WALL TOWNSHIP

ORDINANCE NO. 6 - 1990
AS AMENDED

ML-PD-GM MOUNT LAUREL PLANNED UNIT GOLF COURSE/COUNTRY CLUB AND MULTI FAMILY ZONE DISTRICT

AND

ZONING MAP AMENDMENT

INTRODUCED AS AMENDED: JULY 25, 1990

PUBLIC HEARING: AUGUST 15, 1990

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TOWNSHIP OF WALL

ORDINANCE NO. 6 - 1990

AS AMENDED

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

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

"ML-PD-GM Mount Laurel Planned Development - Golf Course/Country Club and Multi-family."

SECTION 2. 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 to include Lots 1 and 2 in Block 898 as "ML-PD-GM - Mount Laurel Planned Development Golf Course/Country Club and Multi-family," thereby deleting these lots from the Rural Residential Zone District."

SECTION 3. A new Subsection 15-18.5 is hereby added to read as follows:

"15-18.5 ML-PD-GM Mount Laurel Planned Development - Golf Course/Country Club and Multi-family Zone.

15-18.5.1 Tract Size, Permitted Uses, Density and Development Standards.

a. Minimum tract size. The minimum tract area shall be seventy (70) acres within Wall Township.

b. Permitted Uses

a. Permitted Principal Uses. Same as permitted in Rural Residential Zone.

b. Area, Yard and Building Requirements. Same as permitted in Rural Residential Zone.

c. Permitted Uses for Density/Intensity Bonus Use in Conjunction with Developer's Agreement.

1. Purpose. The Township of Wall has entered into a Developer's Agreement with the owner, which agreement arises out of and shall be incorporated into the Final Judgement of Compliance entered by the Honorable Eugene D. Serpentelli, in the case entitled, Cove Industries Ltd. v. Wall Township (Mount Laurel), Superior Court of New Jersey, Docket No. L-051262-84. The ML-PD-GM use is a density/intensity bonus use which is only available due to a voluntary contribution to the Township of Wall Affordable Housing Trust Fund as set forth in the Developer's Agreement on file with the Township Clerk. This bonus use may only be exercised in conjunction with a valid Developer's Agreement and in accordance with the Low and Moderate Income Housing Regulations for Inclusionary Housing Developments in Section 15-5.9. The ML-PD-GM Mount Laurel Planned Development Golf Course/Country Club and Multi-family Use is hereby created as a density/intensity bonus use in accordance with N.J.S.A. 40:55D-39, which permits the approval of a planned development in accordance with and consistent with the guidelines and standards

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established herein. The ML-PD-GM Planned Development is designed to provide for a coordinated development with the general locations of the proposed land uses to be included within the planned development area including the total number of dwelling units; the density, mix, and general location of residential development; the type, location, intensity, and height of non-residential development; and the type and location of public, quasi-public and/or private recreation open space, services and facilities as may be required and approved in accordance with site plan approval.

The ML-PD-GM Planned Development density/intensity bonus is designed to permit multi-family residential development only in conjunction with a golf course/country club with clubhouse/banquet facilities.

2. Density/Intensity Bonus. The following residential and non-residential uses are permitted for density/intensity bonus; however, no multi-family residential housing or clubhouse/banquet facility shall be permitted except in conjunction with development of the required golf course and country club and only in accordance with the phasing requirements in Subsections (a), (b) and (c) below.

a) Permitted principal uses for density/intensity bonus.

(1) Attached single family town house units

(2) Golf Course. The golf course may include properties outside Wall Township, but shall contain a minimum of nine (9) holes and fifty (50) total acres, provided that use of the golf course shall be made available to the residents of the planned development.

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(3) Country Club. The country club may contain the facilities set forth in Subsection 15-18.5.1.c.2 (a) and (b) below.

(4) Public parks, playgrounds and conservation areas.

(5) Essential municipal services and facilities.

b) Permitted accessory uses for density/intensity bonus.

