

**ORDINANCE
TOWNSHIP OF FRANKLIN
AMENDING THE LAND USE ORDINANCE IN CONNECTION WITH THE
MALAGA VILLAGE DISTRICT WITHIN THE TOWNSHIP OF FRANKLIN**

O-4-07

WHEREAS, it is the desire of the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, to amend the Township of Franklin Land Use Ordinance in connection with the Malaga Village District; and

WHEREAS, the Franklin Township Planning Board has reviewed the proposed amendments and recommends the following amendments be adopted by the Township Committee; and

WHEREAS, after due deliberation and consultation with the Planning Board and Solicitor, the Township Committee has determined that the following revisions and amendments to the Franklin Township Land Use Ordinance are necessary and appropriate.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey that existing Article XX shall be repealed and replaced with Article XX as written below which shall be adopted by the Township of Franklin and shall be incorporated into the Franklin Township Land Development Ordinance for the Township of Franklin, County of Gloucester:

MV Malaga Village District [Added 12-28-1999 by Ord. No. O-12-99]

§ 253-132. Purpose.

The purpose of this district is to encourage appropriate development in the traditional core village area in the Malaga section of the township, which is concentrated around the Delsea Drive/Harding Highway/West Boulevard intersection and extending to Grubb Road. This is an area subject to high volumes of pass-through traffic, yet includes concentrations of higher density residential development. Commercial and office uses are encouraged to minimize the visual and functional conflicts between residential and nonresidential uses within and adjacent to the district; encourage shared parking and shared driveways; and encourage pedestrian activity and uses that minimize noise and congestion. The Malaga area once contained the largest collection of significant historic structures in the Township, many of which have been demolished. This area is the most cohesive of all of the village communities in the Township

§ 253-133. Permitted uses.

Permitted uses shall be as follows: All commercial uses require frontage on Delsea Drive or Harding Highway.

A. Principal uses.

- (1) Business offices.
- (2) Professional offices.
- (3) Personal service establishments.
- (4) Retail stores and shops.
- (5) Banks, savings and loans, credit unions and similar institutions.
- (6) Convenience retail including convenience retail with fueling stations.
- (7) Studios for artists, craftsmen, photography, dance or music.

- (8) Restaurants and cafes, including restaurants with drive-through windows.
- (9) Bars, taverns and inns.
- (10) Clubs, lodges or fraternal organizations.
- (11) Places of worship.
- (12) Mass transit stations and depots.
- (13) Existing retail stores and shops.
- (14) Child-care centers.
- (15) Government buildings.
- (16) Public utilities and public utility substations.
- (17) Bed and breakfast establishments.
- (18) Single family detached housing.
- (19) Assisted living centers, convalescent centers and nursing homes served by public sewer or onsite wastewater treatment system.
- (20) Age restricted single family-detached, semi-detached and apartment housing (apartment housing to be served by public sewer or onsite wastewater treatment system).
- (21) Duplex conversions in single –family houses with gross floor area in excess of 3000 sq. ft., with the following restriction: minimum lot size requirement (2 acres).

B. Accessory uses.

- (1) Accessory buildings or structures supportive of the permitted principal use, such as garage, storage shed, trash enclosure, etc.
- (2) Parking.
- (3) Signs.

C. Conditional uses.

- (1) Automotive fueling stations including automotive service stations with convenience retail, as part of a planned development, except truck stops which are prohibited.

§ 253-134. Area and bulk requirements.

Area and bulk requirements shall be as follows:

A. Maximum building height.

- (1) Principal building: 2.5 stories or 35 feet.
- (2) Accessory building/structure: 1.5 stories or 15 feet.

B. Minimum lot area: one (1) acre.

C. Minimum lot frontage: 150 feet for commercial uses; 125 feet for single family residential.

D. Maximum impermeable surface: 50%, except that coverage may be increased to 65%, provided that the applicant demonstrates to the satisfaction of the approving authority that there will be no net increase over pre-construction conditions in the volume and rate of stormwater runoff.

E. Minimum yard setbacks.

(1) Principal structure.

(a) Front: 25 feet.

