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OTHER AGENCIES

FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY

Authority Assistance Programs

Land Use

Proposed Amendments: N.J.A.C. 19:31C-3.1 through 3.8

Authorized By: Fort Monmouth Economic Revitalization Authority, Kara Kopach, Executive Director.

Authority: P.L. 2010, c. 51.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 31C. FORT MONMOUTH ECONOMIC REVITALIZATION AUTHORITY

19:31C-3.1 Applicability and scope

(a) The Fort Monmouth Economic Revitalization Authority is promulgating these rules, pursuant to authorization under the Fort Monmouth Economic Revitalization Authority Act, P.L. 2010, c. 51 et seq. (N.J.S.A. 52:27I-18 et seq.). The rules, comprising the land use regulations and development and design guidelines, shall govern all future development and redevelopment within the Fort Monmouth Project Area, that is, the area encompassed by the metes and bounds of Fort Monmouth (see Figure 1, Aerial Photograph of Fort Monmouth, below), and shall apply to the construction and uses of all buildings and structures and to the uses of land therein (see Figures 2a and 2b, Existing Fort Buildings and Streets, below).

1. N.J.A.C. 19:31C-3.3 through 3.13 include both traditional zoning standards (for example, use, bulk, density, floor area ratio, height, setbacks, lot coverage, signage and related requirements), as well as site plan and subdivision standards (for example, design of streets, sidewalks and parking areas, walls and fences, utilities, lighting, etc.). Due to their historic significance, certain existing Fort Monmouth buildings are required to be preserved through adaptive reuse, with varying degrees of flexibility as to how each building may be reused.

2. N.J.A.C. 19:31C-3.14 through 3.18 include a series of development and design guidelines encompassing circulation, parking design, open space and landscaping, building placement, building design and sustainability. Such guidelines are intended to foster development that is consistent with the overall vision spelled out in the Fort Monmouth

Reuse and Redevelopment Plan (Reuse Plan), and also blend with the fabric of the host municipalities while also respecting existing neighborhood character. In order to promote flexibility, the guidelines contained herein are not deemed mandatory, but rather are intended to reflect the preferred form of development and design.

(b) The Reuse Plan and this subchapter supersede the master plans, the zoning and land use ordinances and regulations, and the zoning maps of the host municipalities adopted pursuant to the Municipal Land Use Law and county development regulations, except as to procedures for site plan and subdivision approval. Unless otherwise stated to the contrary or required by the context thereof, no word used in these rules shall be presumed to have the meaning set forth in the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-1 et seq., and no process, procedure, decision, or other action required or occurring pursuant to these rules shall necessarily be interpreted to operate in the same manner set forth in the MLUL. Where such applications are required pursuant to this subchapter, applications for site plan or subdivision approval within the Fort Monmouth Project Area shall be submitted to the planning boards of the host municipalities, subject to the Authority's mandatory conceptual review and jurisdiction with respect to use-type variances as set forth in this subchapter. Except as augmented or otherwise required by the provisions of this subchapter pertaining to the Authority's mandatory conceptual review and jurisdiction with respect to use-type variances, the procedural requirements of the host municipalities' land use and zoning ordinances adopted pursuant to the MLUL shall apply to all applications for site plan and subdivision approval. Except as otherwise provided, the provisions of the land use and zoning ordinances of the host municipalities pertaining to filing procedures, subdivision and site plan application checklist requirements, application fees and escrow deposits, completeness review, time limitations, notice and publication requirements, hearing procedures, development fees, and performance guaranties of a host municipality shall apply to all applications for site plan or subdivision approval submitted to the host municipality's planning board.

(c) The rules are designed to serve the following purposes:

1. To provide for the orderly and comprehensive development of the Fort Monmouth Project Area, consistent with the planning objectives of the Fort Monmouth Economic Revitalization Authority Act and of the Reuse Plan;
2. To provide, promote and encourage flexibility in implementation of the Reuse Plan and development within the Fort Monmouth Project Area;
3. To promote and encourage compatibility of development within the Fort Monmouth Project Area with the character of the host municipality within which the development is taking place;
4. To promote and encourage the creation of employment and other business opportunities within and around the Fort Monmouth Project Area;

5. To address regional affordable housing needs in accordance with the provisions of the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and in collaboration with the host municipalities;
6. To provide housing for the homeless as and to the extent required pursuant to applicable Federal law;
7. To provide for the preservation of historic properties and structures within the Fort Monmouth Project Area required to be preserved under the Reuse Plan;
8. To preserve certain open spaces within the Fort Monmouth Project Area as and to the extent required by the Reuse Plan. These open spaces shall include active, passive or ecological areas;
9. To promote the establishment of appropriate population densities and concentrations in suitable locations that will contribute to the well-being of persons, neighborhoods and communities;
10. To provide for uses that are suitably sited and placed in order to secure safety from fire, flood and other natural and man-made disasters, provide adequate light and air, prevent the overcrowding of land and undue concentration of population, prevent traffic congestion, and, in general, relate buildings and uses to each other and to the environment so that aesthetic and use values are maximized;
11. To encourage development in accordance with sound planning principles that relates the type, design and layout of such development to the site and Fort Monmouth Project Area;
12. To promote a desirable visual environment through building design and location;
13. To provide for infrastructure and utility improvements of the land adequate to serve the uses to be developed on that land and the redevelopment of the Fort Monmouth Project Area;
14. To encourage the location and design of transportation routes that will promote the adequate flow of traffic and minimize congestion;
15. To protect the Fort Monmouth Project Area from air, water, noise and other types of pollution;

16. To control surface water runoff and prevent flooding and other damage to land and to encourage the control of soil erosion and sedimentation;
17. To encourage coordination of various public and private activities shaping land development with a view toward lessening the cost of such development and promoting the more efficient use of land; and
18. To promote sustainable green building practices in accordance with building guidelines such as the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) guidelines, The National Association of Home Builders (NAHB) NAHB National Green Building Program, or similar green building practices guidelines.

19. To promote utilization of renewable energy resources.

- (d) Notwithstanding the provisions of this subchapter, development within the Fort Monmouth Project Area shall be subject to all other applicable laws and regulations of the State of New Jersey.

Adopted by R.2013 d.096, effective July 15, 2013. Adopted by 52 N.J.R. 1274(c) R.2020 d.065, effective June 15, 2020. Current through amendments included in the New Jersey Register, Volume 56, Issue 11, dated June 3, 2024.

19:31C-3.2 Definitions

- (a) In the construction of these rules, the following shall apply, except where the context clearly requires otherwise:
 1. Words used in the present tense shall include the future, and words and terms, when used in the future tense shall include the present;
 2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number;
 3. The phrase “used for” shall include the phrases “employed for,” “utilized for,” “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for”;
 4. The word “shall” is mandatory;
 5. The words “may” or “should” are permissive;

6. The word “person” includes individuals, firms, corporations, associations, trusts, governmental bodies and agencies and all other legal entities;
7. The masculine gender shall include the feminine and neuter;
8. Any word or phrase that is not defined in this section, or elsewhere in this subchapter, shall have the meaning as defined in the most recent edition of Merriam-Webster's Collegiate Dictionary;
9. In their interpretation and application, the provisions of this subchapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare; and
10. Where the conditions or requirements imposed by any provisions of this subchapter upon the use of land or structures are either more restrictive or less restrictive than comparable conditions or regulations imposed by any other provisions of this subchapter, the conditions or requirements which are more restrictive shall govern.

