

**CHAPTER 4**

**DISTRICT ZONING REGULATIONS**

**Authority**

N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i).

**Source and Effective Date**

R.2004 d.76, effective February 17, 2004  
See: 35 N.J.R. 4458(a), 36 N.J.R. 1033(a).

**Chapter Expiration Date**

Chapter 4, District Zoning Regulations, expires on February 17, 2009.

**Chapter Historical Note**

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

Chapter 4, District Zoning Regulations, was replaced by new District Zoning Regulations as R.1972 d.221, effective November 9, 1972. See: 4 N.J.R. 13(c), 4 N.J.R. 311(c).

Pursuant to Executive Order No. 66(1978), Subchapter 6, General Provisions, expired on October 5, 1983, and was subsequently adopted as new rules by R.1983 d.507, effective November 7, 1983. See: 15 N.J.R. 1506(b), 15 N.J.R. 1873(b).

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

Public Notice: Routine program implementation. See: 25 N.J.R. 1010(a).

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

Pursuant to Executive Order No. 66(1978), Chapter 4, District Zoning Regulations, was readopted as R.1998 d.77, effective January 5, 1998. See: 29 N.J.R. 3704(a), 30 N.J.R. 566(a).

Chapter 4, District Zoning Regulations, was readopted as R.2003 d.9, effective December 9, 2002. See: See: 34 N.J.R. 2539(a), 35 N.J.R. 258(a).

Chapter 4, District Zoning Regulations, was repealed and adopted as New Rules by R.2004 d.76, effective February 17, 2004. See: Source and Effective Date.

**Law Review and Journal Commentaries**

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

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. INTENT AND PURPOSE OF DISTRICT ZONING REGULATIONS**

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

**SUBCHAPTER 2. INTENT, WORD USAGE AND DEFINITIONS**

- 19:4-2.1 Intent and word usage
- 19:4-2.2 Definitions

**SUBCHAPTER 3. APPLICATION OF REGULATIONS**

- 19:4-3.1 Application of District zoning regulations
- 19:4-3.2 Exemptions
- 19:4-3.3 Official zoning map
- 19:4-3.4 Designation of zones
- 19:4-3.5 Interpretation of boundaries
- 19:4-3.6 Zoning of public ways, waterways, and railroad rights-of-way
- 19:4-3.7 Coastal zone management
- 19:4-3.8 Affordable housing
- 19:4-3.9 Redevelopment areas
- 19:4-3.10 Land containing sanitary landfill
- 19:4-3.11 Permitted uses
- 19:4-3.12 Special exceptions
- 19:4-3.13 Prohibited uses
- 19:4-3.14 Temporary uses and structures
- 19:4-3.15 Number of structures on a lot
- 19:4-3.16 Frontage
- 19:4-3.17 Bulk regulations
- 19:4-3.18 Yards
- 19:4-3.19 Yard designation
- 19:4-3.20 Height of buildings and structures
- 19:4-3.21 Allocation of required lot area, open space, off-street parking and loading spaces
- 19:4-3.22 Zoning lot of record
- 19:4-3.23 Easements
- 19:4-3.24 Open space

**SUBCHAPTER 4. ADMINISTRATION**

- 19:4-4.1 Purpose
- 19:4-4.2 Zoning certificates
- 19:4-4.3 Application for zoning certificate; administrative completeness
- 19:4-4.4 Application for zoning certificate; technical requirements
- 19:4-4.5 Review and approval of application for zoning certificate
- 19:4-4.6 Period of validity
- 19:4-4.7 Certificate of completion
- 19:4-4.8 Occupancy certification
- 19:4-4.9 Application for occupancy certification; administrative completeness
- 19:4-4.10 Application for occupancy certification; technical completeness
- 19:4-4.11 Pre-application conference
- 19:4-4.12 Interpretation
- 19:4-4.13 Special exception uses
- 19:4-4.14 Variances
- 19:4-4.15 Commission review of special exception and variance approvals
- 19:4-4.16 Notice of public hearings
- 19:4-4.17 Public hearings
- 19:4-4.18 Failure to act
- 19:4-4.19 Appeals
- 19:4-4.20 Fees and escrow deposits
- 19:4-4.21 Penalties and enforcement
- 19:4-4.22 Severability

**SUBCHAPTER 5. DISTRICTS, USES AND STANDARDS**

- 19:4-5.1 Establishment of zones
- 19:4-5.2 General provisions
- 19:4-5.3 General use limitations
- 19:4-5.4 Accessory uses
- 19:4-5.5 Marinas
- 19:4-5.6 Office trailers
- 19:4-5.7 Outdoor seating areas
- 19:4-5.8 Environmental Conservation zone; purposes

- 19:4-5.9 Environmental Conservation zone; permitted uses  
 19:4-5.10 Environmental Conservation zone; special exception uses  
 19:4-5.11 Environmental Conservation zone; use limitations  
 19:4-5.12 Environmental Conservation zone; performance standards  
 19:4-5.13 Parks and Recreation zone; purposes  
 19:4-5.14 Parks and Recreation zone; permitted uses  
 19:4-5.15 Parks and Recreation zone; special exception uses  
 19:4-5.16 Parks and Recreation zone; use limitations  
 19:4-5.17 Parks and Recreation zone; performance standards  
 19:4-5.18 Waterfront Recreation zone; purposes  
 19:4-5.19 Waterfront Recreation zone; permitted uses and marina requirements  
 19:4-5.20 Waterfront Recreation zone; special exception uses  
 19:4-5.21 Waterfront Recreation zone; use limitations  
 19:4-5.22 Waterfront Recreation zone; lot size requirements  
 19:4-5.23 Waterfront Recreation zone; bulk regulations  
 19:4-5.24 Waterfront Recreation zone; performance standards  
 19:4-5.25 Low Density Residential zone; purposes  
 19:4-5.26 Low Density Residential zone; permitted uses  
 19:4-5.27 Low Density Residential zone; special exception uses  
 19:4-5.28 Low Density Residential zone; lot size requirements  
 19:4-5.29 Low Density Residential zone; bulk regulations  
 19:4-5.30 Low Density Residential zone; access to land in other zones  
 19:4-5.31 Low Density Residential zone; performance standards  
 19:4-5.32 Planned Residential zone; purposes  
 19:4-5.33 Planned Residential zone; permitted uses  
 19:4-5.34 Planned Residential zone; special exception uses  
 19:4-5.35 Planned Residential zone; lot size requirements  
 19:4-5.36 Planned Residential zone; bulk regulations  
 19:4-5.37 Planned Residential zone; performance standards  
 19:4-5.38 Neighborhood Commercial zone; purposes  
 19:4-5.39 Neighborhood Commercial zone; permitted uses  
 19:4-5.40 Neighborhood Commercial zone; special exception uses  
 19:4-5.41 Neighborhood Commercial zone; use limitations  
 19:4-5.42 Neighborhood Commercial zone; lot size requirements  
 19:4-5.43 Neighborhood Commercial zone; bulk regulations  
 19:4-5.44 Neighborhood Commercial zone; performance standards  
 19:4-5.45 Commercial Park zone; purposes  
 19:4-5.46 Commercial Park zone; permitted uses  
 19:4-5.47 Commercial Park zone; special exception uses  
 19:4-5.48 Commercial Park zone; lot size requirements  
 19:4-5.49 Commercial Park zone; bulk regulations  
 19:4-5.50 Commercial Park zone; performance standards  
 19:4-5.51 Regional Commercial zone; purposes  
 19:4-5.52 Regional Commercial zone; permitted uses  
 19:4-5.53 Regional Commercial zone; special exception uses  
 19:4-5.54 Regional Commercial zone; use limitations  
 19:4-5.55 Regional Commercial zone; lot size requirements  
 19:4-5.56 Regional Commercial zone; bulk regulations  
 19:4-5.57 Regional Commercial zone; performance standards  
 19:4-5.58 Highway Commercial zone; purposes  
 19:4-5.59 Highway Commercial zone; permitted uses  
 19:4-5.60 Highway Commercial zone; special exception uses  
 19:4-5.61 Highway Commercial zone; use limitations  
 19:4-5.62 Highway Commercial zone; lot size requirements  
 19:4-5.63 Highway Commercial zone; bulk regulations  
 19:4-5.64 Highway Commercial zone; performance standards  
 19:4-5.65 Aviation Facilities zone; purposes  
 19:4-5.66 Aviation Facilities zone; land exemptions  
 19:4-5.67 Aviation Facilities zone; permitted uses  
 19:4-5.68 Aviation Facilities zone; special exception uses  
 19:4-5.69 Aviation Facilities zone; lot size requirements  
 19:4-5.70 Aviation Facilities zone; bulk regulations  
 19:4-5.71 Aviation Facilities zone; performance standards  
 19:4-5.72 Light Industrial A zone; purposes  
 19:4-5.73 Light Industrial A zone; permitted uses  
 19:4-5.74 Light Industrial A zone; special exception uses  
 19:4-5.75 Light Industrial A zone; use limitations  
 19:4-5.76 Light Industrial A zone; lot size requirements  
 19:4-5.77 Light Industrial A zone; bulk regulations  
 19:4-5.78 Light Industrial A zone; performance standards  
 19:4-5.79 Light Industrial B zone; purposes  
 19:4-5.80 Light Industrial B zone; permitted uses  
 19:4-5.81 Light Industrial B zone; special exception uses  
 19:4-5.82 Light Industrial B zone; use limitations  
 19:4-5.83 Light Industrial B zone; lot size requirements  
 19:4-5.84 Light Industrial B zone; bulk regulations  
 19:4-5.85 Light industrial B zone; performance standards  
 19:4-5.86 Intermodal A zone; purposes  
 19:4-5.87 Intermodal A zone; permitted uses  
 19:4-5.88 Intermodal A zone; special exception uses  
 19:4-5.89 Intermodal A zone; use limitations  
 19:4-5.90 Intermodal A zone; lot size requirements  
 19:4-5.91 Intermodal A zone; bulk regulations  
 19:4-5.92 Intermodal A zone; performance standards  
 19:4-5.93 Intermodal B zone; purposes  
 19:4-5.94 Intermodal B zone; permitted uses  
 19:4-5.95 Intermodal B zone; special exception uses  
 19:4-5.96 Intermodal B zone; use limitations  
 19:4-5.97 Intermodal B zone; lot size requirements  
 19:4-5.98 Intermodal B zone; bulk regulations  
 19:4-5.99 Intermodal B zone; performance standards  
 19:4-5.100 Heavy Industrial zone; purposes  
 19:4-5.101 Heavy Industrial zone; permitted uses  
 19:4-5.102 Heavy Industrial zone; special exception uses  
 19:4-5.103 Heavy Industrial zone; use limitations  
 19:4-5.104 Heavy Industrial zone; lot size requirements  
 19:4-5.105 Heavy Industrial zone; bulk regulations  
 19:4-5.106 Heavy Industrial zone; performance standards  
 19:4-5.107 Public Utilities zone; purposes  
 19:4-5.108 Public Utilities zone; permitted uses  
 19:4-5.109 Public Utilities zone; special exception uses  
 19:4-5.110 Public Utilities zone; use limitations  
 19:4-5.111 Public Utilities zone; lot size requirements  
 19:4-5.112 Public Utilities zone; bulk regulations  
 19:4-5.113 Public Utilities zone; performance standards  
 19:4-5.114 Sports and Exposition zone; purposes  
 19:4-5.115 Sports and Exposition zone; land exemptions  
 19:4-5.116 Sports and Exposition zone; land not exempt  
 19:4-5.117 Transportation Center zone; purposes  
 19:4-5.118 Transportation Center zone; permitted uses  
 19:4-5.119 Transportation Center zone; special exception uses  
 19:4-5.120 Transportation Center zone; lot size requirements  
 19:4-5.121 Transportation Center zone; bulk regulations  
 19:4-5.122 Transportation Center zone; performance standards  
 19:4-5.123 Redevelopment areas  
 19:4-5.124 Schedule of lot size requirements and bulk regulations

## SUBCHAPTER 6. SUPPLEMENTAL REQUIREMENTS

- 19:4-6.1 Nonconforming lots, uses and structures  
 19:4-6.2 Historic preservation and cultural resources  
 19:4-6.3 Retail sale events  
 19:4-6.4 Outdoor events  
 19:4-6.5 Property maintenance

## SUBCHAPTER 7. PERFORMANCE STANDARDS

- 19:4-7.1 General requirements  
 19:4-7.2 Applicability and enforcement  
 19:4-7.3 Performance standards; noise  
 19:4-7.4 Performance standards; vibrations  
 19:4-7.5 Performance standards; airborne emissions  
 19:4-7.6 Performance standards; hazardous materials, liquids and chemicals  
 19:4-7.7 Performance standards; glare  
 19:4-7.8 Performance standards; radioactive materials  
 19:4-7.9 Performance standards; wastewater  
 19:4-7.10 Performance standards; traffic

## SUBCHAPTER 8. SITE PLAN REQUIREMENTS

- 19:4-8.1 General provisions  
 19:4-8.2 Parking  
 19:4-8.3 Loading  
 19:4-8.4 Parking and loading requirements  
 19:4-8.5 Line-of-sight triangle  
 19:4-8.6 Drainage

19:4-8.7	Buffers
19:4-8.8	Open space
19:4-8.9	Landscaping
19:4-8.10	Fences and screening walls
19:4-8.11	Retaining walls
19:4-8.12	Sidewalks
19:4-8.13	Lighting
19:4-8.14	Signs
19:4-8.15	Site service improvements
19:4-8.16	Fill, excavation, regrading and surcharge standards

**SUBCHAPTER 9. FLOOD PLAIN MANAGEMENT**

19:4-9.1	Title
19:4-9.2	Purposes
19:4-9.3	Words and phrases defined
19:4-9.4	Lands to which this subchapter applies
19:4-9.5	Basis for establishing the areas of special flood hazard
19:4-9.6	Fees
19:4-9.7	Penalties and enforcement
19:4-9.8	Other permits
19:4-9.9	Abrogation and greater restrictions
19:4-9.10	Warning and disclaimer of liability
19:4-9.11	Development permit required
19:4-9.12	Administration
19:4-9.13	Duties and responsibilities of the Chief Engineer
19:4-9.14	Variances from floodplain management regulations
19:4-9.15	Standards for the granting of variances
19:4-9.16	Conditions
19:4-9.17	Written decision and records
19:4-9.18	Appeals
19:4-9.19	Scope
19:4-9.20	Buildings
19:4-9.21	Building sites
19:4-9.22	Subdivision improvements
19:4-9.23	Anchoring
19:4-9.24	Construction material and methods
19:4-9.25	Utilities
19:4-9.26	Enclosure openings

**SUBCHAPTER 10. PROJECT IMPACT ASSESSMENT**

19:4-10.1	Purpose
19:4-10.2	Applicability
19:4-10.3	Form of PIA
19:4-10.4	Content of PIA
19:4-10.5	Adverse environmental impacts that cannot be avoided
19:4-10.6	Techniques to minimize or eliminate adverse environmental effects of the project
19:4-10.7	Alternatives to the proposed project
19:4-10.8	Licenses, permits and other approvals required by law
19:4-10.9	Documentation
19:4-10.10	Developer's agreement

**SUBCHAPTER 11. FEE SCHEDULE**

19:4-11.1	General provisions
19:4-11.2	Zoning
19:4-11.3	Subdivision
19:4-11.4	Construction permits
19:4-11.5	Occupancy
19:4-11.6	Hearings

**SUBCHAPTER 1. INTENT AND PURPOSE OF DISTRICT ZONING REGULATIONS****19:4-1.1 Title**

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

**Historical Note**

Originally cited as Article I.

