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## **New Jersey Meadowlands Commission**

*Current through April 1, 2013*



## CHAPTER 3 - ADMINISTRATION

### SUBCHAPTER 1. RULEMAKING

#### § 19:3-1.1 Rulemaking

The rules of the New Jersey Meadowlands Commission (NJMC), found in N.J.A.C. 19:3, 19:4, 19:5 and 19:6, and including the Official Zoning Map, may be amended, in whole or in part, from time to time, pursuant to the rules in this subchapter and N.J.S.A. 52:14B-4(f).

#### § 19:3-1.2 Petitions for rulemaking

(a) An interested person may petition the NJMC to adopt a new rule, amend or repeal an existing rule, or amend the Official Zoning Map. Such petition shall be filed with the NJMC, in writing, and signed by the petitioner.

(b) The petition shall state the following clearly and concisely:

1. The substance or nature of the rulemaking that is requested;
2. The reasons for the request and the petitioner's interest in the request; and
3. The statutory authority under which the NJMC may take the requested action.

(c) Such petitions shall be sent by certified mail and shall be addressed to:

New Jersey Meadowlands Commission

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Attention: Division of Land Use Management

(d) Any document submitted to the NJMC that is not in substantial compliance with this section shall not be deemed to be a petition for rulemaking requiring further agency action. The document shall be returned to the sender with a deficiency explanation.

(e) The review of a petition in substantial compliance with this section shall proceed in accordance with N.J.A.C. 19:3-1.4.

#### § 19:3-1.3 Contents of petition to amend Official Zoning Map

(a) Petitions to amend the Official Zoning Map that are submitted to the NJMC in accordance with N.J.A.C. 19:3-1.2 shall be accompanied by the following:

1. The full name and address of the petitioner;
2. When the petitioner is not the property owner, written consent of the property owner authorizing the petitioner to apply to the NJMC for the requested change to the Official Zoning Map;
3. A report, signed and sealed by a New Jersey-licensed Professional Engineer or Professional Planner, including the following:
  - i. A description of the rezoning being requested, including the location of the property, block, lot and municipality, existing zoning, and proposed zoning; and
  - ii. A statement explaining why the proposed zoning designation is more appropriate than the current zoning designation;
4. A location map, in triplicate, of the lots drawn to scale and showing the actual dimensions of the subject property and the vicinity. The map shall include:

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- i. The existing zoning and land uses of the subject and adjacent properties;
  - ii. The location of water courses, rights-of-way, traffic circulation, and points of ingress and egress; and
  - iii. Existing structures on the site;
5. A survey of the property for which the zone change is requested, signed and sealed by a New Jersey-licensed Professional Land Surveyor, identifying all easements of record; and
6. Other such information as may be required by the NJMC.

§ 19:3-1.4 Action on petition

- (a) Upon receipt of a complete petition for rulemaking, the following shall occur:
  - 1. The petition shall be dated, stamped, and logged by the NJMC staff; and
  - 2. The NJMC staff shall, within 15 days of receipt of the petition, file with the Office of Administrative Law (OAL) for publication in the New Jersey Register (Register) a notice of the petition's receipt, in accordance with N.J.A.C. 1:30-4.1(c).
- (b) The NJMC staff shall review the petition and prepare a preliminary analysis with recommendations that shall be submitted to the Commission and the Executive Director for their consideration and approval.
- (c) In accordance with N.J.A.C. 1:30-4.2(a), the NJMC's action on a petition may include:
  - 1. Denial of the petition, in which case the NJMC shall provide a written statement of its reasons to the petitioner and include such reasons in the notice of action;
  - 2. Grant the petition and initiate a rulemaking proceeding within 90 days of the granting of the petition; or
  - 3. Refer the matter for further deliberations, the nature of which shall be specified to the petitioner and included in the notice of action. The deliberations shall conclude within 90 days of such referral and, upon conclusion, the NJMC shall either deny the petition or grant the petition and initiate a rulemaking proceeding within 90 days. The NJMC shall mail the results of these further deliberations to the petitioner and submit the results to the OAL for publication in the Register.
- (d) Within 60 days of receiving the petition, the NJMC shall mail to the petitioner, and file with the OAL for publication in the Register, a notice of action on the petition which shall contain the information required by N.J.A.C. 1:30-4.2(c).

§ 19:3-1.5 Rulemaking process

- (a) Upon approval by the Commission for filing of a pre-proposal or proposal, and Commission authorization to hold a hearing, if deemed necessary, the NJMC staff shall submit a notice of proposal to the OAL for publication in the Register.
- (b) A public hearing shall be conducted in accordance with N.J.A.C. 19:4-4.17.
- (c) Upon conclusion of the public comment period, the matter shall be forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) for their review.
- (d) The HMMC shall review matters submitted to it by the NJMC and indicate its position in writing to the NJMC. Failure of the HMMC to state its position within 45 days of receipt of the matter shall be deemed to constitute approval of the proposed action of the NJMC.
- (e) Upon review of the comments and recommendation by the NJMC staff, the Commission shall render a decision, and authorize the NJMC staff to file a notice of adoption with OAL for publication in the Register.
- (f) The actions of the NJMC with respect to rulemaking shall become effective upon publication of the notice of adoption in the Register.

## SUBCHAPTER 2. FLOOD INSURANCE

### § 19:3-2.1 Purpose

The NJMC hereby expresses a positive interest in securing flood insurance coverage under the National Flood Insurance Program (NFIP) because of a clear danger of flooding and the resultant damage to property in the Hackensack Meadowlands District.

### § 19:3-2.2 Required land use and control measures

(a) The NJMC shall review all permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement, including prefabricated and mobile homes, shall:

1. Be designed, or modified, and anchored to prevent flotation, collapse or lateral movement of the structure;
2. Use construction material and utility equipment that are resistant to flood damage; and
3. Use construction methods and practices that will minimize flood damage.

(b) The NJMC shall review all subdivision proposals and other proposed new development to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sanitary and storm sewers, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

(c) New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

### § 19:3-2.3 Securing coverage under the National Flood Insurance Program

(a) The Executive Director of the NJMC shall be the person responsible for the implementation and coordination of the NFIP within the District.

(b) The Executive Director of the NJMC shall be the person responsible to furnish on request, from an appropriate Federal or State official or by a designated representative of the National Insurers Association, information for each structure constructed within the area of special flood hazard after flood insurance is made available in the community concerning its first floor elevation, and if there is a basement, the distance from the first floor to the bottom of the lowest opening where water flowing over the ground would enter said basement.

(c) The Executive Director of the NJMC shall be the person responsible for the preparation and submission to the Federal Flood Insurance Administrator (Administrator) an annual report concerning the activities of the District related to the NFIP.

(d) The Offices of the NJMC, located at One DeKorte Park Plaza, Lyndhurst, New Jersey, shall be the local repository where flood insurance and flood hazard maps will be available for public inspection.

(e) The NJMC hereby agrees to maintain in force land use and control measures that meet the requirements set forth in the regulations promulgated by the Federal Flood Insurance Administration. A copy of these land use and control measures may be found at N.J.A.C. 19:3, 19:4, 19:5 and 19:6.

(f) The NJMC will comply with the regulations of NFIP to:

1. Recognize and duly evaluate flood hazards in all official actions relative to land use in the areas having special flood hazards and to take such other official action as may be necessary to carry out the objectives of the program;

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2. Assist the Administrator and/or the State of New Jersey if requested in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites;

3. Provide such information as the Administrator and/or the State of New Jersey may request concerning present uses and occupancy of the flood plain;

4. Cooperate with neighboring jurisdictions with respect to adjoining drainage areas and flood plains in order to prevent the aggravation of the flooding problem; and

5. Cooperate with Federal, State and local agencies and private firms that undertake to study survey maps and identify flood-prone areas.

(g) In addition to the above, the NJMC agrees to provide the following additional information as part of its application requesting eligibility under the NFIP:

1. A map of the District delineating its limits, which can be reproduced for publication;

2. A map of the District identifying local flood plains and showing the names of rivers, brooks, streams, creeks and other similar bodies of water that cause floods;

3. A summary of the history of flooding; and

4. Estimates relating to the flood-prone areas concerning:

i. Population;

ii. Number of one to four-family residences;

iii. Number of small businesses; and

iv. Number of other structures.

### SUBCHAPTER 3. DISABILITY DISCRIMINATION PROCEDURE

#### § 19:3-3.1 Definitions

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

"ADA" means the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq.

"Agency" means the New Jersey Meadowlands Commission.

"Designated decision maker" means the Executive Director of the New Jersey Meadowlands Commission or his or her designee.

#### § 19:3-3.2 Purpose

(a) These rules are adopted by the agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

(b) The purpose of these rules is to establish a designated coordinator whose duties shall include assuring that the agency complies with and carries out its responsibilities under the ADA. Those duties shall also include the investigation of any complaint filed with the agency pursuant to N.J.A.C. 19:3-3.5 through 3.8.

#### § 19:3-3.3 Required ADA notice

In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the agency's compliance with the ADA or the availability of accommodation

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which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency:

**AGENCY NOTICE OF ADA PROCEDURE**

The agency has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination" in programs or activities sponsored by a public entity.

Rules describing and governing the internal grievance procedure can be found in the New Jersey Administrative Code, N.J.A.C. 19:3-3.1 et seq. As those rules indicate, complaints should be addressed to the agency's designated ADA Coordinator, as identified in N.J.A.C. 19:3-3.4, at the following address:

ADA Coordinator  
New Jersey Meadowlands Commission  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

1. A complaint may be filed in writing or orally, but shall contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator. In cases of employment related complaints, the procedures established by the Department of Personnel, N.J.A.C. 4A:7-1.1 et seq. will be followed where applicable.

2. A complaint shall be filed promptly within 20 days after the complainant becomes aware of the alleged violation.

3. An investigation, as may be appropriate, will follow the filing of a complaint. The investigation will be conducted by the agency's designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4. In most cases a written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the complainant no later than 45 days after its filing.

5. The ADA coordinator will maintain the files and records of the agency relating to the complaints filed.

6. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

§ 19:3-3.4 Designated ADA coordinator

(a) The designated coordinator of ADA compliance and complaint investigation for the agency is:

ADA Coordinator  
New Jersey Meadowlands Commission  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

(b) All inquiries regarding the agency's compliance with the ADA and the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency should be directed to the designated coordinator identified in (a) above.

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(c) All complaints alleging that the agency has failed to comply with or has acted in a way that is prohibited by the ADA should be directed to the designated ADA coordinator identified in this section, in accordance with the procedures set forth in N.J.A.C. 19:3-3.5 through 3.8.

§ 19:3-3.5 Complaint procedure

A complaint alleging that the agency has failed to comply with the ADA or has acted in a way that is prohibited by the ADA shall be submitted either in writing or orally to the designated ADA coordinator identified in N.J.A.C. 19:3-3.4. A complaint alleging employment discrimination will be processed pursuant to the rules of the Department of Personnel, if those rules are applicable.

§ 19:3-3.6 Complaint contents

(a) A complaint submitted pursuant to this subchapter may be submitted in or on the form set forth at N.J.A.C. 19:3-3.7.

(b) A complaint submitted pursuant to this subchapter shall include the following information:

1. The name of the complainant, and/or any alternate contact person designated by the complainant to receive communication or provide information for the complainant;
2. The address and telephone number of the complainant or alternate contact person; and
3. A description of manner in which the ADA has not been complied with or has been violated, including times and locations of events and names of witnesses if appropriate.

§ 19:3-3.7 Complaint form

The following form may be utilized for the submission of a complaint pursuant to this subchapter:

Americans with Disabilities Act Grievance Form

Date: .....

Name of grievant:

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Address of grievant:

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Telephone number of grievant:

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Disability of grievant:

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Name, address and telephone number of alternate contact person:

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Agency alleged to have denied access:

Department:

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Division:

.....

Bureau or office:

.....

Location:

.....

Incident or barrier:

Please describe the particular way in which you believe you have been denied the benefits of any service, program or activity or have otherwise been subject to discrimination. Please specify dates, times and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any witnesses to any such incident. Attach additional pages if necessary.

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Proposed access or accommodation:

If you wish, describe the way in which you feel access may be had to the benefits described above, or that accommodation could be provided to allow access.

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A copy of the above form may be obtained by contacting the designated ADA coordinator identified at N.J.A.C. 19:3-3.4.

§ 19:3-3.8 Investigations

(a) Upon receipt of a complaint submitted pursuant to this subchapter, the designated ADA coordinator will notify the complainant of the receipt of the complaint and the initiation of an investigation into the matter. The designated ADA coordinator will also indicate a date by which it is expected that the investigation will be completed, which date shall not be later than 45 days from the date of receipt of the complaint, unless a later date is agreed to by the complainant.

(b) Upon completion of the investigation, the designated ADA coordinator shall prepare a report for review by the designated decision maker for the agency. The designated decision maker shall render a written decision within 45 days of receipt of the complaint, unless a later date is agreed to by the complainant, which decision shall be transmitted to the complainant and/or the alternate contact person if so designated by the complainant.

SUBCHAPTER 4. PROFESSIONAL SERVICES CONTRACTS

§ 19:3-4.1 Applicability

The provisions of this subchapter shall apply only to contracts for architectural, engineering and land surveying services that are in excess of the threshold amount set forth in N.J.S.A. 52:34-7 et seq. and subject to the procurement provision requirements of N.J.S.A. 52:34-9.1 et seq. Nothing in this subchapter shall preclude the NJMC from using procurement processes other than those prescribed herein if those processes have been approved by the Federal government or other State statute or if an emergency has been declared by the Executive Director of the NJMC.

§ 19:3-4.2 Definitions

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

"Compensation" means the basis of payment by an agency for professional architectural, engineering, or land surveying services.

"Professional architectural, engineering and land surveying services" means those services, including planning, environmental, and construction inspection services required for the development and construction of projects, within the scope of the practice of architecture, professional engineering or professional land surveying as defined by the laws of this State or those performed by an architect, professional engineer or professional land surveyor in connection with his or her professional employment practice.

"Professional firm" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to provide professional architectural, engineering, or land surveying services in this State.

§ 19:3-4.3 Filing of current statements of qualification and supporting data

(a) A professional firm that wishes to be considered pre-qualified to provide professional engineering, architectural, or land surveying services to the NJMC may file a current statement of qualification and supporting data to the NJMC.

(b) Such statements may be filed at any time during the calendar year and shall be sent to the Executive Director. Such statements must conform to the regulations of the State Treasurer, adopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., with respect thereto.

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(c) No statement which shall have been filed more than two years prior to the publication of an advertisement pursuant to N.J.A.C. 19:3-4.4 shall be deemed to be a current statement with respect to the qualifications of the firm which shall have filed such statement.

§ 19:3-4.4 Solicitation of additional statements of qualification

(a) Prior to the solicitation of proposals pertaining to the procurement of professional architectural, engineering, or land surveying services, the NJMC shall publicly advertise its need for such services.

(b) The advertisement shall be by one or more of the following methods:

1. Newspapers;
2. Written notice to New Jersey professional societies covering the construction industry;
3. Direct mailings to firms pre-qualified with the NJMC requesting expressions of interest; or
4. Publicly advertised through electronic means.

(c) The advertisement shall include either a statement of the criteria by which the NJMC shall evaluate the technical qualifications of professional firms and determine the order of preference to be used in designating the firms most highly qualified to perform the services or identify such criteria by reference to the provisions of this subchapter. In addition, the advertisement shall include notice that professional firms wishing to be considered for selection as a potential provider of such services in connection with a proposed project must have submitted, or must promptly submit, to the NJMC a current statement of qualifications and supporting data as prescribed in N.J.S.A. 52:34-9.3. The advertisement shall also include a brief statement of the nature and scope of the services proposed for procurement by the NJMC.

§ 19:3-4.5 Criteria for the selection of the most highly qualified professional firms

(a) In selecting the most highly qualified professional firms with which to contract for architectural, engineering or land surveying services, the NJMC, where applicable, shall consider the following criteria:

1. The experience and qualifications of the firm;
2. The availability of qualified and experienced personnel to complete the project;
3. The experience and capability of the firm and designated project team with respect to any special technologies, techniques, or expertise the project may require;
4. The experience of the firm and designated project team on projects of similar size and/or complexity;
5. The past performance of the firm;
6. Any potential conflicts of interest the firm may have in completing the project; and
7. Any other criteria specified in the NJMC's public advertisement of the project.

(b) In selecting and ranking the most highly qualified professional firms, the NJMC shall establish weights for the criteria applicable to each project. The NJMC may disqualify any firm determined to be unacceptably deficient in one or more of the applicable criteria, regardless of the firm's ranking or score on the remainder of the criteria.

(c) Based upon the criteria set forth in (a) above, the NJMC shall short-list the most highly qualified firms to the top three or more ranked firms. Each qualified firm on that list shall then, at the request of the NJMC, submit a fee proposal. The firms shall not be told of their ranking position at that time.

(d) The NJMC may select less than three firms if fewer firms respond to the solicitation or if fewer firms are deemed qualified.

§ 19:3-4.6 Negotiation of final agreement

(a) Using the fee proposals submitted in accordance with N.J.A.C. 19:3-4.5(c) to provide a general guideline, the Executive Director, or the Executive Director's designee, shall negotiate a contract with the most technically qualified

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professional firm for architectural, engineering or land surveying services at compensation that the NJMC determines to be fair and reasonable. In making this determination, the NJMC shall take into account the estimated value of the services to be rendered and the scope, complexity, and professional nature thereof. Should the Executive Director, or the Executive Director's designee, be unable to negotiate a satisfactory contract with the professional firm considered to be the most qualified at a fee the NJMC determines to be fair and reasonable, negotiations with that professional firm shall be formally terminated. The Executive Director, or the Executive Director's designee, shall then undertake negotiations with the second most qualified professional firm. Failing accord with the second most qualified professional firm, the Executive Director, or the Executive Director's designee, shall formally terminate negotiations. The Executive Director, or the Executive Director's designee, shall then undertake negotiations with the third most qualified professional firm. Should the Executive Director, or the Executive Director's designee, be unable to negotiate a satisfactory contract with any of the selected professional firms, he or she shall select additional professional firms in order of their competence and qualifications and negotiations shall continue in accordance with this section until an agreement is reached.

§ 19:3-4.7 Circumstances under which advertising is unnecessary

(a) Any contract under this subchapter may be made, negotiated, or awarded without advertising when:

1. The contract is to be made with the Federal or any State government or any agency or political subdivision thereof; or
2. The public exigency requires the immediate performance of the service.

**SUBCHAPTER 5. REDEVELOPMENT AREAS**

§ 19:3-5.1 Intent and purpose

It is the intent and purpose of this subchapter to provide a specific framework for the identification of areas in need of redevelopment and to provide the necessary mechanisms to facilitate changes that would effectuate the revitalization of such areas, as authorized by N.J.S.A. 13:17-20 and 21.

§ 19:3-5.2 Commission authorization

(a) Prior to any action taken by the NJMC pursuant to this subchapter, the NJMC staff shall request authorization from the Commission to conduct an investigation of areas that may potentially be deemed in need of redevelopment pursuant to the criteria of N.J.A.C. 19:3-5.7.

(b) This request shall include:

1. The block and lot number designation of the properties;
2. The existing zoning and land use of the properties;
3. A map showing the boundaries of the area to be investigated;
4. A description of all existing structures on each site; and
5. A statement indicating why the property may be in need of redevelopment.

(c) Such requests may result from petitions for the possible designation of areas as in need of redevelopment, per N.J.A.C. 19:3-5.3.

§ 19:3-5.3 Petitions for the designation of redevelopment areas

(a) Any interested person may petition the NJMC to investigate the possible designation of an area as in need of redevelopment.

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(b) All petitions for the designation of a site as a redevelopment area shall be filed with the NJMC, in writing, and signed by the petitioner. Such petition shall include the information required in N.J.A.C. 19:3-5.2(b) and the following:

1. The full name and address of the petitioner; and
2. Such other information from a specific petitioner as may be deemed necessary by the NJMC staff.

(c) The NJMC staff shall review all petitions for the designation of redevelopment areas.

(d) Any petition submitted to the NJMC that is not in substantial compliance with (b) above shall be deemed incomplete petition. The document shall be returned to the petitioner with a deficiency explanation. The petitioner may address these reasons and resubmit.

(e) Upon receipt of a complete petition, the NJMC staff shall submit a request to the Commission in accordance with N.J.A.C. 19:3-5.2 for authorization to proceed with an investigation of the subject area.

(f) The NJMC reserves the right to include additional properties to be investigated that were not identified in the original petition.

§ 19:3-5.4 Preliminary investigation

(a) Upon adoption of a resolution by the Commission authorizing an investigation, the NJMC staff shall conduct the investigation and prepare an "In Need of Redevelopment Report" (Report), which shall contain the following:

1. A description of the methods and resources used to assess the area;
2. A detailed description of the area, including, but not limited to, acreage, existing zoning, description of existing utility infrastructure, and other relevant characteristics;
3. A site analysis for each lot within the area, listing, at a minimum, ownership, size, and characteristics which support the designation of the area as in need of redevelopment; and
4. Findings comparing the listed characteristics of the area to each criterion of N.J.A.C. 19:3-5.7. NJMC staff shall determine whether the existing conditions of the area in question meet the criteria.

(b) Upon completion of the draft Report, a public hearing shall be held in accordance with N.J.A.C. 19:4-4.17 to afford opportunity for public comment on the Report and its findings.

(c) The Report shall be available for public inspection upon the issuance of the public notice in accordance with N.J.A.C. 19:3-5.5.

§ 19:3-5.5 Public notice

(a) Notice shall be provided for public hearings required in this subchapter as follows:

1. The NJMC staff shall obtain the list of property owners located within the area and within 500 feet of the perimeter of the area under investigation and shall provide notice, personally or by certified mail, to the property owners on such list. This list shall be certified by the municipal tax assessor(s). The NJMC shall be entitled to rely upon the information contained in such list. Failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding; and

2. The notice shall be published in a newspaper of general circulation, available in each municipality in which the redevelopment area is located, once per week for two consecutive weeks. The last publication date shall not be less than 10 days prior to the public hearing.

§ 19:3-5.6 Establishment of areas in need of redevelopment

(a) Subsequent to the public hearing and comment period, the Report may be amended to incorporate public comments.

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(b) Upon completion of the Report, the NJMC staff shall submit a recommendation to the Commission stating whether or not the area, or any part thereof, should be deemed in need of redevelopment. The Commission shall determine by resolution whether the area, or any part thereof, is in need of redevelopment as defined in N.J.A.C. 19:3-5.7, and if so deemed, shall direct the NJMC staff to prepare a redevelopment plan.

(c) If the determination is made that the area, or any part thereof, is in need of redevelopment, the NJMC shall, within 10 days after the resolution is adopted, forward a copy of the resolution to each person who filed a written objection during the public comment period, provided the address of the objector was stated in the written objection. Such service shall be made by certified mail, return receipt requested.

(d) The determination of the Commission shall be binding and conclusive upon all affected persons.

§ 19:3-5.7 Criteria for determination of need for redevelopment

(a) An area shall be deemed to be in need of redevelopment if it is determined that any of the following conditions exist:

1. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions;

2. The discontinuance of the use of buildings previously utilized for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable;

3. Land that is owned by the NJMC, or other public entities, or unimproved vacant land that has remained so for a period of 10 years prior to adoption of the resolution; or land that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital;

4. Areas with buildings or improvements that, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community;

5. Lack of proper utilization of areas, caused by the condition of the title, diverse ownership of the real property therein, or other conditions resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare;

6. Areas in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated;

7. Areas designated as an enterprise zone pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq., where the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and 40A:12A-6 for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of N.J.S.A. 40A:20-1 et seq.; or

8. Areas, with or without improvements, where there is historic evidence of illegal dumping activities; areas with evidence of soil, groundwater, or surface water contamination; areas that, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), are listed on the CERCLA database; Federal, State, county, or municipally designated brownfield areas; and/or areas on the New Jersey Known Contaminated Sites List per N.J.S.A. 58:10-23.16 and 23.17.

§ 19:3-5.8 Redevelopment plan

(a) The redevelopment plan, as authorized by N.J.A.C. 19:3-5.6, shall include the following information:

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1. An outline for the development, rehabilitation or redevelopment of the subject area, accounting for area-specific planning objectives relating to land uses; population density; traffic and public transportation improvements; public utilities; recreational and community facilities; and, other public improvements;

2. Proposed land uses and building requirements in the redevelopment area; and

3. The relationship of the redevelopment plan to the NJMC Master Plan.

(b) Upon completion of the draft redevelopment plan, a public hearing shall be held in accordance with N.J.A.C. 19:4-4.17 to afford an opportunity for public comment.

(c) The redevelopment plan shall be available for public inspection upon the issuance of the public notice in accordance with N.J.A.C. 19:3-5.5.

#### § 19:3-5.9 Relationship of redevelopment plan to NJMC Master Plan

All provisions of the redevelopment plan shall be either substantially consistent with the NJMC Master Plan, or designed to effectuate the Master Plan. However, the Commission may adopt a redevelopment plan, which is inconsistent with, or not designed to effectuate, the Master Plan, by affirmative vote of a majority of the members with the reasons for so acting set forth in the redevelopment plan and resolution adopting same.

#### § 19:3-5.10 Adoption of redevelopment plan

(a) Subsequent to the public hearing and comment period, the NJMC staff may amend the redevelopment plan to incorporate comments received during the public comment period.

(b) Upon completion of the redevelopment plan, the NJMC shall forward a copy of the redevelopment plan to the Hackensack Meadowlands Municipal Committee (HMMC) in accordance with N.J.S.A. 13:17-8(b). The HMMC shall review the redevelopment plan and indicate its position in writing to the NJMC. Failure to state its position within 45 days of receipt of the redevelopment plan shall constitute HMMC approval of the redevelopment plan. If the HMMC formally rejects the redevelopment plan, the NJMC may implement the redevelopment plan by a vote of 5/7 of the full membership of the Commission.

(c) Upon completion of HMMC review as set forth above, the NJMC staff shall submit a recommendation to the Commission on the redevelopment plan. The Commission, when considering the adoption of a redevelopment plan or revision or amendment thereto, may approve, disapprove, or modify any recommendation proposed by the NJMC staff, and shall record in its minutes the reasons for not following the recommendations.

(d) The redevelopment plan shall become effective immediately upon adoption by formal resolution of the Commission.

(e) Public notice describing the redevelopment plan and identifying the area in question shall be filed with the Office of Administrative Law (OAL) for publication in the New Jersey Register.

#### § 19:3-5.11 Applicability of redevelopment plan

(a) Only those standards specifically set forth in the redevelopment plan shall supersede applicable provisions of District Zoning Regulations, N.J.A.C. 19:4. When the redevelopment plan supersedes any provision of the District Zoning Regulations, the resolution adopting the redevelopment plan shall contain an explicit explanation of the reasons for deviating from the established regulations.

(b) The Official Zoning Map of the NJMC shall be amended to indicate the area to which the redevelopment plan applies.

#### § 19:3-5.12 Deviations from redevelopment plan

(a) Requests for a deviation from the bulk requirements or design standards shall be processed as a variance application in accordance with N.J.A.C. 19:4-4.14.

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(b) Notwithstanding the provisions of N.J.A.C. 19:3-5.14, requests for a deviation from the permitted uses specified in a redevelopment plan shall require an amendment to the redevelopment plan in accordance with N.J.A.C. 19:3-5.15.

§ 19:3-5.13 Amendments to redevelopment area boundary

Amendments to expand the boundaries of a redevelopment area shall be deemed a new redevelopment action and shall follow all procedures set forth herein.

§ 19:3-5.14 Expansion of nonconformities

A request to expand an existing use or structure rendered nonconforming by a redevelopment plan shall require a variance, in accordance with the provisions of N.J.A.C. 19:4-4.14.

§ 19:3-5.15 Amendments to redevelopment plan

(a) Amendments to an adopted redevelopment plan, as proposed by the NJMC staff or by any other interested party, may be brought before the Commission by the NJMC staff.

(b) Petitions for amendments to an adopted redevelopment plan shall be submitted in writing. A petition shall include:

1. The full name and address of the petitioner;
2. The block and lot number designation of the properties;
3. A statement indicating why the redevelopment plan should be amended; and
4. Such other information from a specific petitioner as may be deemed necessary by the NJMC staff.

(c) The NJMC staff shall review all petitions for amendments to an adopted redevelopment plan.

(d) If the NJMC staff determines that the petition does not meet the intent and purpose of the redevelopment plan, the petition shall not require further agency action. An appeal from the NJMC staff determination may be made in accordance with N.J.A.C. 19:4-4.19.

(e) If the NJMC staff determines that the petition lacks sufficient information on which to proceed, the petition shall be deemed incomplete. The document shall be returned to the petitioner with an explanation of the deficiencies. The petitioner may address these reasons and resubmit.

(f) Upon receipt of a complete petition, the NJMC staff shall proceed with a public hearing in accordance with N.J.A.C. 19:4-4.17 and the notice requirements of N.J.A.C. 19:3-5.5.

(g) Subsequent to the public comment period, the NJMC staff shall submit a recommendation to the Commission to either approve, deny, or modify the proposed amendments.

(h) Amendments to the redevelopment plan shall not impact the "in need of redevelopment" designation for the area in question.

(i) The amended redevelopment plan shall supersede all previous redevelopment plans for the area in question.

§ 19:3-5.16 Period of validity

The redevelopment plan shall remain in effect until such time as the NJMC amends the redevelopment plan, adopts a new redevelopment plan, or proceeds with a rezoning in accordance with this chapter.

SUBCHAPTER 6. (RESERVED)

SUBCHAPTER 7. DEBARMENT AND SUSPENSION FROM CONTRACTING

§ 19:3-7.1 Definitions

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

"Affiliates" means persons having an overt or covert relationship such that any one of them directly or indirectly controls or has the power to control another.

"Commission" means New Jersey Meadowlands Commission.

"Contracting" means any arrangement giving rise to an obligation to supply any thing or perform any service, other than by virtue of State employment, or to supply any thing to or perform any service for a private person where the Commission provides substantial financial assistance and retains the right to approve or disapprove the nature or quality of the goods or service or the persons who may supply or perform the same.

"Debarment" means an exclusion from contracting, on the basis of a lack of responsibility evidenced by an offense, failure, or inadequacy of performance, for a reasonable period of time commensurate with the seriousness of the offense, failure or inadequacy of performance.

"Person" means any natural person, company, firm association, corporation, or other entity.

"State" means the State of New Jersey, or any of the departments or agencies in the executive branch of government with the lawful authority to engage in contracting.

"Suspension" means an exclusion from contracting for a temporary period of time, pending the completion of an investigation of legal proceedings.

§ 19:3-7.2 Causes for debarment

(a) The Commission shall debar a person from contracting with the Commission for any of the following causes:

1. Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract;

2. Violation of the Federal Organized Crime Control Act of 1970 (Pub. L. 91-452), or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty;

3. Violation of Federal or State antitrust statutes, or of the Federal Anti-Kickback Act (18 U.S.C. §874, 40 U.S.C. §276b and c);

4. Violation of any of the laws governing the conduct of elections of the State of New Jersey or of its political subdivisions;

5. Violation of the Law Against Discrimination (P.L. 1945, c. 169, N.J.S.A. 10:5-1 et seq., as supplemented by P.L. 1975, c. 127), or of the act banning discrimination by industries engaged in defense work in the employment of persons therein (P.L. 1942, c. 114, N.J.S.A. 10:1-10 et seq.);

6. Violations of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor;

7. Violations of any laws governing the conduct of occupations or professions or regulated industries;

8. Improper attempt(s) to influence the outcome of the contracting process through contact with staff or a Commissioner;

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9. Willful failure to perform in accordance with contract specifications or within contractual time limits;
10. Violation of contractual or statutory provisions regulating contingent fees;
11. Any other cause affecting responsibility as a State contractor of such serious and compelling nature as may be determined by the Commission to warrant debarment, including such conduct as may be prescribed by the laws or contracts enumerated in this paragraph even if such conduct has not been or may not be prosecuted as violations of such laws or contracts; or
12. Debarment by some other department or agency in the executive branch.

§ 19:3-7.3 Conditions for debarment

- (a) Debarment from contracting shall be made only by the Commission, except as otherwise provided by law.
- (b) The existence of any of the causes set forth in N.J.A.C. 19:3-7.2 shall not necessarily require that a person be debarred. In each instance, the decision to debar shall be made within the discretion of the Commission unless otherwise required by law, and shall be rendered in the best interest of the State.
- (c) All mitigating factors shall be considered in determining the seriousness of the offense and failure or inadequacy of performance and in deciding whether debarment is warranted.
- (d) The existence of a cause set forth in N.J.A.C. 19:3-7.2(a)1 through 7 shall be established upon the rendering of a final judgment or conviction by a court of competent jurisdiction or by an administrative agency empowered to render such judgment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon the request of the debarred person unless other cause for debarment exists.
- (e) The existence of a cause set forth in N.J.A.C. 19:3-7.2(a)8 through 11 shall be established by evidence which the Commission determines to be clear and convincing in nature.
- (f) Debarment for the cause set forth in N.J.A.C. 19:3-7.2(a)12 shall be proper provided that one of the remaining causes set forth in N.J.A.C. 19:3-7.2 was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

§ 19:3-7.4 Procedures, period and scope of debarment

- (a) When the Commission seeks to debar a person or his affiliates, the person or persons shall be furnished with a written notice stating the following:
  1. Debarment is being considered;
  2. The reasons for the proposed debarment; and
  3. An opportunity will be afforded to such person or persons for a hearing if the hearing is requested within seven days from the date of personal delivery or the date of mailing of such notice. Such request shall be filed with the Commission at the following address:

Department of Legal Affairs  
New Jersey Meadowlands Commission  
1 DeKorte Park Plaza  
Lyndhurst, NJ 07071

- (b) All such hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act, N.J.S.A. 54:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. Where any State department or agency has already imposed debarment upon a party, the Commission may also impose a similar debarment without affording an opportunity for a hearing, provided the Commission furnishes notice of the proposed similar debarment to that party, and affords that party an opportunity to present information on his behalf to explain why the proposed similar debarment should not be imposed in whole or in part.

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(c) Debarment shall be for a reasonable, definitely stated period of time, which as a general rule shall not exceed five years. Debarment for an additional period shall be permitted provided that notice thereof is furnished and the party is afforded an opportunity to present information in his behalf to explain why the additional period of debarment should not be imposed.

(d) Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced at the discretion of the Commission, upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as, newly discovered material evidence, reversal of a conviction or judgment, actual change of ownership, management or control, or the elimination of the causes for which the debarment was imposed.

(e) A debarment may include all known affiliates of a person provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure, or inadequacy of performance of an individual may be imputed to a person with whom he is affiliated, where such conduct was accomplished within the course of his official duty or was effected by him with the knowledge or approval of such person.

§ 19:3-7.5 Suspension and causes therefore

The Commission may suspend a person from State contracting for any cause specified in N.J.A.C. 19:3-7.2 or upon a reasonable suspicion that such cause exists.

§ 19:3-7.6 Conditions for suspension

(a) Suspension from State contracting shall be made only by the Commission with the approval of the Attorney General, except as otherwise provided by law.

(b) The existence of any cause for suspension shall not require that a suspension be imposed, and a decision to suspend shall be made at the discretion of the Commission with the approval of the Attorney General, if in the best interest of the State.

(c) Suspension shall not be based upon unsupported accusation, but upon adequate evidence that cause exists or upon evidence adequate to create a reasonable suspicion that cause exists.

(d) In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence that is available, to the existence or absence of corroboration as to important allegations, and to inferences that may properly be drawn from the existence or absence of affirmative facts.

(e) Reasonable suspicion of the existence of a cause described in N.J.A.C. 19:3-7.2(a)1 through 19:3-7.7 may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did in fact occur.

(f) A suspension invoked by another department or agency in the executive branch for any of the causes described in N.J.A.C. 19:3-7.2 may be the basis for the imposition of a concurrent suspension by the Commission without the necessity of an approval therefore by the Attorney General.

§ 19:3-7.7 Procedures, period and scope of suspension

(a) When the Commission suspends a person or his affiliates from contracting, the person or persons suspended shall be furnished with a written notice within 10 days after the effective date of the suspension stating the following:

1. A suspension has been imposed and its effective date;

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2. The reasons for the suspension to the extent that the Attorney General determines that such reasons may be properly disclosed;

3. Where a suspension by another department or agency in the executive branch has been the basis for suspension by the Commission, that fact as a reason for the suspension shall be specified;

4. The suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue; and

5. If legal proceedings are not commenced or the suspension removed within 60 days of the date of such notice, the party will be given a statement of the reasons for the suspension and an opportunity for a hearing if he so requests.

(b) A suspension shall not continue beyond 18 months from its effective date unless civil or criminal action regarding the alleged violation shall have been initiated within that period, or unless debarment action has been commenced. Whenever prosecution or debarment action has been initiated, the suspension may continue until the legal proceedings are completed.

(c) A suspension may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure, or inadequacy of performance of an individual may be imputed to a person with whom he is affiliated, when such conduct was accomplished within the course of his official duty or was effectuated by him with the knowledge or approval of such person.

(d) A request for a hearing under (a) above shall be filed with the Commission at the following address:

Department of Legal Affairs  
New Jersey Meadowlands Commission  
1 DeKorte Park Plaza  
Lyndhurst, NJ 07071

#### § 19:3-7.8 Applicability

The rules contained herein governing debarment or suspension shall be applicable to existing practices and procedure of the Commission that concern prequalification for State contracting to the extent that such practices and procedures may concern the debarment or suspension of any person from State contracting.

#### § 19:3-7.9 Exclusions

Any exclusion from contracting under the rules by virtue of debarment or suspension shall extend to all State contracting and subcontracting within the control or jurisdiction of the Commission; provided, however, if the Commission determines that it is essential to the public interest and files a finding thereof with the Attorney General, the Commission may grant an exception from total exclusion with respect to a particular contract.

#### § 19:3-7.10 Notice

Prior notice shall be given by the Commission to the Attorney General and the State Treasurer of any proposed debarment or suspension under these rules.

#### § 19:3-7.11 Lists

The Commission shall provide the State Treasurer with the names of all persons suspended or debarred and the effective date and term thereof, if any.

#### § 19:3-7.12 Discretion

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Nothing required by these rules shall be construed to limit the authority of the Commission to refrain from contracting within the discretion allowed by law.

## CHAPTER 4 - DISTRICT ZONING REGULATIONS

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

#### § 19:4-1.1 Title

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

#### § 19:4-1.2 Purpose

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

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

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§ 19:4-1.3 Effective date

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

§ 19:4-1.4 Termination date

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

SUBCHAPTER 2. INTENT, WORD USAGE, AND DEFINITIONS

§ 19:4-2.1 Intent and word usage

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

1. Words used in the present tense shall include the future, and words used in the future tense shall include the present;

2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number;

3. The phrase "used for" shall include the phrases "employed for," "utilized for," "arranged for," "designed for," "intended for," "maintained for," and "occupied for";

4. The word "shall" is mandatory;

5. The word "may" is permissive;

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

7. The masculine gender shall include the feminine and neuter;

8. The words, "adjacent," and "next to," shall have the same meaning as the word "abut" and may be used interchangeably;

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

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

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

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

13. The word "District" means the Hackensack Meadowlands District, as defined in N.J.S.A. 13:17-3 and 4;

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

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

16. The word "Secretary" means the Secretary of the NJMC, who shall be the Executive Director of the NJMC, pursuant to N.J.S.A. 13:17-5;

17. The words "Executive Director" mean the Executive Director of the NJMC;

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- 18. The words "Chief Engineer" mean the Chief Engineer of the NJMC; and
- 19. Unless otherwise specified, all distances shall be measured horizontally.
- (b) Table 2-1 below provides the meaning for abbreviations and acronyms used in this chapter:

Table 2-1

Frequently Used Abbreviations and Acronyms

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

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

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

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

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

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

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

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

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

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

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

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

#### § 19:4-2.2 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Contractor's office" means office space utilized by a contractor or general tradesman to conduct the administrative operations associated with their business, but shall not include outdoor storage of materials, equipment, and/or construction vehicles unless otherwise permitted in the zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Green building" means a building meeting or exceeding the minimum standard required for LEED accreditation.

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

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

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

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

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

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

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

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

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

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

"Kennel" means a facility operated for the purpose of boarding and/or breeding customary household pets.

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

"LEED" means Leadership in Energy and Environmental Design, a Green Building Rating System (R) developed by the United States Green Building Council as a standard for developing high-performance, sustainable buildings.

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"LEED scorecard" means a voluntary checklist prepared by the applicant rating the subject application to the green building standards of the LEED Green Building Rating System.

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

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

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

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

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

"Lot coverage" means the percentage of the lot area covered by a structure or structures, including structure overhang areas and the base or foundation of ground-mounted photovoltaic arrays, but excluding the following: projecting roof eaves; attached awnings, canopies, and weather protection enclosures comprised of lightweight materials and totaling less than 60 square feet in plan area; pavement; the projection of ground-mounted photovoltaic systems, exclusive of their base or foundation; and accessory equipment structures that cannot accommodate use or occupation by a person or persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Open space" means a landscaped or natural area, not including such areas below awnings, canopies, or similar structures.

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

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

"Overhang area" means:

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

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

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

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

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

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

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

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

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

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

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

1. Gas utility service substations;

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

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

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

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

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

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

"Remodeling" means any change in a structure (other than incidental repairs and normal maintenance, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing) which may prolong its useful life, or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders or foundations; or the removal of any portion of the structure.

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

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

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

"Restaurant, carry-out" means an establishment where food and/or beverages are prepared within the principal structure on a lot and predominantly taken out and consumed elsewhere.

"Restaurant, fast food" means a sit-down or carry-out restaurant where food and/or beverages are purchased prior to consumption and consumed either within the establishment or taken out and consumed elsewhere; where food is typically served in disposable packaging; where trash receptacles are available in public areas; where no waiter service is available; and which may contain a drive-through facility, where permitted.

"Restaurant, sit-down" means an establishment where food is prepared, served and consumed primarily within the principal structure on a lot.

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

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

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

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

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

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

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

"Setback" means the distance between a structure and the lot line.

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

"Sidewalk" means an improved surface used as a pedestrian walkway.

"Site improvement, major" means any improvement resulting in more than 0.25 acres of any new impervious coverage; reconfiguration of an existing site; reconfiguration of an existing drainage system requiring review of calculations prepared by a New Jersey-licensed professional engineer.

"Site improvement, minor" means any site improvement not classified as a major site improvement.

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

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

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

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

"Structure" means anything built, constructed or erected with a fixed location on or below the ground or attached to something having a fixed location on the ground, including buildings, towers, fences, signs, and above-ground tanks, but excluding walks, walkways, at-grade parking areas, driveways, streets and roads.

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

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

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

"Trailer" means:

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

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

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

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

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

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

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

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

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

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

"Veterinary facility" means an establishment where domestic animals are admitted for examination and treatment by one or more veterinarians, and which may include accessory boarding on a temporary basis.

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

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

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

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

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

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

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

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

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

### SUBCHAPTER 3. APPLICATION OF REGULATIONS

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

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

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

#### § 19:4-3.2 Exemptions

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

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

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

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

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

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

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

ii. The municipal project has been reviewed by the municipal planning board, which has certified to the NJMC that the project is in compliance with all applicable NJMC zoning regulations;

iii. A complete copy of the plans for the municipal project, and a certification of the planning board, have been sent to the NJMC for review, and the NJMC has not notified the municipality within 45 days of the receipt thereof of any objection to the project; and

iv. At the completion of the construction of the project, the municipal zoning officer has certified to the NJMC that the project has been constructed in accordance with approved plans; and

6. Site improvements on property resulting from land acquisition by a public entity for a public project, provided that such site improvements shall consist only of the improvements required to restore functional use of the property, as determined by the NJMC.