(b) The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

“Access” means a physical entrance to property.

“Accessory building or structure” means a building or structure, the use of which is customarily incidental and subordinate to that of the principal building located on the same lot. When an accessory building is attached in a substantial manner by a wall or roof to a principal building or structure, it shall be considered a part thereof.

“Accessory use” means as use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

“Active recreation” means ball fields, hard surface courts, tracks, golf courses, swimming pools and other intensive recreational use.

“Adaptive reuse” means the development of a new use for an older building or for a building originally designed for a special or specific purpose.

“Addition” means a structure added to the original structure at some time after the completion of the original structure.

“Aisle” means the traveled way by which cars enter and depart parking spaces.

“Alley” means a service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

“Alteration” means any change or rearrangement in the supporting members of an existing building such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement or diminution of a building or structure. “Alteration” shall also mean and include any conversion of a building or a part thereof from one use to another or the moving of a building or structure from one location to another. “Alteration” shall not be construed to mean any necessary repairs and renovation of an existing structure solely for the purpose of maintenance and/or improvements of the appearance.

“Applicant” means a person submitting an application for development.

“Application for development” means the application form and all accompanying documents required for approval of a subdivision plat, site plan, variance or direction of the issuance of a permit.

“Authority” means the Fort Monmouth Economic Revitalization Authority established pursuant to N.J.S.A. 52:27I-18 et seq.

“Balcony” means a platform projecting from the wall of a building, supported by columns or console brackets, and enclosed with a balustrade.

“Basement” means a floor partially below grade level having one-half or more of its floor-to-ceiling height above grade and with a floor-to-ceiling height of not less than 6 ½ feet.

“Building” means a combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

“Building height” means the vertical distance as measured from the mean or average finished grade of the building to the highest point of the roof of the building but not including rooftop appurtenances. If the mean or average finished grade is three feet or more above existing grade then the measurement shall be taken from the existing grade.

“Build-to line” means the line at which construction of a building façade is to occur on a lot. A build-to line runs parallel to, and is measured from, the front property line and is established to create an even (or more or less even) building façade line on a street.

“Bulk and area-type variance” means variances other than use-type variances, described in N.J.S.A. 52:27I-34.d, to the extent permitted to be granted by planning boards pursuant to N.J.S.A. 40:55D-70.c.

“CAFRA” means the Coastal Area Facility Review Act, established pursuant to N.J.S.A. 13:19-1 et seq.

“Canopy” means a self-supporting roof-like shelter or marquee without sides, permanently affixed to the wall of a building and providing overhead protection from the weather at an entrance to a building, which shall be construed to be a part of the building to which it is affixed.

“Cartway” means the hard or paved area of a street between the curbs, including travel lanes and parking areas, but not including curbs, sidewalks or swales. Where there are no curbs, the cartway is that portion between the edges of the paved width.

“Cellar” means a space with less than one-half of its floor-to-ceiling height above grade or with a floor-to-ceiling height of less than 6 1/2 feet.

“Child care center” means an establishment providing for the care, supervision and protection of children that is licensed by the State of New Jersey pursuant to N.J.S.A. 30:5B-1 et seq.

“COAH” means the Council on Affordable Housing, established pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., or such future entity that assumes the legal responsibilities of implementing the Fair Housing Act.

“Conference center” means facilities for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health centers, and retail stores and services primarily for conference center guests.

“Construction official” means a host municipality official who is charged with administering the Uniform Construction Code.

“County” means Monmouth County.

“Cul-de-sac” means the turnaround at the end of a dead-end street.

“Day care center, family” means a private residence in which child care services are provided for a fee to not less than three and no more than five children at any one time for no less than 15 hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child care services: the child being cared for is legally related to the provider; or the child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents where no payment for the care is being provided.

“Dead-end street” means a street or portion of a street, which is accessible by a single means of ingress or egress.

“Density” means the permitted number of dwelling units per gross area of land to be developed.

“Design exception” means permission to depart from the requirements of the design standards set forth in N.J.A.C. 19:31C-3.10 through 3.12.

“Designated redevelopment agreement” means the redevelopment agreement to be entered into by and between the Authority and the EDA as provided in the Fort Monmouth Economic Revitalization Authority Act for properties within the Fort Monmouth Project Area acquired by the Authority.

“Developer” or “redeveloper” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” or “redevelopment” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to this subchapter.

“Development and design guidelines” means the development and design guidelines, as set forth in this subchapter as N.J.A.C. 19:31C-3.14 through 3.18, which shall apply to all applications for subdivision or site plan approval within the Fort Monmouth Project Area.

“Driveway” means a paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a lot, building or other structure or facility.

“Easement” means a grant of one or more property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

“Ecological area” means a natural resource essential to the continued well-being of resident native wildlife such as wetlands and associated buffer areas, floodplains, vegetated riparian corridors and forested areas.

“EDA” means the New Jersey Economic Development Authority, established pursuant to Section 4 of P.L.1974, c.80 (N.J.S.A. 34:1B-1 et seq.).

“Elevation” means a vertical distance above or below a fixed reference level; or a fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

“Enlargement” means an increase in the size of an existing structure or use including, physical size of the property, building, parking and other improvements.

“Existing grade” means the vertical location of the ground surface prior to excavating or filling.

“Family day care home” means any private residence approved by the Division of Child Protection and Permanency or an organization with which the Division contracts for family day care in which child care services are regularly provided to no fewer than three and no more than five children for no fewer than 15 hours per week. A child being cared for under the

following circumstances is not included in the total number of children receiving child-care services: the child being cared for is legally related to the provider; or the child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents, where no payment for the care is being provided.

“Fence” means a structure made of posts or stakes, joined together by boards, wire or rails, serving as an enclosure, a barrier or as a boundary.

“Final approval” means the official action of the planning board taken on a preliminarily approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

“Floor area, gross” means the sum of the gross horizontal areas of all floors of all enclosed floors of a building or structures, including cellars, basements, mezzanines, penthouses, corridors, lobbies, structured parking and garages, measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings, but excluding any space with a floor-to-ceiling height of less than six feet six inches.

“Floor area ratio” or “FAR” means the sum of the gross floor area of all floors of buildings or structures on a lot divided by the total area of the site.

“FMERA” means the Fort Monmouth Economic Revitalization Authority established pursuant to N.J.S.A. 52:27I-18 et seq.

“Fort Monmouth” means the Federally owned or operated military installation located in the municipalities of Eatontown, Oceanport, and Tinton Falls in the County that on May 13, 2005, was scheduled for closure by recommendation of the Federal Base Realignment and Closure Commission including any facilities, real property and improvements, infrastructure and appurtenances and personal property. Fort Monmouth closed on September 15, 2011.

“Fort Monmouth Project Area” means the area encompassed by the metes and bounds of Fort Monmouth.

“Frontage” means that side of a lot abutting on a street; the front lot line.

“Garage” means a building or part thereof used as accessory to the main building, which provides for the storage of automobiles and in which no residential occupation, business or service is carried on. A detached garage shall be defined as an accessory structure. An attached garage shall be part of the principal structure.

“Governing body” means the chief legislative body of a host municipality.

“Government agency” means any department, commission, independent agency or instrumentality of the United States and of the State of New Jersey, including but not limited to FMERA and EDA, the County and any Authority, district or other governmental unit.

“Ground cover” means grasses or other plants and landscaping grown or placed to keep soil from being blown or washed away.

