

**ORDINANCE NO. 2009 - 12**

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING CHAPTER 55-28 ENTITLED ML-6 MULTIFAMILY RESIDENTIAL ZONE AND THEREBY MODIFYING THE CODIFIED ORDINANCES OF THE TOWNSHIP OF BARNEGAT**

**BE IT ORDAINED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, that Section 55-28 is hereby established and will thereby modify the Township Code of the Township of Barnegat, County of Ocean, State of New Jersey. Section 55-28 is entitled “ML-6 Multifamily Residential Zone”.

**BE IT FURTHER ORDAINED** that new Section 55-28 shall read as follows:

**SECTION 1:** *Zone Boundaries.* The following properties will be included in the ML-6 Multifamily-Residential Zone: Block 162.02, Lot 1.05 as depicted on the Tax Maps of the Township of Barnegat.

**SECTION 2:** The following regulation apply in the ML-6 Zone:

A. *Permitted Uses.*

- (1) Garden apartments and apartments, together with accessory structures in accordance with the provisions of this chapter.
- (2) Parks and preserves.
- (3) The erection, construction, alteration or maintenance by the public utility or municipal agency of underground distribution or collection systems necessary for the furnishing of adequate service by such utility agency to be used on the same lot and/or surrounding neighborhood or for the public health, safety or general welfare.
- (4) Municipal offices and fire rescue stations.

B. *Accessory and Temporary Uses.*

- (1) The same as those permitted in the PW Zone.

C. *Conditional Uses.*

- (1) No conditional uses are permitted.

D. *Affordable Housing Requirements.*

- (1) All residential development within the ML-6 Zone requiring major subdivision or major site plan approval shall be meet these affordable housing requirements.
- (2) Garden apartments and apartments shall not exceed a density of fourteen (14) units per acre.
- (3) Units shall be developed in accordance with the regulations for inclusionary developments in this chapter.
- (4) One hundred percent (100%) of the units within the development shall be set aside for low and moderate income households.

E. *Garden Apartment General Standards.*

- (1) Maximum building height. No building shall exceed forty five (45) feet in height or three (3) stories.
- (2) Area and yard requirements.
  - (a) The minimum tract size shall be five (5) acres, including the areas of existing street and water areas within the tract boundary lines.
  - (b) The minimum building setback from the tract perimeter shall be twenty (20) feet along all property lines not abutting lands zoned for single-family detached uses. The setback shall be increased to seventy-five (75) feet along all property lines abutting lands for single family detached uses. In addition the minimum setback along Barnegat Boulevard will be 50 feet, 50 feet of which will be properly buffered and landscaped in accordance with other provisions of this chapter.
  - (c) Minimum building yard areas shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The total minimum distances between buildings shall be the sum of the two (2) abutting yard areas. The minimum yards shall be fifty (50) feet for front yards, twenty-five (25) feet for side yards and twenty-five (25) feet for rear yards. No building as measured radially from any corner shall be closer to any other building corner than 35 feet.

- (d) All residential buildings shall be designed and constructed with a soundproofing barrier between adjoining units with a sound transmission Class 50 as tested by the American Society for Testing Materials, E-90. Floor plans of a typical unit shall be required. Any room other than kitchen, bathroom, closet or combined living-dining room shall be counted as a bedroom for purposes hereof.
  - (e) All portions of the tract not utilized by buildings, or paved surfaces shall be landscaped, utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades on any site shall be planned for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting as well as assuring that the capacity of any natural or man-made drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas.
  - (f) The minimum lot width will be five hundred (500) feet.
  - (g) The minimum lot depth will be two hundred (200) feet.
  - (h) The minimum distance between building will be thirty-five (35) feet.
  - (i) The maximum building coverage will be twenty percent (20%).
  - (j) The minimum percentage of green space throughout the entire property will be fifty percent (50%).
  - (k) The maximum percentage of impervious coverage for the entire project will be fifty percent (50%).
- (3) Gross floor areas minimums.
- (a) Garden apartments.
    - [1] Efficiency unit: five hundred (500) square feet.
    - [2] One (1) bedroom unit: six hundred (600) square feet.

