

TOWNSHIP OF WALL

ORDINANCE NO. 7-2020

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING/AGE RESTRICTED AH1-ATLANTIC AVENUE ZONE AND AMENDING THE ZONING MAP WITHIN CHAPTER 140 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED LAND USE AND DEVELOPMENT REGULATIONS TO REZONE BLOCK 819 LOT 13 FROM OR-5 TO AH1

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 development 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,

WHEREAS, the Township Committee on December 11, 2011, adopted an official Zoning Map of the Township; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wall that the Affordable Housing/Age Restricted (AH1-Atlantic Avenue) Zone be created and that the Wall Township Zone Map be amended as follows:

Section 1. 140-316 Affordable Housing/Age Restricted (AH1-Atlantic Avenue) Zone

- A.** Purpose. The purpose of this zone is to allow for a multi-family project of age restricted residential uses that partially addresses the Township's affordable housing obligation. The developer's agreement shall govern the nature of the age-restricted multifamily project to be constructed by the developer, and require a 20% (twenty percent) set-aside for affordable housing providing for a minimum of ten (10) affordable units. These units shall be either all rental or all for sale. The Planning Board shall make compliance with such developer's agreement a condition of any approval it may grant for a development in the AH1-Atlantic Avenue Zone.
- B.** Permitted principal uses. In the AH1-Atlantic Avenue, no premises shall be used and no structure shall be erected, altered or occupied for any purposes except the following:
 - 1) Multifamily dwellings.
- C.** Permitted accessory uses.
 - 1) Enumeration of permitted accessory uses and structures.
 - a. Common parking areas.
 - b. Garage parking facilities under multifamily dwellings.
 - c. Common private recreational facilities, structures, and open space.
 - d. Common maintenance and trash facilities.
 - e. All provisions of the Wall Township sign regulations contained in Article XXIX shall apply except that one monument style sign identifying the name of the development, as defined below, is permitted.

- a) Sign, Monument: A sign in which the entire bottom is in contact with the ground, utilizing a base or structural frame of stone, brick, or other material that is harmonious in architectural style and material to the existing principal building(s) on site.
 - b) Maximum sign face area: 50 square feet.
 - c) Maximum sign height: 7 feet.
 - d) Minimum setback: 5 feet from the front, side, and rear property lines.
 - e) Structural frame shall project perpendicular from a sign face by no more than six (6) inches and parallel by no more than eighteen (18) inches.
 - f) Signs may only be externally illuminated by ground lights directed at the sign and in compliance with section 140-213 (Lighting).
 - f. 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 an accessory.
 - g. Temporary sales/rental trailer, the location to be shown on the approved site plan, which shall be removed after 90% of the dwelling units have received a Certificate of Occupancy.
 - h. One rental management office located within one of the residential buildings.
- D.** Compliance with site plan standards, subdivision standards and regulations. Unless provided to the contrary herein, applications for developments in the AH1-Atlantic Avenue 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.
- E.** Maximum regulations. Development in the AH1-Atlantic Avenue Zone shall be subject to the following maximum regulations:
- 1) Density. The gross density of the overall tract shall be no more than 12.5 dwelling units per acre not to exceed 50 (fifty) units, prior to any dedications of land to public entities.
 - 2) Impervious surfaces. The maximum total impervious surface shall not exceed 65% (sixty-five percent) of the developable area of the tract.
 - 3) The maximum total lot coverage by buildings shall be 30% (thirty percent) of the developable area of the tract.
 - 4) Residential units per building. The maximum number of units per building in multifamily residential buildings shall be 12 (twelve).
 - 5) Principal building length. The maximum principal building length for both multifamily and townhouse buildings shall be 120 (one hundred and twenty) feet.
 - 6) Building height.
 - a. Each multifamily building shall be a maximum of three (3) stories and 40 (forty) feet.
 - b. Accessory maintenance building shall be limited to 1 (one) story and 20 (twenty) feet in height.
 - c. Building height shall be measured as set forth in section 140-17, "Definitions," of this chapter.
 - 7) Bedroom distribution. Affordable units shall have either one, two, or three-bedroom units.
- F.** Minimum regulations. Developments in the AH1 - Atlantic Avenue Zone shall be subject to the following minimum regulations:
- 1) Overall tract requirements,
 - a. Min. Lot Area: 4 (four) acres

