

TOWNSHIP OF WALL

ORDINANCE NO. 10-2018

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL
CREATING THE ML-10 MOUNT LAUREL ZONE**

WHEREAS, the Township of Wall recognizes its constitutional responsibility to provide for the development of affordable housing pursuant to the New Jersey Supreme Court's Mount Laurel decisions; and,

WHEREAS, in an effort to retain its immunity from builder developer lawsuits and retain control over affordable housing development, the Township of Wall has recognized its current need to facilitate responsible development; and,

WHEREAS, the Township of Wall expects that in the next several months it will be ordered by the court to provide for a substantial number of affordable units to satisfy Wall Township's third round Mount Laurel obligation; and,

WHEREAS, the Township of Wall recognizes the benefits that will inure to the Township through this project will create not only affordable housing units but will result in a substantial contribution to the Wall Township Affordable Housing Trust Fund; and,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wall that the ML-10 Mount Laurel Zone be created as follows:

140-315 ML-10 Mount Laurel Zone

A. Purpose. The purpose of this zone is to allow for a multi-family project of mixed residential uses that partially addresses the Township's affordable housing obligation. The developer's agreement shall govern the nature of the restricted multifamily project to be constructed by the developer, and require a 20% set-aside for affordable housing with the option of a payment-in-lieu-of-construction if permitted in the developers agreement. The Planning Board shall make compliance with such developer's agreement a condition of any approval it may grant for a development in the ML-10 Zone. Development not part of the Mount Laurel compliance program shall conform to underlining zoning requirements.

B. Relationship between the overall tract and subdivided parcels. This zone has been adopted to include 1) one overall tract, containing the entirety of the multifamily and townhouse developments along with all ancillary components; 2) separate tracts for the multifamily and townhouse developments; and 3) the fee simple parcels within the townhouse tract. This zone operates under a technical subdivision provision pursuant to section 140-81 of the Wall Township Ordinance, which allows a developer to comply with the bulk and area requirements of the overall tract instead of the post-subdivision lots, as applicable. Cross-access, utility, and other easements shall be applicable to the overall tract.

C. Permitted principal uses. In the ML-10 Zone, no premises shall be used and no structure shall be erected, altered or occupied for any purposes except the following:

- (1) Attached dwellings
 - (a) Townhouses, provided that not more than 6 units shall be attached.

(2) Multifamily

D. Permitted accessory uses.

(1) Enumeration of permitted accessory uses and structures.

(a) Common parking areas.

(b) Common private recreational facilities and structures and open space, including but not limited to a clubhouse and swimming pool.

(c) Private attached garages for not more than two vehicles.

(d) Common maintenance and trash facilities

(e) All provisions of the Wall Township sign regulations contained in Article XXIX shall apply with the exception of the following: 1) Maximum number of monument signs, inclusive of a double-sided sign constituting one sign: One plus two directional signs which shall also be monument signs; 2) Maximum height: 8 feet; 3) Maximum area per side of each sign: 80 square feet for monument sign and 20 square feet for related directional sign; and 4), Minimum sign setback from the property line: 10 feet; 5) minimum distance between signs: 40 feet.

(f) Up to but not exceeding one (1) caretaker unit

(g) Such other uses and structures that are customary and incidental to the principal use as may be permitted by the approving authority. All structures accessory to individual dwelling units shall be attached to the dwelling unit, to which they are accessory.

(h) Detached / freestanding storage units, which shall be used only for the personal storage of residents residing on site, or equipment to maintain the facility.

E. Compliance with site plan standards, subdivision standards and regulations. Unless provided to the contrary herein, applications for developments in the ML-10 Zone shall follow and be subject to the applicable procedures, regulations, standards and guidelines as required for preliminary and final site plan and/or subdivision review of this chapter and other applicable ordinances which are incorporated herein by reference.

F. Maximum regulations. Development in the ML-10 Zone shall be subject to the following maximum regulations:

(1) Density. The gross density of the overall tract shall be no more than 10 dwelling units per acre, prior to any dedications of land to public entities.

(2) Impervious surfaces. The maximum total impervious surface shall not exceed 60% of the developable area of the tract.

(3) The maximum total lot coverage by buildings shall be 30% of the developable area of the tract.

