

CHAPTER 4

DISTRICT ZONING REGULATIONS

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

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

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

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

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

Law Review and Journal Commentaries

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

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL INFORMATION

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

SUBCHAPTER 2. CONSTRUCTION AND DEFINITIONS

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

SUBCHAPTER 3. APPLICATION OF REGULATIONS

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

SUBCHAPTER 4. ZONE REGULATIONS

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

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

- 19:4-4.154 Commercial park zone; environmental performance standards
- 19:4-4.155 Commercial park zone; design of structures and other improvements
- 19:4-4.156 Commercial park zone; waterfront development
- 19:4-4.157 Limited commercial zone; purposes
- 19:4-4.158 Limited commercial zone; type of development
- 19:4-4.159 Limited commercial zone; permitted uses
- 19:4-4.160 Limited commercial zone; special exceptions
- 19:4-4.161 Limited commercial zone; use limitations
- 19:4-4.162 Limited commercial zone; lot area requirements
- 19:4-4.163 Limited commercial zone; bulk regulations
- 19:4-4.164 Limited commercial zone; buffer requirements
- 19:4-4.165 Limited commercial zone; environmental performance standards
- 19:4-4.166 Limited commercial zone; design of structures and other improvements
- 19:4-6.19 Appointment and operation of Environmental Design Committee
- 19:4-6.20 Landmark preservation
- 19:4-6.21 Additional procedural rules
- 19:4-6.22 Public hearing
- 19:4-6.23 Nonconformities
- 19:4-6.24 Fees, penalties and enforcement
- 19:4-6.25 Appeals
- 19:4-6.26 Commission review of Development Board actions
- 19:4-6.27 Amendments
- 19:4-6.28 Official Zoning Map
- 19:4-6.29 Petitions for zoning amendment to Official Zoning Map (rezoning)
- 19:4-6.30 Petitions for amendment to District Zoning Regulations

SUBCHAPTER 7. WETLANDS PROCEDURES AND GUIDELINES

SUBCHAPTER 5. SPECIALLY PLANNED AREA REGULATIONS

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

SUBCHAPTER 6. GENERAL PROVISIONS

- 19:4-6.1 Performance standards; noise
- 19:4-6.2 Definitions regarding noise regulations
- 19:4-6.3 Performance standards; vibrations
- 19:4-6.4 Definitions regarding vibration regulations
- 19:4-6.5 Airborne emissions
- 19:4-6.6 Definitions regarding airborne emissions
- 19:4-6.7 Performance standards; hazardous materials, liquids and chemicals
- 19:4-6.8 Definitions regarding hazardous materials
- 19:4-6.9 Performance standards; glare
- 19:4-6.10 Definitions regarding glare
- 19:4-6.11 Performance standards; radioactive materials
- 19:4-6.12 Definitions regarding radioactive materials
- 19:4-6.13 Exemption; radioactive materials
- 19:4-6.14 Performance standards; water
- 19:4-6.15 Definitions regarding water quality
- 19:4-6.16 Wetlands buffer strip; water quality and enhancement of wetlands
- 19:4-6.17 Fees and escrow deposits to insure compliance with certain requirements
- 19:4-6.18 Design of structures; provision and design of other improvements, including parking and loading facilities, landscape improvements, lighting, fencing, signs, satellite antennas, public parks, recycling areas and improvements in the marshland preservation zone

- 19:4-7.1 General provisions; scope
- 19:4-7.2 Guidelines
- 19:4-7.3 Marshland preservation zone
- 19:4-7.4 Public park zones
- 19:4-7.5 Specially planned areas
- 19:4-7.6 Island residential specially planned areas
- 19:4-7.7 Parkside residential
- 19:4-7.8 Berry's Creek Center
- 19:4-7.9 Transportation center
- 19:4-7.10 Special use areas
- 19:4-7.11 Development zones
- 19:4-7.12 Inventory and analysis
- 19:4-7.13 Implementation and inspection procedures
- 19:4-7.14 Waterway buffer strips
- 19:4-7.15 Protection of existing watercourses within the District
- 19:4-7.16 Specially planned areas; instruction
- 19:4-7.17 Zones; instructions
- 19:4-7.18 Water quality; scope
- 19:4-7.19 Water quality; guidelines
- 19:4-7.20 Liquid and solid waste disposal

SUBCHAPTER 1. GENERAL INFORMATION

19:4-1.1 Title of Chapter

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

Historical Note

Originally cited as Article I.

19:4-1.2 Effective date of Chapter

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

19:4-1.3 Termination of Chapter

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

Historical Note

Sections 2 and 3 were originally cited as Article II.

19:4-1.4 Purpose of Chapter

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

1. To provide for the orderly and comprehensive development of the Hackensack Meadowlands District;
2. To provide space for industrial, commercial, residential, recreational, and other uses;
3. To provide that such uses are suitably sited and placed in order to secure safety from fire, provide adequate light and air, prevent the overcrowding of land and undue concentration of population, prevent traffic congestion, and, in general, relate buildings and uses to each other so that aesthetic and use values are maximized;
4. To provide for community appearance;
5. To provide for improvements of the land adequate to serve the uses to be developed on that land;
6. To protect the Hackensack Meadowlands District from air and water pollution;
7. To preserve an ecological balance between natural and open areas and development; and
8. To provide for a comprehensive treatment of the ecological factors constituting the delicate environmental balance of the Meadowlands.

Chapter Historical Note

Section 4 was originally cited as Article III.

SUBCHAPTER 2. CONSTRUCTION AND DEFINITIONS

19:4-2.1 Construction

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

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

6. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies and all other legal entities.

7. The word "Commission" means the Hackensack Meadowlands Development Commission.

8. The words "constituent municipality" means a municipality with lands in the Hackensack Meadowlands District.

9. Unless otherwise specified, all distances shall be measured horizontally.

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

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

(d) Where the conditions or regulations imposed by any provisions of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions or regulations imposed by any other provisions of these regulations, the conditions or regulations which are more restrictive shall govern.

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

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

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

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

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

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

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

19:4-2.2 Definitions

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

"A.F." means airport facilities.

"B.C.C." means Berry's Creek Center.

"H.C." means highway commercial.

"H.I." means heavy industrial.

"I.R." means island residential.

"L.C." means limited commercial.

"L.D.R." means low density residential.

"L.I.A." means light industrial and distribution "A".

"L.I.B." means light industrial and distribution "B".

"M.P." means marshland preservation.

"P and R" means park and recreation.

"P.R." means parkside residential.

"P.U." means public utilities.

"R.D.P." means research distribution park.

"R.O.W." means right-of-way.

"R.P." means research park.

"S.C." means sports complex.

"S.H.C." means service highway commercial.

"S.U." means special use.

"T.C." means transportation center.

"W.R." means waterfront recreation.

"Abandonment" means the relinquishment of property, or a cessation of the use of the property, by the owner or lessee, for reasons other than an act of God, without the

intention of transferring property rights to another owner or lessee or resuming a use of the property. Abandonment shall mean the use has not operated for 12 continuous months.

"Accessory entertainment" means a use that is provided to restaurant customers as incidental to the normal service of food and drink and is compatible with the restaurant use. Such use shall not occupy more than 25 percent of the restaurant's customer seating area.

"Accessory retail sales" means a use occupying not more than 10 percent of the total floor area of a building's warehouse floor area and engaged in the selling to the general public of goods or merchandise stored in the warehouse.

"Accessory trailer parking area" means an approved parking area, properly screened from the public right-of-way for the temporary parking of empty, operable trucks and/or trailers, owned or leased by the property owner or tenant.

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

"Adult care center" means an establishment which provides daytime supervision and activities for senior citizens and/or physically/mentally challenged adults. No residential facilities are permitted in an Adult Care Facility.

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

1. The maintenance and operation of commercial greenhouses or hydroponic farms;
2. Wholesale or retail sales as an accessory use unless the same are specifically permitted by these regulations;
3. The feeding, grazing or sheltering of animals or poultry in either penned enclosures or in open pasture within 100 feet of any lot line. Agriculture does not include the feeding of garbage to animals, the raising of poultry or fur bearing animals as a principal use, or the operation or maintenance of a commercial stockyard or feed yard.

"Auto garage" means a facility that is principally used for the mechanical repair of motor vehicles. This facility would include major engine and transmission repair and replace-

ment, chassis and suspension repair, body work, and vehicle painting. These facilities may include limited accessory outdoor storage areas for parts and vehicles.

“Auto maintenance facility” means a facility that is principally used for the routine maintenance of motor vehicles. Such routine maintenance would include activities such as fluid changes; filter, belt, tire and shock replacement; brake and muffler repair; and, vehicle detailing. These facilities would not involve the overnight storage of vehicles.

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

“Automobile service station” means any building, land area or other premises, or portion thereof, used or intended to be principally used for the retail dispensing or sales of vehicular fuels, and which may include accessory uses.

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

“Buffer” means an undeveloped strip of land used to separate use areas.

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

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

“Building height” means the vertical distance from the lowest grade level at the base of the structure to its highest point.

“Bulk requirements” means standards that control the height, density, intensity and location of structures.

“Bus terminals” means any facility used for the storage and/or dispatching of buses where the maintenance, repair, or fueling of the buses is accessory to the principal use of storage. Buses may include charter, transit or school.

“Canopy” means any structure, moveable or stationary, of a maximum six foot width, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.

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

“Child care center” means any facility licensed by the Department of Human Services which is maintained for the care, development or supervision of children.

“Class A recyclable material” means any source separated nonputrescible recyclable material as defined by the NJDEP.

“Class A recycling facility” means a facility which handles Class A recyclable material.

“Class B recyclable material” means a source separated recyclable material as defined by the NJDEP.

“Class B recycling facility” means a facility which handles Class B recyclable material.

“Communications common carrier” means any person (individual, partnership, association, joint-stock company, trust, corporation, or other entity) engaged as a common carrier for hire in interstate or foreign radio transmission of energy as defined by the Federal Communications Commission (FCC).

“Community residence” means a licensed community residential facility for the developmentally disabled providing food, shelter and personal guidance to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels.

“Community shelter” means any community shelter for victims of domestic violence approved and certified by the Department of Human Services, providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

“CP” means commercial park.

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

“District” means the Hackensack Meadowlands District.

“Duplex” means a residential building containing two, semi-attached-dwelling units.

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

"Dwelling: high-rise" means a building containing multi-family units of eight or more stories.

"Dwelling: low-rise" means dwelling units attached or detached of three stories or less having a maximum height of 35 feet.

"Dwelling: mid-rise" means a building containing multi-family units from three to seven stories.

"Dwelling: multiple-family" means a residential building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

"Dwelling: single-family" means a residential building containing one-dwelling unit only.

"Dwelling: two-family" means a residential building containing two-dwelling units.

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

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

"Family" means either:

1. An individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or

2. Two or more individuals not related by blood, marriage, or adoption, living together as a single housekeeping unit. A family may include any number of gratuitous guests or minor children not related by blood, marriage, or adoption and usual domestic servants.

"Floor area" means the sum of the areas of all floors of a building or buildings, measured from the faces of the exterior walls not including porches, balconies, patios, terraces, breezeways and enclosed pedestrian walkways.

"Floor area ratio (F.A.R.);" means the gross floor area of all buildings and structures, including parking decks, on the lot divided by the lot area.

"Freight forwarding" means an establishment primarily engaged in the transshipment of goods from shippers to

receivers for a charge, covering the entire transportation route and, in turn, making use of services of other transportation establishments as instrumentalities in effecting delivery. Freight forwarding facilities may include areas for the temporary storage, transfer, repacking, consolidation or distribution of such goods and accessory parking and servicing of trucks and trailers.

"Governmental uses" means uses operated by any governmental instrumentality having jurisdiction within the Hackensack Meadowlands District.

"Health club" means a membership facility designed and used for body conditioning and rehabilitation, including activities such as aerobic and related class exercises, and which may contain equipment such as a sauna, steam room, showers, and locker facilities.

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

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

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

"House of worship" means a structure, or groups of structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses therewith by fully incorporated non-profit religious corporations holding tax exempt status.

"Housing for low-income families" means housing that is financially feasible for families whose income levels are categorized as low by the standards promulgated by the United States Department of Housing and Urban Development or the appropriate State Housing Agency.

"Housing for moderate-income families" means housing that is financially feasible for families whose income levels are categorized as moderate by the standards promulgated by the United States Department of Housing and Urban Development or the appropriate State Housing Agency.

"Indoor recreation" means a commercial establishment which is designed and equipped for the conduct of sports, leisure activities and other customary recreational activities within a completely enclosed structure.

"Institutional uses" means public and private schools of any kind.

“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 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 plant material such as trees, shrubs and groundcovers, and other natural and man-made features in accordance with the Commission adopted Landscape Design Guidelines. Landscaping may include berms, decorative fences, gardens, plazas, roof terraces, certain outdoor recreational facilities, pedestrian walks, and other features such as fountains and gazebos designed to address a range of functional and visual considerations.

“Level of service” means a qualitative measure describing operational conditions within a traffic stream using such quantitative factors as speed, travel time, volumes, traffic interruptions, convenience and safety.

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

“Lot area” means the area of a horizontal plane bounded by the front, side and rear lot lines.

“Lot corner” means a lot having two or more front lot lines.

“Lot coverage” means that percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

“Lot depth” means the shortest line between any front and rear yard lot line.

“Lot line” means the lot boundary line. (See lot line front; lot line rear; lot line side.)

“Lot line: front” means a street, road or highway right-of-way line forming the boundary of a lot.

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

“Lot line: side” means a lot line which is neither a front lot line, nor a rear lot line.

“Lot of record” means a lot which exists as shown or described on a plat or deed in records of local and county registry of deeds.

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

“Lot width” means the shortest line 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, 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.

“Minor truck repair” means the repair of trucks not normally involving overnight storage or long term repair. Such repairs must occur inside an approved facility. The following are not considered minor truck repairs: fender and body work, suspension and chassis repair, transmission and minor rebuilding or trailer repairs.

“Mixed use development” means a tract of land which includes one or more buildings or structures with two or more permitted uses which is planned, constructed, and managed as a single entity.

“Motor freight facility” means truck terminal.

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

“Neighborhood retail center” means a group of commercial establishments, planned and operated as a unit for the sale of convenience goods and personal services designed to serve the needs of a specific residential area. Such centers shall include appropriate off-street parking and loading facilities.

"Neighborhood shopping center" means establishments which provide for the sale of convenience goods (food, drugs and sundries) and personal services (those involving the care of a person or his or her apparel), and those that meet the daily needs of an immediate neighborhood trade area.

"Nonconforming lot" means a lot in which the area, dimension or location was lawful prior to the adoption, revision or amendment to the HMDC 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 in which the size, dimension or location was lawful prior to the adoption, revision or amendment to the HMDC Zoning Regulations but which 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 which was lawful prior to the adoption, revision or amendment to the HMDC 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 convalescent home" means an institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

"Open area" means an area designated as open area in the applicable specially planned area regulations.

"Open space" means a landscaped or naturally preserved area such as a wetland, tidal marsh or waterway which the Commission has determined should be preserved. This open space includes any uses required to be conducted within the open space by the applicable district regulations, but not including vehicular parking or loading areas, or driveways. Curbed, landscaped safety islands with a minimum dimension of five feet in any direction and a minimum of 50 square foot area shall be considered open space.

"Outdoor storage" means the storage of goods, materials and containers outside of any building or structure.

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

"Partial destruction" means a building or structure which is damaged to the extent that repairs 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 at the time of the damage.

"PP" means planned park.

"Principal structure" means a structure in which the principal use of the lot on which the structure is located is conducted.

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

"Professional office" means the office of an engineer, doctor, dentist, attorney, architect, or other similarly recognized professional.

"Public park" means an area set aside and designated for outdoor recreation including both active participation and passive experiences. Public parks include both recreation facilities or preservation areas, conveyed or otherwise dedicated to the state, county or municipality or any such agency for recreational or preservation purposes. Public park includes among other uses, county and municipal parks, athletic fields owned by a public entity, publicly owned marinas and public open space within a specially planned area, as defined at N.J.A.C. 19:4-2.2.

"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 utility uses: heavy" means the following uses operated by any public utility authorized to do business in New Jersey:

1. Bus garages;
2. Gas utility service substations;
3. Microwave relay towers;
4. Sewage treatment plants;
5. Water filtration plants;
6. Water reservoirs;
7. Water towers;
8. Electrical generating stations.

"Public utility uses: light" means the following uses operated by any public utility authorized to do business in New Jersey:

1. Electric and telephone substations and distributional centers;
2. Gas regulator and meter stations;
3. Pumping stations.

"Recycling area" means space allocated for collection and storage of source separated recyclable materials.

"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.

"Residence district" means any district containing conforming residential uses.

"Residential/commercial land area" means the total area of a specially planned area, but not including any railway right-of-way or State highway or turnpike; school site; open areas; or areas upon which is located a non-conforming use.

"Residential planned unit development" means any planned unit development containing conforming residential uses.

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

"Restaurant" means an establishment where food is prepared, served, and consumed primarily within the principal structure. The serving of liquor at a restaurant is permitted provided it is accessory to the principal use in accordance with N.J.A.C. 19:4-4.145.

"Retail sales" means the sale of goods, merchandise and commodities for use or consumption.

"Satellite antenna" means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVRO's (Satellite Television Receiving Antenna), and satellite microwave antennas.

"Satellite parking facilities" means the use of excess parking facilities on property other than the property where a legal tenant is occupying a structure.

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

"Section" means a section or subsection of a specially planned area on an approved development plan or an approved implementation plan.

"Self storage facility" means a facility principally used for the storage of goods and materials within reasonably small tenant spaces by various tenants, none of which employ any on-site employees. Such a facility may have an accessory residential unit for a facility employee responsible for facility operations and security.

"Service: business" means an establishment primarily engaged in rendering service to business establishments on a fee or contract basis, such as advertising and mailing; business maintenance; employment service; management and consulting services; protective services; and/or equipment rental and leasing.

"Service: personal" means an establishment primarily engaged in providing services involving the care of a person or his or her apparel.

"Service: retail" means an establishment providing services, as opposed to products, to the general public including finance, real estate and insurance, health, education, museums and galleries.

"Service: social" means an establishment providing assistance and aid to those persons requiring counseling for psychological problems, employment, learning disabilities, and physical disabilities.

"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. 19:4-4.141.

"Specially planned area" means an area designated on the zoning map as a specially planned area and subject to the requirements of Subchapter 5.

"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, but not limited to buildings, radio towers, electric transmission towers or poles, fences and signs, but excluding walks, walkways, parking areas, driveways, streets and roads.

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

"Total impervious coverage" means total square footage of a property covered in material that prevents absorption of stormwater into the ground.

"Trailer" means a structure standing on wheels, towed or hauled by another vehicle and used for carrying materials, goods or objects, or as a temporary sales or construction office in connection with construction projects.

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

"Truck terminal" means an establishment primarily engaged in furnishing, hauling, or transfer services without long-term product or cargo storage and where trucks load and unload products or cargo for transshipment or reshipment. A truck terminal may also include accessory areas for the repair, service, maintenance, temporary storage, or parking of trucks.

"Usable roof area" means the total roof area of any building or buildings which is suitably improved for passive or active recreation.

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

"Variance" means a permission to depart from the literal requirements of a zoning regulation if the conditions and standards of such use are complied with as specified in N.J.A.C. 19:4-4.142.

"Vehicular area" means the total lot area used for vehicular movement, transportation systems, parking and loading. Vehicular parking areas shall be defined as that area within vehicular overhang areas. Curbed, landscaped safety islands with a minimum dimension of five feet in any direction and a minimum of 50 square foot area shall not be considered vehicular area.

"Warehouse" means a building used primarily for the storage of goods, products, cargo, and materials with provision for truck loading and unloading facilities but not primarily engaged in hauling or transfer services. Warehousing may include truck storage, repairs, or servicing of trucks where such storage, repairs, or servicing is minor in nature and is accessory to the principal use and where such vehicles are owned or leased by the owner or tenant of the warehouse.

"Wetland" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (*Federal Register*, Vol. 42, p. 37128). Under some circumstances, disturbed or previously filled areas may not completely meet the above criteria and may still be classified as wetland.

"Yard" means an area on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for the permitted obstructions listed in N.J.A.C. 19:4-4.9.

"Yard: front" means a yard extending along the full length of a front lot line and back to a line paralleling the front lot line and intersecting the front of the building at its

farthest point from the front lot line. 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 forward to a line drawn parallel with the rear lot line and intersecting the back of the building at its farthest point from the rear lot line.

"Yard: side" 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 certificate (ZC)" means a document signed by the Chief Engineer, as required in these rules, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure, building, or site improvement, which acknowledges that such use, structure, or building complies with the provisions of the regulations or authorized variance therefrom.

"Zoning map" means the official zoning map of the Hackensack Meadowlands District.

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."

Historical Note

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

SUBCHAPTER 3. APPLICATION OF REGULATIONS

19:4-3.1 Territorial application

(a) The provisions of these regulations shall have application to the Hackensack Meadowlands District, as defined in

Chapter 404 of the Laws of 1968, and amendments or supplements thereto.

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

1. Zones:

- i. Marshland Preservation Zone;
- ii. Public Park and Recreation Zone;
- iii. Low Density Residential Zone;
- iv. Waterfront Recreation Zone;
- v. Highway Commercial Zone;
- vi. Service-Highway Commercial Zone;
- vii. Research Park Zone;
- viii. Research Distribution Park Zone;
- ix. Light Industrial and Distribution Zone A;
- x. Light Industrial and Distribution Zone B;
- xi. Heavy Industrial Zone;
- xii. Airport Facilities Zone;
- xiii. Sports Complex Zone;
- xiv. Public Utilities Zone;
- xv. Planned Park and Recreation 1 Zone;
- xvi. Commercial Park Zone;
- xvii. Neighborhood Commercial Zone;
- xviii. Limited Commercial Zone.

2. Specially planned areas:

- i. Parkside Residential 1 (PR 1);
- ii. Parkside Residential 2 (PR 2);
- iii. Parkside Residential 3 (PR 3);
- iv. Island Residential 1 (IR 1);
- v. Island Residential 2 (IR 2);
- vi. Island Residential 3 (IR 3);
- vii. Planned Development Center 1 (PDC 1);
- viii. Berry's Creek Center (BCC);
- ix. Transportation Center 1 (TC 1);
- x. Transportation Center 2 (TC 2);
- xi. Transportation Center 3 (TC 3);
- xii. Special Use 1 (SU 1)—Education and Cultural Center;

xiii. Special Use 2 (SU 2);

xiv. Special Use 3 (SU 3).

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 Structures, uses, occupancies, and land

(a) All structures and the moving, reconstruction, addition to, remodeling and change in occupancy (except for residential dwelling units) or use of such structures and the improvement of all land shall comply with the applicable regulations of N.J.A.C. 19:4-4 or 5, whichever shall apply, and N.J.A.C. 19:4-6.

(b) The following, except as otherwise provided, shall be exempt from the regulations listed in (a) above:

1. Whenever the governing body of a constituent municipality has enacted zoning ordinances and any other codes or standards which are consistent with, or which will effectuate the purposes of, the Commission's 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, subdivisions 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 Commission within 10 working days of the final action.

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

Amended by R.1982 d.163, effective June 7, 1982.

See: 14 N.J.R. 231(b), 14 N.J.R. 581(b).

(b): "the regulations listed in (a) above" was "these regulations";

(b)1: deleted text and replaced with new text.

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

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

Historical Note

This section was originally cited as Article 5-102.

19:4-3.3 Zoning of public ways, waterways, railroad rights-of-way and renewal areas

(a) All streets, roads, highways, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the same.

(b) Where the center line of a street, road, highway, public way, waterway or railroad right-of-way serves as a zone boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

(c) All waterways comprising the Hackensack River and its tributaries shall be deemed to be in the Marshland Preservation Zone; however, this designation shall not prevent the implementation of public marinas or public access facilities.

(d) Applicable use and bulk requirements for an area within the District, designated as a renewal area in accordance with N.J.S.A. 13:17-20, shall be established on a case by case basis and, once adopted by the Commission, shall supersede zoning regulations in this chapter. Once an area is designated as a renewal area, a public hearing shall be held in order to receive comment on the development standards that would be applicable to the area. Said public hearing shall be in accordance with N.J.A.C. 19:4-6.22. Notification shall be by certified mail and shall go to all property owners within the renewal area and the owners of property and appropriate officials of constituent municipalities within 500 feet of the renewal area as shown on the

most recent tax lists of the municipality in which the subject property is situated and any adjacent municipalities.

Administrative Correction to (a): added waterway.
See: 22 N.J.R. 2184(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).
Amended by R.1995 d.304, effective June 19, 1995.
See: 27 N.J.R. 846(a), 27 N.J.R. 2453(a).
Added (d).

Historical Note

This section was originally cited as Article 5-103.

19:4-3.4 Boundaries

(a) In the event uncertainty exists with respect to the intended boundaries of districts as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, roads, or alleys, easements shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following boundary lines of constituent municipalities shall be construed as following such boundary lines.
4. Boundaries indicated as following railroad lines shall be construed to be the midpoint of the railroad right-of-way unless otherwise indicated.

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

6. Boundaries indicated as parallel to or extensions of features indicated on the zoning map shall be so construed.

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

Historical Note

This section was originally cited as Article 5-104.

SUBCHAPTER 4. ZONE REGULATIONS

19:4-4.1 Permitted uses

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

Case Notes

Storage of trucks, tractors and trailers in rear portion of premises was lawful preexisting nonconforming use. *T & S Tire Service, Inc. v. Hackensack Meadowlands Development Com'n*, 91 N.J.A.R.2d 1 (HMD).

19:4-4.2 Special exceptions

No use of a structure or land that is designated as a special exception in any zone shall hereafter be established, and no existing special exception shall hereafter be changed to another special exception, in such zone unless a special use permit has been secured in accordance with the provisions of this subchapter.

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

19:4-4.3 Lot size requirements

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

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

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

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

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

19:4-4.4 Bulk regulation

(a) In these regulations, bulk regulations are expressed in terms of maximum structure height, maximum lot coverage, maximum floor area ratio, minimum open space ratio, minimum final finished floor elevation and minimum front, side and rear yards.

(b) No structure, or part thereof, shall hereafter be built, moved or remodeled, and no structure or land shall hereafter be used, occupied or designed for use or occupancy:

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

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

Amended by R.1974 d.1, effective January 2, 1974.
See: 5 N.J.R. 394(b), 6 N.J.R. 87(b).

19:4-4.5 Use limitations

(a) No permitted use or special exception hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the use limitations for the zone in which such use is, or will be, located.

(b) No permitted use or special exception already established on the effective date of the regulations shall be altered, modified or enlarged so as to conflict with, or further conflict with, the use limitations for the zone in which such use is located.

19:4-4.6 Number of structures on a lot

(a) Not more than one single-family detached or two-family detached dwelling shall be located on a single lot. For all other uses permitted by these zoning regulations, more than one principal structure may be located on a single lot provided the lot has a minimum area of one acre. Total floor area ratio, building coverage and other regulations relating to intensity of use shall not be exceeded.

(b) Minimum distance between structures and the arrangement and location of structures, open space, landscaping, parking and circulation on a single lot shall be determined as part of site plan review and shall be consistent with good planning and engineering practice. Adequate light and air, fire and other safety considerations, privacy, circulation and parking shall be provided.

Amended by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).
Deleted old text and substituted new.

19:4-4.7 Restrictions on allocation of required yards or open space

(a) No part of the lot area, or a yard, or other open space, or off-street parking or loading space provided in connection with any structure or use in order to comply with the provisions of these regulations shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area, or a yard, other open space, or off-street parking or loading space required for any other structure or use, except as specifically provided herein.

(b) All the lot area and all yards and other open spaces provided in connection with any structure or use in order to comply with the provisions of these regulations shall be located on the same lot as such structure or use.

(c) No part of the lot area or of a yard, other open space, or off-street parking or loading space provided in connection with any structure or use (including but not limited to, any structure or use existing on the effective date of these regulations or of any amendment thereof) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements or these regulations for equivalent new construction.

19:4-4.8 Obstructions in yards

(a) The following shall not be considered to be obstructions and shall be permitted when located in a required yard:

1. In all yards: Open terraces not over four feet above the average level of the adjoining ground, terraces, porches or weather protection enclosures projecting six feet or less into the required yard and totalling less than 60 square feet in floor area; awnings or canopies; steps four feet or less above grade which are necessary for access to a permanent structure or for access to a lot from a street; one-story bay windows and overhanging eaves and gutters, and fireplaces projecting 30 inches or less into the required yard; arbors; flag poles; signs, when permitted by N.J.A.C. 19:4-6.18; fences when permitted by N.J.A.C. 19:4-6.18; and transformers.

2. In any yard except a required front yard: Accessory uses permitted by N.J.A.C. 19:4-4.145 and meeting the applicable side yard requirements: recreational equipment; parking facilities, provided that a minimum distance of six feet of landscaping is maintained between parking facilities and buildings.

(b) Private roads serving uses on other lots shall only be permitted in side or rear yards and may only traverse the front yard perpendicular to the front property line. All required setbacks shall be measured from the private road. Private roads within low density residential zones must comply with N.J.A.C. 19:4-4.31.

(c) Outdoor seating areas may be located in a required yard, provided they meet a minimum front yard setback of 35 feet and minimum side and rear yard setbacks of 10 feet.

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.
Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Requirement limiting obstructions within setbacks now permits certain terraces, porches or weather protection material.
Administrative Correction to (a)2: 19:4-5.145 changed to 19:4-4.145.
See: 22 N.J.R. 2184(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.9 Zoning lot of record

(a) A zoning lot of record may be established in order to utilize two or more lots as a united parcel. Zoning lots of record shall meet the following requirements:

1. The zoning lot of record shall be designed, developed, built and used as a single unit. Usage of open space, parking and other site related amenities are to be shared by the site users.

2. The individual lots within a zoning lot of record shall be under some form of single ownership at the time of development. This form of ownership shall be approved by the Office of the Chief Engineer, and shall be recorded in the county registrar's office. All future owners or mortgage holders shall be bound by the recorded form of single ownership. Any nonconformities resulting from the elimination of the zoning lot of record shall be classified as existing legal nonconformities, and shall be bound by the restrictions of N.J.A.C. 19:4-6.23.

3. The zoning lot of record shall be comprised of lots which are contiguous and within the same zone. Whether or not lots or portions of lots which are separated by a manmade or natural barrier, such as a waterway or right-of-way, will be considered to be contiguous will be determined by the Office of the Chief Engineer based upon the nature and extent of such barrier and the nature and extent of the area in which such barrier is located.

4. Zoning lots of record shall be designed and utilized as a unit.

Repealed by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).
Section was "open space".
New Rule, R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.10 Office trailers

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

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

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

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

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

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

Amended by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Deleted old text of Driveways and industrial districts.

19:4-4.11 Wetlands

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

Historical Note

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

19:4-4.12 Marshland preservation zone; purposes

This zone is designed to preserve and enhance the ecological values of aquatic habitats and adjacent uplands within the District.

Repeal and New Rule, R.1998 d.570, effective December 7, 1998.
See: 30 N.J.R. 2608(a), 30 N.J.R. 4254(b).

Section was "Marshland preservation zone; purposes".

19:4-4.13 Marshland preservation zone; permitted uses

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

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

2. Wetland enhancement, restoration or creation activities, performed either individually or in conjunction with or in furtherance of wetland mitigation banks; and

3. Public access features including: trails, boat/canoe launches, water crossings, site furnishings and structures which facilitate wildlife observation.

Amended by R.1998 d.570, effective December 7, 1998.

See: 30 N.J.R. 2608(a), 30 N.J.R. 4254(b).

In (a), rewrote 2 and added a new 3.

19:4-4.14 Marshland preservation zone; special exceptions

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

(b) 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 will be classified as a special exception in the marshland preservation zone.

Amended by R.1998 d.570, effective December 7, 1998.

See: 30 N.J.R. 2608(a), 30 N.J.R. 4254(b).

Added (b).

19:4-4.15 Marshland preservation zone; use limitations

No use shall be operated, conducted or maintained that may impair the quality of the zone as a marsh preservation area. Any use that significantly discourages or interferes with the purpose of the zone is prohibited.

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.1998 d.570, effective December 7, 1998.

See: 30 N.J.R. 2608(a), 30 N.J.R. 4254(b).

Rewrote the paragraph.

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

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

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

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

3. All water quality standards shall apply.

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

Administrative Correction to (a).

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

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

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

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

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

Historical Note

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

19:4-4.18 Park and recreation zone; purposes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New Rule, R.1983 d.514, effective November 7, 1983.
See: 15 N.J.R. 16(b), 15 N.J.R. 1873(a).
Administrative Correction to (e): 19:4-4.23 changed to 19:4-4.23A.
See: 22 N.J.R. 2184(a).

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

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

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

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

(a) The following special exceptions shall apply:

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

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

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

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

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

(a) Commercial and recreation uses may be provided on one or more lots and in one or more buildings.

(b) One or more principal uses and/or buildings may be permitted on a single lot.

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

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

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

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

3. All water quality standards shall apply.

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).

19:4-4.22A Planned park zone 1; lot area requirements

There shall be no minimum lot area or width requirements for the planned park zone; except that such a lot size with width shall be governed by compliance with all other requirements of these regulations.

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

19:4-4.23 Park and recreation zone; design of structures and other improvements

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

19:4-4.23A Planned park zone 1; bulk regulations

(a) The bulk regulations for the planned park zone are:

1. Maximum lot coverage: 35 percent of the entire zone.

2. No building or structure shall exceed 108 feet measured from National Vertical Geodetic Datum to the top of any structure or building.

3. Setbacks and Yards:

i. Minimum road setback is 75 feet along any major north-south roadway which borders the development in this zone on the west; and 35 feet along any easement or internal non-dedicated private roadway.

ii. No minimum side or rear yard shall be required, except as may be reasonably required at the time of the review procedures.

4. Minimum open space is 35 percent of the entire zone. Also, no less than 10 acres of the open space requirement for the entire zone shall be located in a continuous band no less than 75 feet in width in areas adjacent to zone borders bounded by water. The placing of such open space may follow an irregular configuration to best adapt to natural features and good planning practices.

5. Minimum lowest floor elevations for structures within 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).

New Rule, R.1983 d.514, effective November 7, 1983.
See: 15 N.J.R. 16(b), 15 N.J.R. 1873(a).
Amended by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).
Deleted text "elevation of all ..."

and substituted "elevations shall comply ..."
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)5.
Administrative Correction to (a)3i: with changed to any.
See: 22 N.J.R. 2184(a).
Amended by R.1994 d.16, effective January 3, 1994.
See: 25 N.J.R. 3949(a), 26 N.J.R. 252(a).

19:4-4.24 Park and recreation zone; wetlands buffer strip

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

19:4-4.24A Planned park zone 1; environmental performance standards

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

1. All Category B environmental performance standards shall apply.

2. All water quality standards shall apply.

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

Historical Note

Sections 17 through 24 of this Subchapter were originally cited as Article 6-103.

19:4-4.25 Low density residential zone; purposes

This zone is designed to accommodate low density residential uses.

19:4-4.25A Planned park zone 1; design of structures and other improvements

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

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

19:4-4.26 Low density residential zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 4.139 or as a planned unit development in accordance with the provisions of N.J.A.C. 19:4-4.144.

Administrative Correction changed codification style.
See: 22 N.J.R. 2184(a).

