

BOROUGH OF FRANKLIN
AN ORDINANCE AMENDING
CHAPTER 161 “LAND DEVELOPMENT”
and
CHAPTER 218 “SIGNS”

ORDINANCE 14-2016

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin as follows:

Section 1. Statement of Purpose. It is the purpose of this ordinance amendment to implement a provision of the 2016 Master Plan Re-Examination Report pertaining to the Route 23 Corridor and the HC Zone. That report provides an in depth analysis of the Route 23 Corridor and the development potential issues and impacts associated with that part of the Borough.

In order to address some of those matters, the recommendation has been made by the Planning Board to divide the HC Zone into two separate zones and establish standards for each new zone. Those standards are intended to be more reflective of existing conditions and the realities of the 21st century marketplace.

A key provision of the HC Zone was a five acre minimum lot size requirement, which was intended to achieve the consolidation of undersized lots and encourage large scale commercial projects. For a variety of reasons, the anticipated consolidations have not occurred. Consequently, the Master Plan ReExamination Report has recommended a different approach with respect to the future of the Route 23 Corridor.

This amendment is aimed at strengthening both the ratable base of the community and encouraging the creation of more jobs. At the same time, however, this amendment is also aimed at establishing a coordinated land use pattern, protecting adjoining residential areas and encouraging mixed use development, where appropriate. The new standards in this amendment pertain to the HC-2 Zone only. It is the intent to establish separate standards for the HC-1 Zone at a later date.

As recommended in the 2016 Master Plan Re-Examination Report, this amendment also changes the zoning classification of two lots in the HC Zone, which are currently used for single family residential purposes, to “R-4 Single Family Residential (6,250 square feet)”.

Section 2. Section 161-3 of the Code of the Borough of Franklin is hereby amended to add the following definition:

LOT COVERAGE - All buildings and impervious materials / structures located on a lot. The allowed percentage of coverage is determined by dividing the area occupied by all such site features by the total lot area.

Section 3. The Zoning Map, dated September 14, 2010, is hereby amended to re-categorize the lots formerly within the HC Zone as shown on the attached Schedules. Schedule I sets forth the lots in the HC-1 Zone. Schedule II sets forth the lots in the HC-2 Zone. The two lots identified on Schedule III shall be re-designated as “R-4 Single Family Residential (6,250 square feet)”.

Section 4. All provisions of the Code of the Borough of Franklin previously applicable to the HC Zone, including without limitation Schedules A and B to Chapter 161 of the Code of the Borough of Franklin, shall remain applicable to the HC-1 Zone.

Section 5. Subsection A, “Establishment of Zones”, of Section 161-27, “Zoning Districts”, of the Code of the Borough of Franklin, is hereby amended by deleting the reference to “HC – Highway Commercial” and by adding new zones “HC-1 - Highway Commercial-1” and “HC-2 - Highway Commercial-2”.

Section 6. Subsection B, “Zoning Map”, of Section 161-27 of the Code of the Borough of Franklin is hereby amended to reflect the effective date of the changes in the Zoning Map approved herein.

Section 7. Section 161-33, “Certain Permitted Uses”, of the Code of the Borough of Franklin is hereby amended by adding the following new subsection “O”, entitled “HC-2 Zone”:

“O. HC-2 Zone.

- (1) Purpose. The HC-2 Zone is generally comprised of small lots, many of which are already developed. It is intended that the properties in this zone be developed and redeveloped with uses that are appropriate in terms of scale and level of intensity, and which are similar but not identical to what is allowed and required in the NC Zone. Whenever possible, it is also the intent of the Borough to encourage lot consolidation, in the HC-2 Zone, so that economies of scale can be achieved and issues related to connectivity, access to Route 23 and site development coordination are more easily attained.

The HC-2 Zone properties are generally of limited size and are therefore not appropriate for some uses that had been allowed as permitted or conditional uses in the former HC Zone. Furthermore, certain limited, low intensity uses can be accommodated on smaller lots than the minimum requirement for other uses in the HC-2 Zone. Consequently, the HC-2 Zone establishes a dual set of dimensional standards based on the type of permitted uses identified in this subsection

- (2) Permitted, Accessory, Conditional and Prohibited Uses.

