

**TOWNSHIP OF FRANKLIN
GLOUCESTER COUNTY, NEW JERSEY**

O-22-23

**AN ORDINANCE AMENDING CHAPTER 253 LAND DEVELOPMENT, TO
ESTABLISH INCLUSIONARY AFFORDABLE HOUSING OVERLAY ZONES**

WHEREAS the Township of Franklin (hereinafter 'the Township) filed a complaint for declaratory and injunctive relief seeking a judgment of compliance and repose on July 2, 2015 under Docket number GLO-L-901-15 (hereinafter the litigation'); and

WHEREAS, the Township agreed to settle the said Litigation with all parties through a negotiated Settlement Agreement (hereinafter the 'Agreement') on May 26, 2022; and

WHEREAS, as part of the Agreement, the Township agreed to adopt an ordinance to establish affordable housing overlay zoning districts to address its Prior Round and Third Round fair share obligations; and

WHEREAS, the Township has identified various parcels of land in the Township that it has determined to be appropriate for development of higher density inclusionary residential development, with potential access to water and sewer infrastructure and outside of any Pinelands protection areas, which together possess sufficient land area to accommodate inclusionary zoning at accepted densities to address the Township's Prior Round and Third Round affordable housing obligation in accordance with the applicable regulations concerning durational adjustment at N.J.A.C. 5:93-4.3; and

WHEREAS, having considered the proposed amendment, the Township Committee concurs that the proposed amendment to Chapter 253, to establish affordable housing overlay zoning districts, does conform to the agreed upon terms of the Agreement, the Master Plan, and the previously adopted Amended Housing Element and Fair Share Plan and will provide realistic opportunity for the construction of affordable housing units in the Township.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Committee of the Township of Franklin, in the County of Gloucester and State of New Jersey, that:

SECTION 1. Franklin Township Code §253-86 entitled "Classes of Districts" is hereby amended to include the following one (1) new zoning designation, "Affordable Housing Overlay Zone".

SECTION 2. Franklin Township Code §253-87, entitled "Boundaries, Zoning Map" is hereby amended to place the following properties within the Affordable Housing Overlay Zone:

Block	Lot(s)
1903	1, 63, 64, 65, 66
2001	11, 12, 13, 14, 15, 16
2401	1
5101	2, 2.01, 3, 4, 5, 6, 7, 8, 9
5501	30
5502	8
5503	4, 5
5504	2, 3, 4, 5, 6

SECTION 3. Article XVI, entitled "Affordable Housing Overlay Zone," shall be added as follows:

§253-118. Affordable Housing Inclusionary Overlay Zone.

- A. Purpose. The purpose of the Affordable Housing Inclusionary Overlay Zone is to create the opportunity for the development of as of right affordable housing in accordance with the Court-approved Settlement Agreement between Franklin Township and Fair Share Housing Center dated May 26, 2022.
- B. Application of Requirements. The Affordable Housing Inclusionary Overlay Zone permits development of multi-family residential units with an affordable housing component. The requirements of the "underlying" zoning districts shall remain in full effect in the area

encompassed by this Overlay Zone unless an application is proposed consistent with the requirements of this Overlay Zone. The requirements of this Overlay Zone shall only be applicable to the lands involved in such a residential inclusionary development application. Lands not included in such an inclusionary development application shall continue to be subject to the requirements of the underlying zoning district.

C. Permitted Uses.

1. Principal Permitted Uses.

- a) Affordable housing development through inclusionary residential development in the form of townhouses, duplexes, or multi-family housing, such as apartments, in accordance with the density and set-aside standards identified herein.

2. Permitted Accessory Uses.

- a) Off-street parking and loading and attached private residential garages.
- b) Fences and walls in accordance with Township Code.
- c) Signs in accordance with Township Code.
- d) Clubhouses or recreational facilities to service the residential developments, which may include swimming pools, soccer/football fields, baseball diamonds, basketball courts, tennis courts, tot lots, and/or playgrounds.

D. The following development standards shall apply within the Affordable Housing Inclusionary Overlay Zone:

- 1. Maximum gross density. 14 units per acre or, where on-site water or sewer facilities are proposed, the maximum density permitted by the capacity of the proposed system or the maximum density permitted by applicable state regulations, including the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq., whichever is less. As part of site plan approval, a developer seeking to develop a project served by on-site water and sewer facilities must provide expert reports and testimony to confirm that the proposed system will be capable of serving the project at the proposed density.

2. Affordable Housing Requirements:

- a) A twenty percent (20%) mandatory affordable housing on-site set-aside requirement shall apply to any residential development, including the residential portion of a mixed-use project, of five (5) units or more.
- b) All affordable units created shall fully comply with the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1, et seq. (UHAC), including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be restricted for very-low-income households earning thirty percent (30%) or less of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27-D-301.
- c) All very-low-income units shall be proportionately distributed within each bedroom distribution. In a family non-age-restricted development at no time shall the number of efficiency/one-bedroom very low-income units exceed the number of three-bedroom very-low-income units.
- d) All affordable units created shall fully comply with the Township's Affordable Housing Ordinance in Chapter 138 of the Township Code.

3. The following tract requirements shall apply:

Min Lot Area (tract)	5 acres (may be met by contiguous lots)
Min Lot Width (tract)	100 feet
Min Lot Depth (tract)	125 feet
Min Front Yard Setback (tract)	150 feet
Min Side Yard Setback (tract)	100 feet
Min Rear Yard Setback (tract)	100 feet
Max Lot Coverage	60%
Max Building Height	48 feet / 3.5 stories

Min Open Space Area	15% of tract area
1. Patios, decks and fences may be located within required building setback areas. 2. open space shall be arranged as a common area situated between and among buildings from a central location within the development. Areas in required setbacks and landscaped buffers shall not be counted toward the minimum open space area.	

4. Public water and wastewater service: The developer shall provide public water and sewer service (or alternative wastewater treatment facilities).
5. No non-residential development shall be permitted.
6. No transfer of development scheme, non-contiguous cluster zoning, or other condition shall apply to inclusionary residential development, which shall be as of right.

SECTION 4. This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

SECTION 5. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 6. This Ordinance shall be referred to the Township Planning Board for review pursuant to N.J.S.A. 40A:55D-26A.

SECTION 7. Upon adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board, the Pinelands Commission and other agencies as required by law.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 9. This Ordinance shall take effect upon final passage and publication according to law.

Attest:

Township of Franklin

Barbara Freijomil, Clerk

John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on December 12, 2023 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on December 26, 2023 at which time any person interested therein will be given an opportunity to be heard.

Barbara Freijomil, Municipal Clerk

Introduced December 12, 2023

Name	Motion	Second	Yes	No	Abstain	Absent
Doyle						
Flaim						
Keen						
Marsh						
Bruno						

Adopted December 26, 2023

Name	Motion	Second	Yes	No	Abstain	Absent
Doyle						
Flaim						
Keen						
Marsh						
Bruno						