

ORDINANCE NO. 3729

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, ARTICLE 1, GENERAL PROVISIONS, SECTION 112-4, DEFINITIONS; ARTICLE V, CONDITIONAL USES, SECTION 112-37, CHURCHES AND SIMILAR PLACES OF WORSHIP & SECTION 112-41, HOME OCCUPATIONS; ARTICLE XXIII, SITE PLAN REVIEW, SECTION 112-185, SITE PLAN REVIEW REQUIRED; SIMULTANEOUS REVIEW; EXCEPTIONS; MINOR SITE PLAN APPLICATION; ~~ARTICLE XXVIA, RETAIL OVERLAY DISTRICT, SECTION 112-206.2, PERMITTED USES AND STANDARDS;~~ SCHEDULE 1, PERMITTED USES; ~~SCHEDULE 2, LOT AND YARD REQUIREMENTS AND SCHEDULE 3, HEIGHT, COVERAGE AND BUILDING REQUIREMENTS.~~

SUMMARY

This ordinance amends provisions of Chapter 112, Land Development, pertaining to the construction of churches and similar places of worship. Such measures are intended to allow reasonable accommodation for churches and similar places of worship within the Township, but in the manner that reduces impacts to the surrounding area.

This ordinance also removes the more intensive variety of Home Occupations (i.e., the type that involve regular customer or patient visitation, a non-resident employee, signage, etc.) as a conditionally permitted use in residences but continues to permit the less intensive type of Home Occupation (i.e., the type that involve no regular customer or patient visitation, no non-resident employees, no signage, etc.) as a permitted accessory use within a residence. Schedule I, Permitted Uses, is amended to allow home occupations, as specifically defined, as a permitted accessory use within a residence and delete home occupations as a conditional permitted use.

This ordinance also amends when site plan review is not required, establishes a Technical Review Committee and amend the definition of minor site plan.

~~This ordinance also amends Article XXVIA of Chapter 112, Land Development, so as to make the design standards contained therein applicable to all commercial development, whereas currently these standards are only applicable to commercial development in the Retail Overlay District. The ordinance also amends the bulk requirements of the Retail Overlay District so as to make it consistent with the bulk requirements of the General Business District.~~

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Code of the Township of Franklin be and it is hereby revised, amended and supplemented as follows:

SECTION I

Chapter 112, Land Development, Article I, General Provisions, Section 112-4, Definitions, is hereby amended as follows:

HOME OCCUPATION – Any activity carried out for gain by a resident ~~conducted as an accessory use~~ in the resident's dwelling unit *where: the activity is clearly accessory to the principal use of the structure and occupies not more than 25% of the gross floor area of the dwelling unit; the activity is conducted wholly indoors and only within the principal structure; there are no employees other than the immediate family residing on the premises; there are no clients, buyers, patients, students, etc., who come to the premises on a regular basis (with the exception of a teaching occupation of a tutoring nature where no more than five (5) pupils are in attendance at one time); there are no deliveries received in frequency or quantities beyond those ordinarily delivered to a residence; the activity does not involve merchandising trade, or the exchange of commodities by sale to persons who come to the premises; no service involving the repair of devices powered by gasoline, diesel fuel, kerosene or other fuels is involved with the activity; there is no external display or advertising of goods or services or other external evidence of such activity including no signage identifying the business; there is no equipment stored on the premises, but transported for use elsewhere, such as landscaping equipment; and, there are no changes in the outside appearance of the structures or premises which would alter its residential character; and no activity that generates traffic, parking, noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than what normally occurs in the applicable zoning district.*

MINOR SITE PLAN – A development plan of one or more lots which 1) does not involve proposed disturbance or structures in excess of 5,000 square feet and does not require relief from any provisions of this Chapter; 2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to §112-196 of this Chapter, and 3) contains the information reasonable required in order to make an informed determination as to whether the requirements established by §112-185D(1) have been met; ~~and 4) has not been the site of a minor site plan application within the preceding 12 months as measured from the date of the adoption or the approval of a minor site plan.~~

SECTION II

Chapter 112, Land Development, Article V, Conditional Uses, Section 112-37, Churches and similar places of worship , is hereby amended as follows:

§ 112-37. Churches and similar places of worship.