“Ground floor” means the first floor of a building other than a cellar or basement.

[“Ground mounted solar array” means a solar energy system, as defined herein that is mounted on armatures anchored to the ground with ground cover beneath.]

“Health club” means establishments that provide facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms and lockers.

“Historic structure” or “historic resource” means properties within the Fort Monmouth Project Area identified in the Programmatic Agreement between U.S. Army and NJSHPO as “Buildings Required for Preservation” or “Select Historic Properties.”

“Home occupation” means any activity carried out for gain by a resident and conducted in the resident’s dwelling unit.

“Hospital” means any building containing beds for four or more patients and used for the diagnosis, treatment, or other care of human ailments.

“Host municipality” means the following boroughs in Monmouth County, New Jersey: the Borough of Eatontown, the Borough of Oceanport and the Borough of Tinton Falls.

“Hotel” means a building providing temporary lodging to the general public, and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment facilities, personal services, health clubs, spas and retail stores and services.

“Land” means ground, soil or earth, including improvements and fixtures on, above or below the surface thereof.

“Landscape” or “landscaping” means lawns, trees, plants, grass and other natural materials such as rocks and woodchips, and decorative features, including sculpture, patterned walks, fountains and pools.

“Loading space” means an off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

“Lot” means a designated parcel, tract, or area of land established by plat, or otherwise as permitted by law, and to be used, developed or built upon as a unit.

“Lot area” means the total area within the lot lines of a lot not including any street rights-of-way.

“Lot, corner” means a parcel of land, either at the junction of and abutting on two or more intersecting streets, or abutting a single street at the point where the road tangents deflect by more than 45 degrees.

“Lot coverage” means the amount of land that is covered by buildings and other structures, parking areas, driveways, sidewalks, paving, patios and other impervious surfaces.

“Lot line” means a line of record bounding a lot that divides one lot from another lot or from a public or private street right-of-way or any other public space.

“Lot line, front” means the lot line separating a lot from a street right-of-way.

“Lot line, rear” means the lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line of 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

“Lot line, side” means any lot line other than a front or rear lot line.

“LRHL” means the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

“Major site plan” means any site plan that is not exempt from the requirement for site plan review and that is not classified as a minor site plan pursuant to this subchapter.

“Major subdivision” means all subdivisions that are not exempt from the requirement for subdivision approval and are not classified as minor subdivisions pursuant to this subchapter.

“Minor site plan” means a development plan for which site plan approval is required that is not exempt from the requirement for site plan approval pursuant to this subchapter, and that meets all of the following conditions: the development does not involve any new street or road, or any off-tract improvements; the development does not require the construction of drainage facilities; only exterior facade alterations to an existing building are proposed; less than 1,000 square feet of additional floor area is proposed in connection with an existing building; and fewer than 10 parking spaces is proposed.

“Minor subdivision” means all subdivisions that are not exempt from the requirement for subdivision approval pursuant to these rules, and which meet all of the following conditions: the subdivision will not create more than three lots, all of which front on an existing improved street and are adequately drained; and the subdivision does not involve any new street or road, or any off-tract improvements.

“MLUL” means the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., as amended.

“Natural resources inventory” or “NRI” means FMERA’s list of open spaces and other environmental features to be protected or preserved within the Fort Monmouth Project Area pursuant to the Reuse Plan, as such list may be modified or amended, pursuant to N.J.A.C. 19:31C-3.20(e).

“New street” means the construction of new street pavement and accompanying drainage facilities in locations where improved street(s) did not exist, including extended portion(s) of existing street(s). A “new street” does not include an existing street being widened, repaved or undergoing other improvements or upgrading.

“NJDEP” means the New Jersey Department of Environmental Protection or its successor agency.

“NJSHPO” means the New Jersey State Historic Preservation Office within the State of New Jersey Department of Environmental Protection.

“Nonconforming structure/building” means a structure/building, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this subchapter, but fails to conform to the requirements of the development district in which it is located by reason of such adoption, revision or amendment.

“Nonconforming use” means a use or activity which was lawful prior to the adoption, revision or amendment of this subchapter, but fails to conform to the requirements of the development district in which it is located by reasons of such adoption, revision or amendment.

“Office” means a room, group of rooms or building used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, and communication equipment and where no manufacturing, assembling or fabricating takes place.

“Office, medical” means offices including but not limited to medical, dental and veterinary offices and clinics.

“Office, research and development” means an establishment engaged in industrial or scientific research and product design that primarily involves the use of computers and other related office equipment in an office setting. The facility may also include administrative services related to product design or sales. Such facilities may include “wet” labs or places with running water, gases, special ventilation devices, chemicals, special heating and electrical or electronic equipment, or use of animals or human subjects under controlled conditions.

“Official zoning map” means the map or maps shown in Figures 3a and 3b in N.J.A.C. 19:31C-3.3 that delineate the boundaries of development districts and areas subject to a redevelopment plan duly adopted by a host municipality pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. with the Authority’s consent.

“On-site” means located on the lot in question and excluding any abutting street or right-of-way.

“Open space” means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

“Outdoor dining” means any part of a food establishment located outdoors, not used for any other purposes, and open to the sky, with the exception that it may have a retractable awning or umbrellas, and may contain furniture, including tables, chairs, railings, and planters that are readily movable.

“Outdoor storage” means the keeping in an unenclosed area of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

“Parcel” means a piece or area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries.

“Park, formal” means landscaped open spaces such as greens, squares, linear parks.

“Parking area” or surface parking” means any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of streets.

“Parking, private” means a parking lot or structured parking that may be open to the general public or restricted to certain users, that either charges a parking fee or is free of charge, and is accessory to a principal use or structure.

“Parking, public” means a parking lot or structured parking on a tract of land that is open to the general public free of charge.

“Parking, shared” means joint utilization of a parking area for more than one use **that may be located on adjacent lots.**

“Parking space” means a space for the off-street parking of one operable, licensed motor vehicle within a public or private parking area.

“Parking, structured” means a building or structure which may be located above or below ground, with stalls accessed via interior aisles, and used for temporary storage of motor vehicles. Structured parking can be a stand-alone use or a part of a building containing other uses.

“Passive open space” means open space areas consisting primarily of lawns, meadows and other unstructured open space and parade grounds.

“Patio” or “terrace” means a surface structure affixed to the ground throughout its area (such as poured concrete, brick, or flagstone) and having no portion supported by piers, columns, or posts and having no portion used for a parking space. A structure that is supported by piers, columns, or posts in any manner shall be considered a deck. Patios may abut a building or may be located separate from a building.

“Permit” means a building permit or other permit or certificate issued to perform work pursuant to approvals obtained pursuant to this subchapter.

“Permitted use” means any use which shall be allowed, subject to the provisions of this subchapter.

“Places of religious worship” means a building or structure, or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.

“Planning board” means the planning board of a host municipality.

“Porch” means a roofed open area which may be screened, attached to, or part of a building with direct access to or from it. A porch shall not be considered open if enclosed by either a permanent or detachable glass sash.

“Principal building” means a building in which is conducted the main use of the lot.

“Principal use” means the main purpose for which any lot, structure and/or building is used.

“Programmatic Agreement” means the “Programmatic Agreement among the United States Army and the New Jersey State Historic Preservation Officer for the Closure and Disposal of Fort Monmouth, New Jersey” dated as of October 2009, as the same may be modified or amended.

“Prohibited use” means a use which is not permitted in these rules.

