

CHAPTER 4

DISTRICT ZONING REGULATIONS

Authority

N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i),
and N.J.A.C. 19:4-6.27.

Source and Effective Date

R.1998 d.77, effective January 5, 1998.
See: 29 N.J.R. 3704(a), 30 N.J.R. 566(a).

Executive Order No. 66(1978) Expiration Date

Chapter 4, District Zoning Regulations, expires on January 5, 2003.

Chapter Historical Note

Chapter 4, District Zoning Regulations, was adopted as R.1970 d.46, effective May 1, 1970. See: 1 N.J.R. 17(b), 2 N.J.R. 8(b), 2 N.J.R. 52(a).

Chapter 4 was replaced by new District Zoning Regulations as R.1972 d.221, effective November 9, 1972. See: 4 N.J.R. 13(c), 4 N.J.R. 311(c). Pursuant to Executive Order No. 66(1978), Subchapter 6, General Provisions, expired on October 5, 1983, and was subsequently adopted as new rules by R.1983 d.507, effective November 7, 1983. See: 15 N.J.R. 1506(b), 15 N.J.R. 1873(b).

Pursuant to Executive Order No. 66(1978), Chapter 4, District Zoning Regulations, was readopted as R.1988 d.281, effective May 26, 1988. See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b). Public Notice: Routine program implementation. See: 25 N.J.R. 1010(a).

Pursuant to Executive Order No. 66(1978), Chapter 4, District Zoning Regulations, was readopted as R.1993 d.176, effective March 29, 1993. See: 24 N.J.R. 4503(a), 25 N.J.R. 1887(a).

Pursuant to Executive Order No. 66(1978), Chapter 4, District Zoning Regulations, was readopted as R.1998 d.77, effective January 5, 1998. See: Source and Effective Date.

Law Review and Journal Commentaries

A Complex Sport: Processing Land Use Applications Before the HMDC. James K. Pryor, 150 N.J.L.J. 49 (1997).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL INFORMATION

- 19:4-1.1 Title of Chapter
- 19:4-1.2 Effective date of Chapter
- 19:4-1.3 Termination of Chapter
- 19:4-1.4 Purpose of Chapter

SUBCHAPTER 2. CONSTRUCTION AND DEFINITIONS

- 19:4-2.1 Construction
- 19:4-2.2 Definitions

SUBCHAPTER 3. APPLICATION OF REGULATIONS

- 19:4-3.1 Territorial application
- 19:4-3.2 Structures, uses, occupancies, and land
- 19:4-3.3 Zoning of public ways, waterways, railroad rights-of-way and renewal areas
- 19:4-3.4 Boundaries

SUBCHAPTER 4. ZONE REGULATIONS

- 19:4-4.1 Permitted uses
- 19:4-4.2 Special exceptions
- 19:4-4.3 Lot size requirements
- 19:4-4.4 Bulk regulation
- 19:4-4.5 Use limitations
- 19:4-4.6 Number of structures on a lot
- 19:4-4.7 Restrictions on allocation of required yards or open space
- 19:4-4.8 Obstructions in yards
- 19:4-4.9 Zoning lot of record
- 19:4-4.10 Office trailers
- 19:4-4.11 Wetlands
- 19:4-4.12 Marshland preservation zone; purposes
- 19:4-4.13 Marshland preservation zone; permitted uses
- 19:4-4.14 Marshland preservation zone; special exceptions
- 19:4-4.15 Marshland preservation zone; use limitations
- 19:4-4.16 Marshland preservation zone; environmental performance standards
- 19:4-4.17 Marshland preservation zone; design of structures and other improvements
- 19:4-4.18 Park and recreation zone; purposes
- 19:4-4.18A Planned park zone 1; purposes
- 19:4-4.19 Park and recreation zone; permitted uses
- 19:4-4.19A Planned park zone 1; permitted uses
- 19:4-4.20 Park and recreation zone; special exception
- 19:4-4.20A Planned park zone 1; special exceptions
- 19:4-4.21 Park and recreation zone; use limitation
- 19:4-4.21A Planned park zone 1; use limitations
- 19:4-4.22 Park and recreation zone; environmental performance standards
- 19:4-4.22A Planned park zone 1; lot area requirements
- 19:4-4.23 Park and recreation zone; design of structures and other improvements
- 19:4-4.23A Planned park zone 1; bulk regulations
- 19:4-4.24 Park and recreation zone; wetlands buffer strip
- 19:4-4.24A Planned park zone 1; environmental performance standards
- 19:4-4.25 Low density residential zone; purposes
- 19:4-4.25A Planned park zone 1; design of structures and other improvements
- 19:4-4.26 Low density residential zone; type of development
- 19:4-4.26A Planned park zone 1; buffer strip requirements
- 19:4-4.27 Low density residential zone; permitted uses
- 19:4-4.27A Planned park zone 1; procedure
- 19:4-4.28 Low density residential zone; special exceptions
- 19:4-4.29 Low density residential zone; lot area and density requirements
- 19:4-4.30 Low density residential zone; bulk regulations
- 19:4-4.31 Low density residential zone; design of structures and other improvements
- 19:4-4.32 Low density residential zone; environmental performance standards and buffer requirements
- 19:4-4.33 Waterfront recreation zone; purpose
- 19:4-4.34 Waterfront recreation zone; type of development
- 19:4-4.35 Waterfront recreation zone; required marina and other permitted uses
- 19:4-4.36 Waterfront recreation zone; special exceptions
- 19:4-4.37 Waterfront recreation zone; use limitations
- 19:4-4.38 Waterfront recreation zone; lot area requirements
- 19:4-4.39 Waterfront recreation zone; bulk regulations
- 19:4-4.40 Waterfront recreation zone; buffer requirements
- 19:4-4.41 Waterfront recreation zone; environmental performance standards
- 19:4-4.42 Waterfront recreation zone; design of structures and other improvements
- 19:4-4.42A Neighborhood commercial zone; purposes
- 19:4-4.42B Neighborhood commercial zone; permitted uses
- 19:4-4.42C Neighborhood commercial zone; special exceptions
- 19:4-4.42D Neighborhood commercial zone; use limitations
- 19:4-4.42E Neighborhood commercial zone; accessory uses
- 19:4-4.42F Neighborhood commercial zone; area and bulk regulations

- 19:4-4.42G Neighborhood commercial zone; special exception uses
- 19:4-4.42H Neighborhood commercial zone; environmental performance standards
- 19:4-4.43 Highway commercial zone; purpose
- 19:4-4.44 Highway commercial zone; type of development
- 19:4-4.45 Highway commercial zone; permitted uses
- 19:4-4.46 Highway commercial zone; special exceptions
- 19:4-4.47 Highway commercial zone; use limitations
- 19:4-4.48 Highway commercial zone; lot area requirements
- 19:4-4.49 Highway commercial zone; bulk and density regulations
- 19:4-4.50 Highway commercial zone; buffer requirements
- 19:4-4.51 Highway commercial zone; environmental performance standards
- 19:4-4.52 Highway commercial zone; design of structures and other improvements
- 19:4-4.53 Service-highway commercial zone; purposes
- 19:4-4.54 Service-highway commercial zone; type of development
- 19:4-4.55 Service-highway commercial zone; permitted uses
- 19:4-4.56 Service-highway commercial zone; special exceptions
- 19:4-4.57 Service-highway commercial zone; use limitations
- 19:4-4.58 Service-highway commercial zone; lot area requirements
- 19:4-4.59 Service-highway commercial zone; bulk requirements
- 19:4-4.60 Service-highway commercial zone; buffer requirements
- 19:4-4.61 Service-highway commercial zone; environmental performance standards
- 19:4-4.62 Service-highway commercial zone; design of structures and other improvements
- 19:4-4.63 Research park zone; purposes
- 19:4-4.64 Research park zone; type of development
- 19:4-4.65 Research park zone; permitted uses
- 19:4-4.66 Research park zone; special exceptions
- 19:4-4.67 Research park zone; use limitations
- 19:4-4.68 Research park zone; lot area requirements
- 19:4-4.69 Research park zone; bulk regulations
- 19:4-4.70 Research park zone; environmental performance standards
- 19:4-4.71 Research park zone; design of structures and buffer requirements
- 19:4-4.72 Research distribution park zone; purposes
- 19:4-4.73 Research distribution park zone; type of development
- 19:4-4.74 Research distribution park zone; permitted uses
- 19:4-4.75 Research distribution park zone; special exceptions
- 19:4-4.76 Research distribution park zone; use limitations
- 19:4-4.77 Research distribution park zone; lot area requirements
- 19:4-4.78 Research distribution park zone; bulk regulations
- 19:4-4.79 Research distribution park zone; environmental performance standards
- 19:4-4.80 Research distribution park zone; design of structures and other improvements
- 19:4-4.81 Research distribution park zone; buffer strip
- 19:4-4.82 Light industrial and distribution zone A; purposes
- 19:4-4.83 Light industrial and distribution zone A; type of development
- 19:4-4.84 Light industrial and distribution zone A; permitted uses
- 19:4-4.85 Light industrial and distribution zone A; special exceptions
- 19:4-4.86 Light industrial and distribution zone A; use limitations
- 19:4-4.87 Light industrial and distribution zone A; lot area requirements
- 19:4-4.88 Light industrial and distribution zone A; bulk regulations
- 19:4-4.89 Light industrial and distribution zone A; buffer requirements
- 19:4-4.90 Light industrial and distribution zone A; environmental performance standards
- 19:4-4.91 Light industrial and distribution zone A; design of structures and other improvements
- 19:4-4.92 Light industrial and distribution zone B; purposes
- 19:4-4.93 Light industrial and distribution zone B; type of development
- 19:4-4.94 Light industrial and distribution zone B; permitted uses
- 19:4-4.95 Light industrial and distribution zone B; special exceptions
- 19:4-4.96 Light industrial and distribution zone B; use limitations
- 19:4-4.97 Light industrial and distribution zone B; lot area requirements
- 19:4-4.98 Light industrial and distribution zone B; bulk regulations
- 19:4-4.99 Light industrial and distribution zone B; buffer requirements
- 19:4-4.100 Light industrial and distribution zone B; environmental performance standards
- 19:4-4.101 Light industrial and distribution zone B; design of structures and other improvements
- 19:4-4.102 Heavy industrial zone; purposes
- 19:4-4.103 Heavy industrial zone; type of development
- 19:4-4.104 Heavy industrial zone; permitted uses
- 19:4-4.105 Heavy industrial zone; special exceptions
- 19:4-4.106 Heavy industrial zone; lot area requirements
- 19:4-4.107 Heavy industrial zone; bulk regulations
- 19:4-4.108 Heavy industrial zone; buffer requirements
- 19:4-4.109 Heavy industrial zone; environmental performance standards
- 19:4-4.110 Heavy industrial zone; design of structures and other improvements
- 19:4-4.111 Airport facilities zone; purposes
- 19:4-4.112 Airport facilities zone; type of development
- 19:4-4.113 Airport facilities zone; permitted uses
- 19:4-4.114 Airport facilities zone; special exceptions
- 19:4-4.115 Airport facilities zone; use limitation
- 19:4-4.116 Airport facilities zone; lot area requirements
- 19:4-4.117 Airport facilities zone; bulk regulations
- 19:4-4.118 Airport facilities zone; environmental performance standards
- 19:4-4.119 Airport facilities zone; design standards
- 19:4-4.120 Airport facilities zone; buffer requirements
- 19:4-4.121 Sports complex zone; purposes
- 19:4-4.122 Sports complex zone; land exemptions
- 19:4-4.123 Sports complex zone; land not exempt
- 19:4-4.124 Public utilities zone; purposes
- 19:4-4.125 Public utilities zone; type of development
- 19:4-4.126 Public utilities zone; permitted uses
- 19:4-4.127 Public utilities zone; special exceptions
- 19:4-4.128 Public utilities zone; lot area requirements
- 19:4-4.129 Public utilities zone; bulk regulations
- 19:4-4.130 Public utilities zone; buffer requirements
- 19:4-4.131 Public utilities zone; environmental performance standards
- 19:4-4.132 Public utilities zone; design of structures and other improvements
- 19:4-4.133 Zoning certificates
- 19:4-4.134 Application for zoning certificate
- 19:4-4.135 Review and approval of application for a zoning certificate
- 19:4-4.136 Period of validity
- 19:4-4.137 Commencement of occupancy
- 19:4-4.138 Application for occupancy certificate
- 19:4-4.139 Issuance of occupancy certificate
- 19:4-4.140 Landscaping and maintenance of open space
- 19:4-4.140A Property maintenance
- 19:4-4.141 Special exceptions
- 19:4-4.142 Variances
- 19:4-4.143 Commission review of special exception and variance approvals
- 19:4-4.144 Planned unit development
- 19:4-4.145 Accessory uses
- 19:4-4.146 Commercial park zone; purposes
- 19:4-4.147 Commercial park zone; type of development
- 19:4-4.148 Commercial park zone; permitted uses
- 19:4-4.149 Commercial park zone; special exceptions
- 19:4-4.150 Commercial park zone; use limitations
- 19:4-4.151 Commercial park zone; lot area requirements
- 19:4-4.152 Commercial park zone; bulk regulations
- 19:4-4.153 Commercial park zone; buffer requirements
- 19:4-4.154 Commercial park zone; environmental performance standards
- 19:4-4.155 Commercial park zone; design of structures and other improvements
- 19:4-4.156 Commercial park zone; waterfront development

