

**ORDINANCE NO. 3618**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE VII, CONTINUUM OF CARE SENIOR LIVING FACILITIES, SUBSECTION 112-63 – DEFINITIONS AND SEBSECTION 112-64K – R-CoC FACILITIES.**

**SUMMARY**

An Ordinance amending the Development Ordinance of the Township of Franklin to decrease the age of permanent residency in Independent Senior Living Facilities from age 62 to age 55.

**BE IT ORDAINED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, is hereby as follows:

**SECTION I**

Chapter 112, Development – Article VII – Continuum of Care Senior Living Facilities – Section 112-63 – Definitions – Independent Senior Living Facility is amended as follows:

**INDEPENDENT SENIOR LIVING FACILITY** -- An apartment-style facility in which residency is age-restricted to households in which the head of household or their spouse is age ~~62~~ **55** years or older, except that due to death, a remaining spouse less than ~~62~~ **55** years of age shall be permitted to continue to reside and further provided that no person under 19 years of age shall reside in any dwelling unit for more than 90 days in any calendar year. Independent senior living facilities may also contain public areas to provide activities for residents including a dining room, community/multipurpose rooms, chapel and recreational areas.

**SECTION II**

Chapter 112, Development – Article VII – Continuum of Care Senior Living Facilities – Section 112-64 – R-CoC facilities is amended as follows:

**§ 112-64. R-CoC facilities.**

R-CoC facilities may be located in R-20 Districts as permitted uses subject to the following conditions and as permitted by the Planning Board in accordance with the following standards and site plan review:

- A. A statement is submitted setting forth in full detail all particulars on the building use. An approved application for a certificate of need shall be required from the applicant before the signing of a development plan.
- B. The lot or tract on which the R-CoC facility is situated must front on a major or minor road as designated on the circulation element on the Master Plan of the Township of Franklin.
- C. The R-CoC facilities shall be situated on a site serviced by water and sewer utilities maintained and operated by a public utility franchised with the Township of Franklin or by the Township of Franklin.
- D. No R-CoC facility shall be operated in the Township of Franklin unless duly licensed and approved by the Department of Health in the State of New Jersey.
- E. There must be an adequate driveway for unobstructed ambulance entrance to an exit in the building. Said driveway shall be such that ambulances can enter and leave the premises without danger of being blocked by other traffic or parked vehicles and with sufficient room for turning, loading and unloading said ambulances. The provisions of Chapter 248 of the Township Code are applicable to R-CoC facilities.

- F. A safe and convenient system of drives, walkways, access areas and parking facilities must be provided for the employees, doctors, management, visitors, ambulances, delivery vehicles and fire, police or other emergency vehicles.
- G. There shall be adequate outside lighting to provide safety for all persons at all times at said R-CoC facility, and said lighting shall be directed and shielded so as to cause minimum disturbance to adjoining properties.
- H. R-CoC facilities shall be built of fireproof material in accordance with the Building Codes of the State of New Jersey and the Township Fire Code.
- I. R-CoC facility designs shall be functional and shall adequately provide for the health, welfare and safety of the patients, employees, visitors and general public.
- J. The lot or tract upon which the R-CoC facility is proposed shall conform to the following standards and requirements:
  - (1) Minimum lot area: 40 acres.
  - (2) Minimum lot frontage: 300 feet.
  - (3) Maximum height:
    - (a) Assisted living facility:
      - [1] Pitched roof: three stories or 55 feet to the highest ridge beam of a pitched roof.
      - [2] Flat roof: four stories or 45 feet to the highest flat roof.
    - (b) Independent senior living facility:
      - [1] Pitched roof: three stories or 55 feet to the highest ridge beam of a pitched roof.
      - [2] Flat roof: five stories or 52 feet to the highest flat roof.
    - (c) Continuum of care medical offices: two stories or 42 feet to the highest ridge beam of a pitched roof.
    - (d) Nursing home: two stories or 30 feet, whichever is less.
  - (4) Maximum impervious coverage: 35%.
  - (5) Minimum setbacks for all buildings exclusive of entrance gatehouse:
    - (a) Front yard: 100 feet.
    - (b) Side and rear yards:
      - [1] From residential zone and/or single-family or multifamily residence property line: 100 feet.
      - [2] From nonresidential zone property line: 50 feet.
    - (c) A minimum of 50 feet of the setback area (except adjacent to a nonresidential zone property line) shall be considered a buffer strip. Driveways may only cross the buffer strip. Said buffer shall be kept in its natural state where wooded and, when natural vegetation is sparse or nonexistent, the Planning Board may require the applicant to supplement the existing vegetation.
  - (6) Off-street parking: no parking or standing shall be permitted in the required front yard except for emergency vehicles, dropoff/pickup areas and visitor parking spaces.
    - (a) Assisted living facilities: a minimum of one space an employee at the maximum shift plus one space for each 10 units.
    - (b) Independent senior living facilities: a minimum of one space an employee at the maximum shift plus one space for every 1 1/2 units.
    - (c) Continuum of care medical offices: same as professional offices.
    - (d) Nursing homes: as defined in § 112-45M.
    - (e) Minimum parking setbacks:
      - [1] From building: 10 feet.
      - [2] From single-family, multifamily residential zone and/or single-family or multifamily residence property line: 50 feet.
      - [3] From nonresidential zone property line: five feet.