“Property” means a lot, parcel, or tract of land together with the building and structures located thereon.

“Recreation facility” means a place designed and equipped for the conduct of sports and leisure-time activities.

“Redevelopment” means the clearance, re-planning, development and redevelopment; the conservation and rehabilitation of any structure or improvement; the construction and provision for construction of residential, commercial, industrial, public or other structures or infrastructure; and the grant or dedication of spaces as may be appropriate or necessary in the

interest of the general welfare for streets, utilities, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with the approved Fort Monmouth Reuse and Redevelopment Plan submitted to the Federal government, with the intent of supporting the economic revitalization of the region.

“Redevelopment agreement” means agreement regarding redevelopment within the Fort Monmouth Project Area between the Authority and the redeveloper or between the EDA as designated redeveloper and the redeveloper. The redevelopment agreement between the host municipality and the redeveloper pursuant to the LRHL may also be the Redevelopment Agreement provided that the Authority or the EDA as designated redeveloper has entered into it. Unless otherwise stated in this subchapter, the term Redevelopment Agreement shall not include the designated redevelopment agreement between the EDA as designated redeveloper and the Authority.

“Residential, low density” means single-family detached, duplex (stacked vertically or side by side, in a detached structure), and townhouses (only one unit vertically, in attached structures providing up to eight units per structure).

“Residential, medium density” means stacked flats (two to three units stacked vertically, in attached structures providing up to eight horizontal stacks per structure, total of 16 to 24 units per structure). Apartment buildings with four or more units/building and with at least four units sharing each ground-level entrance.

“Residential, mixed-use” means dwelling units located in multi-story buildings, but only above the ground floor office or commercial uses.

“Residential Site Improvement Standards” or “RSIS” means the statewide requirements for improvements made in connection with residential development, including streets and parking, water supply, sanitary sewers and stormwater management, set forth at N.J.A.C. 5:21.

“Restaurant, drive-thru” means any restaurant designed to permit or facilitate the serving of food or beverages directly to, or permitted to be consumed by, patrons in or on motor vehicles parking or stopped on the premises.

“Restaurant, fast food” means an establishment in which food is pre-prepared and sold over a counter in disposable containers or wrappers selected from a limited menu for consumption on or off the premises.

“Restaurant, full service” means an establishment in which the principal use is the service of preparing food and/or beverages for consumption on the premises. All service of prepared food and/or beverages for consumption shall require customers to order at a table, booth, or dining counter with service by the waiter or waitress at said table, booth or dining counter. Restaurants may have a combination of seating options, including indoor, outdoor, both indoor/outdoor, or no seating. The establishment may have a separate area, or lounge, where alcoholic beverages are served without full food service, provided the area is accessory to the primary use in square feet or sales.

“Retail, convenience” means smaller-scale businesses selling primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption.

“Retail, entertainment” means uses including bowling alleys, cinemas, and live performance theaters.

“Retail, lifestyle” means an unenclosed retail center featuring national specialty stores and restaurants (not drive-thru), with convenient and easily accessible parking and a pedestrian-friendly ambiance.

“Retail, specialty” means businesses selling a single category of merchandise or a number of closely related categories.

“Reuse plan” means the Fort Monmouth Reuse and Redevelopment Plan, a comprehensive conversion and revitalization plan and the homeless assistance submission prepared and adopted by the Fort Monmouth Economic Revitalization Planning Authority and submitted to the United States Department of Defense and the United States Department of Housing and Urban Development on September 4, 2008 pursuant to section 14 of P.L.2006, c. 16 (N.J.S.A. 52:27I-14), as accepted by the Federal government, and as may be amended, revised, or modified pursuant to the Fort Monmouth Economic Revitalization Authority Act, N.J.S.A. 52:27I-18 et seq.

“Right-of-way” means a strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

“Rooftop appurtenances” means the visible, functional, or ornamental objects accessory to and part of building’s rooftop including, but not limited to, chimneys; parapets or other ornamental features; and elevator equipment and mechanical utility equipment, and any associated screening or enclosures.

[“Rooftop solar array” means a solar energy system, as defined herein that is mounted to roof of a building or structure.]

“School” means any building or part thereof which is designed, constructed or used for education of students up to and through the secondary level and licensed by the State of New Jersey.

“Screening” means a method of visually shielding or buffering one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

“Setback” means the required yard or distance between buildings and any lot line.

“Sidewalk” means a way for carrying pedestrian traffic located within the right-of-way provided for a street, or may be located along a primary entry drive.

“Sight triangle” means a triangular shaped portion of land established at intersections in accordance with the requirements of this subchapter in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct sight distance of motorists entering or leaving the intersection.

“Sign” means any device, fixture, placard or structure that uses color, form, picture, display, graphic, illumination, symbol or writing to advertise, attract attention to, announce the purpose of, or identify a person, entity or thing, or to communicate any information to the public.

“Sign, awning” means a sign that is mounted, painted, or attached to an awning or other window or door canopy.

“Sign, billboard” means a commercial sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

“Sign, directional” means signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance” and “exit.”

“Sign, directory” means a sign listing the tenants or occupants of a building or group of buildings and that may also indicate their respective professions or business activities.

“Sign, freestanding” means any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

“Sign, ground-mounted” means any sign in which the entire bottom is in contact with the ground.

“Sign, identification” means a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

“Sign, nameplate” means a sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.

“Sign, permanent” means any sign that is painted directly on the window glass with permanent paint or that is mounted by bolts or screw, or otherwise in a permanent fashion, on a permanent structure.

“Sign, political” means a temporary sign announcing or supporting political candidates or issues in connection with any national, State or local election.

“Sign, real estate” means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

“Sign, roof” means a sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

“Sign, temporary” means any sign designed or intended to be displayed for a short period of time.

“Sign, wall” means any sign attached parallel to, but within 15 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building.

“Sign, window” means any sign that is placed within 24 inches of a window or upon the window panes or glass and is visible from the exterior of the window.

“Site” means any lot or parcel of land or combination of contiguous lots or parcels of land.

“Site plan” means a development plan of one or more lots on which is shown: the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices; and any other information that may be reasonably required in order to make an informed determination pursuant to these rules or an ordinance requiring review and approval of site plans by a host municipality’s planning board.

“Slope” means deviation of a surface from the horizontal, usually expressed in percent or degree.

[“Small solar energy system” means a solar energy system, as defined in this section that is used to generate electricity, and has a nameplate capacity of 100 kilowatts or less.]

“Small wind energy system” means a wind energy system, as defined in this section that is used to generate electricity; and has a nameplate capacity of 100 kilowatts or less.

“Solar energy system” means **one or more solar collection devices such as solar panels, solar energy related equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy** [a solar energy system and all associated equipment which converts solar energy into a usable electrical energy, heats water, or produces hot air or other similar function through the use of solar panels].

“Solar energy system, accessory use” means a solar energy system, either free-standing ground mounted, as a parking lot canopy, building integrated or roof mounted, with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy for primarily on-site uses or for the property’s principal use. Solar energy system-accessory use is intended to reduce or meet the energy needs of the property’s principal use and may generate energy in excess of the energy requirements of a property’s principal use only if it is to be sold back to a public utility in accordance with N.J.S.A. 48:3-112 and N.J.A.C. 14:8-7.1 et seq. or other applicable authority.

