

**TOWNSHIP OF FRANKLIN, SOMERSET COUNTY
ORDINANCE NO. 4371-22**

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, INTENDED PRIMARILY TO ADDRESS THE DEVELOPMENT OF WAREHOUSES IN THE BUSINESS AND INDUSTRY (B-I) ZONE AND TO MAKE ASSOCIATED AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE.

SUMMARY

With the growth of e-commerce and rising consumer expectations for same-day delivery services, the demand for large-scale warehousing for goods storage and distribution to businesses and retail customers has increased exponentially.

Due to New Jersey's strategic geographic position, skilled workforce, major consumer markets, and robust transportation infrastructure that serve the entire Northeast, New Jersey is an ideal location for the warehousing and goods movement industries. While, these industries contribute economic activity, jobs, and taxables to the state, warehousing can also generate substantial noise, traffic, and air pollution, especially from medium to heavy-duty diesel trucks.

Franklin Township has certainly been experiencing the exponential growth of warehouse development. Since 2018 the Township has received more than two dozen applications for the development of new or expanded warehouses. In total, these developments total several million square feet. A number of these applications are expected to result in lesser impact due to their nature (e.g., redevelopment or expansion of previously developed warehouses or large-scale office buildings) and/or due to their location (e.g., in the middle of light industrial areas with no nearby sensitive land uses such as residentially-zoned areas and/or located in close proximity to the I-287 without the need for associated truck traffic to traverse residential areas of the Township). However, many of these applications are located in either close proximity to sensitive land uses (including residential zones) and/or are located a significant distance from I-287 (which would require associated truck traffic to traverse through residential areas of the Township). Particularly due to their location, such developments would be far more likely to produce negative impacts to sensitive land uses including noise, traffic, and air pollution.

As indicated above, the rapid growth of warehouse development is not unique to Franklin Township. Communities throughout New Jersey have experienced this phenomenon and its associated impacts. As a result, earlier this month the New Jersey State Planning Commission issued a report (<https://www.nj.gov/state/planning/>) (the "State Planning report") which provides guidance to local governments to control warehouse development.

This ordinance is intended to reduce potential impacts of warehouse development. It incorporates a number of the considerations raised in the State Planning report and is supported by the Township Master Plan most notably the following goal and objectives related to such development:

- Goal: Encourage commercial and industrial development in areas with access to major regional highways (I-287) and in established areas.
 - Locate major employment and traffic-drawing uses in areas where they will least impact residential neighborhoods.
 - Maintain size of industrial districts to ensure adequate space for light industry and warehousing.

The ordinance:

- *Make warehouses a conditionally permitted use in the B-I (Business and Industry) zone.* The ordinance would prohibit warehouses on lands located within 500 feet of a residential zone. This requirement is consistent with a recommendation in the State Planning report in its "Municipal Mitigation Best Practices" and is consistent with the Goal and Objectives of the Township Master Plan cited above.
 - Section VI – amends Schedule I, Permitted Uses, to make "warehouse and distribution uses" a conditional use in the Business and Industry (B-I) zone
 - Section XII – provides the conditional use standards for "warehouse and distribution uses" in the B-I zone. In addition to the 500-foot separation requirement, warehouses would be specifically required to be served by public water and sewer.
- *Rezone property along Mettlers Road (north of Weston Road) from the ROL (Research-Office-Laboratory) zone to the RR-3 (Rural Residential) zone.* Access to this large undeveloped property, located at the northeast corner of Mettlers Road/ Weston Road, is limited to two roads (Weston Road and Mettlers Road) that are particularly unsuitable due to their width and geometry for large-scale traffic-inducing developments. Further, while located in the sewer service area, the property is not served by public sewer (closest sewer line is located a significant distance in School House Road). Lastly, sensitive land uses in the form of residential development and Franklin High School are located to the west and east of the site respectively. The property would be rezoned to the RR-3 consistent with the zoning of surrounding properties.
 - Section III – rezones this property to the RR-3 zone.
 - Sections I, IV, VI, VII, X, XIII – with the rezoning of this property the ordinance would no longer need to reference or contain standards for development in the ROL zone. Such requirements would be eliminated from the ordinance

- *Rezone certain properties along Mettlers Road (south of Weston Road) from the ROL (Research-Office-Laboratory) zone to the A (Agricultural) zone.* While portions of these lands have been previously developed (a laboratory use and an office building recently converted to a school), there remains a sizeable area of undeveloped land at the southwest corner of Weston Road/ Mettlers Road. For the reasons stated above with respect the property at the northeast corner of Metters Road/ Weston Road, these properties are proposed to be rezoned consistent with the zoning of surrounding properties - in this case the A (Agricultural) zone.
 - Section II – rezones these properties to the A zone.