SUBCHAPTER 5. SPECIALLY PLANNED AREA REGULATIONS

- 19:4-5.1 Statement of purpose
- 19:4-5.2 The parkside residential specially planned areas: PR-1, PR-2 and PR-3
- 19:4-5.3 The island residential specially planned areas: IR-1, IR-2 and IR-3
- 19:4-5.3A Planned development center specially planned areas: PDC-1
- 19:4-5.4 The Berry's Creek Center: BCC
- 19:4-5.5 The transportation center specially planned areas: TC-1, TC-2, and TC-3
- 19:4-5.6 The special use specially planned areas: SU-1, SU-2 and SU-3
- 19:4-5.7 Procedure
- 19:4-5.8 General plan
- 19:4-5.9 Development plan
- 19:4-5.10 Implementation plan
- 19:4-5.11 Technical documents; consequences of failure to commence development
- 19:4-5.12 Commencement of construction and completion of development
- 19:4-5.13 Public improvements; relations to subdivision regulations
- 19:4-5.14 Maintenance of common open space and open areas
- 19:4-5.15 Staging
- 19:4-5.16 Applicant; management group; resolution of differences between applicants
- 19:4-5.17 Variation of requirements by Development Board

SUBCHAPTER 6. GENERAL PROVISIONS

- 19:4-6.1 Performance standards; noise
- 19:4-6.2 Definitions regarding noise regulations
- 19:4-6.3 Performance standards; vibrations
- 19:4-6.4 Definitions regarding vibration regulations
- 19:4-6.5 Airborne emissions
- 19:4-6.6 Definitions regarding airborne emissions
- 19:4-6.7 Performance standards; hazardous materials, liquids and chemicals
- 19:4-6.8 Definitions regarding hazardous materials
- 19:4-6.9 Performance standards; glare
- 19:4-6.10 Definitions regarding glare
- 19:4-6.11 Performance standards; radioactive materials
- 19:4-6.12 Definitions regarding radioactive materials
- 19:4-6.13 Exemption; radioactive materials
- 19:4-6.14 Performance standards; water
- 19:4-6.15 Definitions regarding water quality
- 19:4-6.16 Wetlands buffer strip; water quality and enhancement of wetlands
- 19:4-6.17 Fees and escrow deposits to insure compliance with certain requirements
- 19:4-6.18 Design of structures; provision and design of other improvements, including parking and loading facilities, landscape improvements, lighting, fencing, signs, satellite antennas, public parks and recycling areas
- 19:4-6.19 Appointment and operation of Environmental Design Committee
- 19:4-6.20 Landmark preservation
- 19:4-6.21 Additional procedural rules
- 19:4-6.22 Public hearing
- 19:4-6.23 Nonconformities
- 19:4-6.24 Fees, penalties and enforcement
- 19:4-6.25 Appeals
- 19:4-6.26 Commission review of Development Board actions
- 19:4-6.27 Amendments
- 19:4-6.28 Official zoning map
- 19:4-6.29 Petitions for zoning amendment to Official Zoning Map (rezoning)
- 19:4-6.30 Petitions for amendment to District Zoning Regulations

SUBCHAPTER 7. WETLANDS PROCEDURES AND GUIDELINES

- 19:4-7.1 General provisions; scope
- 19:4-7.2 Guidelines

- 19:4-7.3 Marshland preservation zone
- 19:4-7.4 Public park zones
- 19:4-7.5 Specially planned areas
- 19:4-7.6 Island residential specially planned areas
- 19:4-7.7 Parkside residential
- 19:4-7.8 Berry's Creek Center
- 19:4-7.9 Transportation center
- 19:4-7.10 Special use areas
- 19:4-7.11 Development zones
- 19:4-7.12 Inventory and analysis
- 19:4-7.13 Implementation and inspection procedures
- 19:4-7.14 Waterway buffer strips
- 19:4-7.15 Protection of existing watercourses within the District
- 19:4-7.16 Specially planned areas; instruction
- 19:4-7.17 Zones; instructions
- 19:4-7.18 Water quality; scope
- 19:4-7.19 Water quality; guidelines
- 19:4-7.20 Liquid and solid waste disposal

SUBCHAPTER 1. GENERAL INFORMATION

19:4-1.1 Title of Chapter

This Chapter shall be known and may be referred to as the Zoning Regulations of the Hackensack Meadowlands District.

Historical Note

Originally cited as Article I.

19:4-1.2 Effective date of Chapter

This Chapter shall take effect upon adoption, being the date of final passage and publication as required by law, and shall continue in full force and effect to the date of termination.

19:4-1.3 Termination of Chapter

This Chapter shall expire, terminate and be of no further force or effect upon the adoption by the Hackensack Meadowlands Development Commission of regulations repealing and superseding this Chapter.

Historical Note

Sections 2 and 3 were originally cited as Article II.

19:4-1.4 Purpose of Chapter

(a) This Chapter is designed to serve the following purposes:

1. To provide for the orderly and comprehensive development of the Hackensack Meadowlands District;
2. To provide space for industrial, commercial, residential, recreational, and other uses;
3. To provide that such uses are suitably sited and placed in order to secure safety from fire, provide adequate light and air, prevent the overcrowding of land and undue concentration of population, prevent traffic congestion,

tion, and, in general, relate buildings and uses to each other so that aesthetic and use values are maximized;

4. To provide for community appearance;
5. To provide for improvements of the land adequate to serve the uses to be developed on that land;
6. To protect the Hackensack Meadowlands District from air and water pollution;
7. To preserve an ecological balance between natural and open areas and development; and
8. To provide for a comprehensive treatment of the ecological factors constituting the delicate environmental balance of the Meadowlands.

Chapter Historical Note

Section 4 was originally cited as Article III.

SUBCHAPTER 2. CONSTRUCTION AND DEFINITIONS

19:4-2.1 Construction

(a) In the construction and interpretation of these regulations, the following provisions and rules shall be applied, except when the context clearly requires otherwise:

1. Words used in the present tense shall include the future.
2. Words in the singular number include the plural number, and words in the plural number include the singular number.
3. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
4. The word "shall" is mandatory.
5. The word "may" is permissive.
6. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies and all other legal entities.
7. The word "Commission" means the Hackensack Meadowlands Development Commission.
8. The words "constituent municipality" means a municipality with lands in the Hackensack Meadowlands District.
9. Unless otherwise specified, all distances shall be measured horizontally.

(b) Any word or phrase which is defined in this section, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

(c) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

(d) Where the conditions or regulations imposed by any provisions of these regulations 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 these regulations, the conditions or regulations which are more restrictive shall govern.

(e) These regulations shall not be deemed to supersede, modify, amend or otherwise invalidate the zoning regulations of any constituent municipality, except to the extent provided by sections 10(b) and 15(b) of chapter 404 of the Laws of 1968.

(f) These regulations are not intended to abrogate, annul or otherwise interfere with any existing easement, covenant or any other private agreement or legal relationship; provided, however, that where these regulations are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, these regulations shall govern.

(g) No person shall hereinafter create any easement, covenant or any other private agreement or legal relationship which is in conflict with these regulations.

(h) Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to carry on any trade, industry, occupation or activity.

(i) It is hereby declared to be the intention of the commission that the several provisions of these regulations are separable, in accordance with the following rules.

(j) If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.

(k) If any court of competent jurisdiction shall adjudge invalid the application of any provisions of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.

19:4-2.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“A.F.” means airport facilities.

“B.C.C.” means Berry’s Creek Center.

“H.C.” means highway commercial.

“H.I.” means heavy industrial.

19:4-4.10 Office trailers

(a) The use of trailers in any zone in connection with site construction shall be permitted subject to the following restrictions and regulations:

1. Trailers may be used as temporary offices, condominium sales offices, and/or field offices although not more than one night watchman or similar person may live in temporary residence in one such trailer.

2. A trailer shall not be moved onto a construction site until 60 days prior to the date upon which site work actually commences and shall be removed from a site on or before the issuance of a final certificate of occupancy unless a later removal is authorized by the Office of the Chief Engineer.

3. A permit for the location and use of any trailer shall be obtained from the Office of the Chief Engineer, in conjunction with a zoning certificate for the proposed construction.

4. The Office of the Chief Engineer may impose reasonable conditions relating to location, parking, access, signs and aesthetics with respect to trailers.

(b) Office trailers not associated with site construction are not permitted.

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

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

Deleted old text of Driveways and industrial districts.

19:4-4.11 Wetlands

No structure or addition thereto shall be built, moved, or remodeled, and no structure or land shall be hereafter improved for use or occupancy unless such construction or improvement conforms with the Hackensack Meadowlands Development Commission's Wetlands Order.

Historical Note

Sections I through II of this Subchapter were originally cited as Article 6-101.

19:4-4.12 Marshland preservation zone; purposes

This zone is designed to preserve and enhance the ecological values of those areas of wetlands and open water within the Meadowlands District, so that real estate development and urbanization inconsistent with ecological preservation will not destroy the areas of the Hackensack Meadowlands District that, based upon environmental considerations, are worthy of preservation in their natural state.

19:4-4.13 Marshland preservation zone; permitted uses

(a) Permitted uses in the marshland preservation zone include:

1. Scientific and educational study, and experimentation in regard to marshland ecology;

2. Walkways for nature observations.

19:4-4.14 Marshland preservation zone; special exceptions

The construction, maintenance and use of any structures, buildings and improvements in connection with scientific and educational activities pertinent to marshland ecology will be classified as special exceptions in the marshland preservation zone.

19:4-4.15 Marshland preservation zone; use limitations

No use shall be operated, conducted or maintained that may impair the quality of the zone as a marsh preservation area. Any use that significantly discourages or interferes with use of the zone as a natural habitat for waterfowl and other forms of marsh life shall be presumed to be a use that impairs the quality of the zone as a marsh preservation area.

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

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

19:4-4.16 Marshland preservation zone; environmental performance standards

(a) All uses in the marshland preservation zone shall comply with the following environmental performance standard categories of N.J.A.C. 19:4-6:

1. Environmental performance standards category A: noise; vibration; steam; airborne emissions, and glare.

2. Environmental performance standards category A: fire and explosion hazards; radioactive materials.

3. All water quality standards shall apply.

4. Particular source emissions: 0.2 pounds per hour per acre of lot for all uses on the lot, or the New Jersey State Standard, whichever is more restrictive.

