new development into the community and region.

The Sussex County Strategic Growth Plan outlines guidelines for development by creating a variety of landscapes with varying development capacities. The Plan puts the Borough of Franklin into a Potential Traditional Centers Landscape, defined as places which permit and encourage pedestrian access to homes and businesses, which are the focus of cultural and physical infrastructure and are relatively dense with a mix of residential and non-residential uses by design. The Strategic Growth Plan seeks consistency with the State Development and Redevelopment and only designates centers based on State Plan Endorsement. While Franklin has not been formally designated by the State Plan as a center, the historic character and function of the Borough is considered sufficient to be included as an important Center within Sussex County. Because this Plan promotes redevelopment of the Borough's Main Street in keeping with Center-based development, this Plan is consistent with the Sussex County Strategic Growth Plan.

The Borough of Franklin is located fully within the Planning Area of the Highlands Region where consistency with the Highlands Regional Master Plan (RMP) is voluntary. The Borough has not opted into Plan Conformance with the RMP. The RMP goals 8 and 9 for the Planning Area are applicable to this Plan as follows:

- 8 To promote Brownfield remediation and redevelopment, where applicable; and
9. To encourage as applicable, and consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local growth and economic development in an orderly way while protecting the environment from the individual and cumulative adverse impacts thereof.

The State Development and Redevelopment Plan (SDRP) designates this portion of Franklin Borough as an Environmentally Sensitive Planning Area (PA5); however, the specific Plan Area is a former mine and as such was previously developed with heavy industry. The SDRP seeks to guide local planning efforts in PA5 by accommodating growth in centers and revitalizing cities and towns. This Plan is also consistent with a number of policy objectives from the SDRP for Land Use in the PA5 including, "Development and redevelopment should use creative land use and design techniques to ensure that it does not exceed the capacity of natural and infrastructures systems and protects areas where public investments in open space preservation have been made" and for housing in "Provide for a full range of housing choices primarily in Centers at appropriate densities to accommodate projected growth" and for redevelopment by "Encourage environmentally appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers or in ways that support Center-based development to accommodate growth that would otherwise occur in Environs". This Plan is consistent with the State

Development and Redevelopment Plan and approach by the State of New Jersey to guide development and redevelopment into existing developed areas.

APPLICATION OF REGULATIONS

The Borough will seek a Redeveloper or Redevelopers for the Plan Area to redevelop all or a portion of the Plan Area according to the following land use regulations:

Use Regulations

The following uses are permitted in the Plan Area. Uses not identified below are prohibited.

A. Principal Permitted Uses:

- a. Mixed-Use Buildings with Apartments over Permitted Non- Residential Uses.
- b. Multi-Family Residential Uses including Duplexes, Triplexes and Apartments.
- c. Attached Single-Family and Duplex Uses; Townhouses.
- d. Commercial Recreation.
- e. Government, Public and Institutional Uses.
- f. Bed and Breakfasts, Inns and Hotels.
- g. Microbreweries, Micro-Distilleries and Wineries.
- h. Retail Sales and Services.
- i. Farmer's Markets, Outdoor Markets and Crafts Fairs.
- j. Financial Institutions (non-drive-through).
- k. Business and Professional Offices.
- l. Restaurants (non-drive-through), Catering Facilities and Events Venues.
- m. Funeral Homes.
- n. Vocational Schools and Job Training.
- o. Instructional Schools and Studios.
- p. Museums and Art Galleries.
- q. Medical and Dental Clinics and Health Services Associated with Medical or Dental Offices.
- r. Veterinary clinics and hospitals, pet boarding and grooming facilities and day care.
- s. Bowling Alleys, Health Clubs, Fitness Centers and Sports Clubs including Tennis, Pickle Ball, Basketball and other Indoor Sports or Training Facilities.
- t. Theaters and Performance Arts Centers.
- u. Child care and adult day care facilities.

B. Accessory Uses:

- a. Electric Vehicle Service Equipment (EVSE).
- b. Outdoor Dining.
- c. Off-Street Parking, Loading and Unloading.
- d. Under Building Parking and Structured Parking.
- e. Signs, Walls and Fences.
- f. Parks and Open Spaces with Active and Passive Recreation.
- g. Community Centers, Pools, Recreational Buildings and Residential Amenities.
- h. Facilities Required for Employees and Visitors, such as Cafeterias, Day Care, Recreational and Medical Facilities.
- i. Other uses and structures customarily incidental to a principal permitted use.

Pre-Existing Approvals

Nothing in this Redevelopment Plan shall negate, invalidate, supersede or modify any pre-existing approvals granted by the Planning Board or Board of Adjustment for any uses or structures within the Plan Area. Such uses and structures may remain and continue to be utilized under this Redevelopment Plan in accordance with the pre-existing approvals.

