

**55-10. R-40 RESIDENTIAL ZONE. [Amended 8-5-96 by Ord. No. 1996-28 § 2; 10-5-98 by Ord. No. 1998-22 § 2]**

**The following regulations apply in the R-40 Zone. A. *Permitted Uses.***

- (1) Detached single-family dwelling for residential purposes together with its accessory structures.**
- (2) Municipal offices and fire rescue stations.**
- (3) Public schools and colleges.**
- (4) Day nurseries.**
- (5) Parks and preserves.**
- (6) Libraries and museums.**
- (7) Hospitals, clinics and convalescent homes.**
- (8) Places of worship, including parish and educational buildings.**

- (9) Golf courses and country clubs.
- (10) Recreational membership facilities, including swimming and tennis clubs.
- (11) Vehicle campgrounds, public and private.
- (12) The erection, construction, alteration or maintenance by a public utility or municipal agency of underground distribution or collection systems necessary for the furnishing of adequate service by such utility or agency to the use on the same lot and/or surrounding neighborhood or for the public health, safety or general welfare.
- (13) Crop and tree farming and horticulture, including greenhouses, nurseries and accessory sheds.
- (14) Raising and keeping of a farm animal for domestic use on a lot having not less than one (1) acre. Additional farm animals shall not exceed one (1) per every one (1) additional acre. There shall be no storage of manure within one hundred (100) feet of any adjoining property line.
- (15) Commercial farms for the raising, building and keeping of livestock and poultry for gain on a lot having not less than five (5) acres, provided further that no building housing such animals and no storage of manure shall be permitted within two hundred (200) feet of any adjoining property line.
- (16) Commercial forest harvesting and reforestation activities on a lot of not less than five (5) acres, but not including sawmills and provided that cutting shall not be permitted within four hundred (400) feet of any adjoining lot line.
- (17) Roadside stands for the retail sale of garden produce, similar goods and related supplies and products.

- B. Accessory and Temporary Uses.** (1) Same as those permitted in the PW Zone.
- C. Conditional Uses.** The following uses shall be permitted in the R-40 Zone, subject to the issuance of a conditional use permit in conformance with the provisions of this chapter:
- (1) [Deleted 8-5-96 by Ord. No. 1996-28 § 2]
  - (2) [Deleted 8-5-96 by Ord. No. 1996-28 § 2]
  - (3) Cemeteries.
  - (4) Public utility uses, such as water towers, electric substations, radio towers and transmission lines, which must be provided above ground.
  - (5) Assisted living facilities, nursing and convalescent homes and long-term care facilities may be permitted in those zoning districts specified, subject to the issuance of a conditional use permit and adherence to the minimum requirements of the particular zone and the following standards:
    - (a) A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and buildings.
    - (b) The site shall have frontage on and have primary direct access to and from a county road or a New Jersey State Highway or a Barnegat Township improved road.
    - (c) Minimum requirements shall be as follows:
      - [1] Minimum area, yard and building requirements.
        - [a] Lot requirements.
          - [1] Lot area: five and zero-tenths (5.0) acres.

[II] Lot width: two hundred (200) feet.

[III] Lot frontage: two hundred (200) feet.

[IV] Lot depth: two hundred (200) feet.

**[b] Principal building requirements.**

[I] Front yard setback: one hundred (100) feet.

[II] Rear yard setback: fifty (50) feet.

[III] Side yard setback, each side: fifty (50) feet.

**[c] Accessory building requirements.** Accessory building requirements shall be the same as those established for the particular zoning district within which the facility is located.

**[d] Maximum building coverage (combined coverage of all principal and accessory buildings) shall be twenty percent (20%).**

**[2] Maximum principal building height: thirty-five (35) feet, provided, however, that the height of a structure, or portion thereof, may exceed the maximum as otherwise permitted in § 55-169, provided that the front, rear and side yard requirements set forth above shall be increased by one (1) foot for each foot by which the height of the structure, or part thereof, exceeds the permitted maximum height; and further provided**

that in no case shall any proposed structure, or part thereof, exceed three (3) usable floors (stories) and fifty (50) feet in height.

- [3] Maximum accessory building height: thirty-five (35) feet.
- (d) All support facilities, functions and services shall be intended for the use and benefit of the resident users of the facility and their guests.
- (e) Support services, functions and facilities within a facility or development may include the following or similar personal services:
  - [1] Indoor and outdoor recreational facilities.
  - [2] Physical therapy facilities.
  - [3] Entertainment facilities.
  - [4] Libraries.
  - [5] Food preparation facilities.
  - [6] Dining facilities.
  - [7] Linen service facilities.
  - [8] Nursing services.
  - [9] Housekeeping services.
  - [10] Health care facilities and services, including nursing beds, security facilities, administrative offices, storage facilities, chapels, facilities for the temporary lodging of guests and limited service facilities.
  - [11] Medical Day Care/Social Day Care (Adult Day Services).

- [12] Personal Care Centers (haircutting, shampooing, personal grooming, etc.).
- (f) Parking facilities for the residents, employees and visitors of the assisted care facility shall be provided based on a total of the following:
  - [1] One (1) space per State licensed assisted living dwelling unit. Provided however, that the applicant shall be allowed to provide, at the time of initial construction, one (1) parking space for every three (3) dwelling units, but reserve an adequate area for future construction of the additional required parking spaces should the actual operating experience demonstrate that the amount of parking initially provided is insufficient.
  - [2] One (1) space per day-shift employee.
  - [3] One (1) space per ten (10) independent living units for visitor parking.
  - [4] Where fractional spaces result in the calculation of the requirements, the required number shall be constructed to be the nearest whole number.
- (g) Any health care facility shall be licensed by and/or meet all applicable standards of Federal, State and county regulatory agencies.
- (h) Minimum residential floor area. The requirements contained in this section are designed to promote and protect the public health, to prevent overcrowded living conditions, to guard against the development of substandard neighborhoods, to conserve established property values and to contribute to the general welfare:

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- [1] **Assisted living housing apartments (Required total floor area includes bathrooms, kitchenettes, closets, vestibules, etc.):**
  - [a] **Studio apartments: three hundred fifty (350) square feet.**
  - [b] **One (1) bedroom apartments: five hundred (500) square feet.**
  - [c] **Two (2) bedroom apartments: seven hundred (700) square feet.**
- [2] **An additional fifty (50) square feet per unit is required for common dining and recreational space.**