

**TOWNSHIP OF FRANKLIN
COUNTY OF GLOUCESTER
ORDINANCE O-5-12**

**AN ORDINANCE AMENDING CHAPTER 253, LAND DEVELOPMENT,
OF THE CODE OF THE TOWNSHIP OF FRANKLIN,
COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, as follows:

I. PURPOSE: The purpose of this Ordinance is to amend Chapter 253, Land Development, of the Code of the Township of Franklin in response to amendments to the Pinelands Comprehensive Management Plan related to cluster development, wetlands management and forestry, effective April 6, 2009, December 1, 2009 and March 1, 2010, respectively.

II. Article I, General Provisions, §253-3, Definitions, is hereby amended by replacing or adding the following definitions:

Forestry - The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clear cutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this Chapter, the following activities shall not be defined as forestry and, although they may otherwise require an application for development, they shall not require the issuance of a forestry permit:

- (1) Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;
- (2) Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- (3) Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;
- (4) Removal of trees necessary for the maintenance of utility or public rights-of-way;
- (5) Removal or planting of trees for the personal use of the parcel owner; and
- (6) Removal of trees for public safety.

Impermeable Surface — Any surface which does not permit fluids to pass through or penetrate its pores or spaces, typically having a maximum permeability for water of 10^{-7} cm/second at the maximum anticipated hydrostatic pressure. The term “impermeable” is equivalent in meaning.

Impervious Surface — Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability.

Permeability - The rate at which water moves through a unit area of soil, rock, or

other material at hydraulic gradient of one.

Resource Management System Plan- A plan, prepared in accordance with the United States Department of Agriculture, Natural Resources Conservation Service New Jersey Field Office Technical Guide, dated June 2005. Such plans shall prescribe needed land treatment and related conservation and natural resources management measures, including forest management practices, for the conservation, protection and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of non-point source pollution; and establish criteria for resource sustainability of soil, water, air, plants and animals.

Wetlands Management - The establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10. For purposes of this definition, exotic species are those that are not indigenous to North America.

III. Article VIII, Management Programs and Minimum Standards for Pinelands Protection Area, §253-72, Wetlands, is hereby amended by replacing Section 253-72A(5) with the following:

F. Fish and wildlife activities and wetlands management in accordance with N.J.A.C. 7:50-6.10.

IV. Article X, General Zoning Provisions, §253-97, Pinelands Area, is hereby amended by replacing Section 253-97G(3) with the following:

(3) All noncontiguous lands acquired pursuant to Subsections G(1) and (2) above shall be permanently protected through recordation of a deed of restriction in accordance with the following requirements:

(a) The deed of restriction shall permit the parcel to be managed for:

[1] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this Chapter;

[2] Where agricultural use exists on a parcel to be protected, the following standards shall apply:

[i] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

[ii] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for density transfer;

[iii] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection [2][ii] above, the deed of restriction shall permit the land to be managed only in accordance with subsection a. above and shall not provide for continuation of any agricultural use on the parcel; and

[iv] The deed of restriction to be recorded pursuant to Subsection [2][i] or [ii] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Gloucester County or the State Agricultural Development Committee, evidence of their approval shall also be provided.

(b) The deed of restriction shall be in favor of the parcel to be developed and the Township or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Township Solicitor and the Pinelands Commission.

V. Article XI, Clustering, is hereby amended through the addition of the following as Section 253-98:

253-98 Residential Cluster Development in the PR-R District

A. In the PR-R District, clustering of single-family detached dwellings shall be required whenever two (2) or more units are proposed as part of a residential development (This section is not intended to prohibit development that meets the Pinelands social and cultural exemption requirements of ordinance 253-156H & 253-97B). The following standards shall apply to PR-R clustered developments:

- (1) Permitted density: One (1) unit per 3.4 acres.
- (2) The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in subsection A(1) above, with a bonus potential applied as follows:
 - (a) For parcels less than 50 acres in size: 0 bonus units
 - (b) For parcels between 50 acres & less than 100 acres in size: 10% bonus
 - (c) For parcels between 100 and & less than 150 acres: 15% bonus
 - (d) For parcels of 150 acres or more in size: 20% bonus
- (3) The residential cluster should be located on the parcel such that the development area:
 - (a) Is located proximate to existing roads;
 - (b) Is located proximate to existing developed sites on adjacent or nearby parcels;
 - (c) Is or will be appropriately buffered from adjoining or nearby non-residential land uses;
 - (d) Complies with the agricultural buffer requirements of §253-101; and

- (e) Conforms with the minimum environmental standards of Article VIII (Management Program & Minimum Standards for Pinelands Protect Area).
- (4) PR-R Residential Cluster Development Standards:
- (a) Minimum Lot Size: 1.0 acre
Average Lot Size: 1.1 acre

