

ORDINANCE NO. 2014-35

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AMENDING AND SUPPLEMENTING THE
BARNEGAT TOWNSHIP CODE, IN PARTICULAR CHAPTER 55
ENTITLED, "LAND USE"**

NOW, THEREFORE, 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 recognizes its obligation from time to time, to review Chapter 55 of the Township Code entitled, "Land Use" in order to supplement and amend as needed in order to meet changing conditions and needs of the tax payers and residents of the Township.

SECTION 2. The Township has previously established a Commercial Core - Commercial Planned Highway Development ("C.C. - C.P.H.D") Overlay Zone along the Route 9 Corridor.

SECTION 3. The Township believes it appropriate and necessary to modify the current zoning of properties within the aforementioned zone so as to require, as a conditional use, mixed use developments within that zone.

SECTION 4. The Township therefore hereby permits mixed-use development as a conditional use in the "C.C. - C.P.H.D." Zone, within the Commercial Core Overlay Zone. The conditional use is hereby imposed, which must be adhered to by any applicant or property owner, as follows:

- a.) The area must be a minimum of twelve (12) acres;
- b.) Any residential development shall be in conjunction with no less than 33,600 sq. ft. of retail/commercial space;

- c.) The maximum density of the residential development shall be 13.32 units/acre of the entire tract being developed;
- d.) The residential apartments shall be limited to a maximum of two (2) bedrooms. Each two (2) bedroom apartment shall be no less than 1,100 sq. ft.
- e.) The Mixed Use Development shall conform to the following bulk standards:
 - i. Minimum lot frontage of 700 ft.
 - ii. Minimum lot depth of 700 ft.
 - iii. Minimum front setback of 50 ft.
 - iv. Minimum rear setback of 50 ft.
 - v. Minimum side setback of 50 ft. to a residential lot and 10 ft. to a commercial lot.
 - vi. Maximum building height of 3 stories or 48 ft. for the apartment buildings.
 - vii. No more than 24 apartment units shall be permitted in any building.
 - viii. There must be a minimum separation between apartment buildings of 30 ft.
- f.) A minimum buffer of 50 ft. shall be provided along all property lines adjacent to a lot that is zoned or used for residential purposes, including residential lots located on the opposite side of the street.
- g.) The site must have frontage on and have primary direct access to and from a New Jersey State Highway.
- h.) The proposed mixed-use development, as it applies to the commercial area, the minimum parking ratio shall be 3.03 spaces/1,000 sq. ft. of gross floor area. The apartment and residential component of a mixed-use development must comply with the minimum parking requirements set forth in Chapter 55-173 of the Land Use Code.
- i.) The residential portion of the development shall comply with the requirements of the Residential Site Improvement Standards (N.J.A.C. 5:21-1, et seq.)
- j.) A clubhouse shall be provided for use by the tenants of the residential apartments. The clubhouse shall have a minimum floor area of 25 sq. ft. per apartment unit exclusive of swimming pool. The clubhouse shall also include outside amenities such as, but not limited to, a pool, cabana, *et cetera*. A portion of the clubhouse may be set aside for use as a leasing

office. The clubhouse must be constructed and placed into service prior to the issuance of a Certificate of Occupancy for the 48th apartment unit.

- k.) Construction of the commercial portion of the development shall be staged. A minimum of 10,000 sq. ft. of commercial space must be constructed and available for rental prior to the issuance of a Certificate of Occupancy for the 48th apartment unit. In addition, an additional 10,000 sq. ft. of commercial space must be constructed and available for rental prior to the issuance of a Certificate of Occupancy for the 96th apartment unit. Finally, the remaining commercial space must be constructed and available for rental prior to the issuance of a Certificate of Occupancy for the 144th apartment unit.
- l.) Commercial vehicles shall not be allowed to enter or exit the site from Old Main Shore Road or Georgetown Boulevard. All commercial vehicles and delivery trucks associated with the proposed commercial development shall be restricted to entering and exiting the site from U.S. Route 9.

SECTION 5. The applicant/property owner will be required to make appropriate payments to the Township's Affordable Housing Trust Fund, as mandated by the Township Code, at the time of Site Plan and/or Subdivision approval granted by the Barnegat Township Planning Board. One-half of the fee must be paid upon receipt of preliminary site plan approval.

SECTION 6. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 7. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

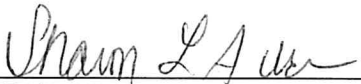
**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

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 **November 17, 2014 at 6:30 p.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. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **December 15, 2014, at 6:30 p.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.



SHARON L. AUER, Acting Township Clerk

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS
Forked River, New Jersey 08731

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CERTIFICATION

I, Sharon L. Auer, Acting Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing ordinance was duly adopted on second reading by the Barnegat Township Committee at their meeting held on the 15th day of December 2014.

A handwritten signature in cursive script, reading "Sharon L. Auer", written over a horizontal line.

Sharon L. Auer
Acting Municipal Clerk