19:4-4.26A Planned park zone 1; buffer strip requirements

Where any of the development borders the Hackensack River or any of its tributaries, there shall be at a minimum a 75-foot wide strip of landscaped open space.

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

19:4-4.27 Low density residential zone; permitted uses

(a) Permitted uses in the low density residential zone include:

1. Single-family dwellings, duplexes and two-family dwellings;
2. Multiple-family dwellings;
3. Churches, chapels, synagogues and temples;
4. Group day care centers and nursery schools;
5. Primary and secondary schools;
6. Parks and playgrounds;
7. Swimming clubs, swimming pools and recreational facilities incidental thereto; and
8. Community residences for the developmentally disabled and community shelters for victims of domestic violence with less than six residents.

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

19:4-4.27A Planned park zone 1; procedure

An application for development within this zone shall be processed in accordance with N.J.A.C. 19:4-4 regarding zones.

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

19:4-4.28 Low density residential zone; special exceptions

(a) Special exceptions in the low density residential zone include:

1. Light public utility use;
2. Governmental uses;
3. Welfare and charitable services;
4. Neighborhood health centers and medical centers;
5. Mobile home parks, not exceeding the density permitted for other single family dwellings and conforming with all other regulations applicable to development within the LDR District;
6. Any satellite antenna exceeding six feet in diameter; and

7. Community residences for the developmentally disabled and community shelters for victims of domestic violence with six or more residents provided that no such residence shall be located within 1,500 feet of another such residence and the number of persons, other than resident staff, residing at existing such residences within each municipality shall not exceed 50 persons, or 0.5 percent of the population of each municipality, whichever is greater.

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.1990 d.186, effective April 2, 1990.

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

Text on satellite antennas added at (a)6.

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

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

19:4-4.29 Low density residential zone; lot area and density requirements

(a) The lot size and density requirements in the low density residential zone are:

1. Minimum lot area and maximum density:
 - i. Single-family and two-family: 5,000 square feet;
 - ii. Multiple family: 2,000 square feet per dwelling unit;
 - iii. Other permitted uses and special exceptions: 10,000 square feet.
2. Minimum lot width:
 - i. Single-family and two-family dwellings: 50 feet;
 - ii. Other permitted uses and special exceptions: 100 feet.
3. Minimum lot depth: 100 feet.

Amended by R.1974 d.1, eff. January 2, 1974.

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

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

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

19:4-4.30 Low density residential zone; bulk regulations

(a) Bulk regulations in the low density residential zone are:

1. Lot coverage:
 - i. Single-family and two-family dwellings including detached garages: 30 percent;
 - ii. Multiple-family dwellings: 25 percent;
 - iii. Other permitted uses and special exceptions: 25 percent.
2. Minimum open space:
 - i. Single- and two-family dwellings: 50 percent;
 - ii. Multiple-family dwellings: 35 percent;

iii. Other permitted uses and special exceptions: 35 percent.

3. Yards:

i. Minimum front yard: 25 feet, except in those cases where the Office of the Chief Engineer determines that the average prevailing setbacks of existing adjacent dwellings are substantially less than 25 feet, the minimum front yard may be reduced to not less than 20 feet;

ii. Minimum side yards: single-family dwellings and two-family dwellings: five feet; multiple family: 20 feet; and all other permitted uses and special exceptions: 20 feet;

iii. Minimum rear yard: Single-family and two-family dwellings: 20 feet; multiple-family dwellings and all other permitted uses and special exceptions: 30 feet.

4. Maximum structure height: 35 feet measured from final grade.

5. Minimum lowest floor elevations for structures within 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).

Amended by 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).

Added (a)2iii; deleted text in (a)5 "elevation for dwelling ..." and substituted "elevations shall comply ..."

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)5.
Administrative Correction to (a)3.

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

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

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

19:4-4.31 Low density residential zone; design of structures and other improvements

The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-6.18. No land which is located in the low density residential zone shall be used for a driveway, walkway or access purpose to any land which is located in any zone created by N.J.A.C. 19:4-4.43 through 4.156.

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

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

Added text "No land which ..."

Correction: changed 4.45 to 4.43.

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

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

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

19:4-4.32 Low density residential zone; environmental performance standards and buffer requirements

(a) All category "A" environmental performance standards shall apply.

(b) All water quality standards shall apply.

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

Amended by R.1974 d.1, effective January 2, 1974.

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

Historical Note

Sections 25 through 32 of this Subchapter were originally cited as Article 6-104.

19:4-4.33 Waterfront recreation zone; purpose

This zone is designated to accommodate marinas in combination with other water-oriented commercial and recreation facilities which provide and encourage public access to and visibility of the Hackensack River or its tributaries. The Waterfront Recreation Zone is to be developed in such a way that views of the river are protected.

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

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

Substantially amended.

19:4-4.34 Waterfront recreation zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 4.139 or as a planned unit development in accordance with the provisions of N.J.A.C. 19:4-4.144.

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

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

19:4-4.35 Waterfront recreation zone; required marina and other permitted uses

(a) All special exceptions and those permitted uses listed herein shall include a marina meeting the following minimum requirements:

1. Every marina shall be open to the public. A fee is optional and shall provide for a minimum of one docking berth for each 20 feet of water frontage.

2. Every marina shall provide for public boat launching, public boat mooring, and public parking.

(b) Permitted uses in the waterfront recreation zone include:

1. Marina for the docking, repair, sale, servicing, and/or storage of boats;

2. Other water recreation uses.

(c) When included with a marina meeting the minimum requirements set forth in (a) above, the following uses shall be permitted:

1. Restaurants;
2. Retail, retail service and personal service uses, compatible with the purposes of this zone and which meet the needs of the users;
3. Outdoor recreational uses, such as archery, basketball, bike rental and tennis, which are compatible with the purposes of this zone and which meet the needs of its users;
4. Hotels.
5. Residential development: any type of structure containing dwelling units may be built except detached single family houses, duplexes and two-family houses.

(d) Child care centers are a permitted use. However, this use does not require the provision of a marina.

Amended by R.1985 d.408, effective August 5, 1985.
See: 16 N.J.R. 3423(b), 17 N.J.R. 1916(a).

Substantially amended.

Amended by R.1988 d.154, effective April 4, 1988.
See: 19 N.J.R. 2386(b), 20 N.J.R. 813(a).

Added (c)5.

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

19:4-4.36 Waterfront recreation zone; special exceptions

(a) When included with a marina meeting the minimum requirements set forth in N.J.A.C. 19:4-4.35(a), the following uses shall be special exceptions:

1. Museums and cultural facilities;
2. Theater; and
3. Indoor recreation.

Amended by R.1985 d.408, effective August 5, 1985.
See: 16 N.J.R. 3423(b), 17 N.J.R. 1916(a).

Old text deleted and new text substituted.

Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Text on satellite antennas added at (a)4.

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

19:4-4.37 Waterfront recreation zone; use limitations

(a) All uses shall be buffered whenever possible by tidally-affected marsh or otherwise screened, where the same adjoin the low density residential zone at a side or rear lot line.

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

(c) The development of the zone shall be designed so as to permit public access to the edge of the river.

(d) Outdoor play areas are permitted in association with licensed child care centers.

Amended by R.1985 d.408, effective August 5, 1985.
See: 16 N.J.R. 3423(b), 17 N.J.R. 1916(a).

Old text deleted in (c) and new text substituted.

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

19:4-4.38 Waterfront recreation zone; lot area requirements

The minimum lot area is one acre in the waterfront recreation zone.

19:4-4.39 Waterfront recreation zone; bulk regulations

(a) The bulk regulations in the waterfront recreation zone are:

1. The maximum lot coverage is 25 percent.

2. The minimum open space is 40 percent. Open space in this zone may include landscaped gravel and sand areas, tidally-affected marsh, open water, boardwalks and walkways, in addition to landscaping. Portions of the open space area may be used for temporary winter boat storage.

3. Yards:

i. Minimum front yard is 25 feet.

ii. Minimum side or rear yard is 25 feet. This setback requirement does not apply to side or rear yards adjacent to the Hackensack River.

4. Floor area ratio (F.A.R.): .75;

5. Minimum lowest floor elevations for structures within 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).

6. Maximum gross density of 15 dwelling units per acre of which no less than 50 percent shall be in town-house or other low-rise development.

Amended by R.1974 d.1, effective January 2, 1974.

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

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

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

Substantially amended.

Amended by R.1988 d.154, effective April 4, 1988.

See: 19 N.J.R. 2386(b), 20 N.J.R. 813(a).

Added (a)6.

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

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

Substituted "zone" for "district". Deleted text from (a)5 and substituted new.

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)5.

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

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

19:4-4.40 Waterfront recreation zone; buffer requirements

(a) There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening, where any development borders a specially planned area, a residential planned unit development, or the low density residential zone.

Amended by R.1985 d.408, effective August 5, 1985.
See: 16 N.J.R. 3423(b), 17 N.J.R. 1916(a).
(b) deleted.

19:4-4.41 Waterfront recreation zone; environmental performance standards

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

1. Environmental performance standards category "A": noise, vibration; airborne emissions and radioactive materials;
2. Environmental performance standards category "B": fire and explosion hazards; glare;
3. Residential development: all category "A" environmental performance standards shall apply;
4. All water quality standards shall apply;
5. Particulate source emission: 0.2 pounds per hour per acre of lot, or the New Jersey State Standard, whichever is more restrictive.

Amended by R.1988 d.154, effective April 4, 1988.
See: 19 N.J.R. 2386(a), 20 N.J.R. 813(a).
Added new (a)3; renumbered old 3-4 to 4-5.
Administrative Correction in (a): Stylistic.
See: 22 N.J.R. 2184(a).

19:4-4.42 Waterfront recreation zone; design of structures and other improvements

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

(b) Uses shall be designed to focus on the river as a recreational and visual resource.

(c) Any structures built in this zone shall be designed and constructed to minimize visual obstruction to views of the Hackensack River from adjacent properties or roadways and from within the zone itself.

Amended by R.1985 d.408, effective August 5, 1985.
See: 16 N.J.R. 3423(b), 17 N.J.R. 1916(a).
(b) and (c) added.

Historical Note

Sections 33 through 42 of this Subchapter were originally cited as Article 6-105.

19:4-4.42A Neighborhood commercial zone; purposes

The purposes of the neighborhood commercial zone are to provide for the development and redevelopment of properties in the identified commercial areas in close proximity to existing residential areas, and to promote small lot commercial development along major roadways. The intent of the zone is to encourage commercial uses that will be compatible with the established residential character of the area and to provide necessary services to the residents.

New Rule, R.1996 d.492, effective October 21, 1996.
See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

19:4-4.42B Neighborhood commercial zone; permitted uses

(a) Permitted uses in the neighborhood commercial zone are the following:

1. Banks and financial institutions; with drive through facilities permitted only as accessory uses to full service banking facilities;
2. General retail establishments;
3. Personal services;
4. Professional, business and medical offices;
5. Dance, martial arts, music, voice, photographic, gymnastic, and other related studios;
6. Houses of worship;
7. Laboratory: medical, dental or optical;
8. Clinics: medical, dental or optical;
9. Health clubs;
10. Restaurants, except drive-in restaurants;
11. Car washes;
12. Essential public services; and
13. Existing single to four-family dwellings.

New Rule, R.1996 d.492, effective October 21, 1996.
See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

19:4-4.42C Neighborhood commercial zone; special exceptions

(a) Special exception uses permitted in the neighborhood commercial zone are the following:

1. Community residential facilities of six or more residents;
2. Adult and child care centers; and
3. Automobile service stations.

New Rule, R.1996 d.492, effective October 21, 1996.
See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

19:4-4.42D Neighborhood commercial zone; use limitations

(a) Use limitations within the neighborhood commercial zone include the following:

1. All operations, activities, and storage (except parking, loading, and refuse/recycling areas) shall be conducted within completely enclosed buildings.
2. Outdoor seating areas, accessory to a permitted or special exception use, not exceeding 15 percent of the principal use, are permitted. In the case of a restaurant, the outdoor seating areas shall not be greater than 15 percent of the interior seating area.
3. All permitted business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold on the premises where produced.
4. In all restaurants, the serving of food shall be the principal use. Any entertainment shall be permitted only as an accessory use to that principal use and shall not be the main focus of the use on the site/in a specific restaurant. No accessory entertainment use shall occupy more than 25 percent of the restaurant's customer seating area.
5. Pump island canopies are not permitted at automobile service stations.
6. No car wash shall be located closer than 1,000 feet to another car wash.

New Rule, R.1996 d.492, effective October 21, 1996.
See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

19:4-4.42E Neighborhood commercial zone; accessory uses

Accessory uses in the neighborhood commercial zone shall be as provided for in N.J.A.C. 19:4-4.145, unless specifically stated in this chapter.

New Rule, R.1996 d.492, effective October 21, 1996.
See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

19:4-4.42F Neighborhood commercial zone; area and bulk regulations

(a) Area and bulk regulations within this zone shall be directly dependant upon, and related to, lot size, as follows:

1. Small lot development requirements shall be as follows:
 - i. The lot area shall be a minimum of 5,000 square feet, and a maximum of 7,500 square feet;
 - ii. The lot width shall be a minimum of 50 feet;
 - iii. The side yards shall be a minimum of three feet on each side. A minimum side yard of 13 feet, 10 feet of which is a paved driveway, shall be provided where a side yard is used for access to parking in a rear yard;

iv. The front yard shall be a minimum of five feet;

v. The rear yard shall be a minimum of five feet where the commercial use does not abut a residential use. Where the commercial use abuts a residential use, the minimum rear yard shall be 10 feet;

vi. The building height shall be, at a maximum, 35 feet, or two stories, whichever is less;

vii. The building area shall not cover more than 40 percent of the total lot area;

viii. The total impervious coverage shall not exceed 85 percent of lot area. The minimum open space provision shall be 15 percent; and

ix. Buffers shall be heavily landscaped, of not less than 10 feet, and shall be provided between any permitted use and existing adjacent residential uses. A buffer shall not be required between adjacent mixed use developments where the residential use is on the second floor above commercial uses. A minimum buffer of five feet width shall be provided along the front property line.

2. Large lot development requirements shall be as follows:

i. The lot area shall be a minimum of 7,501 square feet;

ii. The lot width shall be a minimum of 70 feet;

iii. The side yards shall be a minimum of 10 feet on one side with a total of 25 feet;

iv. The front yard shall be a minimum of 25 feet;

v. The rear yard shall be a minimum of five feet where the commercial use does not abut a residential use. Where the commercial use abuts a residential use, the minimum rear yard shall be 10 feet;

vi. The building height shall be a maximum of 35 feet, or two stories, whichever is less; except that retail commercial uses shall be limited to 25 feet, or one story, whichever is less;

vii. The building area shall not cover more than 40 percent of the total lot area;

viii. The total impervious coverage shall not exceed 85 percent of lot area. Minimum open space provision shall be 15 percent; and

ix. Buffers shall be heavily landscaped, of not less than 10 feet, and shall be provided between any permitted use and existing adjacent residential uses. Where existing residential uses are located across from the property line of a proposed commercial development, a heavily landscaped buffer of not less than 15 feet shall be provided along the commercial uses front property line. A minimum buffer of five feet in width shall otherwise be provided along the front property line.

New Rule, R.1996 d.492, effective October 21, 1996.
See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

19:4-4.42G Neighborhood commercial zone; special exception uses

(a) The standards contained in this section shall be applied to the special exception uses permitted in N.J.A.C. 19:4-4.42C.

(b) Community residential facilities for more than six residents shall comply with the following requirements:

1. The lot area shall be a minimum of 7,500 square feet;
2. The lot width shall be a minimum of 70 feet;
3. The side yards shall be a minimum of five feet each, with a total minimum of 25 feet;
4. The front yard shall be a minimum of 10 feet;
5. The rear yard shall be a minimum of 25 feet;
6. The building height shall be, at a maximum, 35 feet, or two stories, whichever is less;
7. The building area shall not cover more than 50 percent of the total area;
8. The total impervious coverage, including building, shall not exceed 75 percent. Minimum open space provision shall be 25 percent;
9. Buffers shall be a minimum of five feet for the rear yard and a minimum of five feet for any side yard where there is an adjacent residential use; and
10. Off-street parking shall be a minimum of 0.5 spaces for each bedroom, plus one space for each staff resident.

(c) Day care facilities for children or adults shall comply with the following requirements:

1. Day care facilities for children or adults, if part of a mixed retail use, shall meet all pertinent area and bulk requirements and parking requirements as enumerated above at N.J.A.C. 19:4-4.42F(a)2. Any child/adult care center in a mixed retail use shall meet the requirements of (c)2ix below;
2. For day care facilities on individual lots, the following requirements shall apply:
 - i. The area shall be a minimum of 5,000 square feet;
 - ii. The lot width shall be a minimum of 50 feet;
 - iii. The side yards shall be a minimum of 10 feet for each side yard;
 - iv. The front yard shall be a minimum of 10 feet, unless the yard is infill development, in which case the front yard may reflect the established average setback of the uses within 100 feet on the same side of the street, and in the same zone as the subject property;

- v. The rear yard shall be a minimum of 20 feet;
- vi. The building height shall be, at a maximum, 35 feet, or two stories, whichever is less;
- vii. The building area shall not cover more than 40 percent of the total area;
- viii. The total impervious coverage, including building, shall not exceed 75 percent. Minimum open space provision shall be 25 percent;
- ix. Any child/adult day care facility shall provide an outdoor fenced active and passive play area having a minimum area of 200 square feet to be located in the side or rear yards. No play area shall be located in any front yard; and
- x. Buffers shall be, at a minimum, 10 feet in the rear yard, and shall be a minimum of 10 feet in the side yard where there is an adjacent residential use.

(d) Automobile service stations requirements shall be as follows:

1. The area shall be a minimum of 10,000 square feet;
2. The lot width shall be a minimum of 100 feet;
3. The side yards shall be a minimum of 10 feet for each, except when abutting a residential use, in which case the side yard abutting the residential use shall have a minimum width of 20 feet;
4. The front yard shall be a minimum of 35 feet;
5. The rear yard shall be a minimum of 20 feet where the station does not abut a residential use. Where the station abuts a residential use, the minimum rear yard shall be 25 feet;
6. The building height shall be a maximum of 25 feet or one story, whichever is less;
7. The building area shall not cover more than 30 percent of the total area;
8. The total impervious coverage, including building, shall not exceed 85 percent. Minimum open space shall be 15 percent;
9. Off-street parking requirements shall be one space per each employee plus three spaces per each garage repair bay;
10. Buffers shall be, at a minimum, for the front yard buffer, 10 feet; for the side and rear yard buffers, 20 feet where adjacent use is residential, and five feet in all other cases;
11. All pump islands shall be located so that there is sufficient space within the property lines to accommodate three waiting vehicles from each pump island in one direction in addition to those being served. Under no circumstances shall the public sidewalk area be included in this area or be blocked by autos entering or exiting the

facility. No pump shall be located any closer than 20 feet to any property line. A curbed, landscaped safety island at least five feet in width shall be located between the first pump island service aisle and any right of way line;

12. All fuel tanks and other such containers for the bulk storage of flammable materials, either liquid or solid, shall be installed underground at sufficient depth to insure against hazard of fire or explosion and at least 20 feet from any property line. No vents shall be located closer than 20 feet to a property line. Proof of compliance with NJDEP tank regulations shall be submitted;

13. All washing, lubricating, draining or repairs of other than an incidental nature (such as tire, battery or wiper changes) shall be conducted entirely within an enclosed structure. Provisions shall be made for the collection and storage of any liquids and the floor drains of the structure shall not be connected to any storm sewer system;

14. No service station shall be located closer than 1,000 feet from another service station;

15. No vehicles, other than those under or awaiting repair or awaiting delivery or pick-up after repair, shall be stored on the premises. No area on the lot which is required for the movement of vehicles in and about the facility shall be used for complying with parking requirements;

16. All gas stations shall provide air pressure service and all gas stations that perform auto repairs shall accept used oil from off-site auto changes. All gas stations shall provide rest room facilities for the general public; and

17. The sale of food, or retail products other than those specifically oriented to auto care, shall be prohibited.

New Rule, R.1996 d.492, effective October 21, 1996.
See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

19:4-4.42H Neighborhood commercial zone; environmental performance standards

(a) All uses in the Neighborhood Commercial Zone shall comply with the environmental performance categories of N.J.A.C. 19:4-6 as follows:

1. All category A environmental Performance Standards shall apply; and
2. All water quality standards of N.J.A.C. 19:4-6.18 shall apply.

New Rule, R.1996 d.492 effective October 21, 1996.
See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

19:4-4.43 Highway commercial zone; purpose

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

19:4-4.44 Highway commercial zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 4.139 or as a planned unit development in accordance with the provisions of N.J.A.C. 19:4-4.144.

Administrative Correction in style of codification.
See: 22 N.J.R. 2184(a).

19:4-4.45 Highway commercial zone; permitted uses

(a) Permitted uses in the highway commercial zone include:

1. Banks, savings and loan associations and similar financial institutions:
 - i. Business and professional offices;
2. Medical and dental clinics and laboratories;
3. Hotels and motels;
4. Convention centers;
5. Restaurants which may include cocktail lounges;
6. Theaters (not including drive-in theaters);
7. Automobile showrooms, including outdoor display facilities;
8. Accessory retail uses in connection with office, hotels and motels;
9. Child care centers;
10. Personal services;
11. Retail services; and
12. Social services.

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

19:4-4.46 Highway commercial zone; special exceptions

(a) Special exceptions in the highway commercial zone include:

1. Light public utility uses;
2. Governmental uses;
3. Institutional uses;
4. Automobile service stations or auto maintenance facilities;
5. Indoor recreation; and
6. Any satellite antenna that must be located on a tower.

Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).
Text on satellite antennas added at (a)5 and 6.
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.47 Highway commercial zone; use limitations

(a) All business, service, storage and display of goods, except for outdoor display facilities that are accessory to automobile showrooms and off-street parking and loading, shall be conducted within completely enclosed buildings.

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

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

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

(e) Outdoor play areas are permitted in association with licensed child care centers.

(f) Outdoor seating areas, accessory to a permitted or special exception use, not exceeding 15 percent of the principal use, are permitted. In the case of a restaurant, the outdoor seating area shall not be greater than 15 percent of the interior seating area.

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

19:4-4.48 Highway commercial zone; lot area requirements

(a) Lot area requirements in the highway commercial zone are:

1. The minimum lot area is three acres.
2. The minimum lot width is 200 feet.

19:4-4.49 Highway commercial zone; bulk and density regulations

(a) The bulk and density regulations in the highway commercial zone are:

1. The maximum lot coverage is 40 percent.
2. FAR: 0.75 provided that floor area of hotels, motels and other accommodations for transients and restaurants in such accommodations shall be disregarded for the purposes of this requirement.
3. The minimum open space is 30 percent.
4. The minimum front yard is 75 feet.
5. Yards:
 - i. Minimum rear yard: 30 feet.

ii. Minimum side yard: 100 feet; minimum 30 feet on any one side.

6. The maximum number of hotel and motel rooms per acre is 25.

7. Minimum lowest floor elevations for structures within 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).

Amended by 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 text in (a)7 and substituted new.
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)7.
Administrative Correction in (a)6: acres changed to acre.
See: 22 N.J.R. 2184(a).

Amended by R.1994 d.16, effective January 3, 1994.
See: 25 N.J.R. 3949(a), 26 N.J.R. 252(a).

19:4-4.50 Highway commercial zone; buffer requirements

(a) There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening, where any development borders a specially planned area, the park and recreation zone, and the low density residential zone.

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

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

19:4-4.51 Highway commercial zone; environmental performance standards

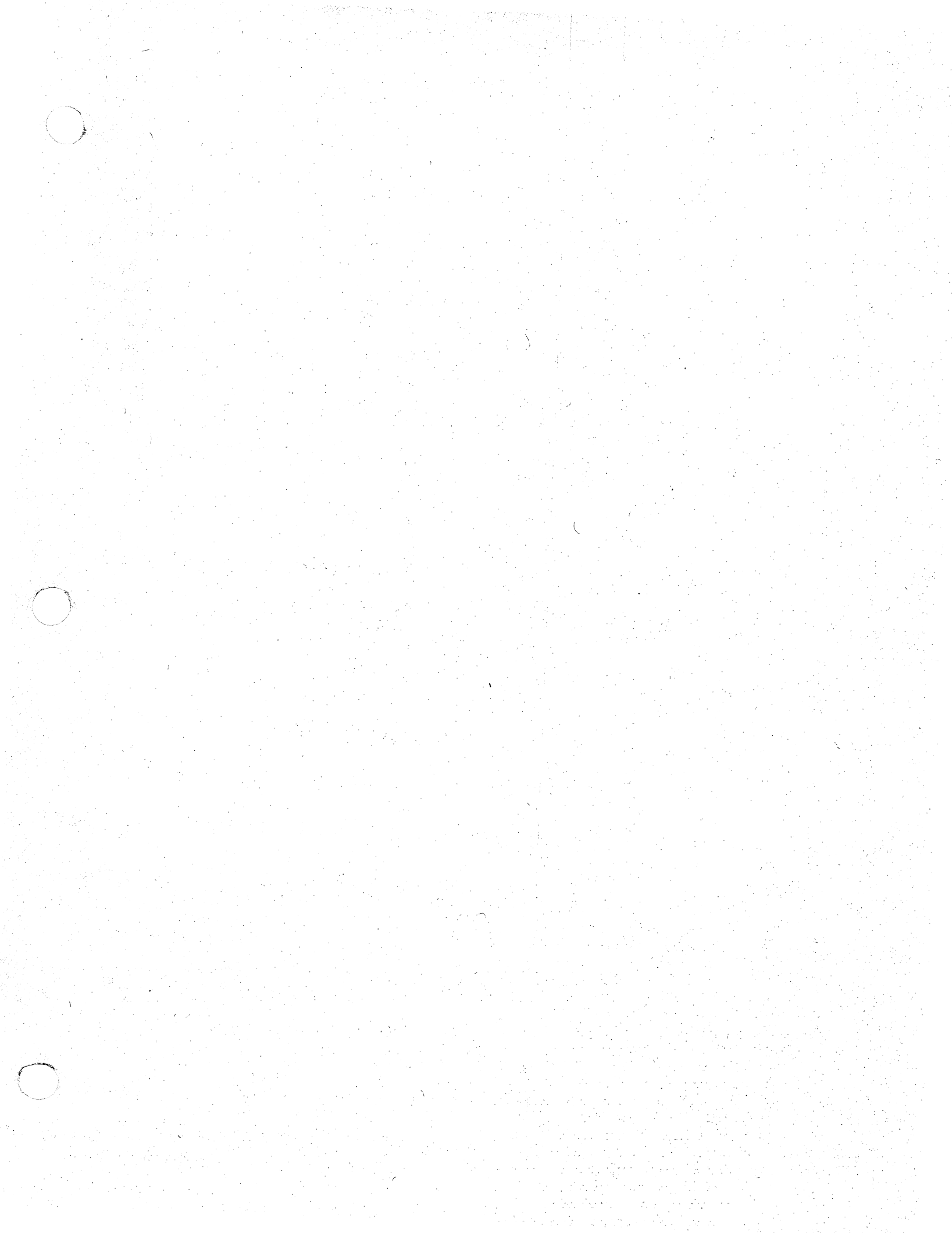
(a) All uses in the highway commercial zone shall comply with the environmental performance standard categories of N.J.A.C. 19:4-6:

1. Environmental performance standard category B for fire and explosion hazards and radioactive materials.
2. Environmental performance standard category B for noise; vibration; steam, airborne emissions and glare.
3. All water quality standards shall apply.

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

19:4-4.52 Highway commercial zone; design of structures and other improvements

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



Historical Note

Sections 43 through 52 of this Subchapter were originally cited as Article 6-106.

19:4-4.53 Service-highway commercial zone; purposes

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

19:4-4.54 Service-highway commercial zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 19:4-4.139 or as a planned unit development in accordance with the provisions of N.J.A.C. 19:4-4.144.

Administrative Correction to delete general.
See: 22 N.J.R. 2184(a).

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

19:4-4.55 Service-highway commercial zone; permitted uses

(a) Permitted uses in the service-highway commercial zone include:

1. Ambulance services;
2. Automobile laundries;
3. Automobile service stations or auto maintenance facilities;
4. Hotels and motels;
5. Restaurants, including drive-in establishments serving food or beverage to customers for consumption on the premises in parked motor vehicles;
6. Social services;
7. Banks;
8. Other drive-in establishments;
9. Child care centers;
10. Personal services;
11. Retail services; and
12. Retail.

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

19:4-4.56 Service-highway commercial zone; special exceptions

(a) Special exceptions in the service-highway commercial zone include:

1. Light public utility uses;
2. Governmental uses;
3. Funeral homes and mortuaries;

4. Indoor recreation; and

5. Any satellite antenna that must be located on a tower.

Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Text on satellite antennas added at (a)4 and 5.
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.57 Service-highway commercial zone; use limitations

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

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

(c) All uses shall be screened where the same adjoin the low density residential zone at a side or rear lot line.

(d) Outdoor play areas are permitted in association with licensed child care centers.

(e) Outdoor seating areas, accessory to a permitted or special exception use, not exceeding 15 percent of the principal use, are permitted. In the case of a restaurant, the outdoor seating area shall not be greater than 15 percent of the interior seating area.

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

19:4-4.58 Service-highway commercial zone; lot area requirements

(a) Lot area requirements in the service-highway commercial zone are:

1. Minimum lot area: 20,000 square feet;
2. Minimum lot width: 100 feet, except that automobile service stations, drive-in restaurants, hotels and motels shall have a minimum lot width of 150 feet;
3. Minimum lot depth: 150 feet.

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

19:4-4.59 Service-highway commercial zone; bulk requirements

(a) The bulk requirements in the service-highway commercial zone are:

1. Maximum lot coverage: 50 percent;
2. Yards:

- i. Minimum front yard: 25 feet;
 - ii. Minimum rear yard: 25 feet;
 - iii. Minimum side or rear yards (where the side yard abuts the low density residential zone): 25 feet;
 - iv. Minimum side yards: 10 feet.
3. Minimum open space: 15 percent;
 4. FAR: 0.75;
 5. 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).

Amended by 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(a).

Deleted text from (a)5 and substituted new.

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)5.

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

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

19:4-4.60 Service-highway commercial zone; buffer requirements

(a) There shall be a 25-foot wide strip of landscaped open space with heavy vegetative screening where any development borders a specially planned area, a residential planned unit development, or the park and recreation zone, or low density residential zone.

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

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

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

19:4-4.61 Service-highway commercial zone; environmental performance standards

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

1. Environmental performance standard category B for radioactive materials; fire and explosion hazards;
2. Environmental performance standard category B for noise; vibration; steam, airborne emissions and glare;
3. All water quality standards shall apply.

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

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

19:4-4.62 Service-highway commercial zone; design of structures and other improvements

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

Historical Note

Sections 53 through 62 of this Subchapter were originally cited as Article 6-107.

19:4-4.63 Research park zone; purposes

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

Administrative Correction to change district to zone.

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

19:4-4.64 Research park zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 4.139 or as a planned unit development in accordance with N.J.A.C. 19:4-4.144.

Administrative Correction to delete general.

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

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

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

19:4-4.65 Research park zone; permitted uses

(a) Permitted uses in the research park zone include:

1. Establishments for scientific research and development, and business offices accessory thereto, where the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products are incidental and accessory to the principal use of scientific research and development;
2. Office facilities;
3. Warehouses; and
4. Child care centers.

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

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

19:4-4.66 Research park zone; special exceptions

(a) Special exceptions in the research park zone include:

1. Helistops;
2. Hotels and motels;
3. Restaurants;
4. Light public utility uses;
5. Indoor recreation; and
6. Any satellite antenna that must be located on a tower.

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

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

Text on satellite antennas added at (a)5 and 6.

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

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

19:4-4.67 Research park zone; use limitations

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

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

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

(d) At least five percent of the first floor of any building containing warehouse facilities shall be designed and used for office space.

(e) Temporary warehouse sales are permitted for a maximum of 12 days per year. No warehouse sale shall exceed four consecutive days. The Office of the Chief Engineer may limit the number of sales permitted on any day; thus, applications will be approved on a first come, first served basis.

(f) Outdoor play areas are permitted in association with licensed child care centers.

(g) Outdoor seating areas, accessory to a permitted or special exception use, not exceeding 15 percent of the principal use, are permitted. In the case of a restaurant, the outdoor seating area shall not be greater than 15 percent of the interior seating area.

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

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

Added (d) and (e).

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

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

19:4-4.68 Research park zone; lot area requirements

(a) The lot area requirements in the research park zone are:

1. Minimum lot area is five acres.
2. Minimum lot width is 300 feet.

19:4-4.69 Research park zone; bulk regulations

(a) The bulk regulations in the research park zone are:

1. Maximum lot coverage: 25 percent;
2. FAR: 2.5;
3. Minimum open space: 50 percent;
4. Yards:

i. Minimum front yard: 100 feet.

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

iii. Minimum rear yard: 100 feet.

5. 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).

Amended by 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 text from (a)5 and substituted new.

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)5.

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

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

19:4-4.70 Research park zone; environmental performance standards

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

1. All category B environmental performance standards;
2. All water quality standards shall apply.

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

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

19:4-4.71 Research park zone; design of structures and buffer requirements

(a) The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-6.18, except that all loading facilities shall be permitted only in the rear yard.

(b) There shall be a 25 foot wide strip of landscaped open space, with heavy vegetative screening where any development borders a specially planned area, a residential planned unit development, the park and recreation zone, or the low density zone.

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

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

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

Added new (b) and renumbered old (b) to (c).

Historical Note

Sections 63 through 71 of this Subchapter were originally cited as Article 6-108.

19:4-4.72 Research distribution park zone; purposes

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

Administrative Correction to change district to zone.
See: 22 N.J.R. 2184(a).

19:4-4.73 Research distribution park zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 4.139 or as a planned unit development in accordance with N.J.A.C. 19:4-4.144.

Administrative Correction to delete general.
See: 22 N.J.R. 2184(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.74 Research distribution park zone; permitted uses

(a) Permitted uses in the research distribution park zone include:

1. Establishments for scientific research and development, and business offices accessory thereto, where the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products are incidental and accessory to the principal use of scientific research and development;
2. Any production, processing, manufacturing or fabrication of goods, materials and products, and the storage of raw materials and products incidental to such manufacturing, production, processing or fabrication;
3. Office facilities;
4. Warehouse; and
5. Child care centers.

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

19:4-4.75 Research distribution park zone; special exceptions

(a) Special exceptions in the research distribution park zone include:

1. Helistops;
2. Hotels and motels;
3. Restaurants;
4. Light public utility uses;
5. Indoor recreation; and

6. Any satellite antenna that must be located on a tower.

Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).
Text on satellite antennas added at (a)5 and 6.
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).
Administrative Correction.
See: 27 N.J.R. 1442(b).

19:4-4.76 Research distribution park zone; use limitations

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

(b) Trucking operations are only permitted to the minimum extent necessary as incidental and accessory to a permitted or special permit use.

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

(d) At least five percent of the first floor of any building containing warehouse facilities shall be designed and used for office space.

(e) Temporary warehouse sales are permitted for a maximum of 12 days per year. No warehouse sale shall exceed four consecutive days. The Office of the Chief Engineer may limit the number of sales permitted on any day; thus, applications will be approved on a first come, first served basis.

(f) Outdoor play areas are permitted in association with licensed child care centers.

(g) Outdoor seating areas, accessory to a permitted or special exception use, not exceeding 15 percent of the principal use, are permitted. In the case of a restaurant, the outdoor seating area shall not be greater than 15 percent of the interior seating area.

