

MONMOUTH COUNTY DEVELOPMENT REGULATIONS
DRAFT MAY 7, 2024, Revised through March 9, 2026

1.0 TITLE, PURPOSE, APPLICABILITY AND ADMINISTRATION

1.01 TITLE

This document, consisting of Volume I – “Application, Review, and Approval Procedures” and Volume II – “Design Standards” shall be officially entitled, cited, and referred to as the "Monmouth County Development Regulations." with a revision date consistent with the date of adoption by the Board of County Commissioners.

1.02 PURPOSE AND INTENT

A. These regulations provide procedures, rules, and design standards to guide the Monmouth County Development Review Committee (DRC) in its review and action on subdivision and site plan applications (development applications) that affect County owned or maintained roads, drainage structures and facilities, and buildings and lands in accordance with N.J.S.A. 40:27.6.2 et seq. and 40:27-6.6 et seq.

The development regulations and standards within this document are also intended to:

1. mitigate adverse traffic and drainage impacts from proposed development on County roadways;
2. facilitate various modes of and remove barriers to transportation, active mobility, and transit on the County’s transportation network;
3. reduce potentially dangerous conflicts between human and animal/wildlife interaction on County roadways;
4. preserve, maintain, enhance, and/or create aesthetically pleasing landscapes;
5. limit disturbances and timely disruptions resulting from development proposals;
6. achieve mutually beneficial and effective coordination between the Applicant’s and County’s professionals;
7. expedite the processing and thorough review of development applications;
8. support the goals, principles, objectives and recommendations of the Monmouth County Master Plan as well as plans and studies accepted and/or approved by Monmouth County;
9. promote the public health, safety, convenience, and general welfare of the citizens of the County of Monmouth.

B. This purpose statement shall not to be construed to limit the power of the Monmouth County Board of County Commissioners or the Monmouth County Planning Board authorized by state law not specifically cited in these regulations, court decisions, court orders, or applicable state law amendments.

1.03 APPLICABLE LAWS

The authority to review and approve development applications as contained in these regulations is provided by the New Jersey County Planning Act 40:27-1 et. seq.

The State laws listed below and amendments thereto which govern County and other jurisdictions contain provisions for implementing the County Planning Law.

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

- Municipal Land Use Law - 40:55D-37 et. seq.
- Map Filing Law - 46:23 - 9.8
- Uniform Construction Code - 5:23-2.15
- County Roads and Highways - 27:16-31
- Open Public Meetings Law - 10:4-6

1.04 ADOPTION AND ADMINISTRATION

- A. These regulations shall be adopted by the Monmouth County Board of County Commissioners and shall be administered by the Development Review Committee of the Monmouth County Planning Board in accordance with N.J.S.A. 40:27-1 et seq.
- B. These regulations shall take effect for all new development applications submitted on or after **January 1, 2026**, as stated in the resolution of adoption by the Monmouth County Board of County Commissioners. A copy of the resolution adopting these regulations is included in this document.
- C. These regulations shall apply to all development applications which have not received conditional, preliminary, or final approval prior to the effective date of these regulations.

1.04-1 Monmouth County Development Review Committee (DRC)

- A. The Monmouth County Planning Board shall vest its authority to act on development applications with a committee of said board to be known as the Monmouth County Development Review Committee or "DRC." The DRC shall consist of the Monmouth County Planning Director, the Monmouth County Engineer, the Chair of the Monmouth County Planning Board and two (2) members of the Monmouth County Planning Board to be appointed by the Chair of the Planning Board.
- B. The Chair of the Planning Board shall appoint two (2) members of the Board to serve as alternates to the DRC in place of any member of the committee other than the County Engineer or County Planning Director. The Chair shall appoint the Assistant County Engineer to serve as an alternate to the Monmouth County Engineer and the Assistant County Planning Director shall serve as alternate to the Monmouth County Planning Director in their absence.
- C. A quorum of the Committee will consist of any three (3) members or their alternates. The terms of all regular and alternate members shall be for one (1) year.
- D. At the first meeting of the DRC following the annual reorganization meeting of the Monmouth County Planning Board, the DRC shall conduct a reorganization meeting to establish an annual meeting schedule that designates the date, time, and location for each committee meeting and to elect a Chair. The meeting schedule shall be advertised and published in accordance with applicable laws. All meetings of the DRC shall be held in compliance with the New Jersey "Open Public Meetings Act."
- E. The Committee may act on a development application with an affirmative vote of two (2) or more of its members.
- F. The action taken at each meeting of the DRC shall be recorded and adopted by resolution of the committee.

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

1.04-2 Municipal Deference to County Approval

- A. Pursuant to Section 40:27-6.3 and 40:27:6.7 of the New Jersey County Planning Act (NJCPA), a municipal approving authority shall not issue final approval to a subdivision or site plan application until said application received final DRC approval from the County.
- B. The municipal agency or official authorized to issue zoning or building permits shall not issue such permits for structures resulting from a subdivision or site plan application until said subdivision or site plan application has received final DRC approval from the County as required.

1.05 APPLICABILITY

1.05-1 Subdivisions; Require DRC Review

The following classifications of subdivisions of land shall be submitted to the DRC for review:

- All subdivisions within Monmouth County
- All subdivisions located within municipalities contiguous to Monmouth County that are within 200 feet of the County boundary
- Major subdivisions within municipalities contiguous to Monmouth County which may adversely affect Monmouth County roads, drainage facilities and structures and buildings and/or lands owned or maintained by Monmouth County.

1.05-2 Subdivisions; Require DRC Review and Action

All subdivisions of land in Monmouth County shall require DRC review and action except for minor subdivisions that are classified “Exempt” from approval as defined in Section 1.05-3 of these regulations.

1.05-3 Subdivisions; Classified as Exempt

All minor subdivisions shall be submitted to the DRC for review in accordance with Section 1.05-1 of these regulations, however a minor subdivision shall be classified “Exempt” from DRC approval if it does not meet any of the following criteria:

- abuts a County road or a County drainage structure or facility
- adversely affects the safety and efficiency of a County road or drainage structure
- includes land designated for a proposed County facility
- proposes a new road.

1.05-4 Site Plans; Require DRC Review

All site plans must be submitted to the DRC for review except for the following:

- Site plans for one (1) or two (2) family residential units and appurtenances thereto
- Site plans for aesthetic alterations to an existing building or structure where the existing use will not be changed, expanded, or intensified

1.05-5 Site Plans; Require DRC Review and Action

The following site plans shall be submitted to the DRC for review and consideration for approval:

- abuts a County road
- abuts a County drainage structure
- proposes a driveway modification that accesses a County road

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

- does not abut a County road or drainage structure, but proposes one (1) or more new acres of impervious surface on a site
- does not abut a County road or drainage structure and proposes less than one (1) acre of new impervious surface on site but will affect the safety and efficiency of a County road or drainage structure
- is within municipalities contiguous to Monmouth County which would adversely affect Monmouth County roads, drainage structures and buildings and/or lands owned or maintained by Monmouth County
- any modification to a driveway

1.05-6 Site Plans, Classified as Exempt

The DRC shall classify the following site plan applications as “Exempt” from approval:

- changes of use that will not increase, expand, or intensify parking or traffic demand
- buildings or structures where the proposed floor area is less than 400 square feet
- rooftop installations that do not result in an increase in impervious surface

1.05-6 Classification of Development Applications

Development applications are submitted to the DRC seeking approval to divide a parcel of land into two or more lots, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, new access to a County road or right of way, or of any mining excavation or landfill, for which permission is required pursuant to these regulations. Various types of Development Applications require submission and review by the DRC including:

- **Boundary Adjustment:** Any proposed lot line modification or reconfiguration not resulting in a change in the total number of lots shall be submitted to the DRC and reviewed as a subdivision in accordance with these regulations.
- **Creeping Major Subdivision:** If, within five (5) years of final DRC approval of a minor subdivision, a parcel of land is submitted to the Monmouth County Planning Board for further subdivision of the original lot that was the subject of a minor subdivision that would result in more than three (3) lots in total, the DRC may classify the subdivision as a “creeping major subdivision” and review the cumulative total subdivided area as a major subdivision application.
- **Minor Subdivision:** A development application containing a total of three (3) or fewer lots and no new streets.
- **Major Subdivision:** A development application resulting in the creation of four (4) or more lots or contains a new street.
- **Site Plan:** Any non-residential development proposal or any multi-family residential use containing three (3) or more residential units.

