

ORDINANCE NO. 2021- 4

**AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN AND STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING VARIOUS
SECTIONS OF CHAPTER 55 OF THE TOWNSHIP CODE
ENTITLED “LAND USE”.**

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

SECTION 1. Chapter 55 of the Township Code entitled “Land Use” and specifically Section 55-19 thereof entitled “C-N Neighborhood Commercial Zone”, is hereby renamed: “**C-N Neighborhood East of Parkway**”.

SECTION 2. Chapter 55 of the Township Code entitled “Land Use”, specifically section 55-57 entitled “C-N Neighborhood Commercial Zone” is hereby renamed: “**C-N Neighborhood West of Parkway**”.

SECTION 3. Chapter 55 of the Township Code entitled “Land Use” and specifically Section 55-305 thereof entitled “Definitions and Word Usage” is hereby amended and supplemented with the following “Definitions” to read as follows:

§55-305 Definitions and Word Usage:

ASSISTED LIVING FACILITY

A facility licensed by the New Jersey Department of Health and Senior Services pursuant to N.J.A.C. 8:36 which is designed and operated to provide apartment style housing and congregate dining while assuring that a coordinated array of supportive personal and health services are available, as needed, to four or more adult persons unrelated to the proprietor. Each unit in an assisted living facility shall offer, at minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance. For purposes of this Chapter, assisted living facility shall include assisted living residences and assisted living programs as defined at N.J.A.C. 8:36-1.3.

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RECEPTION AND BANQUET HALL

A facility specifically geared to providing interior areas for groups of individuals to congregate, socialize, or celebrate particular events.

SECTION 4. Chapter 55 of the Township Code entitled “Land Use” and specifically Section 55-19 thereof entitled “C-N Neighborhood Commercial Zone East of Parkway”, paragraph C entitled “Conditional Uses” is hereby amended and supplemented as follows:

§55-19 C-N Neighborhood East of Parkway Commercial Zone

C. Conditional Uses

(6) Hotel/motel shall only be located on property directly accessed by a County Road and within 1,000 feet from the Garden State Parkway. The maximum permitted building height for a hotel/motel in the C-N District shall be 60 feet.

(9) Assisted living facilities, nursing and convalescent homes and long-term care facilities may be permitted in those zoning districts specified, subject to the issuance of a conditional use permit and adherence to the minimum requirements of the particular zone and the following standards:

(a) Unchanged

(b) Unchanged

(c) Minimum requirements shall be as follows:

[1] Unchanged

[a] Unchanged

[b] Principal building requirements.

[I] Front yard setback; seventy-five (75) feet

[II] Unchanged

[III] Unchanged

[c] Unchanged

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[d] Maximum building coverage:

i. 50% combined coverage when Assisted living facilities, nursing and convalescent homes and long-term care facilities is associated with a mixed-use commercial development.

ii. 20% for stand-alone Assisted living facilities, nursing and convalescent homes and long-term care facilities.

[2] Unchanged

[3] Unchanged

(d) Unchanged

(e) Unchanged

(f) Parking facilities for the residents, employees and visitors of the assisted care facility shall be provided based on a total of the following:

[1] One (1) space per two (2) State licensed assisted living dwelling unit. Provided however, that the applicant shall be allowed to provide, at the time of initial construction, one (1) parking space for every three (3) dwelling units, but reserve an adequate area for future construction of the additional required parking space should the actual operating experience demonstrate that the amount of parking initially provided is insufficient.

[2] Unchanged

[3] Unchanged

[4] Unchanged

(g) Unchanged

(h) Unchanged

(10) Reception and Banquet Hall

(a) A reception and banquet hall shall be a permitted accessory use to a hotel.

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SECTION 5. Chapter 55 of the Township Code entitled “Land Use”, specifically section 55-57 entitled “C-N Neighborhood Commercial Zone West of Parkway” and paragraph C entitled “Conditional Uses” is hereby amended and supplemented as follows:

(9) Hotel/motel shall only be located on property directly accessed by a County Road and within 1,000 feet from the Garden State Parkway. The maximum permitted building height for a hotel/motel in the C-N District shall be 60 feet.

(10) Assisted living facilities, nursing and convalescent homes and long-term care facilities may be permitted in the C-N Zone, subject to the issuance of a conditional use permit and adherence to the minimum requirements of the C-N Zone and the following standards:

(a) A statement shall be submitted with the application setting forth the full particulars regarding the use, activities and buildings.

(b) The site shall be within 1,000 feet of the Garden State Parkway and have frontage on and have primary direct access to and from a county road or a New Jersey State Highway or a Barnegat Township improved road.

(c) Minimum requirements shall be as follows:

[1] Minimum area, yard and building requirements.

[a] Lot requirements.

[I] Lot area: five (5) acres.

[II] Lot width: two hundred (200) feet.

[III] Lot frontage: two hundred (200) feet.

[IV] Lot depth: two hundred (200) feet.

[b] Principal building requirements.