A house of worship may be permitted upon authorization by the Planning Board in accordance with the following standards and site plan review:

- A. Permitted zones. Houses of worship shall be permitted as conditional uses *as specified in Schedule 1, Permitted Uses.* ~~in all residential zones and in the NB Neighborhood Business Zone and the CB General Business Zone.~~
- B. Permitted uses. All proposed principal and accessory uses, including anticipated or future uses, and all principal and accessory structures greater than 100 square feet in area shall:
 - (1) Be delineated on the site plan and architectural plan;

- (2) Be included in all lot data table calculations;
- (3) Be addressed in the traffic study; and
- (4) Meet all standards related to that use and/or structure.

C. Parking requirements.

- (1) One parking space per every three seats. One seat shall be considered 22 inches in calculating the capacity of pews or benches. In the event there is no seating provided, parking shall be provided at one parking space for every three persons at the largest anticipated gathering, or a minimum of one parking space for every 15 square feet of worship area.
- (2) Depending on the number of special occasions, the Planning Board may require overflow parking to be constructed of pervious pavement materials. Parking may be banked upon approval of the Planning Board in anticipation of future growth, but it shall be delineated on the plan, and included in all coverage calculations and drainage calculations.

D. Parking location. The majority of the parking shall be located to the rear of the main structure, with no more than 10% of the total parking located at the front entrance for handicapped accessibility, weddings, and funeral services.

E. Parking setbacks and standards. Unless modified herein, the parking setbacks and standards contained in Article XI, (§ 112-81 et seq.) for the applicable zone shall apply provided that no parking or access driveways shall be permitted within any required buffer area identified in Subsection J below.

F. Building setbacks. The walls of the main building or of any accessory building or structure greater than 100 square feet shall be set back in compliance with the zone district requirements, but in no case less than 50 feet from the abutting street right-of-way line or lines (front yard setback), or less than 25 feet from every adjoining property line.

G. Building height. The building shall not exceed the height restrictions for the zoning district in which it is to be located unless in accordance with § 112-28.

H. Impervious cover.

- (1) Impervious cover shall be permitted to be two times the allowable percent in the applicable zone, with the exception of the GB Zone which shall remain at 80% maximum.
- (2) Impervious cover may be increased an additional 10% upon approval by the Planning Board where the parking, drive or pedestrian surface is constructed of pervious pavement material, subject to the same conditions contained in Subsection C(2) above.

I. Lot cover. Lot or building cover maximums shall ~~not apply~~ ***not exceed the allowable percent in the applicable zone.***

J. Buffers. Buffering, landscaping and/or fencing shall be required pursuant to either of the following standards where any yard is adjacent to a residential zone or residence:

- (1) Fifteen feet of heavily landscaped buffer containing, at a minimum, a double, staggered

row of evergreen trees planted at a maximum of 10 feet on center with a minimum planting height of four to six feet, or approved equivalent; a mix of evergreen and deciduous shrubs; and a six-foot high, solid, board-on-board fence; or

- (2) Twenty-five feet of heavily landscaped buffer containing at a minimum a triple, staggered row of evergreen trees planted at a maximum of 10 feet on center with a minimum planting height of four to six feet, or approved equivalent; and a mix of evergreen and deciduous shrubs.

K. Minimum Lot Area.

- (1) *In the A, CP, RR-5 and RR-3 Districts: Two (2) times the minimum lot area required of a single-family home.*
- (2) *In the R-40, R-20, R-15, R-10, R-10A, R-10B, C-R and R-7 Districts: Three (3) times the lot area required of a single-family home or one (1) acre, whichever is greater.*
- (3) *In the GB, NB, OP and HBD Districts: The minimum lot area requirement applicable to non-residential uses.*

SECTION III

Chapter 112, Land Development, Article V, Conditional Uses, Section 112-41, Home Occupations , is hereby deleted in its entirety:

~~§ 112-41. Home occupations.~~

~~Home occupations may be permitted upon authorization by the Planning Board in accordance with the following standards and site plan review:~~