(1) Private swimming pools for the exclusive use of the residents of the development and/or members of the country club, provided such are designated for their exclusive use and subject to the provisions of the Uniform Construction Code.

(2) Clubhouse/banquet/cocktail lounge facilities open to the public, provided that the portion of the facility devoted to restaurant and banquet use combined shall not exceed capacity for 250 persons and the entire facility shall not exceed 30,000 square feet.

(3) Recreational facilities such as tennis or other racquet sports, basketball, tot lots, picnic and passive recreation areas as the Municipal Agency may approve.

(4) Signs subject to the provisions of Section 15-22.

(5) Fences and hedges subject to the provisions of Section 15-20.

(6) Off-street parking subject to the provisions of Section 15-19.

(7) Private attached garage with a capacity for garaging not more than two (2) automobiles per unit shall be permitted, provided that adequate deed restrictions to prohibit conversion to other use(s) are recorded.

(8) Open space, as defined and regulated by N.J.S.A. 40:55D-43.

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(9) Storage sheds attached to and incorporated in the design of individual dwelling units provided such sheds shall not exceed 16 square feet in floor area.

(10) Other customary accessory uses and buildings provided such are incidental to the principal use and do not involve activity commonly conducted as a business. Any accessory building shall be subject to the same setback requirements as a principal building.

c) Minimum Golf Course Requirements and Phasing.

(1) Not less than fifty (50%) percent of the tract located within Wall Township shall be devoted to the golf course/country club use. Any municipal agency approval shall require subdivision of that portion of the tract to be devoted to golf course/country club use and shall be subject to the filing of deed restrictions adequate to ensure the use of that portion of the tract for that purpose in perpetuity, which restrictions shall run in favor of Wall Township and the Homeowners Association and which shall be subject to the posting of adequate security to ensure the completion of the golf course/country club.

(2) Phasing. No ML-PD-GM Planned Development shall be approved unless it is to be developed in sections or phases in accordance with a comprehensive plan for the overall development of the property as approved by the Planning Board.

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The requirements of phasing shall be as follows:

(a) Site improvements including rough grading of the entire site, required slope restoration, reforestation of buffer areas with 1-2 foot seedlings at a rate to be determined by the Township Planner and Engineer, and provisions of sanitary sewer and water service to the site shall be completed in the first phase.

(b) All phases shall be designed to provide independent development of each phase and shall include a construction entrance and circulation program to minimize interference with completed development phase(s).

(c) The final grading, seeding and planting of the golf course, even though it may not be playable, shall be certified as complete by the Township Engineer prior to the issuance of certificates of occupancy for fifty (50) percent (50%) plus one of the total number of approved residential structures or for the clubhouse/banquet/cocktail lounge facility.

d) Land Use Development Standards. The following development standards and regulations shall apply to land uses proposed as part of a planned development for golf course/country club and multi-family.

(1) Terms Defined. The following definitions shall be used in interpreting and administering this Section only. In the event a word or phrase in this Section is not defined herein, then the definition contained in Section 14-2 shall apply.

DEVELOPABLE AREA - Shall mean land areas excluding

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existing streams, bodies of water, wetlands, 100-year floodplains and natural slopes of fifteen (15%) percent or greater.

GROSS DENSITY - Shall mean the total number of dwelling units divided by the total number of acres within the gross tract area within Wall Township.

NATURAL SLOPE - A slope which is not the result of excavation, grading or other alteration done pursuant to development under this ordinance. For purposes of this section, a slope created by mining shall not be considered the natural slope.

SLOPE - The finished grade of a slope, unless otherwise indicated.

(2) Density.

Maximum gross density shall not exceed three (3) dwelling units per acre for the gross tract area within Wall Township.

(3) Slope.

(a) No natural slope within fifty (50) feet of existing and/or areas zoned for single family detached housing shall be disturbed. Any previously excavated or otherwise disturbed slope within thirty-five (35) feet of existing and/or areas zoned for single family detached housing shall be restored to a slope of not greater than fifteen (15%) percent finished grade.

