TOWNSHIP OF WALL

ORDINANCE NO. 3 - 1991

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XV, "ZONING", OF "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL 1977", AS AMENDED AND SUPPLEMENTED, PERTAINING TO A CONGREGATE CARE ZONE.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL in the County of Monmouth and State of New Jersey as follows:

Section 1. Purpose. The purpose of this Ordinance is to create a zone district and provide development regulations for a specific tract of land which is included in the Housing Plan Element and Fair Share Plan of the Wall Township Master Plan as adopted on November 26, 1990, and in conformance with the Wall Township Mount Laurel Compliance Plan approved in conjunction with Docket No. L-51262-84, Cove Industries, Ltd. v. Wall Township, and related Mount Laurel cases, and a Consent Order in that matter entered by Hon.Eugene D. Serpentelli, A.J.S.C.

Section 2. Chapter XV "Zoning" Subsection 15-4.1, "Zones" is hereby amended to add the following zone:

"MLCC Mount Laurel Congregate Care Zone".

Section 3. Subsection 15-4.2.1, "Zoning Map Amendments" is hereby amended to add the following:

The map entitled "Zoning Map of the Township of Wall" dated May 30, 1979, as amended, is hereby further amended and revised as follows: To include Block 273, Lots 2, 3, 12, 17 and 18 on the east side of Route 35 north of New Bedford Road as the "MLCC" Zone, thereby deleting these lots from the B-2 and R-10 Zone Districts.

Section 4. A new Subsection 15-8.7 is hereby added to read as follows:

"15-8.7 MLCC Mount Laurel Congregate Care Zone.

a. Permitted Principal Uses. In the MLCC Zone, no premises shall be used and no structure shall be erected, altered or occupied for any purposes except the following:

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1. Developments not participating in the Mount Laurel program shall conform with the R-10 Zone District.

2. For developments participating in the Wall Township Mount Laurel Compliance Program, the following uses are permitted:

(a) Congregate Care residential units located in a multi-family structure containing individual living units which do not have cooking or eating facilities, which facilities are provided on a communal basis.

(b) Multi-family structures containing flats or apartment units of up to twelve (12) units per building, provided, however, that not more than six (6) units shall be on each floor.

b. Permitted Accessory Uses.

1. Common parking areas.

2. Common storage structures and facilities subject to the same limitations and requirements as the principal structures.

3. Common open space and recreational facilities and structures, subject to the same limitations and requirements as the principal structures.

4. Private attached garages with a capacity for garaging not more than two automobiles per dwelling unit, subject to the same limitations and requirements as the principal structures.

5. Signs in accordance with the Wall Township Sign Regulations contained in Section 15-22.

6. Fences in accordance with the Wall Township Fence Regulations contained in Section 15-20.

7. Support facilities, functions and services intended for the use and benefit of Congregate Care residents and their guests including:

(a) Indoor and outdoor recreational facilities.
(b) Physical therapy facilities.

(c) Entertainment facilities.

(d) Libraries.

(e) Food preparation facilities.

(f) Dining facilities.

(g) Linen service facilities.

(h) Housekeeping service.

(i) Security facilities, administrative offices, storage facilities, chapels, and facilities for the temporary lodging of guests.

c. Compliance with Site Plan Standards, Subdivision Standards and Regulations. Unless provided to the contrary herein, applications for development in the MLCC Zone shall follow and be subject to the applicable ordinances, procedures, regulations, standards and guidelines as required for preliminary and final site plan and/or subdivision review and other applicable ordinances which are incorporated herein by reference.

d. Definitions. The following definition shall be used in interpreting and administering this Section only. In the case that a word or phrase in this Section is not defined herein, then the definition contained in Section 14-2 shall apply.

