

ORDINANCE 2017-12

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 55-57C OF THE TOWNSHIP LAND USE ORDINANCE TO ALLOW CONDOMINIUM DEVELOPMENT IN THE C-N ZONE, WEST OF NEW JERSEY GARDEN STATE PARKWAY, BARNEGAT TOWNSHIP, NEW JERSEY

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (hereinafter referred to as the "Township") wishes to amend and supplement Section 55-57C of the Township Land Use Ordinance; and

WHEREAS, the Township desires to modify and amend the Zoning Ordinances in order to allow restricted condominium development in the C-N Zone, west of the New Jersey Garden State Parkway; and

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

SECTION 1. Section 55-57C of the Township Land Use Ordinance is hereby amended and supplemented to include condominium development as a conditional permitted use as follows:

a. A condominium development shall only be permitted on property directly accessed by a county road. A condominium development shall not be permitted on property that is accessed solely by a municipal roadway.

b. A condominium development shall be permitted only on property located within the Pinelands Regional Growth Area.

c. Ownership of the condominium units shall be in accordance with the provisions of N.J.S.A. 46:4B-1 et seq. The form of the master deed, the covenants and restrictions for the community and the bylaws of the homeowners association shall be subject to review and approval by the Planning Board and the Township Committee. In addition, the covenants and restrictions shall provide that same shall not be altered, amended, voided or released, in whole or in part, without the written consent of the Township, by resolution duly adopted at a regular meeting of the Township Committee.

d. All units shall be age-restricted and limited to one-and two- bedroom units. One-bedroom units shall be no less than 800 square feet and two-bedroom units shall be no less than 1,100.00 square feet.

e. The maximum permitted density for age-restricted occupied condominium units shall be 15 units per acre. Pinelands Development Credits shall be purchased and redeemed for twenty-five percent (25%) of all units in the condominium development.

f. The condominium development shall include a pool and clubhouse for sole use by the residents of the development and their guests.

g. The proposed condominium development shall comply with the minimum parking requirements set forth in Section 55-173 of the Barnegat Township Land Use Code. No additional parking above what is required for the condominium units shall be required for the pool and clubhouse.

h. A dense vegetative buffer having a minimum width of 50 feet shall be provided from any adjoining lots zoned for or occupied by single family residential dwellings.

i. All condominium development shall conform to the following bulk standards, which bulk standards shall supersede the Schedule of Area, Yard and Building Requirements found in Section 55-62 for the C-N Neighborhood Commercial Zone:

- [1] Minimum lot size of 9 acres
- [2] Minimum lot depth of 300 feet
- [3] Minimum front yard setback of 50 feet
- [4] Minimum side yard setback of 10 feet
- [5] Minimum combined side yard setback of 35 feet
- [6] Minimum rear yard setback of 30 feet
- [7] Maximum lot coverage by building of 50%
- [8] Maximum building height of 3 stories or 48 feet.

SECTION 2. Section 55-57D(4) of the Township Land Use Ordinance is hereby deleted and replaced with the following:

With the exception of a mixed use development or condominium development, any variance or other approval for a residential use in the Regional Growth portion of the CN Zone shall require that Pinelands development credits be used for fifty percent (50%) of the authorized units for parcels under then (10) acres in size; for seventy-five (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. For a mixed use development, the use of Pinelands Development Credits shall be as stipulated in Section 55-57C(7) of the Land Use Ordinance. For a condominium development, the use of Pinelands development credits shall be as stipulated in Section 55-57C(8) of the Land Use Ordinance.

SECTION 3. The Township authorizes and directs that all appropriate and necessary documents be executed by the Mayor, Township Clerk and Township Administrator, in order to implement the intent of this Ordinance.

SECTION 4. 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 5. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

NOTICE

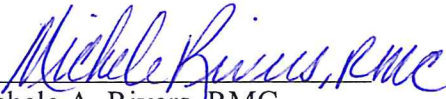
NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **March 7, 2017 at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township 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 **April 4, 2017, 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.



MICHELE RIVERS, RMC, Township Clerk

CERTIFICATION

I, Michele A. 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 introduced and passed on first reading at a meeting held on the 7th day of March, 2017, and finally adopted by the Township Committee of said Township after public hearing at their regular meeting held on the 4TH day of April 2017 at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.


Michele A. Rivers, RMC
Municipal Clerk

Prepared by:

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

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