Important Note: The definitions provided in these regulations for Minor Subdivision, Major Subdivision and Site Plan may not be consistent with the definitions contained in individual municipal ordinances. (See Section 11.0 Definitions)

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

2.0 DEVELOPMENT REVIEW APPLICATION PROCEDURES

2.01 PRE-APPLICATION MEETING

To expedite application processing and development plan review, the Applicant or the Applicant's authorized representative may request a meeting with DRC professionals prior to submitting a formal application and detailed plans. Upon the submittal a Pre-Application & Meeting Request Form, DRC professionals will arrange a meeting at their discretion.

The DRC shall not be bound by any recommendations and/or advisory comments made by DRC staff or professionals at the pre-application meeting.

Refer to Addendum A-1: Pre-Application & Meeting Request Form

2.02 DEVELOPMENT REVIEW (SITE PLAN & SUBDIVISION) APPLICATION SUBMISSION REQUIREMENTS

- A. Application: Completed and properly filled out subdivision and/or site plan application signed by the owner of the property in question, or the authorized agent, the contract purchaser or other persons, corporations, partnerships or legal entities or authorized agents having proprietary interest or legal title to the property in question. **Refer to Addendum B-1: Site Plan Application Form, and Addendum B-2: Subdivision Application Form**
- B. Fee: Development Review fee in accordance with the Fee Schedule which is adopted as a part of these regulations. **Refer to Addendum A-3: Fee Schedule**
- C. Completeness: All Administrative Completeness requirements. **Refer to Addendum B-3: Submission Checklists; Section 1, Submission Completeness Checklist (both Administrative Completeness & Technical Completeness)**
- D. Checklist: Completed the Development Review Submission Checklists. **Refer to Addendum B-3; Sections 1 - 4**
- E. Waiver Requests: Requests for waiver from these rules, regulations, and/or design standards must be submitted concurrently with the Site Plan/Subdivision Application. Failure to do so may result in a Disapproval. **Refer to Addendum A-2: Waiver Request Form**

Additional information may be required depending on the nature of the application.

Important Note: Missing information, incomplete checklist, incorrect review fee, or an improperly filled out application will result in a notice of deficiency and close the Administrative Completeness process. Thoroughly review your application before submission to help ensure an expedited review.

2.02-1 Development Application; Administrative Completeness Determination

- A. Within ten (10) business days of receipt of a development application, staff of the DRC shall notify the Applicant of any outstanding items that must be submitted to qualify the application for Administrative Completeness as defined in Addendums B-1 through B-3.
- B. Administrative Completeness is closed once this determination is made and the Applicant is notified.
- C. Administrative Completeness will once again commence from day one (1) upon:
 - a. resubmission the development application in whole; or

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

- b. submission of all remaining or outstanding items as identified in the notice of items that must be submitted for conformance with the requirements set forth in Section 2.02.
- D. If the Applicant fails to submit outstanding items required for Administrative Completeness within sixty (60) calendar days from the date of notification, the incomplete application package will be voided and either discarded or returned to the Applicant upon request.
- E. If DRC staff fails to notify the Applicant of the items that must be submitted to qualify the application for Administrative Completeness within the ten (10) business day period, the application shall be deemed to be administratively complete and the Technical Review shall commence.

2.02-2 Development Application; Technical Review

- A. Once an application has been determined to be Administratively Complete in accordance with Section 2.02-1 of these regulations, within thirty (30) calendar days the DRC or the Development Review staff shall advise the Applicant of any items that must be submitted to qualify the application for Technical Completeness as specified in Addendum B-3, Section 1 Technical Completeness..
- B. Failure to notify the Applicant shall result in the application being deemed technically complete and the DRC shall act on the application within this 30-day period.

Refer to Addendum B-3: Section 1 Technical Completeness

2.03 REVISED PLAN SUBMISSIONS (RESUBMISSION)

- A. Subdivision plans or plats or site plans that have been revised resulting from conditions of approval established by the DRC are subject to a review fee and shall be submitted in duplicate (2 copies).
- B. Two (2) sets of a revised subdivision plan or plat or site plan shall be submitted along with a review fee if the application does not affect a county road, county drainage structure or facility, or buildings or land owned or maintained by the County.
- C. Site plan and subdivision revisions submitted in response to conditions of approval established by the DRC shall be charged a progressive review fee for each subsequent resubmission that inadequately satisfies a DRC action.
- D. All review fees referred to above may be found in **Addendum A-3: Fee Schedule**
- E. The DRC may waive or adjust the review fee for plan revisions at the request of the Applicant, if the committee determines that the revisions are minor in nature.

2.04 FINAL MAJOR SUBDIVISION PLATS SUBMISSION

- A. Two (2) sets of final plats of a major subdivision drawn in accordance with the New Jersey Map Filing Law (46:23-9.8) and a .dxf CAD data file of the final subdivision plat shall be submitted together with the proper review fee in accordance with **Addendum A-3: Fee Schedule**.
- B. Text appearing of the .dxf CAD data file of the final subdivision plat shall appear on separate layers of the drawing as appropriate. The plat must be drawn on New Jersey Plane Coordinates NAD83, or the most current New Jersey Plane Coordinate System (NJPCS)

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

position and the view must be unrotated so that the NJPCS North points orthographically up (vertical) on the screen. The drawing shall identify at least the minimum number of survey markers distributed around the tract as required by New Jersey Map Filing Law.

2.05 SUBMISSION AND CORRESPONDENCE

Until such time the electronic submission of applications and associated materials are permitted by the DRC, all items contained in the Application Package for Determination of Technical Completeness and all other relevant materials necessary to conduct a proper review of a development application on behalf of the DRC are to be submitted to:

Monmouth County Planning Board
Development Review Section
1 East Main Street (Hall of Records Annex, 2nd floor)
Freehold, New Jersey 07728

All submissions shall include the submittal of electronic copies of the site plan/subdivision proposal and associated documentation by way of one (1) portable memory device, or via email to DevelopmentReview@co.monmouth.nj.us.

2.06 CORRESPONDENCE

The DRC recognizes the Applicant as the person(s), representative(s), or entity identified as such on the Development Application. The Applicant shall be any person(s), representative(s), or entity with the authority to submit and initiate proceedings for a subdivision or site plan application in accordance with the law. Copies of correspondence on behalf of the DRC or designated staff to the Applicant may also be assigned to those identified by the Applicant as representatives or as expressed in these regulations.

2.07 ADVISORY REFERENCE DOCUMENTS

As part of the review and approval process, the DRC or Development Review staff may make advisory comments and recommendations relative to goals, objectives, and policies contained in other relevant documents such as the Monmouth County Master Plan or applicable research studies or reports that promote sound planning and engineering practices.

3.0 REVIEW, APPROVAL, AND RECORDING PROCEDURES

3.01 MINOR SUBDIVISIONS: REVIEW AND APPROVAL PROCEDURES

A Minor Subdivision plat shall contain the plat details set forth in these regulations and shall be accompanied by the information that is necessary to properly assess impacts on County roads, County drainage structures and facilities, and buildings and lands owned or maintained by the County. The DRC shall not take formal action on a Minor Subdivision application that does not contain sufficient plan details or is not accompanied by the information that is necessary for the DRC to determine impacts on County roads, County drainage structures and facilities, and buildings and lands owned or maintained by the County.

After review of the application and supporting documents and information the DRC shall act on an application for Minor Subdivisions as provided for herein (3.01-1 and 3.01-2).

3.01-1 Minor Subdivision; Exempt

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

Minor Subdivision are classified as Exempt from DRC approval if they do not meet any of the following criteria:

- abuts a County road or a County drainage structure or facility
- adversely affect the safety and efficiency of a County road or drainage structure
- include land designated for a proposed County facility
- propose a new road

Exempt from approval may be determined and issued by the Planning Director or designated staff member without prior submission to the DRC.