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§ 19:4-3.3 Official zoning map

The boundaries of the zones are established as shown on a map entitled "Hackensack Meadowlands District Official Zoning Map," as it may be amended, which is incorporated herein by reference and is hereby made a part of these regulations, and may be referred to as the "Official Zoning Map."

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

New Jersey Meadowlands Commission  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

Office of Administrative Law  
Quakerbridge Plaza, Building 9  
Quakerbridge Road  
Trenton, New Jersey 08625

§ 19:4-3.4 Designation of zones

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

1. Zones:

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

2. Redevelopment Areas.

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§ 19:4-3.5 Interpretation of boundaries

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

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

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following boundary lines of constituent municipalities shall be construed as following such boundary lines.

4. Boundaries indicated as following railroad lines shall be construed to be the midpoint of the railroad ROW, unless otherwise indicated.

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

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

7. Where the boundaries do not coincide with any of the features enumerated above, or where the exact location of any boundary line is unclear or is in dispute, the boundary shall be determined by the use of the scale shown on the zoning map, or by interpretation in accordance with N.J.A.C. 19:4-4.12A.

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

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

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

(c) All waterways comprising the Hackensack River and its tributaries shall be deemed to be in the Environmental Conservation zone, except in cases where a grant, lease or other conveyance of riparian rights is made to an adjoining property owner by the State of New Jersey.

§ 19:4-3.7 Coastal zone management

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

§ 19:4-3.8 Affordable housing

Residential development in the District, developed in accordance with Council on Affordable Housing (COAH) guidelines, may be utilized by a constituent municipality toward fulfilling its COAH obligation. The NJMC will accept petitions for rezonings from municipalities seeking to rezone land in the District to meet their COAH obligations. Such petitions shall be processed in accordance with N.J.A.C. 19:3. Applications for variances to allow density increases to meet COAH obligations shall also be considered and processed in accordance with N.J.A.C. 19:4-4.14.

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§ 19:4-3.9 Redevelopment areas

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

§ 19:4-3.10 Land containing sanitary landfill

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

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

(c) Such approval shall be contingent upon demonstration that corrosion producing properties, combustible gases and fire hazards of constituent materials and/or state of decomposition have been adequately considered in the design.

§ 19:4-3.11 Permitted uses

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

§ 19:4-3.12 Special exceptions

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

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

§ 19:4-3.13 Prohibited uses

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

§ 19:4-3.14 Temporary uses and structures

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

(b) Temporary uses and structures may be permitted only in conjunction with an approved site activity, such as construction or site remediation, in order to provide protection for the public.

(c) Zoning certificate approval for temporary structures and uses shall be evaluated on a case-by-case basis. No approval shall be granted unless the applicant demonstrates the following:

1. Temporary uses and structures shall only be approved when evidence is provided to show that the structure or use serves a purpose that will protect the public health, safety, and welfare; and

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2. Temporary uses and structures shall comply with all applicable zoning regulations, unless otherwise permitted by the Chief Engineer.

(d) The maximum duration of any temporary use shall be limited. The NJMC shall determine the maximum duration of a temporary use or structure based upon the nature of the circumstances.

§ 19:4-3.15 Number of structures on a lot

(a) Not more than one single-family or two-family detached dwellings shall be located on a lot. For all other permitted or special exception uses, more than one principal structure together with any accessory building(s) may be located on a lot provided it has a minimum area of one acre.

(b) The arrangement and location of structures, open space, landscaping, parking and circulation on a lot shall be evaluated as part of site plan review. The NJMC staff shall ensure that determinations are consistent with good planning and engineering practice. Adequate provisions shall be made for light and air, to protect against fire, and to ensure that efficient circulation and parking be provided.

§ 19:4-3.16 Frontage

Every principal building shall be built upon a lot with access upon an improved street.

§ 19:4-3.17 Bulk regulations

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

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

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

2. So as to provide less than the minimum floor elevation, setback, front, side, or rear yard or an amount of open space specified for the zone in which such structure or use of land is located or maintained.

§ 19:4-3.18 Yards

(a) No yard or other open space provided around any structure for the purpose of complying with these regulations shall be considered as providing a yard or open space for any other structures, and no yard or other open space on one lot shall be considered as providing a yard or open space for a structure on any other lot, other than those comprising a zoning lot of record.

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

(c) Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the following:

1. Ordinary projections allowed by the New Jersey Uniform Construction Code (NJ UCC), N.J.A.C. 5:23, provided that none of the said projections shall extend into the minimum required yards more than 24 inches, unless otherwise provided herein;

2. Open terraces, porches and patios not over four feet above the average level of the adjoining ground, and projecting six feet or less into the required yard;

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3. Awnings, canopies, or weather protection enclosures projecting six feet or less into the required yard, and totaling less than 60 square feet in plan area;
4. Sidewalks and steps four feet or less above grade which are necessary for access to a permanent structure or for access to a lot from a street;
5. One-story bay windows, eaves and gutters, and fireplaces projecting 30 inches or less into the required yard;
6. Flag poles, signs, and fences to the extent permitted elsewhere in these regulations;
7. Retaining walls;
8. Transformers and underground utility vaults;
9. Recreational equipment, in any yard except a required front yard;
10. Outdoor seating areas, in accordance with N.J.A.C. 19:4-5.7;
11. Parking areas, in any yard except a required front yard, in accordance with N.J.A.C. 19:4-8.2;
12. Loading areas, in any yard except a front yard, in accordance with N.J.A.C. 19:4-8.3;
13. Private roads or driveways serving uses on other lots, in any yard except a required front yard, which may only traverse the front yard perpendicular to the front property line. All required setbacks shall be measured from the private road; and
14. Guard booths with a floor area of up to 100 square feet and barrier gate arms located at an appropriate setback to provide sufficient queuing area for vehicles, as determined by the Chief Engineer, but in no case less than 15 feet from all property lines.

§ 19:4-3.19 Yard designation

- (a) Lots with more than one front yard shall maintain front yard requirements and setbacks from all front lot lines.
- (b) For every lot with more than one front yard, the property owner shall designate one rear yard, with the remaining yards designated as side yards.
- (c) In the case of a triangular or otherwise irregularly shaped lot, the rear lot line shall be construed to be a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line, for the purpose of bulk regulation.
- (d) In the case where a lot line abuts a railroad right-of-way, the lot line shall not be considered a front lot line.
- (e) In the case where a lot line abuts a right-of-way, where the improved edge of the right-of-way is grade separated from a front lot line or front yard, and from which there can be no reasonable access from the right-of-way due to such grade separation, the Chief Engineer may determine that such lot line or yard shall not be considered a front lot line or front yard.

§ 19:4-3.20 Height of buildings and structures

Height limitations in these regulations shall not apply to mechanical equipment, elevator enclosures, or solar energy systems installed on the roof of any structure, provided that they are erected to the minimum height necessary to accomplish the purpose they are intended to serve.

§ 19:4-3.21 Allocation of required lot area, open space, off-street parking and loading spaces

- (a) Lot area and open space provided in connection with any structure or use in order to comply with the provisions of these regulations shall be located on the same lot as such structure or use.

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(b) No part of the lot area, open space, or off-street parking or loading space provided in connection with any structure or use, including any existing structure or use, shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of these regulations for equivalent new construction.

§ 19:4-3.22 Zoning lot of record

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

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

2. The individual lots within a zoning lot of record may be owned by one or more parties at the time of development. Each of the subject property owners shall be a party to the zoning lot of record agreement. The zoning lot of record agreement, inclusive of language as to its formation and the possibility of its future dissolution, shall be approved by the Chief Engineer. Any nonconformity resulting from an approved dissolution of a zoning lot of record shall be classified as an existing legal nonconformity.

3. A zoning lot of record agreement shall be recorded in the county registrar's office. All future owners or mortgage holders shall be bound by the zoning lot of record agreement. Where more than one property owner is bound by a single zoning lot of record, the owner of each individual lot within a zoning lot of record shall be required to authorize each application or petition submitted to the NJMC, with the exception of applications for continued occupancy certification, for any of the lots subject to the zoning lot of record agreement.

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

5. A zoning lot of record shall be considered a lot for the purposes of these regulations.

6. The NJMC may require certain improvements to individual lots within a zoning lot of record to promote their functionality as a single unit.

§ 19:4-3.23 Easements

Where deemed necessary by the NJMC, the owner of property which is the subject of a development application may be required, as a condition of approval, to dedicate drainage easements, access easements, conservation easements, line-of-sight triangle easements, shade tree easements, utility easements, or other such easements.

§ 19:4-3.24 Open space

(a) All open space, including yards, shall be landscaped with lawns, trees, shrubbery, and other appropriate plant material, unless such open space is wetlands. Uses shall be screened where required by these regulations and where otherwise necessary to ensure privacy, protect and enhance property values, or promote the general welfare.

(b) All open space, and facilities and structures thereon, shall be properly maintained.

(c) In the event that the applicant or his successors shall at any time after the issuance of occupancy certification fail to maintain any open space, the NJMC may serve written notice setting forth any failure to maintain the open space in a reasonable condition and said notice shall include a demand that such deficiencies of maintenance be cured within four weeks thereof and shall state the date and place of any hearing thereon which may be held. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said four weeks or any extension thereof, the NJMC, in order to preserve the taxable values of the surrounding properties and to prevent the open space from becoming a public nuisance, may enter upon the open space and maintain the same for a period of one year. Before the expiration of said year, the NJMC shall, upon its initiative or upon the request of the applicant, call a public hearing at

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which the applicant shall show cause why such maintenance by the NJMC shall not, at the election of the NJMC, continue for a succeeding year. If the NJMC shall determine that the applicant is ready and able to maintain the open space during the next succeeding year, and subject to a similar hearing and determination, in each year thereafter, the maintenance responsibility shall revert to the owner.

(d) The cost of such maintenance by the NJMC shall be assessed against the property maintained and shall become a lien on said property. The NJMC at the time of entering upon the open space for the purpose of maintenance, shall file a notice of such lien in the Office of the County Clerk upon the property affected by such lien.

#### SUBCHAPTER 4. ADMINISTRATION

##### § 19:4-4.1 Purpose

The purpose of this subchapter is to establish the administrative procedures for the development, redevelopment and management of properties in the District.

##### § 19:4-4.2 Zoning certificates

(a) Unless and until a zoning certificate is obtained from the NJMC in accordance with N.J.A.C. 19:4-4.5:

1. No construction, moving, remodeling or reconstruction of any structure or addition thereto shall be commenced, except for building demolition and maintenance;

2. No use shall be commenced or changed; and

3. No site work, including the improvement of land and the placement of fill, shall be commenced.

(b) No zoning certificate shall be issued until such time as any required special exception or variance has been granted pursuant to these regulations.

(c) Any zoning certificate issued in conflict with the provisions of these regulations shall be null and void.

##### § 19:4-4.3 Application for zoning certificate; administrative completeness

(a) All applications for zoning certificates shall be filed with the NJMC.

(b) An application for a zoning certificate shall contain the following:

1. A complete application form, signed by the applicant and the property owner, containing the following major components:

i. Applicant information;

ii. Property location and ownership information; and

iii. Proposed tenant/use;

2. The required fee, in accordance with N.J.A.C. 19:4-11; and

3. Three copies of the site plan and any other plans, reports or certifications required by these regulations.

(c) Upon receipt of an application, the items submitted shall be reviewed to determine that the essential elements of the application have been submitted.

(d) If the application is deemed administratively complete, the NJMC shall review the application for technical completeness, in accordance with N.J.A.C. 19:4-5.

(e) If the application is deemed administratively incomplete, the NJMC shall advise the applicant of the deficiencies within two working days.

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§ 19:4-4.4 Application for zoning certificate; technical requirements

(a) Zoning certificate applications for new buildings and additions, and in other instances where required by the NJMC staff, shall include a valid survey of the tract, signed and sealed by a New Jersey-licensed professional land surveyor. The survey shall be based on the datum of the National Geodetic Survey of the National Ocean Service, in Stateplane feet. Horizontal datum shall conform to North American Datum of 1983 (NAD83) and vertical datum shall conform to North American Vertical Datum of 1988 (NAVD88), incorporated herein by reference, as amended and supplemented, for which information is available at NGS Information Services, NOAA, N/NGS12, National Geodetic Society, SSMC-3, #9202, 1315 East-West Highway, Silver Spring, MD 20910-3282. The survey shall include, at minimum:

1. Bearings and distances of all property lines;
2. Block and lot designations;
3. Acreage of the site to the nearest tenth of an acre;
4. Adjacent property lines and the names of the adjacent property owners within 200 feet of the subject property;
5. All areas claimed by the State of New Jersey as riparian, now or formerly, including any grants or releases;
6. Structures;
7. Waterways, wetlands, drainage ditches, and drainage structures or systems;
8. Easements;
9. Utilities; and
10. Vehicular use areas.

(b) All plans and professional reports submitted in conjunction with an application for a zoning certificate shall be submitted in triplicate and shall be signed and sealed by a New Jersey-licensed professional engineer, professional land surveyor, professional planner, or registered architect, as required by law. All landscape plans and open space plans for sites with an area greater than five acres shall be signed and sealed by a New Jersey certified landscape architect.

(c) General site plan requirements are as follows:

1. All site plans or sets thereof shall be based on a valid survey as specified in paragraph (a) above, drawn to scale, and contain the following:
  - i. The name and address of the property owner;
  - ii. The address and block and lot designation of the subject property and areas within 200 feet;
  - iii. The zoning designation of the subject property, including the location of the zone line where applicable;
  - iv. All existing physical features, including topography, the location of any watercourses and environmentally sensitive areas, the mean high water line, and any drainage facilities on or within 200 feet of the subject property;
  - v. The building footprint, dimensions, height, setbacks, lowest floor elevation, and the location of exit doors for all existing structures;
  - vi. The location and configuration of vehicular use areas; and
  - vii. The location, configuration, and dimension of streets, ROWs, easements, utility lines, sidewalks, alleys and curbs.

(d) The application shall include such other additional information as required below, based on the specific type of application, to determine compliance with these regulations, including:

1. Requirements for new buildings and additions:

- i. In addition to the requirements of (c) above, the site plan shall include the following:

(1) The building footprint, dimensions, height, setbacks, lowest floor elevation, and the location of exit doors for all proposed structures;

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- (2) The existing and proposed floor area, itemized in square footage by use;
- (3) The existing and proposed lot coverage and floor area ratio (FAR) calculations;
- (4) The proposed topography of the site;
- (5) Delineation of wetlands;
- (6) Circulation patterns (auto, truck, and pedestrian) and the location and design of vehicular use areas, including the layout of parking and loading areas and sidewalks;
- (7) The location of all utilities and the location and screening of utility structures;
- (8) An open space plan prepared in accordance with N.J.A.C. 19:4-8.8;
- (9) A landscape plan prepared in accordance with N.J.A.C. 19:4-8.9;
- (10) A lighting plan prepared in accordance with N.J.A.C. 19:4-8.13, including illumination level plot or footcandle trace and design details of poles and fixtures;
- (11) The location and screening of all refuse and recycling areas;
- (12) The location of existing and proposed signage, including dimensions, height, setback, and illumination;
- (13) Design details, including pavement, curbing, safety islands, fencing, and drainage facilities;
- (14) Details sufficient to determine the site's compliance with the NJ UCC Barrier Free Subcode, N.J.A.C. 5:23-7;
- (15) Building elevations, including details of facade materials;
- (16) A zoning summary table; and
- (17) The elevation in relation to mean sea level to which any structure has been floodproofed; and

ii. Other plans and reports to be submitted:

- (1) Drainage plans and calculations prepared in accordance with N.J.A.C. 19:4-8.6; and
- (2) Certification by a New Jersey-licensed professional engineer or registered architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in N.J.A.C. 19:4-9.20(b).

2. Requirements for site improvements:

i. In addition to the requirements of (c) above, the site plan shall include the following:

- (1) The proposed topography of the site;
- (2) Delineation of wetlands;
- (3) Circulation patterns (auto, truck, and pedestrian) and the location and design of vehicular use areas, including the layout of parking and loading areas and sidewalks;
- (4) The location of all utilities and the location and screening of utility structures;
- (5) An open space plan prepared in accordance with N.J.A.C. 19:4-8.8;
- (6) A landscape plan prepared in accordance with N.J.A.C. 19:4-8.9;
- (7) A lighting plan prepared in accordance with N.J.A.C. 19:4-8.13, including illumination level plot or footcandle trace and design details of poles and fixtures;
- (8) The location and screening of all refuse and recycling areas;
- (9) Design details, including pavement, curbing, safety islands, fencing, and drainage facilities;
- (10) Details sufficient to determine the site's compliance with the NJ UCC Barrier Free Subcode, N.J.A.C. 5:23-7;

and

- (11) A zoning summary table; and

ii. Other plans and reports to be submitted:

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(1) Drainage plans and calculations prepared in accordance with N.J.A.C. 19:4-8.6.

3. Requirements for a change in use:

i. In addition to the requirements of (c) above, the site plan shall include the following:

- (1) An outline of the location within the building footprint where the change in use is proposed;
- (2) The existing and proposed floor area of each use;
- (3) The proposed location and configuration of vehicular use areas; and
- (4) A zoning summary table; and

ii. Other plans and reports to be submitted:

- (1) Existing and proposed floor plans.

4. Requirements for signs:

i. In addition to the requirements of (c) above, the site plan shall include the following:

- (1) The location of existing and proposed signage, including the setback to all property lines; and

ii. Other plans and reports to be submitted:

- (1) Inventory of existing signage, including size, dimensions, height, and other such details as may be required;
- (2) A signage plan, drawn to scale, indicating the dimensions, height and elevations of proposed signage, including any proposed text, construction type, color and illumination; and
- (3) Architectural elevation of building facade(s).

5. Requirements for fences:

i. In addition to the requirements of (c) above, the site plan shall include the following:

- (1) The location and height of the proposed fence and gates; and
- (2) Detail of the fence.

6. Requirements for the placement of fill:

i. A zoning certificate application addendum for fill; and

ii. In addition to the requirements of (c) above, the site plan shall include the following:

- (1) The location of existing structures and utilities on the property in question and within 200 feet of the proposed filling, excavation, regrading, or surcharge area;
- (2) The location, nature and extent of any existing filled area;
- (3) The location and size of the proposed filling, excavation, regrading, or surcharge area, with the boundary indicated thereon;
- (4) The proposed fill sequence and proposed final elevations;
- (5) Soil erosion and sedimentation control measures;
- (6) Site security measures; and
- (7) The proposed location of any settlement plates or inclinometers; and

iii. Other plans and reports to be submitted:

- (1) Drainage plans and calculations prepared in accordance with N.J.A.C. 19:4-8.6;
- (2) A preliminary site plan of the ultimate development of the site with sufficient detail to evaluate compliance with applicable use and bulk regulations, including a zoning summary table; and

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(3) A detailed geotechnical investigation report prepared, signed and sealed by a New Jersey-licensed Professional Engineer specializing in geotechnical engineering, including the following:

(A) A description of existing soil and groundwater conditions in the area to be filled, or built upon, including copies of all soil boring logs, test pit investigations and test reports;

(B) The identification of the proposed final use and any interim uses for the filled area;

(C) The purpose of the fill or stockpile operation;

(D) The recommended fill operation, including, as required, excavation of existing fill/soils, site preparation, placement of fill, thickness of lifts, compaction, etc.;

(E) The recommended fill material, including type, moisture content, size grading, organic content, etc.;

(F) Recommendations for the control of groundwater during site work and/or foundation construction;

(G) An analysis of the effects of the proposed fill operation on future construction type/costs;

(H) Recommendations on the engineering properties of all soils subjected to loading condition;

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

(J) An analysis of existing access roads and site ingress and egress, and recommendations for any traffic control measures related to the earthwork operations;

(K) Recommendations for dust control and street sweeping or other road maintenance;

(L) Analysis of existing drainage patterns, including all upstream drainage, and recommendations for drainage during the operation and upon completion;

(M) Recommendations for soil erosion and sedimentation control;

(N) Recommendations for monitoring of the fill/stockpile operation, including quality assurance and quality control procedures; and

(O) Recommendations for final cover/seeding so as to reestablish vegetation as quickly as possible if the filled area will not be used or constructed upon for more than one year.

7. Requirements for retail sale events and outdoor events:

i. In addition to the requirements of (c) above, the site plan shall include the following:

(1) The location of display and sale areas for outdoor sales and events; and

ii. Other plans and reports to be submitted:

(1) A floor plan indicating the dimensions of indoor display and sale areas, emergency exits, aisle widths, and location of bathroom facilities.

8. Requirements for antennas, satellite dishes and towers:

i. In addition to the requirements of (c) above, the site plan shall include the following:

(1) The location and setbacks of the proposed structure;

(2) The setbacks of all existing structures that will support the proposed antenna, satellite dish, or tower; and

(3) Details of the proposed screening method; and

ii. Other plans and reports to be submitted:

(1) Elevations and details of the proposed structures and any existing structure that will support the proposed antenna, satellite dish, or tower, including height and dimensions.

9. Requirements for tanks:

i. In addition to the requirements of (c) above, the site plan shall include the following:

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- (1) The location and size of proposed tanks, pumps, vent stacks, and other associated equipment;
  - (2) The proposed setbacks to property lines and structures;
  - (3) Any proposed site improvements, such as curbing, paving, landscaping, and fencing;
  - (4) Details of the proposed screening method;
  - (5) Details of the physical barrier protection and the proposed foundation; and
  - (6) A zoning summary table; and
- ii. Other plans and reports to be submitted:
- (1) Hold down calculations for below-ground tanks; and
  - (2) Material Safety Data Sheets.
10. Requirements for refuse and recycling areas:
- i. In addition to the requirements of (c) above, the site plan shall include the following:
- (1) The proposed location, showing dimensions, size, and setbacks;
  - (2) Details on construction and screening, including concrete pad, fencing and landscaping; and
  - (3) A zoning summary table.
- (e) The following additional information shall accompany the zoning certificate application:
1. Architectural renderings of all structures, where required by the NJMC;
  2. Sufficient information to determine that there will be compliance at all times with all applicable performance standards of N.J.A.C. 19:4-7, including:
    - i. A description of the activity to be conducted in sufficient detail to indicate the extent to which the proposed operation will produce waste products, conditions, or external effects which are regulated by these regulations;
    - ii. A description of the type and location of any abatement devices or recording instruments used to control or measure conformity with any of the performance standards of these regulations; and
    - iii. Such other data and certifications as may be required by the NJMC from a specific applicant to determine compliance with these regulations;
  3. If the portion of the lot that is proposed for development is subject to the State's riparian interest as shown on maps issued by the NJDEP pursuant to law, a copy of one of the following, unless otherwise provided by rule of the Commission:
    - i. A duly executed riparian instrument releasing the State's interest;
    - ii. A permit or other authorization duly executed by the Bureau of Tidelands Management authorizing the applicant to proceed with the placement of certain improvements; or
    - iii. A final judgment rendered by a court of competent jurisdiction declaring that the State has no interest in the subject property;
  4. Any deed restrictions, covenants, and easements pertaining to the subject property;
  5. A Soil Erosion and Sediment Control plan, where required by other agencies having jurisdiction;
  6. Proof of submittal to other agencies having jurisdiction and copies of all other agency approvals obtained by the applicant; and
  7. Other such information from a specific applicant as may be required by the NJMC.
- (f) The technical requirements of (a) through (e) above may be waived by the Chief Engineer upon written request in accordance with the following:

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1. A request for a waiver shall specify the provision in (a) through (e) above from which the waiver is requested and the reason(s) for the request.

2. The Chief Engineer may grant waivers from the technical submittal requirements, in writing, upon finding that conformance with the NJMC rules may be determined without the specific submittal.

3. The Chief Engineer may grant waivers from the technical submittal requirements of this section in cases where there is undue hardship in carrying out the literal provisions thereof, or where the literal enforcement of one or more of the technical submittal requirements is impractical.

4. The Chief Engineer shall have 10 business days to render a decision on the waiver request.

5. Upon a substantive change of an application or unforeseen circumstance, the NJMC reserves the right to require the submittal of a waived technical requirement when deemed necessary by the Chief Engineer to determine conformance with the NJMC rules.

§ 19:4-4.5 Review and approval of application for zoning certificate

(a) Within 10 working days after receipt of a zoning certificate application that is administratively complete per N.J.A.C. 19:4-4.3, the NJMC shall review the items submitted as specified in N.J.A.C. 19:4-4.4, and determine if the application is technically complete and in compliance with the applicable regulations.

(b) If the application is deemed to be technically incomplete, the NJMC shall advise the applicant, in writing, of the deficiencies.

(c) The site plan, and any report(s) submitted in support of the application, shall be reviewed to determine if the proposal complies with the following, unless relief has otherwise been previously granted:

1. The application and the development proposed therein comply with the applicable requirements of these regulations;

2. Concerning transportation:

i. The traffic circulation system, both on site and off site, and parking and loading facilities are adequate for the proposed use and designed to promote maximum safety, including the provision of adequate and efficient access to existing roadways and for emergency equipment;

ii. Compliance with the requirements of N.J.A.C. 19:4-7.10, Performance standards; traffic; and

iii. Compliance with the requirements of N.J.A.C. 19:7, District Transportation Plan Rules.

3. The proposed drainage system will be adequate for the proposed development; and

4. The development will not adversely affect any adjoining existing or potential development.

(d) If the application is not in compliance with (c) above, the NJMC shall advise the applicant, in writing, of the deficiencies.

(e) If the application is in compliance with (c) above, the Chief Engineer shall sign and issue a zoning certificate. The Chief Engineer's approval shall constitute the approval of the NJMC without further action required by the Board of Commissioners. The zoning certificate shall be sent to the applicant with a copy to the municipality in which the development is located.

(f) The zoning certificate so issued shall be deemed to incorporate the approved application, and any violation or departure from the approved application during construction of the facilities and structures therein shown shall be deemed a violation of these regulations as provided in N.J.A.C. 19:4-4.21. A substantial departure from the approved application as depicted on as-built plans when required by N.J.A.C. 19:4-4.7 shall also be deemed a violation of these regulations.

(g) Multiple applications for zoning certificate approval for a specific property depicting alternate development scenarios shall not be considered by the NJMC. In cases where a zoning certificate application is made for development significantly different from a prior valid zoning certificate application or approval, as determined by the Chief Engineer,

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the prior application or approval shall be superseded by the new application. This provision shall not apply to zoning certificate applications for signs, fences/gates, site improvements, tanks, antennae, transmission towers and associated utility structures, recycling and/or refuse areas, loading doors, compactor and concrete utility pads, fill/stockpile operations, salt storage areas, construction trailers, guard shacks, storage sheds with a floor area of less than 400 square feet, remediation activities, temporary uses, and external mechanical equipment.

(h) As a condition precedent to the granting of approval of the application for a zoning certificate, an escrow deposit may be required and such deposit may be used in accordance with N.J.A.C. 19:4-4.20.

§ 19:4-4.6 Period of validity

A zoning certificate shall become null and void one year after the date on which it is issued, unless within such one year period, the site work, construction, moving, remodeling, reconstruction or change in use of a structure, or addition thereto, is commenced. Extensions, not exceeding one year each, may be granted by the Chief Engineer upon written application. No more than five such extensions, based upon the date of issuance of the original zoning certificate, shall be granted.

§ 19:4-4.7 Certificate of completion

(a) Upon completion of any project subject to NJMC approval, and prior to the issuance of occupancy certification where required by N.J.A.C. 19:4-4.8, the applicant shall inform the NJMC of the project's completion and shall certify to the NJMC that all improvements have been completed in accordance with the approved plans. The NJMC staff shall inspect the premises to ensure the project was completed in accordance with the approved plans.

(b) An as-built survey shall be required for all new buildings, additions, site improvements, fill applications, and in other cases deemed necessary by the NJMC. If the NJMC suspects that a project in progress may not be proceeding in accordance with the approved plans, the NJMC may require an interim as-built survey at any time.

1. The as-built survey shall include, at minimum:

- i. The bearings and distances of all property lines;
- ii. The block and lot designations;
- iii. The acreage of the site to the nearest tenth of an acre;
- iv. The adjacent property lines within 200 feet of the subject property;
- v. All areas claimed by the State of New Jersey as riparian, now or formerly, including any grants or releases;
- vi. The location of any structures, including building footprint, dimensions, height, setbacks, and lowest floor elevation;
- vii. The location of any waterways, wetlands, drainage ditches, and drainage structures or systems;
- viii. The location of all utilities;
- ix. The location of any easements;
- x. The site topography, including spot elevations; and
- xi. The location and layout of vehicular use areas.

2. When prepared digitally, a digital copy of the survey shall be provided in AutoCAD-compatible format.

(c) If the project is deemed in compliance with the approved application, the NJMC shall issue a certificate of completion for the project, and occupancy certification where required by N.J.A.C. 19:4-4.8.

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§ 19:4-4.8 Occupancy certification

(a) No structure or addition thereto constructed, moved, remodeled or reconstructed shall be occupied or used for any purpose; no land vacant shall be used for any purpose; no use of land or structure shall be reoccupied or changed to any other use; and no occupancy, except in the case of residential dwelling units, shall be changed, unless occupancy certification shall first have been obtained from the NJMC certifying that the proposed use or occupancy complies with the applicable provisions of these regulations.

(b) The NJMC shall be notified of any change of property owner upon transfer of ownership. A change in property ownership shall not require new occupancy certification, unless a change in occupancy is proposed. In such cases, new occupancy certification shall be required.

(c) Any existing tenant having a valid occupancy certification issued by the NJMC that proposes to change the tenant name only shall first obtain a tenant name change certificate from the NJMC acknowledging the tenant name change, provided that the previously approved use and tenant area remain the same.

§ 19:4-4.9 Application for occupancy certification; administrative completeness

(a) Every application for occupancy certification shall be filed with the NJMC.

(b) An application for occupancy certification shall comply with the requirements of N.J.A.C. 19:4-4.10(a).

(c) Upon receipt of an application, the items submitted shall be reviewed to determine that the essential elements of the application have been submitted.

(d) If the application is deemed administratively complete, the NJMC shall review the application for technical completeness, in accordance with N.J.A.C. 19:4-4.10.

(e) If the application is deemed administratively incomplete, the NJMC shall advise the applicant of the deficiencies within two working days.

§ 19:4-4.10 Application for occupancy certification; technical completeness

(a) An application for occupancy certification shall contain the following:

1. A complete application form, signed by the applicant and the property owner, containing the following elements:

- i. Applicant information;
- ii. Property location and ownership information; and
- iii. Proposed tenant/use;

2. The required fee, in accordance with N.J.A.C. 19:4-11;

3. One copy of a site plan, including the following:

- i. Property lines with distance and bearings;
- ii. Block, lot and municipality information;
- iii. Location of all existing structures;
- iv. Location of existing parking, loading and drive aisles, and traffic circulation patterns; and
- v. Location of any watercourses, ditches and drainage structures;

4. A key plan for multi-tenanted facilities indicating the exact location of the proposed change of occupancy;

5. Information sufficient to show compliance with the applicable performance standards in N.J.A.C. 19:4-7;

6. Information sufficient to show compliance with all applicable building code requirements, including:

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- i. Submittal of Material Safety Data Sheets; and
- ii. Submittal of any required certifications or reports;
- 7. A description of the proposed occupant's use of the property, including the following:
  - i. The number of employees;
  - ii. The number of vehicle parking stalls;
  - iii. A description of any proposed construction; and
  - iv. A description of the former occupant's use of the property; and
- 8. Such other information as may be required from a specific applicant by the NJMC.

(b) The submittal requirements of (a) above may be waived by the Chief Engineer upon written request in accordance with the following:

1. A request for a waiver shall specify the provision in (a) above from which the waiver is requested and the reason(s) for the request.

2. The Chief Engineer may grant waivers from the submittal requirements, in writing, upon finding that conformance with NJMC rules may be determined without the specific submittal.

3. The Chief Engineer shall have 10 business days to render a decision on the waiver request.

4. Upon a substantive change of an application or unforeseen circumstance, the NJMC reserves the right to require the submittal of a waived requirement when deemed necessary by the Chief Engineer to determine conformance with NJMC rules.

(c) For the initial occupancy of a structure or addition thereto constructed, moved, remodeled, or reconstructed, information sufficient to show compliance with the approved zoning certificate shall be provided.

(d) No occupancy certification for a structure or addition thereto constructed, moved, remodeled, or reconstructed after February 17, 2004 shall be issued until such work has been completed and the premises and site inspected and certified by the NJMC to be in compliance with the conditions and specifications upon which the zoning certificate was issued, all applicable provisions of the building code, and the subdivision regulations pertaining to the lot or lots containing the land or structure to be occupied, except as otherwise provided by N.J.A.C. 19:4-6.1 pertaining to nonconforming structures.

(e) An application for occupancy certification shall be approved or disapproved within 10 working days after it is received and deemed to be complete by the NJMC in accordance with N.J.A.C. 19:4-4.9. The occupancy certification shall be sent to the applicant with a copy to the municipality in which the subject property is located.

§ 19:4-4.11 Pre-application conference

(a) Any prospective applicant may meet informally with the NJMC staff for the purpose of presenting a concept for potential development, reviewing the NJMC's requirements and approval process, or discussing questions or issues involving the potential development.

(b) Any statements or recommendations made by any representative of the NJMC in the context of a pre-application conference shall be considered non-binding on the prospective applicant and the NJMC and shall confer no legal rights.

§ 19:4-4.12 Zoning compliance letters

(a) The NJMC shall provide, upon written request and payment of the required fee set forth in N.J.A.C. 19:4-11.2, a zoning compliance letter for a specific property within the District. Such letter may include, but not be limited to, the following:

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1. The identification of the zone in which the property is located;
2. The identification of the current approved use and/or occupancy of the property in question;
3. Whether such use identified in (a)2 above is permitted in the zone or is a preexisting nonconformity; and/or
4. The identification of any known current violations.

§ 19:4-4.12A Interpretation

(a) An interpretation of the Official Zoning Map and/or a particular regulation may be granted in accordance with N.J.A.C. 19:4-4.12A.

(b) Prior to the submission of a request for an interpretation, the requester shall attend a pre-submission conference with the NJMC staff to discuss the subject regulation. Any statements or recommendations made by any representative of the NJMC in the context of a pre-submission conference shall be considered non-binding on the prospective applicant and the NJMC and shall confer no legal rights.

(c) A request for an interpretation shall be submitted in writing and filed with the NJMC staff.

(d) The written request for an interpretation shall include:

1. The full name and address of the party requesting the interpretation;
2. The excerpt of the existing regulation or portion of the map for which an interpretation is sought;
3. An explanation of the request for interpretation;
4. The required fee in N.J.A.C. 19:4-11.2(a)19; and
5. Other such information as the NJMC may deem necessary from a specific requester.

(e) The decision of the Board of Commissioners shall be memorialized by a formal written resolution adopted at the meeting at which the interpretation is decided.

(f) A copy of the decision of the Board of Commissioners shall be transmitted to the applicant by the NJMC via certified mail, and the NJMC shall advise the applicant of its right to appeal said decision as a final action of the Board of Commissioners in accordance with N.J.A.C. 19:4-4.19(e).

(g) No person shall contact or attempt to contact any member of the Board of Commissioners pertaining to a request for interpretation. No person shall contact or attempt to contact NJMC staff once the staff has deemed a request for interpretation complete and begins its review of the request.

(h) The interpretation shall be binding on the enforcement and administration of the regulations unless and until it is superseded by a subsequent interpretation or rule change.

§ 19:4-4.13 Special exception uses

(a) A special exception use may be permitted in a particular zone in accordance with these regulations.

(b) An application for a special exception use made to the NJMC shall be filed with the NJMC staff, and shall accompany a zoning certificate application prepared in accordance with N.J.A.C. 19:4-4.3.

(c) An application for a special exception use shall contain the following:

1. A complete application form, signed by the property owner;
2. The required fee, in accordance with N.J.A.C. 19:4-11;
3. A statement detailing why the proposed special exception use will not cause substantial injury to the value of other property in the neighborhood;

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

5. Other such information as may be deemed necessary from a specific applicant by the NJMC.

(d) A public hearing on the application shall be held in accordance with N.J.A.C. 19:4-4.17.

(e) Approval of a special exception use shall not be granted unless specific written findings are made based upon the evidence presented that supports the following conclusions:

1. The proposed special exception use at the specified location will contribute to and promote the welfare or convenience of the public;

2. The proposed special exception use will not cause substantial injury to the value of other property in the neighborhood;

3. The special exception use will not dominate the immediate neighborhood in a manner that could prevent development and use of neighboring properties in accordance with the applicable regulations, in consideration of the following:

i. The location and size of the special exception use;

ii. The nature and intensity of the operation of the special exception use;

iii. The location of the site with respect to access and circulation;

iv. The location, nature, and height of structures, walls and fences on the site; and

v. The nature and extent of landscaping and screening on the site;

4. Adequate utilities, drainage and other necessary facilities have been or will be provided;

5. Adequate access roads and drive aisles have been or will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion; and

6. The special exception use will not have a substantial adverse environmental impact.

(f) Upon the close of the public record and within one week after the receipt of transcripts, the NJMC staff shall transmit a copy of the record of the matter, consisting of the application, transcripts, and exhibits, to the Board of Commissioners for review.

(g) Within eight weeks of the close of the public record, a comprehensive report containing findings, conclusions, and/or recommendations regarding the special exception use application shall be prepared by the NJMC staff and signed by the Executive Director and the Director of Land Use Management.

(h) The NJMC staff shall transmit a copy of the report to the applicant via certified mail and post a copy on the NJMC website. Any appeal of the recommendation may be made in accordance with N.J.A.C. 19:4-4.19.

(i) After the appeal period, the NJMC staff shall transmit a copy of the report to the Board of Commissioners for review. The matter shall be placed on the agenda of the next available scheduled meeting of the Board of Commissioners in accordance with statutory notice requirements.

(j) The NJMC staff shall notify the applicant, via certified mail, of the date of the meeting of the Board of Commissioners at which the special exception use request will be decided.

(k) The Board of Commissioners shall decide, by a concurring vote of a majority of its members, to grant or deny the special exception use requested, based upon the record of the matter.

1. In the granting of any special exception use, the decision may impose such conditions, safeguards, limitations and restrictions upon the premises benefited by the special exception use as may be necessary to:

i. Comply with other standards set forth in these regulations;

ii. Reduce or minimize any potentially injurious effect of such special exception use upon other property in the neighborhood;

iii. Carry out the general purpose and intent of these regulations; and

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iv. Promote the intent and purpose of the NJMC Master Plan.

2. Failure to comply with any of the conditions or restrictions placed on a special exception use shall constitute a violation of these regulations.

(l) The decision of the Board of Commissioners shall be memorialized by a formal written resolution adopted at the meeting at which the special exception use is decided.

(m) A copy of the decision of the Board of Commissioners shall be transmitted to the applicant by the NJMC via certified mail, and the NJMC shall advise the applicant of its right to appeal said decision as a final action of the Board of Commissioners in accordance with N.J.A.C. 19:4-4.19(e).

(n) No person shall contact or attempt to contact any member of the Board of Commissioners or the NJMC staff regarding a special exception use application to discuss an impending decision on the subject application after the close of the public record.

(o) The approval of a special exception use shall become null and void five years after the date on which the approval is issued, unless within such period:

1. A zoning certificate is obtained; or
2. Occupancy certification is obtained and the use commenced.

(p) No extensions of approval shall be granted.

§ 19:4-4.14 Variances

(a) A variance from a particular regulation may be granted in accordance with these regulations.

(b) An application for a variance made to the NJMC shall be filed with the NJMC staff, and shall accompany a zoning certificate application prepared in accordance with N.J.A.C. 19:4-4.3.

(c) An application for a variance shall contain the following:

1. A complete application form, signed by the applicant and the property owner, containing the following major components;

- i. Applicant information;
- ii. Property location and ownership information;
- iii. The particular regulation from which the variance is sought;
- iv. A statement of the reasons why the variance is sought; and
- v. Resulting hardships if the variance is denied;

2. The required fee, in accordance with N.J.A.C. 19:4-11;

3. A statement of the characteristics of the subject property that prevent compliance with the regulations;

4. Any site plans, reports, or other data that demonstrate the extent of the relief being sought; and

5. Other such information as may be deemed necessary from a specific applicant by the NJMC.

(d) A public hearing on the application shall be held in accordance with N.J.A.C. 19:4-4.17.

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

1. Concerning bulk variances:

i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant;

ii. The granting of the variance will not adversely affect the rights of neighboring property owners or residents;

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iii. The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner;

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;

v. The variance will not have a substantial adverse environmental impact;

vi. The variance represents the minimum deviation from the regulations that will afford relief; and

vii. Granting the variance will not substantially impair the intent and purpose of these regulations; and

2. Concerning use variances:

i. The strict application of these regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner;

ii. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;

iii. Adequate infrastructure, including storm and sanitary sewers, utilities, and access roads, will be provided and shall be so designed to prevent and/or minimize negative impacts upon the existing infrastructure. In addition, the proposed use will not decrease the ability of said infrastructure to perform in a safe and efficient manner;

iv. The variance will not have a substantial adverse environmental impact;

v. The variance will not substantially impair the intent and purpose of these regulations; and

vi. The variance at the specified location will contribute to and promote the intent of the NJMC Master Plan.

(f) In determining whether the evidence supports the conclusions required by (e) above, the Board of Commissioners shall also consider the extent to which the evidence demonstrates that:

1. Concerning bulk variances:

i. The physical surroundings, shape or topographical condition of the subject property would result in a practical difficulty or undue hardship upon the property owner or applicant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced;

ii. The request for a variance is not based exclusively upon desire of the property owner or applicant to make more money from the property;

iii. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood of the subject property; and

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

2. Concerning use variances:

i. Conformance with the regulations would result in a practical difficulty or undue hardship upon the property owner or applicant, as distinguished from a mere inconvenience;

ii. The request for a variance is not based exclusively upon the desire of the property owner or applicant to make more money from the property;

iii. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood of the subject property;

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

v. The applicant has demonstrated that the proposed use will further the purposes of the NJMC Master Plan; and

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vi. The applicant has demonstrated that the proposed use is compatible with and complementary to the neighborhood.

(g) Upon the close of the public record and within one week after the receipt of transcripts, the NJMC staff shall transmit a copy of the record of the matter, consisting of the application, transcripts, and exhibits, to the Board of Commissioners for review.

(h) Within eight weeks of the close of the public record, a comprehensive report containing findings, conclusions, and/or recommendations regarding the variance application shall be prepared by the NJMC staff and signed by the Executive Director and the Director of Land Use Management.

(i) The NJMC staff shall transmit a copy of the report to the applicant via certified mail and post a copy on the NJMC website. Any appeal of the recommendation shall be made in accordance with N.J.A.C. 19:4-4.19.

(j) After the appeal period, the NJMC staff shall transmit a copy of the report to the Board of Commissioners for review. The matter shall be placed on the agenda of the next available scheduled meeting of the Board of Commissioners in accordance with statutory notice requirements.

(k) The NJMC staff shall notify the applicant, via certified mail, of the date of the meeting of the Board of Commissioners at which the variance request will be decided.

(l) The Board of Commissioners shall decide, by a concurring vote of a majority of its members, to grant or deny the variance requested, based upon the record of the matter.

1. In the granting of any variance, the decision may impose such conditions, safeguards, limitations and restrictions upon the premises benefited by the variance as may be necessary to: comply with other standards set forth in these regulations; reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood; carry out the general purpose and intent of these regulations; and promote the intent and purpose of the NJMC Master Plan.