- ~~A. Such use is clearly accessory to the principal use of the structure.~~
- ~~B. Such home occupation is conducted solely by the resident of the premises or members of his immediate family residing on the premises.~~
- ~~C. Not more than 25% of the gross floor area of the dwelling unit shall be used for the home occupation.~~
- ~~D. Not more than one nonresident employee may be permitted.~~
- ~~E. Such use shall be conducted solely within the principal structure.~~
- ~~F. One sign, not exceeding seven by 18 inches, shall be permitted indicating the name and home occupation of the occupant.~~
- ~~G. There shall be no change in the outside appearance of the building or premises which would alter its residential character.~~
- ~~H. No use shall generate traffic, parking, noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than what normally occurs in the applicable zoning district.~~

- I. ~~Teaching occupations of a tutoring nature shall be permitted, provided that there shall be no more than five pupils in attendance at the same time.~~
- J. ~~Such uses shall not result in the outside storage or display of any materials. A home occupation shall be considered a permitted accessory use, exempt from conditional use review by the Planning Board, if it meets the following additional standards:~~
 - (1) ~~There will be no employees other than the immediate family residing on the premises.~~
 - (2) ~~There will be no clients, buyers, students, etc., who come to the premises on a regular basis.~~
 - (3) ~~There will be no deliveries received in quantities beyond those ordinarily delivered by the United States Postal Service or similar delivery services.~~
 - (4) ~~There will be no sign identifying the business on the premises.~~
 - (5) ~~There will be no equipment stored on the premises but transported for use elsewhere, such as landscaping equipment.~~

SECTION IV

Chapter 112, Land Development, Article XXIII, Site Plan Review, Section 112-185 (C) Exemptions and exceptions, is hereby amended as follows:

ARTICLE XXIII Site Plan Review

§ 112-185. Site plan review required; simultaneous review; exceptions; minor site plan application.

- A. General requirements. Site plan review and approval shall be required for any change of use or addition of use, any change of occupant, or before any excavation, removal of soil, clearing of a site or placement of any fill on lands contemplated for development. Except as hereinafter provided, no building permit shall be issued for any building or change in use of any building including accessory structures unless a site plan is first submitted and approved by the Planning Board, and no certificate of occupancy shall be given unless all construction and development conform to the plans as approved by the Planning Board.
- B. Simultaneous review.
 - (1) The Planning Board shall have the power to review and approve or deny conditional uses or subdivisions simultaneously with review for site plan approval without the developer being required to make further application to the Planning Board, or the Planning Board being required to hold further hearings. The longest time period for action by the Planning Board, whether it be for subdivision, conditional use or site plan approval shall apply.
 - (2) Whenever approval of a conditional use is requested by the developer pursuant to this subsection, notice of the hearing on the plat shall include reference to the request for such conditional use.

C. Exemptions and exceptions. Site plan review requirements shall be waived or exceptions may be granted under the following conditions:

- (1) Site plan approval shall not be required for any detached one- or two-dwelling-unit buildings or any uses accessory thereto, such as a private garage or storage shed incidental to residential uses, but this shall not limit the requirements for submission and approval of subdivision plats as otherwise required by Township ordinances.
- (2) Site plan approval shall not be required for buildings which are part of a farming operation as defined herein, which comply with all provisions of this chapter, and where the parcel of land on which the structure is proposed is under farmland assessment.
- (3) The Planning Board, when acting upon applications for preliminary site plan approval, may grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review adopted pursuant to this chapter, if the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- (4) Site plan approval *from the Planning Board or Zoning Board of Adjustment* shall not be required for applications for minor site plans as defined herein where the proposed disturbance or structure is less than ~~1,000~~ **5,000** square feet *or 10% of the gross lot area (whichever is less)* and where the ~~Township Engineer~~ *Technical Review Committee (TRC)* determines that no adverse impacts will occur from such proposed development *and the application does not require any new relief from any provisions of the Land Development Regulations. Site Plan approval from the Planning Board or Zoning Board of Adjustment for applications in excess of 5,000 square feet or 10% of the gross lot area may not be required if the TRC determines that no adverse impact will occur from such proposed development, the application does not require new relief from any provisions of the Land Development Regulations and the Chairperson (or designee) of the Board that has jurisdiction consents to waiving Site Plan approval by the Board. IF the lot that is the subject of the application has received TRC approval(s) within the last two years, the square footage of the prior approval(s) and the square footage of the subject application shall be totaled to determine whether the 5,000 square feet or 10% requirement has been exceeded.*
 - a) *There hereby established a Technical Review Committee (TRC) whose purpose is to review and approve/disapprove minor site plans that are exempt from site plan approval from the Planning Board or Zoning Board of Adjustment as per §112-185 (C) (4).*
 - b) *The membership of the Technical Review Committee shall consist of the following (or their designees): Director of Planning, Zoning Officer, Township Engineer, Health Department Director, Construction Official, Fire Prevention Director, and Head of Police Safety Traffic Bureau.*
 - c) *The Technical Review Committee shall be subject to the following rules and*