(4) Residential units per building. The maximum residential units per building in multifamily buildings shall be 30. The maximum residential units per building in townhouses shall be 6.

(5) Principal building length. The maximum principal building length for both multifamily and townhouse buildings shall be 200 feet.

(6) Building height.

(a) Each townhouse shall be limited to 2.5 stories and 35 feet and shall include the option of a basement, provided that the basement is not a story above grade. (b) Each multifamily building shall be a maximum of 3 stories and 45 feet.

(c) Accessory clubhouse and maintenance buildings shall be limited to 1 story and 20 feet in height.

(d) Building height shall be measured as set forth in section 140-17, Definitions, of this chapter, except that height in this zone shall be measured from the average proposed finished grade to the midpoint of the roof.

(7) Bedroom distribution. Multifamily units shall have either one, two, or three-bedroom units. Townhouses shall have either two or three-bedroom units.

G. Minimum regulations. Developments in the ML-10 Zone shall be subject to the following minimum regulations:

(1) Overall tract requirements, including parcels for both multifamily and townhouses developments:

- (a) Min. Lot Area: 18 acres
- (b) Min. Lot Width: 200 feet
- (c) Min. Lot Frontage: 200 feet
- (d) Min. Lot Depth: 200 feet
- (e) Min. Building Setback from Internal Lot Lines: 0 feet
- (f) Min. Principal Building Setback from External Tract Line: 50 feet
- (g) Min. Accessory Building Setback from External Tract Boundary: 15 feet
- (h) Min. Distance between Structures: 35 feet
- (i) Min. Principal Building Setback from Internal Roads: 15 feet
- (j) Min. Principal Building Setback from Internal Parking Access Roads: 15 feet
- (k) Min. Principal Building Setback from Internal Parking Area: 15 feet
- (l) Accessory structures shall be permitted in the front yard area if adequately screened and buffered from view from all public streets.

(2) Parcel requirements for individual townhouse lots:

- (a) Min. Lot Area: 0.04 acres
- (b) Min. Lot Width: 20 feet
- (c) Min. Lot Frontage: 20 feet
- (d) Min. Lot Depth: 90 feet
- (e) Min. Setbacks, Principal
 - (i) Front Yard Setback: 15 feet
 - (ii) Side Yard Setback: 0
 - (iii) Rear Yard Setback: 5 feet (to deck) 15 feet to building

(3) Dwelling unit width. No multifamily dwelling shall be less than 15 feet in width. No townhouse dwelling shall be less than 20 feet in width.

(4) Dwelling unit characteristics. Each dwelling unit shall contain, at a minimum, a separate bedroom, a separate bathroom and a kitchen which shall be located separate and apart from other rooms except for the living area. The mix of dwelling units shall be in conformance with this chapter.

(5) Dwelling unit size.

(a) Multifamily dwelling units shall have a minimum of 750 square feet of habitable area.

(b) Townhouse dwelling units shall have a minimum dwelling unit size of 1,400 square feet.

(6) Dwelling unit storage. No dwelling unit shall contain less than 250 cubic feet of storage space, which may be within garages, basements, cellars or separate storage building, and which shall be in addition to bedroom closet space provided with the unit. If within garages, a rectangle of not less than 9 feet by 18 feet shall remain clear for parking vehicles.

(7) Open space and recreation areas. The applicant shall provide recreational amenities for townhouse and multi-family residents including:

- (a) A recreation building or clubhouse with a minimum size of 25 SF square feet for each dwelling unit in the development.

- (b) Open lawn play area(s) with a minimum combined square footage of 1,000 sq. ft.
- (c) Picnic/barbecue area(s).
- (d) Bicycle parking.
- (e) Three or more of the following facilities: a swimming pool of a minimum size of 800 sq. ft., bocce court, pickleball court, tot lot/play area, tennis court, basketball court, community garden, exercise area, off-leash dog area, and other related recreational amenities as approved by the Board. For the purposes of this subsection a swimming pool shall count as two facilities.

(8) Buffer and landscape areas.