- b. Min. Lot Width 200 (two hundred) feet
 - c. Min. Lot Frontage: 200 (two hundred) feet
 - d. Min. Lot Depth 800 (eight hundred) feet
 - e. Min. Building Setback from Internal Lot Lines: 0 (zero) feet
 - f. Min. Principal Building Setback from External Tract Line:
 - i. Front Yard: 100 (one hundred) feet
 - ii. Side Yard: 40 (forty) feet
 - iii. Rear Yard: 80 (eighty) feet
 - g. Min. Distance between Structures: 35 (thirty-five) feet
 - h. Min. Principal Building Setback from Internal Roads: 10 (ten) feet except for direct garage access.
 - i. Min. Principal Building Setback from Internal Parking Area: 10 (ten) feet.
- 2) Dwelling unit width. No multifamily dwelling shall be less than 15 (fifteen) feet in width.
 - 3) 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 that a combined living room and kitchen area shall be permitted. The mix of dwelling units shall be in conformance with this Chapter.
 - 4) Dwelling unit size.
 - a. Multifamily dwelling units shall have a minimum of 750 (seven hundred fifty) square feet of habitable area.
 - 5) Dwelling unit storage. No dwelling unit shall contain less than 250 (two hundred fifty) cubic feet of storage space, which may be within garages, basements, cellars or a 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 (nine) feet by 18 (eighteen) feet shall remain clear for parking vehicles.
 - 6) Open space and recreation areas. The applicant shall provide a minimum of two (2) of the following recreational amenities:
 - a. Open lawn play area(s) with a minimum combined square footage of 1,000 (one thousand) square feet.
 - b. Picnic/barbecue area(s).
 - c. Bicycle parking.
 - d. A bocce court, community garden, or other related recreational amenities as approved by the Board.
 - 7) Buffer and landscape areas.
 - a. Buffer location.
 - i. A minimum combined yard landscape buffer of fifteen (15) feet, with no less than five (5) feet on each side shall be permanently maintained along the side property lines.
 - ii. A minimum twenty-five (25) foot buffer along the rear property line shall be maintained.
 - b. Buffer areas shall consist of lawn area and/or massed evergreen and deciduous trees and shrubs planted and fencing designed and constructed 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 6 (six) feet when planted. Deciduous trees shall have a minimum caliper of 2 ½ (two and a half) inches when planted. All plant material shall conform to the current American Standard for Nursery Stock sponsored by the American Association of Nurseryman, Inc. Any buffer area less than 15 (fifteen feet in depth shall also include a minimum 6 (six) foot high solid decorative fence,

except that said fence shall not exceed 4 (four feet) in height in any front yard or front yard setback.

- 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 retaining walls, stormwater basins, and walkways or driveways providing direct access onto adjacent property, unless otherwise permitted by the approving authority. Perimeter driveways/walkways or driveways/walkways accessing a collector or arterial road shall not be permitted within a required buffer area.
- 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 feature of the site where practical.
- f. All mechanical equipment, trash enclosures, and related accessory structures shall be screened from view.

G. Other regulations. Developments in the AH1-Atlantic Avenue 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 section 140-164 and Article XXXV of the Land Use and Development Regulations except that outdoor storage areas for solid waste shall be permitted within a side yard and must be properly maintained.
- 4) Garbage, refuse, leaf and brush collection, removal of snow ice and other obstructions from internal roads and streets and lighting of roads and streets shall be provided and maintained by the body responsible for internal private streets and other common facilities. If the township provides garbage pickup, reimbursement to the owner shall be governed by the Qualified Private Communities Statute (N.J.S.A. 40:67-23.3).
- 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 upon written request by the body responsible for common areas and upon the adoption of a resolution of the Township Committee authorizing the enforcement of the provisions of Subtitle 1 of Title 39 on the subject property.
- 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 parking requirements.
 - a. Parking shall be allowed in the front yard.

- b. The minimum parking setback from the external overall tract boundary shall be 10 (ten) 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.
 - 10) All detention basin(s) and facilities located within the AH1-Atlantic Avenue Zone shall comply with all applicable regulations under the Flood Hazard Control Act, N.J.S.A. 58:16-A50, 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 slope 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 the mechanical aeration for water quality.
 - 11) All proposed restrictive covenants, articles of incorporation or other documents relate 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 implied in favor of the owner who requires access. All such easements shall be detailed in specifications in the Homeowner's Association documents as to the required notice of 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 the developments in the AH1-Atlantic Avenue Zone.
 - 14) Performance guarantee. In the AH1-Atlantic Avenue Zone, the provisions of § 140-92 with respect to performance guarantees shall apply.
 - 15) Maintenance guarantee. In the AH1-Atlantic Avenue Zone, the provisions of § 140-93 with respect to maintenance guarantees shall apply.
 - 16) Improvements required prior to issuance of certificate of occupancy. In the AH1-Atlantic Avenue Zone, the provisions of § 140-288 shall apply with respect to the issuance of certificates of occupancy.
 - a. 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.
 - b. 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:
 - i. 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.
 - ii. Street right-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.