**19:4-1.2 Purpose**

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

1. To provide for the orderly and comprehensive development of the District, consistent with the carrying capacity of the land and the preservation of critical wetland areas in accordance with the Master Plan of the New Jersey Meadowlands Commission (NJMC);
2. To consider the ecology of the District in order to protect the delicate environmental balance therein;
3. To promote the conservation of open space and valuable natural resources and to prevent sprawl and degradation of the environment through improper use of land;
4. To preserve an ecological balance between natural and open areas and development;
5. To promote the establishment of appropriate population densities and concentrations in suitable locations that will contribute to the well-being of persons, neighborhoods and communities;
6. To provide sufficient space in appropriate locations for a variety of industrial, warehouse, office, retail, residential, recreational, water dependent, and other uses, including mixed uses;
7. To provide that such uses are suitably sited and placed in order to secure safety from fire, flood and other natural and man-made disasters, provide adequate light and air, prevent the overcrowding of land and undue concentration of population, prevent traffic congestion, and, in general, relate buildings and uses to each other and to the environment so that aesthetic and use values are maximized;
8. To promote development in accordance with good planning principles that relates the type, design and layout of such development to both the particular site and surrounding environs;
9. To promote a desirable visual environment through building design and location;
10. To provide for infrastructure and utility improvements of the land adequate to serve the uses to be developed on that land;
11. To encourage the location and design of transportation routes that will promote the adequate flow of traffic and minimize congestion;
12. To encourage the development of a variety of transportation modal choices and to decrease dependence on automobiles as the primary means of transportation;

- 13. To protect the District from air, water, noise and other types of pollution;
- 14. To control surface water runoff and prevent flooding and other damage to land and to encourage the control of soil erosion and sedimentation; and
- 15. To encourage coordination of various public and private activities shaping land development with a view toward lessening the cost of such development and promoting the more efficient use of land.

**19:4-1.3 Effective date**

This chapter shall take effect on February 17, 2004 and shall continue in full force and effect to the termination date.

Administrative change.  
See: 33 N.J.R. 3454(a).

**Historical Note**

Sections 2 and 3 were originally cited as Article II.

**19:4-1.4 Termination date**

This chapter shall expire, terminate and be of no further force or effect upon the adoption by the NJMC of regulations repealing and/or superseding this chapter.

**Chapter Historical Note**

Section 4 was originally cited as Article III.

**SUBCHAPTER 2. INTENT, WORD USAGE AND DEFINITIONS**

**19:4-2.1 Intent and word usage**

(a) In the construction of these regulations, the following shall apply, except where the context clearly requires otherwise:

- 1. Words used in the present tense shall include the future, and words used in the future tense shall include the present;
- 2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number;
- 3. The phrase "used for" shall include the phrases "employed for," "utilized for," "arranged for," "designed for," "intended for," "maintained for," and "occupied for";
- 4. The word "shall" is mandatory;
- 5. The word "may" is permissive;

- 6. The word "person" includes individuals, firms, corporations, associations, trusts, governmental bodies and agencies and all other legal entities;
- 7. The masculine gender shall include the feminine and neuter;
- 8. The words, "adjacent," and "next to," shall have the same meaning as the word "abut" and may be used interchangeably;
- 9. The terms "such as" and "for example" shall be considered as introducing typical or illustrative, rather than an entirely exclusive or inclusive designation of, permitted or prohibited uses, activities, conditions, establishments or structures;
- 10. The words "building" and "structure" include any part thereof;
- 11. The word "NJMC" means the New Jersey Meadowlands Commission;
- 12. The word "Commission" means the seven-member board that constitutes the NJMC, as defined in N.J.S.A. 13:17-1 et seq.;
- 13. The word "District" means the Hackensack Meadowlands District, as defined in N.J.S.A. 13:17-13;
- 14. The words "constituent municipality" means a municipality with lands in the District;
- 15. The words "Official Zoning Map" mean the map or maps that are a part of these zoning regulations and delineate the boundaries of zoning districts and redevelopment areas;
- 16. The word "Secretary" means the Secretary of the NJMC;
- 17. The words "Executive Director" mean the Executive Director of the NJMC;
- 18. The words "Chief Engineer" mean the Chief Engineer of the NJMC; and
- 19. Unless otherwise specified, all distances shall be measured horizontally.

(b) Table 2-1 below provides the meaning for abbreviations and acronyms used in this chapter:

Table 2-1

Frequently Used Abbreviations and Acronyms

Abbreviation or Acronym	Meaning
AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
ANSI	American National Standards Institute
BMP	Best Management Practices

Abbreviation or Acronym	Meaning
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
COAH	Council on Affordable Housing
CZM	Coastal Zone Management
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
HMMC	Hackensack Meadowlands Municipal Committee
ITE	Institute of Transportation Engineers
N.J.A.C.	New Jersey Administrative Code
N.J.S.A.	New Jersey Statutes Annotated
NFIP	National Flood Insurance Program
NJ DCA	New Jersey Department of Community Affairs
NJ DEP	New Jersey Department of Environmental Protection
NJ DOT	New Jersey Department of Transportation
NJ UCC	New Jersey Uniform Construction Code
NJ UFC	New Jersey Uniform Fire Code
NJMC	New Jersey Meadowlands Commission
NJR	New Jersey Register
NJSEA	New Jersey Sports and Exposition Authority
OAG	Office of the Attorney General
OAL	Office of Administrative Law
OPRA	Open Public Records Act
PA NY/NJ	Port Authority of New York and New Jersey
ROW	Right-of-way
SHPO	State Historic Preservation Office

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

(d) Any word or phrase that is not defined in this section, or elsewhere in these regulations, shall have the meaning as defined in the most recent edition of Merriam-Webster's Collegiate Dictionary.

(e) No word used in these regulations shall be presumed to have the meaning set forth in the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-1 et seq., and no process, procedure, decision, or other action required or occurring pursuant to these regulations shall necessarily be interpreted to operate in the same manner set forth in the MLUL, N.J.S.A. 40:55D-1 et seq.

(f) 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.

(g) 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.

(h) Where these regulations impose a greater restriction than imposed or required by other provisions of law or by other laws, rules, regulations, resolutions or ordinances, the provisions of these regulations shall control.

(i) 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.

(j) 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.

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

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

(m) Any citation of a statute, law, rule, regulation or ordinance contained in these regulations shall be deemed to refer to such statute, law, rule, regulation or ordinance as amended, whether or not such designation is included in the citation.

Administrative change.  
See: 33 N.J.R. 3454(a).

**19:4-2.2 Definitions**

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

“Abandonment” means the relinquishment of property, or a cessation of the use conducted on the property for a period of 12 continuous months, by the owner, tenant or lessee, for reasons other than an act of nature, without taking concrete and ascertainable steps indicative of the intention of transferring property rights to another owner, tenant or lessee, or resuming the use in which the property was last engaged.

“Accessory structure” means a structure which is customarily subordinate and incidental to a principal structure or use in area, extent or purpose and which contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served. An accessory structure shall be located on the same lot as the principal structure.

“Accessory trailer parking area” means an off-street parking area accessory to a principal use for the temporary storage of empty, registered and road-worthy trailers.

“Accessory use” means a use which is customarily subordinate and incidental to a principal use or structure in area, extent or purpose and which contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use served. An accessory use shall be located on the same lot as the principal use.

“Airport” means a place where aircraft, including helicopters, land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

“Assisted living facility” means a residential facility for the elderly licensed by the Department of Health and Senior Services that provides assistance with personal care when needed, and which may include accessory health services, recreational activities, financial services, and transportation for residents only.

“Automobile rental facility” means an establishment primarily engaged in the rental of automobiles, vans, or motorcycles, which may include accessory storage for the parking of rental vehicles on-site and accessory maintenance and fueling facilities for rental vehicles only.

“Automobile repair facility, major” means a facility principally used for the mechanical repair of automobiles, vans, or motorcycles, including major engine and transmission repair and replacement, chassis and suspension repair, body work, and vehicle painting.

“Automobile repair facility, minor” means a facility principally used for the routine maintenance of automobiles, vans, or motorcycles, including activities such as fluid changes, minor engine and transmission repair (not involving the removal or replacement of the major engine and transmission components), filter, belt, tire and shock replacement, brake and muffler repair, and vehicle detailing.

“Automobile sales” means the use of any building or land area for the display or sale of new or used automobiles, vans, or motorcycles, including any warranty repair work or other maintenance service accessory thereto.

“Aviation support facilities” means a use directly related to the support of airport operations, including aircraft storage, maintenance, and repair, flight instruction, and catering services.

“Boat sales, rental and repair” means the use of any building, land area or other premises for the display, sale, rental and repair of new or used boats, including areas used for boat ramps and launches.

“Building” means any structure built for the support, shelter or enclosure of persons, animals or movable property of any kind, which is permanently affixed to the land.

“Building area” means the total ground area covered by enclosed building space, including covered parking spaces. Building area shall not include buildings for public recreational purposes located within open space.

“Building height” means the vertical distance from the grade plane to the average height of the highest roof surface.

“Building material yards and facilities” means a building and/or lot area used for the purposes of storing such items as lumber, masonry materials and general building supplies.

“Bus garage” means a structure used for the parking, storage, fueling, repair, maintenance, and washing of buses.

“Business support services” means establishments primarily engaged in rendering services to business establishments on a fee or contract basis, including, but not limited to, advertising and mailing, business maintenance, and management and consulting services.

“Caliper,” for nursery stock, means the diameter of a tree trunk measured six inches above the ground, up to and including four-inch caliper size, and 12 inches above the ground for larger sizes. Caliper for existing trees shall be measured four and one-half feet above the ground.

“Captive parking” means the shared use of a parking area by more than one use on a site based upon an analysis that the peak parking demand for each use is not concurrent.

“Class A recycling facility” means a facility that handles Class A source separated recyclable materials as defined by the NJDEP.

“Class B recycling facility” means a facility that handles Class B source separated recyclable materials as defined by the NJDEP.

“Class D recycling facility” means a facility that handles Class D source separated recyclable materials as defined by the NJDEP.

“Commercial off-street parking” means a parcel of land or portion thereof used for the parking or storage of motor vehicles as a commercial enterprise for which a fee is charged.

“Commercial recreation, indoor” means a commercial establishment designed and equipped for the conduct of sports, leisure activities, and other recreational activities wholly within an enclosed building. Examples of such uses include, but are not limited to, fitness centers, indoor play areas, training studios (dance, gymnastics, martial arts, etc.), video arcades, bowling alleys, skating rinks, and all accessory uses generally associated therewith, such as food services, equipment rental and repairs, and pro-shops.

"Commercial recreation, outdoor" means a commercial establishment designed and equipped for the conduct of sports, leisure activities, and other recreational activities wholly or partially outside of any building or structure. Examples of such use include, but are not limited to, outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, go-cart tracks, and all accessory uses generally associated therewith, such as food services, equipment rental and repairs, and pro-shops.

"Communications transmission tower" means a structure or monopole used to send and/or receive radio, satellite, cellular and television communications.

"Community residences and shelters" means any community residential facility for the developmentally disabled, pursuant to N.J.S.A. 30:11B-1 et seq., or shelter for victims of domestic violence, pursuant to N.J.S.A. 30:14-1 et seq.

"Construction equipment sales, rental and repair" means the use of any building or land area for the sale, rental, maintenance or repair of construction equipment.

"Contractor's yard or facilities" means a facility used for the provision of general contracting services associated with businesses including, but not limited to, general construction and landscaping trades, which may include office and workshop areas and areas for the storage of equipment and/or materials used in association with the contractor's business.

"Convention center" means a building or portion thereof designed to accommodate the assembly of persons for convention and exposition purposes.

"Cultural facilities" means establishments that promote historic, educational cultural, or popular interests, such as museums, art galleries, and theaters for the performing arts.

"Day care facility" means an establishment providing for the care, supervision and protection of persons of all ages who require such services, for a period not exceeding 24 consecutive hours, including nursery schools.

"Disaster recovery facility" means a building used for the continued operation of an off-site business in the event of a natural or manmade disaster that causes the interruption of the business. More than one business may be accommodated at any one time by the facility. Such facilities may include digital storage of business documentation, records, and other information. Offices, computer stations, and uninterrupted power source (UPS) rooms that are necessary for the operation are permitted as a part of the facility.

"Dwelling" means a building or portion thereof permanently connected to utilities and on a permanent foundation, designed and used for residential occupancy.

"Dwelling, multi-family" means a residential building containing three or more dwelling units.

