

**ORDINANCE  
TOWNSHIP OF FRANKLIN  
O-5-09**

**AMENDING §253-107 OF THE FRANKLIN TOWNSHIP CODE**

**WHEREAS**, the Township Committee of the Township of Franklin, County of Gloucester and State of New Jersey support the goals and objectives of the Franklin Township Master Plan which include, but are not limited to, preserving open space, encouraging residential clustering, providing adequate light, air and open space for all the residents of Franklin Township and preserving and protecting ground water and other scarce resources within the Township; and

**WHEREAS**, the Township of Franklin previously adopted §253-107 of the Franklin Township Code which is intended to establish dimensional and density standards for subdivisions in the RA Residential Agricultural District; and

**WHEREAS**, certain litigation was filed entitled Builders League of South Jersey v. Franklin Township, which challenged, inter alia, a variety of elements of the Franklin Township Master Plan and Zoning Ordinances; and

**WHEREAS**, after significant litigation, the Township of Franklin and the Builders League of South Jersey have agreed that §253-107 could be amended in such a way as would encourage the preservation of open space, encourage residential clustering and eliminate waste and inefficiency and the present procedures outlined by the Zoning Ordinances for the preparation of a major subdivision plan in the Township of Franklin; and

**WHEREAS**, the Township Committee believes that it is appropriate to amend §253-107 to provide a formulaic analysis of density for lands to be developed within the Township of Franklin, consistent with the recommendations of the Township Planner and Township Solicitor.

**NOW THEREFORE, BE IT ORDAINED**, by the Township of Franklin, Committee of the Township of Franklin, County of Gloucester, State of New Jersey that §253-107 be and is hereby rescinded, repealed and replaced with the following:

§253-107 - Dimensional Standards and Density Determination.

A.

The maximum number of permitted dwelling units on a given tract shall be based upon a density factor of 0.4 residential units per acre applied to the gross tract acreage net of wetlands but including their buffers as defined by the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq. and applicable regulations of the New Jersey Department of Environmental Protection.

- (1) A Site Analysis Plan shall be prepared for the land to be developed using the following resource reference materials: Soils Maps, Wetlands Maps, Tax Maps, Aerial Photos, existing surveys and the results of any Phase I Environmental Assessments in existence for the property at the time of the preparation of the Site Analysis Plan. No field surveys, soil borings or other on-site inspection shall be required of the Applicant.
- (2) If a licensed Professional Engineer of the State of New Jersey certifies that less than 20% of the site is classified as wetlands in accordance with the applicable rules and regulations of the State of New Jersey then the maximum number of residential units shall be determined as set forth below.
  - (a) A Yield Plan in accordance with this section shall determine the density of the land to be preserved as Open Space by the following formula. Gross Acreage less wetlands but including their buffers multiplied by a density factor of 0.4 minus 15% (to account for street improvements and drainage facilities and other infrastructure) and then rounded up. Example: For a 100 acre tract with 5%

wetlands the density calculation shall be as follows: 95 acres X 0.4 = 38— 15% (15% of 38 = 5.7) = 32.3 rounded up = 33. Thus the density for this hypothetical tract is 33 residential units which may be utilized as part of the development of a Type 2 Subdivision.

(b) In the event that active farmland is proposed to be utilized to satisfy the open space requirements of this Ordinance then the developer shall be entitled to one additional residential unit which shall be permitted to be built upon the farmland area (in the nature of a farmer's residence) in order to encourage the preservation and promotion of agriculture.

**BE IT FURTHER ORDAINED**, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

**BE IT FURTHER ORDAINED**, that this ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law including submission to the Gloucester County Planning Board as may be necessary.

ATTEST:

TOWNSHIP OF FRANKLIN

\_\_\_\_\_  
CAROLYN K. TOY, CLERK

BY: \_\_\_\_\_  
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, April 14, 2009 with a subsequent second public reading held on May 12, 2009, and at that time was continued until May 26, 2009, at which time any person interested therein was given an opportunity to be heard.

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CAROLYN K. TOY, CLERK