

## **ORDINANCE 2012-06**

### **AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 55, LAND USE, OF THE CODE OF THE TOWNSHIP OF BARNEGAT**

BE IT ORDAINED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

#### **I. Intent**

1. To create a new Commercial Core Planned Highway Development Commercial (CC-CPHD) Overlay Zone along the Route 9 corridor approximately from the intersection of Route 9 and Barnegat Boulevard North to just before the intersection of Route 9 and Gunning River Road excluding the Historic District and along the West Bay Avenue corridor from Water Street westward to the Garden State Parkway as designated herein and shown on the Barnegat Township Zoning Map.
2. To promote compact mixed-use development in the CC-CPHD Zone predominately comprised of commercial uses to provide goods and services to Township residents and visitors, and a lesser amount of residential dwellings above the first floor commercial uses.
3. To encourage development and redevelopment to locate within the CC-CPHD Zone rather than within less developed, more environmentally sensitive land areas of the Township.
4. To provide standards for development within the new CC-CPHD Zone.
5. This Ordinance has been prepared in accordance with the December 7, 2011 Initial Plan Endorsement that Barnegat Township received from the State Planning Commission and the 2011 Barnegat Township Master Plan.

#### **II. Purpose**

1. To promote a desirable mixed-use type of development consisting of predominantly commercial, office and civic land uses and a small amount of residential dwellings above the first floor commercial uses within a vibrant, pedestrian-friendly Commercial Core environment with an emphasis on uses that serve local and community needs. Encourage pedestrian flow throughout the area by generally permitting mixed-use buildings, shared parking, and cross accesses.
2. To encourage an interconnected street system in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to connect neighborhoods, to promote walking and biking, to reduce miles of travel that

result in lower air emissions and wear on the roadway, and to provide continuous and comprehensible traffic routes.

3. Ensure design compatibility with existing development that considers building height, materials, colors, landscaping and signage, connectivity, shared off street parking and stormwater detention facilities, provides off-street parking to the side and rear of the building that is well screened from public view; controlling means of vehicular access and coordinating internal pedestrian and vehicular traffic flows related to existing and proposed development patterns. All development shall reflect the following design principles:
  - a. Provide a layout of buildings, open spaces and parking lot edges that encourage sidewalk and pathway interconnections.
  - b. Promote cross access and shared access to reduce the number of driveways along Route 9.
  - c. Provide for focal points such as small parks or squares and other open spaces, as appropriate, such that a sense of place is created or strengthened.
  - d. Promote the transition of land development into the CC-CPHD Zone that exhibits the design features of a traditional mixed-use neighborhood promoting pedestrian circulation, social gathering and interaction amongst commercial establishments supporting and servicing the residents of the community.
  - e. Create a district that enhances a feeling of security and incorporates design elements that maximize the number of “eyes on the street.”
  - f. Encourage mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space.
  - g. Promote the design and arrangement of buildings in a manner that advances “green building” and sustainability principles and practices.
  - h. Promote the creation of a district with architectural façade design and building scale typical for a mixed-use neighborhood that is compatible with Barnegat Township’s historic character.
  - i. Promote uses that will generate economic development opportunities for the Township of Barnegat and ensure long-term economic vibrancy of the Commercial Core area of the Township.

### **III. Definitions**

Definitions for the CC-CPHD Zone District are set forth within Section 55-305 of Barnegat Township Ordinance.

### **IV. Applicability**

This ordinance shall apply to development, redevelopment, or additions or alterations to existing commercial sites within the CC-CPHD Zone. The bulk standards applicable to residential uses in existence as of the adoption date of this ordinance shall remain unchanged, for the purpose of additions, repairs, renovations, restoration and accessory uses. As of the date of the adoption of this ordinance, no new residential uses shall be permitted in the CC-CPHD Zone except for as expressly provided for herein.

## V. Identification and bulk standards

The CC-CPHD Zone is hereby created, and integrated in the Land Use Code of the Township of Barnegat, and §55-6, Designation of Zoning districts and §55-31, Schedule of Area, Yard, and Building requirements shown in Appendix A are hereby amended to add the following requirements.

