

ORDINANCE NO. 3891-10

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, LAND DEVELOPMENT, TO IMPLEMENT AN ELEMENT OF THE FAIR SHARE PLAN KNOWN AS LADUREE (PLANNED RESIDENTIAL COMMUNITY ZONE)

SUMMARY

This ordinance amends Chapter 112, Land Development, so as to implement an element of the Fair Share Plan with the addition of the Planned Residential Community (PRC) Zone. The Official Zoning Map is amended to change the designation of property known as Block 424.01, Lot 39.07 from R-20 to PRC (Laduree).

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

Chapter 112, Land Development, is amended to amend Section 112-5, Districts enumerated, in Article II, Zoning Districts and Zoning Map, to add the Planned Residential Community zone as follows:

PRC Planned Residential Community

SECTION II

Chapter 112, Land Development, Article II, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended as follows to rezone Block 424.01, Lot 39.07 from the R-20 to the PRC District, as follows:

The Official Zoning Map is amended to change the designation of property known as Block 424.01, Lot 39.07 from R-20 to PRC.

SECTION III

Chapter 112, Land Development, Article VII, shall be amended as follows:

ARTICLE VII

***Planned Residential Community (PRC)
Continuum of Care Senior Living Facilities***

§ 112-60. Purpose.

The purpose and intent of the PRC District is to enable the development of an inclusionary development in accordance with a comprehensive site development plan approved by the Planning Board of the Township. Such development is intended to meet a portion of the Township's affordable housing obligation.

~~The purpose of this article is to:~~

- ~~A. Establish standards for continuum of care living facilities as defined herein and by the New Jersey Department of Health which are intended to promote aging in place in a homelike setting for frail elderly and disabled persons, including persons who require formal long term care. Continuum of care facilities include, but are not limited to, assisted living residences which assure that residents receive supportive health and social services as they are needed to enable them to maintain their independence, individuality, privacy, and dignity in an apartment style living unit. The continuum of care environment promotes resident self direction and personal decisionmaking while protecting residents' health and safety.~~
- ~~B. A continuum of care facility offers a suitable living arrangement for persons with a range of capabilities, disabilities, frailties and strengths.~~

~~C. A continuum of care facility shall be a permitted use in the R-20 Districts, provided that the use and structure shall adhere to the minimum standards for the R-20 Districts and also the standards herein.~~

§ 112-61. **Permitted Uses.** ~~Types of uses.~~

~~Continuum of care facilities (R-CoC) shall include two or more of the following types of uses:~~

- A. Independent senior living facilities for senior citizens who are capable of living independently of supportive services to assist them with the activities of daily living;
- B. Assisted living facilities for senior citizens who are able to live independently in apartment-style units but require some assistance with the activities of daily living;
- C. Nursing homes for persons who are not able to live independently in apartment-style units and who require a constant level of medical and custodial care;
- D. Continuum of care medical offices, ~~and~~
- E. Adult day care; *and*
- F. **Apartment buildings.**

§ 112-62. **Accessory uses.**

Accessory uses may include:

- A. Housing units for caretaker, facility director or similar on-site employee(s), which units shall be included in calculations of density.
- B. Security booths.
- C. Maintenance storage buildings.
- D. Recycling areas.
- E. Recreational areas.
- F. Other uses customary and incidental to the principal permitted use.

§ 112-63. **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ADULT DAY CARE - The provision of care and supervision, monitoring of general health, social interaction and peer contact in a structured program for impaired or socially isolated adult individuals, who may live on or off site, and who cannot be left alone during the day, but who do not require twenty-four-hour institutional nursing care.

APARTMENT BUILDING - *A building containing three or more dwelling units, including units that are located one over another.*

ASSISTED LIVING FACILITY -

- A. A facility which is licensed by the New Jersey State Department of Health and has obtained an approved application for a certificate of need from the Department to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance. A lockable door may be omitted for special needs units, such as those housing patients with Alzheimer's disease or similar afflictions and for which immediate staff access is necessary for the safety of

the resident. A coordinated array of supportive personal and health services available 24 hours a day are usually provided. (Source: N.J.A.C. 8:36-1.3)

B. Basic services to be provided in an assisted living facility include:

- (1) Assistance with eating, bathing and dressing.
- (2) Assistance with arranging transportation.
- (3) Assistance with personal and household chores.
- (4) Housekeeping and linen service.
- (5) Availability of three meals per day in a congregate setting.
- (6) Organized social and recreational activities.
- (7) Medication reminders and supervision.
- (8) Monitoring of nutrition and health.
- (9) Protective supervision.
- (10) Twenty-four-hour response to emergency needs of the resident.
- (11) Services coordination and management.

CONTINUUM OF CARE MEDICAL OFFICES - A building or portion of a building used as a place of business of a person, corporation, firm or public agency for professional medical services or executive services related to the provision of professional medical services ~~and whose target medical population is senior citizens~~, which may be provided on sites where assisted living facilities or senior independent living facilities are provided.

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 55 years or older, except that due to death, a remaining spouse less than 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.

NURSING HOME - As defined in § 112-4.

§ 112-64. Development Requirements ~~R-CoC facilities.~~

~~R-CoC facilities may be located in R-20 Districts as permitted uses~~ **Development within this zone shall be** 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 **development** ~~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 **development** ~~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 **assisted living or nursing home** ~~R-CoC facility~~ shall be operated in the Township of Franklin **in this zone** 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~~ **an assisted living, independent senior living facility, adult day care or nursing home** 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. ~~The development 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. ~~The development 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 **development R-CoC facility** is proposed, **and the development**, 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/**non-age restricted apartment buildings**:
 - [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: **In accordance with the Residential Site Improvement Standards (RSIS)**. ~~a minimum of one space an employee at the maximum shift plus one space for each 10 units.~~
 - (b) Independent senior living facilities **and non-age restricted apartment buildings**: **In accordance with the Residential Site Improvement Standards (RSIS)**. ~~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 *independent senior living units* ~~R-CoC facilities~~ shall be restricted to those 55 years of age or older, however, nothing herein shall prohibit a spouse from residing in the facility who is under the age of 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 *independent senior living* 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 monitored ~~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: ~~384~~ 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 *the development*. ~~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 *the development*. ~~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 *the development* ~~an R-CoC facility~~ under the control of either the applicant or the property owner to assure compatibility with the activities of *the development*. ~~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.
- (11) Requirements pertaining to the provision of very-low, low-, and moderate- income housing.**

S. Provision of very-low, low- and moderate-income housing; mandatory set-aside requirements. The developer shall provide or cause others to provide, on-site, very-low, low- and moderate-income dwelling units totaling at least 15% of the development (at least 58 units for a development of 384 units) of which no less than 35 of the units shall be affordable to very-low income households as defined in the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). The developer shall abide by all applicable requirements of the Council on Affordable Housing (COAH) including the Uniform Housing Affordability Controls (UHAC) including but not limited to pricing, bedroom mix, low/moderate income split, affirmative marketing, and assignment of a COAH-qualified Administrative Agent. The Developer shall be solely responsible for all payments required for the services of the Administrative Agent. The Administrative Agent shall be COAH-qualified, shall be approved by the Township, and shall perform all duties and responsibilities of an administrative agent as set forth in the COAH Rules and UHAC, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which duties and responsibilities include, but are not limited to: affordability controls; affirmative marketing; household certification; communication and education; and enforcement.

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. 3891-10

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

Introduced: August 10, 2010
 Public Hearing: August 24, 2010
 Adoption: August 24, 2010
 Published: September 1, 2010
 Effective Date: September 13, 2010

Ann M. McCarthy, RMC, CMC, Township Clerk