

ORDINANCE NO. 02-2026

**BOROUGH OF FRANKLIN
COUNTY OF SUSSEX
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 161,
ENTITLED “LAND DEVELOPMENT”, MOST NOTABLY SECTION 161-33,
ENTITLED “HMF – Hospital Multifamily Zone”.**

WHEREAS, the Borough of Franklin, in accordance with the Consent Order granting Conditional Compliance Certification pursuant to N.J.S.A. 52:27D-304(q), the Borough of Franklin seeks to amend Section 161-33 of the Borough Code of the Borough of Franklin to provide for a change in the density permitted in the HMF -Hospital Multifamily Zone to ten (10) dwelling units per acre.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, State of New Jersey that the Mayor and Borough Council wish to amend Section 161-33K of the Borough Code as follows (new text is in **[brackets]** removed text is in ~~strikethrough~~):

§ 161-33K HMF – Hospital Multifamily Zone.

- (1) Minimum tract size: 15 acres.
- (2) Maximum density: ~~six~~ **[ten]** units per acre. **[Multi-family and townhouse uses are permitted]**
- (3) Maximum building height: three habitable stories.
- (4) Maximum principal building coverage: ~~30%~~ **[40%]**
- (5) Maximum total coverage: 50%.
- (6) Minimum perimeter buffer: 75 feet. Existing vegetation shall be preserved.
- (7) No disturbance of slopes in excess of 20%.
- (8) Attempts shall be made to reuse any buildings of historic significance. This requirement may be waived by the Board based upon credible expert testimony that the buildings are beyond repair.

[NEW SUBSECTION (9)]

(9) Affordable Housing Requirements.

- a) All residential development shall provide an on-site, non-age-restricted affordable housing set-aside of at least twenty percent (20%) of the total number of dwelling units developed.
- b) All affordable housing units shall be deed restricted as very low-income, low-income, and moderate-income affordable units consistent with Uniform Housing Affordability Controls (“UHAC” regulations at N.J.A.C. 5:80-26.1 et seq). Such controls shall remain in effect for a period of at least forty (40) years for rental units and at least thirty (30) years for sale units, until such time and under

conditions as the Borough elects to release deed restrictions. Such controls shall commence from the date of issuance of the initial certificate of occupancy for each affordable unit. Each affordable unit shall be specifically identified by unit number in the recorded deed restriction. Draft affordability controls and deed restrictions shall be submitted to the Borough for review as a condition of major subdivision or major site plan approval for any residential development. All affordability controls and deed restrictions shall be recorded prior to the issuance of a Certificate of Occupancy for each affordable housing unit. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Borough Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.

- c) Phasing of the affordable housing units shall be consistent with UHAC requirements (N.J.A.C. 5:80-26.5) as follows:
- i. No more than 25 percent of the market-rate units plus one, may be completed prior to the completion of 10 percent of the restricted units;
 - ii. No more than 50 percent of the market-rate units may be completed prior to the completion of 50 percent of the restricted units;
 - iii. No more than 75 percent of the market-rate units may be completed prior to the completion of 75 percent of the restricted units; and
 - iv. No more than 90 percent of the market-rate units may be completed prior to the completion of all of the restricted units.
- d) Bedroom distribution of the affordable housing units shall be consistent with UHAC requirements (N.J.A.C. 5:80-26.4(e)) as follows:
- i. At a minimum, the number of bedrooms within the restricted units shall equal twice the total number of restricted units;
 - ii. At least 30 percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be two-bedroom units;
 - iii. At least 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be three-bedroom units;
 - iv. No more than 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be efficiency or one-bedroom units;
 - v. Two-bedroom and/or three-bedroom units shall compose at least 50 percent of all restricted units;
- e) Income breakdown for the affordable housing units shall be consistent with UHAC requirements (N.J.A.C. 5:80- 26.4(g)).
- i. At least 13% of restricted units shall be very-low income units
 - ii. At least 50 percent of all restricted units shall be low-income or very-low-income units

- iii. At least 50 percent of all restricted one-bedroom units, rounded up or down to the nearest whole number in either direction, shall be low-income units or very-low-income units
 - iv. At least 50 percent of all restricted two-bedroom units, rounded up or down to the nearest whole number in either direction, shall be low-income units or very-low-income units;
 - v. At least 50 percent of all restricted three-bedroom units shall be low-income units or very-low-income units
 - vi. Very-low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
- f) Each development shall comply with the occupancy standards set forth in the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.5. This shall include:
- i. Equal design element among market-rate units and affordable units within the same development in accordance with N.J.A.C. 5:80-26.5(a)(2)(i);
 - ii. Siting to avoid concentrating affordable units in undesirable locations in accordance with N.J.A.C. 5:80-26.5(a)(2)(ii);
 - iii. Interspersion of affordable units, equal access to communal amenities in accordance with N.J.A.C. 5:80-26.5(a)(2)(iii);
 - iv. Same access to communal amenities as residents of market-rate units within the same affordable development in accordance with N.J.A.C. 5:80-26.5(a)(2)(iv);
 - v. Adequate heating-cooling, including the same type of heating source as market-rate units of the same type in accordance with N.J.A.C. 5:80-26.5(a)(2)(v);
 - vi. Each bedroom to have at least one window in accordance with N.J.A.C. 5:80-26.5(a)(2)(vi)
 - vii. Minimum square footage requirements in accordance with N.J.A.C. 5:80-26.5(a)(2)(viii);
 - viii. Restricted units must be of the same type as market-rate units within the same building in accordance with N.J.A.C. 5:80-26.5(a)(2)(viii).
- g) The developer shall also comply with all of the other requirements of UHAC and the Borough's Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, (2) candidate qualification screening requirements, (3) integrating the affordable units amongst the market rate units, (4) unit phasing requirements, and (5) occupancy standards.
- h) The developer shall contract with a qualified and experienced third party administrative agent, which may be the Borough's administrative agent (the "Administrative Agent") for the administration of the affordable units and shall have the obligation to pay all costs associated with properly deed restricting the affordable units in accordance with this redevelopment plan for the deed-restriction period. The redeveloper and its Administrative Agent shall work with the Borough and the Borough's Administrative Agent, should the redeveloper's and the Borough's Administrative Agent not be one in the same,

regarding any affordable housing monitoring requirements required by the Amended Fair Housing Act. The redeveloper shall provide, within thirty (30) days after written notice, detailed information reasonably requested by the Borough or the Borough's administrative agent, should the redeveloper's and the Borough's Administrative Agent not be one and the same, concerning the redeveloper's compliance with UHAC, the Borough's Affordable Housing Ordinance, all applicable Court orders, and other applicable laws

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

(1) All ordinances or parts of ordinance which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistencies.

(2) This Ordinance shall take effect immediately upon due passage and publication in accordance with law.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Mayor and Borough Council of the Borough of Franklin conducted on February 24, 2026. It was adopted after final reading and public hearing thereon at a meeting of the Franklin Borough Council conducted on March 10, 2026 in the Council Chambers at the Franklin Municipal Building, 46 Main Street, Franklin, New Jersey and shall take effect in accordance with law.

Colleen L. Little, RMC
Municipal Clerk