regulations:

1. *All seven (7) members of the TRC must vote to approve an application for a site plan to receive approval;*
 2. *A written resolution shall be prepared for each application that is voted upon.*
 3. *A secretary shall be appointed by the TRC to prepare minutes of all TRC meetings, sign off on approved plans and any other such duties as the TRC shall assign.*
- (5) Upon application to the administrative officer site plan approval shall be waived for any change of tenant or occupant where the change does not require relief from any provisions of this chapter, and where the administrative officer has found the amount and size of parking existing to conform to the requirements of this chapter. The administrative officer shall make his determination within 30 days of receipt of the application.
- D. Minor site plan application. The following shall be provided for a minor site plan submission:
- (1) Completed application form.
 - (2) Written description of the existing site and the proposed development.
 - (3) Twenty sealed site plans showing:
 - (a) All structures.
 - (b) All stoned and paved areas, including delineation of parking stalls.
 - (c) Landscaping.
 - (d) Lighting.
 - (4) Twenty copies of the existing floor plans and proposed floor plans, with the areas subject to change of use clearly defined.
 - (5) Include a road map indicating the planned route by which all contractors, equipment, supplies, materials and other such items necessary for construction will be routed to the site so as to avoid, as far as possible, the necessity of transiting existing residential areas and neighborhoods.

~~SECTION V~~ *Removed from Ordinance*

~~Chapter 112, Land Development, Article XXVIA, Retail Overlay District, Section 112-206.2, Permitted Uses and Standards, is hereby amended as follows:~~

~~ARTICLE XXVIA Retail Overlay District Commercial Design Standards [Added 3-20-2006 by Ord. No. 3597]~~

~~§ 112-206.2. Permitted uses and standards. Applicability~~

~~The Commercial Design Standards contained herein shall apply to all commercial development including: retail goods and services stores; eating and drinking establishments; professional, medical and general offices; restaurants; child care centers; banks; hotels; and other such commercial uses, whether permitted as of right or via use variance. The Commercial Design Standards shall not apply to warehouses; laboratories; manufacturing uses; and other such light industrial uses. The Commercial Design Standards shall also not apply to development within the Renaissance Redevelopment Area or the Hamilton Street Business District, which areas have their own design standards.~~

~~The following is a listing of the permitted uses and zoning standards for commercial development in portions of the M-1 and C-B Zones, specifically in the areas of Elizabeth Avenue, New Brunswick Road and Davidson Avenue, as shown on the attached map entitled Retail Overlay Map. Editor's Note: Said map is included at the end of this chapter.~~

~~A. Principal uses:~~

- ~~(1) Retail goods and service stores, including but not limited to: food, drugs, drink, household supplies, home appliance stores, barber and beauty shops, shoe repair, tailor shops, dry cleaning shops, professional offices, financial institutions, restaurants; excluding body art establishments.~~
- ~~(2) Public use.~~
- ~~(3) Eating and drinking establishments.~~
- ~~(4) Quasi-public or private club or fraternity.~~
- ~~(5) Child care centers.~~