(a) Buffer location. Except as otherwise permitted by the approving authority, where the overall tract abuts an existing residential zone, use, or use permitted in a residential zone, a landscaped buffer strip at least 35 feet in width shall be permanently maintained along the property line abutting such zone or use. Where the overall tract abuts a nonresidential zone or use not permitted in a residential zone, a landscaped buffer strip at least 25 feet in width shall be established and permanently maintained along the property line abutting such zone or use. Existing vegetation shall be maintained to the greatest extent possible.

(b) Buffer areas shall consist of lawn area and massed evergreen and deciduous trees and shrubs planted in such a manner that will provide a continuous visual screen throughout the entire year within a period of two full growing seasons following the planting of the buffer. Evergreen coniferous trees shall have a minimum height of six feet when planted. Deciduous trees shall have a minimum caliper of 2 1/2 inches when planted. All plant material shall conform to the current American Standard for Nursery Stock sponsored by the American Association of Nurseryman, Inc..

(c) Use of buffer, areas. Required buffers shall be used for no other purpose than as a buffer and as part of the required open space of the tract. The only structures which may be erected within a buffer area are fences as elsewhere regulated in Part 4, of the Land Use and Development Regulations and retaining walls, drive openings, and necessary internal driveways, for the first 400 feet of driveway entrance to the site unless otherwise permitted by the approving authority.

(d) Wooded areas. Where an area required for a buffer is already wooded, it shall be left in its natural state to the maximum extent feasible, and the existing growth shall be supplemented with additional plant material where necessary as required by the approving authority.

(e) The proposed tree clearing grading and landscape plan shall respect and complement the existing topographic features of the site where practical .

(f) All mechanical equipment, trash enclosures, and related accessory structures shall be screened from view.

H. Other regulations. Developments in the ML-10 Zone shall be subject to the following regulations, requirements and standards:

(1) All utilities shall be installed underground by the developer.

(2) All dwelling units shall be served by public water and sanitary sewer systems. The developer shall pay the cost of connection and transmission facilities necessary to connect to the sewer and water systems servicing the development.

(3) Garbage, refuse storage and recyclable collection areas suitable for containerized collection shall be provided. Such areas shall be screened from view and shall otherwise comply with Article XXXV of the Land Use and Development Regulations.

(4) Garbage and refuse collection shall be provided and maintained by the body responsible for internal private streets and other common facilities.

(5) Streets, roads, driveways, parking facilities, walkways, streetlights, fire hydrants, drainage facilities and other improvements required by this chapter or appropriate or necessary to the development shall be installed at the expense of the developer in accordance with the specifications of this chapter except as modified herein:

(a) Drainage maintenance (§ 140-245) in privately maintained streets shall be the responsibility of the developer and his successors in title.

(6) All streets and roads within the tract shall be private streets and shall be maintained by the body responsible for common areas. Rights of access and enforcement shall be formally granted to the Township.

(7) The New Jersey Residential Site Improvement Standards at NJAC 5:21 shall govern the pavement width of internal private roads.

(8) Parking. The New Jersey Residential Site Improvement Standards at NJAC 5:21 shall govern the parking requirements.

(a) Parking shall be allowed in the front yard of each individual tract.

(b) The minimum parking setback from the external overall tract boundary shall be 10 feet. Parking shall not be permitted in required buffer areas.

(9) Common open space, recreational or other facilities shall be owned, operated and maintained as such by an association comprised of all the owners of the individual units and / or a property management company for the apartment buildings.

(10) All detention basins and facilities located within the ML-9 Zone shall comply with all applicable regulations under the Flood Hazard Control Act, N.J.S.A. 58:16A-50 et seq. and the New Jersey Stormwater Management Act, N.J.S.A. 7:8 et seq. If any wetlands areas are utilized for stormwater management, the regulations of the New Jersey Department of Environmental Protection shall apply and any inconsistent provisions of the applicable Wall Township ordinances may be waived. Trees, shrubs and other vegetation may be planted on the slopes or banks of detention basins or facilities constructed in fill, provided the landscaping is attractively maintained. All detention and retention basins with permanent dry-weather pools of water shall have a water depth to minimize propagation of mosquitoes and provided with mechanical aeration for water quality.

(11) All proposed restrictive covenants, articles of incorporation or other documents related to the creation of a homeowners' association, trust documents or other deed or documents to provide for ownership, age restrictions for rental units, and maintenance of common property and facilities shall be submitted to the Township for review by the Planning Board and Township Attorney prior to final review of any subdivision or site plan.