Administrative Correction to (a).

See: 22 N.J.R. 2184(a).

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

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

19:4-4.17 Marshland preservation zone; design of structures and other improvements

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

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

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

Historical Note

Sections 4 through 17 of this Subchapter were originally cited as Article 6-102.

19:4-4.18 Park and recreation zone; purposes

This zone is designed to maintain a necessary supply of open and recreation space.

19:4-4.18A Planned park zone 1; purposes

This zone is intended to permit certain residential and commercial development on privately owned, non-riparian claimed property located within the geographic area designated as DeKorte State Park. This zone recognizes that certain residential and commercial uses can be developed in a manner so as to complement park development and also recognizes that certain portions of the zone have been landfilled with both solid waste and clean fill.

New Rule, R.1983 d.514, effective November 7, 1983.
See: 15 N.J.R. 16(b), 15 N.J.R. 1873(a).

19:4-4.19 Park and recreation zone; permitted uses

(a) Permitted uses in the park and recreation zone include:

1. Public parks;
2. Privately-owned parks open to the public.

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.19A Planned park zone 1; permitted uses

(a) Residential uses: Townhouses and/or multi-family units shall not exceed 900 dwelling units for the entire zone.

(b) Hotel or motel and vacation villas uses: Hotel or motel development shall not exceed 500 rental units for the entire zone and including such accessory uses as restaurants, drugstores, gift shops, cocktail lounges and recreational facilities. Within the allotted number of permitted units, there may be included vacation villas which may use some or all of the hotel-motel support and service facilities.

(c) Retail and service use: Local retail and service uses shall not exceed 35,000 square feet for the entire zone (except that which is accessory to a hotel use).

(d) Commercial recreation uses: Such indoor uses may include theaters, health clubs, indoor athletic and recreational facilities, restaurants and similar uses intended to complement other outdoor park and recreational activities provided for in the DeKorte State Park Master Plan. Such uses shall not exceed 100,000 square feet for the entire zone.

(e) Outdoor park and recreation uses: Outdoor park and recreation uses shall be related to the needs of the anticipated population of the zone and DeKorte State Park. Such uses shall be consistent with the type of recreational activities provided for in the DeKorte State Park Master Plan which include, but are not limited to, an equestrian center, swim clubs, skating centers, marinas, and bicycle rental facilities. Such uses, but not their associated structure or off-street parking, shall be deemed open space for the purpose of satisfying the provisions of N.J.A.C. 19:4-4.23A.

New Rule, R.1983 d.514, effective November 7, 1983.

See: 15 N.J.R. 16(b), 15 N.J.R. 1873(a).
Administrative Correction to (e): 19:4-4.23 changed to 19:4-4.23A.
See: 22 N.J.R. 2184(a).

19:4-4.20 Park and recreation zone; special exception

(a) Special exceptions in the park and recreation zone include:

1. The construction, maintenance and use of any structures, buildings and improvements, including retail services, customarily associated with park or recreation uses;
2. Primary and secondary schools.

19:4-4.20A Planned park zone 1; special exceptions

(a) The following special exceptions shall apply:

1. Office facilities, provided that the total combined floor area of offices and/or commercial recreational facilities do not exceed the total of 100,000 square feet for the entire zone.
2. Primary and secondary schools.
3. Residential uses as provided in N.J.A.C. 19:4-4.19A where the developer exceeds 900 dwelling units for the entire zone.

New Rule, R.1983 d.514, effective November 7, 1983.
See: 15 N.J.R. 16(b), 15 N.J.R. 1873(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.21 Park and recreation zone; use limitation

All uses in this zone shall be operated and maintained in a manner consistent with a desirable environment and a park and recreation atmosphere.

19:4-4.21A Planned park zone 1; use limitations

- (a) Commercial and recreation uses may be provided on one or more lots and in one or more buildings.
- (b) One or more principal uses and/or buildings may be permitted on a single lot.

New Rule, R.1983 d.514, effective November 7, 1983.
See: 15 N.J.R. 16(b), 15 N.J.R. 1873(a).

19:4-4.22 Park and recreation zone; environmental performance standards

(a) All uses in the park and recreation zone shall comply with the following environmental performance standard categories of N.J.A.C. 19:4-6:

1. Environmental performance standards category A: all airborne emission standards; fire and explosion; radioactive materials.
2. Environmental performance standard category B: noise; vibration; glare.

(c) Whenever conditions relating to existing or proposed landscaping and screening, drainage, or paving are imposed upon the issuance of a zoning certificate or certificate of occupancy or the approval of an implementation plan, the Chief Engineer or Development Board, whichever imposed such conditions, may require a deposit in escrow sufficient to meet the cost of implementing such conditions. If such conditions are not implemented within one year after the date upon which they were imposed, the Chief Engineer or Development Board, whichever imposed such conditions, may use the escrow deposit and itself implement the conditions. If the cost of such implementation exceeds the amount in the escrow deposit, the amount in excess shall be assessed against the property upon which the conditions, at the time of implementing said conditions, shall file a notice of such lien in the office of the county clerk upon the property affected by such lien. If the cost of implementation is less than the escrow deposit, the Chief Engineer or Development Board, whichever imposed such conditions, shall refund the difference to the applicant. If the applicant implements the conditions within the one-year period, the escrow deposit shall be returned to him forthwith.

Historical Note

This Section was originally cited as Article 8-102.

19:4-6.18 Design of structures; provision and design of other improvements, including parking and loading facilities, landscape improvements, lighting, fencing, signs, satellite antennas, public parks and recycling areas

(a) The design of buildings, including roofs, should maximize aesthetic values. The most farsighted and imaginative architecture concepts for building design should be used. The following principles of design should be considered in judging whether any building is in compliance with this section: balance; proportion of mass and detail; harmony—facade elements must be in harmony with each other (the achievement of such relationships may include the enclosure of space in conjunction with other buildings and the creation of focal points with respect to avenues of approach, terrain features, or other buildings) and structures shall not create disharmony with other structures and with their other surroundings; scale of structures to the surroundings; and the relation and use of voids and solids, lines, shapes shadow and light, colors, and building materials. The Chief Engineer may also require additional fire and life safety design standards as appropriate.

(b) Location and design of certain improvements regulations include:

1. Mechanical equipment, including equipment located on the roof and structure supports shall be concealed by structures which are integrally designed with the building or are otherwise rendered not visible from adjoining lots and streets and other off-site locations.

2. Except where otherwise provided, storage areas, utility installations, and other unsightly elements shall be screened both from within and without the property.

3. All walks, driveways, and streets shall be made from all-weather, dustless materials, except that gravel may be used when necessary for the escape of gases generated by sanitary landfills.

4. Distribution and service lines for telephone and electricity shall be placed underground wherever technologically possible and wherever aboveground lines do not predominate. Where this is not possible, utility lines shall be placed aboveground. All utility installations remaining above ground may be located so as to have a harmonious relationship to neighboring properties and the surroundings.

(c) No structure shall hereafter be built or moved, unless the sufficient off-street parking and off-street loading spaces required by this section are provided. No structure or use already established on the effective date of these regulations shall be enlarged unless the sufficient off-street parking and loading spaces which would be required by this section for such enlargement are provided.

(d) Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.

(e) Parking design standards include:

1. Off-street parking spaces, dimensions, aisle widths, driveways and any dimensions for various parking configurations shall be as indicated in the HMDC Guidelines. All parking stalls shall be a minimum of 8½ feet in width and 18 feet in depth, and two feet in any stall length may be provided as a landscaped overhang area, provided full depth concrete curbing is installed.

2. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space in accordance with HMDC Guidelines. Parking spaces which back-out directly into the street are prohibited except for one and two-family dwellings.

3. The number and dimensions of parking spaces for the handicapped shall meet the requirements set forth in the State Department of Community Affairs, Barrier Free Subcode, N.J.A.C. 5:23-7. The property owner shall notify the respective municipality of the location of handicapped parking spaces provided on site.

4. Entrances and exits shall be well defined and clearly marked with appropriate directional arrows and/or signs. All parking stalls shall be marked with two inch wide lines (minimum).

5. Entrances and exits shall be located in a safe and convenient pattern with minimal impact on traffic movement on adjacent streets. They shall not be located within the required line-of-sight triangle of an intersection as defined in the HMDC subdivision regulations or less than 50 feet from the projected intersecting curb lines, except in the Low Density Residential Zone.

6. No motor vehicle repair work or service of any kind shall be permitted in connection with any non-residential off-street automobile parking facilities.

7. The Office of the Chief Engineer may require that certain areas be maintained for fire fighting or other emergency purposes, and those areas shall be appropriately designated.

8. Adequate pedestrian circulation shall be provided between parking areas and the buildings that they are designed to serve. Such circulation shall include raised sidewalks on center islands, designated and striped areas, and similar methods to separate pedestrian from vehicular traffic.

9. All vehicular areas, except for one and two-family detached residences shall be curbed with full depth concrete or granite block and paved or otherwise improved with an all-weather, dustless material.

10. All vehicular areas shall be drained so as to direct surface water runoff to a stormwater drainage system for eventual subsurface or stream disposal. All drainage and grading plans shall be designed for a 25 year storm event using the rational method or approved alternative. Detention or retention shall be provided when required. All other drainage related details shall be in line with accepted engineering practices.

11. No parking or aisles serving such parking are permitted in required front yards.

(f) (Reserved)

(g) Off street parking spaces accessory to the uses hereinafter designated shall be as follows:

1. Hotels and motels: At least one parking space but not more than 1.25 for each rental unit, plus such spaces as are required for restaurants, assembly rooms and affiliated facilities;

2. Single-family, duplexes, and two-family dwellings: at least one parking space for each dwelling unit;

3. Multiple-family dwellings: at least two parking spaces for each dwelling unit;

4. The total number of accessory parking spaces provided for a single-family or two-family dwelling, duplex, or multiple-family dwelling shall not exceed that required by these regulations for such use or for any equivalent new use by more than 50 percent or four spaces, whichever number is greater;

5. (Reserved)

6. Retail stores: at least one parking space for each 200 square feet of floor area;

7. Automobile service stations: at least two parking spaces but not more than three parking spaces for each service bay, plus one for each employee, but not less than five parking spaces;

8. Medical and dental clinics: at least two parking spaces for each examination or treatment room, plus one for each doctor and employee of the building, but not to exceed one parking space per 200 square feet;

9. Office, professional and public administration or service buildings: at least two and one-half parking spaces for each 1,000 square feet of floor area, but no more than three and one-half parking spaces for each 1,000 square feet of floor area;

10. Cartage, express, parcel delivery and freight terminal establishments: at least one parking space but no more than one and one-half for each two employees as related to the working period when the maximum number of persons are employed on the premises, and one parking space for each vehicle maintained on the premises;

11. Establishments handling the sale and consumption of the premises of food, beverages, and refreshments: at least .33, but not more than 0.75 parking space for each person based upon the maximum number of persons that can be accommodated at the same time in accordance with the designed capacity, provided that drive-in restaurants shall have a minimum of 10 parking spaces. Outdoor seating areas, in excess of 20 seats, shall provide 0.33 parking space per person, based on the maximum capacity of the seating layout.