1. In addition to the minimum building requirements set forth in Appendix A, the following standards shall apply in the CC-CPHD Zone:
  - a. If a commercial parcel is to be developed between two existing commercial parcels, the front yard setback may be the average of the adjoining properties on either side or comply with the standards set forth within the bulk zoning standards for that zone;
  - b. Side yard setbacks may be reduced to zero (0) feet to create an alley or interconnection between commercial properties;
  - c. Any commercial development adjoining a residential property or residential zone to the side shall maintain a minimum side yard setback of ten (10) feet on the side adjoining such a use or zone;
  - d. Any commercial development adjoining a residential property or zone to the rear shall have a minimum fifty (50) foot rear yard setback;
  - e. The maximum floor area ratio shall be 2.0 for mixed-use buildings and 1.25 for all other buildings;
  - f. Mechanical equipment, chimneys, air conditioners, elevator penthouses, church spires and steeples, and similar appurtenances necessary to the operation of the building as well as decorative architectural elements to screen them from view shall be exempted from the height restrictions so long as they do not exceed the maximum height by more than ten (10) feet.
  - g. Bulk standards for residential properties in the Town Center in existence as of the date of adoption of this Ordinance remain unchanged, except that an accessory apartment with a minimum of 700 sf shall be permitted so long as the parking requirements can be met on site. If the apartment is deed restricted as an affordable housing unit, then the accessory apartment shall meet all applicable standards of Barnegat Township's Housing Element and Fair Share Plan and applicable affordable housing regulations.
  - h. Pedestrian circulation routes and amenities must be constructed and maintained as depicted on an approved site plan.
  - i. No vending machines, outdoor products, propane tank exchange facilities, seasonal products or similar products are permitted to obstruct any sidewalk or pedestrian and bicycle circulation route.
  - j. No outdoor storage is permitted within the front yard area.
  - k. No displays, propane tank exchange or sales facilities or other outdoor items shall be placed within a pedestrian walkway or sidewalk unless approval from the Township has been obtained. No propane exchange or sales facilities shall be installed without the approval from the Township Planning Board or Zoning Board.

## VI. Other development standards

- a. Parking
  - i. Parking calculations shall be in accordance with the minimum parking standards contained within §55-173, Minimum Parking Requirements. If §55-173 does not contain a minimum parking requirement for a proposed use, the minimum parking requirement shall be in accordance with the latest edition of the Trip Generation Report from the Institute of Transportation Engineers.
- b. Connectivity
  - i. A proposed development shall provide multiple direct connections in its local street system to and between local destinations, such as parks, schools, and shopping, without requiring the use of arterial streets.
  - ii. Each development shall incorporate and continue all collector or local streets stubbed to the boundary of the development plan by previously approved but unbuilt development or existing development.
  - iii. No dead-end streets shall be permitted except in cases where such streets are designed to connect with future streets on abutting land, in which case a temporary turnaround easement at the end of the street with a diameter of at least one hundred (100) feet must be dedicated and constructed.
  - iv. Cul-de-sacs shall only be permitted if they are:
    - 1. Less than four hundred (400) feet in length
    - 2. Less than six hundred sixty (660) feet in length and have a pedestrian connection from the end of the cul-de-sac to another street.
  - v. To ensure future street connections where a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to all abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
  - vi. Streets within and contiguous to the subdivision shall be aligned and coordinated with other existing or planned streets within the general area as to location, widths, grades and drainage.
  - vii. Street connections shall be spaced at intervals not to exceed six hundred sixty (660) feet (1/8 mile) along each boundary that abuts potentially developable or redevelopable land. Blocks longer than four hundred (400) feet in length shall have a mid-block pedestrian pathway connecting adjacent blocks.
  - viii. Gated street entryways into residential developments shall be prohibited.
  - ix. Pedestrian Connections
    - 1. Pedestrian connections shall be provided to abutting open space, commercial sites and streets.
    - 2. Walkways shall provide pedestrian access through parking lots from street sidewalks to building entries. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of

a parking lot configuration unless such a configuration allows for direct pedestrian access.

