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Hackensack Meadowlands Development Commission.



MASTER PLAN

Hackensack Meadowlands District Zoning Regulations.

Adopted:

November 8, 1972

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H2/Z8 C.2
1972

State of New Jersey

Hackensack Meadowlands Development Commission

MASTER PLAN

Hackensack Meadowlands District Zoning Regulations

* * *

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* * *

Adopted:

November 8, 1972

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Be it resolved by the Hackensack Meadowlands Development Commission in, but not of the Department of Community Affairs, State of New Jersey, as follows:

Article I -- Title

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

Article II - Effective Date and Termination

2-101 Effective Date and Termination

These Regulations 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.

These Regulations 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 these Regulations.

Article III - Purposes

These Regulations are designed to serve the following purposes: to provide for the orderly and comprehensive development of the Hackensack Meadowlands District; to provide space for industrial, commercial, residential, recreational, and other uses; 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, and, in general, relate buildings and uses to each other so that aesthetic and use values are maximized; to provide for community appearance; to provide for improvements of the land adequate to serve the uses to be developed on that land; to protect the Hackensack Meadowlands District from air and water pollution; and to preserve an ecological balance between natural and

open areas and development, and to provide for a comprehensive treatment of the ecological factors constituting the delicate environmental balance of the Meadowlands.

Article IV - Construction and Definitions

4-101 Construction and Definitions

(A) Construction. 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.

Any word or phrase which is defined in this §4-101 (A), 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.

(B) Minimum Requirements. 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.

(C) Overlapping or Contradictory Regulations. 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.

(D) Municipal Regulations. 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.

(E) Private Agreements. 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.

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

(F) Not a Licensing Regulation. 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.

(G) Separability. 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:

(1) If any court of competent jurisdiction shall adjudicate any provision of these Regulations to be invalid, such judgment shall not affect any other provisions of these Regulations.

(2) If any court of competent jurisdiction shall adjudicate 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.

(H) Definitions. The following definitions shall be used in the construction and interpretation of these Regulations:

AGRICULTURE

The use of a tract of land of not less than five acres for growing crops in the open, dairying, horticulture, pasturage, floriculture, and necessary accessory uses, including the structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm, and the family thereof; provided, however, such agricultural use shall not include the following uses:

(1) The maintenance and operation of commercial greenhouses or hydroponic farms;

(2) Wholesale or retail sales as an accessory use unless the same are specifically permitted by these Regulations;

(3) The feeding, grazing, or sheltering of animals or poultry in either penned enclosures or in open pasture within 100 feet of any lot line. Agriculture does not include the feeding of garbage to animals, the raising of poultry or fur bearing animals as a principal use, or the operation or maintenance of a commercial stockyard or feed yard.

ALLEY

A public way, other than a street, along the side of or in the rear of lots, that provides a secondary means of access to and from streets and such lots.

AUTOMOBILE LAUNDRY

A structure, or portion thereof, containing facilities for washing more than two automobiles, using production-line methods with a chain conveyor, blower, steam-cleaning device, or other mechanical device.

AUTOMOBILE SERVICE STATION

A structure and surrounding land used for the storage and sale of petroleum fuel primarily to motor vehicles and for accessory uses such as the sale of lubricants, accessories or supplies, the incidental washing of motor vehicles and the performing of minor repairs.

AWNING

A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BUILDING

Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

BUILDING AREA

The total ground area covered by enclosed building space, including covered parking spaces, but not including buildings for public recreational purposes located within Open Space.

BUSINESS AND PROFESSIONAL OFFICE

The office of an engineer, doctor, dentist, attorney, real estate broker, insurance broker, architect, or other similar professional person.

CANOPY

Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.

CAPACITY IN PERSONS

The maximum number of persons that can avail themselves of the services or goods of an establishment, at any one time, with reasonable comfort and safety.

DAY CARE CENTER

An establishment where care is given to four or more children, not related to the operator by close ties of blood, marriage, or legal adoption, outside their own home during any part of the day.

DEVELOPEMENT BOARD

A board consisting of the Executive Director and Chief Engineer of the Commission and a mayor of one of the constituent municipalities selected by the Hackensack Meadowlands Municipal Committee and two members of the Hackensack Meadowlands Commission selected by the Commission.

DISTRICT

Any Specially Planned Area or zone.

DUPLEX

A residential building containing two, semi-detached dwelling units.

DWELLING

A building or portion thereof, but not a mobile home, designed or used for residential occupancy.

DWELLING: MULTIPLE-FAMILY

A residential building containing three or more dwelling units.

DWELLING: SINGLE-FAMILY

A residential building containing one-dwelling unit only.

DWELLING: TWO-FAMILY

A residential building containing two-dwelling units.

DWELLING UNIT

One or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use by one family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

FAMILY

Either (a) an individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or (b) a group of not more than four persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; plus, in either case, usual domestic servants. A family may include any number of gratuitous guests or minor children not related by blood, marriage, or adoption.

FLOOR AREA

The sum of the horizontal areas on the several floors of a building or buildings, measured from the faces of the exterior walls.

FLOOR AREA RATIO (F.A.R.)

The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such building or structure by the area of the lot on which such building or structure is located. When more than one building or structure is located on the lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot. The floor area ratio requirements, as set forth under each district, shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.

GOVERNMENTAL USES

Uses operated by any governmental instrumentality having jurisdiction within the Hackensack Meadowlands District.

HOTEL AND MOTEL

A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or otherwise.

HOUSING FOR LOW-INCOME FAMILIES

Housing built under the federal public housing (42 U.S.C. §1401 et seq.), rent supplement (12 U.S.C. §1701s) program, or any other provision of the federal low-rent public housing program authorized by the United States Housing Act of 1937, or their successors.

HOUSING FOR MIDDLE-INCOME FAMILIES

Housing subsidized by middle income housing programs, such as those financed by the N. J. Housing Finance Agency or its successors, or by any federal middle-income housing programs which are created.

HOUSING FOR MODERATE-INCOME FAMILIES:

Housing subsidized by federal lower and moderate-income rental or cooperative housing programs, such as the §236 (12 U.S.C. §1701z) and §221 (d) (3) (12 U.S.C. §17011) program, or their successors.

INSTITUTIONAL USES

Public and private schools of any kind.

LANDSCAPING

The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LOT

Land in any zone that is designated by its owner or developer, at the time of applying for a zoning certificate, all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record, or
- (3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

LOT AREA

The area of a horizontal plane bounded by the front, side and rear lot lines.

LOT CORNER

A lot having two or more front lot lines.

LOT COVERAGE

That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

LOT DEPTH

The shortest line between any front and rear yard lot line.

LOT LINE

Lot Boundary Line. (See Lot Line Front; Lot Line Rear; Lot Line Side.)

LOT LINE: FRONT

A street, road or highway right-of-way line forming the boundary of a lot.

LOT LINE: REAR

The lot line that is most distant from, and is, or is most nearly, parallel with the front lot line. If a rear lot line is less than 15 feet in length, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet in length, lying wholly within the lot, and parallel with the front lot line. If a lot has two or more front lot lines, the owner or developer shall designate the yard which is to be the rear yard.

LOT LINE: SIDE

A lot line which is neither a front lot line, nor a rear lot line.

LOT OF RECORD

A lot which is part of a subdivision, the plat of which has been recorded, or a parcel of land, the deed to which was recorded prior to the effective date of these Regulations.

LOT SIZE REQUIREMENTS

Restrictions on the dimensions of lots, including minimum lot area, width and depth which establish the size of the lot on which a structure or use, or two or more structures or uses, may be constructed or established in the zone.

LOT WIDTH

The shortest line between any two side lot lines.

MOTOR FREIGHT TERMINAL

A building or area in which the semi-trailers, including tractor and/or trailer units, and other trucks are parked, stored or serviced, and where there is also the assembly and/or storage of materials and goods.

NEIGHBORHOOD

An aggregation of dwelling units and associated lands having the following characteristics: it contains the number of pupils to populate an elementary school, based upon prevailing standards for the size of such schools and for the estimating of pupil/residence ratios; it is served by a neighborhood shopping center, or by another shopping center which offers the goods and services customarily offered by a neighborhood shopping center; it contains a neighborhood playground; its dwelling units are located within approximately one-third mile of the foregoing facilities, and its residents have easy, safe pedestrian access to such facilities and throughout all parts of the neighborhood.

NURSING OR CONVALESCENT HOME

An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

OPEN AREA

An area designated as open area in the applicable Specially Planned Area regulations.

OPEN SPACE

A landscaped area, including any uses required to be conducted within the open space by the applicable district regulations, but not including vehicular parking or loading areas or driveways. In the Specially Planned Areas, it is the Residential/Commercial Land Area minus Building Area and Vehicular Area, and includes Usable Roof Area.

OUTDOOR STORAGE

The storage of goods and materials outside of any building or structure.

PARCEL

Where land has not been subdivided, an area designated in the site plan and upon which one use is located.

PRINCIPAL STRUCTURE

A structure in which the principal use of the lot on which the structure is located is conducted.

PRINCIPAL USE

The main use of land or structures as distinguished from a subordinate or accessory use.

PUBLIC SEWER AND WATER SYSTEM

Any system, other than an individual septic tank or tile field, or individual well, operated by a municipality or other governmental agency or a public utility for the disposal of wastes and the furnishing of water.

PUBLIC UTILITY USES: HEAVY

The following uses operated by any public utility authorized to do business in New Jersey: bus garages; gas utility service substations; railroad rights-of-way and industrial spur tracks; microwave relay towers; sewerage treatment plants; water filtration plants; water reservoirs.

PUBLIC UTILITY USES: LIGHT

The following uses operated by any public utility authorized to do business in New Jersey: electric and telephone substations and distributional centers; gas regulator and meter stations; pumping stations.

REMODELING

Any change in a structure (other than incidental repairs and normal maintenance) which may prolong its useful life, or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders or foundations; or the removal of any portion of a structure.

RE-OCCUPIED USE

The commencement of a use which has been discontinued for at least six months.

RESIDENCE DISTRICT

Any district containing conforming residential uses.

RESIDENTIAL/COMMERCIAL LAND AREA

The total area of a Specially Planned Area, but not including any railway right-of-way or state highway or turnpike; school site; open areas; or areas upon which is located a non-conforming use.

RESIDENTIAL PLANNED UNIT DEVELOPMENT

Any planned unit development containing conforming residential uses.

RESOURCE RECOVERY SYSTEM

A solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues.

RETAIL SALES

The sale of goods, merchandise and commodities for use or consumption.

SCREENING

Decorative fencing or evergreen or other vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen or other vegetation. When fencing is used for screening, it shall not be less than six, nor more than eight feet in height.

SECTION

A section or subsection of a Specially Planned Area on an approved development plan or an approved implementation plan.

SPECIALLY PLANNED AREA

An area designed on the zoning map as a Specially Planned Area and subject to the requirements of Article VII.

STRUCTURE

Anything built, constructed or erected with a fixed location on or below the ground or attached to something having a fixed location on the ground, including, but not limited to buildings, radio towers, electric transmission towers or poles, fences and signs, but excluding walks, walkways, parking areas, driveways, streets and roads.

UPLANDS

Those areas bordering the east and west boundaries of the Hackensack Meadowlands District, and at a higher elevation than the District.

USABLE ROOF AREA

The total roof area of any building or buildings which is suitably improved for passive or active recreation.

USE

Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

VEHICULAR AREA

The total uncovered Residential/Commercial Land Area used for vehicular movement, transportation systems, parking and loading in the specially planned areas and the uncovered lot used for vehicular movement, parking and loading in the Zones. Landscaping within and screening around parking and loading areas shall be considered part of the vehicular area.

WAREHOUSE

A building in which materials and goods are stored and/or assembled.

YARD

Open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for the permitted obstructions listed in §6-101 (I) (1).

YARD: FRONT

A yard extending along the full length of a front lot line and back to a line paralleling the front lot line and intersecting the front of the building at its farthest point from the front lot line. On a corner lot, each yard that abuts a front lot line shall be considered a front yard.

YARD: REAR

A yard extending along the full length of the rear lot line and forward to a line drawn parallel with the rear lot line and intersecting the back of the building at its farthest point from the rear lot line.

YARD: SIDE

A yard extending along a side lot line and to a line drawn parallel with the side lot line and intersecting the side of the building at its farthest point from the side lot line, but excluding any area encompassed within a front yard or rear yard.

ZONING MAP

The official Zoning Map of the Hackensack Meadowlands District.

Article V - Application of Regulations

5-101 Territorial Application

(A) Meadowlands District. The provisions of these Regulations shall have application to the Hackensack Meadowlands District, as defined in Chapter 404 of the Laws of 1968, and amendments or supplements thereto.

(B) Zoning Districts. The Hackensack Meadowlands District shall be divided into the following districts, the location of which shall be determined by reference to the Official Zoning Map, with all notations and attached boundary descriptions, if any, kept in the Office of the Chief Engineer, hereby adopted as a part of these Regulations:

(1) Zones.

Marshland Preservation Zone
Public Park and Recreation Zone
Low Density Residential Zone
Waterfront Recreation Zone
Highway Commercial Zone
Service-Highway Commercial Zone
Research Park Zone
Research Distribution Park Zone
Light Industrial and Distribution Zone A
Light Industrial and Distribution Zone B
Heavy Industrial Zone
Airport Facilities Zone
Sports Complex Zone
Public Utilities Zone

(2) Specially Planned Areas.

Parkside Residential 1 (PR 1)
Parkside Residential 2 (PR 2)
Island Residential 1 (IR 1)
Island Residential 2 (IR 2)
Island Residential 3 (IR 3)
Island Residential 4 (IR 4)
Berry's Creek Center 1 (BCC)
Transportation Center 1 (TC 1)
Transportation Center 2 (TC 2)
Transportation Center 3 (TC 3)
Special Use 1 (SU 1) - Education and Cultural Center
Special Use 2 (SU 2)

5-102 Structures, Uses, Occupancies,
and Land

(A) Application

All structures and the moving, reconstruction, addition to, remodeling and change in occupancy (except for residential dwelling units) or use of such structures and the improvement of all land shall comply with the applicable regulations of Article VI or VII, whichever shall apply, and Article VIII of these Regulations.

(B) Exemptions

The following, except as otherwise provided, shall be exempt from these Regulations:

1. Home occupations provided that the establishment of such uses shall be governed by municipal ordinance.

2. Maintenance and repair work on railroad tracks, signals, bridges, and similar facilities and equipment located in a railroad right-of-way.

5-103 Zoning of Public Ways, Waterways, and
Railroad Rights-of-Way

All streets, roads, highways, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same district as the property immediately abutting upon the same. Where the center line of a street, road, highway, alley, public way, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line. All waterways comprising the Hackensack River and its tributaries shall be deemed to be in the Marshland Preservation Zone.

5-104 Boundaries

In the event uncertainty exists with respect to the intended boundaries of districts as shown on the Zoning Map, the following rules shall apply:

(A) Boundaries indicated as approximately following the center lines of streets, roads, or alleys, easements shall be construed to follow such center lines.

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(C) Boundaries indicated as approximately following boundary lines of constituent municipalities shall be construed as following such boundary lines.

(D) Boundaries indicated as following railroad lines shall be construed to be the midpoint of the railroad right-of-way unless otherwise indicated.

(E) Boundaries indicated as following shore or bank lines shall be construed to follow such shore or bank lines, and in the event of change in the shore or bank line shall be construed as moving with the actual line; boundaries indicated as approximately following the center lines of streams, rivers, creeks or other bodies of water shall be construed to follow such center lines.

(F) Boundaries indicated as parallel to or extensions of features indicated on the Zoning Map shall be so construed.

(G) Where the boundaries do not coincide with any of the features enumerated above, the boundaries shall be determined by the use of the scale shown on the Zoning Map or by such rules as the Development Board may from time to time adopt.

Article VI - Zone Regulations

In the zones, the following regulations shall apply.

6-100 The Zones

6-101 General Requirements

(A) Permitted Uses. No structure or addition thereto shall hereafter be built, moved, or remodeled, and no structure or land shall hereafter be used, occupied, re-occupied, designed, or improved for use or occupancy except for a use that is permitted within the zone in which the structure or land is located.

(B) Special Exceptions. No use of a structure or land that is designated as a special exception in any district shall hereafter be established, and no existing special exception shall hereafter be changed to another special exception, in such district unless a special use permit has been secured in accordance with the provisions of §6-302.

(C) Lot Size Requirements. No structure, or part thereof, shall hereafter be built, moved, or remodeled, and no structure or land shall hereafter be used, occupied, or arranged or designed for use or occupancy on a lot which is:

(1) Smaller in area than the minimum lot area, or minimum lot area, or minimum lot area per dwelling unit, required in the zone in which the structure or land is located;

(2) Narrower than the minimum lot width required in the zone in which the structure or land is located; or

(3) Shallower than the minimum lot depth required in the zone in which the structure or land is located.

No existing structure shall hereafter be remodeled so as to conflict, or further conflict, with the lot area per dwelling unit requirements for the zone in which the structure is located.

(D) Bulk Regulations. In these Regulations, bulk regulations are expressed in terms of maximum structure height, maximum lot coverage, maximum floor area ratio, minimum open space ratio, and minimum front, side and rear yards. No structure, or part thereof, shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied or designed for use or occupancy:

(1) So as to exceed the maximum lot coverage percentage, the maximum structure height, or the maximum floor area ratio specified for the zone in which the structure is located; or

(2) So as to provide any setback or front, side, or rear yard or an amount of open space that is less than that specified for the zone in which such structure or use of land is located or maintained. Each side yard shall meet the minimum side yard requirements of the applicable zone.

(E) Use Limitations. No permitted use or special exception hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the use limitations for the zone in which such use is, or will be, located. No permitted use or special exception already established on the effective date of the Regulations shall be altered, modified or enlarged so as to conflict with, or further conflict with, the use limitations for the zone in which such use is located.

(F) Number of Structures and Uses on a Lot. Not more than one principal building shall be located on a single lot, nor shall a principal building be located on the same lot with any other principal building.

(G) Restrictions on Allocation of Required Yards or Open Space. No part of the lot area, or a yard, or other open space, or off-street parking or loading space provided in connection with any structure or use in order to comply with the provisions of these Regulations shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area, or a yard, other open space, or off-street parking or loading space required for any other structure or use, except as specifically provided herein. All the lot area and all yards and other open spaces provided in connection with any structure or use in order to comply with the provisions of these Regulations shall be located on the same lot as such structure or use. No part of the lot area or of a yard, other open space, or off-street parking or loading space provided in connection with any structure or use (including, but not limited to, any structure or use existing on the effective date of these Regulations or of any amendment thereof) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of these Regulations for equivalent new construction.

(H) Obstructions in Required Yards. The following shall not be considered to be obstructions and shall be permitted when located in a required yard:

(1) In all yards: Open terraces not over four feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings or canopies; steps four feet or less above grade which are necessary for access to a permanent structure or for access to a lot from a street or alley; one-story bay windows and overhanging eaves and gutters projecting 30-inches or less into the yard; arbors and trellises; flag poles; signs, when permitted by §8-103 (D); and sidewalks.

(2) In any yard except a front yard: Accessory uses permitted by § 6-306 and meeting the applicable minimum side yard requirements; recreational and laundry drying equipment; open and closed fences not exceeding six feet in height; and parking and loading facilities, provided that a minimum distance of six feet is maintained between parking facilities and buildings.

If any provision in these Regulations requires a fence in a front yard, or requires a fence that has a minimum height in excess of six feet in any yard except a front yard then such fence shall be a permitted obstruction within the meaning of this section.

Private roads serving uses on other lots shall not be permitted in any zone.

(I) Open Space. Open space shall be:

(1) A landscaped area, on which those obstructions permitted in subsection (H) herein and in §6-306 (C) (2) are permitted; or

(2) Wetlands upon which no obstructions are permitted.

Required yards which conform to the requirements of this section may be considered open space in determining whether minimum open space requirements have been fulfilled.

(J) Driveways for Business and Industrial Districts. No land which is located in the Low-Density Residential Zones shall be used for a driveway, walkway or access purpose to any land which is located in any zone created by §§6-105 through 6-113.

(K) 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.

6-102 Marshland Preservation Zone

In the marshland Preservation Zone, the following provisions and regulations shall apply:

(A) 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.

(B) Permitted Uses.

(1) Scientific and Educational study, and experimentation in regard to marshland ecology.

(2) Walkways for nature observations.

(C) Special Exceptions.

(1) The construction, maintenance and use of any structures, buildings and improvements in connection with scientific and educational activities pertinent to marshland ecology.

(D) Use Limitation

(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 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.

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

(E) Environmental Performance Standards. All uses in the Marshland Preservation Zone shall comply with the following environmental performance standard categories of §8-101:

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

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

All water quality standards shall apply.

Particulate 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.

(F) Design of Structures and Other Improvements. The design of all structures and other improvements shall comply with the requirements of §8-103.

6-103 Park and Recreation Zone

In the Park and Recreation Zone the following provisions and regulations shall apply:

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

B. Permitted Uses.

(1) Any governmental property used for park or recreation purposes.

(2) Privately-owned parks open to the public.

(C) Special Exception.

(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.

(D) 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.

(E) Environmental Performance Standards. All uses in the Public Park and Recreation Zone shall comply with the following environmental performance standard categories of §8-101:

Environmental performance standards category A: all airborne emission standards; fire and explosion; radioactive materials.

Environmental performance standard category B: noise; vibration; glare.

All water quality standards shall apply.

(F) Design of Structures and Other Improvements. The design of all structures and other improvements shall comply with the requirements of §8-103.

(G) Wetlands Buffer Strip. Where any development borders the Hackensack River or any of its tributaries there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

6-104 Low Density Residential Zone

In the Low Density Residential Zone, the following provisions and regulations shall apply:

(A) Purposes. This zone is designed to accommodate low density residential uses.

(B) Type of Development. Developers of land located in this zone shall have the option of developing said land in accordance with the provisions of §§6-201 to 6-207 or as a planned unit development in accordance with the provisions of §6-305.

(C) Permitted Uses.

- (1) Single-family dwellings, duplexes, and two-family dwellings.
- (2) Multiple-family dwellings.
- (3) Churches, chapels, synagogues and temples.
- (4) Group day care centers and nursery schools.
- (5) Primary and secondary schools.
- (6) Parks and playgrounds.
- (7) Swimming clubs and swimming pools, and recreational facilities incidental thereto.

(D) Special Exceptions.

- (1) Light public utility use.
- (2) Governmental uses.
- (3) Welfare and charitable services.
- (4) Neighborhood health centers and medical centers.

(E) Lot Size and Density Requirements.

(1) Minimum lot area and maximum density:

- (a) Single-family dwellings: 5,000 square feet.
- (b) Duplexes and two-family dwellings: 10,000 square feet.
- (c) Multiple-family: Lot area: one acre;
Density: 20 units/acre.
- (d) Other permitted uses and special exceptions:
10,000 square feet.

(2) Minimum lot width

- (a) Single-family dwellings: 50 feet.
- (b) Duplex and two-family dwellings: 100 feet.
- (c) Other permitted uses other than multiple-family and special exceptions: 100 feet.

(3) Minimum lot depth: 100 feet.

(F) Bulk Regulations.

(1) Lot coverage:

- (a) Single-family dwellings: 25%
- (b) Duplex and two-family dwellings: 25%
- (c) Multiple-family dwellings: 20%
- (d) Other permitted uses and special exceptions:
25%.

(2) Minimum open space for multiple-family dwellings:
35%.

(3) Yards:

- (a) Minimum front yard: 25 feet.
- (b) Minimum side yards: single-family dwellings:
6 feet; duplex and two-family dwellings: 10 feet; multiple-family: 20 feet; and all other permitted uses and special exceptions: 25 feet.

(c) Minimum rear yard: Single-family dwellings, duplexes, and two-family dwellings: 15% of lot depth, but not less than 15 feet; multiple-family dwellings and all other permitted uses and special exceptions: 25 feet.

(4) Maximum structure height for multiple-family dwellings: two and one-half stories measured from final grade.

(G) Design of Structures and Other Improvements. The design of all structures and other improvements shall comply with the requirements of §8-103.

(H) Environmental Performance Standards. All category "A" environmental performance standards shall apply.

All water quality standards shall apply.

6-105 Waterfront Recreation Zone

In the Waterfront Recreation Zone, the following provisions and regulations shall apply:

(A) Purposes. This zone is designed to accommodate water-oriented recreation facilities.

(B) Type of Development. Developers of land located in this zone shall have the option of developing said land in accordance with the provisions of §§6-201 to 6-207 or as a planned unit development in accordance with the provisions of §6-305..

(C) Permitted Uses.

(1) Marinas for the docking, repair, sale, servicing, and storage of boats.

(2) Other water recreation oriented uses.

(D) Special Exceptions.

(1) Small retail shops and restaurants accessory to permitted uses.

(E) Use Limitations.

(1) All uses shall be buffered whenever possible by tidally-affected marsh or otherwise screened, where the same adjoin the Low Density Residential Zone at a side or rear lot line or are separated from such zone by an alley.

(2) No business establishment shall offer or sell food or beverages for consumption on the premises in parked motor vehicles.

(3) Structures shall be so located as to not impair the view of the Hackensack River from adjoining and upland properties.

(F) Lot Area Requirements. Minimum lot area: one acre.

(G) Bulk Regulations.

(1) Maximum lot coverage: 25%

(2) Minimum open space: 40%. Open space in this district shall include landscaped gravel, and sand areas, tidally-affected marsh, and boardwalks and walkways.

(3) Yards

(a) Minimum front yard: 25 feet. This requirement shall apply only to restaurants and marinas.

(b) Minimum side or rear yards: 25 feet.

(4) Maximum structure height: one and one-half stories.

(H) Buffer Requirements. There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening, where any development borders a Specially Planned Area, a Residential Planned Unit Development, or the Low Density Residential Zone. Where any development borders the Hackensack River or any of its tributaries, there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

(I) Environmental Performance Standards. All uses in the Waterfront Recreation Zone shall comply with the following environmental performance standard categories of §8-101:

Environmental performance standards category "A": noise, vibration; airborne emissions, and radioactive materials.

Environmental performance standards category "B": fire and explosion hazards; glare.

All water quality standards shall apply.

Particulate source emission: 0.2 pounds per hour per acre of lot, or the New Jersey State Standard, whichever is more restrictive.

(J) Design of Structures and Other Improvements. The design of structures and other improvements shall comply with the requirements of §8-103.

6-106 Highway Commercial Zone

In the Highway Commercial Zone, the following provisions and regulations shall apply:

(A) Purposes. This zone is designed to accommodate a selected group of commercial uses that are best located in close proximity to highways.

(B) Type of Development. Developers of land located in this zone shall have the option of developing said land in accordance with the provisions of §§6-201 to 6-207 or as a Planned Unit Development in accordance with the provisions of §6-305.

(C) Permitted Uses

(1) Banks, savings and loan associations and similar financial institutions.

(a) Business and professional offices.

(2) Medical and dental clinics and laboratories.

(3) Hotels and motels.

(4) Convention centers.

(5) Restaurants which may include cocktail lounges.

(6) Theaters (not including drive-in theaters).

(7) Automobile showrooms, including outdoor display facilities.

(8) Accessory retail and service uses in connection with office, hotels and motels.

(D) Special Exceptions.

(1) Light public utility uses.

(2) Governmental uses.

(3) Institutional uses.

(4) Automobile service stations, no closer than 1000 feet to each other.

(E) Use Limitations.

(1) All business, service, storage and display of goods, except for off-street parking and loading, shall be conducted within completely enclosed buildings.

(2) All permitted business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold on the premises where produced.

(3) No business establishment shall offer or sell food or beverages for consumption on the premises in parked motor vehicles.

(4) Strip commercial and other forms of commercial development which contain a substantial number of curb cuts should be avoided.

(F) Lot Area Requirements.

(1) Minimum lot area: three acres.

(2) Minimum lot width: 200 feet.

(G) Bulk and Density Regulations.

(1) Maximum lot coverage: 40%.

(2) FAR: 0.75 provided that floor area of hotels, motels, and other accommodations for transients and restaurants in such accommodations shall be disregarded for the purposes of this requirement.

(3) Minimum open space: 30%.

(4) Minimum front yard: 75 feet.

(5) Yards:

(a) Minimum rear yard: 30 feet.

(b) Minimum side yard: 100 feet; minimum 30 feet on anyone side.

(6) Maximum number of hotel and motel rooms per acre: 25.

(H) Buffer Requirements. There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening, where any development borders a specially planned area, the Park and Recreation District, and the Low Density Residential District.

Where any development borders the Hackensack River or any of its tributaries, there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

(I) Environmental Performance Standards. All uses in the Highway-Commercial Zone shall comply with the environmental performance standard categories of §8-101:

Environmental performance standard category A for fire and explosion hazards, and radioactive materials.

