

## EXHIBIT D

### TOWNSHIP OF RANDOLPH COUNTY OF MORRIS STATE OF NEW JERSEY

#### **DRAFT ORDINANCE #XX-XX**

#### **AN OMNIBUS ORDINANCE OF THE TOWNSHIP OF RANDOLPH TO CERTAIN SECTIONS OF ARTICLE III (ZONING) OF THE ORDINANCES OF THE TOWNSHIP OF RANDOLPH**

**WHEREAS**, the Township Council deems it appropriate to amend the Township Code with respect to certain elements of Article III, Zoning;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Randolph, County of Morris, State of New Jersey, as follows:

**SECTION 1.** Section 15-48 (Tree Removal and Protection), Subsection 2 (Definitions) of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to include the following new definition:

#### **AVERAGE TREE DENSITY**

For sites in excess of 3 acres of trees to be removed or cleared, a selective inventory, by size and species, of all trees having a DBH of eight (8) inches or greater within the proposed limit of disturbance shall be conducted using a minimum of nominal quarter acre plots (100 feet by 100 feet) which shall be staked or visibly marked to allow for inspection. The location of the inventory plots shall be determined by the applicant, subject to Township approval, by using a grid overlay drawn to the same scale as the site plan submitted with the application. A representative five (5%) percent of the wooded area proposed to be cleared shall be inventoried.

**SECTION 2.** Section 15-48 (Tree Removal and Protection), Subsection "6" (Tree removal/protection requirements for major and minor subdivisions and site plans), Subsection "1" (Application review procedure) of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to include a new Item "6", to read as follows:

6. Average Tree Density calculation shall apply for sites in excess of 3 acres of trees to be removed or cleared.

**SECTION 3.** Section 15-48 (Tree Removal and Protection), Subsection "6" (Tree removal/protection requirements for major and minor subdivisions and site plans), Subsection "2" (Permit application procedure), Subsection A (Application Form), Item "4" of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to read as follows:

4. A list of all trees, deciduous or coniferous, to be removed with a DPM equal to or greater than eight (8) inches identified by size and species, including total number of each species to be removed. Exceptions are listed under Section 15-48.6.2.A.9.

**SECTION 4.** Section 15-48 (Tree Removal and Protection), Subsection "6" (Tree removal/protection requirements for major and minor subdivisions and site plans), Subsection "2" (Permit application

procedure), Subsection A (Application Form) of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to include a new Item "9", to read as follows:

9. For sites utilizing Average Tree Density calculation, the following procedure shall be followed:
  - a. The Average Tree Density shall utilize nominal quarter acre (100'x100') sample areas. Sample areas are to be staked out in the field and verified by the Township that they are representative of the site.
  - b. The number of sample areas must be a total an area that comprises 5% of the wooded areas to be cleared. To calculate the number of required samples, 5% of the wooded areas to be cleared (in square feet) shall be divided by 10,000. Any resulting fractional number shall be rounded up to the nearest whole number. The representative 5% shall be determined by agreement between the Township and the applicant. Unless otherwise determined by the Township, where less than three acres is proposed to be cleared, all trees to be removed shall be inventoried;
  - c. A list of all trees, deciduous or coniferous, to be removed within the sample area with a DPM equal to or greater than eight (8) inches shall be identified by size and species, including total number of each species to be removed;
  - d. Tree replacement is based on 2 replacement trees for every tree between 12" and 24" inclusive that are removed.
  - e. The number of trees to be removed is estimated based on applying the average density of the samples proportionally to the area to be cleared.

**SECTION 5.** Section 15-48 (Tree Removal and Protection), Subsection "6" (Tree removal/protection requirements for major and minor subdivisions and site plans), Subsection "2" (Permit application procedure), Subsection B (Landscape Plan), Item "2" of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to read as follows:

2. Location and identification by size and species of individual trees as listed in Sec. 15-48.6.2.A.4 or 15-48.6.2.A.9 for removal, plus those trees of DPM of eight (8) inches or greater within the area of development/limit of disturbance which are to be preserved.

**SECTION 6.** Section 15-48 (Tree Removal and Protection), Subsection "6" (Tree removal/protection requirements for major and minor subdivisions and site plans), Subsection "2" (Permit application procedure), Subsection B (Landscape Plan), Item "3" of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to read as follows:

3. Location of individual trees with a DPM equal to or greater than eighteen (18) inches identified by size and species thirty feet beyond a delineated limit of disturbance line. This requirement does not apply to a minor subdivision or sites utilizing Average Tree Density calculation.

