

55-65. PAC - PLANNED ADULT COMMUNITY. [Amended 6-20-88 by Ord. No. 1988-27; 6-5-89 by Ord. No. 1989-14; 6-19-89 by Ord. No. 1989-19; 8-20-90 by Ord. No. 1990-26; 12-16-96 by Ord. No. 1996-60 § 27; 2-2-98 by Ord. No. 1998-2 § 3; 5-1-00 by Ord. No. 2000-11 § 4]

A. ***Definition.*** A "planned residential retirement community," hereinafter referred to as "PAC," is defined as a community having one (1) or more parcels of land with a contiguous total acreage of at least one hundred (100) acres forming a land block to be dedicated to the use of a planned retirement community. Through its corporation, association or owners, said land shall be restricted, by by-laws, rules, regulations and restrictions of record, to use by permanent residents in their late adult years. Ownership of the residential units and the area comprising a PAC may be in accordance with the provisions of N.J.S.A. 46:8B-1 et seq., or the ownership may be as is commonly referred to as "fee simple" with

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open space be maintained through assessment against property owners within the confines of said community.

B. Zones Where Permitted.

(1) PAC shall be permitted in the RL and RL/AC Zones.

C. Permitted Uses.

- (1) Single-family detached dwellings and semidetached dwellings.
- (2) Attached single-family dwellings (multiple-family dwellings) with no side yard between adjacent buildings, but no more than four (4) such units so attached (townhouses).
- (3) Recreational and cultural facilities for the sole use of the residents of the community and their guests, including the following: clubhouse, swimming pool,

shuffleboard courts and picnic grounds. Recreational and cultural facilities shall not be limited to the foregoing, so that the applicant may propose additional facilities with its submission. All such facilities shall be subordinated to the residential character of the community, and no advertising shall be permitted.

D. Accessory Uses. Necessary accessory buildings and uses shall be permitted, including facilities for maintenance, administration, streets and off-street parking facilities and utilities.

E. Schedule of Minimum Requirements.

- (1) **Minimum area.** The minimum area for a planned residential retirement community shall be one hundred (100) contiguous acres under one (1) ownership or control, provided that an area less than one hundred (100) acres may be added to an existing PAC if contiguous thereto and if in compliance with the provisions of this section.
- (2) **Gross residential density.** There shall be no more than two and twenty-five hundredths (2.25) dwelling units per acre. Same shall be calculated by dividing the proposed number of dwelling units by the number of acres in the development, excluding land under permanent bodies or flowing streams of water preexisting development of the tract and one-half (1/2) of all land within a floodplain area, as defined either in this chapter or any other ordinance of the Township of Barnegat.
- (3) **Height of buildings.** The height of any building shall not exceed thirty-five (35) feet and shall be limited to two and one-half (2 1/2) stories; provided, however, that water towers and attendant facilities and similar structures shall have no height limit but shall be reviewed on an individual basis.

- (4) Green area or open space. Not less than twenty percent (20%) of the entire acreage of the PAC tract shall be used for a green area or open space. "Green area" or "open space," for the purpose of this section, is defined as those areas of the PAC tract not committed to use for residential buildings and public or private rights-of-way. There may be included in the green area those areas used for recreational purposes.
- (5) Minimum lot size.
- (a) Minimum lot size for single-family detached dwellings in the PAC shall be five thousand (5,000) square feet with a width of not less than fifty (50) feet.
 - (b) Attached dwellings or townhouses shall have a minimum lot size of one thousand five hundred (1,500) square feet for each unit. The minimum width of such townhouse units shall be twenty (20) feet at the building setback line.
- (6) Single-family dwelling setbacks. Front yards, side yards and rear yards of single-family dwelling buildings shall comply with the following minimum dimensions:
- (a) Front yard setbacks shall be at least twenty (20) feet. On a corner lot, all residential buildings shall be at least twenty (20) feet from any street upon which the lot does not front.
 - (b) A side yard shall be a minimum of five (5) feet with a total of both side yards being fifteen (15) feet on each lot. In no event, however, shall buildings be less than fourteen (14) feet apart.