Environmental performance standard category B for noise; vibration; steam, airborne emissions, and glare.

All water quality standards shall apply.

(J) Design of Structures and Other Improvements. The design of all structures and other improvements shall comply with the requirements of §8-103.

6-107 Service-Highway Commercial Zone

In the Service-Highway-Commercial Zone, the following provisions and regulations shall apply:

(A) Purposes. This zone is designed to accommodate those business and commercial uses that are oriented toward, and ideally located in direct proximity to highway automobile traffic.

(B) Type of Development. Developers of land located in this zone shall have the option of developing said land in accordance with the provisions of §§6-201 to 6-207 or as a general planned unit development in accordance with the provisions of §6-305.

(C) Permitted Uses.

(1) Ambulance services.

(2) Automobile laundries.

(3) Automobile service stations no closer than 1000 feet to each other.

(4) Hotels and motels.

(5) Restaurants, including drive-in establishments serving food or beverage to customers for consumption on the premises in parked motor vehicles.

(6) Retail and service uses.

(7) Banks.

(8) Other drive-in establishments.

(D) Special Exceptions.

(1) Light public utility uses.

(2) Governmental uses.

(3) Funeral homes and mortuaries.

(E) Use Limitations.

(1) All business establishments shall be retail or service establishments dealing directly with consumers.

(2) Outdoor display and storage (except off-street parking and loading) shall be permitted only in connection with an otherwise permitted or special exception use when such use is housed within an enclosed building, and the area of such storage or display shall not exceed 10% of the floor area of the enclosed building in which the permitted or special permit use is located.

(3) All uses shall be screened where the same adjoin the Low Density Residential Zone at a side or rear lot line or are separated from such zone by an alley.

(F) Lot Size Requirements.

(1) Minimum lot area: 20,000 square feet.

(2) Minimum lot width: 100 feet, except that automobile service stations, drive-in restaurants, hotels and motels shall have a minimum lot width of 150 feet.

(3) Minimum lot depth: 150 feet.

(G) Bulk Regulations.

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(1) Maximum lot coverage: 50%

(2) Yards:

(a) Minimum front yard: 25 feet.

(b) Minimum rear yard: 25 feet.

(c) Minimum side or rear yards (where the side yard abuts the Low Density Residential Zone) - 25 feet.

(d) Minimum side yards: 10 feet

3. Minimum open space: 15%

4. FAR: 0.75 provided that floor area of hotels, motels, and other accommodations for transients and restaurants in such accommodations shall be disregarded for the purposes of this requirement.

(H) Buffer Requirements. There shall be a 25-foot wide strip of landscaped open space with heavy vegetative screening where any development borders a specially planned area, a residential Planned Unit Development, or the Park and Recreation District, or Low Density Residential District.

Where any development borders the Hackensack River or any of its tributaries, there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

(I) Environmental Performance Standards. All uses in the Service Highway Commercial Zone shall comply with the following environmental performance standard categories of §8-101:

Environmental performance standard category A for radioactive materials; fire and explosion hazards.

Environmental performance standard category B for noise; vibration; steam, airborne emissions, and glare.

All water quality standards shall apply.

(J) Design of Structures and Other Improvements. The design of structures and other improvements shall comply with the requirements of §8-103.

6-108 Research Park Zone

In the Research Park Zone, the following provisions and regulations shall apply.

(A) Purposes. This district is designed to accommodate research facilities and office facilities in a park-like environment, with substantial amounts of landscaped open space.

(B) Type of Development. Developers of land located in this zone shall develop said land by following the procedure set forth in §6-305 (M) or may develop such land as a general planned unit development in accordance with the requirements of §6-305.

(C) Permitted Uses.

(1) Establishments for scientific research and development, and business offices accessory thereto, where the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products are incidental and accessory to the principal use of scientific research and development.

(2) Office facilities.

(3) Warehouses.

(D) Special Exceptions.

(1) Helistops.

(2) Hotels and motels.

(3) Restaurants.

(4) Light public utility uses.

(E) Use Limitations.

(1) All operations, activities and storage (except landing areas for helistops and off-street parking) shall be conducted within completely enclosed buildings.

(2) No sales, storage, warehousing, motor freight facilities, or trucking operations shall be permitted, except to the minimum extent necessary as incidental and accessory to a permitted or special permit use.

(3) No more than two loading berths shall be permitted for each five-acre lot.

(F) Lot Area Requirements.

(1) Minimum lot area: five acres.

(2) Minimum lot width: 300 feet.

(G) Bulk Regulations.

(1) Maximum lot coverage: 25%.

(2) FAR: 2.5 (for office facilities only).

(3) Minimum open space: 50%

(4) Yards.

(a) Minimum front yard: 100 feet.

(b) Minimum side yards: 135 feet total, no less than 40 feet on any one side.

(c) Minimum rear yard: 100 feet.

(H) Environmental Performance Standards. All uses in Research Park Zone shall comply with the following environmental performance categories of §8-101.

All category A environmental performance standards.

All water quality standards shall apply.

(I) Design of Structures and Other Improvements. The design of all structures and other improvements shall comply with the requirements of §8-103, except that all loading facilities shall be permitted only in the rear yard.

6-109 Research Distribution Park Zone

In the Research Distribution Park Zone, the following provisions and regulations shall apply.

(A) Purposes. This district is designed to accommodate research facilities, office facilities and warehouse facilities in a park-like environment, with substantial amounts of landscaped open space.

(B) Type of Development. Developers of land located in this zone shall develop said land by following the procedure set forth in accordance with the requirements of §6-305 (M) or may develop such land as a general planned unit development in accordance with the requirements of §6-305.

(C) Permitted Uses.

(1) Establishments for scientific research and development, and business offices accessory thereto, where the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products are incidental and accessory to the principal use of scientific research and development.

(2) Any production, processing, manufacture or fabrication of goods, materials and products, and the storage of raw materials and products incidental to such manufacture, production, processing or fabrication.

(3) Office facilities.

(4) Warehouses.

(D) Special Exceptions.

(1) Helistops.

(2) Hotels and motels.

(3) Restaurants.

(4) Light public utility uses.

(E) Use Limitations.

(1) All operations, activities and storage (except landing areas for helistops and off-street parking and loading) shall be conducted within completely enclosed buildings.

(2) No sales, motor freight facilities, or trucking operations shall be permitted, except to the minimum extent necessary as incidental and accessory to a permitted or special permit use.

(3) No more than eight loading berths shall be permitted for each four-acre lot.

(4) At least 5% of the first floor of any building containing warehouse facilities shall be designed and used for office space.

(F) Lot Area Requirement.

(1) Minimum lot area: Four acres.

(2) Minimum lot width: 200 feet.

(G) Bulk Regulations.

(1) Maximum lot coverage: 40%.

(2) Minimum open space: 20%.

(3) FAR: 2.5 (office facilities only).

(4) Yards:

(a) Minimum front yard: 75 feet.

(b) Minimum side yards: 120 feet total, no less than 30 feet on anyone side.

(c) Minimum rear yard: 100 feet.

(H) Environmental Performance Standards. All uses in the Research Distribution Zone shall comply with the following environmental performance categories of §8-101:

All category A environmental performance standards.

All water quality standards shall apply.

(I) Design of Structures and Other Improvements. The design of all structures and other improvements shall comply with the requirements of §8-103, except that loading facilities shall be permitted only in the rear yard.

(J) Where any development borders the Hackensack River or any of its tributaries, there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

6-110 Light Industrial and Distribution Zone A

In the Light Industrial Zone A, the following provisions and regulations shall apply:

(A) Purposes. This zone is designed to accommodate on large lots a wide range of industrial, distribution, commercial and business uses that generate a minimum of detrimental environmental effects.

(B) Type of Development. Developers of land located in the zone shall have the option of developing said land in accordance with the provisions of §§6-201 to 6-207 or as a general planned unit development in accordance with the provisions of §6-305.

(C) Permitted Uses.

(1) Any production, processing, manufacture, fabrication, cleaning, servicing, testing, repair or storage of goods, materials or products, and business offices accessory thereto, but not including the storage of flammable or explosive materials as a principal use.

(2) Establishments for scientific research and development, and business offices accessory thereto, where the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products is incidental and accessory to the principal use of scientific research and development.

(3) Business or commercial establishments which provide supplies and/or services primarily to industrial and manufacturing customers, and business offices accessory thereto.

(4) Warehouses, wholesale establishments, and other storage facilities.

(5) Business offices, but not including professional office buildings principally for doctors, dentists, lawyers, real estate brokers and/or similar professional persons, except as an accessory use to an otherwise permitted use or as a special permit.

(6) Light public utility uses.

(D) Special Exceptions.

(1) Automobile service stations.

(2) Governmental uses.

(3) Heavy public utility uses.

(4) Helistops.

(5) Hotels and motels.

(6) Restaurants.

(7) Retail uses.

(8) Radio, television and microwave transmission towers.

(9) Hospitals, clinics and medical facilities.

(E) Use Limitations.

(1) All operations, activities and storage (except landing areas for helistops and off-street parking and loading) shall be conducted within completely enclosed buildings.

(2) No retail sales, motor freight facilities or trucking operations shall be permitted, except as incidental and accessory to a permitted or special permit use.

(3) No slaughtering of animals shall be permitted.

(F) Lot Area Requirement.

(1) Minimum lot area: Three acres.

(2) Minimum open space: 15%.

(G) Bulk Regulations.

- (1) Maximum lot coverage: 50%.
- (2) FAR: 2.5 (for offices only)
- (3) Minimum lot width: 200 feet.
- (4) Yards:
 - (a) Minimum front yard: 50 feet.
 - (b) Minimum side yards: 90 feet total, no less than 30 feet on anyone side.
 - (c) Minimum rear yard: 100 feet.

(H) Buffer Requirements. There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening where any development borders a specially planned area, a residential Planned Unit Development, the Park and Recreation Zone, or the Low Density Residential Zone.

Where any development borders the Hackensack River or any of its tributaries, there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

(I) Environmental Performance Standards. All uses in the Light Industrial and Distribution Zone A shall comply with the environmental performance categories of §8-101 as follows:

All category B environmental performance standards shall apply.

All water quality standards shall apply.

(J) Design of Structures and Other Improvements. The design of all structures and other improvements shall comply with the requirements and standards of §8-103.

6-111 Light Industrial and Distribution Zone B

In the Light Industrial Zone B, the following provisions and regulations shall apply:

(A) Purposes. This zone is designed to accommodate a wide range of industrial, distribution, commercial and business uses that generate a minimum of detrimental environmental effects.

(B) Type of Development. Developers of land located in the zone shall have the option of developing said land in accordance with the provisions of §§6-201 to 6-207 or as a general planned unit development in accordance with the provisions of §6-305.

(C) Permitted Uses.

(1) Any production, processing, manufacture, fabrication, cleaning, servicing, testing, repair or storage of goods, materials or products, and business offices accessory thereto, but not including the storage of flammable or explosive materials as a principal use.

(2) Establishments for scientific research and development, and business offices accessory thereto, where the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products is incidental and accessory to the principal use of scientific research and development.

(3) Business or commercial establishments which provide supplies and/or services primarily to industrial and manufacturing customers, and business offices accessory thereto.

(4) Automobile service stations.

(5) Mobile home and trailer sales, rental and repair.

(6) Automobile and truck leasing and sales, exclusive of semi-trailers.

(7) Boat sales, rental and repair.

(8) Warehouses, wholesale establishments, and other storage facilities.

(9) Light public utility uses.

(D) Special Exceptions.

(1) Governmental uses.

(2) Heavy public utility uses.

(3) Helistops.

(4) Hotels and motels.

(5) Restaurants.

(6) Retail uses.

(7) Radio, television and microwave transmission towers.

(8) Hospitals and clinics.

(E) Use Limitations.

(1) All operations, activities and storage (except landing areas for helistops and off-street parking and loading) shall be conducted within completely enclosed buildings.

(2) No retail sales, motor freight facilities or trucking operations shall be permitted, except as incidental and accessory to a permitted or special permit use.

(3) No slaughtering of animals shall be permitted.

(F) Lot Size Requirements.

(1) Minimum lot area: one acre.

(2) Minimum lot width: 100 feet.

(3) Minimum lot depth: 150 feet.

(G) Bulk Regulations.

(1) Maximum lot coverage: 50%.

(2) FAR: 2.5 (for offices only)

(3) Minimum open space: 15%.

(4) Yards:

(a) Minimum front yard: 35 feet.

(b) Minimum side yards: 20 feet.

(c) Minimum rear yard: 30 feet.

(H) Buffer Requirements. There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening where any development borders a specially planned area, a residential Planned Unit Development, the Public Park and Recreation Zone, or the Low Density Residential Zone.

Where any development borders the Hackensack River or any of its tributaries, there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

(I) Environmental Performance Standards. All uses in the Light Industrial and Distribution Zone B shall comply with the environmental performance categories of §8-101 as follows:

All category B environmental performance standards shall apply.

All water quality standards shall apply.

(J) Design of Structures and Other Improvements. The design of all structures and other improvements shall comply with the requirements of §8-103.

6-112 Heavy Industrial Zone

In the Heavy Industrial Zone, the following provisions and regulations shall apply:

(A) Purposes. This zone is designed to accommodate industrial and commercial uses that are not appropriate in other industrial districts.

(B) Type of Development. Developers of land located in this zone shall have the option of developing said land in accordance with the provisions of §§6-101 to 6-207 or as a general planned development in accordance with the provisions of §6-304.

(C) Permitted Uses.

(1) Establishments for scientific research and development, and business offices accessory thereto, including the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products.

(2) Any production, processing, manufacture, fabrication, cleaning, servicing, testing, repair or storage of goods, materials or products, and business offices accessory thereto.

(3) Meat and produce markets for sale at wholesale or retail, including the processing dress meat products; provided that no slaughtering shall be done on the premises.

(4) Construction equipment sales, service and rental.

(5) Contractor and construction offices, shops and yards.

(6) Building materials' yards and facilities.

(7) Cartage and express facilities.

- (8) Motor freight terminals.
- (9) Railroad terminals and yards.
- (10) Garages for the storage, repair and servicing of motor vehicles (including body repair, painting and engine rebuilding).

- (11) Light public utility uses.
- (12) Heavy public utility uses.
- (13) Automobile service stations.
- (14) Automobile laundries.
- (15) Resource recovery systems.
- (16) Retail uses.

(D) Special Exceptions.

- (1) Governmental uses.
- (2) Helistops.

(E) Lot Size Requirements.

- (1) Minimum lot area: one acre.
- (2) Minimum lot width: 100 feet.
- (3) Minimum lot depth: 150 feet.

(F) Bulk Regulations.

- (1) Maximum lot coverage: 50%.
- (2) Minimum open space: 15%
- (3) FAR: 2.5 (for offices only)
- (4) Yards:
 - (a) Front yard: 35 feet.
 - (b) Side yards: 20 feet.
 - (c) Rear yard: 30 feet.

(H) Buffer Requirements. There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening where any development borders a specially planned area, a residential Planned Unit Development, the Park and Recreation Zone, or the Low Density Residential Zone.

Where any development borders the Hackensack River or any of its tributaries, there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

(I) Environmental Performance Standards. All uses in the Heavy Industrial Zone shall comply with the environmental performance categories of §8-101 as follows:

All category C environmental performance standards shall apply.

All water quality standards shall apply.

(J) Design of Structures and Other Improvements. The design of all structures and other improvements shall comply with the requirements of §8-103.

6-113 Airport Facilities Zone

(A) Purposes. This zone is designed to accommodate airport and aviation uses and those uses which are customarily associated with such facilities, built both under the jurisdiction of the Port of New York Authority and under the jurisdiction of the Commission.

(B) Type of Development. Developers of land located in this zone shall have the option of developing said land in accordance with the provisions of §§6-201 to 6-302 or as a general Planned Unit Development in accordance with the provisions of §6-305.

(C) Permitted Uses.

- (1) General aviation airports.
- (2) Heliports and helistops.
- (3) Aviation terminal facilities.
- (4) Aviation maintenance and storage facilities.
- (5) Commercial off-street parking as a principal use.

(6) Light public utility uses.

(7) Heavy public utility uses.

(8) Accessory service uses in connection with any of the above permitted uses.

(D) Special Exceptions.

(1) Hotels and motels.

(2) Business and professional offices.

(E) Use Limitations. All operations, activities, and storage (except landing and storage areas for airports, heliports, helistops, off-street parking and loading) shall be conducted within completely enclosed buildings.

(F) Lot Size Requirements: None.

(G) Bulk Regulations.

(1) Maximum lot coverage: 40%. This requirement shall apply only to hotels and motels and offices.

(2) Minimum open space: 30%. This requirement shall apply only to hotels and motels and office buildings.

(3) Minimum front yard: 30 feet.

(H) Environmental Performance Standards. All uses in the Airport Facilities District shall comply with the environmental performance categories of §8-101 as follows:

All category B environmental performance standards of §8-101 shall apply.

All water quality standards of §8-101 shall apply.

(I) Design Standards. The design of all structures shall comply with the highest standards of airport design and with the requirements of §8-103

(J) Where any development borders the Hackensack River or any of its tributaries, there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

6-114 Sports Complex Zone

In the Sports Complex Zone, the following provisions and regulations shall apply:

(A) Purposes. This zone is designed to accommodate major spectator sport uses and exposition and related uses built under the jurisdiction of the New Jersey Sports and Exposition Authority and to provide for the designation of land not acquired for such uses.

(B) Land under the jurisdiction of the New Jersey Sports and Exposition Authority.

Any land acquired by the New Jersey Sports and Exposition Authority and subject to its jurisdiction under N.J.S.A. 5:10-1 to 5:10-26 shall be exempt from these Regulations.

(C) Land under the jurisdiction of the Commission. Land not exempt from the jurisdiction of the Commission under §6-114(B) herein shall be rezoned by the Commission for the Sports Complex zone classification within three months after the occurrence of any of the following:

(1) N.J.S.A. 5:10-1 to 5:10-26, in all or pertinent part, is declared null and void by a final judgment of a court of competent jurisdiction; or

(2) The New Jersey Sports and Exposition Authority formally decides not to acquire all or part of the land.

6-115 Public Utilities

In the Public Utilities Zone, the following provisions and regulations shall apply:

(A) Purposes. This zone is designed to accommodate certain heavy public utility uses that are not appropriate in any other industrial district.

(B) Type of Development. Developers of land located in this zone shall have the option of developing said land in accordance with the provisions of §§6-201 to 6-207 or as a general planned development in accordance with the provisions of §6-305.

(C) Permitted Uses.

(1) Electrical power generating stations, operated by a Public Utility.

(2) Heavy and Light Public Utility Uses.

- (3) Railroad terminals and yards.
- (4) Automobile service stations.
- (5) Retail uses.

(D) Special Exceptions.

- (1) Governmental uses.
- (2) Helistops.

(E) Lot Size Requirements.

- (1) Minimum lot area: one acre.
- (2) Minimum lot width: 100 feet.
- (3) Minimum lot depth: 150 feet.

(F) Bulk Regulations.

- (1) Maximum lot coverage: 50%.
- (2) Minimum open space: 15%.
- (3) Yards:
 - (a) Front yard: 35 feet.
 - (b) Side yards: 20 feet.
 - (c) Rear yard: 30 feet.

(G) Buffer Requirements. There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening where any development borders a specially planned area, a residential Planned Unit Development, the Park and Recreation Zone, or the Low Density Residential Zone.

Where any development borders the Hackensack River or any of its tributaries there shall be a 50-foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

(H) Environmental Performance Standards. All uses in the Public Utilities Zone shall comply with the environmental performance categories of §8-101 as follows:

All category C environmental performance standards shall apply.

All water quality standards shall apply.

(I) Design of Structures and Other Improvements. The design of all structures and other improvements shall comply with the requirements of §8-103.

6-200 Procedure

6-201 Zoning Certificates

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

(A) The construction, moving, remodeling or reconstruction of any structure or addition thereto shall not be commenced.

(B) The improvement of land shall not be commenced, except that land may be filled pursuant to and in conformance with all applicable landfill codes and regulations adopted by the Commission.

(C) Building permits shall not be issued by any official of the Commission.

Any zoning certificate issued in conflict with the provisions of this Resolution shall be null and void.

6-202 Application for Zoning Certificate

(A) Filing. All applications for zoning certificates shall be filed with the Office of the Chief Engineer. If the Office of the Chief Engineer determines that architectural review is necessary under the standards set forth in §8-104, he shall require that two copies of the application shall be filed and shall forward one copy to the Environmental Design Committee; otherwise, only one copy need be filed.

(B) Contents. Every application for a zoning certificate shall include:

(1) A plat, in duplicate, of the lot, drawn to scale and showing the actual dimensions of the lot.

(2) Sufficient information to determine that there will be compliance at all times with all of the applicable environmental performance standards, including but not limited to:

(a) A description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions, or external effects which are regulated by the applicable zone regulations.

(b) A description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the standards set forth in the applicable zone regulations.

(c) Such other data and certification as may reasonably be required by the Office of the Chief Engineer to reach a determination with respect to whether the proposed use or structure will comply with the requirements of the applicable zone regulations.

All information and evidence submitted in an application for a zoning certificate to indicate conformity with the environmental performance standards set forth in the applicable zone regulations shall constitute a certification and an agreement on the part of the applicant that the proposed structure or use can and will conform to such standards at all times.

(3) If the zoning lot is subject to the State's riparian interest as shown on maps issued by the Natural Resource Council, Department of Environmental Protection (formerly Resource Development Council, Department of Conservation and Economic Development) pursuant to Law, a copy of one of the following; unless as otherwise provided by rule of the Commission:

(a) A duly executed riparian instrument releasing the State's interest.

(b) A permit or other authorization duly executed by the Natural Resource Council authorizing the applicant to proceed with the placement of certain improvements.

(c) A final judgment rendered by a court of competent jurisdiction declaring that the State has no interest in the subject property.

(4) Architectural renderings of all structures, where required by the Office of the Chief Engineer.

(5) For the construction or moving of any structure or addition thereto, a site plan, as follows:

(a) A survey of the tract that is to be developed showing existing features of the property, including building setback lines, yards, streets, roads, alleys, easements, utility lines, existing land use, general topography and physical features.

(b) A plan showing the location, ground area, height, bulk, and proposed use of all existing and proposed structures, the proposed traffic circulation pattern within the development; the areas to be developed

for parking and loading facilities, the points of ingress and egress, including access streets where required; the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and the proposed plan of drainage, including roof drainage.

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

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

(7) For any sign, a description of the sign.

(8) Plans and drawings showing the landscaping and screening of the site and the areas to be devoted to open space.

(9) If the land covered by the site plan is not to be subdivided, information sufficient to show that the requirements of Articles VII and VIII of the Subdivision Regulations have been complied with.

(10) Other such information as may be reasonably required.

6-203 Review and Approval of Application for a Zoning Certificate.

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

(1) The application and the development proposed therein complies with the applicable requirements of these Regulations.

(2) The application and the development proposed therein complies with the applicable requirements of Article VII and VIII of the Subdivision Regulations.

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

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

(6) The proposed drainage system will be adequate for the proposed use and structures, will not adversely affect any adjacent or adjoining development lands and will be completely enclosed. Final finish floor elevations shall be no less than 10-foot mean sea level, based on U. S. Coast & Geodetic datum.

The zoning certificate so issued shall be deemed to incorporate the approved application, and any violation or departure from the approved application during construction of the facilities and structures therein shown shall be deemed a violation of these Regulations as provided in §8-109.

As a condition precedent to the granting of approval of the application for a zoning certificate, an escrow deposit may be required and such deposit may be used in accordance with §8-102.

6-204 Period of Validity

A zoning certificate shall become null and void one year after the date on which it is issued, unless within such one year period, construction, moving, remodeling or reconstruction of a structure, or addition thereto, is commenced or a use is commenced.

6-205 Commencement of Occupancy

No structure or addition thereto constructed, moved, remodeled or reconstructed after the effective date of this Resolution shall be occupied or used for any purpose; no land vacant on the effective date of this Resolution shall be used for any purpose; no use of any land or structure shall be re-occupied or changed to any other use; and no occupancy (except in residential dwelling units) shall be changed unless an occupancy certificate shall first have been obtained from the Office of the Chief Engineer certifying that the proposed use or occupancy complies with the applicable provisions of these Regulations.

6-206 Application for Occupancy Certificate

Every application for an occupancy certificate shall be filed with the Office of the Chief Engineer and shall contain the following information:

(A) Information sufficient to show that all applicable Building Code requirements have been met.

(B) Information sufficient to show that all applicable Subdivision Regulation requirements pertaining to the lot or lots containing the land or structure to be occupied have been met.

(C) If a change in use or occupancy is proposed:

(1) Information as to riparian status.

(2) Block and lot number and municipality within which located.

(3) Information sufficient to insure that a determination of whether the applicable environmental **performance** standards have and will be met can be made.

(4) A description of parking and loading facilities and traffic flow patterns.

(5) A description of all landscaping and screening on the site.

(6) A description of the drainage system on the site.

(7) A description of the former and proposed use.

(8) If a change in occupancy is proposed, a description of the former and proposed occupant.

(D) If for the initial occupancy of a structure or addition thereto constructed, moved, remodeled, or reconstructed:

(1) Information sufficient to show that those representations made in the approved zoning certificate application have been followed.

(2) Information sufficient to show that all applicable environmental performance standards will be complied with.

(E) Such other information as may be reasonably required.

6-207 Issuance of Occupancy Certificate

No occupancy certificate for a structure or addition thereto constructed, moved, remodeled, or reconstructed after the effective date of these Regulations shall be issued until such work has been completed and the premises and site inspected and certified by the Office of the Chief Engineer to be in full and complete compliance with the conditions and specifications upon which the zoning certificate was issued and with all applicable provisions of the Building Code and with all the Subdivision Regulations requirements pertaining to the lot or lots containing the land or structure to be occupied, except as otherwise provided by §8-103(A), and with all applicable provisions of the Building Code and with all the Subdivision Regulation requirements pertaining to the lot or lots containing the land or structure to be occupied, except as otherwise provided by §8-108. An application for an occupancy certificate shall be approved or disapproved within one week after the receipt of an application therefor.

6-300 General Provisions6-301 Landscaping and Maintenance of Open Space

(A) Landscaping and Screening. All open space, including yards, shall be landscaped with lawns, trees, shrubbery, and other appropriate plant material unless such open space is tidal marsh or wetlands which the Commission has determined pursuant to its Open Space Map should be preserved. Uses shall be screened when required by the applicable zone regulations and otherwise where necessary to insure privacy, protect and enhance property values, or otherwise promote the general welfare.

The Commission may publish detailed open space design guidelines, which shall be filed with the Office of the Chief Engineer, where they shall be of public record.

(B) Maintenance. All open space, and facilities and structures thereon, must be properly maintained.

In the event that the applicant or his successors shall at any time after the issuance of an occupancy certificate fail to maintain any open space, the Office of the Chief Engineer may serve written notice setting forth any failure to maintain the open space in a reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within four weeks thereof and shall state the date and place of any hearing thereon which may be held. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said

four weeks or any extension thereof, the Office of the Chief Engineer, in order to preserve the taxable values of the surrounding properties and to prevent the open space from becoming a public nuisance, may enter upon the open space and maintain the same for a period of one year. Before the expiration of said year, the Office of the Chief Engineer shall, upon its initiative or upon the request of the applicant, call a public hearing at which the applicant shall show cause why such maintenance by the Office of the Chief Engineer shall not, at the election of the Office of the Chief Engineer, continue for a succeeding year. If the Office of the Chief Engineer shall determine that the applicant is ready and able to maintain the open space during the next succeeding year, and subject to a similar hearing and determination, in each year thereafter.

The cost of such maintenance by the Office of the Chief Engineer 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 open space for the purpose of maintenance, shall file a notice of such lien in the Office of the County Clerk upon the property affected by such lien.

6-302 Special Exceptions

(A) Authorization. The Executive Director may authorize the establishment of those special exceptions that are expressly authorized to be permitted in a particular zone or in one or more zones. No special exceptions shall be authorized unless the same complies with all of the applicable provisions of these Regulations. Prior to any action being taken by the Executive Director pursuant to the section, the Office of the Chief Engineer shall review the special application and prepare findings, conclusions and recommendations thereon which shall then be submitted to the Executive Director.

(B) Application for Special Exception Permit. An application for a special exception permit, together with an application for a zoning certificate, shall be filed with the Office of the Chief Engineer. The application shall contain the following information as well as such additional information as may be prescribed by rules of the Office of the Chief Engineer.

(1) A statement showing compliance with any special conditions or requirements imposed upon the particular special exception by the applicable zone regulations.

(2) A statement as to why the proposed special exception will not cause substantial injury to the value of other property in the neighborhood.

