

ORDINANCE NO. 2023-23

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF NEW
JERSEY AMENDING 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, State of New Jersey that the following sections of Chapter 55 of the Township Code entitled “Land Use” is hereby amended and supplement and follows:

SECTION 1. Chapter 55-57 C-N Neighborhood Commercial Zone West of the Parkway is hereby amended and supplemented as follows:

§55-57 C-N Neighborhood Commercial Zone West of Parkway.

A. Unchanged.

B. Unchanged.

C. Conditional Uses. The following uses shall be permitted in the C-N Zone, subject to the issuance of a conditional use permit in conformance with the provisions of this chapter:

(1) Unchanged.

(2) Unchanged.

(3) Unchanged.

(4) Unchanged.

(5) Unchanged.

(6) Unchanged.

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

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- (a) Unchanged.
- (b) Any mixed use development shall include retail/commercial space, permitted on the first floor of a residential multi-family apartment complex, or as a separate pad site. Residential multi-family apartments shall be age restricted.
- (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. In order to ensure the required retail/commercial uses are constructed in accordance with the residential component, the following schedule shall be met:
 - (i) No more than 50% of residential/noncommercial may be completed with 0 square feet of commercial certificate of occupancy.
 - (ii) One (1) commercial pad site shall be completed and have received a certificate of occupancy before the certificate of occupancy of 75% of residential/noncommercial is issued.
 - (iii) Two (2) commercial pad sites shall be completed and have received certificate of occupancy before the certificate of occupancy of 100 percent of residential/noncommercial is issued.
- (d) Unchanged.
- (e) Unchanged.
- (f) Unchanged.
- (g) Unchanged.
- (h) All mixed development shall conform to the following conditional bulk standards, which bulk standards shall supersede the schedule area, yard, and building requirements found in Section 55-62 for the C-N Commercial Neighborhood Zone:
 - [1] Unchanged.
 - [2] Minimum lot frontage of 1,200 feet on a County Road
 - [3] Unchanged.

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[4] Unchanged.

[5] Unchanged.

[6] Unchanged.

[7] Unchanged.

[8] Unchanged.

[9] Unchanged.

(8) Condominium development.

(a) Unchanged.

(b) Unchanged.

(c) Unchanged.

(d) Unchanged.

(e) Unchanged.

(f) Unchanged.

(g) Unchanged.

(h) Unchanged.

(i) Unchanged.

(9) Unchanged.

(10) Continuing Care Retirement Communities (CCRC), assisted living facilities, nursing and convalescent homes, congregate care facilities, 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) Unchanged.

(b) Unchanged.

(c) Minimum requirements shall be as follows:

[1] Minimum area, yard and building requirements.

[a] Lot requirements.

[i] Lot area: Unchanged.

[ii] Lot width: Unchanged.

[iii] Lot frontage: Unchanged.

[iv] Lot depth: Unchanged.

[b] Principal building requirements

[i] front yard setback: Unchanged.

[ii] rear yard setback: Unchanged.

[iii] side yard setback: Unchanged.

[c] Unchanged.

[d] Maximum building coverage:

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

[ii] 20% for stand-alone CCRC, assisted living facilities, nursing and convalescent homes, congregate care, and long-term care facilities.

[2] Maximum principal building height: Unchanged.

[3] Maximum accessory building height: Unchanged.

[4] Maximum residential density:

A maximum density of 20 units per acre each shall be permitted for independent living and assisted living facilities in accordance with the Pinelands Development Credit requirements in Subsection C(10)(c)[5] below. Only that portion of the tract devoted to the independent

living and 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] Pinelands Development credits shall be purchased and redeemed for all independent living and assisted living facilities as follows:

[i] Base density without use of Pinelands Development credits shall be eight units per acre per use;

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

[iii] Maximum bonus density: 20 units per acre, per use. Independent living and assisted living facilities 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 twelve-unit per acre bonus density with the use of Pinelands Development credits.

(d) Unchanged.

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

[1] Unchanged.

[2] Unchanged.

[3] Unchanged.

[4] Unchanged.

[5] Unchanged.

[6] Unchanged.