3. Such walkways shall have a paved surface not less than 5 feet in width and shall be grade separated from the parking lot or otherwise delineated with pavement markings, planters, or alternate paving material.
4. Where the primary pedestrian access to the site crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout shall be continuous as the pedestrian access crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way.
5. The entirety of the on-site pedestrian walkway system shall be marked and defined using pavement treatments, signs, striping, lighting, median refuge areas, and landscaping, as appropriate.

c. Buffers & Landscaping

- i. Buffers shall be provided in accordance with the provisions of § 55-162. However, no buffers are required between abutting non-residential uses.
- ii. Landscaping shall be provided in accordance with the provisions of §55-162.2.

d. Design Standards

- i. In addition to the standards set forth herein, all non-residential development shall be subject to the site plan regulations and other design standards set forth in the Code of the Township of Barnegat, Volume II, Chapter 55, entitled Land Use.

e. Alleys

- i. An alley shall not be considered a street for the purposes of measuring required front yard setbacks unless the alley provides the only means of access to the lot.
- ii. Alleys are permitted in accordance with the following standards:
  1. Alleys shall be a minimum of 11-feet in width provided that adequate access for emergency services is provided at the front and rear of the structure. In cases where adequate emergency services access is not provided at the front and rear of the structure, the alleyway shall be a minimum of 24 feet in width and fully paved in accordance with applicable regulations to support the weight of emergency services vehicles and equipment.
  2. Alleys are not permitted to dead end or terminate in a cul-de-sac.
  3. Alleys shall be provided with the following specifications:
  4. Any permitted traffic flow shall be one-way.
  5. No parking shall be permitted within the alleyway.
  6. Where two alleys intersect each other at or near 90 degrees or where there are bends in an alley that approach 90 degrees, the inside corner of the pavement shall have a radius of approximately 12 feet.

7. Doors that open into the alley must be clearly marked and have a railing of a minimum of 3 feet in height that envelopes the path of the door movement in order to prevent potential conflict with pedestrian movements.
8. Where vehicular access is permitted within alleyways the speed limit shall be 10 miles per hour or less.
9. Drainage design shall be inverted center line with inlets prior to roadway intersections.
10. Sidewalks must cross alleys at grade.
11. Lighting should be provided at all corners and at 50-foot intervals.
12. Pavement, pavers, crushed stone or other stabilized turf is required.

## **VII. CC-CPHD uses; permitted, conditional, temporary, accessory & prohibited**

The following regulations apply in the CC-CPHD Zone.

1. Permitted Uses.
  - a. As noted in Table 1, included at the end of this Chapter.
2. Accessory and temporary uses. As noted in Table 1, in accordance with the provisions of this chapter and as noted herein.
  - a. Accessory apartments are permitted on floors above commercial uses. The total square footage of accessory apartment units shall not exceed the total square footage of non-residential space within a mixed-use building.
  - b. Outdoor dining areas on restaurant sites as per the following criteria.
    - i. It shall be unlawful for any person, firm, partnership, corporation, association or organization of any kind (hereinafter collectively referred to as "person") to create, establish, operate, maintain or otherwise be engaged in the business of conducting an outdoor cafe upon the sidewalks of the Township of Barnegat, or on private property, unless such person shall hold a currently valid license issued pursuant to the terms of this ordinance.
    - ii. No license shall be issued hereunder unless the licensee shall demonstrate that a minimum of nine (9) feet from the curb edge will be available for pedestrian traffic around such outdoor cafe and that such outdoor cafe be directly in front of an eating establishment as hereinabove defined. No food or drinks served at such outdoor cafe shall be prepared or stored other than in the interior of the eating establishment. The phrase "directly in front of," shall confine the cafe to the area represented by an extension of each side of the store occupied by the eating establishment projected directly to the curb line immediately in front thereof.
    - iii. Application for the license required hereunder shall be made to the Construction Code Official and shall be signed by the applicant. The application shall contain the following information:
      - 1) The name, residence address and telephone number of each individual, owner, partner or if a domestic corporation, the names, residence addresses and telephone numbers of the directors and officers owning

a ten (10%) percent or greater interest in the corporation and the chief operating executive of the corporation and if a non-domestic corporation, the name, residence address and telephone number of the managing officer for service of process within the State of New Jersey and a copy of the qualification of said non-domestic corporation to conduct business in the State of New Jersey.

