

ORDINANCE 2023-05

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 215-9 OF THE BOROUGH ZONING CODE TO REVISE THE BUILDING SETBACK REQUIREMENTS FOR MULTIFAMILY DWELLINGS IN THE GENERAL BUSINESS & MARINE COMMERCIAL ZONES.

WHEREAS, the Barnegat Light Planning Board has undertaken a review of the Borough's zoning ordinances for consistency with the Borough's Master Plan, specifically with regard to multifamily dwelling zoning in the general business and marine commercial zones; and

WHEREAS, the Planning Board's professional planner prepared a report to the Board dated February 2023, a copy of which is on file with the Borough Clerk and is incorporated herein by reference, in which it was concluded that the existing zoning regulations applicable to multifamily development were not consistent with the goals of the Master Plan, which is "to limit multi-family housing units, when appropriate;" and

WHEREAS, the Planning Board determined the most effective setbacks to promote the intent and purpose of the Master Plan, as well as to encourage adequate light, air and space in future development in the commercial zones; and

WHEREAS, the Planning Board, in conjunction with its professional planner, has determined that the front setback for multifamily development should be revised from the existing 25ft to a more appropriate 35ft; and

WHEREAS, the Planning Board has concluded that this amended setback requirement will promote the following purposes of zoning, according to the Municipal Land use Law, NJSA 40:55D-2:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- c. To provide adequate light, air and open space;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site; and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to implement the zoning change recommended by the Planning Board as set forth herein.

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

SECTION I. Section 215-9 of the Borough Code of the Borough of Barnegat Light, entitled "General regulations," is hereby amended and supplemented to provide a revised paragraph G. to read as follows:

Chapter 215

ZONING

§ 215-9. G-B General Business Zone.

A. Uses and buildings permitted. The following uses and buildings shall be permitted in the G-B Zone:

....

(4) Hotels, motels and multifamily dwellings, provided that the following standards and conditions are complied with and a conditional use permit is obtained from the appropriate board:

(a) Area and yard requirements.

- [1] Maximum lot coverage: 33 1/3%.
- [2] Minimum front yard for hotels & motels: 25 feet.
- [3] Minimum front yard for multifamily dwellings: 35 feet.
- [4] Minimum side and rear yards: 20 feet.
- [5] Minimum lot size: 12,000 square feet.
- [6] Minimum lot frontage: 120 feet.

All other sections, subsections, paragraphs, subparagraphs and provisions of Section 215-9 shall remain in full force and effect.

SECTION 2. This zoning regulation amendment has been initiated by and approved by the Barnegat Light Planning Board at its meeting held on February 15, 2023, in accordance with its referral powers provided by N.J.S.A. 40:55D-26 & -64.

SECTION 3. This ordinance shall be filed in the office of the Ocean County Planning Board.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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 5. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

INTRODUCTION:

Passage on First Reading: Date: March 8, 2023

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark						
Wellington						
Alloway						
Reynolds						
Foley						
Mikuletzky						

Attest:

BRENDA L. KUHN, Municipal Clerk

ADOPTION:

Final Passage: Date:

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark						
Wellington						
Alloway						
Reynolds						
Foley						
Mikuletzky						

Attest:

BRENDA L. KUHN, Municipal Clerk

APPROVED:

KIRK O. LARSON, Mayor

Attest:

BRENDA L. KUHN, Municipal Clerk

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of Barnegat Light, in the County of Ocean, State of New Jersey, on the ___ day of _____, 2023 and will be considered for final passage at a regular meeting of said governing body to be held at the Municipal Building, 10 East 7th Street, Barnegat Light, New Jersey, on the ___ day of _____, 2023, at 5:00 p.m., at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

BRENDA L. KUHN, Municipal Clerk