12. Establishments utilizing open sales lots, such as motor vehicle sales lots: at least one parking space for each 400 square feet of enclosed floor area and at least one parking space for each 3,000 square feet of open lot area devoted to the sale and display of merchandise, provided that the maximum shall not exceed that required by these regulations for such use by more than 25 percent;

13. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing, or repairing of goods, materials or products: at least one parking space for each two employees as related to the working period when the maximum number of persons are employed on the premises, or at least one parking space for every 1,000 square feet, whichever is greater. Warehouses, storage and wholesale establishments, one parking space for every 1,500 square feet, provided that the maximum shall not exceed that required by these regulations for such use by more than 10 percent;

14. Car Washes: Three parking spaces for each establishment, plus one space per employee, plus one space for each vacuum station;

15. Theatres and auditoriums: at least one parking space for each four seats, but not more than one parking space for each two seats;

16. Secondary schools, public or private: at least one and one-half but not more than two and one-half parking spaces for each three faculty members and at least 0.75 but not more than 1.25 for each eight students, based upon the maximum number of students attending classes on the premises at any one time in any 24-hour period;

17. Primary and intermediate schools, nursery schools, and group day care centers, public or private: at least one but not more than 1.5 parking spaces for each three faculty members and other full-time employees;

18. Hospitals: at least one parking space for each two hospital beds, plus one parking space for each two employees (other than doctors), plus one parking space for each doctor assigned to the staff provided that the maximum shall not exceed three parking spaces per bed;

19. Nursing and convalescent homes: one parking space for each three patients, based on the designed maximum capacity, plus one parking space for each two employees or staff members but the maximum is not to exceed one parking space for each two patients;

20. Houses of worship: one space for every five seats. Where bench seating is utilized, every 22 inches of bench shall equal one seat;

21. Private clubs and lodges: at least one parking space for each four persons, based on the maximum number that can be accommodated at the same time in accordance with designed capacity but not to exceed one parking space for each two and one-half persons;

22. Public swimming pools and private swim clubs: one parking space for each 38 square feet of water area, or 15 spaces per acre of site area, whichever is greater;

23. Gymnasiums and other places of assembly: at least one parking space for each three persons, but not to exceed one parking space for each two persons, based upon the designed maximum capacity;

24. For a marina, the following parking requirements shall apply: one space for each two docking berths, plus one space for each 100 feet of usable water frontage, plus one trailer parking space for every two berths.

25. Self storage facilities: one parking space for each 100 storage units, or one space per 10,000 square feet, whichever is less, with a minimum of six parking spaces provided, plus such spaces as required for accessory uses. Adequate drive aisle widths shall be provided to allow for safe vehicle passage adjacent to loading doors.

26. Bus terminals: one parking space for every two bus parking spaces.

27. Parking spaces for other permitted uses, special uses, or special labor intensive uses, not listed above shall

be provided in accordance with the determination of the Chief Engineer with respect to the number of spaces that are required to serve employees and/or the visiting public at each such use;

28. Shared off-street parking facilities for separate uses with different peak generator hours may be provided collectively. The total number of spaces furnished shall not be less than the sum of the spaces required for those uses during peak generator hours, based upon a submitted and approved traffic study and provided that all regulations covering the location of accessory parking spaces in relation to the use served are adhered to. However, land for the sum of the separate parking requirements for each use must be allocated in the form of either excess open space or future parking deck. This arrangement must be recorded in the form of a Deed Restriction;

29. The minimum required number of parking spaces may be reduced in accordance with an employee trip reduction program, approved by the New Jersey Department of Transportation;

30. Satellite parking facilities: notwithstanding the provisions of (e) above, legal occupants on one property (Property A) may utilize excess parking spaces on adjacent properties (Property B) for employee parking provided the following conditions are satisfied:

i. All occupants on both properties have legal occupancy certifications from the HMDC or have filed a complete application with the HMDC for occupancy certification, and all application information relative to parking and employees on site is valid;

ii. All parking areas on both properties are either designed and laid out in conformance with (e) above or have a legal pre-existing non-conforming status;

iii. A copy of that portion of the lease between the parties dealing with occupancy square footage and parking arrangements is submitted to the HMDC;

iv. The determination of the number of "excess" spaces that are available, and can be utilized, on Property B is to be made by the HMDC after a careful review of the number of spaces that are actually required by all legal occupants on both properties. This determination is to be made based upon occupancy certification applications, site inspections, and other relevant information;

v. The legal occupant is to provide a backup plan to be utilized in case these "excess" parking spaces become needed by a legal occupant on Property B. A request for a satellite parking facility must be accompanied by the applicant's submission of a Transportation Demand Management Plan (TDM) indicating other modes of transportation that will be implemented and/or the access by the applicant to other nearby property which can be utilized for this parking; and

vi. This satellite parking facility cannot be transferred from one legal occupant to another without the written approval of the HMDC;

31. Retail/general commercial uses in the neighborhood commercial zone:

i. On lots less than 7,500 square feet, a minimum of one space per 500 square feet of gross non-residential building area. Parking may be located within the yard area between the front building line and the required five foot buffer which shall be maintained as a landscaped island to separate vehicular and pedestrian traffic.

ii. On lots that are greater than 7,500 square feet, a minimum of one space per 200 square feet of gross building area for retail commercial uses. No parking shall be permitted within 10 feet of the front property line;

32. Professional and business office uses in the neighborhood commercial zone: one space for every 250 square feet of gross floor area;

33. Laboratories: one space for every 300 square feet of lab area, plus spaces as required above for office or other ancillary uses;

34. Health clubs: 20 spaces for every 1,000 square feet of exercise area, plus two spaces for every play court plus one for every two employees;

35. Essential public services: one space for every 200 square feet of gross floor area;

36. Dance, martial arts, music, voice, photographic, gymnastic and other related studio uses: at least one parking space for each three persons, but not to exceed one parking space for each two persons, based upon the designed maximum capacity.

(h) Off-street loading standards include the following:

1. Space allocated for any on-site loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

2. Unless otherwise specified, a required off-street loading space or berth shall be ten feet in width by at least 25 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 14 feet.

3. Each required off-street loading space or berth shall be designed with appropriate means of vehicular access to a street or highway in a manner which will least interfere with traffic movement.

4. All open on-site loading shall be improved with a compacted select gravel base, not less than seven inches thick, surfaced with an all-weather, dustless material.

5. All off-street loading facilities shall be so located or effectively screened so as not to be visible from any point in any specially planned area, planned unit development, public right-of-way or residential use or zone and shall be otherwise screened to insure privacy or protect property values.

6. In the zones, all required loading spaces or berths shall be located on the same lot as the use served. All loading facilities, including accessory trailer parking areas, shall be located in the rear yard. Where this is not possible due to technical reasons related to site layout, locating loading facilities within the side yard will be allowed if otherwise permitted by these regulations. No loading facilities will be permitted within the front yard. There shall be no loading in a yard abutting a public street. Any loading space or berth located in a rear yard may be open to the sky, unless otherwise provided. No permitted or required loading space or berth shall be located within 40 feet of the nearest point of intersection of any two streets or highways. All loading facilities shall be located so as to minimize dangers of access thereto and in no event shall they be located near open ditches.

7. Any lighting used to illuminate off-street loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

8. The design of on-site loading facilities shall comply with truck maneuvering templates, current industry practices or with such other design standards as may be established from time to time by either the Office of the Chief Engineer or by the Development Board. On-site loading facilities may be open to the sky or enclosed within a building.

9. No major truck repair work or service of any kind shall be permitted in conjunction with any on-site loading facilities except in the heavy industrial zone.

10. For small lot developments in the neighborhood commercial zone, one off street parking space shall also serve as a loading area, and shall be so designated.

(i) On site loading berth requirements include:

1. No on-site loading facilities are required in any residence district, except that elementary and intermediate schools shall provide at least one loading space for passenger automobile for each 50 students based upon the designed maximum capacity of the school.

2. On the same lot with every building, or part thereof, erected hereafter in any zone or in close proximity to any use erected in a specially planned area for which loading spaces are required, there shall be provided adequate space for motor vehicles to load and unload in order to avoid interference with the public streets. Such space shall include the following minimum loading spaces:

i. Medical and dental clinics, and business and professional offices: one loading berth for each building that contains 1,000 to 100,000 square feet of gross floor area, and for each additional 100,000 square feet of gross floor area up to 500,000 square feet, one additional loading berth, plus one additional loading berth for each additional 500,000 square feet of gross floor area, or any fraction thereof, in excess of 500,000 square feet.

ii. Hotels and motels, meeting halls, auditoriums, theatres, gymnasiums and other places of public assembly: one loading berth for each building that contains 1,000 to 150,000 square feet of gross floor area, plus one additional loading berth for each additional 150,000 square feet of gross floor area, or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of gross floor area shall not be less than 10 feet in width by 60 feet in length.

iii. For all other uses in the planned park and recreation 1, waterfront recreation, commercial park, highway commercial, neighborhood commercial, and service highway commercial zones, for all nonresidential and nonindustrial uses in all planned unit developments, loading facilities shall be provided in accordance with the following table:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Loading Berths
1-10	1-(10' × 25')
10-25	2-(10' × 25' each)
25-40	2-(10' × 60' each)
40-100	3-(10' × 60' each)

(1) For each additional 200,000 square feet of gross floor area, or any fraction thereof over 100,000 square feet of gross floor area, one additional loading berth shall be provided. Each such additional loading berth shall be at least 10 feet in width by 60 feet in length.

iv. (Reserved)

v. For all uses in the research park, research distribution park, light industrial and distribution A and B, heavy industrial, and (except for hotels and motels) airport facilities zones and for all industrial uses in planned unit developments, loading facilities shall be provided in accordance with the following table:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Loading Berths
1-10	1-(10' × 25')
10-40	1-(10' × 60')
40-100	*2-(10' × 60' each)

(1) For each additional 100,000 square feet of gross floor area, or any fraction thereof over 100,000 square feet of gross floor area, one additional loading

berth shall be provided. Each such additional berth shall be at least 10 feet in width by 60 feet in length.

3. Uses for which on-site facilities are required by this Section but which are located in buildings that have a floor area that is less than the required minimum above which off-street loading facilities are required shall be provided with adequate receiving facilities, accessible by motor vehicle, service drive, or open space on the same lot.

(j) No sign, unless exempt under (j)3 below, shall hereafter be constructed, erected, moved, remodeled, or expanded until a zoning certificate for such sign, indicating compliance with these regulations, has been obtained, or unless it is part of an approved implementation plan. No zoning certificate for any sign shall be issued unless the sign complies with the following:

1. Sign definitions (sign functions):

i. Advertising sign means a sign which 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 or to which it is affixed.

ii. Bulletin board means a sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcements of persons, events or activities occurring at the institution, or other greeting or similar message.

iii. Business sign means a sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or an entertainment offered, on the premises where the sign is located or to which it is affixed.

iv. Construction sign means a temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar professionals involved in the design and construction of a structure or project erected only during the construction period and only on the premises on which the construction is taking place.

v. Identification sign means a sign giving the name and/or address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

vi. Nameplate means a sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and, where applicable, a professional status.

vii. Real estate sign means a sign pertaining to the sale or lease of the lot or tract of land on which the sign is located, or to the sale or lease of one or more structures or a portion thereof located thereon.

2. Structural sign types:

i. **Awning:** Any sign mounted or painted on or attached to an awning, canopy, or marquee that is otherwise permitted by these regulations. No such sign shall project above, below or beyond the physical dimensions of the awning, canopy or marquee.

ii. **Ground:** Any sign placed upon or supported by the ground independent of the principal or accessory building or structure on the property.

iii. **Pole:** Any sign that is mounted on a free-standing pole, the bottom edge of which sign is six feet or more above ground level.

iv. **Projecting:** Any sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

v. **Wall and Window:** Any sign fastened to a wall or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building.

vi. **Roof:** Any sign that is fastened to or painted on the roof of a building or structure.

