

CHAPTER 4

DISTRICT ZONING REGULATIONS

Authority

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

Source and Effective Date

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

Chapter Expiration Date

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

Chapter Historical Note

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

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

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

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

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

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

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

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

Chapter 4, District Zoning Regulations, was repealed and new rules were adopted by R.2004 d.76, effective February 17, 2004.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

Law Review and Journal Commentaries

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

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. INTENT AND PURPOSE OF DISTRICT ZONING REGULATIONS

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

SUBCHAPTER 2. INTENT, WORD USAGE AND DEFINITIONS

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

SUBCHAPTER 3. APPLICATION OF REGULATIONS

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

SUBCHAPTER 4. ADMINISTRATION

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

SUBCHAPTER 5. DISTRICTS, USES AND STANDARDS

- 19:4-5.1 Establishment of zones
- 19:4-5.2 General provisions
- 19:4-5.3 General use limitations
- 19:4-5.4 Accessory uses
- 19:4-5.5 Marinas
- 19:4-5.6 Office trailers
- 19:4-5.7 Outdoor seating areas
- 19:4-5.8 Environmental Conservation zone; purposes
- 19:4-5.9 Environmental Conservation zone; permitted uses
- 19:4-5.10 Environmental Conservation zone; special exception uses
- 19:4-5.11 Environmental Conservation zone; use limitations

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

SUBCHAPTER 6. SUPPLEMENTAL REQUIREMENTS

- 19:4-6.1 Nonconforming lots, uses and structures
- 19:4-6.2 Historic preservation and cultural resources
- 19:4-6.3 Retail sale events
- 19:4-6.4 Outdoor events
- 19:4-6.5 Property maintenance
- 19:4-6.6 Green buildings

SUBCHAPTER 7. PERFORMANCE STANDARDS

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

SUBCHAPTER 8. SITE PLAN REQUIREMENTS

- 19:4-8.1 General provisions
- 19:4-8.2 Parking
- 19:4-8.3 Loading
- 19:4-8.4 Parking and loading requirements
- 19:4-8.5 Line-of-sight triangle
- 19:4-8.6 Drainage
- 19:4-8.7 Buffers
- 19:4-8.8 Open space

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

SUBCHAPTER 9. FLOOD PLAIN MANAGEMENT

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

SUBCHAPTER 10. PROJECT IMPACT ASSESSMENT

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

SUBCHAPTER 11. FEE SCHEDULE

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

SUBCHAPTER 1. INTENT AND PURPOSE OF DISTRICT ZONING REGULATIONS

19:4-1.1 Title

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

19:4-1.2 Purpose

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

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

15. To encourage coordination of various public and private activities shaping land development with a view toward lessening the cost of such development and promoting the more efficient use of land; and

16. To promote sustainable green building practices in accordance with U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) guidelines.

Amended by R.2006 d.397, effective November 20, 2006.
See: 38 N.J.R. 1797(a), 38 N.J.R. 4883(a).

In (a)15, substituted “; and” for a period at the end; and added (a)16.

19:4-1.3 Effective date

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

19:4-1.4 Termination date

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

SUBCHAPTER 2. INTENT, WORD USAGE AND DEFINITIONS

19:4-2.1 Intent and word usage

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

1. Words used in the present tense shall include the future, and words used in the future tense shall include the present;
2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number;
3. The phrase “used for” shall include the phrases “employed for,” “utilized for,” “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for”;
4. The word “shall” is mandatory;
5. The word “may” is permissive;
6. The word “person” includes individuals, firms, corporations, associations, trusts, governmental bodies and agencies and all other legal entities;
7. The masculine gender shall include the feminine and neuter;
8. The words, “adjacent,” and “next to,” shall have the same meaning as the word “abut” and may be used interchangeably;

9. The terms “such as” and “for example” shall be considered as introducing typical or illustrative, rather than an entirely exclusive or inclusive designation of, permitted or prohibited uses, activities, conditions, establishments or structures;

10. The words “building” and “structure” include any part thereof;

11. The words “New Jersey Meadowlands Commission” and “NJMC” mean a public body corporate and politic, constituting a political subdivision of the State of New Jersey, as defined in N.J.S.A. 13:17-1 et seq.;