2. Failure to comply with any of the conditions or restrictions placed on a variance shall constitute a violation of these regulations.

(m) The decision of the Board of Commissioners shall be memorialized by a formal written resolution adopted at the meeting at which the variance is decided.

(n) A copy of the decision of the Board of Commissioners shall be transmitted to the applicant by the NJMC via certified mail, and the NJMC shall advise the applicant of its right to appeal said decision as a final action of the Board of Commissioners in accordance with N.J.A.C. 19:4-4.19(e).

(o) No person shall contact or attempt to contact any member of the Board of Commissioners or the NJMC staff regarding a variance application to discuss an impending decision on the subject application after the close of the public record.

(p) The approval of a variance shall become null and void five years after the date on which the approval is issued, unless within such period:

1. A zoning certificate is obtained; or
2. Occupancy certification is obtained and the use commenced.

(q) No extensions of approval shall be granted.

§ 19:4-4.15. (Reserved)

§ 19:4-4.16 Notice of public hearings

(a) Whenever a public hearing is required pursuant to these regulations, the NJMC shall arrange for public notice, the cost of which shall be borne by the applicant. The notice shall include:

1. The time and location of the public hearing;

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2. A statement describing the subject matter of the hearing;
3. The nature of any approval sought, together with any relief sought;
4. Identification of the applicant and owner of the subject property; and
5. A statement that the application and supporting materials will be available for public inspection at the offices of the NJMC at least 10 days prior to the hearing.

(b) At least 10 days in advance of the public hearing, the NJMC shall arrange for publication of the public notice in a newspaper of general circulation available in the municipality in which the property is located, and shall provide for notice either in person, by certified mail, or otherwise, to the following:

1. The Hackensack Meadowlands Municipal Committee (HMMC);
2. For special exception, variance, or subdivision applications, owners of the property within 200 feet of the subject property as shown on the most recent tax records of the municipality in which the subject property is located, and any adjacent municipalities where applicable;
3. For redevelopment projects, owners of property within 500 feet of the subject property, inclusive of the subject property, as shown on the most recent tax records of the municipality in which the subject property is located, and any adjacent municipalities where applicable;
4. For petitions for rezoning:
  - i. For a rezoning involving up to 20 lots, the owners of the lots in question and owners of property within 200 feet of the subject property as shown on the most recent tax records of the municipality in which the subject property is located, and adjacent municipalities where applicable; and
  - ii. For a rezoning involving more than 20 lots, the owners of the lots in question and owners of property within 200 feet of the subject property as shown on the most recent tax records of the municipality in which the subject property is located, and any adjacent municipalities where applicable; and, by publishing notification in at least three newspapers of general circulation which service the District;
5. The municipal clerk of every municipality in which property owners must be served notice, pursuant to (b)2 through 4 above; and
6. Any other person, agency, or organization that has filed a request to receive notice of hearings.

(c) The applicant shall obtain and submit to the NJMC a certified list or lists of property owners from the tax assessor of the municipality or municipalities in which property identified in (b)2 through 4 above is located. The NJMC and the applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any property owner not on the list shall not invalidate any hearing or proceeding. Said lists shall be produced and certified no earlier than 90 days prior to the date of the hearing. The Chief Engineer may extend the validity period of the certified listing of property owners to no more than 180 days prior to the date of the hearing.

§ 19:4-4.17 Public hearings

(a) Whenever a public hearing is required pursuant to these regulations, the NJMC shall hold a public hearing in accordance with this section and shall select a reasonable time and place for the conduct of the public hearing, and shall so advise the applicant.

(b) The NJMC shall provide notice of the public hearing pursuant to N.J.A.C. 19:4-4.16.

(c) For variance applications, 12 copies of any plans, reports, exhibits, or other data submitted as evidence during a public hearing shall be required to be submitted.

1. Failure to produce 12 copies of such plans, reports, exhibits, or other data submitted as evidence at the public hearing shall not invalidate the proceedings.

2. In cases where the public hearing has been waived per subsection (j) below, 12 copies of any supporting documentation shall be submitted by the close of the public comment period specified in the public notice.

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3. Failure to submit 12 copies of any plans, reports, exhibits, or other data submitted as evidence within one week of the public hearing, or by the end of the public comment period in cases where the public hearing has been waived in accordance with (j) below, shall cause the NJMC staff to reproduce the required number of copies, the cost of which shall be borne by the applicant.

i. Photographs of three-dimensional exhibits shall be deemed acceptable copies.

(d) A party to a hearing shall be any of the following persons, agencies or organizations who have entered an appearance of record either prior to commencement of the public hearing or when permitted by the NJMC:

1. Any person, agency, or organization entitled to individual notice under N.J.A.C. 19:4-4.16;

2. Any person, agency, organization or other entity whose right to use, acquire or enjoy property is, or may be, affected by any action taken on the application; and

3. Any person, agency, organization or entity who satisfies the NJMC that that person, agency, organization or entity has a significant interest in the subject matter of the hearing.

(e) The NJMC may administer oaths and compel the attendance of witnesses, the production of relevant papers, and inquire into and establish qualifications of witnesses appearing.

(f) Applicants, other than individuals or sole proprietorships, shall be represented by a New Jersey attorney-at-law.

(g) All testimony by witnesses at any hearing shall be given under oath, and every party of record at a hearing shall have the right to present evidence and to examine and to cross-examine witnesses on all relevant issues, but the hearing officer may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony and cross-examination. Testimony shall be provided by a New Jersey-licensed professional engineer, professional planner, registered architect, or other professionals.

(h) The NJMC shall arrange for a transcript of the hearing, the cost of which shall be borne by the applicant. All exhibits accepted into evidence shall be properly identified. The reason for the exclusion of any exhibits from evidence shall be clearly noted in the record. The transcript and exhibits shall be filed with the NJMC and shall be a part of the public record.

(i) The NJMC may continue the hearing from time to time as may be reasonably necessary, and may refer the matter back to the NJMC staff for further investigation. A copy of any reports resulting from the investigation shall be filed with the NJMC and become part of the public record. The public hearing(s) shall be concluded within six weeks of the date of the first public hearing, unless the applicant consents in writing to an extension of the time period. The public record shall be closed at the time of conclusion of the public hearing(s).

(j) Notwithstanding the provisions of this section, in case of a request for a variance from a bulk regulation in this chapter, the Chief Engineer may waive a public hearing, but may not waive notification requirements, provided, however, that the applicant submit written comments relative to the application to the NJMC prior to such public notification. Public comment will be accepted within 10 days of the date of publication. If there is sufficient public interest in the application during the comment period, as determined by the Chief Engineer, the NJMC reserves the right to require a public hearing.

§ 19:4-4.18 Failure to act

If the person or entity described in whom or in which authority is vested to decide an application fails to act within the time specified, the application shall not be deemed approved by virtue of said failure to act.

§ 19:4-4.19 Appeals

(a) Subject to the limits on third party hearings at (g) below, any variance recommendation, special exception use recommendation, or decision of the NJMC staff, including a decision that a person or entity has violated these regulations pursuant to N.J.A.C. 19:4-4.21, may be appealed in accordance with this section. Any recommendation of the

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NJMC staff, other than a variance recommendation or special exception use recommendation, shall not be subject to appeal.

(b) Any adversely affected person or entity may appeal any decision, variance recommendation, or special exception use recommendation by the NJMC staff through the New Jersey Office of Administrative Law (OAL), pursuant to the following procedures:

1. The person or entity appealing a decision, variance recommendation, or special exception use recommendation of the NJMC staff shall be known as an appellant and shall file a notice of appeal in writing, by certified mail, with the Executive Director within 15 days after the date of the decision.

2. The notice of appeal shall be deemed filed upon receipt by the Executive Director.

3. The notice of appeal shall contain the following:

i. A statement of the legal authority and jurisdiction under which the request for appeal is made;

ii. A brief statement of facts describing the NJMC staff decision, variance recommendation, or special exception use recommendation being appealed, as well as the nature and scope of the interest of the person or entity appealing such decision; and

iii. A statement of all facts alleged to be at issue and their relevance to the NJMC staff's decision, variance recommendation, or special exception use recommendation for which the appeal is made.

4. Within 10 days of receipt of a notice of appeal from a person or entity directly affected by a NJMC staff decision, variance recommendation, or special exception use recommendation, that is, the applicant for any zoning, subdivision, variance, special exception use, building permit, or other approval, or the person or entity cited for violation of these regulations, the Executive Director shall transmit the matter to the OAL for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The Executive Director shall forward a third party appeal to the Board of Commissioners, which shall determine whether the third party appellant has the required interest under the Administrative Procedure Act, N.J.S.A. 52:14B-3.1 through 3.3, to be granted an appeal. Should the Board of Commissioners determine that the third party appeal may proceed, the Board of Commissioners shall direct the Executive Director to transmit the third party appeal to the OAL.

(c) An appeal by a person or entity directly affected by a NJMC staff decision, variance recommendation, or special exception use recommendation, that is, the applicant for any zoning, subdivision, variance, special exception use, building permit or other approval, or the person or entity cited for violation of these regulations, shall stay all proceedings in furtherance of the action with respect to which the decision appealed from was made and shall toll all applicable time limits, with the exception of fines, which shall continue to accrue, unless the Chief Engineer certifies to the Board of Commissioners, after the notice of appeal has been filed, that by reason of facts stated in the certificate, such stay and tolling would cause imminent peril to life or property. An appeal by a third party shall not automatically stay all decisions of or proceedings before the Board of Commissioners. In the case of a third party appeal, the Board of Commissioners shall grant a request for stay if the appellant shows good cause why the proceeding or action of the Board of Commissioners should be stayed.

(d) The Board of Commissioners shall accept, reject or modify the initial decision of the Administrative Law Judge within 45 days of receipt of the initial decision. The final decision of the Board of Commissioners shall be transmitted to the appellant within 10 days.

(e) An appellant aggrieved by any final decision of the Board of Commissioners under N.J.A.C. 19:3, 4, 5, and 7 or pursuant to (d) above resulting from any resolution of the Board of Commissioners may seek further judicial review by the Superior Court of New Jersey Appellate Division by filing a Notice of Appeal pursuant to R.2:1 et seq. of the New Jersey Court Rules.

(f) The NJMC staff shall maintain complete records of all actions of the Board of Commissioners with respect to appeals, which shall be available for inspection by the public as required by the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

(g) Nothing in this section shall be construed to provide a right to an administrative hearing in contravention of N.J.S.A. 52:14B-3.1 through 3.3 of the Administrative Procedure Act.

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§ 19:4-4.20 Fees and escrow deposits

(a) Any application shall be accompanied by such fees as specified in N.J.A.C. 19:4-11.

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

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

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

§ 19:4-4.21 Penalties and enforcement

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

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

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

1. To prevent unlawful sale, enlargement, moving, rental, construction, reconstruction, alterations, repair, conversion, maintenance, use, filling, or occupancy;

2. To restrain, correct, or abate any violation;

3. To prevent the occupancy of any dwelling structure or land;

4. To prevent any illegal act, conduct, business or use in or about any premises; or

5. To collect such civil penalties as have been assessed against any violator and which civil penalties said violator has refused to pay.

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

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

1. Any individual who has applied to the NJMC for a permit shall be deemed to have consented to inspections, investigations, examinations, surveys, soundings or test borings, by the NJMC staff or duly authorized representative of the NJMC, of the entire premises and of any and all construction being performed on the premises until a permit has been issued.

2. The NJMC staff or duly authorized representative of the NJMC, pursuant to N.J.S.A. 13:17-6(f), has the right to enter upon any property in order to conduct inspections necessary to carry out the purposes of the Hackensack Meadowlands Reclamation and Development Act and to ensure compliance with NJMC regulations.

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

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

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

#### § 19:4-4.22 Severability

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

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

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

#### § 19:4-4.23 Prohibition against improper influence

No person shall, with respect to any application made to the NJMC, whether such application requires a decision by the staff or the NJMC, attempt to contact any member of the NJMC staff or a Commissioner in an effort to improperly influence them with respect to their decision regarding the subject application. This prohibition shall also apply to rule-making. Any member of the NJMC staff or a Commissioner who has been contacted in this regard shall immediately report such contact to the Office of the Attorney General, which shall take any necessary and appropriate action.

### SUBCHAPTER 5. DISTRICTS, USES AND STANDARDS

#### § 19:4-5.1 Establishment of zones

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

1. Zones:

i. Environmental Conservation (EC);

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- ii. Parks and Recreation (PA);
  - iii. Waterfront Recreation (WR);
  - iv. Low Density Residential (LDR);
  - v. Planned Residential (PR);
  - vi. Neighborhood Commercial (NC);
  - vii. Commercial Park (CP);
  - viii. Regional Commercial (RC);
  - ix. Highway Commercial (HC);
  - x. Aviation Facilities (AF);
  - xi. Light Industrial A (LI-A);
  - xii. Light Industrial B (LI-B);
  - xiii. Intermodal A (IA);
  - xiv. Intermodal B (IB);
  - xv. Heavy Industrial (HI);
  - xvi. Public Utilities (PU);
  - xvii. Sports and Exposition (SE); and
  - xviii. Transportation Center (TC); and
2. Redevelopment Areas (RA).

§ 19:4-5.2 General provisions

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

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

(b) Renewable and/or sustainable energy systems, such as photovoltaic, wind energy, hydropower, or geothermal system installations, and other systems determined by the Chief Engineer to be renewable and/or sustainable energy system installations, shall be subject to the following:

1. Such systems shall be permitted as principal uses in non-residential zones only and as accessory uses in all zones;
2. Such systems mounted on or in a building located in a zone allowing residential uses shall be permitted as acces-

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sory uses. All other systems in zones allowing residential uses shall require special exception approval;

3. Any structure associated with such system(s) shall comply with all bulk requirements of the zone, except that ground-mounted photovoltaic arrays installed over vehicular use areas may be permitted at a minimum setback of 5 feet from side and rear property lines in non-residential zones;

4. A minimum landscaped buffer of 15 feet from residential uses and residential zones shall be provided; and

5. All performance standards of N.J.A.C. 19:4-7.1 *et seq.* shall apply in accordance with the zone in which the system is located.

§ 19:4-5.3 General use limitations

(a) The following use limitations shall apply:

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

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

i. Properties located in the Intermodal B and Heavy Industrial zones;

ii. Off-street parking of empty, registered and operational vehicles, except that vehicles for sale at facilities permitted by these regulations may be unregistered;

iii. Off-street loading within designated loading areas;

iv. Site service improvements provided in accordance with N.J.A.C. 19:4-8.15;

v. Outdoor seating areas provided in accordance with N.J.A.C. 19:4-5.7;

vi. Public utility equipment and operations that cannot be feasibly located in an enclosed structure, including electric generating, transmission, and distribution equipment; and

vii. Where otherwise permitted.

§ 19:4-5.4 Accessory uses

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

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

1. Private garages or carports;

2. A structure for storage incidental to a permitted use, excluding such structure accessory to a one-, two-, or three-family residence;

3. Off-street parking and loading spaces, per N.J.A.C. 19:4-8.2 and 8.3; and

4. Storage of registered boats, boat trailers, camping trailers, and small house trailers.

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

1. A child's playhouse;

2. A structure for storage accessory to a one-, two-, or three-family residence not exceeding 100 square feet in floor area; and

3. A private swimming pool in accordance with the following:

i. No part of the surface area of a private swimming pool shall be closer than 10 feet to the rear lot line nor closer than five feet to the side lot line and shall not be located in the front yard;

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

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

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

(e) No accessory use or structure shall be permitted in any required front yard unless it is a permitted obstruction as per N.J.A.C. 19:4-3.18.

§ 19:4-5.5 Marinas

(a) Marinas shall meet the following minimum requirements:

1. Every marina shall be open to the public. A fee is optional.

2. Marinas shall provide a minimum of one docking berth for each 20 feet of water frontage in accordance with the following:

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

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

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

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

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

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

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

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

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

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

§ 19:4-5.6 Office trailers

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

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

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

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

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

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

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

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

§ 19:4-5.7 Outdoor seating areas

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

1. The outdoor seating area for restaurants shall not exceed 15 percent of the number of seats in the interior seating area, not including bar and lounge seating.

2. The outdoor seating area for all other uses shall not exceed 15 percent of the floor area of the principal use.

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

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

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

§ 19:4-5.8 Environmental Conservation zone; purposes

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

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

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

1. Existing public utility equipment and appurtenances, including operating, maintaining, reconstructing, inspecting, testing, and removing such equipment;

2. Public access to water features, including trails, boat/canoe launches, water crossings, site furnishings, signage and structures that facilitate wildlife observation;

3. Scientific and educational study and experimentation in regard to wetland ecology;

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

5. Wildlife habitat creation.

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

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

1. Communications transmission towers;

2. Electric transmission towers;

3. Marinas;

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

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

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

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

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

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

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

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

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

§ 19:4-5.14 Parks and Recreation zone; permitted uses

(a) The permitted uses in the Parks and Recreation zone are:

1. Cemeteries;
2. Parks or recreation facilities; and
3. Wildlife habitat creation.

§ 19:4-5.15 Parks and Recreation zone; special exception uses

(a) The special exception uses in the Parks and Recreation zone are:

1. Marinas; and
2. Primary and secondary schools.

§ 19:4-5.16 Parks and Recreation zone; use limitations

The use limitation in the Parks and Recreation zone is that no use shall be operated, conducted or maintained that may impair the quality and character of the zone as a parks and recreation area.

§ 19:4-5.17 Parks and Recreation zone; performance standards

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

1. All category A performance standards shall apply, with the exception of glare.
2. Category B performance standards shall apply for glare.

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§ 19:4-5.18 Waterfront Recreation zone; purposes

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

§ 19:4-5.19 Waterfront Recreation zone; permitted uses and marina requirements

(a) The permitted uses in the Waterfront Recreation zone are:

1. Day care facilities;
2. Marinas;
3. Other water recreation uses; and
4. Parks or recreation facilities.

(b) When included with a marina meeting the minimum requirements set forth in N.J.A.C. 19:4-5.7, the following uses shall be permitted in the Waterfront Recreation zone:

1. Commercial recreation, outdoor;
2. Restaurants; and
3. Retail, accessory to a marina.

§ 19:4-5.20 Waterfront Recreation zone; special exception uses

(a) When included with a marina meeting the minimum requirements set forth in N.J.A.C. 19:4-5.7, the following uses shall be special exception uses in the Waterfront Recreation zone:

1. Commercial recreation, indoor; and
2. Cultural facilities.

§ 19:4-5.21 Waterfront Recreation zone; use limitations

(a) The use limitations in the Waterfront Recreation zone are as follows:

1. All development shall be designed to permit public access to the edge of the river. Development on lots fronting on the Hackensack River shall provide a pedestrian walkway along the edge of the river.
2. Uses shall be designed to focus on the river as a recreational and visual resource.
3. The temporary seasonal storage of boats may occur on open space, not exceeding 15 percent of the required open space area. This temporary storage shall not exceed a time period of six months.
4. No business establishment shall offer or sell food or beverages for consumption on the premises in parked motor vehicles.

§ 19:4-5.22 Waterfront Recreation zone; lot size requirements

The lot size requirement in the Waterfront Recreation zone is a minimum lot area of one acre.

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§ 19:4-5.23 Waterfront Recreation zone; bulk regulations

(a) The bulk regulations in the Waterfront Recreation zone are:

1. Maximum lot coverage: 30 percent;
2. Minimum open space: 40 percent;
3. Yards:
  - i. Minimum front yard: 25 feet;
  - ii. Minimum side yard: 25 feet; and
  - iii. Minimum rear yard: 25 feet; and
4. FAR: 0.75.

§ 19:4-5.24 Waterfront Recreation zone; performance standards

All category A performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Waterfront Recreation zone.

§ 19:4-5.25 Low Density Residential zone; purposes

The Low Density Residential zone is intended to provide for the development and preservation of low-density residential uses and neighborhoods, and to provide for the development of community and institutional uses that are compatible with the character of a residential district.

§ 19:4-5.26 Low Density Residential zone; permitted uses

(a) The permitted uses in the Low Density Residential zone are:

1. Community residences and shelters with five or less residents;
2. Day care facilities;
3. Essential public services;
4. Parks or recreation facilities;
5. Primary and secondary schools;
6. Single-family and two-family dwellings; and
7. Townhome dwellings.

§ 19:4-5.27 Low Density Residential zone; special exception uses

(a) The special exception uses in the Low Density Residential zone are:

1. Community residences and shelters with six or more residents;
2. Health care centers;
3. Houses of worship;
4. Institutional uses;
5. Manufactured home parks, not exceeding the density permitted for other single-family dwellings and conforming with all other regulations applicable to development within the Low density residential zone;

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6. Public utility uses, light; and
7. Social services.

§ 19:4-5.28 Low Density Residential zone; lot size requirements

(a) The lot size requirements in the Low Density Residential zone are:

1. Single-family and two-family dwellings:
  - i. Minimum lot area: 7,500 square feet;
  - ii. Minimum lot width: 75 feet; and
  - iii. Minimum lot depth: 100 feet;
2. Townhome dwellings:
  - i. Minimum lot area: 10,000 square feet;
  - ii. Minimum lot width: 100 feet; and
  - iii. Minimum lot depth: 100 feet; and
3. Other permitted uses and special exceptions:
  - i. Minimum lot area: 10,000 square feet;
  - ii. Minimum lot width: 100 feet; and
  - iii. Minimum lot depth: 100 feet.

§ 19:4-5.29 Low Density Residential zone; bulk regulations

(a) The bulk regulations in the Low Density Residential zone are:

1. Single-family and two-family dwellings:
  - i. Maximum lot coverage: 30 percent;
  - ii. Minimum open space: 40 percent; and
  - iii. Yards:

(1) Minimum front yard: 25 feet; or in the case where the Chief Engineer determines that the average prevailing setbacks of existing adjacent dwellings are less than 25 feet, the minimum front yard may be reduced accordingly to not less than 20 feet;

(2) Minimum side yard: 10 feet; and

(3) Minimum rear yard: 20 feet;

2. Townhome dwellings:

- i. Maximum lot coverage: 30 percent;
- ii. Minimum open space: 35 percent;
- iii. Maximum density: 10 dwelling units per acre; and
- iv. Yards:

(1) Minimum front yard: 25 feet; except where the front yard setback of a building facade is staggered, the setback may be reduced to not less than 20 feet with an average setback for the building of 25 feet;

(2) Minimum side yard: 20 feet; and

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- (3) Minimum rear yard: 25 feet;
- 3. Other permitted uses and special exceptions:
  - i. Maximum lot coverage: 30 percent;
  - ii. Minimum open space: 35 percent; and
  - iii. Yards:
    - (1) Minimum front yard: 25 feet;
    - (2) Minimum side yard: 20 feet;
    - (3) Minimum rear yard: 30 feet; and
  - 4. Maximum building height: 35 feet.

§ 19:4-5.30 Low Density Residential zone; access to land in other zones

No land which is located in the Low Density Residential zone shall be used for a driveway, walkway or access purpose to any land which is located in any zone created by N.J.A.C. 19:4-5.45 through 5.122.

§ 19:4-5.31 Low Density Residential zone; performance standards

All category A performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Low Density Residential zone.

§ 19:4-5.32 Planned Residential zone; purposes

The Planned Residential zone is designed to accommodate high-density residential development that includes a mix of housing types; small-scale commercial uses that provide for the needs of and increase the convenience to residents; community and institutional uses that are compatible with the character of a residential district; and preserved open space and wetlands.

§ 19:4-5.33 Planned Residential zone; permitted uses

- (a) The permitted uses in the Planned Residential zone are:
  - 1. Commercial recreation, indoor;
  - 2. Community residences and shelters;
  - 3. Day care facilities;
  - 4. Essential public services;
  - 5. Health care centers;
  - 6. Marinas;
  - 7. Multi-family dwellings;
  - 8. Offices;
  - 9. Parks or recreation facilities;
  - 10. Personal services;
  - 11. Restaurants, not including drive-in or drive-through facilities;

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- 12. Retail;
- 13. Senior housing; and
- 14. Townhome dwellings.

§ 19:4-5.34 Planned Residential zone; special exception uses

(a) The special exception uses in the Planned Residential zone are:

- 1. Assisted living facilities;
- 2. Banks;
- 3. Cultural facilities;
- 4. Hotels and motels;
- 5. Houses of worship;
- 6. Institutional uses;
- 7. Nursing or rehabilitation facilities;
- 8. Primary and secondary schools;
- 9. Public utility uses, light; and
- 10. Social services.

§ 19:4-5.35 Planned Residential zone; lot size requirements

(a) The lot size requirements in the Planned Residential zone are:

- 1. Minimum lot area: one acre; and
- 2. Minimum lot width: 100 feet.

§ 19:4-5.36 Planned Residential zone; bulk regulations

(a) The bulk regulations in the Planned Residential zone are:

- 1. Maximum lot coverage: 40 percent;
- 2. Minimum open space: 30 percent;
- 3. Yards:
  - i. Minimum front yard: 25 feet;
  - ii. Minimum side yard: 20 feet; and
  - iii. Minimum rear yard: 20 feet; and
- 4. Maximum density: 25 dwelling units per acre; and
- 5. FAR: 0.75 for hotels and motels, not including the floor area of parking garages.

§ 19:4-5.37 Planned Residential zone; performance standards

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

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1. All category B performance standards shall apply, with the exception of hazardous materials, liquids, and chemicals; and
2. Category A performance standards shall apply for hazardous materials, liquids, and chemicals.

§ 19:4-5.38 Neighborhood Commercial zone; purposes

The Neighborhood Commercial zone is intended to provide uses compatible with the scale and character of the neighboring residential areas, serving both residents and area employees.

§ 19:4-5.39 Neighborhood Commercial zone; permitted uses

(a) The permitted uses in the Neighborhood Commercial zone are:

1. Banks;
2. Business support services;
3. Commercial recreation, indoor;
4. Community residences and shelters;
5. Cultural facilities;
6. Day care facilities;
7. Essential public services;
8. Funeral homes and mortuaries;
9. Health care centers;
10. Houses of worship;
11. Offices;
12. Parks or recreation facilities;
13. Personal services;
14. Restaurants, excluding drive-through or drive-in facilities;
15. Residential dwellings included within a mixed-use structure;
16. Retail;
17. Single-family and two-family dwellings;
18. Social services; and
19. Veterinary facilities.

§ 19:4-5.40 Neighborhood Commercial zone; special exception uses

(a) The special exception uses in the Neighborhood Commercial zone are:

1. Assisted living facilities;
2. Car washes;
3. Fuel service stations;
4. Institutional uses;

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5. Movie theaters;
6. Nursing or rehabilitation facilities;
7. Primary and secondary schools;
8. Public utility uses, light; and
9. Senior housing.

§ 19:4-5.41 Neighborhood Commercial zone; use limitations

(a) The use limitations in the Neighborhood Commercial zone are:

1. At all restaurants, the serving of food shall be the principal use. Entertainment shall be permitted only as accessory to the principal use and shall not be the main focus of the use on the site or in a specific restaurant. No accessory entertainment use shall occupy more than 20 percent of the restaurant's floor area.
2. No fuel service station shall be located closer than 1,000 feet to another fuel service station.
3. No car wash shall be located closer than 1,000 feet to another car wash.
4. Fuel service stations, when permitted as a special exception use, shall not dispense fuel to semi-trailers.
5. No residential dwelling units within a mixed-use structure shall be permitted to be located at the ground or first floor level of a structure.

§ 19:4-5.42 Neighborhood Commercial zone; lot size requirements

(a) The lot size requirements in the Neighborhood Commercial zone are:

1. Minimum lot area: 7,500 square feet; and
2. Minimum lot width: 50 feet.

§ 19:4-5.43 Neighborhood Commercial zone; bulk regulations

(a) The bulk regulations in the Neighborhood Commercial zone are:

1. Maximum lot coverage: 40 percent;
2. Minimum open space: 15 percent;
3. Yards:
  - i. Minimum front yard: two feet;
  - ii. Minimum side yard: 12 feet total, two-foot minimum, except where abutting a residential use, the minimum side yard shall be 10 feet; and
  - iii. Minimum rear yard: five feet, except where abutting a residential use, the minimum rear yard shall be 10 feet; and
4. Maximum building height: 35 feet.

§ 19:4-5.44 Neighborhood Commercial zone; performance standards

All category A performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Neighborhood Commercial zone.

§ 19:4-5.45 Commercial Park zone; purposes

The Commercial Park zone is designed to accommodate commercial mixed use developments in compact centers designed to be interrelated to provide a mitigating effect upon peak hour traffic that would normally be generated from single commercial uses. Development should provide for safe and unimpeded pedestrian movement.

§ 19:4-5.46 Commercial Park zone; permitted uses

(a) The permitted uses in the Commercial Park zone are:

1. Banks;
2. Business support services;
3. Commercial recreation, indoor;
4. Cultural facilities;
5. Day care facilities;
6. Health care centers;
7. Hospitals;
8. Hotels and motels;
9. Marinas;
10. Offices, provided that one or more of the permitted uses in this zone are included;
11. Parks or recreation facilities;
12. Personal services;
13. Public utility uses, light;
14. Restaurants, excluding drive-in or drive-through facilities;
15. Retail;
16. Social services; and
17. Taxi and limousine services.

§ 19:4-5.47 Commercial Park zone; special exception uses

(a) The special exception uses in the Commercial Park zone are:

1. Assisted living facilities;
2. Movie theaters;
3. Nursing or rehabilitation facilities; and
4. Helistops.

§ 19:4-5.48 Commercial Park zone; lot size requirements

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(a) The lot size requirements in the Commercial Park zone are:

1. Minimum lot area: three acres; and
2. Minimum lot width: 200 feet.

§ 19:4-5.49 Commercial Park zone; bulk regulations

(a) The bulk regulations in the Commercial Park zone are:

1. Maximum lot coverage: 50 percent;
2. Minimum open space: 25 percent;
3. Yards:
  - i. Minimum front: 0.3 feet per foot of height of principal structure, but in no case less than 35 feet;
  - ii. Minimum side: 30 feet; and
  - iii. Minimum rear: 30 feet; and
4. FAR: 1.25, not including the floor area of parking garages.

§ 19:4-5.50 Commercial Park zone; performance standards

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

1. All category B performance standards shall apply, with the exception of hazardous materials, liquids, and chemicals; and
2. Category A performance standards shall apply for hazardous materials, liquids, and chemicals.

§ 19:4-5.51 Regional Commercial zone; purposes

The Regional Commercial zone contains large-scale commercial development proximate to major roadways and is designed to accommodate a range of commercial uses serving a regional market area. Development in the zone should incorporate regional retail facilities and large-scale commercial employment centers.

§ 19:4-5.52 Regional Commercial zone; permitted uses

(a) The permitted uses in the Regional Commercial zone are:

1. Banks;
2. Business services;
3. Commercial recreation, indoor;
4. Commercial recreation, outdoor;
5. Convention centers;
6. Cultural facilities;
7. Day care facilities;
8. Health care centers;
9. Hotels and motels;

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10. Movie theaters;
11. Offices;
12. Parks or recreation facilities;
13. Personal services;
14. Public utility uses, light;
15. Restaurants;
16. Retail;
17. Self-storage facilities; and
18. Social services.

§ 19:4-5.53 Regional Commercial zone; special exception uses

(a) The special exception uses in the Regional Commercial zone are:

1. Communications transmission towers;
2. Essential public services; and
3. Helistops.

§ 19:4-5.54 Regional Commercial zone; use limitations

(a) The use limitations in the Regional Commercial zone are:

1. Accessory outdoor display areas shall be permitted only in connection with retail sales, when provided in accordance with the following:

- i. Such areas shall be located immediately adjacent to the building;
- ii. Such areas shall not exceed 20 percent of the ground floor area of the building, with the total area included within the permitted floor area of the site; and
- iii. Such areas shall be fenced and screened in accordance with N.J.A.C. 19:4-8.9, and shall not conflict with pedestrian or vehicular circulation.

2. Accessory outdoor storage areas shall be permitted only in connection with a principal retail use and used solely for the staging of new products, in accordance with the following:

- i. Such areas shall not exceed 10 percent of the ground floor area of the building, with the total area included within the permitted floor area of the site;
- ii. Such areas shall be fenced and screened in accordance with N.J.A.C. 19:4-8.9; and
- iii. Materials within accessory outdoor storage areas shall not exceed the height of the screening.

§ 19:4-5.55 Regional Commercial zone; lot size requirements

(a) The lot size requirements in the Regional Commercial zone are:

1. Minimum lot area: three acres; and
2. Minimum lot width: 300 feet.

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§ 19:4-5.56 Regional Commercial zone; bulk regulations

(a) The bulk regulations in the Regional Commercial zone are:

1. Maximum lot coverage: 40 percent;
2. Minimum open space: 20 percent;
3. Yards:
  - i. Minimum front yard: 50 feet for all structures, 25 feet for at-grade parking areas;
  - ii. Minimum side yard: 40 feet; and
  - iii. Minimum rear yard: 30 feet;
4. FAR: 0.75, not including the floor area of parking garages, restaurants, hotels and motels; and
5. Maximum number of hotel and motel rooms per acre: 25 rooms.

§ 19:4-5.57 Regional Commercial zone; performance standards

All category B performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Regional Commercial zone.

§ 19:4-5.58 Highway Commercial zone; purposes

The Highway Commercial zone is designed to accommodate commercial uses oriented toward, and located in proximity to, highways.

§ 19:4-5.59 Highway Commercial zone; permitted uses

(a) The permitted uses in the Highway Commercial zone are:

1. Automobile repair facilities, minor;
2. Banks;
3. Car washes;
4. Essential public services;
5. Fuel service stations;
6. Hotels and motels;
7. Parks or recreation facilities;
8. Personal services;
9. Public utility uses, light;
10. Restaurants; and
11. Retail.

§ 19:4-5.60 Highway Commercial zone; special exception uses

(a) The special exception uses in the Highway Commercial zone are:

1. Automobile rental facilities;

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2. Communications transmission towers; and
3. Day care facilities.

§ 19:4-5.61 Highway Commercial zone; use limitations

(a) The use limitation in the Highway Commercial zone is that accessory outdoor display areas shall be permitted only in connection with retail sales, when provided in accordance with the following:

1. Such areas shall not exceed 20 percent of the ground floor area of the building, with the total area included within the permitted floor area of the site; and
2. Such areas shall not conflict with pedestrian or vehicular circulation.

§ 19:4-5.62 Highway Commercial zone; lot size requirements

(a) The lot size requirements in the Highway Commercial zone are:

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

§ 19:4-5.63 Highway Commercial zone; bulk regulations

(a) The bulk regulations in the Highway Commercial zone are:

1. Maximum lot coverage: 50 percent;
2. Minimum open space: 15 percent;
3. Yards:
  - i. Minimum front yard: 25 feet;
  - ii. Minimum side yard: 10 feet; and
  - iii. Minimum rear yard: 25 feet; and
4. FAR: 0.75.

§ 19:4-5.64 Highway Commercial zone; performance standards

All category B performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Highway Commercial zone.

§ 19:4-5.65 Aviation Facilities zone; purposes

The Aviation Facilities zone is designed to accommodate airport and aviation uses and those uses which are customarily associated with or benefit from proximity to such facilities.

§ 19:4-5.66 Aviation Facilities zone; land exemptions

Any land acquired by the Port Authority of New York and New Jersey (PANY/NJ) and subject to its jurisdiction under N.J.S.A 32:1-1 et seq. shall be exempt from NJMC regulations.

§ 19:4-5.67 Aviation Facilities zone; permitted uses

(a) The permitted uses in the Aviation Facilities zone are:

1. Airports;
2. Automobile rental facilities;
3. Aviation support facilities;
4. Day care facilities;
5. Essential public services;
6. Heliports;
7. Helistops;
8. Light industry;
9. Offices;
10. Parks or recreation facilities;
11. Personal services;
12. Public utility uses, light;
13. Research and development facilities;
14. Self-storage facilities;
15. Taxi and limousine services;
16. Warehouse and distribution facilities; and
17. Wholesale establishments.

§ 19:4-5.68 Aviation Facilities zone; special exception uses

(a) The special exception uses in the Aviation Facilities zone are:

1. Automobile sales;
2. Bus garages;
3. Commercial off-street parking as a principal use;
4. Commercial recreation, indoor;
5. Communications transmission towers;
6. Hotels and motels;
7. Institutional uses;
8. Passenger rail terminals; and
9. Restaurants.

§ 19:4-5.69 Aviation Facilities zone; lot size requirements

(a) The lot size requirements in the Aviation Facilities zone are:

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1. Minimum lot area: three acres; and
2. Minimum lot width: 200 feet.

§ 19:4-5.70 Aviation Facilities zone; bulk regulations

(a) The bulk regulations in the Aviation Facilities zone are:

1. Maximum lot coverage: 50 percent;
2. Minimum open space: 25 percent;
3. Yards:
  - i. Minimum front yard: 35 feet;
  - ii. Minimum side yards: 30 feet; and
  - iii. Minimum rear yard: 25 feet; and
4. FAR: 2.0.

§ 19:4-5.71 Aviation Facilities zone; performance standards

All category B performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Aviation Facilities zone.

§ 19:4-5.72 Light Industrial A zone; purposes

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

§ 19:4-5.73 Light Industrial A zone; permitted uses

(a) The permitted uses in the Light Industrial A zone are:

1. Automobile rental facilities;
2. Automobile repair facilities, minor;
3. Automobile sales;
4. Banks;
5. Business support services;
6. Car washes;
7. Commercial recreation, indoor;
8. Contractor's offices;
9. Day care facilities;
10. Disaster recovery facilities;
11. Essential public services;
12. Health care centers;
13. Institutional uses;
14. Kennels;

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15. Light industry;
16. Offices;
17. Parks or recreation facilities;
18. Personal services;
19. Public utility uses, light;
20. Research and development facilities;
21. Self-storage facilities;
22. Social services;
23. Studios;
24. Taxi and limousine services;
25. Warehouse and distribution facilities, which may include accessory retail sales of products stored therein; and
26. Wholesale establishments.

§ 19:4-5.74 Light Industrial A zone; special exception uses

(a) The special exception uses in the Light Industrial A zone are:

1. Bus garages;
2. Class A recycling facilities;
3. Class D recycling facilities;
4. Commercial recreation, outdoor;
5. Communications transmission towers;
6. Convention centers;
7. Fuel service stations;
8. Helistops;
9. Hospitals;
10. Hotels and motels;
11. Houses of worship;
12. Movie theaters;
13. Restaurants; and
14. Retail.

§ 19:4-5.75 Light Industrial A zone; use limitations

(a) The use limitations in the Light Industrial A zone are:

1. Accessory outdoor display areas shall be permitted only in connection with retail sales, when provided in accordance with the following:

i. Such areas, with the exception of automobile sales areas, shall not exceed 20 percent of the ground floor area of the building, with the total area included within the permitted floor area of the site; and

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ii. Such areas, with the exception of automobile sales areas, shall be screened in accordance with N.J.A.C. 19:4-8.9, and shall not conflict with pedestrian or vehicular circulation.

2. Accessory outdoor storage areas shall be permitted only in connection with a principal retail use and used solely for the staging of new products, in accordance with the following:

i. Such areas, with the exception of automobile sales uses, shall not exceed 10 percent of the ground floor area of the building, with the total area included within the permitted floor area of the site;

ii. Such areas shall be fenced and screened in accordance with N.J.A.C. 19:4-8.9; and

iii. Materials within accessory outdoor storage areas shall not exceed the height of the screening.

3. For studio uses, accessory outdoor operations and storage shall be permitted, pursuant to an approved site plan, when in accordance with the following:

i. Accessory outdoor operations and the outdoor storage of materials shall relate to the functions of the studio, including set construction and filming, and shall meet all setbacks;

ii. Accessory storage of facility vehicles, including temporary trailers, shall be permitted;

iii. No such areas shall be located in the front yard or in the required parking area;

iv. Such areas shall be heavily screened in accordance with N.J.A.C. 19:4-8.9; and

v. Noise from any outdoor operations shall be buffered from adjoining properties and public ROWs.

4. Contractor's offices shall have no outdoor storage of materials, equipment, and/or construction vehicles. Facility vehicles used only for the transport of workers and enclosed transport of accessory materials or equipment may be permitted pursuant to an approved site plan.

§ 19:4-5.76 Light Industrial A zone; lot size requirements

(a) The lot size requirements in the Light Industrial A zone are:

1. Minimum lot area: three acres; and

2. Minimum lot width: 200 feet.

§ 19:4-5.77 Light Industrial A zone; bulk regulations

(a) The bulk regulations in the Light Industrial A zone are:

1. Maximum lot coverage: 60 percent;

2. Minimum open space: 15 percent;

3. Yards:

i. Minimum front yard: 50 feet;

ii. Minimum side yards: 90 feet total, no less than 30 feet on any one side; and

iii. Minimum rear yard: 75 feet; and

4. FAR: 2.5.

§ 19:4-5.78 Light Industrial A zone; performance standards

All category B performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Light Industrial A zone.

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§ 19:4-5.79 Light Industrial B zone; purposes

The Light Industrial B zone is designed to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects.

§ 19:4-5.80 Light Industrial B zone; permitted uses

(a) The permitted uses in the Light Industrial B zone are:

1. Automobile repair facilities, minor;
2. Automobile rental facilities;
3. Automobile sales;
4. Banks;
5. Boat sales, rental and repair;
6. Bus garages;
7. Business support services;
8. Car washes;
9. Class A recycling facilities;
10. Class D recycling facilities;
11. Contractor's offices;
12. Day care facilities;
13. Disaster recovery facilities;
14. Essential public services;
15. Fuel service stations;
16. Institutional uses;
17. Kennels;
18. Light industry;
19. Manufactured home and trailer sales, rental and repair;
20. Parks or recreation facilities;
21. Public utility uses, light;
22. Research and development facilities;
23. Self-storage facilities;
24. Taxi and limousine services;
25. Truck sales;
26. Truck terminals;
27. Warehouse and distribution facilities, which may include accessory retail sales of products stored therein; and
28. Wholesale establishments.

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§ 19:4-5.81 Light Industrial B zone; special exception uses

(a) The special exception uses in the Light Industrial B zone include:

1. Automobile repair facilities, major;
2. Class B recycling facilities;
3. Commercial recreation, indoor;
4. Communications transmission towers;
5. Health care centers;
6. Heavy industry;
7. Hotels and motels;
8. Offices;
9. Public utility uses, heavy;
10. Restaurants;
11. Retail; and
12. Truck rental facilities.

§ 19:4-5.82 Light Industrial B zone; use limitations

(a) The use limitations in the Light Industrial B zone are:

1. Accessory outdoor display areas shall be permitted only in connection with retail sales, when provided in accordance with the following:

i. Such areas, with the exception of vehicle sales areas, shall not exceed 20 percent of the ground floor area of the building, with the total area included within the permitted floor area of the site; and

ii. Such areas, with the exception of vehicle sales areas, shall be screened in accordance with N.J.A.C. 19:4-8.9, and shall not conflict with pedestrian or vehicular circulation.

2. Accessory outdoor storage areas shall be permitted only in connection with a principal retail use and used solely for the staging of new products, in accordance with the following:

i. Such areas, with the exception of vehicle sales uses, shall not exceed 10 percent of the ground floor area of the building, with the total area included within the permitted floor area of the site;

ii. Such areas shall be fenced and screened in accordance with N.J.A.C. 19:4-8.9; and

iii. Materials within accessory outdoor storage areas shall not exceed the height of the screening.

3. Contractor's offices shall have no outdoor storage of materials, equipment, and/or construction vehicles. Facility vehicles used only for the transport of workers and enclosed transport of accessory materials or equipment may be permitted pursuant to an approved site plan.