3. Exemptions:

i. The following signs shall be exempt from the requirements of this subsection:

(1) Flags or emblems of a government or of a political, civic, philanthropic, education or religious organization, displayed on private property, provided no sign exceeds 250 square feet;

(2) Signs of a duly constituted governmental body including traffic or similar regulatory devices, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping and so forth;

(3) Memorial signs and tablets displayed on private property;

(4) Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the sign do not exceed the requirements of such law, order, rule or regulations;

(5) Signs not exceeding five square feet in area displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances, recycling areas, and the like.

ii. The following signs are exempt from the zoning certificate requirement of this subsection, but shall comply with all other requirements of this subsection:

(1) Nameplate signs not exceeding two square feet in gross surface area accessory to a multiple-family dwelling;

(2) Identification signs not exceeding 20 square feet in gross surface area accessory to a multiple-family dwelling;

(3) Bulletin board signs not exceeding 20 square feet in gross surface area accessory to a church, school or public or non-profit organization;

(4) One temporary banner or sale sign per lot, for the purposes of warehouse sales and grand opening sales. The maximum size of any one banner shall be in accordance with maximum size of any single sign from Table 1 of this section. Sales signs may be erected up to seven days before the scheduled event and must be removed immediately following the event. Grand opening signs may be erected up to seven days before the event and remain a total of 14 days;

(5) Real estate signs, one per lot, not exceeding five square feet per side or a total of 10 square feet in the Low density residential zone, and 20 square feet total in all other zones.

4. General standards:

i. The area of a wall sign, which consists of letters mounted on a wall, shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters, and their supporting elements, if any. For other signs, the sign area shall be the area of the background structure which supports the message. These areas shall not include any structural elements lying outside the limits of such signs and which do not form an integral part of the display, but shall include logos, symbols, etc. as part of the sign. The gross area of a multi-faced sign displaying the same message on all faces shall be the total area of all faces of the sign. These signs shall be considered to be one sign and their total area shall not exceed the maximum permitted sign area as per applicable zone regulations.

ii. Sign height shall be measures from ground level at the base of or below the sign to the highest element of the sign.

iii. Signs shall be shaded wherever it is deemed necessary by the HMDC to avoid casting bright light upon property located in any residence or residential district or upon any public right-of-way or park. Any illuminated sign located on a lot adjacent to or across a right-of-way from any residence or residential zone or specially planned area, which sign is visible from such residence or residential zone or specially planned area, shall not be illuminated between the hours of 11:00 P.M. and 7:00 A.M. Such signs shall not be permitted to utilize white illuminated backgrounds.

iv. No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which create the illusion of movement shall be permitted in any district. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature and are not more frequent than every fifteen (15) seconds.

v. (Reserved)

vi. No sign shall be maintained at any location where by reason of its position, size, shape or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.

vii. No signs shall be permitted on trees, bridges, radio towers, and similar structures or elements.

viii. Window signs designed to be read from the exterior of a building shall be included as part of the maximum sign area.

ix. All signs shall be kept in good repair which shall include replacement or repair of broken structural elements, casings, or faces, maintenance of legibility and all lighting elements. Whenever the Office of the Chief Engineer shall determine that a sign has become structurally unsafe or endangers the safety of the building or public, the Office of the Chief Engineer shall order such sign to be made safe or removed. Such order shall be complied with within 10 days of the receipt thereof by the owner of the building or premises on which such unsafe sign is affixed or erected. If the sign is not made safe or removed within the requisite 10 days, the Office of the Chief Engineer, in order to protect the public safety, may enter upon the property and take the required actions. The cost of this safety action shall be assessed against the property maintained and shall become a lien on said property. The Office of the Chief Engineer at the time of entering upon the property for the purpose of correcting safety violations, shall file notice of such lien in the Office of the appropriate County Clerk upon the property affected by such lien. The owner of the premises upon which a sign is located shall be responsible for keeping the area surrounding signs neat, clean, and landscaped.

x. Building facade shall be the total area measured from side to side and from the ground level to the top of the roof, excluding parapets, of flat roof structures and top of the highest occupied story on peak roof structures.

5. Specially planned areas, multi-tenanted structures, or multi-structure developments shall be governed by the following sign regulations:

i. A sign plan shall be submitted for each development to the Office of the Chief Engineer. Such sign plan shall include details on:

- (1) Lettering style;
- (2) Lighting;
- (3) Color;
- (4) Construction and materials;
- (5) Heights of signs;
- (6) Heights above grade or below roof line;
- (7) Locations; and
- (8) Light poles.

ii. The sign plan shall be based on an integrated design theme to include all of the elements in (j)5i(1) through (8) above. All of the above elements shall be designed to be harmonious and consistent with each other, the architecture and materials of principal structures, and the landscape plan. Where there is existing signage on the property, the sign plan shall include details as described in (j)5i above, for both existing and proposed signs, to be installed in accordance with the approved sign plan as changes/additions of each sign occur.

iii. Total sign area permitted is five percent of the building's front facade. The Office of the Chief Engineer may permit up to 10 percent of the building(s) front facade, if in its opinion, such additional area shall assist in developing a harmonious and integrated sign plan in accordance with the goals and objectives of this section. For the purposes of these calculations, no building should have more than one front facade.

iv. Maximum height of sign shall be the wall-height of structure. Roof, pole, and ground signs may be a maximum of 30 feet above ground level.

v. Minimum setback of sign shall be 15 feet.

vi. Maximum sign area of any single sign is 300 square feet.

6. Gasoline service stations shall be permitted to display only the following signs:

i. One temporary sign, located inside the property line, specifically advertising special or seasonal servicing of motor vehicles, provided such sign does not exceed 10 square feet in size.

ii. One ground or pole sign advertising the name of the station or garage and/or the principal products sold, including any special company or brand name, insignia or emblem, provided that the actual sign area does not exceed 60 square feet in size, 120 square feet if double sided, and further provided that such sign shall be more than 10 feet but less than 25 feet above ground level and is no closer than 10 feet to any property line. A

reader board with a 36 square foot maximum area, indicating fuel name, price, etc., may also be installed on the pole signs.

iii. A gasoline service station may have either canopy or wall signs, but not both, in accordance with the following:

(1) Canopy signs may be on all faces of the canopy, provided they are not larger than 20 inches in height, and total sign area does not exceed $\frac{1}{2}$ of the total canopy face area. Maximum canopy face depth is 30 inches.

(2) Wall signs shall be no larger than five percent of the total front yard building facade.

7. All other signs shall be regulated in accordance with Table 1 below. All signs shall be in accordance with the waterfront recreation zone sign regulations with the exception that the minimum setback of any sign shall be five feet.

TABLE 1—SIGN REGULATIONS

ZONE	MP P&R	LDR	NC WR	HC, RP, RDP	SHC	LI & D (A&B) HLAF,PU	SU, PR, IR, PPR, BBC, TC, CP
1. Advertising(a)	N	No	No	No	X	X	S
2. Bulletin Bd.	O	20 sq.ft.	X	X	X	X	E
3. Business	N	No	X	X	X	X	C
4. Construction	E	60 sq.ft.	X	X	X	X	T
5. Identification		20 sq.ft.	X	X	X	X	I
6. Nameplate	P	2 sq.ft.	X	X	X	X	O
7. Real Estate	E	6 sq.ft./d.u.	X	X	X	X	N
	R	60 sq.ft. max.					
Structural Type	M						5
1. Awning	I	No	X	X	X	X	
2. Ground	T	X	X	X	X	X	R
3. Pole	T	X	X	X	X	X	E
4. Projecting	E	No	No	No	X	X	G
5. Wall & Window	D	X	X	X	X	X	U
6. Roof		No	No	X	X	X	L
Maximum Height		15'	wall-height of structure; ground/pole 15'	wall-height of structure; roof/pole/ ground-30' above ground level 15'	wall-height of structure; roof/pole/ ground-30' above ground level 15'	wall-height of structure; roof/pole/ ground-30' above ground level 15'	A T I O N S
Setback(e)		15'	15'	15'	15'	15'	
Illumination		None, except bulletin boards may be indirectly illuminated	Yes	Yes	Yes	Yes	A P P L Y
Maximum Area of Any Single Sign (b)(c)(d)		See Functional Types Above	5% of front yard building facade. 100 sq. ft. max. for any single sign.	5% of front yard building facade. 200 sq. ft. max. for any single sign.	5% of front yard building facade. 300 sq. ft. max. for any single sign.	5% of front yard building facade. 300 sq. ft. max. for any single sign.	
Signs/Front Yd(e)		1	2	2	2	2	

(a) Max. of 1 advertising sign per lot. Section 5 is not applicable to advertising signs.

(b) For vacant land, one (1) sq. ft. of sign area shall be permitted for each linear foot of street frontage.

(c) For mixed use, multi-tenanted structures, or multi-structure development, see Section 5 for controlling regulations.

(d) For the purpose of this calculation, no building shall have more than one front facade.

(e) The minimum setback for all signs in the neighborhood commercial zone shall be five feet.

Note: For gasoline service stations, see Section 6 for controlling regulations.

X = Permitted

(k) Landscape improvements:

1. All landscape plans shall be prepared in accordance with the Commission adopted landscape design guidelines.

2. Only open space areas which have a minimum dimension of three feet in any direction and a minimum of a 50 square foot area shall be considered to fulfill open space requirements. Safety islands within parking lots must have a minimum dimension of five feet in any direction in order to fulfill open space requirements.

3. Screening:

i. All off-street parking areas containing six or more parking spaces shall be effectively screened from public or private right of ways by a decorative fence or wall, landscaped berm, or a densely planted evergreen material sufficient to reduce headlight glare. Deciduous shrubs may be utilized for screening in conjunction with earth berming, minimum height 2½ feet integrated into the existing land form.

ii. All parking areas shall be screened from adjacent residential open space and dwelling areas by a solid and continuous fence, wall, landscaped berm or evergreen plant material not less than six feet in height. Plant material selected must be capable of maturing to a minimum six foot height.

iii. All off-street loading and accessory trailer parking areas shall be located or effectively screened with a decorative fence in accordance with (m) below supplemented by evergreen plant material capable of maturing to a height and width sufficient to screen such areas, and vehicles within the areas, from public rights-of-ways and any point within a specially planned area, planned unit development or residential use or zone.

iv. All outdoor storage or work areas, other than an automobile service station, shall be enclosed by a solid and continuous decorative fence, wall or evergreen plant material sufficient to screen such activity from adjacent properties and public right of ways.

v. All utility improvements, such as transformer compounds, external heating and cooling equipment, and refuse areas, etc. shall be sufficiently screened from adjacent properties and public right of ways.

4. Concrete or granite block safety islands, with a minimum dimension of five feet, shall be provided between the ends of a parking bay and any driveway, aisle or other areas as deemed necessary by the Office of the Chief Engineer and appropriately landscaped with shade trees.

5. All parking areas shall be arranged and designed so as to prevent damage to adjacent fences, walls, plantings and lighting standards.

6. Shade trees:

i. A minimum of one major shade tree shall be provided per 10 parking stalls or one shade tree per 3,000 square feet of parking area, whichever is greater, and shall be distributed evenly throughout the parking area.

ii. Adjacent paved areas on separate properties, including parking, loading and driveway areas, shall be delineated by a minimum 10 foot wide shade tree lined landscape strip. A five foot landscape strip is to be provided by each property owner with shade trees to be planted on 25 to 40 foot centers within the strip. Where an adjacent developable property is vacant, or adjacent properties are being developed simultaneously, it is the intent of this provision that each property owner provide for one half of the required trees.

7. Plant standards:

i. All plants shall conform to the standards as set forth in American Standard for Nursing Stock, published by the American Association of Nurserymen, Wash-

ington, D.C., and the hardiness zones developed by the United States Department of Agriculture.

ii. All shade trees shall not be less than 2½ to 3 inches caliper, 12 to 14 feet in height at the time of planting.

iii. All evergreen trees shall not be less than five feet in height at the time of planting.

iv. All minor deciduous trees shall not be less than six feet in height at the time of planting.

v. All evergreen shrubs used for screening shall not be less than two feet in height at the time of planting.

8. The dimensions, sizes and heights are to be considered approximations. Under certain circumstances, the requirements listed above may be waived by the Office of the Chief Engineer.