(3) A statement as to how the proposed special exception is to be designed, arranged, and operated in order to permit the development and use of neighboring property in accordance with the applicable zone regulations.

(C) Hearing. The Office of the Chief Engineer shall select a reasonable time and place at which to hold a public hearing in accordance with §8-107.

(D) Standards for Special Exceptions. A special exception permit shall not be granted unless specific written findings of fact are made based directly upon the particular evidence presented which support conclusions that:

(1) The proposed special exception complies with all applicable regulations of these Regulations.

(2) The proposed special exception at the specified location will contribute to and promote the welfare or convenience of the public.

(3) The proposed special exception will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

(4) The location and size of the special exception, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special exception will not dominate the immediate neighborhood as to prevent development and use of neighboring property in accordance with the applicable zone regulations. In determining whether the special exception will so dominate the immediate neighborhood, consideration shall be given to:

(a) The location, nature and height of structures, walls, and fences on the site, and

(b) The nature and extent of landscaping and screening on the site.

(5) Adequate utility, drainage, and other such necessary facilities have been or will be provided.

(6) Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

(7) The special exception desired will not have an adverse environmental impact.

(E) Conditions and Restrictions. In the granting of a special exception permit, such conditions, safeguards, and restrictions may be imposed upon the premises benefited by the special exception as may be necessary to comply with the standards set out in subsection (3) hereof, to reduce or minimize any potentially injurious effect of such special exception upon other property in the neighborhood, and to carry out the general purpose and intent of these Regulations. Failure to comply with any of the conditions or restrictions placed on a special use permit shall constitute a violation of these Regulations.

(F) Decisions and Records. A written decision on an application for a special use permit shall be rendered within eight weeks after the close of the hearing. The Office of the Chief Engineer shall maintain complete records of all actions with respect to applications for special exception permits.

(G) Period of Validity. No special exception permit pursuant to this section shall be valid for a period longer than six months from the date on which the permit was granted unless within such period: (1) a zoning certificate is obtained and the erection or alteration of a structure is started or the improvement of land for such erection or alteration is begun, or (2) an occupancy permit is obtained and a use commenced. Additional extensions not exceeding six months each, may be granted upon written application, without notice or hearing.

6-303 Variances

(A) Authorization. The Executive Director may authorize such variances from the terms of these Regulations as will not be contrary to the public interest in accordance with the standards set forth in subsection (D) herein, upon a determination that owing to special conditions a literal enforcement of the provisions of these Regulations will, in an individual case, result in unnecessary hardship for the applicant.

Prior to any action being taken by the Executive Director pursuant to this section, the Office of the Chief Engineer shall review the variance application and prepare findings, conclusions and recommendations thereon which shall be submitted to the Executive Director.

(B) Application for Variance. An application for a variance, together with an application for a zoning certificate, shall be filed with the Office of the Chief Engineer. The application shall contain the following information as well as such additional information as may be prescribed by rule of the Office of the Chief Engineer.

(1) The particular requirements of these Regulations which prevent the proposed use or construction.

(2) The characteristics of the subject property which prevent compliance with said requirements of these Regulations.

(3) The reduction of the minimum requirements of these Regulations which would be necessary to permit the proposed use or construction.

(4) The particular hardship which would result if said particular requirements of these Regulations were applied to the subject property.

(C) Hearing. The Office of the Chief Engineer shall select a reasonable time and place at which to hold a public hearing in accordance with §8-107. Notwithstanding the provisions of this section, in cases of variances from the area and bulk requirements of these Regulations, the Office of the Chief Engineer shall give notice, as required by law, but a public hearing on the matter shall not be required; provided, however, that comments in writing, relative to an application may be submitted to the Office of the Chief Engineer within 10 days of the receipt of notice. The Office of the Chief Engineer shall, at its discretion, call a public hearing on any matter it deems of sufficient importance or on which there has been substantial adverse comment filed relative thereof.

(D) Standards for Variances. A variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that:

(1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone, and is not created by an action or actions of the property owner or the applicant.

(2) The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

(3) The strict application of the provisions of these Regulations from which a variance is requested will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the property owner represented in the application.

(4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

(5) The variance desired will not have an adverse environmental impact.

(6) Granting the variance desired will not substantially impair the intent and purpose of these Regulations and will not result in substantial detriment to the public good.

(E) Additional Considerations. In determining whether the evidence supports the conclusions required by subsection (D), the Executive Director shall consider the extent to which the evidence demonstrates that:

(1) The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or undue hardship upon or for the owner, lessee, occupant, as distinguished from a mere inconvenience, if the provisions of these Regulations were literally enforced;

(2) The request for a variance is not based exclusively upon desire of the owner, lessee, occupant or applicant to make more money out of the property;

(3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located; and

(4) The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(F) Conditions and Restrictions. In the granting of a variance, such conditions, safeguards and restrictions may be imposed upon the premises benefited by the variance as may be necessary to comply with the standards set out in subsection (D) herein to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Regulations. Failure to comply with any of the conditions or restrictions placed on a variance shall constitute a violation of these Regulations.

(G) Decisions and Records. A written decision on an application for a variance shall be rendered within eight weeks after the close of a hearing. The Office of the Chief Engineer shall maintain complete records of all actions with respect to applications for variances. In cases where a hearing is not required, the Executive Director shall render a written decision in not less than two nor more than 10 weeks from the date of receipt of notice.

(H) Period Validity. No variance granted pursuant to this section shall be valid for a period longer than six months from the date on which the variance was granted unless within such period (1) a zoning certificate is obtained and the construction, remodeling, or removing of a structure and addition thereto is commenced, or (2) an occupancy permit is obtained and a use commenced. Additional extensions without exceeding six months each may be granted upon written application, without notice or hearing.

6-304 Commission Review of Special Exception and Variance Approvals.

(A) Immediately after approving, or approving with conditions, applications for special exceptions or variances, the Executive Director shall transmit forthwith to the Commission a copy of the order containing such approval, a copy of the plan, and any other information relevant to the matter.

The Commission may, by a concurring vote of a majority of its numbers, affirm or reverse, wholly or partly, modify such approval, or may remand the entire matter for further action by the Executive Director, 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 matter, the decision of the Executive Director shall be deemed to be affirmed.

(B) Disapprovals of special exceptions or variances by the Executive Director may be brought before the Commission pursuant to the procedure contained in §8-110 (Appeals)

6-305 Planned Unit Development

(A) Purposes. It is the purpose of this section to encourage the innovative and creative design of developments of varying sizes and to facilitate the use of the most advantageous construction techniques in the development and use of land. It is also the intent of this section to insure ample provision for the efficient use of open space and to promote high standards in the layout, design and construction of developments.

(B) Location. Planned unit developments shall be allowed in any zone except the Marshland Preservation Zone and the Park and Recreation Zone.

(C) Minimum Size. The minimum size of a planned unit development shall be five contiguous acres.

(D) Applicant. For purposes of this section, the applicant for approval of a planned unit development hereunder shall be the legal owner or owners of all the land proposed to be included in said planned unit development, provided that such owner has sufficient interest in the land to develop it in accordance with these Regulations. The holder of an option or contract to purchase, a lessee, or the possessor of an enforceable proprietary interest in such land, rather than the legal owner, will be deemed the land-owner if such option holder, contract purchaser, lessee, or other person holding an enforceable proprietary interest has sufficient interest in the land to develop it in accordance with these Regulations.

(E) Permitted Uses; Standards.

(1) Permitted Uses.

(a) All uses permitted under the regulations of the zone in which the planned unit development is located, subject, however, to the use limitations, if any, contained in said regulations, unless waived pursuant to paragraph (2) hereof.

(b) All special exceptions permitted under the regulations of the zone in which the planned unit development is located without regard to the procedures for approval thereof provided in §6-30, the procedures in this section constituting a replacement and substitute therefor.

(c) All other uses except that residential uses shall only be allowed in planned unit developments located in the Low-Density Residential, Highway Commercial, Research-Park, and Research Distribution Park Zone, provided that no use other than uses permitted under subsections (a) and (b) hereof shall be allowed to predominate.

(2) Standards. The burden shall be upon the applicant to show, with respect to uses permitted under paragraph (1) (c) and with respect to any modifications and waivers of use limitations under paragraph (1) (a) that they are:

(a) Consistent with the objectives set forth in the Commission's Master Plan;

(b) Essential and especially appropriate in view of the available alternative forms of development within the zone;

(c) necessary or desirable with respect to the purposes of the planned unit development;

(d) not of such a nature or so located as to exert a detrimental influence on uses in the planned unit development permitted under paragraph (1)(a) hereof, on the entire planned unit development, or on the surrounding areas both with regard to existing development and future development in accordance with the Comprehensive Land Use Plan; and

(e) designed to have a favorable impact on the environment and on the provision of public services, and to enhance the quality of the planned unit development and the Meadowlands District in general.

(F) Lot Size Requirements. Lot size requirements are hereby waived for planned unit developments.

(G) Density in Residential Planned Unit Development. With respect to all land areas devoted to residential use within a planned unit development the maximum permitted density shall be 20 dwellings per acre.

For purposes of this section, land area devoted to residential use shall mean the sum of all areas on which structures containing residential uses, whether or not in conjunction and other uses, are to be constructed and all open space designed for the benefit of the residential uses. Such area shall not be deemed to include dedicated streets or other public rights-of-way.

(H) Bulk Regulations and Use of any Residential Open Space. The bulk regulations other than yard requirements applicable to a planned unit development are those as provided in the regulations of the zone in which the planned unit development is located, except that Planned Unit Development size rather than lot shall be appropriate unit of measurement.

However, the open space for land area devoted to residential use, as defined in §6-305 herein, shall be 40% and shall be common open space. Such common open space shall contain recreation areas and facilities and playgrounds for children sufficient to meet the recreation needs of the residents of the neighborhood. A fee may be charged for recreational uses which require a substantial expenditure for maintenance. All common open space not used for recreational purposes shall contain landscaped areas and may contain water-courses or other amenities. Landscaped areas shall contain lawns, trees and shrubbery, and pedestrian paths, ways and malls, and may contain flower and rock gardens, statues and sculpture, bicycle paths, and whatever other matter enhances the quality of

the landscaped area. Cooperative gardening may be permitted in these common open spaces. Structures for neighborhood meetings and activities and for public cultural activities may be built upon common open space. The development board may publish detailed open space design guidelines, which shall be filed with the Office of the Chief Engineer where they shall be of public record. All common open space shall be maintained in accordance with the requirements of §7-402.

The yard requirements provided for in the regulations of the zone in which the planned unit development is located shall be required only for uses along the perimeter of the planned unit development and for uses fronting on major streets, within or without the development.

(I) Design of Site and of Structures and Other Improvements. Structures and open spaces shall be laid out in a manner that best serves the residents and users of each Plan Unit Development. Site Layout shall have maximum aesthetic values and shall be in accordance with imaginative and far-sighted concepts of site design.

Planned unit developments shall provide reasonable visual and acoustical privacy for the uses contained therein. Fences, insulation, walks, barriers and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise. High-rise buildings shall be located within a planned unit development in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

The design of all structures and other improvements shall comply with the requirements of §8-103.

(J) Vehicular Movement. Principal vehicular access to a planned unit development shall be from streets and roads capable of supporting existing traffic, the traffic that will be generated by the planned unit development and foreseeable future traffic. Access points shall be designed to provide smooth traffic flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic. Merging and turnout lanes and traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicate such need. No streets or roads within a planned unit development shall connect to exterior streets in such a way as to encourage use of minor streets for through streets.

(K) Pedestrian Movement. Pedestrian access shall be arranged so as to provide safe and convenient routes to and from a planned unit development. Pedestrian access routes within a planned unit development need not be adjacent to, or in the vicinity of, vehicular access routes. Pedestrian passages over and under vehicular routes shall be used wherever possible. Open space intended for recreational or pedestrian use and pedestrian-oriented structures, such as schools, shall be accessible from related structures, such as dwellings and offices buildings, with a minimum of street crossings. Where possible, such uses shall be interconnected by a common pedestrian system. Within a planned unit development, there shall be adequate space to permit accessibility to all structures by fire-fighting and similar emergency equipment. Bicycle and bridle paths shall be coordinated with the pedestrian system, and street crossings shall be combined. Pedestrian crossings at the perimeter of a planned unit development shall be marked and controlled, and where pedestrians are exposed to substantial vehicular traffic, fencing or other similar barriers shall be erected to prevent crossing at other than designated points.

(L) Relation to Subdivision Regulations. In order to effectuate the purposes of this section it is necessary to waive and modify the Subdivision Regulations otherwise applicable. The applicability of the Subdivision Regulations to planned unit Developments shall be as provided in §7-401.

(M) Procedure. Any applicant who wishes to develop a planned unit development shall comply with the following regulations.

Each applicant shall follow the procedure for specially planned areas as set out in §§7-301--7-305 and each planned unit development shall be considered as a specially planned area for the purpose of these sections , except as follows:

(1) The requirements of §§7-301 (B)(9), (12) and (14) shall not apply and the following shall be added to §7-301(B).

(a) A statement of the anticipated density of all areas within the planned unit development to be devoted to residential uses and the percentage of the land area of the planned unit development to be devoted to residential uses.

(b) Where the proposed uses include those described in §6-305 (E)(1)(C), a statement analyzing such uses with reference to the criteria therefor contained in §6-305. (E)(2).

(c) A written statement by the applicant setting forth the reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with this section and with the Commission's Master Plan.

(d) Acreage of the proposed planned unit development accurate to the nearest hundredth of an acre.

(e) The name of the owner and all property owners within 500 feet of the proposed planned unit development disclosed by the most recent municipal tax records.

(f) The exact location of the proposed planned unit development and its relation to the surrounding area and, if the planned unit development is to be subdivided, the location of the portion of the tract to be subdivided to the entire tract.

(g) Names of adjacent subdivisions or, in the case of unplatted land, the name of the owner or owners of adjacent property.

(2) To the requirement of S7-301 (D) (1) (C) shall be added:

The relationship, beneficial, or adverse, of the proposed planned unit development upon the neighborhood in which it is proposed to be established; and if the applicant has proposed waiver or modification of use regulations, why with respect to the criteria therefor as set out in §6-305(E)(2), such waivers and modifications are or are not deemed to be in the public interest.

6-306. Accessory Uses

(A) Authorization. Accessory uses are permitted in any zone in connection with any principal use which is permitted within such zone. No accessory use shall be constructed, moved, remodeled, established, altered or enlarged after the effective date of these Regulations unless it complies with the requirements of this section.

(B) Definition. An accessory use is a structure or use which: (1) is subordinate to and serves a principal building or a principal use; (2) is subordinate in area, extent or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served; and (4) is located on the same lot as the principal building or principal use served.

(C) Permitted Accessory Uses. Accessory structures and uses include, but are not limited to, the following:

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(1) Accessory uses not permitted on open space.

(a) Private garages or carports, not to exceed the following capacity:

(i) for a single family residence: three cars;

(ii) for a multiple family residence: two cars per dwelling unit.

(b) A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed 100 square feet in gross floor area.

(c) A guest house (without kitchen facilities) or rooms for guests in an accessory building provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units or for permanent occupancy as housekeeping units.

(d) Laundry drying equipment.

(e) Fall-out shelters; provided that they shall not be used for any principal or accessory use not permitted in the zone.

(f) Off-street parking and loading spaces, as regulated by §8-103(C).

(g) Storage of boats, boat trailers, camping trailers, and small house trailers.

(h) Restaurants, drug stores, gift shops, cocktail lounges, and newsstands when located in a permitted hotel, motel or office building.

(i) Employee restaurants and cafeterias when located in a permitted business or manufacturing building.

(2) Accessory uses permitted on open space.

(a) A child's playhouse.

(b) A private swimming pool and bath house.

(c) Recreational equipment.

(d) Statuary, arbors, trellises, barbecue stoves, flag poles, fences, walls and hedges.

(e) Signs when permitted by §8-103(D).

(3) None of the following shall be permitted as an accessory use:

(a) Outdoor storage or over-night parking of trucks or buses in the Marshland Preservation, Park and Recreation, and Low Density Residential Zones.

(b) Outdoor storage, except as specifically permitted by the zone regulations.

(D) Bulk Regulations.

(1) Accessory structures and uses shall have at least the same rear and side yard as is required for the principal structures located on the lot.

(2) No part of any accessory structure shall be located closer than 10 feet to any principal structure, unless it is attached to or forms a part of such principal structure.

(3) Accessory structures and uses shall otherwise comply with the bulk regulations applicable in the zone in which they are located.

(4) No accessory structure or use shall be permitted in any required front yard unless it is a permitted obstruction within the meaning of §6-101(I)(1) of these Regulations.

Article VII - Specially Planned Area Regulations

In the specially planned areas, the following regulations shall apply.

7-101 Statement of Purpose

The strategic location of large parcels of largely-undeveloped land in the heart of an intensely-developed metropolitan area gives the public the opportunity to require that development be undertaken on a large scale in order that the available land be used in the most efficient manner possible and in accordance with the most comprehensive and far sighted planning techniques which will be of substantial benefit to both the developers and landowners and to the public. These regulations take advantage of this opportunity by requiring that specific areas be used for the purposes envisaged for them in the Comprehensive Land Use Plan and be developed in the best possible manner. These regulations are designed to promote, moreover, the innovative and creative design of such areas, to facilitate the use of the most advantageous construction techniques in the development and use of land, and to assure a comprehensive treatment of environmental factors.

Where property is located in a Specially Planned Area, as defined herein, approval of a comprehensive plan for the entire Specially Planned Area is required before any development is permitted, in accordance with the regulations for each Specially Planned Area hereinafter provided and in accordance with the procedures established in §§7-301-7-305.

7-201 The Parkside Residential Specially Planned Areas: PR-1, PR-2 & PR-3

(A) Purposes. These specially planned areas are designed to accommodate residential uses in a setting of large areas of open and recreation space. The regulations are designed to require unified planning and development of well-designed large-scale projects in order to provide amenities and services to residents not customarily found in typical residential developments.

(B) General, Development, and Implementation Plans. Development shall be permitted in each PR only upon approval of and pursuant to a general plan for the entire PR under §7-301, upon approval of and pursuant to a development plan for the section to be developed under §7-302, and upon approval and pursuant to an implementation plan for the subsection to be developed under §7-303.

(C) Wetlands Order: All development in each PR shall conform to the Hackensack Meadowlands Development Commission's Wetlands order.

(D) Required Development. No general plan for any PR shall be approved under §7-301, no development plan shall be approved under §7-302, and no implementation plan shall be approved under §7-303 unless it contains the following types and amounts of development.

(1) Residential Development.

(a) Types of Residential Structures. Any type of structure containing dwelling units may be built except single-family houses, duplexes, and two-family houses.

(b) Number of Dwelling Units. Each PR shall have no less than 35 nor more than 40 dwelling units per acre for the total area of the PR, minus the acreage used for school sites, commercial areas (which shall be deemed, only for the purpose of determining the total number of dwellings units required and permitted in each PR, to be 15 acres for each community shopping center and 5 acres for each neighborhood shopping center), open areas, state highways and turnpikes, railroad rights-of-way, and land used for non-conforming uses or structures.

If the development of any PR is to be in stages, the size of each section must be a neighborhood. No neighborhood within each PR shall have a substantially higher or lower density than any other neighborhood within the same PR.

(c) Bedroom Mix. Each dwelling unit may have any number of bedrooms, provided that for the purpose of calculating bedroom mix, the total number of units built in any PR mix, must have an average of no less than 2.67 nor more than 3.0 points per dwelling unit composed as follows:

<u>Type of Unit</u>	<u>Number of Points Per Dwelling Unit</u>
studio	one
one-bedroom	two
two-bedroom	three
three-bedroom	four
four-bedroom	five

If the development of any PR is staged, each section thereof must substantially comply with the requirements of this subsection.

(d) Heights of Buildings Containing Dwelling Units. At least 10% of the total number of dwelling units in any PR

shall be in structures three stories or less in height, measured from the ground level, except that if parking is provided in the first story, the structure may be four stories high.

Not more than 40% of the total dwelling units in any PR shall be in structures exceeding fifteen stories in height.

If the development of any PR is staged, each section thereof must substantially comply with the requirements of this subsection.

(e) Housing Mix. The applicant shall make every possible effort before, during, and within five years after completion of the PR to provide, or cause others to provide, housing that will result in a community with a mix and balance of income levels that shall reflect regional housing needs and the range of job opportunities available in the Hackensack Meadowlands District. The Development Board may publish guidelines regarding the appropriate range of housing needs in the District and file them with the Office of the Chief Engineer. In preparing such guidelines the Development Board shall consider the experience of developers of economically-integrated housing in the region as to what type of mix creates a stable and viable community, the profitability of other uses required and permitted in the PR, Federal and State Guidelines, and other criteria and data that the Development Board determines to be appropriate. Although the amount of housing for the elderly and for low, moderate, and middle income families shall be substantial, it shall not be of such a high proportion as will make the conventionally-financed units unmarketable and the proposed development economically unfeasible, and it shall be commingled with conventionally-financed units in substantially the same proportion in each section of the PR unless such commingling will render the conventionally-financed units unmarketable.

(2) Commercial Development

(a) Types. The applicant shall develop neighborhood and community shopping facilities suitable for sale or lease to typical community and neighborhood retail and service uses, except that no drive-in establishments shall be permitted.

(b) Bulk and Use Standards

(i) In each PR, there shall be sufficient neighborhood and community retail and service uses to serve the day-to-day and frequent needs of the residents and users of the PR.

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There shall be one neighborhood shopping center within each neighborhood, designed to serve the day-to-day needs of, and readily accessible to, all the residents and users of each neighborhood except that any community shopping center shall be considered the neighborhood shopping center for the neighborhood in which it is located and that, in PR2, any commercial facilities in BCC which can reasonably serve the day-to-day needs of residents and users of one or more neighborhoods of PR2 shall be considered the neighborhood shopping center for those neighborhoods. Neighborhood retail and service uses may also be interspersed throughout the neighborhood. The total gross floor area for neighborhood retail and service uses shall not exceed 2.0% of the floor area of the dwelling units of the neighborhood within which they are located.

(ii) In each PR, there shall be one community shopping center, designed to serve the frequent needs of, and readily accessible to, all the residents and users of the PR. The gross commercial floor area in each community shopping center shall not exceed 1.5% of the estimated floor area of the dwelling units within each PR.

(iii) Strip commercial development shall not be permitted.

(iv) No business establishment shall offer or sell food or beverages for consumption on the premises in parked motor vehicles.

(v) Goods may be produced on the premises but all goods produced on the premises shall be sold to the consumer on the premises where produced or delivered directly to the consumer.

(c) Staged Development. If the development is to be staged, each section built must contain enough retail and service uses to serve the day-to-day needs of the residents and users of that section of each PR. Parts of the community or neighborhood shopping center may be included in different sections. The proportion of retail and service floor space, both community and neighborhood, to residential floor space shall not be substantially greater in each section than as permitted in the PR as a whole.

(3) Common Open Space.

(a) Amount of Common Open Space. At least 35%

of the Residential/Commercial Land Area of each PR shall be used for common open space. At least 30% of the Residential/Commercial Land Area of each PR shall be in open space at ground level, and the remainder may be in roof area which could be used as required or permitted in subsection (b)(i) herein.

(b) Types, Location and Use of Common Open Space.

(i) Intra-neighborhood Common Open Space: Recreation and Landscaped Areas. Intra-neighborhood open space shall be located in one or more clusters within each neighborhood or intermingled among the uses of the PR. It shall contain recreation areas, facilities and playgrounds for children sufficient to meet the recreation needs of the residents of the neighborhood. A fee may be charged for recreational uses such as golf courses which require a substantial expenditure for maintenance. Intra-neighborhood common open space not allocated for recreational purposes should, wherever possible, incorporate into its design configuration and maintenance, the ecological characteristics of the wetlands. All intra-neighborhood common open space not used for recreational and/or natural wetland purposes, shall contain landscaped areas and may contain watercourses or other amenities. Every effort shall be made to preserve existing tide watercourses and their natural meanders. Landscaped areas shall contain lawns, tree and shrubbery, and pedestrian paths, ways and malls, and may contain flower and rock gardens, statues and sculpture, bicycle paths, and whatever other matter enhances the quality of the landscaped area. Cooperative gardening may be permitted in these open spaces. Landscaped areas contiguous to tidal watercourses, shall promote, where ever possible, promote natural wetlands vegetation. Structures for neighborhood meetings and activities and cultural activities may be built upon intra-neighborhood common open space.

(ii) Inter-neighborhood Common Open Spaces: Linear parks, Recreation Areas, Watercourses, and Landscaped Areas. Inter-neighborhood open space shall be linear park-like areas running between neighborhoods and along the borders of each PR. It shall contain inter-neighborhood recreation facilities, such as swimming pools and golf courses, sufficient to serve the residents of the neighborhoods between which the common open space is located. A fee may be charged for all recreational uses which require substantial maintenance. All major watercourses in any PR shall be retained in their natural meander, along with natural vegetation along their banks. All inter-neighborhood open spaces which are not watercourses and not used for recreational purposes shall contain natural areas; pedestrian and bike paths; picnic areas; wooden areas; and landscaped areas. Landscaped areas shall contain lawns, trees and shrubbery, and pedestrian paths, ways, and malls; and may contain flower and rock gardens, statues and sculpture, and whatever other matter enhances the quality of the landscaped area. All inter-neighborhood open spaces may contain bridle paths; water-

courses; viable marsh preserves; structures which enhance the attraction of park-like areas, such as out-door theaters, conservatories, and zoos; statues and sculpture. Structures for public cultural facilities may be built upon inter-neighborhood open space.

(iii) Commercial Common Open Space. Common open space shall be provided in the community and neighborhood shopping centers sufficient to serve the needs of the users thereof. Such common open space shall contain plazas and malls, open or covered, and pedestrian paths and ways; and may contain fountains and reflecting pools, landscaped areas, and watercourses.

(iv) Open Space Design Guidelines. The Development Board, after consulting with the Environmental Design Committee, may publish detailed open space design guidelines and file them with the Office of the Chief Engineer, where they shall be of public record.

(c) Maintenance of Common Open Space. All common open space, and facilities and structures thereon, shall either be dedicated to the public, with the approval and subject to the terms of the Meadowlands Commission, or maintained in accordance with the provisions of §7-402.

(4) Open Areas.

(a) Types, Location, Amount, and Use of Open Areas.

(i) In PR2, the area shown on the Comprehensive Land Use Plan, as revised and delineated on the Hackensack Meadowlands Development Commission's Open Space Map, (November 8, 1972) as park and recreation area and bordering the Hackensack River shall be set aside for park and recreation purposes.

(ii) Marshland Areas. In PR2, the areas shown on the Comprehensive Land Use Plan, are revised and delineated on the Hackensack Meadowlands Development Commission's Open Space Map (November 8, 1972) as Marshland Preservation areas shall be retained and improved as marshland open area. They may be used only for scientific study, testing and experimentation in regard to marshland ecology; and footpaths for hiking and nature observation. No use shall be operated, conducted or maintained that may impair the quality of the marshland open space as a tidal marsh. Any use that significantly discourages or interferes with the use of the marshland open space 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 marshland open area.

(b) Relation of Open Areas to Common Open Space Requirements. Open areas shall not be considered Residential/Commercial Land Area and shall not be considered open space for the purpose of fulfilling the requirement of subsection 3(a) herein.

(c) Maintenance of Open Areas. All open areas shall either be dedicated to the public, with the approval and subject to the terms of the Meadowlands Commission, or maintained in accordance with the provisions of §7-402.

(5) Wetlands Buffer Strip. Where any development pursuant to this section borders the Hackensack River or any of its tributaries, there shall be a 50 foot wide strip of wetland to insure proper drainage and edge effect at such border.

(6) Transportation Systems.

(a) Automobile Circulation Systems. Automobile circulation systems, including roads and streets and parking facilities, shall be designed primarily for access to other points within the Meadowlands and to the vehicular circulation system of the Northeast New Jersey-New York metropolitan region rather than for internal circulation with a PR. Such automobile circulation systems shall use as little land as possible and shall intrude as little as possible upon the PR within which it is located.

(b) Internal mass-transit. The applicant shall arrange for the appropriate public or private body to provide or shall himself provide a mass-transit system sufficient to meet the transportation needs of the residents and users of his PR, as to both internal movement and, where possible, access to widely used areas in the Meadowlands District and in the Northeast New Jersey-New York

metropolitan region. The mass-transit systems shall be coordinated with the mass-transit systems of abutting specially planned areas, with any mass-transit system for all or part of the Meadowlands District in general, and with the commuter transfer systems of both BCC and the TCs where appropriate.

(c) Vehicular Parking and Loading. Vehicular parking and loading shall be required as provided in §8-103(C).

