

BOROUGH OF FRANKLIN

AN ORDINANCE AMENDING CHAPTER 161 OF THE FRANKLIN BOROUGH CODE, THE BOROUGH'S LAND DEVELOPMENT ORDINANCE

ORDINANCE #9-2010

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin that the Land Development Ordinance of the Borough of Franklin is modified by the following additions.

Section (1) Amendments establishing the NC Zone District

- * **Amend Chapter 161, Section 161-27A – Zoning Districts**, by adding NC - Neighborhood Commercial Zone to the list of zoning districts
- * **Amend Chapter 161, Section 161-27B – Zoning Map**, by adding the NC Zone designation to the Borough Zoning Map in general accordance with the Munsonhurst District Master Plan Amendment Land Use Plan map. The specific properties to be included in this zoning district are:

Block 66 - Lots 1, 2, 3, 4, 17.02, 17.03 and 17.04

Block 74 - Lot 23

- * **Amend Chapter 161 Attachment 2 (Schedule A)** to include:

A new column, entitled NC, as part of Schedule A. This new column designates those Permitted Principal Uses (P), Accessory Uses (A) and Conditional Uses (C) allowed in the NC Zone. Schedule A, in addition to designating which uses are Permitted Principal Uses, Accessory Uses or Conditional Uses in the NC Zone, also indicates specific provisions for certain uses where appropriate. The allowed uses in the NC zone are as follows:

Uses	NC Zone
*Apartments	C (Upper Floors Only)
*Mixed Use Buildings	P
*Retail Sales and Trade	P
*Financial Institutions	P
Uses	NC Zone

- | | |
|--|---|
| *Offices | P |
| *Restaurants | P |
| * Art, Music, Dance
And Photographic
Studios and Galleries | P |
| * Medical and Dental
Clinics and Health
Services..... | P |
| * Retail and Personal
Service Shops | P |
| * Houses of Worship | C |
| * Drive Through
Facilities | C |
| * Health clubs | P |
| * Animal Hospitals | P |
| * All accessory uses allowed In the HC Zone shall be allowed
in the NC Zone | |

Note: Any use listed in Schedule A that is not included on the above referenced list is specifically prohibited in the NC Zone.

Note: A single use project may include an affordable housing component in addition to any commercial use, if the Planning Board determines that the affordable housing obligation should be addressed on site

*** Amend Chapter 161 Attachment 3 (Schedule B) to include:**

A new line item, entitled NC, as part of Schedule B. This new line item specifies the various dimensional requirements of the NC Zone as follows:

- * Min. Lot Area: Single Use - 2 acres / Mixed Use – 5 acres
- * Min. Lot Width: Single Use – 175’ / Mixed Use – 250’
- * Min. Lot Depth: 250’
- * Min. Front Yard Setback: 75’
- * Min. side Yard Setback: 25’
- * Min. Rear Yard Setback: 100’