1. "Net Density" Shall mean the total number of dwelling units divided by the number of acres of developable area located within the applicable section of the residential development area.

e. Maximum Regulations. Congregate care and multi-family development in the MLCC Zone shall be subject to the following maximum regulations:

1. Density. The gross density shall be no more than twenty (20) dwelling units per acre with:

(a) not more than forty-five percent (45%) of the site area developed for congregate care housing at a net density of no more than thirty (30) dwelling units per acre; and

(b) not more than fifty-five percent (55%) of the site area developed for multi-family housing at a net density of no more than twelve (12) dwelling units per acre.

2. Lot area. The minimum lot area for congregate care or multi-family development shall be four (4) acres.

3. Building Coverage. The maximum building coverage including accessory buildings, shall be:

(a) fifteen (15) percent for multi-family development; and

(b) twenty (20) percent for congregate care development.

4. Impervious Surfaces. The maximum total impervious surface including pavement and buildings, shall be:

(a) forty (40) percent for multi-family development; and

(b) forty-five (45) percent for congregate care development.

5. Floor Area Ratio. The maximum floor area ratio including principal and accessory buildings, shall be:

(a) 0.30 for multi-family development; and

(b) 0.40 for congregate care development.

6. Building Height. Building height shall be a maximum of thirty-five (35) feet as set forth in Section 14-2. Buildings within 150 feet of any single-family residential zone district shall be limited to two (2) stories plus a basement and an attic. A basement or an attic may not be used for habitation and shall be used only for storage, utilities or similar uses. Congregate care structures and multi-family dwelling unit buildings more than 150 feet from any single-family residential zone shall be limited to three (3) stories.

f. Minimum Regulations. Congregate Care and Multi-family development in the MLCC Zone shall be subject to the following minimum regulations:

1. Minimum Set Back Requirements for buildings shall be as follows:

(a) One-hundred (100) feet from an existing public street.

(b) Twenty-five (25) feet from an internal road.

(c) Twenty (20) feet from any internal parking access road.

(d) Fifteen (15) feet from any internal parking area.

(e) Sixty-five (65) feet from any residential property line.

(f) Thirty (30) feet from any non-residential property line.

(g) Twenty-five (25) feet from any other structure, provided that when buildings have glass to glass proximity, a minimum of fifty (50) feet shall be provided unless the glass planes are at more than a fifteen (15) degree angle from one another.

(h) Fifteen (15) feet from any wetlands or wetlands transition area.

2. Multi-family Dwelling Unit Storage. Multi-family dwelling units containing two or more bedrooms shall provide for not less than three hundred (300) cubic feet of storage space, which space may be in basements or cellars or in an external storage area and which shall be in addition to closet space provided within the unit.

3. Dwelling Unit Width.

(a) No multi-family dwelling unit shall be less than twenty (20) feet in width.

(b) No congregate care unit shall be less than twelve (12) feet in width.

4. Multi-family Dwelling Unit Characteristics. Each multi-family 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, with the exception of a dining area. The bedroom mix of dwelling units shall be in conformance with Section 15-5.19 or a Developer's Agreement approved by the Court.

5. Open Space and Recreation Areas. Active and passive recreational and open space areas shall be provided and shall include suitable landscaping, sitting and walking areas, horseshoe and boccie courts, field areas, swimming pool, a tot-lot and/or court sport facilities.

6. Buffer Areas. Landscaped buffer strips shall be permanently maintained in accordance with the following regulations. The buffer area may be included in required setback areas and in required wetlands or wetland transition areas;

(a) <u>Buffer Location and Depth</u>. Buffers shall be maintained as follows:

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(1) Where the tract abuts an existing non-residential use or zone, a buffer strip at least twenty-five (25) feet in width; and

(2) Where congregate care or multi-family development abuts a single-family residential use or zone, a buffer strip at least fifty (50) feet in width; and

(3) Where congregate care and multi-family development abut, a buffer strip at least thirty (30) feet in width.

