

ORDINANCE NO. 3772

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-37, CHURCHES AND SIMILAR PLACES OF WORSHIP; ARTICLE III, GENERAL ZONING REGULATIONS, SCHEDULE 1, PERMITTED USES; AND SECTION 112-47, PROPRIETARY SCHOOLS IN RESIDENTIAL DISTRICTS.

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 a manner that relates the size of the church to the capacity of the roadway to handle church-related traffic. Similar revisions are made regarding the requirements for schools where permitted in residential zones.

**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 is hereby amended as follows:

SECTION I

Section 112-37, Churches and similar places of worship of Chapter 112, Land Development, is hereby amended as follows to revise the conditional use standards for churches and similar places of worship:

**§ 112-37. Churches and similar places of worship. [Amended 12-11-2007 by Ord. No. 3729]**

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.
- 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. Roadway location. No place of worship having a gross floor area over 5,000 square feet shall front or have direct vehicular access to a street classified in the Township Master Plan as a scenic roadway (with the exception of those roadways under State or County jurisdiction) nor shall a place of worship having a gross floor area over 5,000 square feet be located on any roadway with an improved cartway width of 18 feet or less.**

- D. 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 is shall be delineated on the plan, and included in all coverage calculations and drainage calculations.
- E. 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.
  - F. 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.
  - G. 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.
  - H. 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.
  - I. 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.
  - J. Lot cover. Lot or building cover maximums shall not exceed the allowable percent in the applicable zone.
  - K. 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.

L. Minimum Lot Area.

- (1) In the A, CP, RR-5 and RR-3 Districts: 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: 3 times the lot area required of a single-family home or 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 II**

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 1, Permitted Uses, is amended to revise the manner in which schools are identified as follows:

*Schedule 1, Permitted Uses, is amended to delete reference to "Propriety schools" and "Private, nonprofit schools accredited by the New Jersey Department of Education" within the rows pertaining to the "RR-3," "RR-5," "R-40," and "R-20" districts and to replace those references by adding "Schools (see §112-47)" under the "Conditional Uses" column within rows pertaining to the "RR-3," "RR-5," "R-40," and "R-20" districts.*

**SECTION III**

Section 112-47, Proprietary Schools in Residential Districts of Chapter 112, Land Development, is hereby amended as follows to revise the conditional use standards for schools in residential districts:

**§ 112-47. Proprietary Schools in Residential Districts.**

~~Proprietary~~ *Schools, including private and parochial* schools ~~accredited~~ *recognized by the New Jersey Department of Education*, may be permitted upon authorization by the Planning Board in accordance with the following standards and site plan review:

- A. Such school shall have, as its prime purpose, the general education of students in the arts and sciences, and shall be licensed by the New Jersey Department of Human Services or the Department of Education (NJ) if a license for its operation is required by law.
- B. Any other provision contained in this chapter notwithstanding, no school building or part thereof shall be erected nearer than a distance equal to three times the height of such building to any property line other than a street line.
- C. All accessory buildings shall be located on the same lot as the principal building, and the sum of all areas covered by all principal and accessory buildings shall not exceed 30% of the area of the lot.
- D. No school permitted hereunder shall be a trade school except to the extent that instruction in a particular trade or trades may be a part of the general education curriculum of the school in the arts and sciences, and no correctional, health or any other institution not primarily concerned with the general education of students in the arts and sciences shall be permitted.

*E. 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, student drop-off and other such functions.*

F. 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 H below.

G. 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.

H. 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.

I. Minimum Lot Area.

(1) In the RR-5 and RR-3 Districts: 2 times the minimum lot area required of a single-family home

(2) In the R-40 and R-20 Districts: 3 times the lot area required of a single-family home or 1 acre, whichever is greater.

J. No school shall front or have direct vehicular access to a street classified in the Township Master Plan as a scenic roadway (with the exception of those roadways under State or County jurisdiction) nor shall a school be located on any roadway with an improved cartway width of 18 feet or less.

#### SECTION IV

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 V

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

#### SECTION VI

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

**ORDINANCE NO. 3772**

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

Introduced: June 24, 2008  
Public Hearing: August 12, 2008  
Adoption: August 12, 2008  
Published: August 18, 2008  
Effective: September 1, 2008

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Ann Marie McCarthy, Township Clerk