- K. The permanent residents of the R-CoC facilities shall be restricted to those ~~62~~ 55 years of age or older, however, nothing herein shall prohibit a spouse from residing in the facility who is under the age of ~~62~~ 55.
- L. Support facilities, functions and services may be for the use and benefit of the resident users of the facility, their guests and adult day care users.
- M. The minimum size of a single occupant residential unit, including bathroom, and of a double occupant unit, shall be governed by the statutes of the State of New Jersey.
- N. Health care and support services, functions and facilities shall include the following at a minimum:
- (1) Indoor and outdoor recreational facilities;
  - (2) Physical therapy facilities;
  - (3) Entertainment facilities;
  - (4) Libraries;
  - (5) Dining facilities and food preparation facilities;
  - (6) Housekeeping and laundry services;
  - (7) Emergency medical services and private emergency transportation facilities; and
  - (8) Twenty-four-hour staffed reception area including a security person available at all times to respond to and handle emergency situations and inquiries.
- O. The facilities and site shall conform to all design and other standards set forth for the district in which situated unless modified herein.
- P. Maximum number of units: 400.
- Q. Maximum density: 10 units an acre.
- R. Developer's agreement. The developer and the municipality shall enter into an agreement at final plan approval pursuant to the provisions of N.J.S.A. 40:55D-39, setting forth the implementation requirements for a R-CoC facility. The substance of the developer's agreement shall be consistent with the laws of the State of New Jersey, this Chapter 112 and the conditions and standards applicable to R-CoC facilities. The developer's agreement shall be in a form satisfactory to the Township Attorney and Township Council and shall include, but may not be limited to, provisions relating to the following:
- (1) The disposition of lands required to be set aside for public, semipublic and/or open space and outdoor recreation uses.
  - (2) The disposition of lands adjacent to an R-CoC facility under the control of either the applicant or the property owner to assure compatibility with the activities of a R-CoC project.
  - (3) The phasing, financing and extent of off-tract traffic improvements.
  - (4) Public approvals and municipal and developer actions required to implement public infrastructure improvements, such as public sewers and stormwater control.
  - (5) The developer's obligation to maintain the project and comply with site plan approval conditions dealing with signage, building exteriors, landscaping, drainage, security, buffer areas and open spaces, trash removal and internal roadways.
  - (6) Cleanup of any environmentally contaminated area. The municipality shall not have any responsibility for Superfund cleanup or site remediation.
  - (7) Consideration of municipal impacts.
  - (8) Agreements to support fire and rescue squads.
  - (9) Open space area. Thirty percent of the gross acreage shall be open space area, which areas shall not include paved roadways or parking areas.
  - (10) Buffer area. A buffer area of 50 feet in width shall be provided along the tract boundary. Earth berms, landscaping and/or ornamental fencing shall be provided within the required buffer areas.

**SECTION III**

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court jurisdiction, such validity of unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**SECTION IV**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION V**

This ordinance shall take effect immediately upon adoption and publication according to law.

**ORDINANCE NO. 3618**

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, NJ.

Introduced:	May 23, 2006
Public Hearing:	June 29, 2006
Adopted:	June 29, 2006
Notice of Final Adoption:	July 3, 2006
Effective Date:	July 19, 2006

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Ann Marie McCarthy, Township Clerk