Minor Subdivisions which are categorized as Exempt from approval shall be indicated as such in a report issued by the Planning Director or designated staff member and forwarded to the municipal approving authority, the Applicant, and/or the Applicant's representative(s).

3.01-2 Minor Subdivision; DRC Action Required

A Minor Subdivision that abuts a County road or drainage structure, or land designated as locations for proposed County facilities and no new roads requires one of the following actions by the DRC:

A. Additional Information Required

The DRC may request additional information that was not submitted with the Application Package but determined necessary in order to make an informed decision on a proposal.

A report shall be issued by the DRC documenting the Additional Information Required and shall be forwarded to the municipal approving authority, the Applicant, and/or the Applicant's representative(s).

B. Disapproval

The reasons for "Disapproval" of a Minor Subdivision may include but are not limited to the following:

- The subdivision is substantially inconsistent with the provisions of this resolution
- The safety and efficiency of traveling on a County road, or capacity or efficiency of a County drainage structure, or access to buildings and/or lands owned or maintained by the County would be adversely affected as a result of the subdivision
- Driveways are not shown to maximize sight distance along the County road or to limit or eliminate conflicts at the County road
- An adverse drainage condition would be created or worsened on a County road, County drainage structure or facility, or on buildings and lands owned or maintained by the County
- Information contained on the subdivision plat, application form, or contained in the accompanying studies, analyses, or other supportive documents is found to be erroneous
- The plans contain inconsistent or confusing details or information

The reasons for "Disapproval" shall be stated in a report issued by the DRC and shall be forwarded by certified mail to the municipal approving authority, the Applicant, and/or the Applicant's representative(s).

MONMOUTH COUNTY DEVELOPMENT REGULATIONS
DRAFT MAY 7, 2024, Revised through March 9, 2026

Conditional Final Approval

A Conditional Final Approval report stating conditions that must be satisfied in order for the Applicant to receive Final Approval may be issued by the County Planning Director or designated staff member and forwarded to the municipal approving authority, the Applicant, and/or the Applicant's representative(s).

C. Final Approval

Final Approval shall be granted for minor subdivision applications when the following requirements are met:

- The Applicant complies with all conditions of a Conditional Final Approval issued by the DRC
- The width of the right-of-way of the adjacent County road meets or exceeds the planned right-of-way in accordance with the Monmouth County road Plan
- An easement for maintenance and reconstruction of the adjacent County drainage structure was previously acquired
- The subdivision is to adjust lot lines between lots without creating any new building lots or driveway access to a County road
- When the DRC has waived any applicable requirements
- Final approval of a minor subdivision application may be granted by the Planning Director or designated staff member provided the DRC has granted prior conditional final approval and all conditions have been met.

A Final Approval report shall be issued by the County Planning Director or designated staff member and forwarded to the municipal approving authority , the Applicant, and/or the Applicant's representative(s).

3.02 MAJOR SUBDIVISIONS: REVIEW AND APPROVAL PROCEDURES

Sketch plats or schematic plans, preliminary plans, and final plats of a major subdivision shall contain the plan and plat details as set forth in these regulations. The DRC shall not take formal action on a major subdivision application that does not contain sufficient plan or plat details and is not accompanied by the information and analyses necessary for the DRC to properly assess the development's impacts on County roads, County drainage structures and facilities, and buildings and lands owned or maintained by the County.

After review of an application for major subdivision approval and upon advice of the Development Review staff, the DRC shall act on an application as provided for herein.

3.02-1 Concept Plans

Upon request by the Applicant, the DRC and professional staff may provide a courtesy review of a development proposal and suggest recommendations based on the regulations contained herein:

- No fees will be charged for the review of a concept plan
- No formal action will be taken by the DRC on a concept plan
- Concept plans shall contain the plat details set forth in these regulations and may be accompanied by any studies, analyses and information that would be useful to the DRC in making recommendations for the formal submission of a preliminary plan
- The DRC shall not be bound by any of the recommendations or comments resulting from the courtesy review.

MONMOUTH COUNTY DEVELOPMENT REGULATIONS
DRAFT MAY 7, 2024, Revised through March 9, 2026

3.02-2 Preliminary Major Subdivision Plans

Preliminary Major Subdivision plans shall contain the plat details set forth in these regulations and shall be accompanied by the studies, analyses and information that is necessary for the DRC to properly assess the development's impacts on County roads, County drainage structures and facilities, and buildings and lands owned or maintained by the County.

3.02-2A Preliminary Major Subdivision; Preliminary Approval Required by the DRC

A preliminary approval shall be granted for major subdivision plans that do not affect a County road, County drainage structure or facility, that does not affect buildings or land and lands owned or maintained by the County, or that is not located on the site of a proposed County facility.

A Preliminary Approval report shall be issued by the County Planning Director or designated staff member and forwarded to the municipal approving authority, the Applicant, and/or the Applicant's representative(s)

3.02-2B Preliminary Major Subdivision; Actions Required by the DRC

For preliminary major subdivision plans that do affect a County road, County drainage structure or facility, or buildings or lands owned or maintained by the County, or that is located on the site of a proposed County facility requires one of the following actions by the DRC.

A. Disapproval

- The subdivision is substantially inconsistent with the provisions, design criteria, and design standards of this resolution
- The safety and efficiency of traffic traveling on a County road, or capacity or efficiency of a County drainage structure would be adversely affected, or access to buildings or lands owned or maintained by the County would be adversely affected as a result of the subdivision
- Driveways are not shown to maximize sight distance along the County road or to limit or eliminate conflicts at the County road
- An adverse stormwater drainage from the subdivision would adversely affect a County road or County drainage structure or facility or on buildings and lands owned or maintained by the County
- Information contained on the subdivision plans, application form or contained in the accompanying studies, analyses or other supportive documents is found to be erroneous
- The plans contain inconsistent or confusing details or information

The reasons for Disapproval shall be stated in a report issued by the DRC and shall be forwarded by certified mail to the municipal approving authority, the Applicant, and/or the Applicant's representative(s).

B. Conditional Preliminary Approval

A Conditional Preliminary Approval report shall be issued by the County Planning Director or designated staff member and forwarded to the municipal approving authority , the Applicant, and/or the Applicant's representative(s).

MONMOUTH COUNTY DEVELOPMENT REGULATIONS
DRAFT MAY 7, 2024, Revised through March 9, 2026

C. Preliminary Approval

Preliminary Approval of a major subdivision that affects a County road, County drainage structure or facility, or buildings or lands owned or maintained by the County shall be granted if the subdivision plan has been revised to comply with all Conditional Preliminary Approval requirements established by the DRC.

Preliminary Approval of a major subdivision may be granted by the County Planning Director or designated staff member provided the DRC has granted prior conditional preliminary approval and all conditions of preliminary approval have been met.

A Preliminary Approval report shall be issued by the County Planning Director or designated staff member and forwarded to the municipal approving authority, the Applicant, and/or the Applicant's representative(s).

3.02-3 Final Major Subdivision Plat

The final plat shall contain the plat details as set forth in these regulations.

3.02-3A Final Major Subdivision Approval

The final plat of a major subdivision that does not affect a County road, County drainage structure or County drainage facility, that does not affect buildings and lands owned or maintained by the County or that is not located on the site of a proposed County facility.

A Final Approval report shall be issued by the County Planning Director or designated staff member and forwarded to the municipal approving authority, municipal approving authority, the Applicant, and/or the Applicant's representative(s).

3.02-3B Final Major Subdivision Approval, Action Required by the DRC

The final plat of a major subdivision that affects a County road, County drainage structure or County drainage facility, buildings or lands owned or maintained by the County, or that affects buildings and lands owned and maintained by the County, or that is located on the site of a proposed County facility.

A. Conditional Final Approval

Any outstanding requirements of a "Conditional Final Approval" shall be indicated in a report issued by the County Planning Director or designated staff member and forwarded to the municipal approving authority and the Applicant and/or their representative(s).

B. Final Approval

Final Approval of a major subdivision that affects a County road, County drainage structure or facility, or buildings or lands owned or maintained by the County shall be granted when all conditions of preliminary approval established by the DRC have been met.