~~B. Accessory uses:~~

- ~~(1) Buildings customary and incidental to the operation of the principal use.~~
- ~~(2) Signs (see § 112-9C).~~

~~C. Standards:~~

- ~~(1) Minimum lot size (interior and corner): 20,000 square feet.~~
- ~~(2) Minimum frontage (interior and corner): 100 feet.~~
- ~~(3) Principal building front yard setback: 20 feet.~~
- ~~(4) Principal building one side yard setback: 10 feet.~~
- ~~(5) Principal building total side yard setback: 25 feet.~~
- ~~(6) Principal building rear yard setback: 30 feet.~~
- ~~(7) Accessory building side yard setback: 10 feet.~~
- ~~(8) Accessory building rear yard setback: 10 feet.~~

- (9) ~~Maximum height: two stories/30 feet.~~
- (10) ~~Maximum percent of lot coverage: 40%.~~
- (11) ~~Maximum percent of impervious coverage: 80%.~~
- (12) ~~Maximum floor area ratio (FAR): 0.4.~~

SECTION VI

Chapter 112, Land Development – Schedule 1, Permitted Uses is amended as follows:

LAND DEVELOPMENT

112 Attachment 1

Schedule 1

Permitted Uses

Township of Franklin

[Amended 8-9-2005 by Ord. No. 3558; 12-13-2005 by Ord. No. 3574; 3-20-2006 by Ord. No. 3597; 6-28-2007 by Ord. No. 3701]

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
A Agricultural	<ul style="list-style-type: none"> •Farming operations [See also Section 112-27] •Horse stabling operations •Single-family detached dwellings •Golf courses 	<ul style="list-style-type: none"> •Roadside stands [See Section 112-29 •Barns, silos and other customary farm buildings for the storage of products, animals, feed and equipment •Private garages •Private swimming pools •Signs [See Article XII) •<i>Home Occupations</i> 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48) •Churches and other similar places of worship (see Section 112-37) •Home Occupations •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
C P Canal Preservation (Added 4/25/89 by Ordinance #1481)	<ul style="list-style-type: none"> •Single family detached dwellings •Farming operations [See also Section 112-27) •Horse stabling operations 	<ul style="list-style-type: none"> •Private garages •Private swimming pools •Signs (See Article XII) •Barns, silos and other customary farm buildings for the storage of products, animals, feed and equipment •Roadside stands [See Section 112-29) •<i>Home Occupations</i> 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48] •Churches and other similar places of worship [See Section 112-37) •Home Occupations •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
RR3 Rural Residential (Added 7/11/89 by Ordinance #1500)	<ul style="list-style-type: none"> •Farming operations [See also Section 112-27] •Single-family dwellings •Private, non-profit schools accredited by the New Jersey Department of Education •Golf courses 	<ul style="list-style-type: none"> •Barns, silos and other customary farm buildings for the storage of products, animals, and equipment •Roadside stands [See Section 112-29] •Private swimming pools •Private garages •Signs (See also Article XII) •Home Occupations 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48] •Hospitals •Philanthropic or eleemosynary uses •Kennels •Community residences •Home Occupations •Churches and other similar places of worship [See Section 112-37] •Home Occupations •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
RR5 Rural Residential	<ul style="list-style-type: none"> •Farming operations [See also Section 112-27] •Single-family dwellings •Private, non-profit schools accredited by the New Jersey Department of Education •Golf courses 	<ul style="list-style-type: none"> •Barns, silos and other customary farm buildings for the storage of products, animals, and equipment •Roadside stands [See Section 112-29] •Private swimming pools •Private garages •Signs (See Article XII) •Home Occupations 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48] •Hospitals •Philanthropic or eleemosynary uses •Kennels •Community residences •Home Occupations •Churches and other similar places of worship [See Section 112-37] •Home Occupations •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
R-40 Residential	<ul style="list-style-type: none"> •Farming operations [See also Section 112-27] •Single-family dwellings •Private, non-profit schools accredited by the New Jersey Department of Education •Golf courses 	<ul style="list-style-type: none"> •Barns, silos and other customary farm buildings for the storage of products, animals, and equipment •Private swimming pools •Private garages •Signs [See Article XII] •Home Occupations 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48] •Hospitals •Philanthropic or eleemosynary uses •Membership swimming pools •Proprietary schools •Community residences •Home Occupations •Churches and other similar places of worship [See Section 112-37] •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
R-20 Residential	<ul style="list-style-type: none"> •Single-family dwellings •Private, non-profit schools accredited by the New Jersey Department of Education 	<ul style="list-style-type: none"> •Private garages •Private swimming pools •Signs (See Article XII) •Home Occupations 	<ul style="list-style-type: none"> •Membership swimming pools •Public utility installations [See Section 112-48] •Proprietary schools •Community residences •Home Occupations •Churches and other similar places of worship [See Section 112-37] •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI •Professional offices in the R-20-H.