12. The words “Board of Commissioners” mean the seven-member board that constitutes the NJMC, as defined in N.J.S.A. 13:17-5;

13. The word “District” means the Hackensack Meadowlands District, as defined in N.J.S.A. 13:17-13;

14. The words “constituent municipality” means a municipality with lands in the District;

15. The words “Official Zoning Map” mean the map or maps that are a part of these zoning regulations and delineate the boundaries of zoning districts and redevelopment areas;

16. The word “Secretary” means the Secretary of the NJMC;

17. The words “Executive Director” mean the Executive Director of the NJMC;

18. The words “Chief Engineer” mean the Chief Engineer of the NJMC; and

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

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

Table 2-1

Frequently Used Abbreviations and Acronyms

Abbreviation or <u>Acronym</u>	<u>Meaning</u>
AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
ANSI	American National Standards Institute
BMP	Best Management Practices
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
COAH	Council on Affordable Housing
CZM	Coastal Zone Management
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
HMMC	Hackensack Meadowlands Municipal Committee
ITE	Institute of Transportation Engineers

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

New Jersey Meadowlands 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.2005 d.295, effective September 6, 2005.
See: 37 N.J.R. 752(c), 37 N.J.R. 3455(a).

19:4-3.4 Designation of zones

(a) The District shall be divided into the following areas, the location of which shall be determined by reference to the Official Zoning Map, with all notations and attached boundary descriptions, if any, kept in the Offices of the NJMC and hereby adopted as a part of these regulations:

1. Zones:
 - i. Environmental Conservation;
 - ii. Parks and Recreation;
 - iii. Waterfront Recreation;
 - iv. Low Density Residential;
 - v. Planned Residential;
 - vi. Neighborhood Commercial;
 - vii. Commercial Park;
 - viii. Regional Commercial;
 - ix. Highway Commercial;
 - x. Aviation Facilities;
 - xi. Light Industrial A;
 - xii. Light Industrial B;
 - xiii. Intermodal A;
 - xiv. Intermodal B;
 - xv. Heavy Industrial;
 - xvi. Public Utilities;
 - xvii. Sports and Exposition; and
 - xviii. Transportation Center; and
2. Redevelopment Areas.

19:4-3.5 Interpretation of boundaries

(a) In the event uncertainty exists with respect to the intended boundaries of zones 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, 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 ROW, 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, or where the exact location of any boundary line is unclear or is in dispute, the boundary shall be determined by the use of the scale shown on the zoning map, or by interpretation in accordance with N.J.A.C. 19:4-4.12.

19:4-3.6 Zoning of public ways, waterways, and railroad rights-of-way

(a) All streets, roads, highways, public ways, and railroad ROWs, 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 ROW 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 Environmental Conservation zone, except in cases where a grant, lease or other conveyance of riparian rights is made to an adjoining property owner by the State of New Jersey.

19:4-3.7 Coastal zone management

The NJMC Master Plan is an element of the State of New Jersey's Coastal Zone Management Program for the Hackensack Meadowlands District, as specified in N.J.A.C. 7:7E-3.45(b).

19:4-3.8 Affordable housing

The NJMC encourages the development of residential uses in accordance with New Jersey State Council on Affordable Housing (COAH) guidelines. The municipality may satisfy its COAH responsibility with any residential development in the District. The NJMC will accept petitions for rezonings from municipalities seeking to rezone land in the District to meet their COAH obligations and processed in accordance with N.J.A.C. 19:3. Applications for variances to allow density increases to meet COAH obligations shall also be considered and processed in accordance with N.J.A.C. 19:4-4.14.

19:4-3.9 Redevelopment areas

Applicable use and bulk requirements for an area within the District designated as a redevelopment area in accordance with N.J.A.C. 19:3-5, shall be established on a case-by-case basis and, once adopted by the Commission, shall supersede the applicable regulations in this subchapter.

19:4-3.10 Land containing sanitary landfill

(a) No construction of any improvement shall take place in or upon a sanitary landfill without written approval from the NJMC.

(b) Such approval shall be contingent upon demonstration that any residual post-construction settlement shall not affect the structural integrity or appearance of the development.

