

TOWNSHIP OF WALL

ORDINANCE NO. 6-2020

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH3-ASBURY 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 913 LOTS 2, 3, AND 15 FROM OR-10 TO AH3

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 AH3-Asbury Road Zone be created and that the Wall Township Zone Map be amended as follows:

Section 1. 140-318 Affordable Housing AH3-Asbury Road Zone

A. Purpose.

The AH3 Zone is intended to provide for the development of townhouse and multifamily housing of which 20% is restricted to occupancy by households of very low, low and moderate income. Affordable dwellings shall be integrated with and indistinguishable in outward appearance from the market-rate housing. There shall be a minimum of 60 affordable family rental dwelling units in the AH3 Zone District.

B. Applicability of standards.

The use, bulk, design and performance standards of the AH3 Zone District shall supersede all other provisions of the Wall Township Land Use Development Ordinance. However, where the regulations and standards of the AH3 are silent, the standards of Land Development Ordinance shall apply.

C. Permitted Uses

a. Principal uses.

i. Townhouses.

ii. Stacked townhouses. A stacked townhouse shall be defined as a structure containing two or more connected dwelling units stacked one dwelling unit above the other, which can include shared floors divided by walls and shared common party walls, with private entrances to each unit.

iii. Apartments.

b. Accessory uses.

- i. Private garages and off-street parking;
- ii. Patios;
- iii. Fences and walls;
- iv. Conservation areas, recreation, open space and public purpose uses;
- v. Stormwater Management and other utilities;
- vi. Structures for maintenance and storage of maintenance equipment;
- vii. Structures for tenant storage;
- viii. Clubhouse, pool, community building, rental/management office, and model;
- ix. Accessory uses on the same lot and customarily incidental to the principal use.

D. Area and Bulk Requirements

a. Tract Requirements.

- i. The maximum number of dwelling units shall be 300;
- ii. The development of the tract shall be limited to the developable area as approved in the March 4, 2010 letter from the New Jersey Department of Environmental Protection (NJDEP), Division of Watershed Management which refers to a concept plan entitled “Boulder Development LLC Concept Plan”, prepared by R. Deboer, PP of French and Parrello Associates, dated January 28, 2010, last revised February 2, 2010 for Block 913 Lots 2, 3 and 15. Development limitations, as it relates to the identified concept plan, for the tract only refer to the developable area (19.9 acres) and does not endorse or require the building and site layout as depicted on the concept plan.
- iii. The minimum setback from a public street right-of-way to any building shall be 25 feet;
- iv. The minimum setback from a public street to off-street parking area shall be 60 feet;
- v. The minimum tract setback from rear and side property lines shall be 50 feet;
- vi. The minimum planted frontage buffer to Asbury Road shall be 25 feet and provided in accordance with Section 140-212.
- vii. The minimum planted tract buffer shall be 25 feet and provided in accordance with Section 140-212.
- viii. Impervious coverage shall not exceed 70% of developable area;
- ix. Building coverage shall not exceed 50% of developable area;

b. Townhouses:

- i. Maximum Height: 45 feet/3 stories
- ii. Rear-Loaded Townhouses:

Minimum distances from front facade to private streets:

- i. Building to sidewalk: 14 feet
- ii. Building to curb: 21 feet
- iii. Minimum distance from garage facade to curb, edge of alley pavement or edge of sidewalk: 20 feet

Minimum distances for side facade (s):

- iv. Building to building: 28 feet
- v. Building to private street: 15 feet

c. Front-Loaded Townhouses:

Minimum distance from front facade to private streets

- i. Building to sidewalk: 20 feet
- ii. Building to curb: 26 feet
- iii. Minimum distance from garage facade to sidewalk: 20 feet

Minimum distance for side facade(s):

- iv. Building to building: 25 feet

- v. Building to private streetline: 18 feet
- c. Apartments
 - i. Maximum Height: 48 feet/ 3 stories
 - ii. Minimum Building setbacks
 - i. Building to building: 25 feet
 - ii. Building to parking area or driveway: 15 feet
 - c. For each apartment, in addition to any storage areas contained within the apartment, there shall be provided 300 cubic feet of storage in a conveniently accessible area in the cellar, basement or ground floor of the building where storage will not constitute a fire hazard and where belongings can be kept locked and separated from the belongings of other occupants.
- d. Accessory office, clubhouse and maintenance buildings shall be limited to one story and 30 feet in height.
- e. Accessory structures except for stormwater management and walking paths shall not be located in the front yard area.
- f. All mechanical equipment and related appurtenances shall be screened from view.
- g. Signs.
 - i. Community Building: The community building may have one identification sign which may include the street address.
 - ii. Monument signs: one single-sided interior monument sign may be provided at each road entrance from a public road, as set forth 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
 - c. Directional Signs: Up to two directional signs shall be allowed on each street or driveway frontage from which vehicular access is derived. A directional sign shall not exceed six square feet in sign area and shall not exceed six feet in height. A directional sign shall be set back from any lot line by at least three feet.
 - d. Residential Building Identification: Each residential building may have up to two attached identification signs. The maximum sign area of each shall not exceed six square feet. Such signs shall be appropriately integrated within the architecture of the buildings.
 - e. Signs may only be externally illuminated by ground lights directed at the sign and in compliance with section 140-213 (Lighting).

