

7:7E-4.4 (Reserved)

Repealed by R.1994 d.380, effective July 18, 1994 (operative July 19, 1994).
See: 26 N.J.R. 943(a), 26 N.J.R. 1561(a), 26 N.J.R. 2990(a).
Section was "Open bay".

7:7E-4.5 (Reserved)

Repealed by R.1994 d.380, effective July 18, 1994 (operative July 19, 1994).
See: 26 N.J.R. 943(a), 26 N.J.R. 1561(a), 26 N.J.R. 2990(a).
Section was "Semi-enclosed and back bay".

7:7E-4.6 (Reserved)

Repealed by R.1994 d.380, effective July 18, 1994 (operative July 19, 1994).
See: 26 N.J.R. 943(a), 26 N.J.R. 1561(a), 26 N.J.R. 2990(a).
Section was "Tidal guts".

7:7E-4.7 (Reserved)

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).
Added text in (a)3 "a point approximately . . . Landing Lane Bridge" and deleted "Interstate Route 287 Bridge".
Repealed by R.1994 d.380, effective July 18, 1994 (operative July 19, 1994).
See: 26 N.J.R. 943(a), 26 N.J.R. 1561(a), 26 N.J.R. 2990(a).
Section was "Large rivers".

7:7E-4.8 (Reserved)

Repealed by R.1994 d.380, effective July 18, 1994 (operative July 19, 1994).
See: 26 N.J.R. 943(a), 26 N.J.R. 1561(a), 26 N.J.R. 2990(a).
Section was "Medium rivers, streams and creeks".

7:7E-4.9 (Reserved)

Amended by R.1990 d.413, effective August 20, 1990.
See: 22 N.J.R. 1188(a), 22 N.J.R. 2542(b).
Reference to Freshwater Wetlands Protection Rules added at (b).
Repealed by R.1994 d.380, effective July 18, 1994 (operative July 19, 1994).
See: 26 N.J.R. 943(a), 26 N.J.R. 1561(a), 26 N.J.R. 2990(a).
Section was "Lakes, Ponds and Reservoirs".

7:7E-4.10 (Reserved)

Repealed by R.1994 d.380, effective July 18, 1994 (operative July 19, 1994).
See: 26 N.J.R. 943(a), 26 N.J.R. 1561(a), 26 N.J.R. 2990(a).
Section was "Man-made harbor".

SUBCHAPTER 5. GENERAL LAND AREAS

OFFICE OF ADMINISTRATIVE LAW NOTE: Rationale statements were filed as a part of these rules, but have not been reproduced in this subchapter. The rationale statements can be reviewed at the following office:

Rules and Publications
Office of Administrative Law
Quakerbridge Plaza
Bldg. No. 9

CN 301

Trenton, New Jersey 08625

7:7E-5.1 Definition

(a) General Land Areas include all mainland land features located upland of special water's edge areas. These Land Area rules apply in all General Land Areas, including those land areas that are also Special Areas, where both the General Land Area and Special Area rules must be complied with.

(b) The Department shall not apply the development intensity requirements of this subchapter to the construction of individual single family or duplex dwellings which are not part of a larger development. In addition, the requirements of this subchapter shall not apply to linear developments, as defined in N.J.A.C. 7:7E-6.1.

Amended by R.1985 d.715, effective February 3, 1986.
See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).
Added text in (a) "These land area . . . be complied with."
Amended by R.1994 d.380, effective July 18, 1994 (operative July 19, 1994).
See: 26 N.J.R. 943(a), 26 N.J.R. 1561(a), 26 N.J.R. 2990(a).

7:7E-5.2 Acceptability of development in General Land Areas

(a) The acceptability for development of Land Areas is defined in terms of three levels of acceptable development intensity. Three factors determine the acceptable development intensity for various locations in Land Areas. Assessment of these three factors indicates the appropriate pattern of development from a broad, regional perspective and provides a method for determining the acceptable intensity of development of specific sites, as well as entire regions:

1. Coastal Growth Rating;
2. Environmental Sensitivity; and
3. Development Potential.

(b) Determination of the specific rule for a Land Area site is a four step process:

1. The Coastal Growth Rating is determined.
2. The Environmental Sensitivity and Development Potential of the site are determined.
3. The Land Acceptability Table (N.J.A.C. 7:7E-5.7) for the appropriate region is consulted to determine the acceptable intensity of development of the site, given the three possible combinations of Development Potential and Environmental Sensitivity factors for the site or parts of the sites.
4. The proposed intensity of development of the site is compared with the acceptable intensity of development for the site.