(c) Such approval shall be contingent upon demonstration that corrosion producing properties, combustible gases and

fire hazards of constituent materials and/or state of decomposition have been adequately considered in the design.

19:4-3.11 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.

19:4-3.12 Special exceptions

(a) No use of a structure or land that is designated as a special exception in any zone shall be established after February 17, 2004, and no existing special exception use shall be changed after February 17, 2004 to another special exception use, in such zone unless a special exception approval has been granted in accordance with the provisions of N.J.A.C. 19:4-4.13.

(b) Any special exception use, shall, once approved, be considered a permitted use under these regulations, until abandoned. However, no special exception use shall be enlarged or increased in intensity unless special exception approval is granted for such enlargement or increase in intensity.

19:4-3.13 Prohibited uses

All uses not specifically permitted by the applicable regulations are prohibited.

19:4-3.14 Temporary uses and structures

(a) Temporary uses and structures may be permitted under circumstances that will serve to protect the public health, safety, and welfare. Restrictions and regulations applicable to permanent structures may be partially or totally modified for a temporary period in order to protect the public.

19:4-4.21 Penalties and enforcement

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

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

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

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

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

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

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

written report which shall include the name of the representative who entered the premises, the address, including the lot and block number(s), of the premises entered and a description of the premises, including a description of any and all violations.

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

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

19:4-4.22 Severability

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

1. If any section, subsection, paragraph, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of these regulations.
2. If the application of any provision of these regulations to a particular property, building or structure is for any reason held to be unconstitutional or invalid, such decision shall not affect the application of said provisions to any other property or structure.

SUBCHAPTER 5. DISTRICTS, USES AND STANDARDS
19:4-5.1 Establishment of zones

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

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

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

19:4-5.2 General provisions

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

1. The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-8.
2. In the case of a conflict between these regulations and the NJ UCC, N.J.A.C. 5:23-3.15 through 3.22, regarding required setbacks, the more restrictive regulation shall apply.
3. Minimum lowest floor elevations for structures within the designated 100-year flood zones shall be established one foot above the applicable 100-year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).
4. All wastewater standards of N.J.A.C. 19:4-7.9 shall apply.
5. Buffers shall be provided in accordance with N.J.A.C. 19:4-8.7, where applicable.
6. Wetland enhancement, restoration or creation activities and wildlife habitat creation shall be a permitted use in all zones.
7. The NJMC may publish detailed design guidelines, which shall be filed at the Offices of the NJMC, where they shall be of public record and with which development in the District is encouraged to comply.

Administrative correction.
See: 36 N.J.R. 1955(a).

19:4-5.3 General use limitations

(a) The following use limitations shall apply:

1. No slaughtering of animals shall be permitted in any zone.

2. All operations, activities and storage shall be conducted within completely enclosed buildings, with the exception of the following, when conforming to all other regulations:

- i. Properties located in the Intermodal B and Heavy Industrial zones;
- ii. Off-street parking of empty, registered and operational vehicles, except that vehicles for sale at facilities permitted by these regulations may be unregistered;
- iii. Off-street loading within designated loading areas;
- iv. Site service improvements provided in accordance with N.J.A.C. 19:4-8.15;
- v. Outdoor seating areas provided in accordance with N.J.A.C. 19:4-5.7;
- vi. Public utility equipment and operations that cannot be feasibly located in an enclosed structure, including electric generating, transmission, and distribution equipment; and
- vii. Where otherwise permitted.

19:4-5.4 Accessory uses

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

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

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

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

1. A child's playhouse;
2. A structure for storage accessory to a one-, two-, or three-family residence not exceeding 100 square feet in floor area; and
3. A private swimming pool in accordance with the following:

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

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

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

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

(f) Shared parking requirements are as follows:

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

i. Determination of required number of spaces:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19:4-8.3 Loading

(a) General requirements concerning loading are as follows:

1. No structure shall be constructed, moved, or altered, and no existing structure or use shall be enlarged, after February 17, 2004 unless the required number of loading spaces are provided in accordance with N.J.A.C. 19:4-8.4.
2. All required loading facilities shall be located off-street and on the same lot occupied by the use served.
3. Loading areas are not required in conjunction with development in the Low Density Residential zone.
4. Loading areas shall be on the site plan and shall consider the following:
 - i. Safe and efficient layout;
 - ii. Consistency with the size and proposed use of the facility;
 - iii. The nature and location of adjacent uses; and
 - iv. Pedestrian and vehicular circulation.
5. Space allocated for loading or truck maneuvering shall not be used to satisfy any portion of the site's required parking.
6. Vehicle repair and/or service of any kind are not allowed in loading areas.