“Solar energy system, building integrated” means a solar energy system that consists of integrating solar panels into the building envelope, where the solar panels themselves act as a building material (i.e. roof shingles) or structural element (i.e. façade). A building integrated solar energy system does not include a parking lot canopy solar energy system.

“Solar energy system, free-standing, ground mounted” means a solar energy system that is directly installed on solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home or building. A free-standing ground-mounted solar energy system does not include a parking lot canopy solar energy system.

“Solar energy system, parking lot canopy” means a solar energy system where a canopy structure is constructed over a parking lot supporting a solar panel or panels.

“Solar energy system, principal use” means a public parking lot canopy solar energy system with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy for primarily off-site uses.

“Solar energy system, public parking lot canopy” means a solar energy system where a canopy structure is constructed over a public parking lot supporting a solar panel or panels.

“Solar energy system, roof mounted” means a solar energy system that is directly installed on a roof.

“Solar panel” means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plates, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

[“Solar plates” means a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.]

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

“Story, half” means the area under a sloping roof where the possible floor area with head room of five feet or more occupies no more than one-third of the floor area of the floor immediately below. Where the floor area with a floor to ceiling height in excess of five feet is more than one-third of the floor area immediately below, it shall count as a full story.

“Street” means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way that is an existing State, county or municipal roadway, or that is shown upon a plat heretofore approved pursuant to law, or which is approved by official action, or that is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

“Street-facing setback” means a setback measured from a lot line that is shared with a street right-of-way.

“Structure” means a combination of materials to form a construction for occupancy, use, or ornamentation whether installed on, above, or below the surface of a parcel of land.

“Subdivision” means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The term “subdivision” shall also include the term “resubdivision.” The following shall not be considered subdivisions if no new streets are created: divisions of property by testamentary or intestate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or other recorded instrument; or, the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons, and all of which are found and certified by the zoning officer identified by law for this function, to conform to the requirements of these rules and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the host municipality.

“Trespass light” means lighting from an adjacent property which exceeds 0.1 footcandle.

“Use” means the purpose or activity for which land or buildings are arranged, designed or intended or for which land or buildings are occupied or maintained.

“Use-type variance” means the types of variances enumerated in N.J.S.A. 52:27I-34.e(1).

“Utility, private or public” means any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of Authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service.

“Variance” means permission to depart from the literal requirements of N.J.A.C. 19:31C-3.3 through 3.9 adopted by the Authority.

“Warehouse” means any structure designed for, or used permanently for, the storage of goods and materials, light assembly, and distribution of materials.

“Wetlands” means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as “hydrophytic vegetation.”

“Wind turbine” means equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy.

“Yard, front” means a space extending the full width of the lot between any building and the front lot line.

“Zoning board” means the zoning board of adjustment of a host municipality.

“Zoning officer” means the individual(s) employed by a host municipality who is responsible for reviewing applications for development for compliance with relevant development regulations.

19:31C-3.4 Allowable land uses

(a) The following concern land uses by municipality and development district:

1. Permitted principal uses shall be those specified in Table 1, Permitted Principal Land Uses by Municipality and Development District:

i. Residential

(1) Low density – Single-family detached, duplex (stacked vertically or side by side, in a detached structure), and townhouses (only one unit vertically, in attached structures providing up to eight units per structure). Each low-density unit shall have its own private entrance at the first level;

(2) Medium density – Stacked flats (two to three units stacked vertically, in attached structures providing up to eight horizontal stacks per structure, total of 16 to 24 units per structure). Up to three stacked flat units may share one entrance at the first level. Apartment buildings with four or more units/building and with at least four units sharing each ground-level entrance; and

ii. Mixed-use – Buildings or structures with a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, public and recreation, in a compact form. The majority of the ground-floor area of vertically mixed-use structures should be retail use. Upper stories should be residential or office use, as permitted within each development district.

iii. Retail:

- (1) Convenience retail: Smaller-scale businesses selling primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption;
- (2) Specialty retail: Businesses selling a single category of merchandise or a number of closely related categories;
- (3) Lifestyle retail: An unenclosed retail center featuring national specialty stores and restaurants (not drive-thru), with convenient and easily accessible parking and a pedestrian-friendly ambiance;
- (4) Entertainment retail: Uses including bowling alleys, cinemas, and live performance theaters;
- (5) Health clubs: Establishments that provide facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms and lockers; and
- (6) Restaurants, cafes and other dining establishments but not including drive-thru restaurants.

iv. Hospitality/lodging:

- (1) Hotels providing temporary lodging to the general public, and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment facilities, personal services, health clubs, spas and retail stores and services; and
- (2) Conference centers providing facilities for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health centers, and retail stores and services primarily for conference center guests.

v. Office/research:

- (1) Offices for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment and where no manufacturing, assembling or fabricating takes place;
- (2) Medical offices, including but not limited to medical, dental and veterinary offices and clinics, and including hospitals;

(3) Research and development (R&D) uses, including, but not limited to facilities such as “wet” labs or places with running water, gases, special ventilation devices, chemicals, special heating and electrical or electronic equipment, or use of animals or human subjects under controlled conditions; and

(4) Warehouse uses including storage of goods and materials, light assembly and distribution of materials.

vi. Institutional/civic: Non-profit, religious or public uses, such as a place of worship, museum, library, public or private school, child care centers, family day care homes, recreational/community center, recreation facilities, hospital, homeless shelter, or governmental use.

vii. Open space/recreation:

(1) Formal parks: Landscaped open spaces such as greens, squares, linear parks;

(2) Active recreation areas: Ball fields, hard surface courts, tracks, golf courses, playgrounds, swimming pools, recreation facilities, and other intensive recreational use;

(3) Passive open space: Open space areas consisting primarily of lawns, meadows and other unstructured open space, and parade grounds. Sculpture, memorials and art installations are permitted uses within passive open spaces; and

(4) Ecological area: Wetlands and associated buffer areas, floodplains, vegetated riparian corridors and forested areas.

viii. Public parking (surface and structured): Any parking area open to the public for free;

ix. Principal use solar energy system: Public parking lot canopy solar energy systems are the only permitted principal use solar energy systems.

2. Permitted accessory uses shall be those specified in Table 2, Permitted Accessory Land Uses by Municipality and Development District:

i. Parking (surface & structured): Any parking area for the exclusive use of the owners of the lot on which the parking area is located or whoever else is allowed to use the parking area;

ii. Outdoor storage: The keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. Any outdoor storage should be on the same lot as the establishment or use for which it is providing the storage;

iii. Home occupations (residential uses only): A home occupation is any lawful occupation performed in a dwelling and clearly incidental and secondary to the use of the dwelling for dwelling purposes. Activities that shall not be considered a home occupation shall include, but are not limited to, operating a beauty parlor, barbershop, automobile repair servicing or body shop, convalescent or nursing home, insurance or real estate agency, boarding house, kennel or stable, restaurants, stores, trades or similar establishments, stores, drug counseling centers, tourist home, massage or similar establishment, offering services to the general public;

iv. **[Renewable] Accessory use solar energy system[s]: [Small wind and small] a solar energy system, either free-standing ground mounted, as a parking lot canopy, building integrated or roof mounted, with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy for primarily on-site uses or for the property’s principal use. Solar energy system-accessory use is intended to reduce or meet the energy needs of the property’s principal use and may generate energy in excess of the energy requirements of a property’s principal use only if it is to be sold back to a public utility in accordance with N.J.S.A. 48:3-112 and N.J.A.C. 14:8-7.1 et seq. or other applicable authority.**

v. Outdoor dining: Any part of a food establishment located outdoors, not used for any other purposes, and open to the sky, with the exception that it may have a retractable awning or umbrellas, and may contain furniture, including tables, chairs, railings, and planters that are readily movable; [and]

vi. Accessory structures in open space/recreation areas;

(1) Structures used to house maintenance and recreational equipment provided such structure does not exceed 250 square feet total floor area; and

(2) Kiosks for retail vendors of snacks, coffee, and light meals, with or without dining areas, are permitted provided each structure shall not exceed 1,000 square feet total floor area. Gazebo-type structures for seating, general use, or small performances are permitted provided such structures shall not exceed 2,400 square feet total floor area; [and]

vii. Other: Any other use customarily incidental to a principal use[.]; **and**

viii. Small wind energy systems: Small wind energy systems are permitted as accessory uses to provide power for the principal use of the property.