(12) In any case where the maintenance or repair of any wall, fence or other improvement by its owner or his or her agent would require entry upon the adjacent property, an appropriate easement or right-of-way shall be created in favor of the subject owner. All such easements shall be detailed in specifications as to the required notice and any limitations upon the right of entry shall provide a specific means of arbitration in the event of disputes.

(13) Soil removal. The provisions of § 140-117 of this chapter pertaining to the removal of soil shall apply to developments in the ML-8A Zone as modified as follows:

(1) The provisions of § 140-117A shall be modified to authorize the Planning Board to issue a temporary soil removal of subsoil as may be necessary to construct the structures approved by the approving authority.

(2) The provisions of § 140-117B shall be modified to authorize the Planning Board to issue a temporary soil removal permit for the removal of soil, sand or gravel as may be necessary to render the premises suitable for the ML-8A development, for which a site plan or major subdivision plat has been approved. The Planning Board shall apply the standards of Chapter 188, Soil Removal.

(14) Performance guarantee. In the ML-10 Zone, the provisions of § 140-92 with respect to performance guarantees shall apply. Performance guarantees shall be permitted separately for the multifamily and townhouses phases.

(15) Maintenance guarantee. In the ML-10 Zone, the provisions of § 140-93 with respect to maintenance guarantees shall apply. Maintenance guarantees shall be permitted separately for the multifamily and townhouses phases.

(16) Improvements required prior to issuance of certificate of occupancy. In the ML-10 Zone, the provisions of § 140-286I shall apply with respect to the issuance of certificates of occupancy.

(1) No permanent certificate of occupancy shall be issued for any use or building until all required improvements are installed and approved by the Township Engineer or other appropriate authority.

(2) No temporary certificate of occupancy shall be issued for any use or building unless the Township Engineer shall have, where applicable, certified to the following:

(a) Utilities and drainage: All utilities, including, but not limited to, water, gas, storm drains, sanitary sewers, electric lines and telephone lines shall have been properly installed and service to the lot, building or use from such utilities shall be available.

(b) Street rights-of-way: All street rights-of-way necessary to provide access to the lot, building or use in question shall have been completely graded and all slope-retaining devices or slope planting shall have been installed.

(c) Sidewalks: All sidewalks necessary to provide access to the lot, building or use in question shall have been properly installed.

(d) Streets: Curbing, and the bituminous base course of bituminous concrete streets necessary to provide access to the required number of parking spaces for the building or use in question shall have been properly installed.

(e) Curbing and parking areas: Curbing and the bituminous base course of parking areas necessary to provide access to the required number of parking spaces for the building or use in question shall have been properly installed.

(f) Obstructions: All exposed obstructions in parking areas, access drives or streets such as manhole frames, water boxes, gas boxes and the like shall be protected by building to the top of such exposures with bituminous concrete as directed by the Township Engineer.

(g) Screening, fences, and landscaping: All required screening, fencing and/or landscaping related to the lot, building or use in question shall have been properly installed, unless the Township Engineer

shall direct the developer to delay the planting of screening and landscaping until the next planting season in order to improve the chances of survival of such plantings.

(h) Site grading: All site grading necessary to permit proper surface drainage and prevent erosion of soils shall have been completed in accordance with the approved soil disturbance plans.

(i) Public water supply: Where the proposed lot, building or use is served by a public water supply, said supply shall have been installed and tested and all required fire hydrants or fire connections shall have been installed and tested and approved. However, the public water supply shall not be used to supply outdoor sprinkler systems.

(j) Lighting: The lighting plan shall comply with all applicable ordinance requirements, as well as the following standards:

(i) All outdoor lighting shall be aimed, located, designed, fitted and maintained so as not to present a disabling glare hazard to drivers or a nuisance to neighboring properties. Glare shall be controlled through the use of full cutoff fixtures, the appropriate application of mounting height, wattage, aiming, fixture placement, and fixture design, etc. and the addition of shields and baffles as necessary.

(ii) Applicant shall use fixtures to complement the building architecture. Pole mounted lights shall be a maximum 20' tall. Floodlights and spotlights shall not be permitted.

