

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.1993 d.176, effective March 29, 1993.
See: 24 N.J.R. 4503(a), 25 N.J.R. 1887(a).

Executive Order No. 66(1978) Expiration Date

Chapter 4, District Zoning Regulations, expires on March 29, 1998.

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). The text of Chapter 4 was replaced by new District Zoning Regulations by 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 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 was readopted as R.1993 d.176. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

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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.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, busi-

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

"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 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.

"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.

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

"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" mean 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.

"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.

"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.

"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.

"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).

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 attached 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.

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).

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.

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.

19:4-4.43 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.

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

Historical Note

This Section was originally cited as Article 8-102.

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

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

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

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

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

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

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

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

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

(e) Parking design standards include:

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

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

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

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

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

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

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

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

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

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

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

(f) (Reserved)

(g) Off-street parking spaces accessory to the uses herein after designated shall be provided 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. Automobile laundries: at least three but not more than four and one-half parking spaces for each stall in a self-service establishment, and at least two and one-half but not more than three and one-half parking spaces for each 20 linear feet in attendant operated establishments;

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. Churches and temples: at least one parking space for each eight seats in the main place of worship, but not to exceed one parking space for each five seats;

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. When determinations of the number of off-street parking spaces required by these regulations result in a requirement of a fractional space, the fraction of $\frac{1}{2}$ or less may be disregarded, and a fraction in excess of $\frac{1}{2}$ shall be counted as one parking space.

(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.

(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, 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:

TABLE 1—SIGN REGULATIONS

ZONE	MP P&R	LDR	WR	HC, RP, RDP	SHC	LI & D (A&B) HI,AE,PU	SU, PR, IR, PPR, BBC, TC, CP
1. Advertising(a)	N	No	No	No	X	X	S

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

(a) Max. of 1 advertising sign per lot. Section 5 is not applicable to advertising signs.
 (b) For vacant land, one (1) sq. ft. of sign area shall be permitted for each linear foot of street frontage.
 (c) For mixed use, multi-tenanted structures, or multi-structure development, see Section 5 for controlling regulations.
 (d) For the purpose of this calculation, no building shall have more than one front facade.
 Note: For gasoline service stations, see Section 6 for controlling regulations.
 X = Permitted

(k) Landscape improvements:

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

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

3. Screening:

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

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

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

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

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

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

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

6. Shade trees:

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

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

7. Plant standards:

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

(1) 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 six feet in the Low Density Residential Zone;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

xii. Recommendations for soil erosion and sedimentation control; and

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

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

4. Fill which does not conform with the New Jersey Department of Environmental Protection—Solid Waste

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

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

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

(q) Recycling areas:

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

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

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

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

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

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

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

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

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

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

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

Substantially amended.

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

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

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

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

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

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

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

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

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

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.

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:

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 owner-

ship 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.

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).

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

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

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

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

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

iii. Existing structures and land uses on site; and

iv. Other such information as may be reasonably required;

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

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

4. The full name and address of the petitioner;

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

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

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

New Rule, R.1991 d.553, effective November 4, 1991.

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

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

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

1. The existing text proposed to be amended;

2. The proposed amendment to the District Zoning Regulations;

3. The reasons for the request, including a report indicating why the existing text is no longer appropriate and the proposed amendment is necessary. The report must be signed and sealed by a licensed Professional Engineer, Professional Planner or Registered Architect, depending on the nature of the request;

4. The full name and address of the petitioner;

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

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

New Rule, R.1991 d.553, effective November 4, 1991.

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

SUBCHAPTER 7. WETLANDS PROCEDURES AND GUIDELINES

19:4-7.1 General provisions; scope

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

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

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

19:4-7.2 Guidelines

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

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

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

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

19:4-7.3 Marshland preservation zone

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

(b) Permitted uses include:

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

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

(d) Use limitations include the following:

1. No use shall be operated, conducted or maintained that may impair the quality of the district as a marsh preservation area. Any use that significantly discourages or interferes with the use of the zone as a natural habitat for water fowl and other forms of marsh life shall be presumed to be a use that impairs the quality of the zone as a marsh preservation area.
2. No motor-driven vehicle or equipment shall be used in the zone that interferes with its use as a marshland preservation area.

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

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