§ 19:4-5.83 Light Industrial B zone; lot size requirements

(a) The lot size requirements in the Light Industrial B zone are:

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

§ 19:4-5.84 Light Industrial B zone; bulk regulations

(a) The bulk regulations in the Light Industrial B zone are:

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

§ 19:4-5.85 Light industrial B zone; performance standards

All category B performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Light Industrial B zone.

§ 19:4-5.86 Intermodal A zone; purposes

The Intermodal A zone is designed to accommodate transportation facilities that are located proximate to rail lines in the District and whose operations are related to port, rail, and trucking activities, and complementary light industrial uses.

§ 19:4-5.87 Intermodal A zone; permitted uses

(a) The permitted uses in the Intermodal A zone are:

1. Automobile rental facilities;
2. Automobile repair facilities, minor;
3. Automobile sales;
4. Bus garages;
5. Class A recycling facilities;
6. Class D recycling facilities;
7. Contractor's offices;
8. Fuel service stations;
9. Intermodal facilities;
10. Light industry;
11. Parks or recreation facilities;
12. Passenger rail terminals;
13. Public utility uses, light;
14. Self-storage facilities;
15. Taxi and limousine services;

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16. Warehouse and distribution facilities; and
17. Wholesale establishments.

§ 19:4-5.88 Intermodal A zone; special exception uses

(a) The special exception uses in the Intermodal A zone are:

1. Automobile repair facilities, major;
2. Boat sales, rental, and repair;
3. Communications transmission towers;
4. Construction equipment sales, rental, and repair;
5. Contractor's yard or facilities;
6. Day care facilities;
7. Disaster recovery facilities;
8. Helistops;
9. Institutional uses;
10. Manufactured home and trailer sales, rental, and repair;
11. Public utility uses, heavy;
12. Restaurants;
13. Retail;
14. Truck rental facilities;
15. Truck sales;
16. Truck stop; and
17. Truck terminals.

§ 19:4-5.89 Intermodal A zone; use limitations

(a) The use limitations in the Intermodal A zone are:

1. Accessory outdoor display areas shall be permitted only in connection with retail sales, when provided in accordance with the following:

i. Such areas, with the exception of vehicle and equipment sales areas, shall not exceed 20 percent of the ground floor area of the building, with the total area included within the permitted floor area of the site; and

ii. Such areas, with the exception of vehicle and equipment sales areas, shall be fenced and screened in accordance with N.J.A.C. 19:4-8.9, and shall not conflict with pedestrian or vehicular circulation.

2. Accessory outdoor storage areas shall be permitted only in connection with a principal retail use and used solely for the staging of new products, in accordance with the following:

i. Such areas, with the exception of vehicle and equipment sales uses, shall not exceed 10 percent of the ground floor area of the building, with the total area included within the permitted floor area of the site;

ii. Such areas shall be fenced and screened in accordance with N.J.A.C. 19:4-8.9; and

iii. Materials within accessory outdoor storage areas shall not exceed the height of the screening.

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3. Accessory container storage shall be permitted only in conjunction with intermodal facilities and truck terminals in designated trailer parking spaces pursuant to an approved site plan. No stacking of containers shall be permitted. Total height of containers, inclusive of support structures, shall not exceed 15 feet above grade level. All container storage shall be heavily screened in accordance with N.J.A.C. 19:4-8.9.

4. Outdoor storage areas used in conjunction with Class A recycling facilities and contractor's yards or facilities shall be permitted pursuant to an approved site plan and shall be fenced and heavily screened in accordance with N.J.A.C. 19:4-8.9.

5. Contractor's offices shall have no outdoor storage of materials, equipment, and/or construction vehicles. Facility vehicles used only for the transport of workers and enclosed transport of accessory materials or equipment may be permitted pursuant to an approved site plan.

§ 19:4-5.90 Intermodal A zone; lot size requirements

(a) The lot size requirements in the Intermodal A zone are:

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

§ 19:4-5.91 Intermodal A zone; bulk regulations

(a) The bulk regulations in the Intermodal A zone are:

1. Maximum lot coverage: 50 percent;
2. Minimum open space: 15 percent;
3. Yards:
  - i. Minimum front yard: 30 feet;
  - ii. Minimum side yard: 25 feet; and
  - iii. Minimum rear yard: 50 feet; and
4. FAR: 1.0.

§ 19:4-5.92 Intermodal A zone; performance standards

All category B performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Intermodal A zone.

§ 19:4-5.93 Intermodal B zone; purposes

The Intermodal B zone is designed to accommodate high-intensity transportation facilities that are located proximate to rail lines in the District and whose operations are related to port and rail activities, including rail and trucking facilities and supporting uses. Due to the intensity of the permitted uses, the zone is also designed to accommodate uses related to the construction industry.

§ 19:4-5.94 Intermodal B zone; permitted uses

(a) The permitted uses in the Intermodal B zone are:

1. Automobile repair facilities, major;
2. Automobile repair facilities, minor;
3. Building materials yards and facilities;
4. Bus garages;
5. Class A recycling facilities;
6. Class B recycling facilities;
7. Class D recycling facilities;
8. Construction equipment sales, rental, and repair;
9. Contractor's yard or facilities;
10. Intermodal facilities;
11. Fuel service stations;
12. Heavy industry;
13. Materials recovery facilities;
14. Parks or recreation facilities;
15. Public utility uses, heavy;
16. Public utility uses, light;
17. Railroad terminals and yards;
18. Truck rental facilities;
19. Truck sales;
20. Truck stops;
21. Truck terminals;
22. Truck washes; and
23. Warehouse and distribution facilities.

§ 19:4-5.95 Intermodal B zone; special exception uses

(a) The special exception uses in the Intermodal B zone are:

1. Communications transmission towers;
2. Disaster recovery facilities;
3. Heliports;
4. Helistops;
5. Solid waste transfer station; and
6. Truck repair facilities.

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§ 19:4-5.96 Intermodal B zone; use limitations

(a) The use limitations in the Intermodal B zone are:

1. Outdoor storage areas used in conjunction with a permitted use shall be located in accordance with an approved site plan and shall be fenced and heavily screened in accordance with N.J.A.C. 19:4-8.9.

2. Container storage as a principal use shall not be permitted. Accessory container storage and/or stacking shall be permitted in conjunction with a permitted use and shall be limited to a total of two containers per stack or a maximum height of 25 feet above grade level, whichever is less, and shall be heavily screened in accordance with N.J.A.C. 19:4-8.9.

§ 19:4-5.97 Intermodal B zone; lot size requirements

(a) The lot size requirements in the Intermodal B zone are:

1. Minimum lot area: three acres;
2. Minimum lot width: 200 feet; and
3. Minimum lot depth: 200 feet.

§ 19:4-5.98 Intermodal B zone; bulk regulations

(a) The bulk regulations in the Intermodal B zone are:

1. Maximum lot coverage: 40 percent;
2. Minimum open space: 15 percent;
3. Yards:
  - i. Minimum front yard: 50 feet;
  - ii. Minimum side yard: 30 feet; and
  - iii. Minimum rear yard: 75 feet; and
4. Maximum building height: 50 feet.

§ 19:4-5.99 Intermodal B zone; performance standards

All category C performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Intermodal B zone.

§ 19:4-5.100 Heavy Industrial zone; purposes

The Heavy Industrial zone is designed to accommodate intensive industrial, utility and commercial uses for which there are few provisions in other industrial zones.

§ 19:4-5.101 Heavy Industrial zone; permitted uses

(a) The permitted uses in the Heavy Industrial zone are:

1. Automobile repair facilities, major;
2. Automobile repair facilities, minor;
3. Boat sales, rental, and repair;

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4. Building material yards and facilities;
5. Bus garages;
6. Class A recycling facilities;
7. Class B recycling facilities;
8. Class D recycling facilities;
9. Construction equipment sales, rental, and repair;
10. Contractor's yard or facilities;
11. Heavy industry;
12. Intermodal facilities;
13. Manufactured home and trailer sales, rental, and repair;
14. Materials recovery facilities;
15. Outdoor storage;
16. Parks or recreation facilities;
17. Public utility uses, heavy;
18. Public utility uses, light;
19. Railroad terminals and yards;
20. Resource recovery facilities;
21. Solid waste transfer station;
22. Truck rental facilities;
23. Truck sales;
24. Truck repair facilities;
25. Truck terminals; and
26. Truck washes.

§ 19:4-5.102 Heavy Industrial zone; special exception uses

(a) The special exception uses in the Heavy Industrial zone are:

1. Communications transmission towers;
2. Heliports; and
3. Helistops.

§ 19:4-5.103 Heavy Industrial zone; use limitations

(a) The use limitations in the Heavy Industrial zone are:

1. Outdoor storage of containers shall be limited to a total of two containers per stack or a maximum height of 25 feet above grade level, whichever is less, and shall be heavily screened in accordance with N.J.A.C. 19:4-8.9.
2. Outdoor storage of products and materials shall be limited to a maximum height of 25 feet above grade level and shall be heavily screened in accordance with N.J.A.C. 19:4-8.9.

§ 19:4-5.104 Heavy Industrial zone; lot size requirements

(a) The lot size requirements in the Heavy Industrial zone are:

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

§ 19:4-5.105 Heavy Industrial zone; bulk regulations

(a) The bulk regulations in the Heavy Industrial zone are:

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

§ 19:4-5.106 Heavy Industrial zone; performance standards

All category C performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Heavy Industrial zone.

§ 19:4-5.107 Public Utilities zone; purposes

The Public Utilities zone is designed to accommodate heavy public utility and intermodal uses.

§ 19:4-5.108 Public Utilities zone; permitted uses

(a) The permitted uses in the Public Utilities zone are:

1. Intermodal facilities;
2. Manufacture of electric power by a public utility;
3. Parks or recreation facilities;
4. Public utility uses, heavy;
5. Public utility uses, light; and
6. Railroad terminals and yards.

§ 19:4-5.109 Public Utilities zone; special exception uses

(a) The special exception uses in the Public Utilities zone are:

1. Class A recycling facilities;

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2. Class D recycling facilities;
3. Communications transmission towers; and
4. Helistops.

§ 19:4-5.110 Public Utilities zone; use limitations

The use limitation in the Public Utilities zone is that container storage as a principal use shall not be permitted. Accessory container storage and/or stacking shall be permitted in conjunction with intermodal facilities and railroad terminals and yards and shall be limited to a total of two containers per stack or a maximum height of 25 feet above grade level, whichever is less, and shall be heavily screened in accordance with N.J.A.C. 19:4-8.9.

§ 19:4-5.111 Public Utilities zone; lot size requirements

(a) The lot size requirements in the Public Utilities zone are:

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

§ 19:4-5.112 Public Utilities zone; bulk regulations

(a) The bulk regulations in the Public Utilities zone are:

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

§ 19:4-5.113 Public Utilities zone; performance standards

All category C performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Public Utilities zone.

§ 19:4-5.114 Sports and Exposition zone; purposes

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

§ 19:4-5.115 Sports and Exposition zone; land exemptions

Any land acquired by the NJSEA and subject to its jurisdiction under N.J.S.A 5:10-1 through 26 shall be exempt from NJMC regulations.

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§ 19:4-5.116 Sports and Exposition zone; land not exempt

Any land in this zone not acquired by the NJSEA shall be subject to the regulations of the Environmental Conservation zone, N.J.A.C. 19:4-5.8 through 5.12.

§ 19:4-5.117 Transportation Center zone; purposes

The Transportation Center zone is designed to accommodate a major commuter transfer center and associated office, hotel, and other commercial uses. Appropriate supporting uses are encouraged to service the daily needs of the users of the zone. All development in this zone shall comply with N.J.A.C. 19:4-5.117 through 5.122 or an approval issued by the NJMC prior to February 17, 2004.

§ 19:4-5.118 Transportation Center zone; permitted uses

(a) The permitted uses in the Transportation Center zone are:

1. Banks;
2. Bus garages;
3. Business support services;
4. Commercial off-street parking;
5. Commercial recreation, indoor;
6. Cultural facilities;
7. Day care facilities;
8. Essential public services;
9. Helistops;
10. Hotels;
11. Institutional uses;
12. Offices;
13. Parks or recreation facilities;
14. Passenger rail terminals;
15. Personal services;
16. Public utility uses, light;
17. Restaurants;
18. Retail; and
19. Taxi and limousine services.

§ 19:4-5.119 Transportation Center zone; special exception uses

(a) The special exception uses in the Transportation Center zone are:

1. Communications transmission towers; and
2. Heliports.

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§ 19:4-5.120 Transportation Center zone; lot size requirements

(a) The lot size requirements in the Transportation Center zone are:

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

§ 19:4-5.121 Transportation Center zone; bulk regulations

(a) The bulk regulations in the Transportation Center zone are:

1. Maximum lot coverage: 70 percent;
2. Minimum open space: 15 percent;
3. Minimum setback from front lot line for commercial off-street parking facilities: 20 feet;
4. Maximum building height: 40 stories, excluding antennas;
5. Maximum floor area: 4.7 million gross square feet for projects proceeding in accordance with approvals issued by the NJMC prior to February 17, 2004; and
6. Maximum FAR: 4.0 for commercial off-street parking uses, where one square foot of every two square feet of floor area shall apply to the FAR calculation.

§ 19:4-5.122 Transportation Center zone; performance standards

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

1. All category B performance standards shall apply, with the exception of hazardous materials, liquids, and chemicals.
2. Category A performance standards shall apply for hazardous materials, liquids, and chemicals.

§ 19:4-5.123 Redevelopment areas

(a) Redevelopment areas shall be adopted by the Commission on a case-by-case basis in accordance with N.J.A.C. 19:3-5.

(b) Redevelopment areas shall be as set forth on the Official Zoning Map of the NJMC.

(c) Areas designated "in need of redevelopment" in accordance with N.J.A.C. 19:3-5 shall retain their existing zoning until the adoption of a redevelopment plan for the area.

(d) Adopted redevelopment plans shall be used as criteria in making land use decisions and shall supersede the zoning regulations herein; however, any regulation not specifically superseded by the redevelopment plan shall conform to these regulations.

§ 19:4-5.124 Schedule of lot size requirements and bulk regulations

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(a) The schedule of lot size requirements and bulk regulations in Table 4-1 summarizes the lot size requirements and bulk regulations for all zones. This schedule is for reference purposes only, and the full text of these regulations shall be consulted for additional requirements that may or may not appear in the schedule.

(b) The text of the regulations shall in all cases prevail over contrary provisions in the schedule of lot size requirements and bulk regulations.

Table 4-1  
 Schedule of Lot Size Requirements and Bulk Regulations

ZONE	LOT SIZE REQUIREMENTS			BULK REGULATIONS					
	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage	Minimum Open Space	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	FAR
EC	–	–	–	–	–	–	–	–	–
PA	–	–	–	–	–	–	–	–	–
WR	1 acre	–	–	30%	40%	25 feet	25 feet	25 feet	0.75
LDR <sup>1</sup> —									
One/Two-family	7,500 sq. ft.	75 feet	100 feet	30%	40%	25 feet <sup>2</sup>	10 feet	20 feet	–
Townhome <sup>a</sup>	10,000 sq. ft.	100 feet	100 feet	30%	35%	25 feet <sup>3</sup>	20 feet	25 feet	–
Other <sup>b</sup>	10,000 sq. ft.	100 feet	100 feet	30%	35%	25 feet	20 feet	30 feet	–
PR <sup>4</sup>	1 acre	100 feet	–	40%	30%	25 feet	20 feet	20 feet	–
NC <sup>5</sup>	7,500 sq. ft.	50 feet	–	40%	15%	2 feet	12 feet total/ 2 feet each <sup>6</sup>	5 feet <sup>7</sup>	–
CP	3 acres	200 feet	–	50%	25%	35 feet <sup>8</sup>	30 feet	30 feet	1.25 <sup>9</sup>
RC <sup>10</sup>	3 acres	300 feet	–	40%	20%	50 feet <sup>11</sup>	40 feet	30 feet	0.75 <sup>12</sup>
HC	20,000 sq. ft.	100 feet <sup>13</sup>	–	50%	15%	25 feet	10 feet	25 feet	0.75
AF	3 acres	200 feet	–	50%	25%	35 feet	30 feet	25 feet	2.0
LI-A	3 acres	200 feet	–	60	15	50 feet	90 feet total/ 30 feet each	75 feet	2.5
LI-B	1 acre	100 feet	150 feet	50	15	35 feet	20 feet	30 feet	2.5
IA	1 acre	100 feet	150 feet	50	15	30 feet	25 feet	50 feet	1.0
IB <sup>14</sup>	3 acres	200 feet	200 feet	40	15	50 feet	30 feet	75 feet	–
HI	1 acre	100 feet	150 feet	50	15	5 feet	20 feet	30 feet	2.5
PU	1 acre	100 feet	150 feet	50	15	35 feet	20 feet	30 feet	–
SE	–	–	–	–	–	–	–	–	–
TC <sup>15</sup>	1 acre	100 feet	150 feet	70%	15	Note 16	–	–	Note 17

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NOTES AND ADDITIONAL REQUIREMENTS:

1. Additional requirements:
  - a. Townhome—Maximum density: 10 dwelling units per acre
  - b. Other—Maximum building height: 35 feet
2. Or in the case where the Chief Engineer determines that the average prevailing setbacks of existing adjacent dwellings are less than 25 feet, the minimum front yard may be reduced accordingly to not less than 20 feet
3. Except where the front yard setback of a building facade is staggered, the setback may be reduced to not less than 20 feet with an average setback for the building of 25 feet
4. Additional requirement—Maximum density: 25 dwelling units per acre
5. Additional requirement—Maximum building height: 35 feet
6. Except where abutting a residential use, the minimum side yard shall be 10 feet
7. Except where abutting a residential use, the minimum rear yard shall be 10 feet
8. Additional requirements—.3 feet per foot of height of principal structure, but in no case less than the minimum
9. Not including the floor area of parking garages
10. Additional requirement—Maximum number of hotel and motel rooms per acre: 25 rooms
11. 50 feet for all structures, 25 feet for at-grade parking areas
12. Not including the floor area of parking garages, restaurants, hotels and motels
13. Except that fuel service stations, hotels and motels, and restaurants shall have a minimum lot width of 150 feet
14. Additional requirement—Maximum building height: 50 feet
15. Additional requirement—Maximum building height: 40 stories, excluding antennas
16. Minimum setback from front lot line for commercial off-street parking uses: 20 feet.
17. Maximum floor area: 4.7 million gross square feet for projects proceeding in accordance with approvals issued by the NJMC prior to February 17, 2004, and maximum FAR of 4.0 for commercial off-street parking uses, where one square foot of every two square feet of floor area shall apply to the FAR calculation

In the entry for Zone "HC" in Table 4-1, substituted "15%" for "5" in the "Minimum Open Space" column; in the entry for Zone "TC[15]" in Table 4-1, substituted "70%" for "50" in the "Maximum Lot Coverage" column, inserted "Note 16" in the "Minimum Front Yard" column and substituted "Note 17" for "Note 16" in the "FAR" column; in the Notes following Table 4-1, substituted "35" for "40" in Note 5, deleted "rear" preceding "side" in Note 6, added new Note 16, recodified former Note 16 as new Note 17, and rewrote Note 17.

SUBCHAPTER 6. SUPPLEMENTAL REQUIREMENTS

§ 19:4-6.1 Nonconforming lots, uses and structures

(a) The following apply to nonconforming lots of record:

1. In any zone, notwithstanding the regulations imposed by any other provision of this chapter, a building designed for any permitted use may be erected on a lot that is not less than 25 feet in width and that consists entirely of a tract of land that:

- i. Has less than the prescribed minimum lot area, width or depth;
- ii. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been prohibited by any zoning regulation; and
- iii. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by applicable zoning restrictions.

2. Construction shall comply with all the regulations (except lot area, width and depth) applicable in the zone in which the lot in question is located, provided, however, that the width of any side yard need not be greater than that derived by applying the following formula (wherein X equals the width of each required side yard):

$$\begin{array}{ccc} X & = & \text{Minimum side yard required by zoning regulations} \\ \text{.....} & & \text{.....} \\ \text{Actual lot width} & & \text{Minimum lot width required by zoning regulations} \end{array}$$

3. Except where otherwise permitted, no side yard shall be reduced to less than five feet for a single-family or two-family dwelling, or less than 10 feet for all other uses.

(b) The following apply to lawful nonconforming uses:

- 1. Any use of land or structure, or portions thereof, that does not comply with the regulations in the zone in which it is located may be continued if otherwise lawful, subject to the provisions of these regulations.
- 2. A nonconforming use shall not be extended, expanded, or increased in intensity, or otherwise altered so as to increase the degree of nonconformity.
- 3. A nonconforming use shall not be changed to any use other than a use permitted in the zone. When a nonconforming use has been changed to any permitted use, it shall not thereafter revert to a nonconforming use.
- 4. No nonconforming use shall be moved in whole or in part for any distance to any location on the same or any other lot, unless such use conforms to the regulations of the zone in which it is located after being so moved.
- 5. When a nonconforming use is discontinued or abandoned for 12 continuous months, any subsequent use or occupancy of the land or structure in which the nonconforming use was located shall comply with the regulations of the zone in which it is located.
- 6. No use that is accessory to a principal nonconforming use shall continue after such principal use has ceased or terminated, unless otherwise permitted by the applicable zoning regulations.

(c) The following apply to nonconforming structures:

- 1. Any structure, or portion thereof, that does not comply with the applicable regulations in the zone in which it is located, may be continued if otherwise lawful, subject to the provisions of these regulations.
- 2. No nonconforming structure shall be enlarged or added to in any manner unless such enlargement or addition conforms to the regulations of the zone in which it is located.
- 3. No nonconforming structure shall be moved in whole or in part for any distance to any other location on the same or any other lot, unless the entire structure shall thereafter conform to the regulations of the zone in which it is located after being so moved.

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4. Nonconforming structures may be maintained, repaired or remodeled, including the incidental repair, installation, or relocation of nonbearing partitions, fixtures, wiring, or plumbing, provided that such maintenance, repair or remodeling shall not create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure. Nothing in these regulations shall be deemed to prevent the strengthening or restoration of a structure to a safe condition in accordance with an order of a public official who is charged with protecting the public safety.

5. In the event that a nonconforming structure is subject to partial destruction, by any means, such structure shall not be restored unless a zoning certificate is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

6. In the event that a nonconforming structure is subject to substantial destruction, by any means, such structure shall not be restored unless it conforms to the regulations for the zone in which it is located and a zoning certificate is obtained.

7. Notwithstanding the provisions of this section, any structure that is devoted to a nonconforming residential use in any zone may be remodeled, extended, expanded and enlarged, provided that after any such remodeling, extension, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling units than such structure accommodated prior to any such work.

§ 19:4-6.2 Historic preservation and cultural resources

Development proposed to occur in locations of historical and/or cultural importance, as determined by the New Jersey State Historic Preservation Office (SHPO) and/or the National Register of Historic Places, shall be designed in accordance with the regulations of those agencies.

§ 19:4-6.3 Retail sale events

(a) The following retail sale events shall be regulated by the NJMC:

1. Warehouse sales;
2. Temporary or seasonal outdoor sales; and
3. Christmas tree sales.

(b) Nothing in this section shall be construed to regulate or limit sale events held within the limits of approved retail uses.

(c) General requirements applicable to retail sales events are as follows:

1. No sale events regulated in this section shall occur without the prior written approval of the NJMC. Application shall be made to the NJMC a minimum of 15 working days prior to the event.

2. The applicant shall request written approval from the municipal police department and municipal fire official to conduct the retail sale event and shall forward copies of such approvals to the NJMC a minimum of seven days prior to the event.

3. All sale areas shall meet the provisions of the NJ UCC Barrier Free Subcode, N.J.A.C. 5:23-7.

4. Sale events shall comply with all local health and safety codes.

5. The number of sale days and the duration of these sales shall be as follows:

i. For warehouse sales and temporary or seasonal outdoor sales:

(1) A maximum of 21 sale days per tenant shall be permitted per year, inclusive of both warehouse sales and temporary or seasonal outdoor sales.

(2) No single sale event shall occur for more than seven consecutive days; and

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(3) Warehouse sales or temporary/seasonal sales shall not be permitted on any lot conducting concurrent Christmas tree sales.

ii. For Christmas tree sales:

(1) The sale of Christmas trees may be permitted beginning the day after Thanksgiving continuing through Christmas Day; and

(2) The sale of Christmas trees shall not be permitted on any lot conducting a concurrent warehouse sale or temporary/seasonal sale.

iii. Sales held exclusively for the benefit of nonprofit organizations shall not be counted toward the total number of sale days permitted.

6. One temporary sale sign conforming to N.J.A.C. 19:4-8.14(e)1 may be erected without a sign permit. All other signage shall comply with the requirements of N.J.A.C. 19:4-8.14.

(d) Standards for warehouse sales shall be as follows:

1. The size and occupancy of the warehouse sale area shall be based upon both available parking and the allowable occupancy loads as determined by the building code adopted by the NJ UCC.

2. A sufficient number of restroom facilities shall be available for warehouse sale patrons as determined by the plumbing code adopted by the NJ UCC.

(e) Standards for temporary or seasonal outdoor sales shall be as follows:

1. Display areas for goods and any area devoted to an activity related to the sale must meet all applicable setbacks of the zone in which the site is located.

2. Goods that are sold or displayed outdoors shall be located on a paved or otherwise dust-free surface and shall not interfere with off-street parking areas, vehicle circulation or fire protection areas.

3. Parking shall be provided at the rate of one space for each 200 square feet of display or sale area. This requirement is in addition to the parking requirement for the existing uses on the site with common hours of operation as the temporary or seasonal outdoor sale.

4. The site shall be restored to its original condition within two days after the temporary or seasonal outdoor sale has ended.

(f) Standards for Christmas tree sales shall be as follows:

1. All display and sale areas used for the sale of Christmas trees shall meet all applicable setbacks of the zone in which the site is located.

2. All display and sale areas shall be located on a paved or otherwise dust-free surface and shall not interfere with off-street parking areas, vehicle circulation or fire protection access.

3. The display of Christmas trees shall not interfere with other permitted uses of the site.

4. Parking shall be provided at the rate of one space for each 200 square feet of display or sale area. This requirement is in addition to the parking requirement for the existing uses on the site with common hours of operation with the Christmas tree sales operation.

5. All sale and display areas shall be illuminated with a minimum average footcandle of 1.0, and shall comply with all other requirements of N.J.A.C. 19:4-8.13.

6. All sale-related materials shall be removed from the site no later than December 31 of the year of the sale.

§ 19:4-6.4 Outdoor events

(a) Not including retail sales events pursuant to N.J.A.C. 19:4-6.3, outdoor events occurring more than seven days per year shall be regulated by the NJMC in accordance with the following:

1. Outdoor events in excess of seven days per calendar year shall require the prior written approval of the NJMC.

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Application shall be made to the NJMC a minimum of 15 working days prior to the event.

2. Outdoor events shall not exceed a total of 14 days per property per year.

(b) All outdoor events shall comply with all local health and safety codes.

1. The use of a tent or other membrane structure shall be subject to the requirements of the New Jersey Uniform Fire Code, where applicable.

(c) The applicant shall request written approval from the municipal police department and municipal fire official to conduct such outdoor event and shall forward copies of such approvals to the NJMC a minimum of seven days prior to the event.

(d) The outdoor event shall be associated with the owner or occupant of the subject property.

(e) The outdoor event shall not interfere with parking areas, vehicle circulation, or fire protection access, unless temporary alternate arrangements are indicated on a plan and expressly approved in writing by the municipal police department and fire official. Copies of such approvals shall be submitted to the NJMC.

(f) Outdoor events shall not be permitted on any lot conducting concurrent retail sale events.

(g) The site shall be restored to its original condition within two days after the conclusion of the outdoor event.

§ 19:4-6.5 Property maintenance

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

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

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

i. Outdoor storage includes:

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

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

2. All drainage facilities, including ditches, basins, downspouts, gutters, inlets and pumps, shall be maintained in satisfactory operating condition and free of debris and siltation. Preventative and corrective maintenance shall be required to maintain the function of stormwater management measures.

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

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

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

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

i. All dumpsters shall have covers.

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

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

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

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

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- i. All plantings and groundcover shall be regularly watered and pruned;
- ii. All dead materials shall be removed and replaced with living vegetation; and
- iii. All lawn or other non-paved areas shall be kept trimmed and free from weeds and other undesirable growth.

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

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

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

§ 19:4-6.6 Green buildings

(a) The New Jersey Meadowlands Commission (NJMC) shall promote sustainable green building practices in accordance with U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) guidelines in the Meadowlands District through the methods provided in this section. The LEED standards are incorporated herein by reference, as amended and supplemented, and may be found at <http://www.usgbc.org>, or by contacting the U.S. Green Building Council, 1015 18th Street, NW, Suite 508, Washington, DC 20036.

1. Applications for development are encouraged, but are not required, to comply with LEED criteria.

2. Only projects involving an application for LEED accreditation meeting a minimum of 26 points for LEED - New Construction, and 32 points for LEED - Existing Buildings on the LEED rating system, or the minimum rating to be designated an LEED Certified development, whichever is greater, shall be eligible for the incentives in this section.

3. Review of applications proposing to meet a minimum accreditation level of LEED Certified shall be expedited by NJMC staff by receiving priority review before other applications.

4. A refund of zoning certificate application fees required in N.J.A.C. 19:4-11.2 shall be provided upon the applicant's written request, accompanied by submission of proof of LEED certification by the USGBC, within one year of such certification, as follows:

- i. LEED Platinum = 30 percent refund of fees;
- ii. LEED Gold = 25 percent refund of fees;
- iii. LEED Silver = 20 percent refund of fees; and
- iv. LEED Certified = 15 percent refund of fees.

5. In any zone, the following density incentives shall be provided for zoning certificate applications for new buildings and additions upon compliance with the requirements of (a)6 below:

- i. LEED Platinum = additional 0.30 floor area ratio (FAR) or additional three dwelling units per acre, where residential uses are permitted;
- ii. LEED Gold = additional 0.25 FAR or additional two dwelling units per acre, where residential uses are permitted;
- iii. LEED Silver = additional 0.20 FAR or additional one dwelling unit per acre, where residential uses are permitted; and
- iv. LEED Certified = additional 0.15 FAR or additional 0.5 dwelling unit per acre, where residential uses are permitted.

6. The following process shall apply to applicants seeking a density incentive pursuant to LEED guidelines, as set forth in (a)5 above:

- i. A LEED scorecard shall be submitted with a zoning certificate application detailing which credits the applicant shall seek to apply to the project, and the method that will be utilized to satisfy the credit.

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ii. The applicant shall register the proposed project with the USGBC, and shall submit written proof of such registration, prior to any incentive being granted by the NJMC.

iii All plans submitted for review shall contain the project components listed on the LEED scorecard.

iv. A zoning certificate or variance approval granted pursuant to green building incentives as provided in this section shall contain conditions that such LEED certification be achieved and maintained.

v. Prior to issuance of the zoning certificate, a performance guarantee shall be completed by the applicant and property owner in accordance with N.J.A.C. 19:4-4.20.

vi. If the applicant is unable to include the approved LEED components during the project implementation, the applicant shall replace the approved components with comparable, alternative green building components, subject to prior written approval by the NJMC for each substitution, maintaining the minimum required rating for the level of LEED certification sought.

vii. Monthly reports by the project's LEED accredited professional shall be submitted to the NJMC to monitor the progress of the implementation of the green building components.

viii. A maintenance plan for the LEED components shall be submitted for review and approval by the NJMC.

ix. Upon completion of the project, an as-built analysis of the project in relation to the approved project shall be prepared by an independent LEED accredited professional architect, the cost of which shall be borne by the applicant.

x. If the final project does not include the approved green building components, the NJMC shall not issue a certificate of completion and/or occupancy certification. In cases where temporary approvals have been issued, the NJMC reserves the right to revoke said approvals until the required green building components have been installed and/or pursue enforcement pursuant to N.J.A.C. 19:4-4.21.

xi. The application for LEED certification and rating shall be submitted by the applicant to the USGBC near or at completion of the project.

xii. Final occupancy certification shall be issued by the NJMC upon certification by the USGBC that the project achieved the approved level of LEED certification. The applicant shall provide a copy of such certification to the NJMC.

7. In cases where an application cannot comply with the design requirements in N.J.A.C. 19:4-8 due solely to the ability to install a LEED-recognized green building component, the NJMC may consider a LEED waiver from such requirements pursuant to the following process:

i. A request for a LEED waiver shall be made in writing to the Chief Engineer.

ii. A request for a LEED waiver shall specify the regulation from which the waiver is requested and a detailed reason(s) for the request.

iii. The Chief Engineer may grant LEED waivers in writing, and impose conditions upon such waivers, upon finding that the LEED waiver is necessary to install the green building component and that such waiver shall not result in a threat to public health, safety, and/or order and will not result in a detriment to the intent of the regulation. The Chief Engineer shall have the authority to decide that a variance procedure would be a more appropriate method in which to consider the proposed deviation from the regulations.

iv. The Chief Engineer shall have 10 business days to render a decision on the waiver request.

v. Upon a substantive change of an application or unforeseen circumstance, the NJMC reserves the right to require a waived requirement when deemed necessary by the Chief Engineer.

(b) Alternative green building programs determined by the Chief Engineer to be comparable to LEED guidelines may be considered by the Chief Engineer as eligible for the refund of fees in (a)4 above and the density incentives in (a)5 above, on a case-by-case basis.

## SUBCHAPTER 7. PERFORMANCE STANDARDS

### § 19:4-7.1 General requirements

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

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

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

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

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

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

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

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

### § 19:4-7.2 Applicability and enforcement

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

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

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

### § 19:4-7.3 Performance standards; noise

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

"dBA" means a unit for describing sound levels measured using an A-weighting network. This network modifies the measured sound pressure level at the various frequencies to account for differences in the sensitivity of the human ear to sounds of different frequency.

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

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

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

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

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

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

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

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

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

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

TABLE 7-1  
Noise Level Restrictions

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

(f) In any residential area or zone, the A-weighted sound level shall not exceed 55 dBA during the hours of 7:00 A.M. to 9:00 P.M. and shall not exceed 45 dBA during the hours of 9:00 P.M. to 7:00 A.M.

(g) The levels specified in Table 7-1 may be exceeded by 10 dBA for a single period not to exceed 15 minutes in any one day.

(h) For impact noise levels, the values in Table 7-1, increased by 20 dB, shall apply. For purposes of these regulations, impact noises shall be considered to be those noises whose peak values are more than six dB higher than the values indicated on the sound level meter.

(i) Construction or other temporary (60 days or less) uses which exceed the above limitation may be permitted if a noise mitigation plan is approved by the NJMC.

(j) The provisions of this section shall not apply to:

1. Bells, chimes, or carillons used in conjunction with houses of worship;
2. Emergency public warning systems;
3. Emergency energy release devices;

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4. Emergency work to provide electricity, water, or other public utilities when public health or safety is involved;
5. Noise of aircraft flight operations;
6. Public roadways;
7. Surface carriers engaged in commerce by railroad;
8. The unamplified human voice; and
9. Use of explosive devices, as regulated by other agencies having jurisdiction.

(k) Except as provided in (i) above, sound under the direct and indirect control of a use or property owner is subject to the standards set forth in this subchapter.

§ 19:4-7.4 Performance standards; vibrations

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

"Amplitude" means the maximum displacement of the earth from the normal rest position. Amplitude is usually reported as inches or mils.

"Discrete impulses" means a ground transmitted vibration stemming from a source where specific pulses do not exceed 60 per minute or one per second.

"Frequency" means the number of times that a displacement completely repeats itself in one second of time. Frequency may be designated in cycles per second (cps) or hertz (Hz).

"Impact" means an earthborn vibration generally produced by two or more objects striking each other so as to cause separate and distinct pulses.

"Particle velocity" means a characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by multiplying the frequency by the amplitude times the factor 6.28. The particle velocity will be in inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.

"Steady state vibration" means a vibration which is continuous, as from a fan, compressor, or motor.

"Vibration" means a reciprocating movement transmitted through the earth, both in horizontal and vertical planes.

(b) Ground-transmitted vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three mutually perpendicular directions.

(c) Table 7-2 below designates the maximum permitted particle velocities, except as otherwise designated. Where more than one set of vibration levels apply, the most restrictive shall govern. Measurements may be made at points of maximum vibration intensity.

TABLE 7-2

Vibration Level Restrictions

Performance Standard Category	Maximum Peak Particle Velocity, inches per second	Where Measured
A	0.02	On or beyond the subject property boundary line
B	0.05	On or beyond the subject property boundary line
C	0.10	On or beyond the zone boundaries

(d) In any residential area, the peak particle velocity shall not exceed 0.02 inches per second during the hours of 7:00 A.M. to 9:00 P.M. and shall not exceed 0.01 inches per second during the hours of 9:00 P.M. to 7:00 A.M.

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(e) The maximum particle velocity shall be the maximum vector sum of three mutually perpendicular components recorded simultaneously. Particle velocity may also be expressed as 6.28 times the displacement in inches multiplied by frequency in cycles per second.

(f) For the purpose of these regulations, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses that do not exceed 60 per minute shall be considered impact vibrations. Impact vibrations are limited to values no more than twice as high as those specified in Table 7-2.

§ 19:4-7.5 Performance standards; airborne emissions

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

"Particulate matter" means airborne material except uncombined water that exists in a finely divided form as a liquid or solid at standard conditions.

"Steam" means condensed water vapor droplets observable as a plume having an equivalent opacity of 60 percent or higher.

"Toxic matter" means material that is capable of causing injury to living organisms by chemical means when present in relatively small amounts.

(b) Any activity, operation, or device that causes, or tends to cause, air pollution shall comply with both the New Jersey State Air Pollution Control Laws and Codes, N.J.A.C. 7:27 and 7:27B, and the standards herein.

(c) The emission of visible steam from all stacks, chimneys, processes, and devices shall not exceed the restrictions in Table 7-3, below.

TABLE 7-3

Restrictions On Steam

Performance Standard Category	Steam Restrictions
A	No visible steam (except as a direct result of a combustion or other process) permitted.
B and C	No visible steam (except as a direct result of a combustion or other process) within 500 feet of a residential area.

(d) The emission of particulate matter from all stacks, vents, chimneys, flues and openings of all sources of air pollution on a lot shall not exceed the limitations in the New Jersey Air Pollution Control Laws and Codes, N.J.A.C. 7:27 and 7:27B.

(e) If any toxic matter is emitted which is listed by the American Conference of Governmental Hygienists or any other lists published by the State of New Jersey or Federal Government, the applicant shall satisfy the NJMC that the quantity and type of emission of this matter will be safe to the general population.

(f) No odor shall be emitted that is detectable by the human olfactory sense at or beyond an adjacent lot line.

§ 19:4-7.6 Performance standards; hazardous materials, liquids and chemicals

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

"Deflagration" means an exothermic reaction, such as the extremely rapid oxidation of a flammable dust or vapor in air, in which the reaction progresses through the unburned material at a rate less than the velocity of sound. A deflagration can have an explosive effect.

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"Detonation" means an exothermic reaction characterized by the presence of a shock wave in the material that establishes and maintains the reaction. The reaction zone progresses through the material at a rate greater than the velocity of sound. The principal heating mechanism is one of shock compression. Detonations have an explosive effect.

"Health hazard" means a classification of a chemical for which there is statistically significant evidence that acute or chronic health effects are capable of occurring in exposed persons. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which are capable of acting on the hematopoietic system, and agents which damage the lungs, skin, eyes or mucous membranes.

"Physical hazards" means a chemical for which there is evidence that it is a combustible liquid, compressed gas, cryogenic, explosive, flammable gas, flammable liquid, flammable solid, organic peroxide, oxidizer, pyrophoric or unstable (reactive) or water-reactive material.

(b) In all zones, any activity involving the manufacture, utilization, or storage of explosive, flammable, highly combustible, highly toxic, corrosive, or unstable materials shall be conducted in accordance with the regulations of the NJ UCC, N.J.A.C. 5:23; the NJ UFC, N.J.A.C. 5:18; and the New Jersey Right-to-Know Law, N.J.S.A. 34:5A-1 et seq.

(c) Category A standards are as follows:

1. The storage, utilization or manufacture of materials that pose a detonation hazard are not permitted as a principal use.

2. The storage and/or utilization, but not manufacture, of materials and products classified as deflagration, physical and health hazards by the NJ UCC shall only be permitted as an accessory use to the principal use provided the area devoted to such accessory use does not occupy more than 10 percent of the building's floor area.

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

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

1. The manufacture of materials and products that pose a detonation hazard shall not be permitted.

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

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

#### § 19:4-7.7 Performance standards; glare

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

"Candle" means the luminous intensity of one standard candle.

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

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

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

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

"Photometer" means an instrument for measuring the intensity of light.

"Watt" means a unit of electrical power.

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(b) Glare shall be measured in accordance with the standards and procedures set forth in the Illuminating Engineering Society of North America (IESNA) Lighting Handbook, 9th edition, incorporated herein by reference, as amended and supplemented. Outdoor lighting design shall be in accordance with the recommended practice, RP-33-99, published by the IESNA, incorporated herein by reference, as amended and supplemented. Both publications can be obtained from IESNA, 120 Wall Street, Floor 17, New York, NY 10005-4001.

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

(d) Uses subject to Category A, B, and C performance standards shall limit the use of light sources and illuminated surfaces within 500 feet of, and visible in, a residential area, Environmental Conservation zone, or Park and Recreation zone to comply with the light intensities indicated in Table 7-4 below.

TABLE 7-4

Maximum Intensity of Light Sources

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

§ 19:4-7.8 Performance standards; radioactive materials

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

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

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

§ 19:4-7.9 Performance standards; wastewater

(a) The following pertains to permanent sewerage facilities:

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

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

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

(b) The following pertains to temporary wastewater facilities:

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

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

- (1) The discharge complies with the standards of this paragraph;
- (2) The discharge will not impair and/or interfere with the functioning of the river, its tributaries, or the marsh-estuarine ecosystem of the District; and
- (3) Application is made pursuant to paragraph (b)2 below.

ii. Temporary wastewater facilities that hold or contain wastewater and do not discharge directly into the Hackensack River or its tributaries may be permitted if complying with the following requirements:

(1) The wastewater facility shall be constructed using one or more tanks with a maximum capacity of 6,000 gallons per tank. The facility shall be sized to accommodate the facility's wastewater flow for a 14-day period. The tank(s) shall comply with the following requirements:

(A) The tank(s) shall have a vent and visible/audible high level alarm, and shall be aerated and properly anchored to prevent uplift.

(B) The tank(s) shall be constructed of materials which are impervious, watertight, and noncorrosive.

(C) Tank installations shall be approved by the NJDEP, when required.

(2) Maintenance:

(A) Copies of a contract indicating the terms, conditions, and firm or entity engaged to maintain the wastewater facility shall be provided to the NJMC.

(B) The wastewater facility shall be pumped no less than every 14 days. Receipts shall be maintained on site at all times, and monthly records shall be provided to the NJMC.

(3) Within 90 days of availability of a public sanitary sewer, the temporary wastewater facility shall be decommissioned and removed, and inflows shall be redirected to the public sanitary sewer.

iii. Septic tanks shall not be permitted.

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

i. A written statement by the governing body or appropriate public agency of the municipality within which the premises are located that a connection to a public sewerage system cannot be made available to the applicant prior to the issuance of occupancy certification, as provided in N.J.A.C. 19:4-4.6;

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

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

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

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

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

1. The discharge of radioactive materials is not permitted; and
2. The discharge of oil or other petroleum products causing a detectable odor, a visible slick or in such quantities to injure and/or kill wildlife or marine animals is not permitted.