- (a) Permitted Uses – Categories A and B.

Category A: 1) retail, wholesale and personal service commercial uses; 2) offices; 3) non-drive thru restaurants; 4) art and music studios and similar facilities; 5) auto sales and auto repair operations; 6)

expanded home occupation facilities as defined in Section 161-32(D)(1)(k) of the Code of the Borough of Franklin.

Category B: Provided the total building floor area does not exceed 3,500 sq. ft., the following Category B uses are permitted in the HC-2 Zone: 1) retail, wholesale and personal service uses; 2) offices; 3) expanded home occupation facilities, as defined in Section 161-32(D)(1)(k) of the Code of the Borough of Franklin; 4) 1 to 3 family residential structures not forming part of a mixed use building.

For purposes of the permitted uses in the HC-2 Zone, a “wholesale” use means a business that engages primarily in “business to business” trade. For purposes of the HC-2 Zone, a wholesale business is permitted to include a retail component. Large scale wholesale operations with a high volume of truck traffic are not included in this definition and are not permitted in the HC-2 Zone.

- (b) Accessory Uses: 1) off street parking; 2) solid waste storage facilities; and 3) signs.
- (c) Conditional Uses: Residential uses in mixed use buildings, subject to the conditions on residential uses in mixed use buildings in the NC Zone, as set forth in subsection M of Section 161-33.
- (d) Prohibited Uses: All uses not specifically allowed in this subsection are prohibited. Without limiting the generality of the foregoing, all businesses with drive-thru facilities are specifically prohibited, as are houses of worship, medical facilities, and animal hospitals.

(3) Dimensional Standards. The following dimensional requirements apply to the HC-2 Zone.

	<u>Category A</u>	<u>Category B</u>
Min. lot area	30,000 sq. ft.	20,000 sq. ft.
Min. lot width	125 ft.	100 ft.
Min. lot depth	150 ft.	125 ft.
Min. front yard	40 ft.	25 ft.
Min. side yard	20 ft.	15 ft.
Min. rear yard	30 ft.	20 ft.
Max. bldg height / stories	35 ft. / 3 stories	35 ft. / 3 stories
Max. bldg. coverage	25%	30%
Max. lot coverage	60%	70%

(4) Parking Requirements. The parking requirements set forth in Section 161-35 of the Code of the Borough of Franklin shall apply to all uses within the HC-2 Zone.

(5) Buffering Requirements. All lots occupied by commercial uses shall be buffered against adjacent residential uses by means of a minimum 10 ft. wide buffer area,

which shall be landscaped with evergreen trees or shrubs having a minimum height of 6 ft.

(6) Signs. All signs shall adhere to the requirements of subsection S of Section 161-24 and all other sign standards contained within the Code of the Borough of Franklin.

(7) Bonus Provisions – Any lots existing at the time of the creation of the HC-2 Zone shall be considered “lots of record” for the purpose of this subsection. Any application for development that includes 2 or more lots of record that are to be consolidated shall qualify for the following bonuses:

(a) One additional residential unit may be included in the structure, including (i) “Category B” 1 to 3 family residential structures, and (ii) mixed use structures with a residential component permitted as a conditional use.

(b) The following coverage limitations shall apply:

	Category A	Category B
Max. bldg. coverage	30%	36%
Max. lot coverage	72%	84%

Section 8. Subparagraph (1), “Home Occupations” of Subsection D, “Requirements for specific accessory structures and uses”, of Section 161-32, “Accessory structures and uses”, of the Code of the Borough of Franklin, is hereby amended by adding the following sub-subparagraph (k) at the end of Subparagraph (1):

“(k) A home occupation in the HC-2 Zone may qualify as an “expanded home occupation facility” if it meets the following conditions: (i) no more than 2 persons who do not reside on the premises are employed by the home occupation; and (ii) no more than 50% of the floor area of the structure is used for commercial purposes. An expanded home occupation facility shall be exempt from the restrictions of sub-subparagraphs (c), “no nonresidential employees, (e), “no retail sales”, and (f), “no client visits” of this Section 161-32(D)(1).” The floor area restriction set forth in this sub-subparagraph (k) shall supersede the floor area restriction in sub-subparagraph (i). All other conditions of this Section 161-32(D)(1) shall apply to expanded home occupation facilities.