(7) Health Facilities. The applicant shall provide for or make arrangements to insure that the appropriate governmental agency or private individual or group provides physical and mental health care facilities sufficient to meet the health needs of the residents of the PR not otherwise provided for. A fee may be charged for such uses.

(8) Group day care centers and nursery schools. The applicant shall provide for or make arrangements to insure that the appropriate governmental agency or private individual or group provides group day care centers and nursery schools sufficient to serve the needs of the residents of the PR. A fee may be charged for such uses.

(9) Community facilities. The applicant shall provide, on open space land or otherwise, centers and halls for community meetings and activities, sufficient to serve the needs of the residents of the PR.

(10) Public Schools.

(a) School Lands. The applicant shall demonstrate that land is available for providing primary and secondary education for the children who reside in the PR in accordance with standards for school size and location as promulgated by the New Jersey Department of Education.

(b) Program of School Construction. The applicant shall demonstrate that he has consulted with the school district or districts having jurisdiction and that they have agreed upon a schedule for the construction of schools that will meet the needs of the residents of the PR.

(11) Libraries. The applicant shall make every effort to insure that the appropriate public body having authority over library development will construct library facilities that will meet the needs of the residents of the PR.

(12) Cultural Facilities. In addition to commercial cultural facilities developed in accordance with the requirements of subsection

2 herein, the applicant shall make every effort to insure that governmental bodies locate public cultural facilities sufficient to serve the needs of the residents of each PR within the PR. Such facilities may be located on open space. A fee may be charged for their use.

(13) Public Improvements and Utilities

(a) Public improvements must be provided in accordance with §7-401.

(b) The applicant shall demonstrate that he has consulted with the electric, gas and telephone utilities having jurisdiction over the PR and that they have agreed upon a schedule for the installation of utilities that will meet the needs of the residents of the PR.

(E) Additional Development Permitted but Not Required. The general, development, and implementation plans may also include other uses which will benefit the residents of the PR and which are compatible with the residential character of the PR, including but not limited to:

(1) Chapels, churches, synagogues and temples.

(2) Private Schools.

(3) Offices for professional services, which may be interspersed throughout the neighborhood shopping center, or located in the community shopping center. The floor area of all offices for professional services shall be included in the floor area of all commercial uses for determining whether the maximum floor area limitations of §7-201 (D) (2) (b) have been exceeded.

(4) Senior Citizens Housing.

(5) Charitable and social services.

(6) Governmental uses.

(7) Light public utility uses.

(8) Medical facilities and nursing homes.

(F) Environmental Design Standards.

(1) Site Layout. Structures and open spaces shall be laid out in a manner that best serves the residents and users of each PR. Site layout shall maximize aesthetic values and shall be in accordance with imaginative principles of site design. The layout shall comply with the following:

(a) Each PR shall be divided into neighborhoods, as defined herein, with residential uses and other uses as required by and permitted in these regulations, and which may be separated from each other by inter-neighborhood open spaces, railroads, and major roads.

(b) All residential units shall be in cluster groupings in forms of townhouses, or low rise, medium and high rise multi-family units. All dwelling units must have easy access to common open space, including recreational facilities, and to a range of other uses.

(c) Design and placement of uses should generate activity and a flow of people through a number of points in each PR. At such points, areas for resting and gathering should be provided.

(d) All structures must be so related to each other to maximize use and enjoyment of open space and shall be coordinated with the pedestrian, bicycle, and mass-transit circulation systems of each PR.

(e) Internal pedestrian and bicycle routes need not be adjacent to, nor in the vicinity of, vehicular access routes. Pedestrian and bike passages over and under vehicular routes shall be used wherever possible.

(f) Buildings shall be placed so as to permit ready access of emergency vehicles.

(g) Buildings and screening shall be arranged and designed so as to enhance the visual and acoustical privacy of all dwelling units.

(h) A combination of residential, commercial, administrative, professional, and cultural uses in the same building or group of buildings is encouraged, provided that separate pedestrian access to the residential units is furnished.

(2) Structures and Other Improvements. The design of structures and other improvements shall comply with the requirements of §8-103.

(3) Open Space. All open spaces shall be designed in conformance with the most imaginative principles of landscape architecture. The Hackensack Meadowlands Development Commission's Open Space Map should be consulted in the allocation, design and configuration of the open space portion of the PR.

(F) Environmental Performance Standards. All uses in each PR shall comply with the following environmental performance standard categories of §8-101:

All category A performance standards shall apply.

All water quality requirements shall apply.

7-202 The Island Residential Specially Planned Areas:
IR-1, IR-2, IR-3, and IR-4

(A) Purposes. These specially planned areas are designed to accommodate relatively dense residential uses that will be clustered on man-made islands. The islands will be located within man-made lagoons of the Hackensack River, which will be surrounded by substantial areas of marshland open space. The regulations are designed to require unified planning and development of large-scale projects that will occupy a minimum amount of land area and will disturb to the least extent possible existing marshland areas.

(B) General, Development, and Implementation Plans. Development shall be permitted in each IR only upon approval of and pursuant to a general plan for the entire IR, under §7-301, upon approval and pursuant to a development plan for the section to be developed under §7-302, and upon approval and pursuant to an implementation plan for the subsection to be developed under §7-303.

(C) Wetlands Order. All development in each IR shall conform to the Hackensack Meadowlands Development Commission's Wetlands Order.

(D) Required Development. No general plan for any IR shall be approved under §7-301, no development plan shall be approved under §7-303 unless it contains the following types and amounts of development.

(1) Residential Development.

(a) Types of Residential Structures. Any type of structure containing dwelling units may be built except single-family houses, duplexes, and two-family houses.

(b) Number of Dwelling Units. Each IR shall have no less than 20 nor more than 25 dwelling units per acre for the total area of the IR, minus the acreage used for school sites, commercial areas (which shall be deemed only for the purpose of determining the total number of dwelling units required and permitted in each IR, to be 15 acres for each community shopping center and 5 acres for each neighborhood shopping center), open areas, state highways or turnpikes, railroad right-of-way and land used for non-conforming uses or structures.

If development of any IR is to be in stages, each section thereof must substantially comply with the requirements of this section.

(c) Bedroom Mix. Each dwelling unit may have any number of bedrooms, provided that, for the purpose of calculating bedroom mix, the total number of units built in any section must have an average of no less than 2.67 nor more than 3.0 points per dwelling unit computed as follows:

<u>Type of Unit</u>	<u>Number of Points per Dwelling Unit</u>
studio	one
one-bedroom	two
two-bedroom	three
three-bedroom	four
four-bedroom	five

If the development of any IR is stated, each section thereof must substantially comply with the requirements of this subsection.

(d) Heights of Buildings Containing Dwelling Units. At least 10% of the total number of dwelling units in any IR shall be in structures three stories or less in height, measured from the ground level, except that if parking is provided in the first story, the structure may be four stories high.

Not more than 40% of the total dwelling units in any IR shall be in structures exceeding fifteen stories in height.

If the development of any IR is staged, each section thereof must substantially comply with the requirements of this subsection.

(e) Housing Mix. The applicant shall make every possible effort before, during, and within five years after completion of the IR to provide, or cause others to provide, housing that will result in a community with a mix and balance of income levels that shall reflect regional housing needs and the range of job opportunities available in the Hackensack Meadowlands District. The Development Board may publish guidelines regarding the appropriate range of housing needs in the District and file them with the Office of the Chief Engineer. In preparing such guidelines the Development Board shall consider the experience of developers of economically-integrated housing in the region as to what type of mix creates a stable and viable community, the profitability of other uses required and permitted in the IR, Federal and State Guidelines, and other criteria and data that the Development Board determines to be appropriate. Although the amount of housing for the elderly and for low, moderate, and middle income families shall be substantial, it shall not be of such a high proportion as will make the conventionally-financed units unmarketable and the proposed development economically unfeasible, and it shall be commingled with conventionally-financed units in substantially the same proportion in each section of the IR, unless such commingling will render the conventionally-financed units unmarketable.

(2) Commercial Development.

(a) Types. The applicant shall develop neighborhood and community shopping facilities suitable for sale or lease to typical community and neighborhood retail and service uses, except that no drive-in establishments shall be permitted.

(b) Bulk and Use Standards.

(i) There shall be one neighborhood shopping center within each neighborhood of each IR designed to serve the day-to-day needs of, and readily accessible to, all the residents and users of each neighborhood except that any community shopping center shall be considered the neighborhood shopping center for the neighborhood in which it is located, if it is located in any neighborhood. Neighborhood retail and service uses may also be interspersed throughout the neighborhood. The total gross floor area for neighborhood retail and services uses shall not exceed 2.0% of the floor area of the dwelling units of the neighborhood within which they are located.

(ii) In IR4, there shall be one community shopping center, designed to serve the frequent needs of, and readily accessible to, all the residents and users of IR3 and IR4. The gross commercial floor area in each community shopping center shall not exceed 1.5% of the estimated floor area of the dwelling units within IR3 and IR4.

(iii) Strip commercial development shall not be permitted.

(iv) No business establishment shall offer or sell food or beverages for consumption on the premises in parked motor vehicles.

(v) Goods may be produced on the premises, but all goods produced on the premises shall be sold to the consumer on the premises where produced or delivered directly to the consumer.

(c) Staged Development. If the development is to be staged, each section built must contain enough retail and service uses to serve the day-to-day needs of the residents and users of that section of each IR. Parts of the community or neighborhood shopping center may be included in different sections. The proportion of retail and service floor space shall not be substantially greater than in each section than as permitted in the IR as a whole.

(3) Common Open Space.

(a) Amount of Common Open Space. At least 50% of the Residential/Commercial Land Area of each IR shall be used for interneighborhood common open space. The remaining land within the Residential/Commercial Land Area shall be man-made islands, on land-fill, piles and platforms, or other appropriate support. At least 17% of these islands, shall be in intra-neighborhood common open space, of which at least 14% shall be at ground level and the remainder may be in roof area which could be used as required or permitted in subsection (b)(i) hereof.

(b) Types, Location and Use of Common Open Space.

(i) Intra-neighborhood Common Open Space: Recreation Facilities and Landscaped Areas. Intra-neighborhood common open space shall be located in one or more clusters within each neighborhood or intermingled among the users of the IR. It shall contain recreation areas and facilities and playgrounds for children sufficient to meet the recreation needs of the residents of the neighborhood. Recreation facilities sufficient to serve the recreational needs of the residents of the entire IR may be interspersed among the neighborhoods

and located in the intra-neighborhood open spaces. A fee may be charged for recreational uses which require a substantial expenditure for maintenance. Intra-neighborhood common open space not allocated for recreational purposes should, wherever possible, incorporate into its design configuration and maintenance, the ecological characteristics of the wetlands. At the waterfront of each island, docking facilities for private boats, for which a fee may be charged, and walkways shall be provided. All intra-neighborhood common open space not used for recreational and waterfront purposes shall contain landscaped areas and may contain watercourses or other amenities. Every effort shall be made to preserve existing tidal watercourses and their natural meanders. Landscaped area shall contain lawns, trees, and shrubbery, and pedestrian paths, ways and malls, and may contain flower and rock gardens, statues and sculpture, bicycle paths, and whatever other matter enhances the quality of the landscaped area. Landscaped areas contiguous to tidal watercourses shall promote wherever possible natural wetlands vegetation. Structures for community meetings and activities and for public cultural activities may be built upon intra-neighborhood common open space.

(ii) Inter-neighborhood Common Open Space: Open-water Lagoons, and Marsh. All inter-neighborhood common open spaces, shall be open-water lagoons of the Hackensack River and marsh open space. No use shall be operated, conducted or maintained that may impair the quality of the marsh open space. Any use that significantly discourages or interferes with the rest of the marshland open space 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 marshland open spaces. All major watercourses in any IR shall be retained in their natural state along with natural vegetation along their banks.

(iii) Commercial Open Space. Open space be provided in the community and neighborhood shopping centers sufficient to serve the needs of the users thereof. Such open space shall contain plazas and malls, open or covered, and pedestrian paths and ways; and may contain fountains and reflecting pools, landscaped area and watercourses.

(iv) Open Space Design Guidelines. The Development Board, after consulting with the Environmental Design Committee, may publish detailed open space design guidelines and file them with the Office of the Chief Engineer, where they shall be of public record.

(c) Maintenance of Open Space. All open space, and facilities and structures thereon, shall either be dedicated to the public, with the approval and subject to the terms of the Meadowlands Commission, or maintained in accordance with the requirements of §7-402.

(4) Open Areas.

(a) Types, Amount, Location and Use of Open Areas.

(i) Park and Recreation Areas. In IR1, the area (shown on the Comprehensive Land Use Plan, as revised and delineated on the Hackensack Meadowlands Development Commission's Open Space Map November 8, 1972) as park and recreation located in the northerly sector of IR1 bordering Meadowlands Parkway, shall be set aside and improved for park and recreation purposes.

(b) Relation of Open Areas to Common Open Space Requirements. Open areas shall not be considered Residential/Commercial Land Area and shall not be considered open space for the purpose of fulfilling the requirements of subsection 3 (a) herein.

(c) Maintenance of Open Areas. All open areas shall either be dedicated to the public, with the approval and subject the terms fo the Meadowlands Commission, or maintained in accordance with the provisions of §7-402.

(5) Wetlands Buffer Strip. Where any development pursuant to this section borders the Hackensack River or any of its tributaries, there shall be a 50 foot wide strip of wetland to insure proper drainage and edge effect at such border.

(6) Transportation Systems.

(a) Automobile Circulation; Systems.

Automobile circulation systems, including roads and streets and parking facilities, shall be designed primarily for access to other points within the Meadowlands and to the vehicular circulation system of the Northeast New Jersey-New York metropolitan region rather than for internal circulation within an IR. Such automobile circulation systems shall use as little land as possible and shall intrude as little as possible upon the IR within which it is located.

(b) Internal Mass-Transit. The applicant shall arrange for the appropriate public or private body to provide or shall himself provide a mass-transit system including marine transit sufficient to meet the transportation needs of the residents of his IR, as to both internal movement and, where possible, access to widely used areas in the Meadowlands District and in the Northeast New Jersey-New York metropolitan region. The mass-transit system shall be coordinated with the mass-transit systems of abutting specially planned areas, with any mass-transit system for all or part of the Meadowlands District in general, and with the commuter transfer systems of both BCC and the TCs where appropriate.

(c) Vehicular Parking and Loading. Vehicular parking and loading shall be required as provided in §8-103(C).

(7) Health Facilities. The applicant shall provide for or make arrangements to insure that the appropriate governmental agency or private individual or group provides physical and mental health care facilities sufficient to meet the health needs of the residents of the IR not otherwise provided for. A fee may be charged for such uses.

(8) Group day care centers and nursery schools. The applicant shall provide for or make arrangements to insure that the appropriate governmental agency or private individual or group provides group day care centers and nursery schools sufficient to serve the needs of the residents of the IR. A fee may be charged for such uses.

(9) Community Facilities. The applicant shall provide, on open space land or otherwise, centers and halls for community meetings and activities, sufficient to serve the needs of the residents of the IR.

(10) Public Schools.

(a) School Lands. The applicant shall demonstrate that land is available for providing primary and secondary education for the children to reside in the IR in accordance with standards for school size and location as promulgated by the New Jersey Department of Education.

(b) Program of School Construction. The applicant shall demonstrate that he has consulted with the school district or districts having jurisdiction and that they have agreed upon a schedule for the construction of schools that will meet the needs of the residents of the IR.

(11) Libraries. The applicant shall make every effort to insure that the appropriate officials having authority over library development will construct library facilities that will meet the needs of the residents of the IR.

(12) Public Cultural Facilities. In addition to commercial cultural facilities developed in accordance with the requirements of subsection 2 herein, the applicant shall make every effort to insure that governmental bodies locate public cultural facilities sufficient to serve the needs of the residents of each IR within the IR. Such facilities may be located on open space. A fee may be charged for their use.

(13) Public Improvements and Utilities.

(a) Public improvements must be provided in accordance with §7-401.

(b) The applicant shall demonstrate that he has consulted with the electric, gas and telephone utilities having jurisdiction and that they have agreed upon a schedule for the installation of utilities that will meet the needs of the residents of the IR.

(14) Historic Landmarks. In addition to any structure or use designated by the Commission as an historic landmark under §8-105 hereof, the Pardee Bros. iron foundry, located in IR1, is hereby declared an historic landmark. It shall be repaired and preserved and shall be used as appropriate for its history, design and location.

(D) Additional Development Permitted But Not Required. The general, development, and implementation plans may also include other uses which will benefit the residents of the IR, and which are compatible with the residential character of the IR, including but not limited to:

(1) Chapels, churches, synagogues and temples.

(2) Private schools.

(3) Offices for professional services, which may be interspersed throughout the neighborhood, located in a neighborhood shopping center, or located in the community shopping center. The floor area of all offices for professional services shall be included in the floor area of all commercial uses for determining whether the maximum floor area limitations of §7-202(D)(2)(b) have been exceeded.

(4) Senior Citizen Housing.

(5) Charitable and social services.

(6) Public cultural facilities.

(7) Governmental uses.

(8) Light public utility uses.

(9) Medical facilities and nursing homes.

(E) Environmental Design Standards.

(1) Site Layout. Structures and open spaces shall be laid out in a manner that best serves the residents and users of each IR. Site layout shall maximize aesthetic values and shall be in accordance with imaginative and farsighted concepts of site design. The layout shall comply with the following:

(a) Each IR shall consist of one or more man-made islands located in a man-made lagoon of the Hackensack River.

(b) Provisions for the adequate circulation of water in the lagoon shall be made.

(c) The lagoon shall be surrounded by marsh.

(d) All residential units shall be in cluster groupings in forms of townhouses, or low rise, medium and high rise multi-family units. All dwelling units must be on or near the water and must have easy access to common open space, including recreational facilities, and to a range of other uses.

(e) Design and placement of uses should generate activity and a flow of people through a number of points in each IR. At such points, resting and gathering areas should be provided.

(f) All structures must be so related to each other to maximize use and enjoyment of open space and shall be coordinated with the pedestrian, bicycle, and mass-transit circulation systems of each IR.

(g) Internal pedestrian and bicycle routes need not be adjacent to nor in the vicinity of vehicular access routes. Pedestrian and bicycle passages over and under vehicular routes shall be used wherever possible.

(h) Buildings should be placed so as to permit ready access of emergency vehicles.

(i) Buildings and screening should be arranged and designed so as to enhance the visual and acoustical privacy of all dwelling units.

(j) A combination of residential, commercial, administrative, professional, and cultural uses in the same building or group of buildings is encouraged, provided that separate pedestrian access to the residential units is furnished.

(k) No uses shall be located within a distance from any liquified natural gas facility as determined by the Chief Engineer, which will render such uses unsafe.

(2) Structures and Other Improvements. The design of structures and other improvements shall comply with the requirements of §8-103.

(3) Open Space. All open spaces shall be designed in conformance with the most imaginative principles of landscape architecture. The Hackensack Meadowlands Development Commission's Open Space Map should be consulted in the allocation, design and configuration of the open space portion of the IR.

(F) Environmental Performance Standards. All uses in each IR shall comply with the following environmental performance standard categories of §8-101:

All category A environmental performance standards shall apply.

All water quality requirements shall apply.

7-203 The Berry's Creek Center: BCC

(A) Purpose. The Berry's Creek Center is intended to be the focal point of the Meadowlands District. It shall be a business, shopping, civic, cultural and transportation center, built along parks and plazas, pedestrian ways and the restored Berry's Creek Canal and containing at its peripheries park-like open spaces and marshland preserves.

(B) Wetlands Order: All development in each BCC shall conform to the Hackensack Meadowlands Development Commission's Wetlands order.

(C) General, Development, and Implementation Plans. Development shall be permitted in BCC only upon approval of and pursuant to a general plan for the entire BCC under §7-301, upon approval and pursuant to a development plan for the section to be developed under §7-302, and upon approval and pursuant to an implementation plan for the subsection to be developed under §7-303.

(D) Required Development. No general plan for BCC shall be approved under §7-301, no development plan shall be approved under §7-302, and no implementation plan shall be approved under §7-303 unless it contains the following types and amounts of development. All types of development shall be intermingled.

(1) Commercial Development.

(a) Types. The applicant shall develop shopping facilities suitable for sale or lease to retail and service uses which may typically be found in a major regional commercial center. No drive-in establishment shall be permitted.

(b) Bulk and Use Standards.

(i) There must be sufficient retail and service uses to serve the regional shopping needs of the users and residents of the entire Hackensack Meadowlands District.

(ii) No business establishment shall offer or sell food or beverages for consumption on the premises in parked motor vehicles.

(iii) Goods may be produced on the premises, but all goods produced on the premises shall be sold to the consumer on the premises where produced or delivered directly to the consumer.

(2) Office Development. The applicant shall develop office facilities suitable for sale or lease to business and professional uses which may typically be found in a major regional commercial center. The total floor area shall not exceed 3,000,000 square feet.

(3) Residential Development.

(a) Types of Residential Structures. Any type of structure containing dwelling units may be built except single-family houses, duplexes, and two-family houses.

(b) Number of Dwelling Units. No less than 3,800 nor more than 4,200 dwelling units shall be permitted in BCC.

If development of BCC is to be in stages, the number of dwelling units permitted in one section shall be substantially the same as that permitted in other sections.

(c) Bedroom Mix. Each dwelling unit may have any number of bedrooms, provided that, for the purpose of calculating bedroom mix, the total number of units built in the BCC must have an average of no less than 2.67 nor more than 3.0 points per dwelling unit computed as follows:

<u>Type of Unit</u>	<u>Number of Points Per Dwelling Unit</u>
studio	one
one-bedroom	two
two-bedroom	three
three-bedroom	four
four-bedroom	five

If the development of BCC is staged, each section thereof must substantially comply with the requirements of this subsection.

(d) Heights of Buildings Containing Dwelling Units. At least 10% of the total number of dwelling units in any BCC shall be in structures three stories or less in height, measured from the ground level, except that if parking is provided in the first story, the structure may be four stories high.

(e) Housing Mix. The applicant shall make every possible effort before, during, and within five years

after completion of the BCC to provide, or cause others to provide, housing that will result in a community with a mix and balance of income levels that shall reflect regional housing needs and the range of job opportunities available in the Hackensack Meadowlands District. The Development Board may publish guidelines regarding the appropriate range of housing needs in the District and file them with the Office of the Chief Engineer. In preparing such guidelines the Development Board shall consider the experience of developers of economically-integrated housing in the region as to what type of mix creates a stable and viable community, the profitability of other uses required and permitted in the BCC, State and Federal guidelines, and other criteria and data that the Development Board determines to be appropriate. Although the amount of housing for the elderly and for low, moderate, and middle income families shall be substantial, it shall not be of such a high proportion as will make the conventionally-financed units unmarketable and be commingled with conventionally-financed units in substantially the same proportion in each section of the BCC unless such commingling will render the conventionally-financed units unmarketable.

(4) Cultural Facilities. The applicant shall develop cultural facilities suitable for sale or lease to governmental or other public or private individuals or groups which operate cultural facilities open to the public sufficient to serve the needs of the residents and users of the entire District. Any type of cultural facility, such as museums, art galleries, and facilities for the performing arts, may be developed.

(5) Transportation Systems.

(a) Automobile Circulation Systems. Automobiles shall not be permitted in BCC, except that parking garages may be built at or near the peripheries of BCC to serve the users thereof and parking garages and a limited system of roads servicing them may be developed in the more central region of BCC, so long as they are as close to the peripheries as they can be located while being reasonably accessible to the residents whom they are intended to serve. The automobile circulation system within BCC, including roads and streets and parking facilities, shall be designed only for access to other points within the Meadowlands and to the vehicular circulation system of the Northeast New Jersey-New York metropolitan region.

A limited system of roads and streets may be built within the more central portion of BCC, but only for mass-transit and trucking purposes. This system shall intrude as little as possible upon the BCC.

(b) Internal Mass-Transit. The applicant shall arrange for the appropriate public or private body to provide or shall himself provide a mass-transit system sufficient to meet the transportation needs of the residents and users of BCC as to both internal movement and access to widely used areas in the Meadowlands District and in the Northeast New Jersey-New York metropolitan region. The mass-transit system shall be coordinated with the mass-transit systems of abutting specially planned areas, with any mass-transit system for all or part of the Meadowlands District in general, and with the commuter transfer systems of both BCC and, where appropriate, the TCs. This system shall include bridges over Berry's Creek and a marine transit system serving BCC and the IRs.

(c) Commuter Transfer. The applicant shall make every effort to insure that the appropriate public or private bodies develop sufficient transportation facilities to handle expeditiously the movement of persons into BCC and from BCC to New York City, Newark, and other commuter loci. This commuter transfer system shall be coordinated with all existing and proposed transportation systems in the Meadowlands District and in the Northern New Jersey-New York metropolitan region in general. This system shall include a bus or rail system and parking garages for the users of BCC near its borders, if appropriate.

(d) Vehicular Parking and Loading. Vehicular parking and loading shall be required as provided in §8-103(C).

(6) Open Space.

(a) Amount of Common Open Space. At least 35% of the Residential/Commercial Land Area of BCC shall be used for common open space. At least 30% of the Residential/Commercial Land Area of BCC shall be in open space at ground level, and the remainder may be in roof area which could be used as required or permitted in subsection (b)(i) herein.

(b) Types, Location and Use of Common Open Space.

(i) Intermingled Common Open Space. All common open space, except as provided in section (ii) herein, shall be intermingled among the uses of BCC in a manner which best serves the users and residents of BCC. The use and design of such open space shall be appropriate for the type of use it is intended to serve. For example, it may be used for linear parks; parks and squares; structures which enhance the attraction of park-like areas, such as outdoor theaters, conservatories, zoos, public rest rooms and statues and sculpture; fountain and reflecting pools, watercourses; and landscaped areas. However, the common open space must contain public recreation areas sufficient to meet the recreation needs of the residents of BCC. Such areas, facilities, and playgrounds should be easily accessible to all residents of BCC. A fee may be charged for recreational uses which require a substantial expenditure for maintenance. Intra-neighborhood common open space not allocated for recreational purposes should, wherever possible, incorporate into its design configuration and maintenance, the ecological characteristics of the wetlands. In addition, BCC shall contain bicycle paths; pedestrian paths, ways and malls; and a series of plazas of varying size around and through which the life of BCC will flow. Every effort shall be made to preserve existing tidal watercourses and their natural meanders. Landscaped areas contiguous to tidal watercourses shall promote wherever possible, natural wetlands vegetation. Structures for community meetings and activities and for public cultural activities may be built upon intra-neighborhood clustered open space.

(ii) Buffer Strips. There shall be a park-like strip of common open space 100 feet wide containing heavy vegetative screening separating BCC from PR2 and running along the western border of the New Jersey Turnpike spur. Wherever any development pursuant to this section borders the Hackensack River or any of its tributaries, this shall be a 50 foot wide strip of wetland to insure proper drainage and edge effect at such border.

(iii) Open Space Design Guidelines. The Development Board, after consulting with the Environmental Design Committee, may publish detailed open space design guidelines and file them with the Office of the Chief Engineer, where they shall be of public record.

(c) Maintenance. All common open space, and facilities and structures thereon, with the approval and subject to the terms of the Meadowlands Commission, or shall either be dedicated to the public maintained in accordance with the requirements of §7-402.

(7) Marshland Open Area.

(a) Amount, Location, and Use of Marshland Open Area. In BCC, the areas shown on the Comprehensive Land Use Plan as revised and delineated on the Hackensack Meadowlands Development Commission's Open Space Map (November 8, 1972) as conservation and wildlife preserve shall be retained and improved as marshland open area. It may be

used only for scientific study, testing and experimentation in regard to marshland ecology; and footpaths for hiking and nature observation. No use shall be operated, conducted or maintained that may impair the quality of the marshland open space as a tidal marsh. Any use that significantly discourages or interferes with the use of the marshland open space 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 marshland open space as a tidal marsh.

(b) Relation of Marshland Open Areas to Common Open Space Requirements. Marshland open areas shall not be considered Residential/Commercial Land Area and shall not be considered open space for the purpose of fulfilling the requirement of subsection 6(a) herein.

(c) Maintenance of Marshland Open Area. All marshland open area shall either be dedicated to the public, with the approval and subject to the terms of the Meadowlands Commission, or maintained in accordance with the provisions of §7-402.

(8) Health Facilities. The applicant shall provide for or make arrangements to insure that the appropriate governmental agency or private individual or group provides physical and mental health care facilities sufficient to meet the health needs of the residents of BCC not otherwise provided for. A fee may be charged for such uses.

(9) Group day care centers and nursery schools. The applicant shall provide for or make arrangements to insure that the appropriate governmental agency or private individual or group provides group day care centers and nursery schools sufficient to serve the needs of the residents of BCC. A fee may be charged for such uses.