(iii) Lighting shall be controlled by automatic switching devices, such as timers, motion detectors, and/or photocells, to extinguish potentially offending, nonessential light sources overnight, to minimize glare and sky-lighting consequences.

(iv) Freestanding signs shall not be internally illuminated.

(k) Street signs and traffic control devices: All street signs, paint lining and/or traffic control devices affecting the proposed lot, building, or use, and required under the terms of approval of a subdivision or site plan or by federal, county, or municipal rules, regulations, or laws, shall have been installed.

(l) Performance guarantee: The Engineer shall have received a statement signed by the developer and any entity providing any performance guarantee, which contains language identical or similar to the following: "The issuance of any certificate of occupancy (temporary or permanent) shall not be a basis for any claimed reduction in any performance guarantee."

(m) Other: Any other conditions established for issuance of a certificate of occupancy by the Planning Board as a condition of final site plan or subdivision approval shall be complied with.

(n) Temporary certificates of occupancy shall be issued for a specified period of time, not to exceed one year.

(17) Inspection fees. The provisions of § 140-60 of this chapter pertaining to inspection fees shall be applicable to all development within the ML-10 Zone.

I. Affordable housing requirements. The restrictions and standards applicable to inclusionary housing of low- and moderate-income persons and families are set forth in Article XLII of the Land Use and Development Regulations. The affordable housing set-aside requirement for multifamily rental units shall be 20%. There is no required affordable housing set-aside for townhouse units.

However, the townhouse developer shall make a payment in lieu of construction in an amount to be negotiated with the Township governing body as set forth in a developer's agreement.

J. Design requirements. Development in the ML-10 Zone shall conform to the design guidelines in Part 5 of the Land Use and Development Regulations in addition to the following supplemental guidelines:

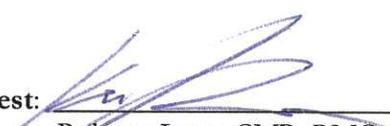
- (1) The site plan shall be required to depict and delineate the edge of all woodlands, and shall be required to map or survey only the trees on site that are greater than 12" in diameter.
- (2) The minimum open space shall be 40%.
- (3) The front facade of any structure shall not continue on the same plane for a distance of more than the width of two horizontally adjacent units. Offsets between front facade planes shall not be less than two feet for no more than 20 feet.
- (4) Building architecture. Development shall comply with the Building Design Standards of 140-252, as well as the following additional standards:
 - (a) Primary elements of traditional architectural styles with pitched roofs with a minimum slope of 5/12.
 - (i) When buildings are greater than 9,000 square feet, and where a fully pitched roof throughout would not be practical, a sloped perimeter roof with a slope of 5/12 or greater shall be permitted in coordination with a flat roof, provided that the appearance is that of a full roof. The primary roofing materials shall be standing seam metal or dimensional shingles.
 - (b) All buildings shall provide architectural elements such as wall articulations and roofline variations. Box-like building shapes that offer minimal articulation of the walls and roofline shall be prohibited.
 - (c) All facades facing driveways, parking areas, or public right-of-ways shall be architecturally treated as front facades.
 - (d) All accessory buildings and structures shall be treated architecturally to complement the residential buildings.

K. Waivers or modifications of standards and requirements. The approving authority may grant waivers or modifications of any improvement requirements or standards of this section or Part 4 of the Land Use and Development Regulations if appropriate and warranted by the facts and circumstances of each particular development, including but not limited to whether what is proposed conforms to RSIS. The resolution of approval shall specifically state the reasons for any such waivers or modifications.

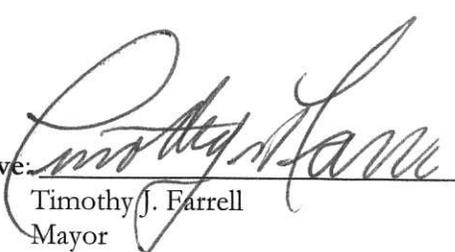
Introduced: July 25, 2018

Adopted: August 22, 2018

Attest:


Roberta Lang, CMR, RMC
Township Clerk (Deputy)

Approve:


Timothy J. Farrell
Mayor