

TOWNSHIP OF WALL

ORDINANCE NO. 8-2020

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH4-DUNROAMIN ROAD 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 942 PORTIONS OF LOTS 79 AND 132 FROM OR-10 TO AH4

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 AH4-Dunroamin Road Zone be created and that the Wall Township Zone Map be amended as follows:

Section 1. 140-319 AH4-Dunroamin Road Inclusionary Zone

A. Purpose

The intent of the AH4-Zone is to establish a suitable location within the township for the development of low- and moderate-income housing uses in the form of an inclusionary development. This zoning district will provide realistic opportunities for the construction of low- and moderate-income housing to implement a mechanism included in the township's housing element and Third Round (1999-2025) fair share plan, which township's December 18, 2019 settlement agreement with Fair Share Housing Center to globally settle its declaratory judgment action (In the Matter of the Application of Wall Township, Monmouth County, Docket No. MON- L-5604-05) has been approved by the Superior Court, which action follows the directive of the Supreme Court's decision in the matter of In re Adoption of N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015). The AH4-Zone shall be included as part of the township housing element and Third Round (1999-2025) Fair Share Plan, which Fair Share Plan shall be the subject of review and approval at a compliance hearing and memorialized as part of a judgment of repose entered by the Superior Court.

The residential gross density shall be guided by the area requirements and bulk standards contained herein, subject to the inclusion of a 20 percent set-aside of affordable homes, not to exceed a total of 105 homes for the overall development. There shall be a minimum of 20 affordable units. All aspects of the development shall further comply with the rules and regulations of the township affordable housing office

and the regulations, as applicable, of the COAH (N.J.A.C. 5:91, 5:92 and 5:93, et seq.) and the Uniform Housing Affordability Controls (UHAC) (N.J.A.C. 5:80-26.1, et seq.).

B. Applicability

The AH4-Zone shall be applied to a portion of Block 942, Lot 132 and a portion of Lot 79, which is shown on the Official Tax Map of the Township of Wall. The Official Zoning Map of the Township of Wall is hereby amended in accordance with the foregoing and is incorporated by reference. For the purpose of permitting the development of a multi-family inclusionary development, the provisions and requirements of the AH4-Zone shall supersede the provisions and restrictions of the underlying OR-10 (Office Research) Zone district. In the event of a conflict between the provisions of this section and other sections of the Township development regulations with respect to the development of market-rate townhouses and affordable housing, the provisions of this AH4-Zone shall govern. However, where the regulations and standards of the AH4 Zone are silent, the standards of Land Development Ordinance shall apply.

C. Permitted principal uses

- 1) The following uses are permitted in the AH4-Zone:
 - a. Townhouse attached dwellings.
- 2) A “townhouse attached dwelling” shall be defined as a residential structure with common walls, without common ceilings or floors, consisting of three or more dwellings.

D. Permitted accessory uses and structures

The following accessory uses and structures are permitted in the AH4-Zone:

- 1) Signs, as regulated in this chapter.
- 2) Fences, as regulated in this chapter.
- 3) Patios and decks, as regulated by this chapter.
- 4) Outdoor refuse and/or general storage containment structures.
- 5) Common area parking.
- 6) Certain authorized improvements on common area property, as described in section F below.
- 7) Such other uses that are customary and incidental to the principal use.

E. Minimum tract size and open space requirements.

- 1) The minimum tract size for a development in the AH4-Zone shall be 15 acres.
- 2) A minimum of 25 percent of the property shall be set aside for open spaces purposes, which may include facilities such as stormwater basins and drainage swales.
- 3) The property owner shall provide for the establishment of an organization for the ownership and maintenance of any common property and such organization shall be established and regulated by all applicable statutory standards and conditions.
- 4) A perimeter tract buffer shall be required at a minimum width of 35 feet, except where adjacent to a residential zone district where the perimeter tract buffer shall be a minimum of 40 feet, within which no building improvements shall be permitted, except as provided for in section F(7) below. Existing vegetation shall be maintained to the greatest extent possible.