- 2) A copy of the trade, corporate, business or fictitious name upon which the applicant intends to do business pursuant to this ordinance.
- 3) The address and description of each place where the applicant intends to establish or operate an outdoor cafe.
- 4) The name and address of the person owning the premises, if other than the applicant, and the consent of the owner of the premises to the application.
- 5) Three sets of a proposed layout plan containing scaled drawings prepared by a licensed professional architect or engineer clearly illustrating the number, type of materials, color and location of all tables, chairs, umbrellas, or other furnishings or fixtures intended to be located in the outdoor cafe. All tables and chairs must be constructed of material of sufficient weight so as to not be affected by high winds. The perimeter of the outdoor cafe shall be defined and set off by a portable type enclosure which may include live potted plantings on Township property. The enclosure shall define the perimeter of the area to be used as an outdoor cafe and shall separate it from the pedestrians traversing the adjacent sidewalk. The enclosure shall not contain doors or windows nor air conditioning or heating equipment and shall be open at all times to the air and the barrier shall not have a height of more than three (3) feet. Awnings or outdoor umbrellas extending over the enclosure are permitted providing the lowest portion of the awning or umbrella is not less than seven (7) feet above the adjacent sidewalk and does not extend more than one (1) foot beyond the enclosure.
- 6) The scaled drawings shall also illustrate the following:
  - a) The location of any doors leading from the eating establishment to the outdoor cafe. No such doors may be obstructed in any manner.
  - b) The number of feet and location of unobstructed space permitting free passage of pedestrian traffic around each outdoor cafe.
  - c) The location of the place where any food or drink is intended to be prepared.
  - d) The enclosure or protective barrier separating the eating and serving area of each outdoor cafe from pedestrian traffic which shall be indicated by a plan, elevation and section.
  - e) The location of all bus stops, fire hydrants, utility poles, benches, handicap ramps, street furniture, trees, and any other

- fixtures permanently located on the sidewalk in front of the eating establishment or within ten (10) feet thereof on either or any side.
- f) The type and location of any proposed outdoor lighting and fixtures should include the following information: mounting height, lamp type and lumens. Any open flame type fixture shall only be permitted with the approval of the Fire Official.
  - g) An application fee as set forth within the Code of the Township of Barnegat.
- 7) The Construction Code Official will review the application for completeness and compliance with the terms of this ordinance. If the application is complete, the Construction Code Official will act upon the same within ten (10) business days after the application becomes complete. If the application is not complete, the Construction Code Official will so notify the applicant within ten (10) business days of the submission and specifically detail the areas in which the application lacks compliance with the requirements of this ordinance.
  - 8) If the application complies with the ordinance, the Construction Code Official shall issue a license strictly subject to the terms and conditions of this ordinance.
  - 9) The license is personal to the applicant and any change or transfer of ownership of the outdoor cafe shall terminate the license and shall require new application and a new license in conformance with all of the requirements of this ordinance.
  - 10) Acceptance of the license by the applicant shall operate as a consent to the Health, Fire, Police and Building Officials of the Township to inspect the outdoor dining area for continued compliance with the terms and conditions of this ordinance and any federal, state, county or local law, ordinance or regulation affecting the same.
  - 11) No license required by this ordinance shall be granted to any person to operate an outdoor cafe until such person shall have filed with the Construction Code Official a statement agreeing to indemnify and hold harmless the Township of Barnegat, its agents, servants, representatives or employees from any or all claims, damages, judgment costs or expenses including attorneys fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the outdoor cafe for which the license is issued.
  - 12) Any license issued hereunder is issued solely as a revocable license, which shall be subject to revocation or suspension by the Township Clerk for failure of any licensee to comply with this ordinance or for violation of any other applicable federal, state, county or municipal law, regulation or ordinance. Any license issued hereunder is issued upon the express understanding that the licensee obtains no property right thereunder, nor any interest in the continuation of said license.