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

19:4-4.77 Research distribution park zone; lot area requirements

(a) The lot area requirements in the research distribution park zone include:

1. Minimum lot area: Four acres.
2. Minimum lot width: 200 feet.

19:4-4.78 Research distribution park zone; bulk regulations

(a) The bulk regulations in the research distribution park zone are:

1. Maximum lot coverage: 40 percent;
2. Minimum open space: 20 percent;
3. FAR: 2.5;
4. Yards:
 - i. Minimum front yard: 75 feet.
 - ii. Minimum side yards: 120 feet total, no less than 30 feet on any one side.
 - iii. Minimum rear yard: 100 feet.

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

Amended by 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 text from (a)5 and added new. Added 100 feet to (a)4iii.

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)5.

19:4-4.79 Research distribution park zone; environmental performance standards

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

1. All category B environmental performance standards;
2. All water quality standards shall apply.

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

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

19:4-4.80 Research distribution park zone; design of structures and other improvements

The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-6.18, except that loading facilities shall be permitted only in the rear yard.

19:4-4.81 Research distribution park zone; buffer strip

(a) There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening where any development borders a specially planned area, a residential planned unit development, a park and recreation zone, or a low density residential zone.

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

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

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

Added new (a) and marked old text (b).

Historical Note

Sections 72 through 81 of this Subchapter were originally cited as Article 6-109.

19:4-4.82 Light industrial and distribution zone A; purposes

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

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

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

19:4-4.83 Light industrial and distribution zone A; type of development

Developers of land located in the zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 4.139 or as a planned unit development in accordance with N.J.A.C. 19:4-4.144.

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

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

19:4-4.84 Light industrial and distribution zone A; permitted uses

(a) Permitted uses in the light industrial and distribution zone A include:

1. Any production, processing, manufacture, fabrication, cleaning, servicing, testing, repair or storage of goods, materials or products, and business offices accessory thereto, but not including the storage of flammable or explosive materials as a principal use;
2. Establishments for scientific research and development, and business offices accessory thereto, where the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products is incidental and accessory to the principal use of scientific research and development;
3. Warehouses, wholesale establishments and other storage facilities;
4. Business offices, but not including professional office buildings principally for doctors, dentists, lawyers, real estate brokers and/or similar professional persons, except as an accessory use to an otherwise permitted use or as a special permit;
5. Light public utility uses;

6. Child care centers;
7. Class A recycling facilities;
8. Self-storage facilities; and
9. Business services.

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

19:4-4.85 Light industrial and distribution zone A; special exceptions

(a) Special exceptions in the light industrial and distribution zone A include:

1. Automobile service stations;
2. Governmental uses;
3. Heavy public utility uses;
4. Helistops;
5. Hotels and motels;
6. Restaurants;
7. Retail uses;
8. Radio, television and microwave transmission towers;
9. Hospitals, clinics and medical facilities;
10. Indoor recreation;
11. Any satellite antenna which must be located on a tower;
12. Auto maintenance facilities; and
13. Social services.

Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Text on satellite antennas added at (a)10 and 11.
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).
Petition for Rulemaking.
See: 30 N.J.R. 2309(a), 30 N.J.R. 2534(a), 30 N.J.R. 3976(b).

19:4-4.86 Light industrial and distribution zone A; use limitations

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

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

(c) No slaughtering of animals shall be permitted.

(d) Accessory retail sales are permitted in accordance with other provisions in these regulations.

(e) Temporary warehouse sales are permitted for a maximum of 12 days per year. No warehouse sale shall exceed four consecutive days. The Office of the Chief Engineer may limit the number of sales permitted on any day; thus, applications will be approved on a first come, first served basis.

(f) Outdoor play areas are permitted in association with licensed child care centers.

(g) Outdoor seating areas, accessory to a permitted or special exception use, not exceeding 15 percent of the principal use, are permitted. In the case of a restaurant, the outdoor seating area shall not be greater than 15 percent of the interior seating area.

Amended by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

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

19:4-4.87 Light industrial and distribution zone A; lot area requirements

(a) The lot area requirements in the light industrial and distribution zone A are:

1. Minimum lot area: Three acres;
2. Minimum open space: 15 percent.

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

19:4-4.88 Light industrial and distribution zone A; bulk regulations

(a) The bulk regulations in the light industrial and distribution zone A are:

1. Maximum lot coverage: 50 percent;
2. FAR: 2.5;
3. Minimum lot width: 200 feet;
4. Yards:
 - i. Minimum front yard: 50 feet;
 - ii. Minimum side yards: 90 feet total, no less than 30 feet on any one side;
 - iii. Minimum rear yard: 100 feet, except for office or any special exception: 75 feet.

5. Minimum lowest floor elevations for structures within 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).

Amended by 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).

Added text to (a)4iii "except for office ..." and added and deleted text to (a)5.

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)5.

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).

19:4-4.89 Light industrial and distribution zone A; buffer requirements

(a) There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening where any development borders a specially planned area, a residential planned unit development, the park and recreation zone, or the low density residential zone.

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

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

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

19:4-4.90 Light industrial and distribution zone A; environmental performance standards

(a) All uses in the light industrial and distribution zone A shall comply with the environmental performance categories of N.J.A.C. 19:4-6 as follows:

1. All category B environmental performance standards shall apply.
2. All water quality standards shall apply.

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

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

19:4-4.91 Light industrial and distribution zone A; design of structures and other improvements

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

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

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

Deleted text "sign standards".

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

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

Historical Note

Sections 82 through 91 of this Subchapter were originally cited as Article 6-110.

19:4-4.92 Light industrial and distribution zone B; purposes

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

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

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

19:4-4.93 Light industrial and distribution zone B; type of development

Developers of land located in the zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 4.139 or as a planned unit development in accordance with N.J.A.C. 19:4-4.144.

Administrative Correction to delete general.

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

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

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

19:4-4.94 Light industrial and distribution zone B; permitted uses

(a) Permitted uses in the light industrial and distribution zone B include:

1. Any production, processing, manufacture, fabrication, cleaning, servicing, testing, repair or storage of goods, materials or products, and business offices accessory thereto, but not including the storage of flammable or explosive materials as a principal use;
2. Establishments for scientific research and development, and business offices accessory thereto, where the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products is incidental and accessory to the principal use of scientific research and development;
3. Automobile service stations;
4. Mobile home and trailer sales, rental and repair;
5. Automobile and truck leasing and sales, exclusive of semitrailers;
6. Boat sales, rental and repair;
7. Warehouses, wholesale establishments and other storage facilities;
8. Light public utility uses;
9. Auto maintenance facilities;
10. Bus terminals;
11. Child care centers;
12. Class A recycling facilities;
13. Freight forwarding facilities;
14. Self-storage facilities;
15. Business services; and
16. Communications common carrier.

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

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

19:4-4.95 Light industrial and distribution zone B; special exceptions

(a) Special exceptions in the light industrial and distribution zone B include:

1. Governmental uses;
2. Heavy public utility uses;
3. Helistops;
4. Hotels and motels;
5. Restaurants;
6. Retail uses;
7. Radio, television and microwave transmission towers;
8. Hospitals and clinics;
9. Class B recycling facilities;
10. Any satellite antenna which must be located on a tower;
11. Indoor recreation.

Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Text on satellite antennas added at (a)9 and 10.
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Petition for Rulemaking.
See: 30 N.J.R. 2309(a), 30 N.J.R. 2534(a), 30 N.J.R. 3976(b).

19:4-4.96 Light industrial and distribution zone B; use limitations

(a) All operations, activities and storage (except landing areas for helistops, off street parking and loading, parking of empty, registered and operational vehicles, boat and auto sales/rental yards, accessory lumber yards and home improvement centers, and recycling areas) shall be conducted within completely enclosed buildings.

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

(c) No slaughtering of animals shall be permitted.

(d) Accessory retail sales are permitted in accordance with other provisions of these regulations.

(e) Temporary warehouse sales are permitted for a maximum of 12 days per year. No warehouse sale shall exceed four consecutive days. The Office of the Chief Engineer may limit the number of sales permitted on any day; thus, applications will be approved on a first come, first served basis.

(f) Professional offices are not permitted uses in this zone.

(g) Outdoor play areas are permitted in association with licensed child care centers.

(h) Outdoor seating areas, accessory to a permitted or special exception use, not exceeding 15 percent of the principal use, are permitted. In the case of a restaurant, the outdoor seating area shall not be greater than 15 percent of the interior seating area.

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.
Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

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

19:4-4.97 Light industrial and distribution zone B; lot area requirements

(a) The lot area requirements in the light industrial and distribution zone B are:

1. Minimum lot area: One acre;
2. Minimum lot width: 100 feet;
3. Minimum lot depth: 150 feet.

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

19:4-4.98 Light industrial and distribution zone B; bulk regulations

(a) The bulk regulations in the light industrial and distribution zone B are:

1. Maximum lot coverage: 50 percent;
2. FAR: 2.5;
3. Minimum open space: 15 percent;
4. Yards:
 - i. Minimum front yard: 35 feet;
 - ii. Minimum side yards: 20 feet;
 - iii. Minimum rear yard: 30 feet.
5. 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).

Amended by 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)5.
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)5.
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).

19:4-4.99 Light industrial and distribution zone B; buffer requirements

(a) There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening where any development borders a specially planned area, a residential planned unit development, the public park and recreation zone, or the low density residential zone.

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

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

19:4-4.100 Light industrial and distribution zone B; environmental performance standards

(a) All uses in the light industrial and distribution zone B shall comply with the environmental performance categories of N.J.A.C. 19:4-6 as follows:

1. All category B environmental performance standards shall apply.
2. All water quality standards shall apply.

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

19:4-4.101 Light industrial and distribution zone B; design of structures and other improvements

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

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

Historical Note

Sections 92 through 101 of this Subchapter were originally cited as Article 6-111.

19:4-4.102 Heavy industrial zone; purposes

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

19:4-4.103 Heavy industrial zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 4.139 or as a planned unit development in accordance with N.J.A.C. 19:4-4.144.

Administrative Correction to delete general.
See: 22 N.J.R. 2184(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.104 Heavy industrial zone; permitted uses

(a) Permitted uses in the heavy industrial zone include:

1. Establishments for scientific research and development, and business offices accessory thereto, including the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products;
2. Any production, processing, manufacture, fabrication, cleaning, servicing, testing, repair or storage of goods, materials or products and business offices accessory thereto;
3. Meat and produce markets for sale at wholesale or retail, including the processing dress meat products; provided that no slaughtering shall be done on the premises;
4. Construction equipment sales, service and rental;
5. Contractor and construction offices, shops and yards;
6. Building materials yards and facilities;
7. Cartage and express facilities;
8. Motor freight terminals;
9. Railroad terminals and yards;
10. Auto garage;
11. Light public utility uses;
12. Heavy public utility uses;
13. Automobile service stations;
14. Automobile laundries;
15. Resource recovery systems;
16. Class A and B recycling facilities;
17. Bus terminals;
18. Freight forwarding;
19. Intermodal facilities; and
20. Communications common carrier.

Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Bus garages added at (a)17.

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

19:4-4.105 Heavy industrial zone; special exceptions

(a) Special exceptions in the heavy industrial zone include:

1. Governmental uses;
2. Helistops;
3. Child care centers; and
4. Any satellite antenna which must be located on a tower.

Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Text on satellite antennas added at (a)3 and 4.

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

19:4-4.106 Heavy industrial zone; lot area requirements

(a) The lot size requirements in the heavy industrial zone are:

1. Minimum lot area: one acre;
2. Minimum lot width: 100 feet;
3. Minimum lot depth: 150 feet.

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

19:4-4.107 Heavy industrial zone; bulk regulations

(a) The bulk regulations in the heavy industrial zone are:

1. Maximum lot coverage: 50 percent;
2. Minimum open space: 15 percent;
3. FAR: 2.5;
4. Yards:
 - i. Front yard: 35 feet;
 - ii. Side yards: 20 feet;
 - iii. Rear yard: 30 feet.

5. 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).

Amended by 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).

Added and deleted text in (a)5.

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)5.
Amended by R.1994 d.16, effective January 3, 1994.
See: 25 N.J.R. 3949(a), 26 N.J.R. 252(a).

19:4-4.108 Heavy industrial zone; buffer requirements

(a) There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening where any development borders a specially planned area, a residential planned unit development, the park and recreation zone, or the low density residential zone.

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

19:4-4.109 Heavy industrial zone; environmental performance standards

(a) All uses in the heavy industrial zone shall comply with the environmental performance categories of N.J.A.C. 19:4-6 as follows:

1. All category C environmental performance standards shall apply.
2. All water quality standards shall apply.

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

19:4-4.110 Heavy industrial zone; design of structures and other improvements

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

Historical Note

Sections 102 through 110 of this Subchapter were originally cited as Article 6-112.

19:4-4.111 Airport facilities zone; purposes

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

19:4-4.112 Airport facilities zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 19:4-4.139 or as a planned unit development in accordance with the provisions of N.J.A.C. 19:4-4.144.

Administrative Correction: Removed general.
See: 22 N.J.R. 2184(a).

19:4-4.113 Airport facilities zone; permitted uses

(a) Permitted uses in the airport facilities zone include:

1. General aviation airports;
2. Heliports and helistops;
3. Aviation terminal facilities;
4. Aviation maintenance and storage facilities;
5. Commercial off-street parking as a principal use;
6. Light public utility uses;
7. Heavy public utility uses;
8. Accessory service uses in connection with any of the above permitted uses.

19:4-4.114 Airport facilities zone; special exceptions

(a) Special exceptions in the airport facilities zone include:

1. Hotels and motels;
2. Business and professional offices;
3. Child Care Centers; and
4. Any satellite antenna which must be located on a tower.

Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Text on satellite antennas added at (a)3 and 4.
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.115 Airport facilities zone; use limitation

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

(b) Outdoor play areas are permitted in association with licensed child care centers.

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

19:4-4.116 Airport facilities zone; lot area requirements

There are no lot area requirements in the airport facilities zone.

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

19:4-4.117 Airport facilities zone; bulk regulations

(a) The bulk regulations in the airport facilities zone are:

1. Maximum lot coverage: 40 percent. This requirement shall apply only to hotels and motels and offices.
2. Minimum open space: 30 percent. This requirement shall apply only to hotels and motels and office buildings.
3. Minimum front yard: 30 feet.
4. 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).

Amended by 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).

Added and deleted text in (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.

Amended by R.1994 d.16, effective January 3, 1994.
See: 25 N.J.R. 3949(a), 26 N.J.R. 252(a).

19:4-4.118 Airport facilities zone; environmental performance standards

(a) All uses in the airport facilities zone shall comply with the environmental performance categories of N.J.A.C. 19:4-6 as follows:

1. All category B environmental performance standards of N.J.A.C. 19:4-6 shall apply.
2. All water quality standards of N.J.A.C. 19:4-6 shall apply.

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

19:4-4.119 Airport facilities zone; design standards

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

19:4-4.120 Airport facilities zone; buffer requirements

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

Historical Note

Sections 111 through 120 of this Subchapter were originally cited as Article 6-113.

19:4-4.121 Sports complex zone; purposes

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

19:4-4.122 Sports complex zone; land exemptions

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

19:4-4.123 Sports complex zone; land not exempt

(a) Land not exempt from the jurisdiction of the Commission shall be rezoned by the Commission from the sports complex zone classification within three months after the occurrence of any of the following:

1. N.J.S.A. 5:10-1 to 5:10-26, in all or pertinent part, is declared null and void by a final judgment of a court of competent jurisdiction; or
2. The New Jersey Sports and Exposition Authority formally decides not to acquire all or part of the land.

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

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

For changed to from in (a).

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

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

19:4-4.124 Public utilities zone; purposes

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

19:4-4.125 Public utilities zone; type of development

Developers of land located in this zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 4.139 or as a planned unit development in accordance with the provisions of N.J.A.C. 19:4-4.144.

Administrative Correction to delete general.

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

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

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

19:4-4.126 Public utilities zone; permitted uses

(a) Permitted uses in the public utilities zone include:

1. Manufacture of electric power by a public utility;
2. Heavy and light public utility uses;
3. Railroad terminals and yards;
4. Automobile service stations;
5. Intermodal facilities; and
6. Communications common carrier.

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

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

Electrical power stations changed to manufacture of electric power at (a)1.

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

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

19:4-4.127 Public utilities zone; special exceptions

(a) Special exceptions in the public utilities zone include:

1. Governmental uses;
2. Helistops;
3. Child care centers; and
4. Any satellite antenna which must be located on a tower.

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

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

Text on satellite antennas added at (a)3 and 4.

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

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

19:4-4.128 Public utilities zone; lot area requirements

(a) The lot area requirements in the public utilities zone are:

1. Minimum lot area: One acre;

2. Minimum lot width: 100 feet;

3. Minimum lot depth: 150 feet.

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

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

19:4-4.129 Public utilities zone; bulk regulations

(a) The bulk regulations in the public utilities zone are:

1. Maximum lot coverage: 50 percent;

2. Minimum open space: 15 percent;

3. Yards:

i. Front yard: 35 feet;

ii. Side yards: 20 feet;

iii. Rear yard: 30 feet.

4. 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).

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

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

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

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

Added and deleted text in (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.

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

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

19:4-4.130 Public utilities zone; buffer requirements

(a) There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening where any development borders a specially planned area, a residential planned unit development, the park and recreation zone, or the low density residential zone.

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

19:4-4.131 Public utilities zone; environmental performance standards

(a) All uses in the public utilities zone shall comply with the environmental performance categories of N.J.A.C. 19:4-6 as follows:

1. All category C environmental performance standards shall apply.

2. All water quality standards shall apply.

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

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

19:4-4.132 Public utilities zone; design of structures and other improvements

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

Historical Note

Sections 121 through 132 of this Subchapter were originally cited as Article 6-114.

19:4-4.133 Zoning certificates

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

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

2. The improvement of land, the placement of fill, or storage thereof, shall not be commenced, except that this section shall not apply to a permitted sanitary landfill site operating pursuant to the HMDC sanitary landfill regulations.

(b) Any zoning certificate issued in conflict with the provisions of this resolution shall be null and void.

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

Historical Note

This Section was originally cited as Article 6-201.

Cross References

Heavy industrial zone, type of development, see N.J.A.C. 19:4-4.103.

Light industrial and distribution zone A, type of development, see N.J.A.C. 19:4-4.83.

Light industrial and distribution zone B, type of development, see N.J.A.C. 19:4-4.93.

Research distribution park zone, development of land, see N.J.A.C. 19:4-4.73.

19:4-4.134 Application for zoning certificate

(a) All applications for zoning certificates shall be filed with the Office of the Chief Engineer. If the Office of the Chief Engineer determines that architectural review is necessary under the standards set forth in N.J.A.C. 19:4-6.19, he shall require that two copies of the application shall be filed and shall forward one copy to the Environmental Design Committee; otherwise, only one copy need be filed. All applications for zoning certificates shall be signed by the property owner.

(b) Every application for a zoning certificate shall include:

1. A plat, in triplicate, of the lot, drawn to scale and showing the actual dimensions of the lot;

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

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

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

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

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

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

i. A duly executed riparian instrument releasing the State's interest.

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

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

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

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

i. A survey of the tract that is to be developed showing existing features of the property, including building setback lines, land uses, public right-of-ways, easements, utility lines, general topography and drainage, watercourse locations, and all natural features including plant material over four inch caliper;

ii. A plan showing the location, ground area, height, bulk, and proposed use of all existing and proposed structures, the proposed traffic circulation pattern within the development; the areas to be developed for parking and loading facilities, the points of ingress and egress, including access streets where required; the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and the proposed plan of drainage, including roof drainage;

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

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

7. For any sign, a description of the sign;

8. Landscape plans and plant schedules showing the existing and proposed landscaping of the site and all areas to be devoted to open space.

9. A total architectural lighting plan including lighting at all entranceways, exits, pedestrian and parking areas;

10. If the land covered by the site plan is not to be subdivided, information sufficient to show that the requirements of N.J.A.C. 19:5-5 and 6 have been complied with;

11. All site plans, surveys, and landscape plans shall be signed and sealed by a licensed professional as required by law;

12. Other such information as may be reasonably required.

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

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

Deleted (a)8; added new (a)8-9, renumbered (a)9-10 as 10-11.

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

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

Historical Note

This Section was originally cited as Article 6-202.

19:4-4.135 Review and approval of application for a zoning certificate

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

1. The application and the development proposed therein complies with the applicable requirements of these regulations.

2. The application and the development proposed therein complies with the applicable requirements of Sub-chapters 5 and 6 of this Chapter.

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

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

5. The proposed drainage system will be adequate for the proposed use and structures, will not adversely affect any adjacent or adjoining lands and will be completely enclosed. Minimum final finished floor elevations for structures within designated 100 year flood zones shall be established one foot above the applicable 100 year base elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

(b) The zoning certificate so issued shall be deemed to incorporate the approved application, and any violation or departure from the approved application during construction of the facilities and structures therein shown shall be deemed a violation of these regulations as provided in N.J.A.C. 19:4-6.24. A substantial departure from the approved application as depicted on as-built plans shall also be deemed a violation of these regulations as provided in N.J.A.C. 19:4-6.24.

(c) As a condition precedent to the granting of approval of the application for a zoning certificate, an escrow deposit may be required and such deposit may be used in accordance with N.J.A.C. 19:4-6.17.

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

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

Deleted text in (a)5 and substituted new.

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

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

Violation provisions added at (b).

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

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

Historical Note

This Section was originally cited as Article 6-203.

Case Notes

For real property tax purpose of determining highest and best use of taxpayer's land, obtaining approval from development commission for adequate traffic flow around and within mixed-use commercial development did not create physical impossibility. *Mori v. Secaucus Town*, 15 N.J.Tax 607 (1996).

19:4-4.136 Period of validity

A zoning certificate shall become null and void one year after the date on which it is issued, unless within such one year period, construction, moving, remodeling or reconstruc-

tion of a structure, or addition thereto, is commenced, or a legal use is commenced. Additional extensions not exceeding one year each, may be granted by the Office of the Chief Engineer upon written application.

Amended by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).
Added text "Additional extensions not ..."

Historical Note

This Section was originally cited as Article 6-204.

19:4-4.137 Commencement of occupancy

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

Historical Note

This Section was originally cited as Article 6-205.

19:4-4.138 Application for occupancy certificate

(a) Every application for an occupancy certificate shall be filed with the Office of the Chief Engineer. All applications for occupancy certification shall be signed by the property owner and shall contain the following information:

1. Information sufficient to show that all applicable building code requirements have been met;
2. Information sufficient to show that all applicable subdivision regulation requirements pertaining to the lot or lots containing the land or structure to be occupied have been met;
3. If a change in use or occupancy is proposed:
 - i. Information as to riparian status;
 - ii. Block and lot number and municipality within which located;
 - iii. Information sufficient to insure that a determination of whether the applicable environmental performance standards have and will be met can be made;
 - iv. A description of parking and loading facilities and traffic flow patterns;
 - v. A description of all landscaping and screening on the site;
 - vi. A description of the drainage system on the site;
 - vii. A description of the former and proposed use;
 - viii. If a change in occupancy is proposed, a description of the former and proposed occupant.

4. If for the initial occupancy of a structure or addition thereto constructed, moved, remodeled, or reconstructed:

- i. Information sufficient to show that those representations made in the approved zoning certificate application have been followed;
 - ii. Information sufficient to show that all applicable environmental performance standards will be complied with.
5. Such other information as may be reasonably required.

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

Historical Note

This Section was originally cited as Article 6-206.

19:4-4.139 Issuance of occupancy certificate

(a) No occupancy certificate for a structure or addition thereto constructed, moved, remodeled, or reconstructed after the effective date of these regulations shall be issued until such work has been completed and the premises and site inspected and certified by the Office of the Chief Engineer to be in full and complete compliance with the conditions and specifications upon which the zoning certificate was issued and with all applicable provisions of the building code and with all the subdivision regulation requirements pertaining to the lot or lots containing the land or structure to be occupied, except as otherwise provided by N.J.A.C. 19:4-6.18(a), and with all applicable provisions of the building code and with all the subdivision regulation requirements pertaining to the lot or lots containing the land or structure to be occupied, except as otherwise provided by N.J.A.C. 19:4-6.23.

(b) An application for an occupancy certificate shall be approved or disapproved within one week after the receipt of an application therefor.

Historical Note

This Section was originally cited as Article 6-207.

19:4-4.140 Landscaping and maintenance of open space

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

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

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

(d) In the event that the applicant or his successors shall at any time after the issuance of an occupancy certificate fail to maintain any open space, the Office of the Chief Engineer may serve written notice setting forth any failure to maintain the open space in a reasonable condition and said notice shall include a demand that such deficiencies of maintenance be cured within four weeks thereof and shall state the date and place of any hearing thereon which may be held. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said four weeks or any extension thereof, the Office of the Chief Engineer, in order to preserve the taxable values of the surrounding properties and to prevent the open space from becoming a public nuisance, may enter upon the open space and maintain the same for a period of one year. Before the expiration of said year, the Office of the Chief Engineer shall, upon its initiative or upon the request of the applicant, call a public hearing at which the applicant shall show cause why such maintenance by the Office of the Chief Engineer shall not, at the election of the Office of the Chief Engineer, continue for a succeeding year. If the Office of the Chief Engineer shall determine that the applicant is ready and able to maintain the open space during the next succeeding year, and subject to a similar hearing and determination, in each year thereafter, the maintenance responsibility shall revert to the owner.

(e) The cost of such maintenance by the Office of the Chief Engineer shall be assessed against the property maintained and shall become a lien on said property. The Office of the Chief Engineer at the time of entering upon the open space for the purpose of maintenance, shall file a notice of such lien in the Office of the County Clerk upon the property affected by such lien.

Amended by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Added text in (d) "the maintenance responsibility ..."

Historical Note

This Section was originally cited as Article 6-301.

19:4-4.140A Property maintenance

(a) Property owners are responsible for maintaining all properties free of debris and outdoor storage, except where otherwise permitted.

(b) Property owners are responsible for maintaining all drainage ditches free of debris and siltation and ensuring that all drainage facilities are in satisfactory operating condition.

(c) Property owners are responsible for maintaining parking and loading areas free of potholes or other hazardous conditions that might deter from the proper and safe use of the loading and parking areas.

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

19:4-4.141 Special exceptions

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

(b) An application for a special exception permit, together with an application for a zoning certificate, shall be filed with the Office of the Chief Engineer. The application shall be signed by the property owner and contain the following information as well as such additional information as may be prescribed by rules of the Office of the Chief Engineer.

1. A statement showing compliance with any special conditions or requirements imposed upon the particular special exception by the applicable zone regulations;
2. A statement as to why the proposed special exception will not cause substantial injury to the value of other property in the neighborhood;
3. A statement as to how the proposed special exception is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable zone regulations.

(c) The Office of the Chief Engineer shall select a reasonable time and place at which to hold a public hearing in accordance with N.J.A.C. 19:4-6.22.

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

1. The proposed special exception complies with all applicable requirements of these regulations.
2. The proposed special exception at the specified location will contribute to and promote the welfare or convenience of the public.
3. The proposed special exception will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. The location and size of the special exception, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special exception will not dominate the immediate neighborhood as to prevent development and use of neighboring property in accordance with the applicable zone regulations. In determining whether the special exception will so dominate the immediate neighborhood, consideration shall be given to:

i. The location, nature and height of structures, walls and fences on the site; and

ii. The nature and extent of landscaping and screening on the site.

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

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

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

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

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

(g) No special exception permit pursuant to this section shall be valid for a period longer than six months from the date on which the permit was granted unless within such period:

1. A zoning certificate is obtained and the erection or alteration of a structure is started or the improvement of land for such erection or alteration is begun; or

2. An occupancy permit is obtained and a use commenced.

(h) Additional extensions not exceeding six months each, may be granted upon written application, without notice or hearing.

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

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

Substituted "requirements" for "regulations".

Administrative Correction to (a), (e) and (f): Added exception. See: 22 N.J.R. 2184(a).

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

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

Historical Note

This Section was originally cited as Article 6-302.

19:4-4.142 Variances

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

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

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

1. The particular requirements of these regulations which prevent the proposed use or construction;

2. The characteristics of the subject property which prevent compliance with said requirements of these regulations;

3. The reduction of the minimum requirements of these regulations which would be necessary to permit the proposed use or construction;

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

(d) The Office of the Chief Engineer shall select a reasonable time and place at which to hold a public hearing in accordance with N.J.A.C. 19:4-6.22.

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

1. As to bulk variances:

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

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

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

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

v. The variance desired will not have an adverse environmental impact.

vi. Granting the variance desired will not substantially impair the intent and purpose of these regulations and will not result in substantial detriment to the public good.

2. As to use variances:

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

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

iii. Adequate infrastructure, including, but not limited to, storm and sanitary sewers, utilities, access roads, will be provided and shall be so designed to prevent and/or minimize negative impacts upon the existing infrastructure. In addition, the proposed use will not decrease the ability of said infrastructure to perform in a safe and efficient manner.

iv. Granting of the use variance will not substantially impair the intent and purpose of these regulations and will not result in substantial detriment to the public good.

v. The use variance desired at the specified location will contribute to and promote the intent of the HMDC Master Plan.

vi. The use variance requested shall not have an adverse environmental impact.

(f) In determining whether the evidence supports the conclusions required by (e) above, the Executive Director shall consider the extent to which the evidence demonstrates that:

1. As to bulk variances:

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

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

iii. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.

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

2. As to use variances:

i. Enforcement of the use provisions of these regulations would result in a practical difficulty or undue hardship upon the owner, lessee, occupant, as distinguished from a mere inconvenience.

ii. The request for a use variance is not based exclusively upon desire of the owner, lessee, occupant or applicant to make more money out of the property.

iii. The granting of the use variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.

iv. The proposed use will not impair an adequate supply of light or air to adjacent property, decrease existing levels of service on those public rights of way which the project impacts, negatively impact on-site circulation, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

v. The applicant has demonstrated that the proposed use will further the purposes of the Master Plan.

vi. The applicant has demonstrated that the use in question is compatible with and complimentary to the surrounding neighborhood.

(g) Within eight weeks of the close of the public informational hearing, the Chief Engineer shall submit a recommended form of decision to the Executive Director regarding the submitted variance application. The Executive Director shall review the findings, conclusions, and recommendations of the Chief Engineer and shall state his acceptance, rejection or modification of the Chief Engineer's recommendation. The Executive Director, in forwarding a copy of the decision to the applicant, shall advise the applicant of its right to appeal the decision in accordance with the provisions of N.J.A.C. 19:4-6.25.

(h) Hearings shall be conducted by an administrative law judge under the rules and procedures of the Office of Administrative Law. The administrative law judge shall render an initial decision containing findings of fact and conclusions of law and shall file the decision with the Executive Director and the clerk of the Office of Administrative Law. Within five days of receipt of the decision of the administrative law judge, the Executive Director shall forward a copy to the HMDC Commissioners who may, by a vote of a majority of its members, render a final decision accepting, rejecting or modifying the administrative law judge's initial decision. A final decision shall be rendered within 45 days of receipt of the initial decision of the administrative law judge.

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

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

Amended by R.1974 d.1 effective January 2, 1974.

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

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

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

(d): "hearing" deleted and "informational hearing" substituted therefor; "in accordance with Subchapter 6 of this Chapter" deleted; "these regulations" deleted and "this chapter" substituted therefor; "The Office of Chief Engineer . . . requests a public hearing" deleted.

(g)-(i) added.

(h): Deleted existing text.

Renumbered (g) as (j) and (i) as (k) without change in text.

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

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

Deleted old text in (d) and substituted new.

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

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

Historical Note

This section was originally cited as Article 6-303.

19:4-4.143 Commission review of special exception and variance approvals

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

(b) The Commission may, by a concurring vote of a majority of its numbers, affirm or reverse, wholly or partly, modify such approval, or may remand the entire matter for further action by the Executive Director, based upon the record before it. Such action shall be in the form of a written decision explaining the reasons for such action.

(c) If the Commission fails to act within four weeks after receipt of the entire matter, the decision of the Executive Director shall be deemed to be affirmed.

(d) Disapprovals of special exceptions or variances by the Executive Director may be brought before the Commission pursuant to the procedure contained in N.J.A.C. 19:4-6.25 (Appeals).

Historical Note

This Section was originally cited as Article 6-304.

19:4-4.144 Planned unit development

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

(b) Planned unit developments shall be allowed in any zone except the marshland preservation zone and the park and recreation zone.

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

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

(e) Permitted uses and standards are as follows:

1. All uses permitted under the regulations of the zone in which the planned unit development is located, subject, however, to the use limitations, if any, contained in said regulations, unless waived pursuant to (e)4 below.

2. All special exceptions permitted under the regulations of the zone in which the planned unit development is located without regard to the procedures for approval thereof provided in N.J.A.C. 19:4-4.141, the procedures in this section constituting a replacement and substitute therefor.

3. All other uses except that residential uses shall only be allowed in planned unit developments located in the Low-Density Residential, Highway Commercial, Research-Park, and Research Distribution Park Zone, provided that no use other than uses permitted under (e)1 and 2 above shall be allowed to predominate.

4. The burden shall be upon the applicant to show, with respect to uses permitted under (e)3 below and with respect to any modifications and waivers of use limitations under (e)1 above that they are:

i. Consistent with the objectives set forth in the Commission's Master Plan;

ii. Essential and especially appropriate in view of the available alternative forms of development within the zone;

iii. Necessary or desirable with respect to the purposes of the planned unit development;

iv. Not of such a nature or so located as to exert a detrimental influence on uses in the planned unit development permitted under (e)1 above, on the entire planned unit development, or on the surrounding areas both with regard to existing development and future development in accordance with the comprehensive land use plan; and

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

(f) Lot size requirements are hereby waived for planned unit developments.

(g) With respect to all land areas devoted to residential use within a planned unit development, the maximum permitted density shall be 20 dwellings per acre. For purposes of this section, land area devoted to residential use shall mean the sum of all areas on which structures containing residential uses, whether or not in conjunction and other uses, are to be constructed and all open space designed for the benefit of the residential uses. Such area shall not be deemed to include dedicated streets or other public rights-of-way.

(h) The bulk regulations other than yard requirements applicable to a planned unit development are those as provided in the regulations of the zone in which the planned unit development is located, except the planned unit development size rather than lot shall be appropriate unit of measurement.

(i) However, the open space for land area devoted to residential use, as defined in this Section, shall be 40 percent and shall be common open space. Such common open space shall contain recreation areas and facilities and playgrounds for children sufficient to meet the recreation needs of the residents of the neighborhood. A fee may be charged for recreational uses which require a substantial expenditure for maintenance. All common open space not used for recreational purposes shall contain landscaped areas and may contain water-courses or other amenities. Landscaped areas shall contain lawns, trees and shrubbery, and pedestrian paths, ways and malls, and may contain flower and rock gardens, statues and sculpture, bicycle paths, and whatever other matter enhances the quality of the landscaped area. Cooperative gardening may be permitted in these common open spaces. Structures for neighborhood meetings and activities and for public cultural activities may be built upon common open space. The development board may publish detailed open space design guidelines, which shall be filed with the Office of the Chief Engineer where they shall be of public record. All common open space shall be maintained in accordance with the requirements of N.J.A.C. 19:4-5.14.

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

(k) Structures and open spaces shall be laid out in a manner that best serves the residents and users of each planned unit development. Site layout shall have maximum aesthetic values and shall be in accordance with imaginative and far-sighted concepts of site design.

