

**TOWNSHIP OF WALL**

**ORDINANCE NO. 9-2020**

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH2-ROUTE 34 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 912, LOTS 2 AND 4.02 FROM THE HB-200 ZONE TO THE AH2 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 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 by creating affordable housing units; 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 AH2-Route 34 Zone be created and that the Wall Township Zone Map be amended as follows:

**Section 1. 140-317 Affordable Housing AH2-Route 34 Zone**

- A.** Purpose. The purpose of this zone is to allow for a multifamily project of mixed residential uses that partially addresses the Township's affordable housing obligation. The developer's agreement shall govern the nature of the multifamily project to be constructed by the developer and require a 20% set-aside for affordable housing providing for a minimum of 32 family rental units. The Planning Board shall make compliance with such developer's agreement a condition of any approval it may grant for a development in the AH2-Route 34 Zone.
- B.** Relationship between the overall tract and subdivided parcels. This zone has been adopted to include one overall tract, containing the entirety of the multifamily and townhouse developments along with all ancillary components; separate tracts for the multifamily and townhouse developments; and the fee simple parcels within the townhouse tract. This zone operates under a technical subdivision provision pursuant to §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 AH2 Zone, no premises shall be used and no structure shall be erected, altered or occupied for any purposes except the following:
  - 1) Townhouses.
  - 2) Multifamily dwellings.
- 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, swimming pool, tot lot and walking path.
  - 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 except that two (2) monument style signs identifying the name of the development, as defined below, is permitted.
    - 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.
    - vi. Signs may only be externally illuminated by ground lights directed at the sign and in compliance with section 140-213 (Lighting).
  - f Fences and retaining walls.
  - g Patios, balconies, and decks.
  - h Trash Enclosures.
  - i 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.
  - j Such other uses and structures that are customary and incidental to the principal use as may be permitted by the approving authority.
  - k Stormwater facilities
  - l Pump Stations
- E. Compliance with site plan standards, subdivision standards and regulations. Unless provided to the contrary herein, applications for developments in the AH2 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 AH2 Zone shall be subject to the following maximum regulations:
  - 1) Density. The gross density of the overall tract shall be no more than ten (10) dwelling units per acre, prior to any dedications of land to public entities.
  - 2) Residential units per building. The maximum residential units per building shall be twelve (12).
  - 3) Principal building length. The maximum principal building length for both multifamily and townhouse buildings shall be 250 feet.
  - 4) 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** Townhouse dwelling units shall have a minimum dwelling unit size of 1,400 square feet.
- 6) Dwelling unit storage. No townhouse dwelling unit shall contain less than 250 cubic feet and no multifamily dwelling unit shall contain less than 140 cubic feet which may be within garages, basements, storage closets adjoining a dwelling (e.g., attached to decks and patios) if completely enclosed on all sides, or separate storage buildings, and which shall be in addition to bedroom closet space provided with the unit. If within garages, a rectangle of not less than nine 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 multifamily residents including three (3) or more of the following facilities:
- a** A recreation building or clubhouse with a minimum size of 25 SF square feet for each dwelling unit in the development.
  - b** A swimming pool of a minimum size of 800 sq. ft.,
  - c** Open lawn play area(s) with a minimum combined square footage of 1,000 sq. ft.
  - d** Picnic/barbecue area(s).
  - e** Bicycle parking.
  - f** Bocce court, pickle ball 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.
  - g** For the purposes of this subsection, a and b shall count as two (2) recreational facilities each, b, c, d, e, and f shall count as one recreational facility each
- 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 twenty-five (25) 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 forty (40) feet in width shall be established and permanently maintained along the property line abutting such zone or use.
  - 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 three 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, stormwater facilities, entrance and exit drive openings, sidewalks, and signs.



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 shall be submitted to the Township for review by the Planning Board and Township Attorney as a condition of the approving resolution.
- 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)** Performance guarantee. In the AH2 Zone, the provisions of §140-92 with respect to performance guarantees shall apply. Performance guarantees shall be permitted separately for each phase.
- 14)** Maintenance guarantee. In the AH2 Zone, the provisions of §140-93 with respect to maintenance guarantees shall apply. Maintenance guarantees shall be permitted separately for each phase.
- 15)** Improvements required prior to issuance of certificate of occupancy. In the AH2 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 required for that particular use or building.
  - 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 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.
    - 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 to 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 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.
- viii. 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.
- 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.
- 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 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. LED lights shall not exceed 3500 degrees Kelvin.
  - b. 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.
  - 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. Freestanding signs shall not be internally illuminated.
- 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.
  - xv.** Inspection fees. The provisions of §140-60 of this chapter pertaining to inspection fees shall be applicable to all development within the AH2 Zone.
  - xvi.** Multiple permitted residential principal uses and buildings shall be allowed on a single lot.
  - xvii.** Sidewalks shall only be required on one side of the internal roadways within the overall development but shall provide connections to all NJDOT sidewalks and adjacent lots.
- 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. A minimum of (20%) of the total number of residential units, at least 32 units, shall be set aside as affordable rental units, and all affordable units shall be in multifamily buildings. The Township may request the construction of two additional affordable units (for a total of 34 units) in accordance with the terms set forth in the developer's agreement, without any reduction to the number of total market rate units. The affordable housing units 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.
- J.** Design requirements. Development in the AH2 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 woodland
  - 2) The minimum open space shall be 25%, which may include stormwater facilities
  - 3) 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.
  - 4) Building architecture. Development shall comply with the following standards:
    - a** Primary elements of traditional architectural styles with pitched roofs 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.
  - d All accessory buildings and structures shall be treated architecturally to complement the residential buildings.
  - e Architectural requirements in all other sections of the Township Code shall not apply
- 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.
- 1) Developments with the AH2 Zone may be exempt from any required “tree replacement” provisions in the Township ordinances.
- L.** Whenever a standard in the AH2 Zone conflicts with another standard in the municipal land development ordinance, the AH2 Zone standard shall prevail.
- M.** Miscellaneous.
- 1) Developer shall permit enforcement of Title 39 within internal roadways of development.
  - 2) The internal roadways and utility lines therein shall be dedicated to the Township, and the Township shall accept the same
  - 3) Trash and recycling service will be provided by public hauler.

**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
912	2 & 4.02	HB-200	AH-2 *
(Located at 1307 Wyckoff Road and 1306 Hwy 34).			
*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:** \_\_\_\_\_

Roberta Lang, CRMC  
Township Clerk

**Approve:** \_\_\_\_\_

Carl Braun  
Mayor

**SUMMARY AND NOTICE**

**TOWNSHIP OF WALL**

**ORDINANCE NO. 9-2020**

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, CREATING THE AFFORDABLE HOUSING AH2-ROUTE 34 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 912, LOTS 2 AND 4.02 FROM THE HB-200 ZONE TO THE AH2 ZONE**

Adoption of this ordinance will create the AH2-Route 34 Zone and amend the zoning map to rezone Block 912 Lots 2 and 4.02 from the HB-200 to AH2-Route 34 zone.

<b>Block</b>	<b>Lots</b>	<b>July 14, 2011 Zoning Map</b>	<b>New Zoning Designation</b>
912	2 & 4.02	HB-200	AH-2 *
(Located at 1307 Wyckoff Road and 1306 Hwy 34).			
*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 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](http://www.wallnj.com).

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