- 13) It shall be unlawful for any person to operate an outdoor cafe after the suspension or termination of the applicable license.
- 14) Each licensee is responsible for keeping the area of the outdoor cafe and the adjacent walks and streets free and clear of any debris or litter occasioned by the cafe. Areas must be cleaned as needed and at the time that business is closed and at the beginning of each business day, but not later than 9 a.m.
- 15) No vending machines of any kind are permitted on the exterior of any building operating an outdoor cafe.
- 16) No signs shall be permitted in the area of the outdoor cafe except signs on the awnings complying with the Sign Ordinance of the Code of the Township of Barnegat. Outdoor umbrellas located in the outdoor dining areas shall be exempt from the Sign Ordinance of the Township of Barnegat. There shall be no "logos" or advertising upon any umbrellas without prior approval of the Barnegat Township Planning Board.
- 17) In addition to the powers of suspension or revocation as set forth above, the Township reserves the right to modify, suspend or revoke any license on ten (10) days written notice if the Township determines that the pedestrian operation of the outdoor cafe or because of any other safety issue within the Township because of such operation. The license may also be suspended or revoked on ten (10) days written notice, in the event the Township determines that it is necessary to utilize the area of any part hereof for the maintenance or installation of underground utilities. In the event of an emergency, which emergency is certified by the Township Clerk, the license may be suspended or revoked without notice.
- 18) Outdoor dining shall be permitted to operate from April 1st to October 31st in any calendar year. The license, when issued, shall be valid for one (1) year. If there is no change in use, a renewal license may be issued by the Construction Code Official upon submission of a renewal application. The applicant shall certify on the application no change in the scope or use from the previously issued license.
- 19) No tables, chairs or other equipment used in the outdoor cafe shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk, or property for the Township of Barnegat within or near the licensed area.
- 20) All equipment used in connection with the operation of an outdoor cafe shall be of sufficient size and weight to avoid being blown about by the wind. No food items shall be served upon paper, styrofoam or with plastic utensils.
- 21) All equipment, tables, chairs, umbrellas, etc., pertaining to the outdoor seating area shall be removed at the end of each and every evening and secured within the confines of the building. No equipment, tables, chairs or any other material of any kind shall be permitted to remain

outdoors during hours in which the business is not open to the public and operating.

- 22) The licensee agrees at the end of the license period, or in the event that the license is temporarily or permanently suspended or revoked, that the licensee will at his own cost and expense vacate the sidewalk space and/or the private property and promptly remove any property placed thereon. Failure to do so on five (5) days written notice shall grant to the Township the right to remove any property on the sidewalk the licensee agrees to reimburse the Township for the cost of removing and storing the same.
  - 23) The licensee shall not direct or permit to be directed to or from the area occupied by the outdoor dining area any bell, chime, siren, whistle, loudspeaker, public address system, radio, sound amplifier or similar device.
  - 24) No outdoor dining area shall open for business prior to 7 a.m. nor remain open for business after 11 p.m. All persons occupying the outdoor cafe shall vacate the same no later than 11:30 p.m.
  - 25) Table service is required.
- c. Automated teller machines (ATM's) inside a fully enclosed principal building.
  - d. Temporary on-site construction trailers for which permits may be issued for periods up to one (1) year, subject to renewal as long as construction is active.
  - e. Signs.
  - f. Off-street parking.
  - g. Accessory sheds up to 180 SF.
3. Conditional Uses. The following uses shall be permitted in the CC-CPHD zone, subject to the issuance of a conditional use permit in accordance with the provisions of this chapter.
- a. Public utility uses, such as water towers, electric substations, solar and renewable energy infrastructure, radio towers and transmission lines.
    - i. Applicant must demonstrate that the proposed project does not impair the intent and purpose of the Ordinance.
    - ii. Applicant must demonstrate that the proposed project does not adversely impact the aesthetics or character of the area in which it is proposed and that the proposed project is compatible with surrounding land uses, especially in terms of any potential off-site impacts such as noise generated by the proposed project.
    - iii. Applicant must demonstrate that the proposed project is in accordance with applicable regulations with regard to the safe operation of the facility.
    - iv. Submission of site plan is required when appropriate.
  - b. Public schools and education facilities
    - i. Applicant shall submit site plans in accordance with submission procedures to the Planning Board for a courtesy review.
  - c. Places of worship, including parish and educational buildings
    - i. The minimum lot area shall be ten thousand (10,000) square feet.