"Dwelling, single family" means a residential building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

"Dwelling, townhome" means a one-family dwelling unit in an attached row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

"Dwelling, two family" means a residential building containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

"Dwelling unit" means one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

"Essential public services" means those functions of police, fire protection, and emergency medical services that are customarily provided by a governmental entity, including all structures customarily required to provide such services.

"Fill" means any material placed by controlled methods that raises the elevation of the land surface from its natural state or condition.

"Floor area" means the sum of the areas of all floors of a building measured from the faces of the exterior walls, not including porches, balconies, patios, terraces, breezeways, and interior loading areas.

"Floor area ratio" means the floor area of all buildings and structures on a lot divided by the lot area.

"Fuel service station" means a facility used primarily for the dispensing of motor vehicle fuels, which may include accessory retail sales and accessory maintenance services.

"Grade plane" means a reference plane representing the average of the finished ground level adjoining the building at the exterior walls.

"Hardscape" means a pedestrian use area, including plazas, steps, and walkways, that may contain walls, benches, planters, fountains, and sculpture.

"Health center" means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or other medical practitioners, for a period not exceeding 24 consecutive hours.

“Heavy industry” means any manufacturing, production, processing, assembly or fabrication of goods, materials or products, including any incidental cleaning, servicing, testing, repair or storage of those same goods, materials or products, which may include the limited storage of flammable or explosive materials.

“Heliport” means a location where helicopters may pick up or discharge passengers, take on fuel, undergo maintenance, and be stored for extended periods of time.

“Helistop” means a designated accessory landing pad where helicopters stop momentarily to pick up or discharge passengers, where no fueling, maintenance, or storage functions take place.

“Hospital” means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

“Hotel or motel” means a building or portion thereof, or a group of buildings, which provides overnight accommodations for transients on a daily, weekly, or extended stay basis, and which may include accessory restaurants, meeting rooms, and recreation facilities.

“House of worship” means a building or group of buildings that, by design and construction, are primarily intended for the conduct of organized religious services and accessory uses associated therewith by fully incorporated nonprofit religious corporations holding tax exempt status.

“Institutional use” means a non-profit or public use, such as a library, public or private school, municipal administrative offices, public recreation facility, cultural facility, or government owned or operated building, structure or land used for public purposes.

“Intermodal facility” means a facility principally used for the transfer of cargo from one mode of transportation to another. The cargo is primarily containerized and is not broken down or consolidated on site. Intermodal facilities may include trailer parking areas and accessory offices and interior areas for the repair and servicing of trailers, containers, and trucks utilized on site.

“Landscaping” means the improvement of a lot, parcel or tract of land with living plant material including trees, shrubs, vines and groundcovers, and other natural and man-made features. Landscape features include berms, decorative fences, gardens, plazas, certain outdoor recreational facilities, pedestrian walks, and other site furnishings.

“Light industry” means any production, processing, assembly or fabrication of goods, materials or products, including any incidental cleaning, servicing, testing, repair or storage of those same goods, materials or products, but not including the storage of flammable or combustible materials as a principal use.

“Line-of-sight triangle” means a triangular-shaped portion of land established at intersections of streets or at intersections of driveways and streets in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

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

“Lot” means a designated parcel, tract or area of land established in the records of local and county registers of deeds by plat, deed, subdivision, zoning lot of record, or as otherwise permitted by law, to be used, developed or built upon as a unit.

“Lot, corner” means a lot abutting two or more rights-of-way at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

“Lot coverage” means the percentage of the lot area covered by a structure or structures, including structure overhang areas, but excluding projecting roof eaves.

“Lot depth” means the shortest distance measured from the front lot line to the rear lot line.

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

“Lot line, rear” means the lot boundary line opposite and most distant from the front lot line.

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

“Lot width” means the shortest distance between any two side lot lines.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement, cellar, crawl space, garage, and utility room. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, interior loading areas, building access or storage in an area other than a basement is not considered a building’s lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements.

“Maintenance guarantee” means a security required or accepted to assure that necessary improvements will function as required for a specific period of time.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling and complies with the standards of the NJ UCC, N.J.A.C. 5:23.

“Manufactured home park” means a site with required improvements and utilities for the long-term placement of manufactured homes and which may include accessory services and facilities for the residents.

“Marina” means a facility for the berthing, storage, securing, fueling, servicing, or repair of boats that may include accessory eating and retail facilities.

“Materials recovery facility” means a solid waste facility that is primarily designed, operated and permitted to process a non-hazardous solid waste stream by utilizing manual and/or mechanical methods to separate from the incoming waste stream categories of useful materials which are then returned to the economic mainstream in the form of raw materials or product of reuse.

“Natural area” means open space in a natural state, including areas such as wetlands, tidal marshes, waterways, natural drainage ways, woodlands and grasslands.

“Nonconforming lot” means a lot in which the area, dimension or location was approved by variance or lawful prior to the adoption, revision or amendment to the NJMC District Zoning Regulations but fails to conform to the requirements of the zone in which it is located by reason of such adoption, revision or amendment.

“Nonconforming structure” means a structure of which the size, dimension or location was approved by variance or lawful prior to the adoption, revision or amendment of the NJMC District Zoning Regulations but fails to conform to the requirements of the zone in which it is located by reason of such adoption, revision or amendment.

“Nonconforming use” means a use or activity that was approved by variance or lawful prior to the adoption, revision or amendment of the NJMC District Zoning Regulations but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

“Nursing or rehabilitation facility” means a facility licensed by the Department of Health and Senior Services established as a for-profit, nonprofit, or governmental entity, which provides nursing care and related medical services for aged or chronically or incurably ill persons on a 24-hour per day basis for those generally not in need of hospital care. Such facility may also contain specialized care facilities for persons who need long term care or for the rehabilitation of those with physical injuries.

“Open space” means a landscaped or natural area.

“Ornamental tree” generally means a flowering tree used for color and texture.

“Outdoor storage” means the storage of equipment, materials, containers, goods and supplies that is not enclosed, in whole or in part, within a building or structure.

“Overhang area” means:

1. The part of a roof or wall which extends beyond the facade of a lower wall; or
2. The two-foot-wide strip beyond the curb to allow for vehicle overhang.

“Park or recreation facility” means a tract of land or public facility designed and equipped for the conduct of sports, leisure activities, and other customary and usual recreation activities, used by the public for active and/or passive recreation.

“Parking garage” means a structure, or part thereof, above or below ground, used for the parking of vehicles.

“Partial destruction” means a building or structure which is damaged, whether voluntarily or involuntarily, to the extent that repair to restore the building or structure to its original form and use would not require the expenditure of more than 50 percent of the market value of the building or structure immediately before the time of the damage.

“Passenger rail terminal” means a building, structure, or area designed and used for persons utilizing transportation modes.

“Performance guarantee” means security in a form acceptable to the NJMC to assure that improvements required as part of an application for development will be satisfactorily completed.

“Personal services” means establishments primarily engaged in providing services involving the care of a person or his or her apparel, including, but not limited to, dry cleaners, beauty and barber shops, and shoe repair.

“Principal building” means the building in which the principal use of the lot on which the building is located is conducted.

“Principal use” means the main use of land or structures, as distinguished from a subordinate or accessory use.

“Public sewer and water system” means 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 utilities, heavy” means the following uses operated by any public utility authorized to do business in New Jersey:

1. Gas utility service substations;
2. Sewage treatment plants;
3. Water filtration plants;
4. Water towers;
5. Electrical generating stations and transmission towers; and
6. Cogeneration facilities.

“Public utilities, light” means the following uses operated by any public utility authorized to do business in New Jersey:

1. Electric and telephone substations, including wireless telecommunication equipment and distribution centers;
2. Gas regulator and meter stations; and
3. Pumping stations.

“Railroad terminals and yards” means an area of land, a portion of which is covered by a system of tracks used by passenger and/or freight systems, whose operations may include the switching, storing, assembling, distributing, consolidating, moving, repairing, weighing or transferring of railcars and/or locomotives.

“Recycling area” means space allocated for the on-site storage of source-separated recyclable materials for regular removal by a recycling hauler or vendor.

“Refuse area” means an on-site area for the temporary storage of trash that generally includes dumpster-type containers, where solid waste is removed on a regular basis.

“Remodeling” means any change in a structure (other than incidental repairs and normal maintenance, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing) 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 the structure.

“Research and development facility” means an establishment for conducting scientific research and development, where the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products are incidental and accessory to the principal use.

“Resource recovery facility” means any place, equipment, device or plan designed and/or operated to separate or process solid or liquid waste into usable secondary materials, including fuel and energy.

“Restaurant” means an establishment where food is prepared, served and consumed primarily within the principal structure on a lot or taken out and consumed elsewhere.

“Retail” means an establishment engaged in selling goods or merchandise to the general public for use or consumption.

“Riparian lands” mean those lands currently or formerly flowed by the mean high tide of a natural waterway owned by the State of New Jersey, also referred to as tidelands.

“Riparian rights” mean the rights of a landowner to use adjacent riparian lands upon obtaining the requisite approval(s) from the State of New Jersey, generally in the form of a tidelands license, lease or grant.

“Satellite antenna” means any antenna, typically in the shape of a shallow dish, and appurtenant equipment, used for the reception of communications (television or otherwise) from orbiting satellites or ground transmitters.

“Screening” means decorative fencing, a wall, evergreen or other vegetation maintained for the purpose of concealing from view the area behind such structures or vegetation.

“Self-storage facility” means a facility solely used for the storage of goods and materials within self-contained compartments by various users, and may include an accessory residential unit for a facility employee responsible for facility operations and security.

“Senior housing” means an age-restricted residential development where at least 80 percent of the units are occupied by at least one person who is 62 years of age or older with no permanent residents under the age of 18, and which may include accessory personal, health, recreational, financial, and transportation services for residents only.

“Setback” means the distance between a structure and the lot line.

“Shade tree” means a deciduous tree where the canopy provides shade at ground level.

“Sidewalk” means an improved surface used as a pedestrian walkway.

“Social services” means an establishment providing assistance and aid to those persons requiring counseling, referral, or other assistance, exclusive of medical care.

“Solid waste transfer station” means a solid waste facility at which solid waste is transferred from one solid waste vehicle to another solid waste vehicle for transportation to an off-site solid waste facility, excluding the on-site processing of solid waste.

“Special exception” means a use permitted in a particular zone only upon showing that such use in a specified location will comply with all the conditions and standards for the location or, operation of such use as specified in N.J.A.C. 19:4-4.13.

"Stormwater management area" means an area designed and used for the temporary or permanent storage or conveyance of stormwater.

"Structure" means 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 buildings, towers, fences, signs, and above-ground tanks, but excluding walks, walkways, at-grade parking areas, driveways, streets and roads.

"Studio" means a facility utilized for the filming, recording, photographing, broadcasting, performance, production, and or editing of video, films, motion pictures, television and radio shows, commercials, and/or music.

"Substantial destruction" means a structure which is damaged, whether voluntarily or involuntarily, to the extent that repairs to restore the structure to its original form and use would require the expenditure of 50 percent or more of the market value of the structure immediately before the time of the damage.

"Taxi and limousine service" means an establishment offering transport services in passenger automobiles, vans, limousines, or similar motor vehicles, including accessory office and dispatch facilities, areas for the parking of facility vehicles on-site, and accessory maintenance and fueling facilities for facility vehicles only.

"Trailer" means:

1. A container carrying materials, goods, or objects towed or hauled by another vehicle; or
2. A structure used as a temporary construction office in connection with a construction project.

"Tributary" means any stream, manmade or natural, which contributes to the flow of the Hackensack or Passaic rivers.

"Truck rental facility" means an establishment primarily engaged in the rental of trucks, semi-trailers, or similar motor vehicles, which may include accessory storage for the parking of rental vehicles on-site and accessory maintenance and fueling facilities for rental vehicles only.

"Truck repair facility" means a facility principally used for the routine maintenance and repair of trucks, trailers, semi-trailers, and similar motor vehicles, including activities such as fluid changes, engine and transmission repair or replacement, trailer repair, and body work.

"Truck sales" means the use of any building or land area for the display and sale of new or used trucks, trailers, semi-trailers, buses, recreational vehicles, or similar motor vehicles, including any warranty repair work or other maintenance service accessory thereto.

"Truck stop" means a facility primarily engaged in the fueling of trucks and other commercial vehicles and the temporary accommodation of drivers that may include accessory maintenance facilities, hotels and motels, restaurants, and retail sales.

"Truck terminal" means a warehouse and distribution facility where trucks and trailers are parked or stored as a principal use.

"Truck wash" means any building or premises, or portion thereof, used for washing trucks, trailers, semi-trailers, recreational vehicles, and similar motor vehicles.

"Variance" means a permission to depart from the requirements of a zoning regulation as specified in N.J.A.C. 19:4-4.14.

"Vehicular use area" means any area of a lot, not located within any enclosed or partially enclosed structure, devoted to motor vehicle usage, including parking areas, loading areas, service areas, access drives and driveways, and the storage of vehicles, where permitted.

"Warehouse and distribution facility" means an establishment primarily used for the storage, loading, unloading, and/or distribution of goods, products, or materials, which may include accessory consolidation, repacking and value-added services. Such facility may include accessory parking and storage of trucks and trailers, and accessory maintenance of trucks owned by the facility.

"Wetland" means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

"Wholesale establishment" means a facility engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers buying merchandise for, or selling merchandise to, such individuals or companies, and not to the public.

"Yard" means an area on a lot that is unoccupied and unobstructed from its lowest level to the sky except as may be permitted elsewhere in these regulations.

"Yard, front" means a yard extending along the full length of a front lot line and to a line paralleling the front lot line and intersecting the front of the building at its nearest point from the front lot line. Each yard that abuts a front lot line shall be considered a front yard.

"Yard, rear" means a yard extending along the full length of the rear lot line and to a line drawn parallel with the rear lot line and intersecting the back of the building at its nearest point from the rear lot line.

"Yard, required" means the minimum-depth yard as required in these regulations.

"Yard, side" means 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 summary table" means a tabular component of a site plan that includes an analysis of existing, proposed, and required conditions.

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

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

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

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

Substantially amended definitions.

