

**Provisions for Waivers and other Relief included within  
N.J.A.C. 19:4 District Zoning Regulations and  
N.J.A.C. 19:5 Subdivision Regulations**

<b>District Zoning Regulations</b>	
<b>N.J.A.C. 19:4-3.14(c)</b>	<p><b>Temporary uses and structures</b></p> <p>2. Temporary uses and structures shall comply with all applicable zoning regulations, unless otherwise permitted by the Chief Engineer.</p>
<b>N.J.A.C. 19:4-3.19(e)</b>	<p><b>Yard designation</b></p> <p>In the case where a lot line abuts a right-of-way, where the improved edge of the right-of-way is grade separated from a front lot line or front yard, and from which there can be no reasonable access from the right-of-way due to such grade separation, the Chief Engineer may determine that such lot line or yard shall not be considered a front lot line or front yard.</p>
<b>N.J.A.C. 19:4-3.14(c)</b>	<p><b>Temporary uses and structures</b></p> <p>2. Temporary uses and structures shall comply with all applicable zoning regulations, unless otherwise permitted by the Chief Engineer.</p>
<b>N.J.A.C. 19:4-3.18(c)</b>	<p><b>Yards</b></p> <p>14. Guard booths with a floor area of up to 100 square feet and barrier gate arms located at an appropriate setback to provide sufficient queuing area for vehicles, as determined by the Chief Engineer, but in no case less than 15 feet from all property lines.</p>
<b>N.J.A.C. 19:4-3.19(e)</b>	<p><b>Yard designation</b></p> <p>In the case where a lot line abuts a right-of-way, where the improved edge of the right-of-way is grade separated from a front lot line or front yard, and from which there can be no reasonable access from the right-of-way due to such grade separation, the Chief Engineer may determine that such lot line or yard shall not be considered a front lot line or front yard.</p>

<p><b>N.J.A.C. 19:4-3.22(a)</b></p>	<p><b>Zoning lot of record</b>  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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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 and the zoning lot of record agreement shall be approved by the Chief Engineer. A zoning lot of record agreement 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 and the zoning lot of record agreement. No zoning lot of record shall be dissolved without the approval of the Chief Engineer, who may reject such dissolution based on any resulting nonconformity. Any nonconformity resulting from an approved dissolution of the zoning lot of record shall be classified as an existing legal nonconformity.</li> <li>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 that are separated by a manmade or natural barrier, such as a waterway or ROW, will be considered to be contiguous shall be determined by the NJMC, based upon the nature and extent of such barrier and the area in which such barrier is located.</li> <li>4. A zoning lot of record shall be considered a lot for the purposes of these regulations.</li> </ol>
<p><b>N.J.A.C. 19:4-4.5(f)</b></p>	<p><b>Application for zoning certificate; technical requirements</b>  The technical requirements of (a) through (e) above may be waived by the Chief Engineer upon written request in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. A request for a waiver shall specify the provision in (a) above from which the waiver is requested and the reason(s) for the request.</li> <li>2. The Chief Engineer may grant waivers from the submittal requirements, in writing, upon finding that conformance with NJMC rules may be determined without the specific submittal.</li> <li>3. The Chief Engineer shall have 10 business days to render a decision on the waiver request.</li> <li>4. Upon a substantive change of an application or unforeseen circumstance, the NJMC reserves the right to require the submittal of a waived requirement when deemed necessary by the Chief Engineer to determine conformance with NJMC rules.</li> </ol>