Section 9. Subsection S, “Signs”, of Section 161-24, “Specific Design Standards”, of the Code of the Borough of Franklin, is hereby amended by substituting “HC-1” and “HC-2” for “HC” in each instance where “HC” appears.

Section 10. Section 161-34(B)(1) of the Code of the Borough of Franklin, is hereby amended to read as follows: “No building, structure or premises in the HC-1 Zone shall be used as an automobile service station or automotive repair service unless it is in conformance with the following conditions:”.

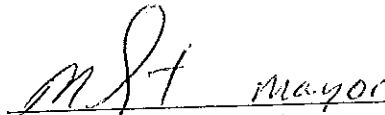
Section 11. Section 161-36(H) of the Code of the Borough of Franklin, is hereby amended to read as follows: "Nonconforming residential lots in HC-1 and HC-2 Zones. Existing one-family residential dwellings shall be permitted in the HC-1 and HC-2 Zones and shall be regulated by the R-3 Zone standards."

Section 12. Chapter 218 of the Code of the Borough of Franklin, is hereby amended by substituting "HC-1" and "HC-2" for "HC" in each instance where "HC" appears.

Section 13. Schedules A and B to Chapter 161 of the Code of the Borough of Franklin shall be amended to reflect the use and dimensional requirements for the HC-2 Zone, as set forth in Section 161-33(O).

Section 14. If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

Section 15. Effective Date: This Ordinance shall take effect after publication and passage according to law.



Nicholas Giordano, Mayor

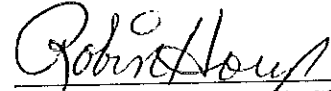
ATTEST:



Robin Hough, 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 June 28, 2016, 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 July 26, 2016, at 7:00 p.m. in the Municipal Building, 46 Main Street, Franklin, New Jersey.



Robin Hough, Borough Clerk

Schedule I - Properties in HC-1 Zone

Block	Lot	Qual	Property Location	Property Class	Owner's Name
102	2.01		577 RT 23	1	EMPIRE TF4 JERSEY HOLDINGS, LLC
102	3		597 RT 23	1	FRANKLIN SHOPPING PLAZA, LLC/DWYER
701	1.01		382 RT 23	4A	COMMERCE BANK/TD BANK TAX DEPT
701	3		392 RT 23	4A	392 FRANKLIN REALTY CORP
701	4		394 RT 23	4A	YANG, HYEJA C & KANG, SIN HUNG
701	5		396-400 RT 23	4A	RAK FAMILY TRUST
701	6		406 RT 23	4A	SANTE BUS, LLC
701	7		414 RT 23	4A	LAIN, LESTER
701	11		386 RT 23	4A	FRANKLIN SQ HEALTH & WELLNESS, LLC
1010	11		263 RT 23	15C	FRANKLIN BOARD OF EDUCATION
1101	1		238 RT 23	4A	N P 1300, LLC C/O RUDDER REALTY
1101	2		230 RT 23	4A	WAL-MART STORES, INC #01-2090
1101	2.01		244 RT 23	4A	LUBA, LLC
1101	2.02		256 RT 23	4A	MRAN FRANKLIN REALTY, LLC
1101	3		250 RT 23	4A	DUNKIN DONUTS C/O BELSANTE, M
1101	4		260 RT 23	1	WAL-MART STORES, INC #01-2090
1101	4.01		260 RT 23	4A	MC DONALDS CORP
1101	5		270 RT 23	4A	FRANKLIN 23 C/O NALITT ASSOC
1101	6		272 RT 23	4A	HESS RETAIL STORES,LLC C/O TAX DEPT
1101	7		300 RT 23	4A	JPMORGAN CHASE C/O IND. CONSULT GRP
1101	8		65 MITCHELL AVE	4A	RICHARD THOMAS REALTY, LLC
1101	10		55 MITCHELL AVE	1	DEAN SAI FRANKLIN, LLC
1101	11		45 MITCHELL AVE	4A	DEAN SAI FRANKLIN, LLC
1101	193		254 RT 23	4A	US SPRINT COMM CO LTD PROPERTY TAX
1401	13		245 RT 23	4A	WALGREENS TAX DEPT/ EDEN FRANKLIN
1601	1		180 RT 23	4A	DURLING REALTY, LLC
1601	4		142-146 RT 23	4A	WEIS MARKETS, INC
1601	5		120 RT 23	4A	FRANKLIN 116 DEVELOPMENT, LLC
1601	11		68 RT 23	4A	PATEL, VINOD C & BHAIRVI
1601	12		70 RT 23	4A	KAJ FRANKLIN, LLC
1601	13		84 RT 23	4A	STUMPER, WILLIAM
1601	14		100 RT 23 REAR	15C	BOROUGH OF FRANKLIN
1601	15		100 RT 23	4A	WURTSBORO ASSOCIATES