Area and Bulk Requirements

The Plan Area is located within the ZMM – Zinc Mine Mixed Use Zone. This Plan supersedes current zoning in the Plan Area. The following regulatory controls apply to the property based on the intended use:

ZMM Zinc Mine Mixed-Use Zone Area & Bulk Requirements	
Minimum Tract Size	20 Acres
Minimum Lot Size	1.0 Acre
Maximum Building Height	3-4 Stories/45-55 Feet (Upper Section) ¹ 4 Stories / 55Feet (Lower Section)
Main Street Minimum Setbacks	5 Feet
Sterling Street Minimum Setback	20 Feet
Junction Street Minimum Setback	50 Feet
Building Setbacks (except Townhomes)	
Side Yard	30 Feet
Rear Yard	30 Feet
Townhomes	0 Feet (attached)
Side Yard	10 Feet (end of building)
Rear Yard	10 Feet
Max. Impervious Coverage	85% (Historic Structures are exempt from coverage requirements)
Max. Residential Density	21 Units / Gross Acre
Existing Historic Structures	Existing Setbacks and Height are Permitted
Affordable Unit Set-Aside	20% set-aside for both rentals and for-sale units
Min. Number of Affordable Units	84 Units

Additional Standards

- A. Existing historic buildings on the property may be preserved and integrated into the development through adaptive reuse consistent with permitted uses in the zone.
- B. Buildings fronting on Main Street shall not have residential on ground level facing Main Street. Where the building faces away from Main Street, or is more than 50 feet from Main Street, ground floor residential uses are permitted.
- C. A pedestrian connection shall be established between the Rails to Trails corridor and Main Street.
- D. An elevated bridge or walkway from the upper floors of each “lower area” building to the “upper area” to connect at grade shall be provided as a means of emergency access and to promote a more walkable community.

¹ Buildings in the upper section within 50 feet of Main Street are limited to 3 stories/45 feet along the frontage of Main Street. Buildings and portions of buildings setback at least 50 feet from Main Street may be 4 stories/55 feet.

Parking Standards

The Parking standards for this Redevelopment Plan will generally follow the use standards outlined in Chapter 161.35, Off-Street Parking. The following include General Standards for Parking Areas within the Redevelopment Area:

- A. Each off-street parking space shall measure not less than nine (9) feet by 18 feet and parallel curb parking spaces shall be eight (8) feet by 23 feet.
- B. In areas which have head-on parking, other than 90 degrees, the width of the space shall not be less than nine feet measured at right angles to the parking lines and these lines shall extend to a point measuring 18 feet at right angles to the curb or edge of pavement.
- C. Aisle Widths: Aisles from which vehicles directly enter or leave parking spaces shall not be less than: twenty-five feet wide for perpendicular parking, eighteen feet wide for 60-degree angle parking, and fourteen feet wide for 30- and 45-degree angle parking.
- D. Parking areas shall be landscaped in accordance with the design standards for site plan review.
- E. Shared parking and other innovative parking arrangements shall be encouraged.
- F. Electric Vehicle Charging Stations (EVSE) or Make-Ready spaces shall be provided pursuant to P.L. 1975, c.291 (C.40:55D-66.20). EVSE charging stations may not be located beneath structures or within parking garages.

Shared Facilities

Shared facilities, including vehicular access, pedestrian access, parking, stormwater management and other facilities, are permitted to enable their most logical and efficient locations within the Plan Area, provided cross easements are provided for the review and approval of the Borough Attorney.

Buffer Requirements

- A. All lots or parts of lots which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential zone shall be screened from such residential zone by landscaped buffer strips or other such screening along said line or rear lines.
- B. No fence within the Plan Area shall exceed a height of eight (8) feet above ground level. Where solid fences exceed six (6) feet in height, they shall have two (2') feet of lattice or similar open material for the top two feet (2'). Woven wire fencing is discouraged except for safety purposes and in that case must be black coated woven wire.
- C. The finished side of a fence must face adjoining properties. Fence posts that are unfinished and any other structural component of the fence must be installed facing the subject property rather than the adjoining property.
- D. Fences shall be architecturally coordinated with structures occupying the same lot and surroundings.
- E. All fences and walls shall be within property lines. No fence or wall shall violate sight easement requirements or street rights-of-way, nor shall any fence obstruct any stream, drainageway or floodplain.