- * Max. Building Height: 30' / 2.5 stories
- * Max. Building Coverage 30 %

*** Amend Section 161-33 by adding a new subsection L . Section 161-33 L includes the following provisions:**

- a) **Purpose:** The NC Zone is intended to be a mixed use, limited retail / service commercial zoning district that will provide goods and services to the residents of the Munsonhurst District plus the traveling public. It is not intended to compete with the broad range of commercial services available in the HC districts adjacent to the Route 23 corridor.
- b) **Connectivity:** Given the traffic congestion issues and traffic safety concerns related to the Route 517 corridor, it is essential that as properties in the NC Zone are developed, redeveloped and / or reoccupied that vehicular and pedestrian connections be established between properties so that the use of Route 517 is minimized. If such a connection cannot be accomplished immediately, it is essential that provisions be made to allow for a future connection.
- c) **Village Design:** It is the intent to create a village center type environment in the Munsonhurst District area. Consequently, any development in the NC Zone should adhere, to the greatest extent possible, to the principles of New Urbanism. Furthermore, the architectural design of any structure should be traditional in appearance, utilizing pitched roofs, brick and / or clapboard siding and other features to create as much visual interest as possible. Since the development within the NC Zone is intended to partially service the residents of the Munsonhurst district, particularly those in the MAAH Zone, any site design should incorporate the visual, pedestrian and vehicular connections that will integrate the commercial uses with any nearby residential development. Sidewalks, in particular, should be an integral part of any site design.
- d) **Mixed Use Buildings:** It is the intent of the NC Zone to encourage mixed use buildings where appropriate in order to adhere to the principles of Smart Growth and to facilitate live / work arrangements where possible and reduce the amount of vehicular activity.
- e) **Residential Uses:** The NC Zone is intended to primarily be a commercial district. However, residential units are allowed as a conditional use. The Planning Board shall determine when residential units are appropriate in connection with a commercial project, taking into consideration the environmental factors of the site, the site and building design and the compatibility of the proposed commercial uses

with a residential component. At a minimum, any affordable housing obligation generated by the commercial proposal should be accommodated on site but the Planning Board may choose to allow that obligation to be satisfied off site in accordance with a developer's agreement and in conformity with any affordable housing requirements and the Housing Plan of the Borough. The Planning Board may also allow market rate units to be included as part of the project, in addition to any affordable housing, provided the RSIS parking requirements are met, the units are located on the upper floors and the overall site density, exclusive of the affordable units does not exceed 4 units per acre. Furthermore, no market rate unit shall have more than two bedrooms. The Planning Board may also permit, where appropriate, live / work arrangements that permit business owners to also reside on the premises. Residential units and commercial uses shall not share the upper floor of any building. However, if more than one building is located on a site, the aforementioned restriction only applies to each building individually, not to all of the buildings collectively. Consequently, as an example, in a three building complex, one building may have all residential units on the upper floor, while the other two may have the upper floors used exclusively for commercial purposes. Finally, all of the aforementioned requirements shall be considered conditions associated with the conditional use status of any residential use in the NC Zone and are hereby also made part of Section 161-34 - Conditional Uses.

- f) **Structure Size:** No commercial portion of a structure in the NC Zone shall exceed 20,000 sq ft, as measured at the outside of the building.
- g) **Other Requirements:** All other requirements of Chapter 161, that do not conflict with the provisions herein, shall apply to development applications in the NC Zone

Section (2) Amendments related to “Automotive Repair Services” and Other Automotive Related Uses

* Schedule A is hereby amended as follows:

The Uses column of Schedule A shall be revised by separating Automobile sales, automobile service stations and automotive repair services, so that each use is located on a separate line and they are no longer grouped together on one line

Automotive repair services shall be allowed as a Permitted Principal Use in the I – Industrial Zone and as a Conditional Use in the HC Zone

Automobile service stations shall be allowed as a Conditional Use in the HC Zone

Automobile sales shall be allowed as a Permitted Principal Use in the HC Zone

- * The existing definition of Automotive Repair Services is deleted and is replaced by the following definition:

Automotive Repair Services – Establishments engaged in the repair of vehicles, including the repair of mechanical systems and / or the repair of exterior and interior body damage, as limited by the restrictions of the zone in which the establishment is located

- * Section 161-33 is hereby amended by adding subsection L – Automotive Repair Services

L. Automotive Repair Services in the I Zone

- (1) No repair activities shall be conducted outside of a building interior.
- (2) Only vehicles awaiting repair or pickup may be left outside the building. No vehicle shall be left outside for more than 30 days from the date when it first arrived at the property
- (3) Both mechanical and auto body repairs are permitted provided all applicable health and safety codes are followed
- (4) All vehicle storage areas within 100' of a residential zone or property shall be screened from view in a manner acceptable to the Planning Board
- (5) Repairs may be performed on both passenger cars and all other registered vehicles
- (6) Vehicle and equipment rentals are only permitted as an accessory use to the primary automotive repair service