[3] Two (2) bedroom unit: seven hundred (700) square feet.

[4] Three (2) bedroom unit: nine hundred (900) square feet.

- (4) Plan review shall be required by the appropriate municipal agency for all garden apartments. All submissions , review procedures, development review fees, site plan regulations, permits and approvals, design and performance standards, zoning district, regulations and compliance shall conform to the provisions as set forth in this chapter.
- (5) The applicant shall preserve a suitable landscape strip along the Barnegat Boulevard North site frontage.
- (6) Vehicular access to the site shall be determined by the Planning Board after receiving input of the appropriate traffic engineering report and testimony.

F. *Apartments.*

- (1) Within the ML-6 Zone, no dwelling containing apartments shall take place unless the following minimum standards are met in addition to the other requirements of this chapter.
- (2) Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme with variations in design to provide attractiveness to the development, and which shall include consideration of landscaping techniques, building orientation to the site and to other structures, topography, natural features. The number of dwelling units in one (1) building shall not exceed twenty-four (24).
- (3) All dwelling units shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of a certificate of occupancy.
- (4) All parking facilities shall be on the same site as the building and located within one hundred fifty (150) feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be provided in areas designed specifically for parking, and there shall be no parking along interior streets. The total aggregate area devoted to both parking and interior street shall not exceed thirty percent (30%) of the tract. The minimum distance between parking facilities and buildings will be fifteen (15) feet.
- (5) Apartment buildings may consist of any configuration that meets the prescribed area and yard requirements and does not exceed the following

overall of component building lengths. Building coverage shall not exceed twenty percent (20%) of the tract area.

a = 200 feet on one (1) plane

b = 340 feet on any single

c = 500 feet along the enter line

Buildings measured along the center line shall provide one (1) opening at ground level at least every two hundred fifty (250) feet. This opening shall be a minimum of fifteen (15) feet in clear width and height and shall be at an elevation enabling emergency-vehicle access through the opening.

- (6) No portion of any dwelling unit shall be a basement.
- (7) No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available for the laundering and artificial drying of laundry of occupants of each dwelling unit.
- (8) Each apartment building shall contain either individual cable TV connections or a single master television antenna system which shall serve all dwelling units within the building, and there shall be no additional exterior television or radio equipment permitted.
- (9) The minimum active recreation area to be provided by the developer will be twenty (20) square feet per unit. The type of active recreation area shall be mutually agreed upon by the developer and Planning Board in conjunction with the site plan application.
- (10) All streets, both internal and external (including grading and paving), driveways, parking areas, sidewalks, curbs, gutters, street lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers, pumping stations, drainage structures and such other improvements as may be found necessary for the health, safety and welfare of the public and in the public interest, including recreational facilities, shall be installed at the expense of the developer and shall be completed to the satisfaction of the Township Engineer before a certificate of occupancy may be issued. In lieu of total completion of final paving and landscaping improvements only, an adequate performance bond properly guaranteeing the completion may be accepted. Such bond value will be set at the time of posting and will be held by the Clerk of Barnegat Township, after approval by the Township

Attorney as to form and surety for a period of no more than one (1) year, during which time said landscaping improvements shall be completed. This subsection shall not be construed as relieving the developer of the performance bond requirements for public improvements in accordance with this chapter.

- (11) The project shall wherever possible employ “green building features” and will achieve at least basic LEED (Leadership in Energy and Environmental Design) certification.

**SECTION 3:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4:** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

**SECTION 5:** This ordinance shall take effect after second reading and publication as required by law.

### **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Township Committee of Barnegat on first reading at meeting held on the **16th** day of **March, 2009**. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the **6th** day of **April, 2009**, at **6:30 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 900 W. Bay Avenue, Barnegat, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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**KATHLEEN T. WEST, Township Clerk**

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,  
CHERKOS & CONNORS**  
Forked River, New Jersey 08731

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