

**ORDINANCE NO. 23-22**

**AN ORDINANCE AMENDING ARTICLE III, ZONING, OF THE LAND  
DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF RANDOLPH TO  
ESTABLISH A NEW VCR-1 MULTIFAMILY INCLUSIONARY ZONE (VCR-1 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(1)g. specifically provides for “48 affordable rental units from the Avalon Bay–Berger Tract (Block 224, Lots 1-4, and 83-86)”.

**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.A (VCR-1 MULTIFAMILY INCLUSIONARY ZONE) in Chapter XV (Land Development Ordinances) of the Ordinances of the Township of Randolph is hereby enacted as follows:

## **15-24.A. – VCR-1 MULTIFAMILY INCLUSIONARY ZONE**

### **15-24.A.1 - Purpose.**

This zone district and its regulations are intended to provide a realistic opportunity for the construction of up to 240 multifamily dwelling units as part of an inclusionary development with a twenty percent (20%) set aside for affordable housing, but not less than 48 affordable units on-site regardless of the number of market-rate units provided, that takes into consideration the site's corner location in the Mt. Freedom Village Center and the Township's long-standing history of studying appropriate density, development, and design in the area.

### **15-24.A.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. There may be multiple principal buildings on a lot.

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

1. Parking spaces, driveways, attached or detached individual parking garages;
2. Refuse and recycling building and/or structure;
3. Clubhouse for use by residents and their guests, such as, but not limited to, a club room, fitness room, conference/work areas, a model residential unit - which shall not be used for employee or residential occupancy and which shall be utilized solely for prospective residents to view, and/or leasing and maintenance office;
4. Active and passive recreation areas, which may include amenities such as, but shall not be limited to, a pool, grilling/barbeque areas, a tot lot, a dog run, and a walking trail or sidewalks.
5. Any use or structure that is customarily incidental and subordinate to the principal use of land or building located on the same lot.

### **15-24.A.3. - Area and bulk requirements.**

#### *A. Minimum lot area:* 14 acres

#### *B. Maximum number of residential units:* 240 units, inclusive of required affordable unit set-aside

C. *Minimum number of affordable units provided on-site:* 48 affordable units

D. *Number of buildings:*

1. The residential units shall be distributed in no less than two (2) residential buildings to preserve building mass and scale throughout the site and at a focal corner within the Mt. Freedom Village Center.

E. *Maximum height:*

1. *Principal Buildings* – Principal buildings containing residential units shall not exceed 4.5 stories and fifty-five (55) feet if a flat roof or 4.5 stories and sixty (60) feet if a pitched roof.

a. The residential units shall be permitted to contain lofts / mezzanines, which shall be considered the half-story, provided they comply with the definition of a mezzanine in Section 505 of the International Building Code (IBC) New Jersey Edition, 2018.

b. Exposed building foundation shall be screened with landscaping, with a landscape plan to be prepared by a Licensed Landscape Architect (LLA).

2. *Accessory Buildings* - 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:

a. 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.

F. *Maximum impervious coverage:* (65%) of total lot area.

G. *Maximum building coverage:* (40%) of total lot area.

H. *Minimum building setback:*

1. *Principal Buildings* – Measured from the building wall, inclusive of patios, balconies, or other similar building design elements, a minimum setback of eighty (80) feet from all other lot lines shall be required.

2. *Accessory Buildings* - A minimum setback of fifteen (15) feet from any property line shall be required.

I. *Distance between buildings:* Entrance porticos and rear porches shall be included in the measurement between buildings.

The minimum distance between buildings shall be as follows:

1. Principal Building to Principal Building – Minimum Sixty-Five (65) feet
2. Principal Building to Accessory Building – Minimum Twenty (20) feet

J. *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 10% of the total lot area shall be provided as common 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 open space area requirement.
  - b. As part of the overall open space to be provided, the developer shall provide a minimum of 20,000 square feet, where contiguous areas of no less than 8,000 square feet shall contribute towards the satisfaction of this requirement. 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 under J.1.b 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 of no less than 2,500 square feet shall be provided, which 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.

K. *Signage Requirements*

1. One (1) freestanding, double-sided sign shall be permitted per property frontage. Sign area shall be measured pursuant to 15-43.2.E.
  - a. *Sign Area.* Maximum of 32 square feet in sign area on each side
  - b. *Sign Setback.* Minimum setback of 10 feet from a property line.
  - 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.

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

1. Parking shall comply with Residential Site Improvement Standards (“RSIS”) New Jersey Administrative Code, Title 5, Chapter 21.
2. Parking spaces may be provided in standalone parking structures/garages with a capacity of no more than 8 vehicles, individual garages, driveways, surface lots or any combination thereof.
3. All common off-street surface parking shall be located within 300 feet of the dwelling units served.
4. Parking may be permitted in all required minimum yard areas.
5. All garages shall conform architecturally to, and be of similar materials as the principal buildings in the development.
6. 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 15 feet from any property line.
7. 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.
8. Where the total number of off-street parking spaces required by this Section may not be immediately required for a particular use, up to 15% of the total required surface parking spaces may be a banked, subject to the approval of the Planning Board and the following regulations:
  - a. The site plan shall clearly indicate both that portion of the parking area to be initially paved and the total parking needed to provide the number of spaces required.

- b. The site plan shall provide for adequate drainage of both the partial and total parking areas in accordance with the drainage, lighting and landscaping requirements.
- c. The portion of the parking area not to be paved initially shall be landscaped in accordance with this Ordinance.
- d. A developer's agreement shall outline the terms to determine the time frame and process as to whether or not the initial parking area provided is adequate.
- e. Any change of use on a site for which the Planning Board may have approved a partial paving of off-street parking areas to a use which requires more parking spaces than are provided on the site plan shall require submission of a new site plan.

9. Parking Setbacks

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

M. *Market Rate and Affordable Housing Requirements*

- 1. There shall be a minimum set-aside of 20% of the total units as affordable unit credits, and in no case less than 48 affordable credits provided on-site regardless of the number of market-rate units provided.
- 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 affordable housing requirement may be fulfilled in part through the provision of group home or supportive needs units on-site and within inclusionary buildings, where each bedroom shall count as a unit.
7. The market rate and affordable unit distribution requirements for the project shall be as follows:
  - a. Maximum of 202 market rate units
  - b. Minimum of 48 affordable credits, as follows:
    - i. Minimum of 30 affordable family rental units
    - ii. Maximum of 18 supportive needs beds provided in up to 8 apartment units
8. 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.

N. *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.

O. *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.

P. *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.

#### **15-24.A.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 – VCR-1 MULTIFAMILY INCLUSIONARY ZONE (VCR-1 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

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Donna Marie Luciani, Township Clerk

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Marie Potter, Mayor

**LEGAL NOTICE**  
**TOWNSHIP OF RANDOLPH COUNTY OF MORRIS**  
**ORDINANCE NO. 23-22**

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 new VCR-1 Multifamily Inclusionary Zone (VCR-1 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 new VCR-1 Multifamily Inclusionary Zone (VCR-1 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.

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