9. All landscaping shall be completed before Occupancy Certification is issued by the Office of the Chief Engineer. Delay in performance may be permitted by the posting of sufficient security in a form acceptable to the Office of the Chief Engineer to insure completion of this requirement.

(l) Lighting:

1. Site illumination levels:

i. All off-street parking areas containing six or more parking spaces shall be adequately and properly lighted as follows:

ii. An evenly distributed, average illumination level between one and two footcandles shall be maintained throughout the parking lots.

iii. An evenly distributed average illumination level between four and five footcandles shall be maintained at loading, unloading and material handling areas.

iv. An evenly distributed, average illumination level between two and three footcandles shall be maintained at driveway entrances and exits.

v. An evenly distributed, average illumination level between 0.5 and one footcandle shall be maintained in pedestrian walkway areas.

vi. An evenly distributed, average illumination level of not more than 20 footcandles shall be maintained at gas station pump and service areas.

vii. Light sources shall comply with the following:

(1) A minimum of one lighting fixture, plus one for every 30 stalls, shall be installed throughout the parking lot.

(2) All light sources shall be arranged so as to reflect illumination levels greater than one footcandle away from adjacent properties.

(3) All light sources shall be shielded or positioned so as to prevent glare from being a hazard or nuisance, or negatively impacting site users, adjacent properties or the traveling public.

(4) Poles shall be rustproof metal, cast iron, fiberglass, finished wood or similar decorative material.

(5) Poles in pedestrian walkway areas shall not be greater than 15 feet in height and shall utilize underground wiring.

(6) Poles in all other areas shall not exceed 25 feet in height, and shall utilize underground wiring. Poles of a greater height, but not exceeding 40 feet, and utilizing overhead wires, may be permitted under specific request of, and authorization by, the Office of the Chief Engineer due to specific site or use related, technical reasons. These reasons may include a need for excessive width or length of paved areas for rail terminals, or such other uses where the provision of standard spaced poles would create an undue safety hazard to site users.

(7) All site lighting poles shall utilize underground wiring unless the Office of the Chief Engineer determines that a pole height greater than 25 feet is warranted due to technical reasons.

(8) Light sources on structures shall not exceed 25 feet, or the height of the structure, whichever is less.

2. Illumination levels for covered parking facilities:

i. For purposes of these regulations, covered parking facilities consist of general parking and pedestrian areas; ramps and corners; entrance areas; and stairways.

ii. Illumination levels in these areas shall maintain an average-to-minimum uniformity ratio not exceeding 4:1.

iii. These areas must maintain the required illumination levels both day and night.

iv. An evenly distributed, average illumination level between 3.5 and 4.5 footcandles shall be maintained throughout general parking and pedestrian areas.

v. An evenly distributed, average illumination level between 3.5 and 4.5 footcandles shall be maintained throughout ramps and corners.

vi. An evenly distributed, average illumination level between 3.5 and 4.5 footcandles shall be maintained throughout entrance areas, extending 50 feet beyond the covered edge.

vii. An evenly distributed, average illumination level between 3.5 and 4.5 footcandles shall be maintained throughout stairways.

viii. Lighting requirements for the top parking level, if not covered, shall be in conformance with the requirements of (1)1 above.

(m) Fences or walls in excess of 18 inches in height shall be permitted in accordance with the following standards:

1. Fences or walls are not permitted in required front yards except for the following:

i. Fences or walls in the low density residential zone with a maximum height of four feet are permitted provided that they are not chain link fences.

ii. Fences or walls, not exceeding four feet in height, on undeveloped properties that are subject to illegal dumping of debris and other materials. The determination that illegal dumping occurs must be confirmed by an inspection by the Office of the Chief Engineer prior to the erection of the fence. Before a Certificate of Completion can be issued, the property must be cleared of debris. The fence shall be removed once the site is developed.

iii. Fences or walls are permitted to be erected at the front building line of a principal structure extending to the side or rear lot lines provided that they do not exceed a maximum height of six feet in the low density residential zone and eight feet in all other zones.

2. Fences and walls are permitted in side and rear yards provided they do not exceed a height of six feet in residential zones and eight feet in all other zones.

3. No fence, wall, hedges, or other landscaping shall be constructed or installed so as to constitute a hazard to traffic or safety.

4. The face or finished side of a fence or wall shall face the adjacent property.

5. No fence or wall shall be constructed with metal spikes, or topped with concertina or razor wire, broken bottles or similar materials, or constructed in such manner as to be dangerous to animals or humans.

(n) Satellite antennas shall be permitted in accordance with the following standards.

1. All satellite antennas shall comply with FCC regulations.

2. All satellite antenna foundation plans shall be submitted for review in plans signed and sealed by a professional engineer.

3. All satellite antennas shall be located in the same lot as the principal use and shall be an accessory use to the principal use.

4. No satellite antenna is to be located on the front yard nor shall it be visible from the front yard.

5. Minimum setback of 10 feet shall be maintained from the foundation of the satellite antenna to the side and rear property lines.

6. All satellite antennas shall be located and screened to minimize motor noise and visual impact from the street and adjacent properties. The screening shall be either landscaping or a fence.

7. The diameter of the satellite antenna shall be as follows:

i. A maximum of two meters in the low density residential and neighborhood commercial zones;

ii. A maximum of 12 feet in all the other zones except where a larger diameter sender/receiver antenna is required as accessory to a communications common carrier;

8. No satellite antenna shall be located on the wall of a structure.

(o) Fill, excavation, regrading and surcharge standards are as follows:

1. No filling, excavation, regrading or surcharging of land shall commence without having first obtained zoning approval from the Office of the Chief Engineer. Such zoning approval may be granted as follows:

i. All filling, excavation or grading operations directly related to the construction of any structure shall be considered approved only if such filling, excavation and grading operations are clearly indicated with approximate quantities on the approved plans for the proposed structure.

ii. A zoning certificate for filling, excavation, grading and surcharge operations may be issued by the Office of the Chief Engineer if a schematic site plan showing the envisioned ultimate use of the property is submitted. This plan must meet all applicable bulk and use regulations.

2. Prior to the issuance of any zoning certificate which involves filling operations, a detailed geotechnical investigation report, prepared by a geotechnical engineer, must be submitted for approval. This report shall be prepared in accordance with the following Geotechnical Investigation Report Guidelines:

i. Description of existing soil and ground water conditions in the area to be filled, or built upon, including copies of all soil boring logs, test pit investigations and test reports;

ii. Proposed final/interim uses for the filled area; purpose of the fill or stockpile operation;

iii. Recommended fill operation, including, as required, excavation of existing fill/soils, site preparation, placement of fill, thickness of lifts, compaction, etc.;

iv. Recommended fill material, including type, moisture content, size grading, organic content, etc.;

v. Recommendations for the control of ground water during site work and/or foundation construction;

vi. Analysis of the effects of the proposed fill operation on future construction type/costs;

vii. Recommendations on the engineering properties of all soils subjected to loading condition;

viii. Recommendations for the protection of existing structures/utilities and adjacent property from settlement, mud waving, movement, etc.;

ix. Analysis of existing access roads and site ingress/egress and recommendations for any traffic control measures related to the earthwork operations;

x. Recommendations for dust control and street sweeping/road maintenance;

xi. Analysis of existing drainage patterns, including all upstream drainage, and recommendations for drainage during the operation and upon completion;

xii. Recommendations for soil erosion and sedimentation control; and

xiii. Recommendations for monitoring of the fill/stockpile operation, including quality control, settlement plates, inclinometers, etc.

3. All fill or excavation operations must comply with the recommendations of the approved geotechnical investigation report.

4. Fill which does not conform with the New Jersey Department of Environmental Protection—Solid Waste Management (NJDEP-SWM) definition of “clean fill” (see N.J.A.C. 7:26-1.4) shall not be used unless the Office of the Chief Engineer grants a waiver from this requirement. The applicant must show just cause for a waiver of this requirement based on engineering constraints. This waiver shall not relieve the applicant from obtaining all other Federal, state, or local permits which may be required to utilize such fill material. Nothing in this section should be construed to allow the filling of wetlands without the required approvals of the governmental authorities with jurisdiction.

5. A copy of a Soil Erosion Plan permit which has been issued by the governing Soil Conservation District shall be submitted to the Office of the Chief Engineer prior to the start of earthwork operations.

(p) Public parks are exempt from the design standards in this section; however, the Commission strongly recommends that they meet the intent and purpose of the HMDC Park Design Guidelines, and to every extent possible, comply with the design criteria contained in those guidelines.

(q) Recycling areas:

1. All multifamily housing developments, any construction of 50 or more units of single family residential housing, and any commercial or industrial development of 1,000 square feet or more, shall include an on site indoor or outdoor recycling area for the collection and storage, but not processing, of site generated Class A recyclable materials.

2. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and current methods of collection. Records indicating the amounts and types of material collected, and proof of the recycling of such material, shall be submitted by commercial and industrial operations in order to determine the maximum size of the recycling area. No recycling areas for commercial or industrial operations shall be greater than 600 square feet. No recyclable food products shall be stored in this area for more than one week, no other material may be stored for more than three months.

3. The recycling area shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles.

4. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. The covering of a recycling area with building materials, shall render the area a structure to be calculated within lot area calculations.

5. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area.

6. No recycling areas shall be located in front yards, except where existing front yard loading is pre-existing non-conforming and other yards are not adequate. Recycling areas are encouraged to be located adjacent to truck loading areas.

7. All recycling areas shall be screened with fencing and/or landscaping material sufficient to screen the area from adjacent properties and public rights of way in accordance with (m) above. No containers or recyclable material shall be stored outside of the defined storage area at any time.

8. The ground surface of all recycling areas shall be a concrete pad. A minimum five foot buffer shall be provided between the edge of the concrete pad and the adjacent property line. The recycling area shall not be higher than the fence screening it.

9. The HMDC is to forward copies of zoning certificate approvals granted to recycling areas to the appropriate municipal recycling coordinator.

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

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

Substantially amended.

Correction: Deleted "including barbed wire" and "barbed wire" from (m).

See: 20 N.J.R. 1954(a).

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

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

Parking design standards added at (e)11 and (k)3iii; satellite standards added at (n) and (o).

Administrative Correction to (b)4: "underground, and all" changed to "aboveground. All" and "shall" changed to "may".

See: 22 N.J.R. 2184(a).

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

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

Amended by R.1996 d.492, effective October 21, 1996.

See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

Historical Note

This Section was originally cited as Article 8-103.

Cross References

Heavy industrial zone, design of structures and other improvements, see N.J.A.C. 19:4-4.110.

Light industrial and distribution zone B, design of structures and other improvements, see N.J.A.C. 19:4-4.101.

Neighborhood commercial zone, design of structures and other improvements, see N.J.A.C. 19:4-4.42H.

Research distribution park zone, design of structures and other improvements, see N.J.A.C. 19:4-4.80.

19:4-6.19 Appointment and operation of Environmental Design Committee

(a) The Commission shall appoint at least seven residents of the State of New Jersey as members of the Environmental Design Committee. Additional members may be appointed to serve on the Environmental Design Committee if the Commission deems it necessary. Each member shall serve for three years and may be reappointed. The original appointees may be given terms of one, two or three years respectively. The members shall be professionals in design or environmental matters and qualified to make judgments about the quality of design of layout, structures and open space.

(b) In the zones (except for planned unit developments), the Chief Engineer shall review site plans for the construction, moving, remodeling or enlarging of structures to determine whether the design plans contained therein fulfill the applicable standards for the design of structures, site and open space. Where the chief engineer determines that the proposal contained in the site plan is of sufficient scope and complexity to warrant consultation with a member of the Environmental Design Committee or otherwise warrants such consultation, the Chief Engineer may, upon receipt of the application for a zoning certificate, request the Environmental Design Committee to designate a member of its Committee to serve as design consultant on the proposal, and such member shall review all design plans and recommend to the Chief Engineer whether the design plans should be approved, modified or disapproved. The Chief Engineer shall approve, approve with conditions or disapprove such design plans, based upon such recommendations and upon his review of the design plans.