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

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

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

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

(p) In order to effectuate the purposes of this section it is necessary to waive and modify the subdivision regulations otherwise applicable. The applicability of the subdivision regulations to planned unit developments shall be as provided in N.J.A.C. 19:4-5.13.

(q) Any applicant who wishes to develop a planned unit development shall comply with the following regulations:

1. Each applicant shall follow the procedure for specially planned areas as set out in N.J.A.C. 19:4-5.8 to 19:4-5.12 and each planned unit development shall be considered as a specially planned area for the purpose of these sections, except as follows:

i. The requirements of 19:4-5.8 shall not apply and the following shall be added to 19:4-5.8.

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

(2) Where the proposed uses include those described in (e)3 above, a statement analyzing such uses with reference to the criteria therefor contained in N.J.A.C. 19:4-4.145.

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

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

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

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

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

ii. To the requirement of N.J.A.C. 19:4-5.8 shall be added:

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

Administrative Correction in (e)2 and 3, (g) and (p).
See: 22 N.J.R. 2184(a).

Historical Note

This Section was originally cited as Article 6-305.

Cross References

Heavy industrial zone, type of development, see N.J.A.C. 19:4-4.103.

Research distribution park zone, development of land, see N.J.A.C. 19:4-4.73.

19:4-4.145 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 after the effective date of these regulations unless it complies with the requirements of this section.

(b) Accessory structures and uses include, but are not limited to, the following:

1. Accessory uses not permitted on open space.

i. Private garages or carports.

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

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

iv. Laundry drying equipment;

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

vi. Off-street parking and loading spaces, as regulated by 19:4-6.18;

vii. Storage of boats, boat trailers, camping trailers, and small house trailers.

2. Accessory uses permitted on open space.

i. A child's playhouse;

ii. A private swimming pool and bath house;

(1) 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.

(2) The entire swimming pool area shall be fenced. The fence shall be a minimum of four feet in height and a maximum of six feet in height and shall be of

such design that it controls access to the pool area. Where the pool is installed on a corner lot and the fence is not a solid fence, the side nearest the street shall be screened with shrubs not less than four feet in height and forming a visual barrier.

(3) 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.

iii. Recreational equipment;

iv. Statuary, arbors, trellises, barbecue stoves, flag poles, fences, walls and hedges;

v. Outdoor seating areas;

vi. Signs when permitted by N.J.A.C. 19:4-6.18; and

vii. Transformers, underground vaults, and tanks.

(c) Bulk regulations are as follows:

1. Accessory structures shall comply with the bulk regulations applicable to principal structures in the zone in which they are located, except in the LDR zone where a five foot lot line setback is required.

2. No accessory structure or use shall be permitted in any required front yard unless it is a permitted obstruction within the meaning of N.J.A.C. 19:4-4.8(a).

3. Outdoor seating areas shall maintain a front yard setback of 35 feet and side and rear yard setbacks of 10 feet. Outdoor seating areas shall not be located in required parking and/or loading areas.

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.

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

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

19:4-4.146 Commercial park zone; purposes

The Commercial park zone is designed to accommodate, on large lots, commercial mixed use developments, combined in such a way that these developments are aesthetically pleasing, and inter-related in such a way that there is a mitigating effect upon peak hour traffic which would normally be generated from single commercial uses of equivalent size.

New Rule, R.1986 d.19, effective February 3, 1986.

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

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

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

19:4-4.147 Commercial park zone; type of development

Developers of land located in the zone shall have the option of developing said land in accordance with N.J.A.C. 19:4-4.133 to 4.139, or as a planned unit development in accordance with N.J.A.C. 19:4-4.144.

New Rule R.1986 d.19, effective February 3, 1986.

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

Administrative Correction: Removed general.

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

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

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

19:4-4.148 Commercial park zone; permitted uses

(a) The following are permitted uses in the commercial park zone:

1. Office buildings which must include a minimum of five percent of the total floor area (not including parking structures) to be utilized for restaurants, with cocktail lounges, banks, retail shops, and/or theaters, all of which shall be oriented toward use by those employees within the same lot of record, but not limited thereto.

2. Hotels, which:

i. As a principal use, with accessory retail shops and restaurant facilities, for the use and convenience of hotel patrons primarily.

ii. As an accessory use and structure to office buildings as described in (a)1 above, with a maximum of 20 hotel rooms per acre. Accessory hotel facilities shall not be included in the overall Floor Area Ratio.

3. Restaurants, not including fast food, or drive-in facilities;

4. Child care centers;

5. Business services;

6. Personal services;

7. Retail services; and

8. Social services.

New Rule, R.1986 d.19, effective February 3, 1986.

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

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

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

Added text in (a)1 "but not limited thereto."

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

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

19:4-4.149 Commercial park zone; special exceptions

(a) The following are special exceptions in the commercial park zone:

1. Banks, as a principal use;

2. Helistops;

3. Hospitals;

4. Indoor Recreation; and

5. Any satellite antenna which must be located on a tower.

New Rule, R.1986 d.19, effective February 3, 1986.

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

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

See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).
Text on satellite antennas added at (a)3 and 4.
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.150 Commercial park zone; use limitations

(a) The following are use limitations in the commercial park zone:

1. No outdoor storage;
2. No retail sales, motor freight facilities, or trucking operations, except as incidental and accessory to a permitted or special permit use;
3. No slaughtering of animals.
4. Outdoor seating areas, accessory to a permitted or special exception use, not exceeding 15 percent of the principal use, are permitted. In the case of a restaurant, the outdoor seating area shall not be greater than 15 percent of the interior seating area.

New Rule, R.1986 d.19, effective February 3, 1986.
See: 17 N.J.R. 2530(a), 18 N.J.R. 311(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.151 Commercial park zone; lot area requirements

The minimum lot area in the commercial park zone is three acres.

New Rule, R.1986 d.19, effective February 3, 1986.
See: 17 N.J.R. 2530(a), 18 N.J.R. 311(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.152 Commercial park zone; bulk regulations

(a) The following are bulk regulations in the commercial park zone:

1. Maximum lot coverage: 50 percent
2. FAR 1.25 (not including parking garages);
3. Minimum lot width: 200 feet;
4. Yards:
 - i. Minimum front: 65 feet;
 - ii. Minimum side: 30 feet;
 - iii. Minimum rear: 30 feet;
5. Minimum lowest floor elevations for structures within 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).
6. Minimum open space: 20 percent.

New Rule, R.1986 d.19, effective February 3, 1986.
See: 17 N.J.R. 2530(a), 18 N.J.R. 311(a).
Amended by R.1987 d.212, effective May 4, 1987.

See: 19 N.J.R. 53(a), 19 N.J.R. 774(a).
(a)6 added.
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)5.
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)5.
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).

19:4-4.153 Commercial park zone; buffer requirements

(a) There shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening, where any development borders a specially planned area, a residential planned unit development, the park and recreation zone, or the low density residential zone.

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

New Rule, R.1986 d.19, effective February 3, 1986.
See: 17 N.J.R. 2530(a), 18 N.J.R. 311(a).
Amended by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).
Added (a) and numbered existing text (b).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.154 Commercial park zone; environmental performance standards

(a) All uses in the commercial park zone shall comply with the environmental performance categories of N.J.A.C. 19:4-6 as follows:

1. Environmental performance standard category A for radioactive materials; fire and explosion hazards;
2. Environmental performance standard category B for noise; vibration; steam, airborne emissions and glare;
3. All water quality standards shall apply.

New Rule R.1986 d.19, effective February 3, 1986.
See: 17 N.J.R. 2530(a), 18 N.J.R. 311(a).
Amended by R.1987 d.212, effective May 4, 1987.
See: 19 N.J.R. 53(a), 19 N.J.R. 774(a).
Deleted old (a)1 and added new (a)1 and 2; renumbered old (a)2 to (a)3.
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

19:4-4.155 Commercial park zone; design of structures and other improvements

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

New Rule, R.1986 d.19, effective February 3, 1986.
See: 17 N.J.R. 2530(a), 18 N.J.R. 311(a).
Amended by R.1987 d.212, effective May 4, 1987.
See: 19 N.J.R. 53(a), 19 N.J.R. 774(a).
Deleted text "sign standards".

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

19:4-4.156 Commercial park zone; waterfront development

(a) All permitted uses and special exceptions listed herein shall include a marina meeting the minimum requirements for marinas of N.J.A.C. 19:4-4.35(a)1 and 2, wherever the development borders upon the Hackensack River or its tributaries.

(b) Wherever the development borders upon the Hackensack River or any of its tributaries, that development shall be designed so as to permit public access to the edge of the river.

New Rule, R.1986 d.19, effective February 3, 1986.
See: 17 N.J.R. 2530(a), 18 N.J.R. 311(a).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Historical Note

This Section was originally cited as Article 6-306.

19:4-4.157 Limited commercial zone; purposes.

The limited commercial zone is designed to accommodate commercial development limited to select uses that will promote retail establishments on large tracts of land located within close proximity to highway corridors.

New Rule, R.2000 d.453, effective November 6, 2000.
See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

19:4-4.158 Limited commercial zone; type of development

Developers of land located in the limited commercial zone shall have the option of developing said land in accordance with the provisions of N.J.A.C. 19:4-4.133 to 4.139, or as a planned unit development in accordance with N.J.A.C. 19:4-4.144.

New Rule, R.2000 d.453, effective November 6, 2000.
See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

19:4-4.159 Limited commercial zone; permitted uses

(a) Permitted uses in the limited commercial zone include:

1. Retail;
2. Restaurants, which may include cocktail lounges;
3. Theaters;
4. Retail services;
5. Indoor recreation; and
6. Banks.

New Rule, R.2000 d.453, effective November 6, 2000.
See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

19:4-4.160 Limited commercial zone; special exceptions

(a) Special exceptions in the limited commercial zone include:

1. Essential public services;
2. Light public utility uses; and
3. Child care centers.

New Rule, R.2000 d.453, effective November 6, 2000.
See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

19:4-4.161 Limited commercial zone; use limitations

(a) All business establishments in the limited commercial zone shall be retail or service establishments dealing directly with consumers.

(b) All permitted uses shall be located within enclosed buildings, except for antennas, permitted as a light public utility use, accessory outdoor storage areas, accessory outdoor display areas, accessory outdoor seating and outdoor play areas, as regulated below.

(c) Accessory outdoor storage areas shall be permitted only in connection with a permitted retail use. Said storage area shall be located immediately adjacent to the building and its area shall be included within the permitted floor area of the site. Accessory outdoor storage areas shall not exceed 10 percent of the floor area of the building. Outdoor storage areas shall be fenced and screened.

(d) Accessory outdoor display areas shall be permitted only in connection with a permitted retail use. Said display areas shall be located immediately adjacent to the building and its area included within the permitted floor area of the site. Accessory outdoor display areas shall not exceed 20 percent of the floor area of the building. Accessory display areas shall be fenced and screened.

(e) For purposes of (c) and (d) above, the term "building" is established as any structure having a roof and completely enclosed by walls.

(f) Outdoor seating is only allowed as an accessory use to a restaurant. The number of seats located outdoors shall not exceed 15 percent of the maximum number of interior seats, not including bar and cocktail lounge seating, for each respective restaurant. Outdoor seating must be located in areas that do not impede pedestrian traffic or vehicular traffic.

(g) Outdoor play areas are permitted in association with licensed child care centers.

(h) Strip commercial development and other forms of commercial development that contain a substantial number of curb cuts shall be avoided.

New Rule, R.2000 d.453, effective November 6, 2000.
See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

19:4-4.162 Limited commercial zone; lot area requirements

(a) The lot area requirements in the limited commercial zone are:

1. Minimum lot area: five acres;
2. Minimum lot width: 300 feet.

New Rule, R.2000 d.453, effective November 6, 2000.
See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

19:4-4.163 Limited commercial zone; bulk regulations

(a) The bulk regulations in the limited commercial zone are:

1. Maximum lot coverage: 40 percent;
2. FAR: 0.3, not including parking structures;
3. Minimum open space: 20 percent;
4. Yards:
 - i. Minimum front yard: 50 feet;
 - ii. Minimum side yard: 40 feet;
 - iii. Minimum rear yard: 40 feet; and

5. Minimum lowest floor elevations for structures within 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).

New Rule, R.2000 d.453, effective November 6, 2000.
See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

19:4-4.164 Limited commercial zone; buffer requirements

(a) Within the limited commercial zone, there shall be a 25-foot wide strip of landscaped open space, with heavy vegetative screening, where any development borders a specially planned area, a residential planned unit development, the park and recreation zone, or the low density residential zone.

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

New Rule, R.2000 d.453, effective November 6, 2000.
See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

19:4-4.165 Limited commercial zone; environmental performance standards

(a) All uses in the limited commercial zone shall comply with the environmental performance categories of N.J.A.C. 19:4-6 as follows:

1. All category B performance standards shall apply; and

2. All water quality standards shall apply.

New Rule, R.2000 d.453, effective November 6, 2000.
See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

19:4-4.166 Limited commercial zone; design of structures and other improvements

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

New Rule, R.2000 d.453, effective November 6, 2000.
See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

SUBCHAPTER 5. SPECIALLY PLANNED AREA REGULATIONS**19:4-5.1 Statement of purpose**

(a) The strategic location of large parcels of largely undeveloped land in the heart of an intensely-developed metropolitan area gives the public the opportunity to require that development and undertaken on a large scale in order that the available land be used in the most efficient manner possible and in accordance with the most comprehensive and far sighted planning techniques which will be of substantial benefit to both the developers and landowners and to the public.

(b) These regulations take advantage of this opportunity by requiring that specific areas be used for the purposes envisaged for them in the comprehensive land use plan and be developed in the best possible manner.

(c) These regulations are designed to promote, moreover, the innovative and creative design of such areas, to facilitate the use of the most advantageous construction techniques in the development and use of land, and to assure a comprehensive treatment of environmental factors.

(d) Where property is located in a specially planned area, as defined herein, approval of a comprehensive plan for the entire specially planned area is required before any development is permitted, in accordance with the regulations for each specially planned area hereinafter provided and in accordance with the procedures established in Sections 8 and 12 of this Subchapter.

19:4-5.2 The parkside residential specially planned areas: PR-1, PR-2 and PR-3

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

(b) Development shall be permitted in each PR only upon approval of and pursuant to a general plan for the entire PR under N.J.A.C. 19:4-5.8, upon approval of and pursuant to a development plan for the section to be developed under N.J.A.C. 19:4-5.9 and upon approval and pursuant to a plan for the subsection to be developed under N.J.A.C. 19:4-5.10.

(c) All development in each PR shall conform to the Hackensack Meadowlands Development Commission's wetlands order.

(d) No general plan for any PR shall be approved under N.J.A.C. 19:4-5.8, no development plan shall be approved under N.J.A.C. 19:4-5.9, and no implementation plan shall be approved under N.J.A.C. 19:4-5.10 unless it contains the following types and amounts of development.

1. Residential development:

i. Any type of structure containing dwelling units may be built except single-family houses, duplexes, and two-family houses.

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

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

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

Type of Unit	Number of Points Per Dwelling Unit
studio	one
one-bedroom	two
two-bedroom	three
three-bedroom	four
four-bedroom	five

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

vi. At least ten percent of the total number of dwelling units in any PR shall be in structures three stories or less in height, measured from the ground level, except that if parking is provided in the first story, the structure may be four stories high.

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

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

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

2. Commercial development:

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

ii. Bulk and use standards include:

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

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

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

(4) Strip commercial development shall not be permitted.

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

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

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

3. Common open space:

i. At least 35 percent of the residential commercial land area of each PR shall be used for common open space. At least 30 percent of the residential/commercial land area of each PR shall be in open space at ground level, and the remainder may be in roof area which could be used as required or permitted in this paragraph.

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

iii. Inter-neighborhood open space shall be linear park-like areas running between neighborhoods and along the borders of each PR. It shall contain inter-neighborhood recreation facilities, such as swimming pools and golf courses, sufficient to serve the residents of the neighborhoods between which the common open space is located. A fee may be charged for all recreational uses which require substantial maintenance. All major watercourses in any PR shall be retained in their natural meander, along with natural vegetation along their banks. All inter-neighborhood open spaces which are not watercourses and not used for recreational purposes shall contain natural areas; pedestrian and bike paths; picnic areas; wooded areas; and landscaped areas. Landscaped areas shall contain lawns, trees and shrubbery, and pedestrian paths, ways, and malls; and may contain flower and rock gardens, statues and sculpture, and whatever other matter enhances the quality of the landscaped area. All inter-neighborhood open spaces may contain bridle paths; watercourses; viable marsh preserves; structures which enhance the attraction of park-like areas, such as out-door theaters, conservatories, and zoos; statues and sculpture. Structures for public cultural facilities may be built upon inter-neighborhood open space.

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

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

vi. Maintenance of Common Open Space. All common open space, and facilities and structures thereon, shall either be dedicated to the public, with the approval and subject to the terms of the Meadowlands Commission, or maintained in accordance with the provisions of N.J.A.C. 19:4-5.14.

4. Open areas:

i. In PR2, the area shown on the comprehensive land use plan, as revised and delineated on the Hackensack Meadowlands Development Commission's open space map, (November 8, 1972) as park and recreation area and bordering the Hackensack River shall be set aside for park and recreation purposes.

ii. In PR2, the areas shown on the comprehensive land use plan, are revised and delineated on the Hackensack Meadowlands Development Commission's open space map (November 8, 1972) as Marshland Preservation areas shall be retained and improved as marshland open area. They may be used only for scientific study, testing and experimentation in regard to marshland ecology; and footpaths for hiking and nature observation. No use shall be operated, conducted or maintained that may impair the quality of the marshland open space as a tidal marsh. Any use that significantly discourages or interferes with the use of the marshland open space as a natural habitat for waterfowl and other forms of marsh life shall be presumed to be a use that impairs the quality of the marshland open area.

iii. Open areas shall not be considered residential/commercial land area and shall not be considered open space for the purpose of fulfilling the requirement of (d)3 above.

iv. All open areas shall either be dedicated to the public, with the approval and subject to the terms of the Meadowlands Commission, or maintained in accordance with the provisions of N.J.A.C. 19:4-5.14.

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

6. Transportation systems:

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

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

iii. Vehicular parking and loading shall be required as provided in N.J.A.C. 19:4-6.18.

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

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

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

10. Public schools:

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

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

11. The applicant shall make every effort to insure that the appropriate public body having authority over

library development will construct library facilities that will meet the needs of the residents of the PR.

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

13. Public improvements and utilities:

i. Public improvements must be provided in accordance with N.J.A.C. 19:4-5.13.

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

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

1. Chapels, churches, synagogues and temples;
2. Private schools;
3. Offices for professional services, which may be interspersed throughout the neighborhood shopping center, or located in the community shopping center. The floor area of all offices for professional services shall be included in the floor area of all commercial uses for determining whether the maximum floor area limitations of Section 2 of this Subchapter have been exceeded;
4. Senior citizens housing;
5. Charitable and social services;
6. Governmental uses;
7. Light public utility uses;
8. Medical facilities and nursing homes.

(f) Appropriate environmental design standards include:

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

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

ii. All residential units shall be in cluster groupings in forms of townhouses, or low rise, medium and high rise multi-family units. All dwelling units must have

easy access to common open space, including recreational facilities, and to a range of other uses.

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

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

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

vi. Buildings shall be placed so as to permit ready access of emergency vehicles.

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

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

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

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

(g) All uses in each PR shall comply with the following environmental performance standard categories of N.J.A.C. 19:4-6.1 to 19:4-6.16:

- 1. All category A performance standards shall apply.
- 2. All water quality requirements shall apply.

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).

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 The island residential specially planned areas: IR-1, IR-2 and IR-3

(a) These specially planned areas are designed to accommodate relatively dense residential uses that will be clustered on one or more man-made islands or peninsulas. The design shall incorporate man-made lagoons of the Hackensack River, and/or water features, and shall, be surrounded by substantial areas of marshland open space. The regulations are designed to require unified planning and development of large-scale projects that will occupy a minimum amount of land area and will disturb to the least extent possible existing marshland areas.

(b) Development shall be permitted in each IR only upon approval of and pursuant to a general plan for the entire IR, under N.J.A.C. 19:4-5.8, upon approval and pursuant to a development plan for the section to be developed under N.J.A.C. 19:4-5.9, and upon approval and pursuant to an implementation plan for the subsection to be developed under N.J.A.C. 19:4-5.10.

(c) All development in each IR shall conform to the Hackensack Meadowlands Development Commission's wetlands order.

(d) No general plan for any IR shall be approved under N.J.A.C. 19:4-5.8, no development plan shall be approved under N.J.A.C. 19:4-5.10, unless it contains the following types and amounts of development:

1. Residential development:

i. Any type of structure containing dwelling units may be built except single-family houses, duplexes, and two-family houses.

ii. Each IR shall have no more than 25 dwelling units per acre or a minimum of 2,000 dwelling units for the total area of the IR, minus the acreage used for school sites, commercial areas (which shall be deemed only for the purpose of determining the total number of dwelling units required and permitted in each IR, to be 15 acres for each community shopping center and five acres for each neighborhood shopping center), open areas, state highways or turnpikes, railroad right-of-way and land used for non-conforming uses or structures.

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

Type of Unit	Number of Points per Dwelling Unit
studio	one
one-bedroom	two
two-bedroom	three
three-bedroom	four
four-bedroom	five

iv. At least 10 percent of the total number of dwelling units in any IR shall be in structures three stories or less in height, measured from the ground level, except that if parking is provided in the first story, the structure may be four stories high.

v. Not more than 40 percent of the total dwelling units in any IR shall be in structures exceeding 15 stories in height.

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

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

2. Commercial development:

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

ii. Bulk and use standards include:

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

2.0 percent of the floor area of the dwelling units of the neighborhood within which they are located.

(2) Strip commercial development shall not be permitted.

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

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

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

3. Common open space:

i. At least 50 percent of the residential/commercial land area of each IR shall be used for interneighborhood common open space. The remaining land within the residential/commercial land area shall be man-made islands, on landfill, piles and platforms, or other appropriate support. At least 17 percent of these islands, shall be in intra-neighborhood common open space, of which at least 14 percent shall be at ground level and the remainder may be in roof area which could be used as required or permitted in this subsection hereof.

ii. Intra-neighborhood common open space shall be located in one or more clusters within each neighborhood or intermingled among the users of the IR. It shall contain recreation areas and facilities and playgrounds for children sufficient to meet the recreation needs of the residents of the neighborhood. Recreation facilities sufficient to serve the recreational needs of the residents of the entire IR may be interspersed among the neighborhoods and located in the intra-neighborhood open spaces. A fee may be charged for recreational uses which require a substantial expenditure for maintenance. Intra-neighborhood common open space not allocated for recreational purposes should, wherever possible, incorporate into its design configuration and maintenance, the ecological characteristics of the wetlands. Marinas are a permitted use in the IR. All intra-neighborhood common open space not used for recreational and waterfront purposes shall contain landscaped areas and may contain watercourses or other amenities. Every effort shall be made to preserve existing tidal watercourses and their natural meanders. Landscaped areas shall contain lawns, trees, and shrubbery, and pedestrian paths, ways and malls, and may contain flower and rock gardens, statues and sculpture, bicycle paths, and whatever other matter

enhances the quality of the landscaped area. Landscaped areas contiguous to tidal watercourses shall promote wherever possible natural wetlands vegetation. Structures for community meetings and activities and for public cultural activities may be built upon intra-neighborhood common open space.

iii. All inter-neighborhood common open spaces, shall be open-water lagoons of the Hackensack River and marsh open space. No use shall be operated, conducted or maintained that may impair the quality of the marsh open space. Any use that significantly discourages or interferes with the rest of the marshland open space as a natural habitat for waterfowl and other forms of marsh life shall be presumed to be a use that impairs the quality of the marshland open spaces. All major watercourses in any IR shall be retained in their natural state along with natural vegetation along their banks.

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

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

vi. All open space, and facilities and structures thereon, shall either be dedicated to the public, with the approval and subject to the terms of the Meadowlands Commission, or maintained in accordance with the requirements of Section 14 of this Subchapter.

4. Open areas:

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

ii. Open areas shall not be considered residential/commercial land area and shall not be considered open space for the purpose of fulfilling the requirements of this subsection.

iii. All open areas shall either be dedicated to the public, with the approval and subject to the terms of the Meadowlands Commission, or maintained in accordance with the provisions of Section 14 of this Subchapter.

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

6. Transportation systems:

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

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

iii. Vehicular parking and loading shall be required as provided in N.J.A.C. 19:4-6.18.

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

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

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

10. Public schools:

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

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

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

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

13. Public improvements and utilities:

i. Public improvements must be provided in accordance with Section 13 of this Subchapter.

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

14. In addition to any structure or use designated by the Commission as a historic landmark under 19:4-6 hereof, the Pardee Brothers' iron foundry, located in IR1, is hereby declared a historic landmark. It shall be repaired and preserved and shall be used as appropriate for its history, design and location.

(e) The general, development, and implementation plans may also include other uses which will benefit the residents of the IR, and which are compatible with the residential character of the IR, including but not limited to:

1. Chapels, churches, synagogues and temples;
2. Private schools;
3. Offices for professional services, which may be interspersed throughout the neighborhood, located in a neighborhood shopping center, or located in the community shopping center. The floor area of all offices for professional services shall be included in the floor area of all commercial uses for determining whether the maximum floor area limitations of subsection (d) of this Section have been exceeded;
4. Senior citizen housing;
5. Charitable and social services;
6. Public cultural facilities;
7. Governmental uses;
8. Light public utility uses;
9. Medical facilities and nursing homes.

(f) The environmental design standards include:

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

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

ii. Provisions for the adequate circulation of water in the lagoon shall be made.

iii. The lagoon shall be surrounded by marsh.

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

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

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

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

viii. Buildings should be placed so as to permit ready access of emergency vehicles.

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

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

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

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

3. All open spaces shall be designed in conformance with the most imaginative principles of landscape architecture. The Hackensack Meadowlands Development Commission's open space map should be consulted in the

allocation, design and configuration of the open space portion of the IR.

(g) All uses in each IR shall comply with the following environmental performance standard categories of N.J.A.C. 19:4-6.

1. All category A environmental performance standards shall apply.
2. All water quality requirements shall apply.

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).

Historical Note

This Section was originally cited as Article 7-202.

19:4-5.3A Planned development center specially planned areas: PDC-1

(a) The PDC-1 specially planned area shall be developed as a planned development center according to a plan as a single entity containing structures with appurtenant common areas.

1. The following principal uses shall be provided:
 - i. Office,
 - ii. Regional retail,
 - iii. Commercial,
 - iv. Hotel,
 - v. Residential; and
 - vi. Neighborhood retail.
2. Accessory uses may include, but are not limited to:
 - i. Public facilities;
 - ii. Transportation facilities;
 - iii. Parking structures; and
 - iv. Open space.

(b) Development shall be permitted in PDC-1 only pursuant to an approved general plan for the entire PDC-1, under N.J.A.C. 19:4-5.8, pursuant to an approved development plan for the section to be developed under N.J.A.C. 19:4-5.9, and pursuant to an approved implementation plan for the subsection to be developed under N.J.A.C. 19:4-5.10.

(c) All development in each PDC-1 shall conform to all applicable rules and policies affecting wetlands.

(d) No general plan for any PDC-1 shall be approved under N.J.A.C. 19:4-5.8, no development plan shall be approved under N.J.A.C. 19:4-5.9, and no implementation plan shall be approved under N.J.A.C. 19:4-5.10 unless it contains the following types of uses and percentage of land areas specified in the project component mix below:

1. Project Component Mix: The amount of land area devoted to each of the uses specified below shall be as follows:

PERCENT OF TOTAL SITE

Use	Minimum	Maximum
Residential †	25	35
Non-Residential †	15	30
Open Space ††	45	—

† Includes all internal roads, accessory and adjacent roads within the PDC, and developed open spaces such as lawns, landscaping, parking areas, sidewalks, etc. All common roads that are not accessory or adjacent to the residential or non-residential areas shall be apporportioned according to the final mix of uses.

†† Does not include developed open spaces within the developed areas of the site.

2. Non-residential uses shall be of the type typically found in a major regional office/commercial center. The principal uses include office, regional retail, commercial, and hotel facilities. Accessory uses in the non-residential area include transportation center, cultural facilities, and any uses listed in (e) below. Non-residential use requirements are as follows:
 - i. Within the non-residential area of the site, a total Floor Area Ratio of 1.00 shall not be exceeded. Such Floor Area Ratio (F.A.R.) shall be determined by dividing the total floor area of every building or structure by the area of the total non-residential area of the site. The following accessory uses shall be exempt from inclusion in the F.A.R.: (1) Parking facilities (2) Cultural facilities, upon Development Board approval; and (3) Transportation centers.
 - ii. Maximum building height shall be 20 stories, exclusive of stories devoted completely to air conditioning and utility equipment and exclusive of parking decks within the same non-residential structure. No more than five stories shall be devoted to air conditioning and parking decks.

3. Residential uses include dwellings, community facilities, neighborhood shopping facilities, day care facilities, public schools, and other uses listed in subsection (e) below. Residential use requirements are as follows:

- i. The gross residential density on that portion of the PDC-1 devoted to residential use shall be 40 dwelling units per acre.
- ii. No less than 4,500 dwelling units shall be required in PDC-1.

iii. After an initial one million square feet of office, regional retail, or hotel space is constructed, one dwelling unit for each 1,000 square feet of additional non-residential development shall be provided. The Development Board shall insure that the residential component of the general plan is implemented in a manner that balances the residential and non-residential portions of the site development.

iv. At least five percent but not more than 10 percent of the total number of dwelling units in the PDC-1 shall be in structures three stories or less in height, measured from the ground level, except that if the ground floor is devoted to parking and common area facilities, the structure may be four stories high.

v. Of the total number of dwelling units in the PDC-1, 10 percent shall be set aside for low-income households, and 10 percent shall be set aside for moderate-income households. In addition, such set aside shall conform to the Council on Affordable Housing regulations as prescribed under N.J.S.A. 52:27D-301 et seq. No more than 20 percent of the total low- and moderate-income dwelling units shall be reserved for senior citizen occupancy.

vi. Maximum building height shall be 20 stories, exclusive of stories devoted completely to air conditioning and utility equipment and exclusive of parking decks within the same residential structure. No more than five stories shall be devoted to air conditioning and parking decks.

4. Except for any neighborhood shopping facilities, the commercial, office, and hotel facilities shall be of a type suitable for sale or lease to retail and service uses typically found in a regional shopping center and regional office center. The regional center shall be a planned commercial development consisting of not less than two major department stores and coordinated satellite stores whose primary purpose is to draw its business from the surrounding region. Such facility shall contain a minimum of 500,000 square feet of gross retail space with attendant parking facilities. No regional shopping facilities shall be constructed unless at least 500,000 square feet of office space have been constructed or proposed in the same development phase as the regional shopping facilities. If the development is staged or phased, the Development Board shall not approve subsequent phases for construction unless 75 percent of the previous phase has been completed or is substantially under construction.

5. The Development Board, at its discretion, shall also determine the extent and location of any neighborhood shopping facility which the PDC-1 may require. Neighborhood shopping facilities shall be developed for the convenience of the residential and employment population of the PDC-1, and construction of these facilities shall be coordinated with construction of the residential and office uses, based on a schedule established by the Development Board. A neighborhood shopping facility

shall consist of a group of commercial establishments planned, developed, and managed as a unit for, primarily, the sale of convenience goods and personal services, including appropriate off-street parking pursuant to N.J.A.C. 19:4-6.18. Each such facility shall contain between 30,000 and 60,000 square feet of retail space. The primary uses, consisting of a supermarket or food store and a drug store, shall be vital components of the neighborhood center and shall be designed to draw its business from the surrounding residential development.

6. The roadway and transportation system requirements PDC-1 are as follows:

i. Upon a finding by the Development Board, at the general plan, development plan, and/or the implementation plan stage, that the existing roadway network and transportation system or facilities are inadequate, the applicant shall either reduce the proposed development, arrange for the appropriate public or private body to provide traffic improvements and mass-transit systems, or the applicant itself shall provide traffic improvements and a mass-transit system sufficient to meet the transportation needs of the residents and users of the PDC-1, as to both internal movement and, where possible, access to widely used areas in the Meadowlands District and in the Northeast New Jersey-New York metropolitan region. The mass-transit system shall be coordinated with the mass-transit systems of abutting specially planned areas and with the mass-transit system for all or part of the Meadowlands District in general and shall include a mass-transit center within the PDC-1 development.

ii. Vehicular parking and loading shall be required, as provided in N.J.A.C. 19:4-6.18, with the exception of shared off-street parking. Shared off-street parking facilities may be provided for uses with varying peak hour traffic generation. Such shared parking arrangements must be approved by the Development Board, based on a submitted and approved comprehensive parking and traffic plan.

7. The requirements for open areas are as follows:

i. In the PDC-1, not less than 45 percent of the total land area shall be set aside as undeveloped open areas. These open areas may be utilized for wetland mitigation purposes. In any case, no use in the undeveloped open areas shall be operated, conducted, or maintained that may impair the quality of the undeveloped open areas. Within the boundaries of the marshland open areas, no use shall be permitted that significantly discourages or interferes with the use of the marshland open area as a natural habitat for waterfowl and other forms of marsh life.

ii. Wetland buffer strips shall be provided in accordance with N.J.A.C. 19:4-6.16. Wetland buffer strips shall not be applicable to tributaries for which Federal and/or State permits have been obtained for fill.

iii. In the non-residential portion of the PDC-1, 15 percent of the land area shall be established as open space. In the residential portion of the PDC-1, 30 percent of the land area shall be established as open space.

iv. Residential open space shall consist of landscaped areas, pedestrian pathways, recreational areas, malls and bicycle paths within each neighborhood. Open space may also be used to connect proposed or developed neighborhoods. The composition and design of the open space shall be determined by the Development Board based upon recommendation of the HMDC staff.

v. Open space in the neighborhood shopping areas and non-residential areas shall be provided to serve the needs of the users. Such open space may contain plazas and malls, pedestrian paths and landscaped areas.

vi. Should the Development Board find that the PDC-1 development creates visual or aesthetic adverse impacts to other zones and/or properties, it may require a buffer area along said property or zone line up to a maximum of 100 feet.

vii. The Development Board, after consulting with the Environmental Design Committee, may publish detailed open space design guidelines.

viii. All common open areas and space, facilities and structures thereon shall either be dedicated to the public with the approval and subject to the terms of the Hackensack Meadowlands Development Commission, or maintained in accordance with the requirements of N.J.A.C. 19:4-5.14.

8. The applicant shall comply with all applicable rules and policies affecting wetlands.

9. The applicant shall provide for or make arrangements to insure that the appropriate governmental agency or private individual or group provides physical and mental health care facilities sufficient to meet the health care needs of the residents and occupants of the PDC-1 not otherwise provided for. A fee may be charged for such uses.

10. The applicant shall provide for or make arrangements to insure that the appropriate governmental agency or private individual or group provides group day care centers and nursery schools sufficient to serve the needs of the residents and occupants of the PDC-1. A fee may be charged for such uses.

11. The applicant shall provide facilities for community meetings and activities sufficient to serve the needs of the residents and occupants of the PDC-1.

12. The public schools requirements for PDC-1 are as follows:

i. The applicant shall demonstrate that land or facilities are available in the residential area for providing primary and secondary education for the children who reside in the PDC-1 in accordance with standards for school size and location as promulgated by the New Jersey Department of Education, except insofar as adequate capacity is determined to be available in the existing school system.

ii. The applicant shall demonstrate that he or she has consulted with the school district or districts having jurisdiction regarding a schedule for the construction of schools that will meet the otherwise unmet needs of the residents of the PDC-1.

