

ORDINANCE 2018 - 16

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING ARTICLE II “ZONING DISTRICT REGULATIONS” TO REQUIRE THAT ACCESSORY APARTMENTS IN THE TC-CV AND TC-CPHD ZONING DISTRICTS BE AFFORDABLE TO VERY LOW, LOW AND MODERATE-INCOME HOUSEHOLDS

WHEREAS, the April 2018 Housing Element and Fair Share Plan of the Township of Barnegat recommended that an accessory apartment pilot program be implemented in the TC-CV and TC-CPHD Zones; and

WHEREAS, the Township desires to mend the zoning regulations to clarify that accessory apartments in the TC-CV and TC-CPHD Zoning Districts are required to be affordable units.

BE IT ORDAINED BY the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the “Township”) that Article XXII of the Township Code is hereby amended and supplemented to read as follows:

SECTION 1.

Section 55-34.7 TC-CPHD Uses: Permitted, Conditional, Temporary, Accessory and Prohibited.

B. *Accessory and Temporary Uses.* As noted in Table 1, in accordance with the provisions of this chapter and as noted herein.

- (1) 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 nonresidential space within a mixed-use building. *Units shall be deed restricted for very low-, low- and moderate-income households in accordance with affordability requirements for accessory apartments.*

SECTION 2.

Section 55-34.9 TC-CV Uses: Permitted, Conditional, Temporary, Accessory and Prohibited.

B. *Accessory and Temporary Uses.* As noted in Table 1, in accordance with the provisions of this chapter and as noted herein.

- (1) 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 nonresidential space within a mixed-use building. *Units shall be deed restricted for very low-, low- and moderate-income households in accordance with affordability requirements for accessory apartments.*

BE IT FURTHER ORDAINED, that should any section, paragraph, sentence or clause of this Ordinance be declared unconstitutional or invalid for any reason by a court or competent jurisdiction, the remaining portions of this Ordinance shall not be affected thereby and shall

remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED, that any and all parts of ordinances which are inconsistent with any of the terms or provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, that these amendments shall take effect after publication and passage according to law.

NOTICE

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NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of Barnegat Township, County of Ocean, State of New Jersey on **My 1, 2018, at 10:00 a.m.**; at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **May 24, 2018 at 9:00 a.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township 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.

**MICHELE RIVERS, RMC
TOWNSHIP CLERK**

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance was finally adopted after Public Hearing at a regular meeting held on the 24th day of May, 2018 in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ.

Michele Rivers, RMC
Municipal Clerk