

ORDINANCE NO. 2021-23

**ORDINANCE OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER 55
OF THE TOWNSHIP CODE ENTITLED "LAND USE"
AND PORTIONS OF SECTION 35 THEREOF
ENTITLED "CC-CPHD COMMERCIAL CORE
PLANNED HIGHWAY DEVELOPMENT OVERLAY
ZONE**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey that Chapter 55 of the Township Code entitled "Land Use" and the following Sections of 35 thereof entitled "CC-CPHD Commercial Core Planned Highway Development Overlay Zone" are hereby amended and supplemented as follows:

SECTION 1. Chapter 55-35.5 of the Township Code entitled "Identification and Bulk Standards" is hereby amended to read as follows:

§55-35.5 Identification and Bulk Standards.

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

- A. In addition to the minimum building requirements set forth in Appendix A, the following standards shall apply in the CC-CPHD Zone:
- (1) Unchanged.
 - (2) Unchanged.
 - (3) Unchanged.
 - (4) Unchanged.
 - (5) Unchanged.
 - (6) Mechanical equipment, chimneys, air conditioners, elevators towers, penthouses, church spires and steeples, and similar appurtenances necessary to the operation of the

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building as well as decorative architectural elements to screen them from view shall be exempt from the height restrictions so long as they do not exceed the maximum height by more than ten (10) feet.

(7) Unchanged.

(8) Unchanged.

(9) Unchanged.

(10) Unchanged.

(11) Unchanged.

(12) Unchanged.

SECTION 2. Chapter 55-35.7 of the Township Code is hereby amended and supplemented and shall read as follows:

§55-35.7 CC-CPHD uses: Permitted, Conditional, Temporary, Accessory and Prohibited.

A. Permitted Uses.

(1) Unchanged.

B. Accessory and temporary uses. As noted in Table 1 CC-CPHD, in accordance with the provisions of this chapter and as noted herein.

(1) Unchanged.

(2) Outdoor dining areas on restaurant sites as per the following criteria.

(a) Unchanged.

(b) 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 café and that such outdoor café be directly in front or on the side of an eating establishment as hereinabove defined. No food or drinks served at such outdoor café shall be prepared or stored other than in the interior of the eating establishment. The phrase “directly in front or side of,” shall confine the café 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.

- (c) 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] Unchanged.

[2] Unchanged.

[3] Unchanged.

[4] Unchanged.

[5] Unchanged.

[6] Unchanged.

[7] Unchanged.

[8] Unchanged.

[9] Unchanged.

[10] Unchanged.

[11] Unchanged.

[12] Unchanged.

[13] Unchanged.

[14] Unchanged.

[15] Unchanged.

[16] Unchanged.

[17] Unchanged.

[18] Deleted.

[19] Unchanged.

[20] Deleted.

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[21] Deleted.

[22] Unchanged.

[23] Unchanged.

[24] Unchanged.

[25] Deleted.

(3) Unchanged.

(4) Unchanged.

(5) Unchanged.

(6) Unchanged.

(7) Unchanged.

C. 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.

(1) Unchanged.

(a) Unchanged.

(b) Unchanged.

(c) Unchanged.

(d) Unchanged.

(2) Unchanged.

(a) Unchanged.

(3) Unchanged.

(a) Unchanged.

(b) Unchanged.

(c) Unchanged.

(d) Unchanged.

(e) Unchanged.

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(f) Unchanged.

(g) Unchanged.

(4) Commercial indoor recreation uses.

(a) Deleted.

(b) Unchanged.

(c) Unchanged.

(d) Unchanged.

(e) Unchanged.

(f) Unchanged.

(5) Convenience store.

(a) Unchanged.

(b) Unchanged.

(c) Unchanged.

(d) Unchanged.

(6) Fast food restaurants.

(a) 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. Walk-up/carry out windows are also permitted.

(b) Unchanged.

(c) Unchanged.

(d) Unchanged.

(e) Unchanged.

(f) Deleted.

(g) Unchanged.

(h) Unchanged.

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- (i) Unchanged.
- (j) Unchanged.
- (k) Unchanged.
- (l) No fast food restaurant uses with drive thru are permitted within three hundred (300) feet of a residential use or zone.

(7) Unchanged.

(8) Unchanged.

(9) Mixed-use developments. The conditional use is hereby imposed, which must be adhered to by any applicant or property owner, as follows:

(a) Unchanged.

(b) Unchanged.

(c) The maximum density of the residential development shall be 13.50 units per acre of the entire tract being developed.

(d) Unchanged.

(e) Mixed-use development buildings may include as a permitted use self-storage on second and third floors only. The mixed-use development shall conform to the following bulk standards:

[1] Unchanged.

[2] Unchanged.

[3] Minimum front setback of 75 feet.

[4] Unchanged.

[5] Unchanged.

[6] Maximum building height of 4 stories or 48 feet for the apartment and mixed-use buildings.

[7] No more than 80 apartment units shall be permitted in any building.

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[8] Unchanged.

(f) Unchanged.

(g) Unchanged.

(h) Unchanged.

(i) Unchanged.

(j) Unchanged.

(k) Unchanged.

(l) Unchanged.

(m) Unchanged.

SECTION 3. All ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 4th day of November, **2021**, at 6:30 PM and will be considered for second and final passage at a meeting of the Township Committee to be held on the 7th day of December, **2021**, at 10:00 AM at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Donna M Manno, RMC
Township Clerk

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