- ii. The minimum frontage shall be one hundred (100) feet.
  - iii. The maximum lot coverage shall be fifty (50) percent.
  - iv. Steeple height shall be limited to the maximum building height permitted in the zone for a single-family residence plus fifteen (15) feet.
  - v. Notwithstanding the parking standards set within § 55-173, off-street parking for churches within the Commercial Core shall be provided at the ratio of one off-street parking space for each five occupants which can occupy the structure during any one time period. The cumulative parking demand of all activity areas within the proposed facility or structure shall be met by on-site, off-street parking areas.
  - vi. Driveways shall cross the sidewalk at right angles and shall be no more than twenty-four (24) feet wide at any point. Driveways must be at least ten (10) feet from any side lot line and fifty (50) feet from the intersection of the street lines. No more than two driveways shall be permitted for each one hundred (100) feet of street frontage.
  - vii. A minimum buffer of fifty (50) feet shall be provided between all improvements, including structures and parking facilities, and adjacent residential uses or zones.
- d. Commercial indoor recreation uses.
- i. Parking to be provided to the side or rear of the property.
  - ii. Floor Area for a theater use should not exceed 20,000 SF, while other uses should not exceed 10,000 SF.
  - iii. Game rooms, parlors and drive-in theatres are not permitted.
  - iv. Drive-through lanes are not permitted.
  - v. Indoor sports arenas, auditoriums, exhibition halls and heavily auto dependent uses such as multiplex theatres are not permitted.
  - vi. All activities must be contained within the principal building.
- e. Convenience Store
- i. The minimum floor area allowed is 1,250 square feet while the maximum floor area allowed is 3,000 square feet.
  - ii. There shall be a minimum distance of 2,500 feet between two convenience stores.
  - iii. The convenience store shall not include services such as gasoline dispensing or check cashing.
  - iv. There shall be no manufacturing. Additionally, there shall be no processing or assembling except that which is incidental and essential to the food enterprise, such as the assembling of sandwiches, and only when the processed or assembled merchandise is sold at retail on the premises.
- f. Fast Food Restaurants
- i. The use shall be conducted within a totally enclosed, permanent building, excepting that tables and seating may be provided outdoors but shall be in addition to any required indoor seating.
  - ii. No drive through lanes are permitted for fast food restaurants located within the CC-PHD Zone District, except on pad sites within shopping centers in existence at the time of passage of this ordinance.

- iii. The minimum lot size shall be ten thousand (10,000) square feet, the minimum lot frontage and width shall be one hundred (100) feet and the minimum lot depth shall be one hundred (100) feet.
  - iv. The minimum front yard setback shall be 20 feet, the minimum side yard on one side shall be ten (10) feet. The minimum rear yard setback shall be forty (40) feet.
  - v. Along any common property line with a residential use or residential zoning district, appropriate buffers shall be provided as required in this chapter, and the area shall be bermed if necessary, to provide sufficient screening.
  - vi. No parking shall be located along the front yard of the building.
  - vii. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or plantings and maintained in good condition.
  - viii. All fast food restaurants shall provide separate public restroom facilities easily accessible from the interior of the building for customer use.
  - ix. All other area, yard and general requirements of the Zoning Ordinance, engineering and design standards, site plan regulations, procedural requirements and other applicable requirements of this chapter must be met.
  - x. Parking as per the standards set forth for development within the Commercial Core should be provided.
  - xi. The applicant shall demonstrate how the design of the proposed project will and/or mitigate adverse on-site and off-site impacts from odors, noise, and light generated by the proposed project. In particular, the applicant shall demonstrate effective measures to minimize odors produced by activities on the site.
  - xii. No fast food restaurant uses are permitted within 300 feet of a residential use or zone.
- g. Contractor storage uses are allowed as a conditional use provided the following standards are satisfied:
- i. Outside storage is explicitly prohibited. All storage shall be contained within an enclosed building.
  - ii. No flammable materials, hazardous chemicals or explosives shall be permitted to be stored on-site.
  - iii. The servicing, repair or fabrication of motor vehicles, trailers, equipment or appliances shall be prohibited.
  - iv. No tractor trailer or other similar sized large commercial vehicles are permitted on-site at any time. Box trucks and similar vehicles up to a total length of 26 feet including the load, bumpers and any other feature attached to the vehicle are permitted to access the site provided that the applicant can demonstrate that sufficient loading and unloading area will exist and that the vehicle can safely navigate the site during the peak hour when the facility is operating at full capacity.
  - v. Landscape buffer areas shall be provided in accordance with the following requirements:
    - 1) The minimum landscape buffer area provided along side and rear yards shall be fifteen (15) feet in width and twenty-five (25) feet if abutting a residential zone or use.