Table 1. Permitted Principal Land Uses by Municipality and Development District

	Residential Low Density	Residential Medium Density	Mixed-Use	Retail	Hospitality	Office/Research	Institutional/ Civic	Open Space/ Recreation	Solar Energy System-Principal Use	Public Parking
Oceanport										

	Residential Low Density	Residential Medium Density	Mixed-Use	Retail	Hospitality	Office/Research	Institutional/ Civic	Open Space/ Recreation	Solar Energy System-Principal Use	Public Parking
Horseneck Center	YES, via adaptive reuse of buildings north & south of Parade Ground	YES	YES, within 500' of Oceanport Ave	YES, within 500' of Oceanport Ave	YES, limited to the area north of Allen Ave	YES	YES	YES	YES	YES
Education/ Mixed-Use Neighborhood	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES
Green Tech Campus	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
Eatontown										
Route 35 Lifestyle/ Tech Center	NO	YES	YES	YES, within 1,500' of Rte 35	NO	YES	YES	YES	YES	YES
Pinebrook Neighborhood	NO	YES and townhome uses consisting of attached single units at a minimum of four units per structure	YES, mixed-use and/or retail uses are limited to 15,000 s.f. along Pinebrook Road	NO	NO	NO	NO	YES	YES	YES

	Residential Low Density	Residential Medium Density	Mixed-Use	Retail	Hospitality	Office/Research	Institutional/ Civic	Open Space/ Recreation	Solar Energy System-Principal Use	Public Parking
Golf/Conference Campus	NO	NO	NO	NO	YES	NO	NO	YES	YES	YES
Tinton Falls										
Town Center	NO	YES	YES	YES	NO	NO	YES	YES	YES	NO
Hemphill Neighborhood	YES	YES	NO	NO	NO	NO	YES	YES	YES	NO
Tech /Office/R&D Campus	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO

Table 2. Permitted Accessory Land Uses by Municipality and Development District

	Parking [(Surface and Structured)] (Public and Private)	Outdoor Storage	Home Occupations	[Renewable] Solar Energy System[s]- Accessory Use	Outdoor Dining	Accessory Structures in Open Space/ Recreation Areas	Small Wind Energy Systems	Other
Oceanport								

	Parking [(Surface and Structured)] (Public and Private)	Outdoor Storage	Home Occupations	[Renewable] Solar Energy System[s]- Accessory Use	Outdoor Dining	Accessory Structures in Open Space/ Recreation Areas	Small Wind Energy Systems	Other
Horseneck Center	YES	YES	YES	YES	YES	YES	YES	YES
Education/ Mixed-Use Neighborhood	YES	YES	YES	YES	YES	YES	YES	YES
Green Tech Campus	YES	YES	NO	YES	NO	YES	YES	YES
Eatontown								
Route 35 Lifestyle/Tech Center	YES	YES	YES	YES	YES	YES	YES	YES
Pinebrook Neighborhood	YES	YES	YES	YES	NO	YES	YES	YES
Golf/ Conference Campus	YES	YES	NO	YES	YES	YES	YES	YES
Tinton Falls								
Town Center	YES	YES	YES	YES	YES	YES	YES	YES
Hemphill Neighborhood	YES	YES	YES	YES	NO	YES	YES	YES
Tech /Office/ R&D Campus	YES	YES	NO	YES	NO	YES	YES	YES

(b) Buildings required for preservation: The historic buildings and resources identified in the Programmatic Agreement, including the parade ground with the triangular landscaped area in front of Building 286 and select areas of the Suneagles Golf Course, which are required to be preserved

are specified in Figures 4a and 4b, Buildings to be Preserved, and also Table 3, Historic Properties to be Preserved at Fort Monmouth. Table 4, Maximum Reuse Yield by Municipality, Development District and Land Use in N.J.A.C. 19:31C-3.5 specifies the maximum allowable yield for each adaptively reused building. Preservation/adaptive reuse of other buildings at Fort Monmouth is optional.

1. Oceanport Horseneck Center: Fort Monmouth Historic District: The Parade Ground (and associated WWII Memorial) is required to be preserved. The existing single-family and duplex residential historic buildings to the north and south of the Parade Ground in the Fort Monmouth Historic District shall be reused for low-density residential use. The Allison Hall office building (#209) shall be adaptively reused for office/R&D uses. Other buildings requiring adaptive reuse in the Fort Monmouth Historic District, including those in the Barker Circle (buildings 205-208, 282, 287), shall be used for any land use permitted in this development district.

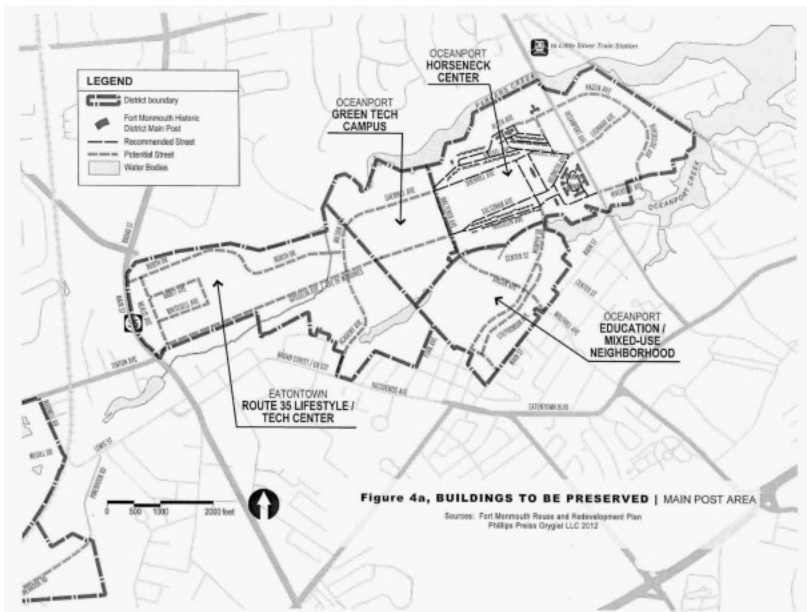
2. Eatontown Golf/Conference Campus: Historic resources required for preservation are part of the Suneagles Country Club, including Gibbs Hall (Building 2000), a 1926, Tudor Revival style golf clubhouse that shall be retained as a clubhouse/pro-shop with renovated dining/catering facilities, the associated golf course, and the stone wall and swimming pool (Building 2020) to the south of Gibbs Hall.