Final Approval of a major subdivision may be granted by the County Planning Director or designated staff member provided the DRC has granted prior conditional preliminary and received the following:

- One (1) final plat (hard copy)
- A final plat fee (refer to Addendum A-3: Fee Schedule)
- A copy of the final subdivision plat in an electronic .dxf AutoCAD file, submitted by way of one (1) portable memory device, or via email to DevelopmentReview@co.monmouth.nj.us.

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

Each section or phase of a subdivision may receive its own Final Approval. Approval of sections or phases of a subdivision that involve County road or drainage improvements may be granted only if it is determined that the incremental installation of the improvements to County facilities resulting from approval by section does not adversely affect the County road, County drainage structure or facility, or buildings or lands owned or maintained by the County.

A Final Approval report shall be issued by the County Planning Director or designated staff member and forwarded to the municipal approving authority, the Applicant, and/or the Applicant's representative(s).

3.03 SITE PLAN REVIEW AND APPROVAL PROCEDURES

Site plans shall contain the plan details as set forth in these regulations and shall be accompanied by the analyses and information that are necessary to properly assess the development's impacts on County roads, County drainage structures and facilities, and buildings and lands owned or maintained by the County.

The DRC will not take any formal action on a site plan that does not contain sufficient plan details or is not accompanied by the information and analyses that are necessary for the DRC to determine impacts on County roads, County drainage structures and facilities, and County owned or maintained building and lands.

After review of the application and supporting documents and information, the Development Review Committee shall act on a site plan application as indicated below:

3.03-1 Site Plans; No County Impact

A. Exempt

Site plans that do not affect a County road, County drainage structure or facility, that do not affect buildings and lands owned or maintained by the County, are not located on the site of a proposed County facility or that do not contain one (1) or more acres of impervious surface.

The County Planning Director or designated staff member shall issue a report indicating that approval of the DRC is not required for a site plan based on the criteria contained in these regulations.

Should subsequent improvements to a site result in the cumulative impervious coverage to equal or exceed one (1) acre, a drainage area map to the downstream County bridge and a stormwater analysis shall be submitted to the DRC for review and impact assessment.

B. Final Approval

Site plans that do not affect a County road, County drainage structure or County drainage facility, that do not affect buildings and lands owned or maintained by the County, that are not located on the site of a proposed County facility, or contain one (1) or more acres of impervious surface.

A Final Approval report shall be issued by the County Planning Director or designated staff member and forwarded to the municipal approving authority, the Applicant, and/or the Applicant's representative(s).

3.03-2 Site Plans; County Impact

Site Plans that affect a County road, County drainage structure or County drainage facility, that affect buildings and lands owned or maintained by the County, that are located on the site of a

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

proposed County facility or that contain one (1) or more acres of additionally proposed impervious surface requires one of the following actions by the DRC:

A. Disapproval

Reasons for disapproval of a site plan may include but are not limited to the following:

- The site plan is substantially inconsistent with the provisions, design criteria, and design standards of this resolution
- The safety and efficiency of traffic traveling on a County road or on a County drainage structure would be adversely affected or access to buildings and lands owned or maintained by the County would be adversely affected as a result of the site plan
- Stormwater from the site would adversely affect a County road, County drainage structure or County drainage facility or on buildings and lands owned or maintained by the County
- Information contained on the subdivision plans, application form, or contained in the accompanying studies, analyses, or other supportive documents is found to be erroneous
- The plans contain inconsistent or confusing details or information

The reasons for Disapproval shall be stated in a report issued by the County Planning Director or designated staff member and shall be forwarded by certified mail to the municipal approving authority, the Applicant and/or their representative(s).

B. Conditional Approval

Outstanding issues related to a “Conditional Approval” shall be indicated in a report issued by the County Planning Director or designated staff member and forwarded to the municipal approving authority, the Applicant, and/or their representative(s).

Should subsequent improvements to a site result in the cumulative impervious coverage to equal or exceed one (1) acre, a drainage area map to the downstream County bridge and a stormwater analysis shall be submitted to the DRC for review and impact assessment.

C. Final Approval

Final approval of a site plan that affects a County road, County drainage structure or facility, or buildings or lands owned or maintained by the County shall be granted when all conditions of site plan approval established by the DRC have been met.

Final Approval of a site plan may be granted by the County Planning Director or designated staff member provided the DRC has granted prior Conditional Approval and all conditions of approval have been met.

A Final Approval report shall be issued by the County Planning Director or designated staff member and forwarded to the municipal approving authority, the Applicant, and/or the Applicant’s representative(s).

3.04 ADMINISTRATIVE WAIVERS AND EXCEPTIONS

3.04-1 When acting upon land development applications the DRC shall have the power to grant waivers and exceptions from the strict application of the requirements and standards of these regulations as may be reasonable and within the general purposes and intent of these regulations and the County Master Plan and if the literal enforcement of one or more of the provisions of these

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

regulations is impractical or will exact undue hardship because of peculiar or unusual conditions pertaining to the land in question.

- 3.04-2** A Waiver Request Form (refer to Addendum A-2) filled out by the Applicant and/or their representatives, must be included with the Development Review Application to the DRC. The form shall specifically state the reason(s) as to why a request for a waiver and/or exception from the strict application of the requirements and standards of these regulations is necessary.
- 3.04-3.1** The Applicant may request the DRC to consider waiving and/or reasonably adjusting the requirement for the dedication of additional right-of-way due to the any of the following reasons:
- For subdivisions which adjust boundaries between two (2) or more existing lots which do not result in the creation of any new building lots.
 - Where a new right-of-way line would be within ten (10) feet of an existing structure that is in a condition to permit use and occupancy and the existing structure is not proposed to be removed or relocated.
 - When the remaining portion of a subdivision that is not scheduled to be developed where the remaining parcel contains sufficient land to be further subdivided under the zoning ordinance of the municipality in which it is located.
 - Where established land use patterns, or existing buildings, walls or other structures have been constructed within the proposed right-of-way prior to the enactment of this resolution to a point where their alteration or removal would be impractical.
- 3.04-3.2** The Applicant may request the DRC to consider waiving and/or reasonably adjusting the requirement for the standards and guidelines within these regulations without diminishing public health, safety, and general welfare for the following reasons:
- When it is determined that the installation of standard road and or drainage improvements in connection with a land development application, would impractical or ineffective.
 - If the development is located along a Scenic County road as designated on the Monmouth County Scenic Road Plan, the Applicant may be required to provide a financial contribution to the County in lieu of the installation of the improvements.
 - When it can be shown that an alternative recommendation would further protect, preserve, or enhance a historic site, building, or structure.
 - In cases where strict adherence to the road plan may create an irrevocable hardship in meeting municipal zone plan setback standards.
 - In cases where it is determined that a County road is scheduled for improvement under the Capital Improvement.
 - When an alternative recommendation would further advance the purpose and intent of these regulations as expressed in Section 1.2.
 - In cases where the Monmouth County DRC finds that a county road is scheduled for improvement under the Monmouth County Capital Improvement Program and the improvement would result in a change in alignment or profile of the road that would render the improvements to be undertaken in connection with the subdivision or site plan

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

application as obsolete, the Applicant may be required to make a financial contribution in lieu of installing all or part of the standard improvements required under these regulations.

The request for a waiver or modification to the requirements and guidelines contained herein requires submission of a Waiver Request Form (refer to Addendum A-2) to be included with the development review application submission.

3.05 RECONSIDERATION OF ACTION

The Applicant may request relief from a prior action taken by the DRC. The request for such a waiver or modification to a prior DRC action must be specific and be consistent with Sections 3.04-3.1 or 3.04-3.2 of these regulations. Applicants must submit a Waiver Request Form (refer to Addendum A-2) to the DRC staff to be placed on a DRC agenda for reconsideration.

3.06 REVIEW PERIOD

The DRC shall act on a development application within thirty (30) days of an application being deemed administratively complete in accordance with Section 2.02-1 of these regulations. The review period may be extended with the approval of the Applicant and/or the Applicant's representative.

