

19:4-4.132 Public utilities zone; design of structures and other improvements

The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-6.18.

Historical Note

Sections 121 through 132 of this Subchapter were originally cited as Article 6-114.

19:4-4.133 Zoning certificates

(a) Unless a zoning certificate issued under these regulations shall first have been obtained from the Office of the Chief Engineer:

1. The construction, moving, remodeling or reconstruction of any structure or addition thereto shall not be commenced.
2. The improvement of land, the placement of fill, or storage thereof, shall not be commenced, except that this section shall not apply to a permitted sanitary landfill site operating pursuant to the HMDC sanitary landfill regulations.

(b) Any zoning certificate issued in conflict with the provisions of this resolution shall be null and void.

As amended, R.1974 d.1, effective January 2, 1974.
See: 5 N.J.R. 394(b), 6 N.J.R. 87(b).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Historical Note

This Section was originally cited as Article 6-201.

Cross References

Heavy industrial zone, type of development, see N.J.A.C. 19:4-4.103.
Light industrial and distribution zone A, type of development, see N.J.A.C. 19:4-4.83.
Light industrial and distribution zone B, type of development, see N.J.A.C. 19:4-4.93.
Research distribution park zone, development of land, see N.J.A.C. 19:4-4.73.

19:4-4.134 Application for zoning certificate

(a) All applications for zoning certificates shall be filed with the Office of the Chief Engineer. If the Office of the Chief Engineer determines that architectural review is necessary under the standards set forth in N.J.A.C. 19:4-6.19, he shall require that two copies of the application shall be filed and shall forward one copy to the Environmental Design Committee; otherwise, only one copy need be filed. All applications for zoning certificates shall be signed by the property owner.

(b) Every application for a zoning certificate shall include:

1. A plat, in triplicate, of the lot, drawn to scale and showing the actual dimensions of the lot;
2. Sufficient information to determine that there will be compliance at all times with all of the applicable environmental performance standards, including but not limited to:
 - i. A description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions, or external effects which are regulated by the applicable zone regulations;
 - ii. A description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the standards set forth in the applicable zone regulations;
 - iii. Such other data and certification as may reasonably be required by the Office of the Chief Engineer to reach a determination with respect to whether the proposed use or structure will comply with the requirements of the applicable zone regulations.
 - iv. All information and evidence submitted in an application for a zoning certificate to indicate conformity with the environmental performance standards set forth in the applicable zone regulations shall constitute a certification and an agreement on the part of the applicant that the proposed structure or use can and will conform to such standards at all times.
3. If the zoning lot is subject to the State's riparian interest as shown on maps issued by the Natural Resource Council, Department of Environmental Protection (formerly Resource Development Council, Department of Conservation and Economic Development) pursuant to law, a copy of one of the following; unless as otherwise provided by rule of the Commission:
 - i. A duly executed riparian instrument releasing the State's interest.
 - ii. A permit or other authorization duly executed by the Natural Resource Council authorizing the applicant to proceed with the placement of certain improvements;
 - iii. A final judgment rendered by a court of competent jurisdiction declaring that the State has no interest in the subject property.
4. Architectural renderings of all structures, where required by the Office of the Chief Engineer;
5. For the construction or moving of any structure or addition thereto, a site plan, as follows:
 - i. A survey of the tract that is to be developed showing existing features of the property, including building setback lines, land uses, public right-of-ways, easements, utility lines, general topography and drainage, watercourse locations, and all natural features including plant material over four inch caliper;

ii. A plan showing the location, ground area, height, bulk, and proposed use of all existing and proposed structures, the proposed traffic circulation pattern within the development; the areas to be developed for parking and loading facilities, the points of ingress and egress, including access streets where required; the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and the proposed plan of drainage, including roof drainage;

iii. A statement or notation giving the proposed total gross floor area of all buildings, the percentage of the development which is to be occupied by structures and such other information as is necessary to show compliance with the applicable lot size requirements and bulk regulations.

6. For the remodeling or reconstruction of any structure, a statement describing the nature and extent of the remodeling or reconstruction;

7. For any sign, a description of the sign;

8. Landscape plans and plant schedules showing the existing and proposed landscaping of the site and all areas to be devoted to open space.

9. A total architectural lighting plan including lighting at all entranceways, exits, pedestrian and parking areas;

10. If the land covered by the site plan is not to be subdivided, information sufficient to show that the requirements of N.J.A.C. 19:5-5 and 6 have been complied with;

11. All site plans, surveys, and landscape plans shall be signed and sealed by a licensed professional as required by law;

12. Other such information as may be reasonably required.

Amended by R.1988 d.281, effective June 20, 1988.

See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Deleted (a)8; added new (a)8-9, renumbered (a)9-10 as 10-11.

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Historical Note

This Section was originally cited as Article 6-202.

19:4-4.135 Review and approval of application for a zoning certificate

(a) Within two weeks after the receipt of the complete application, the Office of the Chief Engineer shall approve the application by letter to the applicant and to the municipality in which the development is located which shall serve as a zoning certificate, if the application complies with the following standards:

1. The application and the development proposed therein complies with the applicable requirements of these regulations.

2. The application and the development proposed therein complies with the applicable requirements of Sub-chapters 5 and 6 of this Chapter.

3. The traffic circulation system both on site and off site, and off-street parking and loading facilities are adequate for the proposed use, are designed to promote maximum safety, to provide ready and efficient access for emergency equipment such as fire and police vehicles, and to provide access to existing streets, roads and highways.

4. The development in accordance with the plan will not adversely affect any adjacent or adjoining existing or potential development.

5. The proposed drainage system will be adequate for the proposed use and structures, will not adversely affect any adjacent or adjoining lands and will be completely enclosed. Minimum final finished floor elevations for structures within designated 100 year flood zones shall be established one foot above the applicable 100 year base elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

(b) The zoning certificate so issued shall be deemed to incorporate the approved application, and any violation or departure from the approved application during construction of the facilities and structures therein shown shall be deemed a violation of these regulations as provided in N.J.A.C. 19:4-6.24. A substantial departure from the approved application as depicted on as-built plans shall also be deemed a violation of these regulations as provided in N.J.A.C. 19:4-6.24.

(c) As a condition precedent to the granting of approval of the application for a zoning certificate, an escrow deposit may be required and such deposit may be used in accordance with N.J.A.C. 19:4-6.17.

Amended by R.1988 d.281, effective June 20, 1988.

See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Deleted text in (a)5 and substituted new.

Amended by R.1990 d.186, effective April 2, 1990.

See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Violation provisions added at (b).

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Historical Note

This Section was originally cited as Article 6-203.

19:4-4.136 Period of validity

A zoning certificate shall become null and void one year after the date on which it is issued, unless within such one year period, construction, moving, remodeling or reconstruction of a structure, or addition thereto, is commenced, or a legal use is commenced. Additional extensions not exceeding one year each, may be granted by the Office of the Chief Engineer upon written application.