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 420-1896

11. Mercer County:

476-1980  
 476-1986  
 483-1980  
 483-1986  
 483-1992  
 490-1974  
 490-1980  
 490-1986

Amended by R.1986 d.262, effective July 7, 1986.  
 See: 17 N.J.R. 1710(a), 18 N.J.R. 1374(a).  
 Added maps and amended maps in (c)3 Ocean County.  
 Amended by R.1986 d.349, effective August 18, 1986.  
 See: 18 N.J.R. 1026(a), 18 N.J.R. 1700(a).  
 Amended maps in (c)5.  
 Amended by R.1987 d.217, effective May 17, 1987.  
 See: 18 N.J.R. 2056(a), 19 N.J.R. 861(b).  
 Amended maps in (c)5 and (c)7.  
 Amended by R.1988 d.570, effective December 19, 1988.  
 See: 19 N.J.R. 2090(b), 20 N.J.R. 3135(b).  
 (c)9 Gloucester County had maps altered and added new maps.  
 Amended by R.1989 d.137 effective March 20, 1989.  
 See: 20 N.J.R. 349(b), 21 N.J.R. 750(b).  
 (c)8 Salem County maps altered: 266-1770, 266-1776, 273-1764, 273-1776, 294-1746, 294-1764, 315-1764, 329-1770, 329-1788.  
 Amended by R.1994 d.378, effective July 18, 1994.  
 See: 26 N.J.R. 918(a), 26 N.J.R. 1561(a), 26 N.J.R. 2934(a).  
 Amended by R.1995 d.550, effective October 16, 1995.  
 See: 27 N.J.R. 1005(a), 27 N.J.R. 3976(a).  
 Petition for Rulemaking.  
 See: 46 N.J.R. 712(b), 46 N.J.R. 1480(b).

7:7-2.3 Waterfront development

(a) The waterfront area regulated under this subchapter is divided into three sections, and will vary in width in accordance with the following rules:

1. Within any part of the Hackensack Meadowland Development District delineated at N.J.S.A. 13:17-4.1, the area regulated by this section shall include any tidal waterway of this State and all lands lying thereunder, up to and including the mean high water line.
2. Within the "coastal area" defined by section 4 of CAFRA (N.J.S.A. 13:9-4), the regulated waterfront area shall include any tidal waterway of this State and all lands lying thereunder, up to and including the mean high water line.
3. In those areas of the State outside both the "coastal area" defined by CAFRA and outside of the New Jersey Meadowlands District, the regulated waterfront area shall include:
  - i. All tidal waterways and lands lying thereunder, up to and including the mean high water line; and
  - ii. Adjacent upland areas within 100 feet of the mean high water line. For properties within 100 feet of the mean high water line that extend beyond 100 feet

10. Camden County:

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 371-1872  
 371-1878  
 378-1866

from the mean high water line, the regulated waterfront area shall extend inland to the lesser of the following distances:

- (1) 500 feet from the mean high water line; or
- (2) To the first paved public road, railroad, or surveyable property line that:
  - (A) Existed on September 26, 1980; and
  - (B) Generally parallels the waterway.

(b) This subchapter shall apply to all man-made waterways and lagoons subject to tidal influence.

(c) The following development activities will require a permit in that portion of the waterfront area at or below (outshore of) the mean high water line:

1. The removal or deposition of sub-aqueous materials (for example, excavation, dredging or filling).

2. The construction or alteration of a dock (fixed or floating), wharf, pier (including covered or enclosed structures such as gazebos or sheds located on or above the decking of the dock, wharf or pier), bulkhead, breakwater, groin, jetty, seawall, bridge, piling, boat lift, mooring dolphin, pipeline, cable, or other similar structure.

3. The mooring of a floating home for more than 10 consecutive days. Floating homes in use within the waters of this state prior to June 1, 1984 shall not require a permit. (See N.J.A.C. 7:7-2.1(b) for definition of floating home.)

4. The installation of temporary aids to navigation by any person, if they remain in place for more than 10 consecutive days.

(d) A permit shall be required for the construction, reconstruction, alteration, expansion, or enlargement of any structure, or for the excavation or filling of any area, any portion of which is in the waterfront area as defined in (a) above, with the exceptions listed below:

1. In the waterfront area defined in (a)3 above, the construction, alteration, expansion or reconstruction of an individual single family dwelling unit or addition to such unit, if constructed more than 100 feet landward of the mean high water line;

2. In the waterfront area defined in (a)3 above, the reconstruction, conversion, alteration or enlargement of any existing structure located more than 100 feet landward of the mean high water line, provided that no change in land use results, and that enlargements do not exceed 5,000 square feet;

3. In the waterfront area defined in (a)3 above, minor additions to or changes in existing structures or manufacturing operations that do not result in adverse environmental impacts to Special Areas defined at N.J.A.C. 7:7E-3, provided the additions is located in an existing cleared area of the site, and is set back a minimum of 15

feet landward of the mean high water line, where such changes or additions do not result in a change in the present land use of the site;

4. In the waterfront area defined in (a)3 above, the installation of a wind turbine(s) provided the wind turbine(s) is:

i. On or structurally attached to a legally existing building;

ii. Less than 200 feet in height, measured from the ground surface to the tip of the blade at its highest position;

iii. No greater than 2,000 square feet in cumulative rotor swept area; and

iv. Any portion of the tower of the wind turbine more than 100 feet above the ground surface is a free-standing monopole;

5. In the waterfront area defined in (a)3 above, the installation of solar panels provided the solar panels are:

i. On or structurally attached to a legally existing building;

ii. On or structurally attached to a utility pole (electric, telephone, cable and lighting) within a maintained utility right-of-way or on or structurally attached to a parking lot light pole;

iii. On legally existing impervious cover provided the solar panels are not located within a floodway; or

iv. On a sanitary landfill provided the solar panel is included in the Closure and Post-Closure Care Plan or modified plan as approved by the Department in accordance with N.J.A.C. 7:26;

6. The repair, replacement, renovation, or reconstruction, in the same location and size, as determined in accordance with (d)6i and ii below of the preexisting structure, of any dock, wharf, pier, bulkhead, or building, legally existing prior to January 1, 1981, that appears on the applicable Tidelands Map adopted by the Tidelands Resource Council (base map photography dated 1977/1978) or that appears on the applicable New Jersey Coastal Wetlands maps promulgated by the Department pursuant to the Wetlands Act of 1970 (base map photography dated 1971, 1972) or that received a Waterfront Development permit subsequent to the date of the photograph provided that the repair, replacement, renovation, or reconstruction, is in the same location as the preexisting structure, and does not increase the size of the structure and the structure is used solely for residential purposes or for the docking of or servicing of pleasure vessels.

i. The size of a dock or pier over wetlands, a low-profile bulkhead where the top of the bulkhead is constructed at an elevation below the spring high water line, or a building over wetlands or water shall be