

5. Boundaries indicated as following shore or bank lines shall be construed to follow such shore or bank lines, and in the event of change in the shore or bank line shall be construed as moving with the actual line; boundaries indicated as approximately following the center lines of streams, rivers, creeks or other bodies of water shall be construed to follow such center lines.

6. Boundaries indicated as parallel to or extensions of features indicated on the zoning map shall be so construed.

7. Where the boundaries do not coincide with any of the features enumerated above, the boundaries shall be determined by the use of the scale shown on the zoning map or by such rules as the Development Board may from time to time adopt.

Historical Note

This section was originally cited as Article 5-104.

SUBCHAPTER 4. ZONE REGULATIONS

19:4-4.1 Permitted uses

No structure or addition thereto shall hereafter be built, moved, or remodeled, and no structure or land shall hereafter be used, occupied, reoccupied, designed, or improved for use or occupancy except for a use that is permitted within the zone in which the structure or land is located.

19:4-4.2 Special exceptions

No use of a structure or land that is designated as a special exception in any zone shall hereafter be established, and no existing special exception shall hereafter be changed to another special exception, in such zone unless a special use permit has been secured in accordance with the provisions of this subchapter.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.3 Lot size requirements

(a) No structure, or part thereof, shall hereafter be built, moved, or remodeled, and no structure or land shall hereafter be used, occupied, or arranged or designed for use or occupancy on a lot which is:

1. Smaller in area than the minimum lot area, or minimum lot area per dwelling unit, required in the zone in which the structure or land is located;
2. Narrower than the minimum lot width required in the zone in which the structure or land is located; or
3. Shallower than the minimum lot depth required in the zone in which the structure or land is located.

(b) No existing structure shall hereafter be remodeled so as to conflict, or further conflict, with the lot area per dwelling unit requirements for the zone in which the structure is located.

19:4-4.4 Bulk regulation

(a) In these regulations, bulk regulations are expressed in terms of maximum structure height, maximum lot coverage, maximum floor area ratio, minimum open space ratio, minimum final finished floor elevation and minimum front, side and rear yards.

(b) No structure, or part thereof, shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied or designed for use or occupancy:

1. So as to exceed the maximum lot coverage percentage, the maximum structure height, or the maximum floor area ratio specified for the zone in which the structure is located; or

2. So as to provide any setback or front, side, or rear yard or an amount of open space that is less than that specified for the zone in which such structure or use of land is located or maintained. Each side yard shall meet the minimum side yard requirements of the applicable zone. Minimum final finished floor elevations shall meet the requirements applicable in each zone.

Amended by R.1974 d.1, effective January 2, 1974.
See: 5 N.J.R. 394(b), 6 N.J.R. 87(b).

19:4-4.5 Use limitations

(a) No permitted use or special exception hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the use limitations for the zone in which such use is, or will be, located.

(b) No permitted use or special exception already established on the effective date of the regulations shall be altered, modified or enlarged so as to conflict with, or further conflict with, the use limitations for the zone in which such use is located.

19:4-4.6 Number of structures on a lot

(a) Not more than one single-family detached or two-family detached dwelling shall be located on a single lot. For all other uses permitted by these zoning regulations, more than one principal structure may be located on a single lot provided the lot has a minimum area of one acre. Total floor area ratio, building coverage and other regulations relating to intensity of use shall not be exceeded.

(b) Minimum distance between structures and the arrangement and location of structures, open space, landscaping, parking and circulation on a single lot shall be determined as part of site plan review and shall be consistent with good planning and engineering practice. Adequate

light and air, fire and other safety considerations, privacy, circulation and parking shall be provided.

Amended by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).
Deleted old text and substituted new.

19:4-4.7 Restrictions on allocation of required yards or open space

(a) No part of the lot area, or a yard, or other open space, or off-street parking or loading space provided in connection with any structure or use in order to comply with the provisions of these regulations shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area, or a yard, other open space, or off-street parking or loading space required for any other structure or use, except as specifically provided herein.

(b) All the lot area and all yards and other open spaces provided in connection with any structure or use in order to comply with the provisions of these regulations shall be located on the same lot as such structure or use.

(c) No part of the lot area or of a yard, other open space, or off-street parking or loading space provided in connection with any structure or use (including but not limited to, any structure or use existing on the effective date of these regulations or of any amendment thereof) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements or these regulations for equivalent new construction.

19:4-4.8 Obstructions in yards

(a) The following shall not be considered to be obstructions and shall be permitted when located in a required yard:

1. In all yards: Open terraces not over four feet above the average level of the adjoining ground, terraces, porches or weather protection enclosures projecting six feet or less into the required yard and totalling less than 60 square feet in floor area; awnings or canopies; steps four feet or less above grade which are necessary for access to a permanent structure or for access to a lot from a street; one-story bay windows and overhanging eaves and gutters, and fireplaces projecting 30 inches or less into the required yard; arbors; flag poles; signs, when permitted by N.J.A.C. 19:4-6.18; fences when permitted by N.J.A.C. 19:4-6.18; and transformers.

2. In any yard except a required front yard: Accessory uses permitted by N.J.A.C. 19:4-4.145 and meeting the applicable side yard requirements: recreational equipment; parking facilities, provided that a minimum distance of six feet of landscaping is maintained between parking facilities and buildings.

(b) Private roads serving uses on other lots shall only be permitted in side or rear yards and may only traverse the front yard perpendicular to the front property line. All required setbacks shall be measured from the private road. Private roads within low density residential zones must comply with N.J.A.C. 19:4-4.31.

(c) Outdoor seating areas may be located in a required yard, provided they meet a minimum front yard setback of 35 feet and minimum side and rear yard setbacks of 10 feet.

Amended by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Substantially amended.

Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Requirement limiting obstructions within setbacks now permits certain terraces, porches or weather protection material.

Administrative Correction to (a)2: 19:4-5.145 changed to 19:4-4.145.
See: 22 N.J.R. 2184(a).

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.9 Zoning lot of record

(a) A zoning lot of record may be established in order to utilize two or more lots as a united parcel. Zoning lots of record shall meet the following requirements:

1. The zoning lot of record shall be designed, developed, built and used as a single unit. Usage of open space, parking and other site related amenities are to be shared by the site users.

2. The individual lots within a zoning lot of record shall be under some form of single ownership at the time of development. This form of ownership shall be approved by the Office of the Chief Engineer, and shall be recorded in the county registrar's office. All future owners or mortgage holders shall be bound by the recorded form of single ownership. Any nonconformities resulting from the elimination of the zoning lot of record shall be classified as existing legal nonconformities, and shall be bound by the restrictions of N.J.A.C. 19:4-6.23.

3. The zoning lot of record shall be comprised of lots which are contiguous and within the same zone. Whether or not lots or portions of lots which are separated by a manmade or natural barrier, such as a waterway or right-of-way, will be considered to be contiguous will be determined by the Office of the Chief Engineer based upon the nature and extent of such barrier and the nature and extent of the area in which such barrier is located.

4. Zoning lots of record shall be designed and utilized as a unit.

Repealed by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Section was "open space".

New Rule, R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).