13. The applicant shall demonstrate that he has consulted with the appropriate officials having authority over library development regarding a schedule for the construction of library facilities in the residential area that will meet the needs of the residents of the PDC-1 or that adequate existing facilities are available.

14. The requirements for public improvements and utilities are as follows:

i. Public improvements must be provided in accordance with N.J.A.C. 19:4-5.13.

ii. The applicant shall demonstrate that he has consulted with the electric, gas and telephone utilities having jurisdiction and that they have agreed upon a schedule for the installation of utilities that will meet the needs of the residents and users of the PDC-1.

(e) The general, development, and implementation plans may also include other uses which will benefit the users and residents of the PDC-1.

1. Such other uses include but are not limited to:

i. Chapels, churches, synagogues and temples;

ii. Private schools;

iii. Senior citizen housing;

iv. Charitable and social services;

v. Public cultural facilities;

vi. Governmental uses;

vii. Light public utility uses;

viii. Medical facilities and nursing homes; and

ix. Recreational facilities.

2. If any of the uses listed in (e)1 above are located in the non-residential area of the PDC-1, the building area shall be excluded from F.A.R. calculations. If such uses are located in the residential area of the PDC-1, the land area allocated to these uses shall be included when calculating the required number of dwelling units.

(f) The architectural design standards are as follows:

1. Structures and open spaces shall be laid out in a manner that best serves the users and residents of the PDC-1. Site design shall maximize aesthetic values and shall comply with the following:

i. All dwelling units shall have easy access to common open space, including recreational facilities;

ii. Buildings shall be placed so as to permit ready access of emergency vehicles; and

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

2. The design of structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-6.

3. All open space areas shall be designed to conform with acceptable planning and landscape architectural principles. The Hackensack Meadowlands Development Commission's open space map should be consulted in the allocation, design and configuration of the open space portion of the PDC-1.

(g) All uses in the PDC-1 shall comply with all Category A environmental performance standards and water quality requirements of N.J.A.C. 19:4-6.1 to 19:4-6.16.

(h) The applicant shall follow the environmental/socio-economic impact guidelines of N.J.A.C. 19:3B-1.1 to 19:3B-1.9. The Development Board shall not approve any general, development or implementation plan unless the Development Board finds that, to the extent reasonably feasible, the impacts of the development proposed by the plan will be within the carrying capacity of each natural and man-made system to be impacted.

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

19:4-5.4 The Berry's Creek Center: BCC

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

(b) All development in each BCC shall conform to the Hackensack Meadowlands Development Commission's wetlands order.

(c) Development shall be permitted in BCC only upon approval of and pursuant to a general plan for the entire BCC under N.J.A.C. 19:4-5.8, upon approval and pursuant to a development plan for the section to be developed under N.J.A.C. 19:4-5.9, and upon approval and pursuant to an implementation plan for the subsection to be developed under N.J.A.C. 19:4-5.10.

(d) No general plan for BCC shall be approved under N.J.A.C. 19:4-5.8, no development plan shall be approved under N.J.A.C. 19:4-5.9, and no implementation plan shall be approved under N.J.A.C. 19:4-5.10 unless it contains the following types and amounts of development. All types of development shall be intermingled.

1. Commercial development:

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

ii. Bulk and use standards include:

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

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

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

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

3. Residential development:

i. Any type of structure containing dwelling units may be built except single-family houses, duplexes, and two-family houses.

ii. No less than 3,800 nor more than 4,200 dwelling units shall be permitted in BCC.

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

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

Type of Unit	Number of Points Per Dwelling Unit
studio	one
one-bedroom	two
two-bedroom	three
three-bedroom	four
four-bedroom	five

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

vi. At least 10 percent of the total number of dwelling units in any BCC shall be in structures three stories or less in height, measured from the ground level, except that if parking is provided in the first story, the structure may be four stories high.

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

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

5. Transportation systems:

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

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

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

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

v. Vehicular parking and loading shall be required as provided in N.J.A.C. 19:4-6.18.

6. Open space:

i. At least 35 percent of the residential/commercial land area of BCC shall be used for common open space. At least 30 percent of the residential/commercial land area of BCC shall be in open space at ground level, and the remainder may be in roof area which could be used as required or permitted in this subsection.

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

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

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

v. All common open space, and facilities and structures thereon, with the approval and subject to the terms of the Meadowlands Commission, or shall either be dedicated to the public maintained in accordance with the requirements of 19:4-5.

7. Marshland open area:

i. In BCC, the areas shown on the comprehensive land use plan as revised and delineated on the Hackensack Meadowlands Development Commission's open space map (November 8, 1972) as conservation and wildlife preserve shall be retained and improved as

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

ii. Marshland open areas shall not be considered residential/commercial land area and shall not be considered open space for the purpose of fulfilling the requirement of this subsection.

iii. All marshland open area shall either be dedicated to the public, with the approval and subject to the terms of the Meadowlands Commission, or maintained in accordance with the provisions of N.J.A.C. 19:4-5.14.

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

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

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

11. Public schools:

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

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

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

13. Public improvements and utilities:

i. Public improvements must be provided in accordance with N.J.A.C. 19:4-5.13.

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

(e) The general development, and implementation plans may also include other uses which will benefit the users and residents of BCC, including but not limited to:

1. Educational institutions, public or private;
2. The floor area of all hotels and motels shall be deemed to be commercial and office floor area, in whatever portion of each the applicant desires, to determine whether the maximum floor area limitations of commercial and office uses have been exceeded;
3. Churches, chapels, synagogues and temples;
4. Senior citizen homes;
5. Charitable and social services;
6. Governmental uses;
7. Light public utility uses.

(f) Architectural design standards include:

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

- i. The entire Berry's Creek Center should be oriented toward and shall have as its focal point the Berry's Creek Canal and any tributaries thereof and shall be accessible from the docking points of a marine transit system.
- ii. There shall be walkways along the canal.
- iii. All dwelling units must have easy access to common open space, including recreational facilities, and to a range of other uses.
- iv. Design and placement of uses should generate activity and a flow of people through a number of subsidiary points in BCC in addition to the plazas discussed in (d) above. At such points, areas for resting and gathering shall be provided.
- v. All residential structures must be so related to each other to maximize use and enjoyment of open space and shall be coordinated with the pedestrian, bicycle and mass-transit circulation systems of BCC.
- vi. Internal pedestrian and bike routes need not be adjacent to nor in the vicinity of vehicular access routes. Pedestrian and bicycle passages over and under vehicular routes shall be used wherever possible.

vii. Buildings shall be placed so as to permit ready access of emergency vehicles.

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

ix. A combination of residential, commercial, administrative, professional, and cultural uses is encouraged.

2. The design of structure and other improvements shall comply with the requirements of N.J.A.C. 19:4-6.

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

(g) All uses in BCC shall comply with the following environmental performance standard categories of N.J.A.C. 19:4-6.1 to 19:4-6.16.

1. All category A environmental performance standards shall apply.
2. All water quality requirements shall apply.

Historical Note

This Section was originally cited as Article 7-203.

19:4-5.5 The transportation center specially planned areas: TC-1, TC-2, and TC-3

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

(b) All development in each TC shall conform to the Hackensack Meadowlands Development Commission's wetlands order.

(c) Development shall be permitted in each TC only upon approval of and pursuant to a general plan for the entire TC under N.J.A.C. 19:4-5.8, upon approval of and pursuant to development plan for the section to be developed under N.J.A.C. 19:4-5.9 and upon approval of and pursuant to an implementation plan for the subsection to be developed under N.J.A.C. 19:4-5.9.

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

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

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

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

5. Common open space:

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

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

iii. Maintenance. All open space, and facilities and structures thereon shall either be dedicated to the public, with the approval and subject to the terms of the Meadowlands Commission, or maintained in accordance with the requirements of N.J.A.C. 19:4-5.14.

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

(e) The general development and implementation plans may also include other uses which will benefit the users and residents of TC, including but not limited to:

1. Banks, savings and loan associations, and other financial institutions;
2. Medical and dental clinics and laboratories;

3. Hotels, motels, and other accommodations for transients;

4. Theatres (not including drive-in theatres) and other cultural facilities;

5. Exposition halls and convention facilities;

6. Manufacturers' display facilities (where goods, merchandise and materials are on display to the public or trade representatives, but no warehousing or wholesale sales are permitted, other than the placing and accepting of customer orders);

7. Governmental uses;

8. Light public utility uses;

9. Automobile service stations.

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

(f) Architectural design standards include:

1. Structures and open spaces shall be laid out in a manner that best serves the users of each TC. Site layout shall maximize aesthetic values and shall be in accordance with imaginative and farsighted concepts of site design. The layout shall take into consideration the following planning concepts:

i. All non-transportation uses must have easy access to open spaces and to other non-transportation uses.

ii. Design and placement of uses should generate activity and a flow of people through a number of points in each TC.

iii. All non-transportation uses shall be coordinated with the pedestrian and mass-transit circulation systems of each TC.

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

v. Buildings should be placed so as to permit ready access of emergency vehicles.

2. The design of structures and other improvements shall comply with the requirements of 19:4-6.18.

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

(g) All uses in TC 1 shall comply with the following performance standard categories of 19:4-6.1 to 19:4-6.16.

1. Performance standard category A for smoke, fire and explosion hazards, and radioactive materials.
2. Performance standard category B for noise, vibration, steam, particulate matter, sulfur oxides, toxic matter and odorous matter, and glare.
3. All water quality requirements shall apply.

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

Historical Note

This Section was originally cited as Article 7-204.

19:4-5.6 The special use specially planned areas: SU-1, SU-2 and SU-3

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

(b) All development in each SU shall conform to the Hackensack Meadowlands Development Commission's wetlands order.

(c) Development shall be permitted in each SU only upon approval of and pursuant to a general plan for the entire SU under N.J.A.C. 19:4-5.8 upon approval and pursuant to a development plan for the section to be developed under N.J.A.C. 19:4-5.9, and upon approval and pursuant to an implementation plan for the subsection to be developed under N.J.A.C. 19:4-5.10.

(d) Because the SUs are designed to accommodate uses the exact type of which cannot be anticipated at the present time, the types of required and permitted uses and the design of their layout on the site cannot be stated specifically. The applicant may develop his SU by filing a general plan, and later development and implementation plans, which conforms with the purposes of this Section and with N.J.A.C. 19:4-5.1, which embody the most farsighted and imaginative principles of site layout and landscape architecture, and which conforms with the requirements of N.J.A.C. 19:4-6.18. The uses shall serve the Hackensack Meadowlands District or the region. In SU-1, an education-cultural complex shall be developed.

(e) Common open space regulations are:

1. At least 40 percent of the acreage with each SU shall be used for common open space.

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

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

(g) All uses in the SU shall comply with all category A environmental performance standards of N.J.A.C. 19:4-6.1 to 19:4-6.16, and the water quality requirements of N.J.A.C. 19:4-6.1 to 19:4-6.16, unless the applicant at the time of filing of the general plan can show that any given standard is not appropriate for his development, in which case the category B standard shall apply. At least 40 percent of the SU shall be used for common open space.

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

Historical Note

This Section was originally cited as Article 7-205.

19:4-5.7 Procedure

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

(b) All structures built pursuant to or in conformance with an approved implementation plan may later be remodeled or reconstructed if such is consistent with the improvement plan and if the regulations of N.J.A.C. 19:4-4.133 to 19:4-4.139 are complied with. The Development Board may waive requirements of N.J.A.C. 19:4-4.134(b) which are not necessary for a determination of whether the application should be approved.

(c) All changes in the use of structures or land or changes in occupancy except for residential dwelling units after the completion of development shall comply with the requirements of N.J.A.C. 19:4-4.132 and 19:4-4.133 and shall be consistent with the implementation which covered the original use.

Historical Note

This Section was originally cited as Article 7-300.

19:4-5.8 General plan

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

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

2. Contents:

i. A topographic survey including but not limited to the following data:

- (1) Boundary lines showing bearings and distances;
- (2) Existing easements in the specially planned area and within 200 feet thereof, showing location, width and purpose;
- (3) Existing streets and railroad in the specially planned area and within 500 feet thereof with rights-of-way clearly indicated;
- (4) Utility facilities (both overhead and underground) on and adjacent to the specially planned area including location, type and size;
- (5) All existing structures within 200 feet of the specially planned area;
- (6) The location, extent and direction of flow of all streams, brooks, drainage structures and drainage ditches in the specially planned area and within 500 feet thereof;
- (7) Boundary lines of any areas containing landfill materials with data indicating type and vertical extent of such materials.

ii. Copies of all appropriate deeds, leases and other instruments;

iii. The tax map sheet, block and lot numbers;

iv. A general soils map;

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

- (1) Depth and type of material involved;
- (2) Age of fill;
- (3) State of decomposition;
- (4) Residual settlements to be expected;

(5) Combustible gas-forming potential;

(6) Elevation to water table.

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

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

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

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

vii. Approximate number of units; bedroom mix; housing mix; and heights of buildings;

viii. Data indicating the economic feasibility of the proposed project;

ix. A map and schedule showing the proposed commencement and staging of construction;

x. A statement of any requirement the applicant wishes the Development Board to vary and why the requested variations will conform to the standards of N.J.A.C. 19:4-5.17.

xi. Documents showing applicant's agreements with public or private bodies which must be contacted by the applicant;

xii. A statement indicating the expected financing of development;

xiii. Identification of the management group, if any, as defined in N.J.A.C. 19:4-5.16;

xiv. A description of the organizational structure and previous development experience of the applicant;

xv. If there is more than one landowner of the specially planned area, as defined in N.J.A.C. 19:4-5.16, a certificate signed and acknowledged by all landowners of the specially planned area stating that all information about the management group is accurate, except that if the development plan is being filed under N.J.A.C. 19:4-5.16, only the landowners who constitute the management group shall sign and acknowledge.

xvi. If any of the land is subject to the State's riparian interest as shown on maps issued by the Natural Resource Council, Department of Environmental Protection (formerly Resource Development Council,

Department of Conservation and Economic Development) pursuant to law, a copy of one of the following, unless otherwise provided by rule of the Commission:

- (1) A copy of a duly executed riparian instrument releasing the State's interest;
- (2) A copy of a permit or other authorization duly executed by the Natural Resource Council authorizing the applicant to proceed with the placement of certain improvements;
- (3) A final judgment rendered by a court of competent jurisdiction declaring that the State has no interest in the subject property.

xvii. Name, address and signature of landowner or all members of the management group;

xviii. Name and address of those who prepared and consulted in the preparation of the general plan;

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

xx. An assessment of the environmental impact of the proposed project, prepared in accordance with the rules of the Commission;

xxi. Such other information as may be reasonably required by the Development Board;

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

3. A public hearing on the general plan shall be held in conformance with the requirements of N.J.A.C. 19:4-6.22.

4. Review and approval:

i. Approval or Disapproval; Imposition of Conditions. The Development Board, shall within 12 weeks after receiving a completed application by public order either:

- (1) Approve the general plan;
- (2) Approve the general plan subject to specified conditions; or
- (3) Disapprove the general plan.

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

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

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

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

(3) The public order shall include conclusions and findings of fact related to the specific proposal.

iv. Status of the general plan after approval:

(1) Approval of the general plan and Commission affirmation of such approval shall be noted on the zoning map maintained in the Office of the Chief Engineer.

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

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

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

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 Development plan

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

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

2. Contents:

i. A base map showing general geological characteristics of the site and the suitability of geologic structure to overall scheme;

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

iii. Plans showing the location, amount and general use of all open space;

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

v. Landscape plans sufficient to show the general design concepts;

vi. Approximate number of units; bedroom mix; housing mix;

vii. Data indicating the economic feasibility of the section or stages;

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

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

x. The location of proposed utilities;

xi. Schematic plans for sanitary sewerage and storm drainage systems; and water distribution systems;

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

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

xiv. A statement of proposed protective or restrictive covenants, if any;

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

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

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

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

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

xvii. Proof of compliance with all FAA height limitations.

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

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

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

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

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

xx. Status of financing of the development;

xxi. Name, address and signature of landowner or all members of the management;

xxii. Name, address and signature of those who prepared and consulted in the preparation of the development plan;

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

xxiv. An assessment of the environmental impact of the proposed project, prepared in accordance with the rules of the Commission;

xxv. Such other information as may be reasonably required by the Development Board.

3. Review and approval:

i. Within 12 weeks after receipt of the complete application for approval of the development plan, the Development Board shall by public order approve the development plan, with or without conditions, if it is in substantial compliance with the approved general plan and if the applicant riparian status is as required by any of the documents set forth in this subsection herein, and shall disapprove the development plan if it is not in substantial compliance with the approved general plan or if the applicant riparian status is not as required by any of the documents set forth in subsection herein.

ii. The Development Board may impose conditions upon the development plan on the basis of findings by the Environmental Design Committee or in order to insure that the general plan will be fully effected or that all applicable regulations will be complied with.

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

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

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

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

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

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

(5) The public order shall include conclusions and findings of fact related to the specific proposal.

v. Status of the development plan after approval:

(1) Approval of the development plan and Commission affirmation of such approval shall be noted on the zoning map maintained in the Office of the Chief Engineer.

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

(3) The Development Board shall not modify the development plan, except upon application by the applicant conforming with the requirements of this Section for applications for approval of the development plan.

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

Historical Note

This Section was originally cited as Article 7-302.

19:4-5.10 Implementation plan

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

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

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

i. Plans showing the exact location, use, height, and bulk of existing and proposed buildings;

ii. Plans showing the exact location, amount, and use of all open space;

iii. Plans showing the exact location and design of all parking and loading facilities and transportation systems;

iv. Architectural renderings of the exterior of all buildings and renderings of all open space;

v. Number of units; bedroom mix; housing mix;

vi. A statement as to the method whereby common open space will be maintained, including but not limited to all relevant covenants, articles of incorporation and by-laws;

vii. Identification of lands to be dedicated to the public for any purpose;

viii. A map showing the specific geologic structure of all land upon which buildings are located or proposed to be constructed, including tests from soil borings from all land upon which buildings are located or proposed to be constructed.

ix. A map showing contours at five-foot intervals for land slopes averaging 10 percent or greater, two-foot intervals for land slopes averaging between three and ten percent and one-foot intervals for all lands of lesser slope. All such contours shall be based on United States Coast and Geodetic Survey data.

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

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

xii. All existing watercourses shall be shown and accompanied by the following information:

(1) When a watercourse is proposed for alteration, improvement or relocation or when a drainage structure is proposed on a stream with a drainage area of one-half square mile or greater, evidence of submission of such improvement to the New Jersey Division

of Water Policy and Supply shall accompany the application.

(2) Cross-sections of watercourses at an appropriate scale showing extent of flood plain (if defined), top of bank, normal water level and bottom elevations at the following locations:

(A) At any point where a watercourse crosses a boundary of the section or planned unit development.

(B) At 50-foot intervals for a distance of 300 feet upstream and 300 feet downstream of any proposed culvert or bridge within or adjacent to the section or planned unit development.

(C) Immediately upstream and downstream of any point of juncture of two or more watercourses.

(D) At a maximum of 500-foot intervals along all watercourses which run through or adjacent to the area for which the implementation plan has been proposed for an exterior distance of 500 feet upstream and downstream of the section or planned unit development boundary.

(3) If watercourses are proposed to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation during construction shall be shown on the plan or accompany it.

(4) The boundaries of the flood plains of all watercourses within or adjacent to the area for which the implementation plan has been proposed.

xiii. The total upstream tributary area of any watercourse running through or adjacent to the area for which the implementation plan has been proposed, measured from the point where the watercourse first contacts the subsection;

xiv. Total upstream tributary area of a watercourse running through or adjacent to the area for which the implementation plan has been proposed at the nearest downstream drainage structure, and the acreage in the area for which the implementation plan has been proposed which drains to the structure;

xv. The location and extent of drainage and conservation easements;

xvi. The location, extent and water level elevation of all existing or proposed lakes or ponds within or adjacent to the area for which the implementation plan has been proposed;

xvii. Storm drainage systems including but not limited to the following:

(1) All existing and proposed storm sewer lines within or adjacent to the area for which the implementation plan has been proposed, showing size of lines, capacity, direction of flow, slope and location of each catch basin and inlet;

(2) All existing and proposed drainage ditches within or adjacent to the area for which the implementation plan has been proposed, showing typical cross-sections, capacity, direction of flow and slope;

(3) The location and extent of any proposed retention basins;

(4) All pertinent design data, including runoff determination, utilized in arriving at the configuration of the facilities proposed.

xviii. Existing and proposed sanitary sewage facilities serving the area for which the implementation plan has been proposed, including but not limited to the following:

(1) Location size and slope of all sanitary sewer lines and connections to existing facilities;

(2) Location of any proposed sanitary sewage treatment plants;

(3) All pertinent design data utilized in arriving at the configuration of the proposed facilities including any specialized construction which may be required in areas containing landfill materials;

(4) Proof of submittal of such plan to the appropriate state and local health agencies.

xix. Existing and proposed water distribution systems serving the area for which the implementation plan has been proposed, including but not limited to the following:

(1) Location, size and capacity of all water mains;

(2) Location of all fire hydrants;

(3) Source of supply, points of connection and supply capacities at such points;

(4) Location of any proposed water treatment plants;

(5) All pertinent design data utilized in arriving at the configuration of the proposed facilities including demand assumptions and any specialized construction which may be necessary in areas containing landfill materials;

(6) Proof of submittal of such plans to appropriate State and local agencies.

xx. Sufficient information to permit a determination of whether the applicable environmental performance standards can and will be complied with at all times;

xxi. The name, address and signature of landowner or all members of the management group;

xxii. An assessment of the environmental impact of the proposed project, prepared in accordance with the rules of the Commission;

xxiii. The name, address and signature of those who prepared or consulted in the preparation of the implementation plan;

xxiv. If the area for which the implementation plan has been proposed is to be subdivided:

(1) Proposed name of the subdivision. This name shall not duplicate or resemble the name of any existing subdivision within the Hackensack Meadowlands District;

(2) Location and description of all monuments;

(3) A copy of any protective covenants or deed restrictions applying to the land to be subdivided.

xxv. Such other information as may reasonably be required by the Development Board.

3. Review and approval:

i. Within 12 weeks after receipt of the application for approval of the implementation plan, the Development Board shall by public order approve the implementation plan, with or without conditions, if it is in substantial compliance with the approved development plan or disapprove the implementation plan if it is not in substantial compliance with the approved development plan.

ii. The Development Board may impose conditions upon the implementation plan on the basis of findings by the Environmental Design Committee or in order to insure that the development plan will be fully effected or that all applicable regulations will be complied with.

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

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

(1) In the event approval is granted subject to conditions, the applicant shall, within six weeks of such approval, notify the Development Board in writing of his acceptance or his refusal to accept all conditions. In the event the applicant refuses to accept all conditions the Development Board shall be deemed to have denied approval of the implementation plan. In the event the applicant does not within the time allowed notify the Development Board of his acceptance or refusal to accept the conditions,

approval of the implementation plan, with all conditions shall be deemed to have been refused. The Development Board shall, by a notice published in a newspaper of general circulation, announce whether the proposed conditions have been accepted or rejected, either by refusal to accept by the applicant or by lapse of time.

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

(3) All public orders approving the implementation plan or approving the implementation plan with conditions shall state the time when construction of the subsection or subsections for which the implementation plan has been approved shall commence and be completed, provided that a building permit be applied for within three months after affirmance of approval and acceptance of conditions. Nothing contained herein shall be construed to limit the applicant from commencing and completing construction at an earlier date.

(4) The approval, approval with conditions, or disapproval of an implementation plan by public order shall include conclusions and findings of fact related to the specific proposal.

v. Status of implementation plan after approval:

(1) Approval of the implementation plans shall be noted on the zoning map maintained in the Office of the Chief Engineer.

(2) Approval of the implementation plan shall not qualify a plat of the same for recording.

(3) The Development Board shall not modify the implementation plan, except upon application by the applicant conforming with the requirements of this Section for applications for approval of the implementation plan.

(4) In the event that an implementation plan is given approval thereafter, the applicant shall elect to abandon part or all of said plan and shall so notify the Office of the Chief Engineer in writing or shall fail to commence or complete construction within the required period of time or times as the case may be,

the approval of the implementation plan shall be deemed to be revoked and the same shall be noted on the zoning map in the Office of the Chief Engineer.

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

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 Technical documents; consequences of failure to commence development

(a) The applicant shall submit in triplicate to the Office of the Chief Engineer within two weeks after approval of the implementation plan:

1. Profiles and cross-sections of existing and proposed streets and highways within and abutting the section or planned unit development existing and proposed parking lots. The cross-section shall clearly indicate the type and width of pavement and location of curb, location of sidewalks and shade tree planting strips. In addition to the foregoing data, all streets, highways and parking lots proposed for construction shall include detailed foundation conditions, pavement designs and all design criteria and assumptions.

2. Engineering drawings prepared and certified by a licensed professional engineer for proposed required public improvements containing the data and information required by this Section of the subdivision regulations.

(b) The Chief Engineer shall review all such profiles, cross-sections and engineering drawings in order to determine whether such drawings are consistent with the approved implementation plan and comply with the design standards of Section 13 of this Subchapter. Such profiles, cross-sections and drawings shall be distributed to such agencies as the Chief Engineer may deem appropriate. Within eight weeks after they have filed, the Chief Engineer shall inform the applicant, by certified mail, return receipt requested, whether they have or have not been approved. In the event that they are not approved, the Chief Engineer shall notify the applicant of the specific manner in which they do not conform or comply and the applicant may then correct them.

(c) Within two weeks after the profiles, cross-sections and engineering drawings have been approved, the applicant shall file with the Office of the Chief Engineer:

1. Such performance bond or bonds as may be determined by the Development Board to be reasonably required to assure performance in accordance with the implementation plan and to protect the public interest in the event of abandonment of the implementation plan before completion.

2. All bonds or deposit required in Section 13 of this Subchapter of the subdivision regulations, provided that anything in this Section to the contrary notwithstanding, bonds, moneys or guarantees received by the Commission under this Section shall not duplicate bonds, moneys or guarantees required by the constituent municipalities for municipal purposes.

3. Such escrow deposits as are required in N.J.A.C. 19:4-6.17. Escrow deposits and bonds shall not duplicate each other in whole or in part in terms of that which they guarantee.

4. A final plat of subdivision, in conformance with the requirements of Section 13 of this Subchapter of the subdivision regulations, if the area for which the implementation plan is proposed is to be subdivided.

(d) Within 45 days after the bonds, escrow deposits and final plat, if any, have been filed, the Development Board shall approve the same if they meet the applicable requirements of these regulations and any conditions attached to the approved general, development and implementation plans. Within said 45-day period, the Development Board shall notify the applicant, by certified mail, return receipt requested of such approval, or if the bonds, escrow deposits or final plat have not been approved, or disapproved with reasons given therefor. The applicant may then make such changes as are necessary.

(e) If the Development Board approves a final plat, the Chief Engineer shall indicate its approval thereon, and the Secretary of the Commission shall affix the seal of the Commission on the face of the plat and shall forward a copy of the final plat to the municipal approval authority and to the applicant within the 45-day period.

(f) The Development Board shall also report on the final plat to the appropriate municipal authority at the same time. Upon mutual agreement between the Development Board and the municipal approval authority, with approval of the applicant, the 45-day period shall be extended for an additional 45-day period and any such extension shall extend the time within which a municipal approval authority shall be required by law to act thereon. The report shall indicate the action of the Development Board with respect to said final plat.

(g) If the Development Board shall have taken no action to approve or disapprove the final plat within the aforesaid time period or periods, the Secretary of the Commission shall, at the request of the applicant, certify such fact upon the final plat submitted to it, and transmit the final plat to the municipal approval authority.

(h) Such certification shall be sufficient authorization for further action by the municipal approving authority and filing with the appropriate county recording officer.

(i) In the event that implementation plan or technical documents required to be filed are given approval and thereafter the applicant shall abandon said plans without commencing development and shall so notify the Development Board in writing; or, in the event the applicant shall fail to commence development within 18 months after final approval of the technical plan has been granted, then and in that event such approval of the implementation plan and technical documents shall be deemed to be revoked unless such time period is extended by the Development Board upon written application of the applicant. Such revocation shall be noted on the official zoning map in the Office of the Chief Engineer.

(j) If a final plat has been approved and no lots have been sold, the plat shall be vacated.

(k) All bonds and escrow deposits required in Section 11 of this Subchapter and those portions of the compliance and completion bonds required in Section 11 of this Subchapter not needed to protect the public interest shall be returned to the applicant.

Historical Note

This Section was originally cited as Article 7-304.

19:4-5.12 Commencement of construction and completion of development

(a) Until all technical documents have been approved:

1. The construction, moving, remodeling or reconstruction of any structure or addition thereto, unless otherwise provided in Section 7 of this Subchapter, shall not be commenced;

2. The improvement of land, the placement of fill, or storage thereof, shall not be commenced, except that this Section shall not apply to a permitted sanitary landfill site operating pursuant to HMDC sanitary landfill regulations;

3. Building permits shall not be issued by any official of the Commission.

(b) Any party under N.J.A.C. 19:4-6.22 and, in addition, any staff member of the Commission can petition the Development Board to modify any approved implementation plan by meeting the filing requirements of Section 10 of this Subchapter and stating with particularity what modifications are necessary and why.

(c) The Development Board may grant any or all of the modifications requested after a finding following a public hearing called and held in accordance with the provisions of N.J.A.C. 19:4-6.22 that such modifications do not substantially alter the character of the implementation plan; are necessary for the preservation of the specially planned area for which the general plan has been approved; and not granted solely to confer a special benefit upon any person.

(d) The provisions of the implementation plan may be enforced by any party under N.J.A.C. 19:4-6.22 or by the Development Board, either in law or equity.

(e) The Development Board may use any of the performance bonds required in Section 11 of this Subchapter to modify the development so that it is in conformance with the implementation plan.

(f) The Development Board may take whatever action under N.J.A.C. 19:4-6.24 it deems desirable and use of any completion bonds required under Section 11 of this Subchapter, if the applicant fails to complete any development for which an implementation plan has been approved.

(g) The applicant shall give at least two days written notification to the Office of the Chief Engineer prior to the performance of any of the following work:

1. The surfacing of any roadway or street;
2. The installation of any curbing or gutters;
3. The grading or backfilling of any open trench or excavation in which any utility facilities, including, but not limited to, water lines, sewer lines, gas lines, telephone lines and electrical cables, shall have been installed;

4. The joining of pipe installed under roadways. The Chief Engineer may conduct an on-site inspection to determine that the proposed work complies with the engineering drawings. If in the opinion of the Chief Engineer, such proposed work does not comply with such drawings, he shall have authority to order that all such proposed work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the applicant shall again notify the Chief Engineer as provided in this Section.

(h) The cost attributable to all inspections shall be charged to and paid by the applicant in accordance with a fee schedule established by the Commission. Before any required inspections take place, the applicant may be required to post a deposit with the Office of the Chief Engineer to cover the cost of such inspections.

(i) Unless otherwise provided in Section 7 of this Subchapter, no structure or addition thereto constructed, moved, remodeled, or reconstructed after the effective date of these regulations shall be occupied or used for any purpose; and no land vacant on the effective date of these

regulations shall be used for any purpose unless a certificate of compliance shall first have been obtained from the Development Board certifying that the development has been completed in conformity with the implementation plan.

(j) Upon the completion of the development, the applicant shall apply to the Development Board for a certificate of compliance, and shall deliver to the Office of the Chief Engineer two complete sets of engineering drawings showing as-built conditions.

(k) Within four weeks the Development Board shall inspect the development. The costs thereof attributable to all inspections shall be charged to and paid by the applicant in accordance with a fee schedule established by the Commission. Before any required inspections take place, the applicant may be required to post a deposit with the Office of the Chief Engineer to cover the cost of such inspections.

(l) If such final inspection indicates that there are any defects or deficiencies in any aspects of development, or if there are any deviations in such aspects from the implementation and technical plans which defects will, in the opinion of the Development Board, adversely affect the performance, suitability or desirability of said aspects, the Development Board shall notify the applicant in writing of such defects, deficiencies, or deviations and the applicant shall, at his sole cost and expense, correct such defects or deviations within six months of the date of notification. If the applicant fails to correct such defects or deviations within the six month period, the Development Board may use the performance bonds or escrow deposits required under Section 11 of this Subchapter to make such corrections. When such defects, deficiencies or deviations have been corrected, the applicant shall notify the Office of the Chief Engineer that the improvements are again ready for final inspection.

(m) If a final inspection indicates that all aspects of development contain no defects, deficiencies, or deviations, within ten days from the completion of such inspection, the Development Board shall certify to the applicant that the development has been completed in conformity with the implementation plan. A copy of the certification shall be filed in the Office of the Chief Engineer. All public improvements so certified shall become the property of the municipality in which the improvements are located.

(n) Upon certification by the Development Board, the Office of the Chief Engineer may issue a certificate of occupancy to the applicant, provided that the applicant has complied with the provisions of the Commission's Building Code. All applications for occupancy certificates shall be accompanied by sufficient information to enable the Office of the Chief Engineer to determine if all the applicable environmental performance standards can and will be complied with at all times.

As amended, R.1974 d.1, effective January 2, 1974.
See: 5 N.J.R. 394(b), 6 N.J.R. 87(b).

Historical Note

This Section was originally cited as Article 7-305.

19:4-5.13 Public improvements; relations to subdivision regulations

(a) All development pursuant to Sections 8 to 12 of this Subchapter is exempt from the requirements of the subdivision regulations, except as herein provided. Applicants who desire to subdivide may do so by following the procedure set forth in Sections 8 to 12 of this Subchapter and filing the material required therein for subdivision approval.

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

(c) It shall be the policy of the Commission to consult with appropriate officials of the constituent municipalities, both generally and with respect to specific applications involving land that is to be subdivided, in order to facilitate the effectuation of the District Master Plan, municipal subdivision standards and objectives, and compliance by applicants within the Hackensack Meadowlands District with Hackensack Meadowlands District and municipal requirements.

(d) Public improvements rules include:

1. The applicant shall install, or provide for the installation of, the following facilities and improvements: all those improvements required in Sections 8 to 12 of this Subchapter of the subdivision regulations, except that the requirements of Sections 8 to 12 of this Subchapter shall not be applicable.

2. The exceptions of Sections 8 to 12 of this Subchapter of the subdivision regulations shall be applicable.

(e) The applicant shall comply with Sections 8 to 12 of this Subchapter article 7 of the Subdivision regulations, except Sections 8 to 12 of this Subchapter thereof, provided, however, that the Development Board may waive compliance with the requirements of Sections 8 to 12 of this Subchapter if he:

1. Finds that:

- i. The requirements of Sections 8 to 12 of this Subchapter are not necessary to protect the interests of the residents or users of the development; and

- ii. The modifications of such requirements are not consistent with the interests of the entire Hackensack Meadowlands District; and

2. Has, previous to an application for approval of the general plan, published regulations on the extent to which such modifications may be made. Such regulations shall be filed with the Office of the Chief Engineer and shall be of public record.

Historical Note

This Section was originally cited as Article 7-401.

19:4-5.14 Maintenance of common open space and open areas

(a) All common open space and open areas and facilities and structures thereon must be properly maintained.

