

ORDINANCE NO. 2024-6

**AN ORDINANCE OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF NEW
JERSEY AMENDING VARIOUS SECTIONS OF
CHAPTER 55-57 OF THE TOWNSHIP CODE
ENTITLED “C-N NEIGHBORHOOD COMMERCIAL
ZONE WEST OF PARKWAY”**

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Chapter 55-57 of the Township Code entitled “C-N Neighborhood Commercial Zone West of Parkway” is hereby amended and supplemented as follows:

SECTION 1.

§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:

- (a) Unchanged.
- (b) Unchanged.
- (c) Unchanged.
- (d) Unchanged.
- (e) The maximum density permitted for age-restricted multi-family residential mixed use development shall be 13 units per acre. Pinelands Development Credits shall be purchased and redeemed for twenty-five percent (25%) of all residential units within a mixed use development.
- (f) Unchanged.
- (g) Unchanged.
- (h) Unchanged.

[1] Unchanged.

[2] Unchanged.

[3] Unchanged.

[4] Unchanged.

[5] Unchanged.

[6] Unchanged.

[7] Unchanged.

[8] Unchanged.

[9] Unchanged.

(8) Unchanged.

(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] Unchanged.

[ii] Unchanged.

[2] Maximum principal building height: 40 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 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 four usable floors (stories) and 50 feet in height. For purposes of maximum building height for this section only, Garden State Parkway setbacks shall be considered side yard or rear yard setbacks for lots that front County Roadways.

[3] Maximum accessory building height: Unchanged.

[4] Maximum residential density:

A maximum density of 36 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] Unchanged.

[ii] Unchanged.

[iii] Unchanged.

(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] Unchanged.

[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] Unchanged.

[2] Unchanged.

[3] Unchanged.

[4] Unchanged.

(g) Unchanged.

(h) Unchanged.

[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.

(1) Unchanged.

(2) Unchanged.

(3) Unchanged.

(4) Unchanged.

(5) Unchanged.

(6) Unchanged.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. 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 4. 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 **5th day of March, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **2nd day of April, 2024, at 10:00 AM.** 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.

Donna M. Manno, RMC
Municipal Clerk