

ORDINANCE 2018 - 32

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 obligations 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.

SECTION 5. Chapter 55-35.7. C. Conditional Uses. ((9) Mixed-use developments is hereby amended and supplemented as follows:

(new language is underlined and deleted language is ~~stricken through~~):

- 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 square feet 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- bedroom apartment shall be no less than 1,100 sq. ft. Townhouses shall be limited to three (3) bedrooms;
- 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:

- vi. Maximum building height of stories or 48 ft. for the apartment and mixed use buildings.
 - vii. No more than ~~24~~ 42 apartment units shall be permitted in any building.
- 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. If Chapter 55-173 of the Land Use Code does not include a parking standard for a proposed use, the Institute of traffic Engineers (ITE) standards will apply.
- j.) A clubhouse shall be provided for use by the tenants of the residential apartments and townhouses. 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.

SECTION 6. 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 7. 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 8. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9. 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 **September 4, 2018 at 10:00 a.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 9000 West Bay Avenue, Barnegat, New Jersey. The Ordinance will be considered for a second and final reading at a meeting of the Township Committee on **October 2, 2018 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
Municipal 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 to the Township Committee held on the 2nd day of October, 2018, in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ.

Michele Rivers, RMC
Municipal Clerk