(b) Whenever common open space or open areas are provided, the applicant shall himself maintain or otherwise must provide for and establish an organization for the ownership and maintenance of any such common open space or open areas and the governing instruments of such organization shall provide that it may not be dissolved nor shall it dispose of any common open space or open areas, by sale or otherwise, except to an organization conceived and established to own and maintain the open space or areas, without first offering to dedicate the same to the Commission, the municipality, or any other governmental agency of the State of New Jersey.

(c) In the event that the applicant or the organization established to own and maintain the common open space or open areas or any successor organization shall at any time fail to maintain such common open space or open areas in reasonable order and condition in accordance with the implementation plan, the Development Board may serve written notice upon such organization or upon the residents and owners of the area developed pursuant to the implementation plan setting forth the manner in which the organization has failed to maintain the common open space or open areas in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within four weeks thereof, and it shall state the date and place of a hearing thereon which shall be held within two weeks of the notice. At such hearing the Development Board may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall be cured within said four weeks or any extension thereof, the Development Board, in order to preserve the taxable values of the properties within the area developed pursuant to an implementation plan and to prevent the common open space or open areas from becoming a public nuisance, may enter upon the common open space or open areas and maintain the same for a period of one year. Before the expiration of said year, the Development Board shall, upon its initiative or upon the request of the applicant or the organization theretofore responsible for the maintenance of the common open space or open areas, call a public hearing or at which the organization shall show cause why such maintenance by

the Development Board shall not, at the election of the Development Board, continue for a succeeding year. If the Development Board shall determine that the organization is ready and able to maintain the common open space or open areas in reasonable condition, he shall cease to maintain such common open space or open areas during the next succeeding year and subject to a similar hearing and determination, in each year thereafter.

(d) The cost of such maintenance by the Development Board shall be assessed ratably against the properties within the area developed pursuant to the implementation plan and shall become a tax lien on said properties. The Development Board, at the time of entering upon the common open space or open areas for the purpose of maintenance, shall file a notice of such lien in the office of the county clerk upon the properties affected by such lien.

Historical Note

This Section was originally cited as Article 7-402.

19:4-5.15 Staging

(a) All areas built pursuant to an approved general plan may be developed over a period of years, with sections thereof and subsections of such sections to be built one at a time. If the applicant wishes to stage his development, he must comply with all applicable procedural requirements. When a development is to be constructed in stages, all regulations applicable to the entire area for which a development plan has been approved shall be applicable to each section thereof.

(b) Each section shall be covered by a development plan. Each section in the residential specially planned areas must be at least the size of a neighborhood.

(c) Each subsection shall be covered by an implementation plan.

Historical Note

This Section was originally cited as Article 7-403.

19:4-5.16 Applicant; management group; resolution of differences between applicants

(a) The applicant shall be the landowner, if there is only one landowner of the specially planned area, or management group if there is more than one landowner of the specially planned area.

(b) Landowner shall mean the legal owner or owners of the land included in a specially planned area, provided that such owner has sufficient interest in the land to develop it in accordance with these regulations. The holder of an option or contract to purchase, a lessee, or other person having an enforceable proprietary interest other than the legal owner shall be deemed to be the landowner if such option holder, contract purchaser, lessee, or other person holding an en-

forceable proprietary interest has sufficient interest in the land to develop it in accordance with these regulations.

(c) If separate parts of the specially planned area are owned by different landowners, all such landowners may agree to develop the specially planned area jointly, using any system of management, control, and sharing of profits they wish. Those who so agree shall be called the management group.

(d) If there is more than one landowner in any specially planned area and if the landowners of that specially planned area cannot agree to form a management group, then any landowner or management group which owns at least 80 percent of the land in the specially planned area may file an application for approval of the general plan for the entire specially planned area, and shall personally serve or mail immediately by certified mail, return receipt requested, a copy of the general plan and the management group agreement to the landowner or landowners in the specially planned area, who are not members of the management group. If such landowners object to the general plan, he or they shall do so in writing and shall specify the reasons for objecting within four weeks of the receipt of the plan and agreement. Each objecting landowner shall then file, either individually or jointly, with the Development Board within 12 weeks after receipt of the plan and agreement, a general plan for his parcels of land, relating such plan to an overall plan for the specially planned area.

(e) The Development Board shall resolve all differences between the plans so as to form one plan, after holding a hearing on the plans under N.J.A.C. 19:4-6.22, and issue a public order in conformance with Section 8 of this Subchapter. In resolving the differences and designating parcels for specific land uses, the Development Board may not consider the designation for a specific use given any area in the applicable specially planned area regulations or on the Comprehensive Land Use Plan, but the geology, location, access to public facilities, and any other matter which affects the appropriate use of the land may be considered in deciding what areas shall be used for what purposes. The resolved plan shall be kept on file with the Office of the Chief Engineer, where it shall be of public record.

Historical Note

This Section was originally cited as Article 7-404.

19:4-5.17 Variation of requirements by Development Board

(a) The applicant in his general plan or any individual landowner within a specially planned area may request the Development Board to vary the applicable specially planned area requirements including the 80 percent land ownership requirements specified in N.J.A.C. 19:4-5.16 if a General Plan application has not been submitted, by including in his general plan or by submitting, in writing, as the case may be, the following information, as well as such additional information as may be prescribed by rule of the Commissioner or Development Board:

1. The particular requirements sought to be varied.
2. The changes in the requirements that are necessary in order to permit the proposed use or construction.
3. The reasons why such requirements should be varied.
4. As required by the Development Board, an Environmental Impact Assessment (EIA) in compliance with the HMDC guidelines.
5. In such cases where a landowner owns less than 20 percent of the property within a specially planned area and seeks to vary the 80 percent land ownership requirements specified in N.J.A.C. 19:4-5.16:
 - i. A site plan covering the landowner's property as specified in N.J.A.C. 19:4-4.134(b)5;
 - ii. Proof of written notice to all other landowners within the specially planned area informing them that a variance is being requested.
 - iii. Such information as specified in N.J.A.C. 19:4-5.8(a)2 regarding the characteristics of the property within the specially planned area and the subject property as shall be necessary for the Development Board to determine whether or not the subject property can be developed independently from the remaining property located within the specially planned area.

(b) The Development Board shall call a public hearing to consider a request for a variation within a specially planned area; provided however, that such a hearing may be held in conjunction with any hearing which may be required by N.J.A.C. 19:4-6.22.

(c) The Development Board may vary any of the applicable specially planned area requirements if it finds that:

1. The quality of development in the specially planned area will not be adversely affected if the requirements are altered.
2. The Comprehensive Land Use Plan for the Meadowlands District will not be adversely affected if the requirements are altered.
3. The intent and purposes of all the applicable specially planned area regulations will not be impaired if the requirements are altered.
4. In the case of a landowner who owns less than 20 percent of the property located within a specially planned area and seeks to vary the 80 percent land ownership requirement specified in N.J.A.C. 19:4-5.16, that the use proposed is compatible and consistent with the permitted uses of the specially planned area.

(d) The Development Board may place such conditions on the alteration of requirements as it deems necessary to protect the specially planned area, including but not limited to the requirement of a contribution by the applicant of a pro rata or proportional fair and reasonable share of the total specially planned area infrastructure costs, which can be attributed to the proposed development.

(e) All decisions on variations shall be made by public order as required in N.J.A.C. 19:4-5.8. The Development Board shall include findings of fact as to why the standards of (c) above will be complied with. In the case of a landowner who seeks to vary the 80 percent land ownership requirement specified in N.J.A.C. 10:4-5.16, a written decision on an application for a variation from this requirement shall be rendered within eight weeks after the close of the hearing.

(f) In the case of a landowner who owns less than 20 percent of the property within a specially planned area and who obtains approval from the Development Board of a variance from the 80 percent land ownership requirement, such a landowner shall not comply with the requirements of N.J.A.C. 19:4-5.8 nor shall he be required to develop a specially planned area in accordance with the types and amounts of uses specified for the specially planned area; however, he shall comply with the procedures set forth in N.J.A.C. 19:4-4 and 19:4-6 except that the following bulk and area standards shall apply.

Nature of Use Proposed	Applicable Bulk and Area Standards
Office	Research Park
Commercial	Highway Commercial
Industrial	Research Distribution Park
Residential	Low Density

As amended, R.1982 d.1, effective February 1, 1982.
See: 13 N.J.R. 694(a), 14 N.J.R. 162(b).
Section substantially amended.

Historical Note

This Section was originally cited as Article 7-405.

SUBCHAPTER 6. GENERAL PROVISIONS

19:4-6.1 Performance standards; noise

(a) Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specifications for General-Purpose Sound Level Meters".

(b) 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 American National Standards Institute S1.2-1962 "American Standards Method for the Physical Measurements of Sound".

(c) Impact noises shall be measured with an impact noise analysis meeting the standards of the American National Standard Institute or the International Electrotechnical Commission.

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

TABLE 1
NOISE LEVEL RESTRICTIONS

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

(e) In any residential zone, residential specially planned area, or residential planned unit development, the A-weighted sound level shall not exceed 55 dBA during the hours of 7:00 A.M. to 9:00 P.M. and shall not exceed 45 dBA during the hours of 9:00 P.M. to 7:00 A.M.

(f) The levels specified in Table I may be exceeded by ten dBA for a single period, no longer than 15 minutes, in any one day.

(g) For impact noise levels, the values in Table I, increased by 20 dB, shall apply. For purposes of these regulations, impact noises shall be considered to be those noises whose peak values are more than six dB higher than the values indicated on the sound level meter.

(h) Noises under the indirect and direct control of a use are included in the above limitations.

(i) Construction on other temporary (60 days or less) uses which exceed the above limitation may be permitted if a noise mitigation plan is approved by the Office of the Chief Engineer.

Amended by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Deleted text in (h) and substituted new; added (i).
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Cross References

Heavy industrial zone, environmental performance standards, see N.J.A.C. 19:4-4.109.

Light industrial and distribution zone A, environmental performance standards, see N.J.A.C. 19:4-4.90.

Light industrial and distribution zone B, environmental performance standards, see N.J.A.C. 19:4-4.100.

Research distribution park zone, environmental performance standards, see N.J.A.C. 19:4-4.79.

19:4-6.2 Definitions regarding noise regulations

The following words and terms, when used in this Chapter, 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 which describes the sound pressure level or intensity of sound. The sound pressure level in decibels is twenty times the logarithm to the base ten, of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

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

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

“Noise” means a subjective description of an undesirable or unwanted sound (see definition of sound).

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

“Sound level meter” means an instrument to measure the overall sound pressure level. It shall comply with the applicable specifications of the American National Standards Institute (ANSI S1.4-1961).

19:4-6.3 Performance standards; vibrations

(a) Ground-transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three mutually perpendicular directions.

(b) Table II designates the maximum permitted particle velocities. Where more than one set of vibration levels apply, the most restrictive shall govern. Measurements may be made at points of maximum vibration intensity.

(c) In any residential zone, residential specially planned area, or residential planned unit development, the peak particle velocity shall not exceed 0.02 inches per second during the hours of 7:00 A.M. to 9:00 P.M. and shall not exceed 0.01 inches per second during the hours of 9:00 P.M. to 7:00 A.M.

TABLE II
VIBRATION LEVEL RESTRICTIONS

Performance Standard Category	Maximum Peak Particle Velocity, inches per second	Where Measured
A	0.02	On or beyond subject property boundary line
B	0.05	On or beyond subject property boundary line
C	0.10	On or beyond the zone boundaries

(d) The maximum particle velocity shall be the maximum vector sum of three mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by frequency in cycles per second.

(e) For purpose of these regulations, steady state vibrations are vibrations which are continuous, or vibration in discrete impulses more frequent than 60 per minute. Discrete impulses which do not exceed 60 per minute shall be considered impact vibrations. Impact vibrations are limited to values no more than twice as high as those specified in Table II.

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

19:4-6.4 Definitions regarding vibration regulations

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

“Amplitude” means the maximum displacement of the earth from the normal rest position. Amplitude is usually reported as inches or mils.

“Discrete impulses” means a ground transmitted vibration stemming from a source where specific pulses do not exceed 60 per minute (or one per second).

“Frequency” means the number of times that a displacement completely repeats itself in one second of time. Frequency may be designated in cycles per second (cps) or hertz (Hz).

“Impact” means an earthborn vibration generally produced by two or more objects striking each other so as to cause separate and distinct pulses.

“Particle velocity” means a characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by multiplying the frequency by the amplitude times the factor 6.28. The particle velocity will be in inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.

“Steady state vibration” means a vibration which is continuous, as from a fan, compressor, or motor.

“Vibration” means a reciprocating movement transmitted through the earth, both in horizontal and vertical planes.

19:4-6.5 Airborne emissions

(a) In all districts, any activity, operation, or device which causes, or tends to cause, air pollution shall comply with both the New Jersey State Air Pollution Control Laws and Codes and the following:

(b) The emission of visible steam (having an equivalent opacity of 60 per cent or higher) from all stacks, chimneys, processes, and devices shall not exceed the limitations set forth in Table III.

TABLE III
RESTRICTIONS ON STEAM

Performance Standard Category	Steam Emissions Permitted
A	No visible steam (except as the direct result of a combustion process) permitted.
B	No visible steam (except as the direct result of a combustion process) within 500 feet of a residential zone, specially planned area, or residential planned unit development.
C	No visible steam (except as the direct result of a combustion process) within 500 feet of a residential zone, specially planned area, or residential planned unit development.

(c) The emission of particulate matter from all stacks, vents, chimneys, flues and openings of all sources of air pollution on a lot shall not exceed the limitations set forth in Table-IV or the New Jersey State Standards, whichever is more restrictive.

TABLE IV
RESTRICTIONS ON PARTICULATE SOURCE EMISSIONS

Performance Standard Category	Total particulate matter emission limit, pounds per hour per acre of lot
A	0.5
B	1.0
C	5.0

(d) In a planned unit development or specially planned area, the emission limit shall apply to the development as a whole, based on the total area of land and water in the development.

(e) If any toxic matter is emitted which is listed by the American Conference of Governmental Hygienists or any other lists published by the State of New Jersey or U.S. Government, the applicant shall satisfy the Office of the Chief Engineer that the quantity and type of emission of this matter will be safe to the general population.

(f) No odor shall be emitted that is detectable by the human olfactory sense at or beyond an adjacent lot line.

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).

19:4-6.6 Definitions regarding airborne emissions

“Equivalent opacity” means the optical density of a smoke plume corresponding to the shade of the Ringelmann chart.

“Odorous matter” means material suspended in the atmosphere that produces an olfactory response in a normal human.

“Particulate matter” means airborne material except uncombined water which exists in a finely divided form as a liquid or solid at standard conditions.

“Ringelmann chart” means the chart published and described in the U.S. Bureau of Mines Information Circular 7718 and upon which are illustrated graduated shades of gray for use in estimating the light obscuring power of smoke.

“Ringelmann number” means the shade identified on the Ringelmann chart which varies from 0 (clear) to 5 (opaque).

“Steam” means condensed water vapor droplets observable as a plume having an equivalent opacity of 60 percent or higher.

“Toxic matter” means material which is capable of causing injury to living organisms by chemical means when present in relatively small amounts.

19:4-6.7 Performance standards; hazardous materials, liquids and chemicals

(a) In all zones and specially planned areas, any activity involving the manufacture, utilization, or storage of explosive, flammable, highly combustible, highly toxic, corrosive, or unstable materials shall be conducted in accordance with the regulations of the New Jersey Uniform Construction Code, N.J.A.C. 5:23; the New Jersey Uniform Fire Code, N.J.A.C. 5:18 and the New Jersey Right-to-Know Law, N.J.S.A. 47:1A-1 et seq.

(b) Category A standards:

1. The storage, utilization or manufacture of materials that pose a detonation, deflagration, physical or health hazard are not permitted as a principal use.
2. The storage and/or utilization (but not manufacture) of materials and products classified as health hazards by the New Jersey Uniform Construction Code shall only be permitted as an accessory use to the principal use provided the area devoted to such accessory use does not occupy more than 10 percent of the building's floor area.
3. The storage and/or utilization (but not manufacture) of materials and products classified as deflagration or physical hazards by the New Jersey Uniform Construction Code shall be permitted as an accessory use to the principal use only as a special exception.

(c) Category B standards are as follows:

1. The storage and/or utilization (but not manufacture) of materials and products that pose a detonation hazard may be allowed as accessory to a principal use in a quantity of five pounds or less. The storage, utilization

and manufacture of materials and products that pose a detonation hazard in excess of five pounds is not permitted.

2. The storage, utilization or manufacture of hazardous materials, liquids and chemicals that pose a deflagration, physical or health hazard shall be permitted as an accessory to the principal use provided the area devoted to such accessory use does not occupy more than 10 percent of the building's floor area.

3. The storage, utilization or manufacture of hazardous materials, liquids and chemicals that pose a deflagration, physical or health hazard may be allowed as a principal use only as a special exception.

(d) Category C standards are as follows:

1. The storage and/or utilization (but not manufacture) of materials and products that pose a detonation hazard may be allowed as accessory to a principal use in a quantity of five pounds or less. The storage, utilization and manufacture of materials and products that pose a detonation hazard in excess of five pounds is not permitted.

2. The storage, utilization or manufacture of hazardous materials, liquids and chemicals that pose a deflagration, physical or health hazard shall be permitted as an accessory to the principal use provided the area devoted to such accessory use does not occupy more than 10 percent of the lot area. Said materials or products may be stored outdoors provided such storage is set back at least 50 feet from all lot lines and is properly screened.

3. The storage, utilization or manufacture of hazardous materials, liquids and chemicals that pose a deflagration, physical or health hazard may be allowed as a principal use only as a special exception. Said materials or products may be stored outdoors provided such storage is set back at least 50 feet from a lot line and is properly screened.

(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 environmental performance standards for the two districts shall apply.

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.

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

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

19:4-6.8 Definitions regarding hazardous materials

(a) The words and terms which follow, regarding hazardous materials, shall have the following meanings:

"Deflagration" means an exothermic reaction, such as the extremely rapid oxidation of a flammable dust or vapor in air, in which the reaction progresses through the unburned material at a rate less than the velocity of sound. A deflagration can have an explosive effect.

"Detonation" means an exothermic reaction characterized by the presence of a shock wave in the material which establishes and maintains the reaction. The reaction zone progresses through the material at a rate greater than the velocity of sound. The principal heating mechanism is one of shock compression. Detonations have an explosive effect.

"Health hazard" means a classification of a chemical for which there is statistically significant evidence that acute or chronic health effects are capable of occurring in exposed persons. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which are capable of acting on the hematopoietic system, and agents which damage the lungs, skin, eyes or mucous membranes.

"Physical hazards" means a chemical for which there is evidence that it is a combustible liquid, compressed gas, cryogenic, explosive, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, pyrophoric or unstable (reactive) or water-reactive material.

(b) All definitions, other than those in (a) above regarding hazardous materials, liquids, and chemicals shall be in accordance with nationally recognized codes and standards.

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

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

Deleted old text and substituted new.

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

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

19:4-6.9 Performance standards; glare

(a) All operations, activities and uses shall be conducted so as to comply with the performance standards governing glare prescribed below. Glare shall be measured in accordance with the standards and procedures set forth in the IES Lighting Handbook.

(b) Illumination levels shall be measured with a photoelectric photometer having a special response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

(c) Uses subject to Category A, B, and C performance standards shall not produce glare so as to cause illumination in a residential specially planned area, residential zone, and residential planned unit development, marshland preservation zone, or park and recreation zone, in excess of 1.0 foot candles. Flickering or intrinsically bright sources of illumination shall be controlled so as not to be a nuisance in these districts.

(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 specially planned area, residential zone, residential planned unit development, marshland preservation zone, park and recreation zone, to comply with the light intensities indicated in Table VIII.

TABLE VIII
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 background signs	150 foot lamberts	250 foot lamberts
Outdoor illuminated signs and poster panels	25 foot candles	50 foot candles
Any other unshielded sources, intrinsic brightness	50 candles per square centimeter	50 candles per square centimeter

Administrative Correction: Deleted public.
See: 22 N.J.R. 2184(a).

19:4-6.10 Definitions regarding glare

“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 candle power of one candela.

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

“Glare” means a sensation of brightness within the visual field which 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.

“Intrinsically bright sources” means a source of light of extremely high intensity.

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

“Watt” means a unit of electrical power.

19:4-6.11 Performance standards; radioactive materials

(a) The storage, utilization, manufacture or transportation of radioactive materials shall be in accordance with the New Jersey Radiation Protection Code.

(b) Performance standard category A: the manufacture, storage, or utilization of unsealed radioactive materials shall be limited to one million (10⁶) times the quantities listed in Table IX.

(c) Performance standard category B: the manufacture, storage, utilization of unsealed radioactive materials shall be

limited to ten million (10⁷) times the quantities listed in Table IX.

(d) Performance standard category C: the manufacture, storage, or utilization of unsealed radioactive materials shall not be limited as to quality except as regulated in the New Jersey Radiation Protection Code.

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.-3. to (b)-(d); added “as to quality” in subsection (d).

19:4-6.12 Definitions regarding radioactive materials

“Radioactive material” means any material which emits spontaneously gamma rays, X-rays, alpha and beta particles, neutrons, protons, high speed electrons and other nuclear particles but not sound or radio waves or visible infrared or ultraviolet light.

“Unsealed radioactive materials” means radioactive materials that are not bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions which are likely to be encountered in normal use and handling.

19:4-6.13 Exemption; radioactive materials

If a license for the manufacture or storage of radioactive materials has been received under the New Jersey Radiation Protection Code the applicant may be granted an exemption from compliance with these radiation standards upon satisfactorily demonstrating to the Chief Engineer the property is properly posted.

TABLE IX
EXEMPT QUANTITIES OF RADIOACTIVE MATERIALS

(Abstracted from Table 4.6 of the New Jersey Radiation Protection Code)

Radioactive Material	Microcuries
Antimony (Sb 124)	1
Arsenic 76 (As 76)	10
Arsenic 77 (As 77)	10
Barium 140 + Lanthanum 140 (Ba 140 + Ln 140)	1
Beryllium (Be 7)	50
Cadmium 109 + Silver 109 (Cd 109 + Ag 109)	10
Calcium 45 (Ca 45)	10
Carbon 14 (C 14)	50
Cerium 144 + Praseodymium 144 (Ce 144 + Pr 144)	1
Cesium 137 + Barium 137 (Ce 137 + Ba 137)	1
Chlorine 36 (Cl 36)	1
Chromium 51 (Cr 51)	50
Cobalt 60 (Co 60)	1
Copper 64 (Cu 64)	50
Europium 154 (Eu 154)	1
Fluorine 18 (F 18)	50
Gallium 72 (Ga 72)	10
Germanium 71 (Ge 71)	50
Gold 198 (Au 198)	10
Gold 199 (Au 199)	10
Hydrogen 3 (Tritium) (H 3)	250
Indium 114 (In 114)	1
Iodine 131 (I 131)	10
Iridium 192 (Ir 192)	10
Iron 55 (Fe 55)	50

Radioactive Material	Microcuries
Iron 59 (Fe 59)	1
Lanthanum 140 (La 140)	10
Manganese 52 (Mn 52)	1
Manganese 56 (Mn 56)	50
Molybdenum 99 (Mo 99)	10
Nickel 59 (Ni 59)	1
Nickel 63 (Ni 63)	1
Niobium 95 (Nb 95)	10
Palladium 109 (Pd 109)	10
Palladium 103 + Rhodium 103 (Pd 103 + Rh 103)	50
Phosphorus 32 (P 32)	10
Polonium 210 (Po 210)	0.1
Potassium 42 (K 42)	10
Praseodymium 143 (Pr 143)	10
Promethium 147 (Pm 147)	10
Radium + daughters	0.1
Rhenium 186 (Re 186)	10
Rhodium 105 (Rh 105)	10
Rubidium 86 (Rb 86)	10
Ruthenium 106 + Rhodium 106 (Ru 106 + Rh 106)	1
Samarium 153 (Sm 153)	10
Scandium 46 (Sc 46)	1
Silver 105 (Ag 105)	1
Silver 111 (Ag 111)	10
Sodium 22 (Na 22)	10
Sodium 24 (Na 24)	10
Strontium 89 (Sr 89)	1
Strontium 90 + Yttrium 90 (Sr 90 + Y 90)	0.1
Sulfur 35 (S 35)	50
Tantalum 182 (Ta 182)	10
Technetium 96 (Tc 96)	1
Technetium 99 (Tc 99)	1
Tellurium 127 (Te 127)	10
Tellurium 129 (Te 129)	1
Thallium 204 (Tl 204)	50
Tin 113 (Sn 113)	10
Tungsten 185 (W 185)	10
Vanadium 48 (V 48)	1
Yttrium 90 (Y 90)	1
Yttrium 91 (Y 91)	1
Zinc 65 (Zn 65)	10
Beta and/or Gamma emitting radioactive material not listed above	1

19:4-6.14 Performance standards; water

(a) It is the objective of these water standards that the waters of the Hackensack Meadowlands District be suitable for secondary contact recreation but not primary contact recreation, the maintenance and propagation of fish populations, the migration of anadromous fish, the maintenance of wildlife, and other reasonable uses in conformance with N.J.A.C. 7:9-7.19 et seq.

(b) Permanent sewage facilities: All uses established or changed, or any structure which is constructed, moved, remodeled, or reconstructed in the Hackensack Meadowlands District after the effective date of this resolution shall discharge liquid waste into a central sewerage system as developed. No liquid wastes may be discharged into the Hackensack River or its tributaries after sewer interceptors become available. Discharges from a central sewerage system into the Hackensack River shall comply with the standards of this subsection. No discharge from a public sewerage system shall be made into any tributary of the Hackensack River. All discharges into a public sewerage system shall meet the following values as a minimum:

1. A five-day B.O.D. not to exceed 250 mg/l during any period of discharge;
2. Suspended solids shall not exceed 270 mg/l;
3. Chemical oxygen demand shall not exceed 500 mg/l;
4. Fats, oils, and grease shall not exceed 100 mg/l;
5. Temperature of discharge shall not exceed 100°F;
6. pH shall not be less than 6.0 or greater than 9.0;
7. Phenols shall not exceed 1.0 mg/l. Sulphites shall not exceed 1.5 mg/l;
8. No discharge shall have a chlorine demand exceeding 20 mg/l;
9. Radioactive compounds shall not be permitted in a public sewerage system;
10. The discharge of the following toxic compounds shall not exceed: cyanides 1.0 mg/l, cadmium .02 mg/l, lead .5 mg/l, mercury .05 mg/l, and chromium .50 mg/l.

i. Compliance with these values shall be determined by a daily composite sample, in accordance with "Standard Methods for Examination of Water and Wastewater", latest revision.

ii. Discharges of industrial wastewaters into a public sewerage system shall be analyzed for a 28 day B.O.D. A graph of dissolved oxygen versus time in days shall be used to display the 28 day B.O.D. Based on data from this analysis, the Office of the Chief Engineer may require additional chemical and physical analyses.

iii. Exclusions: Nothing contained in this subsection shall prevent discharges into a public sewerage system where the quality of the effluent is at variance with the standards contained herein provided, however, that:

(1) The amount and quantity of the wastewater discharged complies with the standards established by the United States Environmental Protection Agency, 40 FR Part 128, and 40 FR Part 133, or their latest revision; and

(2) The sewerage authority treating such effluent has agreed, in writing, to accept such effluent. The applicant can also demonstrate to the Chief Engineer that the quantity and quality of the pollutants discharged will not cause the sewerage authority to violate its pollution limitations pursuant to their NJPDES Permit.

(3) In the absence of a limitation for a particular pollutant, the applicant shall demonstrate to the Office of the Chief Engineer that the treatment plant is able to reduce the pollutant to a level which will not interfere with the use of the waters of the Hackensack Meadowlands District for secondary contact recreation, the propagation, maintenance and migration of fish and wildlife and other reasonable uses.

(c) Temporary wastewater facilities: 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 Meadowlands District after June 20, 1988 can be utilized only with the following temporary sewerage facilities:

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

i. The discharge conforms with the standards of this subsection;

ii. The discharge will not impair and/or interfere with the functioning of the river, its tributaries, or the marsh-estuarine ecosystem of the Hackensack Meadowlands District; and

iii. Application is made pursuant to (e) below.

2. Temporary wastewater facilities which 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:

i. The wastewater facility has a volumetric capacity of less than five daily volumes of wastewater;

ii. The wastewater facility is constructed of materials which are impervious, watertight, and non-corrosive; and

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

3. Septic tanks shall not be permitted.

(d) Prior to the availability of public sewerage system facilities, uses established or changed, or any structure which is constructed, moved, remodeled, or reconstructed in the Meadowlands District after the effective date of this resolution may discharge into the Hackensack River or its tributaries only under the following conditions:

1. The discharge conforms with the standards of this subsection;

2. The discharge will not impair and/or interfere with the functioning of the Hackensack River or its tributaries;

3. Application is made pursuant to (e) below.

(e) The Office of the Chief Engineer may upon application and in connection with an application for a Zoning Certificate pursuant to N.J.A.C. 19:4-4.134 issue a permit for construction and operation of a temporary sewerage facility. The application shall contain:

1. 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 appli-

cant prior to the issuance of a certificate of occupancy, as provided in N.J.A.C. 19:4-4.139;

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

3. 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

4. Proof of compliance with applicable rules and regulations of the Department of Environmental Protection.

(f) Each permit shall be valid for a period of six months and may be renewed upon application for additional periods of time, each period of time not to exceed six months.

(g) If an applicant has installed a temporary sewerage facility pursuant to a validly issued permit, the Chief Engineer shall issue, upon compliance with the requirements established herein, a certificate of occupancy pursuant to the provisions of N.J.A.C. 19:4-4.139 said permit to be valid and remain in effect so long as the applicant has a valid permit to construct and operate a temporary sewerage facility. Upon the applicant's demonstration to the satisfaction of the Chief Engineer that a permanent connection to a public sewerage system has been made, the Office of the Chief Engineer shall consider an application to issue a permanent certificate of occupancy.

(h) The flow from any pipe, conduit, or any other source discharging into the river or its tributaries shall meet the following values:

1. Five day B.O.D. not to exceed 25 mg/l during any period of discharge;

2. pH shall not be less than 6.5 nor greater than 8.5;

3. Turbidity shall not exceed 40 Jackson Turbidity units based on SiO₂;

4. Color shall not exceed 40 standard units based on platinum cobalt color scale;

5. Temperature of discharge shall not be greater than 85°F;

6. Nitrogen (total) shall not exceed 30 mg/l;

7. Suspended solids shall not exceed 40 mg/l by weight;

8. Phosphates shall not exceed 30 mg/l;

9. Phenols shall not exceed 0.2 mg/l;

10. Coliform organisms shall not exceed 5,000 colonies/100 ml, based on most probable number (MPN) values of this number fecal coliform organisms shall not exceed 1,500 colonies/100 ml;

11. Such items as heavy metals, phenolic compounds, toxic substances and sodium alkyl benzene sulfonate (ABS) shall be kept to as low a value as is consistent with current technological practice representing the highest state of the art and levels consistent with recreational and primary contact water.

12. Carbon chloroform extract values used to test for herbicides and pesticides shall not exceed 1 mg/l;

13. Fats and greases shall not exceed 20 mg/l;

14. The discharge of radioactive materials as listed on Table IX is not permitted;

15. 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.

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.
Administrative Correction to (h)1: The changed to any.
See 22 N.J.R. 2184(a).

19:4-6.15 Definitions regarding water quality

"B.O.D." means an abbreviation for the bio-chemical oxygen demand. This is the amount of oxygen required for the biological decomposition of dissolved organic solids under aerobic conditions and at a standardized time and temperature.

"Coliform organisms" means microorganisms indicative of human domestic waste.

"Turbidity" means the opacity of a liquid caused by suspended solids.

"pH" means the hydrogen ion concentration, a measure of the acidity of alkalinity or liquids.

19:4-6.16 Wetlands buffer strip; water quality and enhancement of wetlands

(a) Where any development borders the Hackensack River or any of its tributaries, there shall be a 50 foot wide strip of wetland to insure proper drainage and edge effect at such border. Buffer strips along the Hackensack River and/or one of its tributaries should serve a biological function by contributing ecologically to the river and/or its tributaries and wetlands.

(b) Buffer strips in (a) above are to be measured from the mean high water line. Required buffer strips from manmade watercourses or channels shall be determined by the Office of the Chief Engineer based upon ecological and engineering considerations.

(c) Water dependent aspects of marinas within the Waterfront Recreation Zone are exempt from these regulations.

(d) Restoration and environmental management of wetlands is permitted in all zones and Specially Planned Areas within the District.

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); added text to (a) "Buffer strips along ..."
Amended by R.1990 d.186, effective April 2, 1990.
See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Exemption added at (c).

Historical Note

Sections 1 through 16 of this chapter were originally cited as Article 8-101.

19:4-6.17 Fees and escrow deposits to insure compliance with certain requirements

(a) Each application for approval of an implementation plan, a zoning certificate, or a certificate of occupancy shall be accompanied by a fee, determined by a fee schedule adopted by the Commission and of public record, which shall be used to defer the cost of Commission staff work for review of the application to determine whether the environmental performance standards can and shall be complied with.

(b) Whenever this review indicates, in the opinion of the Chief Engineer, that the operations or activities to be conducted may violate the applicable performance restrictions, the Chief Engineer shall require the deposit in escrow of not more than \$1,500, to be held by the Chief Engineer for a period of one year after the date of issuance of a certificate of occupancy. If during such one-year period the Chief Engineer believes there is a reasonable probability that the applicable environmental performance standards are being violated, he may employ a qualified technician or technicians to perform investigations, measurements, and analysis to determine whether or not the applicable environmental performance standards are, in fact, being violated and may pay his or their reasonable fees out of the aforementioned escrow deposit, regardless of the outcome of the investigation. If the reasonable fees of such technician or technicians exceed the amount of any available escrow deposit, and if a violation of any applicable environmental performance standard is discovered, the fees may be recovered as a penalty in the same manner as, and in addition to, the penalties specified in N.J.A.C. 19:4-6.24. Escrow deposits or remainders of escrow shall be returned, without interest to the depositors at the expiration of escrow period. If violation of an environmental performance standard is discovered and no escrow deposit is being retained by the Chief Engineer, the fees for technicians to perform investigations, measurements, and analysis to determine whether such violation was taking place may be recovered as a penalty in the same manner as, and in addition to, the penalties specified in N.J.A.C. 19:4-6.24.

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

Historical Note

This Section was originally cited as Article 8-102.

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

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

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

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

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

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

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

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

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

(e) Parking design standards include:

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

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

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

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

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

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

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

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

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

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

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

(f) (Reserved)

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

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

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

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

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

5. (Reserved)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) On site loading berth requirements include:

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

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

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

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

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

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

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

iv. (Reserved)

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

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

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

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

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

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

1. Sign definitions (sign functions):

i. Advertising sign means a sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located or to which it is affixed.

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

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

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

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

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

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

2. Structural sign types:

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

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

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

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

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

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

3. Exemptions:

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

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

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

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

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

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

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

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

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

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

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

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

4. General standards:

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

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

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

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

v. (Reserved)

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

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

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

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

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

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

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

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

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

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

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

v. Minimum setback of sign shall be 15 feet.

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

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

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

ii. One ground or pole sign advertising the name of the station or garage and/or the principal products sold, including any special company or brand name, insignia or emblem, provided that the actual sign area does not exceed 60 square feet in size, 120 square feet if double sided, and further provided that such sign shall be more than 10 feet but less than 25 feet above ground level and is no closer than 10 feet to any property line. A reader board with a 36 square foot maximum area, indicating fuel name, price, etc., may also be installed on the pole signs.