(10) Community Facilities. The applicant shall provide, on open space land or otherwise, centers and halls for community meetings and activities, sufficient to serve the needs of the residents of BCC.

(11) Public Schools.

(a) School Lands. The application shall demonstrate that land is available for providing primary and secondary education for the children who reside in BCC in accordance with standards for school size and location as promulgated by the New Jersey Department of Education.

(b) Program of School Construction. The applicant shall demonstrate that he has consulted with the school district or districts having jurisdiction and that they have agreed upon a schedule for the construction of schools that will meet the needs of the residents of BCC.

(12) Libraries. The applicant shall demonstrate that he has consulted with the appropriate officials having authority over library development and that they have agreed upon a schedule for the construction of library facilities that will meet the needs of the residents of BCC.

(13) Public Improvements and Utilities.

(a) Public improvements must be provided in accordance with Section 7-401.

(b) The applicant shall demonstrate that he has consulted with the electric, gas and telephone utilities having jurisdiction and that they have agreed upon a schedule for the installation of utilities that will meet the needs of the residents of BCC.

(E) Additional Development Permitted But Not Required. The general development, and implementation plans may also include other uses which will benefit the users and residents of BCC, including but not limited to:

(1) Educational institutions, public or private.

(2) Hotels and Motels. The floor area of all hotels and motels shall be deemed to be commercial and office floor area, in whatever portion of each the applicant desires, to determine whether the maximum floor area limitations of commercial and office uses have been exceeded.

(3) Churches, chapels, synagogues and temples.

(4) Senior Citizen Homes

(5) Charitable and social services.

(6) Governmental uses.

(7) Light public utility uses.

(F) Architectural Design Standards

(1) Site layout. structures and open spaces shall be laid out in a manner that best serves the users and residents of BCC. Site layout shall maximize aesthetic values and shall be in accordance with imaginative and farsighted concepts of site design. The layout shall comply with the following:

(a) The entire Berry's Creek Center should be oriented toward and shall have as its focal point the Berry's Creek Canal and any tributaries thereof and shall be accessible from the docking points of a marine transit system.

(b) There shall be walkways along the Canal.

(c) All dwelling units must have easy access to common open space, including recreational facilities, and to a range of other uses.

(d) Design and placement of uses should generate activity and a flow of people through a number of subsidiary points in BCC in addition to the plazas discussed in subsection 7-203(D) (6) (b) (i). At such points, areas for resting and gathering shall be provided.

(e) All residential structures must be so related to each other to maximize use and enjoyment of open space and shall be coordinated with the pedestrian, bicycle and mass-transit circulation systems of BCC.

(f) Internal pedestrian and bike routes need not be adjacent to nor in the vicinity of vehicular access routes. Pedestrian and bicycle passages over and under vehicular routes shall be used wherever possible.

(g) Buildings should be placed so as to permit ready access of emergency vehicles.

(h) Buildings and screening should be arranged and designed so as to enhance the visual and acoustical privacy of all dwelling units.

(i) A combination of residential, commercial, administrative, professional, and cultural uses is encouraged.

(2) Structures and Other Improvements. The design of structure and other improvements shall comply with the requirements of §8-103.

(3) Open Space. All open spaces shall be designed in conformance with the most imaginative principles of landscape architecture. The Hackensack Meadowlands Development Commission's Open Space Map should be consulted in the allocation, design and configuration of the open space portion of the BCC.

(F) Environmental Performance Standards. All uses in BCC shall comply with the following environmental performance standard categories of §8-101:

All category A environmental performance standards shall apply.

All water quality requirements shall apply.

7-204 The Transportation Center Specially Planned Areas:
TC-1, TC-2, and TC-3

(A) Purpose. These specially planned areas are designed to accommodate major commuter transfer centers and office buildings which are served by the commuter transfer centers.

(B) Wetlands Order. All development in each TC shall conform to the Hackensack Meadowlands Development Commission's Wetlands Order.

(C) General, Development, and Implementation Plans. Development shall be permitted in each TC only upon approval of and pursuant to a general plan for the entire TC under §7-301, upon approval of and pursuant to development plan for the section to be developed under §7-302 and upon approval of and pursuant to an implementation plan for the subsection to be developed under §7-303.

(1) Commuter Transfer and Circulation System. The applicant shall make every effort to insure that the appropriate public or private bodies develop sufficient transportation facilities to handle expeditiously the movement of persons by rail, bus, or airplane, whichever is appropriate, into the Meadowlands District and to New York City, Newark, and other commuter loci. Such commuter facilities shall be coordinated with all existing and proposed transportation systems in the Meadowlands District and in the northern New Jersey-New York metropolitan region in general. In addition, the applicant shall arrange for the appropriate public or private body or shall himself provide a mass-transit system sufficient to meet the needs, if any, of the users of his TC for movement within this TC.

(2) Office Development. The applicant shall develop office facilities suitable for sale or lease to business or professional uses.

The total floor area for each TC must not exceed 500,000 square feet.

(3) Commercial Development. The applicant shall develop facilities suitable for sale or lease to retail and service uses sufficient to serve the everyday needs of the users of the TC, such as restaurants.

(4) Common Open Space.

(a) Amount of Common Open Space. At least 15% of the acreage within each TC shall be used for common open space. Landscaped areas which border and screen transportation systems and parking and loading facilities shall not be considered open space for the purpose of this requirement.

(b) Types, Location and Use of Common Open Space. All open space shall be intermingled among the uses of each TC, except that a portion of the open space may be used as a buffer to separate the TC from industrial zones or major highways when necessary. The use and design of all open space shall be appropriate for the type of use or uses it is intended to serve. For example, it may be used for linear parks, parks and square, structures which enhance the attraction of park-like areas, pedestrian paths, ways, malls, and landscaped areas. The Development Board, after consulting with the Environmental Design Committee, may publish detailed open space design guidelines and file them with the Office of the Chief Engineer, where they shall be of public record. Wherever possible, the applicant should incorporate into the open space design configuration and maintenance, the ecological characteristics of the wetlands. Every effort should be made to preserve existing tidal watercourses and their natural meanders. Landscaped areas contiguous to tidal watercourses shall wherever possible, promote natural wetlands vegetation.

(c) Maintenance. All open space, and facilities and structures thereon shall either be dedicated to the public, with the approval and subject to the terms of the Meadowlands Commission, or maintained in accordance with the requirements of §7-402.

(D) Wetlands Buffer Strip. Wherever any development pursuant to this section borders the Hacknesack River or any of its tributaries, there shall be a 50 foot wide strip of wetland to insure proper drainage and edge effect at such border.

(E) Additional Development Permitted But Not Required. The general development and implementation plans may also include other uses which will benefit the users and residents of TC, including but not limited to:

- (1) Banks, savings and loan associations, and other financial institutions.
- (2) Medical and dental clinics and laboratories.
- (3) Hotels, motels, and other accommodations for transients.
- (4) Theatres (not including drive-in theatres) and other cultural facilities.
- (5) Exposition halls and convention facilities.
- (6) Manufacturers' display facilities (where goods, merchandise and materials are on display to the public or trade representatives, but no warehousing or wholesale sales are permitted, other than the placing and accepting of customer orders.)
- (7) Governmental uses.
- (8) Light public utility uses.
- (9) Automobile Service Stations.

The aggregate floor area of all banks, savings and loan associations, and other financial institutions; hotels and motels; exposition halls and convention facilities; and manufacturers' display facilities shall be deemed office and commercial floor area, in whatever proportion of each the applicant desires, for the purpose of determining whether the maximum floor areas for office and commercial uses have been exceeded.

(F) Architectural Design Standards.

- (1) Site. Structures and open spaces shall be laid out in a manner that best serves the users of each TC. Site layout shall maximize aesthetic values and shall be in accordance with imaginative and farsighted concepts of site design. The layout shall take into consideration the following planning concepts:
 - (a) All non-transportation uses must have easy access to open spaces and to other non-transportation uses.
 - (b) Design and placement of uses should generate activity and a flow of people through a number of points in each TC.
 - (c) All non-transportation uses shall be coordinated with the pedestrian and mass-transit circulation systems of each TC.
 - (d) Internal pedestrian routes need not be adjacent to nor in the vicinity of vehicular access routes. Pedestrian passages over and under vehicular routes shall be used wherever possible.

(e) Buildings should be placed so as to permit ready access of emergency vehicles.

(2) Structures and Other Improvements. The design of structures and other improvements shall comply with the requirements of §8-103.

(3) Open Space. All open spaces shall be designed in conformance with the most imaginative principles of landscape architecture. The Hackensack Meadowlands Development Commission's Open Space Map (November 8, 1972), should be consulted in the allocation, design and configuration of the open space portion of the TCs.

(G) Environmental Performance Standards. All uses in TC 1 shall comply with the following performance standard categories of §8-101:

Performance standard category A for smoke, fire and explosion hazards, and radioactive materials.

Performance standard category B for noise, vibration, steam, particulate matter, sulfur oxides, toxic matter and olorous matter, and glare.

All water quality requirements shall apply.

7-205 The Special Use Specially Planned Areas: SU-1 and SU-2

(A) Purpose. The SUs are designed to accomodate special land uses of a regional importance not otherwise provided for in these regulations, such as sport stadiums, major education and health institutions, large cultural facilities, and other large scale development of that nature.

(B) Wetlands Order: All development in each SU shall conform to the Hackensack Meadowlands Development Commission's Wetlands Order.

(C) General, Development and Implementation Plans. Development shall be permitted in each SU only upon approval of and pursuant to a general plan for the entire SU under §7-301, upon approval and pursuant to a development plan for the section to be developed under §7-302, and upon approval and pursuant to an implementation plan for the subsection to be developed under §7-303.

(D) Nature and Design of Development. Because the SUs are designed to accommodate uses the exact type of which cannot be anticipated at the present time, the types of required and permitted uses and the design of their layout on the site cannot be stated specifically. The applicant may develop his SU by filing a general plan, and later development and implementation plans, which conforms with the purposes of this §7-205 and with §7-101, which embody the most farsighted and imaginative principles of site layout and land-

scape architecture, and which conforms with the requirements of §8-103. The uses shall serve the Hackensack Meadowlands District or the region. In SU-1, an education-cultural complex shall be developed.

(E) Common Open Space.

(a) Amount of Common Open Space. At least 40% of the acreage with each SU shall be used for common open space.

(b) Types, Location and Use of Common Open Space. The use and design of all open space shall be appropriate for the type of use or uses it is intended to serve. Wherever possible, the applicant should incorporate into the open space design configuration and maintenance, the ecological characteristics of the wetlands. Every effort should be made to preserve existing tidal watercourses and their natural meanders. Landscaped areas contiguous to tidal watercourses, shall wherever possible, promote natural wetlands vegetation.

(F) Wetlands Buffer Strip. Wherever any development pursuant to this section borders the Hackensack River or any of its tributaries, there shall be a 50 foot wide strip of wetland to insure proper drainage and edge effect at such border.

(G) Environmental Performance Standards. All uses in the SU comply with all category A environmental performance standards of §8-101 and the water quality requirements of §8-101, unless the applicant at the time of filing of the general plan can show that any given standard is not appropriate for his development, in which case the category B standard shall apply. At least 40% of the SU shall be used for common open space.

7-300 Procedure.

Development in the specially planned areas shall comply with the following regulations. If the following regulations are not complied with, the construction, moving, remodeling, or reconstruction of any structure or addition thereto shall not be commenced; the improvement of land shall not be commenced except that land may be filled pursuant to and in conformance with all applicable landfill codes and regulations adopted by the Commission; and building permits, landfill codes and regulations adopted by the Commission shall not be issued by any official of the Commission.

All structures built pursuant to or in conformance with an approved implementation plan may later be remodeled or reconstructed if such is consistent with the improvement plan and if the regulations

of §§6-201 thru 6-207 are complied with. The Development Board may waive requirements of §6-202(B) which are not necessary for a determination of whether the application should be approved.

All changes in the use of structures or land or changes in occupancy except for residential dwelling units after the completion of development shall comply with the requirements of §§6-206 thru 6-207 and shall be consistent with the implementation which covered the original use.

7-301 General Plan

An applicant shall file a general plan covering the entire specially planned area as follows:

(A) Filing. The applicant shall submit to the Office of the Chief Engineer an application for approval of a general plan in such form as the Development Board may from time to time determine and two copies of a general plan, plus a filing fee as determined by a fee schedule adopted by the Commission and filed in the Office of the Chief Engineer. At least one copy of the general plan shall be kept in the Office of the Chief Engineer, where it shall be of public record.

(B) Contents.

(1) A topographic survey including but not limited to the following data:

(a) Boundary lines showing bearings and distances.

(b) Existing easements in the specially planned area and within 200 feet thereof, showing location, width and purpose.

(c) Existing streets and railroad in the specially planned area and within 500 feet thereof with rights-of-way clearly indicated.

(d) Utility facilities (both overhead and underground) on and adjacent to the specially planned area including location, type and size.

(e) All existing structures within 200 feet of the specially planned area.

(f) The location, extent and direction of flow of all streams, brooks, drainage structures and drainage ditches in the specially planned area and within 500 feet thereof.

(g) Boundary lines of any areas containing landfill materials with data indicating type and vertical extent of such materials.

(2) Copies of all appropriate deeds, leases and other instruments.

(3) The tax map sheet, block and lot numbers.

(4) A general soils map.

(5) Delineation of all solid waste and detailed information concerning the material encountered. Such information shall include but not be limited to the following:

(a) Depth and type of material involved.

(b) Age of fill.

(c) State of decomposition.

(d) Residual settlements to be expected.

(e) Combustible gas-forming potential.

(f) Elevation to water table.

In all such areas where construction of roadways, paved areas, utilities and other facilities is proposed, additional data including but not limited to the following shall be submitted:

(g) Design precautions to be taken to assure that residual post-construction settlements will not adversely affect the appearance or structural integrity of any proposed facilities.

(h) Method to be employed in eliminating the build-up of combustible gases where there exists such a potential.

(6) Schematic representations indicating the road and utilities system, the number and location of neighborhoods, the layout of inter-neighborhood open space, the general location of the major types of uses, the mass-transit systems, and the general location of schools.

(7) Approximate number of units; bedroom mix; housing mix; and heights of buildings.

(8) Data indicating the economic feasibility of the proposed project.

(9) A map and schedule showing the proposed commencement and staging of construction.

(10) A statement of any requirement the applicant wishes the Development Board to vary and why the requested variations will conform to the standards of §7-405.

(11) Documents showing applicant's agreements with public or private bodies which must be contacted by the applicant.

(12) A statement indicating the expected financing of development.

(13) Identification of the management group, if any, as defined in §7-404.

(14) A description of the organizational structure and previous development experience of the applicant.

(15) If there is more than one landowner of the specially planned area, as defined in §7-404, a certificate signed and acknowledged by all landowners of the specially planned area stating that all information about the management group is accurate,

except that if the development plan is being filed under §7-404 (D), only the landowners who constitute the management group shall sign and acknowledge.

(16) If any of the land is subject to the State's riparian interest as shown on maps issued by the Natural Resource Council, Department of Environmental Protection (formerly Resource Development Council, Department of Conservation and Economic Development) pursuant to law, a copy of one of the following, unless otherwise provided by rule of the Commission:

(a) A copy of a duly executed riparian instrument releasing the State's interest.

(b) A copy of a permit or other authorization duly executed by the Natural Resource Council authorizing the applicant to proceed with the placement of certain improvements.

(c) A final judgment rendered by a court of competent jurisdiction declaring that the State has no interest in the subject property.

(17) Name, address and signature of landowner or all members of the management group.

(18) Name and address of those who prepared and consulted in the preparation of the general plan.

(19) If the specially planned area is to be subdivided, a statement of the approximate number of lots the subdivision will contain, together with the typical proposed lot width and depth.

(20) An assessment of the environmental impact of the proposed project, prepared in accordance with the rules of the Commission.

(21) Such other information as may be reasonable required by the Development Board.

Any statements and documents provided for herein may be combined if the applicant so chooses.

(C) Public Hearing on the General Plan. A public hearing on the general plan shall be held in conformance with the requirements of §8-107.

(D) Review and Approval.

(1) Approval or Disapproval; Imposition of Conditions. The Development Board, shall within twelve weeks after receiving a completed application by public order either (a) approve the general plan, (b) approve the general plan subject to specified conditions, or (c) disapprove the general plan.

Each order shall be sent by certified mail, return receipt requested, to the applicant and in addition, notice that a public order has been sent out, together with a general description of the order, shall be published in a newspaper of general circulation.

Failure of the Development Board to so act within said period shall be deemed to be a grant of approval of the general plan as submitted.

(a) Conditions. In the event approval is granted subject to conditions, the applicant shall, within six weeks after the Commission has affirmed the approval, notify the Development Board in writing of his acceptance or his refusal to accept all conditions. In the event the applicant refuses to accept all conditions the Development Board shall be deemed to have denied approval of the general plan. In the event the applicant does not, within said period, notify the Development Board of his acceptance of or his refusal to accept all said conditions, approval of the general plan, with all conditions, shall be deemed to have been refused. The Development Board shall, by notice published in a newspaper of general circulation, announce whether the proposed conditions have been accepted or rejected, either by refusal to accept by the applicant or by lapse of time.

(b) Timing for Development. All public orders approving the general plan or approving the general plan with conditions shall state the time within which an application for approval of the development plan shall be filed or, in the case of a general plan which provides for staged development, the periods of time within which applications for approval of each development plan shall be filed. Nothing herein contained shall be construed to limit the filing of any application for approval of the development plan earlier than the time period hereinabove set forth.

(c) Findings of Fact and Conclusions. The public order shall include conclusions and findings of fact related to the specific proposal.

(2) Status of the General Plan After Approval.

(a) Approval of the general plan and Commission affirmation of such approval shall be noted on the Zoning Map maintained in the Office of the Chief Engineer.

(b) Approval of a general plan shall not qualify a plat of the same for recording.

(c) The Development Board shall not modify the general plan, except upon application by the applicant conforming with the requirements of this §7-301 for application for approval of the general plan, except that a public hearing as required by §7-301(C) shall only be required if the proposed modifications substantially alter the character of the development plan.

(d) In the event that a general plan is given approval and thereafter, but prior to approval of the development plan the applicant shall elect to abandon part or all of said general plan and shall so notify the Development Board in writing, or in the event the applicant shall fail to file application or applications for approval of the development plan within the required period of time or times, as the case may be, the approval of the general plan shall be deemed to be revoked and the same be noted on the Zoning Map in the Office of the Chief Engineer.

7-302 Development Plan

An applicant shall file a development plan or plans covering a section or sections of a specially planned area for which a general plan has already been approved as follows:

(A) Filing. Within the time prescribed in the public order approving or approving with conditions the general plan, the applicant shall submit to the Office of the Chief Engineer an application for approval of a development plan in such form as the Development Board may from time to time determine, and two copies of a development plan for a section or sections of the specially planned area as specified in the approved general plan, plus a filing fee, as determined by a fee schedule adopted by the Commission and filed in the Office of the Chief Engineer. The Development Board shall forward three copies of the development plan to the Environmental Design Committee, if it is to review the plans, and may forward additional copies of the development plan to any appropriate governmental agencies, which shall report within

two weeks make their recommendations and report to the Development Board. At least one copy of the development plan shall be kept in the Office of the Chief Engineer, where it shall be of public record.

(B) Contents.

(1) A base map showing general geological characteristics of the site and the suitability, of geologic structure to overall scheme.

(2) Plans showing the location, use, approximate height and bulk of all existing and proposed buildings; architectural sketches of all buildings sufficient to show the general design concepts; and photographs of existing buildings that will be retained.

(3) Plans showing the location, amount and general use of all open space.

(4) Plans showing the provision for the parking and loading of vehicles and the location of pedestrian, automobile, marine and mass-transit transportation systems in relation to buildings, open spaces and public facilities in or near the specially planned area. Plans for all proposed streets and utilities within and adjoining the area for which the development plan is being proposed shall have all rights-of-ways and/or easements clearly indicated.

(5) Landscape plans sufficient to show the general design concepts.

(6) Approximate number of units; bedroom mix; housing mix;

(7) Data indicating the economic feasibility of the section or stages.

(8) A statement describing the available community facilities on and adjacent to the section for which the development plan has been proposed.

(9) A statement of all proposed community facilities both above and below ground, for which the development plan has been proposed.

(10) The location of proposed utilities.

(11) Schematic plans for sanitary sewerage and storm drainage systems; and water distribution systems.

(12) A map showing contours at five-foot intervals and spot elevations every 50 feet. Such map shall be based on United States Coast and Geodetic Survey data.

(12) Alignments and rights-of-way of existing and proposed streets and highways within and abutting the specially planned area. All streets and highways shall be appropriately identified by name and/or route number.

(13) A statement of proposed protective or restrictive covenants, if any.

(14) All proposed easements clearly identified and if already on record, the recorded reference of such easements. If an easement is not definitely located of record, a statement of such easement shall be included. The width of the easement, its length and bearing, and sufficient ties to locate it definitely must be shown. The holder, location, width, and purposes of said easement shall also be given.

(15) Such data sufficient to permit the Chief Engineer to reach a determination as to whether the proposed uses or structures will conform with the applicable environmental performance standards, including but not limited to:

(a) A description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions, or external effects which are regulated or otherwise limited by the applicable environmental performance standards.

(b) A description of the type and general location of any abatement devices or recording instruments used to control or measure conformity with the applicable environmental performance standards.

(c) Such other data and certification as may reasonably be required by the Chief Engineer to reach a determination with respect to whether the proposed use or structure will comply with the applicable environmental performance standards.

(16) Proof of compliance with all FAA height limitations.

(17) If development of the section for which the development plan has been filed is to be in stages, a description and map of each subsection and schedule of stages, including but not limited to approximate dates for the filing of each implementation plan and for the commencement and completion of construction of each stage.

(18) If any of the land is subject to the State's riparian interest as shown on maps issued by the Natural Resource Council,

Department of Environmental Protection (formerly Resource Development Council, Department of Conservation and Economic Development) pursuant to law, a copy of one of the following; unless otherwise provided by rule of the Commission:

(a) A copy of a duly executed riparian instrument releasing the State's interest.

(b) A copy of a permit or other authorization duly executed by the Natural Resource Council authorizing the applicant to proceed with the placement of certain improvements.

(c) A final judgment rendered by a court of competent jurisdiction declaring that the State has no interest in the subject property.

(19) Status of financing of the development.

(20) Name, address and signature of landowner or all members of the management.

(21) Name, address and signature of those who prepared and consulted in the preparation of the development plan.

(22) If the area for which the development plan is being proposed is to be subdivided, a statement of the approximate number of lots the subdivision will contain, together with the typical proposed lot width and depth.

(23) An assessment of the environmental impact of the proposed project, prepared in accordance with the rules of the Commission.

(24) Such other information as may be reasonably required by the Development Board.

(C) Review and Approval.

(1) Approval or Disapproval; Imposition of Conditions. Within twelve weeks after receipt of the complete application for approval of the development plan, the Development Board shall by public order approve the development plan, with or without conditions if it is in substantial compliance with the approved general plan and if the applicant riparian status is as required by any of the documents set forth in subsection (B) (18) herein and shall disapprove the development plan if it is not in substantial compliance with the approved general plan or if the applicant riparian status is not as required by any of the documents set forth in subsection (B) (18) herein.

The Development Board may impose conditions upon the development plan on the basis of findings by the Environmental Design

Committee or in order to insure that the general plan will be fully effected or that all applicable regulations will be complied with.

Each public order shall be sent by certified mail, return receipt requested, to the applicant and in addition, notice that a public order has been sent out, together with a general description of the order, shall be published in a newspaper of general circulation.

Failure of the Development Board to so act within said period shall be deemed to be a grant of approval of the general plan as submitted.

(a) Conditions. In the event approval is granted subject to conditions, the applicant shall, within six weeks after the Commission has affirmed the approval, notify the Development Board in writing of his acceptance or his refusal to accept all conditions. In the event the applicant refuses to accept all conditions the Development Board shall be deemed to have denied approval of the development plan.

In the event the applicant does not, within the time allowed, notify the Development Board of his acceptance or refusal to accept the conditions, approval of the development plan, with all conditions, shall be deemed to have been refused. The Development Board shall, by a notice published in a newspaper of general circulation, announce whether the proposed conditions have been accepted or rejected, either by refusal to accept by the applicant or by lapse of time.

(b) Failure of Substantial Compliance. Upon disapproval of the development plan, the applicant may refile his plan in a form which is in substantial compliance with the approved general plan. If the applicant elects to refile, he shall notify the Development Board of his intent to refile within six weeks of disapproval and shall refile on or before the last day of the time within which he was authorized by the public order approving the general plan to file for approval, or four weeks from the date on which he notifies the Development Board of intent to refile, whichever date shall last occur. Within six weeks after refiling, the Development Board shall by public order either grant approval of the development plan or deny approval of the development plan.

(c) Timing for Implementation. All public orders approving the development plan or approving the development plan with conditions shall state the time within which an application for approval of the implementation plan shall be filed or, in the case of a development plan which provides for staged development, the periods of time within which applications for approval of each implementation plan shall be filed. Nothing contained herein should be construed to limit the filing of any application for approval of the implementation plan earlier than the time period hereinabove set forth.

(d) Findings of Fact and Conclusions. The public order shall include conclusions and findings of fact related to the specific proposal.

(2) Status of the Development Plan After Approval.

(a) Approval of the development plan and Commission affirmative of such approval shall be noted on the Zoning Map maintained in the Office of the Chief Engineer.

(b) Approval of a development plan shall not qualify a plat of the same for recording.

(c) The Development Board shall not modify the development plan, except upon application by the applicant conforming with the requirements of this §7-302 for applications for approval of the development plan.

(d) In the event that a development plan is given approval and thereafter, but prior to approval of the implementation plan, the applicant shall elect to abandon part or all of said development plan and shall so notify the Office of the Chief Engineer in writing, or in the event the applicant shall fail to file application or applications for approval of the implementation plan within the required period of time or times, as the case may be, the approval of the development plan shall be deemed to be revoked and the same be noted on the Zoning Map in the Office of the Chief Engineer.

7-303 Implementation Plan

An applicant shall file an implementation plan or plans covering sections or subsections of a specially planned area for which a development plan or plans has already been approved as follows:

(A) Filing. Within the time prescribed in the public order approving or approving with conditions the development plan, the applicant shall submit to the Office of Chief Engineer an application for approval of an implementation plan in such form as the Development Board may from time to time determine, and two copies of an implementation plan for section or subsection specially planned area specified in the approved development plan, plus a filing fee determined by a fee schedule adopted by the Commission and filed in the Office of the Chief Engineer. The Development Board shall forward copies of the implementation plan to the Environmental Design Committee, if it is to review the plans and may forward additional copies of the implementation plan to any appropriate government agencies, which shall within two weeks make their recommendations and report to the Development Board. At least one copy of the implementation plan shall be kept in the Office of the Chief Engineer and shall be of public record.

(B) Contents. The implementation plan is to be a highly detailed set of documents, including but not limited to maps and drawings which implement the development plan or the part of the development plan which applies to the section of the specially planned area which the applicant proposes to develop. The implementation plan is to show exactly what will be developed. It shall include drawings, covenants, easements and conditions, and other documents as were indicated in the public order approving the development plan, including but not limited to:

- (1) Plans showing the exact location, use, height, and bulk of existing and proposed buildings.
- (2) Plans showing the exact location, amount, and use of all open space.
- (3) Plans showing the exact location and design of all parking and loading facilities and transportation systems.
- (4) Architectural renderings of the exterior of all buildings and renderings of all open space.
- (5) Number of units: bedroom mix; housing mix.
- (6) A statement as to the method whereby common open space will be maintained, including but not limited to all relevant covenants, articles of incorporation and by-laws.
- (7) Identification of lands to be dedicated to the public for any purpose.
- (8) A map showing the specific geologic structure of

all land upon which buildings are located or proposed to be constructed, including tests from soil borings from all land upon which buildings are located or proposed to be constructed.

(9) A map showing contours at five-foot intervals for land slopes averaging ten percent or greater, two-foot intervals for land averaging between three and ten percent and one-foot intervals for all lands of lesser slope. All such contours shall be based on United States Coast and Geodetic Survey data.

(10) Alignment data for all rights-of-way, easements, tract boundary lines, lot lines and street center lines. Where alignments are on curvature, information presented shall include all curve data.

(11) At intersections of roads, any existing or proposed sight triangles and the radius of curblines shall be clearly indicated.

(12) All existing watercourses shall be shown and accompanied by the following information:

(a) When a watercourse is proposed for alteration, improvement or relocation or when a drainage structure is proposed on a stream with a drainage area of one-half square mile or greater, evidence of submission of such improvement to the New Jersey Division of Water Policy and Supply shall accompany the application.

