

**ORDINANCE  
TOWNSHIP OF FRANKLIN**

**AMENDING SECTION 253-107 OF THE FRANKLIN TOWNSHIP CODE  
O-3-12**

**WHEREAS**, the Franklin Township Committee enacted Ordinance 5-26-2009 amending §253-107 of the Franklin Township Code with regard to the zoning requirements for the RA (Residential Agricultural) District; and

**WHEREAS**, Ordinance O-5-2009 was intended to resolve certain litigation then pending between the Builders League of South Jersey and the Township of Franklin and in order to conform the Township Ordinance to the Appellate Division's opinion in Builders League of South Jersey v. Franklin Township, and

**WHEREAS**, it appears that upon recodification of said ordinances, that Ordinance O-5-2009 eliminated more of §253-107 than was intended by the governing body, specifically, it eliminated the bulk requirements for the RA Zoning District; and

**WHEREAS**, the Township Committee believes that it is necessary for the just administration of the zoning requirements in the RA District that the language initially omitted be reinstated within §253-107;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, that §253-107 be and is hereby amended and supplemented so that the existing section will remain and the following will be added:

- B. Dimensional Standards for Type 1 – Conventional Lot Subdivision if all of the residential lots so created have frontage on an existing improved and dedicated public right of way. For purposes of this section the term “improved and dedicated public right of way” shall include paved streets, gravel and stone roads, dirt roads and oil and chip roads which are in use by the general public as of the effective date of this ordinance.
- (1) Maximum Density: 0.67 dwelling units per acre net of wetlands but including their buffers as set forth above.
  - (2) Minimum Lot Area: 1.5 acres.
  - (3) Minimum Street Frontage: 150 feet.
  - (4) Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
    - (a) Front: Seventy Five (75) feet from the right-of-way of existing municipal roads provided however that in the event that a proposed lot is wooded sufficiently to shield the said dwelling from the existing municipal road then a fifty foot (50') minimum setback shall be required if the applicant consents to restrict the said 50 foot wooded strip from cutting.
    - (b) Rear: Fifty (50) feet minimum for principal buildings and fifteen (15) feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).
    - (c) Side: Twenty (20) feet

- (d) Maximum Height Regulations: 35 feet
  - (e) Setbacks from active farmland which is farmland assessed in accordance with applicable Franklin Township Ordinances.
- C. Dimensional Standards for Type 1 – Conventional Lot Subdivision if a new subdivision road is required to access the lots so created:
  - (1) Maximum Density: 1 dwelling unit per two and one half (2.5) acres,
  - (2) Minimum Lot Area: 2.5 acre.
  - (3) Minimum Street Frontage: 200 feet.
  - (4) Yard Regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:
    - (a) Front: 150 feet from existing municipal, county or state roads, but 60 feet from the right of way of new subdivision streets, country lanes or common driveways.
    - (b) Rear: Sixty (60) feet minimum for principal buildings and fifteen (15) feet for accessory buildings (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures).
    - (c) Side: Thirty (30) feet
    - (d) Maximum Height Regulations: 35 feet
    - (e) Setbacks from active farmland assessed farmland in accordance with applicable Franklin Township Ordinances
- D. Dimensional Standards For Type 2 - Basic Conservation Subdivision
  - (1) Maximum Number of Units: As determined by preparation of a Yield Plan as described herein.
  - (2) Minimum Required Open Space Land:
    - The subdivision must designate at least fifty percent (50%) of the tract as open space land. Open space land shall not be used for residential lots.
  - (3) Minimum Lot Size: There is no minimum lot size. The applicant must demonstrate that sufficient supplies of potable groundwater are available, and that the lots meet all county and state standards for septic systems or have access to public water and sewer. The lots must also meet the design standards contained in §253-109.
  - (4) Minimum Distance Between Houses: 20 feet
  - (5) Maximum Height Regulations: 35 feet
- E. Dimensional Standards for Type 3 – Conservation Subdivision, Planned Residential Development:
  - (1) Minimum Tract Size: 10 Acres in the Receiving Area
  - (2) Minimum Required Open Space Land: The subdivision must include at least fifty percent (50%) open space land.
  - (3) Minimum Lot Size: There is no minimum lot size. The applicant must demonstrate that sufficient supplies of potable groundwater are available, and that the lots meet all county and state standards for septic systems or be services by public sewer. The lots must also meet the design standards contained in §253-109.
  - (4) Minimum Distance Between Houses: 20 feet.
  - (5) Maximum Height Regulations: 35 feet.
- F. Dimensional Standards for Residential Uses in Subdivision Type 4 – Villages, Planned Residential Development:
  - (1) Minimum Tract Size: 50 acres in the Receiving Area.
  - (2) Density Factor:

- (a) 0.4 dwelling units per gross acre as determined by a Yield Plan as described herein.
  - (b) If centralized water and sewer systems are available, density will be increased to four (4) dwelling units per acre for single family detached dwellings and six (6) dwelling units per acre for single family attached dwellings and multi-family dwellings in the Receiving Area portion of the tract. An affordable housing component will be required in accordance with §Article XIV.
- (3) Minimum Required Open Space Land:
- (a) The subdivision must include at least fifty percent (50%) open space land. Not less than twenty percent (20%) of this open space land shall be in a form usable to and accessible by the residents, such as a central green, neighborhood squares or commons, recreational playing fields, woodland walking trails, other kinds of footpaths, a community park, or any combination of the above. In addition, no more than fifty percent (50%) of the minimum required open space land may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc. Open space land shall not be used for residential lots.
- (4) Minimum Lot Size: There is no minimum lot size. The applicant must demonstrate that sufficient supplies of potable groundwater are available, and that the lots meet all county and state standards for septic systems or have public sewer and water or an approved on-site wastewater treatment works and disposal facilities. The lot must also meet the design standards contained in §253-109.
- (5) Minimum Distance Between Houses: 20 feet.
- (6) Maximum Height Regulations: 35 feet.

G. Dimensional, Intensity and Design Standards for Village Mixed Use/Commercial Areas in Type 4 Subdivisions:

- (1) Use Intensity Standards:
- (a) New commercial buildings in the Mixed Use/Commercial Area and their associated parking spaces shall not occupy more than fifteen percent (15%) of the net developable land area of the entire Village.
  - (b) Village shop buildings and their parking areas should typically be allowed to occupy up to 80 percent (80%) of their building sites, with relatively little land between structures or between structures and the sidewalk. Parking areas shall generally be located behind shops or to one side, if adequately screened from the street, and shall be the primary focus of landscaping and buffering efforts where they abut adjoining residential lots.
- (2) Minimum Lot Size:
- (a) The minimum lot size for non-residential uses in Village Mixed Use/Commercial Subdistrict shall be determined by adding twenty percent (20%) to the land area needed for the structure, on-lot parking, ingress/egress, and any on-site infrastructure that is required (e.g. septic disposal areas, stormwater management areas). The additional twenty percent (20%) shall constitute setbacks and landscaped buffers.
- (3) Minimum Street Frontage: 50 feet.
- (4) Setback Regulations:
- (a) Front: No minimum required; maximum setback 15 feet
  - (b) Rear: 20 feet.
  - (c) Side: 5 feet
- (5) Maximum Height Regulations: 35 feet (75 feet for church steeples)
- (6) Additional Design Standards:
- (a) New buildings in this subdistrict shall be subject to a maximum front setback in order to maintain a strong sense of streetscape. Such buildings

shall generally be of two-story construction, and shall be designed in accordance with the design standards set forth below. Maximum building height and coverage are controlled by other provisions in this ordinance governing maximum height and minimum parking standards.

- (b) Ground floor space shall generally be reserved for pedestrian-oriented retailing and services, with offices and housing above.
- (c) Each Village/Mixed Use Commercial Area shall have a primary common area or green of at least 10,000 square feet, which should ideally be surrounded by two-story development that may include commercial, residential, civic and institutional uses.

This primary common area shall border on the principal street running through the Mixed Use/Commercial Area, or be located so as to constitute the “terminal vista” of that street. This central green shall be located within fifteen hundred (1500) feet of eighty percent (80%) of all dwelling units in the village. (Alternatively, two greens of at least 6,000 sq. ft. may be substituted for the central green, in order to meet the distance/proximity standard no green shall contain more than ten percent (10%) coverage by impervious surfaces.

- (7) Parking:
  - (a) Non-residential off-street parking shall be to the side or rear, or located within internal parking areas not visible from the street.
  - (b) On-street parking spaces along the street frontage or a lot (except where there are driveway curb-cuts) shall be counted toward the minimum number of parking spaces required for the use on that lot.
  - (c) On-street parking spaces shall be designed to be parallel to the curb.
  - (d) Off-street parking may be located within six hundred (600) feet (measured along a publicly accessible route) from the lot containing the use to which the parking is accessory. Said lot containing the parking shall be owned or leased to the owner of the principal use, or the lot containing the parking shall be dedicated to parking for as long as the use to which it is accessory shall continue and it is owned by an entity capable of assuring its maintenance as accessory parking.

**BE IT FURTHER ORDAINED**, this Ordinance shall take effect immediately upon its final passage and publication as provided by law.

**ATTEST:**

**TOWNSHIP OF FRANKLIN**

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**CAROLYN K. TOY, CLERK**

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**JOSEPH C. PETSCH, MAYOR**

**CERTIFICATION**

I, Carolyn K. Toy, Clerk of the Township of Franklin the County of Gloucester, do hereby certify that the foregoing to be a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at a meeting held on Tuesday, February 14, 2012, and will be considered for final adoption on Tuesday, March 13, 2012, at which time any person interested therein will be given an opportunity to be heard.

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**CAROLYN K. TOY, CLERK**