Notice of Correction: Added definitions "Dwelling: high rise", "dwelling: low-rise", "dwelling: mid-rise" and "Neighborhood retail center" that were inadvertently left out of the adoption.

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

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

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

Definitions of building height, level of service, neighborhood shopping center and satellite antenna added; definitions of floor area ratio and lot amended.

Amended by R.1994 d.16, effective January 3, 1994.

See: 25 N.J.R. 3949(a), 26 N.J.R. 252(a).

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

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

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

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

Amended by R.2000 d.453, effective November 6, 2000.

See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

Inserted definition of "L.C."

Administrative change.

See: 33 N.J.R. 3454(a).

#### Historical Note

Sections 1 and 2 of this Subchapter were originally cited as Article IV.

## SUBCHAPTER 3. APPLICATION OF REGULATIONS

### 19:4-3.1 Application of District zoning regulations

(a) The provisions of these regulations shall have application to the Hackensack Meadowlands District, as defined in Chapter 404 of the Laws of 1968 (N.J.S.A. 13:17-1 et seq.), and amendments or supplements thereto.

(b) These regulations shall apply to the construction and uses of all buildings and structures and to the uses of land. No building, structure or land, or any part thereof, shall be used or occupied and no building or structure shall be erected, constructed, reconstructed, moved, repaired, extended, converted, altered, maintained, used, occupied or reoccupied unless in conformity with all the provisions of these regulations specified for the zone in which it is located and all supplemental regulations found in N.J.A.C. 19:3, 19:5 and 19:6. All regulations within each of the zones shall be the minimum regulations and shall apply uniformly to each class or kind of structure or use, except as otherwise provided.

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

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

Added (b)1 xv. through xvi.

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

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

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

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

In (b) added Neighborhood Commercial Zone.

Amended by R.2000 d.453, effective November 6, 2000.

See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

In (b)1, inserted xviii.

#### Historical Note

This section was originally cited as Article 5-101.

### 19:4-3.2 Exemptions

(a) The following, except as otherwise provided, shall be exempt from these regulations:

1. Maintenance, repair, or replacement work within municipal, county, and State ROW's or on railroad tracks, signals, bridges, and similar facilities and equipment located in a railroad ROW;

2. Maintenance, repair, or replacement of existing utility structures or the installation of new underground utility structures within utility easements where such work is conducted by the utility company or authorized representative;

3. Development and improvement plans proposed or sponsored by the NJMC;

4. Whenever the governing body of a constituent municipality has enacted zoning ordinances and any other codes or standards that are consistent with, or will effectuate the purposes of, the NJMC Master Plan, that municipality may make final land use decisions within the municipality with respect to applications made concerning individual/detached one-, two- or three-family residences in the Low Density Residential zone. These decisions shall include, but not be limited to, variances, certificates of occupancy, plan review, building permits, and site approvals. Whenever a municipality shall make a zoning and/or land use decision pursuant to this subsection, a copy of the decision, the application and any other pertinent information shall be forwarded to the NJMC within 10 working days of the final action. The foregoing does not apply to subdivisions involving the creation of new streets; and

5. Municipal projects, located on land owned by a municipality, provided that the following conditions are met:

i. The governing body and planning board of the municipality have entered into a Memorandum of Understanding (MOU) with the NJMC, and remain in compliance with the MOU, agreeing that municipal projects shall comply with applicable NJMC zoning regulations and that review of the project by the municipality shall utilize NJMC standards;

(b) Whenever, in the opinion of the Chief Engineer, the operations or activities to be conducted on a site may violate applicable regulations, the NJMC may require the deposit in escrow of not more than \$25,000, to be held for a period of one year after the date of issuance of occupancy certification. The escrow account may be used by the NJMC to employ a qualified technician or technicians to perform investigations, measurements, and analyses to determine whether or not the applicable regulations are, in fact, being violated and may pay reasonable fees for such services 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 regulation is discovered, the fees may be recovered as a penalty in the same manner as, and in addition to, the penalties specified in N.J.A.C. 19:4-4.21. Escrow deposits or remainders of the escrow shall be returned, without interest, to the depositors at the expiration of the escrow period. If violation of the applicable regulations is discovered and no escrow deposit is being retained by the NJMC, 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 N.J.A.C. 19:4-4.21.

(c) A performance bond or letter of credit may be required for fill applications submitted and approved in accordance with N.J.A.C. 19:4-8.16 in an amount equal to an estimate of the cost for the completion and stabilization of the fill, plus 10 percent. The cost estimate shall be signed and sealed by a New Jersey-licensed professional engineer and shall be approved by the NJMC.

(d) Whenever conditions are imposed on an approval, a deposit in escrow, or other performance guarantee satisfactory to the NJMC and sufficient to meet the cost of implementing such conditions, may be imposed on the applicant. If such conditions are not implemented in accordance with the approval in which the conditions were imposed, the escrow deposit or performance guarantee may be utilized by the NJMC to implement the conditions. If the cost of such implementation exceeds the amount in the escrow deposit or other acceptable performance guarantee, the amount in excess shall be assessed against the property upon which the conditions were placed, at the time of implementing said conditions, and a notice of lien upon the subject property shall be filed in the Office of the County Clerk. If the cost of implementation is less than the escrow deposit, the NJMC 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 the applicant forthwith.

#### 19:4-4.21 Penalties and enforcement

(a) When the NJMC becomes aware that a violation of these regulations may exist, the NJMC staff shall undertake

an investigation to determine whether such violation does exist. If the NJMC shall determine that a violation of these regulations exists, the NJMC shall notify the property owner of the existence of the violation in writing and request that the violation be abated. If the violation is not abated, the NJMC shall have the authority to take any or all actions as are outlined in (b) below to ensure compliance with these regulations.

(b) A property owner who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of these regulations shall be subject to a civil penalty of not less than \$200.00 or more than \$5,000. Each day such violation or failure to comply exists subsequent to the original notification shall constitute a separate offense.

(c) The NJMC may, in the case of a violation of these regulations, institute a civil action for injunctive relief:

1. To prevent unlawful sale, enlargement, moving, rental, construction, reconstruction, alterations, repair, conversion, maintenance, use, filling, or occupancy;
2. To restrain, correct, or abate any violation;
3. To prevent the occupancy of any dwelling structure or land;
4. To prevent any illegal act, conduct, business or use in or about any premises; or
5. To collect such civil penalties as have been assessed against any violator and which civil penalties said violator has refused to pay.

(d) The NJMC may investigate any potential violation of the performance standards of these regulations in accordance with N.J.A.C. 19:4-7.2(c).

(e) The NJMC's rights of entry and inspection shall be as follows:

1. Any individual who has applied to the NJMC for a permit shall be deemed to have consented to inspections, investigations, examinations, surveys, soundings or test borings, by the NJMC staff or duly authorized representative of the NJMC, of the entire premises and of any and all construction being performed on the premises until a permit has been issued.
2. The NJMC staff or duly authorized representative of the NJMC, pursuant to N.J.S.A. 13:17-6(f), has the right to enter upon any property in order to conduct inspections necessary to carry out the purposes of the Hackensack Meadowlands Reclamation and Development Act and to ensure compliance with NJMC regulations.

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

a description of the premises, including a description of any and all violations.

4. Other than a visit to the premises made pursuant to (e)1 and 2 above, the property owner, owner's agent or tenant shall be notified of the NJMC's intention to enter upon any building or property in order to conduct investigations, examinations, surveys, soundings or test borings necessary to carry out the purposes of the Hackensack Meadowlands Reclamation and Development Act. The NJMC staff or duly authorized representative of the NJMC shall not enter the premises until at least two days following the date of such notice.

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

#### 19:4-4.22 Severability

(a) The provisions of these regulations shall be separable, in accordance with the following:

1. If any section, subsection, paragraph, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of these regulations.

2. If the application of any provision of these regulations to a particular property, building or structure is for any reason held to be unconstitutional or invalid, such decision shall not affect the application of said provisions to any other property or structure.

Administrative Correction to (a): Deleted public.

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

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

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

## SUBCHAPTER 5. DISTRICTS, USES AND STANDARDS

### 19:4-5.1 Establishment of zones

(a) The Hackensack Meadowlands District is hereby divided into the following areas (acronyms, as used in this subchapter, appear in parentheses after each):

1. Zones:
  - i. Environmental Conservation (EC);
  - ii. Parks and Recreation (PA);
  - iii. Waterfront Recreation (WR);
  - iv. Low Density Residential (LDR);
  - v. Planned Residential (PR);
  - vi. Neighborhood Commercial (NC);

- vii. Commercial Park (CP);
- viii. Regional Commercial (RC);
- ix. Highway Commercial (HC);
- x. Aviation Facilities (AF);
- xi. Light Industrial A (LI-A);
- xii. Light Industrial B (LI-B);
- xiii. Intermodal A (IA);
- xiv. Intermodal B (IB);
- xv. Heavy Industrial (HI);
- xvi. Public Utilities (PU);
- xvii. Sports and Exposition (SE); and
- xviii. Transportation Center (TC); and

### 2. Redevelopment Areas (RA).

### 19:4-5.2 General provisions

(a) The following provisions shall apply to all zones:

1. The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-8.

2. In the case of a conflict between these regulations and the NJ UCC, N.J.A.C. 5:23-3.15 through 3.22, regarding required setbacks, the more restrictive regulation shall apply.

3. Minimum lowest floor elevations for structures within the designated 100-year flood zones shall be established one-foot above the applicable 100-year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

4. All wastewater standards of N.J.A.C. 19:4-7.9 shall apply.

5. Buffers shall be provided in accordance with N.J.A.C. 19:4-8.7, where applicable.

6. Wetland enhancement, restoration or creation activities and wildlife habitat creation shall be a permitted use in all zones.

7. The NJMC may publish detailed design guidelines, which shall be filed at the Offices of the NJMC, where they shall be of public record and with which development in the District is encouraged to comply.

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

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

Deleted middle income families from (d)1ix.

Administrative Correction to (d)3vi.

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

Administrative change.

See: 33 N.J.R. 3454(a).

## Historical Note

This Section was originally cited as Article 7-201.

## Case Notes

Regulations demonstrate commitment to housing that will result in a community with a mix and balance of income levels. In the Matter of Egg Harbor Associates (Bayshore Centre), 94 N.J. 358, 464 A.2d 1115 (1983).

**19:4-5.3 General use limitations**

(a) The following use limitations shall apply:

1. No slaughtering of animals shall be permitted in any zone.
2. All operations, activities and storage shall be conducted within completely enclosed buildings, with the exception of the following, when conforming to all other regulations:
  - i. Properties located in the Intermodal B and Heavy Industrial zones;
  - ii. Off-street parking of empty, registered and operational vehicles, except that vehicles for sale at facilities permitted by these regulations may be unregistered;
  - iii. Off-street loading within designated loading areas;
  - iv. Site service improvements provided in accordance with N.J.A.C. 19:4-8.15;
  - v. Outdoor seating areas provided in accordance with N.J.A.C. 19:4-5.7;
  - vi. Public utility equipment and operations that cannot be feasibly located in an enclosed structure, including electric generating, transmission, and distribution equipment; and
  - vii. Where otherwise permitted.

Petition for Rulemaking: Request for rezoning from Island Residential-4 to a new mixed use development zone.

See: 20 N.J.R. 304(c).

Administrative Correction to (d)1v: stated changed to staged.

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

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

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

Administrative change.

See: 33 N.J.R. 3454(a).

## Historical Note

This Section was originally cited as Article 7-202.

**19:4-5.4 Accessory uses**

(a) 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 unless it complies with the requirements of this section.

(b) The following accessory uses and structures shall not be permitted on required open space:

1. Private garages or carports;
2. A structure for storage incidental to a permitted use, excluding such structure accessory to a one-, two-, or three-family residence;
3. Off-street parking and loading spaces, per N.J.A.C. 19:4-8.2 and 8.3; and
4. Storage of registered boats, boat trailers, camping trailers, and small house trailers.

(c) The following accessory uses and structures shall be permitted on required open space:

1. A child's playhouse;
2. A structure for storage accessory to a one-, two-, or three-family residence not exceeding 100 square feet in floor area; and
3. A private swimming pool in accordance with the following:
  - i. No part of the surface area of a private swimming pool shall be closer than 10 feet to the rear lot line nor closer than five feet to the side lot line and shall not be located in the front yard;

ii. Where a swimming pool is installed on a corner lot and the fence is not a solid fence, the sides nearest the street shall be screened with shrubs not less than four feet in height to form a visual barrier; and

iii. No pool shall drain into a public sanitary sewer or be located in such a manner that the water from the pool drains onto another property.ments are as follows:

(d) Accessory structures shall comply with the bulk regulations applicable to principal structures in the zone in which they are located, except in the Low Density Residential zone, where a minimum five-foot lot line setback is required.

(e) No accessory use or structure shall be permitted in any required front yard unless it is a permitted obstruction as per N.J.A.C. 19:4-3.15.

Administrative change.  
See: 33 N.J.R. 3454(a).

#### Historical Note

This Section was originally cited as Article 7-203.

#### 19:4-5.5 Marinas

(a) Marinas shall meet the following minimum requirements:

1. Every marina shall be open to the public. A fee is optional.
2. Marinas shall provide a minimum of one docking berth for each 20 feet of water frontage in accordance with the following:

- i. Docking berths shall be a minimum dimension of 12 feet by 28 feet; and

- ii. Aisles between rows of berths shall be a minimum 35 feet wide.

3. Marinas shall provide areas for public boat launching, which shall include the following:

- i. A ramp to the adjacent water body with a minimum width of 15 feet;

- ii. Sufficient maneuvering space between the ramp and parking areas; and

- iii. Trailer parking spaces with a minimum dimension of 10 feet by 40 feet.

4. Marinas shall provide areas for public boat mooring in accordance with the following:

- i. A minimum of one space per 100 feet of water frontage; and

- ii. A minimum dimension of 12 feet by 28 feet with proper access.

5. Marinas shall provide parking, loading and trailer parking in accordance with N.J.A.C. 19:4-8.4.

Administrative Correction to (c) and (c)5iii.  
See: 22 N.J.R. 2184(a).  
Administrative change.  
See: 33 N.J.R. 3454(a).