In the event the DRC fails to take action on a development application within the required review period or agreed upon extension thereof, upon the written request of the Applicant, the Planning Board Secretary shall certify approval of the development application through lack of action in accordance with N.J.S.A. 40:27-6.5 et seq. and 40:27-6.7 et. seq.

3.07 NOTIFICATION OF ACTION

The County Planning Director or designated staff member shall notify the municipal approving authority in writing, of actions taken by the DRC on development applications. Said written report shall indicate the information that must be submitted to the DRC to allow a formal review, conditions of approval, or reasons for disapproval. A copy of the report of action shall be forwarded to the Applicant and/or the Applicant's representative including the person or firm that prepared the development plan, the municipal Construction Code Official and if the development will require a County road Permit, a copy shall be forwarded to the County Highway Department.

In the event that a development application is disapproved, copies of the report disapproving the application shall be forwarded by certified mail to the municipal approving authority and to the Applicant and/or their representative.

On behalf of the DRC, the County Planning Director or designated staff member shall take administrative action in granting preliminary and/or final approval of a development application when all conditions of approval have been satisfied.

3.08 DURATION OF APPROVAL

Approval by the DRC or Monmouth County Planning Board shall be valid for the same period of time as that of the municipal planning board or zoning board of adjustment, as applicable.

3.09 WITHDRAWAL OF A PRIOR APPROVAL

An Applicant must make a request to the DRC to officially withdraw any prior DRC development approvals before commencing with a new development proposal for the same site.

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

3.10 RECORDING OF SUBDIVISION PLATS

- All minor or final major subdivision plats submitted to the County Planning Board for signing must be prepared in accordance with the New Jersey Map Filing Law (46:23-9).
- No subdivision plat or minor subdivision deed, if the minor subdivision is to be recorded by deed only, shall be recorded with the County Clerk unless it bears the certification of approval or exemption of the DRC. This certification shall be signed by the County Planning Director or staff member authorized by the County Planning Board to sign such subdivision plats or deeds of minor subdivisions.
- The subdivision plat shall indicate all required easements and rights-of-way of record as required by the DRC.
- The County Planning Director or authorized staff member may:
 - certify and sign a minor subdivision plat as Exempt from approval without formal review by the DRC provided the County Planning Board application form and review fee are submitted.
 - certify approval of individual sections of a major subdivision as appropriate.
 - not sign any subdivision plat or minor subdivision deed unless all requirements for County Planning Board approval have been complied with.

4.0 APPEALS

Appeals by an aggrieved person or party shall comply with the remedy prescribed by New Jersey Revised Statute § 40:27-6.9 - Appeal by aggrieved persons; hearing; decision.

5.0 PERFORMANCE GUARANTEES, PAYMENT IN LIEU OF IMPROVEMENTS, AND ASSESSMENTS

5.01 PERFORMANCE GUARANTEES

Addendum D: Sample Performance Guarantees and Letters of Credit

5.01-1 Purpose, Form, Cost Estimates, and 10% Cash Payment

Prior to final DRC approval of a land development application, a performance guarantee in a form acceptable to County Counsel or County Planning Board counsel shall be submitted to the County Planning Board to assure the satisfactory installation of improvements to County roads and County drainage facilities, to assure the preparation of property parcel maps, and/or to assure the preparation of construction plans required as a condition of approval of the DRC. Performance guarantees may be in the form of a surety bond, irrevocable letter of credit, certified check or bank check made payable to the "Monmouth County Treasurer". The performance guarantee shall specify the name of the development project and the plans or the improvements which it is intended to cover, or other purpose as specified by a developer/County agreement.

The amount of the performance guarantee shall be estimated by the County Engineer or their designee. The estimate for improvements shall be an itemized listing of quantities, materials, unit prices including labor and materials, and the total cost of each item. The County Engineer shall provide the Development Review staff with a list of unit prices for various items routinely included in road and drainage improvements required by the DRC. The County Engineer shall periodically

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

revise this list as necessary to reflect most current construction costs. The total amount of the performance guarantee shall include ten (10) percent for contingencies. A cash payment, in the form of a certified check made payable to the “Monmouth County Treasurer” in an amount equal to ten (10) percent of the estimated cost of the improvements, shall be submitted to the County Planning Board at the time the performance guarantee is posted in the amount of \$10,000 or greater.

5.01-2 Timing of Improvements

Required County improvements are expected to be constructed prior to or simultaneously with construction of the development project unless the Development Review staff and/or the County Engineer determines that certain sections or segments of the development can be constructed without adversely affecting the safety and/or efficiency of the County road or drainage facility, or County owned building or land affected by the development.

5.01-3 Posting of Performance Guarantees by Development Project Section or Phase

At the request of the Applicant, performance guarantees may be established by sections or phases of a subdivision or site plan, if the DRC determines that the incremental development of the subdivision or site plan will not adversely affect a County road or drainage facility, or a County owned building, or County owned land.

5.01-4 Municipal/County Performance Guarantees

In cases where improvements to County roads or drainage facilities are included in performance guarantees in favor of and posted with a municipality, the County will not require the submission of additional performance guarantees except for the required ten (10) percent cash payment in the form of a certified check, provided the County of Monmouth is named as co-obligee on the performance guarantee. The performance guarantee shall include an itemized listing of the improvements covered and clearly indicate the improvements required by the County.

5.01-5 Recalculation of Estimated Cost of Improvements to Reflect Increases in Construction Costs

If a performance guarantee has not been posted with the County Planning Board within two (2) years from the date of the action which establishes the amount of the guarantee or if the installation of the required improvements has not commenced within two (2) years of the date the performance guarantee is received by the County Planning Board, the amount of the performance guarantee may be recalculated by the County Engineer or their designee to reflect changes in construction costs. The DRC will take action to amend the amount of the required performance guarantee. In cases where a performance guarantee has been posted, a new or amended performance guarantee may be required by the DRC.

5.01-6 Release of Performance Guarantees

5.01-6A Inspection Fees:

The inspection fee shall be submitted prior to inspection of any work covered by a performance guarantee.

Refer to **Addendum A-3: Fee Schedule** for proper inspection fee.

5.01-6B Inspection of Improvements and Release of Performance Guarantees

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

The Applicant or the Applicant's representative shall submit all inspection requests via email to DevelopmentReview@co.monmouth.nj.us, along with photos assuring the installation of the required improvements.

The inspection shall be completed within thirty (30) days of receipt of the email notification and payment of the inspection fee, if the inspection fee had not been previously received. The County Engineer or their designee shall inspect the improvements required by the DRC for which a performance guarantee has been posted. The County Engineer or their representative shall notify the Applicant or their agent or representative in writing of any required work that has not been completed or that is unacceptable.

A follow-up inspection shall be made by County Engineer or their representative within thirty days of receipt of the email notification from the Applicant that all work is completed or deficiencies have been corrected unless the Applicant has submitted a schedule that is acceptable to the County Planning Board Engineer or the County Engineer, to complete the improvements or correct any deficiencies, in addition to the proper re-inspection fee. Upon acceptance of the required improvements, the County Engineer shall issue a report to the County Planning Board certifying that all improvements have been satisfactorily completed. Staff of the County Planning Board shall transmit the County Engineer's certified report to the County Board of County Commissioners via the County Finance Department, with a recommendation for release of the performance guarantee. The County Board of County Commissioners shall take action on the recommendation for release of the performance guarantee within thirty days of receipt of the recommendation.

The submission of as-built construction plans may be required prior to inspection of required improvements when determined to be necessary by the County Engineer.

5.02 PAYMENT IN LIEU OF IMPROVEMENTS

Where a proposed land development affects a County road or drainage facility that is planned to be improved or reconstructed under the County's capital budget or Capital Improvement Program, the DRC may require that the Applicant make a payment in lieu of all or part of the improvements that would normally be required to be constructed by the Applicant. The amount of the payment shall be calculated by the County Engineer or their designee and shall be based on design standards contained in these regulations.

Where a proposed land development affects a County road or drainage facility but the installation of standard improvements would be impractical, the DRC may require that the Applicant make a payment in lieu of installing the improvements. The amount of the payment shall be calculated by the County Engineer or their designee and shall be based on design standards contained in these regulations. The payment must be in the form of a certified check or bank check made payable to the Monmouth County Treasurer.

