

CHAPTER 21**RESIDENTIAL SITE IMPROVEMENT STANDARDS****Authority**

N.J.S.A. 40:55D-40.4.

Source and Effective Date

R.1997 d.5, effective January 6, 1997 (operative June 3, 1997).
See: 28 N.J.R. 2671(a), 28 N.J.R. 3491(a), 29 N.J.R. 159(a).

Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 21, Residential Site Improvement Standards, expires on July 5, 2002. See: 33 N.J.R. 3391(a).

Chapter Historical Note

Chapter 21, Uniform Standards Code for Mobile Homes, was adopted pursuant to authority of N.J.S.A. 52:2D-25.1 et seq. and was filed and became effective December 7, 1972, as R.1972 d.248. See: 4 N.J.R. 260(f), 5 N.J.R. 7(a). Chapter 21 was amended by R.1974 d.275, effective January 1, 1975. See: 6 N.J.R. 343(a), 6 N.J.R. 427(b); and R.1975 d.166, effective July 1, 1975. See: 7 N.J.R. 200(a), 7 N.J.R. 306(a). Chapter 21, Uniform Standards Code for Mobile Homes, was repealed by R.1982 d.7, effective February 1, 1982. See: 13 N.J.R. 717(a), 14 N.J.R. 142(a).

Chapter 21, Residential Site Improvement Standards, was adopted as R.1997 d.5, effective January 6, 1997 (operative June 3, 1997). See: Source and Effective Date.

Petition for Rulemaking. See: 32 N.J.R. 2621(b).

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SUBCHAPTER 1. GENERAL GUIDELINES**Subchapter Historical Note**

The name of Subchapter 1, General Provisions, was changed to General Guidelines by Administrative Correction. See: 29 N.J.R. 2816(a).

5:21-1.1 Title; division into subchapters

(a) These rules shall be known as the "New Jersey Residential Site Improvement Standards" and are referred to herein as "the rules."

(b) This chapter consists of the following subchapters:

1. "General Provisions," which may be cited throughout the rules as N.J.A.C. 5:21-1 and when referred to in subchapter 1 of this chapter, may be cited as "this subchapter."

2. "Application and Review Procedures," which may be cited throughout the rules as N.J.A.C. 5:21-2 and when referred to in subchapter 2 of this chapter, may be referred to as "this subchapter."

3. "Exceptions, Waivers, and Special Area Standards," which may be cited throughout these rules as N.J.A.C. 5:21-3 and when referred to in subchapter 3 of this chapter, may be referred to as "this subchapter."

4. "Streets and Parking," which may be cited throughout these rules as N.J.A.C. 5:21-4 and when referred to in subchapter 4 of this chapter, may be referred to as "this subchapter."

5. "Water Supply," which may be cited throughout these rules as N.J.A.C. 5:21-5 and when referred to in subchapter 5 of this chapter, may be referred to as "this subchapter."

6. "Sanitary Sewers," which may be cited throughout these rules as N.J.A.C. 5:21-6 and when referred to in subchapter 6 of this chapter, may be referred to as "this subchapter."

7. "Stormwater Management," which may be cited throughout these rules as N.J.A.C. 5:21-7 and when referred to in subchapter 7 of this chapter, may be referred to as "this subchapter."

8. "Referenced Standards," which may be cited throughout these rules as N.J.A.C. 5:21-8 and referred to in subchapter 8 of this chapter, may be referred to as "this subchapter."

5:21-1.2 Authority

These rules are promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority of P.L. 1993, c.32 (N.J.S.A. 40:55D-40.1 et seq.)

5:21-1.3 Intent and purpose

(a) It is the intent and purpose of these rules:

1. To reduce the multiplicity of standards for residential subdivisions and site improvements which currently exists in this State in order to eliminate unnecessary increases in the cost of housing where there are noncommensurate gains in the protection of public health and safety;

2. To avoid unnecessary cost in the construction process, and to provide site improvement standards that are both sound and cost effective;

3. To ensure predictability in the site improvement standards applicable to residential construction;

4. To provide for development reviews of residential projects that are based, to the greatest extent possible, upon sound objective site improvement standards rather than upon discretionary design standards;

5. To streamline the development approval process and improve the efficiency of the application process by providing a uniform set of technical site improvement standards for land development;

6. To provide the widest possible range of design freedom and promote diversity through performance-oriented site improvement standards; and

7. To separate the policy-making aspects of development review from the making of technical determinations.

5:21-1.4 Definitions and abbreviations

The following words, terms, and abbreviations, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Where a word or term is defined in this chapter and the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), then the definition of that word or term found in the Municipal Land Use Law shall govern. Words and terms found in the Municipal Land Use Law, and defined here for convenience, have been designated by the use of "(MLUL)" following their meaning.

"AASHTO" means American Association of State Highway and Transportation Officials.

"ABS" means acrylonitrile-butadiene-styrene.

"ACI" means American Concrete Institute.

"Administrative Officer" means the clerk of the municipality, unless a different municipal official or officials are designated by ordinance or statute. (MLUL).

"ADT" (see average daily traffic.)

"Aggressive Soils" means soils which may be corrosive to metallic pipe or tubing.

"Aisle" means the traveled way by which cars enter and depart parking spaces.

"Alley" means a service road that provides a secondary means of access to lots.

"ANSI" means American National Standards Institute.

"Applicant" means a developer submitting an application for development. (MLUL).

"Application For Development" means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to the Municipal Land Use Law. (MLUL).