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

§ 19:4-7.10 Performance standards; traffic

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

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

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

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

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

(b) The TIA, and any portion thereof or alternative thereto, shall be developed in consultation with the NJMC staff and the Transportation Management Association(s) serving the Meadowlands region such as Meadowlink or the Hudson Transportation Management Association, and shall be subject to NJMC approval. The TIA shall analyze locations and peak hours as determined by the NJMC.

(c) The TIA shall be prepared by a New Jersey-licensed professional engineer or professional planner specializing in transportation, or other individual determined by the NJMC to be qualified as an expert in traffic engineering, and shall include the following:

1. Introduction:

i. A description of the size, location and nature of the proposed development and the methodology to be used in the development of the TIA;

2. Existing conditions:

i. An inventory and maps showing the existing transportation network in the vicinity of the proposed site, including transit;

ii. A traffic count program, in accordance with the following:

(1) Traffic counts shall be conducted for all locations and peak hours determined by the NJMC;

(2) Traffic counts shall not be conducted more than one year prior to the date of application;

(3) Any method used to balance or adjust traffic count data between intersections or roadway sections shall be described; and

(4) An existing condition traffic volume diagram shall be provided, including each peak hour analyzed;

iii. A capacity analysis, in accordance with the following:

(1) The capacity analysis shall be conducted using the methods of the Highway Capacity Manual (HCM), 2000 prepared by the Transportation Research Board (TRB) National Research Council, 2101 Constitution Avenue, N.W., Washington, DC 20418, incorporated herein by reference, as amended and supplemented;

(2) The Highway Capacity Software (HCS+), prepared by the University of Florida's McTrans, P.O. Box 116585, Gainesville, FL 32611, incorporated herein by reference, as amended and supplemented, shall be used to conduct the capacity analysis. The generated capacity analysis reports in HCS detailed report output format shall be included in an appendix to the TIA report. The Synchro 7 software package, prepared by Trafficware Ltd, P.O. Box 499, Sugar Land, TX 77487, incorporated herein by reference, as amended and supplemented, shall also be used to analyze multiple signalized intersections along a corridor as determined by the NJMC;

(3) Capacity analyses shall be conducted for all locations and peak time periods as determined by the NJMC;

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(4) All methodology and data sources used to create the capacity analysis shall be described; and

(5) A summary, table, and diagram of all capacity analyses by location and time period shall be provided. The table shall include Level of Service (LOS), volume to capacity (V/C) ratio, density in passenger cars per mile per lane, and delay in seconds for each movement of each analyzed intersection, ramp and/or roadway, as applicable.

3. Trip generation, distribution, modal split and assignment:

i. A trip generation analysis shall be conducted using the procedures described in the ITE Trip Generation Handbook, Second Edition, incorporated herein by reference, as amended and supplemented, a copy of which can be obtained from the Institute of Transportation Engineers, 525 School Street, S.W., Suite 410, Washington, DC 20024. Trip generation shall be calculated using the trip generation rates and/or formulas described in the ITE Trip Generation manual referenced in (a)2 above. All methods, land use codes, rates and formulas used from the manual shall be noted, including appropriate edition and page number. Alternative trip generation from surveys may be used if the process and sources are documented and determined adequate by the NJMC. All trip generation methods, including trip reduction credits such as pass-by, transit, or internal capture, shall be subject to NJMC approval. All trip generation methods shall include written justification, including illustrations.

ii. A tabular summary shall be provided indicating the entering, exiting, and total trips for the peak hours determined by the NJMC.

iii. Trip distribution shall be determined by using a gravity model method approved by the NJMC that replicates the flow of traffic by trip origin and destination. Trip distribution documentation including rationale, procedures, and calculations shall be described and illustrated in the TIA.

iv. The modal split, or mode choice, shall be provided describing the means of transportation used, including personal vehicle, transit, walking, or other means. The modal split shall be provided for each existing and future condition and listed by percentage of mode type. The TIA shall provide the source of the modal split information and indicate the relevance of this data to the proposed site development or project. The modal split shall be subject to approval by the NJMC.

v. Trip assignment shall be provided by showing how the trips were assigned on the transportation network for the future conditions. The applicant shall describe and illustrate the methodology used assigning the trips.

vi. A total site traffic volume diagram shall be provided, including each peak hour analyzed.

4. Future no-build conditions:

i. The future no-build conditions that are projected without the proposed development shall include the following:

(1) The identification of any development, other than the proposed project, using the same existing or proposed roadway network as the project in question that is projected to be built by the same proposed build year(s), inclusive of all phases, and the resulting trips. The trip generation of the development shall be calculated in accordance with (c)3 above;

(2) A background growth rate, compounded annually, determined from the Annual Background Growth Rate Table, published by the New Jersey Department of Transportation (NJDOT), April 2007, incorporated herein by reference as amended and supplemented, and applied to the existing traffic volumes of the study area. The Annual Background Growth Rate Table may be obtained from the NJDOT, 1035 Parkway Avenue, PO Box 600, Trenton, NJ 08625-0600, or its website, <http://www.state.nj.us/transportation/>;

(3) The future no-build traffic volumes derived by combining the resulting volumes generated by (c)4i(1) and (2);

(4) Trips resulting from (c)4i(3), applied to the roadway network, including any proposed transportation improvements projected to be constructed by the build year, exclusive of site-related improvements; and

(5) Traffic volume diagrams, including each peak hour analyzed, for the following:

(A) Any development other than the proposed project;

(B) The total of the other developments; and

(C) The no-build condition.

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ii. A capacity analysis of the no-build conditions shall be conducted in accordance with (c)2iii above.

5. Future build conditions:

i. The future build conditions that are projected with the proposed development shall include the following:

- (1) A description and illustration of proposed site access and the proposed roadway and intersection configurations;
- (2) The traffic volume used in the build capacity analysis, derived by combining the site trip generation volumes calculated in accordance with (c)3 above and the no-build volumes of (c)4 above;
- (3) Trips resulting from (c)5i(2) above, applied to the roadway network, including any proposed transportation improvements projected to be constructed by the build year, exclusive of site-related improvements; and
- (4) A build condition traffic volume diagram, including each peak hour analyzed.

ii. A capacity analysis of the build conditions shall be conducted in accordance with (c)2iii above.

6. Impact assessment and mitigation condition:

i. The TIA shall assess the results of the build analysis by comparing the no-build and build traffic impact, in accordance with the following:

- (1) Any roadway, ramp, or intersection that exceeds a LOS "D" or degrades the no-build LOS by more than one LOS letter grade shall be subject to mitigation measures.
- (2) Any new roadway, ramp, or intersection shall be designed to operate at a LOS "C" or better.
- (3) If the project is built in multiple years, build and mitigation conditions shall reflect the multiple build years separately.
- (4) Proposed on-site and off-site transportation improvements supplemental to the no-build or proposed build transportation improvements shall be described and illustrated with a detailed conceptual design showing all geometric elements and dimensions, and detailed cost estimate.

(5) All transportation improvements to be provided by the applicant shall be identified. The TIA shall also identify any improvements to be built as a public/private partnership or as public improvement investment.

(d) The NJMC reserves the right to require additional analyses, including accident analyses, sight distance surveys, traffic simulation and modeling, and queuing analyses.

## SUBCHAPTER 8. SITE PLAN REQUIREMENTS

### § 19:4-8.1 General provisions

(a) All standards specified in this subchapter are the minimum allowed.

(b) No structure shall be constructed, moved, or altered unless the minimum required site improvements as outlined in this subchapter are provided.

(c) No structure shall be constructed, moved, or altered, nor site improvements undertaken, unless all of the minimum required barrier free improvements are provided in accordance with the New Jersey Uniform Construction Code (NJ UCC), Barrier Free Subcode, N.J.A.C. 5:23-7.

(d) Permitted uses in the Environmental Conservation zone and public parks in all zones are exempt from the design standards of this subchapter, but shall be designed in consultation with the NJMC staff.

(e) All proposed site plans shall consider and shall be reviewed in accordance with the following elements:

1. The average height, massing and general proportions of development within the neighborhood;
2. The surrounding environment and adjacent property;
3. Natural features and ecology;

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4. Scenic, cultural, historical, archeological or landmark sites;
5. Open space, parks and recreational facilities;
6. Traffic circulation;
7. Vehicle and pedestrian circulation and safety;
8. Access to public transportation;
9. Availability of utility services, including sanitary sewers and public water; and
10. Waste disposal and recycling.

§ 19:4-8.2 Parking

(a) General requirements applicable to parking are as follows:

1. No structure shall be constructed, moved, or altered, and no existing structure or use shall be enlarged, after February 17, 2004 unless the required number of parking spaces are provided in accordance with N.J.A.C. 19:4-8.4.
2. All required parking facilities shall be located off-street and on the same lot occupied by the use served.
3. Required parking facilities shall be solely for the parking of motor vehicles, registered and in operating condition, of patrons, occupants, or employees of such uses.
4. The number, dimensions, location, and construction of barrier free parking spaces shall meet the requirements set forth in the NJ UCC Barrier Free Subcode, N.J.A.C. 5:23-7.
5. Adequate pedestrian circulation shall be provided between parking areas and the structures and uses served, and shall include methods to separate pedestrian and vehicular traffic.
6. No motor vehicle repair, work or service of any kind shall be permitted in connection with any non-residential parking facility, except where otherwise permitted.
7. All areas to be maintained for fire fighting or other emergency purposes shall be appropriately designed and designated in accordance with the New Jersey Uniform Fire Code (NJ UFC), N.J.A.C. 5:18, as determined by the municipal fire official, and identified on a site plan.

(b) Location requirements are as follows:

1. No vehicular use areas are permitted in required front yards or within required buffer areas. Driveways shall intersect ROW's at right angles, or as close as practicable, and shall traverse the required front yard in the shortest path practical.
2. All vehicular use areas shall maintain a five-foot setback from side and rear property lines, except in the Low Density Residential and Neighborhood Commercial zones, where a two-foot setback shall be maintained.
3. Entrances and exits shall not be located within the required line-of-sight triangle of an intersection or less than 50 feet from the intersection of the projected curb lines, except in the Low density residential zone.

(c) Design requirements are as follows:

1. A minimum six feet of landscaped open space shall be maintained as a buffer between buildings and vehicular use areas, exclusive of loading areas.
  - i. With the exception of new buildings and building additions, the Chief Engineer may waive or modify this requirement in existing vehicular use areas that do not currently provide the required minimum buffer, or for the minor extension of such an area as determined by the Chief Engineer, as follows:
    - (1) Where such waiver or modification is needed to achieve required parking space dimensions and/or aisle widths; and
    - (2) Where no practical design alternatives are available to achieve compliance with this regulation.

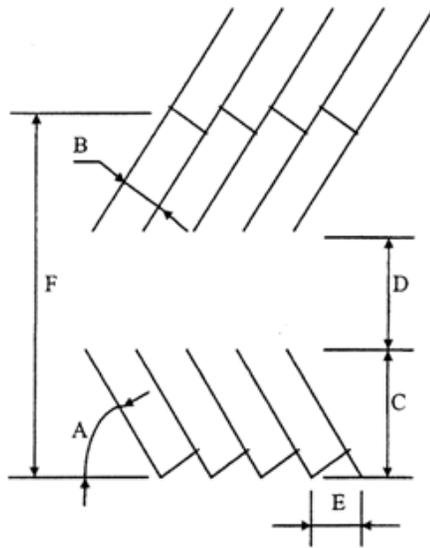
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- ii. In cases where the required buffer has been waived or modified, building protection shall be provided to the extent possible, including, but not limited to, striping, wheel stops, guide rails, and/or bollards.
2. Entrances and exits shall be located in a safe and convenient manner with minimal impact on traffic movement on adjacent streets. All entrances and exits to parking areas shall have appropriate directional signage for traffic control.
3. Adequate space for queuing of vehicles shall be provided. Uses with drive-through facilities shall provide an adequate queuing lane.
4. All parking stalls shall be marked with four-inch wide lines.
5. All vehicular use areas, except those in the Environmental Conservation zone and single-family 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. Use of pavement materials other than asphalt or concrete shall be subject to approval by the Chief Engineer.
6. All vehicular use areas shall be provided with adequate drainage facilities in accordance with N.J.A.C. 19:4-8.6.
7. All vehicular use areas shall be properly screened and landscaped in accordance with N.J.A.C. 19:4-8.9.
8. All vehicular use areas shall be adequately and properly lit in accordance with N.J.A.C. 19:4-8.13.
9. Parking spaces that back-out directly into a street are prohibited, except for single-family and two-family detached dwellings.
10. Two feet in any stall length may be provided as a landscape overhang area, provided that required curbing is installed. Landscape overhang areas shall not be permitted in the following locations:
  - i. The required front yard;
  - ii. The five-foot property line buffer required in N.J.A.C. 19:4-8.2(b) 2;
  - iii. The six-foot building buffer required in N.J.A.C. 19:4-8.2(c)1;
  - iv. The required open space area; and
  - v. The ends of parking stalls angled less than 60 degrees.
11. 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 NJMC. Such islands shall be curbed with full-depth concrete or granite block and landscaped with shade trees and other appropriate vegetation.
12. All parking areas shall be arranged and designed so as to prevent damage to adjacent fences, walls, plantings and lighting structures.
13. Parking areas shall be designed in accordance with Figure 8-1, as follows:

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**Figure 8-1  
Parking Dimensions and Layout**

A	0°	20°	30°	45°	60°	70°	80°	90°
B	8 ft. - 6 in.	8 ft. - 6 in.	8 ft. - 6 in.	8 ft. - 6 in.	8 ft. - 6 in.	8 ft. - 6 in.	8 ft. - 6 in.	8 ft. - 6 in.
C	8 ft. - 6 in.	14 ft. - 2 in.	16 ft. - 4 in.	18 ft. - 9 in.	19 ft. - 10 in.	19 ft. - 10 in.	19 ft. - 2 in.	18 ft. - 0 in.
D	11 ft. - 8 in.	10 ft. - 8 in.	10 ft. - 8 in.	13 ft. - 0 in.	17 ft. - 11 in.	18 ft. - 11 in.	23 ft. - 4 in.	24 ft. - 0 in.
E	23 ft. - 0 in.	24 ft. - 10 in.	17 ft. - 0 in.	12 ft. - 0 in.	9 ft. - 10 in.	9 ft. - 1 in.	8 ft. - 8 in.	8 ft. - 6 in.
F	28 ft. - 8 in.	39 ft. - 0 in.	43 ft. - 4 in.	50 ft. - 6 in.	57 ft. - 7 in.	58 ft. - 7 in.	61 ft. - 8 in.	60 ft. - 0 in.



- A Parking angle
- B Stall width
- C Stall to curb
- D Aisle width
- E Curb length per car
- F Width of double row with aisle between

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

1. The number of parking spaces provided for all classifications of uses on a site shall be required in accordance with N.J.A.C. 19:4-8.4.

2. Where there is more than one use on a site, the number of required parking spaces shall be the sum of required parking spaces for each use.

3. Space allocated for required parking shall not be used for the parking of vehicles for sale, lease, or rental in conjunction with vehicle sales and rental facilities.

4. Space allocated for required parking shall not be used to satisfy any portion of the site's loading requirement, nor shall such space be used for storage and trailer parking, or any other purpose.

5. Space allocated for required parking shall not be utilized for any loading or truck maneuvering.

6. When required parking calculations result in a fraction of a space, that figure shall be rounded to the closest whole space.

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

1. The applicant shall satisfactorily demonstrate that the full amount of required parking will not be needed to support a specific tenant or use, or until a later phase of development or construction.

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2. The land-banked parking area shall comply with all applicable regulations.

3. All land-banked parking areas shall be deed restricted.

(f) Shared parking requirements are as follows:

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

i. Determination of required number of spaces:

(1) For new construction, the minimum number of parking spaces constructed for a shared use project shall be determined by a shared parking plan, developed in accordance with the Urban Land Institute's (ULI) Shared Parking Manual, Second Edition, 2005, incorporated herein by reference, as amended and supplemented, or other similarly recognized publication. The Shared Parking Manual can be obtained from the Urban Land Institute, 1025 Thomas Jefferson Street, N.W., Suite 500 West, Washington, DC 20007.

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

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

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

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

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

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

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

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

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

7. If any shared parking arrangement fails to meet the criteria in this section, the NJMC has the right to terminate the shared parking plan and to enforce the construction of the required parking.

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

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§ 19:4-8.3 Loading

(a) General requirements concerning loading are as follows:

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

(b) Location requirements for loading are as follows:

1. Loading shall not be permitted in any front yard.
2. Loading areas, including accessory trailer parking areas, shall be located in the rear yard. Where this is not possible due to technical reasons related to site layout, loading areas may be located in a side yard.
3. No loading area shall be located within 10 feet of an open ditch.
4. All entrances and exits to loading areas shall be located in a safe and convenient manner with minimal impact on traffic movement on the site and adjacent streets.
5. Entrances and exits shall not be located within the required line-of-sight triangle of an intersection.

(c) Design requirements for loading are as follows:

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

(d) Loading requirements are as follows:

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

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§ 19:4-8.4 Parking and loading requirements

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

Table 8-1

Parking and Loading Requirements

	<b>Use</b>	<b>Minimum Parking Requirements</b>	<b>Minimum Loading Requirements</b>
1.	Airport	One space per four seats for waiting passengers; and one space per two employees on the shift of maximum employment	Two loading spaces; 12 feet x 60 feet
2.	Assisted living facility	%0.5 spaces per bed	One loading space; 12 feet x 30 feet
3.	Automobile rental facility	One space per employee; 2.5 spaces per 1,000 sq. ft. of enclosed floor area; and 0.33 spaces per 1,000 sq. ft. of open lot vehicle storage area	One loading space; 12 feet x 30 feet
4.	Automobile repair facility, major and minor	One space per employee but not fewer than five employee parking spaces; two spaces per service bay; and five spaces per 1,000 sq. ft. of floor area of accessory retail, but no fewer than five spaces	One loading space; 12 feet x 30 feet
5.	Automobile sales facility	One space per employee; 2.5 spaces per 1,000 sq. ft. of enclosed floor area; 0.33 spaces per 1,000 sq. ft. of open lot vehicle storage area; and two spaces per service bay	One loading space; 12 feet x 30 feet
6.	Bank	Four spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 30 feet
7.	Boat sales, rental and repair facility	One space per employee; and 0.33 spaces per 1,000 sq. ft. of open lot area devoted to the sale and display of merchandise	One loading space; 12 feet x 60 feet
8.	Building materials yard or facility	One space per 1,000 sq. ft. of floor area;	One loading space; 12 feet x 30 feet

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		and one space per facility vehicle	
9.	Bus garage	One space per two bus parking spaces	One loading space; 12 feet x 60 feet
10.	Business support services	2.5 spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 30 feet
11.	Car wash (full service)	One space per two employees; and one per vacuum	One loading space; 12 feet x 30 feet
12.	Car wash (self service)	One space per employee; and one per vacuum	One loading space; 12 feet x 30 feet
13.	Class A, B, or D recycling facility	One space per 1,000 sq. ft. of floor area; and one space per facility vehicle	One loading space (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; two loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
14.	Commercial off-street parking	One space per employee	Not required
15.	Commercial recreation, indoor (see also "swimming pool")	Three spaces per 1,000 sq. ft. of floor area; 10 spaces per basketball court; and four spaces per tennis or similar court	One loading space; 12 feet x 30 feet
16.	Commercial recreation, outdoor (see also "swimming pool")	Three spaces per 1,000 sq. ft. of field area; 10 spaces per basketball court; and four spaces per tennis or similar court	One loading space; 12 feet x 30 feet
17.	Community residence or shelter	0.5 spaces per bedroom; and one space per employee on the shift of maximum employment	One loading space; 12 feet x 30 feet
18.	Construction equipment sales, rental, and repair	0.33 spaces per 1,000 sq. ft. of open lot area; and one space per employee	One loading space; 12 feet x 60 feet
19.	Contractor's office	2.5 spaces per 1,000 sq. ft. of floor area; and one space per facility vehicle	One loading space; 12 feet x 30 feet
20.	Contractor's yard or facility	One space per 1,000 sq. ft. of floor area;	One loading space; 12 feet x 30 feet

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		and one space per facility vehicle	
21.	Convention center	2.5 spaces per 1,000 sq. ft. of floor area	Four loading spaces; 12 feet x 60 feet
22.	Cultural facilities	2.5 spaces per 1,000 sq. ft. of floor area or one space per four seats, whichever is greater	One loading space (12 feet x 60 feet) for structures up to and including 100,000 sq. ft.; and one additional loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
23.	Day care facility	One space per employee; one space per facility vehicle; and one space per 10 children or other persons requiring care	One loading space; 12 feet x 30 feet
24.	Disaster recovery facility	One space per 1,500 sq. ft. of floor area	Two loading spaces; 12 feet x 60 feet
25.	Dwelling, single family	Two spaces per unit	Not required
25.	Dwelling, two family	Two spaces per unit	Not required
27.	Dwelling, multiple family	One space per unit for units restricted as affordable in accordance with N.J.A.C. 5:80-26; two spaces per unit for all other units; and one visitor space per four units	Not required, except when greater than four stories: one loading space; 12 feet x 30 feet
28.	Essential public services	One space per employee on the shift of maximum employment; and one space per facility vehicle	One loading space; 12 feet x 30 feet
29.	Fuel service station	One space per employee, but not fewer than five employee parking spaces; five spaces per 1,000 sq. ft. of floor area of accessory retail, but not fewer than five spaces; and two spaces per service bay	One loading space; 12 feet x 30 feet
30.	Funeral home and mortuary	One space per four seats or 20 spaces per 1,000 sq. ft. of public assembly area, whichever is greater; one space per	One loading space; 12 feet x 30 feet

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		employee; and one space per facility vehicle	
31.	Health care center	Two spaces per examination or treatment room; and one space per employee (including doctors and staff)	One loading space; 12 feet x 30 feet
32.	Heavy industry	One space per 1,000 sq. ft.	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
33.	Heliport	One space per 1,000 sq. ft. of exterior operational area	Not required
34.	Helistop, commercial	Five spaces	Not required
35.	Helistop	Two spaces	Not required
36.	Hospital	Two per bed; and one space per two employees	One loading space (12 feet x 60 feet) per 100,000 sq. ft. of floor area
37.	Hotel and motel	One space per guest room; and such other spaces for accessory uses as required herein	Hotel, full service: One loading space; 12 feet by 60 feet; Hotel, limited service: one loading space; 12 feet by 30 feet
38.	House of worship	One space per five persons in the main place of worship, based on maximum occupancy as determined by the NJ UCC	One loading space; 12 feet x 30 feet
39.	Institutional use	Cumulative parking requirement per use	One loading space; 12 feet x 30 feet
40.	Intermodal facility	One space per 25,000 sq. ft. of lot area used for intermodal operations; and cumulative parking requirement per	Two loading spaces; (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60

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		additional use	feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
41.	Kennel	One space per employee; one space per facility vehicle; and one space per 10 animals	One loading space; 12 feet x 30 feet
42.	Light Industry	One space per 1,500 sq. ft. of floor area	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
43.	Manufactured home and trailer sales, rental, and repair	One space per employee; and 0.33 space per 1,000 sq. ft. of open lot area devoted to the sale and display of merchandise	One loading space; 12 feet x 60 feet
44.	Manufactured home park	Two spaces per unit; and one space per employee	Not required
45.	Marina	One space per two docking berths, plus 10 spaces per 1,000 linear feet of usable water frontage, plus one trailer space per two docking berths	One loading space; 12 feet x 60 feet
46.	Materials recovery facility	One space per 1,000 sq. ft. of floor area; and one space per facility vehicle	One loading space; 12 feet by 60 feet
47.	Membership club or lodge, private	One space per four persons based on maximum occupancy as determined by the NJ UCC	One loading space; 12 feet x 30 feet

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48.	Movie theater	One space per four seats	One loading space (12 feet x 60 feet) for structures up to and including 100,000 sq. ft.; two loading spaces (12 feet x 60 feet) for structures greater than 100,000 sq. ft.
49.	Nursing or rehabilitation facility	0.5 spaces per bed	One loading space; 12 feet x 30 feet
50.	Office	2.5 spaces per 1,000 sq. ft. of floor area <sup>1</sup>	One loading space (12 feet x 30 feet) for structures up to and including 100,000 sq. ft.; one loading space (12 feet x 60 feet) for structures over 100,000 sq. ft. and up to and including 500,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 500,000 sq. ft.
51.	Outdoor storage	One space per employee; and one space per facility vehicle	None required
52.	Park or recreation facility	See "commercial recreation, indoor" and "commercial recreation, outdoor"	Not required
53.	Personal services	Five spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 30 feet
54.	Place of assembly	10 spaces per 1,000 sq. ft. of floor area	One loading space (12 feet x 30 feet) for structures up to and including 100,000 sq. ft.; two loading spaces (12 feet x 60 feet) for structures over 100,000 sq. ft. and up to and including 500,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 500,000 sq. ft.
55.	Public utility uses, heavy	One space per 1,000 sq. ft. of floor area; and one space per facility vehicle	One loading space (12 feet x 60 feet) for structures up to and including 40,000 sq.

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			ft.; two loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
56.	Public utility uses, light	One space per 1,000 sq. ft. of floor area; and one space per facility vehicle	Not required
57.	Research and development facility	2.5 spaces per 1,000 sq. ft. of floor area	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
58.	Resource recovery facility	One space per 1,000 sq. ft. of floor area; and one space per facility vehicle	One loading space; 12 feet x 60 feet
59.	Restaurant Sit-down  Carry-out  Fast-food	Eight spaces per 1,000 sq. ft. of floor area 10 spaces per 1,000 sq. ft. of floor area 13 spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 30 feet One loading space; 12 feet x 30 feet One loading space; 12 feet x 60 feet
60.	Restaurant, accessory outdoor seating	Up to 20 seats may be provided with no additional parking requirement; and 0.33 space per additional seat	None required
61.	Retail	Five spaces per 1,000 sq. ft. of floor area and outdoor display area	One loading space (12 feet x 30 feet) for structures up to 30,000 sq. ft.; two loading spaces (12 feet x 60 feet) for structures greater than 30,000 sq. ft.;

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			and one additional loading space (12 feet x 60 feet) per additional 50,000 sq. ft. over 30,000 sq. ft.
62.	School, primary or intermediate, public or private	One space per employee	One loading space; 12 feet x 30 feet
63.	School, secondary and post-secondary, public or private	One space per employee; and one space per 10 students based on maximum occupancy as determined by the NJ UCC	One loading space; 12 feet x 30 feet
64.	Self-storage facility	One space per 100 storage units or one space per 10,000 sq. ft., whichever is less, but in no case less than six spaces	Two loading spaces (12 feet by 60 feet) for structures up to and including 30,000 sq. ft.; three loading spaces (12 feet by 60 feet) for structures over 30,000 sq. ft.; and one additional loading space (12 feet by 60 feet) per additional 50,000 sq. ft. over 30,000 sq. ft.
65.	Senior housing	One space per dwelling unit	Not required, except when greater than four stories: one loading space; 12 feet x 30 feet
66.	Social services	One space per employee; and 2.5 spaces per 1,000 sq. ft. of floor area	One loading space; 12 feet x 30 feet
67.	Solid waste transfer station	One space per facility vehicle, plus one space per 1,000 sq. ft. of floor area	One loading space (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; two loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft.
68.	Studio	1.5 spaces per 1,000 sq. ft. of studio and production area; one space per facility	One loading space (12 feet x 60 feet) per 25,000 sq. ft.

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		vehicle; 10 spaces per 1,000 sq. ft. of assembly areas; 2.5 spaces per 1,000 sq. ft. of office area; and such other cumulative parking requirements per use as applicable	
69.	Swimming pool, public or swim club, private	One space per 38 sq. ft. of water surface area, or 15 spaces per site acre, whichever is greater	One loading space; 12 feet x 30 feet
70.	Taxi and limousine service	One space per facility vehicle; and 2.5 spaces per 1,000 sq. ft. of enclosed floor area	One loading space; 12 feet x 30 feet
71.	Truck rental facility	One space per employee; 2.5 spaces per 1,000 sq. ft. of enclosed floor area; and 0.33 spaces per 1,000 sq. ft. of open lot vehicle storage area	One loading space; 12 feet x 60 feet
72.	Truck repair facility	One space per employee but not fewer than five employee parking spaces; two spaces per service bay; and five spaces per 1,000 sq. ft. of floor area of accessory retail, but no fewer than five spaces	One loading space; 12 feet x 30 feet
73.	Truck sales	One space per employee; 2.5 spaces per 1,000 sq. ft. of enclosed floor area; 0.33 spaces per 1,000 sq. ft. of open lot vehicle storage area; and two spaces per service bay	One loading space; 12 feet x 60 feet
74.	Truck stop	Cumulative parking requirement per use	One loading space; 12 feet x 60 feet
75.	Truck terminal	One space per loading door or one space per employee on the shift of maximum employment, whichever is greater; and one space per facility vehicle	One loading space; 12 feet x 60 feet

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76.	Truck wash (full-service)	One space per two employees; and one per vacuum	One loading space; 12 feet x 30 feet
77.	Truck wash (self-service)	One space per employee; and one per vacuum	One loading space; 12 feet x 30 feet
78.	Veterinary facility	Two spaces per examination or treatment room; and one space per employee (including doctors and staff)	One loading space; 12 feet x 30 feet
79.	Warehouse and distribution facility	One space per 1,500 sq. ft. of floor area	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.
80.	Wholesale establishment	One space per 1,500 sq. ft. of floor area	Two loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft.; three loading spaces (12 feet x 60 feet) for structures over 40,000 sq. ft. and up to and including 100,000 sq. ft.; and one loading space (12 feet x 60 feet) per additional 100,000 sq. ft. over 100,000 sq. ft.

Notes:

<sup>1</sup> Accessory office space(s) within existing warehouse and distribution and/or industrial facilities, not exceeding a total of 300 sq. ft. of gross floor area and not contiguous to any other office use, may be permitted to have a minimum parking requirement of 1 space per 1,500 sq. ft. of floor area. All other office space shall be required to meet the minimum parking requirement for office use of 2.5 spaces per 1,000 sq. ft. of floor area.

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

§ 19:4-8.5 Line-of-sight triangle

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(a) Line-of-sight triangles shall be provided in accordance with established American Association of State Highway and Transportation Officials (AASHTO) design recommendations for intersection sight distances/sight triangles as found in the AASHTO manual, "A Policy on Geometric Design of Highways and Streets," Fifth Edition, 2004, incorporated herein by reference, as amended and supplemented, and shall be indicated on the site plan.

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

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

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

§ 19:4-8.6 Drainage

(a) General requirements for drainage are as follows:

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

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

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

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

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

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

(b) Design requirements for drainage are as follows:

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

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

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Office of Hydrologic Development, Hydro-meteorological Design Studies Center, Bldg. SSMC2 W/OHD13, 1325 East-West Highway, Silver Spring, MD 20910-3283, or online at [http://hdsc.nws.noaa.gov/hdsc/pfds/orb/nj\\_pfds.html](http://hdsc.nws.noaa.gov/hdsc/pfds/orb/nj_pfds.html). An outline of the above document, specific to New Jersey, is available from the National Resources Conservation Service (NRCS) New Jersey State Office (NJSO). This outline, NJ Bulletin No. NJ210-4-1, dated September 8, 2004, incorporated herein by reference, as amended and supplemented, is available through the NRCS New Jersey State Office, 220 Davidson Avenue, 4th Floor, Somerset, New Jersey 08873, or online at [www.state.nj.us/dep/damsafety/nrcs\\_24hour\\_rainfall.pdf](http://www.state.nj.us/dep/damsafety/nrcs_24hour_rainfall.pdf). Per N.J.A.C. 7:8, the Stormwater Management Rules, properties within the District and outside the FEMA Special Flood Hazard Area (SFHA) may be required to meet water quality control requirements for events greater than the 25-year event. Additionally, the water quality design storm shall be developed pursuant to N.J.A.C. 7:8-5.5.

3. Runoff estimation:

i. The Rational Method, utilizing the rational formula listed in Figure 8-2 below, shall be used for the sizing of storm sewer systems only. The antecedent precipitation factor (Ca) shall be used with the Rational Method, as shown in the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90-1.3, incorporated herein by reference, as amended and supplemented. For the sizing of volume-based stormwater systems and for comparing pre- and post-construction peak flows, the National Resources Conservation Service's (NRCS), Technical Release No. 55 (TR-55), "Urban Hydrology for Small Watersheds," incorporated herein by reference, as amended and supplemented, or equivalent approved by the NJMC, shall be used. A copy may be obtained from the NRCS New Jersey State Office, 220 Davidson Avenue, 4th floor, Somerset, New Jersey 08873, or online at the NRCS website, <http://www.wcc.nrcs.usda.gov/hydro/hydro-tools-models-tr55.html>; and

Figure 8-2

Rational Formula

$$Q = ciA$$

where:

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

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

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

A = Drainage area in acres (ac)

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

Table 8-2  
Coefficient of Runoff Values

Land Use	Description	Hydrologic Soils Group			
		A	B	C	D
Cultivated Land:	Without conservation treatment	0.49	0.67	0.81	0.88
	With conservation treatment	0.27	0.43	0.61	0.67
Pasture:	Poor condition	0.38	0.63	0.78	0.84
Grassland or Range Land	Fair condition	-----	0.25	0.51	0.65
	Meadow	-----	-----	0.41	0.61
Wood or Forest Land:	Poor cover; thin stand, no mulch	-----	0.34	0.59	0.70
	Good cover	-----	-----	0.45	0.59
Open Space: Lawns, Parks, Golf Courses, etc.)	Poor Condition (grass cover < 50 percent)	-----	0.65	0.70	0.85
	Fair Condition (grass cover 50 percent to 75 percent)	-----	0.45	0.63	0.74
	Good Condition (grass cover > 75 percent)	-----	0.25	0.51	0.65
Commercial and Business Areas:	85 percent impervious	0.84	0.90	0.93	0.96
Industrial Districts:	72 percent impervious	0.67	0.81	0.88	0.92
Residential:					
Average Lot Size (acres):	Average percent impervious:				
1/8	65	0.59	0.76	0.86	0.90
1/4	38	0.29	0.55	0.70	0.80
1/3	30	-----	0.49	0.67	0.78
1/2	25	-----	0.45	0.65	0.76
1	20	-----	0.41	0.63	0.74
Impervious Areas:					
Paved	Parking lots, roofs, driveways, etc.	0.99	0.99	0.99	0.99
Gravel	Streets and roads	0.99	0.99	0.99	0.99
Dirt	Streets and roads	0.57	0.76	0.84	0.88
	Streets and roads	0.49	0.69	0.80	0.84

Note: Hydrologic Soil Groups texture descriptions are the following:

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

iii. The time of concentration (Tc) used shall be calculated using the NRCS TR-55 methodology or other method approved on a case-by-case basis by the NJMC. The time of concentration shall have a sheet flow component of no greater than 150 feet on paved surfaces. Vegetated surfaces shall have a sheet flow component no greater than 100 feet. The minimum time of concentration shall be six minutes.

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

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

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Figure 8-3

Manning's Equation

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

where:

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

ii. Pipe sizes shall be determined using the design runoff, conduit entrance conditions and hydraulic capacity. No stormwater systems may be designed to function under a pressure condition unless justified by the design professional and approved by the NJMC.

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

iv. The materials used in the construction of storm sewers shall be reinforced concrete, ductile iron, corrugated polyethylene, or other as approved by NJMC. Corrugated metal and steel shall not be permitted. Should existing corrugated metal or steel pipes be incorporated into a proposed system, their condition shall be verified.

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

vi. All transitions in pipe slopes, junctions and changes in pipe sizes shall be confined to manholes, catch basins, or other accessible structures designed for one or more of these purposes. Additionally, all manhole, catch basin, and other pipe connections to structures shall be equipped with flexible, water-tight joints.

vii. Where a drainage system discharges to a tidal waterway, tide gates, constructed of cast iron or other corrosion-proof material, shall be provided at every discharge point. Additionally, the backwater condition generated by the mean high water (MHW) tide shall be considered in the drainage calculations associated with tidally influenced areas. Data on the tide elevations throughout the District is available from the NJMC.

viii. Where a drainage system discharges to grade or into a stream, ditch or other body of water, a concrete head-wall with wing-walls and a rip-rap apron pad, or other as approved by the NJMC, shall be constructed. The apron pad and/or scour hole design shall consider the tailwater elevation to be equal to the mean low water (MLW) elevation if tidally influenced. Additionally, where maximum velocities exceed the allowable velocities for soil stability, as determined in the Standards for Soil Erosion and Sediment Control in New Jersey, N.J.A.C. 2:90, scour control shall be provided.

ix. Roof runoff shall be conveyed via roof leaders to a stormwater collection system, where feasible. Should direct connection to a stormwater collection system be impractical, roof leaders shall first discharge to stable, vegetated areas, where feasible, and then be directed to a stormwater collection system.

x. Roof leaders and their respective receiving systems shall be sized to pass a minimum rainfall intensity per N.J.A.C. 5:23-3.15(b)12ii of the Uniform Construction Code (UCC), or the design storm intensity, whichever is greater.

xi. All concrete pipes shall be minimum ASTM Class III unless loading conditions require stronger pipe.

xii. The minimum depth of cover over the concrete pipe shall be in accordance with Table 8-3 below:

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Table 8-3  
 Minimum Depth of Coverage over Concrete Pipe

Pipe Diameter (in inches)	ASTM Class Pipe	Minimum Cover (surface to top of pipe in inches)
12	III IV V	17 12 7
15	III IV V	16 11 7
18	III IV V	16 10 6
24	III IV V	15 6 6
30	III IV V	10 6 6
36 and above	III IV	6 6

xiii. The minimum depth of cover for ductile iron, polyvinyl chloride (PVC), and high-density polyethylene (HDPE) pipe shall conform to the manufacturer's standards.

5. Surface and subsurface detention basins shall be designed in accordance with N.J.A.C. 7:8, the Stormwater Management Rules, and the NJDEP "New Jersey Stormwater BMP Manual," each incorporated herein by reference, as amended and supplemented. The New Jersey Stormwater BMP Manual is available online at [http://www.state.nj.us/dep/stormwater/bmp\\_manual2.htm](http://www.state.nj.us/dep/stormwater/bmp_manual2.htm). The following are exceptions to the above requirements:

- i. The design storm shall be reduced to the 25-year storm unless constructed outside of the FEMA Special Flood Hazard Area (SFHA). The NJDEP stormwater quantity requirements, which include larger storm events, shall apply to areas outside of the SFHA.
- ii. Backwater calculations shall be included in the design, per (b)4vii, above.
- iii. Subsurface detention systems that rely on infiltration for discharge shall only be designed in locations without known soil contamination or other issues which may threaten the quality of groundwater.
- iv. Detention basins shall be maintained to prevent clogging and/or siltation.

6. Stormwater pollutant removal shall be performed in compliance with N.J.A.C. 7:8, the Stormwater Management Rules. In addition:

- i. Stormwater quality control devices shall be installed off-line unless it is demonstrated that resuspension of collected soils will not occur during storm intensities or depths greater than the NJDEP Water Quality Storm as defined in N.J.A.C. 7:8-5.5.
- ii. Similar structural stormwater management measures may not be used in series to achieve the required 80-percent TSS removal unless approved by the Chief Engineer.
- iii. Stormwater management measures, such as detention basins, swales and sand filters, shall not receive stormwater runoff until the site has been stabilized per the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90-1.3.
- iv. All subsurface stormwater management measures shall have a clearly identified method of clean-out.

§ 19:4-8.7 Buffers

(a) Waterway buffers shall be provided as follows:

- 1. There shall be a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District.
- 2. At man-made watercourses, the location and measured dimension of the buffer shall be determined by the NJMC.
- 3. No fill, structures, or impervious pavement shall be permitted within the waterway buffer, unless required by other agencies having jurisdiction for the purpose of environmental remediation.

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

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

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

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

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

§ 19:4-8.8 Open space

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

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

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

3. The following areas shall fulfill open space requirements:

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

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

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

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

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

iv. Sidewalks provided within an open space area.

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

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

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

(b) Open space plan requirements are as follows:

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

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

§ 19:4-8.9 Landscaping

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

(b) The landscape plan shall include the following:

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

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

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3. All trees to be preserved or relocated;
4. A plant schedule indicating botanical and common names, quantity, size at time of planting (including plant height and caliper, where applicable), size at time of maturity, and spacing of all proposed plantings; and
5. Construction details and notes for plantings.

(c) Plant standards for landscaping are as follows:

1. All proposed plantings shall conform to the American Standard for Nursery Stock, (ANSI Z60.1-2004), published May 12, 2004 by the American Nursery and Landscape Association, 1000 Vermont Avenue, NW, Suite 300, Washington, DC 20005, incorporated herein by reference, as amended and supplemented. Plantings shall also conform to hardiness zone 6 standards of the United States Department of Agriculture (USDA) Plant Hardiness Zone Map, as developed by the USDA, Miscellaneous Publication No. 1475, issued January 1990, incorporated herein by reference, as amended and supplemented. The map is available through the USDA and other cooperative extensions. A web-based interactive Plant Hardiness Zone Map (2001 US National Arboretum "Web Version" of the USDA Plant Hardiness Zone Map) can be found in the United States National Arboretum website at <http://www.usna.usda.gov/Hardzone/ushzmap.html>.

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

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

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

(d) Design requirements for landscaping are as follows:

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

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

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

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

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

6. Screening requirements are as follows:

i. All parking areas containing six or more parking spaces shall be effectively screened from public or private ROWs by a fence, wall, landscaped berm, or densely planted evergreens sufficient to reduce headlight glare. Deciduous shrubs may be used for screening in conjunction with a berm not less than two and one-half feet in height.

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

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

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

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

§ 19:4-8.10 Fences and screening walls

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

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

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

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

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

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

v. Fences or walls erected at the front building line of a principal structure extending to the side or rear lot lines, provided that they do not exceed a maximum height of six feet in the Low Density Residential zone and eight feet in all other zones.

vi. Fences or walls surrounding drainage features, such as detention and/or retention basins, not exceeding 42 inches in height, upon determination by the Chief Engineer that alternative safety features are not feasible.

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

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

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

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

§ 19:4-8.11 Retaining walls

(a) Retaining walls having an exposed height of four feet or more shall be designed in accordance with the provisions of the New Jersey Uniform Construction Code and shall require design stability calculations signed and sealed by a New Jersey-licensed professional engineer.

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

§ 19:4-8.12 Sidewalks

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

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

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(c) The minimum sidewalk width shall be four feet. Where a sidewalk abuts a curb or the edge of pavement, the minimum width shall be six feet. Sidewalks shall conform to the minimum design criteria required by the NJ UCC Barrier Free Subcode, N.J.A.C. 5:23-7.

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

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

§ 19:4-8.13 Lighting

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

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

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

3. Evenly distributed, minimum illumination levels shall be maintained throughout the uncovered areas during non-daylight hours as per Table 8-4 below.

Table 8-4  
Site Illumination Requirements for Uncovered Areas

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

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

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

6. Site illumination design shall comply with the following:

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

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

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

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

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

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

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

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

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

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x. Poles shall be located so as not to interfere with site circulation and shall be coordinated with stall and aisle layouts in vehicular use areas. Where practical, poles shall be located near the end of parking rows or around the perimeter of the lot. When located at parking stall boundaries, poles shall be located as to minimize vehicle damage, and shall be mounted on concrete pedestals. Where raised medians or islands are used to separate adjacent stalls, poles shall be placed in these areas unless pedestrian circulation will be adversely effected.

xi. Light sources mounted on a building facade shall not exceed 25 feet in height, or the height of the structure, whichever is less.