(b) Location requirements for loading are as follows:

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

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

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

(c) Design requirements for loading are as follows:

1. All loading areas shall be paved or improved with a compacted select gravel base, not less than eight inches thick, and surfaced with an all-weather dustless material. Reinforced concrete dolly pads, not less than eight inches thick, shall be constructed for all loading docks.
2. All loading areas shall be provided with adequate drainage facilities in accordance with N.J.A.C. 19:4-8.6.
3. All loading areas shall be screened and landscaped in accordance with N.J.A.C. 19:4-8.9(d)6iii.
4. All loading areas shall be adequately and properly lit in accordance with N.J.A.C. 19:4-8.13.
5. The circulation and maneuvering of trucks on site shall comply with established American Association of State Highway and Transportation Officials (AASHTO) truck turning templates, found in the AASHTO manual, "A Policy on Geometric Design of Highways and Streets," Fourth Edition, 2001, incorporated herein by reference, as amended and supplemented. A copy of the manual can be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 249, Washington, DC 20001. The templates used for the design of loading areas shall be for trucks of a size comparable to the maximum loading space required. Truck maneuvering shall not conflict with circulation and parking areas.

(d) Loading requirements are as follows:

1. The minimum requirements for the number and size of the required loading facilities shall be in accordance with N.J.A.C. 19:4-8.4.
2. All loading spaces shall have a minimum vertical clearance of 14 feet.

19:4-8.4 Parking and loading requirements

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

Table 8-1

Parking and Loading Requirements

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

21.	Cultural facilities	2.5 spaces per 1,000 sq. ft. of floor area or one space per four seats, whichever is greater	One loading space (12 feet x 60 feet) for structures up to and including 100,000 sq. ft.; and one additional loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
22.	Day care facility	One space per employee; one space per facility vehicle; and one space per 10 children or other persons requiring care	One loading space; 12 feet x 30 feet
23.	Disaster recovery facility	1.25 spaces per 1,000 sq. ft. of floor area	Two loading spaces; 12 feet x 60 feet
24.	Dwelling, single family	Two spaces per unit	Not required
25.	Dwelling, two family	Two spaces per unit	Not required
26.	Dwelling, multiple family	Two spaces per unit; and one visitor space per four units	Not required, except when greater than four stories: one loading space; 12 feet x 30 feet
27.	Essential public services	One space per employee on the shift of maximum employment; and one space per facility vehicle	One loading space; 12 feet x 30 feet
28.	Fuel service station	One space per employee, but not fewer than five employee parking spaces; five spaces per 1,000 sq. ft. of floor area of accessory retail, but not fewer than five spaces; and two spaces per service bay	One loading space; 12 feet x 30 feet
29.	Funeral home and mortuary	One space per four seats or 20 spaces per 1,000 sq. ft. of public assembly area, whichever is greater; one space per employee; and one space per facility vehicle	One loading space; 12 feet x 30 feet
30.	Health center	Two spaces per examination or treatment room; and one space per employee (including doctors and staff)	One loading space; 12 feet x 30 feet
31.	Heavy industry	One space per 1,000 sq. ft.	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
32.	Heliport	One space per 1,000 sq. ft. of exterior operational area	Not required
33.	Helistop, commercial	Five spaces	Not required
34.	Helistop	Two spaces	Not required
35.	Hospital	Two per bed; and one space per two employees	One loading space (12 feet x 60 feet) per 100,000 sq. ft. of floor area
36.	Hotel and motel	One space per guest room; and such other spaces for accessory uses as required herein	Hotel, full service: One loading space; 12 feet by 60 feet; Hotel, limited service: one loading space; 12 feet by 30 feet
37.	House of worship	One space per five persons in the main place of worship, based on maximum occupancy as determined by the NJ UCC	One loading space; 12 feet x 30 feet
38.	Institutional use	Cumulative parking requirement per use	One loading space; 12 feet x 30 feet
39.	Intermodal facility	One space per 1,000 sq. ft.	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.