(b) A slope located within the residential development area may be up to twenty-five (25%) percent within a terrace created by the installation of a retaining wall which shall not exceed four (4) feet in height and shall be constructed in accordance with design standards promulgated by the Township Engineer, provided that: 1) The net effect of any such slope does not exceed fifteen (15%)

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percent, and 2) twenty-five (25) feet measured from the back of any principal structure shall not exceed ten (10) percent slope.

(c). Permitted slopes in street and road areas, parking areas, driveways and walkways shall not exceed the standards set forth in Sections 15-19 and 17-7.

(d). The developer shall demonstrate that existing vegetation and natural slopes have been preserved wherever possible.

(4) Impervious Coverage. The maximum total impervious coverage shall not exceed thirty (30%) percent of the gross tract area.

(5) Building Coverage. The maximum land coverage by buildings shall not exceed twenty (20%) percent of the gross tract area.

(6) Building Height. The maximum building height of a principal structure shall be thirty-five (35) feet. The maximum building height of an accessory structure shall be ten (10) feet.

(7) Maximum Stories. Each building shall be limited to two and one-half stories of habitable space and a basement more than fifty (50%) percent below grade. Basements shall be used only for storage, utilities, garages or similar uses. Basements shall only be permitted where the seasonal depth of the high water table is two (2) feet or more below the basement floor.

(8) Setbacks.

(a) One hundred (100) feet from any existing Township or County street or proposed street

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equal to five (5%) percent of the entire tract area within Wall Township shall be provided in addition to country club facilities.

(12) Buffer Areas. A landscape buffer strip at least thirty-five (35) feet in width shall be permanently maintained along all property lines of the tract in accordance with the regulations of Section 15-21, and shall be maintained between the residential use and the clubhouse/banquet/cocktail lounge required setback areas. Fences of up to six (6) feet in height are permitted in buffer areas, notwithstanding Section 15-20.

15-18-5.2 Other Regulations. Developments in the ML-PD-GM Planned Development Zone shall be subject to the following regulations, requirements and standards:

a. Number of Dwelling Units Within Buildings. Not more than four (4) dwelling units shall be contained adjacent to each other on a single facade plane and not more than eight (8) dwelling units shall be contained within any one building.

b. Building Length. No building shall be more than 200 feet in length.

c. Underground Utilities. All utilities shall be installed underground within the driveways, roadways or other easement areas wherever possible.

d. Public Water and Sanitary Sewers. The site shall be served by public water and sanitary sewer systems. All on-site water and sewer facilities shall be privately maintained.

e. Garbage and Recycling Facilities. Garbage, refuse, and recyclable storage and collection areas suitable for containerized collection

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shall be provided in sufficient number and at locations convenient to all dwelling units. Such areas shall be screened from view and shall be constructed of masonry, brick or concrete. Where driveways are utilized to meet parking requirements, integrity and function of pedestrian walkways to be used to walk from the dwelling unit to all parking spaces shall be maintained. Driveways leading to attached and freestanding garages shall have a minimum length of twenty-five (25) feet not including any part of the pedestrian walkway, common driveway or interior street.

f. Open Space Ownership. Common open space, recreational or other facilities may be owned, operated and maintained in any recognized legal capacity and the maintenance of such facilities shall be the responsibility of the owner or owners in accordance with applicable law.

g. Documentation of Homeowners Association and Other Restrictive Documents. All proposed restrictive covenants, articles of incorporation or other documents related to the creation of a homeowners association, trust documents or other deeds or documents to provide for ownership and maintenance of common property and facilities shall be submitted to the Board for review by the Board Attorney and Township Attorney as a condition of final approval of any subdivision or site plan.

h. Construction Easements. In all cases where the maintenance or repair of any wall, fence or other improvement by its owner or his agent would require entry upon an adjacent property,