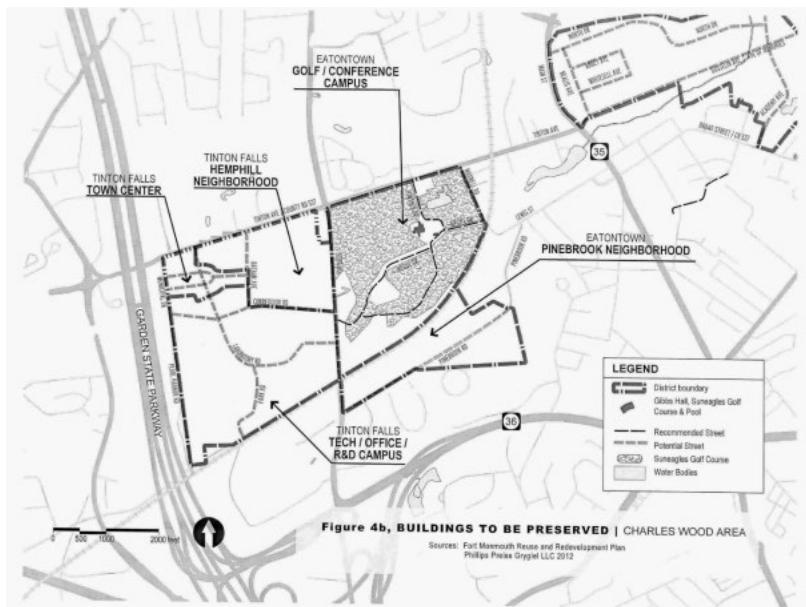
3. Tinton Falls: No buildings are required to be adaptively reused in Tinton Falls.

Table 3. Historic Properties to be Preserved at Fort Monmouth

Building Number	Description of Prior Use	Year Built
Oceanport		
Fort Monmouth Historic District: Contributing Elements		
115	WWII Monument/Memorial	1952
Parade Ground	Parade Ground, including the triangular landscaped area in front of Building 226	1927
206, 209 286 (Russell Hall)	Administrative General Purpose	1927 1928 1936
207-208, 287	Enlisted Unaccompanied Personnel Housing	1927
211-216; 218-220; 222-223; 225-229	Family Housing for Colonels “Russel/Allen Avenue Housing”	1929- 1935
230	Family Housing General Officers	1936
233-256 and 258	Family Housing for Non-Commissioned Officers “Gosslin Housing”	1929- 1934
260	Sewage Station	1930
261-269	Family Housing for Lieutenant Colonels/Majors “Russel/Carty Avenue Apartments”	1930- 1932
270	Army Lodging, Administrative General Purpose	1930
271	UOQ Military	1934

Building Number	Description of Prior Use	Year Built
	“Gardner Hall Residential”	
275	Museum Superintendent Building	1934
282	Fire Station	1935
301-310; 312-328	Family Housing Garage	1932-1937
Eatontown		
2000	Gibbs Hall: Officers Open Dining Room at Suneagles Golf Club	1926
2020	Swimming Pool at Suneagles Golf Club	1935
	Select Areas of the Suneagle Golf Course Required for “Archaeological Preservation.”	





19:31C-3.8 Supplemental standards

(a) Childcare centers: Childcare centers are permitted uses as part of all non-residential or mixed-use development and shall be licensed by the New Jersey Department of Human Services. The floor area occupied in any building or structure as a child care center shall be excluded in calculating any parking requirement otherwise applicable to that number of units or amount of floor space, as appropriate, under State or local laws or regulations adopted thereunder; and, the permitted density allowable for that building or structure. New buildings shall comply with parking standards contained herein at N.J.A.C. 19:31C-3.7.

1. Minimum drop-off area: An on-site area shall be provided separate from the parking spaces for temporary parking so students leaving vehicles have access to a sidewalk leading into the school without the child having to cross a street, parking lot, loading area, driveway or aisle.

2. Minimum recreation area: All outdoor recreation areas shall be fenced and no closer to any lot line than 20 feet. All recreation areas shall be screened from adjoining lots by massed evergreens spaced so as to provide a dense visual screen to buffer the center's activities from adjacent development. The amount of outdoor recreation area shall be based on the requirements of the New Jersey Department of Human Services.

(b) Family day care homes: Family day care homes licensed by the New Jersey Department of Human Services are permitted as an accessory use to residential uses provided that a family day care home is operating in a detached single-family dwelling; and is limited to no more than five children in addition to the children of the residents of the home.

(c) The following concern home occupation:

1. Home occupations are permitted as an accessory use to residential uses provided that:

- i. The home occupation shall occupy no more than 900 square feet;
- ii. The activity must be conducted in the primary dwelling unit and not conducted in a garage or other accessory structure;
- iii. No employee may work at the dwelling, other than the resident(s) of the dwelling;
- iv. No sign shall be visible from the exterior of the dwelling;
- v. No activity shall be visible from a property line or the street; and
- vi. There shall be no delivery of bulk raw materials to, or shipment of finished goods from, the site and there shall be no on-site sales or visitations by customers or clients.

(d) The following concern small wind [and small solar] energy systems:

1. General applicable standards are as follows:

i. The primary purpose of a small wind [or small solar] energy system shall be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from a small wind [or small solar system] to a supplier/provider. For the purposes of this subchapter, the generation of power shall be limited to 110 percent of the average annual energy consumed for the principal use of the subject property.

ii. Small wind energy systems are permitted as an accessory use on the same lot as the principal use. [Small solar energy systems are permitted as an accessory use on the same lot as the principal use.] Applications for an energy system shall include information demonstrating compliance with the provisions of this section. All applications for small wind [or small solar energy systems] shall be subject to site plan review.

2. Small wind energy systems – Small wind energy systems are permitted as an accessory use subject to the following requirements:

i. Minimum lot size[;]: Three acres for all residential uses; and five acres for all commercial uses;

ii. Maximum height: System height shall not exceed 125 feet, measured from the existing grade to the height of the blades at its highest point;

iii. Minimum setbacks: Wind energy systems shall be set back from all property lines a distance equal to 100 percent of the system height including the blades of the turbine at their highest point;

iv. Wind energy systems shall not be permitted in any front yard and no more than one wind energy system shall be permitted per property. Wind energy systems shall not be permitted as a rooftop installation;

v. All moving parts of the wind energy system shall be a minimum of 30 feet above ground level. Any tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground. All guy wires or any part of the wind energy system shall be located on the same lot as the wind energy system;

vi. Noise: All applications shall comply with the provisions of N.J.A.C. 7:29; and

vii. Wind energy systems shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority. Wind turbines shall be designed with an automatic brake or other similar device to prevent over-speeding and excessive pressure on the tower structure. The blades on the wind energy system shall be constructed of a corrosive resistant material.

[3. Small solar energy systems

i. The following concern rooftop solar arrays:

(1) Rooftop solar arrays for small solar energy systems are permitted as an accessory use provided the arrays shall exceed a height of 12 inches from the existing roof surface of a peaked roof and shall not exceed a height of four feet from the existing roof surface of a flat roof; and

(2) In no event shall the placement of the solar energy system result in a total building height including panels and mounting equipment, in excess of what is permitted for the use on which the subject energy system is located.

ii. Ground mounted solar arrays for small solar energy systems are permitted as an accessory use subject to the following:

(1) The following concern maximum size:

(A) No more than 10 percent of a lot may be devoted to a ground mounted solar energy system; however, in no case shall a ground mounted solar energy system exceed 2,500 square feet;

(B) Ground mounted solar energy systems shall not exceed a height of 10 feet as measured from the existing grade to the highest point of the mounting equipment and/or panel(s), whichever is higher; and

(C) Minimum setback: All ground mounted solar energy systems shall be set back a minimum of 25 feet from all property lines and shall be screened from the street and adjacent properties by evergreen landscaping to create a continuous buffer. Ground arrays shall not contribute to lot coverage calculations, unless installed above an impervious surface. Ground mounted solar energy systems shall not be permitted in any front yard.]

