

ORDINANCE NO. 33-2011

**AN ORDINANCE OF THE TOWNSHIP WALL,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
REZONING THE AFFORDABLE HOUSING SITE FOR
THE ATLANTIC AVENUE MULTI-FAMILY
TOWNSHIP PROJECT**

BE IT ORDAINED by the Committee of Wall Township in the County of Monmouth and State of New Jersey that the following amendments be made to Chapter 140, Part 6, Article XLIII of Wall Township's municipal code:

Section 1. Purpose.

The purpose of this Ordinance is to supplement and amend Chapter 140, Part 6, Article XLIII Mount Laurel Zones.

Section 140-315. Mount Laurel 18 (ML-18) Zone.

- A. Permitted principal uses and structures. In the ML-18 Zone, no premises shall be used and no structure shall be erected, altered or occupied for any purposes except multi-family residential structures containing flats or apartment units. All units shall qualify for crediting per COAH's (New Jersey Council on Affordable Housing) rules on bedroom and income distribution, shall be affirmatively marketed per N.J.A.C. 5:97 *et seq.* and shall be deed-restricted for occupancy by households that qualify as very low-, low- or moderate-income per N.J.A.C. 5:97 *et seq.*
- B. Permitted accessory uses and structures:
- (1) Off-street parking areas.
 - (2) Private recreational facilities, structures and open space as permitted by the approving authority.
 - (3) Fences in accordance with the ordinance.
 - (4) Storage buildings attached to and incorporated into the design of the principal building.
 - (5) Other customary accessory uses and buildings as permitted by the approving authority.
- C. Bulk regulations. Development in the ML-18 Zone shall be subject to the following regulations:
- (1) No more than 36 units shall be constructed on-site at a gross density not to exceed 18.5 units per acre.
 - (2) Minimum lot area shall be 1.5 acres.
 - (3) Maximum total impervious surface, including buildings, shall be 50% of the gross lot area.
 - (4) Maximum building coverage shall be 20 percent of the gross lot area.

- (5) Building height shall be a maximum of 45 feet and 3 stories.
- (6) There shall be a perimeter principal building setback of 30' from all property lines.
- D. All applicable sections of Chapter 140 with regard to site plan, site design and building design standards shall apply.
- E. Block 810, Lot 23 and a portion of Lot 6, as shown as the South Westerly corner of the proposed subdivision plat, last revised on November 4, 2009, prepared by Gregory Blase Fusco of Key Engineers, Inc., consisting of 1.998 acres, are hereby rezoned ML-18 on the official Zoning Map of the Township of Wall as described herein.
- F. This ordinance shall become effective upon Court approval of an agreement between Wall Township and Atlantic Manor Associates being entered contemporaneously with the adoption of this ordinance.

Section 2. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 3. Inconsistent Ordinances Repealed.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 4. Effective Date.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication as provided by law.

Motion made by Committee person _____, seconded by Committee person _____ and adopted on roll call by the following vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Mayor Ann Marie Conte				
Deputy Mayor Jeffrey W. Foster				
Committeeman Clinton C. Hoffman				
Committeeman Todd W. Luttman				
Committeewoman George K. Newberry				

NOTICE AND SUMMARY OF ORDINANCE NO. 33-2011

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STATE OF NEW JERSEY, REZONING THE AFFORDABLE HOUSING SITE FOR
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Adoption of Ordinance No. 33-2011 rezones the affordable housing site for Atlantic Avenue Multi-family Township project.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on November 22, 2011 and further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey on December 14, 2011, at 7:30 o'clock p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to members of the general public who shall request the same or may be viewed in full on the Township's website www.wallnj.com.

LORRAINE KUBACZ, RMC
Township Clerk

