

**TOWNSHIP OF WALL**

**ORDINANCE NO. 8-2016**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 140, SECTIONS 17 AND 202 OF THE LAND USE AND DEVELOPMENT REGULATIONS PERTAINING TO SHOPPING CENTERS AND GARAGES**

**WHEREAS**, the Land Use and Development Regulations govern the permissible uses of all properties within the Township; and

**WHEREAS**, Section 17 contains the definitions for numerous terms within the Regulations; and

**WHEREAS**, Township Code provision 140-17 contains the following definition for the term "Shopping Center"- "An integrated development of permitted uses within the zoning district such as retail stores and shops, personal service establishments, professional and business offices, banks, post offices, restaurants, and auditoriums, housed in an enclosed building or buildings, utilizing such common facilities as customer parking, pedestrian walkways, truck loading and unloading space, utilities and sanitary facilities"; and

**WHEREAS**, the Township has determined that the definition of "Shopping Center" should be revised to reflect the established interpretation of the Township's Land Use Office; and

**WHEREAS**, in order to ensure consistent interpretation throughout the Township, the definition of "Shopping Center" in Township Code provision 140-17 should be amended to contain the following language:

An integrated development of uses such as retail stores and shops, personal service establishments, professional and business offices, banks, post offices, and restaurants, listed in the schedule of permitted and conditional uses (140 Attachment 3) housed in an enclosed building or buildings, utilizing such common facilities as customer parking, pedestrian walkways, truck loading and unloading space, utilities and sanitary facilities. Gasoline service stations, those prohibited uses set forth in section 140-140, and those uses not listed in the schedule of permitted and conditional uses shall not be permitted in any shopping center.

**WHEREAS**, Township Code provision 140-17 contains the following definition for the term "Garage, Private"- "An accessory building used for storage only and having a capacity of not more than three automobiles"; and,

**WHEREAS**, the Township has determined that the current definition of "Garage, Private" has led to a myriad of issues throughout the Township in recent years due to the lack of design standards; and

**WHEREAS**, in order to alleviate some of these concerns, the Township has determined that the definition of "Garage, Private" in Township Code provision 140-17 should be amended to contain the following language:

An accessory building for storage of vehicles and materials accessory to the principal building on the lot only and having a capacity of not more than three automobiles. Accessory garages shall be permitted to have a bathroom that includes a toilet and sink, except that no bathing facilities

shall be permitted. Under no circumstances is a private garage permitted for habitation.

**WHEREAS**, Township Code provision 140-202 contains the following definition for “Garages”:

- A. A private garage accessory to a principal building is permitted in any zone district.
- B. Private garage space may be provided for not more than three motor vehicles accessory to a principal building. Such space shall be limited to an area of 1,000 square feet and must provide an adequate and accessible driveway in compliance with the parking requirements of this chapter. No garage shall be higher than 1 ½ stories and 16 feet in height such that the half-story above shall be nonhabitable and provide no more than six feet standing room from the top of the floor framing to the roof framing/collar tie at the underside of the roof. On properties of 20,000 square feet and under, garages shall be set back from side and rear property lines no less than five feet. On properties of more than 20,000 square feet, garages shall be set back from side and rear property lines no less than 10 feet.
- C. Except when actually engaged in connection with the pickup or delivery of goods or materials or in connection with construction or repairs, no commercial vehicle other than that of the owner or occupant shall be garaged, stored or parked in a residential zone. No more than one commercial vehicle shall be garaged, stored or parked on one lot.
- D. No trucks, tractor-trailers, tractors (for use in pulling trailers) or trailers shall be parked, stored or garaged in any residential zone; provided, however, that these provisions shall not be construed to prevent the delivery by such vehicles to premises in the residential zone of merchandise, furniture or construction materials to be used in construction upon the premises.

