

**55-141. APPLICATIONS REQUIRING SITE PLAN APPROVAL. [Amended 10-17-88 by Ord. No. 1988- 37; 6-7-93 by Ord. No. 1993-21; 3-20-95 by Ord. No. 1995-15 § 6; 8-5-96 by Ord. No. 1996-27 § 6; Ord. No. 1996-28 § 6]**

No building permit or zoning permit shall be issued for any new structure or for an addition or alteration to an existing structure, and no certificate of occupancy shall be issued for any change of use unless a final major site plan or minor site plan as enumerated in § 55-154 of this chapter, shall have first been approved by the Planning Board, or Board of Adjustment in conjunction with the processing of a use variance as set forth in § 55-243 of this chapter, in accordance with the terms of this chapter and the Municipal Land Use Law, except that:

- A. A construction permit for a single-family detached dwelling unit or a two (2) family dwelling unit and/or their accessory building(s) or uses on a lot shall not

require site plan approval; except that the use of any existing or proposed principal or accessory building for a home occupation or home professional office as defined and permitted by this ordinance shall require review and approval by the Site Plan Review Subcommittee prior to the issuance of a building permit or certificate of occupancy. The foregoing shall in no way affect the responsibility of an applicant to submit the necessary information and receive the necessary approvals as may be required pursuant to other ordinances, outside agencies and applicable State Statutes.

- B. The Site Plan Review Subcommittee may recommend to the full Planning Board, or Board of Adjustment if applicable, to take a vote to waive the requirement for site plan approval where there is a change in use or occupancy, and no extensive construction or improvement is sought. However, it may be granted only upon determination by the Site Plan Review Subcommittee that the use shall not affect existing drainage, circulation, relationship with buildings to each other, landscaping, buffering, lighting, and other considerations of site plan approval and that the existing facilities do not require upgraded or additional on-site improvements. The application for a waiver of site plan shall include information and documentation of the prior use of the site, the proposed use and its impact. Pursuant to N.J.S.A. 40:55D-46.1, an application for waiver of site plan may not require, in the discretion of the Board, a public hearing. Notwithstanding, public notice and publication shall be required as provided herein.
- C. The Site Plan Review Subcommittee may exempt any change of use from one permitted category of nonresidential use to another permitted category of nonresidential use from site plan approval requirements

if: 1) the Site Plan Review Subcommittee and the Zoning Officer ascertain that the existing site development meets the requirements of this Code for the new use; and, 2) the new use does not require an increase in the number of required parking spaces.

- D. The Site Plan Review Subcommittee, taking under advise the recommendations of the Chairperson of the Historic Preservation Commission, may waive or exempt the requirement for site plan review and approval in the case of a referral by the Administrative Officer of a minor application for the issuance of a permit pertaining to historic sites or property in the Barnegat Historic District pursuant to N.J.S.A. 40:55D-111. Minor applications include normal repairs and replacements which, in the discretion of the Subcommittee, do not seriously impair the historic value and character of the surrounding area, and are made in the spirit of the building's original architectural style.
- E. Fences not included as part of a site plan application shall not require site plan approval but shall require the issuance of a fence permit by the Zoning Officer.
- F. Signs not included as part of a site plan application shall not require site plan approval except that signs exceeding the maximum size permitted pursuant to § 55-182 shall require minor site plan review and approval.