[I] Front yard setback: seventy-five (75) feet.

[II] Rear yard setback: fifty (50) feet.

[III] Side yard setback, each side: fifty (50) feet.

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[c] Accessory building requirements. Accessory building requirements shall be the same as those established for the particular zoning district within which the facility is located.

[d] Maximum building coverage:

- i. 50% combined coverage when Assisted living facilities, nursing and convalescent homes and long-term care facilities is associated with a mixed-use commercial development.
- ii. 20% for stand-alone Assisted living facilities, nursing and convalescent homes and long-term care facilities.

[2] Maximum principal building height: thirty-five (35) feet, provided, however, that the height of a structure, or portion thereof, may exceed the maximum as otherwise permitted in § 55-129, provided that the front, rear and side yard requirements set forth above shall be increased by one (1) foot for each foot by which the height of the structure, or part thereof, exceeds the permitted maximum height; and further provided that in no case shall any proposed structure, or part thereof, exceed three (3) usable floors (stories) and fifty (50) feet in height.

[3] Maximum accessory building height: thirty-five (35) feet.

[4] Maximum residential density:

A maximum density of 20 units per acre shall be permitted for assisted living facilities in accordance with the Pinelands Development Credit requirements in [5] below. Only that portion of the tract devoted to the assisted living facility, including the acreage devoted to building square footage, parking and drive aisles, shall be included in the density calculation. Long term care beds within the nursing and convalescent facility shall not be included in calculations of the density and shall not have a Pinelands Development credit obligation.

[5] Pineland Development credits shall be purchased and redeemed for all assisted living facilities as follows:

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[I] Base density without use of Pineland Development credits shall be 8 units per acre;

[II] Bonus density with the use of Pinelands Development credits shall be 12 units per acre; and

[III] Maximum bonus density: 20 units per acre.

Assisted living facility shall only be permitted to have a density greater than 12 units per acre and up to 20 units per acre provided that Pinelands Development credits have been purchased and redeemed to achieve the 12 unit per acre bonus density with the use of Pinelands Development credits.

(d) All support facilities, functions and services shall be intended for the use and benefit of the resident users of the facility and their guests.

(e) Support services, functions and facilities within a facility or development may include the following or similar personal services:

[1] Indoor and outdoor recreational facilities.

[2] Physical therapy facilities.

[3] Entertainment facilities.

[4] Libraries.

[5] Food preparation facilities.

[6] Dining facilities.

[7] Linen service facilities.

[8] Nursing services.

[9] Housekeeping services.

[10] Health care facilities and services, including nursing beds, security facilities, administrative offices, storage facilities, chapels, facilities for the temporary lodging of guests and limited service facilities.

[11] Medical day care/social day care (adult day services).

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[12] Personal care centers (haircutting, shampooing, personal grooming, etc.).

- (f) Parking facilities for the residents, employees and visitors of the assisted care facility shall be provided based on a total of the following:

[1] One (1) space per two (2) State licensed assisted living dwelling unit. Provided however, that the applicant shall be allowed to provide, at the time of initial construction, one (1) parking space for every three (3) dwelling units, but reserve an adequate area for future construction of the additional required parking space should the actual operating experience demonstrate that the amount of parking initially provided is insufficient.

[2] One (1) space per day-shift employee.

[3] One (1) space per ten (10) independent living units for visitor parking.

[4] Where fractional spaces result in the calculation of the requirements, the required number shall be construed to be the nearest whole number.

- (g) Any health care facility shall be licensed by and/or meet all applicable standards of Federal, State and county regulatory agencies.

- (h) Minimum residential floor area. The requirements contained in this section are designed to promote and protect the public health, to prevent overcrowded living conditions, to guard against the development of substandard neighborhoods, to conserve established property values and to contribute to the general welfare.

[1] Assisted living housing apartments (Required total floor area includes bathrooms, kitchenettes, closets, vestibules, etc.):

[a] Studio apartments: three hundred fifty (350) square feet.

[b] One (1) bedroom apartments: five hundred (500) square feet.

[c] Two (2) bedroom apartments: seven hundred (700) square feet.

[2] An additional fifty (50) square feet per unit is required for common dining and recreational space.

- (11) Reception and Banquet Hall

- (a) A reception and banquet hall shall be a permitted accessory use to a hotel.

SECTION 6. Chapter 55 of the Township Code entitled “Land Use”, specifically 55-173 entitled “Minimum Parking Requirements”, specifically Chapter A thereof is hereby amended and supplemented to include in Appendix H, entitled “Schedule of Parking Requirements” the following parking requirements:

§55-173 Minimum Parking Requirements

Reception and Banquet Hall: one (1) parking space per three (3) seats plus one (1) parking space per employee at the maximum shift.

SECTION 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 8. 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 9. This ordinance shall take effect 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 on the 1st day of January, **2021**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 2nd day of February, **2021**, at **10:00 AM/PM**. 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.

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MICHELE RIVERS, RMC, Clerk
Township of Barnegat