

ORDINANCE NO. 24-22

**AN ORDINANCE AMENDING ARTICLE III, ZONING, OF THE LAND
DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF RANDOLPH TO
ESTABLISH THE R-9 MULTIFAMILY INCLUSIONARY ZONE (R-9 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).a provide “36 Units from Proposed Franklin Road Sites Re-Zoning (Block 196, Lots 2, 3, and 4)”.

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 15-20.D (MULTIFAMILY INCLUSIONARY R-9 ZONE) in Chapter XV (Land Development Ordinances) of the Ordinances of the Township of Randolph is hereby enacted as follows:

15-20.D – R-9 MULTIFAMILY INCLUSIONARY ZONE (R-9 Zone)

15-20.D.1 - Purpose.

This zone district and its regulations are intended to provide a realistic opportunity for the construction of multifamily dwelling units that provide an inclusionary set aside for affordable housing of 20%, for the properties located at Block 196, Lots 2-4.

15-20.D.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. There may be multiple principal buildings on a lot

B. *Accessory uses and structures.* The following accessory uses and structures shall be permitted:

1. Any use or structure that is customarily incidental and subordinate to the principal use of land or building located on the same lot, that may include the following:
 - a. Recreational facilities for the sole use of the residents and their guests
 - b. Fences and walls
 - c. Standalone or internal clubhouse for use by residents and their guests, such as but not limited to a club room, fitness room, conference/work areas
 - d. Storage building/structure for indoor storage of pool and maintenance equipment
 - e. Stormwater basins and structures
 - f. Mail kiosk/cluster box units
 - g. Screened or enclosed storage areas for trash and recyclables
 - h. Off-street parking subject to the Residential Site Improvement Standards (“RSIS”) New Jersey Administrative Code, Title 5, Chapter 21
 - i. Shared driveways to provide access or emergency access to the property

15-20.D.3. - Area and bulk requirements.

A. *Minimum gross lot area:* 2 acres

B. *Maximum density:*

1. *For lots under 6 gross acres:* 12 dwelling units per acre, inclusive of units provided as an affordable housing set-aside.
2. *For lots 6 or more gross acres:* 15 dwelling units per acre, inclusive of units provided as an affordable housing set-aside.

C. *Minimum building setbacks:*

1. *From any building wall to tract boundary:* 40 feet
2. *Minimum building setback from curb of internal roadway:* 15 feet
3. *Minimum building setback from off-street surface parking space:* 10 feet

D. *Maximum building height:*

1. *Principal buildings:*
 - a. *Townhome or Stacked Townhome building type:* Forty-two (42) feet and 3 stories
 - b. *Multifamily building type:* Forty-eight (48) feet and 4 stories
2. *Accessory Buildings:*
 - a. All accessory buildings and structures shall comply with the height requirements under Township Land Development Code Section 15-41.A.2, "Accessory Buildings or Structures", except as specifically provided below:
 - b. No accessory building or accessory structure shall exceed the height of the principal building or structure or twenty (20) feet, whichever results in the lesser height.

E. *Maximum impervious coverage:* Sixty percent (60%) of total lot area.

F. *Maximum building coverage:* Thirty percent (30%) of total lot area.

G. *Building Length and Configuration.* All multifamily and townhome buildings shall be designed with architectural features that minimize the impact of any long expanse of wall by employing techniques such as variation in color, materials, articulation, and roof lines.

1. *Townhomes and Stacked Townhomes* – Maximum of eight (8) linear attached townhome units. Building articulation shall be required between every three (3) townhome units.
2. *Distance between buildings:* Entrance porticos and rear porches shall be included in the measurement between buildings. The above distances may be

reduced by up to one-quarter if there is an angle of 20 degrees or more between the buildings and if extensive landscaping or buffers are placed between buildings. The minimum distance between buildings shall be as follows:

- a. Multi-family Building Wall to Wall (Single Building) – Minimum 60 feet
- b. Multi-family building and Townhome/Stacked Townhomes Buildings– 30 feet
- c. Any Non-Accessory Building to Accessory Building – 20 feet
- d. Accessory Building to Accessory Building – 10 feet

H. *Screening and Buffer Landscaping Requirements:*

1. Pursuant to Section 15-51.4.B, “Buffer dimensional requirements”, proposed multi-family uses abutting any residential zone shall contain a transition buffer twenty (20) feet in width. The buffer area is a portion of the minimum building setback requirement (described above in subsection C).
2. The buffer shall be vegetated with existing and/or proposed landscaping and may be supplemented by berms. Retaining walls may be placed within the buffer.
3. Notwithstanding the forgoing, entrance driveways, storm water basins, and utilities shall be permitted within the buffer area, as long as they are properly landscaped or vegetated.