Landscaping Requirements

Landscaping must be provided to promote a desirable and cohesive natural environment for patrons, employees, and passing motorists and recreators. Landscaping must also be utilized to screen parking and loading areas, provide windbreaks for winter winds and summer cooling for buildings, streets, and parking, according to the following standards:

- A. All landscaping must have a two-year maintenance guarantee. If any planting material dies within two years of planting, it must be replaced the following planting season.
- B. The existing sense and appearance of the semirural, natural scenic qualities of the Borough should be encouraged in site development. Such techniques as clustering of trees and vegetation and retention of existing vegetation are encouraged as appropriate.
- C. Landscaping should favor native species appropriate to the site.
- D. Landscaping should be used to accent and complement buildings and provide for climate control.
- E. Provide for a variety and mixture of landscaping.
- F. All parking areas shall be screened from adjacent properties.

Design Standards

Building layout and design should meet, to the maximum extent practicable, the requirements of Section 161-23 (General Design Standards) of the Borough Ordinance.

Lighting

Lighting standards for the Redevelopment Plan are regulated by Section 161-24 (F) of the Borough Ordinance.

Signage

A comprehensive sign package including building signage, wayfinding and directional signage for the parking areas, pedestrian corridors, and buildings should be provided that is consistent with the architecture of the buildings. The sign package should include design elements such as size, materials, style, and illumination. Signage standards for the Redevelopment Plan are regulated by Section 161-24 (S) of the Borough Code,

Affordable Housing Standards

1. All residential development shall provide an on-site, non-age-restricted affordable housing set-aside of at least twenty percent (20%) of the total number of dwelling units developed.
2. All affordable housing units shall be deed restricted as very low-income, low-income, and moderate-income affordable units consistent with Uniform Housing Affordability Controls ("UHAC" regulations at N.J.A.C. 5:80-26.1 et seq). Such controls shall remain in effect for a period of at least forty (40) years for rental units and at least thirty (30) years for sale units, until such time and under conditions as the Borough elects to release deed restrictions. Such controls shall commence from the date of issuance of the initial certificate of occupancy for each affordable unit. Each affordable unit shall be specifically identified by unit number in the recorded deed restriction. Draft affordability controls and deed restrictions shall be submitted to the Borough

for review as a condition of major subdivision or major site plan approval for any residential development. All affordability controls and deed restrictions shall be recorded prior to the issuance of a Certificate of Occupancy for each affordable housing unit. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Borough Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.

3. Phasing of the affordable housing units shall be consistent with UHAC requirements (N.J.A.C. 5:80-26.5) as follows:
 - a. No more than 25 percent of the market-rate units plus one, may be completed prior to the completion of 10 percent of the restricted units;
 - b. No more than 50 percent of the market-rate units may be completed prior to the completion of 50 percent of the restricted units;
 - c. No more than 75 percent of the market-rate units may be completed prior to the completion of 75 percent of the restricted units; and
 - d. No more than 90 percent of the market-rate units may be completed prior to the completion of all of the restricted units.

4. Bedroom distribution of the affordable housing units shall be consistent with UHAC requirements (N.J.A.C. 5:80-26.4(e)) as follows:
 - a. At a minimum, the number of bedrooms within the restricted units shall equal twice the total number of restricted units;
 - b. At least 30 percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be two-bedroom units;
 - c. At least 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be three-bedroom units;
 - d. No more than 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be efficiency or one-bedroom units;
 - e. Two-bedroom and/or three-bedroom units shall compose at least 50 percent of all restricted units;

5. Income breakdown for the affordable housing units shall be consistent with UHAC requirements (N.J.A.C. 5:80- 26.4(g)).
 - a. At least 13% of restricted units shall be very-low-income units
 - b. At least 50 percent of all restricted units shall be low-income or very-low-income units
 - c. At least 50 percent of all restricted one-bedroom units, rounded up or down to the nearest whole number in either direction, shall be low-income units or very-low-income units
 - d. At least 50 percent of all restricted two-bedroom units, rounded up or down to the nearest whole number in either direction, shall be low-income units or very-low-income units;
 - e. At least 50 percent of all restricted three-bedroom units shall be low-income units or very-low-income units
 - f. Very-low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.