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

(1) Canopy signs may be on all faces of the canopy, provided they are not larger than 20 inches in height, and total sign area does not exceed 1/3 of the total canopy face area. Maximum canopy face depth is 30 inches.

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

7. All other signs shall be regulated in accordance with Table 1 below.

TABLE 1. SIGN REGULATIONS

ZONE	MPa P&R ^b	LDR	NC WR	HC, RP, RDP	SHC, LC	LI & D (A & B) HI, AF, PU	SU, PR, IR, PRR, BBC, TC, CP
1. Advertising ^c	S	No	No	No	X	X	S
2. Bulletin Bd.	E	20 sq. ft.	X	X	X	X	E
3. Business	E	No	X	X	X	X	C
4. Construction		60 sq. ft.	X	X	X	X	T
5. Identification	A	20 sq. ft.	X	X	X	X	I
6. Nameplate	P	2 sq. ft.	X	X	X	X	O
7. Real Estate	P	6 sq. ft./d.u.	X	X	X	X	N
	L	60 sq. ft. max.					
Structural Type	I						5
1. Awning	C	No	X	X	X	X	R
2. Ground	A	X	X	X	X	X	E
3. Pole	B	X	X	X	X	X	G
4. Projecting	L	No	No	No	X	X	U
5. Wall & Window	E	X	X	X	X	X	L
6. Roof		No	No	X	X	X	A
Maximum Height	S	15 feet	wall-height of structure;	wall-height of structure; roof/pole/ground-	wall-height of structure; roof/pole/ground-	wall-height of structure; roof/pole/ground-	T
	E		15 feet	30 feet	30 feet	30 feet	I
	T			above ground level	above ground level	above ground level	O
	I						N
	O						S
	N						
Setback ^d	S	15 feet	15 feet	15 feet	15 feet	15 feet	A
Illumination		None; except bulletin boards may be indirectly illuminated	Yes	Yes	Yes	Yes	P
Maximum Area of Any Single Sign ^{e f g}		See Functional Types Above	5% of front yard building facade. 100 sq. ft. max. for any single sign	5% of front yard building facade. 200 sq. ft. max. for any single sign	5% of front yard building facade. 300 sq. ft. max. for any single sign	5% of front yard building facade. 300 sq. ft. max. for any single sign	L
Signs/Front Yd. ^h		1	2	2	2	2	Y

^aSee N.J.A.C. 19:4-6.18(r).

^bSee N.J.A.C. 19:4-6.18(p).

^cMax. of 1 advertising sign per lot. Section 5 is not applicable to advertising signs.

^dThe minimum setback for all signs in the neighborhood commercial zone shall be five feet.

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

^fFor mixed use, multi-tenanted structures, or multi-structure development, see Section 5 for controlling regulations.

^gFor the purpose of this calculation, no building shall have more than one front facade.

^hFor mixed use, multi-tenanted structures, or multi-structure development, see Section 5 for controlling regulations.

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

X = Permitted

(k) Landscape improvements:

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

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

3. Screening:

i. All off-street parking areas containing six or more parking spaces shall be effectively screened from public or private right of ways by a decorative fence or wall, landscaped berm, or a densely planted evergreen material sufficient to reduce headlight glare. Deciduous shrubs may be utilized for screening in conjunction with earth berming, minimum height 2 1/2 feet integrated into the existing land form.

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

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

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

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

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

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

6. Shade trees:

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

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

7. Plant standards:

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

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

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

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

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

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

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

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

(I) Lighting:

1. Site illumination levels:

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

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

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

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

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

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

vii. Light sources shall comply with the following:

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

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

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

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

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

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

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

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

2. Illumination levels for covered parking facilities:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. All satellite antennas shall comply with FCC regulations.

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

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

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

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

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

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

i. A maximum of two meters in the low density residential and neighborhood commercial zones;

ii. A maximum of 12 feet in all the other zones except where a larger diameter sender/receiver antenna is required as accessory to a communications common carrier;

8. No satellite antenna shall be located on the wall of a structure.

(o) Fill, excavation, regrading and surcharge standards are as follows:

1. No filling, excavation, regrading or surcharging of land shall commence without having first obtained zoning approval from the Office of the Chief Engineer. Such zoning approval may be granted as follows:

i. All filling, excavation or grading operations directly related to the construction of any structure shall be considered approved only if such filling, excavation and grading operations are clearly indicated with approximate quantities on the approved plans for the proposed structure.

ii. A zoning certificate for filling, excavation, grading and surcharge operations may be issued by the Office of the Chief Engineer if a schematic site plan showing the envisioned ultimate use of the property is submitted. This plan must meet all applicable bulk and use regulations.

2. Prior to the issuance of any zoning certificate which involves filling operations, a detailed geotechnical investigation report, prepared by a geotechnical engineer, must be submitted for approval. This report shall be prepared in accordance with the following Geotechnical Investigation Report Guidelines:

i. Description of existing soil and ground water conditions in the area to be filled, or built upon, including copies of all soil boring logs, test pit investigations and test reports;

ii. Proposed final/interim uses for the filled area; purpose of the fill or stockpile operation;

iii. Recommended fill operation, including, as required, excavation of existing fill/soils, site preparation, placement of fill, thickness of lifts, compaction, etc.;

iv. Recommended fill material, including type, moisture content, size grading, organic content, etc.;

v. Recommendations for the control of ground water during site work and/or foundation construction;

vi. Analysis of the effects of the proposed fill operation on future construction type/costs;

vii. Recommendations on the engineering properties of all soils subjected to loading condition;

viii. Recommendations for the protection of existing structures/utilities and adjacent property from settlement, mud waving, movement, etc.;

ix. Analysis of existing access roads and site ingress/egress and recommendations for any traffic control measures related to the earthwork operations;

x. Recommendations for dust control and street sweeping/road maintenance;

xi. Analysis of existing drainage patterns, including all upstream drainage, and recommendations for drainage during the operation and upon completion;

xii. Recommendations for soil erosion and sedimentation control; and

xiii. Recommendations for monitoring of the fill/stockpile operation, including quality control, settlement plates, inclinometers, etc.

3. All fill or excavation operations must comply with the recommendations of the approved geotechnical investigation report.

4. Fill which does not conform with the New Jersey Department of Environmental Protection—Solid Waste Management (NJDEP-SWM) definition of "clean fill" (see N.J.A.C. 7:26-1.4) shall not be used unless the Office of the Chief Engineer grants a waiver from this requirement. The applicant must show just cause for a waiver of this requirement based on engineering constraints. This waiver shall not relieve the applicant from obtaining all other Federal, state, or local permits which may be required to utilize such fill material. Nothing in this section should be construed to allow the filling of wetlands without the required approvals of the governmental authorities with jurisdiction.

5. A copy of a Soil Erosion Plan permit which has been issued by the governing Soil Conservation District shall be submitted to the Office of the Chief Engineer prior to the start of earthwork operations.

(p) Public parks are exempt from the design standards in this section; however, the Commission strongly recommends that they meet the intent and purpose of the HMDC Park Design Guidelines, and to every extent possible, comply with the design criteria contained in those guidelines.

(q) Recycling areas:

1. All multifamily housing developments, any construction of 50 or more units of single family residential housing, and any commercial or industrial development of 1,000 square feet or more, shall include an on site indoor or outdoor recycling area for the collection and storage, but not processing, of site generated Class A recyclable materials.

2. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and current methods of collection. Records indicating the amounts and types of material collected, and proof of the recycling of such material, shall be submitted by commercial and industrial operations in order to determine the maximum size of the recycling area. No recycling areas for commercial or industrial operations shall be greater than 600 square feet. No recyclable food products shall be stored in this area for more than one week, no other material may be stored for more than three months.

3. The recycling area shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles.

4. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. The covering of a recycling area with building materials, shall render the area a structure to be calculated within lot area calculations.

5. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area.

6. No recycling areas shall be located in front yards, except where existing front yard loading is pre-existing non-conforming and other yards are not adequate. Recycling areas are encouraged to be located adjacent to truck loading areas.

7. All recycling areas shall be screened with fencing and/or landscaping material sufficient to screen the area from adjacent properties and public rights of way in accordance with (m) above. No containers or recyclable material shall be stored outside of the defined storage area at any time.

8. The ground surface of all recycling areas shall be a concrete pad. A minimum five foot buffer shall be provided between the edge of the concrete pad and the adjacent property line. The recycling area shall not be higher than the fence screening it.

9. The HMDC is to forward copies of zoning certificate approvals granted to recycling areas to the appropriate municipal recycling coordinator.

(r) Permitted uses in the marshland preservation zone are exempt from the design standards in this section; however, the Commission strongly recommends that they meet the intent and purpose of the HMDC Marshland Preservation Zone Design Guidelines and to every extent possible, comply with the design criteria contained in those guidelines.

Amended by R.1988 d.281, effective June 20, 1988.

See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Substantially amended.

Correction: Deleted "including barbed wire" and "barbed wire" from (m).

See: 20 N.J.R. 1954(a).

Amended by R.1990 d.186, effective April 2, 1990.

See: 21 N.J.R. 3441(a), 22 N.J.R. 1150(c).

Parking design standards added at (e)11 and (k)3iii; satellite standards added at (n) and (o).

Administrative Correction to (b)4: "underground, and all" changed to "aboveground. All" and "shall" changed to "may".

See: 22 N.J.R. 2184(a).

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Amended by R.1996 d.492, effective October 21, 1996.

See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

Amended by R.1998 d.570, effective December 7, 1998.

See: 30 N.J.R. 2608(a), 30 N.J.R. 4254(b).

In (j), rewrote 7 and added a new (r).

Amended by R.2000 d.453, effective November 6, 2000.

See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

In (i)2iii, inserted a reference to limited commercial zones in the introductory paragraph; and in (j), inserted a reference to LC in the table.

Historical Note

This Section was originally cited as Article 8-103.

Cross References

Heavy industrial zone, design of structures and other improvements, see N.J.A.C. 19:4-4.110.

Light industrial and distribution zone B, design of structures and other improvements, see N.J.A.C. 19:4-4.101.

Neighborhood commercial zone, design of structures and other improvements, see N.J.A.C. 19:4-4.42H.

Research distribution park zone, design of structures and other improvements, see N.J.A.C. 19:4-4.80.

19:4-6.19 Appointment and operation of Environmental Design Committee

(a) The Commission shall appoint at least seven residents of the State of New Jersey as members of the Environmental Design Committee. Additional members may be appointed to serve on the Environmental Design Committee if the Commission deems it necessary. Each member shall serve for three years and may be reappointed. The original appointees may be given terms of one, two or three years respectively. The members shall be professionals in design or environmental matters and qualified to make judgments about the quality of design of layout, structures and open space.

(b) In the zones (except for planned unit developments), the Chief Engineer shall review site plans for the construction, moving, remodeling or enlarging of structures to determine whether the design plans contained therein fulfill the applicable standards for the design of structures, site and open space. Where the chief engineer determines that the proposal contained in the site plan is of sufficient scope and complexity to warrant consultation with a member of the Environmental Design Committee or otherwise warrants such consultation, the Chief Engineer may, upon receipt of the application for a zoning certificate, request the Environmental Design Committee to designate a member of its Committee to serve as design consultant on the proposal, and such member shall review all design plans and recommend to the Chief Engineer whether the design plans should be approved, modified or disapproved. The Chief Engineer shall approve, approve with conditions or disapprove such design plans, based upon such recommendations and upon his review of the design plans.

(c) In the specially planned areas and for planned unit developments, the Development Board shall review all development and implementation plans submitted to determine whether the design plans therein fulfill the standards for design of site, structures and open space set forth in the applicable regulations. Where the Development Board determines that the proposal contained in the development or implementation plan warrants design review by the Environmental Design Committee, because of the nature of the design plans proposed, the scope or complexity of the proposal, or other appropriate considerations, it may, upon

receipt of the development plan and implementation plan, request the Environmental Design Committee to review the design plans in question. Within the time specified in the procedure for specially planned areas, the Environmental Design Committee thereof shall issue a report to the Development Board, which shall be filed with the office of the Chief Engineer, where it shall be of public record, setting forth its recommendations on approval, modification or disapproval of the design plans. The report must be adopted by the concurring vote of a majority of the Environmental Design Committee; dissenters may file a separate report. The Development Board shall approve, approve with conditions or disapprove such design plans, based upon the recommendations of the Environmental Design Committee, and upon its own review of the design plans.

Amended by R.1974 d.82, effective March 29, 1974.

See: 6 N.J.R. 125(c), 6 N.J.R. 209(a).

Administrative Correction to (c): "Special planning" changed to "specially planned".

See: 22 N.J.R. 2184(a).

Historical Note

This Section was originally cited as Article 8-104.

19:4-6.20 Landmark preservation

(a) The Commission may, after public hearing called and held in accordance with N.J.A.C. 19:4-6.22, designate any structure, use or unique physical feature within the Hackensack Meadowlands District a landmark, is such use:

1. Served an important or unique role in the history of the Hackensack Meadowlands District or region;

2. Has architectural features which, because of the quality of design, the excellence of craftsmanship, the expression of an architectural style, the manner in which they reveal important engineering and construction techniques, or otherwise warrant preservation; or

3. Is otherwise important as a landmark.

(b) Any structure, use or unique physical feature designated a landmark shall, upon commencement, reoccupancy, change in use or occupancy, or remodeling, be restored so as to reflect the reasons it was declared a landmark, and shall be preserved in such state. It shall be used as appropriate for its history, nature and location.

(c) No landmark shall be moved, reconstructed, enlarged or altered, unless the Commission finds such moving, enlarging or alteration to be consistent with the reasons for which the structure use, or unique physical feature was designated a landmark. No landmark may be demolished or removed unless the Commission finds that it could not be used for any profitable purpose consistent with its status.

Historical Note

This Section was originally cited as Article 8-105.

19:4-6.21 Additional procedural rules

(a) The Development Board may make written rules regarding general procedure and form of applications, provided that they are not inconsistent herewith.

(b) Such rules shall be filed with the Office of the Chief Engineer and shall be of public record.

Historical Note

This Section was originally cited as Article 8-106.

19:4-6.22 Public hearing

(a) Within a reasonable time after the filing of a complete general plan, a public hearing on such plan shall be held by the Development Board. Within a reasonable time after the filing of a complete application for a special exception or variance, a public hearing on such application shall be held by the Executive Director or his designee, who shall serve as the hearing officer.

(b) At least 10 days in advance of public hearing, the applicant, upon instruction of the Development Board or hearing officer, whichever is holding the hearing, shall publish notice of hearing in a newspaper of general circulation

and shall give notice personally, or by certified mail, return receipt requested, to the following:

1. For variances, subdivisions or special exception applications, owners of property and appropriate officials of constituent municipalities within 200 feet of the subject property as shown on the most recent tax list of the municipality in which the subject property is situated and any adjacent municipalities;

2. For specially planned area or planned unit development applications, owners of property and appropriate officials or constituent municipalities within 500 feet of the planned unit development, as shown on the most recent tax lists of the municipality in which the subject property is situated, and any adjacent municipalities;

3. Any other person, agency, or organization that has filed a request to receive notice of hearings, specifying the type of hearing and project;

4. The applicant shall present to the Development Board or hearing officer, whichever is holding the hearing, information sufficient to show that the requirements of this section have been met.

(c) The notice shall:

1. Give the time and place of hearing;

2. Contain a statement describing the subject matter of the hearing; and

3. Specify where and how additional information can be obtained.

(d) A written statement giving the name and address of the person making the appearance, signed by him, by his agent or by his attorney, and filed with the Development Board or hearing officer, whichever is holding the hearing, constitutes an appearance of record. The parties to a hearing shall be any of the following persons, agencies or organizations who has entered any appearance of record either prior to commencement of the public hearing or when permitted by the Development Board or hearing officer, whichever is holding the hearing.

1. Any person, agency, or organization entitled to individual notice under N.J.A.C. 19:4-6.22; and

2. Any person, agency, or organization who satisfied the Development Board or hearing officer, whichever is holding the hearing, that he has a significant interest in the subject matter of the hearing.

(e) Reports on the applications for special exceptions, variances or general plan may be prepared by the Commission staff and filed with the Office of the Chief Engineer, where they shall be of public record, not less than one week before the public hearing.

(f) The Development Board or hearing officer, whichever is holding the hearing, may administer oaths and compel the attendance of witnesses and of relevant papers requested by a party. A representative of the Hackensack Meadowlands Municipal Committee shall be invited to participate in such hearings.

(g) All testimony by witnesses at any hearing shall be given under oath, and every party of record at a hearing shall have the right to present evidence and to examine and to cross-examine witnesses on all relevant issues, but the Development Board or hearing officer, whichever is holding the hearing, may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony and cross-examination. The Development Board or hearing officer, whichever is holding the hearing, may call witnesses. At least one member of the Commission's staff and more if the Development Board or hearing officer, whichever is holding the hearing, deems it necessary, may be required to testify at the hearing on their respective reports.

(h) A transcript of the hearing shall be caused to be made by the Development Board or hearing officer, whichever is holding the hearing, costs of which shall be borne by the applicant, and all exhibits accepted in evidence shall be properly identified and the reason for the exclusion clearly noted in the record. The transcript of the hearings shall be filed with the Office of the Chief Engineer and shall be of public record.

(i) The Development Board or hearing officer, whichever is holding the hearing, may continue the hearing from time to time, and he may refer the matter back to the staff of the Commission for a further report, a copy of which shall be filed with the Office of the Chief Engineer where it shall be of record without delay, provided, however, that in any event, the public hearing or hearings shall be concluded within six weeks from the date of the first public hearing, unless the applicant shall consent in writing to an extension of time within which the hearing shall be concluded.

(j) Notwithstanding the provisions of this section, in cases of variances from the area and bulk regulations of this chapter, the Office of the Chief Engineer may waive a public hearing but may not waive notification requirements, provided, however, that the applicant submit written comments relative to the application to the Office of the Chief Engineer prior to such public notifications. Public comment will be accepted within 10 days of the date of publication.

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.
Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Historical Note

This Section was originally cited as Article 8-107.

19:4-6.23 Nonconformities

(a) Nonconforming lots of record: In any zone, notwithstanding the regulations imposed by any other provision of this chapter, a building designed for any permitted use may be erected on a lot that is not less than 25 feet in width and that consists entirely of a tract of land that:

1. Has less than the prescribed minimum lot area, width or depth;
2. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulation; and
3. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by applicable zoning regulations.

(b) Construction shall comply with all the regulations (except lot area, width and depth) applicable in the zone in which the lot in question is located, provided, however, that the width of any side yard need not be greater than that derived by applying the following formula (wherein the width of each side yard required = X):

$$\frac{X}{\text{Actual lot width}} = \frac{\text{Minimum side yard required by zone regulations}}{\text{Minimum lot width required by zone regulations}}$$

(c) In no case shall any side yard be less than 10 feet, provided, however, that any side yard for a single or two family dwelling shall not be less than five feet.

(d) Nonconforming structures: Any structure in a zone which is devoted to a use which is permitted in the zone in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements or so as not to comply with the applicable bulk regulations, and any structure in a specially planned area or planned unit development which has not been made part of an approved implementation plan, may be continued so long as it remains otherwise lawful, subject to the limitations of (e) below.

(e) Limitations include the following:

1. Maintenance, repair, remodeling: Any such structures may be maintained, repaired or remodeled; provided, however, that no such maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that, in zones, as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be determined by (b) above.

2. Damage or destruction: In the event that any such structure is substantially damaged or destroyed, by any means, such structure shall not be restored unless it shall thereafter conform to the regulations for the zone in which it is located; or would be consistent with the approved implementation plan covering the section in which it is located; provided that, in zones, structures located on a lot that does not comply with the applicable lot size requirements shall not in any event be required to provide a side yard that exceeds the yard requirements in (b) above.

(f) Lawful nonconforming uses include:

1. Authority to continue: Any use of part or all of a structure or any use of land, not involving a structure or only involving a structure which is accessory to such use of land, lawfully nonconforming under the zoning regulations applicable just prior to the adoption of these regulations or lawfully conforming under such zoning regulations but, in the zones, not conforming with all the applicable requirements of these regulations (including the environmental performance standards), and, in the specially planned areas or planned unit developments, not made part of an approved implementation plan, may be continued, if otherwise lawful, subject to the following limitations.

2. Limitations on continued use include:

i. Ordinary repair and maintenance: Normal maintenance and incidental repair, installation, or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a lawful nonconforming use; provided, however, that these provisions shall not be deemed to authorize any violation of (g)2ii through vii. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition (where such restoration will not be in violation of (g)2v below).

ii. Remodeling: No structure that is devoted in whole or in part to a nonconforming use shall be remodeled unless the entire structure and use thereof shall thereafter conform to all regulations of the zone in which it is located or be consistent with the implementation plan covering the section within which it is located.

iii. Extension: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity, or otherwise altered so as to increase the degree of nonconformity.

iv. Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be

enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the zone in which it is located or be consistent with the implementation plan covering the section within which it is located.

v. Damage or destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is substantially damaged or destroyed, by any means, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zone in which it is located or be consistent with the implementation plan covering the section within which it is located. When partial damage or destruction occurs, no repairs or restoration shall be made unless a zoning certificate is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

vi. Moving: No structure that is devoted in whole or in part to a nonconforming use shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zone in which it is located after being so moved or be consistent with the implementation plan covering the section within which it will be located. No nonconforming use of land shall be moved in whole or in part for any distance whatever to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zone in which it is located after being so moved or be consistent with the implementation plan covering the section within which it will be located.

vii. Change in use: A nonconforming use shall not be changed to any use other than a use permitted in the zone in which the use is located or other than one consistent with the implementation plan under which the section or subsection of the specially planned area within which it is located was developed. When a nonconforming use has been changed to any permitted or consistent use, it shall not thereafter be changed back to a nonconforming use.

viii. Abandonment or discontinuance: When a nonconforming use of land or a structure is discontinued or abandoned for 12 continuous months, any subsequent use or occupancy of the land or structure shall comply with all regulations of the zone in which such land or structure is located or be consistent with the implementation plan under which the section or subsection of the specially planned area within which it is located was developed.

ix. Nonconforming accessory use: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

x. Nonconforming residential use: Notwithstanding the provisions of (g)2iii through vi above, any structure which is devoted to a residential use in any district may be remodeled, extended, expanded and enlarged; provided that after any such remodeling, extension, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

(g) Special exceptions: Where a use exists at the effective date of these regulations and is permitted by these regulations only as a special exception in the zone in which it is located, such use shall not be deemed to be a nonconforming use if it complies with applicable use limitations and other regulations, but shall, without further action, be deemed a lawful conforming use in such zone.

Amended by R.1988 d.281, effective June 20, 1988.
See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Deleted (i).

Administrative Correction to (e)1 and 2.

See: 22 N.J.R. 2184(a).

Amended by R.1994 d.543, effective November 7, 1994.
See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Historical Note

This Section was originally cited as Article 8-108.

19:4-6.24 Fees, penalties and enforcement

(a) Any application for a zoning certificate, occupancy certificate, variance, special exception permit, amendment, subdivision or accompanying a general, development, or implementation plan, or the filing of a notice of appeal shall be accompanied by such fee as shall be specified from time to time by resolution of the Commission.

(b) When the Executive Director and/or the Chief Engineer becomes aware that a person may be in violation of any of the provisions of these regulations, he or she shall cause the staff of the Commission to undertake an investigation to determine whether such violation does exist. If the Executive Director and/or the Chief Engineer shall determine that a person is in violation of any of the provisions of these regulations, he or she shall notify the violator of the existence of the violation in writing and request that the violation be abated. If the violation is not abated, the Executive Director and/or the Chief Engineer shall have the authority to take any or all actions as are outlined in (c) below to insure compliance with the provisions of these regulations.

(c) A person who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of these rules shall be subject to a civil penalty of not less than two hundred dollars (\$200.00) or more than five thousand dollars (\$5,000). Each day such violation or failure to comply is permitted to exist subsequent to the original notification to the violator thereof shall constitute a separate offense.

(d) The Executive Director and/or the Chief Engineer may in the case of a violation of any provision of these rules institute a civil action:

1. For injunctive relief:

i. To prevent unlawful sale, enlargement, moving, rental, construction, reconstruction, alterations, repair, conversion, maintenance, use, filling, or occupancy;

ii. To restrain, correct, or abate any violation;

iii. To prevent the occupancy of any dwelling structure or land;

iv. To prevent any illegal act, conduct, business or use in or about any premises; or

v. To collect such civil penalties as have been assessed against any violator and which civil penalties said violator has refused to pay.

(e) Whenever, in the opinion of the Chief Engineer, there is a reasonable probability that any use or occupancy violates any environmental performance standard, he or she is hereby empowered to employ a qualified technician or technicians to perform investigations, measurements and analyses to determine whether or not said standards are in fact being violated. In the event that a violation is found to exist, the violator shall be liable for the reasonable fees of the technicians employed to perform such investigations, measurements, and analyses. Such fees may be recovered as a penalty in the same manner as, and in addition to, the penalties specified in (c) above.

(f) If a complaint is received regarding an alleged violation of any of the environmental performance standards, and the Chief Engineer does not believe that there is a reasonable probability that such a violation actually exists, the Chief Engineer may, as a condition precedent to further investigation, require that the complainant post an escrow deposit in the amount of \$1,000 to defray the cost of employing a qualified technician or technicians to perform such investigations, measurements, and analyses as may be necessary to determine whether or not such violation exists. In the event that the complaint is substantiated, the escrow deposit shall be refunded to the depositor, and the reasonable fees incurred in retaining the qualified technician or technicians shall be recovered in the manner provided in (e) above. In the event that the complaint proves unfounded, such fees shall be paid from the complainant's escrow deposit. Any remainder of such deposit shall be refunded to the complainant upon completion of an investigation.

(g) The HMDC's rights of entry and inspection are as follows:

1. Any individual who has applied for a permit with the HMDC shall be deemed to have consented to inspections, investigations, examinations, surveys, soundings or test borings, by the HMDC or a staff member of the HMDC, of the entire premises and of any and all construction being performed on the premises until a permit has been issued.

2. The Hackensack Meadowlands Development Commission or a staff member of the HMDC, pursuant to N.J.S.A. 13:17-6(f), has the right to enter upon any property in order to conduct inspections necessary to carry out the purposes of the Hackensack Meadowlands Reclamation and Development Act (Act) and to ensure compliance with the HMDC rules.

3. All inspections, investigations, examinations, surveys, soundings or test borings conducted pursuant to the Act and rules shall be between the hours of 9:00 A.M. and 5:00 P.M. on business days; provided, however, that inspections may be conducted at other times if the enforcing agency has reasonable cause to believe that an immediate danger to life, limb or property exists, or if permission is given by an owner, owner's agent or tenant.

4. All inspections, investigations, examinations, surveys, soundings or test borings shall be memorialized by a written report which shall include the name of the HMDC representative who entered the premises, the address, including the lot and block number(s), of the premises entered and a description of the premises, including a description of any and all violations.

5. Other than a visit to the premises made pursuant to (g)1 and 2 above, the owner, owner's agent or tenant shall be notified of the HMDC's intention to enter upon any building or property in order to conduct investigations, examinations, surveys, soundings or test borings necessary to carry out the purposes of the Act. The HMDC or a staff member of the HMDC shall not enter the premises until at least two days following the receipt of such notice.

6. Where access to any premises has been refused, then such refusal shall be reported to the Office of the Attorney General and a search warrant shall be obtained or other appropriate legal proceedings initiated.

Amended by R.1988 d.281, effective June 20, 1988.

See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Added text to (e) "amount of".

Amended by R.1990 d.70, effective February 5, 1990.

See: 21 N.J.R. 2949(a), 22 N.J.R. 557(b).

Subsections (b) and (g) added; fines increased.

Administrative Correction to (a).

See: 22 N.J.R. 2184(a).

Amended by R.1994 d.543, effective November 7, 1994.

See: 26 N.J.R. 1970(a), 26 N.J.R. 4421(c).

Historical Note

This section was originally cited as Article 8-109.

19:4-6.25 Appeals

(a) An appeal from an adverse decision of the Office of the Chief Engineer and/or the Executive Director, including a decision that a party has violated the provisions of these regulations pursuant to N.J.A.C. 19:4-6.24(b), may be taken to the Commission by any party, or, in the discretion of the Commission, by anyone adversely affected by such decision.

(b) Appeals shall be taken within 15 days after the date of the notification of an adverse decision by filing a notice of appeal, by certified mail, with the Office of the Chief Engineer. The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Secretary of the Commission shall transmit to the Office of Administrative Law all of the papers constituting the record upon which the decision being appealed was based.

(c) An appeal shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made and shall toll all applicable time limits, with the exception of fines, which will continue to accrue, unless the Chief Engineer certifies to the Commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, such stay and tolling would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed and time limits shall not be tolled other than by a restraining order which may be granted by the Commission or by the Superior Court on application to the Chief Engineer on due cause shown.

(d) The Commission shall decide each appeal within 45 days of receipt of the decision of the administrative law judge on the basis of the record below and oral argument of the parties at the hearings held before the administrative law judge.

(e) The Office of the Chief Engineer shall maintain complete records of all actions of the Commission with respect to appeals.

Amended by R.1975 d.355, effective December 1, 1975.

See: 7 N.J.R. 527(b), 8 N.J.R. 52(c).

Amended by R.1981 d.446, effective November 16, 1981.

See: 13 N.J.R. 529(d), 13 N.J.R. 847(d).

(a): "or committee thereof . . . members" deleted; "in the discretion of the Commission" added; "The Commission shall . . . quorum of the Commission" deleted.

(b): "15" was "30"; "to the Office of Administrative Law" added.

(c): "or" added before "by the Superior Court", and "and" deleted before "on due cause shown".

(d): "within 45 days of receipt of the decision of the administrative law judge" added; "public" deleted; "administrative law judge" added; "commission or committee" through (h) deleted;

(i): renumbered as (e).

Amended by R.1988 d.281, effective June 20, 1988.

See: 20 N.J.R. 743(a), 20 N.J.R. 1467(b).

Added text to (c) "with the exception . . . continue to accrue".

Amended by R.1990 d.70, effective February 5, 1990.

See: 21 N.J.R. 2949(a), 22 N.J.R. 557(b).

Clarification to include violation of N.J.A.C. 19:4-6.24.

Administrative Correction to (e).

See: 22 N.J.R. 2184(a).

Historical Note

This Section was originally cited as Article 8-110.

19:4-6.26 Commission review of Development Board actions

(a) Immediately after approving, or approving with conditions, or disapproving, general, development and implementation plans, or variations from the 80 percent land

ownership requirement specified in N.J.A.C. 10:4-5.16, the Development Board shall transmit forthwith to the Commission a copy of the public order containing such approval, a copy of the plan, and copies of reports of the Commission's staff and of the architectural design committee, if any, on the plan.

(b) The Commission may, by a concurring vote of a majority of its members, affirm or reverse, wholly or partly, may modify such approval, or disapproval, or may remand the entire matter for further action by the Development Board, based upon the record before it. Such action shall be in the form of a written decision explaining the reasons for such action. If the Commission fails to act within four weeks after receipt of the entire record, the decision of the Development Board shall be deemed to be affirmed.

Amended by R.1982 d.1, effective February 1, 1982.

See: 13 N.J.R. 694(a), 14 N.J.R. 162(b).

(a): Added "or variations . . . N.J.A.C. 19:4-5.16".

Historical Note

This section was originally cited as article 8-111.

19:4-6.27 Amendments

(a) These regulations, including the official zoning map forming a part hereof, may be amended, in whole or in part, from time to time, pursuant to such procedures and requirements as are imposed by law and the general rules of the Commission.

(b) Upon approval by the Commission for filing of a pre-proposal, or proposal, or approval as a result of a referral for further deliberation to file a pre-proposal or proposal the Commission must submit a notice to the New Jersey Register. A minimum period of 30 days is required from the date of publication in the New Jersey Register to receive public comment. The Commission may require a public hearing for which a minimum of 15 days notice must be provided from the time the notice appears in the New Jersey Register.

(c) Upon conclusion of the public comment period, the Hackensack Meadowlands Municipal Committee will be granted a maximum 45 day period within which to submit comments to the Commission.

(d) Upon review of the comments and recommendation by the Office of the Chief Engineer, the Commission shall render a decision which must be filed with the Office of Administrative Law for inclusion in the New Jersey Register. The adoption of any zoning amendment is not valid until published in the New Jersey Register.

Amended by R.1991 d.553, effective November 4, 1991.

See: 23 N.J.R. 1917(a), 23 N.J.R. 3346(a).

Added new (b)-(d).

Historical Note

This section was originally cited as article 8-112.

19:4-6.28 Official Zoning Map

The Hackensack Meadowlands District official zoning map dated November 8, 1972, is hereby made a part of these rules and regulations of the Hackensack Meadowlands Development Commission.

OFFICE OF ADMINISTRATIVE LAW NOTE: The Official Zoning Map is not reproduced herein, but may be reviewed at the following locations:

Hackensack Meadowlands Development Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071
Office of Administrative Law
Quakerbridge Plaza, Building 9
Quakerbridge Road
Trenton, New Jersey 08625

Amended by R.1977 d.155, effective May 4, 1977.

See: 9 N.J.R. 148(b), 9 N.J.R. 297(b).

Amended by R.1977 d.237, effective July 7, 1977.

See: 9 N.J.R. 148(b), 9 N.J.R. 394(a).

Amended by R.1978 d.359, effective October 5, 1978.

See: 10 N.J.R. 266(d), 10 N.J.R. 522(e).

Amended by R.1980 d.43, effective January 24, 1980.

See: 11 N.J.R. 597(b), 12 N.J.R. 164(a).

Amended by R.1981 d.467, effective December 7, 1981.

See: 13 N.J.R. 624(a), 13 N.J.R. 895(c).

Changed the designation of Block 453B, Lots 16A-1, 17A, 18, 19C, 20C, 21C, and part of 15c-1 in North Bergen, New Jersey, consisting of 15 acres, from Park and Recreation Zone to Light Industrial-A-Zone.

Amended by R.1983 d.508, effective November 7, 1983.

See: 15 N.J.R. 1367(a), 15 N.J.R. 1874(a).

Changed the designation of Block 123, portions of Lots 6, 30 and 31 (old Block 151, Lots 17, 18) in Carlstadt, New Jersey to the Light Industrial Zone "B."

Amended by R.1983 d.142, effective May 2, 1983.

See: 15 N.J.R. 133(b), 15 N.J.R. 697(c).

Changed the zoning designation of a 2.03 portion of the Waterfront Recreation Zone, known as Block 108C, Lot 1, in Little Ferry, New Jersey to Light Industrial and Distribution B Zone.

Amended by R.1983 d.322, effective August 15, 1983.

See: 15 N.J.R. 532(a), 15 N.J.R. 1384(c).

Changed the zoning designations of approximately 24 acres of the 53 acres of the existing Highway Commercial Zone, known as Block 194, Lot 6 in Secaucus, the Service Highway Commercial Zone. The subject property shall contain no more than 250,000 square feet of shopping facilities. The permitted shopping facilities shall include a supermarket (not less than 50,000 square feet); the remaining facilities shall offer only "convenience goods" as determined by the Chief Engineer except that a home improvement center (of not more than 50,000 square feet) may be included among the facilities.

Amended by R.1985 d.212, effective May 6, 1985.

See: 16 N.J.R. 3423(b), 17 N.J.R. 1138(b), 17 N.J.R. 1916(a).