(b) Adequate site illumination for covered parking and loading areas shall be provided in accordance with the following:

1. Covered parking and loading areas shall be adequately illuminated during daylight and non-daylight hours. Adequate illumination of covered parking and loading facilities shall be provided for general parking and loading areas, pedestrian areas, ramps, corners, entrance areas, and stairways.

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

3. Evenly distributed, minimum illumination levels shall be maintained at all times in accordance with Figure 22-22 of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook, 9th edition, incorporated herein by reference, as amended and supplemented, which can be obtained from IESNA, 120 Wall Street, Floor 17, New York, NY 10005-4001.

4. Illumination levels for the top level of a parking facility, if not covered, shall conform to the standards for uncovered vehicular areas, as per Table 8-3.

5. Illumination design for covered facilities shall comply with the following:

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

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

iii. Light sources shall be appropriately located in order to avoid adverse impacts to drivers and pedestrians.

iv. Light sources shall be protected from vehicular damage, vandalism, and weather.

§ 19:4-8.14 Signs

(a) No sign, unless exempt under (d) and (e) below, shall be constructed, erected, moved, remodeled, or expanded unless a zoning certificate for such sign has been issued by the NJMC.

(b) Signage types are as follows:

1. "Billboard 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.

2. "Construction sign" means a temporary sign that displays information regarding a proposed development, including the names of individuals, organizations, or businesses involved in the design, construction, or financing of a project, during the construction period.

3. "Educational sign" means a sign that provides site users with cultural, historical or environmental information.

4. "Flashing sign" means any illuminated sign that exhibits changing natural or artificial light or color effects by any means more frequently than permitted in paragraph (g)4.

5. "Identification sign" means any sign indicating the name, address, service, or product of a business, building, or development. Such sign may be wholly or partly devoted to a readily recognized symbol.

6. "Nameplate sign" means any sign indicating only the name, address, or profession of an owner or occupant of a building or premises on which it is located.

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7. "Reader board sign" means a sign with changeable copy, either manually or electronically (LED), including signs displaying the time and temperature.

8. "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.

9. "Temporary sign" means any sign displayed for a limited period of time, not to exceed 30 days in a consecutive 90-day period.

(c) Structural sign types are as follows:

1. "Awning sign" means any sign mounted or painted on or attached to an awning or canopy, which is otherwise permitted by these regulations. No such sign shall project above, below, or beyond the physical dimensions of the awning or canopy.

2. "Banner sign" means a strip of cloth, vinyl, or similar material on which a temporary sign is printed, and is not permanently affixed to a frame.

3. "Ground sign" means any sign placed upon or supported by the ground independent of the building or structure on the property.

4. "Pole sign" means any sign mounted on a free-standing pole, where the bottom edge of the sign is six feet or more above ground level.

5. "Projecting sign" means any sign that is wholly or partly attached to a building for support and projects horizontally more than 12 inches from the building.

6. "Roof sign" means any sign fastened to or painted on the roof of a building or structure.

7. "Wall sign" means any sign, excluding banner signs, 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.

8. "Window sign" means any sign placed on a window intended to be visible from the exterior of the building.

(d) The following signs shall be exempt from these regulations:

1. Flags or emblems of a government or of a political, civic, philanthropic, education, or religious organization, displayed on private property, provided that 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, or similar activities;

3. 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;

4. Memorial signs and tablets, identifying the names of buildings, dates of erection, monumental citations, commemorative tablets, and the like when made an integral part of the structure;

5. Signs commonly associated with and limited to information and directions typically used for the convenience of the public, including signs identifying entrance and exit drives, parking areas, shipping and receiving doors, one-way drives, rest rooms, freight entrances, and refuse and recycling areas. Such signs are exempted, provided that each such sign is limited to wall, ground, or window, is 10 square feet or less in area, and is not illuminated except from a concealed light source;

6. Nameplate signs accessory to a dwelling not exceeding three square feet in area;

7. Identification signs accessory to a multiple-family dwelling not exceeding 20 square feet in area; and

8. Signs accessory to a house of worship, school, or public or non-profit organization not exceeding 20 square feet in area.

(e) The following signs are exempt from zoning certificate approval and shall not be included in sign calculations determining gross sign area or number of signs, but shall comply with all other requirements:

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1. Temporary signs for the purposes of warehouse sales, temporary/seasonal outdoor sales, and the sale of Christmas trees, when approved in compliance with N.J.A.C. 19:4-6.3, and grand opening sales, shall be limited to one per lot and shall not exceed the maximum size of any single sign as listed in Table 8-5 below. These signs shall conform to the following:

i. Sale event signs or banners may be erected up to seven days before the scheduled event and shall be removed immediately following the event. Where approved sale dates occur more than seven consecutive days apart, the sign shall be removed in the interim time period and may be reposted in accordance with the aforementioned time frame;

ii. Grand opening signs may be erected within one month of occupancy certification, for up to seven days before the event, and shall remain no longer than 14 days;

2. A maximum of two construction signs per project, each having a maximum area of 32 square feet. The signs shall be confined to the site of the construction and shall be removed upon receipt of occupancy certification; and

3. Real estate signs, in accordance with the following:

i. Real estate signs in the Low Density Residential zone shall not exceed a total area of six square feet per side, with a maximum of two sides;

ii. Real estate signs in all other zones shall not exceed a total area of 24 square feet per side, with a maximum of two sides;

iii. There shall be no more than one real estate sign per front yard; and

iv. Signs shall be removed within 14 days of the sale, rental or lease of the subject property.

(f) The sign area shall be the area of the background structure that supports the message, including letters, logos, and/or symbols, except in the case of wall signs consisting of wall-mounted letters and symbols. The area of such wall signs shall be the area of the smallest rectangular figure that can encompass all of the letters, logos, and/or symbols and their supporting elements. The sign area shall not include any structural element lying outside the limits of the wall sign and that does not form an integral part of the display.

1. The gross area of a multi-faced sign shall be the total area of all faces of the sign. Multi-faced 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.

2. Window signs designed to be read from the exterior of a building shall be included as part of the maximum sign area and total number of signs permitted.

3. Sign height shall be measured from ground level at the base of or below the sign to the highest element of the sign.

4. The main building facade used for signage calculations shall be the largest facade of the principal structure(s). The area of the main building facade shall be the total area measured from side to side of the structure and from the ground level to the top of the roof on flat roof structures, excluding parapets, and to the top of the highest occupied story on peak roof structures.

(g) Safety and maintenance requirements for signs are as follows:

1. No sign shall be permitted 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.

2. No sign shall be permitted on trees, radio towers and similar structures or elements.

3. No flashing or animated signs; rotating or moving signs; signs with moving lights; or signs that create the illusion of movement shall be permitted.

4. Electronic, LED, or digital signs may be permitted, subject to the limitations in paragraph (g)3, and the following:

i. Such signs shall be prohibited in the Low Density Residential zone.

ii Each message on a billboard sign subject to the provisions of (h)7 below shall be displayed for a minimum of

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eight seconds. Each message on any other electronic, LED, or digital sign shall be displayed for a minimum of 15 seconds. All static message changes shall be completed within one second.

iii. Each display shall be equipped with automatic dimming photocell technology that automatically adjusts the sign's brightness based on ambient light conditions.

iv. Such signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at the following pre-set distances:

- (1) 0-350 square foot sign to be measured 150 feet from the source;
- (2) 351-650 square foot sign to be measured 200 feet from the source; and
- (3) 651-672 square foot sign to be measured 250 feet from source.

5. Any illuminated sign located on a lot adjacent to or across a ROW from any permitted residential use shall not be illuminated between the hours of 10:00 P.M. and 6:00 A.M. Such signs shall not have white illuminated backgrounds and shall be screened from residential uses where deemed necessary by the NJMC.

6. All signs shall be kept in good repair. Good repair shall include replacement or repair of broken or missing structural elements, casings, or faces, maintenance of legibility, and maintenance of all lighting elements.

7. Signs advertising a warehouse sale shall apply only to sale events approved in accordance with N.J.A.C. 19:4-6.3 and shall apply only to the dates approved by the NJMC to conduct a warehouse sale.

(h) The allowable signage per zone shall be as listed in Table 8-5 below, and the following:

1. For signage on any property designated as a conservation area, regardless of the zone, the sign regulations of the Environmental Conservation zone shall apply.

2. Signage for multi-tenanted structures or multi-structure development shall be considered in accordance with the prevailing regulations of (i) below.

3. For the purpose of sign calculations, no building shall have more than one main facade.

4. Maximum gross sign area permitted shall not exceed five percent of the main facade of the building, except as follows:

i. For vacant land, the maximum gross sign area shall be one square foot for each linear foot of street frontage, but not to exceed the maximum area of any single sign permitted in the zone;

ii. For permitted outdoor uses on properties not containing a principal structure, gross sign area shall not exceed five percent of the main facade of an accessory building or one square foot for each linear foot of street frontage, whichever is greater, but not to exceed the maximum area of any single sign permitted in the zone;

iii. Where additional sign area is permitted by (i) below; and

iv. Where otherwise permitted.

5. No part of a wall sign, where permitted, shall exceed the wall height of the structure on which it is placed.

6. All required setbacks shall be measured from the property line.

7. Concerning billboards:

7. Concerning billboards:

i. Applications for zoning certificates for a proposed billboard shall receive the prior approval of the New Jersey Department of Transportation (NJDOT) and other agencies having jurisdiction. A copy of such approval(s) shall accompany the application for the zoning certificate.

ii. The following concern billboard locations:

(1) Notwithstanding the provisions of Table 8-5, billboards shall only be permitted within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW.

(2) Billboards shall not be permitted within 500 feet of a residential zone or residence.

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- (3) Billboards shall not obstruct scenic view sheds within the District.
- iii. The maximum permitted number of billboards is one per lot.
  - iv. Maximum permitted billboard dimensions shall be 14 feet by 48 feet per side, with a maximum of two sides.
  - v. The maximum permitted height shall be 30 feet above the grade level of the adjacent roadway surface.
  - vi. Billboard signage shall not be included in sign calculations related to allowable signage on the site.
  - vii. Billboards shall be appropriately landscaped and screened at grade level in accordance with N.J.A.C. 19:4-8.9.
  - viii. A report prepared by a New Jersey-licensed professional engineer shall be submitted to the NJMC and shall include an analysis of the safety, environmental, and visual impacts of the proposed billboard.
  - ix. Electronic, LED, and/or digital billboards may be permitted subject to the limitations in paragraphs (g)3 and (g)4 above.

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Table 8-5

Allowable Signage by Zone

√ = Permitted X = Not Permitted  
 sf = square feet sf/du = square feet per dwelling unit

	EC	PA	LDR	NC, WR	CP, RC	HC	AF, HI, I-A, I-B, LI-A, LI-B, PU	PR, TC, RA <sup>1</sup>
<u>Signage type:</u>								
Bilboard <sup>2</sup>	X	X	X	X	√	√	√	X
Construction	32 sf	32 sf	32 sf	√	√	√	√	√
Educational	24 sf	24 sf	20 sf	√	√	√	√	√
Flashing	X	X	X	X	X	X	X	X
Identification	32 sf	32 sf	20 sf	√	√	√	√	√
Nameplate	X	X	6 sf	√	√	√	√	√
Reader board	X	20 sf	20 sf	√	√	√	√	√
Real estate	X	X	6 sf/du or 60 sf max	√	√	√	√	√
Temporary	20 sf	20 sf	20 sf	√	√	√	√	√
<u>Structural type:</u>								
Awning	X	X	√	√	√	√	√	√
Banner	√	√	√	√	√	√	√	√
Ground	√	√	√	√	√	√	√	√
Pole	X	X	X	√	√	√	√	√
Projecting	X	X	X	√	X	√	√	X
Roof	X	X	X	X	√	√	√	X
Wall	X	√	√	√	√	√	√	√
Window	X	X	√	√	√	√	√	√
<u>Illumination:</u>	X	√	Note 4	√	√	√	√	√
<u>Measurement:</u>								
Maximum height <sup>3</sup>	10 feet	15 feet	10 feet	15 feet	30 feet	30 feet	30 feet	30 feet
Minimum setback	15 feet	15 feet	15 feet	NC = 5 ft WR = 15 ft	15 feet	15 feet	15 feet	15 feet
Maximum gross sign area	n/a	n/a	See signage type	Note 5	Note 5	Note 5	Note 5	Note 5
Maximum area of any single sign	See signage type	See signage type	See signage type	100 sf	300 sf	300 sf	300 sf	300 sf
Maximum number of signs per front yard <sup>6</sup>	n/a	n/a	1	2	2	2	2	2

Notes:

Note 1: Sign regulations may be superseded by individual redevelopment plans.

Note 2: See also paragraph (h)7.

Note 3: The maximum height of a ground, pole, or roof sign shall be measured from the ground level. The maximum height of a wall sign shall be the wall height of the structure.

Note 4: None, except reader boards may be directly illuminated.

Note 5: See paragraph (h)4 above.

Note 6: This method of calculation for the maximum number of signs shall not apply to multi-tenanted and multi-structure developments, which are governed by (i) below.

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(i) Signs in multi-tenanted structures or multi-structure developments shall be governed by the following sign regulations:

1. An integrated sign plan shall be submitted to the NJMC for each development. Such sign plan shall include the dimensions, locations, heights, and details of all signs, including lettering style, lighting, color, and materials, and dimensions of all building facades.

2. Each of the above elements shall be 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 for both existing and proposed signs. Signs shall be installed in accordance with the approved sign plan as changes occur.

3. The maximum allowable area of any single sign shall be 300 square feet.

4. The total sign area permitted shall be five percent of the building's main facade. The NJMC may permit a total sign area of up to 10 percent of the building's main facade if, in the opinion of the NJMC, such additional area shall assist in developing a more integrated sign plan. For the purposes of these calculations, no building shall have more than one main facade.

5. The maximum height of a wall sign shall be the wall-height of the structure. The height of roof, pole, and ground signs shall not exceed a maximum of 30 feet above ground level.

6. The minimum setback of any sign shall be 15 feet from any property line, except in the Neighborhood Commercial zone, where a minimum setback of five feet from any property line shall apply.

(j) Fuel service stations shall be permitted to display only the following signs:

1. One pole sign, in accordance with the following:

i. The gross sign area shall not exceed 120 square feet, inclusive of all faces;

ii. The minimum sign height shall be 10 feet above ground level;

iii. The maximum sign height shall comply with Table 8-5; and

iv. The sign shall be set back a minimum of 10 feet from any property line.

2. One reader board, with a maximum area of 36 square feet per side, with a maximum of two sides, installed on the sign pole.

3. One temporary sign, specifically advertising special or seasonal servicing of motor vehicles, provided such sign does not exceed 15 square feet in size. The location of the temporary sign shall not interfere with vehicular circulation or visibility.

4. Canopy signs may be installed on all faces of the canopy and shall be no larger than 20 inches in height. Total canopy sign area shall not exceed one-third of the total area of the canopy faces.

5. Buildings accessory to the principal fuel service station use, shall be permitted two identification wall signs per front yard, no larger than five percent of the building's main facade, and shall not exceed the wall height of the structure.

#### § 19:4-8.15 Site service improvements

(a) Outdoor storage, where permitted, shall be located to provide minimal visual impact from within and outside the site. Screening and fencing shall be provided in accordance with N.J.A.C. 19:4-8.9(d)6iv and 8.10.

(b) Distribution and service lines for telephone, electricity and any other utility cables to buildings and sites shall be placed underground wherever technologically possible. All utility lines remaining aboveground shall be located to minimize adverse visual impacts.

(c) Requirements for wireless communication antennas and unmanned equipment structures are as follows:

1. All wireless communication antennas shall comply with the applicable regulations of the Federal Communications Commission (FCC).

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2. Wireless communication antennas and unmanned equipment rooms shall comply with the following:

i. All wireless communication antennas and equipment structures shall meet the applicable setback requirements.

ii. Wireless communication antennas are permitted to be roof mounted or affixed to the face of buildings.

iii. Wireless communication antennas may be located on a ground or roof mounted monopole or tower. Any approval of a monopole or tower shall be contingent upon the monopole or tower owner permitting the future co-location of additional cellular antennas, regardless of ownership if space for such additional future installations by others is available on the monopole or tower. The maximum height of the monopole or tower shall be the minimum height necessary to accommodate the proposed wireless communication antennas and one future array of antennas.

iv. The height of wireless communication antennas shall be established at the minimum height necessary to effectively transmit and receive radio signals.

v. Equipment buildings, whether located on a roof or at grade, shall be constructed in such a manner as to be compatible with the architectural design, color, and materials of the existing structures on the site.

vi. The color of wireless communication antennas mounted on the face of a building shall match the color of the building. The color of all other antennas shall be as unobtrusive as possible.

vii. Monopoles or towers, if approved, shall be located as to minimize impacts on adjacent property owners. These structures shall be designed and constructed to minimize any adverse visual impact from the public ROW.

viii. The applicant shall demonstrate that there is adequate on-site parking to accommodate maintenance vehicles.

(d) Requirements for satellite or dish antennas are as follows:

1. All satellite or dish antennas shall comply with the applicable regulations of the FCC.

2. All satellite or dish antennas shall comply with the following:

i. Such antennas shall be located on the same lot as the principal use and shall be considered accessory thereto.

ii. No antenna shall be located in the front yard. All antennas shall be screened from the public ROW and adjacent properties in accordance with N.J.A.C. 19:4-8.9(d)6iv and 8.10.

iii. There shall be a minimum setback of 10 feet from the antenna and its foundation to the side and rear property lines.

iv. All satellite antennas shall be located to minimize motor noise from the public ROW's and adjacent properties.

v. An antenna mounted on the ground shall not exceed 15 feet in height above the ground level. An antenna mounted on a building or roof shall not exceed 15 feet in height above the roof. An antenna shall not project above the peak or highest point of the roof line in the Low density residential zone. The height of an antenna shall be measured from the bottom of its base to the highest point of the antenna when in its most vertical position.

vi. The diameter or maximum dimension of the antenna shall be:

(1) A maximum of six feet in the Low Density Residential zone; and

(2) A maximum of 12 feet in all other zones.

(3) Where a sender/receiver antenna or dish is proposed with a diameter or any dimension larger than 12 feet, it shall be considered a special exception use and shall be set back from side and rear property lines a minimum of one foot for every foot of height of the antenna.

vii. The color of all antennas shall be as unobtrusive as possible and shall not have brightly colored or reflective surfaces.

(e) Requirements for mechanical equipment are as follows:

1. Mechanical equipment, such as transformer compounds, external heating and cooling equipment, and other utility improvements shall be located to minimize adverse visual impacts from within and outside the site. Screening shall be provided in accordance with N.J.A.C. 19:4-8.9(d)6iv and 8.10, and shall be designed to allow adequate access to the equipment for maintenance.

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2. Mechanical equipment located on the building shall be concealed by structures that are integrally designed with the building or are otherwise rendered not visible from adjoining lots and public ROWs.

3. Rooftop HVAC units and similar accessory rooftop mechanical equipment less than eight feet in height shall be exempt from zoning certificate requirements, except where the property abuts a residential use or residential zone.

(f) Requirements for accessory recycling and refuse areas are as follows:

1. Recycling and refuse areas shall be provided as follows:

i. A recycling area for the collection and storage, but not processing, of site generated Class A recyclable materials shall be provided in accordance with the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99 et seq.

ii. All refuse shall be placed in covered containers and/or dumpsters and placed in designated refuse areas for collection.

iii. All refuse and recycling areas shall be used for the collection and storage of waste generated on-site only.

2. The dimensions of recycling or refuse areas shall be sufficient to accommodate containers of adequate size and number consistent with anticipated usage and current methods of collection.

3. No recycling or refuse areas shall be located in a front yard, except where front yard loading is a pre-existing nonconformity or other yards are not adequate.

4. The surface of all recycling and refuse facilities shall be concrete.

5. Recycling and refuse areas shall not be located in posted fire lanes, as determined by the municipal fire official.

6. The following setbacks shall apply:

i. Refuse and recycling areas shall be located in accordance with the provisions of the NJ UFC; however, such areas shall not be located within five feet of a combustible wall and shall have a minimum setback of five feet from all side and rear property lines. The location shall not conflict with the provisions of the NJ UFC, as determined by the NJMC.

ii. Refuse and recycling areas shall be located and designed to avoid adverse impacts to adjacent waterways and/or drainage facilities. A minimum setback of 25 feet shall be provided, where feasible.

7. Recycling and refuse areas shall be placed adjacent to each other and loading areas, where feasible. Their location shall provide safe, clean, and efficient servicing. No containers shall be stored outside of the defined area at any time.

8. Recycling and refuse areas shall be screened from adjacent properties and public ROWs, and from within the site, where feasible. Screening and fencing shall be provided in accordance with N.J.A.C. 19:4-8.9(d)6iv and 8.10. No element of these areas, including materials contained therein, shall be higher than the surrounding screening, and in no case greater than eight feet.

9. The recycling and refuse areas shall be well lit, and shall be safely and easily accessed by users of the site and collection vehicles.

10. Where regular access to recycling or refuse areas by residents or users of the site is required, walkways shall be provided to these areas.

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

12. The recycling and refuse areas and the containers therein shall be designed to provide protection against adverse environmental conditions. All containers shall have lids.

(g) An accessory area for the temporary storage of equipment and materials related to snow and ice removal shall be permitted pursuant to an approved site plan, in accordance with the following:

1. General requirements are as follows:

i. Such area shall be permitted to be utilized only between the months of November and April. The area shall remain vacant at all other times.

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ii. Such area may include temporary outdoor storage of snow removal and de-icing equipment and materials, including salt and sand.

iii. Such area shall be utilized only in conjunction with the treatment or removal of snow and ice on-site or within a development where properties are under common ownership. The storage of equipment and materials related to such operations on other properties is prohibited.

2. Location requirements are as follows:

i. Such area shall meet all applicable setbacks for the zone in which it is located to the extent practicable, as determined by the Chief Engineer.

ii. Such area shall be located in the rear yard to the extent practicable. Where this is not feasible due to technical reasons related to site layout, such area may be located in a side yard. In no case shall such area shall be located in a front yard.

iii. Such area shall not be located within a required parking area.

3. Design requirements are as follows:

i. The surface of such area shall be paved and adequate drainage and water quality measures shall be implemented in order to prevent infiltration and contamination of surrounding areas.

ii. Such area shall be screened in accordance with N.J.A.C. 19:4-8.9 and should be located in a water-tight, weather resistant structure.

iii. Materials within such area shall be stored no higher than 8 feet, and shall be covered with a tarp or otherwise protected from adverse environmental conditions.

iv. Such area shall not exceed 100 square feet per acre of property or development serviced, and in no case shall the total area exceed one-half acre.

v. Such areas should be located at a distance of at least 50 feet from storm drains and other stormwater management facilities.

4. Zoning certificates for accessory areas for the temporary storage of equipment and materials related to snow and ice removal may be renewed annually in accordance with the following, provided that there are no changes to the approved site plan:

i. Submission of an application to the NJMC for an annual renewal certificate;

ii. Submission of the required fee for an annual renewal certificate in accordance with N.J.A.C. 19:4-11.2(a)20;

iii. A renewal certificate may be issued annually for up to five years from the date of issuance of the original zoning certificate.

§ 19:4-8.16 Fill, excavation, regrading and surcharge standards

(a) No filling, excavation, regrading or surcharging of land shall commence without having first obtained approval from the NJMC. Such approval shall be granted as follows:

1. All filling, excavation, regrading or surcharge 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.

2. A zoning certificate for filling, excavation, regrading or surcharge operations may be issued by the NJMC if a schematic site plan showing the envisioned ultimate use of the property is submitted. This plan shall meet all applicable use and bulk regulations.

(b) Prior to the issuance of any zoning certificate that involves filling operations, a detailed geotechnical investigation report, prepared by a geotechnical engineer, shall be submitted for approval. This report shall be prepared in accordance with the requirements of N.J.A.C. 19:4-4.4(d) 6iii(3).

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(c) All fill or excavation operations shall comply with the recommendations of the approved geotechnical investigation report.

(d) Fill which does not conform with the NJDEP Solid Waste Management definition of "clean fill," per N.J.A.C. 7:26-1.4, shall not be used unless the Chief Engineer grants a waiver from this requirement. The applicant shall 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 that may be required to utilize such fill material.

(e) Nothing in this section shall be construed to allow the filling of wetlands without the required approvals of the governmental authorities with jurisdiction.

(f) A copy of a Soil Erosion and Sediment Control Certification issued by the governing Soil Conservation District shall be submitted to the NJMC prior to the start of earthwork operations.

## SUBCHAPTER 9. FLOOD PLAIN MANAGEMENT

### § 19:4-9.1 Title

This subchapter shall be known and may be referred to as the Flood Plain Management Regulations of the Hackensack Meadowlands District.

### § 19:4-9.2 Purposes

This subchapter sets forth procedures and engineering and planning standards in accordance with which the NJMC shall review and approve or disapprove applications for the development or use of land within the District. It is designed to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed: to protect human life and health; to minimize expenditure of public money for costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business interruptions; to minimize damage to new and existing construction; to minimize damage to public and private facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard; to help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas; to ensure that potential buyers are notified that property is in an area of special flood hazard; to ensure that those who own or occupy the areas of special flood hazard assume responsibility for their actions; and generally to provide for the exercise of the powers regarding the review and regulation of land use and development conferred upon the NJMC by Chapter 404 of the Laws of 1968. In order to accomplish its purpose, this subchapter includes methods and provisions for: restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights; requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; controlling the alteration of natural flood plains, stream channels, and natural protective barriers which help accommodate or channel flood waters; controlling filling, grading, dredging and other development which may increase flood damage; and preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

### § 19:4-9.3 Words and phrases defined

Unless specifically defined in N.J.A.C. 19:4-2 or below, words or phrases used in this subchapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist; where the path of flooding is unpredictable; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater change of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood is also described as the 100-year flood.

"Base flood elevation" means the height of the base flood in relation to the North American Vertical Datum of 1988 (NAVD88) as determined by the National Geodetic Survey of the National Ocean Service, incorporated herein by reference, as amended and supplemented, for which information is available at NGS Information Services, NOAA, N/NGS12, National Geodetic Society, SSMC-3, #9202, 1315 East-West Highway, Silver Spring, MD 20910-3282.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Elevated building" means a non-basement building that is:

1. In the case of a building in an area of special flood hazard, built to have the top of the elevated floor, or in the case of a building in a coastal high hazard area, built to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water; and

2. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

3. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation utilities, either final site grading or pouring of concrete or the construction of streets).

"FIA" means the Federal Insurance Administration.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal water; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided in which the FIA has provided flood profiles, as well as the FIRM's and the water surface elevation to the base flood.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;

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3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in the states without approved programs.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling and complies with the standards of the New Jersey Uniform Construction Code, N.J.A.C. 5:23. The term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

"Manufactured home park or manufactured home subdivision" means a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after February 17, 2004 and includes any subsequent improvements to such structures.

"New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after February 17, 2004.

"Recreational vehicle" means a vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the longest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearings, grading, and filling, nor does it include the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home or a gas or liquid storage tank that is principally above ground.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial destruction, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications that have been identified by the local code enforcement officer and that are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

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§ 19:4-9.4 Lands to which this subchapter applies

This subchapter shall apply to all areas of special flood hazards within the boundaries of the District.

§ 19:4-9.5 Basis for establishing the areas of special flood hazard

The areas of special flood hazard identified by the FIA in a scientific and engineering report entitled, "Flood Insurance Study, Hackensack Meadowlands District, New Jersey, Ber-gen and Hudson Counties," dated September 30, 2005, with accompanying FIRM, Panel numbers 0245G, 0252G, 0253G, 0254G, 0256G, 0257G, 0258G, 0259G, 0261G, 0262G, 0263G, 0264G, 0266G, 0267G, 0268G, 0307G, 0331G, and 0332G, is hereby incorporated by reference, as amended and supplemented, and declared to be a part of this chapter. The Flood Insurance Study and FIRM mapping are on file at the Offices of the New Jersey Meadowlands Commission, One DeKorte Park Plaza, Lyndhurst, New Jersey 07071.

§ 19:4-9.6 Fees

(a) Any requests for flood hazard certification or variances and appeals shall be submitted to the NJMC and accompanied by such fee as set forth in N.J.A.C. 19:4-11.2.

(b) Any requests for copies of the regulations, study, or maps submitted to the NJMC shall be accompanied by a copying fee as specified in N.J.S.A. 46:1A-1 et seq.

§ 19:4-9.7 Penalties and enforcement

Penalties and enforcement of these regulations shall be enforced as per N.J.A.C. 19:4-4.21.

§ 19:4-9.8 Other permits

No building permit, zoning certificate, occupancy certification, subdivision plat approval, or implementation plan approval shall be issued by any official or agency of the NJMC on any land, or portion thereof, that is within an area of special flood hazard until there has been compliance with these regulations. Any approvals issued in conflict with this subchapter shall be null and void.

§ 19:4-9.9 Abrogation and greater restrictions

This subchapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this subchapter and other regulations conflict or overlap, whichever imposes the more restrictive regulation shall prevail.

§ 19:4-9.10 Warning and disclaimer of liability

The degree of flood protection required by this subchapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the NJMC, any officer or employee thereof, or the FIA for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

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§ 19:4-9.11 Development permit required

No structure or land shall be constructed, moved, located, extended, converted or altered after February 17, 2004 within any area of special flood hazard established in N.J.A.C. 19:4-9.5 unless a zoning certificate, construction permit, occupancy certification, subdivision approval, sanitary landfill approval or other development permit approvals as required by Chapter 404 of the Laws of 1968 (N.J.S.A. 13:17-1 et seq.) shall first have been obtained from the NJMC certifying that the proposed construction, use or development complies with these regulations.

§ 19:4-9.12 Administration

The administration and implementation of this subchapter in accordance with its provisions is vested in the Chief Engineer, except for the granting of variances pursuant to N.J.A.C. 19:4-4.14(a).

§ 19:4-9.13 Duties and responsibilities of the Chief Engineer

(a) The Chief Engineer shall administer the provisions of this subchapter in the manner set forth herein and in furtherance of such authority, shall, but not be limited to:

1. Maintain permanent and current records with respect to this section, including amendments thereto;
2. Review and approve or disapprove all development permits after determining that the requirements of this regulation have or have not been satisfied;
3. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard.
  - i. If it is determined that there is no adverse effect, then the permit shall be granted consistent with the provisions of this section;
  - ii. If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit; if such mitigation cannot be accomplished, the permit shall be denied;
4. Maintain for public inspection all records pertaining to development permits, including: obtaining and recording the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; verifying and recording the actual elevation (in relation to mean sea level) and maintaining flood proofing certifications for all new or substantially improved flood proofed structures;
5. Notify adjacent communities and the State Coordinating Agency for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the FIA; require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished;
6. When base flood elevation data has not been provided in accordance with N.J.A.C. 19:4-9.5, basis for establishing the areas of special flood hazard, the Chief Engineer shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer N.J.A.C. 19:4-9; and
7. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in N.J.A.C. 19:4-4.19.

§ 19:4-9.14 Variances from floodplain management regulations

(a) In cases in which there is exceptional hardship in carrying out the literal provision of this chapter, whether because of conflicting requirements or otherwise, the Commission may authorize a variance from such provision. In pass-

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ing upon requests for variances, the Commission shall consider all technical evaluations; all relevant factors and standards specified in other sections of this chapter; and the following:

1. The danger that materials may be swept onto other lands, to the injury of others;
  2. The danger to life and property due to flooding or erosion damage;
  3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage to the individual owner;
  4. The importance of the services provided by the proposed facility to the community;
  5. The necessity to the facility of a waterfront location, where applicable;
  6. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
  7. The compatibility of the proposed use with existing and anticipated development;
  8. The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
  9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (b) The procedure to be followed in an application for a variance from this chapter shall be the same as the procedure specified in N.J.A.C. 19:4-4.14.

§ 19:4-9.15 Standards for the granting of variances

(a) Variances may be issued for new construction and substantial improvements to be erected on a lot contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in N.J.A.C. 19:4-9.14(a) have been fully considered.

(b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in N.J.A.C. 19:4-9.14(a) or conflict with existing local laws or ordinances.

(f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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§ 19:4-9.16 Conditions

Upon consideration of the factors of N.J.A.C. 19:4-9.14(a) and the purposes of this chapter, the decision may impose such conditions to the granting of variances as deemed necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this chapter. Failure to comply with any of the conditions or restrictions placed on a variance shall constitute a violation of this chapter.

§ 19:4-9.17 Written decision and records

A written decision on an application for a variance shall be rendered in accordance with the procedure specified in N.J.A.C. 19:4-4.14. The Chief Engineer shall maintain complete records of all actions with respect to applications for variances, including technical information, and shall report any variances to the Federal Emergency Management Agency upon request.

§ 19:4-9.18 Appeals

An appeal from an adverse decision of the Commission made pursuant to this subchapter may be made in accordance with the provisions of N.J.A.C. 19:4-4.19.

§ 19:4-9.19 Scope

In all areas of special flood hazards, the standards in this subchapter are required.

§ 19:4-9.20 Buildings

(a) Residential construction: New construction and substantial improvement of any residential structure shall have the lowest floor elevated to a minimum of one foot above the base flood elevation. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

(b) Non-residential construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation, and have adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures, or together with the attendant utilities and sanitary facilities shall:

1. Be floodproofed, so that below the elevation equal to one foot above the base flood elevation, the structure is water tight with walls impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy; and
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the Chief Engineer.

(c) Manufactured homes shall be anchored in accordance with N.J.A.C. 19:4-9.23.

(d) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is elevated to a minimum of one foot above the base flood elevation.

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§ 19:4-9.21 Building sites

(a) All building site construction, including, but not limited to, parking lots, driveways, sidewalks, truck maneuvering areas, and landscaped areas, shall be consistent with the need to minimize flood hazards and damage.

(b) All building site construction shall have public utilities and facilities such as sewer, gas, electric, and water systems located and constructed to minimize flood hazards and damage.

(c) Base flood elevation data shall be provided for building site proposals which contain at least three acres.

§ 19:4-9.22 Subdivision improvements

(a) All subdivision proposals, including roads, culverts, bridges, and tide gates, shall be consistent with the need to minimize flood hazards and damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric, and water systems located and constructed to minimize flood hazards and damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for subdivision proposals which contain at least three lots or three acres (whichever is less).

§ 19:4-9.23 Anchoring

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(b) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

§ 19:4-9.24 Construction material and methods

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

§ 19:4-9.25 Utilities

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(c) On-site water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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§ 19:4-9.26 Enclosure openings

(a) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or registered architect or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

**SUBCHAPTER 10. PROJECT IMPACT ASSESSMENT**

§ 19:4-10.1 Purpose

The purpose of a project impact assessment (PIA) is to provide information to allow the NJMC to assess the probable effects of a proposed project. In particular, the PIA shall consider the project's impact with respect to land, water, air, solid wastes, aquatic and terrestrial wildlife, social and economic conditions and aesthetics at the project site, as well as on the surrounding region.

§ 19:4-10.2 Applicability

(a) The following projects shall require the submission of a PIA:

1. All retail development greater than 75,000 square feet;
2. All office and other commercial development, excluding retail, greater than 100,000 square feet;
3. All residential development over 25 dwelling units;
4. All industrial, warehouse/distribution or intermodal development over 15 acres in size; and
5. Any project that, in the opinion of the Chief Engineer, may have a substantial impact on the environment.

§ 19:4-10.3 Form of PIA

(a) The applicant shall prepare and submit a PIA in the form and manner as set forth in this subchapter.

(b) The PIA shall be prepared by qualified professionals. The qualifications of the persons who prepared each element shall be identified in the appendix of the PIA.

(c) All maps, plans, and aerial photographs shall specify a north arrow, graphic scale, project name, location, name of preparer, date of preparation, and sources of information.

(d) If the applicant believes that specific elements of the PIA are not applicable to the proposed development, the applicant shall indicate "not applicable" under the appropriate heading and explain the reason why the information is not applicable. It is suggested that the applicant discuss the PIA requirements with the NJMC staff prior to its submission.

§ 19:4-10.4 Content of PIA

(a) The PIA shall assess the impacts of a proposed development by analyzing existing conditions, proposed conditions, potential impacts, and mitigating factors. The following shall be the required components of the PIA:

1. Project summary: A detailed project description, including information sufficient to understand the nature of the proposed use;

2. Land use:

i. A description of the surrounding land uses within 500 feet of the project site and details of how the proposed use will affect the viability of the surrounding area and adjoining properties;

ii. A zoning summary statement, including a description of the project's degree of compliance with the regulations of the zone(s) in which it is located and any variances requested thereto;

iii. A topographic survey meeting the requirements of N.J.A.C. 19:4-4.4(c)1 for areas inclusive of the subject property and within 500 feet thereof; and

iv. A brief description of the visual character of the project site and how the proposed project affects the visual quality of the site and the surrounding environs;

3. Wetlands:

i. A copy of any wetlands delineation prepared for a wetlands jurisdictional determination from the United States Army Corps of Engineers (USACE); and

ii. A copy of any jurisdictional determination and/or fill permit issued by the USACE;

4. Floodplain areas:

i. A map depicting the established 100-year flood plain delineation as determined by FEMA, where applicable; and

ii. A description of the project's degree of compliance with the requirements of N.J.A.C. 19:4-9 regarding floodplain management;

5. Riparian lands: All areas of riparian claim on the property and a discussion of how these claims will impact the site development, including the status of any actions of the New Jersey Bureau of Tidelands relative thereto;

6. Drainage:

i. A study of the project's degree of compliance with the requirements of N.J.A.C. 19:4-8.6 regarding drainage and water quality;

7. Habitats:

i. An assessment of the impacts on wildlife and vegetation, including threatened and endangered species;

8. Transportation: A traffic impact analysis in accordance with N.J.A.C. 19:4-7.10;

9. A description of the project's degree of compliance with the following performance standards shall be provided:

i. N.J.A.C. 19:4-7.3 concerning noise;

ii. N.J.A.C. 19:4-7.4 concerning vibrations;

iii. N.J.A.C. 19:4-7.5 concerning airborne emissions, and shall also include the following:

(1) An analysis of the impact on air quality from mobile sources. An assessment of the effects of the project on regional and local ambient air quality, including the concentration of carbon monoxide emissions on adjacent roadways and within proximity of adjacent land uses shall be provided using the procedures described in the Air Quality Analysis for Intersection, published by the New Jersey Department of Environmental Protection, May 2004, incorporated herein by reference, as amended and supplemented, a copy of which can be obtained from the New Jersey Department of Environmental Protection, 401 East State Street, P.O. Box 402, Trenton NJ 08625-0402; and the Guideline for Modeling Carbon Monoxide from Roadway Intersections, published by the U.S. Environmental Protection Agency, November

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1992, incorporated herein by reference, as amended and supplemented, a copy of which can be obtained from the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460 or its website, [http://www.epa.gov/scram001/guidance\\_sip.htm](http://www.epa.gov/scram001/guidance_sip.htm); and

(2) An analysis of short term impacts on air quality due to construction activities;

iv. N.J.A.C.19:4-7.6 concerning hazardous materials, liquids and chemicals;

v. N.J.A.C. 19:4-7.7 concerning glare;

vi. N.J.A.C. 19:4-7.8 concerning radioactive materials; and

vii. N.J.A.C. 19:4-7.9 concerning wastewater;

10. Site remediation:

i. Description of the former uses on the property, including results of a historical records search;

ii. A summary of any environmental and/or contamination issues related to soil, air and groundwater;

iii. A summary of remediation strategies approved or under consideration, including an anticipated remediation timeline; and

iv. A summary of the remedial project's status with the NJDEP, including contact information for the NJDEP case manager(s);

11. Cultural and historical resources: An analysis of historical landmarks and aspects of archeological importance in or adjacent to the site in consultation with the New Jersey State Historic Preservation Office;

12. Public services: Documentation from the agency or company responsible for utility service detailing the ability to serve the proposed development. This shall include wastewater treatment, water supply, energy supply and solid waste;

13. Affordable housing:

i. A description of the affordable housing obligation generated by the proposed development; and

ii. A statement of how the project shall satisfy the affordable housing obligation created;

14. Fiscal impact:

i. Demographics of the appropriate municipality, including population and age distribution pursuant to census reports and/or other published sources;

ii. The current municipal, county, and school budgets, together with information on existing per capita costs and service levels in such areas as fire protection, police protection, governmental services, and schools. The cost per pupil and maximum and available capacities of schools shall be provided;

iii. Evaluation of the projected ratables, estimated taxes, and municipal and school budget increases due to the proposed development, including an assessment of the project's impact to the Intermunicipal Tax Sharing Formula. The developer shall provide the assessed value of the proposed development and the projected number of school-age children to the NJMC staff for application to the Intermunicipal Tax Sharing Formula. The results shall be provided to the applicant for inclusion in the PIA report;

iv. An estimate of the demands and costs for additional services, facilities, infrastructure, and equipment related to energy, solid waste, sanitary waste, potable water, transportation, education, police, fire, emergency medical services and recreation and their impacts on municipal, county, and school budgets; and

v. A summary statement of the project's net fiscal impact; and

15. A plan addressing how the developer proposes to mitigate any project impacts.

(b) Any development proposed in phases shall assess the impacts for each individual phase and the project as a whole.

(c) A zoning certificate shall not be issued prior to the PIA being accepted and deemed complete by the NJMC.

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§ 19:4-10.5 (Reserved)

§ 19:4-10.6 (Reserved)

§ 19:4-10.7 (Reserved)

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

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

§ 19:4-10.9 Documentation

A list of all written resources used, as well as any individual agencies consulted with, regarding the information in this report, shall be provided.

§ 19:4-10.10 Developer's agreement

(a) The NJMC shall forward a copy of the Project Impact Assessment report, and any subsequent revisions, to the municipality in which the project is located.

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

(c) The developer of any project requiring an improvement pursuant to the results of the PIA where the total cost of required improvements is \$ 50,000 or more, shall enter into a developer's agreement with the NJMC within 60 days of the issuance of a zoning certificate. An extension of this time period may be granted by the NJMC upon written request by the developer.

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

(e) Monetary contributions by the developer in lieu of construction of the required improvements shall be utilized by the recipient of the funds to mitigate the project's impacts in accordance with the approved mitigation plan pursuant to N.J.A.C. 19:4-10.4(a)15.

## SUBCHAPTER 11. FEE SCHEDULE

§ 19:4-11.1 General provisions

(a) This fee schedule shall not be applicable to county or municipal government. Any application fee, or portion thereof, provided for herein, may be waived by the Executive Director upon recommendation of the Chief Engineer upon good cause shown, including financial hardship, size and scope of the application and/or business entity, and general economic conditions in the regions. The NJMC shall automatically waive the required fee for zoning certificate and minor subdivision applications for residential development, or the residential portion of a mixed-use development, in which 100 percent of all housing units proposed in the application would be reserved as affordable units.

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

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

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

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

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

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

§ 19:4-11.2 Zoning

(a) Zoning fees are as follows:

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

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

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

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

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

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

7. Site improvements:

i. A fee of \$1,000.00 is charged for the review of major site improvements.

ii. A fee of \$500.00 is charged for the review of minor site improvements.

iii. The NJMC shall automatically waive the fee for site improvements associated with barrier free accessibility upgrades or repairs as defined in the New Jersey Uniform Construction Code (NJ UCC);

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

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

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

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

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

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

14. A fee of \$ 500.00 is charged for review of any change in use requiring a zoning certificate;

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

16. A fee of \$ 50.00 per hour is charged for the review of revisions to plans submitted for approval after the issuance of a zoning certificate;

17. A fee of \$ 100.00 is charged for the review of a temporary zoning certificate;

18. A fee of \$ 50.00 is charged for the review and preparation of each zoning compliance letter;

19. A fee of \$1,000.00 is charged for the review and preparation of each interpretation requested pursuant to N.J.A.C. 19:4-4.12A and

20. A fee of \$25.00 is charged for an annual renewal certificate for zoning certificates for accessory areas for the temporary storage of equipment and materials related to snow and ice removal pursuant to N.J.A.C. 19:4-8.15(g)4.