**Historical Note**

This Section was originally cited as Article 7-204.

**19:4-5.6 Office trailers**

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

1. Trailers may be used as temporary offices, condominium sales offices, and/or field offices.

2. Not more than one night watchman or similar person may reside in such trailer.

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

4. The NJMC may impose reasonable conditions relating to location, parking, access, signs and aesthetics with respect to trailers.

5. A trailer shall not be moved onto a construction site until 60 days prior to the date upon which site work actually commences. In cases of large projects where more time is needed for mobilization, written requests for an extension of the 60-day time period shall be submitted to the NJMC for approval.

6. The trailer shall be removed from the site on or before the issuance of a final certificate of occupancy unless a later removal is authorized by the NJMC.

Amended by R.1994 d.543, effective November 7, 1994.  
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).  
Administrative change.  
See: 33 N.J.R. 3454(a).

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

**Historical Note**

This Section was originally cited as Article 7-205.

**19:4-5.7 Outdoor seating areas**

(a) Accessory outdoor seating areas shall be permitted in every zone when provided in accordance with the following:

1. The outdoor seating area for restaurants shall not exceed 15 percent of the number of seats in the interior seating area, not including bar and lounge seating.
2. The outdoor seating area for all other uses shall not exceed 15 percent of the floor area of the principal use.

3. Outdoor seating areas shall maintain all required setbacks from yards in the applicable zone, or a minimum front yard setback of 25 feet and minimum side and rear yard setbacks of 10 feet, whichever is less restrictive.

4. Outdoor seating areas shall not be located in required parking and/or loading areas and shall not impede pedestrian or vehicular traffic.

(b) Street furnishings, bus stops, and outdoor seating areas used for passive recreational purposes shall be exempt from this section.

**Historical Note**

This Section was originally cited as Article 7-300.

**19:4-5.8 Environmental Conservation zone; purposes**

The Environmental Conservation zone is designed to preserve and enhance the ecological values of wetlands, open water and adjacent uplands within the District. The zone seeks to provide public access to these areas and encourage scientific and educational study in regard to wetland ecology.

Administrative Correction to (a)2x: Changed section cross reference style.  
See: 22 N.J.R. 2184(a).

**Historical Note**

This Section was originally cited as Article 7-301.

**19:4-5.9 Environmental Conservation zone; permitted uses**

(a) The permitted uses in the Environmental Conservation zone are:

1. Existing public utility equipment and appurtenances, including operating, maintaining, reconstructing, inspecting, testing, and removing such equipment;
2. Public access to water features, including trails, boat/canoe launches, water crossings, site furnishings, signage and structures that facilitate wildlife observation;
3. Scientific and educational study and experimentation in regard to wetland ecology;
4. Wetland enhancement, restoration or creation activities, performed either individually or in conjunction with wetland mitigation banks; and
5. Wildlife habitat creation.

**Historical Note**

This Section was originally cited as Article 7-302.

**19:4-5.10 Environmental Conservation zone; special exception uses**

(a) The special exception uses in the Environmental Conservation zone are:

1. Communications transmission towers;
2. Electric transmission towers;
3. Marinas;

4. The construction of any element or other physical device to fulfill a requirement of another regulatory agency which has an interest in, or some level of jurisdiction over, a wetlands enhancement, restoration or creation activity; and

5. Structures and improvements essential for and used solely in conjunction with a permitted use.

As amended, R.1974 d.1, effective January 2, 1974.

See: 5 N.J.R. 394(b), 6 N.J.R. 87(b).

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

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

Deleted and added text to (a)4.

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

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

Requirements for protection against flooding added at (a)4.

**Historical Note**

This Section was originally cited as Article 7-303.

**19:4-5.11 Environmental Conservation zone; use limitations**

The use limitation in the Environmental Conservation zone is that no use shall be operated, conducted or maintained that may impair the quality of the zone as an environmental conservation area. Any use that discourages or interferes with the purpose of the zone is prohibited.

**Historical Note**

This Section was originally cited as Article 7-304.

**19:4-5.12 Environmental Conservation zone; performance standards**

(a) All uses in the Environmental Conservation zone shall comply with the performance standards of N.J.A.C. 19:4-7 as follows:

1. All category A performance standards shall apply, with the exception of particulate source emissions.
2. Particulate source emissions shall not exceed 0.2 pounds per hour, per acre of lot for all uses on the lot, or New Jersey State Air Pollution Control Laws and Codes (N.J.A.C. 7:27), whichever is more restrictive.

As amended, R.1974 d.1, effective January 2, 1974.

See: 5 N.J.R. 394(b), 6 N.J.R. 87(b).

Administrative change.

See: 33 N.J.R. 3454(a).

**Historical Note**

This Section was originally cited as Article 7-305.

**19:4-5.13 Parks and Recreation zone; purposes**

The Parks and Recreation zone is intended to provide for the creation, management and appropriate use of public open space and recreation facilities within the District in a manner that allows for the public use and enjoyment of these areas.

**19:4-6.5 Property maintenance**

(a) It shall be the responsibility of the property owner to maintain in a safe and orderly condition all buildings, improvements and open space in accordance with these regulations.

(b) The following minimum maintenance activities shall be performed:

1. Properties shall be maintained free of outdoor storage, except where otherwise permitted, and debris.

i. Outdoor storage includes:

(1) The storage of equipment, materials, or merchandise, located outdoors or in containers or trailers; and

(2) The storage of unregistered, inoperable, or unserviceable vehicles, boats, or equipment, with the exception of unregistered vehicles for sale at vehicle sales facilities permitted by these regulations.

2. All drainage facilities, including ditches, basins, downspouts, gutters, inlets and pumps, shall be maintained in satisfactory operating condition and free of debris and siltation.

3. Parking and loading areas shall be maintained free from hazardous conditions deterring from the proper and safe use of such areas, including the following:

i. Pavement, curbing, and sidewalks shall be maintained free of cracks and holes and other hazardous or unsightly conditions; and

ii. Paint, striping, signage, and traffic control features and markings shall be maintained so that they are clearly legible.

4. All refuse and recyclable materials shall be placed in refuse or recycling facilities in accordance with N.J.A.C. 19:4-8.15(f). Such areas, and any screening, shall be maintained in a safe, clean and efficient manner.

5. All outdoor lighting shall be maintained in working condition.

6. Building finishes shall be kept free of peeling or cracked paint, rust or other unsightly conditions.

7. Upon a change of occupancy, including vacancy, of any building or tenant space, signage related to the prior occupant shall be removed within 30 days thereof.

8. All open space shall be properly maintained, as follows:

i. All plantings and groundcover shall be regularly watered and pruned;

ii. All dead materials shall be removed and replaced with living vegetation; and

iii. All lawn or other non-paved areas shall be kept trimmed and free from weeds and other undesirable growth.

9. All developed lots shall maintain a 15-foot buffer free of overgrown vegetation adjacent to buildings and public rights-of-way.

10. All vacant and/or unoccupied lots shall maintain a 15-foot buffer, free of overgrown vegetation and debris, adjacent to developed lots and public rights-of-way.

(c) Failure to maintain any property in the District in accordance with these regulations will result in enforcement action by the NJMC in accordance with N.J.A.C. 19:4-4.21.

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

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

Recodified (a)1-5 to (b)-(f).

**SUBCHAPTER 7. PERFORMANCE STANDARDS****19:4-7.1 General requirements**

(a) Any proposed use, occupancy, structure, process or equipment, the applicant shall supply evidence to the NJMC that the proposed use, structure, process or equipment shall conform with all applicable performance standards.

(b) Any application for a zoning certificate, occupancy certification, special exception, variance, or other approval shall be accompanied by submissions, attachments and certifications as required in these regulations, including the following:

1. The submission of an application shall constitute a certification and an agreement on the part of the property owner and applicant that the proposed use, occupancy, structure, process or equipment is designed and intended to conform to the performance standards.

2. The NJMC may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant, as evidence of compliance.

3. The NJMC may require that specific types of equipment, machinery or devices be installed, or that specific operating procedures or methods be followed, if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures, or methods are required in order to ensure compliance with the applicable performance standards.

4. Permits and certificates required by other government agencies shall be submitted to the NJMC as proof of compliance with applicable standards and requirements.

5. If appropriate permits, tests and certifications are not or cannot be provided by the applicant, the NJMC may require that instruments and/or other devices, or professional reports or laboratory analyses be used to determine compliance with the performance standards for an existing or proposed use, with the cost borne by the applicant.

6. In the event a determination cannot be made at the time of application that a proposed use, process or piece of equipment will meet the standards established in this section, the NJMC may issue a conditional approval, pursuant to these regulations. Issuance of a conditional approval shall be based on submission of evidence that the proposed use, process or equipment will meet the standards established herein after completion or upon installation and operation. Prior to issuance of a certificate of completion and/or occupancy certification, the applicant shall submit proof that all standards established herein have been met.

Administrative change.  
See: 33 N.J.R. 3454(a).

**19:4-7.2 Applicability and enforcement**

(a) Continued compliance with performance standards is required and shall be enforced by the NJMC.

(b) Any existing use or structure that is allowed to deteriorate or is modified so as to reduce its compliance with these standards shall constitute a violation.

(c) Whenever, in the opinion of the Chief Engineer, there is a reasonable probability that any use of the performance standards herein are violated, the NJMC is empowered to employ a qualified technician or technicians to perform investigations, measurements and analyses to determine whether or not these regulations are being violated. In the event that a violation is found to exist, the property owner shall be liable for the reasonable fees of the technicians employed to perform such investigations, measurements and analyses.

Administrative change.  
See: 33 N.J.R. 3454(a).

**19:4-7.3 Performance standards; noise**

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

“dBA” means 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.

“Decibel,” abbreviated “dB,” means a unit that describes the sound pressure level or intensity of sound. The sound pressure level in decibels is 20 times the logarithm to the base 10, of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

“Impact noise” means a relatively short duration noise generally produced by the striking of two or more objects so as to be heard as a separate distinct noise.

“Impact noise analyzer” means an instrument that measures the peak sound pressure of an impact noise and meets the standards of the American National Standards Institute (ANSI) or the International Electrotechnical Commission (IEC).

“Noise” means a subjective description of an undesirable or unwanted sound.

“Sound” means rapid fluctuations of atmospheric pressure that are audible to persons.

“Sound level meter” means an instrument used to measure the overall sound pressure level.

(b) Noise shall be measured with a sound level meter meeting the standards of the ANSI specification S1.4-1971 for sound level meters or its successor.

(c) The instrument shall be set to the A-weighted response scale and the meter of the slow response. Measurements shall be conducted in accordance with the American National Standards Institute (ANSI) specification S12.50-2002, which describes various methods for determining the sound power levels for machinery and equipment. These standards are incorporated herein by reference, as amended and supplemented, and can be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036.

(d) Impact noises shall be measured with an impact noise analysis meeting the standards of the ANSI standards S12.50-2002. These standards are incorporated herein by reference, as amended and supplemented.

(e) Noises shall not exceed the maximum sound levels specified in Table 7-1 below, except as otherwise designated. Where more than one specified sound level applies, the most restrictive shall govern. Measurements may be made at points of maximum noise intensity.

TABLE 7-1

Noise Level Restrictions		
Performance Standard Category	Maximum Permitted Sound Level	Where Measured
A	65 dBA	On or beyond the subject property boundary line
B	70 dBA	On or beyond the subject property boundary line
C	76 dBA	On or beyond the zone boundaries

3. The storage and/or utilization, but not manufacture, of materials and products classified as deflagration or physical hazards by the NJ UCC shall be permitted as a principal use only as a special exception.

(d) Category B and C standards are as follows:

1. The manufacture of materials and products that pose a detonation hazard shall not be permitted.
2. The storage and/or utilization of materials and products that pose a detonation hazard may be allowed as accessory to a principal use to the extent permitted by the NJ UCC, whereby the premises, or portion thereof, would not be classified as a H-1 (Detonation Hazard) Use Group.

(e) Whenever any facility or part thereof, including storage dike, which stores, utilizes or manufactures hazardous materials, liquids and chemicals is within 300 feet from another zone, the more restrictive of the performance standards for the two zones shall apply.

Administrative change.  
See: 33 N.J.R. 3454(a).

**19:4-7.7 Performance standards; glare**

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

“Candle” means the luminous intensity of one standard candle.

“Foot-candle” means the unit of illumination on a surface one square foot in area on which there is a uniform distribution of light having a candlepower of one candela.

“Footlambert” means a unit of brightness equal to the brightness of a uniform diffusing surface that emits or reflects one lumen per square foot.

“Glare” means a sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

“Illumination” means the density of luminous energy falling upon a surface, usually measured in foot-candles.

“Photometer” means an instrument for measuring the intensity of light.

“Watt” means a unit of electrical power.

(b) Glare shall be measured in accordance with the standards and procedures set forth in the Illuminating Engineering Society of North America (IESNA) Lighting Handbook, 9th edition, incorporated herein by reference, as amended and supplemented. Outdoor lighting design shall be in accordance with the recommended practice, RP-33-99, published by the IESNA, incorporated herein by reference, as

amended and supplemented. Both publications can be obtained from IESNA, 120 Wall Street, Floor 17, New York, NY 10005-4001.

(c) Uses subject to Category A, B, and C performance standards shall not produce glare so as to cause illumination in a residential area or zone, Environmental Conservation zone, or Park and Recreation zone, in excess of 1.0 foot-candles. Sources of illumination shall be controlled so as not to be a nuisance in these areas.

(d) 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 area, Environmental Conservation zone, or Park and Recreation zone to comply with the light intensities indicated in Table 7-4 below.

TABLE 7-4  
Maximum Intensity of Light Sources

Source	Category A	Category B and C
Bare incandescent bulbs	15 watts	40 watts
Illuminated buildings	15 foot-candles	30 foot-candles
Back lighted or luminous back-ground signs	150 footlamberts	250 footlamberts
Outdoor illuminated signs and poster panels	25 foot-candles	50 foot-candles
Any other unshielded sources, intrinsic brightness	50 candles per square centimeter	50 foot-candles per square centimeter

Administrative change.  
See: 33 N.J.R. 3454(a).