- iii. Sidewalks: All sidewalks necessary to provide access to the lot, building or use in question shall have been properly installed.
- iv. 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.
- v. 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.
- vi. 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 the top of such exposures with bituminous concrete as directed by the Township Engineer.
- vii. Screening, fences, and landscaping: All required screening, fencing and/or landscaping related to the lot, building or use in questions 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.
- viii. Site grading: All site grading necessary to permit property surface drainage and prevent erosion of soils shall have been completed in accordance with the approved soil disturbance plans.
- ix. 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.
- x. Lighting: The lighting plan shall comply with all applicable ordinance requirements, as well as the following standards:
 - a. All outdoor lighting shall be aimed, located, designed, fitted and maintained so as not to present a disabling glare hazard to drivers or 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.
 - b. Applicant shall use fixtures to complement the building architecture. Pole mounted lights shall be a maximum of 20 (twenty) feet tall. Floodlights and spotlights shall not be permitted.
 - c. 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.
 - d. LED lighting shall not exceed 3,500 degrees Kelvin.
- xi. 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.

- xii. 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."
- xiii. 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.
- xiv. 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 development within the AH1-Atlantic Avenue Zone.

H. 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 required affordable housing set-aside requirement shall be 20% with a minimum of ten (10) units and shall comply with all applicable provisions of the substantive and procedural rules and regulations as set forth by the New Jersey (Department of Community Affairs) Council on Affordable Housing at N.J.A.C. 5:93 and 5:97 et seq. In addition, affordable housing units in this district shall comply with the Uniform Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and the amended Fair Housing Act at P.L. 2008, c. 46, including but not limited to the provision of very-low-income units.

I. Design requirements. Development in the AH1-Atlantic Avenue 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 onsite that are greater than 12 (twelve) inches in diameter.
- 2) The minimum lot green area space shall be 35% (thirty-five percent).
- 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 2 (two) feet for nor more than 20 (twenty) feet.
- 4) Building architecture. Development shall comply with Building Design Standards of 14 -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 (five twelfths).
 - i. When buildings are greater than 9,000 (nine thousand) square feet, and where a fully pitched roof throughout would not be practical, a sloped perimeter roof with a slope of 5/12 (five twelfths) or greater shall be permitted in coordination with a flat roof, provided that the appearance is that of a full roof.
 - ii. 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.

Section 2. Zone Map The Official Zoning Map the Township of Wall dated July 14, 2011, be and the same is hereby amended to change the zoning designation of the following Block and Lot as indicated:

Block	Lots	July 14, 2011 Zoning Map	New Zoning Designation
819	13	OR-5	AH1 *
(Located at 1809 Atlantic Avenue)			
*If permitted by the Developer's Agreement.			

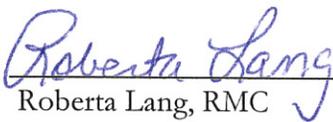
Section 3. All ordinances, or parts thereof, inconsistent with the provisions of this ordinance be and the same are hereby repealed to the extent of such inconsistency.

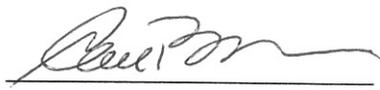
Section 4. Should any section, paragraph, clause of other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgement shall not affect or impair the remainder of this Ordinance.

Section 5. This Ordinance shall effect upon its passage and publication according to law, and upon filing of a certified copy thereof with the Monmouth County Planning Board.

Introduced: August 26, 2020

Adopted: September 23, 2020

Attest: 
Roberta Lang, RMC
Township Clerk

Approve: 
Carl Braun
Mayor

SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO.7-2020

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING/AGE RESTRICTED AH1- ATLANTIC AVENUE ZONE AND AMENDING THE ZONING MAP WITHIN CHAPTER 140 OF THE CODE OF THE TOWNSHIP OF WALL ENTITLED LAND USE AND DEVELOPMENT REGULATIONS TO REZONE BLOCK 819 LOT 13 FROM OR-5 TO AH1

Adoption of this ordinance will rezone Block 819 Lot 13 from OR-5 to AH1- Atlantic Avenue Zone and amending the zoning map within chapter 140 of the Code of the Township of Wall

Block	Lots	July 14, 2011 Zoning Map	New Zoning Designation
819	13	OR-5	AH1 *
(Located at 1809 Atlantic Avenue)			
*If permitted by the Developer's Agreement.			

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 August 26, 2020, and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on September 23, 2020 at 7:00 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 the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com.

**Roberta M. Lang, R.M.C.
Municipal Clerk**