- (c) Rear yard setbacks for the principal structure shall be at least twenty (20) feet. However, the rear yard setback for decks, porches and Florida rooms shall be ten (10) feet.
- (7) Attached dwelling setbacks. Attached dwelling units or townhouse structures shall have the following front yard, side yard and rear yard setbacks:
 - (a) Front yard setbacks shall be at least twenty (20) feet.
 - (b) Side yard setbacks shall be at least twenty (20) feet.
 - (c) Rear yard setbacks shall be at least twenty (20) feet.
- (8) Buffer zone. Buffer areas are required around the perimeter of all planned adult communities, including along all road frontages. No building or structure other than entrances, gatehouses, walls and fences shall be located within fifty (50) feet of any exterior boundary line of the tract.
- (9) Minimum floor space per dwelling unit:
 - (a) Efficiency unit: seven hundred (700) square feet.
 - (b) One-bedroom unit: eight hundred (800) square feet.
 - (c) Two-bedroom unit: nine hundred (900) square feet.
 - (d) Three-bedroom unit: one thousand (1,000) square feet.
- (10) Off-street parking requirements shall be in accordance with the provisions of this chapter.

F. Plan review shall be required by the appropriate municipal agency for all proposed PAC development. 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.

G. *Streets.*

- (1) Streets may be either dedicated to the public use or private in nature, at the option of the Township Committee. In any event, same shall be constructed in accordance with the provisions of this chapter.**
- (2) With the exception of those roads which re required to be dedicated for public use by either the Board, the Township Committee or the County of Ocean, all roads are to remain private roadways and are to be the property and responsibility of a homeowners' association or analogous body for the care and maintenance of the roadways, green areas and recreational facilities. Provisions shall be made for the permanent maintenance of private roadways located within a PAC so that such roadways shall not become the obligation of the Township of Barnegat.**

H. *Screening Strips.* There shall be provided an adequate screening strip along the exterior boundary lines of a PAC, which screening strip shall consist of fencing or plantings, or a combination of both, the adequacy of which shall be determined by the Board.

I. *Water and Sewer Facilities.* No individual wells or individual sewage disposal systems shall be permitted. Each dwelling unit shall be serviced by a central water system and waste disposal system approved by the jurisdictional utility and all applicable bodies. The implementation and placement of these facilities shall be subject to the requirements of this chapter.

J. Maintenance of Association-Owned Properties. The maintenance of the green areas, private roadways, driveways, common courtyards, recreational areas, lakes and other improvements not intended to be individually owned shall be provided by an association organized under the nonprofit corporation statute of the State of New Jersey (Title 15) and formed for that purpose. The applicant shall, in the form of restrictions and covenants to be recorded, provide that title to the aforesaid enumerated areas shall be conveyed to said association, whose members shall be owners of lots or other interests, or to such other persons as a majority of the members shall designate from time to time by duly adopted bylaws. Said restrictions and covenants shall also provide that, in the event that the nonprofit association shall cease to function through lack of participation of its members, or be dissolved, the Township of Barnegat shall have the right by special assessment to assess the lot owners in the development or tract, annually, a sum of money which would be sufficient to pay the taxes on said park, recreational and other areas and for the proper upkeep, maintenance and preservation of same. Such restrictions and covenants shall further provide that the same shall not be altered, amended, voided or released, in whole or in part, without the written consent of the Township, by resolution duly adopted at a regular meeting of the Township Committee and except upon proper notice being given by the applicant or any other party in interest to all owners of lots in the PAC.

K. Recreational Areas.

- (1) There shall be in each PAC at least one (1) clubhouse or community building. There shall be at least six (6) square feet of clubhouse building space provided for each proposed dwelling unit. The clubhouse shall be completed and in operation

before the 100th dwelling unit has been completed and a certificate of occupancy issued therefore.

- (2) Each PAC shall provide a site or sites for recreational facilities for the use of its residents. Recreational facilities shall include, but shall not be limited to, such facilities as shuffleboard lanes, barbecue grills, picnic benches and indoor recreation facilities. Swimming pools not less than two thousand five hundred (2,500) square feet in size shall be required. Such additional recreational facilities may be required by the Board, in its discretion, as will be beneficial to the residents of the community. All grounds surrounding recreational and administrative facilities shall be appropriately landscaped and shall be provided with adequate walkways. Underground irrigation shall be installed for such areas.
- (3) Where a PAC is a conventional fee simple development, covenants and restrictions and plot plans shall indicate that recreational areas and green areas shall be dedicated to a homeowner's association or analogous body.