Corrected 6-6-16

Schedule II - Properties in HC-2 Zone

Block	Lot	Qual	Property Location	Property Class	Owner's Name
102	4.01		601 RT 23	1	IMPERATORE SUSSEX PT, LP C/O GEORGE
102	6		605 RT 23	15C	BOROUGH OF FRANKLIN
102	7		603 RT 23 SO	2	HARFORD, JOHN, DONALD, & WALTER
102	8		601 RT 23	4A	AJMG GROUP, LLC
102	9		595 RT 23	2	ZIPCO, ELLEN R
102	10		591 RT 23	4A	DNK HOLDINGS, LLC
102	11		585 RT 23	4A	FUCHS, JOHN & RODMAN, PERIANN
103	1		610 HARDYSTONVILLE RD	1	IMPERATORE SUSSEX PARTNERSHIP, LP
104	1		608 HARDYSTONVILLE RD	2	SCOTTI, JOSEPH F
104	3		604-606 HARDYSTONVILLE RD	2	MILLIER, LOUIS R & ANNICK
104	4		602 RT 23	4A	SPILLANE REALTY, LLC
104	5		600 RT 23	4A	HAVENS FAMILY, LLC
104	6		584 RT 23	1	HAVENS FAMILY, LLC
104	7		582 RT 23	1	HAVENS FAMILY, LLC
104	8		580 RT 23	2	HAVENS FAMILY, LLC
104	9		576 RT 23	2	JOHR, PETER
104	10		574 RT 23	1	BALDWIN, ROBERT E
104	11		572 RT 23	2	PASHKIN, STANISLAV A
104	12		566 RT 23	2	MORRIS, DIANE & WILLIAM JR
104	13		564 RT 23	2	ESTRELLA, ERNESTO V & SHAWNEA
104	14		560 RT 23	2	CHRISTENSEN, RICHARD D ET AL
104	15		556 RT 23	2	MANKOVICH, RAYMOND C & LUCILE M
104	16		554 RT 23	2	LOPEZ, JOSHUA O & ARILDA C
104	17		552 RT 23	2	MACELLARO, JOHN & LEAVER, KATHLEEN
104	18		550 RT 23	2	SARABIA, ENRICO & ANITA
104	20		548 RT 23	1	PONDY, BABS A TRUST
104	21		536 RT 23	1	536 ROUTE 23, LLC C/O GIORDANO, M
104	22		542 RT 23	15C	BOROUGH OF FRANKLIN
104	23		534 RT 23	1	GIORDANO, MICHAEL J & CAROLE A
104	25		502 RT 23	2	RISO, MARIA A
104	26		500 RT 23	2	EZZO, ANTHONY M
104	27		498 RT 23	2	REED, VERA
104	28		496 RT 23	2	STEEL, DAVID P & LINDA
104	29		494 RT 23	2	FARBER, WAYNE ET AL C/O JULIA (LR)
104	30		488 RT 23	2	KULSAR, L THOMAS & JO ANN
104	36		460 RT 23	4A	MEENAN OIL CO
302	14		535 RT 23	4A	GAAMA, LLC
302	15		505 RT 23	2	HODAS, WILLIAM J & GAIL D
303	1		22 MASTER ST	4A	BALDI, CAESAR