5.03 IMPACT CONTRIBUTIONS/ASSESSMENTS FOR OFF-TRACT/OFF-SITE IMPROVEMENTS

Where traffic or stormwater drainage from a proposed land development contributes to, creates or accelerates the need for the improvement or reconstruction of a County road, County drainage structure, or County drainage facility, the DRC may require that the Applicant make a contribution toward the improvement or reconstruction of the affected County road or drainage structures or facilities. The amount of the contribution shall be calculated by the County Engineer or their designee in accordance with criteria contained in these regulations and shall be approved by the

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

DRC. The calculations shall be based upon analyses provided by the Applicant's consultants and accepted by the County Engineer.

Where traffic from a proposed development will travel over a County road or drainage facility or where stormwater from a proposed development will flow through a drainage structure or facility that has been improved or reconstructed by the County within the five (5) years prior to receipt of the land development application, the DRC may require that the Applicant contribute toward the improvement. The amount of the contribution shall be calculated by the County Engineer and approved by the DRC. The contribution shall be based on analyses provided by the Applicant's consultants and accepted by the County Engineer and where applicable shall be calculated in accordance with criteria contained in these regulations.

All payments of fair share contributions/assessments shall be made in the form of a certified check or bank check made payable to the Monmouth County Treasurer.

5.04 DEPOSITORY FOR PERFORMANCE GUARANTEES AND MONIES RECEIVED

The Monmouth County Treasurer shall provide a suitable depository for all performance guarantees, payments in lieu of improvements, and monies received as contribution toward construction and maintenance of County roads or drainage facilities, the provision of County services and equipment, and any escrows received for acquisition of rights-of-way and easements. Such guarantees and monies shall be used only for the purposes for which they are deposited, unless such projects or services are not initiated for a period of ten (10) years from the time the guarantees or monies are deposited, or unless the return or dispersion of monies received is specified in a developer/County agreement. After such ten (10) year period has elapsed, the monies shall be transferred to the County general fund into accounts established for County roads and drainage facilities, and County transportation services and equipment.

6.0 DEEDS OF DEDICATION, DEEDS OF RIGHTS-OF-WAY, AND DEEDS OF EASEMENT

Addendum E: Sample Deeds (Dedications, Easements, Right-of-Way)

All deeds for County road right-of-way, deeds of easement for maintenance and reconstruction of County drainage structures and facilities, deeds of easement for construction and maintenance of a County drainage system, deeds of easement for sight triangles and deeds of easement for construction shall be in a form approved by County Counsel or County Planning Board Counsel. The Applicant shall provide a survey or the survey information (metes and bounds) on the subdivision or site plan showing the easement or right-of-way area to be deeded to the County of Monmouth. The deed shall contain a metes and bounds description of the easement or right-of-way area. The Applicant or the Applicant's attorney shall submit to the County Planning Board any deeds required as conditions of approval. The deeds shall be fully executed and in a form acceptable to the County recording officer. If the Applicant, the Applicant's attorney, or the Applicant's representative or agent records a required deed directly with the County recording officer, a copy of the recorded deed, with deed book and page number affixed, shall be submitted to the County Planning Board by the Applicant or the Applicant's attorney.

When an executed deed is transmitted by the County Planning Board to the County Clerk's Office for recording, the County recording officer shall transmit a copy of the recorded deed, with deed book and page number affixed, to the County Planning Board.

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

7.0 DEVELOPER/COUNTY AGREEMENT PROCEDURES

7.01 PREPARATION OF DEVELOPER/COUNTY AGREEMENTS

When necessary to meet a condition or conditions of approval established by the DRC, agreements between the Applicant or Developer and the County also referred to herein as a Developer Agreement, shall be prepared by the County Planning Board Attorney upon consultation with staff of the Development Review Section and the County Engineer.

7.01-1 Developer agreement contents

A submission of a performance guarantee to assure that maintenance and/or the installation of required County road and/or drainage improvements may be required as part of a Developer's Agreement.

7.01-2 Inflation cost adjustment

If, in accordance with the agreement a developer is required to make a contribution toward County road or drainage improvements at some point in time after execution of the agreement, the County Engineer may review the estimated cost of the improvements every 2 years from the date of execution of the agreement and may recommend to the DRC an increase in the amount of the developer's contribution based on increases in the construction cost index.

7.01-3 Indemnification

Statement to indemnify and hold the County harmless, protect and defend the County and its agents and employees from any injury, death, property damage or other claim arising from 1) any work to be performed under the agreement or 2) retention or placement of any building, structure, or object located in the county right-of-way.

7.01-4 Successors and Assigns

Statement that the agreement is binding upon the parties, their successors and assigns and that the agreement runs with the development approval.

7.01-5 Sale or Transfer

Statement that all parties to the agreement shall be notified of a proposed sale or transfer of interest in the proposed development that is the subject of the agreement at least 10 days prior to the transaction.

7.01-6 Addenda, Amendments, and Revisions

Statement that any changes or amendments to the agreement shall be reviewed and approved by the DRC and all parties to the agreement.

7.01-7 Signatures

Signature blocks for the developer and witness.

Signature blocks for the Director of the Monmouth County Board of County Commissioners, the Clerk of the Board of County Commissioners, the County Engineer, and the County Finance Director.

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

7.02 PERFORMANCE GUARANTEES, ESCROWS, AND OTHER DOCUMENTS

Any performance guarantees, escrow monies, or documents that are required to be submitted to the County under the terms of the agreement must be submitted prior to execution of the agreement by the Director and Clerk of the Monmouth County Board of County Commissioners unless otherwise specified in the agreement.

7.03 DISTRIBUTION

The Clerk of the Board of County Commissioners shall forward an executed copy of the agreements to the applicant, developer and/or the developer's representative and the Director of County Planning, the County Planning Board Attorney, the County Engineer and the County Director of Finance.

8.0 PRE-CONSTRUCTION REQUIREMENTS

8.01 COUNTY ROAD/BRIDGE PERMIT

A permit shall be obtained from the Monmouth County Highway Department before any work begins in or along a County road, in the County right-of-way, County signalized intersection, or County bridge or culvert.

8.02 PRE-CONSTRUCTION

The Applicant/developer is responsible for arranging a pre-construction meeting as determined to be necessary by the County highway inspector assigned to the project to determine an agreed upon work schedule, permitting and approval requirements, notifications, detour plan, safety and security issues, and any other details that may be required by the County of Monmouth.

9.0 LIABILITY DURING CONSTRUCTION

The Applicant will be held liable for any damages or accidents that occur within the work area on the County right-of-way or easement during construction of improvements to a County road, County drainage structure or facility, and until the improvements have been accepted by the Monmouth County Board of County Commissioners by its action to release the performance guarantee.

10.0 ENFORCEMENT

No project which is the subject of a land development application submitted to the County Planning Board shall be constructed without receiving final approval or exemption from approval of the DRC. In the event that work begins prior to receiving final approval or exemption from approval of the DRC, or if the Applicant fails to comply with any of the conditions of approval one of the following actions may be taken:

- A County highway permit will not be issued or if issued, may be rescinded.
- The Applicant will be subject to fines as provided in the County Regulations to Protect County roadways and Related Facilities
- The municipal construction code official may be requested to withhold or rescind any building permits or certificates of occupancy issued or applied for
- Any or all of any performance guarantees posted with the County may be forfeited
- Court action may be initiated by the County to stop work on the project and force compliance with conditions of DRC approval.

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

11.0 DEFINITIONS

AASHTO - American Association of State Highway and Transportation Officials (AASHTO design guidelines are found in A Policy on Geometric Design of Highways and Streets).

Adverse Affect – The DRC in its review of a development application may find that the proposed development will cause an adverse effect when vehicular traffic and/or stormwater runoff generated by such development will travel or flow to, through, over, on, or along a County road, County drainage easement, County drainage structure, County drainage facility or buildings and lands owned or maintained by Monmouth County, resulting in the diminution of function, capacity, and/or safety below the standards and expectations sought through the implementation of these Development Regulations (Volumes I & II) and/or any and all applicable federal and state regulations.

