

**ORDINANCE NO. 2019 - 9**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 55 OF THE TOWNSHIP CODE ENTITLED "LAND USE", SECTION 141 THEREOF ENTITLED "APPLICATIONS REQUIRING SITE PLAN APPROVAL", AND SPECIFICALLY SUBSECTION "A", "C" AND NEW SUBSECTION "G" THEREOF.**

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Chapter 55 of the Township Code entitled "Land Use" Section 141 thereof entitled "Applications Requiring Site Plan Approval" and specifically Subsection "A", "C" and new Subsection "G" thereof are hereby amended and supplemented to read as follows:

**SECTION 1.**

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. Any existing or proposed principal or accessory building for a home occupation or home professional office as defined and permitted by this ordinance shall be reviewed and approved by the Zoning Officer. The foregoing shall in no way effect 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. Unchanged

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- C. The Zoning Officer may approve 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 Zoning Officer ascertains 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. Unchanged
- E. Unchanged
- F. Unchanged
- G. Any change of use application that is made for a substantially similar use as determined by the Zoning Officer, no site plan approval and/or review by the Site Plan Review Subcommittee shall be required.

**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.

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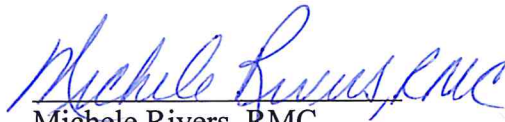
**NOTICE**

**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 2nd day of April, 2019, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 7<sup>th</sup> day of May, 2019, 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.

**MICHELE RIVERS, RMC  
Township of Barnegat**

**CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing Ordinance was introduced and passed at a meeting of the Township Committee on the 2<sup>nd</sup> day of April 2019, and finally adopted after Public Hearing at a meeting held on the 7<sup>th</sup> day of May, 2019 in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ

  
Michele Rivers, RMC  
Municipal Clerk



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