E. Development Requirements

- a. Community design
 - i. Streets that are not through streets through the development, and all infrastructure within those streets, shall be privately owned and maintained.
 - ii. All public and private streets, alleys, and driveways shall demonstrate adequate access and circulation of the most restrictive Wall Township fire apparatus, taking in consideration parking spaces.
 - iii. No refuse container or trash or recycling collection area shall be located closer than 50 feet from any residential unit.

- iv. Street trees shall be planted an average of 45 feet on center along the entirety of the public and private frontages, except for frontages on lanes or alleys and except in front of front-loaded townhouses.
 - v. All streets and roads within the tract shall be private streets and shall be maintained by the body responsible for common areas unless otherwise determined by resolution of the Township Committee. 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.
 - vi. Pedestrian walkways connecting streets and the dwellings shall be provided.
- b. Open Space and Recreation Standards
- i. Open space and recreational amenities shall be provided, and shall include at a minimum:
 - i. Children's play area, with appropriate amenities approved by the Board;
 - ii. Community building, which may include, but is not limited to, a clubhouse, leasing office, and model, of which a minimum of 4,000 square feet shall be devoted to recreational uses for the residents;
 - iii. In-ground pool with a deck area for seating;
 - iv. Central open space for passive uses; and
 - v. Walking trail
 - b. 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.
- c. Parking Requirements
- i. Townhouses
 - i. Townhouses shall be provided with the number of parking spaces pursuant to R.S.I.S. standards.
 - ii. Every Townhouse shall have at least one enclosed garage measuring a minimum of 12 feet wide and 270 square feet.
 - b Apartments
 - i. Apartments shall be provided with the number of parking spaces pursuant to R.S.I.S. standards.
- d. Utilities
- i. All utilities shall be installed underground by the developer.
 - ii. 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.
- e. 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. Reimbursement to the owner shall be governed by the Qualified Private Communities Statute (N.J.S.A. 40:67-23.3).
- f. 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:

- i. Drainage maintenance in privately maintained streets shall be the responsibility of the developer and his successors in title.

F. Design Standards. Deviations from these standards shall be considered exceptions pursuant to N.J.S.A. 40:55D-51.

- 1) Building Design. The purpose of these building design standards is to ensure that the design of townhouse and apartment buildings promotes a desirable visual and spatial environment.
 - a. Townhouses.
 - i. Townhouses shall be designed with a unified architectural scheme.
 - ii. Each building shall contain, at a minimum, one end unit model and one interior model. Each base model type home in any block shall have at least two alternative front elevations containing different design features, including, but not limited to, porches, porticos, columns, dormers, accent windows or door color.
 - iii. Materials shall be unified among all townhouses.
 - iv. For alley-loaded townhouses, the finished first floor shall be a minimum of 18 inches above the front sidewalk elevation, and the front sidewalk shall rise no more than 16 inches at the sidewalk and 60 inches at the stoop.
 - v. A fence, wall, plantings or some other element shall be provided to delineate the sidewalk from the front yard
 - b. Apartments.
 - i. Facades.
 - a) Building facade length shall not exceed 150 feet.
 - b) 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 for no more than 20 feet.
 - ii. Roofs.
 - a) Roofs shall be pitched with a minimum slope of 5/12.
 - b) 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.
 - c) 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
- 2) 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 a nuisance to neighboring properties. Glare shall be controlled through the use of 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. LED lights shall not exceed 3500 degrees Kelvin.
 - c. Applicants shall use fixtures to complement the building architecture. Pole-mounted lights shall be a maximum of 20 feet tall. Floodlights and spotlights shall not be permitted.

- d. 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.

G. Affordable Housing.

- a. At least twenty percent (20%) of the dwelling units shall be affordable to very low, low and moderate income households in accordance with UHAC regulations.
- b. A minimum of 60 affordable family rental units shall be provided.
- c. The affordable housing units shall comply in every respect with the affordable housing requirements of the New Jersey Council on Affordable Housing, or any successor or replacement agency; the New Jersey Housing Mortgage and Finance Agency, or any successor or replacement entity; and the New Jersey courts, as such requirements exist at the time of final development approval.
- d. Affordable housing units shall not be age restricted.

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
913	2, 3, & 15	OR-10	AH-3 *
(Located at 5201 and 5115 Asbury Road).			
*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: September 23, 2020

Adopted: _____

Attest: _____

Robert Lang, CMR, RMC
Township Clerk

Approve: _____

Carl Braun
Mayor

SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO. 6-2020

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH3-ASBURY 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 913 LOTS 2, 3, AND 15 FROM OR-10 TO AH3

Adoption of this ordinance will create the AH3-Asbury Road Zone and amend the zoning map to rezone Block 913 Lots 2, 3, and 15 from the OR-10 to AH3 Zone.

Block	Lots	July 14, 2011 Zoning Map	New Zoning Designation
913	2, 3, & 15	OR-10	AH-3 *
(Located at 5201 and 5115 Asbury Road).			
*If permitted by the Developer's Agreement.			

Notice is hereby given that the foregoing Ordinance was re-introduced and passed on first reading by the Township Committee of the Township of Wall on September 23, 2020, and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on October 28, 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