- * Section 161-34 B is hereby amended by deleting existing B (1) but not subsections (a) through (j) and replacing B (1) as follows:

No building, structure or premises in the HC Zone shall be used as an automobile service station or automotive repair service unless it is in conformance with the following conditions:

- * Section 161-34 B (1) is hereby amended by adding subsections (k), (l), (m) and (n)
 - (k) No auto body repair work shall be permitted within the HC Zone

- (l) No repair work on vehicles in excess of a GVW of 15,000 lbs shall be permitted within the HC Zone
- (m) Auto sales are permitted as an accessory use in connection with an automobile service station provided the number of vehicles offered for sale at any one time is no more than five and the number of parking spaces is sufficient to meet the demands of the other uses on the site
- (n) Any automotive repair operation that exists separate and apart from an automobile service station in the HC Zone shall adhere to the provisions of 161-34 B (1) that apply to automotive repairs and auto sales

Section (3) Amendments related to “DriveThrough Uses”

* Section 161-34 B-6 is hereby amended as follows:

Paragraph (a) shall be deleted and replaced as follows:

- (a) A minimum lot area of one acre shall be required

Paragraph (b) shall be deleted and replaced as follows:

- (b) The minimum floor of the building to which the drive through is attached shall be at least 1,000 sq ft

Paragraphs (c), (d), (g) and (h) shall be deleted and replaced with a new paragraph (c) as follows:

(c) The traffic and pedestrian circulation on the site shall be designed to allow for the safe and convenient movement of vehicles based on best engineering practices. Aisle widths, curb radii, placement of driveway openings, fire lanes and sidewalks shall meet the standard requirements of this ordinance or alternative standards specifically related to drive through facilities. Connectivity related to vehicular and pedestrian circulation shall be achieved both on the site and as the site relates to adjoining properties to the satisfaction of the Board Engineer and the reviewing Board. Sidewalks, specifically, shall be incorporated into the site design in order to achieve the desired connectivity.

Paragraph (e) shall be renumbered as Paragraph (d) and shall read as follows:

- (d) Off street parking and loading shall conform to the requirements of this chapter

Paragraphs (f), (i) and (j) shall be deleted and replaced with a new paragraph (e) as follows:

(e) In order to minimize the impact on adjoining residential zones and structures, fencing and screening shall be provided in accordance with this chapter, the maximum volume of any exterior speakers shall meet decibel levels that will make the sound associated with them inaudible at the property line.

Section (4) Amendments related to “Outdoor Storage”

Chapter 161-32. Accessory Uses and Structures, Section D, (2) Outdoor Storage shall be amended as follows:

Paragraph (b) shall be deleted and replaced with the following:

(b) “The outdoor storage of any items, materials and equipment, other than those customarily placed in courtyards and yards, incidental to authorized residential use and occupancy, is prohibited in all residential zones (**R-1 ~ R-4**), and the **ZM, MAAH, HMF, MF, MHP, B1** and **B2** zones. In all other zones, outdoor storage shall be permitted as an accessory use only and shall be directly related to the principal use(s) on the property.

Paragraph (d) shall be deleted and replaced with the following:

(d) “ All outdoor storage facilities shall be enclosed by a fence, wall or landscaping adequate to conceal such facilities and the contents thereof from adjacent property and the street and shall meet all required accessory building setbacks for the zone in which located. In no case shall stored material exceed a height of 10 feet. This provision shall not apply to the limited and normal display of goods offered for sale, in clear view of the public, by a retail or service commercial business nor does it apply to outdoor storage of new cars or other vehicles on the premises of a dealer. Furthermore, this provision does not apply to the display or sale of seasonal farm produce or specifically permitted outdoor uses, outdoor parking of farm machinery or vehicles in use on a farm or normal residential storage such as fire wood. In all cases, this provision shall not permit unsightly displays and/or storage that interfere with the movement of vehicles & people or, in the judgment of the Zoning Officer, affect the health, safety and welfare of the community.”

