

CHANGE OF USE/EXEMPTION OF SITE PLAN APPLICATION INSTRUCTIONS

A Change of Use/Exemption of Site Plan application and appearance before the Site Plan Subcommittee of the Planning Board is required for:

- Home Occupations
- Change from one type of use to another; i.e., residential to office, office to retail etc.
- Exterior renovations in the Historic District

Please submit:

1. Change of Use form with original signatures of owner and applicant (if different)
2. 9 copies of survey/photos/narrative or any other supporting documents
3. \$200.00 application fee (cash or check payable to Barnegat Township)

THEN WHAT?

Your application will be issued a docket number and scheduled for the next available Site Plan Subcommittee meeting. The meetings begin at 6:30 p.m. on the fourth Tuesday of the month, prior to the regular Planning Board meeting.

WHAT HAPPENS THERE?

You will be asked to present an overview of your application, and the Board members will make comments or ask questions. When making your presentation on a change of use or home occupation, it is helpful to include information on proposed hours of operation, number of employees, traffic expected (delivery and/or customer) parking, etc.

DO I NEED ANYTHING ELSE?

The Board Administrator will generate a letter of approval or denial detailing reasons and/or conditions. All approvals are subject to compliance with zoning and BOCA regulations. If you require any zoning and/or building permits, you will need a copy of the Planning Board approval for the permit package.

TOWNSHIP OF BARNEGAT
900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
(609) 698-0080 EXT. 155

CHANGE OF USE APPLICATION

WAIVER OR EXEMPTION OF SITE PLAN

TO BE COMPLETED BY TOWNSHIP STAFF ONLY

Date Filed _____ Docket No. _____

Application Fees _____ Escrow Deposit _____

REQUEST FOR: WAIVER OF SITE PLAN _____ EXEMPTION OF SITE PLAN _____

TO BE COMPLETED BY APPLICANT

1. APPLICANT:

Name _____

Address _____

Telephone Number: Home: _____ Local: _____

Work: _____ Fax: _____

Applicant is a Corporation _____ Partnership _____ Individual _____

Other (Please Specify) _____

2. SUBJECT PROPERTY:

Location: _____

Tax Map: Block(s) _____ Lot (s) _____

Zoning District _____

3. OWNERSHIP:

If Owner(s) is other than the applicant, provide the following information on the Owner(s) **SEE ALSO ITEM #9:**

Owner's Name _____

Address _____

Telephone Number Home: _____ Work: _____ Local: _____

Relationship of the applicant to the property in question:

Owner: _____ Lessee _____ Purchaser Under Contract _____ Other _____

4. PURPOSE OF APPLICATION: _____

Present use of the premises: _____

ENCLOSURES: Plot Plan or Survey map of existing and proposed structures/use; parking spaces, ingress, egress, signs, additions, etc.

5. CERTIFICATION:

I certify that the foregoing statements and the materials submitted are true.

DATE

SIGNATURE OF APPLICANT

6. AUTHORIZATION BY OWNER: (If anyone other than above owner is making this application, the following authorization must be executed.)

To the approving Board or Subcommittee of the Township of Barnegat:

_____ is hereby
(name of designee)

authorized to make the within application.

DATE

SIGNATURE OF OWNER

GENERAL INFORMATION

The Site Plan Subcommittee was established in early 1995 by ordinances amending the Land Use Code of the Township of Barnegat (Chapters 55A & 55B, Sections 101 & 176) to facilitate the change of commercial use or occupancy where no extensive construction or improvements are proposed. It is made up of three members of the Planning Board appointed by the Board's Chair and, the Community Development Director as an "ad hoc" member. When reviewing applications in the Historic District, the Chair of the Historic Preservation Commission is also an "ad hoc" member of this body.

The review procedure is conducted in a casual meeting with the applicant. It is not a public hearing. The subcommittee makes the determination of what applications require site plan review and approval. However, it may recommend to the full board that they vote to **waive** the requirement for site plan. Under specific criteria listed in the ordinance, the subcommittee may **exempt** this requirement entirely.