- *Rezone certain properties along the Elizabeth Avenue (south of New Brunswick Road) from the B-I (Business and Industry) zone to the R-40 (Residential) zone.* While some of these properties have been previously developed or approved for warehouse or light industrial use, there remains a sizeable area of undeveloped land. This area is proposed to be rezoned to the R-40 zone; it is not served by public sewer; a large portion of the area is environmentally-sensitive including large areas of NJDEP-regulated wetlands; and is located in close proximity to sensitive lands uses including Franklin High School and residences. These properties would be rezoned to the R-40 zone consistent with the zoning of the Elizabeth Avenue corridor to the immediate south.
 - Section IV – rezones these properties to the R-40 zone.

- Associated amendments to the land development ordinance primarily intended to provide further protection from the impacts of development in the B-I zone including from warehouse development
 - Section VII – clarifies the applicability of existing larger setback requirements where the B-I zone adjoins a residential zone
 - Section VIII – decreases the permitted maximum building height in the B-I zone
 - Section IX – expands the applicability of existing buffering requirements in the B-I zone
 - Section XI – amends the design standards of the B-I zone to require developers to address compliance with anti-idling laws and laws addressing “solar ready” warehouses
 - Section XIII – clarifies that no pavement (other than necessary to provide access to the site) may be located in the required 50-foot front yard setback.

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 delete the R-O-L (Research-Office-Laboratory) zones as follows:

~~ROL — Research Office Laboratory~~

SECTION II

Chapter 112, Land Development, Article II, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended to rezone the following properties, now or formerly designated with the block and lot numbers indicated below, from the ROL (Research-Office-Laboratory) zone to the A (Agricultural) zone as reflected on the attached maps (Figures 1 and 2) as follows:

BLOCK	LOT		BLOCK	LOT		BLOCK	LOT		BLOCK	LOT
512	11.01		512	11.02		512	11.03		511	1.02

SECTION III

Chapter 112, Land Development, Article II, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended as follows to rezone the following properties, now or formerly designated with the block and lot numbers indicated below, from the ROL (Research-Office-Laboratory) zone to the RR-3 (Rural Residential) zone as reflected on the attached maps (Figures 1 and 3):

BLOCK	LOT
514	56

SECTION IV

Chapter 112, Land Development, Article II, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended as follows to rezone the following properties, now or formerly designated with the block and lot numbers indicated below, from the B-I (Business and Industry) zone to the R-40 (Residential) as reflected on the attached maps (Figures 4, 5 and 6):

BLOCK	LOT		BLOCK	LOT		BLOCK	LOT
507.14	44		507.14	45		507.14	46
507.14	59.01		507.14	60.01		507.14	61
507.14	62		507.14	63.01		507.14	63.02
507.14	64		507.14	65.01		514	19.01
514	19.02		514	30		514	31
514	32		514	33		514	34

SECTION V

Chapter 112, Land Development, Section 112-8, Purposes of Districts, is amended to update Section 112-8.N to delete reference to the ROL zone as follows:

~~O. ROL Research Office Laboratory. The purpose of the ROL District is to encourage large lot research, office and laboratory uses in an open setting.~~

SECTION VI

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 1, Permitted Uses, is amended to delete “warehouse and distribution” from the list of Principal Uses in the B-I zone and to add “warehouse and distribution” to the list of Conditional Uses, and to delete the row pertaining to the ROL zone, as follows:

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
B-I Business and Industry	<ul style="list-style-type: none"> • General and professional office • Laboratory • Banquet facility • Hotel • Data center • Light manufacturing • Warehouse and distribution • Self-storage facility • Indoor recreation • Child-care center • Administrative and dispatch services excluding the idling, parking, storage, service, fueling or repair of vehicles used in such service or site 	<ul style="list-style-type: none"> • Buildings customary and incidental to the operation of the principal use • Signs (See Article XII.) • Retail sales as part of a warehouse or light manufacturing operation provided: (a) The items offered for sale are those manufactured and/or distributed by the warehouse/ light manufacturing operator; (b) parking is provided per the requirements for retail use; (c) such space occupies no more than 10% of the floor area of the principal use 	<ul style="list-style-type: none"> • Public utility installations (See § 112-48.) • Wireless communications antennas per Article VI • Billboards on property fronting I-287 per §112-53.1 • <u>Warehouse and distribution per §112-50</u>
ROL Research-Office-Laboratory	<ul style="list-style-type: none"> • General and professional office buildings • Laboratories of an experimental, research or testing nature (See § 112-31.) • Data processing and communications businesses • Farming operations (See § 112-27.) • Child care centers 	<ul style="list-style-type: none"> • Buildings customary and incidental to the operation of the principal use • Signs (See Article XII.) 	<ul style="list-style-type: none"> • Public utility installations (See § 112-48.) • Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI

SECTION VII

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 2, Lot and Yard Requirements, is amended to: delete the row pertaining to the ROL zone and to add clarifying language to footnote 16 pertaining to supplemental setbacks for development in the B-I zone adjacent to residential uses, as follows:

	MINIMUM LOT SIZE				MINIMUM REQUIRED YARD DEPTH							
	INTERIOR LOT		CORNER LOTS		PRINCIPAL BUILDING				ACCESSORY BUILDING		GARDEN SHED	
Zone	AREA (square feet or acres)	FRONT AGE (feet)	AREA (square feet or acres)	FRONT AGE (feet)	FRONT YARD	ANY ONE SIDE YARD	TOTAL OF TWO SIDE YARDS	REAR YARD	SIDE YARD	REAR YARD	SIDE YARD	REAR YARD
B-I^{15,16}	2 AC	150	2 AC	150	50	10	50	25	20	25		
ROL	25 AC	800	25 AC	800	150	200	500	500	400	200	-	-

16. ~~No building shall be located within~~ The minimum setback for principal and accessory buildings shall increase to 100 feet of an abutting property located within a residential district (i.e., zones in which residential uses are a principal permitted use) including the A, CP, RR, R, PAC, SCV, CMMR and C-R zones. Such setback shall increase to 150 feet for buildings taller than 50 feet in building height. Such supplemental setbacks shall apply where the residentially-zoned property is across the street from the subject property except that no such supplemental setback shall apply when an interstate highway is located between the B-I zone and such residentially-zoned property.

SECTION VIII

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 3, Height, Coverage and Building Requirements, is amended to revise the building height limitation of the B-I zone, as follows:

Zone	MAXIMUM HEIGHT		MAXIMUM PERCENT LOT COVERAGE	MAXIMUM PERCENT IMPERVIOUS COVERAGE	MAXIMUM FLOOR AREA RATIO (FAR)
	(stories)	(feet)			
B-1	<u>5</u> ¹	<u>50</u> 65 ^{1,2}	<u>50%</u>	<u>60%</u>	<u>0.5</u>

1. Except for existing hotel uses which exceeded this height prior to September 1, 2020 which shall not exceed 12 stories or 120 feet and office buildings which exceeded this height prior to _____, 2022 which shall not exceed 65 feet.
2. Refer to footnote 15 and 16 in Schedule 2 for applicable setbacks for buildings over 50 feet in height.

SECTION IX

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 6, Landscaping and Buffer Requirements, is revised to amend, and add clarifying language to, the buffer requirements of the B-I zone, as follows:

DISTRICT CATEGORY	BUFFER REQUIREMENT	LANDSCAPING REQUIREMENTS
B-I	Buffer zone area not less than 50 feet in width and consisting of mass evergreen plantings and a solid 6-foot-high fence shall be required along and abutting all residential zone boundaries (i.e., zones in which residential uses are a principal permitted use) including the A, CP, RR, R, PAC, SCV, CMMR and C-R zones, except that no buffer shall be required with an arterial street or where an interstate highway is as shown on the adopted Master Plan of the Township of Franklin located between the B-I zone and such residential zone. Such buffer area shall increase to 75 feet for sites containing a building taller than 50 feet in building height. Refer to Schedule 2, Lot and Yard Requirements, for applicable building setbacks. With the exception of necessary access drive(s) and fencing or other screening approved as part of development application, no improvements (e.g., stormwater basin, parking lots, etc.) may be permitted within such buffer areas.	<ul style="list-style-type: none"> • Evergreen and deciduous trees shall be required in all side and/or rear yard areas which abut residential zone boundary lines. One tree shall be required for each five-foot length of side and/or rear yard area. Evergreen trees shall be at least six feet in height at the time of planting, and deciduous trees shall be at least 2 ½ inches caliper. • The approving authority may waive all or a portion of the required landscaping if adequate numbers of trees exist or for reason of topographical change. • Landscaping on site shall include one tree (deciduous trees at least 2½ inches caliper and evergreens at least 6 feet in height) for each 2,000 square feet of paved area.