Agricultural Development Area (ADA) - Agricultural Development Areas serve as the focal point for the County and state’s farmland preservation efforts. They are areas in which agriculture is the preferred land use. County road rights of way and open space are exempt from the County’s ADAs.

Applicant – the term Applicant may refer to a property owner or developer, or any other person permitted by law to represent and/or to act on their behalf, such as an attorney, agent, contract purchaser, engineer, estate, etc., with the authority to submit and initiate proceedings for a subdivision or site plan application pursuant to these regulations.

Application Form - The form provided by the County Planning Board to an Applicant seeking site plan or subdivision review that identifies pertinent information relating to the Applicant and the development application.

As-Built Plans – Survey accurate plans that reflect the exact horizontal and vertical location of improvements after the improvements have been completed.

Berm - A mound of soil, either natural or man-made that is sometimes used to as a portion of a visual buffer or to contain storm water.

Bridge – A structure having a clear span of 20 feet or more that conveys vehicles and/or pedestrians over a watercourse, waterway, public right-of-way, railroad, or other man-made or natural feature.

Buffer – An area within or along a property or site consisting of natural vegetation or created by planting of trees, shrubs, fences, and/or berms designed to limit the view from or to the site.

Capital Improvement Program – A list of proposed County road and drainage improvement projects that are planned by the County Engineer over the next six (6) years. The program contains a schedule for implementing the improvements and estimated costs of right-of-way and easement acquisitions, preparation of plans and construction.

Cartway – The road surface between the edges of road pavement which may include travel lanes, parking lanes, shoulders, deceleration, and acceleration lanes.

Centerline of Right-of-way – A line that is located in the exact center of the original road right-of-way as laid out by road return. It should be noted that the painted roadway centerline is often not consistent with actual right-of-way centerline.

Completeness – A determination made by the Development Review staff that a development application and the required fees, plans, studies, materials, and documents submitted with the application form satisfies the criteria contained in these regulations to commence the review process.

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

Concept Plan – A schematic plan of a subdivision or site plan of sufficient accuracy that contains the plan details required in these regulations to be used for the purpose of discussion and formulation of recommendations by the DRC staff.

County Drainage Facility - Any bridge, culvert, pipe, swale, ditch, drainage structure, detention or retention facility or component of a drainage system intended to convey or control storm water drainage that is owned or maintained by the County.

County Drainage Structure – Any pipe, culvert, bridge, arch, swale, ditch, catch basin, manhole, chamber, man-made channel, etc., used for the purpose of conveying storm water drainage.

County Facility – Any road, right-of-way, easement, bridge, culvert, pipe, drainage facility, traffic signal and equipment, land or building owned or maintained by the County of Monmouth.

County Governing Body - The Monmouth County Board of County Commissioners.

County Master Plan – A composite of goals and objectives and written elements with supporting documents and maps adopted by the Monmouth County Planning Board designed to guide the development and redevelopment of the County.

County Planning Board - A board established by the County governing body pursuant to N.J.S.A. 40:27-1 et. seq.

County Road - A public road for which the County of Monmouth has the right-of-way and or owns in fee that is maintained by the County.

County Road Plan – A plan that depicts the existing roads that are maintained by the County of Monmouth and potential County roads. The plan designates the planned right-of-way width of each existing and potential County road and includes desirable typical sections for various County road configurations.

Culvert - A structure having a clear span of less than 20 feet designed to convey water under a road, pedestrian walk, driveway or railroad, and which is not incorporated in a closed drainage system.

Curb Return - Curb along the curved or flared radius of a road or driveway opening which extends from a point tangent to the adjacent traveled lane, paved shoulder or deceleration lane to a point tangent to the road or driveway.

Days- Days shall be measured in calendar days unless otherwise specified in the regulations.

Developer - 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.

Developer/County Agreement - A written agreement between the County of Monmouth and a developer setting forth those rights, duties and obligations of the parties which are related to, and consistent with, the development approval granted by the Monmouth County DRC.

Development - Any activity involving the subdivision of land or installation of a structure, or a change in the use of land, including, without limitation thereto, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation of land, paving and any use or change in the use of any building or other structure, or of any land or expansion or extension of use of land, which requires review and approval under the provisions of these regulations or the CPA (N.J.S.A. 40:27-6.2 and 40:27-6.6 et. seq.).

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

Development Regulations - The rules, submission requirements, procedures, design criteria, and standards contained in this document adopted by the Monmouth County Board of County Commissioners.

Development Review Committee (DRC) - A committee of the Monmouth County Planning Board consisting of five (5) full members including the Planning Board Chair, the Planning Director and the County Engineer and two (2) citizen members of the Planning Board. The four (4) alternate members include the Assistant Planning Director for the Planning Director, the Assistant County Engineer for the County Engineer, and two citizen members of the planning board who serve in place of the other citizen members of the committee. The DRC is vested with the power to review and approve subdivisions and site plans pursuant to the County Planning Act (Title 40, Chapter 40:27-6.8).

Easement and Right-of-Way for County Purposes - Provides the County with the access to the easement area, as described in a deed, with necessary labor, equipment, vehicles and material at any and all times for the purposes of constructing, maintaining, repairing, renewing, enlarging or replacing County-owned and operated improvements. Such easements grant the County the right to construct and/or relocate ditches, clear, construct slope, grade, fill, install topsoil and seed, plant and maintain trees and shrubs, stabilize soil, prevent erosion and allow the relocation and maintenance of utilities. Examples of easements may include, but are not limited to, bridge maintenance, temporary construction, and rights-of-way.

Final Subdivision Plat - A plat, map, or a survey of lands drawn in accordance with the requirements of "The New Jersey Map Filing Law" Chapter 141, P.L. 1960, for filing in the office of the Monmouth County Clerk. The final plat must contain all easements and rights-of-way of record.

Impervious Surface or Cover - A surface which has been compacted or covered with a layer of pavement, concrete, cement or other building materials so that it is highly resistant to infiltration by water. Gravel areas are not considered impervious for the purpose of these regulations.

Cumulative Impervious Surface or Cover – The collective area of impervious surface resulting from successive development approvals.

Existing Impervious Surface or Cover – The area of impervious surface existing on a site prior to a proposed site improvement.

New or Proposed Impervious Surface or Cover – The area of impervious surface being added to a site resulting from a proposed site development.

Total Impervious Surface or Cover- The combined area of existing and new or proposed impervious surface resulting from a proposed site development.

Institute of Transportation Engineers (ITE) – Trip generation rates for various land uses are found in the Institute of Transportation Engineers Trip Generation Manual.

Intrinsic Quality - Features that are considered representative, unique, irreplaceable, or distinctly characteristic of an area.

Lanes

Acceleration Lane - An auxiliary speed-change lane on a road for use by vehicles entering the adjacent through lane.

Deceleration Lane - The auxiliary speed-change lane of a road for use by vehicles leaving the adjacent through roadway and entering an intersecting lane, road or driveway.

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

Parking Lane - A lane dedicated to parking vehicles within the cartway.

Shoulder Lane – that portion of the roadway, exclusive of and bordering the travel lane, designed for emergency use but not ordinarily to be used for vehicular travel that may be used for parking where permitted.

Travel Lane - The portion of the roadway that provides for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Loading Area - A designated area, where automobile parking is prohibited, for the purpose of loading and unloading vehicles that deliver and/or retrieve goods and items to and from the site.

Maintenance Bond or Guarantee - Any security that is in a form acceptable to the County Counsel to assure the maintenance of required improvements installed by a developer for a period of two years after the completion and acceptance of such improvements or after the release of the developer's performance guarantee which was posted to assure the satisfactory installation of the improvement.

Manual on Uniform Traffic Control Devices (MUTCD)- A manual published by the National Committee on Uniform Traffic Control Devices and approved through official rulings by the Federal Highway Administration that sets minimum standards and provides guidance for traffic control devices.

Marginal Access Road/Service Road - An internal street running along the edge of a development, generally parallel to a major public road, which provides access to more than one lot so that the individual lots do not have direct access to the major roadway but rather have joint access to the major roadway via a common access point.