(c) In the specially planned areas and for planned unit developments, the Development Board shall review all development and implementation plans submitted to determine whether the design plans therein fulfill the standards for design of site, structures and open space set forth in the applicable regulations. Where the Development Board determines that the proposal contained in the development or implementation plan warrants design review by the Environmental Design Committee, because of the nature of the design plans proposed, the scope or complexity of the proposal, or other appropriate considerations, it may, upon receipt of the development plan and implementation plan, request the Environmental Design Committee to review the design plans in question. Within the time specified in the procedure for specially planned areas, the Environmental Design Committee thereof shall issue a report to the Development Board, which shall be filed with the office of the Chief Engineer, where it shall be of public record, setting forth its recommendations on approval, modification or disapproval of the design plans. The report must be adopted by the concurring vote of a majority of the Environ-

mental Design Committee; dissenters may file a separate report. The Development Board shall approve, approve with conditions or disapprove such design plans, based upon the recommendations of the Environmental Design Committee, and upon its own review of the design plans.

Amended by R.1974 d.82, effective March 29, 1974.

See: 6 N.J.R. 125(c), 6 N.J.R. 209(a).

Administrative Correction to (c): "Special planning" changed to "specially planned".

See: 22 N.J.R. 2184(a).

Historical Note

This Section was originally cited as Article 8-104.

19:4-6.20 Landmark preservation

(a) The Commission may, after public hearing called and held in accordance with N.J.A.C. 19:4-6.22, designate any structure, use or unique physical feature within the Hackensack Meadowlands District a landmark, is such use:

2. The Hackensack Meadowlands Development Commission or a staff member of the HMDC, pursuant to N.J.S.A. 13:17-6(f), has the right to enter upon any property in order to conduct inspections necessary to carry out the purposes of the Hackensack Meadowlands Reclamation and Development Act (Act) and to ensure compliance with the HMDC rules.

3. All inspections, investigations, examinations, surveys, soundings or test borings conducted pursuant to the Act and rules shall be between the hours of 9:00 A.M. and 5:00 P.M. on business days; provided, however, that inspections may be conducted at other times if the enforcing agency has reasonable cause to believe that an immediate danger to life, limb or property exists, or if permission is given by an owner, owner's agent or tenant.

4. All inspections, investigations, examinations, surveys, soundings or test borings shall be memorialized by a written report which shall include the name of the HMDC representative who entered the premises, the address, including the lot and block number(s), of the premises entered and a description of the premises, including a description of any and all violations.

5. Other than a visit to the premises made pursuant to (g)1 and 2 above, the owner, owner's agent or tenant shall be notified of the HMDC's intention to enter upon any building or property in order to conduct investigations, examinations, surveys, soundings or test borings necessary to carry out the purposes of the Act. The HMDC or a staff member of the HMDC shall not enter the premises until at least two days following the receipt of such notice.

6. Where access to any premises has been refused, then such refusal shall be reported to the Office of the Attorney General and a search warrant shall be obtained or other appropriate legal proceedings initiated.

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

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

Added text to (e) "amount of".

Amended by R.1990 d.70, effective February 5, 1990.

See: 21 N.J.R. 2949(a), 22 N.J.R. 557(b).

Subsections (b) and (g) added; fines increased.

Administrative Correction to (a).

See: 22 N.J.R. 2184(a).

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

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

Historical Note

This section was originally cited as Article 8-109.

19:4-6.25 Appeals

(a) An appeal from an adverse decision of the Office of the Chief Engineer and/or the Executive Director, including a decision that a party has violated the provisions of these regulations pursuant to N.J.A.C. 19:4-6.24(b), may be taken to the Commission by any party, or, in the discretion of the Commission, by anyone adversely affected by such decision.

(b) Appeals shall be taken within 15 days after the date of the notification of an adverse decision by filing a notice of appeal, by certified mail, with the Office of the Chief Engineer. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Secretary of the Commission shall transmit to the Office of Administrative Law all of the papers constituting the record upon which the decision being appealed was based.

(c) An appeal shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made and shall toll all applicable time limits, with the exception of fines, which will continue to accrue, unless the Chief Engineer certifies to the Commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, such stay and tolling would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed and time limits shall not be tolled other than by a restraining order which may be granted by the Commission or by the Superior Court on application to the Chief Engineer on due cause shown.

(d) The Commission shall decide each appeal within 45 days of receipt of the decision of the administrative law judge on the basis of the record below and oral argument of the parties at the hearings held before the administrative law judge.

(e) The Office of the Chief Engineer shall maintain complete records of all actions of the Commission with respect to appeals.

Amended by R.1975 d.355, effective December 1, 1975.

See: 7 N.J.R. 527(b), 8 N.J.R. 52(c).

Amended by R.1981 d.446, effective November 16, 1981.

See: 13 N.J.R. 529(d), 13 N.J.R. 847(d).

(a): "or committee thereof . . . members" deleted; "in the discretion of the Commission" added; "The Commission shall . . . quorum of the Commission" deleted.

(b): "15" was "30"; "to the Office of Administrative Law" added.

(c): "or" added before "by the Superior Court", and "and" deleted before "on due cause shown".

(d): "within 45 days of receipt of the decision of the administrative law judge" added; "public" deleted; "administrative law judge" added; "commission or committee" through (h) deleted;

(i): renumbered as (e).

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

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

Added text to (c) "with the exception . . . continue to accrue".

Amended by R.1990 d.70, effective February 5, 1990.

See: 21 N.J.R. 2949(a), 22 N.J.R. 557(b).

Clarification to include violation of N.J.A.C. 19:4-6.24.

Administrative Correction to (e).

See: 22 N.J.R. 2184(a).

Historical Note

This Section was originally cited as Article 8-110.

19:4-6.26 Commission review of Development Board actions

(a) Immediately after approving, or approving with conditions, or disapproving, general, development and implementation plans, or variations from the 80 percent land

ownership requirement specified in N.J.A.C. 10:4-5.16, the Development Board shall transmit forthwith to the Commission a copy of the public order containing such approval, a copy of the plan, and copies of reports of the Commission's staff and of the architectural design committee, if any, on the plan.

(b) The Commission may, by a concurring vote of a majority of its members, affirm or reverse, wholly or partly, may modify such approval, or disapproval, or may remand the entire matter for further action by the Development Board, based upon the record before it. Such action shall be in the form of a written decision explaining the reasons for such action. If the Commission fails to act within four weeks after receipt of the entire record, the decision of the Development Board shall be deemed to be affirmed.

Amended by R.1982 d.1, effective February 1, 1982.

See: 13 N.J.R. 694(a), 14 N.J.R. 162(b).

(a): Added "or variations . . . N.J.A.C. 19:4-5.16".

Historical Note

This section was originally cited as article 8-111.

19:4-6.27 Amendments

(a) These regulations, including the official zoning map forming a part hereof, may be amended, in whole or in part, from time to time, pursuant to such procedures and requirements as are imposed by law and the general rules of the Commission.

(b) Upon approval by the Commission for filing of a pre-proposal, or proposal, or approval as a result of a referral for further deliberation to file a pre-proposal or proposal the Commission must submit a notice to the New Jersey Register. A minimum period of 30 days is required from the date of publication in the New Jersey Register to receive public comment. The Commission may require a public hearing for which a minimum of 15 days notice must be provided from the time the notice appears in the New Jersey Register.

(c) Upon conclusion of the public comment period, the Hackensack Meadowlands Municipal Committee will be granted a maximum 45 day period within which to submit comments to the Commission.

(d) Upon review of the comments and recommendation by the Office of the Chief Engineer, the Commission shall render a decision which must be filed with the Office of Administrative Law for inclusion in the New Jersey Register. The adoption of any zoning amendment is not valid until published in the New Jersey Register.

Amended by R.1991 d.553, effective November 4, 1991.

See: 23 N.J.R. 1917(a), 23 N.J.R. 3346(a).

Added new (b)-(d).

Historical Note

This section was originally cited as article 8-112.

19:4-6.28 Official Zoning Map

The Hackensack Meadowlands District official zoning map dated November 8, 1972, is hereby made a part of these rules and regulations of the Hackensack Meadowlands Development Commission.

OFFICE OF ADMINISTRATIVE LAW NOTE: The Official Zoning Map is not reproduced herein, but may be reviewed at the following locations:

Hackensack Meadowlands Development Commission

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Office of Administrative Law

Quakerbridge Plaza, Building 9

Quakerbridge Road

Trenton, NJ 08625

Amended by R.1977 d.155, effective May 4, 1977.

See: 9 N.J.R. 148(b), 9 N.J.R. 297(b).

Amended by R.1977 d.237, effective July 7, 1977.

See: 9 N.J.R. 148(b), 9 N.J.R. 394(a).

Amended by R.1978 d.359, effective October 5, 1978.

See: 10 N.J.R. 266(d), 10 N.J.R. 522(e).

Amended by R.1980 d.43, effective January 24, 1980.

See: 11 N.J.R. 597(b), 12 N.J.R. 164(a).

Amended by R.1981 d.467, effective December 7, 1981.

See: 13 N.J.R. 624(a), 13 N.J.R. 895(c).

Changed the designation of Block 453B, Lots 16A-1, 17A, 18, 19C, 20C, 21C, and part of 15c-1 in North Bergen, New Jersey, consisting of 15 acres, from Park and Recreation Zone to Light Industrial-A-Zone.

Amended by R.1983 d.508, effective November 7, 1983.

See: 15 N.J.R. 1367(a), 15 N.J.R. 1874(a).

Changed the designation of Block 123, portions of Lots 6, 30 and 31 (old Block 151, Lots 17, 18) in Carlstadt, New Jersey to the Light Industrial Zone "B."

Amended by R.1983 d.142, effective May 2, 1983.

See: 15 N.J.R. 133(b), 15 N.J.R. 697(c).

Changed the zoning designation of a 2.03 portion of the Waterfront Recreation Zone, known as Block 108C, Lot 1, in Little Ferry, New Jersey to Light Industrial and Distribution B Zone.

Amended by R.1983 d.322, effective August 15, 1983.

See: 15 N.J.R. 532(a), 15 N.J.R. 1384(c).

Changed the zoning designations of approximately 24 acres of the 53 acres of the existing Highway Commercial Zone, known as Block 194, Lot 6 in Secaucus, the Service Highway Commercial Zone. The subject property shall contain no more than 250,000 square feet of shopping facilities. The permitted shopping facilities shall include a supermarket (not less than 50,000 square feet); the remaining facilities shall offer only "convenience goods" as determined by the Chief Engineer except that a home improvement center (of not more than 50,000 square feet) may be included among the facilities.

Amended by R.1985 d.212, effective May 6, 1985.

See: 16 N.J.R. 3423(b), 17 N.J.R. 1138(b), 17 N.J.R. 1916(a).

Changed the zoning designation of Block 169, Lot 1, in Ridgefield from Marshland Preservation to Light Industrial "B." The subject property consists of approximately eight acres.

Amended by R.1985 d.408, effective August 5, 1985.

See: 16 N.J.R. 3423(b), 17 N.J.R. 1916(a).

Amended by R.1986 d.19, effective February 3, 1986.

See: 17 N.J.R. 2530(a), 18 N.J.R. 311(a).

The zoning designation of Block 219A, Lot 47C; Block 226, Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17 and 18 in the Town of Lyndhurst, New Jersey, are changed from Light Industrial (B) to Commercial Park.

The zoning designation of Block 100, Lots 1 and 2; Block 101, Lot 8; Block 110, Lot 1; Block 117, Lot 1; Block 118, Lots 2, 3, 4 and 5 in the Town of Secaucus, New Jersey, are changed from Waterfront Recreation to Commercial Park.