N.J.A.C. 19:4-8.7(a)	<p><b>Buffers</b></p> <p>2. At man-made watercourses, the location and measured dimension of the buffer shall be determined by the NJMC.</p>
N.J.A.C. 19:4-4.10(b)	<p><b>Application for occupancy certification; technical completeness</b></p> <p>The submittal requirements of (a) above may be waived by the Chief Engineer upon written request in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. A request for a waiver shall specify the provision in (a) above from which the waiver is requested and the reason(s) for the request.</li> <li>2. The Chief Engineer may grant waivers from the submittal requirements, in writing, upon finding that conformance with NJMC rules may be determined without the specific submittal.</li> <li>3. The Chief Engineer shall have 10 business days to render a decision on the waiver request.</li> <li>4. Upon a substantive change of an application or unforeseen circumstance, the NJMC reserves the right to require the submittal of a waived requirement when deemed necessary by the Chief Engineer to determine conformance with NJMC rules.</li> </ol>
N.J.A.C. 19:4-4.13(a)	<p><b>Special exception uses</b></p> <p>A special exception use may be permitted in a particular zone in accordance with these regulations.</p>
N.J.A.C. 19:4-4.14(a)	<p><b>Variances</b></p> <p>A variance from a particular regulation may be granted in accordance with these regulations.</p>
N.J.A.C. 19:4-4.17(j)	<p><b>Public hearings</b></p> <p>Notwithstanding the provisions of this section, in case of a request for a variance from a bulk regulation in this chapter, the Chief Engineer may waive a public hearing, but may not waive notification requirements, provided, however, that the applicant submit written comments relative to the application to the NJMC prior to such public notification. Public comment will be accepted within 10 days of the date of publication. If there is sufficient public interest in the application during the comment period, as determined by the Chief Engineer, the NJMC reserves the right to require a public hearing.</p>

<p><b>N.J.A.C. 19:4-6.6(a)</b></p>	<p><b>Green buildings</b></p> <p>7. In cases where an application cannot comply with the design requirements in N.J.A.C. 19:4-8 due solely to the ability to install a LEED-recognized green building component, the NJMC may consider a LEED waiver from such requirements pursuant to the following process:</p> <ul style="list-style-type: none"> <li>i. A request for a LEED waiver shall be made in writing to the Chief Engineer.</li> <li>ii. A request for a LEED waiver shall specify the regulation from which the waiver is requested and a detailed reason(s) for the request.</li> <li>iii. The Chief Engineer may grant LEED waivers in writing, and impose conditions upon such waivers, upon finding that the LEED waiver is necessary to install the green building component and that such waiver shall not result in a threat to public health, safety, and/or order and will not result in a detriment to the intent of the regulation. The Chief Engineer shall have the authority to decide that a variance procedure would be a more appropriate method in which to consider the proposed deviation from the regulations.</li> <li>iv. The Chief Engineer shall have 10 business days to render a decision on the waiver request.</li> <li>v. Upon a substantive change of an application or unforeseen circumstance, the NJMC reserves the right to require a waived requirement when deemed necessary by the Chief Engineer.</li> </ul>
<p><b>N.J.A.C. 19:4-8.1(d)</b></p>	<p><b>General provisions</b></p> <p>Permitted uses in the Environmental Conservation zone and public parks in all zones are exempt from the design standards of this subchapter but shall be designed in consultation with the NJMC staff.</p>
<p><b>N.J.A.C. 19:4-8.2(c)</b></p>	<p><b>Parking</b></p> <p>5. All vehicular use areas, except those in the Environmental Conservation zone and single-family and two-family detached residences, shall be curbed with full depth concrete or granite block and paved or otherwise improved with an all-weather dustless material. Use of pavement materials other than asphalt and concrete shall be subject to approval by the Chief Engineer.</p>

<p><b>N.J.A.C. 19:4-8.2(e)</b></p>	<p><b>Parking</b>  In conjunction with an application for new development, land-banking of required parking may be considered by the NJMC in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. The applicant shall satisfactorily demonstrate that the full amount of required parking will not be needed to support a specific tenant or use, or until a later phase of development or construction.</li> <li>2. The land-banked parking area shall comply with all applicable regulations.</li> <li>3. All land-banked parking areas shall be deed restricted.</li> </ol>
<p><b>N.J.A.C. 19:4-8.2(f)</b></p>	<p><b>Parking</b>  Shared parking requirements are as follows:</p> <ol style="list-style-type: none"> <li>1. Parking areas may be shared by more than one use if a shared parking plan prepared in accordance with these regulations is approved by the NJMC...</li> </ol>
<p><b>N.J.A.C. 19:4-8.2(g)</b></p>	<p><b>Parking</b>  Captive parking will be considered and or allowed by the NJMC based upon the submission of evidence by the applicant to support a reduction in the total number of parking spaces due to an overlap of separate uses on the same site. Evidence may include studies of similar uses and traffic engineering studies.</p>
<p><b>N.J.A.C. 19:4-8.16(d)</b></p>	<p><b>Fill, excavation, regrading and surcharge standards</b>  Fill which does not conform with the NJDEP Solid Waste Management definition of "clean fill," per N.J.A.C. 7:26-1.4, shall not be used unless the NJMC grants a waiver from this requirement. The applicant shall show just cause for a waiver of this requirement based on engineering constraints. This waiver shall not relieve the applicant from obtaining all other federal, state, or local permits which may be required to utilize such fill material.</p>