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
R-15 Residential	•Single-family dwellings	•Private garages •Private swimming pools •Signs (See Article XII) • <i>Home Occupations</i>	•Public utility installations [See Section 112-48] •Community residences • Home Occupations •Churches and other similar places of worship [See Section 112-37) •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
R-10 Residential	•Single-family dwellings	•Private garages •Private swimming pools •Signs (Article XII) • <i>Home Occupations</i>	•Public utility installations [See Section 112-48] •Community residences • Home occupations •Churches and other similar places of worship [See Section 112-37) •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI)
R-10A Residential	•Single-family dwellings	•Private garages •Private swimming pools •Signs (see Article XII) • <i>Home Occupations</i>	•Public utility installations [See Section 112-48) •Community residences • Home Occupations •Churches and other similar places of worship [See Section 112-37) •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
R-10B Residential	•Single-family dwellings •Garden Apartments subject to Schedule 2, Footnote No. 9	•Private garages •Private swimming pools •Signs (see Article XII) • <i>Home Occupations</i>	•Public utility installations [See Section 112-48) •Community residences • Home Occupations •Churches and other similar places of worship [See Section 112-37) •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
R-7 Residential	•Single-family dwellings •Two-family dwellings	•Private garages •Private swimming pools •Signs (See Article XII) • <i>Home Occupations</i>	•Public utility installations [See Section 112-48] •Community residences • Home Occupations •Churches and other similar places of worship [See Section 112-37) •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included Article VI)