(c) Coastal development which does not conform with the acceptable intensity of development of a site is discouraged.

Amended by R.1994 d.380, effective July 18, 1994 (operative July 19, 1994).
See: 26 N.J.R. 943(a), 26 N.J.R. 1561(a), 26 N.J.R. 2990(a).

Law Review and Journal Commentaries

Administrative Procedure—CAFRA—Environmental Protection.
P.R. Chenoweth, 134 N.J.L.J. No. 3, 64 (1993).

7:7E-5.3 Coastal Growth Rating

(a) The coastal zone is classified into 15 different regions on the basis of the varied pattern of existing coastal development and natural and cultural resources (see Appendix, Figure 14, incorporated herein by reference). For these regions, DEP uses three broad regional growth strategies:

1. The Development Region is already largely developed. From a coastwide perspective, development in this region would be infill development. In accordance with the coastal policy on concentration of development, development in this region is preferred over development in other regions, other factors being equal. Infill, extension and some scattered development is acceptable here. Development in these regions, however, must be consistent with Recreation and Public Access Policies.

2. The Extension Region is the region where development should be channeled after full development of the Development Region. Generally, infill and some extension of development is acceptable here.

3. The Limited Growth Region contains large environmentally sensitive areas. Generally, only infill development is acceptable here.

(b) The Barrier Island Region is composed of oceanfront islands and spits and is designated an Extension Region.

(c) The Bay Island Region is comprised of islands or filled areas situated between the uplands of the mainland and barrier islands, and is designated a Limited Growth Region.

(d) The Urban Area region consists of all Special Urban Areas. (See N.J.A.C. 7:7E-3.43) and Atlantic City. This region is a Development Region.

1. Atlantic: Pleasantville City.
2. Camden: Camden, Gloucester City, Gloucester Township and Pennsauken Township.
3. Cumberland: Bridgeton, Millville.
4. Essex: Belleville and Newark.
5. Hudson: Bayonne, Hoboken, Jersey City, Kearny, North Bergen, West New York and Weehawken.
6. Mercer: Trenton.

7. Monmouth: Asbury Park, Keansburg, Long Branch, Neptune Township.

8. Ocean: Lakewood.

9. Passaic: Passaic.

10. Salem: Penns Grove Borough and Salem.

11. Union: Elizabeth, Rahway.

12. Middlesex: New Brunswick, Perth Amboy.

(e) The North Shore Region includes those portions of Monmouth and Middlesex Counties that are within the coastal zone and is designated a Development Region.

(f) The Central Shore Region includes those portions of Ocean County within the coastal zone that are north of State Highway 37 and west of the Garden State Parkway, and those parts of the county north of Cedar Creek and east of the Parkway, and is designated a Development Region.

(g) The Western Ocean County Region includes those portions of Ocean County west of the Garden State Parkway and south of State Highway 37, and is designated an Extension Region.

(h) The Barnegat Corridor Region includes those portions of Ocean County south of Cedar Creek and north of Cedar Run Creek to the west of U.S. Highway 9 and north of State Highway 72 to the east of U.S. Highway 9, and is designated an Extension Region.

(i) The Mullica-Southern Ocean Region includes those portions of Ocean County south of State Highway 72 to the east of U.S. Highway 9 and south of Cedar Run Creek to the west of U.S. Highway 9 except for the Tuckerton Region, all of Bass River Township, Burlington County, and those portions of Atlantic County north of County Road 561 (Jimmy Leeds Road), located within the coastal zone, and is designated a Limited Growth Region.

(j) The Tuckerton Region is bounded on the west by the Burlington-Ocean County border, on the north by U.S. Highway 9, Otis Bog Road, Nugentown Road and the Tuckerton Borough Line, and on the south and east by Little Egg Harbor, Big Thorofare, Big Creek, Great Bay and the Mullica River. The Tuckerton Region is designated an Extension Region.

(k) The Absecon-Somers Point Region includes those mainland portions of Atlantic County south of County Road 561 (Jimmy Leeds Road), and east of Garden State Parkway, and is designated a Development Region.

(l) The Great Egg Harbor River Region includes those portions of Atlantic County southwest of County Road Alternate 559 and those portions of Cape May County east of State Highway 50, north of County Road 585, and west of U.S. Highway 9, and is designated a Limited Growth Region.