SEE INSTRUCTIONS SPECIFIC TO SITE PLAN WAIVER ACTION BY PLANNING BOARD

§ 55-5. GENERAL PROVISIONS. [Amended 9-18-89 by Ord. No. 1989-29 ; 8-5-96 by Ord. No. 1996-28 § 1]

- A. No more than one (1) principal building used as a dwelling shall be permitted on one (1) lot, except that this provision shall not apply to senior citizen housing complexes, planned adult communities and multiple-family developments permitted under this chapter.
- B. Exception from Variance Requirement. In all zoning districts, it shall be unnecessary to apply for or obtain a variance for the alteration or enlargement of a structure, if all of the following conditions are present:
 - (1) The lot upon which the building is situated complies with the requirements of the applicable zoning ordinance at the time the existing structure was constructed; and
 - (2) The lot was made nonconforming solely by reason of the passage of a subsequent zoning ordinance which increased the required minimum frontage of lots in the zoning district in which the lot is located; and
 - (3) The proposed alteration or enlargement of the building will not extend into nor encroach upon or diminish the size of the required front, side and rear yard areas; and
 - (4) The proposed alteration or enlargement will not increase the height of the building beyond the limits of this chapter.
- C. Temporary On-Site Construction Trailers. Permits may be issued by the Zoning Official for up to one (1) year, subject to renewal, provided, however, that each trailer shall require a separate permit and only one (1) renewal may be issued by the Zoning Official. Applications for further renewal must be made to the Township Committee which may issue further renewals upon proof of good cause.
- D. East of Parkway. Home occupations and home professional offices are a permitted use in all zoning districts, subject to review and approval by the Site Plan Review Subcommittee, pursuant to § 55-141A. Only one (1) home occupation or home professional office shall be permitted on a single lot in any zoning district. (Also see (1) and (2) below.)
- E. Pinelands West of Parkway. Home occupations and home professional offices are a permitted use in all zoning districts with the exception of the PI Planned Industrial Zone, subject to review and approval by the Site Plan Review Subcommittee, pursuant to § 55-141A. Only one (1) home occupation or home professional office shall be permitted on a single lot in any zoning district. Applications for home occupation or home professional office are exempt from the requirements of notice and public hearing.
 - (1) Home occupation, as defined in this chapter, shall be reviewed for approval by the Site Plan Review Subcommittee, who shall apply the following criteria:
 - (a) The use shall be conducted for commercial gain incidental and subordinate to its use for residential purposes, and carried out within a principal dwelling or accessory building by members of the family residing therein.
 - (b) Only one (1) outside employee or assistant who is not a member of the household shall be engaged in the occupation.

- (c) No such use shall alter the residential character of the lot and building in which it is located; no occupational sounds shall be audible outside the building; and no equipment shall be used which will cause interference with radio or television reception in neighboring residences. No materials or products shall be stored outside the dwelling unit or accessory building.
 - (d) No more than forty percent (40%) of the total building area shall be used for a home occupation.
 - (e) The home occupation shall not reduce the parking or yard requirements of the dwelling. There may be parked on the premises not more than one (1) vehicle owned and operated in conjunction with the home occupation, provided that the vehicle must comply with all Township regulations regarding parking of commercial vehicles. No other vehicle(s) owned or operated in conjunction with the home occupation shall be parked overnight, stored or repaired, either on- or off-premises, within a residential zone, and no such vehicle(s) shall be parked overnight or stored on a street.
 - (f) Signs for a home occupation shall be permitted pursuant to the provisions of § 55-155 of this Code.
- (2) Home professional offices, in a dwelling for use by a member of a recognized profession as defined in this chapter, shall be considered a home occupation for the purpose of this chapter, and subject to the same review criteria and approval process listed in this chapter for a home occupation.
- F. **Marijuana, Cannabis and/or Paraphernalia. [Added 7-3-18 by Ord. No. 2018-23 ; amended 5-4-2021 by Ord. No. 2021-9]**
- (1) Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c. 16,¹ all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Barnegat, except for the delivery of cannabis items and related supplies by a delivery service.
 - (2) The following uses or activities are hereby prohibited anywhere within the Township of Barnegat:
 - (a) All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.

1. Editor's Note: See N.J.S.A. 24:6I-31 et seq.