(b) A fee of \$ 50.00 per hour is charged for the review of a petition to amend a redevelopment plan adopted by the Commission. An initial fee of \$ 3,000 shall be submitted, from which the associated fees and expenses shall be deduct-

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ed. Any additional fees and expenses shall be paid by the applicant prior to resolution of the petition. Any remaining balance of the fee shall be refunded upon resolution of the petition.

§ 19:4-11.3 Subdivision

- (a) A \$ 100.00 fee is charged for a sketch plat review of all subdivisions.
- (b) The following fees are charged for a minor subdivision and technical major subdivision:
  - 1. \$ 5.00 per 100 square feet of lot area up to and including one acre;
  - 2. \$ 3,000 for lot area over one acre up to and including five acres;
  - 3. \$ 4,000 for lot area over five acres up to and including 40 acres; and
  - 4. \$ 7,000 for lot area over 40 acres.
- (c) A fee for preliminary plat review is charged for a major subdivision equal to:
  - 1. \$ 750.00 per acre of subdivided property for the first 10 acres; \$ 300.00 per acre of subdivided property for the next 40 acres; and \$ 150.00 per acre of subdivided property in excess of 50 acres; plus
  - 2. A fee of two percent of the value of public improvements as determined by a certified estimate prepared by a New Jersey-licensed professional engineer is charged to cover the cost of inspections.
- (d) A fee of \$ 750.00 is charged for final plat approval of any major subdivisions.
- (e) A fee of \$ 1,500 is charged for each specific waiver request.

§ 19:4-11.4 Construction permits

- (a) General construction permit fee requirements are as follows:
  - 1. The fee for plan review shall be paid at the time of application for a permit. The amount of this fee shall then be deducted from the amount of the fee due for a construction permit, when the permit is issued. Plan review fees are not refundable.
  - 2. The fee to be charged for a construction permit will be the sum of the basic construction fee plus all applicable special fees, such as elevator or sign fees. This fee shall be paid before a permit is issued.
  - 3. The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. This fee shall be in addition to the construction permit fee.
  - 4. The NJMC, acting as agent for the New Jersey Department of Community Affairs, shall have the responsibility, pursuant to N.J.S.A. 13:17-1 et seq. for the approval of all plans, for issuing compliance with the NJ UCC and for all enforcement as contained in N.J.A.C. 19:6-1 et seq. Therefore, pursuant to N.J.A.C. 19:6-1.5, the fees in this section shall pertain.
  - 5. The applicant, owner or developer of newly constructed or rehabilitated residential units that are to be legally restricted to occupancy by households of low or moderate income shall be exempted from the fees set forth in (b) and (c) below and otherwise payable to the NJMC.
- (b) NJMC plan review fees are as follows:
  - 1. The plan review fee for new construction shall be based upon the volume of the structure.
    - i. For buildings or structures in Use Groups A, F or S, the plan review fee shall be \$ .010 per cubic foot;
    - ii. For health care facilities in Use Groups B or I, the plan review fee shall be \$ .022 per cubic foot; and
    - iii. For all other buildings or structures, the plan review fee shall be \$ .016 per cubic foot.

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2. The plan review fee for renovations, alterations, repairs, site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction and external utility connections for premanufactured construction shall be based upon the estimated cost of work.

i. For health care facilities in Use Groups B or I, the fee shall be \$ 14.00 per \$ 1,000 or part thereof for estimated cost not exceeding \$ 50,000, \$ 11.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 50,000 and not exceeding \$ 100,000, and \$ 9.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 100,000; and

ii. For all other buildings or structures, the fee shall be \$ 10.00 per \$ 1,000 or part thereof for estimated cost not exceeding \$ 50,000, \$ 8.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 50,000 and not exceeding \$ 100,000, and \$ 7.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 100,000.

iii. For the installation of renewable and/or sustainable energy system(s), such as photovoltaic, wind energy, hydro-power, or geothermal system installation(s), and other systems determined by the Chief Engineer to be renewable and/or sustainable energy system installations, the fee shall be 50 percent of the fee calculated in accordance with i. or ii. above, based on the cost of construction of such system.

3. The elevator device plan review fees shall be set forth in (c)3 below.

4. There shall be an additional fee of \$ 45.00 per hour for review of any amendment or change to a plan that has already been released.

(c) Construction permit fees are as follows:

1. In any case where the NJMC conducts plan review for a local enforcing agency, the fee charged by the local enforcing agency for inspection services shall be 80 percent of the fee that would otherwise be determined under the local fee schedule.

2. The basic construction permit fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and the rating of electrical devices and the number of sprinklers, standpipes, and detectors (smoke and heat) at the unit rates and/or the applicable flat fees as provided in this section plus any special fees. The minimum fee for a basic construction permit covering any or all building, plumbing, electrical or fire protection work shall be \$ 65.00.

i. Building volume or cost: The fees for new construction or alteration are as follows:

(1) Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount of \$ 0.027 per cubic foot of volume for buildings and structures of all use groups and types of construction as classified and defined in articles 3 and 4 of the building subcode; except that the fee shall be \$ 0.015 per cubic foot of volume for use groups A-1, A-2, A-3, A-4, F-1, F-2, S-1 and S-2, and the fee shall be \$ 0.0008 per cubic foot for structures on farms, including commercial farm buildings under N.J.A.C. 5:23-3.2(d), used exclusively for the storage of food or grain, or the sheltering of livestock, with the maximum fee for such structures on farms not to exceed \$ 1,145.

(2) Fees for renovations, alterations and repairs shall be based upon the estimated cost of work. The fee shall be in the amount of \$ 24.00 per \$ 1,000. From \$ 50,001 to and including \$ 100,000, the additional fee shall be in the amount of \$ 18.00 per \$ 1,000 of estimated cost above \$ 50,000. Above \$ 100,000, the additional fee shall be in the amount of \$ 15.00 per \$ 1,000 of estimated cost above \$ 100,000. For the purpose of determining estimated cost, the applicant shall submit to the NJMC such cost data as may be available, produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The NJMC shall make the final decision regarding estimated cost based on recognized standards.

(3) Fees for additions shall be computed on the same basis as for new construction for the added portion.

(4) Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with (c)2i(2) and (3) above.

(5) The fee for tents, in excess of 900 square feet or more than 30 feet in any dimension, shall be \$ 92.00.

ii. Plumbing fixtures and equipment fees are as follows:

(1) The fee shall be \$ 10.00 per fixture, piece of equipment or appliance connected to the plumbing system, and for each appliance connected to the gas piping or oil piping system except as listed in (c)2ii(2) below.

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(2) The fee shall be \$ 65.00 per special device for the following: grease traps, oil separators, water-cooled air conditioning units, refrigeration units, utility service connections, back flow preventers equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker backflow preventors), steam boilers, hot water boilers (excluding those for domestic water heating), gas piping, gas service entrances, active solar systems, sewer pumps, interceptors and fuel oil piping.

iii. Electrical fixtures and devices fees are as follows:

(1) For the first block consisting of one to 50 receptacles or devices, the fee shall be \$ 36.00; for each additional block consisting of up to 25 receptacles or devices, the fee shall be \$ 6.00. For the purpose of computing this fee, receptacles, fixtures or devices shall include lighting fixtures, wall switches, convenience receptacles, sensors, dimmers, alarm devices, smoke and heat detectors, communications outlets, light-standards eight feet or less in height including luminaries, emergency lights, electric signs, exit lights or similar electric fixtures and devices rated at 20 amperes or less including motors or equipment rated less than one horse power (hp) or one kilowatt (kw).

(2) For each motor or electrical device rated one hp or one kw to 10 hp or 10 kw; for each transformer or generator rated from one kw or one kilovolt-ampere (kva) to 10 kw or 10 kva; for each replacement of wiring involving one branch circuit or part thereof; for each storable pool or hydromassage bath tub; for each under-water lighting fixture; for household electric cooking equipment rated up to 10 kw; for each fire, security or burglar alarm control unit; for each receptacle rated from 30 amperes or 50 amperes; for each light standard greater than eight feet in height including luminaries; and for each communications closet the fee shall be \$ 10.00.

(3) For each motor or electrical device rated greater than 10 hp or 10 kw to 50 hp or 50 kw; for each service equipment, panel board, switch board, switch gear, motor-control center, or disconnecting means rated 225 amperes or less; for each transformer or generator rated greater than 10 kw or 10 kva to 45 kw or 45 kva; for each electric sign rated greater than 20 amperes to 225 amperes including associated disconnecting means; for each receptacle rated greater than 50 amperes; and for each utility load management device, the fee shall be \$ 46.00.

(4) For each motor or electrical device rated greater than 50 hp or 50 kw to 100 hp or 100 kw; for each service equipment, panel board, switch board, switch gear, motor-control center or disconnecting means rated greater than 225 amperes to 1,000 amperes; and for each transformer or generator rated greater than 45 kw or 45 kva to 112.5 kw or 112.5 kva, the fee shall be \$ 92.00.

(5) For each motor or electrical device rated greater than 100 hp or 100 kw; for each service equipment, panel board, switch board, switch gear, motor-control center or disconnecting means rated greater than 1,000 amperes; and for each transformer or generator rated greater than 112.5 kw or 112.5 kva, the fee shall be \$ 457.00.

(6) The fee charged for electrical work for each permanently installed private swimming pool as defined in the building subcode, spa, hot tub or fountain shall be a flat fee of \$ 46.00 which shall include any required bonding, and associated equipment such as filters, pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panel boards and underwater lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with (c)2iii(1) through (5) above.

(7) The fee charged for the installation of single and multiple station smoke or heat detectors and fire, burglar or security alarm systems in any one or two-family dwelling shall be a flat fee of \$ 23.00 per dwelling unit. For fire, burglar and security alarm systems and detectors in buildings other than one or two-family dwellings, the fee shall be charged in accordance with (c)2iii(1) and (2) above.

(8) For installations consisting of multimeter stacks, the fee shall be based on the ampere rating of the main bus and not upon the number of meters or rating of disconnects on the meter stack. Individual load side panel boards shall be charged in accordance with (c)2iii(3), (4) or (5) above. There shall be no additional fee charged for the concurrent installation of individual feeder conductors.

(9) For motors or similar devices requiring concurrent installation of individual controls, relays and switches, the fee shall be based only upon the rating of the motor device. There shall be no additional fee charged for the concurrent installations of individual circuit components, for example, controllers, starters and disconnecting means.

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(10) For electrical work requiring replacement of service conductors or feeder conductors only, the fee shall be in accordance with (c)2iii(2) through (5) above based on the designated ampere rating of the over current device of the service or feeder.

(11) The fee charged for process equipment shall be based on the ampere rating of the over current device protecting the conductor feeding the process equipment or the cutoff device.

(12) For the purpose of computing these fees, all electrical and communications devices, utilizing equipment and motors which are part of premises wiring, except those which are portable plug-in type, shall be counted.

iv. Fees for fire protection and other hazardous equipment; sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas and oil fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums, are as follows:

(1) The fee for 20 or fewer heads shall be \$ 65.00; for 21 to and including 100 heads, the fee shall be \$ 120.00; for 101 to and including 200 heads, the fee shall be \$ 229.00; for 201 to and including 400 heads, the fee shall be \$ 594.00; for 401 to and including 1,000 heads, the fee shall be \$ 822.00; for over 1,000 heads the fee shall be \$ 1,050.

(2) The fee for one to 12 detectors shall be \$ 36.00; for each 25 detectors in addition to this, the fee shall be \$ 12.00.

(3) The fee for each standpipe shall be \$ 163.00.

(4) The fee for each independent pre-engineered system shall be \$ 65.00.

(5) The fee for each gas or oil fired appliance which is not connected to the plumbing system shall be \$ 33.00.

(6) The fee for each kitchen exhaust system shall be \$ 33.00.

(7) The fee for each incinerator shall be \$ 260.00.

(8) The fee for each crematorium shall be \$ 260.00.

(9) For single and multiple station smoke or heat detectors and fire alarm systems in any one or two-family dwellings, there shall be a flat fee of \$ 23.00 per dwelling unit. For detectors and fire alarm systems in buildings other than one or two-family dwellings, the fee shall be charged in accordance with (c)iv(2) above.

(10) For each fire pump, the fee shall be \$ 92.00.

3. Elevators fees are as follows:

i. The fee for plan review for elevator devices in structures in Use Groups R-3, R-4 and for elevator devices wholly within dwelling units in R-2 structures shall be \$ 50.00 for each device.

ii. The fee for plan review for elevator devices in structures in Use Groups other than R-3 and R-4 shall be \$ 260.00 for each device.

iii. The fee for a certificate of approval or certificate of compliance certifying the work done under a construction permit has been satisfactorily completed shall be \$ 28.00.

iv. Acceptance tests. The NJMC fees for witnessing acceptance test and performing inspections in structures not in Use Group R-3, R-4, or exempted R-2 structure, shall be as follows:

(1) Traction and winding drum elevators:

(A) One to 10 floors: \$ 243.00;

(B) Over 10 floors: \$ 405.00;

(C) Hydraulic elevators: \$ 216.00;

(D) Roped hydraulic elevators: \$ 243.00;

(E) Escalators, moving walks: \$ 216.00;

(F) Dumbwaiters: \$ 54.00; and

(G) Stairway chairlifts, inclined and vertical wheelchair lifts and manlifts: \$ 54.00;

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(2) Additional charges for devices equipped with the following features shall be as follows:

- (A) Oil buffers (per buffers): \$ 43.00;
- (B) Counterweight governor and safeties: \$ 108.00; and
- (C) Auxiliary power generator: \$ 81.00.

v. The NJMC fee for elevator devices in structures in Use Group R-3 or R-4, or otherwise exempt devices in R-2 structures, shall be \$ 162.00.

vi. The fee for witnessing acceptance tests of, and performing inspections of, alterations shall be \$ 54.00.

vii. The NJMC fees for routine, six month, tests and inspections for elevator devices in structures not in Use Groups R-3 or R-4, or otherwise exempt devices in R-2 structures, shall be as follows:

(1) Traction and winding drum elevators:

- (A) One to 10 floors: \$ 151.00;
- (B) Over 10 floors: \$ 194.00;
- (C) Hydraulic elevators: \$ 108.00;
- (D) Roped hydraulic elevators: \$ 151.00; and
- (E) Escalator, moving walks: \$ 151.00.

viii. The fee for one year periodic inspection and witnessing of tests of elevator devices, which shall include a six month routine inspection, shall be as follows:

(1) Traction and winding drum elevators:

- (A) One to 10 floors: \$ 216.00;
- (B) Over 10 floors: \$ 259.00;
- (C) Hydraulic elevators: \$ 162.00;
- (D) Roped hydraulic elevators: \$ 216.00;
- (E) Escalator, moving walks: \$ 346.00;
- (F) Dumbwaiters: \$ 86.00; and
- (G) Stairway chairlifts, inclined and vertical wheelchair lifts and manlifts: \$ 130.00.

(2) Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows:

- (A) Oil buffers (charge per oil buffer): \$ 43.00;
- (B) Counterweight governor and safeties: \$ 86.00; and
- (C) Auxiliary power generator: \$ 54.00.

ix. The fee for the three year or five year inspection of elevator devices shall be as follows:

(1) Traction and winding drum elevators:

- (A) One to 10 floors (five year inspection): \$ 367.00; and
- (B) Over 10 floors (five year inspection): \$ 410.00; and

(2) Hydraulic and roped hydraulic elevators:

- (A) Three-year inspection: \$ 270.00; and
- (B) Five-year inspection: \$ 162.00.

4. The fees for certificates and other permits are as follows:

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i. The fee for a demolition or removal permit shall be \$ 65.00 for a structure of less than 5,000 square feet in area and less than 30 feet in height, for one or two-family residences (use group R-3 of the building sub-code), and structures on farms including commercial farm buildings under N.J.A.C. 5:23-3.2(d), and \$ 120.00 for all other use groups.

ii. The fee for a permit to construct a sign shall be in the amount of \$ 1.20 per square foot of surface area of the sign, computed on one side only for double-faced signs. The minimum fee shall be \$ 46.00.

iii. The fee for a certificate of occupancy shall be \$ 28.00.

iv. The fee for a certificate of occupancy granted pursuant to a change of use shall be \$ 120.00.

v. The fee for a certificate of continued occupancy issued under N.J.A.C. 5:23-2.23(c) shall be \$ 120.00.

vi. The fee for the first issuance and renewal of a temporary certificate of occupancy shall be \$ 28.00.

(1) Exception: There shall be no fee for the first issuance of the temporary certificate of occupancy provided the certificate of occupancy fee is paid at that time.

(2) Exception: Where a written request for a temporary certificate of occupancy is made for reasons other than un-completed work covered by permit (such as uncompleted work required by prior approvals from State or municipal agencies), no renewal fee shall be charged.

vii. The fee for plan review of a building for compliance under the alternate systems and non-depletable energy source provisions of the energy subcode shall be \$ 274.00 for one and two-family homes (use group R-3 of the building subcode), and for light commercial structures having the indoor temperature controlled from a single point, and \$ 1,369 for all other structures.

viii. The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$ 594.00 for class I structures and \$ 85.00 for class II and class III structures. The fee for resubmission of an application for a variation shall be \$ 163.00 for class I structures and \$ 120.00 for class II and class III structures.

5. Periodic inspections: The fees for periodic departmental reinspection of equipment and facilities granted a certificate of approval for a specified duration in accordance with N.J.A.C. 5:23-2.23 shall be as follows:

i. For cross connections and backflow preventers that are subject to testing, requiring reinspection every three months, the fee shall be \$ 33.00 for each device when they are tested (thrice annually) and \$ 85.00 for each device when they are broken down and tested (once annually).

#### § 19:4-11.5 Occupancy

(a) No fee is charged in cases where a building permit or certificate of compliance fee in excess of the minimum fee imposed for a certificate of completion and/or occupancy certification has been paid.

(b) The fee for an occupancy certification is as follows:

1. For tenant spaces of up to and including 500 square feet, the fee is \$100.00.

2. For tenant spaces from 501 square feet, up to and including 3,000 square feet, the fee is \$250.00;

3. For tenant spaces from 3,001 square feet, up to and including 10,000 square feet, the fee is \$ 400.00;

4. For tenant spaces from 10,001 square feet, up to and including 25,000 square feet, the fee is \$ 500.00;

5. For tenant spaces from 25,001 square feet, up to and including 50,000 square feet, the fee is \$ 600.00; and

6. For tenant spaces in excess of 50,001 square feet, the fee is \$ 800.00.

(c) The fee for a zoning certificate or occupancy certification for trailers and/or guardhouses is \$ 500.00.

(d) The fee for a tenant name change certificate pursuant to N.J.A.C. 19:4-4.8(c) is \$ 50.00.

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§ 19:4-11.6 Hearings

(a) Whenever a public hearing is required on an application by statute or regulation of the Commission, the applicant shall pay the cost of such legal notices as shall be required to be given and the cost of the preparation of a stenographic record of any such hearing.

§ 19:4-11.7 (Reserved)

SUBCHAPTER 12. (RESERVED)

**CHAPTER 5 - SUBDIVISION REGULATIONS**

SUBCHAPTER 1. TITLE

§ 19:5-1.1 Chapter title

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

SUBCHAPTER 2. PURPOSE

§ 19:5-2.1 Purpose

(a) This chapter specifies procedures, engineering and planning standards, rules and regulations in accordance with which the New Jersey Meadowlands Commission (NJMC) shall review and approve or disapprove applications for the subdivision of land within the District.

(b) This chapter serves the following purposes:

1. To provide for the comprehensive and orderly development of the District in accordance with the NJMC Master Plan and any applicable redevelopment plans for the District;
2. To provide for adequate drainage facilities and easements;
3. To provide for road improvements and the proper location and width of streets in subdivisions;
4. To provide for public water and sewer systems where necessary to protect public health and to ensure an adequate supply of water;
5. To provide for performance guarantees, maintenance bonds and agreements specifying minimum standards of construction for required improvements; and
6. To provide for the exercise of the powers regarding the review and regulation of subdivisions conferred upon the NJMC by N.J.S.A. 13:17-1 et seq.

SUBCHAPTER 3. DEFINITIONS

§ 19:5-3.1 Words and phrases defined

(a) The words used in this chapter shall be as defined in N.J.A.C. 19:4-2.2, unless otherwise indicated in this section.

(b) The following words and terms, as used in this chapter, shall have the following meanings:

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"Arterial street" means any street serving major traffic movements designed primarily as a traffic carrier that is part of a network of through streets, and that provides service and access to abutting properties only as a secondary function.

"Block" means a tract of land bounded by streets, or by a combination of streets, railroad rights-of-way (ROWs), waterways, or adjoining properties.

"Collector street" means any street designed to gather traffic from local streets and connect with arterial streets.

"Cross walk" means a way across the street that is dedicated for public pedestrian access.

"Cul-de-sac" means a street having only one outlet and being permanently terminated by a vehicular turn-around at its terminus where vehicles may reverse direction without backing up.

"Dead-end street" means a street having only one outlet.

"Expressway" means any divided street or highway with no direct access from abutting property, except at determined intersections with other ROWs located at intervals along the roadway.

"Final plat" means the final map of all or a portion of a subdivision meeting the requirements of N.J.A.C. 19:5-6.

"Freeway" means any divided street or highway with complete access control and grade separated interchanges with all other public ROWs.

"Half street" means a street bordering one or more property lines or a subdivision tract to which the applicant has allocated only a portion of the ultimate and intended street width.

"Limited access highway" means an expressway or freeway, as defined in this section.

"Local street" means any street designed to provide access to abutting property and carry local traffic.

"Lot, through" means a lot that fronts upon two parallel streets, or that fronts upon two streets that do not intersect at the boundaries of the lot.

"Major subdivision" means all subdivisions not classified as minor subdivisions or technical major subdivisions.

"Marginal access street" means a street generally parallel with and adjacent to a limited access highway or arterial street that provides access to abutting properties.

"Minor subdivision" means any subdivision containing not more than three lots.

"Minor subdivision plat" means the map of a minor subdivision meeting the requirements of N.J.A.C. 19:5-6.

"Municipal approval authority" means the body within any constituent municipality that is authorized to approve subdivision applications with respect to land within that municipality.

"Owner" means any individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

"Plat" means the map of a subdivision.

"Preliminary plat" means the preliminary map indicating the proposed layout of the subdivision meeting the requirements of N.J.A.C. 19:5-6.

"Resubdivision" means a subdivision involving the merger or other division of two or more lots, tracts or parcels of land into one or more lots.

"Sketch plat" means the sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification meeting the requirements of N.J.A.C. 19:5-6.

"Street" means any existing municipal or county roadway, or a ROW shown upon a plat heretofore approved pursuant to law or approved by official action.

"Subdivider" means any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity proceeding in accordance with these regulations to effect a subdivision of land.

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"Subdivision" means the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land, except that divisions of property by testamentary or interstate provisions, or divisions of property pursuant to court order shall not be considered subdivisions within the meaning of this chapter, provided, however, that no new streets or roads are involved. Subdivision also includes resubdivision and, where appropriate to context, relates to the process of subdividing or to the lands or territory subdivided.

"Technical major subdivision" means a minor subdivision that meets the criteria of N.J.A.C. 19:5-5.3.

#### SUBCHAPTER 4. ADMINISTRATION

##### § 19:5-4.1 Administration

(a) The NJMC shall administer the provisions of this chapter and shall:

1. Maintain permanent and current records with respect to this chapter, including amendments thereto;
2. Receive all minor subdivision plats, sketch plats, preliminary plats, and final plats, together with applications therefor;
3. Review all minor subdivision plats, sketch plats, preliminary plats, and final plats to determine whether such plats comply with these regulations. In conjunction with the review of preliminary plats, the NJMC may hold a hearing if deemed necessary or if the appropriate authorities of the municipality in which the subdivision is located do not require a hearing. Notice and procedures of such hearing shall be governed by N.J.A.C. 19:4-4.16 and 4.17;
4. Approve, approve conditionally, or disapprove minor subdivision plats;
5. Approve, approve conditionally, or disapprove preliminary plats;
6. Approve or disapprove final plats;
7. Transmit a report to the appropriate municipal approval authority within 45 days of the receipt of an application for final plat approval, which report shall indicate the action of the NJMC with respect to said final plat. If the NJMC, the municipal approval authority, and the applicant agree, the 45-day period may be extended for an additional 45-day period, and any such extension shall extend the time within which a municipal approval authority shall be required by law to act thereon;
8. Set forth in writing and transmit to the applicant a copy of the reasons thereof in the event of withholding of approval, or the disapproval of, a subdivision application;
9. Make such other determinations and decisions as may be required by these regulations or by the Commission; and
10. Promulgate such rules as may be required to implement the provisions of this chapter.

##### § 19:5-4.2 Appeals

Whenever the NJMC approves, approves conditionally, or disapproves an application, in whole or in part, the applicant may appeal such action in accordance with N.J.A.C. 19:4-4.19.

#### SUBCHAPTER 5. PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS

##### § 19:5-5.1 Application for subdivision

(a) All applications for subdivision shall be filed with the NJMC, and shall include the following:

1. A complete application form, signed by the applicant and the property owner, containing the following major components;

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- i. Applicant information;
  - ii. Property description, location, proposed subdivision, and ownership information; and
  - iii. Specification of whether a major or minor subdivision classification is requested;
2. The required sketch plat fee, in accordance with N.J.A.C. 19:4-11;
  3. Two copies of the proposed sketch plat prepared in accordance with these regulations and filed with the municipal approval authority; and
  4. Such additional information and documents as may be required by N.J.A.C. 19:5-6.

(b) The following datum, as provided by the National Geodetic Survey of the National Ocean Service, incorporated herein by reference, as amended and supplemented, for which information is available at NGS Information Services, NOAA, N/NGS12, National Geodetic Society, SSMC-3, #9202, 1315 East-West Highway, Silver Spring, MD 20910-3282, shall be utilized, in Stateplane feet:

1. Horizontal datum shall conform to North American Datum of 1983 (NAD83); and
2. Vertical datum shall conform to North American Datum of 1988 (NAVD88).

§ 19:5-5.2 Classification of subdivision

(a) Within 15 days after the receipt of a complete application in accordance with N.J.A.C. 19:5-5.1, the NJMC shall classify the proposed subdivision as a minor, technical major or major subdivision and shall notify the applicant in writing of the subdivision classification.

(b) If classified as a minor subdivision, the minor subdivision plat shall meet the requirements of N.J.A.C. 19:5-6.2, and shall be reviewed in accordance with N.J.A.C. 19:5-5.4.

(c) If classified as a technical major subdivision in accordance with N.J.A.C. 19:5-5.3, the subdivision plat shall meet the requirements of N.J.A.C. 19:5-6.2, and shall be reviewed in accordance with N.J.A.C. 19:5-5.4.

(d) If classified as a major subdivision, a notation to that effect shall be affixed on the plat by the Chief Engineer, which shall be returned to the applicant for compliance with N.J.A.C. 19:5-5.5 through 5.9.

§ 19:5-5.3 Technical major subdivision

(a) Minor subdivisions shall be considered a technical major subdivision when the proposed subdivision results in the following:

1. A new public or private street;
2. No frontage on an improved public or private street;
3. The extension of municipal facilities;
4. A variance from any zoning regulation of N.J.A.C. 19:4;
5. An adverse effect on the development of the remainder of the parcel or adjoining property; or
6. A conflict with any provision or portion of the NJMC Master Plan or any NJMC redevelopment plan.

(b) Technical major subdivisions shall require a public hearing in accordance with N.J.A.C. 19:4-4.17.

1. Any proposed variance from the zoning regulations of N.J.A.C. 19:4 or the requirements of an NJMC redevelopment plan shall be evaluated by the criteria listed in N.J.A.C. 19:4-4.14.

(c) Technical major subdivisions shall be reviewed in accordance with the minor subdivision procedures of N.J.A.C. 19:5-5.4, and the contents of plats shall be in accordance with N.J.A.C. 19:5-6.2.

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§ 19:5-5.4 Minor subdivision procedure

(a) Within 45 days after the receipt of the proposed minor subdivision plat, the Chief Engineer shall review the plat and either:

1. Notify the applicant in writing that the minor subdivision plat will be approved upon submission of the required minor subdivision fee pursuant to N.J.A.C. 19:4-11, one original mylar and 10 copies of the minor subdivision plat, and when prepared digitally, a digital copy of the plat in AutoCAD-compatible format; or

2. Notify the applicant in writing of the reasons why the minor subdivision plat cannot be approved.

(b) If the minor subdivision plat is approved, the Secretary shall affix the seal of the Commission on the face of the plat.

(c) A copy of the approved minor subdivision plat shall be forwarded to the municipal approval authority and to the applicant within one week.

(d) No further approval of the NJMC shall be required respecting the minor subdivision, provided that a deed description or plat map drawn in compliance with the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq., shall be filed by the applicant in the appropriate county recorder's office in accordance with N.J.A.C. 19:5-5.9 within the time-line established by the municipal approval authority. The applicant shall forward to the NJMC a copy of any time extensions granted by the municipal approval authority. Proof of the recording of the subdivision shall be submitted to the NJMC.

§ 19:5-5.5 Major subdivision procedure

(a) Upon classification of a proposed subdivision as a major subdivision, the applicant shall submit an application for preliminary plat approval in accordance with N.J.A.C. 19:5-5.6.

(b) If preliminary plat approval is issued by the NJMC, the applicant shall file an application for final plat approval with the NJMC in accordance with N.J.A.C. 19:5-5.7.

§ 19:5-5.6 Preliminary plat procedure

(a) The applicant shall file an application for preliminary plat approval with the NJMC within 18 months after the submission of the sketch plat pertaining to the preliminary plat and within five days of submitting an application for preliminary plat approval to the municipal approval authority.

(b) Applications for preliminary plat approval shall include the following:

1. A complete application form, signed by the applicant and the property owner, containing the following major components:

- i. Applicant information;
- ii. Property description, location, proposed subdivision, and ownership information; and
- iii. Specification of whether a major or minor subdivision classification is requested;

2. The required preliminary plat fee, in accordance with N.J.A.C. 19:4-11;

3. Ten copies of the proposed preliminary plat prepared in accordance with this chapter; and

4. Such additional information and documents as may be required by N.J.A.C. 19:5-7.

(c) Upon receipt of a complete application for preliminary plat approval, the NJMC shall:

1. Review the preliminary plat and the reports and recommendations of the municipal approval authority and other agencies having jurisdiction;

2. Hold a public hearing on the preliminary plat in accordance with N.J.A.C. 19:4-4.17; and

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3. Determine, based on the record of the hearing and the documentation submitted, whether the preliminary plat meets the provisions of the NJMC Master Plan, any applicable NJMC redevelopment plan, and this chapter.

(d) If the considerations of (c) above are satisfied, the Chief Engineer shall approve the preliminary plat.

(e) If the Chief Engineer determines that the preliminary plat does not satisfy the considerations of (c) above:

1. The Chief Engineer may suggest modifications to the plat. In such event:

i. The applicant may amend the preliminary plat in accordance with the modifications suggested by the Chief Engineer and resubmit the plat. If the amended plat is deemed to satisfy the considerations of (c) above, the Chief Engineer shall approve same; or

ii. The applicant may reject the suggested modifications, or, within the time allowed for action by the Chief Engineer, may refrain from taking any action thereon. In either event, the preliminary plat shall be deemed to have been disapproved, and the Chief Engineer shall notify the applicant in accordance with (f) below.

2. If the Chief Engineer determines that the preliminary plat does not satisfy the considerations of (c) above and that modifications would be too extensive or impracticable, the Chief Engineer shall disapprove the preliminary plat and notify the applicant in accordance with (f) below.

(f) If the preliminary plat is disapproved, within 10 days thereof, the Chief Engineer shall notify the applicant in writing of the reasons for disapproval.

(g) If the preliminary plat is approved by the Chief Engineer, a notation to that effect shall be affixed on the plat by the Chief Engineer and transmit copies to the applicant and the municipal approval authority. If the preliminary plat is approved with modifications, the applicant shall resubmit a preliminary plat incorporating the modifications to the NJMC within 90 days of the date of such approval.

(h) The foregoing provisions to the contrary notwithstanding, the Chief Engineer shall approve or disapprove the preliminary plat within 90 days from the date of the filing of such plat, or from the date the applicant has submitted the last item of required data, whichever date is later, unless such time is extended by mutual consent.

(i) If the NJMC fails to proceed with review of the preliminary plat within 45 days of the date of receipt of a complete application in accordance with (b) above, such preliminary plat shall be deemed to have been approved unless the applicant shall have consented to extend or waive such time limitation.

(j) Approval of the preliminary plat shall not constitute approval of the subdivision by the Chief Engineer, but shall confer the following rights upon the applicant for a three-year period from the date of preliminary approval:

1. The general terms and conditions upon which the preliminary approval was granted will not be changed; and

2. The applicant may submit on or before the expiration date the whole or part(s) of said plat for final approval.

(k) If a final plat is not submitted to the NJMC within such three-year period, the preliminary plat and appropriate fee shall be resubmitted to the NJMC as if such plat had never been approved.

§ 19:5-5.7 Final plat procedure

(a) The applicant shall file an application for final plat approval with the NJMC within three years from the date of preliminary plat approval and within five days of submitting an application for final plat approval to the municipal approval authority.

(b) Applications for final plat approval shall include the following:

1. A complete application form, signed by the applicant and the property owner, containing the following major components:

i. Applicant information;

ii. Property description, location, proposed subdivision, and ownership information; and

iii. Specification of whether a major or minor subdivision classification is requested;

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2. The required final plat fee, in accordance with N.J.A.C. 19:4-11;
  3. Ten copies and one original mylar of the proposed final plat, and when prepared digitally, a digital copy of the plat in AutoCAD-compatible format, prepared in accordance with these regulations; and
  4. Such additional information and documents as may be required by N.J.A.C. 19:5-7.
- (c) The Chief Engineer shall review and approve or disapprove the final plat within 45 days after receipt of a complete application for final plat approval. Upon mutual agreement among the NJMC, the municipal approval authority, and the applicant, the 45-day period shall be extended for an additional 45-day period.
- (d) The Chief Engineer shall approve a final plat in accordance with the following:
1. The final plat shall be substantially the same as the approved preliminary plat;
  2. The final plat shall comply with any conditions of the approval of the preliminary plat; and
  3. The final plat shall comply with all NJMC regulations and other applicable requirements.
- (e) If the Chief Engineer approves the final plat, the Secretary shall affix the seal of the Commission on the face of the plat. A copy of the approved final plat shall be forwarded to the municipal approval authority and to the applicant.
- (f) If the Chief Engineer disapproves the final plat, the Chief Engineer shall notify the applicant in writing of the reasons for such disapproval within 10 days of such decision.
- (g) If the Chief Engineer has taken no action to approve or disapprove the final plat within the required time period, the Secretary shall, at the request of the applicant, certify such fact upon the final plat submitted and transmit the final plat to the municipal approval authority. Such certification shall be sufficient authorization for further action by the municipal approval authority and filing with the appropriate county recording officer.
- (h) The approved final plat shall be filed by the applicant in the appropriate county recorder's office in accordance with N.J.A.C. 19:5-5.9 within the timeline established by the municipal approval authority. The applicant shall forward to the NJMC a copy of any time extensions granted by the municipal approval authority. Proof of the recording of the subdivision shall be submitted to the NJMC.

§ 19:5-5.8 Other approvals

- (a) No zoning certificate or occupancy certificate shall be issued by the NJMC or other agency having jurisdiction for a new building or structure on any lot of any subdivision that is subject to the provisions of this chapter until the minor subdivision plat, minor subdivision deed, or final plat of a major subdivision bearing the certification of approval of the Commission has been recorded by the appropriate county recording officer, and proof of such recording is submitted in writing to the NJMC.
- (b) No such permits or certificates shall be issued until there has been compliance with these regulations, including the approval of engineering drawings for required improvements and the submission of performance guarantees to ensure the completion of such improvements.

§ 19:5-5.9 Commission approval for subdivision filing

No plat or deed of any subdivision subject to the provisions of this chapter shall be accepted for filing by the appropriate county recording officer unless it bears the certification of approval of the Commission.

**SUBCHAPTER 6. CONTENTS OF PLATS**

§ 19:5-6.1 Sketch plat contents

- (a) The sketch plat shall be prepared by a New Jersey-licensed professional land surveyor (PLS).

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(b) Such plat shall be drawn at a scale sufficient to show the entire tract on one sheet, but in no case shall such scale be less than one inch equal to 200 feet.

(c) The sketch plat shall include the following information:

1. The name and address of the property owner, applicant, and person preparing plat;
2. The names of all adjoining property owners as shown by the most recent municipal tax records;
3. A key map showing the entire subdivision and its relation to surrounding areas;
4. The date, north point, reference meridian, and graphic scale of plat;
5. The existing and proposed tax map sheet, block and lot number;
6. The existing and proposed property lines showing bearings and distances;
7. The acreage of the entire parcel to be subdivided;
8. The area in square feet of all lots to be created;
9. A zoning summary table pursuant to N.J.A.C. 19:4-4.4;
10. The location of the lots to be created in relation to the entire tract;
11. Existing easements in the area to be subdivided and within 200 feet thereof, showing location, width and purpose;
12. All existing structures within the portion to be subdivided and within 200 feet thereof;
13. Existing streets and railroads in the area to be subdivided and within 200 feet of the subdivision with ROWs clearly indicated;
14. All proposed streets and utilities within and adjoining the proposed subdivision with all ROWs and easements clearly indicated;
15. All natural and artificial watercourses, streams, shorelines, and water boundaries and encroachment lines; and
16. All areas claimed by the State of New Jersey as riparian, now or formerly, including any grants or leases.

(d) The sketch plat shall also include or be accompanied by the following information:

1. A topographic survey including the following:
  - i. Utility facilities (both overhead and underground) on and adjacent to the area to be subdivided, including location, type and size;
  - ii. The location of environmentally sensitive areas, such as wetlands, and the location, extent and direction of flow of all watercourses, drainage structures and drainage ditches in the area to be subdivided and within 200 feet thereof;
  - iii. Boundary lines of any areas containing fill materials with data indicating type and vertical extent of such materials; and
  - iv. Spot ground elevations in the subdivision and within 200 feet thereof, of adequate density to determine the general slope and drainage of the area and high and low points;
2. A certificate signed and acknowledged by all parties having record title or interest in the land to be subdivided, and consenting to the preparation and recording of said subdivision map;
3. A statement of any existing and proposed protective or restrictive covenants, or other restrictions if any;
4. A statement describing the available community facilities on and adjacent to the property to be subdivided;
5. A statement of the approximate number of lots the subdivision will contain, together with the typical proposed lot width and depth; and
6. A statement of the type and scope of any development proposed for the area to be subdivided.

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§ 19:5-6.2 Minor subdivision plat contents

The contents of a minor subdivision plat shall be in accordance with N.J.A.C. 19:5-6.1, and the requirements of the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq.

§ 19:5-6.3 Preliminary plat contents

- (a) The preliminary plat shall be prepared by a New Jersey-licensed professional land surveyor (PLS).
- (b) Such plat shall be drawn at a scale of no less than one inch equal to 100 feet.
- (c) The preliminary plat shall include or be accompanied by the following information:
  - 1. The proposed name of the subdivision, which shall not duplicate or resemble the name of any existing subdivision within the District;
  - 2. The name and address of the property owner(s), the applicant, and the person preparing the preliminary plat;
  - 3. The names of all adjoining property owners, as shown on the most recent municipal tax records;
  - 4. A key map showing the entire subdivision and its relation to surrounding areas;
  - 5. The date, north point, reference meridian and scale of drawing;
  - 6. The tax map sheet, block and lot number;
  - 7. The date of the topographic survey;
  - 8. The location of existing and proposed property lines showing bearings and distances;
  - 9. The acreage of tract(s) to be subdivided accurate to the nearest hundredth of an acre;
  - 10. The location of existing and proposed building setback lines, existing buildings and structures with an indication of whether they will be retained and the location and extent of environmentally sensitive areas, such as wetlands;
  - 11. Details of proposed streets, including:
    - i. Profiles, cross-sections, alignments, drainage provisions, and ROWs of existing and proposed streets and highways within and abutting the subdivision;
    - ii. Street and highway names and/or route numbers;
    - iii. The type and width of pavement and location of curbs, sidewalks, and shade tree planting strips, on cross-sections;
    - iv. Line-of-sight triangles and curb radii; and
    - v. Detailed foundation conditions, pavement designs, design criteria and assumptions;
  - 12. Alignment data for all ROWs, easements, tract boundary lines, lot lines, and street centerlines;
  - 13. The recorded reference of all easements. If an easement is not recorded, a statement describing such easement shall be included. The width, length, bearings and sufficient ties to locate the easement with respect to the subdivision shall be shown;
  - 14. The location and description of all monuments;
  - 15. Topographic contours at five-foot intervals for land slopes averaging 10 percent or greater, two-foot intervals for land averaging between three and 10 percent and one-foot interval for all lands of lesser slope;
  - 16. All existing watercourses shall be shown and accompanied by the following information:
    - i. When a watercourse is proposed to be altered, improved, or relocated, or when a drainage structure is proposed on a stream with a drainage area of one-half square mile or greater, evidence of submission of the appropriate applications to the NJDEP;

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ii. Cross-sections of watercourses showing extent of floodway, if defined, top of bank, mean high water level and bottom elevations at the following locations:

- (1) At any point where a watercourse crosses a boundary of the subdivision;
- (2) At 50-foot intervals for a distance of 300 feet upstream and 300 feet downstream of any proposed culvert or bridge within or adjacent to the subdivision;
- (3) Immediately upstream and downstream of any point of juncture of two or more watercourses; and
- (4) At a maximum of 500-foot intervals along all watercourses which run through or adjacent to the subdivision for an exterior distance of 500-feet upstream and downstream of the subdivision boundary;

iii. When a watercourse is proposed to be altered, improved, or relocated, a plan showing the method of stabilizing slopes and measures to control erosion and siltation during construction; and

iv. The boundaries of the floodplains of all watercourses within or adjacent to the subdivision, if defined;

17. The total upstream tributary area of any watercourse running through or adjacent to the subdivision. Point of reference shall be that point where the watercourse first contacts the subdivision;

18. The total upstream tributary area of a watercourse running through or adjacent to the subdivision at the nearest downstream drainage structure, and the acreage in the subdivision which drains to the structure;

19. The location and extent of drainage and conservation easements;

20. The location, extent and water level elevation of all existing or proposed lakes or ponds within or adjacent to the subdivision;

21. Stormwater management systems including the following:

i. All existing and proposed storm sewer lines, within or adjacent to the subdivision, showing size of lines, capacity, direction of flow, slope, and location of inlets and structures;

ii. All existing and proposed drainage ditches within or adjacent to the subdivision showing typical cross-sections, capacity, direction of flow, and slope;

iii. Proposed retention or detention basins; and

iv. Design data and calculations;

22. Existing and proposed sanitary sewerage facilities serving the subdivision, including the following:

i. Location, size and slope of all sanitary sewer lines and connections to existing facilities;

ii. Location of any proposed sanitary sewerage treatment plants;

iii. Design data and calculations; and

iv. Proof of submittal to other governmental entities having jurisdiction;

23. Existing and proposed water distribution systems serving the subdivision, including the following:

i. The location, size and capacity of water mains;

ii. The location of fire hydrants;

iii. The source of supply, points of connection, and supply capacities at such points;

iv. The location of any proposed water treatment plants;

v. Design data and calculations; and

vi. Proof of submittal to other governmental entities having jurisdiction;

24. The location of existing and proposed utilities, both underground and overhead, and associated easements;

25. Delineation of all areas containing fill and detailed information concerning the material encountered, including the following:

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- i. The depth and type of material involved;
  - ii. The age of fill;
  - iii. The state of decomposition;
  - iv. Residual settlements to be expected;
  - v. Combustible gas-forming potential;
  - vi. The depth to water table; and
  - vii. In all such areas where construction of roadways, paved areas, utilities and other facilities is proposed, additional data including the following shall be submitted:
    - (1) Any specialized construction methods to be used in areas containing fill;
    - (2) Design precautions to be taken to ensure that residual post-construction settlements will not adversely affect the appearance or structural integrity of any proposed facilities; and
    - (3) Method to be employed in eliminating the build-up of combustible gases where such a potential exists;
26. Identification of lands to be dedicated or reserved for any purpose, public or private, to be distinguished from lots or tracts intended for sale; and
27. A copy of any protective covenants or deed restrictions applying to the land to be subdivided.

