

## ORDINANCE NO. 3905-10

### AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, TO IMPLEMENT THE TOWNSHIP MASTER PLAN.

#### SUMMARY AND PURPOSE

This ordinance amends Chapter 112, Land Development, so as to implement the following recommendations from the Township Master Plan:

- (1) *Residential Overlay Zones* - The Master Plan recommended that where areas have been developed through cluster provisions of the ordinance (e.g., Wildflower Ridge, Town & County, Pizzo & Pizzo), overlay zones should be created for the developed areas to more accurately reflect the actual development. The Plan recommends that the overlay zones contain relevant bulk standards and should be designed to not permit additional subdivisions of land. It recommends that subdivisions of land and density standards should relate to the underlying zoning. The proposed Zoning Map shows the new residential overlay zones: Agricultural Cluster; Cluster Residential (Nob Hill); Residential Cluster Option; Natural Resource Protection Cluster; and Natural Resource Protection Cluster (R-40 Option).

The proposed zoning ordinance contains the bulk standards applicable to each overlay zone. With the exception of proposed lot coverage and impervious coverage for the Nob Hill development, all of these standards are already contained in the ordinance and are proposed to be added to the zoning requirements tables in the ordinance to make the applicable standards more readily known to the public and staff. The proposed lot coverage and impervious coverage for the Nob Hill development have been developed upon review of the approved subdivision plans, the already applicable setback requirements and the existing development pattern in the neighborhood.

The creation of these overlay zone will not change the development regulations applicable to these areas of the Town and will not increase potential subdivision of land since the involved cluster subdivisions were approved in accordance with cluster subdivision provisions that are already in our ordinance. The proposed zoning ordinance amendment (i.e., adding the bulk standards to the zoning requirements tables in the ordinance) and zoning map amendment (i.e., showing the affected areas on the zoning map) will only serve to make applicable standards more readily known to the public and staff.

- (2) *Elimination of S-C-V "Overlay" zone* - The Fall 2009 Master Plan amendment recommended elimination of the Senior Citizen Village (S-C-V) "Overlay" designation within the "superblock" bounded by Cedar Grove Lane, New Brunswick Road, Elizabeth Avenue and Weston Road. Since this area has been developed in accordance with the S-C-V zone, the Master Plan recommends that the Zoning Map be revised to eliminate the S-C-V "overlay" designation. Lands developed in accordance with the S-C-V zone (Somerset Run, Sterling Point, Renaissance) will be placed within an S-C-V "base" designation, with other lands maintaining their existing M-1 and R-40 "base" zone designations. As a result, elimination of the S-C-V "Overlay" zone will result in no change to the development regulations applicable to such areas. This is proposed in order to simplify the Zoning Map and since the remaining areas within the SCV "overlay" zone do not contain enough land to be developed in accordance with the requirements of the SCV zone. The Master Plan also recommends that the S-C-V "overlay" be eliminated from the Cedar Manor site since this property has been developed in accordance with the underlying C-R zone. Finally, the map reflects a proposal in the 2006 Master Plan to rezone the farm on New Brunswick Road from M-1 to R-40.
- (3) *Rezoning of portions of C-R and R-40 Zoned Areas between Cortelyous Lane and Bennetts Lane to the Agricultural (A) zone* - The Master Plan recommends that a large area of R-40 and C-R zoned land located between Cortelyous Lane and Bennett's Lane be rezoned to the A (Agricultural) zone. The Master Plan notes that much of this land has been preserved as open space or permanent farmland. Lots that have been preserved and that closely conform to the A Zone standards are recommended in the Master Plan to be rezoned to A, as are several of the larger parcels between Cortelyous and Bennett's Lanes. In July 2008, the Master Plan was amended to recommend that additional, similarly-situated properties along Bennett's Lane also be rezoned from R-40 to A. The Master Plan made this recommendation reflective of: (1) their location outside the sewer service area; (2) the farmland status of many of the properties; (3) their planning area designation on the State Plan Policy Map (Rural Planning Area - PA3); and (4) consistency with above-described recommendation of the Master Plan.
- (4) *M-2/ G-B zone Boundary along Veronica Avenue near Route 27* - The July 2008 Master Plan amendment recommends that Block 88.02, Lot 90 be zoned entirely within the G-B (General Business) designation reflective of the property's use as a shopping center.
- (5) *Single-Family Lots along Cortelyous Lane near Consolata Missions property* - The Master Plan recommends that single-family frontage lots along Cortelyous Lane near the Consolata Missions property be re-zoned to R-40 to reflect existing development.