3. Public Parking (surface and structured)

i. A parking lot shall be subject to N.J.S.A. 40:55D-66.18 - 66.20.

ii. A parking lot with more than 20 parking spaces shall designate a minimum of 30% of the surface parking area for a parking lot canopy solar energy system. Existing public parking lots are exempt from this requirement.

iii. Parking lots with more than 20 parking spaces or exceeding 6,500 sq ft of paved area should have a minimum 30% of the parking spaces paved with permeable pavers.

iv. A rain garden or bio retention basin is recommended for every 20 parking spaces.

4. Additional requirements

(A) Small wind [and small] energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacture or operator of the system. In no case shall any identification be visible from a property line. The natural grade of the lot shall not be changed to increase the elevation of any wind turbine [or solar array]. Wires, cables and transmission lines running between the device and any other structure shall be installed underground. All ground mounted electrical and control equipment shall be secured to prevent unauthorized access.

(B) The design of small wind [and small solar] energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment. The installation of a small wind [and small solar] energy systems shall conform to the National Electric Code as adopted by the New Jersey Department of Community Affairs. The installation of a small wind [and small solar] energy systems is subject to all local electric company requirements for interconnections.

5. The following concern abandonment:

i. In the event any small wind [or small solar] energy system or **solar energy system** is out of service for a continuous 12-month period, it shall be deemed to have been abandoned.

ii. Any abandoned small wind [or small solar] energy system or **solar energy system** shall be removed at the owner's sole expense within six months after the owner receives a "Notice of Abandonment" from the host municipality. If the system is not removed within six months of receipt of notice from the host municipality notifying the owner of such abandonment, the host municipality may remove the system as set forth in (d)5iii below.

iii. When an owner of a small **wind** energy system or **solar energy system** has been notified to remove same and has not done so six months after receiving said notice, then the host municipality may remove such system and place a lien upon the property for the cost of the removal. If removed by the owner, a demolition permit shall be obtained and the facility shall be removed. Upon removal, the site shall be cleaned, restored, and re-vegetated to blend with the existing surrounding vegetation at the time of abandonment.

(e) Principal use solar energy systems

1. General Regulations

i. Public parking lot canopy solar energy systems are the only permitted principal use of solar energy systems.

ii. Public parking lot canopy solar energy systems are permitted as a principal use on lots with another principal use in every development district.

iii. The design of all public parking lot canopy solar energy systems used as a principal use shall conform to all applicable local, state and national solar codes and standards.

iv. Public parking lot canopy solar energy systems used as a principal use within a historic district or on a historic resource property are not permitted unless written approval or a Certificate of Appropriateness has been granted by the State Historic Preservation Office or New Jersey Historic Trust.

v. Public parking lot canopy solar energy systems used as a principal use shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system or the public entity who owns the property. In no case shall any identification be visible from a property line.

vi. Public parking lot canopy solar energy systems panels shall be a minimum of 20 feet and a maximum of 24 feet in height as measured from the existing grade to the highest point of the mounting equipment and/or panels, in order to allow clearance for emergency service vehicles and equipment.

vii. The natural grade of the lot shall not be changed to increase the elevation of any solar energy system.

viii. Wires, cables and transmission lines running between the device and any other structure shall be installed underground.

ix All ground mounted electrical and control equipment that is part of a solar energy system shall be screened from public rights-of-way via landscaping and fencing.

x. All ground mounted electrical and control equipment that is part of a solar energy system shall be a minimum of 10 feet from any building or structure.

xi. The design of public parking lot canopy solar energy systems used as a principal use shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

xii. Solar panels in public parking lot canopy solar energy systems used as a principal use shall be exempt from any calculation of impervious surface or impervious cover.

xiii. The base or foundation of the solar panel, plate, canopy, or array shall be considered as an impervious surface or impervious coverage.

xiv. Solar panels in public parking lot canopy solar energy systems shall be located so that any glare is directed away from an adjoining property.

(f) Accessory use solar energy systems

1. General Regulations

i. The design of all accessory use solar energy systems shall conform to all applicable local, state and national solar codes and standards.

ii. Solar panels in accessory use solar energy systems shall be exempt from any calculation of impervious surface or impervious cover.

iii. The base or foundation of the solar panel, plate, canopy, or array shall be considered as an impervious surface or impervious coverage.

iv. Solar panels in accessory use solar energy systems shall be located so that any glare is directed away from an adjoining property.

v. Accessory use solar energy systems within a historic district or on a historic resource property are not permitted unless written approval or a Certificate of Appropriateness has been granted by the State Historic Preservation Office or New Jersey Historic Trust.

vi. Accessory use solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from a property line.

vii. The natural grade of the lot shall not be changed to increase the elevation of any solar energy system.

viii. Wires, cables and transmission lines running between the device and any other structure shall be installed underground.

ix. All ground mounted electrical and control equipment that is part of solar energy system shall be screened from public rights-of-way via landscaping and fencing.

x. All ground mounted electrical and control equipment that is part of solar energy system shall not exceed 20 feet in height.

xi. All ground mounted electrical and control equipment that is part of solar energy system shall be a minimum of 10 feet from any building or structure.

xii. The design of an accessory use solar energy system shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

2. Roof mounted solar energy systems used as an accessory use shall comply with the following:

i. On a peaked roof, solar panels shall not exceed a height of 12 inches from the roof surface. Solar panels on a peaked roof are exempt from the maximum height permitted in the land use regulations governing the building/structure to which it is attached.

ii. On a flat roof, solar panels may extend above the highest point of the roof at a maximum of 15 feet or 15 percent, whichever is greater, of the maximum building/structure height permitted in the land use regulations governing the building/structure to which it is attached.

iii. All solar energy system equipment mounted on a rooftop shall be setback from the roof edge or parapet a minimum of 10 feet.

iv. No lighting shall be permitted on roof-mounted solar energy systems used as an accessory use unless otherwise required for public health and safety.

3. Ground mounted solar energy systems used as an accessory use shall comply with the following:

i. Ground mounted solar energy systems used as an accessory use shall not exceed a height of twenty feet as measured from the existing grade to the highest point of the mounting equipment and/or panel(s), whichever is higher.

ii. Ground mounted solar energy systems used as an accessory use shall be setback a minimum of 25 feet from all property lines.

iii. Solar panels shall be screened from public rights-of-way and adjacent property owners through landscaping and/or fencing.

iv. No lighting shall be permitted on ground mounted solar systems used as an accessory use unless required for public health and safety.

v. Solar panels in ground-mounted solar energy systems used as an accessory use shall be located a minimum of 10 feet from any building or structure.

4. Parking lot canopy solar energy systems used as an accessory use shall comply with the following:

i. The parking lot canopy solar energy system panels shall be a minimum of 20 feet and a maximum of 24 feet in height as measured from the existing grade to the highest point of the mounting equipment and/or panels, in order to allow clearance for emergency service vehicles and equipment.