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
C-R Cluster Residential	<ul style="list-style-type: none"> •Single-family dwellings •Two-family dwellings •Garden apartment developments •Townhouse developments •Residential cluster developments 	<ul style="list-style-type: none"> •Private garages •Private swimming pools •Signs (See Article XII) •<i>Home Occupations</i> 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48] •Community residences •Home Occupations •Churches and other similar places of worship [See Section 112-37) •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
N-B Neighborhood Business	<ul style="list-style-type: none"> •Retail goods and service stores, except body art establishments of a neighborhood service type including but not limited to: food, drugs, drink, household supplies, home appliance stores, barber and beauty shops, shoe repair and tailor shops, dry cleaning shops, professional offices, banks, restaurants •Eating and drinking establishments •Funeral homes •Quasi-public or private club or fraternity •Child Care Centers 	<ul style="list-style-type: none"> •Buildings customary and incidental to the operation of the principal use •Signs (See Article XII) 	<ul style="list-style-type: none"> •Automobile service stations •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI •<i>Churches and similar places of worship</i>
G-B General Business	<ul style="list-style-type: none"> •Retail goods and service stores , except body art establishments], including but not limited to: food, drugs, drink, household supplies, home appliance stores, barber and beauty shops, shoe repair and tailor shops, dry cleaning shops, professional offices, banks, restaurants •Eating and drinking establishments •Funeral homes •Quasi-public or private club or fraternity •Indoor theaters •Laundromat and dry cleaning •Printing and publishing shops •Proprietary schools •Non-profit schools accredited by the New Jersey Department of Education •Plumbing supply and hardware stores •Professional and general offices •Bowling alleys •Telephone, telegraph and radio communications offices and services •Automobile sales and showroom •Administrative and dispatch services excluding the parking, storage, service, fueling or repair of vehicles used in such service or site •Child Care Centers 	<ul style="list-style-type: none"> •Buildings customary and incidental to the operation of the principal use •Signs (See Article XII) 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48] •Automobile service stations •Garden apartment developments •Townhouse developments •Nursing homes •Billboards •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI •<i>Churches and similar places of worship</i>
C-B Corporate Business	<ul style="list-style-type: none"> •General and professional office buildings •Laboratories of an experimental, research or testing nature •Data processing and communications businesses •Hotel and/or conference center •Hotels, Extended Stay •Child Care Centers 	<ul style="list-style-type: none"> •Buildings customary and incidental to the operation of the principal use •Signs (See Article XII) 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48] •Hospitals •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
R-O-L Research- Office- Laboratory	<ul style="list-style-type: none"> •General and professional office buildings •Laboratories of an experimental, research or testing nature [See Section 112-31) •Data processing and communications businesses •Farming operations [See Section 112-27)] •Child Care Centers 	<ul style="list-style-type: none"> •Buildings customary and incidental to the operation of the principal use •Signs (See Article XII) 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48] •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
O-P Office- Professional	<ul style="list-style-type: none"> •One and two-family dwellings •Professional office buildings •General office buildings •Mixed Use Buildings 	<ul style="list-style-type: none"> •Buildings customary and incidental to the operation of the principal use •Signs (See Article XII) •<i>Home Occupations</i> 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48] •Churches and other similar places of worship [See Section 112-37) •Home Occupations •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
M-1 Light Manufacturing	<ul style="list-style-type: none"> •Manufacturing, fabrication and assembly of light machinery •Manufacturing and fabrication of wire, sheet and related strip; wood and paper products; toys; bags; book binding; boxes and packaging materials; office supplies; bottling of food and beverage; food and cereal mixing and milling food processing; food sundry manufacturing; ice cream manufacturing; manufacturing of spirituous liquors; other uses of the same nature and type. •Biological, chemical, dental, electronic, pharmaceutical and general laboratories •Industrial parks •General office buildings •Warehouses •Indoor recreational •Hotels, Extended Stay •Child Care Centers •Personal Storage/ Mini-Warehouses 	<ul style="list-style-type: none"> •Buildings customary and incidental to the operation of the principal use •Signs (See Article XII) •Retail Sales as part of a warehouse operation provided: <ul style="list-style-type: none"> (a)The items offered for sale are those manufactured and/or distributed by the warehouse operator. (b)The area of said sales does not exceed 5% of the total building area or 8,000 square feet, whichever is less; (c)The property on which the warehouse operation is located is not closer than 500' to a residential zone boundary. 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48) •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
M-2 Light Manufacturing	<ul style="list-style-type: none"> •Manufacturing, fabrication and assembly of light machinery; wood and paper products; metal furniture; toys; bags; book binding; boxes and packaging materials; office supplies; bottling of food and beverages; food and cereal mixing and milling; food processing; food sundry manufacturing; ice cream manufacturing; manufacturing of spirituous liquors; other uses of the same nature and type. •Biological, chemical, dental, electronic, pharmaceutical and general laboratories •Industrial parks •Warehouses provided no goods are sold at the premises •General office buildings •Administrative and dispatch services for taxi and limousine service excluding the parking, storage, service, fueling or repair of vehicles used in such service or site. •Indoor recreational uses •Hotels, Extended Stay •Child Care Centers •Personal Storage/ Mini-Warehouses 	<ul style="list-style-type: none"> •Buildings customary and incidental to the operation of the principal use •Signs (See Article XII) 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48] •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI
M-3 Mining and Manufacturing	<ul style="list-style-type: none"> •Quarry, handling and processing of stone, and gravel extracted from the premises •Transportation and storage, crushing, grinding, pulverizing and mixing of the extracted raw materials •Farming operations [See also Section 112-27) •Manufacturing, fabrication and assembly of light machinery; wood and paper products; metal furniture; toys; bags; book binding; boxes and packaging materials; office supplies; bottling of food and beverages; food and cereal supplies; milling; food processing; food sundry manufacturing; ice cream manufacturing; manufacturing of spirituous liquors; other uses of the same nature and type. •Biological, chemical, dental, electronic, pharmaceutical and general laboratories •Warehouses provided no goods are sold at the premises •General office buildings •Child Care Centers 	<ul style="list-style-type: none"> •Buildings, machinery and accessory facilities to conduct permitted uses •Mixing or batching plant for concrete •Manufacture of pre-stressed concrete, bituminous concrete, concrete mixes and other products •Buildings and facilities for the repair and storage of motor vehicles and equipment used in permitted operations •Administrative and sales offices •Signs (See Article XII) 	<ul style="list-style-type: none"> •Public utility installations [See Section 112-48] •Wireless Communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
HBD Hamilton Street Business District	<ul style="list-style-type: none"> ▪ Retail goods and service stores, except body art establishments including but not limited to: Food, drugs, drink, household supplies, home appliance stores, barber and beauty shops, shoe repair and tailor shops, dry cleaning shops, banks and restaurants. ² ▪ Mixed-use buildings² ▪ Eating and drinking establishments ² ▪ Restaurants ² ▪ Professional offices ² ▪ Funeral Homes ² ▪ Quasi-public or private club or fraternity ² ▪ Single-Family dwellings ▪ Two-Family dwellings ▪ Adult day care ² ▪ Child care facility ² 	<ul style="list-style-type: none"> ▪ Uses customarily incidental and subordinate to the principal use ▪ Signs (See Section 112-114) ▪ Private garages ▪ Private swimming pools ▪ Home Occupations 	<ul style="list-style-type: none"> ▪ Home Occupations ▪ Public utility installations ▪ Contractor design-build operation ▪ Townhouses ▪ Apartments ▪ Churches and other similar places of worship ▪ Independent senior living facility

