ORDINANCE NO. 2024-32

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" AND REPEALING ORDINANCE 2024-06

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Commercial Zone West of Parkway" is hereby amended and supplemented as set forth herein and Ordinance 2024-06 is repealed in its entirety.

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, without Continuing Care Retirement Communities (CCRC), assisted living facilities, nursing and convalescent homes, congregate care facilities, or long-term care facilities, shall be a conditional use that is permitted subject to the following conditions:

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(a) Unchanged.

(b) Unchanged.

(c) Unchanged.

(d) Unchanged.

(e) The maximum density permitted for age-restricted multi-family residential mixed use development shall be 11 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.

(8) Unchanged.

(9) Unchanged.

(10) Mixed Use Development, with Continuing Care Retirement Communities (CCRC), assisted living facilities, nursing and convalescent homes, congregate care facilities, or 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) The site shall be located in a Pinelands Regional Growth Area, and withing 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.

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[i] Lot area: 20 acres.

[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] 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 setback for lots that front County roadways.

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[3] Maximum accessory building height: Unchanged.

[4] Maximum residential density:

[I] A maximum residential density of 17 dwelling units per acre shall be permitted within a mixed use development under this subsection and shall consist of a combination of the following types of units:

[a] Multi-family residential units shall not to

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exceed 80% of the total residential units.

[b] Independent living units and assisted living units associated with CCRC not exceed 25% of the total residential units.

[c] Deleted.

[5] Pinelands Development Credits shall be purchased and redeemed for all multi-family residential units, independent living units and assisted living units as follows:

[I] Pinelands Development Credits shall be purchased and redeemed for twenty-five percent (25%) of all multi-family residential units;

[II] Pinelands Development Credits shall be purchased and redeemed for twenty percent (20%) of all independent living units associated with a CCRC and all assisted living units.

[6] Mixed Use Development shall also require meeting all conditions noted in 55-57C(7)(a-d) and (f-g) above.

(d) Unchanged.

(e) Unchanged.

(f) Unchanged.

(g) Unchanged.

(h) Unchanged.

(11) Unchanged.

D. Unchanged.

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

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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 **7th day of November, 2024**, and will be considered for second and final passage at a meeting of the Township Committee to be held on **the 3rd day of December, 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.

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Donna M. Manno, RMC
Municipal Clerk

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