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

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

Administrative correction.
See: 36 N.J.R. 1955(a).

19:4-8.5 Line-of-sight triangle

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

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

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

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

19:4-8.6 Drainage

(a) General requirements for drainage are as follows:

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

2. All vehicular use areas shall be drained so as to direct surface water runoff to a stormwater drainage system for eventual subsurface or stream disposal. Conveyance via vegetated channels is acceptable but shall be supported with calculations verifying stability during peak flows.

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

4. The receiving stormwater drainage system (pipe flow or open channel flow) shall be analyzed to ensure that it has the additional capacity necessary to handle any increase in stormwater flow during the 25-year design storm. The analysis shall include all upstream and downstream runoff peak contributions, estimated per N.J.A.C. 19:4-8.6(b)3, to a downstream point established by the NJMC. If the receiving stormwater drainage system is at or over capacity, or is not analyzed, detention and/or infiltration facilities shall be provided in order to maintain site runoff peak flow at pre-development levels.

5. The size of the drainage area shall include on-site and off-site lands contributing stormwater to the discharge point. Additionally, the pre-development drainage patterns of any off-site contributions shall be maintained unless a compensatory system is provided, which, at a minimum, maintains the pre-development on-site capacity to carry neighboring stormwater runoff peak flow during the 25-year storm.

6. An operation and maintenance manual for stormwater drainage systems, including stormwater quality measures, shall be provided to ensure proper function and operation of the system and in a manner consistent with N.J.A.C. 7:8, the Stormwater Management Rules. The operation and maintenance manual shall be updated as necessary. Updates shall be provided to the NJMC.

(b) Design requirements for drainage are as follows:

1. The applicant shall provide information sufficient for the NJMC to determine compliance with the applicable sections of N.J.A.C. 7:8, the Stormwater Management Rules. With regard to water quality, proposed development and redevelopment that may introduce petroleum hydrocarbons to runoff water shall install stormwater management measures that target and remove such pollutants.

2. All drainage systems shall be designed for a 25-year storm event. The magnitude of the 25-year rainfall depth and/or rainfall intensity specific to each site shall be developed from the "Precipitation-Frequency Atlas of the United States," National Oceanic and Atmospheric Administration (NOAA) Atlas 14, Volume 2, Version 2, incorporated herein by reference, as amended and supplemented. This document is available from the NOAA National Weather Service, Office of Hydrologic Development, Hydro-meteorological Design Studies Center, Bldg.

SSMC2 W/OHD13, 1325 East-West Highway, Silver Spring, MD 20910-3283, or online at http://hdsc.nws.noaa.gov/hdsc/pfds/orb/nj_pfds.html. An outline of the above document, specific to New Jersey, is available from the National Resources Conservation Service (NRCS) New Jersey State Office (NJSO). This outline, NJ Bulletin No. NJ210-4-1, dated September 8, 2004, incorporated herein by reference, as amended and supplemented, is available through the NRCS New Jersey State Office, 220 Davidson Avenue, 4th Floor, Somerset, New Jersey 08873, or online at www.state.nj.us/dep/damsafety/nrcs_24hour_rainfall.pdf. Per N.J.A.C. 7:8, the Stormwater Management Rules, properties within the District and outside the FEMA Special Flood Hazard Area (SFHA) may be required to meet water quality control requirements for events greater than the 25-year event. Additionally, the water quality design storm shall be developed pursuant to N.J.A.C. 7:8-5.5.