A new paragraph (g) shall be added as follows:

(g) “ No outdoor storage shall occur in regulated lands, paved parking lots, driveways, fire lanes, roads or be placed in such a manner as to impede circulation in and around the property.”

A new paragraph (h) shall be added as follows:

(h) “Any new site plan application submitted to the Planning or Zoning Board, after passage of this ordinance, must delineate proposed outdoor storage. Outdoor storage added without Board approval shall be considered a violation of the new site plan approval.”

Schedule A Permitted, Conditional and Accessory Uses & Structures shall be amended to include a new category under “Uses” which shall be designated “Outdoor Storage”. Outdoor storage shall be identified as a permitted accessory use in the **HC, I, GC, Q** and **NC** zones. The category: “Outdoor Storage” shall be added to the end of the schedule as follows:

Outdoor Storage	R-1	R-2	R-3	R-4	MF	ZM	B-1	B-2	HC	I	MHP	GC	Q	HMF	NC
									A	A		A	A		A

Section (5) Amendments related to private and public schools

* Schedule A is hereby amended as follows:

Private and public schools shall be listed as a Conditional Use in the OS/GU Zone

Private and public schools shall no longer be allowed as a Conditional Use in the following zones – R-2, R-3, R-4, B-1, B-2, HC and I but shall continue to be allowed as a Conditional Use in the R-1 Zone

* Section 161-34 is hereby amended by adding subsection 161-34 (7) as follows:

Private and public schools

(a) All existing schools as of the date of this ordinance amendment shall have the status of an allowed Conditional Use and may be expanded provided they meet items (f) and (g) below. All new schools shall meet all of the following conditions below

(b) The maximum tract size shall be 10 acres and may include more than one lot, provided the lots are contiguous.

(c) The minimum front yard setback shall be 75’

(d) The maximum building coverage shall be 25%

(e) All other minimum and maximum dimensional requirements of the R-1 Zone shall be met as per Schedule B

(f) Parking shall meet the standards established in 161-35

(g) The site shall have direct access to an arterial or collector road

Section (6) Properties that are to be the subject of Zoning Map changes – as per the recommendations on pages 23 and 24 of the 2009 Master Plan Reexamination Report - are listed as follows:

Block and Lot	Proposed Zoning Map Change
A. Block 45 Lot 15	Include entire lot in R-3 Zone
B. Block 70 Lot 7.01	Include all of lot 7.01 in the Golf Course Zone
C. Block 3 Lot 14.03	Include lot 14.03 in HC Zone
D. Block 54 Lot 1	Include entire lot in HC Zone
E. Block 66 Lots 1, 2, 3, 4, 17.02, 17.03 and 17.04 and Block 74 Lot 23	Include all of the lots in the NC Zone
F. Block 45 Lot 8	Include entire lot in OS/GU Zone
G. Block 25 Lot 1	Include entire lot in HC Zone
H. Block 52 Lots 32 and 33	Include both lots in HC Zone
I. Block 45 Lot 1.02	Include entire lot in OS/GU Zone
J. Block 51 Lot 2 and Block 52 Lot 43	Include both lots in OS/GU Zone

In addition to the aforementioned list, a new Zoning Map, which reflects these changes, shall be prepared and made a part of the Land Use Ordinance. The date of the new Zoning Map shall be the date of final adoption of this ordinance.

Section (7) Severability – If any provision or the application of this Ordinance to any person or circumstances is held invalid, the remainder of the Ordinance shall not be affected and shall remain in full force and effect.

Section (8) Effective Date - This Ordinance shall take effect after publication and passage according to law

Paul Crowley, Mayor

ATTEST

Patricia A. Leasure, Borough Clerk

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Franklin on July 13, 2010, 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 August 10, 2010, at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.

Patricia A. Leasure, Clerk