I. *Minimum Open Space and Amenity Requirement.* Open space and amenity areas shall be exempt from the provisions of Township Code Section 15-78, “Open Space and Recreation”, and Section 15-79, “Site Amenities”. The following open space and amenity requirements shall apply:

1. A minimum of 5% of the total lot area shall be provided as common outdoor open space, inclusive of any outdoor amenity areas.
 - a. Undeveloped areas which are part of the minimum principal building setback requirements shall not contribute toward open space requirements. Area in excess of the minimum setback areas shall contribute to the overall outdoor open space area requirement.
 - b. As part of the overall open space to be provided, the developer shall provide a minimum of 50 square feet per residential dwelling. These open space areas shall be located at the entry of the project or at some focal point between the residential buildings.
 - c. The required open space above may be provided as courtyards furnished with a combination of elements such as hardscape areas, internal walking

paths/sidewalks, benches, gazebos, landscaping, appropriate lighting, or similar elements, and may include outdoor amenity areas such as dog runs and areas furnished with a pool.

2. Separate from the outdoor open space requirement, the requirement for indoor amenity facilities shall be satisfied by the following:
 - a. An indoor amenity package comprised of a minimum of 1,500 square feet per 100 residential dwellings shall be provided, with fractional units up to 100 units required to provide proportional amount of the 1,500 square feet.
 - b. Indoor amenity space may, but is not required to, include some combination of amenities such as a lobby area, a leasing office, a fitness room, club or common room, yoga studio, co-working space, and/or similar elements that serve as common areas of the development, including common restrooms.

J. *Signage Requirements*

1. One (1) freestanding monument sign with two display faces shall be permitted on the lot where the development is located.
 - a. *Sign Area.* Maximum of 32 square feet in sign area per side. 45 feet shall be permitted on any sign fronting Route 10.
 - b. *Sign Setback.* Minimum 10 feet from the right-of-way.
 - c. *Sign Height.* Maximum height of 10 feet.
2. *Façade Signs.* Façade signs shall be permitted on each residential building as regulated in Township Code Section 15-43.5.
3. *Internal Directional Signs.* Any signs reasonably necessary to direct residents, visitors and guests within the development shall be permitted as set forth in the site plan approval. Directional signs shall have a uniform appearance. Directional signs shall not exceed 10 square feet in sign area and shall not exceed 4.5 feet in height.
4. The provisions of Section 15-43.2., “General provisions” of the Township Land Development Code Section 15-43. “Signs” shall apply.
5. Temporary signage to advertise the initial lease-up period shall be permitted on a sign with a maximum area of twenty-four (24) square feet and twelve (12) feet in height. One (1) such sign shall be permitted on each frontage providing public access to the development. Temporary signage shall not exceed one year from the initial occupancy date of the first unit leased.

K. *Off-street parking and parking design requirements:*

1. Parking spaces may be provided in standalone parking structures/garages with a capacity of no more than 8 vehicles, individual garages, surface lots, underneath a residential building, any combination thereof.
2. All common off-street surface parking shall be located on-site and within 300 feet of the dwelling units served.
3. Parking may be permitted in all required minimum yard areas.
4. All garages shall conform architecturally to and be of similar materials as the principal buildings in the development.
5. All off-street parking areas shall conform to the provisions of Township Code Section 15-50, "Parking and Loading", except as specifically provided below:
 - a. 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.
 - b. 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.
 - c. 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" x 10" x 20" dimension and installed true to the lines, grades and dimensions shown on the approved site plan.
 - d. 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.
 - e. All off-street parking shall be provided as indicated herein unless otherwise noted or approved by the Planning Board.
 - f. Parking in multi-family developments shall be set back at least 10 feet from any property line.