F. Area, yard, density and locational requirements for residential development.

- 1) For the purpose of determining gross residential density, the total tract of land shall be considered.
- 2) The gross residential density shall not exceed six (6) units per acre.
- 3) Impervious surfaces. The maximum total impervious surface shall not exceed 45% of the tract.
- 4) The maximum total building coverage shall be 25% of the tract.
- 5) Townhouse attached dwellings to be constructed and sold on fee-simple lots, based upon the following area and dimensional requirements.
 - a. Minimum Lot Area 1,120 square feet

- b. Minimum Lot Width 14 feet
- c. Minimum Lot Depth 80 feet
- 6) Setback and additional requirements for residential use
 - a. Minimum building separation:
 - Front to Front 60 feet
 - Rear to Rear 45 feet
 - All other building to building 25 feet
 - b. Minimum Building Setbacks:
 - Front Yard from the street line 12 feet
 - Side Yard 0 feet
 - Rear yard 5 feet (to deck, individual storage sheds, individual air conditioning units and individual generators); 10 feet to building
 - From a parking area 8 feet
 - c. Maximum number of townhouse attached dwelling units per buildings: 8
- 7) Building lot lines may extend into the perimeter tract buffer area provided that no building improvements are located therein.
- 8) Common area property, including lands within the perimeter buffer, may contain certain improvements, such as underground utility lines, stormwater management features, retaining walls, landscaping, signage, walking paths and sidewalks.
- 9) No residential building or structure shall exceed 40 feet or 2 ½ stories in height, except as regulated by the height exception provisions of this chapter.
- 10) Outdoor refuse storage containment structures shall not be subject to minimum building setbacks as set forth in section (6)(b) above.

G. Other regulations. Developments in the AH4-Zone shall be subject to the following regulations, requirements and standards:

- 1) The installation of signs shall comply with regulations contained in Chapter 140, Part 4, Article XXIX, with the following exceptions:
 - a. One temporary directional sign shall be permitted on Block 942, Lot 79, along its Route 34 frontage, provided that it does not exceed 36 s.f. in size and 6 feet in height. Said sign may be installed no closer than 20 feet to any street line.
 - b. The temporary directional sign may remain in place until 90% of the residences have received a certificate of occupancy on the site.
 - c. One permanent entry monument sign may be installed at the entrance to the community, as provided below:
 - i. 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.
 - ii. Maximum sign face area: 50 square feet.
 - iii. Maximum sign height: 7 feet.
 - iv. Minimum setback: 5 feet from the front, side, and rear property lines.
 - v. 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.
 - d. Signs may only be externally illuminated by ground lights directed at the sign and in compliance with section 140-213 (Lighting).
 - e. The entry monument sign shall comply with the Type 3 sign requirements set forth in § 140-227E(3).
- 2) All utilities shall be installed underground by the developer.

- 3) 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.
- 4) Garbage, refuse storage (in garages or enclosed containment structures) and recyclable collection areas suitable for containerized curb-side collection shall be provided. Garbage and refuse collection shall be provided by the Township's Public Works Department.
- 5) Streets, roads, driveways, parking facilities, walkways, 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.
- 6) All streets and roads within the tract shall be private streets and shall be maintained by the body responsible for common areas, however, for the purposes of street light installation, the streets shall be considered public roadways. 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) All provisions of the Residential Site Improvement Standards (RSIS) shall be applicable within the AH4-Zone.
- 8) 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.
- 9) All detention basins and facilities located within the AH4-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.
- 10) 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 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.
- 11) 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 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.
- 12) Notwithstanding any other standard to the contrary, the Land Use Officer may issue a permit for the import or removal of fill material to and from the site, provided that the estimated quantities of said import or removal is made part of the engineering testimony presented to the Planning Board at the time of approval.
- 13) Design requirements. Development in the AH4-Zone shall be subject to the following standards:
 - a. The site plan shall be required to depict and delineate the edge of all woodlands but shall not be required to map or survey all trees on site.
 - b. All improvements within 50 feet of the boundary of the site shall be shown on the site plan.

- c. Townhomes shall contain no less than 125 cubic feet of storage space, exclusive of the required storage to be provided for at least two 96 gallon trash containers, which may be within garages, basements, cellars or separate refuse and/or general storage structures, 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.
 - d. The development shall comply with all applicable Building Design Standards set forth in § 140-252, except that for the purposes of this section, the following Building Design Standard shall be amended to read as set forth below:
 - i. § 140-252.A(3)(b): Accessory buildings should be architecturally treated in a uniform, compatible and harmonious manner to principal buildings.
 - ii. § 140-252.A(3)(d): All basement walls greater than 24 inches above finished grade and must be treated to relate properly to the design of the building.
 - iii. § 140-252.B(1): Building facade length shall not exceed 160 feet. The front facade of any structure shall not continue 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.
- 14) All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby superseded to the extent of such inconsistencies.