Changed the zoning designation of Block 169, Lot 1, in Ridgefield from Marshland Preservation to Light Industrial "B." The subject property consists of approximately eight acres.

Amended by R.1985 d.408, effective August 5, 1985.

See: 16 N.J.R. 3423(b), 17 N.J.R. 1916(a).

Amended by R.1986 d.19, effective February 3, 1986.

See: 17 N.J.R. 2530(a), 18 N.J.R. 311(a).

The zoning designation of Block 219A, Lot 47C; Block 226, Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17 and 18 in the Town of Lyndhurst, New Jersey, are changed from Light Industrial (B) to Commercial Park.

The zoning designation of Block 100, Lots 1 and 2; Block 101, Lot 8; Block 110, Lot 1; Block 117, Lot 1; Block 118, Lots 2, 3, 4 and 5 in the Town of Secaucus, New Jersey, are changed from Waterfront Recreation to Commercial Park.

Amended by R.1987 d.212, effective May 4, 1987.
See: 19 N.J.R. 53(a), 19 N.J.R. 774(a).

Changed the zoning designation of Block 100, Lots 1, 2 and 3; Block 101, Lot 8; Block 110, Lot 1; Block 117, Lot 1; Block 118, Lots 2, 3, 4 and 5 in the Town of Secaucus, New Jersey from Waterfront Recreation to Commercial Park.

Amended by R.1987 d.211, effective May 4, 1987.
See: 19 N.J.R. 54(a), 19 N.J.R. 774(b).

The zoning designation of Block 112, Lots 1-7 in Secaucus, New Jersey is changed from Service Highway to Commercial to Low Density Residential.

Amended by R.1987 d.272, effective July 6, 1987.
See: 19 N.J.R. 448(a), 19 N.J.R. 1236(b).

The zoning designation of Block 185, Lot 3 (New Block 185.01, Lot 2), in Secaucus, New Jersey, is changed from Highway Commercial to Service Highway Commercial.

Amended by R.1987 d.273, effective July 6, 1987.
See: 19 N.J.R. 512(a), 19 N.J.R. 1236(a).

The zoning designation of Block 116, Lot 12 in Little Ferry, New Jersey is changed from Park and Recreation to Low Density Residential.

Amended by R.1989 d.21, effective January 3, 1989.
See: 20 N.J.R. 2247(b), 21 N.J.R. 31(a).

Changed the zoning designations of Block 128, Block 137, and Block 106.

Petition for Rulemaking: Request to amend Official Zoning Map.
See: 21 N.J.R. 3030(c).

Petition for Rulemaking: Request to amend Official Zoning Map.
See: 21 N.J.R. 3030(d).

Petition for Rulemaking: Request to amend Official Zoning Map.
See: 21 N.J.R. 3030(e).

Petition for Rulemaking: Request to amend Official Zoning Map.
See: 21 N.J.R. 3566(b).

Petition for Rulemaking: Request to amend Official Zoning Map.
See: 21 N.J.R. 3566(c).

Amended by R.1990 d.148, effective March 5, 1990.
See: 21 N.J.R. 3445(a), 22 N.J.R. 840(b).

Zoning designation of Block 196, Lot 1 in North Arlington and Block 235, Lots 8, 9 and 10 in Lyndhurst changed from Research Distribution Park to Heavy Industrial, with certain exceptions.

Notice of Action regarding Petition for Rulemaking at 21 N.J.R. 3566(c).

See: 22 N.J.R. 997(a).

Notice of Action regarding Petition for Rulemaking at 21 N.J.R. 3030(d).

See: 22 N.J.R. 1162(b).

Petition for Rulemaking: Request zoning changes within the Borough of Ridgefield.

See: 22 N.J.R. 1388(d).

Amended by R.1990 d.528, effective November 5, 1990.

See: 22 N.J.R. 1699(b), 22 N.J.R. 3386(e).

Zoning designations of all or part of Block 4004, Lot 4; Block 4010, Lots 2 and 3; Block 4007, Lot 1; Block 4008, Lot 1; Block 168, Lot 1 and Block 167, Lot 1C (now Block 4011, Lot 3); and Block 167, Lot 1B (now Block 4013, Lot 1) changed to Heavy Industrial.

Notice of Action or Petition for Rulemaking: Establishment of an intermodal rail terminal operation.

See: 24 N.J.R. 1403(a), 24 N.J.R. 1827(b).

Amended by R.1992 d.422, effective October 19, 1992.

See: 24 N.J.R. 2346(a), 24 N.J.R. 3734(b).

Change the zoning designation of Block 286, Lots 5, 7 and 9, in the Town of Kearny, from Highway Commercial to Heavy Industrial, and Block 286, Lot 6A, in the Town of Kearny, from Right of Way to Heavy Industrial.

Amended by R.1992 d.487, effective December 7, 1992.

See: 24 N.J.R. 1690(b), 24 N.J.R. 4414(a).

Revised official zoning map.

Public Notice: Notice of receipt of petition for rulemaking.

See: 25 N.J.R. 3033(b).

Amended by R.1993 d.653, effective December 20, 1993.

See: 25 N.J.R. 3429(a), 25 N.J.R. 5943(b).

Amended by R.1996 d.492, effective October 21, 1996.

See: 28 N.J.R. 3237(a), 28 N.J.R. 4594(a).

Amended by R.1997 d.73, effective February 18, 1997.

See: 28 N.J.R. 4387(a), 29 N.J.R. 586(a).

Changed zoning designation of Block 205, lots 25, 26A, and 26B in the Town of Kearny from Special Use Area 1 to Heavy Industrial. Petition for Rulemaking: Notice of Receipt of and Action on a Petition for Rulemaking.

See: 29 N.J.R. 814(a), 29 N.J.R. 950(b).

Petition for Rulemaking: Notice of Final Action on a Petition for Rezoning/Petition to Amend.

See: 29 N.J.R. 1417(a).

Amended by R.1997 d.295, effective July 21, 1997.

See: 29 N.J.R. 856(a), 29 N.J.R. 3270(a).

Changed designation of Block 33, Lot 10 and Block 141, Lots 1 through 6, in the Town of Secaucus from service highway commercial to Neighborhood commercial.

Petition for Rulemaking: Notice of Action on a Petition for Rezoning.

See: 29 N.J.R. 4202(b).

Public Notice: Notice of Further Action on Petition for Rezoning Official Zoning Map.

See: 30 N.J.R. 575(a).

Petition for Rezoning.

See: 30 N.J.R. 1099(c), 2091(c), 2092(a).

Amended by R.1998 d.515, effective October 19, 1998.

See: 30 N.J.R. 1518(b), 30 N.J.R. 3857(a).

Changed zoning designation of Block 117, Lot 1 in the Town of Secaucus from Commercial Park to Service Highway Commercial. Amended by R.1998 d.570, effective December 7, 1998.

See: 30 N.J.R. 2608(a), 30 N.J.R. 4254(b).

Updated the zoning designation of properties.

Amended by R.1998 d.565, effective December 7, 1998.

See: 30 N.J.R. 2366(a), 30 N.J.R. 4258(a).

Updated the zoning designation of properties.

Amended by R.1999 d.204, effective July 6, 1999.

See: 31 N.J.R. 594(a), 31 N.J.R. 1818(b).

Changed zoning designation of Block 226, Lot 38, in Secaucus from Park and Recreation to Marshland Preservation.

Amended by R.2000 d.453, effective November 6, 2000.

See: 32 N.J.R. 1702(a), 32 N.J.R. 4002(a).

Updated the zoning designation of properties.

Amended by R.2001 d.67, effective February 20, 2001.

See: 32 N.J.R. 1702(a), 33 N.J.R. 690(b).

Changed zoning designation of Block 227, Lot 4.01, in Secaucus from Research Park to Limited Commercial.

Petition for Rulemaking.

See: 33 N.J.R. 1146(a), (b).

Amended by R.2001 d.185, effective June 4, 2001.

See: 32 N.J.R. 1702(a), 33 N.J.R. 1924(c).

Changed the zoning designation of Block 227, Lots 4.03 and 4.04, in Secaucus from Research Park to Light Industrial and Distribution "A."

19:4-6.29 Petitions for zoning amendment to Official Zoning Map (rezoning)

(a) In addition to the requirements of N.J.A.C. 19:3A-1.3, all petitions for a zoning amendment to the Official Zoning Map, also known as rezoning, shall include:

1. A project location map, in triplicate, of the lots, drawn to scale and showing the actual dimensions of the lots. The map shall include:

i. The existing zoning and land use of the adjacent properties;

- ii. Location of public right-of-ways, water courses, traffic circulation, points of ingress and egress, including access streets;
 - iii. Existing structures and land uses on site; and
 - iv. Other such information as may be reasonably required;
2. A description of the rezoning being requested including the location of the property (block, lot and municipality), existing zoning, and proposed zoning;
 3. The basis for the rezoning request including, but not limited to, a statement as to why the site cannot be developed in accordance with the existing zoning of the Hackensack Meadowlands Development Commission;
 4. The full name and address of the petitioner;
 5. The petitioner's interest in the request, including any relevant organization affiliation or economic interest; and
 6. Other such information as may be deemed necessary by the Office of the Chief Engineer.

(b) All petitions for rezonings are subject to a filing fee as indicated at N.J.A.C. 19:3-1.2(a)8. This fee, or portion thereof, may be waived pursuant to N.J.A.C. 19:3-1.6.

New Rule, R.1991 d.553, effective November 4, 1991.
See: 23 N.J.R. 1917(a), 23 N.J.R. 3346(a).

19:4-6.30 Petitions for amendment to District Zoning Regulations

(a) In addition to the requirements of N.J.A.C. 19:3A-1.3, all petitions for an amendment to the District Zoning Regulations, N.J.A.C. 19:4, shall include:

1. The existing text proposed to be amended;
2. The proposed amendment to the District Zoning Regulations;
3. The reasons for the request, including a report indicating why the existing text is no longer appropriate and the proposed amendment is necessary. The report must be signed and sealed by a licensed Professional Engineer, Professional Planner or Registered Architect, depending on the nature of the request;
4. The full name and address of the petitioner;
5. The petitioner's interest in the request, including any relevant organization affiliation or economic interest; and
6. Other such information as may be deemed necessary by the Office of the Chief Engineer.

New Rule, R.1991 d.553, effective November 4, 1991.
See: 23 N.J.R. 1917(a), 23 N.J.R. 3346(a).

SUBCHAPTER 7. WETLANDS PROCEDURES AND GUIDELINES

19:4-7.1 General provisions; scope

(a) The HMDC open space map portrays a 6,210 acre open space system consisting of marshland preservation areas (wetland), public parks, open water, schools, waterfront recreation zones, and waterway buffer strips. Specifically, 3,160 acres are incorporated within the wetland portion of the open space system; 1,375 acres are in the public park category; and 1,400 acres are shown as open water. In addition, 145 acres will be used for school purposes, 80 acres are zoned for waterfront recreation use and approximately 50 acres of open space will occur as waterway buffer strips.

(b) The preceding figures clearly reflect that more than 95 percent of the proposed open space acreage within the Meadowlands District will be in wetland, park, or open water. These three distinct forms of open space will be interwoven and managed throughout the district in such a manner so that the open space system which results will be both enjoyable and interesting, and ecologically responsive to the particular characteristics of the wetland ecosystem.

(c) The wetland areas are envisioned as serving as habitat for water fowl and various forms of marine life, as biological laboratories for man, and as areas of carefully protected quiet relaxation. The parks as shown on the map will serve both passive and active recreational pastimes. The ultimate variety of recreational uses of existing waterways will, of course, be dependent upon the water quality that can be attained. Even at the present time, however, boating and canoeing are enjoyable experiences within the district. School related parks, waterfront recreation areas and waterway buffer strips complete the open space map. Both schools and waterfront recreation areas will supplement the major open space areas by providing recreational facilities that cannot be located elsewhere in the district. Waterway buffer strips will help protect the life of all waterways within the district by controlling the predictable encroachment upon these arteries by all forms of development. (See Subchapter 4 of this Chapter.)

19:4-7.2 Guidelines

(a) As previously indicated, the open space map delineates the boundaries and dimensions of the six types of open space which comprise the HMDC open space system. They are comprised again as follows:

- | | |
|---|----------------|
| 1. Marshland preservation areas (wetland) | = 3,160 acres; |
| 2. Public parks | = 1,375 acres; |
| 3. Open water (waterways) | = 1,400 acres; |
| 4. Waterfront recreation areas | = 80 acres; |
| 5. Schools | = 145 acres; |
| 6. Waterway buffer strips | = 50 acres. |

(b) Where a developer's proposed plans impinge upon, or require participation in the HMDC's wetland open space system as shown on the open space map, special regulations and restrictions apply. These guidelines are presented as they apply to each of the following four major zoning map categories.

1. Marshland preservation zone;
2. Park and recreation zone;
3. Specially planned areas;
4. Development zones.

19:4-7.3 Marshland preservation zone

(a) As specified in N.J.A.C. 19:4-4.4 through 19:4-4.17 the activities which may or may not occur within this zone are clearly defined.

(b) Permitted uses include:

1. Scientific study, testing and experimentation in regard to marshland ecology;
2. Walkways for nature observations.

(c) Special exceptions include the construction, maintenance and use of any structures, buildings, and improve-

ments in connection with scientific testing activities pertinent to marshland ecology.

(d) Use limitations include the following:

1. No use shall be operated, conducted or maintained that may impair the quality of the district as a marsh preservation area. Any use that significantly discourages or interferes with the use of the zone as a natural habitat for water fowl and other forms of marsh life shall be presumed to be a use that impairs the quality of the zone as a marsh preservation area.

2. No motor-driven vehicle or equipment shall be used in the zone that interferes with its use as a marshland preservation area.

(e) A prospective developer in an SPA or a zone must, therefore, adopt the necessary precautions to ensure that the results of his activities will not be ecologically damaging to those areas designated as marshland preservation on the HMDC zoning map. These precautions include, but are not limited to, the following measures:

1. Compliance with the HMDC's environmental performance standards;

2. Compliance with the HMDC's solid waste regulations.

19:4-7.4 Public park zones

(a) The HMDC's zoning map indicates that 855 acres of parks are located within the park and recreation zone. As shown on the open space map, however, a small percentage of the acreage within this zone will remain as wetland and thus is governed by this wetland order.

(b) The activities that may, or may not, take place within these marshland portions of the park and recreation zone are regulated by N.J.A.C. 19:4-4.4 through 19:4-4.17.

(c) A prospective developer must adopt the necessary precautions to ensure that the results of his activities will not be detrimental to those areas designated by the open space map as wetland within the park and recreation zone. These precautions include, but are not limited to, the following:

1. Compliance with the HMDC's environmental performance standards;
2. Compliance with the HMDC's solid waste regulations.

19:4-7.5 Specially planned areas

(a) The guidelines in this order for the specially planned areas reflect first the two-fold purpose of the open space map, that is:

1. To assure that the acreages and types of open space are accurately delineated.
2. To assure that the ecological characteristics of the wetland ecosystem are carefully referenced and described to the end that the wetland ecosystem is preserved and protected.

(b) Secondly, the order addresses itself to the unique specially planned area developmental procedures incorporated into the zoning regulations which allows flexibility in determining the exact configuration of the required open space.)

(c) To this end, and because of the scale and variety of uses which the SPA concept embraces, the developer of each SPA will be required to prepare a Wetland Environmental Impact Assessment (See Subchapter 3 of this Chapter).

(d) The HMDC zoning regulations specify that there are five types of specially planned areas. They are as follows:

1. Island residential areas;
2. Parkside residential areas;
3. Berry's Creek Center;
4. Transportation centers;

5. Special use areas.

(e) The amount of wetland to be located within each SPA will vary according to the required open space percentages, the results of the ecological inventory (environmental impact assessment) that will be prepared by the developer, and the wetland allocations proposed by the HMDC's open space map.

19:4-7.6 Island residential specially planned areas

(a) As specified by N.J.A.C. 19:4-5.3 and 19:4-5.4 at least 50 percent of the residential/commercial land area shall be used for inter-neighborhood common open space. Inter-neighborhood common open space in the island residential area is defined as follows:

1. All inter-neighborhood common open spaces, shall be open-water lagoons of the Hackensack River and marsh open space. No use shall be operated, conducted or maintained that may impair the quality of the marsh open space. Any use that significantly discourages or interferes with the rest of the marshland open space as a natural habitat for waterfowl and other forms of marsh life shall be presumed to be a use that impairs the quality of the marshland open spaces.

2. The open space map delineates the general manner in which the inter-neighborhood open space (wetland) shall be located throughout each island residential SPA, but information generated by the environmental impact assessment (see Subchapter 3), in combination with any supplemental information available from the HMDC's staff, will be used in conjunction with the HMDC open space map to determine the final inter-neighborhood open space configuration (see Subchapter 1). Any resulting alteration of the wetland open space as shown on the open space map must be in accordance with criteria established by the Commission.

3. The residential/commercial development that is proposed for each island residential SPA must be designed so that the developed portions do not cause ecological damage to the required inter-neighborhood common open space (wetland). The precautions which the developer must observe include, but are not limited to:

- i. Compliance with the HMDC's environmental performance standards;
- ii. Compliance with the HMDC's environmental design standards;
- iii. Compliance with the wetland order;
- iv. Consultation with the Commission in the design and management of the proposed wetland areas.

19:4-7.7 Parkside residential

(a) As specified by N.J.A.C. 19:4-5.2 through 19:4-5.4 at least 35 percent of the residential/commercial land area of each PR shall be used for common open space.

(b) At least 30 percent of the residential/commercial land area of each PR shall be in open space at ground level, and the remainder may be in roof area provided that the roof area is designed in such a manner so as to be utilized for open space purposes.

(c) Of the required open space at ground level, a certain portion is shown on the open space map as wetland and waterway buffer strips.

(d) As in the island residential specially planned areas information generated by the environmental impact assessment (Subchapter 3 of this order), in combination with supplemental information available from the HMDC staff, will be used in conjunction with the HMDC open space map to determine the final inter-neighborhood open space configurations.

(e) Any resulting alteration of the wetland open space as shown on the open space map must be in accordance with criteria established by the Commission.

(f) The HMDC zoning regulations also indicate that certain portions of parkside residential SPA # 2 shall be considered open areas. The open areas shall not be considered part of the required open space for the PR and, if shown on the open space map as wetland, must therefore be provided as such. A brief description follows:

1. In PR # 2, the areas designated on the comprehensive land use plan as marshland preservation areas shall be retained and improved as marshland open areas.

2. It may be used only for scientific study, testing and experimentation in regard to marshland ecology; and footpaths for hiking and nature observation.

3. No use shall be operated, conducted or maintained that may impair the quality of the marshland open space as a tidal marsh.

4. Any use that significantly discourages or interferes with the use of the marshland open space as a natural habitat for waterfowl and other forms of marsh life shall be presumed to be a use that impairs the quality of the marshland open area (N.J.A.C. 19:4-5.2(d)4).

(g) The residential/commercial development as well as the activities that will take place within the open space that is not wetland must be designed so that the developed portions do not cause ecological damage to the wetland open space that is retained. The precautions which the developer must observe include, but are not limited to:

1. Compliance with the HMDC environmental performance standards;
2. Compliance with the HMDC environmental design standards;
3. Compliance with this wetlands order;

4. Consultation with the Commission in the design and management of the proposed wetlands areas;

5. The use of proper fertilization techniques to the end that undesirable nutrient loads are not transported from upland planted areas to wetland open space areas.

19:4-7.8 Berry's Creek Center

(a) As specified by N.J.A.C. 19:4-5.4 through 19:4-5.6, at least 35 percent of the residential/commercial land area of Berry's Creek Center shall be used for common open space.

(b) At least 30 percent of the residential/commercial land area of BCC shall be in open space at ground level, and the remainder may be in roof area provided that the roof area is designed in such a manner so as to be utilized for open space purposes.

(c) Of the required open space at ground level, a certain portion is shown on the open space map as wetland and waterway buffer strips.

(d) As in the island residential SPA, information generated by the environmental impact assessment (Subchapter 3 of this order), in combination with supplemental information available from the HMDC staff, will be used in conjunction with the HMDC open space map to determine the final inter-neighborhood open space configuration.

(e) Further, any resulting alteration of the wetland open space as shown on the open space map must be in accordance with criteria established by the Commission.

(f) No use shall be operated, conducted or maintained that may impair the quality of the marsh open space.

(g) Any use that significantly discourages or interferes with the rest of the marshland open space as a natural habitat for waterfowl and other forms of marsh life shall be presumed to be a use that impairs the quality of the marshland open spaces.

(h) The residential/commercial development, as well as the activities that will take place within the open space that is not wetland must be designed so that the developed portions do not cause ecological damage to the required wetland open space. The precautions which the developer must undertake include, but are not limited to:

1. Compliance with the HMDC environmental performance standards;
2. Compliance with the HMDC environmental design standards;
3. Compliance with this wetlands order;
4. The use of proper fertilization techniques to the end that undesirable nutrient loads are not transported from upland planted areas to wetland open space areas.

19:4-7.9 Transportation center

(a) As specified by N.J.A.C. 19:4-5.5 at least 15 percent of the acreage within each transportation center shall be used for common open space.

(b) Considering the intensity of development within these specially planned areas, most of the required open space will necessarily be of the upland variety.

(c) The only wetland-type open space will occur as 50 foot waterway buffer strips. As shown on the open space map, they will be located along all waterways that adjoin or traverse these transportation centers.

(d) Subchapter 5 of this Chapter clearly defines the purpose of waterway buffer strips with regard to their biological importance and their role in the HMDC's open space system.

(e) The development that is proposed for each transportation center must be controlled in such a manner so that the results of the development will not be detrimental to the waterway buffer strips as shown on the open space map. The precautions which the developer must undertake include, but are not limited to:

1. Compliance with the HMDC environmental performance standards;
2. Compliance with the HMDC environmental design standards;
3. Compliance with this wetlands order.

19:4-7.10 Special use areas

(a) As specified by N.J.A.C. 19:4-5.6 at least 40 percent of the acreage within each special use area shall be used for common open space.

(b) Of the required common open space, a large portion is shown on the open space map as wetlands.

(c) As in the island residential SPA, information generated by the environmental impact assessment (Subchapter 5 of this Chapter), in combination with supplemental information available from the HMDC staff, will be used in conjunction with the HMDC open space map to determine the final inter-neighborhood open space configuration.

(d) Any resulting alteration of the wetland open space as shown on the open space map must be in accordance with criteria established by the Commission.

(e) No use shall be operated, conducted or maintained that may impair the quality of the marshland open space.

(f) Any use that significantly discourages or interferes with the rest of the marshland open space as a natural habitat for waterfowl and other forms of marsh life shall be

presumed to be a use that impairs the quality of the marshland open spaces.

(g) The development, as well as the activities that take place within the open space that is not wetland must be designed so that the developed portions do not cause ecological damage to the wetland open space that is retained. The precautions which the developer must undertake include, but are not limited to:

1. Compliance with the HMDC environmental performance standards;
2. Compliance with the HMDC environmental design standards;
3. Compliance with this wetlands order;
4. The use of proper fertilization techniques to the end that undesirable nutrient loads are not transported from upland planted areas to wetland open space areas.

19:4-7.11 Development zones

(a) There are 12 zones within the Meadowlands District in which intensive development will take place. They are as follows:

1. Low density residential;
2. Waterfront recreation;
3. Highway commercial;
4. Service-highway commercial;
5. Research park;
6. Research-distribution park;
7. Light industrial and distribution A;
8. Light industrial and distribution B;
9. Heavy industrial;
10. Airport facilities;
11. Public utilities;
12. Sports complex.

(b) The only wetland open space that will be provided within these zones are the 50 foot waterway buffer strips. These buffer strips will be retained along existing waterways as they traverse or adjoin one or more of the aforementioned zones and will be maintained unobstructed without encroachment thereon. The exact location of the buffer strips is delineated on the open space map. Subchapter 2 of this Chapter clearly defines the purpose of these buffer strips with regard to their biological importance and their role in the HMDC's open space system. The development that will occur within each of the development zones must be controlled in such a manner so that the results of the development will not be detrimental to the waterway buffer strips or other wetland areas as shown on the open space

map. The precautions which the developer must undertake include, but are not limited to:

1. Compliance with the HMDC environmental performance standards;
2. Consideration of any adverse environmental effects from surface water drainage.

(c) In those cases where the planned unit development (PUD) procedure is selected by the developer in the development zones, those parts of this Order which apply to the specially planned areas will be in effect.

19:4-7.12 Inventory and analysis

(a) The environmental impact assessment is a requirement to which only the developers of specially planned areas must adhere except as it applies to the PUD procedure in a development zone (See Subchapter 1 of this Chapter).

(b) Such a developer must prepare a detailed environmental impact assessment, addressing such criteria as air quality, water supply, noise, transportation, energy supply, and so forth. This Subchapter deals only with those specific aspects of specially planned area development whose impact on wetlands must be assessed and evaluated.

(c) In preparing an inventory of the environmental features of each SPA and translating that inventory into a series of recommendations, the developer should utilize the following procedural outline:

1. An inventory shall be prepared of the environmental features of entire SPA. The ecological inventory shall include, but is not limited to the following items, and where applicable shall be submitted on base maps acceptable to the HMDC:

i. Land form and geology:

- (1) Elevations;
- (2) Depth of bedrock;
- (3) Geological composition.

ii. Vegetation:

- (1) Historical records;
- (2) Existing vegetation types:
 - (A) Acreage allocation of each type;
 - (B) Vitality of each type;
 - (C) Biomass.

iii. Wildlife:

- (1) Species identification:
 - (A) Mammals;
 - (B) Wild fowl;
 - (C) Reptiles.

- (2) Nesting species of wildfowl;
- (3) Muskrat activity;
- (4) Activity of other mammals.

iv. Water quality:

- (1) COD;
- (2) BOD;
- (3) DO;
- (4) TOC;
- (5) Salinity;
- (6) Turbidity;
- (7) Productivity;
- (8) Heavy metal concentrations;
- (9) Tidal data—for example, temperature, water depth, rate of flow in the Hackensack River and its tributaries.

v. Marine productivity:

- (1) Chlorophyll "a" production;
- (2) Oxygen production;
- (3) Nutrient concentration and metabolic uptake.

2. Consultation with HMDC staff to determine what is already known about each site should proceed any detailed field work. Special attention is called to the following documents:

i. Vegetation Map of the Hackensack Meadowlands, Winter, 1970, prepared by the New Jersey Marine Sciences Consortium;

ii. Wetland Map of the Hackensack Meadowlands, prepared by the Department of Environmental Protection;

iii. The Ward Report: Soils in the Hackensack Meadowlands;

iv. U.S. Army Corps of Engineers, New York District, Report on Storm of November, 1950 and 6-8 March, 1963;

v. The Report of the State Geologist, 1896 (Vermeule) for the Hackensack Meadowlands;

vi. Environmental Engineering Study, Hackensack River Basin, Stage II of Phase II Preliminary Draft, U.S. Army Corps of Engineers, prepared for the U.S. Public Health Service;

vii. Calvin Heusser, "History of an Estuarine Bog, Secaucus, New Jersey", 1948;

viii. Harshberger and Burns, "The Vegetation of the Hackensack Marsh, a Typical American Fen", 1919;

ix. Cole, L.A., "Benchmarks of New Jersey" Department of Commerce, U.S. Coast and Geodetic Survey, 1942;

x. Preliminary Findings, Hydrology Study, Hackensack River Basin, U.S. Army Corps of Engineers, Design of Protective Works;

xi. Tidal Measurements, a memo prepared by John Bolan, HMDC Staff;

xii. Southwest Area Drainage Study, Final Draft, Bergen County, New Jersey, August, 1970, prepared by Manganaro, Martin and Lincoln, New York, N.Y.;

xiii. Past and Present Status of the Boards of the Lower Hackensack River Marshes, prepared by Irving Black, Newark Museum, September, 1969;

xiv. George Potera, Lehigh University, "Preliminary Investigation of the Bergen County Sewer Authority Pond", August 24, 1970;

xv. George Potera, Dr. E.E. MacNamara, Lehigh University, "A Preliminary Ecologic Study and Evaluation of a Section of the Hackensack Meadowlands".

3. The wetland open space within the SPA's as shown on the open space map is for the most part conceptualized. Note, however, that the portion of the wetlands called "Open Areas" are fixed in their designation. These wetland open areas must be retained as they are shown on the comprehensive land use plan as revised and amended on the open space map. In addition, certain portions of the required wetland open space within each SPA are shown in their exact locations.

4. The configuration and area of the remainder of the wetland open space within each SPA will be determined by the following procedure:

i. Upon completion of the inventory and analysis phase of this Chapter, further consultation shall be held with the HMDC staff to discuss the information that has been compiled.

ii. The open space map shall be jointly consulted by the developer and the HMDC staff in the preparation of the general plan, the development plan and the implementation plan.

iii. Conflicting environmental and developmental considerations will be discussed and evaluated.

iv. The wetland open space configuration within each SPA will be delineated based upon the results of the preceding three steps.

5. The proposed land use pattern within each SPA shall be analyzed to determine the potential impact upon proposed development on the wetland open space within the SPA. Factors such as those affecting vegetation, wildlife, and water quality shall be catalogued and assessed as to the degree of disturbance they may cause. A

second impact factor involves the disturbances that will be caused during the construction phase. The construction practices that may affect vegetation, wildlife and water quality shall be described and evaluated. A plan will be submitted by the developer in his zoning application indicating how he will meet the requirements of this order.

6. The assessment of the environmental impact, during both the construction and the operation phases of the proposed development, shall include, but not be limited to the following criteria:

i. The proposed land use pattern:

- (1) Surface runoff;
- (2) Fill emplacement and removable;
- (3) Sewerage;
- (4) Air pollution;

ii. The construction phase:

- (1) Siltation;
- (2) Noise;
- (3) Excavation operations;
- (4) Temporary pumping;
- (5) Pest control.

7. Recommendations shall be made to minimize the impact that would normally result from both the proposed land use pattern once in place and from the anticipated construction activities. The proposed recommendations shall be based upon but not limited to the following criteria:

- i. HMDC environmental performance standards;
- ii. The HMDC wetland order;
- iii. HMDC water quality criteria.

19:4-7.13 Implementation and inspection procedures

(a) The recommendations presented by the developers to minimize the environmental impact on the wetland open space shall be described in detail for review by the HMDC staff. The review procedure will evaluate the recommendations from the following viewpoints.

1. Ability to minimize the environmental impact on the wetland open space:

- i. Short term basis;
- ii. Long term basis;

2. Practicability and flexibility with regard to design;

3. It shall be the responsibility of the developer to monitor each stage of the construction process in the specially planned area according to the criteria and frequency established by the Commission as to the environ-

mental effects of both construction and operational activity. Such criteria shall include but not be limited to the following:

- i. During the construction phase, regular outfall sampling will be done and analysis of dissolved and settleable solids will be made by an independent testing company at the expense of the developer.
- ii. Upon completion of construction, the Commission must receive assurance that effluent entering the wetlands and adjacent waterways complies with all applicable water quality and environmental performance standards.
- iii. It shall be the function of the developer or his agent to insure that the various monitoring and protective measures herein stipulated are observed and maintained.

19:4-7.14 Waterway buffer strips

(a) The zoning regulations specifically indicate where waterway buffer strips are to be provided and protected in the Hackensack Meadowlands District.

(b) The places in the estuary where land meets water are crucial to estuarine productivity. Here natural vegetation decays and falls into the mud and sediments which have gathered at the base of the plants. The tide washing over these highly productive edge areas (ecotone), or upland water flowing past them and carrying the decayed plant material (detritus) into the tidal estuary constitute the transport system for this food production zone. About half of the decaying plant material is spread throughout the system, the remaining 50 per cent being transported to the sea. In both the wetland and the sea, the detritus constitutes the crucial base of the aquatic food web.

(c) Thus, two aspects of the estuary's food web need be addressed in this Section. The first, the production zone (the edge) must be protected in its natural state. Rip-rapping, paving, bulk-heading, stream channeling, or other altering of stream banks deprives this food production zone of participation in the estuarine ecosystem. Such intervention is expressly prohibited in the buffer strip areas. Secondly, the same activities (rip-rapping, paving, bulk-heading, and so forth) also tend to restrict water flow from penetrating into the small rivulets and ponding areas which form along the edge of such streams and which multiply the desired edge effect. A second reason thus exists for the prohibition of such activities.

(d) In addition, the buffer strips constitute an important drainage and flood protection resource. Wherever storm tidewater or upland runoff can be slowed and ponded in its travel towards or away from developed upland areas, the dangerous effects of flooding can be reduced. Vegetated buffer strips are natural components in the topography of a flood plain, and as such are highly useful to man. Generally speaking, the faster water flows through such a system, the greater the scour and the higher the turbidity generated. Both conditions are biologically detrimental.

19:4-7.15 Protection of existing watercourses within the District

As specified in the Foreword and this Subchapter, the places in the estuary where land meets the water are crucial to estuarine productivity. For this reason, certain restrictions regarding the alteration of existing water courses, both natural and man-made, shall be placed upon the developers of the specially planned areas and development zones. These same restrictions shall also apply to the two open space zones—marshland preservation and park and recreation.

19:4-7.16 Specially planned areas; instruction

(a) No alteration of the existing natural watercourses within each SPA shall be permitted unless the proposed alteration is deemed necessary and no adverse environmental effects will result and all appropriate applications are made and approved.

(b) No alteration of an existing man-made watercourse within an SPA shall be allowed if the ecological inventory of the site indicates that the watercourse is a valuable environmental component. As in the case of the existing natural watercourses, it may be determined that man-made watercourses regardless of their ecological value can be altered in order to contribute to the benefit of the SPA as a whole.

19:4-7.17 Zones; instructions

(a) No alteration of the existing watercourses as they adjoin or traverse a particular zone shall be allowed.

(b) No alteration of an existing man-made watercourse as it adjoins or traverses a particular zone if it is determined that the water course is a valuable environmental component.

19:4-7.18 Water quality; scope

Water quality is the key parameter in any strategy to preserve, restore and improve the conditions of waterways and wetlands in the Hackensack Meadowlands District.

19:4-7.19 Water quality; guidelines

(a) A prospective developer in any zone or specially planned area must submit an approved testing laboratory's analysis of an effluent he would propose to discharge:

1. Into a waterway of the District: Such an effluent must meet the water quality environmental performance standards prescribed in N.J.A.C. 19:4-6.1 et seq.
2. Into a public sewer in the District. Such an effluent must meet the Commission's effluent standards and that of the Sewage Treatment Authority under whose jurisdiction the effluent would be processed. Copies of permits from the appropriate Sewer Authority will be supplied to the Commission as a required part—

i. Of the zoning's subdivision process in one of the Zones; or

ii. Of the environmental impact assessment incorporated with the plan application in a specially planned area.

(b) In addition, the appropriate discharge permits will be secured from the New Jersey Department of Environmental Protection, and copies will be included as part of the application process described in (a)2. above.

(c) In all cases mentioned above, the appropriate environmental performance standards, sewer authority standards and Department of Environmental Protection Standards will

be met both in the construction and the operational stages of any proposed development.

(d) The developer will in each case submit a plan to the Commission and the other appropriate agencies indicating how all such standards will be maintained, and the acceptance of that plan is a pre-condition of the acceptability to the Commission of the proposed zoning application.

19:4-7.20 Liquid and solid waste disposal

In all cases, the prospective developer in one of the specially planned areas or one of the zones will conform to the Commission's solid waste and liquid waste disposal regulations.