**SECTION 7.** Section 15-48 (Tree Removal and Protection), Subsection "6" (Tree removal/protection requirements for major and minor subdivisions and site plans), Subsection "3" (Clearing requirements), Subsection A (Design Requirements), Item "2" of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to read as follows:

2. For site in excess of 20 acres, no more than sixty (60) percent of existing tree canopy within the property boundaries shall be removed. Existing tree canopy comprised of the forty (40) percent minimum shall be noted for preservation. Steep slope limits of disturbance shall supersede this section when appropriate.

**SECTION 8.** Section 15-48 (Tree Removal and Protection), Subsection "6" (Tree removal/protection requirements for major and minor subdivisions and site plans), Subsection "4" (Tree care and plantings), Item E of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to read as follows:

- E. Applicant Option. If an applicant should decide not to replace required trees on his site, the applicant shall contribute \$200 per tree not replaced, which monies shall be deposited into the Tree Bank Fund of Sec. 15-48.8.B. Where the number of trees not replaced exceeds 250 the contribution shall be \$115 per tree not replaced.

**SECTION 9.** Section 15-48 (Tree Removal and Protection), Subsection "6" (Tree removal/protection requirements for major and minor subdivisions and site plans), Subsection "4" (Tree care and plantings), Item A (Tree Replacement and Reforestation) of Article III (Zoning) of the Code of the Township of Randolph is hereby amended hereby amended to include a new Item "5", to read as follows:

5. Replacement trees planted in excess of 3.5" caliper shall be entitled to 2 replacement credits for each tree.

**SECTION 10.** Section 15-44 (Regulations for Development within Steep Slope Areas), Subsection "4" (Steep slope disturbance application contents.), Subsection B, Item "1" of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to read as follows:

1. For the purpose of determining the area of regulated steep slopes on a property, the existing topography shall be analyzed based on a ten foot (10') contour intervals. The 10' contours shall be used to delineate all of the slope categories outlined in this ordinance. For the purpose of showing the limit of disturbance for the clearing and/or construction as described above, existing and proposed contour lines using a two foot (2') contour interval shall be shown on the steep slope analysis plan.

**SECTION 11.** Section 15-44 (Regulations for Development within Steep Slope Areas), Subsection "8" (Minor steep slope areas), of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to read and to include a new Item "C" as follows:

#### 15-44.8. – Exemptions

- A. Additions to and maintenance of existing single-family homes including pools, patios, garages, sheds and gardens, located on lots in residential zones not exceeding 1.75 times the minimum lot size for the zone, are exempt from the steep slope disturbance plan requirements, except where the proposed disturbance exceeds 2,000 square feet within a slope area of 15% or greater. Such determination shall be made by the Engineering Department using the aerial topography maps having a 5 foot contour interval.

- B. All commercially zoned lots shall be exempt from the steep slope disturbance requirements, except where disturbance exceeds 3,000 square feet for lots less than 5 acres, and 5,000 square feet for lots greater than 5 acres.
- C. Residentially zoned lots greater than 10 acres shall be exempt from the regulation of slopes less than 15%. These lots shall also be permitted disturbance of steep slopes in the following amounts for each steep slope category:

15-19.99% - 10,000 square feet  
20-24.99% - 5,000 square feet  
25%+ - 3,000 square feet

**SECTION 12.** Section 15-30 (OL Office-Laboratory District), Subsection "2" (Permitted uses) of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to include a new Item "5", to read as follows:

- 5. For lots with frontage on major arterial roadways, shared or common driveways to access any adjacent, neighboring, or rear lots are permitted to minimize the number of curb cuts.

**SECTION 13.** Section 15-30 (OL Office-Laboratory District), Subsection "4" (Area and bulk requirements), Item "F" of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to read as follows:

- F. Maximum impervious surface coverage: 65 percent of the lot area.

**SECTION 14.** Section 15-30 (OL Office-Laboratory District), Subsection "4" (Area and bulk requirements), Item "C" of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to read as follows:

- C. Minimum setback: No part of any structure shall be closer than 100 feet to any property line nor closer than 200 feet to any public road or street nor closer than 300 feet to any single-family residential zone district or use. Parking areas, as required by this chapter, shall be permitted in any yard provided said parking area is at no point closer than 50 feet to any property line nor closer than 100 feet to any single-family residential zone district or township boundary line. The building setback requirements of this paragraph shall not apply to structures having a floor area of less than 200 square feet and used solely to provide shelter for personnel concerned with the control of access to the premises.

**Section 15.** Section 15-43 (Signs), Subsection "4" (Freestanding Signs), of Article III (Zoning) of the Code of the Township of Randolph is hereby amended to include a new Item "I", to read as follows:

- I. For lots with frontage on major arterial roadways, shared or common freestanding signage with adjacent, neighboring, or rear lots are permitted to minimize the number of signs along the roadway.