605	5		390 RUTHERFORD AVE	4A	ROUTE 15 HIGHWAY ASSOCIATES, LLC
606	30		425 RT 23	4A	DFS PARTNERS, LLC
606	31	C01	413 RT 23	4A	AUTOZONE NORTHEAST, INC
606	31	C02	417 RT 23	4A	CM FRANKLIN/STS INC/MAVIS TIRES
606	32		407-409 RT 23	4A	RTL REALTY, LLC
606	33		401-403 RT 23	4A	FERDINAND, JOHN & EILEEN
701	8		418 RT 23		1 UNKNOWN OWNER
701	8	C0001	418 RT 23	4A	RAEVAN PROPERTIES, LLC
701	8	C0002	418 RT 23	4A	AKAM, LLC
701	8	C0003	418 RT 23	4A	AKAM, LLC
701	8	C0004	418 RT 23	4A	RAEVAN PROPERTIES, LLC
701	8	C0005	418 RT 23	4A	RAEVAN PROPERTIES, LLC
702	1		420 RT 23 N		2 SHOEMAKER, HENRY W & AMELIA
702	2		422 RT 23		2 SOWDEN, JOHN M IV & DEBORAH
702	3		428 RT 23	4A	FRANKLIN SILVER DUCAT II, LLC
702	4		430 RT 23	4A	EAST GARDEN PROPERTIES, LLC
702	5		432 RT 23		2 GIORDANO, PAMELA J
702	6		436 RT 23		1 GIORDANO, PAMELA J
702	7		24 MABIE ST		2 24 MABIE STREET, LLC
702	36		3 RAPOLE ST	4A	J-5 ENTERPRISES, INC
1007	1		385 RT 23	4A	REDER REALTY, LLC
1007	2		389 RT 23	4A	DEFELICE, PETER J & MARIA L
1007	3		393 RT 23	4A	SUSSEX BANK
1007	4		395 RT 23	4A	SUSSEX BANK
1007	5.01		399 RT 23	4A	SUSSEX BANK
1404	5		175 RT 23	4A	AND DAMOA, LLC
1404	6		43 TAYLOR RD		2 AND DAMOA, LLC
1404	7		41 TAYLOR RD		2 DAMOA, LLC
1504	18		165 RT 23	4A	HRABARCHUK, EUGENE S & DONNA G
1504	19		157 RT 23		2 MILLEY, MARCHELL
1504	20		151 RT 23		2 DROSSEL, ROGER W & KATCHEN, T
1504	21		147 RT 23		2 DEPALMA, STEVEN T
1504	22		145 RT 23	4A	DEPALMA, STEVEN T
1504	23		137 S RUTHERFORD AVE	4A	NICALEX CONSTRUCTION, LLC
1504	24		135 S RUTHERFORD AVE		2 MORALES, MICHAEL
1504	25		131 S RUTHERFORD AVE		2 ROSS, CHRISTOPHER & SUZANNE
1504	26		129 S RUTHERFORD AVE		2 BORENIUS, THEODORE J & CHRISTINE
1504	27		127 S RUTHERFORD AVE		2 KABBASH, ALBERT
1504	28		125 S RUTHERFORD AVE		2 O CONNELL, KEVIN & MARY L
1504	29		123 S RUTHERFORD AVE		2 BLAGOI, VIATCHESLAV
1504	30		121 S RUTHERFORD AVE		2 RICCIARDI, M & METZLER, G & AMY
1504	31		117 S RUTHERFORD AVE	4B	WILSON RECONDITION & DESIGN CO
1504	32		8 FRANKLIN AVE		2 SANCHEZ, ALDO R & CHRISTINA