New Building Lot - Any lot being created by a subdivision upon which one or more principal buildings or structures could be erected under the provisions of the municipal zoning ordinance in the municipality in which said land is located.

Off-Tract Improvement – The widening, extension, expansion, re-alignment, enhancement, construction or reconstruction of a road and/or drainage structure or facility including but not limited to: additional lanes, pavement width, medians, barriers, curb, drainage systems, structures and facilities, traffic signals and equipment, traffic control devices, guiderail, shade trees and other landscaping, etc.

Off-Street Parking – A temporary storage area for a motor vehicle that is directly accessible to a drive aisle and that is not located along a public street.

Owner - Any individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be developed.

Performance Guarantee - A security such as a surety bond, letter of credit, certified check or Bank cashier's check in a form approved by the County Counsel that is posted by the developer to assure the satisfactory installation of County road and drainage improvements and/or to assure the preparation of plans, parcel maps and permits for the installation of County road and drainage improvements.

Permeability Strategies for Wildlife –Employing design strategies using both natural and built infrastructure to reduce potentially dangerous and harmful conflicts between humans and animals.

Pre-Application Meeting – A meeting attended by the Applicant and/or the Applicant's representatives and staff of the County planning and engineering departments which affords the developer the opportunity to informally present a development proposal to obtain recommendations from the County staff relative to County road access, County drainage improvements and information that should be

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

submitted with the formal application. The recommendations made by the County planning and engineering staff on a development proposal are not binding on the Monmouth County DRC.

Preliminary Plan - The preliminary map that includes construction details depicting the proposed layout of the development and all associated improvements including but not limited to existing and proposed water and sewer facilities, roads, topography, vegetation, grading and drainage improvements, flood plains, wetlands and waterways, demolition, landscaping, the location of existing and proposed buildings, driveways, parking lots, walkways, signs and lighting, phasing of construction, easements and rights-of-way, drawn in accordance with the plan detail requirements contained in these regulations.

Right-of-way - a strip of land partially occupied by a cartway to convey vehicles, pedestrians and utilities. The right-of-way is a demarcation of the physical area controlled by a designated entity, authority or political body. The right-of-way generally extends outside the edge of the roadway and is generally consistent with the adjacent property lines.

Right-of-way Dedication – The conveyance of land to the County as described in a deed for the purpose of constructing, maintaining, repairing, renewing, enlarging, or replacing a designated or proposed County roadway consistent with the County road Plan.

Road or Roadway – Any existing or proposed street, avenue boulevard, lane, parkway, or freeway that is approved by law and accepted by the authority that maintains jurisdiction of the right-of-way that includes the land between the right-of-way lines, whether improved or unimproved, over which the public has the right to travel and may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking lanes.

Road Opening Permit - A permit issued by an authorized representative of the Monmouth County road Department pursuant to resolution of the Board of County Commissioners, approving the construction or reconstruction of curbs, gutters, pavement, guiderail, traffic signals and equipment, other traffic control devices, utility trenches and installations, planting or cutting of shade trees, excavation within the County right-of-way or any similar operation involving tearing up, opening, excavating or connecting to any portion of a County road right-of-way or a County drainage structure or facility.

Scenic County Road- A public thoroughfare as identified in the Monmouth County Scenic Roadway Plan and reinforced through the Monmouth County Master Plan as having enhanced aesthetic or visual value.

Shared Use Path - An improved path separated from the roadway within the public right-of-way or an improved path unaffiliated with a public roadway located on public lands or within its own designated right-of-way, dedicated and designed to accommodate a variety of travel modes while maintaining compatibility with pedestrian use.

Sidewalk -An improved path for pedestrian use outside the cartway.

Sight Triangle Easement - The rights and restrictions to the area established at street or driveway intersections in accordance with the requirements of these regulations, in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to obstruct the view of a driver exiting a street or driveway that intersects a County road, between a height of two feet and ten feet above the center line grade of either intersecting street or road. The County shall have the right to enter the easement area and remove any obstruction to vision within the sight easement area not conforming to these standards.

MONMOUTH COUNTY DEVELOPMENT REGULATIONS
DRAFT MAY 7, 2024, Revised through March 9, 2026

Site Plan

Exempt Site Plan – A development plan that does not abut or affect a County road, County drainage structure or facility, and that does not affect buildings and lands owned or maintained by the County, and is not located on the site of a proposed County facility and does not contain one (1) or more acres of impervious surface.

Site Plan - A development plan for one or more existing lots, plots, partitions or a subdivided lot or lots, that shows all the information required by and drawn to the specifications contained in these regulations and that shows the existing and proposed conditions on the site including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways, the location of existing and proposed buildings, driveways, parking lots, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures, signs and lighting, phasing of construction, easements and rights-of-way.

Streetscape - The natural and man-made features that are perceived within and along a street or road which may include but is not limited to trees, plantings, ornaments, fences, pathways, walls, building facades, road surfaces and signs.

Subdivision - The division of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcels, the adjustment of boundaries between two or more lots, or other divisions of land. The following shall not be considered subdivisions within the meaning of these regulations if no new streets are created:

1. Divisions of land for agricultural purposes where all resulting parcels are five (5) acres or larger in size;
2. Divisions of land by testamentary or intestate provisions;
3. Divisions of property upon court order, including but not limited to judgements of foreclosure;
4. Consolidation of existing lots by deed or other recorded instrument;
5. Conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons.

The term “subdivision” also includes the term “re-subdivision” as defined by C.40:55D.

Subdivision

Creeping Major Subdivision – Within five (5) years of a minor subdivision, a further subdivision proposal of the same property that would result in four (4) or more lots in total may be categorized by the DRC as meeting the review criteria for a major subdivision application.

Exempt Subdivision - A minor subdivision that does not 1) abut a County road or a County drainage structure or facility; 2) does not adversely affect the safety and efficiency of a County road or drainage structure; 3) does not include land designated for a proposed County facility; and 4) where no new road is proposed.

Major Subdivision – A subdivision of land resulting in the creation of four (4) or more lots or a subdivision that contains a new street.

Minor Subdivision- A subdivision of land resulting in the creation three (3) lots or less and contains no new streets.

Traffic Control Devices – All traffic signs, signals, markings, and devices placed on, over, or adjacent to a street, road or highway that comply with the Manual of Uniform Traffic Control Devices, requirements

MONMOUTH COUNTY DEVELOPMENT REGULATIONS

DRAFT MAY 7, 2024, Revised through March 9, 2026

of the New Jersey Department of Transportation and/or the Monmouth County Traffic Safety Engineering Division as applicable.

Truck Parking – area dedicated or delineated on a plan to accommodate truck idling, standing, or waiting while not loading or unloading goods, property, or services in designated bay or loading area.

Upper Freehold Historic Farmland Byway (UFHFB)- A designated New Jersey state scenic byway supported by the Monmouth County Master Plan and the UFHFB Corridor Management Plan as having enhanced and/or exceptional natural, cultural, historic, scenic, and recreational qualities.

Utility - Any sewerage authority created pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.); any utilities authority created pursuant to the "municipal and County utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water or sewer service; or any infrastructure regulated as a utility.

12.0 VALIDITY/SEPARABILITY

If any part or provision of these regulations is adjudged to be invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of the remaining portions of these regulations.

13.0 REPEAL OF CONFLICTING RESOLUTIONS AND REGULATIONS

All resolutions or regulations or parts thereof which are inconsistent with the provisions of these regulations are hereby repealed to the extent of such inconsistency.

14.0 LIST OF ADDENDUMS

Addendum A-1: Pre-Application & Meeting Request Form

Addendum A-2: Waiver Request Form

Addendum A-3: Fee Schedule

Addenda B 1 - B-3: Development Review Packet including:

B-1: Site Plan Application Form

B-2: Subdivision Application Form

B-3: Submission Checklists

- Submission Completeness Checklist
 - Administrative Completeness
 - Technical Completeness
- Drainage Design Checklist
- Road Design Checklist
- Landscape Design Checklist

Addendum C: Sample Performance Guarantees and Letters of Credit

Addendum D: Sample Deeds (Dedications, Easements, Right-of-way)

Addendum E: Development Review Process Flow Chart