(6) *CB Zone North of I-287, West of Elizabeth Avenue* - The Fall 2009 Master Plan amendment recommends that the CB Zone North of I-287, west of Elizabeth Avenue Board be rezoned from Corporate Business (C-B) to R-10. The Master Plan notes that there exists minimal land remaining for development and certainly not enough land to support development permitted in the C-B zone (i.e., 5 acres required) as a result of: (1) the prevalence of NJDEP-regulated wetlands; (2) the built-out nature of the area (virtually all buildable areas have been spoken for); and (3) the existence of Township open space in the area. Thus, the Master Plan was amended to recommend that this area be zoned R-10. The amendment would also significantly reduce the requirement for unnecessary variances for homeowners in the area seeking to improve their properties.

(7) *Certain open space parcels rezoned from R-40 to A* - The Land Use recommends that the two open space parcels shown on the map below be rezoned from R-40 to A.

**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 – Article II, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended in its entirety to reflect that shown on “Zoning Map – Franklin Township (Somerset County)”, prepared by Mark Healey, PP/ AICP, and dated September 2010.

### **SECTION II**

Chapter 112, Land Development, Section 112-5, Districts Enumerated, is amended as follows to appropriately reflect the following zones:

NRPC-R40	Natural Resource Preservation Cluster (R-40 option)
CR-NH	Cluster Residential (Nob Hill)

### **SECTION III**

Chapter 112, Land Development, Section 112-8, Purposes of districts, is amended to reflect the purpose of each overlay zone, as follows:

BB. NRPC-R40 Natural Resource Preservation Cluster (R-40 option). The purpose of the NRPC-R40 zone is to recognize, preserve and protect certain defined natural resources and to preserve an environment for the continuance of viable agricultural and horticultural uses; preserve open space to serve environmental, scenic, and public service purposes; promote imaginative, well-designed residential subdivisions; and respect the physical and socioeconomic qualities of the land.

CC. CR-NH Cluster Residential (Nob Hill). The purpose of the CR-NH option is to recognize, preserve, and protect certain defined natural resources existing in the Township by preserving such features while permitting medium-density residential development within specified areas adjacent or in proximity to such natural resources.

### **SECTION IV**

Chapter 112, Land Development – Schedule 2, Lot and Yard Requirements, is amended to add bulk requirements for residential overlay zones, as reflected in the table below:

### **SECTION V**

Chapter 112, Land Development – Schedule 3, Height, Coverage and Building Requirements, is amended to add bulk requirements for residential overlay zones, as reflected in the table below:

### **SECTION VI**

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 VII**

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

**SECTION VIII**

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

**ORDINANCE NO. 3905-10**

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

Introduced:	September 28, 2010
Public Hearing:	October 26, 2010
Adoption:	October 26, 2010
Published:	November 11, 2010
Effective:	November 15, 2010

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Ann Marie McCarthy, Township Clerk

**Schedule 2  
Lot and Yard Requirements  
Township of Franklin**

ZONE	MINIMUM SIZE OF LOT				MINIMUM REQUIRED YARD DEPTH (IN FEET)							
	INTERIOR LOTS		CORNER LOTS		PRINCIPAL BUILDING				ACCESSORY BUILDING		GARDEN SHED <sup>10</sup> ACCESSORY BUILDING	
	AREA (square feet)	FRONTAGE (feet)	AREA (square feet)	EACH FRONTAGE (feet)	FRONT YARD	ANY ONE SIDE YARD	TOTAL OF TWO SIDE YARDS	REAR YARD	SIDE YARD	REAR YARD	SIDE YARD	REAR YARD
AC-- Agricultural Cluster Option	25,000	125	27,500	150	35	15	35	50	15	25	5	5
CR (NB) -- Cluster Residential - Nob Hill	5,500	55	5,500	55	20	0	20	20 <sup>12</sup>	10	10	5	5
NRPC -- Natural Resources Preservation Cluster Option	2 acres	200	2 acres	200	50	25	75	50	25	25	5	5
NRPC (R-40) -- Natural Resources Preservation Cluster - R40 Option	15,000	100	18,000	120	30	10	30	50	10	25	5	5
RC -- Residential Cluster Option	20,000	100	22,000	100	40	15	37.5	25	15	25	5	5

12. 25 feet on perimeter buffer

**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)			
AC-- Agricultural Cluster Option	2-1/2	35	15%	25%	-
CR (NB) -- Cluster Residential - Nob Hill	2-1/2	35	40%	60%	-
NRPC -- Natural Resources Preservation Cluster Option	2-1/2	35	10%	20%	-
NRPC (R-40) -- Natural Resources Preservation Cluster - R40 Option	2-1/2	35	20%	30%	-
RC -- Residential Cluster Option	2-1/2	35	15%	25%	-