

ORDINANCE NO. 3892-10

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 SPRING HILL SENIOR LIVING (INDEPENDENT SENIOR LIVING 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 Independent Senior Living (ISL) Zone which purpose is to allow the development of an independent senior living facility that addresses the need for age-restricted housing in the Township and which addresses the need for affordable housing intended solely for seniors. The Official Zoning Map is amended to change the designation of property known as Block 347, Lot 7 from R-15 to ISL (Springhill Senior Living).

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 Independent Senior Living zone as follows:

ISL Independent Senior Living

SECTION II

Chapter 112, Land Development, section 112-8, Purposes of Districts, is amended to create a new Section 112-8.AC, to incorporate the ISL zone as follows:

AC. ISL – Independent Senior Living. The purpose of the ISL District is to allow the development of an independent senior living facility that addresses the need for age-restricted housing in the Township and which addresses the need for affordable housing intended solely for seniors.

SECTION III

Chapter 112, Land Development, Article II, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended as follows to rezone Block 347, Lot 7 from the R-15 to the ISL District, as follows:

The Official Zoning Map is amended to change the designation of property known as Block 347, Lot 7 from R-15 to ISL.

SECTION IV

Chapter 112, Land Development, Article IV, shall be amended as follows to add new Section 112-33.1, Independent Senior Living:

§ 112-33.1. Independent Senior Living.

A. Permitted Uses.

(1) 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. Such development shall consist of an apartment-style facility in which residency is age-restricted to households in which the head of household or their spouse is age 62 years or older, except that due to death, a remaining spouse less than 62 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 porches, patios, balconies and public areas to provide activities for residents, including a dining room, community/multipurpose rooms, chapel and recreational areas.

- (2) *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;*

B. Accessory uses.

- (1) *Housing units for caretaker, facility director or similar on-site employee(s), which units shall be included toward the number of permitted units.*
- (2) *Security booths.*
- (3) *Recycling areas.*
- (4) *Indoor recreational areas such as game rooms, library, computer room.*
- (5) *Outdoor recreational sitting areas such as an event lawn, gazebos and other civic amenities.*
- (6) *Other uses customary and incidental to the principal permitted use.*

C. Development Requirements. Development within this zone shall be in accordance with the following standards and site plan review:

- (1) *Minimum lot area: 5 acres.*
- (2) *Minimum lot frontage: 300 feet.*
- (3) *Maximum number of units: 127.*
- (4) *Maximum height: three stories or 50 feet to the highest ridge beam of a pitched roof or 35 feet to a flat roof.*
- (5) *Maximum lot coverage: 35%.*
- (6) *Maximum impervious coverage: 60%.*
- (7) *Minimum setbacks for all building:*
 - (a) *Front yard: 100 feet.*
 - (b) *One Side yard: 25 feet.*
 - (c) *Total of Two Side Yards: 100 feet.*
 - (d) *Rear yard: 100 feet.*
- (8) *Buffer Areas: Along the front and rear lot lines, a minimum buffer of 50 feet shall be provided. Such buffer shall be 15 feet along side lot lines. With the exception of minimum disturbance necessary for the construction of an access driveway and utilities said buffer shall be kept in its natural state where wooded and, when natural vegetation is sparse or nonexistent, the developer shall supplement the existing vegetation with new landscape screening. Elsewhere on the site, existing trees shall be preserved to the greatest degree possible.*
- (9) *Off-street parking: In accordance with the Residential Site Improvement Standards (RSIS).*
- (10) *Minimum parking setbacks:*
 - (a) *From building: 10 feet.*
 - (b) *No parking area shall be permitted in the required front yard or within required buffer areas.*
- (11) *The development shall be serviced by public water and sewer facilities.*
- (12) *Support services, functions and facilities shall include the following at a minimum: indoor recreation or activity facilities; kitchen and dining facilities; private emergency transportation; pass-key locking doors that provide twenty-four-hour security.*
- (13) *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 38 units (30%) with at least 10 of such units being affordable to very-low income households. 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 V

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 VI

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

SECTION VII

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

ORDINANCE NO. 3892-10

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