

ORDINANCE NO. 25-22

**AN ORDINANCE AMENDING ARTICLE III, ZONING, OF THE LAND
DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF RANDOLPH TO
ESTABLISH THE VCR-7 MULTIFAMILY/MIXED USE INCLUSIONARY ZONE
(VCR-7 ZONE)**

WHEREAS, the Township of Randolph Planning Board adopted the Housing Element and Fair Share Housing Plan of the Township of Randolph Master Plan, dated August 19, 2022, on August 29, 2022; and

WHEREAS, the Housing Element and Fair Share Plan included the mechanisms agreed to in the Settlement Agreement entered into between the Township of Randolph and Fair Share Housing Center (“FSHC”), on August 19, 2021 (hereinafter “Settlement Agreement”), and the Court Order approving same, which was entered by the Court on June 3, 2022 after a properly noticed Fairness Hearing; and

WHEREAS, the Housing Element and Fair Share Plan adopted on August 29, 2022 recommends the rezoning of certain properties to permit residential housing with an affordable housing set-aside; and

WHEREAS, the mechanism in Section III of the Housing Element and Fair Share Plan, under subsection F.6.b.d(3)b. specifically provides for “13 units from the Rezoning of Mt. Freedom Sites West of Brookside Road”.

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

SECTION 1. Section 15-24.G (VCR-7 MULTIFAMILY/MIXED USE INCLUSIONARY ZONE) in Chapter XV (Land Development Ordinances) of the Ordinances of the Township of Randolph is hereby enacted as follows:

15-24.G – VCR-7 MULTIFAMILY/MIXED USE INCLUSIONARY ZONE

15-24.G.1. - Purpose.

This zone district and its regulations are intended to provide a realistic opportunity for the construction of retail and office uses in combination with multifamily dwelling units that provide an inclusionary set-aside for affordable housing of 20% for the properties located at Block 101, Lots 6, 7, 9, 10 and 11 and Block 100, Lots 1, 2 and 4.

15-24.G.2. - Permitted uses.

A. *Principal uses.*

1. Multifamily dwelling units, including, but not limited to, buildings with apartment flats with common stairways or corridors
2. Townhouses
3. Stacked townhouses
4. Mixed-use buildings with multi-family dwelling units on upper floors with a permitted commercial use on ground floor
5. Commercial uses shall be limited to the ground floor of mixed-use buildings with residential units above, and are permitted as follows:
 - a. Retail and service businesses
 - b. Business and professional offices
 - c. Banks and fiduciary institutions
 - d. Restaurants, bars/taverns, grills and other eating establishments
6. There may be multiple principal buildings on a lot

B. *Accessory uses.*

1. Uses that are customarily incidental to the above principal permitted uses.

C. *Conditional uses, pursuant to the requirements in section 15-35.*

1. Institutional uses, government uses and public utility facilities.

15-24.G.3. Prohibited uses.

Any use other than those listed above is prohibited as part of a village center mixed use planned development. The following uses are specifically prohibited:

- A. Home occupation or home office.
- B. Restaurants with exterior drive-up window service.
- C. Strip shopping centers.
- D. Garden Apartments.

15-24.G.4. Area and bulk requirements.

- A. Minimum lot area: 8,000 square feet.
- B. Minimum front yard: 10 feet.
- C. Minimum side yard: 10 feet for one side yard.
- D. Minimum rear yard: 20 feet.
- E. Minimum frontage: 60 feet.
- F. Maximum height: 45 feet or 3 stories, whichever is less. The maximum building height shall be reduced to thirty-five (35) feet or two and one-half stories and for structures or portions thereof located within seventy-five (75) feet of a single-family zone district.
- G. Maximum impervious coverage: 70 percent of the total lot area.
- H. Dwelling units shall not exceed 15 units per acre or ten units per structure.
- I. Minimum distance between principal structures: 20 feet.

15-24.G.5. Development standards.