[7] Unchanged.

[8] Unchanged.

[9] Unchanged.

[10] Health/congregate care facilities and services, including but not limited to, short term rehabilitation, memory care, acute care, convalescent services, nursing beds, palliative care, hospice, security facilities, administrative offices, storage facilities, chapels, facilities for the temporary lodging of guests and limited service facilities.

[11] Unchanged.

[12] Unchanged.

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

[1] a. One space per two (2) state licensed assisted living dwelling units. Provided however, that the applicant shall be allowed to provide, as the time of initial construction, one 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.

b. One (1) space per every three (3) congregate care units.

[2] One space per day-shift employee.

[3] a. One (1) space per independent living unit for resident.

b. One (1) space per 10 independent living units for visitor parking.

[4] Unchanged.

(g) Unchanged.

(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] Independent living and assisted living housing apartments (Required total floor area includes bathroom, kitchenettes, closets, vestibules, etc.):

a. Unchanged.

b. Unchanged.

c. Unchanged.

[2] Unchanged.

(11) Unchanged.

D. Special Requirement for C-N Zones in the Pinelands Area. Unchanged.

SECTION 2. Chapter 55-305 of the Township Code entitled “Definitions and Word Usage” is hereby amended and supplemented to add the following definitions:

CONTINUING CARE RETIREMENT COMMUNITY (CCRC)

An age-restricted development regulated in accordance with the rules of the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:19-1.1 et seq. that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee in excess of one year of monthly fees and an entrance fee in excess of one year of monthly fees. This type of development is also referred to as a “life-care center”

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CONGREGATE CARE FACILITIES

A congregate care facility may include residential units and common dining facilities, recreational activities, and other accessory uses for the exclusive benefit of its residents, regulated by N.J.A.C. 8:33H AND 8:36-1 et seq.

SECTION 3. Chapter 55-210 of the Township Code entitled “Permit Requirements” is hereby amended and supplemented as follows:

§55-210. Permit Requirements.

- A. Unchanged.
- B. Unchanged.
- C. Unchanged.
- D. Engineering permits required for installation of certain improvements.
 - (1) None of the following categories of improvements shall be constructed or installed in the Township of Barnegat without first obtaining a permit from the Township Engineer:
 - (a) New single family dwelling
 - (b) New pools
 - (c) Commercial site maintenance improvements, in accordance with
 - (a) Chapter 46A Fire Lanes
 - (b) Chapter 55 Land Use
 - (c) Chapter 55-173 Minimum Parking Requirements
 - (d) Chapter 55-329 and Chapter 55-330 Stormwater Management
 - (2) The Township Engineer shall enforce the provisions of this chapter and all applicable reference chapters by issuing required permits and

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addressing those violations arising out of failure of any person or entity to apply for and obtain any required permits. He/she shall, from time to time, upon his/her own initiative or whenever directed by the Township, inspect the premises for which the permits have been granted to ensure compliance with the terms of the permit and of the chapter. He/she shall report all violations and take any action deemed necessary for proper enforcement.

(3) Application fees.

(a) All engineering permit applications shall be accompanied by a fee as indicated on the applicable application forms or as described in the applicable sections of the chapter. The fees will be utilized for plan review, inspection and any other activity necessary to process the application.

(b) If a permit is denied or withdrawn, no refund of fees will be permitted.

(4) Inspection fees. Inspection escrow accounts may be established to cover the costs of inspections for certain improvements as indicated on the application forms or as described in the applicable sections of the chapter. The Township Engineer shall determine the amount of the escrow fees based upon the scope of the work. The fee shall be accompanied with a W-9 form so as to be deposited into an Applicant Escrow Account.

(5) Performance guaranties. Performance guaranties may be required for certain improvements as indicated on the applicable application forms or as described in the applicable sections of the chapter. The Township Engineer shall make a determination as to when performance guaranties are required in light of the scope and nature of the work to be completed and to calculate the appropriate amount to cover damages to the Township.

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 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 **8th day of June, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **6th day of July , 2023, at 6:30 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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Donna M. Manno, RMC
Municipal Clerk