Amended by R.1987 d.212, effective May 4, 1987.
See: 19 N.J.R. 53(a), 19 N.J.R. 774(a).

Changed the zoning designation of Block 100, Lots 1, 2 and 3; Block 101, Lot 8; Block 110, Lot 1; Block 117, Lot 1; Block 118, Lots 2, 3, 4 and 5 in the Town of Secaucus, New Jersey from Waterfront Recreation to Commercial Park.

Amended by R.1987 d.211, effective May 4, 1987.
See: 19 N.J.R. 54(a), 19 N.J.R. 774(b).

The zoning designation of Block 112, Lots 1-7 in Secaucus, New Jersey is changed from Service Highway to Commercial to Low Density Residential.

Amended by R.1987 d.272, effective July 6, 1987.
See: 19 N.J.R. 448(a), 19 N.J.R. 1236(b).

The zoning designation of Block 185, Lot 3 (New Block 185.01, Lot 2), in Secaucus, New Jersey, is changed from Highway Commercial to Service Highway Commercial.

Amended by R.1987 d.273, effective July 6, 1987.
See: 19 N.J.R. 512(a), 19 N.J.R. 1236(a).

The zoning designation of Block 116, Lot 12 in Little Ferry, New Jersey is changed from Park and Recreation to Low Density Residential.

Amended by R.1989 d.21, effective January 3, 1989.
See: 20 N.J.R. 2247(b), 21 N.J.R. 31(a).

Changed the zoning designations of Block 128, Block 137, and Block 106.

Petition for Rulemaking: Request to amend Official Zoning Map.
See: 21 N.J.R. 3030(c).

Petition for Rulemaking: Request to amend Official Zoning Map.
See: 21 N.J.R. 3030(d).

Petition for Rulemaking: Request to amend Official Zoning Map.
See: 21 N.J.R. 3030(e).

Petition for Rulemaking: Request to amend Official Zoning Map.
See: 21 N.J.R. 3566(b).

Petition for Rulemaking: Request to amend Official Zoning Map.
See: 21 N.J.R. 3566(c).

Amended by R.1990 d.148, effective March 5, 1990.
See: 21 N.J.R. 3445(a), 22 N.J.R. 840(b).

Zoning designation of Block 196, Lot 1 in North Arlington and Block 235, Lots 8, 9 and 10 in Lyndhurst changed from Research Distribution Park to Heavy Industrial, with certain exceptions.

Notice of Action regarding Petition for Rulemaking at 21 N.J.R. 3566(c).

See: 22 N.J.R. 997(a).

Notice of Action regarding Petition for Rulemaking at 21 N.J.R. 3030(d).

See: 22 N.J.R. 1162(b).

Petition for Rulemaking: Request zoning changes within the Borough of Ridgefield.

See: 22 N.J.R. 1388(d).

Amended by R.1990 d.528, effective November 5, 1990.

See: 22 N.J.R. 1699(b), 22 N.J.R. 3386(e).

Zoning designations of all or part of Block 4004, Lot 4; Block 4010, Lots 2 and 3; Block 4007, Lot 1; Block 4008, Lot 1; Block 168, Lot 1 and Block 167, Lot 1C (now Block 4011, Lot 3); and Block 167, Lot 1B (now Block 4013, Lot 1) changed to Heavy Industrial.

Notice of Action or Petition for Rulemaking: Establishment of an intermodal rail terminal operation.

See: 24 N.J.R. 1403(a), 24 N.J.R. 1827(b).

Amended by R.1992 d.422, effective October 19, 1992.

See: 24 N.J.R. 2346(a), 24 N.J.R. 3734(b).

Change the zoning designation of Block 286, Lots 5, 7 and 9, in the Town of Kearny, from Highway Commercial to Heavy Industrial, and Block 286, Lot 6A, in the Town of Kearny, from Right of Way to Heavy Industrial.

Amended by R.1992 d.487, effective December 7, 1992.

See: 24 N.J.R. 1690(b), 24 N.J.R. 4414(a).

Revised official zoning map.

Public Notice: Notice of receipt of petition for rulemaking.

See: 25 N.J.R. 3033(b).

Amended by R.1993 d.653, effective December 20, 1993.

See: 25 N.J.R. 3429(a), 25 N.J.R. 5943(b).

Amended by R.1996 d.492, effective October 21, 1996.

See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

Amended by R.1997 d.73, effective February 18, 1997.

See: 28 N.J.R. 4387(a), 29 N.J.R. 586(a).

Changed zoning designation of Block 205, lots 25, 26A, and 26B in the Town of Kearny from Special Use Area 1 to Heavy Industrial. Petition for Rulemaking: Notice of Receipt of and Action on a Petition for Rulemaking.

See: 29 N.J.R. 814(a), 29 N.J.R. 950(b).

Petition for Rulemaking: Notice of Final Action on a Petition for Rezoning/Petition to Amend.

See: 29 N.J.R. 1417(a).

Amended by R.1997 d.295, effective July 21, 1997.

See: 29 N.J.R. 856(a), 29 N.J.R. 3270(a).

Changed designation of Block 33, Lot 10 and Block 141, Lots 1 through 6, in the Town of Secaucus from service highway commercial to Neighborhood commercial.

Petition for Rulemaking: Notice of Action on a Petition for Rezoning.
See: 29 N.J.R. 4202(b).

Public Notice: Notice of Further Action on Petition for Rezoning Official Zoning Map.

See: 30 N.J.R. 575(a).

Petition for Rezoning.

See: 30 N.J.R. 1099(c), 2091(c), 2092(a).

Amended by R.1998 d.515, effective October 19, 1998.

See: 30 N.J.R. 1518(b), 30 N.J.R. 3857(a).

Changed zoning designation of Block 117, Lot 1 in the Town of Secaucus from Commercial Park to Service Highway Commercial.

19:4-6.29 Petitions for zoning amendment to Official Zoning Map (rezoning)

(a) In addition to the requirements of N.J.A.C. 19:3A-1.3, all petitions for a zoning amendment to the Official Zoning Map, also known as rezoning, shall include:

1. A project location map, in triplicate, of the lots, drawn to scale and showing the actual dimensions of the lots. The map shall include:

i. The existing zoning and land use of the adjacent properties;

ii. Location of public right-of-ways, water courses, traffic circulation, points of ingress and egress, including access streets;

iii. Existing structures and land uses on site; and

iv. Other such information as may be reasonably required;

2. A description of the rezoning being requested including the location of the property (block, lot and municipality), existing zoning, and proposed zoning;

3. The basis for the rezoning request including, but not limited to, a statement as to why the site cannot be developed in accordance with the existing zoning of the Hackensack Meadowlands Development Commission;

4. The full name and address of the petitioner;

5. The petitioner's interest in the request, including any relevant organization affiliation or economic interest; and

6. Other such information as may be deemed necessary by the Office of the Chief Engineer.

(b) All petitions for rezonings are subject to a filing fee as indicated at N.J.A.C. 19:3-1.2(a)8. This fee, or portion thereof, may be waived pursuant to N.J.A.C. 19:3-1.6.

New Rule, R.1991 d.553, effective November 4, 1991.
See: 23 N.J.R. 1917(a), 23 N.J.R. 3346(a).

19:4-6.30 Petitions for amendment to District Zoning Regulations

(a) In addition to the requirements of N.J.A.C. 19:3A-1.3, all petitions for an amendment to the District Zoning Regulations, N.J.A.C. 19:4, shall include:

1. The existing text proposed to be amended;
2. The proposed amendment to the District Zoning Regulations;
3. The reasons for the request, including a report indicating why the existing text is no longer appropriate and the proposed amendment is necessary. The report must be signed and sealed by a licensed Professional Engineer, Professional Planner or Registered Architect, depending on the nature of the request;
4. The full name and address of the petitioner;
5. The petitioner's interest in the request, including any relevant organization affiliation or economic interest; and
6. Other such information as may be deemed necessary by the Office of the Chief Engineer.

New Rule, R.1991 d.553, effective November 4, 1991.
See: 23 N.J.R. 1917(a), 23 N.J.R. 3346(a).

SUBCHAPTER 7. WETLANDS PROCEDURES AND GUIDELINES

19:4-7.1 General provisions; scope

(a) The HMDC open space map portrays a 6,210 acre open space system consisting of marshland preservation areas (wetland), public parks, open water, schools, waterfront recreation zones, and waterway buffer strips. Specifically, 3,160 acres are incorporated within the wetland portion of the open space system; 1,375 acres are in the public park category; and 1,400 acres are shown as open water. In addition, 145 acres will be used for school purposes, 80 acres are zoned for waterfront recreation use and approximately 50 acres of open space will occur as waterway buffer strips.

(b) The preceding figures clearly reflect that more than 95 percent of the proposed open space acreage within the Meadowlands District will be in wetland, park, or open water. These three distinct forms of open space will be interwoven and managed throughout the district in such a manner so that the open space system which results will be both enjoyable and interesting, and ecologically responsive to the particular characteristics of the wetland ecosystem.

(c) The wetland areas are envisioned as serving as habitat for water fowl and various forms of marine life, as biological laboratories for man, and as areas of carefully protected quiet relaxation. The parks as shown on the map will serve both passive and active recreational pastimes. The ultimate variety of recreational uses of existing waterways will, of course, be dependent upon the water quality that can be attained. Even at the present time, however, boating and canoeing are enjoyable experiences within the district. School related parks, waterfront recreation areas and waterway buffer strips complete the open space map. Both schools and waterfront recreation areas will supplement the major open space areas by providing recreational facilities that cannot be located elsewhere in the district. Waterway buffer strips will help protect the life of all waterways within the district by controlling the predictable encroachment upon these arteries by all forms of development. (See Subchapter 4 of this Chapter.)

19:4-7.2 Guidelines

(a) As previously indicated, the open space map delineates the boundaries and dimensions of the six types of open space which comprise the HMDC open space system. They are comprised again as follows:

- | | |
|---|----------------|
| 1. Marshland preservation areas (wetland) | = 3,160 acres; |
| 2. Public parks | = 1,375 acres; |
| 3. Open water (waterways) | = 1,400 acres; |
| 4. Waterfront recreation areas | = 80 acres; |
| 5. Schools | = 145 acres; |
| 6. Waterway buffer strips | = 50 acres. |

(b) Where a developer's proposed plans impinge upon, or require participation in the HMDC's wetland open space system as shown on the open space map, special regulations and restrictions apply. These guidelines are presented as they apply to each of the following four major zoning map categories.

1. Marshland preservation zone;
2. Park and recreation zone;
3. Specially planned areas;
4. Development zones.

19:4-7.3 Marshland preservation zone

(a) As specified in N.J.A.C. 19:4-4.4 through 19:4-4.17 the activities which may or may not occur within this zone are clearly defined.

(b) Permitted uses include:

1. Scientific study, testing and experimentation in regard to marshland ecology;
2. Walkways for nature observations.

(c) Special exceptions include the construction, maintenance and use of any structures, buildings, and improvements in connection with scientific testing activities pertinent to marshland ecology.

(d) Use limitations include the following:

1. No use shall be operated, conducted or maintained that may impair the quality of the district as a marsh preservation area. Any use that significantly discourages or interferes with the use of the zone as a natural habitat

for water fowl and other forms of marsh life shall be presumed to be a use that impairs the quality of the zone as a marsh preservation area.

2. No motor-driven vehicle or equipment shall be used in the zone that interferes with its use as a marshland preservation area.

(e) A prospective developer in an SPA or a zone must, therefore, adopt the necessary precautions to ensure that the results of his activities will not be ecologically damaging to those areas designated as marshland preservation on the HMDC zoning map. These precautions include, but are not limited to, the following measures:

1. Compliance with the HMDC's environmental performance standards;