- A. Development within the VCR-7 zone shall be designed to be in keeping with the concepts and planning principles which are stated in the Township Master Plan with special attention to the Mount Freedom Village Planning Study Update. In addition, development in the VCR-7 zone shall adhere to the Village Center Design Standards set forth in section 15-61 of this Chapter.
- B. Affordable Housing:
 - 1. For developments of five (5) or more dwelling units, the developer shall provide dwelling units affordable to very-low, low and moderate income residents pursuant to the regulations of the Council on Affordable Housing or any other state agency or court with jurisdiction over affordable housing. A minimum of twenty (20%) percent of the units should be available to very-low, low, and moderate income families.
 - 2. The developer shall have an obligation to deed restrict the Affordable Units as very low-, low-, or moderate-income affordable units for a period of at least thirty (30) years, until such time and under conditions as the Township elects to release the deed restriction, so that the Township may count the Affordable Units against its affordable housing obligation. The deed restrictions shall be recorded with the County Clerk, and a copy of the recorded deed shall be forwarded to the Township Municipal Housing Liaison and Administrative Agent. Any sale of the property or units shall not affect the length or terms of the deed restriction.
 - 3. The bedroom distribution of the affordable units shall be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.3.

4. The income distribution of the affordable units shall be in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.3, and shall also provide for a 13% set-aside of very-low income units as part of the income distribution.
5. The affordable housing units shall be located in buildings containing market rate units.
6. The bedroom and income distribution requirements pursuant to UHAC for family rental units shall remain separate from any supportive needs housing units provided towards the affordable obligation. For example, the 13% very-low income set-aside shall be provided amongst the total affordable family rental units, even if the supportive needs housing are provided as very-low income units.

C. Parking is not permitted in front yards along Sussex Turnpike.

D. Residential and non-residential uses are permitted in the same structure. Non-residential uses in a mixed-used structure shall be located on the ground floor, and residential units shall be permitted on all upper floors.

E. Properties which participate in a shared parking program may provide less than the minimum number of required spaces for the cumulative parking requirements. The shared parking program shall be approved by the Planning Board.

F. Commercial uses shall be located within 150 feet of the Sussex Turnpike right-of-way.

G. Residential use is not permitted on the first floor within 150 feet of the Sussex Turnpike right-of-way.

H. All off-street parking areas shall conform to the provisions of Township Code Section 15-50, “Parking and Loading”, except as specifically provided below:

1. Parking shall comply with Residential Site Improvement Standards (“RSIS”), New Jersey Administrative Code, Title 5, Chapter 21.
2. Each off-street parking area hereinafter created within the Township of Randolph shall be subject to the approval of the Planning Board or Zoning Board to insure its adequacy to provide for traffic safety, to provide ingress and egress for emergency vehicles, to protect adjacent properties, and to further ascertain that all requirements of this Article are complied with.
3. Off-street parking shall be provided and maintained as specified herein and shall be surfaced with an asphalt, bituminous or cement binder pavement

which shall be graded and drained to dispose of all surface water as required by the Township's Stormwater Management Ordinance and the RSIS.

4. For multi-family developments, parking areas and access drives shall have granite block curbing installed in accordance with the specifications set forth in the RSIS or poured concrete curb of a minimum $6 \times 10'' \times 20''$ dimension and installed true to the lines, grades and dimensions shown on the approved site plan.
5. A maximum of 30 parking spaces shall be permitted in a row without a curbed planting island of a minimum of 9 feet in width.
6. All off-street parking shall be provided as indicated herein unless otherwise noted or approved by the Planning Board.
7. Parking in multi-family developments shall be set back at least 10 feet from any property line.
8. Electric Vehicle (EV) parking spaces with charging stations shall be provided, or constructed to be Make-Ready, in compliance with the requirements for parking facilities of any multifamily development that includes more than five (5) units according to State law P.L. 2021, c. 171, and any EV Ordinance requirements specific to the Township of Randolph.

SECTION 2. The Zoning Map of the Township of Randolph, Morris County, New Jersey is hereby amended to reflect the Zoning Map revisions described in this Ordinance and as depicted in the attached Exhibit A entitled, **“Zoning Map Revision – VCR-7 MULTIFAMILY/MIXED USE INCLUSIONARY ZONE (VCR-7 ZONE)”**.

SECTION 3. 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 4. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 5. This Ordinance may be renumbered for codification purposes.

SECTION 6. This Ordinance shall take effect 20 days after passage and publication as provided by law.

ATTEST

TOWNSHIP OF RANDOLPH

Donna Marie Luciani, Township Clerk

Marie Potter, Mayor