<p><b>N.J.A.C. 19:4-9.14(a)</b></p>	<p><b>Variances from floodplain management regulations</b>  In cases in which there is exceptional hardship in carrying out the literal provision of this chapter, whether because of conflicting requirements or otherwise, the Commission may authorize a variance from such provision. In passing upon requests for variances, the Commission shall consider all technical evaluations; all relevant factors and standards specified in other sections of this chapter; and the following...</p>
<p><b>N.J.A.C. 19:4-10.3(d)</b></p>	<p><b>Form of project impact assessment (PIA)</b>  If the applicant believes that specific elements of the PIA are not applicable to the proposed development, the applicant shall indicate "not applicable" under the appropriate heading and explain the reason why the information is not applicable. It is suggested that the applicant discuss the PIA requirements with the NJMC staff prior to its submission.</p>
<p><b>N.J.A.C. 19:4-11.1(a)</b></p>	<p><b>Fee Schedule - General provisions</b>  This fee schedule shall not be applicable to county or municipal government. Any application fee, or portion thereof, provided for herein, may be waived by the Executive Director upon recommendation of the Chief Engineer upon good cause shown, including financial hardship, size and scope of the application and/or business entity, and general economic conditions in the regions. The NJMC shall automatically waive the required fee for zoning certificate and minor subdivision applications for residential development, or the residential portion of a mixed-use development, in which 100 percent of all housing units proposed in the application would be reserved as affordable units.</p>
<p><b>N.J.A.C. 19:4-11.2(a)</b></p>	<p><b>Fee Schedule - Zoning</b>  7. A fee of \$750.00 is charged for the review of site improvements. The NJMC shall automatically waive the fee for site improvements associated with barrier free accessibility upgrades or repairs as defined in the New Jersey Uniform Construction Code (NJ UCC).</p>

N.J.A.C. 19:4-11.3(e)	<p><b>Subdivision</b>  A fee of \$ 1,500 is charged for each specific waiver request.</p>
<b>Subdivision Regulations</b>	
N.J.A.C. 19:5-9.1	<p><b>Waiver procedure</b></p> <p>(a) In cases where there is unnecessary hardship in carrying out the literal provisions of this chapter, or where the literal enforcement of one or more of the regulations is impractical, whether because of a conflicting municipal requirement or otherwise, the Chief Engineer may grant waivers from such provisions.</p> <p>(b) An application for a waiver shall be submitted in writing to the Chief Engineer. The Chief Engineer shall respond in writing within 15 days of receipt of the waiver request.</p> <p>(c) The Chief Engineer may grant such waivers as will not be contrary to the interest of the public health, safety and welfare or the purposes of the NJMC Master Plan or redevelopment plan, upon a demonstration by the applicant that the literal enforcement of one or more of these regulations is impractical or will result in unnecessary hardship.</p> <p>(d) When used in this subchapter, the term "unnecessary hardship" shall not mean a mere inconvenience.</p> <p>(e) No municipal approval authority shall refuse to approve a subdivision application for which a waiver has been granted by the NJMC on the basis that such waiver is incompatible with the subdivision ordinance administered by the municipal approval authority.</p> <p>(f) In granting waivers, the Chief Engineer may impose such conditions, safeguards and restrictions as, in his or her judgment will be necessary to carry out the purposes, intent, and objectives of the provisions of this chapter.</p> <p>(g) A copy of any waiver granted by the Chief Engineer shall be sent to the Commission and to the municipalities involved for their information.</p>