**19:4-7.8 Performance standards; radioactive materials**

(a) The storage, utilization, manufacture or transportation of radioactive materials shall be in accordance with the NJDEP radiation protection rules, N.J.A.C. 7:28.

(b) Performance standard Categories A, B and C are that manufacture, storage, or utilization of unsealed radioactive materials shall be limited to the exempt quantities of radioactive materials as per N.J.A.C. 7:28.

(c) The applicant shall provide a copy of the license for the manufacture or storage of radioactive materials obtained from the NJDEP.

Administrative change.  
See: 33 N.J.R. 3454(a).

**19:4-7.9 Performance standards; wastewater**

(a) The following pertains to permanent sewerage facilities:

1. All uses established or changed, or any structure which is constructed, moved, remodeled, or reconstructed in the District shall discharge liquid waste into a central sewerage system. No liquid wastes shall be discharged into the Hackensack River or its tributaries after sewerage interceptors become available.

2. Discharges from a central sewerage system into the Hackensack River shall comply with the regulations of the NJMC and the NJDEP. No discharge from a public sewerage system shall be made into any tributary of the Hackensack River.

3. All discharges into a public sewerage system shall comply with the regulations of the NJMC and the NJDEP.

(b) The following pertains to temporary wastewater facilities:

1. Prior to the availability of public sewerage facilities, uses established or changed, or any structure which is constructed, moved or remodeled, or reconstructed in the District after June 20, 1988 can be utilized only with the following temporary sewerage facilities:

i. Temporary wastewater facilities that discharge directly into the Hackensack River or its tributaries under the following conditions:

(1) The discharge complies with the standards of this paragraph;

(2) The discharge will not impair and/or interfere with the functioning of the river, its tributaries, or the marsh-estuarine ecosystem of the District; and

(3) Application is made pursuant to paragraph (b)2 below.

ii. Temporary wastewater facilities that hold or contain wastewater and do not discharge directly into the Hackensack River or its tributaries may be permitted upon a showing of the following requirements:

(1) The wastewater facility has a volumetric capacity of less than five daily volumes of wastewater;

(2) The wastewater facility is constructed of materials which are impervious, watertight, and noncorrosive; and

(3) Copies of a contract indicating the terms, conditions, and firm or entity engaged to maintain the wastewater facility are provided.

iii. Septic tanks shall not be permitted.

2. The NJMC may, upon application and in connection with an application for a zoning certificate pursuant to N.J.A.C. 19:4-4.2, issue an approval for construction and operation of a temporary sewerage facility. The application shall contain:

i. 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 occupancy certification, as provided in N.J.A.C. 19:4-4.6;

ii. A written statement by the applicant of their willingness and ability to make connection with a public sewerage system when it is made available;

iii. Data sufficient to show that any temporary sewerage facilities to be constructed will be able to treat the discharge so that it will conform with the standards of this subsection; and

iv. Proof of compliance with applicable rules and regulations of the NJDEP.

3. Upon installation of an approved temporary sewerage facility, the NJMC shall issue, upon compliance with the requirements established herein, temporary occupancy certification pursuant to the provisions of N.J.A.C. 19:4-4.6. Said certification shall be valid and remain in effect so long as the applicant has NJDEP approval to construct and operate a temporary sewerage facility. Upon availability of a public sewerage system, a permanent connection shall be made by the property owner pursuant to these regulations.

(c) The flow from any pipe, conduit, or any other source discharging into the river or its tributaries shall comply with the regulations of the NJMC and NJDEP, in addition to the following:

1. The discharge of radioactive materials is not permitted; and

2. 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.

(d) Proof of compliance with the applicable regulations, including copies of all NJDEP permits and other associated approvals, shall be submitted to the NJMC.

Administrative change.  
See: 33 N.J.R. 3454(a).

#### 19:4-7.10 Performance standards; traffic

(a) A traffic impact analysis (TIA) shall be submitted to the NJMC for the following:

1. All projects described in N.J.A.C. 19:4-10.2;

2. Any proposed development that creates 100 or more vehicle trips during the peak hour time periods of both the proposed use and the adjacent roadway(s), as determined by calculations based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 7th Edition, incorporated herein by reference, as amended and supplemented, a copy of which can be obtained from the Institute of Transportation Engineers, 525 School Street, S.W., Suite 410, Washington, DC 20024;

3. Any proposed development located in an area that the NJMC has found to be a traffic or safety concern; and

4. All petitions for the rezoning of 20 or more lots.

(d) The minimum number of required parking spaces per use are as follows:

1. The number of parking spaces provided for all classifications of uses on a site shall be required in accordance with N.J.A.C. 19:4-8.4.
2. Where there is more than one use on a site, the number of required parking spaces shall be the sum of required parking spaces for each use.
3. Space allocated for required parking shall not be used for the parking of vehicles for sale, lease, or rental in conjunction with vehicle sales and rental facilities.
4. Space allocated for required parking shall not be used to satisfy any portion of the site's loading requirement, nor shall such space be used for storage and trailer parking, or any other purpose.
5. Space allocated for required parking shall not be utilized for any loading or truck maneuvering.
6. When required parking calculations result in a fraction of a space, that figure shall be rounded to the closest whole space.

(e) In conjunction with an application for new development, land-banking of required parking may be considered by the NJMC in accordance with the following:

1. The applicant shall satisfactorily demonstrate that the full amount of required parking will not be needed to support a specific tenant or use, or until a later phase of development or construction.
2. The land-banked parking area shall comply with all applicable regulations.
3. All land-banked parking areas shall be deed restricted.

(f) Shared parking requirements are as follows:

1. Parking areas may be shared by more than one use if a shared parking plan prepared in accordance with these regulations is approved by the NJMC. A shared parking plan prepared by a New Jersey-licensed professional engineer or other individual determined by the NJMC to be qualified as an expert in traffic engineering shall be submitted to the NJMC and shall include the following:

i. Determination of required number of spaces:

(1) For new construction, the minimum number of parking spaces constructed for a shared use project shall be determined by a shared parking plan, developed in accordance with the Urban Land Institute's (ULI) Shared Parking Manual, 1983, incorporated herein by reference, as amended and supplemented, or other similarly recognized publication. The Shared Parking Manual can be obtained from the Urban

Land Institute, 1025 Thomas Jefferson Street, N.W., Suite 500 West, Washington, DC 20007.

(2) If the shared parking plan assumes the use of an existing parking facility already being utilized by continuing uses, then parking surveys shall be conducted twice during a typical week for a minimum of one month to determine actual parking usage. The surveys shall include morning, afternoon, and evening peaks as appropriate.

ii. A site plan shall show how the actual number of parking spaces required in N.J.A.C. 19:4-8.4 could be provided on the site. The banked parking areas shall be indicated in the site plan as excess open space or future parking garage.

iii. The design of the banked parking area shall comply with all applicable regulations and shall be practical, feasible, and compatible with the site plan.

iv. A shared parking plan may include trip reduction elements, such as shuttle bus operations, that would reduce parking demand.

2. All zoning certificates issued for projects involving shared parking shall be conditioned upon the property owner submitting a study of actual parking usage and demand performed within two years of the issuance of occupancy certification for 85 percent of the development. The NJMC has the right to require the property owner to submit periodic monitoring reports for a period not to exceed 10 years.

3. The property owner shall provide a performance bond sufficient to construct the banked parking area. The performance bond shall be valid for a minimum of two years after the issuance of occupancy certification for 85 percent of the development. The NJMC will authorize the release of the performance bond upon submittal and acceptance of the parking usage study.

4. A deed restriction shall be executed guaranteeing that the property owner will construct the banked parking area directly if the NJMC determines that the shared parking plan should be modified or revoked. Insufficient parking supply shall be evidenced by parking occupancy rates over 98 percent for at least two consecutive hours on at least three typical days within a single month.

5. Before a change in use or operating hours that could increase peak parking demand by at least 10 percent, the property owner shall provide a follow-up study analyzing the change in demand patterns. Any forecasted deficiency shall be met by the construction of additional parking spaces.

6. Parking spaces to be shared cannot be reserved for specific uses, tenants, or individuals.

7. If any shared parking arrangement fails to meet the criteria in this section, the NJMC has the right to termi-

nate the shared parking plan and to enforce the construction of the required parking.

(g) Captive parking will be considered and/or allowed by the NJMC based upon the submission of evidence by the applicant to support a reduction in the total number of parking spaces due to an overlap of separate uses on the same site. Evidence may include studies of similar uses and traffic engineering studies.

### 19:4-8.3 Loading

(a) General requirements concerning loading are as follows:

1. No structure shall be constructed, moved, or altered, and no existing structure or use shall be enlarged, after February 17, 2004 unless the required number of loading spaces are provided in accordance with N.J.A.C. 19:4-8.4.

2. All required loading facilities shall be located off-street and on the same lot occupied by the use served.

3. Loading areas are not required in conjunction with development in the Low Density Residential zone.

4. Loading areas shall be on the site plan and shall consider the following:

- i. Safe and efficient layout;
- ii. Consistency with the size and proposed use of the facility;
- iii. The nature and location of adjacent uses; and
- iv. Pedestrian and vehicular circulation.

5. Space allocated for loading or truck maneuvering shall not be used to satisfy any portion of the site's required parking.

6. Vehicle repair and/or service of any kind are not allowed in loading areas.

(b) Location requirements for loading are as follows:

1. Loading shall not be permitted in any front yard.
2. Loading areas, including accessory trailer parking areas, shall be located in the rear yard. Where this is not possible due to technical reasons related to site layout, loading areas may be located in a side yard.
3. No loading area shall be located within 10 feet of an open ditch.

4. All entrances and exits to loading areas shall be located in a safe and convenient manner with minimal impact on traffic movement on the site and adjacent streets.

5. Entrances and exits shall not be located within the required line-of-sight triangle of an intersection.

(c) Design requirements for loading are as follows:

1. All loading areas shall be paved or improved with a compacted select gravel base, not less than eight inches thick, and surfaced with an all-weather dustless material. Reinforced concrete dolly pads, not less than eight inches thick, shall be constructed for all loading docks.

2. All loading areas shall be provided with adequate drainage facilities in accordance with N.J.A.C. 19:4-8.6.

3. All loading areas shall be screened and landscaped in accordance with N.J.A.C. 19:4-8.9(d)6iii.

4. All loading areas shall be adequately and properly lit in accordance with N.J.A.C. 19:4-8.13.

5. The circulation and maneuvering of trucks on site shall comply with established American Association of State Highway and Transportation Officials (AASHTO) truck turning templates, found in the AASHTO manual, "A Policy on Geometric Design of Highways and Streets," Fourth Edition, 2001, incorporated herein by reference, as amended and supplemented. A copy of the manual can be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 249, Washington, DC 20001. The templates used for the design of loading areas shall be for trucks of a size comparable to the maximum loading space required. Truck maneuvering shall not conflict with circulation and parking areas.

(d) Loading requirements are as follows:

1. The minimum requirements for the number and size of the required loading facilities shall be in accordance with N.J.A.C. 19:4-8.4.

2. All loading spaces shall have a minimum vertical clearance of 14 feet.

### 19:4-8.4 Parking and loading requirements

(a) The following shall be the minimum parking and loading requirements per use:

Table 8-1

#### Parking and Loading Requirements

	Use	Minimum Parking Requirements	Minimum Loading Requirements
1.	Airport	One space per four seats for waiting passengers; and one space per two employees on the shift of maximum employment	Two loading spaces; 12 feet x 60 feet
2.	Assisted living facility	0.5 spaces per bed	One loading space; 12 feet x 30 feet
3.	Automobile rental facility	One space per employee; 2.5 spaces per 1,000 sq. ft. of enclosed floor area; and 0.33 spaces per 1,000 sq. ft. of open lot vehicle storage area	One loading space; 12 feet x 30 feet
4.	Automobile repair facility, major and minor	One space per employee but not fewer than five employee parking spaces; two spaces per service bay; and five spaces per 1,000 sq. ft. of floor area of accessory retail, but no fewer than five spaces	One loading space; 12 feet x 30 feet
5.	Automobile sales facility	One space per employee; 2.5 spaces per 1,000 sq. ft. of enclosed floor area; 0.33 spaces per 1,000 sq. ft. of open lot vehicle storage area; and two spaces per service bay	One loading space; 12 feet x 30 feet
6.	Bank	Four spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 30 feet
7.	Boat sales, rental and repair facility	One space per employee; and 0.33 spaces per 1,000 sq. ft. of open lot area devoted to the sale and display of merchandise	One loading space; 12 feet x 60 feet
8.	Building materials yard or facility	One space per 1,000 sq. ft. of floor area; and one space per facility vehicle	One loading space; 12 feet x 30 feet
9.	Bus garage	One space per two bus parking spaces	One loading space; 12 feet x 60 feet
10.	Business support services	2.5 spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 30 feet
11.	Car wash (full service)	One space per two employees; and one per vacuum	One loading space; 12 feet x 30 feet
12.	Car wash (self service)	One space per employee; and one per vacuum	One loading space; 12 feet x 30 feet
13.	Class A, B, or D recycling facility	One space per 1,000 sq. ft. of floor area; and one space per facility vehicle	One loading space (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; two loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
14.	Commercial off-street parking	One space per employee	Not required
15.	Commercial recreation, indoor (see also "swimming pool")	Three spaces per 1,000 sq. ft. of floor area; 10 spaces per basketball court; and four spaces per tennis or similar court	One loading space; 12 feet x 30 feet
16.	Commercial recreation, outdoor (see also "swimming pool")	Three spaces per 1,000 sq. ft. of field area; 10 spaces per basketball court; and four spaces per tennis or similar court	One loading space; 12 feet x 30 feet
17.	Community residence or shelter	0.5 spaces per bedroom; and one space per employee on the shift of maximum employment	One loading space; 12 feet x 30 feet
18.	Construction equipment sales, rental, and repair	0.33 spaces per 1,000 sq. ft. of open lot area; and one space per employee	One loading space; 12 feet x 60 feet
19.	Contractor's yard or facility	One space per 1,000 sq. ft. of floor area; and one space per facility vehicle	One loading space; 12 feet x 30 feet
20.	Convention center	2.5 spaces per 1,000 sq. ft. of floor area	Four loading spaces; 12 feet x 60 feet
21.	Cultural facilities	2.5 spaces per 1,000 sq. ft. of floor area or one space per four seats, whichever is greater	One loading space (12 feet x 60 feet) for structures up to and including 100,000 sq. ft.; and one additional loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.