SECTION X

Chapter 112, Land Development – Article IV, Supplementary Zoning Regulations, Section 112-31, pertaining to the development in the ROL zone shall be deleted in its entirety, as follows:

- ~~§ 112-31 Laboratories of an experimental, research or testing nature in the ROL District.~~
- ~~A. A gatehouse, bus stop shelter or security office shall not be more than one story in height and shall not be less than 25 feet from a street right of way.~~
- ~~B. Parking areas may be located in any of the required yard areas, provided that they are at least 25 feet from a street line and 50 feet from a side or rear lot line.~~
- ~~C. All such uses shall comply with performance standards as specified in Article XIII (§ 112-115 et seq.) of this chapter.~~
- ~~D. Permitted accessory uses. The following accessory uses are permitted:~~
- ~~(1) Living quarters, recreation facilities and other required accessory uses to the main research use for caretakers and watchmen, as well as their families, where the constant availability of the aforementioned employees is necessary. All living quarters as permitted shall comply in height, cubic content, and yards requirements as set forth for the R-R District. In no event shall there be more than one accessory use for living quarters for each five acres.~~
 - ~~(2) Private garage space.~~

SECTION XI

Chapter 112, Land Development – Article IV, Supplementary Zoning Regulations, Section 112-33.6, Design of Business and Industry Uses, is revised to add new sections addressing anti-idling signage and accommodation for solar facilities, as follows:

- H. The site plan shall demonstrate measures to address compliance with applicable Township and State laws pertaining to idling of gasoline and diesel fueled motor vehicles, including N.J.A.C 7:27-14 (“Control and Prohibition of Air Pollution from Diesel-Fueled Motor Vehicles”) and N.J.A.C 7:27-15 (“Control and Prohibition of Air Pollution from Gasoline-Fueled Motor Vehicles”), including but not necessarily limited to the posting of signage on the site.
- I. All newly constructed warehouses shall be solar-ready per the requirements of C.52:27D-123.19 Solar-ready building, warehouses.

SECTION XII

Chapter 112, Land Development – Article V, Conditional Uses, shall be revised to provide Section 112-50, as follows, to contain conditional use standards for “warehouse and distribution” uses in the B-I zone:

§112-50 Warehouse and Distribution

Warehouse and distribution may be permitted upon authorization by the Planning Board in accordance with the following standards and site plan review:

- A. A warehouse and distribution use shall be permitted only on a lot located no closer than 500 feet to the nearest residentially-zoned property (i.e., zones in which residential uses are a principal permitted use) including the A, CP, RR, R PAC, SCV, CMMR and C-R zones, except where an interstate highway is located between the B-I zone and such residentially-zoned property.
- B. A warehouse and distribution use shall be served by public water and public sewer.

SECTION XIII

Chapter 112, Land Development – Article XI, Off-Street Parking and Loading, Section 112-102.F pertaining to the ROL zone shall be deleted and Section 112-102.G., pertaining to required setbacks for parking and loading areas in the B-I zone is amended to provide clarifying language, as follows:

- F. ~~ROL: No parking area shall be located closer than 50 feet to a front property line nor closer than 100 feet to a side property line.~~
- G. B-I: No parking area, drive aisle or driveway (other than that necessary to provide access to the property) shall be located in the required 50-foot wide front yard area nor closer than five feet from a side or rear property line. Ingress and egress shall be provided by not more than two driveways, each not less than 20 feet nor more than 36 feet in width. No parking lot drive aisle or driveway may be located within buffer zone areas required in Schedule 6.

SECTION XIV

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 XV

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

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

Introduced: June 28, 2022
Published: July 1, 2022
Re-Published: July 8, 2022
Public Hearing: July 19, 2022
Adoption:
Published:
Effective:

Ann Marie McCarthy, Township Clerk

Figure 1: Mettlers Road/ Weston Road Area

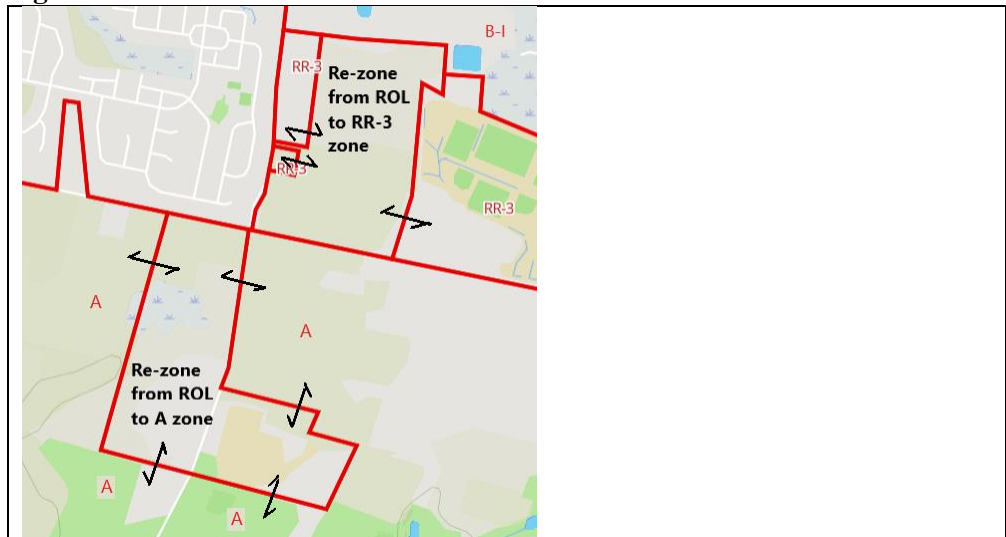


Figure 2: Re-Zone from ROL to A zone

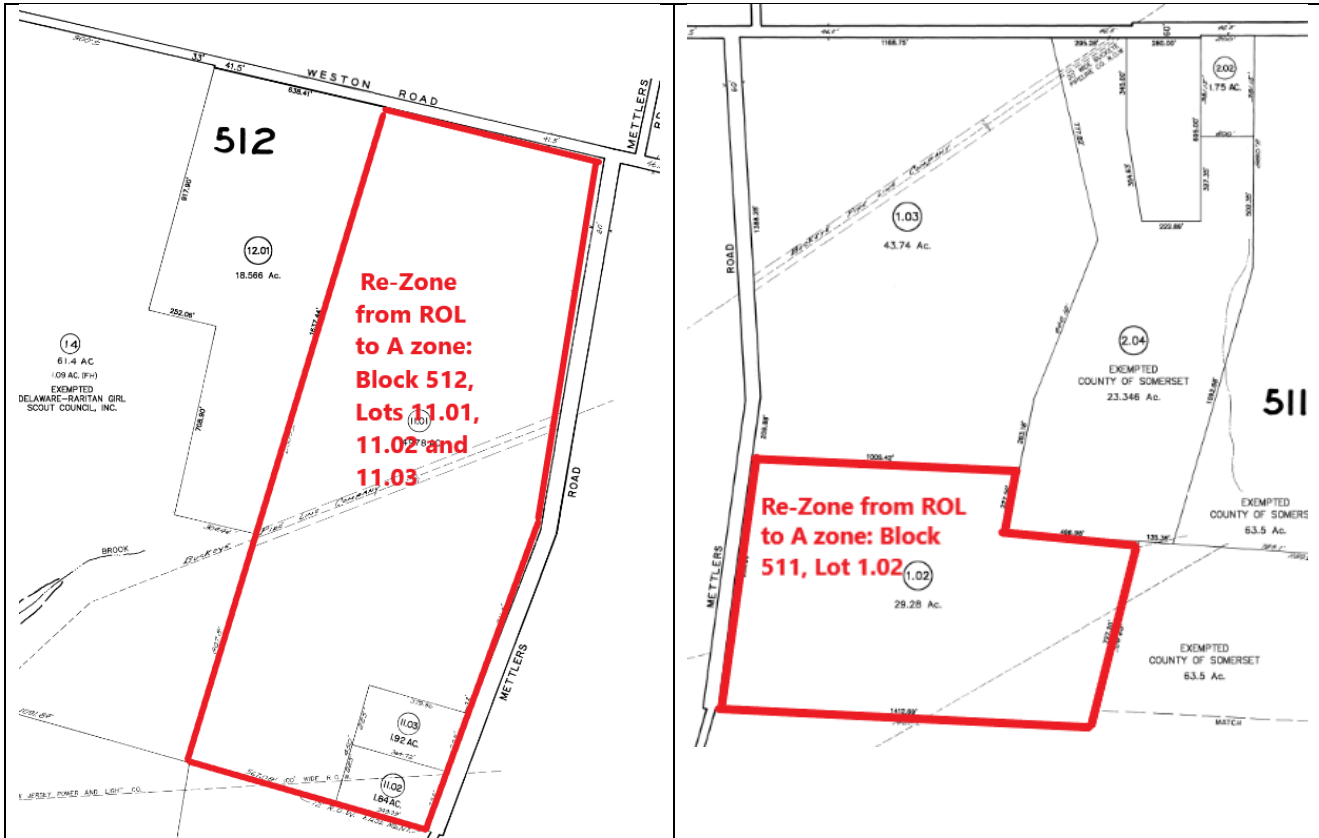