1504	33		109 S RUTHERFORD AVE	4A		PETRICH, ROBERT
1504	34		10 FRANKLIN AVE		2	VERRICO, HENRY
1504	35		12 FRANKLIN AVE		2	ZUBL, GAIL A
1504	36		14 FRANKLIN AVE		2	OSBORN, EUGENE W & EMMA ET AL
1505	1		111 RT 23	4A		FRAZIER, DENNIS & KITZIE, DYAN
1505	2		107-109 RT 23	4A		MA FRANKLIN SQUARE, LLC
1505	3		101 RT 23	4A		CARROLL, JOHN F
1506	1		4 FRANKLIN AVE	4A		ROWETT, RICHARD M & CAROLYN A
1601	6		10 RT 23	3A		HARDY, ANN DOUGLAS
1601	8		20 RT 23	15C		STATE OF NEW JERSEY DEP
1601	9		36 RT 23		2	ROWETT, RICHARD & CAROLYN
2401	7		91 ROUTE 23	4A		MOBIL OIL C/O LUKOIL N.A. LLC
2401	8		75 RT 23	4A		GREAVES, GEORGE & SUSAN
2401	9		69 RT 23	4A		BUDDHA ASSOCIATES INV, LLC
2401	10		67 RT 23	4A		YANG, HAE SOON
2401	11		63 RT 23		2	WEISS, FREDERICK H & DIANE L
2401	12		59 RT 23		1	PURANI, BIPIN R & SUMITRA B
2401	13		53-55 RT 23		2	PURANI, BIPIN R ET AL
2401	14		51 RT 23	4A		PLAZA 51, LLC C/O NO, YOON JU
2401	15		49 RT 23		2	BISCHOFF, JOSEPH & JENNIFER
2401	16		47 RT 23		2	ROTHACHER, CRAIG R
2401	17		45 RT 23		2	GONZALES, ROCIO
2401	18		43 RT 23		2	KEENAN, ERMINA
2401	19		41 RT 23		2	YOUNGLING, BRUCE
2401	23		32 MUNSONHURST RD		2	JAMES, CHARLES K
2401	24		40 MUNSONHURST RD		1	JCP&L C/O FE SERVICE TAX DEPT
2401	25		60 MUNSONHURST RD	4A		DICKMAN, STEVEN & SCOTT ET AL
2401	26		70 MUNSONHURST RD	15D		LAKELAND BAPTIST CHURCH/B WAGNER
2401	27		76 MUNSONHURST RD		2	PLEASANT, MARTHA A & DWIGHT D
2402	1		29 RT 23	4A		DE FEO, GUY T & JOSEPH G
2402	2		27 RT 23	4A		THREE JOY, INC & WOK-N-SUSHI, INC
2402	3		25 RT 23	4A		NBSC/LAKELAND BANK
2402	4		33 MUNSONHURST RD	4A		BARTON, CYNTHIA
2403	1		35 MUNSONHURST RD	15C		BOROUGH OF FRANKLIN
2403	2		35 MUNSONHURST RD	15C		BOROUGH OF FRANKLIN
2702	18		37 MUNSONHURST RD	4A		JCP&L C/O FE SERVICE TAX DEPT
2702	19		1 RT 23	4A		FRANKLIN TIRE PROPERTY, LLC
2702	20		7 RT 23		1	SNYDER, BRIAN G
2702	21		9 RT 23		1	HILLSIDE ESTATES AT FRANKLIN, LLC

Corrected 6-6-16

Schedule III - Properties in R-4 Zone

Block	Lot	Qual	Property Location	Property Class	Owner's Name
704	2		454 RT 23	2	PELLICIER, WILLAM A & PRISCILLA
704	3		11 MOSCOW ST	2	JACOBS, JOSEPH & CHEGWIDDEN- JACOBS,L

As of 6-6-16