

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.

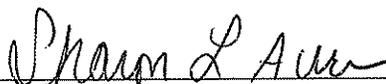
LAND USE
APPENDIX H

Schedule of Parking Requirements		
Type of Use	Zone	Required Off-Street Parking
Ambulatory Health Care Facility	All zones where this use is permitted	10 per building plus 1 per 200 square feet or can be reduced by 20% based upon the Board's discretion
Animal hospitals	C-PHD, C-V and CC-CPHD	1 per 400 square feet
	TC-CPHD, TC-CN, TC-CV Zones	As mentioned above or can be reduced by 20% based upon the Board's discretion
Assisted living facilities, nursing and convalescent homes and long-term care facilities	All zones where this use is conditionally permitted	<p>1) 1 parking space per State licensed assisted living dwelling unit, however at the time of initial construction, 1 parking space for 3 dwelling units be allow, with an adequate area reserved for future construction of the additional required parking spaces should the actual operating experience demonstrate that the amount of parking initially provided is insufficient;</p> <p>2) 1 parking space per day-shift employee.</p> <p>3) 1 parking space per 10 independent living units for visitor parking.</p> <p>4) Where fractional spaces result in the calculation of the requirements, the required number shall be construed to be the nearest whole number.</p>
Automotive Repair Garage or Body Shop	All zones where this use is permitted	1 per 400 square feet of gross floor area
Automotive service station	All zones where this use is permitted	5 per each service bay, exclusive of vehicle service area. In no instance shall there be fewer than 5 off-street parking spaces.
Banks and savings and loan associations	All zones where this use is permitted	8 parking spaces for each teller window.
Banks with drive through facilities	All zones where this use is permitted	As mentioned above plus 7 per drive-through stacking lane
Bar, cocktail lounges and nightclub, including restaurants with bars	All other zones where this use is permitted	1 parking space per 50 square feet of gross floor area
Bars, with Restaurants (table service). This does not include restaurants, café and diners	All other zones where this use is permitted	1 parking space per 100 square feet of gross floor area
Barber and beauty shop	All other zones where this use is permitted	3 parking spaces per chair, or 1 parking space per 200 square feet of gross floor area.
Bed and Breakfasts	All other zones where this use is permitted	2 parking spaces plus 1 parking space per guest room
Bowling alleys	All zones where this use is permitted	5 per lane
Car Washes	All zones where this use is permitted	5 parking spaces for employees plus offstreet storage (stacking) space equal to minimum 5 times the number of cars that can be in the wash process at one time ¹ .
Church, temple or other places of worship including parish and educational buildings	All zones where this use is permitted	1 parking space per four (4) seats in the main congregation seating area. If only benches provided, 20 inches of bench shall be considered as 1 seat. If none provided or provided only in a portion of the main congregation seating area, 1 parking space per 50 square feet of floor area within the main congregation seating area. In the Town Center 1 parking space per five (5) occupants that can occupy the structure during any one time period.
Community center, library, museum or art gallery	All zones where this use is permitted	1 parking space per 200 square feet gross floor area

Hardware and auto supply stores	All zones where this use is permitted	1 parking space per 400 square feet of gross floor area.
Hospital (general, mental and sanitarium)	All zones where this use is permitted	1 parking space per 2 beds based on its licensed capacity.
Hotel or motel	All zones where this use is permitted	1 parking space for each rental unit. Each commercial use within the building shall be computed separately according to the requirements for such use set forth herein. The Planning Board may allow up to fifty percent (50%) of the required parking for commercial uses in the hotel or motel to be satisfied by guest-room parking
Hotel, Boutique	TC-CPHD, TC-CN, TC-CV and CC-CPHD Zones	1 parking space for each unit of accommodation plus 1 parking space for each employee.
Laundromats or similar coin-operated cleaning	All zones where this use is permitted	1 parking space per 200 square feet of gross floor area.
Light industry	TC-CPHD, TC-CN, TC-CV and CC-CPHD Zones	1 per employee or 1 per 350 square feet, whichever is greater
Manufacturing or industrial establishment, research or testing laboratory, bottling plant or similar uses	All zones where this use is permitted	1 parking space per 500 square feet of gross floor area.
Marina, boat yard and boat sales	All zones where this use is permitted	1 ½ parking spaces per boat slip; in absence of which 1 parking space per 300 square feet of gross floor area.
Medical Testing Facility	TC-CPHD, TC-CN, TC-CV and CC-CPHD Zones	10 per building plus 1 per 150 square feet
Microbrewery (with restaurant)	TC-CPHD, TC-CN, TC-CV and CC-CPHD Zones	1 space per 200 sq. ft.
Nursery school, day camp or similar uses	All zones where this use is permitted	1 parking space per 500 square feet of gross floor area.
Office, business and professional	All zones where this use is permitted	1 per 200 square feet
Office, dental and medical	All zones where this use is permitted	1 parking space per 100 square feet of gross floor area, except that if housing three (3) or more separate, unassociated practitioners, then the requirement shall be 1 parking space per 150 square feet of gross floor area
Office, government	All zones where this use is permitted	To be determined by the Planning Board, except those within privately owned buildings shall provide 1 parking space per 150 square feet of gross floor area.
Personal Services	TC-CPHD, TC-CN, TC-CV Zones	1 parking space per 250 square feet of gross floor area.
Public and private utilities, electrical substation, gas regulator, water works, pumping station and similar facilities	All zones where this use is permitted	To be determined by the Planning Board based on the specific need of the use.
Restaurant, cafe and diner	All zones where this use is permitted	1 parking space per 100 square feet of gross floor area.
Recreation, Outdoor and Parks	All zones where this use is permitted	5 parking spaces per 1 gross acre of land up to 50 acres and 1 parking space per 1 gross acre of land above 50 acres
Recreation, Indoor	All zones where this use is permitted	1 space for each 4 persons within the recommended or legal capacity prescribed under applicable state or local laws, ordinances or resolutions.
Retail stores, except otherwise specified	All zones where this use is permitted	1 parking space per 150 square feet of gross floor area.
Schools, Elementary	All zones where this use is permitted	1 parking space per 8 students based on design capacity.
Schools, Middle or junior high school	All zones where this use is permitted	1 parking space per 5 students based on design capacity.
Schools, High school	All zones where this use is permitted	1 parking space per 3 students based on design capacity.
Schools, College or university	All zones where this use is permitted	1 parking space per 1 ½ students based on design capacity.

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.



Sharon L. Auer
Acting Municipal Clerk