(b) Cross-sections of watercourses at an appropriate scale showing extent of flood plain (if defined), top of bank, normal water level and bottom elevations at the following locations:

(i) At any point where a watercourse crosses a boundary of the section or planned unit development.

(ii) At 50-foot intervals for a distance of 300 feet upstream and 300 feet downstream of any proposed culvert or bridge within or adjacent to the section or planned unit development.

(iii) Immediately upstream and downstream of any point of juncture of two or more watercourses.

(iv) At a maximum of 500-foot intervals along all watercourses which run through or adjacent to

the area for which the implementation plan has been proposed for an exterior distance of 500 feet upstream and downstream of the section or planned unit development boundary.

(c) If watercourses are proposed to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation during construction shall be shown on the plan or accompany it.

(d) The boundaries of the flood plains of all watercourses within or adjacent to the area for which the implementation plan has been proposed.

(13) The total upstream tributary area of any watercourse running through or adjacent to the area for which the implementation plan has been proposed, measured from the point where the watercourse first contacts the subsection.

(14) Total upstream tributary area of a watercourse running through or adjacent to the area for which the implementation plan has been proposed at the nearest downstream drainage structure, and the acreage in the area for which the implementation plan has been proposed which drains to the structure.

(15) The location and extent of drainage and conservation easements.

(16) The location, extent and water level elevation of all existing or proposed lakes or ponds within or adjacent to the area for which the implementation plan has been proposed.

(17) Storm drainage systems including but not limited to the following:

(a) All existing and proposed storm sewer lines within or adjacent to the area for which the implementation plan has been proposed, showing size of lines, capacity, direction of flow, slope and location of each catch basin and inlet.

(b) All existing and proposed drainage ditches within or adjacent to the area for which the implementation plan has been proposed, showing typical cross-sections, capacity, direction of flow and slope.

(c) The location and extent of any proposed retention basins.

(d) All pertinent design data, including runoff

determination, utilized in arriving at the configuration of the facilities proposed.

(18) Existing and proposed sanitary sewerage facilities serving the area for which the implementation plan has been proposed, including but not limited to the following:

(a) Location, size and slope of all sanitary sewer lines and connections to existing facilities.

(b) Location of any proposed sanitary sewerage treatment plants.

(c) All pertinent design data utilized in arriving at the configuration of the proposed facilities including any specialized construction which may be required in areas containing landfill materials.

(d) Proof of submittal of such plan to the appropriate state and local health agencies.

(19) Existing and proposed water distribution systems serving the area for which the implementation plan has been proposed, including but not limited to the following:

(a) Location, size and capacity of all water mains.

(b) Location of all fire hydrants.

(c) Source of supply, points of connection and supply capacities at such points.

(d) Location of any proposed water treatment plants.

(e) All pertinent design data utilized in arriving at the configuration of the proposed facilities including demand assumptions and any specialized construction which may be necessary in areas containing landfill materials.

(f) Proof of submittal of such plans to appropriate state and local agencies.

(20) Sufficient information to permit a determination of whether the applicable environmental performance standards can and will be complied with at all times.

(21) The name, address and signature of landowner or all members of the management group.

(22) An assessment of the environmental impact of the proposed project, prepared in accordance with the rules of the Commission.

(23) The name, address and signature of those who prepared or consulted in the preparation of the implementation plan.

(24) If the area for which the implementation plan has been proposed is to be subdivided:

(a) Proposed name of the subdivision. This name shall not duplicate or resemble the name of any existing subdivision within the Hackensack Meadowlands District.

(b) Location and description of all monuments.

(c) A copy of any protective covenants or deed restrictions applying to the land to be subdivided.

(25) Such other information as may reasonably be required by the Development Board.

(C) Review and Approval.

(1) Approval or Disapproval; Imposition of Conditions. Within twelve weeks after receipt of the application for approval of the implementation plan, the Development Board shall by public order approve the implementation plan, with or without conditions, if it is in substantial compliance with the approved development plan or disapprove the implementation plan if it is not in substantial compliance with the approved development plan.

The Development Board may impose conditions upon the implementation plan on the basis of findings by the Environmental Design Committee or in order to insure that the development plan will be fully effected or that all applicable regulations will be complied with.

Each public order shall be sent by certified mail, return receipt requested, to the applicant. In addition, notice that a public order has been sent out, together with a general description of the order, shall be published in a newspaper of general circulation.

Failure of the Development Board to so act within said period shall be deemed to be a grant of approval of the general plan as submitted.

(a) Conditions. In the event approval is granted subject to conditions, the applicant shall, within six weeks of such approval, notify the Development Board in writing of his acceptance or his refusal to accept all conditions. In the event the applicant refuses to accept all conditions the Development Board shall be deemed to have denied approval of the implementation plan.

In the event the applicant does not within the time allowed notify the Development Board of his acceptance or refusal to accept the conditions, approval of the implementation plan, with all conditions shall be deemed to have been refused. The Development Board shall, by a notice published in a newspaper of general circulation, announce whether the proposed conditions have been accepted or rejected, either by refusal to accept by the applicant or by lapse of time.

(b) Failure of Substantial Compliance. Upon disapproval of the implementation plan, the applicant may refile his plan in a form which is in substantial compliance with the approval development plan. If the applicant elects to refile, he shall notify the Development Board of his intent to refile within six weeks of disapproval and shall refile on or before the last day of the time within which he was authorized by the public order approving the development plan to file for approval, or four weeks from the date he notifies the Development Board of his intent to refile, whichever date shall last occur. Within six weeks after refileing, the Development Board shall public order either grant approval of the implementation plan or deny approval of the implementation plan.

(c) Timing of Construction. All public orders approving the implementation plan or approving the implementation plan with conditions shall state the time when construction of the subsection or subsections for which the implementation plan has been approved shall commence and be completed, provided that a building permit be applied for within three months after affirmance of approval and acceptance of conditions. Nothing contained herein shall be construed to limit the applicant from commencing and completing construction at an earlier date.

(d) Findings of Fact and Conclusions. The approval, approval with conditions, or disapproval of an implementation plan by public order shall include conclusions and findings of fact related to the specific proposal.

(2) Status of Implementation Plan After Approval.

(a) Approval of the implementation plans shall be

noted on the Zoning Map maintained in the Office of the Chief Engineer.

(b) Approval of the implementation plan shall not qualify a plat of the same for recording.

(c) The Development Board shall not modify the implementation plan, except upon application by the applicant conforming with the requirements of this §7-303 for applications for approval of the implementation plan.

(d) In the event that an implementation plan is given approval thereafter, the applicant shall elect to abandon part or all of said plan and shall so notify the Office of the Chief Engineer in writing or shall fail to commence or complete construction within the required period of time or times as the case may be, the approval of the implementation plan shall be deemed to be revoked and the same shall be noted on the Zoning Map in the Office of the Chief Engineer.

7-304 Technical Documents; Consequences of Failure to Commence Development

(A) Profiles and Cross-Sections and Engineering Drawings of Required Public Improvements. The applicant shall submit in triplicate to the Office of the Chief Engineer within two weeks after approval of the implementation plan:

(1) Profiles and cross-sections of existing and proposed streets and highways within and abutting the section or planned unit development existing and proposed parking lots. The cross-section shall clearly indicate the type and width of pavement and location of curb, location of sidewalks and shade tree planting strips. In addition to the foregoing data, all streets, highways, and parking lots proposed for construction shall include detailed foundation conditions, pavement designs and all design criteria and assumptions.

(2) Engineering drawings prepared and certified by a licensed professional engineer for proposed required public improvements containing the data and information required by Article 9, §2 of the Subdivision Regulations.

The Chief Engineer shall review all such profiles, cross-sections and engineering drawings in order to determine whether

such drawings are consistent with the approved implementation plan and comply with the design standards of §7-401(C). Such profiles, cross-sections and drawings shall be distributed to such agencies as the Chief Engineer may deem appropriate. Within eight weeks after they have filed, the Chief Engineer shall inform the applicant, by certified mail, return receipt requested, whether they have or have not been approved. In the event that they are not approved, the Chief Engineer shall notify the applicant of the specific manner in which they do not conform or comply and the applicant may then correct them.

(B) Bonds, Escrow Deposits, and Final Plat. Within two weeks after the profiles, cross-sections and engineering drawings have been approved, the applicant shall file with the Office of the Chief Engineer:

(1) Such performance bond or bonds as may be determined by the Development Board to be reasonably required to assure performance in accordance with the implementation plan and to protect the public interest in the event of abandonment of the implementation plan before completion.

(2) All bonds or deposit required in Article 8, §§3(b)-(d) of the Subdivision Regulations, provided that anything in this section to the contrary notwithstanding, bonds, monies or guarantees received by the Commission under this section shall not duplicate bonds, monies or guarantees required by the constituent municipalities for municipal purposes.

(3) Such escrow deposits as are required in §8-102. Escrow deposits and bonds shall not duplicate each other in whole or in part in terms of that which they guarantee.

(4) A final plat of subdivision, in conformance with the requirements of Article 6, Part 3 of the Subdivision Regulations, if the area for which the implementation plan is proposed is to be subdivided.

Within 45 days after the bonds, escrow deposits, and final plat, if any, have been filed, the Development Board shall approve the same if they meet the applicable requirements of these regulations and any conditions attached to the approved general, development, and implementation plans. Within said 45 day period, the Development Board shall notify the applicant, by certified mail, return receipt requested of such approval, or if the bonds, escrow deposits, or final plat have not been approved, or disapproved, with reasons given therefor. The applicant may then make such changes as are necessary.

If the Development Board approves a final plat, the Chief Engineer shall indicate its approval thereon, and the Secretary of the Commission shall affix the seal of the Commission on the face of the plat and shall forward a copy of the final plat to the municipal approval authority and to the applicant within the 45 day period.

The Development Board shall also report on the final plat to the appropriate municipal authority at the same time. Upon mutual agreement between the Development Board and the municipal approval authority, with approval of the applicant, the 45 day period shall be extended for an additional 45 day period and any such extension shall extend the time within which a municipal approval authority shall be required by law to act thereon. The report shall indicate the action of the Development Board with respect to said final plat.

If the Development Board shall have taken no action to approve or disapprove the final plat within the aforesaid time period or periods, the Secretary of the Commission shall, at the request of the applicant, certify such fact upon the final plat submitted to it, and transmit the final plat to the municipal approval authority.

Such certification shall be sufficient authorization for further action by the municipal approving authority and filing with the appropriate county recording officer.

(C) Abandonment of Implementation Plan by Applicant Before the Commencement of Development. In the event that implementation plan or technical documents required to be filed are given approval and thereafter the applicant shall abandon said plans without commencing development and shall so notify the Development Board in writing; or, in the event the applicant shall fail to commence development within 18 months after final approval of the technical plan has been granted, then and in that event such approval of the implementation plan and technical documents shall be deemed to be revoked unless such time period is extended by the Development Board upon written application of the applicant. Such revocation shall be noted on the official Zoning Map in the Office of the Chief Engineer.

If a final plat has been approved and no lots have been sold, the plat shall be vacated.

All bonds and escrow deposits required in §7-304(B) (2) and (3) and those portions of the compliance and completion bonds required in §7-304(B) (1) not needed to protect the public interest shall be returned to the applicant.

7-305 Commencement of Construction and Completion of Development

(A) Commencement of Development. Until all technical documents have been approved:

(1) The construction, moving, remodeling, or reconstruction of any structure or addition thereto, unless otherwise provided in §7-300, shall not be commenced;

(2) The improvement of land shall not commenced, except that land may be filled pursuant to and in conformance with all applicable landfill codes and regulations adopted by the Commission and

(3) Building permits shall not be issued by any official of the Commission.

(B) Modification and Enforcement of Provisions of the Implementation Plan After Commencement of Development.

(1) Modification. Any party under §8-107(A)(3) and, in addition, any staff member of the Commission can petition the Development Board to modify any approved implementation plan by meeting the filing requirements of §7-303(A) and stating with particularity what modifications are necessary and why.

The Development Board may grant any or all of the modifications requested after a finding following a public hearing called and held in accordance with the provisions of §8-108 that such modifications do not substantially alter the character of the implementation plan; are necessary for the preservation of the specially planned area for which the general plan has been approved; and not granted solely to confer a special benefit upon any person.

(2) Enforcement. The provisions of the implementation plan may be enforced by any party under §8-107(A)(3) or by the Development Board, either in law or equity.

The Development Board may use any of the performance bonds required in §7-304(B)(1) to modify the development so that it is in conformance with the implementation plan.

The Development Board may take whatever action under §8-109 he deems desirable and use of any completion bonds required under §7-304(B)(1), if the applicant fails to complete any development for which an implementation plan has been approved.

(C) Inspection of Certain Public Improvements During Construction. The applicant shall give at least two days written notification to the Office of the Chief Engineer prior to the performance of any of the following work:

- (1) The surfacing of any roadway or street.
- (2) The installation of any curbing or gutters.
- (3) The grading or backfilling of any open trench or excavation in which any utility facilities, including, but not limited to, water lines, sewer lines, gas lines, telephone lines and electrical cables, shall have been installed.

(4) The joining of pipe installed under roadways. The Chief Engineer may conduct an on-site inspection to determine that the proposed work complies with the engineering drawings. If in the opinion of the Chief Engineer, such proposed work does not comply with such drawings, he shall have authority to order that all such proposed work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the applicant shall again notify the Chief Engineer as provided in this section.

The cost attributable to all inspections shall be charged to and paid by the applicant in accordance with a fee schedule established by the Commission. Before any required inspections take place, the applicant may be required to post a deposit with the Office of the Chief Engineer to cover the cost of such inspections.

(D) Commencement of Occupancy; Compliance with Implementation Plan; Issuance of Certificate of Occupancy. Unless otherwise provided in §7-300, no structure or addition thereto constructed, moved, remodeled, or reconstructed after the effective date of these Regulations shall be occupied or used for any purpose; and no land vacant on the effective date of these Regulations shall be used for any purpose unless a certificate of compliance shall first have been obtained from the Development Board certifying that the development has been completed in conformity with the implementation plan.

Upon the completion of the development, the applicant shall apply to the Development Board for a certificate of compliance, and shall deliver to the Office of the Chief Engineer two complete sets of engineering drawings showing as-built conditions.

Within four weeks the Development Board shall inspect the development. The costs thereof attributable to all inspections shall be charged to and paid by the applicant in accordance with a fee schedule established by the Commission. Before any required inspections take place, the applicant may be required to post a deposit with the Office of the Chief Engineer to cover the cost of such inspections.

If such final inspection indicates that there are any defects or deficiencies in any aspects of development, or if there are any deviations in such aspects from the implementation and technical plans which defects will, in the opinion of the Development Board, adversely affect the performance, suitability or desirability of said aspects, the Development Board shall notify the applicant in writing of such defects, deficiencies, or deviations and the applicant shall, at his sole cost and expense, correct such defects or deviations within six months of the date of notification. If the applicant fails to correct such defects or deviations within the six month period, the Development Board may use the performance bonds or escrow deposits required under §§7-304(B)(1) and (3) to make such corrections. When such defects, deficiencies or deviations have been corrected, the applicant shall notify the Office of the Chief Engineer that the improvements are again ready for final inspection.

If a final inspection indicates that all aspects of development contain no defects, deficiencies, or deviations, within ten days from the completion of such inspection, the Development Board shall certify to the applicant that the development has been completed in conformity with the implementation plan. A copy of the certification shall be filed in the Office of the Chief Engineer. All public improvements so certified shall become the property of the municipality in which the improvements are located.

Upon certification by the Development Board, the Office of the Chief Engineer may issue a certificate of occupancy to the applicant, provided that the applicant has complied with the provisions of the Commission's Building Code. All applications for occupancy certificates shall be accompanied by sufficient information to enable the Office of the Chief Engineer to determine if all the applicable environmental performance standards can and will be complied with at all times.

7-400 General Provisions

7-401 Public Improvements; Relation to Subdivision Regulations

(A) Relation to Subdivision Regulations. All development pursuant to §7-301-7-305 is exempt from the requirements of the Subdivision Regulations, except as herein provided. Applicants who desire to subdivide may do so by following the procedure set

forth in §§ -7-301-7-305 and filing the material required therein for subdivision approval.

These Regulations shall not be deemed to supersede, modify, amend or otherwise invalidate the subdivision 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.

It shall be the policy of the Commission to consult with appropriate officials of the constituent municipalities, both generally and with respect to specific applications involving land that is to be subdivided, in order to facilitate the effectuation of the District Master Plan, municipal subdivision standards and objectives, and compliance by applicants within the Hackensack Meadowlands District with Hackensack Meadowlands District and municipal requirements.

(B) Public Improvements.

(1) Required Improvements. The applicant shall install, or provide for the installation of, the following facilities and improvements: all those improvements required in Article 8, §1 of the Subdivision Regulations, except that the requirements of Article 8, §§1(i) and (j) shall not be applicable.

(2) Exceptions for Existing Improvements. The exceptions of Article 8, §2 of the Subdivision Regulations shall be applicable.

(C) Design of Public Improvements and Other Aspects of Development. The applicant shall comply with Article 7 of the Subdivision Regulations, except §§7, 8 and 12 thereof, provided, however, that the Development Board may waive compliance with the requirements of §§5 and 6 if he

(1) finds that (a) the requirements of §§5 and 6 are not necessary to protect the interests of the residents or users of the development and (b) the modifications of such requirements are not inconsistent with the interests of the entire Hackensack Meadowlands District; and

(2) has, previous to an application for approval of the general plan, published regulations on the extent to which such modifications may be made. Such regulations shall be filed with the Office of the Chief Engineer and shall be of public record.

7-402 Maintenance of Common Open Space and Open Areas

All common open space and open areas and facilities and structures thereon must be properly maintained.

Whenever common open space or open areas are provided, the applicant shall himself maintain or otherwise must provide for and establish an organization for the ownership and maintenance of any such common open space or open areas and the governing instruments of such organization shall provide that it may not be dissolved nor shall it dispose of any common open space or open areas, by sale or otherwise, except to an organization conceived and established to own and maintain the open space or areas, without first offering to dedicate the same to the Commission, the municipality, or any other governmental agency of the State of New Jersey.

In the event that the applicant or the organization established to own and maintain the common open space or open areas or any successor organization shall at any time fail to maintain such common open space or open areas in reasonable order and condition in accordance with the implementation plan, the Development Board may serve written notice upon such organization or upon the residents and owners of the area developed pursuant to the implementation plan setting forth the manner in which the organization has failed to maintain the common open space or open areas in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within four weeks thereof, and shall state the date and place of a hearing thereon which shall be held within two weeks of the notice. At such hearing the Development Board may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall be cured within said four weeks or any extension thereof, the Development Board, in order to preserve the taxable values of the properties within the area developed pursuant to an implementation plan and to prevent the common open space or open areas from becoming a public nuisance, may enter upon the common open space or open areas and maintain the same for a period of one year. Before the expiration of said year, the Development Board shall, upon its initiative or upon the request of the applicant or the organization theretofore responsible for the maintenance of the common open space or open areas, call a public hearing or at which the organization shall show cause why such maintenance by the Development Board shall not, at the election of the Development Board, continue for a succeeding year. If the Development Board shall determine that the organization is ready and able to maintain the common open space or open areas in reasonable

condition, he shall cease to maintain such common open space or open areas during the next succeeding year and subject to a similar hearing and determination, in each year thereafter.

The cost of such maintenance by the Development Board shall be assessed ratably against the properties within the area developed pursuant to the implementation plan and shall become a tax lien on said properties. The Development Board, at the time of entering upon the common open space or open areas for the purpose of maintenance, shall file a notice of such lien in the office of the county clerk upon the properties affected by such lien.

7-403 Staging

All areas built pursuant to an approved general plan may be developed over a period of years, with sections thereof and subsections of such sections to be built one at a time. If the applicant wishes to stage his development, he must comply with all applicable procedural requirements. When a development is to be constructed in stages, all regulations applicable to the entire area for which a development plan has been approved shall be applicable to each section thereof.

Each section shall be covered by a development plan. Each section in the residential specially planned areas must be at least the size of a neighborhood.

Each subsection shall be covered by an implementation plan.

7-404 Applicant; Management Group; Resolution of Differences Between Applicants

(A) Applicant. The applicant shall be the landowner, if there is only one landowner of the specially planned area, or management group if there is more than one landowner of the specially planned area.

(B) Landowner. Landowner shall mean the legal owner or owners of the land included in a specially planned area, provided that such owner has sufficient interest in the land to develop it in accordance with these regulations. The holder of an option or contract to purchase, a lessee, or other person having an enforceable proprietary interest other than the legal owner shall be deemed to be the landowner if such option holder, contract purchaser, lessee, or other person holding an enforceable proprietary interest has sufficient interest in the land to develop it in accordance with these Regulations.

(C) Management Group. If separate parts of the specially planned area are owned by different landowners, all such landowners may agree to develop the specially planned area jointly, using any system of management, control, and sharing of profits they wish. Those who so agree shall be called the management group.

(D) Lack of One Landowner or Management Group; Resolution of Differences Between Applicants. If there is more than one landowner in any specially planned area and if the landowners of that specially planned area cannot agree to form a management group, then any landowner or management group which owns at least 80% of the land in the specially planned area may file an application for approval of the general plan for the entire specially planned area, and shall personally serve or mail immediately by certified mail, return receipt requested, a copy of the general plan and the management group agreement to the landowner or landowners in the specially planned area, who are not members of the management group. If such landowners object to the general plan, he or they shall do so in writing and shall specify the reasons for objecting within four weeks of the receipt of the plan and agreement. Each objecting landowner shall then file, either individually or jointly, with the Development Board within twelve weeks after receipt of the plan and agreement, a general plan for his parcels of land, relating such plan to an overall plan for the specially planned area.

The Development Board shall resolve all differences between the plans so as to form one plan, after holding a hearing on the plans under §8-107, and issue a public order in conformance with §7-301(C). In resolving the differences and designating parcels for specific land uses, the Development Board may not consider the designation for a specific use given any area in the applicable specially planned area regulations or on the Comprehensive Land Use Plan, but the geology, location, access to public facilities, and any other matter which affects the appropriate use of the land may be considered in deciding what areas shall be used for what purposes. The resolved plan shall be kept on file with the Office of the Chief Engineer, where it shall be of public record.

7-405 Variation of Requirements by Development Board

(A) Application. The applicant in his general plan may request the Development Board to vary the applicable specially planned area requirements by including in his general plan the following information as well as such additional information as may be prescribed by rule of the Development Board:

(1) The particular requirements which the applicant wishes to vary.

(2) The changes in the requirements that the applicant feels are necessary.

(3) The reasons why such requirements should be varied.

(B) Action by Development Board; Standards. The Development Board may vary any of the applicable specially planned area requirements which the applicant has petitioned be altered if he finds that:

(1) The quality of development in the specially planned area will not be adversely affected if the requirements are altered.

(2) The Comprehensive Land Use Plan for the Meadowlands District will not be adversely affected if the requirements are altered.

(3) The intent and purposes of all the applicable specially planned area regulations will not be impaired if the requirements are altered.

The Development Board may place such conditions on the alteration of requirements as he deems necessary to protect the specially planned area.

(C) Findings. All variations shall be made in the public order required in §7-301(C)(1). The Development Board shall include findings of fact as to why the standards of subsection (B) herein will be complied with.

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Article VIII - General Provisions

In all the districts, the following provisions and regulations shall apply.

8-101 Performance Standards

(A) Noise.

(1) Standard. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) "American Standards Specifications for General-Purpose Sound Level Meters." The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.2-1962 "American Standard Method for the Physical Measurements of Sound." Impact noise shall be measured with an impact noise analysis meeting the standards of ANSI or IEC.

Noises shall not exceed the maximum sound levels specified in Table I, except as designated below. Where more than one specified sound level applies, the most restrictive shall govern. Measurements may be made at points of maximum noise intensity.

TABLE I
NOISE LEVEL RESTRICTIONS

<u>Performance Standard Category</u>	<u>Maximum Permitted Sound Level</u>	<u>Where Measured</u>
A	55 dBA	On or beyond the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive
B	60 dBA	On or beyond the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive
C	66 dBA	On or beyond the district boundaries

In any residential zone, residential specially planned area, or residential planned unit development, the A-weighted sound level shall not exceed 55 dBA during the hours of 7:00 a.m. to 9:00 p.m. and shall not exceed 45 dBA during the hours 9:00 p.m. to 7:00 a.m.

The levels specified in Table I may be exceeded by 10 dBA for a single period, no longer than 15 minutes, in any one day.

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For impact noise levels, the values in Table I, increased by 20 dB, shall apply. For purposes of these Regulations, impact noises shall be considered to be those noises whose peak values are more than 6 dB higher than the values indicated on the sound level meter.

Noises not under the direct control of a use (such as independent transportation facilities) are excluded from the above limitations.

(2) Definitions.

(a) dBA. A unit for describing sound levels measured using an A-weighting network. This network modifies the measured sound pressure level at the various frequencies to account for differences in the sensitivity of the human ear to sounds of different frequency.

(b) Decibel (abbreviated dB). A unit which describes the sound pressure level or intensity of sound. The sound pressure level in decibels is twenty times the logarithm to the base ten, of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

(c) Impact Noise. Relatively short duration noises generally produced by the striking of two or more objects so as to be heard as separate distinct noises.

(d) Impact Noise Analyzer. An instrument which measures the peak sound pressure of an impact noise and meets the standards of the American National Standards Institute (or the International Electrotechnical Commission).

(e) Noise. A subjective description of an undesirable or unwanted sound (see definition of sound).

(f) Sound. Rapid fluctuations of atmospheric pressure which are audible to persons.

(g) Sound Level Meter. An instrument to measure the overall sound pressure level. It shall comply with the applicable specifications of the American National Standards Institute (ANSI S1.4-1961).

(B) Vibration.

(1) Standard. Ground-Transmitted Vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three mutually perpendicular directions.

Table II designates the maximum permitted particle velocities. Where more than one set of vibration levels apply, the most restrictive shall govern. Measurements may be made at points of maximum vibration intensity.

TABLE II
VIBRATION LEVEL RESTRICTIONS

<u>Performance Standard Category</u>	<u>Maximum Peak Particle Velocity, inches per second</u>	<u>Where Measured</u>
A	0.02	On or beyond the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive
B	0.05	On or beyond the boundaries of neighboring uses or adjacent lot lines, whichever is more restrictive
C	0.10	On or beyond the district boundaries

In any residential zone, residential specially planned area, or residential planned unit development, the peak particle velocity shall not exceed 0.02 inches per second during the hours 7:00 a.m. to 9:00 p.m. and shall not exceed 0.01 inches per second during the hours 9:00 p.m. to 7:00 a.m.

The maximum particle velocity shall be the maximum vector sum of three mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by frequency in cycles per second.

For purpose of these Regulations, steady state vibrations are vibrations which are continuous, or vibration in discrete impulses more frequent than 60 per minute. Discrete impulses which do not exceed 60 per minute shall be considered impact vibrations. Impact vibrations are limited to values no more than twice as high as those specified in Table II.

(2) Definitions.

(a) Amplitude. The maximum displacement of the earth from the normal rest position. Amplitude is usually reported as inches or mils.

(b) Discrete Impulses. A ground transmitted vibration stemming from a source where specific pulses do not exceed 60 per minute (or one per second).

(c) Frequency. The number of times that a displacement completely repeats itself in one second of time. Frequency may be designated in cycles per second (cps) or hertz (Hz).

(d) Impact. An earthborn vibration generally produced by two or more objects striking each other so as to cause separate and distinct pulses.

(e) Particle Velocity. A characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by multiplying the frequency by the amplitude times the factor 6.28. The particle velocity will be in inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.

(f) Steady State Vibration. A vibration which is continuous, as from a fan, compressor, or motor.

(g) Vibration. A reciprocating movement transmitted through the earth, both in horizontal and vertical planes.

(C) Airborne Emissions. In all districts, any activity, operation, or device which causes, or tends to cause, air pollution shall comply with both the New Jersey State Air Pollution Control Laws and Codes and the following:

(1) Steam. The emission of visible steam (having an equivalent opacity of 60% or higher) from all stacks, chimneys, processes, and devices shall not exceed the limitations set forth in Table IV.

TABLE III
RESTRICTIONS ON STEAM

<u>Performance Standard Category</u>	<u>Steam Emissions Permitted</u>
A	No visible steam (except as the direct result of a combustion process) permitted.
B	No visible steam (except as the direct result of a combustion process) within 500 feet of a residential zone, specially planned area, or residential planned unit development.
C	No visible steam (except as the direct result of a combustion process) within 500 feet of a residential zone, specially planned area, or residential planned unit development.

(2) Particulate Matter.

(a) Source Emissions. The emission of particulate matter from all stacks, vents, chimneys, flues and openings

Of all sources of air pollution on a lot shall not exceed the limitation set forth in Table IV or the New Jersey State Standards, whichever is more restrictive.