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
942	79 & 132 (portions)*	OR-10	AH4 **
(Located at 1770 and 4151 Dunroamin Road).			
*As illustrated on the attached map.			
**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 on: August 26, 2020

Adopted: September 23, 2020

Attest: Roberta Lang

Roberta Lang, RMC

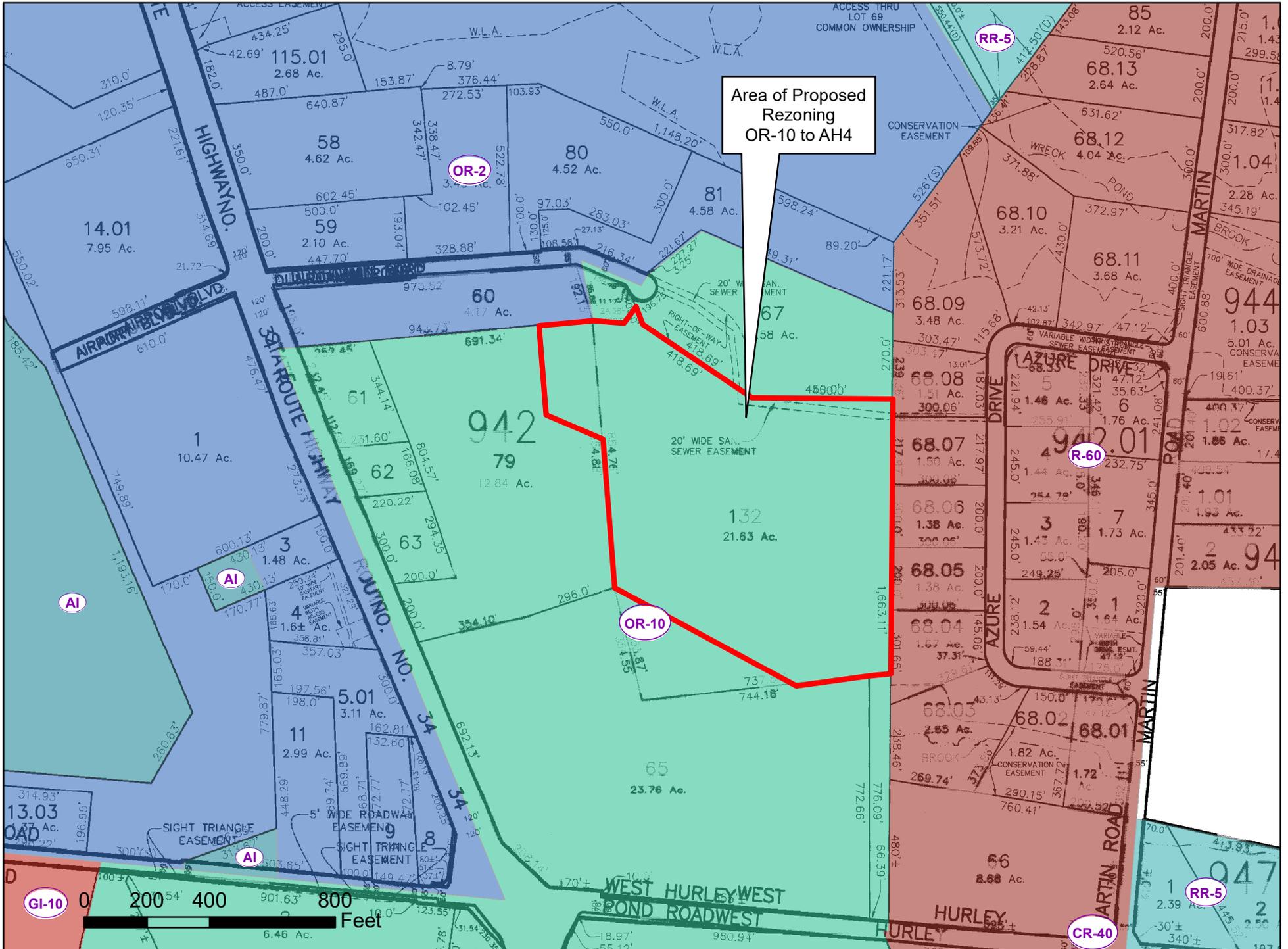
Township Clerk

Approve: Carl Braun

Carl Braun

Mayor

Block 942 Portions of Lots 79 and 32



SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO.8-2020

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH4-DUNROAMIN ROAD 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 942 PORTIONS OF LOTS 79 AND 132 FROM OR-10 TO AH4

Adoption of this ordinance will rezone Block 942 Lots 79 & 132 (portions) from OR-10 to AH4- Dunroamin Road 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
942	79 & 132 (portions)* (Located at 1770 and 4151 Dunroamin Road).	OR-10	AH4 **
*As illustrated on the attached map. **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**