3. Runoff estimation:

i. The Rational Method, utilizing the rational formula listed in Figure 8-2 below, shall be used for computing the runoff from any drainage area up to 20 acres. The antecedent precipitation factor (Ca) shall be used with the Rational and Modified Rational Method, as shown in the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90-1.3, incorporated herein by reference, as amended and supplemented. For areas larger than 20 acres, the National Resources Conservation Service's (NRCS), Technical Release No. 55 (TR-55), "Urban Hydrology for Small Watersheds," incorporated herein by reference, as amended and supplemented, or equivalent approved by the NJMC, shall be used. A copy may be obtained from the NRCS New Jersey State Office, 220 Davidson Avenue, 4th floor, Somerset, New Jersey 08873, or online at the NRCS website, <http://www.wcc.nrcs.usda.gov/hydro/hydro-tools-models-tr55.html>; and

Figure 8-2

Rational Formula

$$Q = ciA$$

where:

Q = Peak flow in cubic feet per second (cfs)

c = Runoff coefficient (weighted) x the antecedent precipitation factor

i = Rainfall intensity in inches per hour (in/hr)

A = Drainage area in acres (ac)

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

19:4-10.5 Adverse environmental impacts that cannot be avoided

Unavoidable adverse environmental impacts, including irretrievable commitments of resources, that are expected to result if the project is implemented, shall be listed in the PIA in the approximate order of their relative magnitudes.

19:4-10.6 Techniques to minimize or eliminate adverse environmental effects of the project

The NJMC performance standards in N.J.A.C. 19:4-7, as well as applicable State and Federal regulations, shall be considered in developing techniques to minimize or eliminate adverse environmental effects of a project.

19:4-10.7 Alternatives to the proposed project

Alternatives to the various parts of the project, including a no-action alternative, shall be described in the PIA. Reasons for the acceptability or non-acceptability of each alternative will be given. Particular emphasis shall be given to the relative suitability of the various alternatives to the NJMC Master Plan.

19:4-10.8 Licenses, permits and other approvals required by law

The applicant shall list in the PIA all known licenses, permits, and other forms of approval that will be required by law for the construction and operation of the proposed project. This list shall include approvals required by the NJMC and other agencies having jurisdiction.

19:4-10.9 Documentation

All publications, file reports, manuscripts, or other written sources of information related to the project, the project site, and the District, that were consulted and employed in compilation of the PIA, shall be listed in the documentation section of the PIA. A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings will be specified.

19:4-10.10 Developer's agreement

(a) The NJMC shall forward a copy of the Project Impact Assessment report accepted and deemed complete by the NJMC to the municipality in which the project is located.

(b) The subject municipality shall have 30 days within which to review and provide comment(s) on the report. Such time period may be extended upon written consent of the property owner and applicant (hereafter, "the developer").

(c) The developer of any project requiring an improvement pursuant to the results of the PIA where the total cost of required improvements is \$50,000 or more, shall enter into a developer's agreement, within 60 days of the issuance of a zoning certificate, with the NJMC.

(d) The developer shall agree to install the required improvements in accordance with the procedures required of a subdivider in N.J.A.C. 19:5-8.

SUBCHAPTER 11. FEE SCHEDULE**19:4-11.1 General provisions**

(a) This fee schedule shall not be applicable to county or municipal government. Any fee, or portion thereof, provided for herein, may be waived by the Executive Director upon recommendation of the Chief Engineer upon good cause shown, including financial hardship, size and scope of the application and/or business entity, and general economic conditions in the region.

(b) Any single application that encompasses several uses will be subject to the appropriate fees enumerated in this subchapter.

(c) A full refund of fees may be made by the Executive Director provided that a written request to withdraw the application is received before the close of the second working day after receipt of the same.

(d) If any part or portion of this subchapter is invalidated by judicial decision, such decision shall not affect the remainder of this subchapter.

(e) This fee schedule shall take effect February 17, 2004.

(f) N.J.A.C. 19:4-11.2 shall not be applicable to applications for one-and two-family detached homes in the Low Density Residential zone. Such applications shall be reviewed in accordance with the following:

1. A fee of \$1.00 per 100 square feet of lot area or a minimum of \$50.00 is charged for a zoning certificate for a new building, and one-half of these fees for additions.