Residential lots should be one (1) acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres;
 - (b) Bulk Requirements;
 - (1) Tract Buffers and Screening:
 - a. The Agricultural Buffer requirements of the ordinance shall apply to PR-R cluster developments. See ordinance section 253-101.
 - b. Buffer Strip Width: Buffer Strips between the cluster development and the following districts shall be as follows (provided that no buffer strip shall be less than the minimum required unless approved by the Board, and provided that maximum buffer width may be required by the Planning Board when deemed necessary in the public interest):
 - i. Pinelands Agricultural Production (PAP):
50'-150'
 - ii. Pinelands Neighborhood Commercial (PNC):
50'-150'
 - iii. Pinelands Highway Commercial (PHC):
100'-300'
 - iv. Pinelands Light Manufacturing (PLM):
100'-300'
 - v. Pinelands Institutional (PI)
100'-300'

The General Buffer Strip regulations of the ordinance (253-103) shall apply to the required buffer areas.
 - c. No activity, storage of materials, roadways, or structures are permitted in buffer areas, except underground utilities, and stormwater improvements as approved by the review board.
 - (2) Minimum Lot Frontage: 100'
 - (3) Maximum Impervious Coverage: 35%
 - (4) Maximum Principal Building Height: 35' or 2.5 stories
 - (5) Minimum Yard Setback (Principal Building)
 - a. Front: 50'
 - b. Side: 20'

c. Rear: 50'

(6) Minimum Yard Setback (Accessory Structure):

- a. Front: Accessory Structures Not permitted in front yards.
- b. Side Yard: 10' (except that accessory buildings with a ground floor area exceeding 500 square feet shall conform to the setback requirements for principal structures)
- c. Rear Yard: 10'
- d. Max. Number of Accessory Structures: 2

(7) Accessory Uses within a PR-R Residential Cluster Development:

a. Home Office of a physician, dentist, lawyer, architect, engineer or other licensed professional person, when located within or directly connected to the dwelling (not within accessory structures) and consistent with the applicable standards of below:

- 1. Home office: An activity carried out for gain, conducted entirely within a detached single-family dwelling unit, which the home office is clearly secondary to use of the lot for residential purposes.
- 2. Such activity shall be conducted solely by residents of the dwelling on the lot, except that no more than one nonresident may be employed.
- 3. No more than 400 square feet may be used for such activity.
- 4. The residential character and visual appearance of the dwelling and accessory structures and of the site itself shall be maintained.
- 5. Signs shall conform to the standards of § 253-177 applicable to the residential district.
- 6. No machinery or other equipment shall be used on site which shall interfere with radio or television reception on adjoining properties.
- 7. Such use shall not reduce the parking or yard requirements of the residential use.
- 8. Parking shall be provided as required by § 253-93A of this chapter.

b. Home occupations when located within or directly connected to the dwelling (not within accessory structures) and consistent with the applicable standards of below.

- 1. Home occupation: An activity carried out for gain, conducted entirely within a detached single-family dwelling unit, which the home occupation

is clearly secondary to use of the lot for residential purposes.

2. Such activity shall be conducted solely by residents of the dwelling on the lot, except that no more than one nonresident may be employed.
3. No more than 400 square feet may be used for such activity.
4. The residential character and visual appearance of the dwelling and accessory structures and of the site itself shall be maintained.
5. No more than one motor vehicle used in such activity shall be parked on the site. Such vehicle shall comply with the provisions of § 253-190.11, Commercial vehicle parking.
6. Other than as provided in Subsection 5 above, all vehicular equipment used or associated with such activity may not be parked or stored on site or on any public streets or rights-of-way but must be stored or parked on an off-street parking or storage area.
7. Signs shall conform to the standards of § 253-177 applicable to the residential district.
8. Except as provided in Subsection 5 above, no display of products, supplies, materials, tools, equipment or other items used in the activity shall be visible from the adjoining street or property lines.
9. A home occupation activity may involve the creation, construction and/or assembly of product or parts thereof on site; however, the occupation shall not use any equipment or process that uses hazardous chemicals or creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio and television reception, detectable by neighbors.
10. No articles or service may be sold or offered for sale on the premises except such as may be produced on the premises by a resident thereof. Such activities as clinics, hospitals, barbershops, beauty parlors, and body modification studios-parlors luncheonettes, bed-and-breakfast homes, animal hospitals, music and dancing schools (other than for individual instruction) shall not be deemed home occupations under the terms of this definition.
11. No machinery or other equipment shall be used on site which shall interfere with radio or television reception on adjoining properties.
12. Such use shall not reduce the parking or yard requirements of the residential use.

c. A private garage for not more than three vehicles provided that such garage is located in the rear yard of the lot or is directly connected to the dwelling.

d. Signs as permitted in Article XXX of this chapter.

e. Fences, subject to the standards of §253-190.9.

f. Swimming pools, provided that such pools shall be secured as required by the Uniform Construction Code.

g. Tennis court.

h. Parking of commercial vehicles in conjunction with a residential use subject to the provisions of §253-190.11.