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an appropriate easement or right of entry shall be created in favor of the subject owner. All such easements shall be detailed and specific as to required notice and any limitations upon the right of entry and shall provide a specific means of arbitration in the event of dispute.

i. Other Improvements. Streets, roads, driveways, parking facilities, walkways, street lights, fire hydrants, drainage facilities and other improvements required by Chapter XVII or appropriate or necessary to the development shall be installed by and at the expense of the developer, in accordance with the specifications of Chapter XVII, except as modified herein:

1) "Rolled" curbs shall be permitted, in accordance with standards approved by the Township Engineer.

2) Drainage maintenance (Section 17-1.14m) in privately maintained streets shall be the responsibility of the developer or homeowners association.

3) Street intersections shall conform with Section 17-8.3g. Intersections between private streets and those involving driveways or entrances to parking areas are not subject to these requirements but shall instead be based upon standard parking lot requirements as determined by the Township Engineer.

4) Tangents between reverse curves on local and private streets (Section 17-8.3.1.) shall be a minimum of 40 feet unless otherwise provided for by the Township

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Engineer.

5) The maximum length of permanent dead end or cul-de-sac streets (Section 17-8.3.a) shall be five hundred (500) feet. Loop roads are not subject to this requirement.

6) Pedestrian crosswalks (Section 17-8.4B) may be required in blocks over 1,000 feet in length and may be straight or meandering.

j. All streets and roads within the tract shall be private streets and shall be maintained by the body responsible for common areas. Internal and private streets (Section 17-8.3d) shall have the following minimum pavement widths:

(1)	With no parking	24 feet (optional to add 3 feet for rolled top curb)
(2)	With one-side parking	33 feet (3 feet may be part of rolled curb)
(3)	With two-side parking	36 feet (3 feet may be part of rolled curb

k. At least two (2) parking spaces shall be provided for each dwelling unit, and guest parking at a ratio of one (1) space for every four (4) units shall be provided. Required guest parking spaces may be provided on driveways leading to attached garages, or parallel parking on internal streets in accordance with the above, or within collective parking lots or areas. All parking spaces shall be within 250 feet of the dwelling unit.

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l. All sidewalks shall be a minimum of four (4) feet in width provided, however, that where sidewalks are adjacent to parking lots, the minimum width shall be 5 feet 6 inches.

m. No driveways shall enter any internal or private streets at a point closer than thirty (30) feet to any internal or private street intersection, which distance shall be measured between the curb line or the pavement edge of the intersecting street nearest to the driveway in question.

15-18.5.3 Soil Removal. The provisions of Section 15-5.14 of the Zoning Ordinance pertaining to the removal of soil shall apply to development in the ML-PD-GM Zone except as follows:

1. The provisions of Subsection 15-5.14b.1 may be modified to allow the Township Committee to issue a permit for the removal of subsoil as may be necessary to construct the structures approved by the approving authority.

2. The provisions of Subsection 14-5.14b.2 may be modified as required by the Planning Board to permit soil disturbance for the movement of soil, sand or gravel on site as may be necessary to render the premises suitable for the ML-PD-GM Planned Development, for which a site plan has been approved. The developer shall

adhere to and the Planning Board shall apply the standards of the Grading and Soil Removal Ordinance.

SECTION 4. If any section, subparagraph, sentence or clause, or a phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate any remaining portion of this Ordinance.

SECTION 5. All Ordinances or parts of thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect immediately upon passage, publication according to law, filing with the Monmouth County Planning Board, and upon the entry of a Judgement of Compliance and Repose in the matter of Cove Industries, Ltd. v. Wall Township, Docket No. L-051262-84.

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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 April 11, 1990 and was amended on July 25, 1990 and will be further considered for final passage and adoption at the Municipal Complex, 2700 Allaire Road, Wall, New Jersey on August 15, 1990 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 Building to the members of the general public who request the same.

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