6. Each development shall comply with the occupancy standards set forth in the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.5. This shall include:
 - a. Equal design element among market-rate units and affordable units within the same development in accordance with N.J.A.C. 5:80-26.5(a)(2)(i);
 - b. Siting to avoid concentrating affordable units in undesirable locations in accordance with N.J.A.C. 5:80-26.5(a)(2)(ii);
 - c. Interspersion of affordable units, equal access to communal amenities in accordance with N.J.A.C. 5:80-26.5(a)(2)(iii);
 - d. Same access to communal amenities as residents of market-rate units within the same affordable development in accordance with N.J.A.C. 5:80-26.5(a)(2)(iv);
 - e. Adequate heating-cooling, including the same type of heating source as market-rate units of the same type in accordance with N.J.A.C. 5:80-26.5(a)(2)(v);
 - f. Each bedroom to have at least one window in accordance with N.J.A.C. 5:80-26.5(a)(2)(vi)
 - g. Minimum square footage requirements in accordance with N.J.A.C. 5:80-26.5(a)(2)(viii);
 - h. Restricted units must be of the same type as market-rate units within the same building in accordance with N.J.A.C. 5:80-26.5(a)(2)(viii).
7. The developer shall also comply with all of the other requirements of UHAC and the Borough's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification screening requirements, (3) integrating the affordable units amongst the market rate units, (4) unit phasing requirements, and (5) occupancy standards.
8. The developer shall contract with a qualified and experienced third-party administrative agent, which may be the Borough's administrative agent (the "Administrative Agent") for the administration of the affordable units and shall have the obligation to pay all costs associated with properly deed restricting the affordable units in accordance with this redevelopment plan for the deed-restriction period. The redeveloper and its Administrative Agent shall work with the Borough and the Borough's Administrative Agent, should the redevelopers and the Borough's Administrative Agent not be one in the same, regarding any affordable housing monitoring requirements required by the Amended Fair Housing Act. The redeveloper shall provide, within thirty (30) days after written notice, detailed information reasonably requested by the Borough or the Borough's administrative agent, should the redevelopers and the Borough's Administrative Agent not be one and the same, concerning the redeveloper's compliance with UHAC, the Borough's Affordable Housing Ordinance, all applicable Court orders, and other applicable laws

Submittal Requirements

The Redeveloper(s) will submit a land development application to the Borough Planning Board for all, or a portion of, the Plan Area. The approval process will occur as per the Borough's Land Development Code (Section 161) requirements as applicable.

Legal Provisions

Validity of the Plan

If any section, subsection, paragraph, division, subdivision, clause, or provision of this Plan is deemed by a court of competent jurisdiction to be invalid, such adjudication will only apply to the particular section, subsection, paragraph, division, subdivision, clause, or provision in question, and the balance of the Plan will be adjudged valid and effective.

Zoning Map Revisions

Upon final adoption of this Redevelopment Plan by the Borough Council, the Zoning Map of Franklin Borough is hereby amended and must be revised to show all the boundaries of the Zinc Mine Redevelopment Plan and identify the district as the "Zinc Mine Mixed-Use Zone District (ZMM)". All provisions of this Plan apply, and upon final adoption of this Redevelopment Plan by the Governing Body, this Redevelopment Plan shall supersede all provisions of the Franklin Zoning Ordinance except where noted otherwise. No variance from the requirements herein will be cognizable by the Zoning Board of Adjustment. The Planning Board alone will have the authority to grant deviations from the requirements of this Plan, as provided herein.

Amendment to the Zinc Mine Redevelopment Plan

The Zinc Mine Redevelopment Plan may be amended from time to time in compliance with the requirements of the Local Redevelopment & Housing Law.

Variations in Site Plan Design

Modifications from standards which are expressly stated to be "mandatory" under the Land Use Regulations of this Plan, may be approved by the Planning Board only by formal grant of a deviation as provided.

The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures, or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk, or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owners of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan, and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for the site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provision of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan.

An application requesting a deviation from the requirements of this Plan must provide public notice of such application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12. a & b.

No deviations may be granted which will result in permitting:

1. A use or principal structure not permitted in this Plan;
2. An expansion of a non-conforming use; and/or
3. An increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in this Plan.

Any party seeking a deviation from this Plan which cannot be granted by the Planning Board as set forth above, may apply to the Governing Body to request an amendment to this Plan.

ACQUISITION PLAN

There is no property acquisition by the Borough anticipated by this Plan.

RELOCATION PLAN

Because there is no property acquisition by the Borough anticipated by this Plan and there are no residential uses in the Plan Area, no Relocation Plan is necessary.

**BOROUGH OF FRANKLIN
LEGAL NOTICE**

**ORDINANCE #05-2026
BOROUGH OF FRANKLIN
COUNTY OF SUSSEX
STATE OF NEW JERSEY**

ORDINANCE OF THE BOROUGH OF FRANKLIN, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR THE ZINC MINE REDEVELOPMENT AREA, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, *et. seq.*

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the Borough Municipal Building, 46 Main Street, Franklin, NJ, on the 24th day of February, 2026, and the same came up for final passage at a meeting of the said Borough Council on the 10th day of March, 2026, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Franklin, County of Sussex and State of New Jersey.



Colleen L. Little, Municipal Clerk