Figure 3: Re-Zone from ROL to RR-3 zone

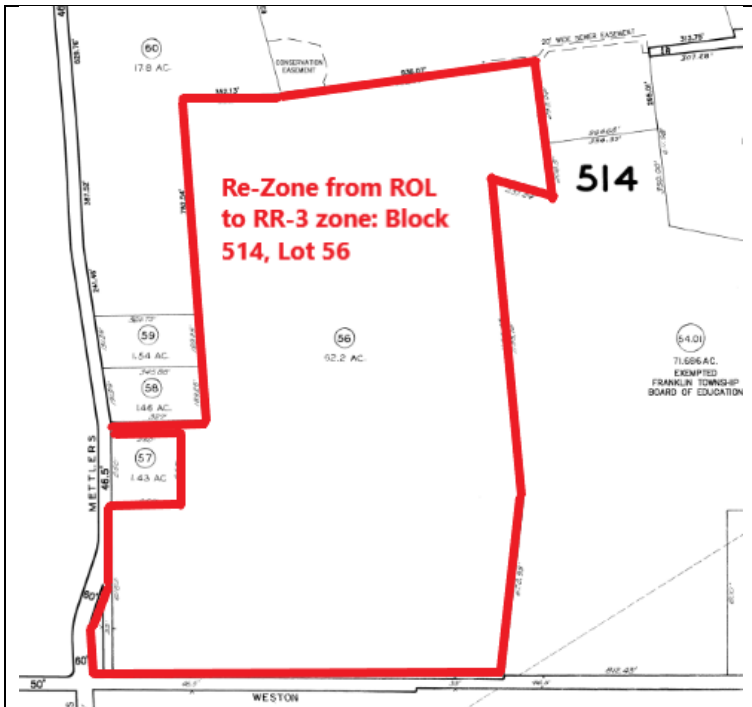


Figure 4: Elizabeth Avenue, South of New Brunswick Road/ School House Road

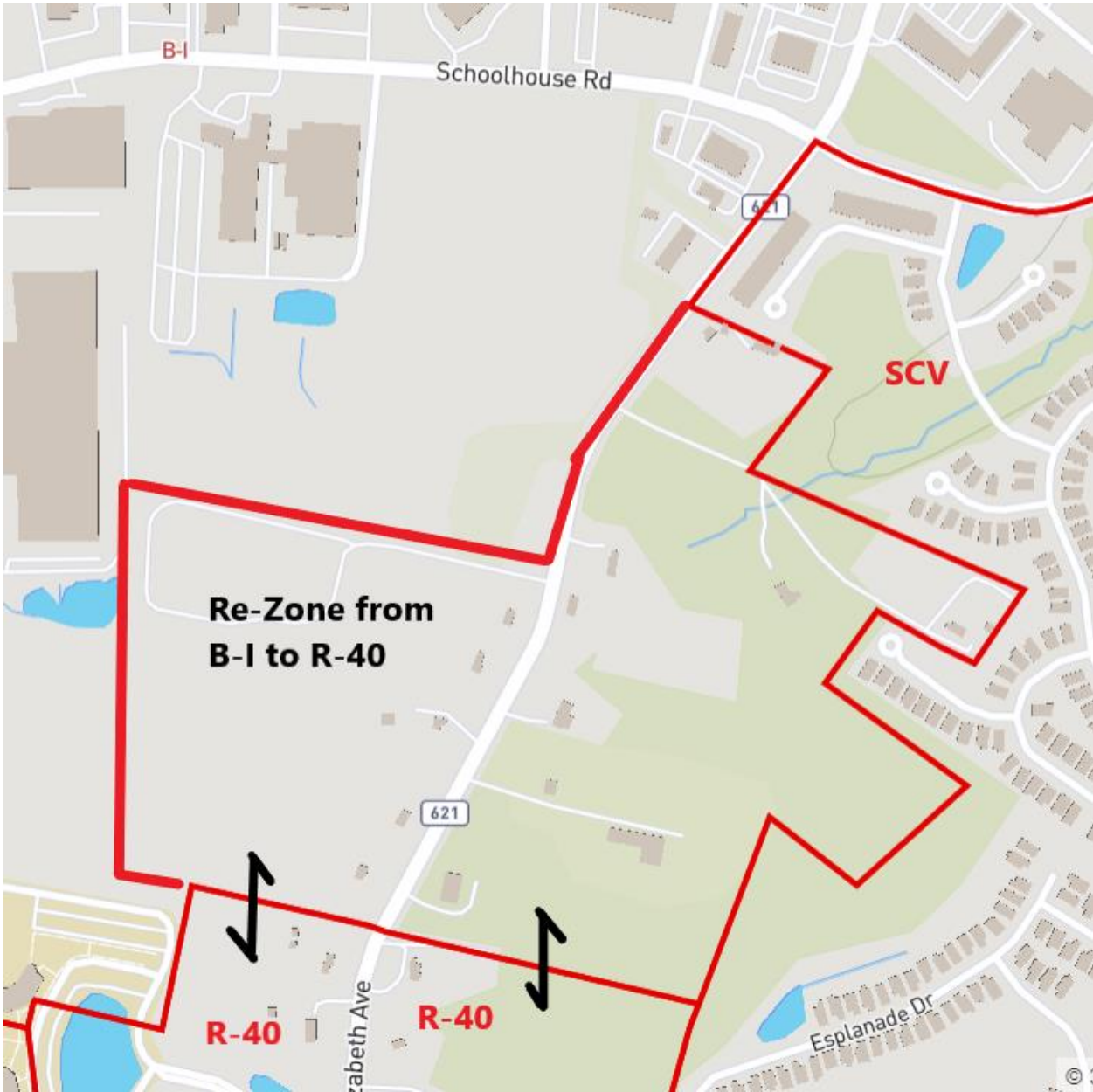


Figure 5: Re-Zone from B-1 to R-40