L. Procedural Requirements.

- (1) All subdivision plans and site plans shall be submitted to the Board in accordance with the requirements of this chapter.
- (2) At such time as the applicant or developer shall submit a subdivision plan or site plan for approval, the following shall also be submitted:
 - (a) Covenants and restrictions for the community or any other plan for or restriction upon the community property.
 - (b) Proposed master deed or deeds.

- (c) **Bylaws of the proposed homeowners' association.**
 - (d) **Proposed agreement of sale.**
 - (e) **Proposed form of deed.**
- (3) **Said documents shall be forwarded to the Board and shall be subject to the review of the Planning Board and of the Township Committee as to their adequacy in ensuring that the community shall be constituted so as to be consistent with the purposes and requirements of this section. The proposed documents and restrictions shall indicate a comprehensive and equitable program for the orderly transition of control over the homeowners' association from the applicant or the developer to the actual homeowners in the community.**
- (4) **In addition to the foregoing, it shall be mandatory for any applicant to provide the Board and the Township Committee with copies of all submissions to be made to any state agency, pursuant to the Retirement Community Full Disclosure Act, at all stages of development.**

M. *Use of Pinelands Development Credits to Increase Density.*

- (1) **No development involving the use of Pinelands development credits shall be approved until the developer has provided the Commission and the Township approval agency with evidence of his ownership and redemption of the requisite Pinelands development credits; provided, however, that the Township approval agency may grant general development plan, preliminary subdivision or preliminary site plan approval conditioned upon such evidence being presented as a prerequisite to final subdivision or site plan approval. For such a final subdivision or site plan, the developer shall**

provide evidence of Pinelands development credit ownership and redemption to secure the same proportion of lots or residential units as was approved for Pinelands development credit use in the preliminary approval or, as appropriate, the general development plan. Notification of any such development approval shall be made to the Pinelands Commission pursuant to Section 55-277 and to the New Jersey Pinelands Development Credit Bank in accordance with N.J.A.C. 3:42-3. Redemption of the requisite Pinelands development credits shall occur in accordance with N.J.A.C. 3:42-3.6, prior to the memorialization of the resolution granting final subdivision or site plan approval, or if no such approval is required, prior to the issuance of any construction permits. [Amended 6-4-01 by Ord. No. 2001-15]

- (2) A density bonus of one (1) residential unit shall be yielded for each one-quarter (1/4) of a Pinelands development credit redeemed. In no event, however, shall the number of dwelling units to which an applicant is entitled exceed one and one-half (1 1/2) times the number otherwise permitted in this section. The maximum number of dwelling units permitted shall be four (4) per gross acre.
- (3) All applications in which the use of Pinelands development credits is proposed shall be referred to the Planning Board and the Pinelands Commission for review and certification.
- (4) No permit shall be issued for any development using Pinelands development credits to increase residential density unless the Pinelands Commission shall first certify in writing that credits are owned by the applicant and that the same credits have not been or are not being used to secure density bonuses elsewhere.

N. Affordable Housing Requirements. All Planned Adult Communities (PAC) shall provide low and moderate income housing in accordance with the following requirements. The development must provide one of the following:

- (1) A minimum of ten percent (10%) of the units within the development shall be set aside for low and moderate income households. The units shall be developed in accordance with the requirements for inclusionary developments included in this chapter.
- (2) The developer has the option to develop affordable family (non-age restricted) housing off-site, in lieu of developing senior affordable housing on-site. The developer shall be responsible for developing a minimum number of affordable family units equal to five percent (5%) of the total number of units in the PAC. This option is subject to the following:
 - (a) The applicant must demonstrate that utilizing this option will not impinge upon the Township's ability to address the needs of seniors to the extent the Township is permitted; and
 - (b) The applicant selecting sites for the construction of affordable family housing that are acceptable to the Township and Planning Board, and the court.
- (3) The applicant may present a proposal for advancing the Township's affordable housing objective, which proposal would be subject to the approval of the Township, Planning Board, and the court.