TABLE IV
RESTRICTIONS ON PARTICULATE SOURCE EMISSIONS

<u>Performance Standard Category</u>	<u>Total particulate matter emission limit, pounds per hour per acre of lot</u>
A	0.5
B	1.0
C	5.0

In a planned unit development or specially planned area, the emission limit shall apply to the development as a whole, based on the total area of land and water in the development.

(3) Toxic Matter. If any toxic matter is emitted which is listed by the American Conference of Governmental Hygenists or any other lists published by the State of New Jersey or U.S. Government, the applicant shall satisfy the Office of the Chief Engineer that the quantity and type of emission of this matter will be safe to the general population.

(4) Odorous Matter. No odor shall be emitted that is detectable by the human olfactory sense at or beyond an adjacent lot line.

(5) Definitions.

(a) Equivalent Opacity. The optical density of a smoke plume corresponding to the shade of the Ringelmann chart.

(b) Odorus Matter. Material suspended in the atmosphere that produces an olfactory response in normal human.

(c) Particulate Matter. Air borne material except uncombined water which exists in a finely divided form as a liquid or solid at standard conditions.

(d) Ringlemann Chart. The chart published and described in the U.S. Bureau of Mines Information Circular 7718 and upon which are illustrated graduated shades of gray for use in estimating the light obscuring power of smoke.

(e) Ringelmann Number. The shade identified on the Ringelmann chart which varies from 0 (clear) to 5 (opaque).

(f) Steam. Condensed water vapor droplets observable as a plume having an equivalent opacity of 60% or higher.

(g) Toxic Matter. Material which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.

(D) Fire and Explosion Hazards. In all districts, any activity involving the manufacture, utilization, or storage of flammable, combustible and/or explosive materials shall be conducted in accordance with the regulations promulgated by the Department of Labor and Industry of the State of New Jersey, or with the National Fire Codes of the National Fire Protection Association, whichever is more restrictive.

(1) Detonable Materials. Activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation are permitted only in accordance with the regulations of each performance standard category. Such materials shall include but are not limited to: All primary explosives such as lead azide, lead styphnate, fulminates and tetra-cene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black power, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine, unstable organic compounds such as acetylides, tetrazoles and ozonides; strong unstable oxidizing agents such as perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials and products and reactor elements such as Uranium 235 and Plutonium 239.

manufactured, or utilized in fire resistant and fire protected buildings or spaces. Said materials or products may be stored outdoors provided such storage is set back at least 50 feet from all lot lines.

The storage, utilization or manufacture of flammable liquids or gases shall be permitted in accordance with Table XI, except that the storage of finished products in original sealed containers of 55 gallons or less shall be unrestricted.

TABLE VI
TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED UNDER
CATEGORY B STANDARDS

<u>Liquid Flash Point (Closed Cup Tester)</u>	<u>Above Ground</u>	<u>Below Ground</u>
140°F or higher	100,000 gallons	100,000 gallons
Above 73°F but below 140°F	50,000 gallons	100,000 gallons
73°F and below	10,000 gallons	100,000 gallons
Flammable gases	300,000 SCF*	3,000,000 SCF*

*SCF is abbreviation for standard cubic feet, see definitions.

(4) Performance Standards - Category C. Uses subject to Category C standards involving the storage, manufacture or utilization of materials and products which decompose by detonation are permitted up to 5 lbs. of such materials. The storage and/or utilization (but not manufacture) of materials and products which decompose by detonation in excess of 5 lbs. may be allowed only as a special exception.

The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided that said materials or products are stored, manufactured or utilized in fire resistant and fire protected buildings or spaces. Said materials or products may be stored outdoors provided such storage is set back at least 50 feet from all zoning district boundary lines.

The storage, utilization, or manufacture of flammable liquids or gases shall be permitted in accordance with Table XII, except that the storage of finished products in original sealed containers of 55 gallons or less shall be unrestricted.

(2) Performance Standards - Category A. Uses subject to Category A standards involving the storage, manufacture or utilization of materials and products which decompose by detonation are permitted up to 5 lbs. of such materials. The storage, utilization, and manufacture of materials and products which decompose by detonation in excess of 5 lbs. is not permitted.

The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

The storage, utilization or manufacture of solid materials or products ranging from active burning to intense burning is permitted provided that said materials or products are stored, manufactured, or utilized in fire resistant and fire protected buildings or spaces.

The storage, utilization or manufacture of flammable liquids or gases shall be permitted in accordance with Table X.

TABLE V
TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED UNDER
CATEGORY A STANDARDS

<u>Liquid Flash Point (Closed Cup Tester)</u>	<u>Above Ground</u>	<u>Below Ground</u>
140°F or higher	30,000 gallons	100,000 gallons
Above 73°F but below 140°F	10,000 gallons	100,000 gallons
73°F and below	2,000 gallons	100,000 gallons
Flammable gases	60,000 SCF*	3,000,000 SCF*

*SCF is abbreviation for standard cubic feet, see definitions.

(3) Performance Standards - Category B. Uses subject to Category B standards involving the storage, manufacture or utilization of materials and products which decompose by detonation are permitted up to 5 lbs. of such materials. In the zones, the storage and/or utilization (but not manufacture) of materials and products which decompose by detonation in excess of 5 lbs. may be allowed only as a special exception. The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

The storage, utilization or manufacture of solid materials or products ranging from active burning to intense burning is permitted provided that said materials or products are stored,

TABLE II
TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED
UNDER CATEGORY C STANDARDS

<u>Liquid Flash Point</u> <u>(Closed Cup Tester)</u>	<u>Above Ground</u>	<u>Below Ground</u>
140°F or higher	No capacity limit	No capacity limit
Above 73°F but below 140°F	2,000,000 gallons	10,000,000 gals.
73°F and below	1,000,000 gallons	10,000,000 gals.
Flammable gases	50,000,000 SCF*	100,000,000 SCF*

*SCF is abbreviation for standard cubic foot, see definitions.

The limitations of Table XII apply only for locations which are 300 feet or more from a district boundary. If any part of the facility, including storage dike, is closer than 300 feet from another zone, the more restrictive of the limitations for the two districts shall apply.

(5) Definitions.

(a) Active to Intense Burning. A rate of combustion exhibited by material that burns with a high degree of activity and is consumed rapidly. Examples: sawdust, powdered magnesiou, pyroxylin, etc.

(b) Detonation. A violent and sudden explosion resulting from the instantaneous reaction of a mixture compound or substance.

(c) Flash Point. The lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The closed cup flash point tester shall be authoritative and the test shall be run in accordance with the appropriate ASTM method (American Society for Testing & Materials) as outlined in Safety Regulation No. 51, Flammable and Combustible Liquids of the New Jersey Department of Labor and Industry.

(d) Incombustible. Incapable of burning and propagating a flame when exposed to a temperature of 1200°F for at least five minutes.

(e) Moderate Burning. A degree of combustion where the material is difficult to ignite and burns in a controlled fashion. Examples: lumber, hardboard, low fire spread plasterics, rubber, etc.

(f) Standard Cubic Foot (SCF). A cubic foot of a gas, as measured at the standard conditions of temperature and pressure: 60°F and 29/92 inches mercury, respectively.

E) Glare.

(1) Standards. All operations, activities and uses shall be conducted so as to comply with the performance standards governing glare prescribed below. Glare shall be measured in accordance with the standards and procedures set forth in the IES Lighting Handbook.

Illumination levels shall be measured with a photoelectric photometer having a special response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

Uses subject to Category A, B and Co performance standards shall not produce glare so as to cause illumination in a residential specially planned area, residential zone, and residential planned unit development, marshland preservation zone, or public park and recreation zone, in excess of 1.0 foot candles. Flickering or intrinsically bright sources of illumination shall be controlled so as not to be a nuisance in these districts.

Uses subject to Category A, B and C performance standards shall limit the use of light sources and illuminated surfaces within 500 feet of, and visible in, a residential specially planned area, residential zone, residential planned unit development, marshland preservation zone, public park and recreation zone, to comply with the light intensities indicated in Table XIII.

TABLE VIII
MAXIMUM INTENSITY OF LIGHT SOURCES

<u>Source</u>	<u>Category A</u>	<u>Category B and C</u>
Bare incandescent bulbs	15 watts	40 watts
Illuminated buildings	15 foot candles	30 foot candles
Back lighted or luminous background signs	150 foot lamberts	250 foot lamberts
Outdoor illuminated signs and poster panels	25 foot candles	50 foot candles
Any other unshielded sources, intrinsic brightness	50 candles per square centimeter	50 candles per square centimeter

(2) Definitions.

(a) Candle. The luminous intensity of one standard candle.

(b) Foot Candle. The unit of illumination on a surface one square foot in area on which there is a uniform distribution of light having a candle power of one candela.

(c) Foot Lambert. A unit of brightness equal to the brightness of a uniform diffusing surface which emits or reflects one lumen per square foot.

(d) Glare. A sensation of brightness within the visual field which causes annoyance, discomfort, or loss in visual performance and visibility.

(e) Illumination. The density of luminous energy falling upon a surface, usually measured in foot-candles.

(f) Intrinsically Bright Sources. A source of light of extremely high intensity.

(g) Photometer. An instrument for measuring the intensity of light.

(h) Watt. A unit of electrical power.

(F) Radioactive Materials.

(1) Standards. The storage, utilization, manufacture or transportation of radioactive materials shall be in accordance with the New Jersey Radiation Protection Code.

Performance standard category A: the manufacture, storage, or utilization of unsealed radioactive materials shall be limited to one million (10^6) times the quantities listed in Table IX.

Performance standard category B: the manufacture, storage, utilization of unsealed radioactive materials shall be limited to ten million (10^7) times the quantities listed in Table IX.

Performance standard category C: the manufacture, storage, or utilization of unsealed radioactive materials shall not be limited except as regulated in the New Jersey Radiation Protection Code.

TABLE IX
EXEMPT QUANTITIES OF RADIOACTIVE MATERIALS

(Abstracted from Table 4.6 of the
 New Jersey Radiation Protection Code)

Radioactive Material	Microcuries
Antimony (Sb 124)	1
Arsenic 76 (As 76)	10
Arsenic 77 (As 77)	10
Barium 140 + Lanthanum 140 (Ba 140 + Ln 140)	1
Beryllium (Be 7)	50
Cadmium 109 + Silver 109 (Cd 109 + Ag 109)	10
Calcium 45 (Ca 45)	10
Carbon 14 (C 14)	50
Cerium 144 + Praseodymium 144 (Ce 144 + Pr 144)	1
Cesium 137 + Barium 137 (Ce 137 + Ba 137)	1
Chlorine 36 (Cl 36)	1
Chromium 51 (Cr 51)	50
Cobalt 60 (Co 60)	1
Copper 64 (Cu 64)	50
Europium 154 (Eu 154)	1
Fluorine 18 (F 18)	50
Gallium 72 (Ga 72)	10
Germanium 71 (Ge 71)	50
Gold 198 (Au 198)	10
Gold 199 (Au 199)	10
Hydrogen 3 (Tritium) (H 3)	250
Indium 114 (In 114)	1
Iodine 131 (I 131)	10
Iridium 192 (Ir 192)	10
Iron 55 (Fe 55)	50
Iron 59 (Fe 59)	1
Lanthanum 140 (La 140)	10
Manganese 52 (Mn 52)	1
Manganese 56 (Mn 56)	50
Molybdenum 99 (Mo 99)	10
Nickel 59 (Ni 59)	1
Nickel 63 (Ni 63)	1
Niobium 95 (Nb 95)	10
Palladium 109 (Pd 109)	10
Palladium 103 + Rhodium 103 (Pd 103 + Rh 103)	50
Phosphorus 32 (P 32)	10
Polonium 210 (Po 210)	0.1
Potassium 42 (K 42)	10
Praseodymium 143 (Pr 143)	10
Promethium 147 (Pm 147)	10
Radium + daughters	0.1
Rhenium 186 (Re 186)	10
Rhodium 105 (Rh 105)	10

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Radioactive Material	Microcuries
Rubidium 86 (Rb 86)	10
Ruthenium 106 + Rhodium 106 (Ru 106 + Rh 106)	1
Samarium 153 (Sm 153)	10
Scandium 46 (Sc 46)	1
Silver 105 (Ag 105)	1
Silver 111 (Ag 111)	10
Sodium 22 (Na 22)	10
Sodium 24 (Na 24)	10
Strontium 89 (Sr 89)	1
Strontium 90 + Yttrium 90 (Sr 90 + Y 90)	0.1
Sulfur 35 (S 35)	50
Tantalum 182 (Ta 182)	10
Technetium 96 (Tc 96)	1
Technetium 99 (Tc 99)	1
Tellurium 127 (Te 127)	10
Tellurium 129 (Te 129)	1
Thallium 204 (Tl 204)	50
Tin 113 (Sn 113)	10
Tungsten 185 (W 185)	10
Vanadium 48 (V 48)	1
Yttrium 90 (Y 90)	1
Yttrium 91 (Y 91)	1
Zinc 65 (Zn 65)	10
Beta and/or Gamma emitting radioactive material not listed above	1

(2) Definitions.

(a) Radioactive Material. Any material which emits spontaneously gamma rays, X-rays, alpha and beta particles, neutrons, protons, high speed electrons and other nuclear particles but not sound or radio waves or visible infrared or ultraviolet light.

(b) Unsealed Radioactive Materials. Radioactive materials that are not bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.

(3) Exemption. If a license for the manufacture or storage of radioactive materials has been received under the New Jersey

Radiation Protection Code the applicant may be granted an exemption from compliance with these radiation standards upon satisfactorily demonstrating to the Chief Engineer the property is properly posted.

(G) Water Quality

(1) Permanent Sewage Facilities. All uses established or changed, or any structure which is constructed, moved remodeled, or reconstructed in the Hackensack Meadowlands District after the effective date of this Resolution shall discharge liquid waste into the central sewerage system as developed. No liquid wastes may be discharged into the Hackensack River or its tributaries as sewer interceptors become available. Discharges from the central sewerage system into the Hackensack River shall comply with the standards of subsection 4 herein. No discharge from the central sewerage system shall be made into any tributary of the Hackensack River. All discharges into the central sewerage shall meet the following values at a minimum:

A five-day B.O.D. not to exceed 350 mg/l during any period of discharge.

pH shall not be less than 6.0 nor greater than 9.0

Temperature of discharge not to exceed 150°F.

Fats, oil and greases not to exceed 100 mg/l by weight.

Suspended solids shall not exceed 350 mg/l by weight.

(2) Temporary Sewage Facilities. Prior to the availability of central sewerage system facilities, uses established or changed, or any structure which is constructed, moved, remodeled or reconstructed in the Meadowlands District after the effective date of this Resolution may discharge into the Hackensack River or its tributaries only under the following conditions:

(a) The discharge conforms with the standards of subsection 4 herein.

(b) The discharge will not impair and or interfere with the functioning of the river or its tributaries.

(c) Application is made pursuant to subsection (3).

(3) Permit For Construction and Operation of Temporary Sewage Facilities. The Office of the Chief Engineer may upon application and in connection an application for a Zoning Certificate pursuant to §6-202, issue a permit for construction and operation of a temporary sewage facility. The application shall contain:

(a) A written statement by the governing body or appropriate public agency of the municipality within which the premises are located that a connection to a public sewerage system cannot be made available to the applicant prior to the issuance of a certificate of occupancy, as provided in §6-207.

(b) A written statement by the applicant of his willingness and ability to make connection with a public sewerage system when it is made available; and

(c) Data sufficient to show that any temporary sewage facilities to be constructed or, if the application is on a renewal of a permit, or already constructed, will be able to treat the discharge so that it will conform with the standards of subsection 3 therein.

(d) Proof of compliance with applicable rules and regulations of the Department of Environmental Protection.

Each permit shall be valid for a period of six months and may be renewed upon application for additional periods of time, each period of time not exceed six months.

If an applicant has installed a temporary sewerage facility pursuant to a validly issued permit, the Chief Engineer shall issue, upon compliance with the requirements established herein, a certificate of occupancy pursuant to the provisions of §6-207 said permit to be valid and remain in effect so long as the applicant has a valid permit to construct and operate a temporary sewerage facility. Upon the applicant's demonstration to the satisfaction of the Chief Engineer, that he has made a permanent connection with a public sewerage system, the Office of the Chief Engineer shall consider an application to issue a permanent certificate of occupancy.

(4) Standards.

(a) Objectives. It is the objective of these water quality standards that the waters of the Hacknesack Meadowlands District be made suitable for secondary contact recreation but not primary contact recreation; the maintenance of fish populations; the migration of anadromous fish; the maintenance of wildlife; and any other reasonable uses.

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(b) Specifications. The flow from any pipe, conduit, or any other source discharging into the river or its tributaries shall meet the following values:

Five day B.O.D. not to exceed 25 mg/l during any period of discharge.

pH shall not be less than 6.5 nor greater than 8.5.

Turbidity shall not exceed 40 Jackson Turbidity units based on SiO₂.

Color shall not exceed 40 standard units based on platinum cobalt color scale.

Temperature of discharge shall not be greater than 85°F.

Nitrogen (total) shall not exceed 30 mg/l.

Suspended solids shall not exceed 40 mg/l by weight.

Phosphates shall not exceed 30 mg/l.

Phenols shall not exceed 0.2 mg/l.

Coliform organisms shall not exceed 5,000 colonies/100 ml, based on most probable number (MPN) values of this number fecal coliform organisms shall not exceed 1500 colonies/100 ml.

Such items as heavy metals, phenolic compounds, toxic substances and sodium alkyl benzene sulfonate (ABS) shall be kept to as low a value as is consistent with current technological practice representing the highest state of the art and levels consistent with recreational and primary contact water.

Carbon chloroform extract values used to test for herbicides and pesticides shall not exceed 1 mg/l.

Fats and greases shall not exceed 20 mg/l.

The discharge of radioactive materials as listed on Table IX is not permitted.

The discharge of oil or other petroleum products causing a detectable odor, a visible slick or in such quantities to injure and/or kill wildlife or marine animals is not permitted.

(c) Definitions.

(i) B.O.D. An abbreviation for the bio-chemical oxygen demand. This is the amount of oxygen required for the biological decomposition of dissolved organic solids under aerobic conditions and at a standardized time and temperature.

(ii) Coliform Organisms. Microorganisms indicative of human domestic waste.

(iii) Turbidity. The opacity of a liquid caused by suspended solids.

(iv) pH. The hydrogen ion concentration, a measure of the acidity of alkalinity of liquids.

(H) Wetlands Buffer Strip. Where any development borders the Hackensack River or its tributaries, there shall be a 50 foot wide strip of wetland, or as otherwise necessary to insure proper drainage and edge effect, at such border.

8-102 Fees and Escrow Deposits to Insure Compliance with Certain Requirements.

(A) Fees and Escrow Deposit to Insure Compliance with Environmental Performance Standards. Each application for approval of an implementation plan, a zoning certificate, or a certificate of occupancy shall be accompanied by a fee, determined by a fee schedule adopted by the Commission and of public record, which shall be used to defer the cost of Commission staff work for review of the application to determine whether the environmental performance standards can and shall be complied with.

Whenever this review indicates, in the opinion of the Chief Engineer, that the operations or activities to be conducted may violate the applicable performance restrictions, the Chief Engineer shall require the deposit in escrow of not more than \$1500, to be held by the Chief Engineer for a period of one year after the date of issuance of a certificate of occupancy. If during such one-year period the Chief Engineer believes there is a reasonable probability that the applicable environmental performance standards are being violated, he may employ a qualified technician or technicians to perform investigations, measurements, and analysis to determine whether or not the applicable environmental performance standards are, in fact, being violated and may pay his or their reasonable fees out of the aforementioned escrow deposit, regardless of the outcome of the investigation. If the reasonable fees of such technician or technicians exceed the amount of any available escrow deposit, and if a violation of any applicable environmental performance standard is discovered, the fees may be recovered as a penalty in the same

manner as, and in addition to, the penalties specified in §8-901. Escrow deposits or remainders of escrow shall be returned, without interest to the depositors at the expiration of escrow period. If violation of an environmental performance standard is discovered and no escrow deposit is being retained by the Chief Engineer, the fees for technicians to perform investigations, measurements, and analysis to determine whether such violation was taking place may be recovered as a penalty in the same manner as, and in addition to, the penalties specified in §8-109.

(B) Escrow Deposits to Insure Compliance with Conditions.

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.

8-103 Design of Structures; Provision and Design of Other Improvements, including Parking and Loading Facilities and Signs

(A) General Standards of Design of Structures. 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.

(B) Location and Design of Certain Improvements

(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 above-ground lines do not predominate. Where this is not possible, utility lines shall be placed underground, and all utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the surroundings.

(C) Off-Street Parking and Loading 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.

(1) Off-Street Parking.

(a) Utilization. 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.

(b) Design.

(i) Area. A required off-street parking space shall be at least eight feet six inches in width and at least 19 feet in length, exclusive of access drives or aisles, ramps, columns, office or work area.

(ii) Access. 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.

(iii) Surfacing. All open off-street parking area except required parking spaces accessory to a single-family dwelling shall be graded and paved or otherwise improved with an all-weather, dustless material.

(iv) Location. All off-street parking areas shall be conveniently located to the uses they are intended to serve and shall be located so as to maximize safety in entering or leaving the area and neighboring property values. No ditches may be placed near such areas. All area shall be so located and designed to minimize any adverse or detrimental effect on any adjoining lot located in a specially planned area or any adjacent lot located in a planned unit development, or zone created in §§6-103-6-106, and 6-108 - 6-109 and separated from the use only by a street, alley or way.

All parking spaces required to serve buildings or uses shall be located on the same lot as the structure or use served.

Parking and aisles serving such parking are prohibited in any minimum front yard and permitted, unless otherwise provided in any side yard. In the Low Density Residential Zone no such parking spaces shall be located in a required front yard or a required side yard adjacent to a street. Enclosed buildings and carports containing off-street parking shall be subject to the yard requirements applicable in the zone in which located.

(v) Screening and Landscaping. All open off-street parking areas containing more than six parking spaces shall be effectively screened by a fence or densely planted compact evergreen hedge not less than six feet nor more than eight feet in height in all specially planned areas; planned unit development; in all zones where such parking adjoins any property situated in a residential district by a wall; and where otherwise needed to insure privacy for residential areas. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge. Spaces shall be installed between rows of stalls, and trees, flowers, and shrubbery shall be grown therein and maintained.

(vi) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

(vii) Additional Standards. Off-street parking spaces shall comply with such design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the Development Board. Off-street parking spaces may be open to the sky, unless otherwise provided, or enclosed in a building.

(c) Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in connection with any off-street parking facilities.

(d) Required Spaces. Off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

(i) Dwelling and Lodging Uses.

Hotels and motels: One parking space for each rental unit, plus such spaces as are required for restaurants, assembly rooms and affiliated facilities.

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

Multiple-family dwellings: At least one and one-half parking spaces for each dwelling unit.

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% or four spaces, whichever number is greater.

(ii) Business, Commercial, and Manufacturing Uses.

All business and commercial establishments, except those specified hereafter: At least one parking space for each 300 square feet of floor area.

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

Automobile service stations: At least two parking spaces for each service bay, plus one for each employee, but not less than five parking spaces.

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.

Office, professional and public administration or service buildings: At least one parking space for each 400 square feet of floor area.

Cartage, express, parcel delivery and freight terminal establishments: 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, and one parking space for each vehicle maintained on the premises.

Establishments handling the sale and consumption on the premises of food, beverages, and refreshments: At least one parking space for each three persons 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 ten parking spaces.

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.

Manufacturing, production, processing, assembly dis-assembly, 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, and at least one parking space for every 1000 square feet, whichever is greater. Warehouses, storage and wholesale establishments, one parking space for every 1500 square feet.

Automobile laundries: At least four parking spaces for each stall in a self-service establishment, and at least three parking spaces for each 20 linear feet in attendant operated establishments.

Theatres and auditoriums: At least one parking space for each four seats.

(iii) Other Uses. Secondary schools, public or private: At least two parking spaces for each three faculty members and one 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.

Primary and intermediate schools, nursery schools, and group day care centers, public or private: At least one parking space for each three faculty members and other full-time employees.

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.

Nursing and convalescent homes: One parking space for each two patients, based on the designed maximum capacity, plus one parking space for each two employees or staff members.

Churches and tempels: At least one parking space for each eight seats in the main place of worship.

Private clubs and lodges: At least one parking space for each three persons, based on the maximum number of that can be accomodated at the same time in accordance with designed capacity.

Swimming pools and clubs: At least one parking space for each 38 square feet of water area.

Gymnasiums and other places of assembly with fixed seats: At least one parking space for each four seats.

Gymnasiums and other places of assembly without fixed seats: At least one parking space for each three persons, based upon the designed maximum capacity.

(iv) Parking spaces for other permitted or special 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.

(v) Collective Provisions. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so furnished is not less than the sum of the separate requirements for each such use, and provided that all regulations covering the location of accessory parking spaces in relation to the use served are adhered to.

(vi) Computation. When determination of the number of off-street parking spaces required by these regulations results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.

(2) Off-Street Loading.

(a) Utilization. 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.

(b) Design.

(i) Area. Unless otherwise specified, a required off-street loading space or berth shall be 10 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.

(ii) Access. Each required off-street loading space or berth shall be designated with appropriate means of vehicular access to a street, highway or alley in a manner which will least interfere with traffic movement.

(iii) Surfacing. 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.

(iv) Location and Screening. 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, or zone created by §§6-103 - 6-106 and 6-108 - 6-109 and shall be otherwise screened to insure privacy or protect property values.

In the zones, all required loading spaces or berths shall be located on the same lot as the use served; no loading space or berth shall be located in a front yard, and, where prohibited, in a side 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.

(v) Lighting. Any lighting uses 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.

(vi) Additional Standards. On-site loading facilities shall comply with such other design standards as may be established from time to time by the Development Board. On-site loading facilities may be open to the sky or enclosed in a building, unless otherwise provided.

(c) Repair and service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any on-site loading facilities.

(e) On-site loading berth requirements.

(i) 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.

(ii) 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 or alleys. Such space shall include the following minimum loading spaces.

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.

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.

For all other uses in the Waterfront Recreation, Office-Highway Commercial, and Service-Highway Commercial Zones, for all nonresidential and nonindustrial uses in all public 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' x 25')
10 - 25	2 - (10' x 25' each)
25 - 40	2 - (10' x 60' each)
40 - 100	3 - (10' x 60' each)

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.

For all uses in the Research-Office Park, Research-Office 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' x 25')
10 - 40	1 - (10' x 60')
40 - 100	1 - (10' x 60' each)

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.

(iii) Minimum facilities. 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, from any adjacent alley, service drive, or open space on the same lot.

(D) Signs. No sign, unless exempt under subsection (4) hereof, shall hereafter be constructed or erected, and no existing sign shall be moved, remodeled, or expanded unless such sign complies, or with thereafter comply, with the following regulations.

(1) Sign Permits. No sign, except for signs listed in subsection (4)(b) herein shall be constructed, erected, moved, remodeled, or expanded until a zoning certificate for such sign has been obtained or unless part of an approved implementation plan. No zoning certificate for any sign shall be issued unless the sign complies with the regulations set forth herein.

(2) Classification of Signs.

(a) Functional types.

(i) Advertising signs. 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 Signs. 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. Such sign may also present a greeting or similar message.

(iii) Business Signs. 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 Signs. A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.

(v) Identification Sign. 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 Signs. 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 Signs. 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.

(b) Structural types.

(i) Awning, Canopy and Marquee Sign. A sign is 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 Sign. Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property. Signs on accessory structures shall be considered ground signs.

(iii) Pole Sign. A 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 Sign. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

(v) Wall Sign. A 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 Sign. A sign that is fastened to or painted on the roof of a building or structure.

(3) General Standards.

(a) Gross surface area of sign. The entire area within a single, continuous perimeter enclosing the extreme limits with such sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements lying outside the limits of such sign and which do not form an integral part of the display. The gross area of a sign shall be measured on only one side of such sign unless both sides thereof are utilized as a sign. When two or more signs are located on a lot, the gross surface area of all signs on the lot shall not exceed the maximum gross surface per street frontage set by the applicable district regulations, except as is provided by subsection (3)(e). For computing the area of any wall sign which consists of letters mounted on a wall, the areas shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.

(b) Height of sign. Sign height shall be measured from ground level at the base of or below the sign to the highest element of the sign.

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(c) Illuminated signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residence district or upon any public street or park. Any illuminated sign located on a lot adjacent to or across the street from any residence district, which sign is visible from such residence district, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.

(d) Flashing or moving signs. 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.

(e) Corner and through lots. On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and through lots restrictions that are phrased in terms of "signs per zoning lot" shall be deemed to permit the allowable number of signs facing each street or highway that abuts the lot.