(b) Requirement of Buffer Area. Where an area required for a buffer is already wooded, it shall be left in its natural state, and the existing growth shall be supplemented with additional plant material where necessary. Buffer areas shall contain a strip not less than twenty (20) feet in width containing massed evergreen and deciduous trees and shrubs planted in such a manner that will provide a continuous screen throughout the entire year within two full growing seasons following the planting of the buffer. Evergreen trees shall have a minimum height of five to six feet when planted, deciduous trees shall be a minimum of 2-1/2 inch caliper and shrubs shall be of sizes and planted in accordance with American Association of Nurserymen's Standards.

(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 this Chapter and required utilities and access drives. All non-paved areas shall be suitably landscaped with trees, shrubs, grass, ground covers and other landscaping materials.

g. Other Regulations. Congregate care and multi-family developments in the MLCC Zone shall be subject to the following regulations, requirements and standards:

1. The front facade of any structure containing more than one dwelling unit shall not continue on the same plane for a distance of more than fifty (50) feet. Offsets between front facade planes shall not be less than four feet nor more than twenty feet. No facades offset from and adjoining another facade shall be on planes within four feet of one another;

2. All utilities shall be installed underground by the developer;

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any parking area.

(d) Emergency access roads shall perform to minimum standards approved by the Township Engineer for emergency access and firefighting equipment.

9. Parking. Parking stalls shall be a minimum of nine feet by eighteen feet. Handicapped parking stalls shall be twelve feet by eighteen feet and be serviced by depressed curbing. Parking shall be provided as follows:

(a) Congregate Care Dwellings - At least one-half (0.5) parking spaces shall be provided for each living unit. In addition, guest/employee parking shall be provided at the ratio of one space for every five units.

(b) Multi-family Dwellings - At least two parking spaces shall be provided for each dwelling unit. At least one parking space for each dwelling unit shall be within one hundred feet of that dwelling unit measured along the route reasonably expected to be used to walk from the dwelling unit to the parking space.

10. Common open space, recreational or other facilities shall be owned, operated and maintained as such by the Owner, if rental, or by an Association comprised of all the owners of the individual units, if such units are to be sold by the developer.

11. All conventional dwelling units constructed to be offered for sale on a fee simple or condominium basis shall be subject to such restrictions and covenants as may be required to establish common rights and responsibilities.

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

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

14. Performance Guarantees, Improvements and Inspection Fees.

(a) Performance Guarantee. In the MLCC Zone, the provisions of Section 15-18.1 with respect to performance guarantees shall apply.

(b) Maintenance Guarantee. In the MLCC Zone, the provisions of Section 15-18.1m with respect to maintenance guarantees shall apply.

(c) Improvements Required Prior to Issuance of Certificate of Occupancy. In the MLCC Zone, the provisions of Section 15-18.1n shall apply with respect to the issuance of certificates of occupancy.

(d) Inspection Fees. The provisions of Section 17-5.5a of this Ordinance pertaining to inspection fees shall be applicable to all development within the MLCC Zone.

(e) The provisions of this Ordinance shall be specifically subject to the provisions of the General Mount Laurel Ordinance, Section 15-5.19 of this Ordinance and a Developer's Agreement with the Township Committee pertaining to provision of inclusionary Mount Laurel units."

Section 5. Should any section, clause, sentence, phrase or other portion of this Ordinance be deemed by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

Section 6. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect upon its passage and publication according to law, filing with the Monmouth County Planning Board and upon entry of an Order concerning the specific property to be located in the MLCC Zone in accordance with the provisions of the Judgement of Compliance and Consent Order by Hon. Eugene D. Serprntelli, A.J.S.C. in Docket L-51262-84, Cove Industries, Ltd. v. Wall Township and related Mount Laurel cases.

NOTICE

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 January 9, 1991 and will be further considered for final passage and adoption at the Municipal Complex, Meeting Room, 2700 Allaire Road, Wall, New Jersey on January 23, 1991 at 8:00 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 Municipal Complex to the members of the general public who request the same.

BEATRICE M. GASSNER, R.M.C.
Township Clerk

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