

## ORDINANCE 2012-09

### 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

WHEREAS, the Township Committee has determined that it is necessary to amend the parking standards to reflect the parking requirements needed for the TC-CPHD, TC-CN, TC-CV and CC-CPHD Overlay Zones in accordance with the 2011 Master Plan, as endorsed by the New Jersey State Planning Commission on December 7, 2011.

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

I. **PURPOSE:** The purpose of this Ordinance is to amend Chapter 55, Land Use, of the Code of the Township of Barnegat to establish parking standards for the uses permitted within the TC-CPHD, TC-CN, TC-CV and CC-CPHD Overlay Zones and to update the parking standards for existing uses to reflect current trip generation data. This Ordinance has been prepared in accordance with the 2011 Barnegat Township Master Plan, as endorsed by the new Jersey State Planning Commission on December 7, 2011. This ordinance amends the existing ordinance to consolidate parking standards into one table to be included as a separate Appendix entitled **Appendix H**.

II. Article VII, Supplementary Design and Performance Standards, Code Section 55-173, Minimum Parking Requirements, is hereby amended by replacing Section 55-173, in its entirety, with the following:

- A. The minimum parking requirements shall be defined in **Appendix H**, Schedule of Parking Requirements, attached hereto and adopted as part of this Chapter.
- B. Miscellaneous criteria for calculating the amount of parking required. In computing the number of the above-required parking spaces, the following rules shall govern:
  - 1) Where fractional spaces result, the required number shall be construed to be the nearest whole number.
  - 2) Nothing in the above requirements shall be construed to prevent the joint use of off-street parking facilities by two (2) or more uses, provided that the total of such spaces shall not be less than the sum of the requirements for various individual uses computed separately by the above requirement, with the exception of properties located within the Town Center and Commercial Core. The properties located within the TC-CPHD, TC-CN, TC-CV and CC-CPHD Overlay Zones shall have the option to provide shared parking in accordance with Section 55-173(D)(4) as stipulated herein.
  - 3) All required parking facilities shall be located on the same lot or parcel as the structure or use they shall serve. In the case of nonresidential uses, parking facilities may be provided on the other lots or parcels, but shall not be greater than three hundred (300) feet from the structure or use they shall serve.

- 4) Where special traffic problems exist, the Planning Board may require a special survey of conditions at the applicant's cost and require entrances and exists in the parking lot to be altered to minimize congestion and hazard.
- C. Where the required number of off-street parking spaces cannot be provided on-site, the reviewing board may grant a waiver from the parking requirement with consideration given to whether or not acceptable alternate provisions can be made to accommodate the parking needs off-site.
- D. Parking Requirements in the TC-CPHD, TC-CN, TC-CV and CC-CPHD Overlay Zones shall be provided as follows:
- 1) Parking areas shall be located to the rear or side of the principal building. Parking areas shall not be located within the front setback between the front of the building and the front property line unless it can be demonstrated to the satisfaction of the Planning Board Engineer that no alternative exists.
  - 2) Parking lots and/or associated driveways may abut and overlap property lines of other nonresidential uses, predicated upon establishing an appropriate access easement that clearly defines all associated maintenance responsibilities. Any such access agreement shall be subject to review by members of the Planning Board or Zoning Board of Adjustment and the review and approval of the Planning Board or Zoning Board of Adjustment Attorney and Engineer.
  - 3) A minimum four-and-one-half foot high architectural wall of brick, stucco, or stone or a six foot high decorative fence may be required as additional screening by the approving authority where a parking area abuts a residential use or is across the street from a residential use or where the on-site parking abuts a street line. Walls must be articulated to minimize the visual impact of excessive length, and the design of either a wall or decorative fence must be compatible with the architecture of the building or other architectural features of the site.
  - 4) Shared Parking Standards:
    - a. The number of shared spaces for two (2) or more land uses shall be determined by the following procedure:
      - 1) Determine the minimum amount of parking required for each individual use, as set forth within **Appendix H**, Schedule of Parking Requirements, attached hereto and adopted as part of this Chapter.
      - 2) Multiply the minimum parking required for each individual use by the appropriate percentage indicated in Table 1 below, for each of the six (6) time periods.

Table 1						
Shared Parking Calculations						
Land Use	Weekdays			Weekends		
	Midnight - 7 AM	7AM - 6PM	6PM- Midnight	Midnight - 7 AM	7AM - 6PM	6PM- Midnight
Recreation / Entertainment	10%	55%	85%	10%	80%	100%
Education	5%	95%	80%	0%	95%	80%
Places of Worship	5%	10%	5%	5%	100%	50%
Retail Sales and Personal Services	5%	75%	60%	5%	90%	55%
Office / Warehouse / Light Industry	5%	90%	5%	5%	15%	5%
Restaurants	10%	55%	95%	15%	70%	100%
Residential (Accessory Apartments)	100%	60%	95%	100%	75%	95%
Hotels	90%	60%	100%	90%	60%	100%
Theatre	0%	50%	95%	0%	60%	100%
Public Assembly	0%	95%	80%	0%	95%	80%
Hospitals	20%	75%	50%	20%	75%	50%
Day Care Center	0%	52%	5%	0%	0%	0%

- 3) Add the resulting sums for each of the six (6) columns.
- 4) The minimum parking requirement shall be the highest sum among the six (6) columns.
- 5) Select the time period with the highest total parking requirement and use that total as the “calculated” shared parking requirement.
- 6) Applicants requesting use of off-site shared parking, as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the Board Engineer that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Board Engineer. It must address, at a minimum, the spatial relationship between the use and the off-site parking location, the size and type of the proposed development, the composition of tenants, the combined parking demand of all uses that will be sharing the parking lot and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
- 7) A shared parking plan will be enforced through written agreement among all owners of record. The owner of the shared parking area shall enter into a written developer's agreement with the Township with enforcement running to the Township providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that the owner agrees to bear the expense of recording the agreement and such agreement shall bind his heirs, successors, and assigns. An attested copy of the agreement between the owners of record shall be submitted to the Board Engineer for review and recordation in a form established by the Township Attorney. Recordation of the agreement must take place before issuance of a building permit or certificate of occupancy for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking

spaces will be provided on-site in accordance with the off-street parking schedules in this section. The written agreement shall be voided by the Township if other off-street facilities are provided in accord with these zoning regulations.

- 8) Change in Use. Where the uses subject to a shared parking agreement change, the Board Engineer or designee shall have the authority to require a revised shared parking study, a new shared parking agreement and that the Applicant appear before the applicable Board for a public hearing when the revised shared parking study indicates additional parking is required.
- b. A reduction in spaces can be made for shared parking if all of the items listed below are satisfied:
    - i. Each parking space is usable by any visitor; that is, no restrictions have been placed on the use of the spaces.
    - ii. There has been a Cooperative Parking Agreement between the owners (or lessees) of the buildings participating in the shared parking.
    - iii. The reduction in parking is no greater than 20%.
  - c. Parking provided on same lot as principal building:
    - i. Off-street parking spaces shall be located on the same lot as the main building to be served unless all shared parking requirements are met.
  - d. Requirements for combined uses:
    - i. The number of off street parking spaces required by land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, unless in conformance with the shared parking requirements of this section.

**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**