(b) Side: 15 feet minimum.

(c) Rear: 25 feet.

(2) Accessory structures.

(a) Front: not permitted.

(b) Side: five feet.

(c) Rear: 10 feet.

(3) Minimum parking setbacks.

(a) Front: 25 feet.

(b) Side: five feet minimum, 10 feet when adjacent to a residential district or use, unless the parking area is part of a shared parking scheme pursuant to § 253-92J.

(c) Rear: five feet minimum, 10 feet when adjacent to a residential district or use, unless the parking area is part of a shared parking scheme pursuant to § 253-92J.

F. Landscaping.

(1) Minimum landscaped area: 25%.

(a) Commercial development shall comply with standards included in Section 253-50A(22).

(2) Buffers:

(a) Commercial development adjacent to a residential use shall provide a buffer area as required by § 253-102 of this chapter.

G. General Design Standards for buildings and site improvements.

All commercial uses occupying existing structures in the Malaga Village District shall retain any significant existing architectural facade characteristics, such as but not limited to porches, railings, window size and pattern, etc., of the building to the maximum extent practicable and architecturally relate to the characteristics of the surrounding area. New commercial structures shall be designed to complement the architectural characteristics of existing structures considered common to the area, and particularly any structures designated as historically significant that are present in the district. Site improvements such as, but not limited to, sidewalks, fences, etc., shall be consistent with the characteristics of the surrounding area.

H. Design Standards: All new developments shall be designed with a common architectural theme and shall adhere to the following design standards, landscaping standards, and signage controls as per Section 253-50 and Section 253-178.

- (1) **Facades:** No uninterrupted facades in excess of 100 feet shall be permitted. Facades greater than 100 feet must incorporate recesses and projections along at least 20% of the façade length.
- (2) **Entrances:** Each principle building shall have a clearly defined, highly visible customer entrance.
- (3) **Rooflines:** Rooflines must use parapet walls to conceal rooftop equipment and utilize eaves or different roof slopes to minimize the appearance of a continuous roof plane.
- (4) **Materials and colors:** Exterior building material shall be of attractive and durable materials such as textured concrete, masonry, stone, brick, stucco, glass or finished wood. Unfinished concrete block and prefabricated metal panels shall be prohibited. Façade colors shall be of low reflectance and use neutral or earth tones. Building trim may utilize brighter shades for enhancement of the structures.
- (5) **Dominant exterior building materials may not include:**
 - (a) Aluminum siding.
 - (b) Smooth faced CMU.
 - (c) Tilt-up concrete panels.
 - (d) Glass, highly reflective, mirrored.
- (6) The applicant shall be required to present architectural plans to the Architectural and Landscape Advisory Board prior to submission to the Board.

I. A traffic study is to be submitted in conjunction with any commercial development proposal, adequately demonstrating the amount of traffic to be generated and capacity of the existing roadway network to absorb expected traffic volume. Such study must clearly demonstrate a finding of no significant impact, or provide measures to be taken to alleviate expected traffic impact, which measures must be acceptable to the reviewing board.

J. Environmental Requirements.

- (1) The applicant shall submit a completed New Jersey Department of Environmental Protection Permit Identification Form as part of the application. Proof of submittal to the NJDEP shall also be provided.
- (2) The applicant will provide a complete listing of all notices of environmental violations issued by the NJ DEP, EPA, OSHA, county and municipal entities for the subject property and for the applicant, for a period of ten (10) years immediately preceding the filing of the development application.
- (3) The applicant shall provide a list of all NJ DEP required permits related to land use management; air quality permits; water supply permits; water quality; and all other required permits.
- (4) The applicant shall provide a copy of all required permits as a condition of signing the final site plan.

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.

ATTEST:

TOWNSHIP OF FRANKLIN

CAROL COULBOURN, CLERK _____, MAYOR

CERTIFICATION

I, CAROL COULBOURN, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Township of Franklin held on Tuesday, January 9, and thereafter duly advertised in the legal newspaper of the Township at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on February 27, 2007, at which time any person interested therein will be given an opportunity to be heard.

CAROL COULBOURN, CLERK