- (1) Farming operations as set forth in Article XXI, Right to Farm Provisions, are a permitted use in all zones
(2) Only for lots with frontage on Hamilton Street.

~~**SECTION VII – Removed from Ordinance**~~

~~Chapter 112, Land Development – Schedule 2, Lot and Yard Requirements, is amended as follows:~~

~~**LAND DEVELOPMENT
112 Attachment 2
Schedule 2
Lot and Yard Requirements
Township of Franklin**~~

	MINIMUM SIZE OF LOTS				MINIMUM REQUIRED YARD DEPTH (IN FEET)							
	INTERIOR LOTS		CORNER LOTS		PRINCIPAL BUILDING				ACCESSORY BLDG		GARDEN SHED ACCESSORY BLDG	
	AREA (Square feet)	FRONT ACE (feet)	AREA (Square feet)	FRONT ACE (feet)	FRONT YARD	ANY ONE SIDE YARD	TOTAL OF TWO SIDE YARDS	REAR YARD	SIDE YARD	REAR YARD	SIDE YARD	REAR YARD
RDC	20,000 80,000	100	20,000 80,000	100	20	10	25 40	20	10	10	-	-

~~**SECTION VIII – Removed from Ordinance**~~

~~Chapter 112, Land Development – Schedule 3, Height, Coverage and Building Requirements, is amended as follows:~~

~~**LAND DEVELOPMENT**~~

~~112 Attachment 3~~
Schedule 3
Height, Coverage and Building Requirements
Township of Franklin

	MAXIMUM HEIGHT		MAXIMUM PERCENT OF LOT COVERAGE	MAXIMUM PERCENT OF IMPERVIOUS COVERAGE	MAXIMUM FLOOR AREA RATIO (FAR)
	(stories)	(feet)			
RDC	<u>2</u>	<u>30</u>	<u>40</u> 30	<u>80</u> 70	<u>0.4</u> 0.3

SECTION IX

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION X

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

SECTION XI

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

ORDINANCE NO. 3729

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

Introduced: November 8, 2007
 Public Hearing: December 11, 2007
 Adoption: December 11, 2007
 Notice of Adoption: December 17, 2007
 Effective Date: December 31, 2007

Ann Marie McCarthy, Township Clerk