

55-33. BARNEGAT HISTORIC DISTRICT. [Amended 11-20-95 by Ord. No. 1995-49 § 2; 8-5-96 by Ord. No. 1996-23; 8-17-98 by Ord. No. 1998-13 § 3]

A. There is hereby created a Barnegat Historic District within the Township of Barnegat, the boundaries of which are located within portions of the R-7.5 Zone and the C-V Zone. The regulations therein are contained below and will be in addition to those otherwise in force in the district. In addition, all structures listed in the Barnegat Historic District National Register of Historic Places Nomination Form are hereby designated as landmarks. The regulations pursuant to this designation are contained below and shall be in addition to those otherwise in force in the zoning district of which the landmarks are a part.

(1) The purpose of the zone is to acknowledge the special and unique character of Barnegat's village area and to provide special provisions designed to preserve and protect the historical nature of the village, while at the same time encouraging renovation and new construction compatible with existing aesthetic patterns to promote and continue the revitalization of Barnegat's downtown area. The intent of all standards in the Barnegat Historic

LU-275

District is to safeguard the heritage of the Township by preserving that part of the Township which reflects elements of its cultural, social, economic and architectural history and to promote the use of historic area for the education, pleasure and welfare of the citizens of the Township and its visitors.

No building or structure shall be erected, reconstructed, demolished, altered or restored and no use shall be made of any land in the Barnegat Historic District until the Planning Board, or its designated Site Plan Review Subcommittee, approves the site plan therefore in accordance with the following standards:

- (a) The Planning Board, in passing appropriateness of exterior architectural features, in any case, shall keep in mind the purpose set forth in this section and shall consider, among other things, the general design arrangements and material of the building or structure in question and relationship of such factors to similar features of historic structures in the immediate surroundings and the position of such structures in relationship to the street or public way and each other.
- (b) The Planning Board shall not make any requirements except for the purpose of preventing developments obviously incongruous to the historic aspects of the surroundings.
- (c) The Planning Board shall be lenient in its judgment of plans for new construction or for alterations, repair or demolition of structures of little historical value which are within the District, except where such construction, alteration, repair or demolition would

LU-276

seriously impair the historic value and character of surrounding structures of the surrounding area.

- (d) The Planning Board shall provide encouragement that any alterations or repairs to structures in the Historic District be made in the spirit of their architectural style and that any additions will be made in such manner as not to detract from a building's original appearance.
- (e) It is the intent of this section that the Planning Board be strict in its judgment of plans for alterations, repairs or demolition of existing structures deemed valuable according to studies, approved by the Planning Board of the Township of Barnegat by qualified persons. Small additions and construction to existing properties in the Barnegat Historic District, such as decks, porches, garages and the like, which are not visible from the street have minimal or no impact on the historic character of the area, may be reviewed and approved by the Planning Board staff and Township Planner upon notice to the full Planning Board of such action.

The aforesaid application shall be submitted by the Administrative Officer to the Historic Preservation Commission for a report and recommendations in accordance with N.J.S.A. 40:55D-111.

The Secretary of the Historic Preservation Commission shall, upon receipt of the application for a permit/certificate of appropriateness, schedule the application for a hearing and shall give written notice to the

LU-277

applicant. The Commission's hearing and deliberations shall be conducted in accordance with the Open Public Meetings Act. Hearings relating to applications for demolition or relocation permits shall be public hearings advertised in the manner provided by N.J.S.A. 40:55D-1 et seq. The applicant shall be responsible for providing the required notice.

- B. In its deliberations, the Historic Preservation Commission shall consider and make specific findings upon whether the applicant may make any reasonable use of the subject property (as permitted by the applicable zoning ordinance) in the event that the application should be denied or granted with conditions. No application may be denied or conditioned in the absence of a specific finding by the Commission that such denial or condition of approval will not render the property useless for a permitted use.
- C. In the case of a referral by the Administrative Officer of a minor application for the issuance of a permit pertaining to historic sites or property in the Historic District, as defined in this chapter, the Chairperson of the Historic Preservation Commission is authorized to act in place of the full Commission for purposes of this section; and, the Site Plan Review Subcommittee of the Planning Board is authorized to act in place of the full Board pursuant to N.J.S.A. 40:55D-111 and § 55-141D.
- D. *Design and Area Requirements.*
 - (1) All provisions of the design and performance standards for all development, including specifically landscaping, parking and loading, lighting and sign standard, shall be met.
 - (2) Where a lot is situated between two (2) lots, each of which is developed with a principal building, the minimum front yard requirement of such lot may

be the average of the front yards of said existing buildings but in no case shall the front yard setback be less than ten (10) feet. The side and rear yard setbacks shall conform to the requirements of the zoning district in which the property is located.

- (3) All buildings or uses of land in the Barnegat Historic District shall be served by public sewer and water. Renovations or conversions which result in additional units and do not constitute a sewer extension under applicable Department of Environmental Protection regulations may use any original sewer connection upon payment of such additional connection fees as are necessary to equal the number of additional units.