19:4-11.2 Zoning

(a) Zoning fees are as follows:

1. A fee of \$10.00 per 100 square feet of floor area or a minimum of \$500.00 is charged for a zoning certificate for a new building and a minimum fee of \$100.00 for additions;

2. A fee of \$100.00 plus \$2.00 per square foot of sign area is charged for the review of signs up to 300 square feet. For signs in excess of 300 square feet, a fee of \$500.00 plus \$2.00 per square foot of sign area is charged;

3. A fee of \$100.00 is charged for real estate sign reviews;

4. A fee of \$300.00 is charged for tank reviews;

5. A fee of \$200.00 is charged for the review of fences;

6. A fee of \$500.00 is charged for the review of retail sale events;

7. A fee of \$750.00 is charged for the review of site improvements. The NJMC shall automatically waive the fee for site improvements associated with barrier free accessibility upgrades or repairs as defined in the New Jersey Uniform Construction Code (NJ UCC);

8. A fee of \$1,500 is charged per special exception, \$3,000 for each use variance request, and \$2,000 for each other variance;

9. A fee of \$500.00 is charged for permit extensions;

10. A fee of \$50.00 is charged for FEMA/National Flood Insurance Program Elevation Certificates;

11. A fee of \$50.00 is charged for Coastal Zone Consistency Determinations;

12. A fee of \$300.00 is charged for review of satellite dishes;

13. A fee of \$500.00 each is charged for review of radio towers;

14. A fee of \$500.00 is charged for interior alterations involving a change in use and/or requiring a zoning certificate;

15. A fee of \$200.00 is charged for review of recycling areas; and

16. A fee of \$45.00 per hour is charged for the review of revisions to plans submitted for approval after the issuance of a zoning certificate.

(b) A fee of \$45.00 per hour is charged for the review of a petition to amend a redevelopment plan adopted by the Commission.

19:4-11.3 Subdivision

(a) A \$100.00 fee is charged for a sketch plat review of all subdivisions.

(b) The following fees are charged for a minor subdivision and technical major subdivision:

1. \$5.00 per 100 square feet of lot area up to and including one acre;

2. \$3,000 for lot area over one acre up to and including five acres;

3. \$4,000 for lot area over five acres up to and including 40 acres; and

4. \$7,000 for lot area over 40 acres.

(c) A fee for preliminary plat review is charged for a major subdivision equal to:

1. \$750.00 per acre of subdivided property for the first 10 acres; \$300.00 per acre of subdivided property for the next 40 acres; and \$150.00 per acre of subdivided property in excess of 50 acres; plus

2. A fee of two percent of the value of public improvements as determined by a certified estimate prepared by a New Jersey-licensed professional engineer is charged to cover the cost of inspections.

(d) A fee of \$750.00 is charged for final plat approval of any major subdivisions.

(e) A fee of \$1,500 is charged for each specific waiver request.

19:4-11.4 Construction permits

(a) General construction permit fee requirements are as follows:

1. The fee for plan review shall be paid at the time of application for a permit. The amount of this fee shall then be deducted from the amount of the fee due for a construction permit, when the permit is issued. Plan review fees are not refundable.

2. The fee to be charged for a construction permit will be the sum of the basic construction fee plus all applicable special fees, such as elevator or sign fees. This fee shall be paid before a permit is issued.

3. The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. This fee shall be in addition to the construction permit fee.

4. The NJMC, acting as agent for the New Jersey Department of Community Affairs, shall have the responsibility, pursuant to N.J.S.A. 13:17-1 et seq. for the approval of all plans, for issuing compliance with the NJ UCC and for all enforcement as contained in N.J.A.C. 19:6-1 et seq. Therefore, pursuant to N.J.A.C. 19:6-1.5, the fees in this section shall pertain.

5. The applicant, owner or developer of newly constructed or rehabilitated residential units that are to be legally restricted to occupancy by households of low or moderate income shall be exempted from the fees set forth in (b) and (c) below and otherwise payable to the NJMC.

(b) NJMC plan review fees are as follows:

1. The plan review fee for new construction shall be based upon the volume of the structure.

i. For buildings or structures in Use Groups A, F or S, the plan review fee shall be \$.010 per cubic foot;

ii. For health care facilities in Use Groups B or I, the plan review fee shall be \$.022 per cubic foot; and

iii. For all other buildings or structures, the plan review fee shall be \$.016 per cubic foot.