- g. Parking shall comply with RSIS.
- 6. 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.

7. **Parking Setbacks**

- a. Principal building face to interior street curb – 10 feet
- b. Any principal building face to common parking area – 10 feet

N. *Market Rate and Affordable Housing Requirements*

- 1. There shall be a minimum set-aside of 20% of the total units as affordable units.
- 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.

O. *Refuse and Recycling Requirements*

1. A refuse and recycling plan shall be provided by the Applicant that demonstrates adequately sized facilities for the size of the development, and/or addresses an appropriate refuse and recycling removal plan for the development.
2. Outdoor dumpster enclosures shall be located conveniently to residential dwellings and screened with landscaping.
3. Standalone refuse buildings shall be considered an Accessory Building and is subject to the area, yard, and bulk requirements of this zone for Accessory Buildings and Structures.
 - a. Standalone refuse buildings shall be designed to complement the architectural style of principal residential buildings and shall utilize the same materials on all outer façades.

P. *Retaining Walls.* Retaining walls shall be permitted up to a height of 15 feet and shall comply with the provisions listed under Section 15-79.2.L, “Retaining Walls” of the Township Land Development Code.

Q. *Tree Removal.*

1. Tree removal shall be subject to the Average Tree Density application requirements under Section 15-48, “Tree Removal and Protection”, of the Township Land Development Code.

R. *Site Plan and Building Design Standards.* Site plan and building design standards shall conform to the provisions of Township Code Section 15-60.6 “Multi-family residential site and building design standards”, except as specifically provided below:

1. Allow for buildings to contain more than 16 dwelling units within a multi-family residential building.
2. There shall be no requirement for tenant storage or common storage in a centrally located area.
3. Allow for flat roof structures.
4. Allow for exterior building materials other than brick or stone facing, solid brick or stone.

15-20.D.4 – Submission Requirements

- A. Any application made to the Township shall be subject to the provisions under Article VI, "Development Application Review Procedures", and Article VII, "Administration, Enforcement and Fees", of the Township Land Development Code.

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 – R-9 MULTIFAMILY INCLUSIONARY ZONE (R-9 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

LEGAL NOTICE
TOWNSHIP OF RANDOLPH COUNTY OF MORRIS
ORDINANCE NO. 24-22

Notice is hereby given that an Ordinance entitled "An Ordinance Amending Article III, Zoning, of the Land Development Ordinance of the Township of Randolph to Establish the R-9 Multifamily Inclusionary Zone (R-9 Zone)" was submitted in writing at a regular meeting of the Mayor and Council of the Township of Randolph, County of Morris, State of New Jersey, held on September 1, 2022 and was introduced, read by title and passed on first reading. A Statement of Purpose of the Ordinance is contained below. The Governing Body of the Township of Randolph will further consider the Ordinance for second reading and final passage thereof at their regular meeting to be held on September 22, 2022 at 6 p.m. prevailing time, at the Municipal Building, 502 Millbrook Avenue, Randolph, New Jersey 07869, at which time and place a public hearing will be heard thereon by the Governing Body and all parties in interest and citizens shall have an opportunity to be heard concerning said Ordinance.

Statement of Purpose of Ordinance

The purpose of the above Ordinance is to amend Article III, Zoning, of the Land Development Ordinance of the Township of Randolph to establish the R-9 Multifamily Inclusionary Zone (R-9 Zone) for the Property, as depicted on the amended zoning map attached hereto as Exhibit A, that will implement the terms of the Settlement Agreement between the Township of Randolph and Fair Share Housing Center and allow for the construction of an

inclusionary development that will assist the Township in satisfying a portion of its affordable housing obligation.

A copy of the full Ordinance is available to any member of the general public, without cost, at the Township of Randolph, Municipal Building, Millbrook Avenue, Randolph, New Jersey, at the Office of the Township Clerk, between the hours of 9:00 a.m. and 4:30 p.m.

Donna Marie Luciani, Township Clerk
Township of Randolph
County of Morris, State of New Jersey