22.	Day care facility	One space per employee; one space per facility vehicle; and one space per 10 children or other persons requiring care	One loading space; 12 feet x 30 feet
23.	Disaster recovery facility	1.25 spaces per 1,000 sq. ft. of floor area	Two loading spaces; 12 feet x 60 feet
24.	Dwelling, single family	Two spaces per unit	Not required
25.	Dwelling, two family	Two spaces per unit	Not required
26.	Dwelling, multiple family	Two spaces per unit; and one visitor space per four units	Not required, except when greater than four stories: one loading space; 12 feet x 30 feet
27.	Essential public services	One space per employee on the shift of maximum employment; and one space per facility vehicle	One loading space; 12 feet x 30 feet
28.	Fuel service station	One space per employee, but not fewer than five employee parking spaces; five spaces per 1,000 sq. ft. of floor area of accessory retail, but not fewer than five spaces; and two spaces per service bay	One loading space; 12 feet x 30 feet
29.	Funeral home and mortuary	One space per four seats or 20 spaces per 1,000 sq. ft. of public assembly area, whichever is greater; one space per employee; and one space per facility vehicle	One loading space; 12 feet x 30 feet
30.	Health center	Two spaces per examination or treatment room; and one space per employee (including doctors and staff)	One loading space; 12 feet x 30 feet
31.	Heavy industry	One space per 1,000 sq. ft.	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
32.	Heliport	One space per 1,000 sq. ft. of exterior operational area	Not required
33.	Helistop, commercial	Five spaces	Not required
34.	Helistop	Two spaces	Not required
35.	Hospital	Two per bed; and one space per two employees	One loading space (12 feet x 60 feet) per 100,000 sq. ft. of floor area
36.	Hotel and motel	One space per guest room; and such other spaces for accessory uses as required herein	Hotel, full service: One loading space; 12 feet x 60 feet Hotel, limited service: one loading space; 12 feet x 30 feet
37.	House of worship	One space per five persons in the main place of worship, based on maximum occupancy as determined by the NJ UCC	One loading space; 12 feet x 30 feet
38.	Institutional use	Cumulative parking requirement per use	One loading space; 12 feet x 30 feet
39.	Intermodal facility	One space per 1,000 sq. ft.	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.

40.	Light industry	One space per 1,000 sq. ft. of floor area	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
41.	Manufactured home and trailer sales, rental, and repair	One space per employee; and 0.33 space per 1,000 sq. ft. of open lot area devoted to the sale and display of merchandise	One loading space; 12 feet x 60 feet
42.	Manufactured home park	Two spaces per unit; and one space per employee	Not required
43.	Marina	One space per two docking berths, plus 10 spaces per 1,000 linear feet of usable water frontage, plus one trailer space per two docking berths	One loading space; 12 feet x 60 feet
44.	Materials recovery facility	1 space per 1,000 sq. ft. of floor area; and 1 space per facility vehicle	One loading space; 12 feet x 60 feet
45.	Membership club or lodge, private	One space per four persons based on maximum occupancy as determined by the NJ UCC	One loading space; 12 feet x 30 feet
46.	Movie theater	One space per four seats	One loading space (12 feet x 60 feet) for structures up to and including 100,000 sq. ft.; two loading spaces (12 feet x 60 feet) for structures greater than 100,000 sq. ft.
47.	Nursing or rehabilitation facility	0.5 spaces per bed	One loading space; 12 feet x 30 feet
48.	Office	2.5 spaces per 1,000 sq. ft. of floor area	One loading space (12 feet x 30 feet) for structures up to and including 100,000 sq. ft.; one loading space (12 feet x 60 feet) for structures over 100,000 sq. ft. and up to and including 500,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 500,000 sq. ft.
49.	Park or recreation facility	See "commercial recreation, indoor" and "commercial recreation, outdoor"	Not required
50.	Personal services	Five spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 30 feet
51.	Place of assembly	10 spaces per 1,000 sq. ft. of floor area	One loading space (12 feet x 30 feet) for structures up to and including 100,000 sq. ft.; two loading spaces (12 feet x 60 feet) for structures over 100,000 sq. ft. and up to and including 500,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 500,000 sq. ft.
52.	Public utility uses, heavy	One space per 1,000 sq. ft. of floor area; and one space per facility vehicle	One loading space (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; two loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
53.	Public utility uses, light	One space per 1,000 sq. ft. of floor area; and one space per facility vehicle	Not required
54.	Research and development facility	2.5 spaces per 1,000 sq. ft. of floor area	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.

55.	Resource recovery facility	One space per 1,000 sq. ft. of floor area; and one space per facility vehicle	One loading space; 12 feet x 60 feet
56.	Restaurant Sit-down	Eight spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 30 feet
	Carry-out	10 spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 30 feet
	Fast-food	13 spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 60 feet
57.	Restaurant, accessory outdoor seating	Up to 20 seats may be provided with no additional parking requirement; and 0.33 space per additional seat	None required
58.	Retail	Five spaces per 1,000 sq. ft. of floor area and outdoor display area	One loading space (12 feet x 30 feet) for structures up to 30,000 sq. ft.; two loading spaces (12 feet x 60 feet) for structures greater than 30,000 sq. ft.; and one additional loading space (12 feet x 60 feet) per additional 50,000 sq. ft. over 30,000 sq. ft.
59.	School, primary or intermediate, public or private	One space per employee	One loading space; 12 feet x 30 feet
60.	School, secondary and post-secondary, public or private	One space per employee; and one space per 10 students based on maximum occupancy as determined by the NJ UCC	One loading space; 12 feet x 30 feet
61.	Self-storage facility	One space per 100 storage units or one space per 10,000 sq. ft., whichever is less, but in no case less than six spaces	Two loading spaces (12 feet x 60 feet) for structures up to and including 30,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 30,000 sq. ft.; and additional one loading space (12 feet x 60 feet) per additional 50,000 sq. ft. over 30,000 sq. ft.
62.	Senior housing	One space per dwelling unit	Not required, except when greater than four stories: one loading space; 12 feet x 30 feet
63.	Social services	One space per employee; and 2.5 spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 30 feet
64.	Solid waste transfer station	One space per facility vehicle, plus one space per 1,000 sq. ft. of floor area	One loading space (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; two loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft.
65.	Studio	1.5 spaces per 1,000 sq. ft. of studio and production area; one space per facility vehicle; 10 spaces per 1,000 sq. ft. of assembly areas; 2.5 spaces per 1,000 sq. ft. of office area; and such other cumulative parking requirements per use as applicable	One loading space (12 feet x 60 feet) per 25,000 sq. ft.
66.	Swimming pool, public or swim club, private	One space per 38 sq. ft. of water surface area, or 15 spaces per site acre, whichever is greater	One loading space; 12 feet x 30 feet
67.	Taxi and limousine service	One space per facility vehicle; and 2.5 spaces per 1,000 sq. ft. of enclosed floor area	One loading space; 12 feet x 30 feet
68.	Truck rental facility	One space per employee; 2.5 spaces per 1,000 sq. ft. of enclosed floor area; and 0.33 spaces per 1,000 sq. ft. of open lot vehicle storage area	One loading space; 12 feet x 60 feet

69.	Truck repair facility	One space per employee but not fewer than five employee parking spaces; two spaces per service bay; and five spaces per 1,000 sq. ft. of floor area of accessory retail, but no fewer than five spaces	One loading space; 12 feet x 30 feet
70.	Truck sales	One space per employee; 2.5 spaces per 1,000 sq. ft. of enclosed floor area; 0.33 spaces per 1,000 sq. ft. of open lot vehicle storage area; and two spaces per service bay	One loading space; 12 feet x 60 feet
71.	Truck stop	Cumulative parking requirement per use	One loading space; 12 feet x 60 feet
72.	Truck terminal	One space per loading door or one space per employee on the shift of maximum employment, whichever is greater; and one space per facility vehicle	One loading space; 12 feet x 60 feet
73.	Truck wash (full-service)	One space per two employees; and one per vacuum	One loading space; 12 feet x 30 feet
74.	Truck wash (self-service)	One space per employee; and one per vacuum	One loading space; 12 feet x 30 feet
75.	Warehouse and distribution facility	One space per 1,500 sq. ft. of floor area	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
76.	Wholesale establishment	One space per 1,500 sq. ft. of floor area	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.

(b) Minimum parking and loading requirements for uses not listed in this section shall be provided in accordance with the determination of the NJMC.

#### 19:4-8.5 Line-of-sight triangle

(a) Line-of-sight triangles shall be provided in accordance with established American Association of State Highway and Transportation Officials (AASHTO) design recommendations for intersection sight distances/sight triangles as found in the AASHTO manual, "A Policy on Geometric Design of Highways and Streets," Fourth Edition, 2001, incorporated herein by reference, as amended and supplemented, and shall be indicated on the site plan.

(b) Line-of-sight triangles shall be provided at the intersection of a driveway and a street or other public ROW, or at the intersection of two or more streets or public ROWs.

(c) Unless more stringent requirements are provided in these regulations, at the intersection of two or more streets or the intersection of a driveway and one or more streets, no hedge, planting, fence, screening or wall higher than 30 inches above curb level, nor any obstruction to a motorist's line of vision, other than a post not exceeding one foot in

diameter, shall be permitted on any property within the line-of-sight triangle.

(d) Property within the line-of-sight triangles shall be maintained, trimmed and/or cleared of any material that could obstruct vision within the line-of-sight triangle.

#### 19:4-8.6 Drainage

(a) General requirements for drainage are as follows:

1. Drainage plans shall be signed and sealed by a New Jersey-licensed professional engineer or other professional authorized to prepare drainage plans.

2. All vehicular use areas shall be drained so as to direct surface water runoff to a stormwater drainage system for eventual subsurface or stream disposal.

3. A watershed runoff hydrograph that displays and compares the peak discharge rate and volume shall be prepared for both pre-and post-development conditions. Runoff volume calculations shall be used to determine the sizing of detention facilities, if necessary.

4. The receiving stormwater drainage system (pipe flow or open channel flow) shall be analyzed to ensure

that it has the additional capacity necessary to handle any increase in stormwater flow using the Manning equation in Figure 8-4 in (b)4i below. If the receiving stormwater drainage system is at or over capacity, detention facilities shall be provided in order to maintain site runoff at pre-development levels.

5. The size of the drainage area shall include on-site and off-site lands contributing stormwater to the discharge point.

6. Water quality basins or other structures or water quality methodologies approved on a case-by-case basis by the NJMC shall be provided.

7. A maintenance plan for stormwater drainage systems shall be provided to ensure proper function and operation of the system.

(b) Design requirements for drainage are as follows:

1. The applicant shall provide information sufficient for the NJMC to determine compliance with the applicable sections of N.J.A.C. 7:8, NJDEP's Stormwater Management rules.

2. All drainage systems shall be designed for a 25-year storm event.

3. Runoff estimation:

i. The Rational Method, utilizing the rational formula listed in Figure 8-2 below, shall be used for computing the runoff of any drainage area up to 20 acres for each discharge point. For areas larger than 20 acres, the U.S. National Resources Conservation Service (NRCS), Technical Release No. 55 (TR-55), "Urban Hydrology for Small Watersheds," incorporated herein by reference, as amended and supplemented, or equivalent approved by the NJMC, shall be used, a copy of which may be obtained from the New Jersey Natural Resources Conservation Service, 51 Gibraltar Drive, Suite 2E, Morris Plains, NJ 07950; and

Figure 8-2

Rational Formula

$$Q = ciA$$

where:

- Q = Peak flow in cubic feet per second (cfs)
- c = Runoff coefficient (weighted)
- i = Rainfall intensity in inches per hour (in/hr)
- A = Drainage area in acres (ac)

ii. The runoff coefficients (c) listed in Table 8-2 below shall be used in the rational formula:

Land Use	Description	Hydrologic Soils Group				
		A	B	C	D	
Cultivated Land:	Without conservation treatment	0.50	0.70	0.80	0.90	
	With conservation treatment	0.30	0.45	0.65	0.70	
Pasture: Grassland or Range Land	Poor condition	0.40	0.65	0.75	0.85	
	Fair condition	—	0.25	0.50	0.65	
	Good condition	—	—	0.40	0.60	
Wood or Forest Land:	Poor cover; thin stand, no mulch	—	0.35	0.60	0.70	
	Good cover	—	—	0.45	0.60	
Open Space: Lawns, Parks, Golf Courses, etc.	Poor condition (grass cover < 50 percent)	—	0.65	0.70	0.85	
	Fair condition (grass cover 50 percent to 75 percent)	—	0.45	0.60	0.75	
	Good condition (grass cover > 75 percent)	—	0.25	0.50	0.65	
Urban Areas: Commercial and Business	85 percent impervious	0.85	0.90	0.90	0.95	
	Industrial	0.65	0.80	0.90	0.90	
Residential: Average Lot Size (acres):	Average percent impervious:					
	1/8	65	0.60	0.75	0.85	0.90
	1/4	38	0.30	0.55	0.70	0.80
	1/2	30	—	0.50	0.70	0.80
	1/2	25	—	0.45	0.65	0.75
1	20	—	0.40	0.65	0.75	

Impervious Areas:	Parking lots, roofs, driveways, etc.	0.99	0.99	0.99	0.99
Paved	Streets and roads	0.99	0.99	0.99	0.99
Gravel	Streets and roads	0.60	0.75	0.85	0.90
Dirt	Streets and roads	0.50	0.70	0.80	0.85

Note: Hydrologic Soil Groups texture descriptions are the following:

- A Sand, loamy sand, or sandy loam
- B Silt loam or loam
- C Sandy clay loam
- D Clay loam, silty clay loam, sandy clay, silty clay, or clay.

iii. The time of concentration (Tc) used in the rational method shall be calculated using the NRCS TR-55 methodology or other method approved on a case-by-case basis by the NJMC.