- 2) The minimum landscape buffer area provided along the street line shall be five (5) feet in width and shall consist of plant material that is maintained at a height no greater than three (3) feet.
  - 3) One (1) loading space per 20,000 square feet of indoor storage area is required unless it can be demonstrated that no loading spaces would be needed for the contractor storage use to operate at full capacity.
- h. Assisted living facilities, nursing and convalescent homes and long term care facilities in accordance with the minimum bulk standards of the zone and the following standards:
- i. A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and buildings.
  - ii. 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.
  - iii. Minimum area, yard and building requirements.
    - 1) Lot requirements.
      - a) Lot area: five (5) acres.
      - b) Lot width: two hundred (200) feet
      - c) Lot frontage: two hundred (200) feet
      - d) Lot depth: two hundred (200) feet
    - 2) Principal building requirements.
      - a) Front yard setback: 100 feet.
      - b) Rear yard setback: 50 feet
      - c) Side yard setback, each side: 50 feet.
    - 3) Accessory building requirements. Accessory building requirements shall be the same as those established for the overall zone.
    - 4) Maximum building coverage shall be 30 percent
    - 5) Maximum principal building height: three (3) usable floors (stories) and fifty (50) feet in height.
    - 6) Maximum accessory building height: thirty-five (35) feet.
  - iv. All support facilities, functions and services shall be intended for the use and benefit of the resident users of the facility and their guests.
  - v. 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 care services)
- 12) Personal care centers (barbers, hair salon and personal grooming, etc.)
- vi. 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 construed to be the nearest whole number.
- vii. Any health care facility shall be licensed by and/or meet all applicable standards of Federal, State and County regulatory agencies.
- viii. 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:
  - 1) Assisted living 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.

### **VIII. Prohibited Uses**

Unless expressly permitted, all other uses are deemed to be prohibited. In addition, the following uses are specifically prohibited within the CC-CPHD Zone as these uses are not compatible with the intent of this Ordinance or the traditional character of the Township.

1. Pawn shops
2. Adult book stores
3. Motor vehicle sales
4. Lumber yards
5. Mobile food service, except during public events such as concerts, fairs, festivals, grand openings and similar uses upon issuance of a temporary permit.
6. Storage trailers or tractor trailer storage
7. Auto Body Shops
8. Automotive Repair Garages
9. Car Washes

10. Unless expressly permitted herein, drive through facilities are not permitted within the CC-CPHD Zone District.

**Table 1: CC-CPHD Zone Uses**

Use	Permitted	Conditional	Accessory
Retail sales	X		
Personal services	X		
Bakery	X		
Business and professional offices	X		
Funeral homes	X		
Restaurants and take out restaurants	X		
Fast food restaurants		X	
Animal hospitals	X		
Light industry	X		
Municipal offices and fire and rescue stations	X		
Public schools and education facilities		X	
Day care center	X		
Libraries and museums	X		
Hospitals, convalescent homes, nursing homes	X		
Ambulatory health care facility	X		
Medical or dental office	X		
Places of worship, including parish and educational buildings		X	
Nonprofit civic, social and fraternal organizations	X		
Commercial indoor and outdoor recreational facilities		X	
The erection, construction, alteration or maintenance by a public utility or municipal agency of underground distribution or collection systems 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.	X		
Detached single family dwellings for residential purposes together with their accessory uses that were in existence as of the date of the adoption of this ordinance. Such single family dwellings shall be subject to the bulk standards of the R-10 zone for any additions, accessory structures, alterations or restoration in the event of partial or total destruction.	X		
Flex office	X		
Garden center	X		
Bed and breakfast inns, boutique hotels, and tourist homes	X		
Wellness and lifestyle centers	X		
Banks and other financial institutions, excluding check cashing businesses	X		
Studios	X		



Medical testing facility	x		
Convenience stores		x	
Accessory apartment			x
Outdoor dining areas on restaurant sites			x
Automated teller machines (ATM's) inside a fully enclosed principal building			x
Contractor Storage		x	
Assisted living facilities		x	
Public utility uses, such as water towers, electric substations, radio towers and transmission lines, which must be provided above ground.		x	
Temporary on-site construction trailers for which permits may be issued for periods up to one (1) year, subject to renewal as long as construction is active.			x
Signs			x
Off-street parking			x
Accessory sheds up to 180 SF			x
Private residential swimming pools, provided that such use shall only be permitted as part of a detached single-family dwelling and that the pools are enclosed with safety fences of not less than four (4) feet in height.			x
A private residential tennis court on a lot not less than one (1) acre.			x

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on March 5, 2012. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on May 7, 2012, at 6:30 p.m., or as soon thereafter as the matter may be reached and considered, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that 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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**Sharon L. Auer**  
**Acting Municipal Clerk**