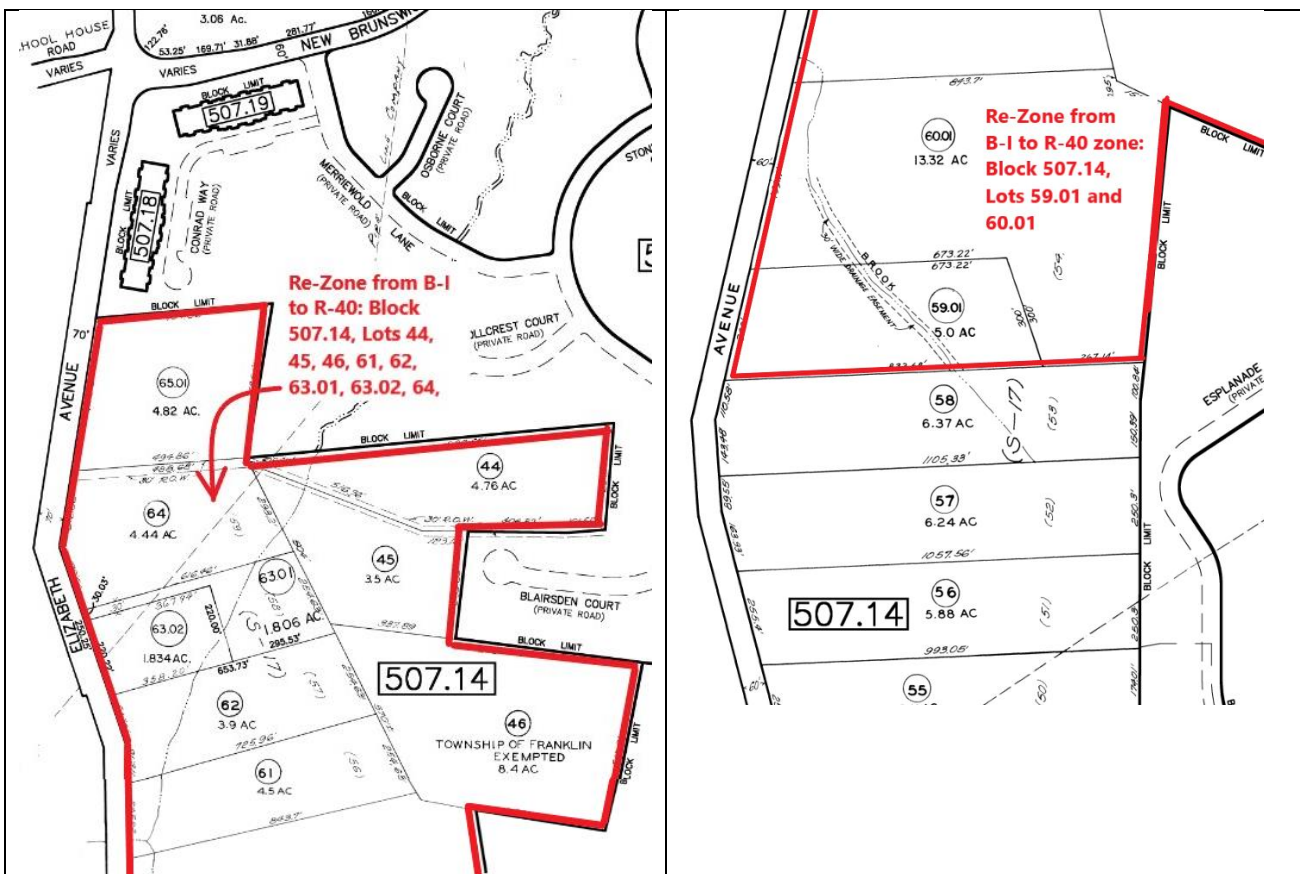
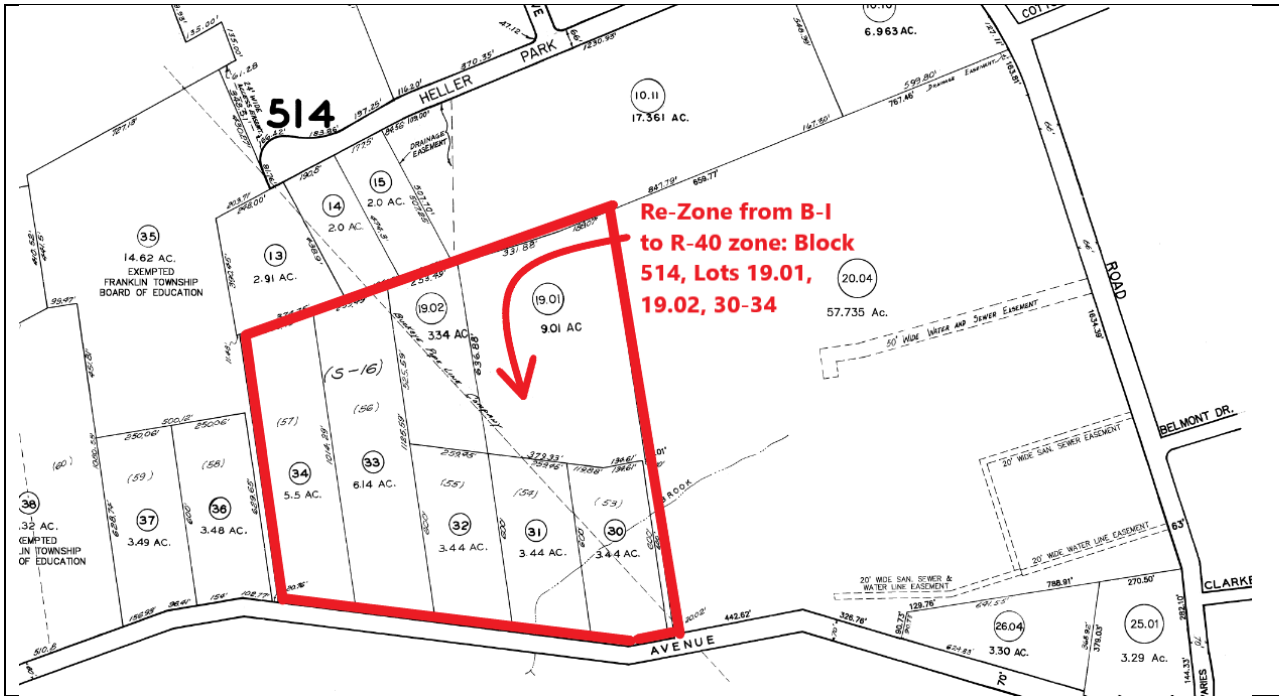


Figure 6: Re-Zone from B-1 to R-40



ORDINANCE NO. 4371-22

THIS IS A TRUE COPY OF AN ORDINANCE ADOPTED BY THE TOWNSHIP COUNCIL, TOWNSHIP OF FRANKLIN, SOMERSET, NJ

Introduced: June 28, 2022
Published: July 1, 2022
Re-Published: July 8, 2022
Public Hearing: July 19, 2022
Adopted:
Notice of Adoption:
Effective Date:

Ann Marie McCarthy, RMC, MMC
Township Clerk