4. Stormwater drainage collection system design requirements are as follows:

i. The design of pipes and conduits shall use Manning's equation, listed in Figure 8-3 below, to determine capacity.

Figure 8-3

Manning's Equation

$$Q = (1.486/n)AR^{2/3}S^{1/2}$$

where:

- Q = Flow, cubic feet per second (cfs)
- n = Manning's roughness coefficient
- A = Cross-sectional area of flow in square feet (sf)
- R = Hydraulic radius in feet,  $R=A/P$ , where P is the wetted perimeter, measured in feet and defined as the length of the line of contact between the flowing water and the channel (ft)
- S = Slope of energy grade in feet per foot (ft/ft)

ii. Pipe sizes shall be determined using the design runoff, conduit entrance conditions and hydraulic capacity.

iii. Design velocities in pipes shall be a minimum of two feet per second, or as otherwise approved on a case-by-case basis by the NJMC, to allow for self-cleaning and a maximum of 15 feet per second to prevent scouring of pipes, manholes, and inlets and erosion at points of discharge.

iv. The materials used in the construction of storm sewers shall be reinforced concrete, ductile iron, corrugated polyethylene, or other as approved by NJMC. Corrugated metal and steel shall not be permitted.

v. The Manning's roughness coefficient "n" for circular cross section, nonporous concrete pipe shall be 0.013. Other cross sections or pipe materials shall have commensurate friction factors.

vi. All transitions in pipe slopes, junctions and changes in pipe sizes shall be confined to manholes, catch basins, or other accessible structures designed for one or more of these purposes.

vii. Where a drainage system discharges to a tidal waterway, tide gates, constructed of cast iron or other corrosion-proof material, shall be provided at every discharge point.

viii. Where a drainage system starts at or discharges into a stream, ditch or other body of water, a concrete headwall with wing-walls and a rip-rap apron pad, or other as approved by the NJMC, shall be constructed.

ix. Roof runoff shall be conveyed via roof leaders to an underground drainage system, where feasible.

5. Detention basin design requirements are as follows:

i. Underground detention basins may be provided utilizing solid material pipe or perforated pipe. If perforated pipe is utilized, the percolation rate of the underlying material shall be adequate to ensure that the water table is at an elevation that allows the detention system to empty.

ii. Detention basins shall accommodate site runoff generated from 25-year design storm events so that pre-development peak flow rates at the critical time of concentration are not increased.

iii. Detention basins shall be analyzed for a 100-year storm event to ensure stability of downstream structures and stormwater management systems.

iv. In order to address water quality, detention basins shall be designed for the water quality design storm of 1.25 inches of rainfall falling uniformly in two hours, such that no more than 90 percent will be discharged prior to 36 hours, or 18 hours for residential development.

v. Detention basins shall be equipped with water control structures consisting of orifice and/or weir control devices. The minimum diameter of any outlet orifice shall be two and one-half inches.

vi. The sides of a detention basin shall not exceed a slope of 3:1, unless otherwise approved by the NJMC. In order to control erosion, the sides of the detention basin shall be planted with suitable landscape material.

vii. Detention basins shall be maintained to prevent clogging and/or siltation. A maintenance plan shall be submitted to the NJMC for review and approval.

6. Stormwater pollutant removal requirements are as follows:

i. Install best management practices (BMP) to provide total suspended solids (TSS) load removal to the maximum extent feasible for post-construction runoff.

ii. Acceptable BMPs include extended detention basins, manufactured treatment devices, sand filters, constructed stormwater wetlands, infiltration systems, pervious pavement, wet ponds, and others, as approved by the NJMC.

#### 19:4-8.7 Buffers

(a) Waterway buffers shall be provided as follows:

1. There shall be a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District.

2. At man-made watercourses, the location and measured dimension of the buffer shall be determined by the NJMC.

3. No fill, structures, or impervious pavement shall be permitted within the waterway buffer, unless required by other agencies having jurisdiction for the purpose of environmental remediation.

4. Stormwater management facilities are permitted within the waterway buffer.

5. Water dependent aspects of marinas are exempt from this section.

(b) Residential buffers shall be provided as follows, measured from the property line:

1. Where an industrial use is proposed abutting a residential use or zone, a 25-foot landscaped buffer shall be provided in accordance with N.J.A.C. 19:4-8.9.

2. Where a commercial use is proposed abutting a residential use or zone, a 15-foot landscaped buffer shall be provided in accordance with N.J.A.C. 19:4-8.9, except in the Neighborhood commercial zone.

#### 19:4-8.8 Open space

(a) General requirements for open space are as follows:

1. Open space shall be required on all developed sites in the District in accordance with the bulk regulations of the applicable zone in which the property is located.

2. An open space plan shall be submitted in conjunction with all applications for new construction, additions and site improvements, or as otherwise required by these regulations, in accordance with of N.J.A.C. 19:4-4.4.

3. The following areas shall fulfill open space requirements:

i. Landscaped and natural areas at grade level which meet the minimum open space dimensions, in accordance with the following:

(1) Open space areas that have a minimum dimension of five feet in any direction and a minimum area of 50 square feet.

(2) Landscaped safety islands within parking lots equal or greater than five feet dimension in any direction;

ii. Hardscape areas at grade level having a minimum of 20 percent of the total hardscape area planted, inclusive of permanent landscaped planters;

iii. Stormwater management areas that are at least 50 percent vegetated; and

iv. Sidewalks provided within an open space area.

4. The following areas shall not fulfill open space requirements:

i. The overhang area for parking stalls in accordance with N.J.A.C. 19:4-8.2(c)10; and

ii. Vehicular use areas including all parking, loading, access drives, accessory trailer parking; outdoor storage; tower foundations; refuse and recycling areas; and foundations for satellite antennas exceeding a diameter of six feet.

(b) Open space plan requirements are as follows:

1. The open space plan shall indicate the location and area of open space proposed on a site with hatch patterns.

2. An open space summary table shall be included on the open space plan indicating the total area of the lot, open space, and vehicular use areas.

#### 19:4-8.9 Landscaping

(a) A landscape plan shall be submitted with all applications for new construction, additions and site improvements, or as otherwise required by these regulations, in accordance with N.J.A.C. 19:4-4.4.

(b) The landscape plan shall include the following:

1. Proposed plantings, hardscape areas, stormwater management areas, and items requiring screening;

2. Existing trees with a six-inch caliper or greater;

3. All trees to be preserved or relocated;

4. A plant schedule indicating botanical and common names, quantity, size at time of planting and maturity, and spacing of all proposed plantings; and

5. Construction details and notes for plantings.

(c) Plant standards for landscaping are as follows:

1. All proposed plantings shall conform to the American Standard for Nursery Stock, (ANSI Z60.1-1996), published November 6, 1996 by the American Association of Nurserymen (AAN), 1250 I Street, N.W., Suite 500, Washington, DC 20005, incorporated herein by reference, as amended and supplemented. Plantings shall also conform to the hardiness zone 6 standards of the United States Department of Agriculture (USDA), Plant Hardiness Zone Map, as developed by the USDA, Miscellaneous Publication No. 1475, issued January 1990, incorporated herein by reference, as amended and supplemented. The map is available through the USDA and other cooperative extensions. A web-based interactive Plant Hardiness Zone Map (2001 US National Arboretum "Web Version" of the USDA Plant Hardiness Zone Map) can be found in the United States National Arboretum website at <http://www.usna.usda.gov/Hardzone/ushzmap.html>.

2. All shade trees shall be a minimum of two and one-half to three inches in caliper and 12 feet in height at the time of planting.

3. All evergreen and ornamental trees shall not be less than six feet in height at the time of planting.

4. All upright shrubs shall not be less than 24 to 30 inches in height at the time of planting; all spreading shrubs shall not be less than 24 to 30 inches in spread at the time of planting.

(d) Design requirements for landscaping are as follows:

1. Plants located within the line of sight triangles in accordance with N.J.A.C. 19:4-8.5 shall not exceed a height of 30 inches at maturity.

2. Shade trees shall be provided in the required front yard adjacent to public streets. At least one shade tree for each 40 linear feet of frontage shall be provided.

3. A minimum of one shade tree shall be provided for every 10 parking spaces or 3,000 square feet of vehicular use area, whichever is greater, which shall be distributed evenly within the vehicular use area.

4. A five-foot-wide landscape strip with shade trees to be planted on 25 to 40 foot centers shall be provided along all side and rear property lines, unless otherwise determined to be infeasible by the NJMC.

5. A minimum of 40 percent of all new trees and shrubs shall be native to the State of New Jersey. The planting of Purple Loosestrife (*Lythrum salicaria*) and all of its varieties is prohibited in the District. A list of suggested and discouraged plants is available from the NJMC.

6. Screening requirements are as follows:

i. All parking areas containing six or more parking spaces shall be effectively screened from public or private ROWs by a fence, wall, landscaped berm, or densely planted evergreens sufficient to reduce head-

light glare. Deciduous shrubs may be used for screening in conjunction with a berm not less than two and one-half feet in height.

ii. All parking areas shall be screened from adjacent residential uses by a solid and continuous fence, wall, landscaped berm or densely planted evergreens capable of maturing to a minimum of six feet in height.

iii. All loading and trailer parking areas shall be effectively screened with a solid and continuous fence in accordance with N.J.A.C. 19:4-8.10, supplemented by evergreens capable of maturing to a height and width sufficient to screen such areas and vehicles from public ROWs and adjacent residential uses.

iv. All site service improvements and utility improvements, such as transformer compounds and external heating and cooling equipment; refuse and recycling areas; and outdoor storage, display or work areas, where permitted, shall be enclosed by a solid and continuous fence, wall, or evergreen plant material sufficient to screen such activity from adjacent properties and public ROWs.

(e) All landscaping shall be completed before occupancy certification is issued by the NJMC. Delay in performance may be permitted by the posting of sufficient security in a form acceptable to the NJMC to ensure completion of this requirement.

#### 19:4-8.10 Fences and screening walls

(a) Fences or walls in excess of 24 inches in height shall be permitted in accordance with the following:

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

i. Fences or walls on any existing single-family dwelling or two-family dwelling lot with a maximum height of four feet, provided that they are not chain link fences.

ii. Notwithstanding the other provisions of this section, fences or walls in the Intermodal B and Heavy Industrial zones.

iii. Fences or walls, not exceeding four feet in height, on undeveloped properties that are subject to illegal dumping. The determination that illegal dumping occurs must be confirmed by an inspection by the NJMC prior to the erection of the fence. Before a certificate of completion can be issued for the fence or wall, the property shall be cleared of debris. The fence shall be removed once the site is developed.

iv. Construction fences not exceeding eight feet in height. Said fences shall be removed prior to the issuance of occupancy certification.

v. Fences or walls erected at the front building line of a principal structure extending to the side or rear lot

lines, provided that they do not exceed a maximum height of six feet in the Low Density Residential zone and eight feet in all other zones.

2. Fences and walls located in side and rear yards shall not exceed a height of six feet in residential zones and eight feet in all other zones.

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

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

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

#### 19:4-8.11 Retaining walls

(a) Retaining walls having an exposed height of four feet or more shall require design stability calculations signed and sealed by a New Jersey-licensed professional engineer.

(b) The height and location requirements for screening walls in N.J.A.C. 19:4-8.10 shall not apply to retaining walls.

#### 19:4-8.12 Sidewalks

(a) Sidewalks shall be provided and maintained along public streets on which a property fronts, subject to the approval of the appropriate governmental entity having jurisdiction.

(b) Where possible, sidewalks shall be located parallel to the public street and shall connect to existing sidewalks on adjacent properties.

(c) The minimum sidewalk width shall be four feet. Where a sidewalk abuts a curb or the edge of pavement, the minimum width shall be six feet.

(d) Sidewalks shall be constructed of either four-inch-thick concrete, concrete pavers, or other appropriate material. Sidewalks shall be designed to meet the conditions of the sub-grade material and the proposed loads.

(e) The area between the sidewalk and the edge of pavement or curb shall be landscaped.

#### 19:4-8.13 Lighting

(a) Adequate site illumination for uncovered areas shall be provided in accordance with the following:

1. Uncovered areas shall be adequately illuminated during non-daylight hours. Adequate illumination shall be provided for all vehicular use areas and pedestrian areas.

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

3. Evenly distributed, minimum illumination levels shall be maintained throughout the uncovered areas during non-daylight hours as per Table 8-3 below.

Table 8-3

#### Site Illumination Requirements for Uncovered Areas

Use	Minimum Average Footcandle Level
Parking Lots	1.0
Loading, Unloading and Material Handling Areas	4.0
Driveway Entrances and Exits	2.0
Pedestrian Walkway Areas	0.5

4. Site illumination for environmental conservation areas shall be limited to that which is minimally required to serve the needs of employees, users, and visitors of these areas, as determined by the NJMC.

5. The maximum average illumination level for fuel service stations, including areas under canopies, shall be 20 footcandles.

6. Site illumination design shall comply with the following:

i. All light sources shall be shielded and positioned to prevent glare from becoming a hazard or a nuisance, or having a negative impact on site users, adjacent properties, or the traveling public.

ii. All light sources with illumination levels greater than one foot-candle shall be arranged to reflect away from adjacent properties.

iii. The number and spacing of required light pole standards in a parking lot shall be determined based on the type of fixture, height of pole, number of fixtures on the pole, and desired lighting level.

iv. Poles shall be made of rustproof metal, cast iron, fiberglass, finished wood or similar structural material.

v. Pole heights shall be measured from the ground surface at the base of the pole to the top of the pole. The height of poles mounted on pedestals shall include the height of the pedestal.

vi. Light sources mounted on a pole shall not exceed the height of the pole.

vii. Poles dedicated to lighting pedestrian areas shall not be greater than 15 feet in height and shall utilize underground wiring.

viii. Poles in all other areas shall not exceed 25 feet in height, and shall utilize underground wiring.

ix. Poles greater than 25 feet in height, but not exceeding 40 feet, and utilizing overhead wiring, may be permitted under specific written request of, and authorization by, the NJMC due to specific site or use-related, technical reasons.