- (c) Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the standards of §253-77B(4) may serve the lots within the cluster development area. However, in the event that existing agricultural uses will continue on the parcel in accordance with Subsection (5)(b)[2] below, individual on-site septic waste water treatment systems shall comply with the standards of §§253-77B(5) or (7). Community on-site wastewater treatment systems serving two or more residential dwelling units which meet the standards of §§253-77B(5) or (7) shall also be permitted;
 - (d) The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and
 - (e) Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than one-half acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.
- (5) The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a non-profit conservation organization, Franklin Township or incorporated as part of one of the lots within the cluster development area.
- (a) All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor Franklin Township or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and
 - (b) The deed of restriction shall permit the parcel to be managed for:

[1] Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent (1%) of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 253;

[2] Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:

[i] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

[ii] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for cluster development;

[iii] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsections (2)[a] or [b] above, the deed of restriction shall permit the land to be managed only in accordance with b(1) above and shall not provide for continuation of any agricultural use on the parcel;

[iv] The deed of restriction to be recorded pursuant to Subsections (2)[a] or [b] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent (3%), whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Gloucester County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and

[v] For parcels which meet the standards of Subsections (2)[a] or [b] above, a provision shall be recorded in the deed for each residential lot within the cluster development area which acknowledges agricultural use of the protected land outside the cluster development area and recognizes the legal protections afforded to that use through the deed of restriction and any applicable statutes.

VI. Article XXVII, PR-R Pinelands Rural Residential Districts, §253-156 (Permitted principal uses), is hereby amended by replacing §253-156A with the following:

A. Single-family detached dwellings, provided that clustering of the permitted units

shall be required in accordance with §253-98 whenever two or more units are proposed as part of a residential development.

VII. Article XXVII, PR-R Pinelands Rural Residential Districts, §253-156.2 (Conditional uses), is hereby amended by adding the following as §253-156.2G:

G. Non-clustered residential development in accordance with §253-190.8.2.

VIII. Article XXVIII, PR-R Pinelands Rural Residential Districts, §253-157, is hereby amended by replacing Section 253-157A(1) with the following:

- (1) Minimum residential lot area: 3.4 acres for existing lots of record. Developments of two (2) or more units in the RR Rural Residential District must be clustered on one (1) acre lots in accordance with §253-98.

IX. Article XXVII, PA-P Pinelands Agricultural Production Districts, §253-160, Pinelands Development Credits, is hereby amended by replacing Section 253-160I(1) with the following:

- (1) In the PA-P District: Agriculture; forestry; agricultural employee housing as an accessory use; low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed five (5) percent of the parcel, and no more than one (1) percent of the parcel will be covered with impervious surfaces; agricultural commercial establishments, excluding supermarkets and restaurants and convenience stores, where the principal goods or products available for sale were produced in the Pinelands and the sales area does not exceed 5,000 square feet; and agricultural products processing facilities.

X. Article XXXV, Conditional Use Standards, is hereby amended through the addition of the following as Section 253-190.8.2:

253-190.8.2 Non-Clustered Residential Development in the PR-R District

Single-family detached dwellings which are not clustered in accordance with the standards of §253-98 may be conditionally permitted in the PR-R District, provided that:

- A. The Planning Board finds that:
 - (1) Clustering of the proposed dwellings would be inconsistent with the minimum environmental standards set forth at N.J.A.C. 7:50-6; or
 - (2) Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.
- B. Minimum lot size requirement: 3.4 acres.
- C. Minimum bulk standards: in accordance with §253-157B through D.

ATTEST:

TOWNSHIP OF FRANKLIN

BARBARA FREIJOMIL DEP. CLERK

JOSEPH C. PETSCH, MAYOR

CERTIFICATION

I, Barbara Freijomil, Deputy Clerk of the Township of Franklin, in the County of Gloucester, do hereby certify that the foregoing is a true and correct copy of an Ordinance introduced by the Township Committee of the Township of Franklin at a meeting held on Tuesday, March 13, 2012, and reintroduced at a meeting held on June 12, 2012, and will be considered for Public Hearing and final adoption on June 26, 2012, at which time any person interested therein will be given an opportunity to be heard.

BARBARA FREIJOMIL DEP. CLERK