**WHEREAS**, in order to alleviate some of these concerns caused by the current uniformity of size and setback requirements, without variation for lot sizes or zone districts, the Township has determined that Township Code provision 140-202 should be amended to contain the following language:

- A. A private garage accessory to a principal building is permitted in any zone district.
- B. Private garage space may be provided for not more than three motor vehicles accessory to a principal building. Such space must provide an adequate and accessible driveway in compliance with the parking requirements of this chapter. No garage shall be higher than 1 ½ stories and 16 feet in height such that the half-story above shall be nonhabitable and provide no more than six feet standing room from the top of the floor framing to the roof framing/collar tie at the underside of the roof. All detached garages shall comply with the following additional requirements:

<u>LOT SIZE</u>	<u>MAXIMUM GARAGE SIZE (SQUARE FEET)</u>	<u>SIDE AND REAR YARD SETBACK (FEET)</u>
0-15,000	500	7.5
15,001 to 59,999	900	15
60,000 or larger	1,400	20

- C. The exterior finish of all detached garages shall be substantially similar to that of the principal dwelling with regards to color and siding material.
- D. Except when actually engaged in connection with the pickup or delivery of goods or materials or in connection with construction or repairs, no commercial vehicle other than that of the owner or occupant shall be garaged, stored or parked in a residential zone. No more than one commercial vehicle shall be garaged, stored or parked on one lot.

- E. No trucks, tractor-trailers, tractors (for use in pulling trailers) or trailers shall be parked, stored or garaged in any residential zone; provided, however, that these provisions shall not be construed to prevent the delivery by such vehicles to premises in the residential zones of merchandise, furniture or construction materials to be used in construction upon the premises.

**WHEREAS**, the Township Committee of the Township of Wall finds that it is in the best interest of the citizens of the Township of Wall to amend Chapter 140, sections 17 and 202 as set forth herein; and

**NOW, THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

**Section 1.** Chapter 140, Land Use and Development Regulations, Section 17 (Definitions) shall be amended to provide as follows:

**SHOPPING CENTER**

An integrated development of uses such as retail stores and shops, personal service establishments, professional and business offices, banks, post offices, and restaurants, listed in the schedule of permitted and conditional uses (140 Attachment 3) housed in an enclosed building or buildings, utilizing such common facilities as customer parking, pedestrian walkways, truck loading and unloading space, utilities and sanitary facilities. Gasoline service stations, those prohibited uses set forth in section 140-140, and those uses not listed in the schedule of permitted and conditional uses shall not be permitted in any shopping center.

**GARAGE, PRIVATE**

An accessory building for storage of vehicles and materials accessory to the principal building on the lot only and having a capacity of not more than three automobiles. Accessory garages shall be permitted to have a bathroom that includes a toilet and sink, except that no bathing facilities shall be permitted. Under no circumstances is a private garage permitted for habitation.

**Section 2.** Chapter 140, Land Use and Development Regulations, Section 202 (Garages) shall be amended to provide the following:

- A. A private garage accessory to a principal building is permitted in any zone district.
- B. Private garage space may be provided for not more than three motor vehicles accessory to a principal building. Such space must provide an adequate and accessible driveway in compliance with the parking requirements of this chapter. No garage shall be higher than 1 ½ stories and 16 feet in height such that the half-story above shall be nonhabitable and provide no more than six feet standing room from the top of the floor framing to the roof framing/collar tie at the underside of the roof. All detached garages shall comply with the following additional requirements:

<u>LOT SIZE</u>	<u>MAXIMUM GARAGE SIZE (SQUARE FEET)</u>	<u>SIDE AND REAR YARD SETBACK (FEET)</u>
0-15,000	500	7.5
15,001 to 59,999	900	15
60,000 or larger	1,400	20

- C. The exterior finish of all detached garages shall be substantially similar to that of the principal dwelling with regards to color and siding material.

- D. Except when actually engaged in connection with the pickup or delivery of goods or materials or in connection with construction or repairs, no commercial vehicle other than that of the owner or occupant shall be garaged, stored or parked in a residential zone. No more than one commercial vehicle shall be garaged, stored or parked on one lot.
- E. No trucks, tractor-trailers, tractors (for use in pulling trailers) or trailers shall be parked, stored or garaged in any residential zone; provided, however, that these provisions shall not be construed to prevent the delivery by such vehicles to premises in the residential zones of merchandise, furniture or construction materials to be used in construction upon the premises.

**Section 3.** All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

**Section 4.** Should any section, paragraph clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

**Section 5.** This Ordinance shall take effect upon its passage and publication according to law.

**Introduced on:** June 22, 2016

**Adopted:**

Attest:

\_\_\_\_\_  
Roberta Lang  
Township Clerk

Approve:

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Ann Marie Conte  
Wall Township Mayor