

ORDINANCE NO. 2014 - 23

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND
SUPPLEMENTING CHAPTER 55-57 OF THE TOWNSHIP CODE, ENTITLED "C-N
NEIGHBORHOOD COMMERCIAL ZONE"**

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

SECTION 1. The Township Committee hereby amends and supplements
Chapter 55-57 of the Township Code, entitled "C-N Neighborhood Commercial Zone,"
to add a provision to Section C, "Conditional Uses," and which shall read as follows:

(7) Mixed Use Development shall be a conditional use that is permitted subject to
the following conditions:

- (a) Mixed use development shall be permitted only on property is directly
accessed by a county road. Mixed use development shall not be
permitted on property that is accessed solely by a municipal roadway.
- (b) Any mixed use development shall include retail/commercial space,
permitted on the first floor only. Residential multi-family apartments shall
all be age restricted and permitted on the second and third floors.
- (c) The residential component of a mixed use development shall be in
conjunction with no less than 90,000 square feet of retail/commercial
space.
- (d) All multi-family residential units shall be age-restricted and limited to one
and two bedroom units. One bedroom units shall be no less than 800
square feet, two bedroom units shall be no less than 1100 square feet.
- (e) The maximum density permitted for age-restricted multi-family residential
mixed use development shall be 11 units per acre. Pinelands
Development Credits shall be purchased and redeemed for 25% of all
residential units within a mixed use development.
- (f) Mixed use development shall be permitted only on property within a
Pinelands Regional Growth Area.
- (g) The proposed mixed use development shall comply with the minimum
parking requirements set forth in Chapter 55-173 of the Barnegat

Township Land Use Code. The provisions of Chapter 55-173(D)(4) regarding shared parking standards shall be available to developments seeking conditional use approval under this section.

- (h) All mixed development shall conform to the following conditional bulk standards, which bulk standards shall supersede the Schedule of Area, Yard and Building Requirements found in Chapter 55-62 for the C-N Commercial Neighborhood Zone:
 - a. Minimum lot size of 13 acres.
 - b. Minimum lot frontage of 1,500 feet on a County Road.
 - c. Minimum lot depth of 400 feet.
 - d. Minimum front yard setback of 50 feet.
 - e. Minimum side yard setback of 10 feet.
 - f. Minimum combined side yard setback of 35 feet.
 - g. Minimum rear yard setback of 30 feet.
 - h. Maximum building lot coverage of 50%.
 - i. Maximum building height of 3 stories or 48 feet.

SECTION 2. The Township Committee hereby amends and supplements Chapter 55-57 of the Township Code, entitled "C-N Neighborhood Commercial Zone," to add a provision to Section D, "Special Requirement for C-N Zones in the Pinelands Area," so as to delete existing Subsection D(4) and to insert the following in its place:

(4) Any variance or other approval for a residential use in the Regional Growth Area portion of the CN Zone, other than mixed use development in accordance with Section 55-57C(7), shall require that Pinelands Development Credits be used for fifty percent (50%) of the authorized units for parcels under ten (10) acres in size; for seventy-five percent (75%) of the authorized units for parcels between ten (10) and twenty (20) acres in size and for one hundred percent (100%) of the authorized units for parcels over twenty (20) acres in size.

SECTION 3. All other provisions of the Township Code, except as set forth herein, shall remain unchanged.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

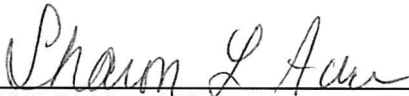
SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of

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 6. This ordinance shall become effective after second reading and publication as required by law.

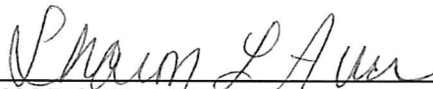
NOTICE

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 held on the 18th day of August, 2014, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 20th day of October, 2014 at 6:30 p.m., 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.


SHARON L. AUER
Township Clerk, Township of Barnegat

CERTIFICATION

I, **SHARON L. AUER**, Acting Township Clerk of the Township of Barnegat, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Township Committee of Barnegat Township at a meeting held on the 20th day of October, 2014.


SHARON L. AUER
Township Clerk, Township of Barnegat