(f) Traffic safety. 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.

(4) Exemptions.

(a) The following signs shall be exempt from the requirements of this subsection.

(i) Flags or emblems of a government or of a political, civic, philanthropic, education or religious organization, displayed on private property.

(ii) 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, etc.

(iii) Memorial signs and tablets displayed on private property.

(iv) 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 regulation.

(v) 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 and the like.

(b) The following signs are exempt from the zoning certificate requirement of subsection (1) herein, but shall comply with all of the other regulations imposed by this subsection.

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

(ii) Identification signs not exceeding 20 square feet in gross surface and accessory to a multiple-family dwelling.

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

(5) Marshland Preservation, Park and Recreation and Special Uses.

Signs Permitted.

None.

(6) Low Density Residential Zone

Functional Types Permitted

(a) One sign per lot of any one of the following functional types shall be permitted.

(i) Nameplate signs having a maximum gross surface area of two square feet.

(ii) Identification and bulletin board signs having a maximum gross surface area of 20 square feet.

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(iii) Real estate signs having a maximum gross surface area of six square feet per dwelling unit, but not to exceed 100 square feet.

(iv) Construction signs having a maximum gross surface area of 60 feet.

(b) Structural types permitted. Ground signs, pole signs and wall signs.

(c) Maximum Height. 15 feet

(d) Required Setback 15 feet

(e) Illumination. No sign shall be illuminated except bulletin board signs may be indirectly illuminated.

(7) Waterfront Recreation Zone, the PRs and the IRs.

(a) Functional types permitted. Any type listed in subsection (2) (a), except advertising signs.

(b) Structural types permitted. Any type listed in subsection (2) (b), except projecting and roof signs.

(c) Number of signs permitted. One per lot.

(d) Maximum gross surface area. One square foot for each lineal foot of street frontage.

(e) Maximum height.

(i) Ground and Pole Signs: 15 feet

(ii) Wall Signs: Not to exceed height of structure.

(f) Required Setback: 15 feet

(g) Illumination. Illuminated signs shall be permitted.

(8) The Highway Commercial, Research Park and Research-Distribution Park Zones, BCC, the TCs.

(a) Functional types permitted. Any type listed in subsection (2) (a), excepting advertising signs.

(b) Structural types permitted. Any type listed in subsection (2)(b), except projecting signs.

(c) Number of signs permitted. Two per zoning lot.

(d) Maximum gross surface area. One square foot for each lineal foot of street frontage.

(e) Maximum height.

(i) Ground and pole signs: 30 feet.

(ii) Roof signs: 15 feet above the highest point of the structure on which such sign is located.

(iii) Wall signs: No maximum limitation

(f) Required setback: 15 feet.

(g) Illumination: Illuminated signs shall be permitted.

(9) Service Highway Commercial.

(a) Functional types permitted. Any type listed in subsection (2)(a).

(b) Structural types permitted. Any type listed in subsection (2)(b).

(c) Number of signs permitted. No limitation.

(d) Maximum gross surface area. Three square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of 300 square feet.

(e) Maximum height. 30 feet above highest point of principal structure or 50 feet above ground level, whichever is less.

(f) Required setback. 15 feet, except that any sign that exceeds 200 square feet in gross surface area shall maintain the same setback that is required for principal structures.

(g) Illumination. Illuminated signs shall be permitted.

(10) Light Industrial and Distribution Zones A and B.

(a) Functional types permitted. Any type listed in subsection (2)(a).

(b) Structural types permitted. Any type listed in subsection (2)(b).

(c) Number of signs permitted. Two per lot.

(d) Maximum gross surface area. One square foot for each one foot of lineal street frontage, provided no single sign shall exceed a gross surface area of 250 square feet.

(e) Maximum height. 30 feet.

(f) Required setback. 10 feet.

(g) Illumination. Illuminated signs shall be permitted.

(11) Heavy Industrial, Airport Facilities and Public Utility Zones.

(a) Functional types permitted. Any type listed in subsection (2)(a).

(b) Structural types permitted. Any type listed in subsection (2)(b).

(c) Number of signs permitted. Two per lot.

(d) Maximum gross surface area. 10 square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of 400 square feet.

(e) Maximum height.

(i) Roof and wall signs: 30 feet above the highest point of the structure on which such sign is located.

(ii) All other signs: 30 feet.

(f) Required setback. 10 feet.

(g) Illumination. Illuminated signs shall be permitted.

8-104 Appointment and Operation of Environmental Design Committee

(A) Appointment. The Commission shall appoint at least seven residents of the State of New Jersey as members of the Environmental Design Committee. Each member shall serve for seven years and may be reappointed. The original appointees shall be given terms of one, two, three, four, five, six and seven years respectively, so that one term expires every year. The members shall be professionals in design or environmental matters and qualified to make judgements about the quality of design of layout, structures, and open space.

(B) Operation.

(1) 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.

(2) In the Special Planning 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 Environmental 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 Architectural Design Committee, and upon its own review of the design plans.

8-105 Landmark Preservation

(A) Designation of Landmarks. The Commission may, after public hearing called and held in accordance with §8-107, designate any structure, use, or unique physical feature within the Hackensack Meadowlands District a landmark, is such use:

(1) Served an important or unique role in the history of the Hackensack Meadowlands District or region;

(2) Has architectural features which, because of the quality of design, the excellence of craftsmanship, the expression of an architectural style, the manner in which they reveal important engineering and construction techniques, or otherwise warrant preservation; or

(3) Is otherwise important as a landmark.

(B) Consequences of Landmark Designation. Any structure, use or unique physical feature designated a landmark shall, upon commencement, re-occupancy, change in use or occupancy, or remodeling, be restored so as to reflect the reasons it was declared a landmark, and shall be preserved in such state. It shall be used as appropriate for its history, nature and location.

No landmark shall be moved, reconstructed enlarged or altered, unless the Commission finds such moving, enlarging or alteration to be consistent with the reasons for which the structure use, or unique physical feature was designated a landmark. No landmark may be demolished or removed unless the Commission finds that it could not be used for any profitable purpose consistent with its status.

8-106 Additional Procedural Rules.

The Development Board may make written rules regarding general procedure and form of applications, provided that they are not inconsistent herewith. Such rules shall be filed with the Office of the Chief Engineer and shall be of public record.

8-107 Public Hearing

(A) Form of Hearing; Notice. Within a reasonable time after the filing of a complete general plan, a public hearing on such plan shall be held by the Development Board, within a reasonable time

after the filing of a complete application for a special exception or variance, a public hearing on such application, if required, shall be held by the Executive Director or his designee, who shall serve as the hearing officer.

(1) Notice. At least 10 days in advance of public hearing, the applicant, upon instruction of the Development Board or hearing officer, whichever is holding the hearing, shall publish notice of hearing in a newspaper of general circulation and shall give notice personally, or by certified mail, return receipt requested, to the following:

(a) owners of property within 200 feet of the subject property as shown on the most recent tax list of the municipality in which the subject property is situated;

(b) if a specially planned area or planned unit development, owners of any land within 500 feet of the planned unit development, as shown on the most recent tax map of the municipality in which the subject property is situated;

(c) the appropriate officials of the constituent municipality or municipalities within which the specially planned area, planned unit development, or application for variance or special exception is located, or which are within 500 feet of the specially planned area, planned development, or application for variance or special exception is filed, is located; or

(d) any other person, agency, or organization that has filed a request to receive notice of hearings, specifying the type of hearing and project;

The applicant shall present to the Development Board or Hearing Officer, whichever is holding the hearing, information sufficient to show that the requirements of this section have been met.

(2) Contents of Notice. The notice shall:

(a) give the time and place of hearing;

(b) contain a statement describing the subject matter of the hearing; and

(c) specify where and how additional information can be obtained.

(3) Appearance; Parties. A written statement giving the

name and address of the person making the appearance, signed by him, by his agent or by his attorney, and filed with the Development Board or hearing officer, whichever is holding the hearing, constitutes an appearance of record. The parties to a hearing shall be any of the following persons, agencies or organizations who has entered any appearance of record either prior to commencement of the public hearing or when permitted by the Development Board or hearing officer, whichever is holding the hearing.

(a) Any person, agency, or organization entitled to individual notice under §8-107(A)(1)(a) - (b); and

(b) Any person, agency, or organization who satisfied the Development Board or hearing officer, whichever is holding the hearing, that he has a significant interest in the subject matter of the hearing.

(4) Filing of Report by Commission Staff. Reports on the applications for special exceptions, variances or general plan may be prepared by the Commission Staff and filed with the Office of the Chief Engineer, where they shall be of public record, not less than one week before the public hearing.

(5) Hearings. The Development Board or hearing officer, whichever is holding the hearing, may administer oaths and compel the attendance of witnesses and of relevant papers requested by a party. A representative of the Hackensack Meadowlands Municipal Committee shall be invited to participate in such hearings.

All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to present evidence and to examine and to cross-examine witnesses on all relevant issues, but the Development Board or hearing officer whichever is holding the hearing, may impose reasonable limitations on the number of witnesses heard, and on the nature and length of their testimony and cross-examination. The Development Board or hearing officer, whichever is holding the hearing, may call witnesses. At least one member of the Commission's staff and more if the Development Board or hearing officer, whichever is holding the hearing, deems it necessary, may be required to testify at the hearing on their respective reports.

(B) Record of Hearing. A transcript of the hearing shall be caused to be made by the Development Board or hearing officer, whichever is holding the hearing, costs of which shall be born by the applicant, and all exhibits accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. The transcript of the hearings shall be filed with the Office of the Chief Engineer and shall be of public record.

(C) Continuation of Hearing. The Development Board or hearing officer, whichever is holding the hearing, may continue the hearing from time to time, and he may refer the matter back to the staff of the Commission for a further report, a copy of which shall be filed with the Office of the Chief Engineer where it shall be of record without delay, provided, however, that in any event, the public hearing or hearings shall be concluded within six weeks from the date of the first public hearing, unless the applicant shall consent in writing to an extension of time within which the hearing shall be concluded.

8-108 Nonconformities

(a) Nonconforming lots of record in zones. In any zone, notwithstanding the regulations imposed by any other provision of these regulations, a building designed for any permitted use may be erected on a lot that is not less than 25 feet in width and that consists entirely of a tract of land that:

(1) Has less than the prescribed minimum lot area, width or depth, or all three, and

(2) Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulation, and

(3) Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by applicable zoning regulations.

Construction shall comply with all of the regulations (except lot area, width and depth) applicable in the zone in which the lot in question is located, provided, however, that the width of any side yard need not be greater than that derived by applying the following formula (wherein the width of each side yard required = X):

$$\frac{X}{\text{Actual lot width}} = \frac{\text{Minimum side yard required by zone regulations}}{\text{Minimum lot width required by zone regulations}}$$

But in no case shall any side yard be less than 10 feet, provided, however, that any side yard for a single family dwelling shall not be less than 6 feet.

(1) Authority to continue. Any structure in a zone which is devoted to a use which is permitted in the zone in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements or so as not to comply with the applicable bulk regulations, and any structure in a specially planned

area or planned unit development which has not been made part of an approved implementation plan, may be continued so long as it remains otherwise lawful, subject to the limitations of subsection (2) herein.

(2) Limitations.

(a) Maintenance, repair, remodeling. Any such structures may be maintained, repaired or remodeled; provided, however, that no such maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that, in zones, as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be determined by the applicable subsection of (A) herein.

(b) Damage or destruction. In the event that any such structure is substantially damaged or destroyed, by any means, such structure shall not be restored unless it shall thereafter conform to the regulations for the zone in which it is located; or would be consistent with the approved implementation plan covering the section in which it is located; provided that, in zones, structures located on a lot that does not comply with the applicable lot size requirements shall not in any event be required to provide a side yard that exceeds the yard requirements in subsection (A) herein.

(c) Moving. No such structure shall be moved in whole or in part for any distance whatever, to any other location or the same or any other lot unless the entire structure and use shall thereafter conform to the regulations for the zone in which it is located after being moved, or would be consistent with the approved implementation plan covering the section in which it is located.

(C) Nonconforming uses.

(1) Unlawful nonconforming uses. No structure or use which was not lawfully existing at the time of the adoption of these Regulations shall become or be made lawful solely by reason of the adoption of these Regulations and to the extent that, and in any respect that said unlawful structure or use is in conflict with the requirements of these Regulations, said structure or use remains unlawful hereunder and shall be discontinued.

(2) Lawful nonconforming uses.

(a) Definition; authority to continue. Any use of part or all of a structure or any use of land, not involving a

structure or only involving a structure which is accessory to such use of land, lawfully nonconforming under the zoning regulations applicable just prior to the adoption of these regulations or lawfully conforming under such zoning regulations but, in the zones, not conforming with all the applicable requirements of these regulations (including the environmental performance standards), and, in the specially planned areas or planned unit developments, not made part of an approved implementation plan, may be continued, if otherwise lawful, subject to the following limitations.

(b) Limitations on continued use.

(i) Ordinary repair and maintenance. Normal maintenance and incidental repair, installation, or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a lawful nonconforming use; provided, however, that this provisions shall not be deemed to authorize any violation of subsections (ii) through (vii) herein. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition (where such restoration will not be in violation of subsection (v) herein).

(ii) Remodeling. No structure that is devoted in whole or in part to a nonconforming use shall be remodeled unless the entire structure and use thereof shall thereafter conform to all regulations of the zone in which it is located or be consistent with the implementation plan covering the section within which it is located.

(iii) Extension. A nonconfirming use shall not be extended, expanded, enlarged, or increased in intensity, or otherwise altered so as to increase the degree of non-conformity.

(iv) Enlargement. No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the zone in which it is located or be consistent with the implementation plan covering the section within which it is located.

(v) Damage or destruction. In the event that any structure that is devoted in whole or in part to a nonconforming use is substantially damaged or destroyed, by any means, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zone in which it is located or be consistent with the implementation plan covering the section within which it is located. When partial damage or destruction occurs, no repairs or restoration shall be made unless a zoning certificate is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

(vi) Moving. No structure that is devoted in whole or in part to a nonconforming use shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zone in which it is located after being so moved or be consistent with the implementation plan covering the section within which it will be located. No nonconforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zone in which it is located after being so moved or be consistent with the implementation plan covering the section within which it will be located.

(vii) Change in use. A nonconforming use shall not be changed to any use other than a use permitted in the zone in which the use is located or other than one consistent with the implementation plan under which the section or subsection of the specially planned area within which it is located was developed. When a nonconforming use has been changed to any permitted or consistent use, it shall not thereafter be changed back to a nonconforming use.

(viii) Abandonment or discontinuance. When a nonconforming use of land or a structure is discontinued or abandoned, any subsequent use or occupancy of the land or structure shall comply with all regulations of the zone in which such land or structure is located or be consistent with the implementation plan under which the section or subsection of the specially planned area within which it is located was developed.

(viii) Nonconforming accessory uses. No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

(ix) Nonconforming residence uses. Notwithstanding the provisions of subsections (iii)-(vi), any structure which is devoted to a residential use in any district may be remodeled, extended, expanded and enlarged; provided that after any such remodeling, extension, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

(D) Status of Special Exceptions in Zones

(1) Existing special exceptions. Where a use exists at the effective date of these Regulations and is permitted by these Regulations only as a special exception in the zone in which it is located, such use shall not be deemed to be a nonconforming use if it complies with applicable use limitations and other regulations, but shall, without further action, be deemed a lawful conforming use in such zone.

(2) Future special exceptions. Any use for which a special use permit shall be issued as provided in Section 6-302 shall not be deemed to be a nonconforming use, but shall without further action be deemed a lawful conforming use.

8-109 Fees, Penalties and Enforcement

(A) Fees. Any application for a zoning certificate, occupancy certificate, variance, special exception permit, amendment, or accompanying a general, development, or implementation plan, or the filing of a notice of appeal shall be accompanied by such fee as shall be specified from time to time by resolution of the Commission.

(B) Penalties. A person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of these Regulations shall be fined not less than one hundred dollars (\$100) or more than two hundred dollars (\$200). Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense.

(C) Enforcement

(1) General injunctive relief. The Hackensack Meadowlands Development Commission may in the case of any violation or threat of violation of any provision of these Regulations institute civil action:

(a) For injunctive relief;

(b) To prevent unlawful sale, enlarging, moving, rental, construction, reconstruction, alterations, repair, conversion, maintenance, use, or occupancy;

(c) To restrain, correct, or abate any violation;

(d) To prevent the occupancy of any dwelling structure or land; or

(e) To prevent any illegal act, conduct, business or use in or about any premises.

(2) Enforcement of environmental performance standards.

(a) Whenever, in the opinion of the Office of the Chief Engineer, there is a reasonable probability that any use or occupancy violates any environmental performance standard, it is hereby empowered to employ a qualified technician or technicians to perform investigations, measurements and analyses to determine whether or not said standards are in fact being violated. In the event that a violation is found to exist, the violator shall be liable for the reasonable fees of the technicians employed to perform such investigations, measurements, and analyses. Such fees may be recovered as a penalty in the same manner as, and in addition to, the penalties specified in subsection (b) herein.

(b) If a complaint is received regarding an alleged violation of any of the environmental performance standards, and the Office of the Chief Engineer does not believe that there is a reasonable probability that such a violation actually exists, the Chief Engineer may, as a condition precedent to further investigation, require that the complainant post an escrow deposit in the amount of two hundred dollars (\$200) to defray the cost of employing a qualified technician or technicians to perform such investigations, measurements, and analyses as may be necessary to determine whether or not such violation exists. In the event that the complaint is substantiated, the escrow deposit shall be refunded to the depositor, and the reasonable fees incurred in retaining the qualified technician or technicians shall be recovered in the manner provided in subsection (a) herein. In the event that the complaint proves unfounded, such fees shall be paid from the complainant's escrow deposit. Any remainder of such deposit shall be refunded to the complainant upon completion of an investigation.

8-110 Appeals

(A) Authorization. An appeal from an adverse decision of the Office of the Chief Engineer or the Executive Director, pursuant to this Resolution, may be taken to the Commission or Committee thereof, consisting of at least three members, by any party, or by any body adversely affected by such decision.

(B) Time for Appeals. Appeals shall be taken within thirty (30) days after the date of the 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 all of the papers constituting the record upon which the decision being appealed was based.

(C) Stay of Proceedings. 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, 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 case 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 and on due cause shown.

(D) Hearing and Notice. The Commission may decide the appeal on the basis of the record before it or on the basis of the record and oral argument between the parties or the record and public hearing before the Commission or a panel thereof consisting of at least three members of the Commission at a reasonable time and place.

Any party may appear and be heard at the hearing in person, by agent, or by attorney.

All those entitled to receive notice and any other person satisfying the Commission that he has a sufficient interest in the subject matter of the hearing shall be considered parties.

(E) Decision on Appeals. The Commission may dismiss summarily frivolous or premature appeals.

The Commission may affirm or reverse, wholly or partly, or may modify the adverse decision appealed from and may make such determination as need be made, and to that end shall have all the powers of the Chief Engineer and Executive Director and may issue or direct the issuance

of a zoning certificate, certificate of occupancy, public order, or may direct the Chief Engineer or Executive Director to take what action is necessary to effect the decision of the Commission. The concurring vote of a majority of the Commission or a majority of a panel thereof shall be necessary to reverse a written decision of the Chief Engineer. The Commission shall render a written decision on the appeal without unreasonable delay after the close of a hearing, and in all cases, within sixty (60) days after the close of the hearing.

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

8-111 Commission Review of Development Board Actions.

(A) Commission Review of Development Board Actions. Immediately after approving; or approving with conditions, or disapproving, general, development and implementation plans, 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.

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.

8-112 Amendments

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.

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION
ZONING REGULATIONS
ADDENDUM SHEET

p VI-8 add:

(I) Wetlands Buffer Strip

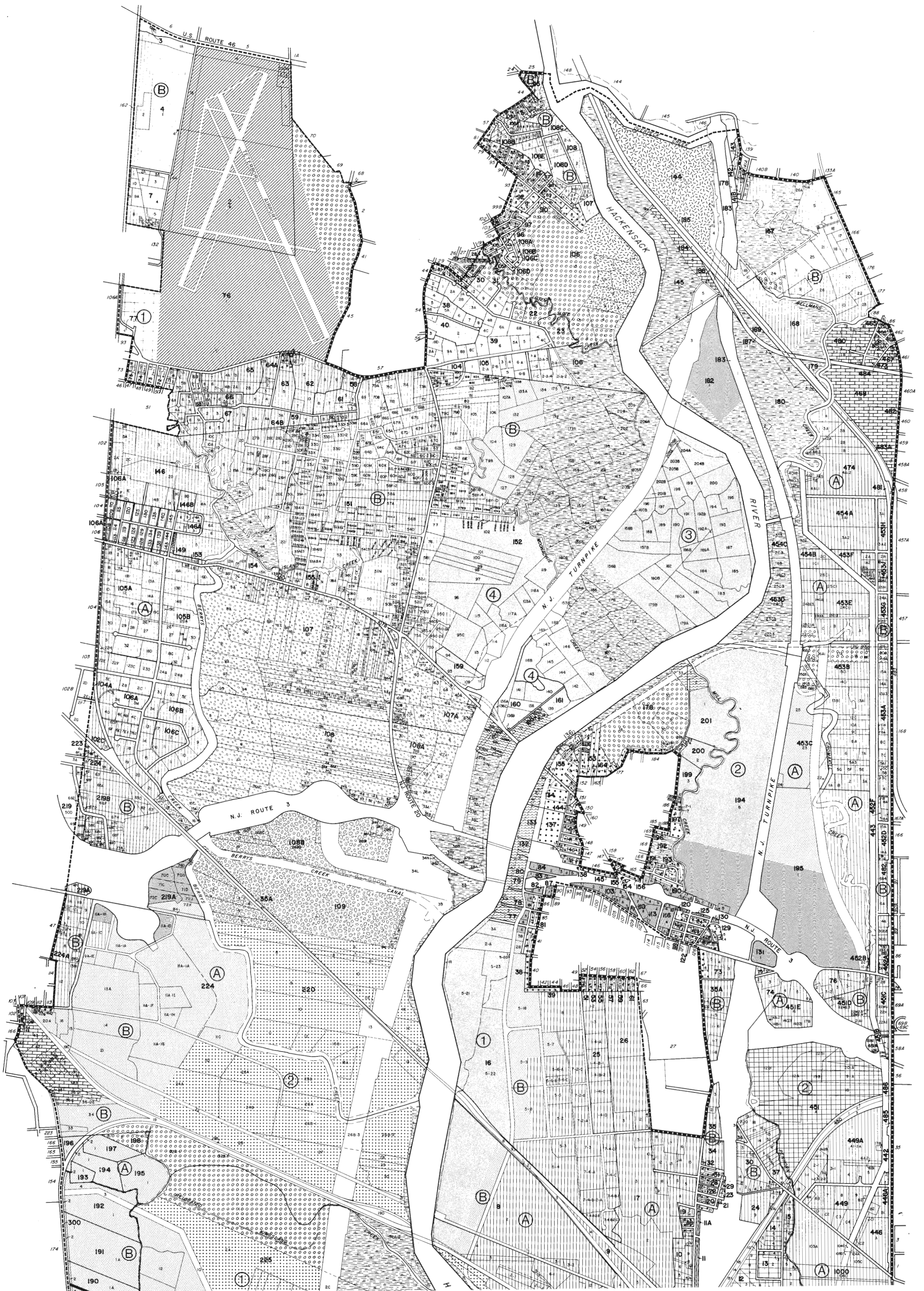
Where any development borders the Hackensack River or any of its tributaries there shall be a 50 foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

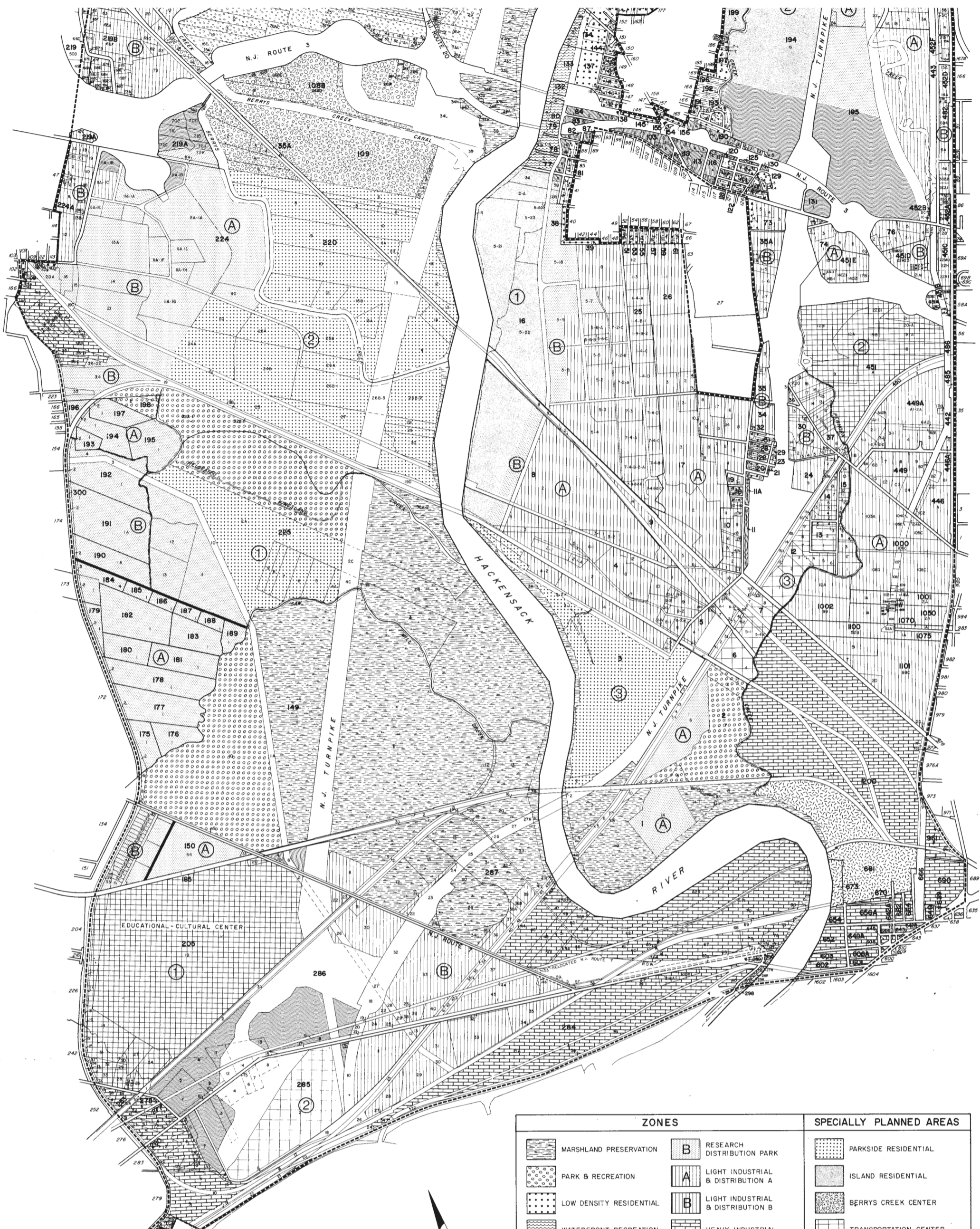
p VI-16 add:

(J) Wetlands Buffer Strip

Where any development borders the Hackensack River or any of its tributaries there shall be a 50 foot wide strip of wetland necessary to insure proper drainage and edge effect at such border.

HACKENSACK MEADOWLANDS DISTRICT OFFICIAL ZONING MAP





1000 500 0 1000 2000 3000
SCALE IN FEET

STATE OF NEW JERSEY
HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION
PROPOSED DECEMBER 28, 1971
REVISED AND ADOPTED NOVEMBER 1, 1972

ZONES		SPECIALLY PLANNED AREAS	
	MARSHLAND PRESERVATION		PARKSIDE RESIDENTIAL
	PARK & RECREATION		ISLAND RESIDENTIAL
	LOW DENSITY RESIDENTIAL		BERRYS CREEK CENTER
	WATERFRONT RECREATION		TRANSPORTATION CENTER
	HIGHWAY COMMERCIAL		SPECIAL USE
	SERVICE HIGHWAY COMMERCIAL		
	RESEARCH PARK		
	RESEARCH DISTRIBUTION PARK		
	LIGHT INDUSTRIAL & DISTRIBUTION A		
	LIGHT INDUSTRIAL & DISTRIBUTION B		
	HEAVY INDUSTRIAL		
	PUBLIC UTILITIES		
	AIRPORT FACILITIES		
	SPORTS COMPLEX		
		RIGHT OF WAYS	
			WATERWAYS
			ROADS, RAILROADS, TRANSMISSION LINES, ETC.

----- DISTRICT BOUNDARY