§ 19:5-6.4 Final plat contents

- (a) The final plat shall be prepared by a New Jersey-licensed professional land surveyor (PLS).
- (b) The final plat shall be in compliance with the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq.
- (c) The final plat shall be drawn at a scale of no less than one inch equal to 100 feet.
- (d) The final plat shall include or be accompanied by the following information:
  1. A legal description of tract boundaries;
  2. The block and lot numbers as assigned by the municipal tax official;
  3. The block numbers of an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;
  4. The following certificates, which may be combined where appropriate:
    - i. A certificate signed and acknowledged by all parties having any record title or interest in the land subdivided, dedicating all parcels of land shown on the final plat and intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors and tenants; and
    - ii. A certificate signed and sealed by a New Jersey-licensed Professional Land Surveyor responsible for the survey and final plat certifying the accuracy of the details;
  5. A preliminary title report by a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the land shall be submitted. The written consent of all such persons shall be required;
  6. Plans showing the following:
    - i. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners showing the error of closure, if any;
    - ii. The computation of all distances, angles, and courses shown on the final plat; and
    - iii. Ties to existing monuments, proposed monuments, adjacent subdivisions and street corners; and
  7. Evidence of approval by other governmental entities having jurisdiction over the proposed improvements.

## SUBCHAPTER 7. DESIGN STANDARDS

### § 19:5-7.1 Scope

All subdivisions subject to this chapter shall conform to the design standards contained or referred to in this subchapter.

### § 19:5-7.2 NJMC Master Plan or applicable redevelopment plans

No subdivision shall conflict with the NJMC Master Plan or any applicable redevelopment plan of the District.

### § 19:5-7.3 Land subject to flooding

(a) No land subject to flooding or which lacks adequate drainage shall be subdivided for any use that would be incompatible with such flooding or drainage characteristics.

(b) If the subdivider or owner of land that is subject to periodic flooding or that has inadequate drainage agrees to install at his own expense improvements meeting the standards and requirements of the NJMC and designed in such a manner so as to render such land suitable for the intended use, then the provisions of (a) above shall not bar the approval of such subdivision.

### § 19:5-7.4 Streets layout and design

(a) All lots located in any subdivision shall have direct access to an improved public or private street.

(b) The arrangement, character, extent, width, grade and location of all streets shall conform to the NJMC Master Plan and any applicable redevelopment plan of the District, and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in appropriate relation to the proposed uses of the land to be served. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan approved or adopted by the Commission to meet a particular situation.

(c) Local streets shall be designed to minimize use by through traffic.

(d) If a subdivision abuts or contains an existing or proposed limited access highway or arterial street, the NJMC may require design features to buffer residential properties and separate through and local traffic.

(e) If a subdivision borders or contains a railroad ROW or a limited access highway, the NJMC may require a street approximately parallel to and on each side of such ROW, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in other districts. Such distances shall be determined with regard for the requirements of approach grades and future grade separations.

(f) Reserve strips controlling access to streets shall be dedicated to the governmental entity with jurisdiction over such streets.

(g) Street jogs are to be avoided on arterial and collector streets. On local streets with a ROW of 60 feet or less, centerline offsets of less than 150 feet shall be prohibited.

(h) A tangent measuring a minimum of 100 feet in length shall be introduced between reverse curves on arterial and collector streets.

(i) Streets shall be designed to provide for the following minimum horizontal sight distances on all curves, measured within street ROW's from a height of four feet above the proposed pavement surface in the right-hand lane:

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1. Local streets: 250 feet;
2. Collector streets: 350 feet; and
3. Arterial streets: 500 feet.

(j) Streets shall be designed to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 70 degrees.

(k) Street ROW widths shall be as shown in the NJMC Master Plan and any applicable redevelopment plan of the District, and where not shown therein, shall not be less than the widths listed in Table 5-1 below:

Table 5-1

Street ROW Widths

Street Type	ROW
Arterial	100 feet, except that 150 feet of ROW shall be required within 350 feet from the intersection of the center line of an arterial street with any other arterial or collector street
Collector	80 feet
Local, residential areas	50 feet
Local, commercial and industrial areas	60 feet
Marginal access streets, with two-way traffic	40 feet

(l) Half streets shall be avoided, except for arterial streets, collector streets where applicable, and where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; or, where the NJMC finds that it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided. Whenever a half street is existing and adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(m) Dead-end streets, designed to be so permanently, shall not be longer than seven times the average lot width or 600 feet, whichever is less, and shall have a turn-around at the closed end that has an outside roadway diameter of at least 70 feet and a ROW diameter of at least 100 feet. Curvilinear cul-de-sacs shall be avoided.

(n) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the NJMC.

(o) Street grades, wherever feasible, shall not exceed the grades in Table 5-2 below with allowance for reasonable vertical curves:

Table 5-2

Street Grades

Street type	Percent grade
Arterial	3%
Collector	4%
Local	5%
Marginal access streets	5%

(p) No street grade shall be less than one-half of one percent. A greater percentage of grade may be required, however, where necessary to provide adequate drainage.

(q) The following minimum curb radii listed in Table 5-3 below shall be provided at intersections:

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Table 5-3

Minimum Curb Radii

Type of Street	Intersecting with	Minimum curb radii
Local Residential	Local Residential	20 feet
Local Residential	Collector	30 feet
Local Residential	Arterial	30 feet
Collector (commercial or industrial) or Arterial	Collector (commercial or industrial) or Arterial	50 feet

(r) In addition to the required ROW widths described in this section, a line-of-sight triangle shall be provided and maintained in accordance with N.J.A.C. 19:4-8.5, and the portion of the line-of-sight triangle outside the ROW shall be dedicated as an easement if required by the governmental entity(s) with jurisdiction over the ROW(s).

(s) The subdivider shall conform with local standards for street pavement thickness and width.

(t) The subdivider shall provide appropriate street signage and traffic control devices as may be required by, and in accordance with the requirements of, the NJMC and the governmental entity with jurisdiction over the ROW.

(u) The subdivider shall provide appropriate street lighting as may be required by, and in accordance with the requirements of, the NJMC, the appropriate utility company, and the governmental entity with jurisdiction over the ROW.

§ 19:5-7.5 Blocks

(a) The length, width, and shape of blocks shall be determined with regard to the following:

1. Provision of adequate building sites suitable for the needs of the proposed use;
2. Lot size requirements, in accordance with N.J.A.C. 19:4-5;
3. Convenient access, circulation, control, and safety of street traffic; and
4. Topographical conditions.

(b) A block shall not exceed 1,300 feet in length, unless such block is adjacent to a limited access highway or arterial street or unless the adjacent layout or topographical conditions justify otherwise.

(c) Blocks may be irregular in shape, provided they are consistent with the overall pattern of blocks in the proposed subdivision.

(d) In blocks of 800 feet or more in length, a walkway may be required to provide pedestrian access to public or private facilities. Such walkway shall have a minimum ROW width of 10 feet and shall extend entirely across such block. A sidewalk shall be placed along the length of such ROW and shall comply with N.J.A.C. 19:4-8.12 and 8.13.

§ 19:5-7.6 Lots

(a) The lot size, width, depth, shape, and orientation shall be appropriate for the development.

(b) Lot size requirements shall conform to N.J.A.C. 19:4-5.

(c) Where lots front upon a cul-de-sac or curved street having a radius of 200 feet or less, the minimum lot widths required in N.J.A.C. 19:4-5 shall be measured at the building setback line along an arc parallel to the ROW of such cul-de-sac or curved street. Such lots shall be designed so that their frontage, as measured on the arc of such ROW line, is not less than 50 percent of the required lot width measured at the building setback line.

(d) The area of the street ROW shall not be included and calculated in the area of the lot with respect to minimum lot size requirements of N.J.A.C. 19:4-5.

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(e) There shall be no through lots except where the lots abut a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision. There shall be no vehicular access between such through lot and an abutting limited access highway or arterial street. Through lots abutting such highway or street shall have an additional depth of 10 feet from the required depth to provide screening between the lot and such highway or street.

(f) The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the proposed use and development.

(g) Side lot lines shall be substantially at right angles or radial to street lines.

§ 19:5-7.7 Easements

(a) Utility easements shall be provided where necessary, and shall be of adequate width as required by the utility company with jurisdiction.

(b) A stormwater easement or drainage ROW shall be provided if a subdivision is traversed by a watercourse or drainage way. Such easement or ROW shall conform substantially to the lines of such watercourse.

§ 19:5-7.8 Drainage

(a) Each subdivision submitted shall be reviewed by the NJMC to ensure the adequacy of all drainage provisions proposed within said subdivision and that potential adverse drainage conditions on all adjoining property resulting from such development have been addressed appropriately.

(b) Drainage systems shall be designed in accordance with N.J.A.C. 19:4-8.6.

(c) In addition to the requirements of N.J.A.C. 19:4-8.6, the following shall apply to drainage systems in proposed ROWs and subdivision drainage easements:

1. All pipeline and open channel drainage systems shall be designed to convey the maximum discharge commensurate with design.

2. Pipes shall be considered "flowing full" at maximum capacity.

3. Minimum design velocity of "flowing full" condition for drainage piping shall be two feet per second, or as otherwise approved on a case-by-case basis by the NJMC.

4. For drainage systems utilizing pipes that are 48-inch pipelines and larger, vertical and horizontal deflections may utilize 100-foot, or greater, radius curves.

5. The spacing between inlets shall not exceed 400 feet or a design inlet flow of six cubic feet per second; whichever condition shall be more stringent. Access manholes shall be spaced at a maximum of 400 feet intervals through ROWs and at pipe junctions where there are no catch basins. However, a recommended spacing length shall be 300 feet to allow for easier access to pipes for inspection and maintenance.

6. "Dish" street intersections shall not be permitted. Sufficient catch basins shall be installed at street intersections and low points in the street to avoid gutter overflow.

7. Reinforced concrete pipe shall be utilized in ROWs and shall have appropriate cover for the design load proposed.

8. Catch basins and manholes shall be constructed in accordance with New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, 2001 Edition, incorporated herein by reference, as amended and supplemented, which can be obtained from the New Jersey Department of Transportation, 1035 Parkway Avenue, PO Box 600, Trenton, NJ 08625-0600. Castings shall conform to NJDOT Standard Specification for Road and Bridge Construction.

9. Permissible design velocities in open channels shall be as follows:

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Table 5-4  
 Permissible Design Velocities in Open Channels

Excavation Material	Velocity (fps)
Fine sand to firm loam	2.0 to 3.0
Stiff clay to hardpan	3.0 to 5.0
Concrete lined ditch	10 (maximum)

10. Channel and ditch banks shall be protected by use of vegetation and/or rip rap as design velocity dictates.

11. The minimum Manning's roughness coefficient "n," used in the Manning's equation listed in N.J.A.C. 19:4-8.6(b)4i, shall be as follows for the calculation of discharge flows in open channels:

Table 5-5  
 Minimum Manning's Roughness Coefficient "n" Used in the  
 Calculation of Discharge Flows in Open Channels

Channel Type and Condition	Manning's "n"
Concrete lined ditch--good condition	0.013
Unlined ditch--good condition	0.025
Natural streams and watercourses--fair to poor condition	0.030 to 0.150

12. If an alternative flow formula is used, discharge coefficients shall be equivalent to the Manning's roughness coefficient "n" specified in (c)11 above.

§ 19:5-7.9 Water supply and sewerage disposal systems

(a) The applicant shall provide written proof from the water company serving the subdivision that the development therein will be adequately served by public water supply.

(b) The applicant shall provide written proof from the appropriate sewerage authority serving the subdivision that the development therein will be adequately served by a central sewerage system in accordance with N.J.A.C. 19:4-7.9.

§ 19:5-7.10 Fill

Filling, excavation, regrading, or surcharging of land shall be in accordance with N.J.A.C. 19:4-8.16.

§ 19:5-7.11 Business, commercial and industrial subdivisions

(a) Notwithstanding the other provisions of this chapter, the minimum width of streets adjacent to areas designed, proposed, or zoned for business, commercial, or industrial uses may be required to be increased to such width deemed necessary by the NJMC to ensure the free flow of through-traffic without interference from parked or parking motor vehicles.

(b) Blocks intended for business, commercial, or industrial uses shall be designed specifically for such purpose, including sufficient space for off-street parking and loading required by these regulations.

(c) When blocks or lots in a proposed business, commercial, or industrial subdivision front on a limited access highway or arterial street, the subdivider may be required to dedicate and improve a service road to provide ingress and egress to and from such blocks or lots.

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§ 19:5-7.12 Coordination with constituent municipalities

(a) This chapter shall not be deemed to supersede, modify, amend, or otherwise invalidate the subdivision regulations of any constituent municipality, except to the extent provided by N.J.S.A. 13:17-11(b) and 16(b).

(b) It shall be the policy of the Commission to consult with appropriate officials of the constituent municipalities, both generally and with respect to specific subdivision applications, in order to facilitate the effectuation of the NJMC Master Plan and these regulations; municipal subdivision standards and objectives; and, compliance by applicants and developers of land within the District with NJMC and municipal requirements.

SUBCHAPTER 8. INSTALLATION OF REQUIRED IMPROVEMENTS

§ 19:5-8.1 Final improvement plans

(a) Upon the approval of a preliminary plat, the applicant shall submit engineering drawings for the improvements required in N.J.A.C. 19:5-8.2, in accordance with the following:

1. Such drawings shall be submitted in triplicate to the NJMC a minimum of 60 days prior to the date of the submission of the application for final plat approval.

2. Such drawings shall be prepared, signed, and sealed by a New Jersey-licensed professional engineer.

3. Such drawings shall contain the following:

i. Plans, design details, specifications and cost estimates for street construction, including a center line profile and a grade line for each street with a typical cross-section of the roadway. The profiles of grade lines shall be shown at a scale of one inch equal to 100 feet horizontal, and one inch equal to 10 feet vertical. This information shall be shown on standard plan and profile sheets;

ii. Plans, design details, specifications, calculations, and cost estimates of proposed stormwater management facility improvements;

iii. Plans, design details, specifications and cost estimates of proposed water supply and distribution systems;

iv. Plans, design details, specifications and cost estimates of sanitary sewerage systems, including treatment plants;

v. Grading plans, lighting plans, street plantings and monument locations; and

vi. Such other information as may be required by the NJMC deemed necessary for the review of the improvements.

(b) The NJMC shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with the design standards of N.J.A.C. 19:5-7.

(c) In the event that the engineering drawings are not consistent with the approved preliminary plat or do not comply with the design standards of N.J.A.C. 19:5-7, the Chief Engineer shall notify the applicant in writing of the reasons why such drawings are inconsistent or do not comply. The applicant shall then correct such drawings.

(d) The Chief Engineer shall act upon the engineering drawings submitted to the NJMC at the same time or prior to the time that the Chief Engineer acts upon the final plat.

§ 19:5-8.2 Required improvements

(a) The subdivider shall install, or provide for the installation of, the following, in accordance with this chapter:

1. All roadways, curbs, gutters, and street drainage facilities;

2. All sidewalks located within public areas;

3. A water supply system, including fire hydrants;

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4. A sanitary sewer system;
5. A stormwater management system;
6. A street lighting system;
7. Street signage and traffic control devices;
8. Landscaping of public areas; and
9. Monuments, as required by the New Jersey Map Filing Law, N.J.S.A. 46:23-9.9 et seq.

(b) Every subdivision of 10 acres or more shall provide at least one set of coordinates corresponding to the New Jersey Plane Coordinate System. The New Jersey Plane Coordinate System is a system of plane coordinates as required by N.J.S.A. 51:3-7.

§ 19:5-8.3 Exceptions for existing improvements

(a) Where the proposed subdivision is a resubdivision or concerns an improved area, and where such improvements meet the requirements of N.J.A.C. 19:5-8.2, no duplication of improvements will be required. However, where any improvement required in N.J.A.C. 19:5-8.2 is not provided, or where the existing improvements do not conform to N.J.A.C. 19:5-8.2, the subdivider shall repair, correct, or replace such improvements in accordance with this chapter.

(b) Where the proposed subdivision concerns an area presently abutting or containing any existing public street having a ROW width of less than the width required in N.J.A.C. 19:5-7.5(k), or a roadway pavement width of less than 20 feet, land may be required to be dedicated to provide the minimum width required in this chapter. The subdivider shall provide the necessary additional roadway pavement required by the governmental entity with jurisdiction. Where the proposed widened roadway connects with existing streets, the connection shall be appropriately designed, subject to the approval of the NJMC and the governmental entity with jurisdiction.

§ 19:5-8.4 Guarantee of installation of required improvements

(a) After approval of the engineering drawings per N.J.A.C. 19:5-8.1 regarding required improvements, the subdivider shall enter into an agreement with the NJMC under which the subdivider agrees to install the required improvements at his own expense in accordance with the approved plans, within the time proscribed by the provisions of this chapter. Such agreement shall be conditioned upon the approval of the final plat.

(b) Simultaneously with the execution of the agreement provided for in (a) above, the subdivider shall furnish a performance guarantee, with sufficient sureties thereon, or a cashier's check, escrow account, irrevocable letter of credit, or cash in favor of the NJMC in an amount equaling 120 percent of the estimated cost of all improvements, as approved by the NJMC. Such guarantee shall be conditioned upon the approval of the final plat and further conditioned upon the actual completion and installation of such required improvements within three years from the date that the final plat is approved.

(c) Upon failure of the subdivider to complete the required improvements in a manner satisfactory to the NJMC, the required improvements may be completed using the performance guarantee. Any remaining balance of cash or escrow funds shall be returned to the subdivider.

(d) Upon completion of the required improvements and acceptance by the municipality, the subdivider shall furnish a maintenance bond for the benefit of the municipality within which the improvement is located, with sufficient surety, in an amount of 15 percent of the sum of the guarantee in (b) above, to warrant the required improvements against defective material and faulty workmanship for a period of 24 months from the date of the completion and acceptance of the required improvements by the municipality.

(e) Anything in this subchapter to the contrary notwithstanding, guarantees received by the NJMC herein shall not duplicate guarantees required by the constituent municipalities for municipal purposes.

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§ 19:5-8.5 Construction of improvements

No improvement shall be constructed, nor shall any work preliminary thereto be done, until such time as a final plat and the associated engineering drawings have been approved and compliance with all of the requirements relating to the agreement and guarantee required in N.J.A.C. 19:5-8.4 has been demonstrated.

§ 19:5-8.6 Vacation of undeveloped subdivision

The subdivider may request the vacation of the plat prior to the time that the improvements covered by the bond are installed, provided that no individual lots within the subdivision have been sold. When such plat is vacated, the guarantee shall be returned to the subdivider.

§ 19:5-8.7 Inspection

(a) All improvements constructed shall be subject to inspection by the NJMC.

(b) The cost attributable to all inspections required by this chapter shall be borne by the applicant in accordance with the fee schedule in N.J.A.C. 19:4-11.3. The fee shall be paid prior to the commencement of construction of improvements.

(c) The applicant shall provide written notification to the NJMC a minimum of 48 hours prior to the performance of any of the following work:

1. The surfacing of any roadway;
2. The installation of any curbing;
3. The grading or backfilling of any open trench or excavation in which any utilities have been installed, including water, sewer, stormwater, gas, telephone, and electric; and
4. The jointing of pipe installed under roadways.

(d) Within the 48-hour notice period required in (c) above, the NJMC may conduct on-site inspections to determine if the proposed work complies with the approved engineering drawings.

(e) If the NJMC determines that such proposed work does not comply with the approved engineering drawings, the Chief Engineer shall have authority to order that all such proposed work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies.

(f) Upon the correction of such defects or deficiencies, the applicant shall notify the NJMC, in accordance with this chapter.

§ 19:5-8.8 Final inspection

(a) Upon completion of all improvements within the area covered by the final plat, the applicant shall notify the NJMC in writing by certified or registered mail, and shall deliver to the NJMC two complete sets of engineering drawings showing as-built conditions of all improvements. This notification shall include a certification by a New Jersey-licensed professional engineer stating that the improvements have been installed in accordance with the approved engineering drawings.

(b) The NJMC shall thereupon conduct a final inspection of all improvements installed.

(c) If such final inspection indicates that there are any defects or deficiencies in any such improvements installed, or if such improvements deviate from the approved engineering drawings in a manner that, in the opinion of the NJMC, will adversely affect the performance, suitability or desirability of said improvements, the NJMC shall notify the appli-

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cant in writing of such defects, deficiencies, or deviations and the applicant shall, at his sole cost and expense, correct such defects, deficiencies, or deviations within six months of the date of notification.

(d) When such defects, deficiencies, or deviations have been corrected, the applicant shall notify the NJMC that the improvements are ready for final inspection in accordance with (a) above.

§ 19:5-8.9 Certification of improvements

(a) If a final inspection indicates that all installed improvements contain no defects, deficiencies, or deviations, within 10 days from the completion of such inspection, the Chief Engineer shall certify to the applicant that all improvements have been installed in conformity with the approved engineering drawings associated with the final plat.

(b) A copy of the certification shall be filed with the Chief Engineer.

(c) All improvements so certified shall become the property of the municipality in which the subdivision is located or the entity with jurisdiction.

(d) Upon receipt of such notification, the applicant shall submit the maintenance bond required in N.J.A.C. 19:5-8.4.

SUBCHAPTER 9. WAIVERS

§ 19:5-9.1 Waiver procedure

(a) In cases where there is unnecessary hardship in carrying out the literal provisions of this chapter, or where the literal enforcement of one or more of the regulations is impractical, whether because of a conflicting municipal requirement or otherwise, the Chief Engineer may grant waivers from such provisions.

(b) An application for a waiver shall be submitted in writing to the Chief Engineer. The Chief Engineer shall respond in writing within 15 days of receipt of the waiver request.

(c) The Chief Engineer may grant such waivers as will not be contrary to the interest of the public health, safety and welfare or the purposes of the NJMC Master Plan or redevelopment plan, upon a demonstration by the applicant that the literal enforcement of one or more of these regulations is impractical or will result in unnecessary hardship.

(d) When used in this subchapter, the term "unnecessary hardship" shall not mean a mere inconvenience.

(e) No municipal approval authority shall refuse to approve a subdivision application for which a waiver has been granted by the NJMC on the basis that such waiver is incompatible with the subdivision ordinance administered by the municipal approval authority.

(f) In granting waivers, the Chief Engineer may impose such conditions, safeguards and restrictions as, in his or her judgment will be necessary to carry out the purposes, intent, and objectives of the provisions of this chapter.

(g) A copy of any waiver granted by the Chief Engineer shall be sent to the Commission and to the municipalities involved for their information.

SUBCHAPTER 10. FEES, PENALTIES AND ENFORCEMENT

§ 19:5-10.1 Fees and escrow deposits

Fees and escrow deposits shall be in conformance with N.J.A.C. 19:4-4.20.

§ 19:5-10.2 Penalties and enforcement

Penalties and enforcement shall be in conformance with N.J.A.C. 19:4-4.21.

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## SUBCHAPTER 11. SEVERABILITY

### § 19:5-11.1 Severability

If any subchapter, section, or subsection of this chapter is invalidated by judicial decision, such decision shall not affect the remaining subchapter, section, or subsection of this chapter.

## CHAPTER 6 – BUILDING CODE

### SUBCHAPTER 1. GENERAL PROVISIONS

#### § 19:6-1.1 Authority

These rules are hereby adopted for the Hackensack Meadowlands District (District) pursuant to the Interagency Agreement between the New Jersey Meadowlands Commission (NJMC) and the New Jersey Department of Community Affairs (NJ DCA), and pursuant to N.J.S.A. 13:17-1 et seq.

#### § 19:6-1.2 NJMC responsibility

The NJMC, acting as agent for the NJ DCA, shall have the responsibility, pursuant to N.J.S.A. 13:17-1 et seq., for the approval of all plans, for ensuring compliance with the New Jersey Uniform Construction Code (NJ UCC) and for enforcement as outlined in this chapter.

#### § 19:6-1.3 Enforcement

(a) As per the Interagency Agreement between the NJ DCA and the NJMC dated February 27, 1991 and last amended March 10, 2003, the NJMC shall act as the NJ DCA's agent within the HMD.

(b) The NJMC shall have the responsibility for reviewing and approving plans for all work within the HMD, pursuant to N.J.S.A. 13:17-1 et seq., subject to the requirements of this chapter, in addition to the responsibilities cited in N.J.A.C. 19:6-1.2. The NJMC shall reserve the right to perform any or all inspections conducted in accordance with N.J.A.C. 5:23-2.18.

(c) Each municipal construction official has the responsibility of enforcing the requirements of the NJ UCC and of this chapter in that portion of the District within the boundaries of his or her municipality, except for the specific circumstances noted in these rules.

(d) At least one NJMC inspector/plan examiner in each subcode shall hold a class I license in accordance with N.J.A.C. 5:23. At least one member of the NJMC staff shall also be licensed as a construction official, in accordance with N.J.A.C. 5:23-5.6.

(e) In the event that a municipal code enforcement official fails to implement any provision of this chapter or the NJ UCC in that portion of the District within his or her jurisdiction, and no immediate action is deemed necessary by the NJMC, then the NJMC, with prior written approval by the NJ DCA, shall act in the capacity of that official, as agent for the NJ DCA, in order to ensure compliance with this chapter and the NJ UCC.

(f) Except for (g) below, when the NJMC shall determine that a violation of this chapter or the NJ UCC exists, the NJMC shall notify the municipal construction official in writing of such violation and request the municipal construction official and the appropriate subcode official to take action necessary to bring about compliance with this chapter or the NJ UCC and to notify the NJMC of his or her actions.

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(g) When the NJMC determines that work in progress is being done contrary to approved plans and there is not adequate time to follow the procedure outlined in (f) above, and/or the NJMC believes that any delay may exacerbate the extent and nature of the violation, then the NJMC may act immediately to prevent continuation of such violations, as a subcode official acting as the agent of the NJ DCA. This designation is temporary in nature and the NJMC will act in this capacity until the violation is resolved. The municipality, upon written notification by the NJMC, of the emergency situation and of its resolution, shall resume compliance authority.

§ 19:6-1.4 Fees

(a) Fees for plan review shall be in accordance with N.J.A.C. 19:4-11.4.

(b) In the event the NJMC enters into an agreement with any or all municipalities within the District to perform required inspections, the NJMC shall collect 100 percent of the NJMC's permit fee. Twenty percent of that fee, exclusive of plan review fees, will be returned to the municipality to cover administrative costs.

§ 19:6-1.5 Violations and penalties

For any violation of this chapter or the NJ UCC, notice of violation and penalty procedure shall be in accordance with N.J.A.C. 19:4-4.21 and the NJ UCC, N.J.A.C. 5:23-2.31. All penalties shall be in accordance with the NJ UCC.

§ 19:6-1.6 Hackensack Meadowlands District uniform procedure

(a) All applications shall be initiated at the office of the municipal construction official and be in accordance with N.J.A.C. 5:23-2.15.

(b) The municipal construction official shall advise applicants that all applications requiring plan review are to be approved by NJMC prior to the issuing of a construction permit.

(c) Submittals to the NJMC for purposes of plan review shall consist of three sets of plans date stamped "received" by the municipality, completed copies of NJMC Plan Review application forms, and plan review fees required by N.J.A.C. 19:4-11.4.

(d) Following approval of construction plans, the NJMC shall return two copies of the approved plans and a Plan Release Certificate to the municipal construction official. Providing all prior approvals and the NJ UCC rules have been satisfied, the municipal construction official shall then issue a construction permit, a copy of which shall be sent to the NJMC.

(e) Whenever the municipal construction official shall fail to issue a construction permit after the applicant has satisfied all provisions of this chapter and the NJ UCC, the NJMC shall issue such permit upon NJ DCA's written authorization. The NJMC will then assume all responsibility for the compliance of such project with this chapter.

(f) The inspection procedure shall be as follows:

1. The municipal code officials shall have the primary responsibility for all required inspections.
2. As per N.J.A.C. 19:6-1.3(b), the NJMC reserves the right to perform all inspections pursuant to N.J.A.C. 5:23-2.18.
3. The NJMC and municipal construction official shall be notified by the property owner or the property owner's designated agent at the various stages of construction when inspections are required.

4. If the municipal code official is temporarily unable to perform an inspection upon notification, such official can request that the NJMC perform the inspection without compensation.

5. When the municipal code official relinquishes their responsibility for the performance of subcode(s) inspection concerning specific projects, and the NJMC agrees to perform the inspection, acting as NJ DCA's agent, the NJMC shall receive fees for such subcode inspection in accordance with the NJMC fee schedule in N.J.A.C. 19:4-11.4.

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(g) Municipal construction officials and the NJMC shall supply applicants with a list of all required inspections and apprise the applicant of his responsibility to notify the municipal construction official and the NJMC when work is ready for inspection.

§ 19:6-1.7 Certificates of occupancy

(a) No certificate of occupancy, temporary certificate of occupancy or certificate of continued occupancy, shall be issued by the municipal construction official without certification by the NJMC that a final inspection has been performed by the NJMC and that such occupancy meets all provisions of N.J.A.C. 19:4, 19:5 and this chapter, and the plans approved by the NJMC.

(b) Whenever the municipal construction official fails to issue a certificate of occupancy for a structure or tenant space which is in compliance with all provisions of this chapter, the NJMC, upon NJ DCA's written authorization, will issue such certificate of occupancy and receive all fees associated with such certificates.

§ 19:6-1.8 Appeals

(a) Whenever the NJMC shall act as agent of the NJ DCA in the capacity of a NJ UCC enforcing official under these regulations, any appeal of a decision of the NJMC shall be made directly to the NJ DCA.

(b) Any appeal of a plan review determination shall be made directly to the NJMC in accordance with N.J.A.C. 19:4-4.19.

(c) Any appeal of a municipal decision within the District may be made in accordance with N.J.A.C. 5:23-2.35.

§ 19:6-1.9 Severability

If any section or subsection of this chapter is invalidated by judicial decision, such decision shall not affect the remaining sections or subsections of these regulations.

§ 19:6-1.10 NJMC statutory authority

Except as provided herein, nothing contained in this chapter shall be construed to affect the statutory authority of the Commission pursuant to N.J.S.A. 13:17-1 et seq.

**CHAPTER 7 – DISTRICT TRANSPORTATION PLAN RULES**

**SUBCHAPTER 1. GENERAL PROVISIONS**

§ 19:7-1.1 Title

This chapter shall be known and may be referred to as the District Transportation Plan Rules for the Hackensack Meadowlands District (District).

**SUBCHAPTER 2. PURPOSE**

§ 19:7-2.1 Purpose

This chapter establishes the general provisions for the assessment and collection of development fees pursuant to N.J.S.A. 13:17-95.

### SUBCHAPTER 3. DEFINITIONS

#### § 19:7-3.1 Definitions

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

"Cash-out parking" means a program for providing payment to employees who agree to surrender the use of an on-site parking space.

"District Transportation Plan" or "Meadowlands District Transportation Plan" or "Plan" means the Plan adopted pursuant to N.J.S.A. 13:17-95.

"Elements" or "Plan elements" means projects and/or implementation of programs within the Plan, or phased portions thereof.

"Existing development" means the land uses located on a site prior to the implementation of any proposed development.

"Infill development" means development that is surrounded by non-vacant sites on a minimum of three sides.

"Internal capture rate" means the percentage reduction of trips applicable to the trip generation estimates for individual land uses within a multiuse site.

"Land use category" means the land use classification and description provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 8th Edition, incorporated herein by reference, as amended and supplemented, a copy of which can be obtained from the Institute of Transportation Engineers, 525 School Street, S.W., Suite 410, Washington, DC 20024.

"NJMC" means the New Jersey Meadowlands Commission.

"Non-vacant lot" means land that is developed and contains permanent buildings.

"Original structure" means the structure which exists on a site prior to the changes proposed in an application for development.

"Peak hour of adjacent street traffic" means the hour during which the combination of the trips generated by a site and the volume of the traffic passing the site on adjacent streets is the highest.

"Peak hour of generator" means the hour during which the highest volume of traffic enters and exits the site.

"Preferential parking" means a program for providing specific parking spaces for carpools, vanpools, and/or car-sharing vehicles.

"Primary land use" means the land use category included in the ITE Trip Generation Manual.

"Project costs" means expenses incurred in the planning, design, engineering, and construction of any transportation project, and shall include debt service.

"Secondary land use" means an additional land use specified within the description of the primary land use included in the ITE Trip Generation Manual.

"Transit oriented development" means development that is located within defined walking distances of a train station or bus stop.

"Transportation Planning District" or "District" means the Hackensack Meadowlands District as defined in N.J.S.A. 13:17-13.

"Unbundle parking" means a program where the cost of a parking space is separated from the rent or purchase price of residential unit.

"Vacant lot" means land that has not been previously developed and does not contain any permanent buildings.

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"Vehicle mile of travel" or "VMT" means a unit to measure miles traveled by an individual vehicle.

#### SUBCHAPTER 4. MEADOWLANDS DISTRICT TRANSPORTATION PLAN

##### § 19:7-4.1 Meadowlands District Transportation Plan

(a) The Meadowlands District Transportation Plan shall be incorporated herein by reference, as amended and supplemented, copies of which can be obtained from the New Jersey Meadowlands Commission, One DeKorte Park Plaza, Lyndhurst, NJ 07071.

(b) The Plan shall be updated and readopted by the NJMC within five years of the date of the previous Plan adoption.

(c) The Plan shall also be updated, amended, and/or supplemented and subsequently readopted as follows:

1. If the development projections, periodically calculated by the NJMC, differ from the Plan development projections beyond the following values:

- i. The addition or subtraction in total Plan development projections exceeding 3,000 net trips; or
- ii. The addition or subtraction of an individual development exceeding 1,500 net trips.

(d) The Plan may be updated and readopted at any other time that the NJMC deems it to be necessary.

#### SUBCHAPTER 5. TRANSPORTATION DEVELOPMENT FEE ASSESSMENT

##### § 19:7-5.1 Transportation development fee formula

(a) The Transportation Development Fee Formula, listed in Figure 5-1 below, shall be used for computing the transportation development fee for each land use within a proposed development.

Figure 5-1  
Transportation Development Fee Formula

$$\text{Fee} = (\text{ITE Trip Generation Rate}) \times (\text{VMT Factor}) \times (\text{VMT Rate})$$

where:  
ITE = Institute of Transportation Engineers  
VMT = Vehicle Miles of Travel

(b) The terms above shall have the following meanings:

1. "Trip Generation Rate" means the determination of the number of trips produced by and attracted to each land use.
2. "VMT Factor" means the average number of vehicle miles traveled for each trip type, categorized by land use.
3. "VMT Rate" means the dollar amount to be assessed for every vehicle mile traveled as calculated in accordance with (c) below.

(c) The Trip Generation Rate shall be determined by calculations based upon the Institute of Transportation Engineers (ITE) Trip Generation manual, 8th Edition, and ITE Trip Generation Handbook, June 2004, both incorporated herein by reference, as amended and supplemented, copies of which can be obtained from the Institute of Transportation Engineers, 525 School Street, S.W., Suite 410, Washington, DC 20024;

1. The land use category selection for the determination of each Trip Generation Rate, as determined by the NJMC, shall be based upon the descriptions within the ITE Trip Generation Manual as they correspond to the existing and proposed land uses.

i. Secondary land uses shall be included within the primary land use category under the following conditions:

- (1) The secondary land use is included within the ITE Trip Generation Manual description of the primary land use;

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- (2) The total of all secondary land uses shall not exceed 20 percent of the primary land use;
  - (3) Secondary uses are utilized in the calculation of fees for all existing and proposed land uses; and
  - (4) The fee calculation using secondary land use categories is less than the fee calculation performed using only primary land use categories.
    - ii. Secondary land uses in excess of 20 percent of the primary land use shall be considered separately as additional primary land use(s).
2. The terms utilized in the ITE Trip Generation Manual for determining the Trip Generation Rate shall have the following meanings:
- i. "Independent variable" means a physical, measurable, and predictable unit quantifying the land use, including, but not limited to, gross floor area, dwelling unit, hotel room, and acreage.
  - ii. "Time period" refers to the peak time period of vehicular travel for the transportation system or development, including, but not limited to, peak hour, peak hour of adjacent street traffic, and peak hour of generator.
  - iii. "Regression equation" means the specific mathematical relationship between trips and the related independent variable.
  - iv. "Average rate" means the number of trips per unit of the independent variable. The rate assumes a linear relationship between trips and the independent variable.
3. The selection of an independent variable for the Trip Generation Rate shall be as follows:
- i. All industrial, retail, office, and medical uses shall utilize gross floor area as the independent variable.
  - ii. All residential uses shall utilize dwelling unit as the independent variable.
  - iii. All hotel/lodging land uses shall utilize the number of rooms as the independent variable.
  - iv. All port and terminal, recreational, institutional, and service uses shall utilize the independent variable that is the cause for the variation in the number of trips generated by a land use, as determined by the NJMC.
  - v. When information for the independent variable specified above is not available from the ITE Trip Generation Manual, the independent variable shall be selected based upon the methods of the ITE Trip Generation Handbook, as determined by the NJMC.
4. The selection of the time period for the Trip Generation Rate shall utilize the information available for the morning and evening peak hour of adjacent street traffic.
- i. When peak hour of adjacent street traffic information is unavailable, the time period selected shall utilize the information available for A.M. and P.M. peak hour of generator.
  - ii. If neither peak hour of adjacent street traffic nor peak hour of generator is available, a similar ITE land use category may be used or adjusted if an appropriate procedure for the adjustment is approved by the NJMC. If a similar ITE land use category cannot be used or adjusted, a trip generation study following the procedures of the ITE Trip Generation Handbook (subject to the approval of the NJMC) shall be prepared by a New Jersey-licensed professional engineer or professional planner specializing in transportation, or other individual determined by the NJMC to be qualified as an expert in traffic engineering.
5. The Trip Generation Rate shall be calculated following the procedure detailed in the ITE Trip Generation Handbook subject to the determination of the NJMC.
6. The procedure for rounding trip generation calculations shall be as follows:
- i. Any trip generation calculations resulting in less than one total trip shall be rounded down to zero; and
  - ii. Any trip generation calculations resulting in a fraction greater than one total trip shall be rounded up to the nearest trip.
- (d) The VMT Factor is listed in the table entitled, "Average Trip Length Factors," located in the Meadowlands District Transportation Plan.

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1. Unless a specific sub-category value is provided, the general land use category factor shall be utilized.

(e) The VMT Rate is listed in the table entitled, "Calculation of Fee per Vehicle Mile," located in the Meadowlands District Transportation Plan.

1. The Vehicle Mile of Travel (VMT) Rate shall be adjusted annually on the first day of February based upon the Consumer Price Index for the Northeast Urban Series, as released in January of the same year, or reset by the NJMC's adoption of an updated version of the Plan.

2. A temporary moratorium on the VMT rate adjustment may be instituted on an annual basis by the NJMC Executive Director, upon recommendation by the Chief Engineer and Chief Fiscal Officer. Upon completion of the moratorium, the VMT rate shall be adjusted by the current Consumer Price Index.

§ 19:7-5.2 Transportation Development Fee Formula reductions

(a) Reductions to the transportation development fee may be applied to a proposed development in accordance with this section.

(b) The terms utilized in the ITE Trip Generation Handbook shall have the following meanings:

1. "Existing trips" means trips that are generated by existing land uses on a site.

2. "Pass-by trips" means trips that are made as intermediate stops on the way from an origin to a primary trip destination without a route diversion.

3. "Diverted trips" means trips that are made as intermediate stops on the way from an origin to a primary trip destination that are made with a route diversion.

4. "Non-primary trips" means the total of all pass-by and diverted trips.

5. "Internal capture rate" means the percentage reduction applicable to the trip generation rates for individual land uses to account for the internal trips within a multi-use site that do not impact the surrounding transportation network.

(c) The fee associated with trips generated by any existing development on the subject site shall be subtracted from the transportation development fee calculated for the proposed development, as follows:

1. The fee for the existing development shall be calculated in accordance with N.J.A.C. 19:7-5.1.

2. The level of existing development on the site shall be determined by the following:

i. The development that generated the maximum vehicle miles traveled at any time during the previous 10 years; or

ii. The transportation development fee paid for a proposed development resulting in the maximum vehicle miles traveled at any time during the previous 10 years.

(d) All pass-by, diverted and internal trips and associated vehicle miles traveled generated by a proposed development shall be reduced from the resulting transportation development fee as follows:

1. The percentage of all trip reductions shall be calculated in accordance with the ITE Trip Generation Handbook, as determined by the NJMC.

i. Land uses shall qualify for pass-by and diverted trip reductions if the data is available in the ITE Trip Generation Handbook.

(1) The non-primary trip percentage shall be the sum of the diverted and pass-by trip percentages.

(2) As listed in the ITE Trip Generation: An ITE Informational Report, land use 814, Specialty Retail Center, shall utilize the non-primary trip percentage data available for land use 820, Shopping Center, until data becomes available in an amended or supplemental version of the ITE Trip Generation Handbook.

(3) As listed in the ITE Trip Generation: An ITE Informational Report, land use 813, Free-Standing Discount Superstore, shall utilize the non-primary trip percentage data available for land use 815, Free-Standing Discount Store, until data becomes available in an amended or supplemental version of the ITE Trip Generation Handbook.

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ii. Internal trips shall be calculated utilizing the forms within the ITE Trip Generation Handbook entitled, "Multi-use Development Trip Generation and Internal Capture Summary."

(1) The Chief Engineer may permit the utilization of the midday peak hour internal capture rates to calculate the A.M. peak hour internal capture for applicable land uses that do not have A.M. peak hour internal capture rates, until data becomes available in an amended or supplemental version of the ITE Trip Generation Handbook.

2. Trip reductions shall be calculated as a percentage.

3. The percentage of internal and non-primary trips shall be reduced from the peak hour trips in accordance with the following:

i. The percentage of A.M. internal and non-primary trips shall be reduced from the A.M. peak hour trips, as determined by the NJMC.

ii. The percentage of P.M. internal and non-primary trips shall be reduced from the P.M. peak hour trips, as determined by the NJMC.

§ 19:7-5.3 Transportation development fee credits

(a) An applicant shall be entitled to a credit towards the transportation development fee for the value of construction or land contributions as detailed below and in accordance with a required Credit Memorandum of Agreement (CMOA) between the property owner, applicant, the NJMC, and other governmental agencies as necessary.

1. The final credit shall be equal to the value of construction or land contributed by the applicant, but shall not exceed the values stated within the CMOA. Changes to any values or dates stated within the CMOA shall be addressed by an amended CMOA prior to any monetary exchanges.

i. The CMOA shall specify the timing and values of monetary exchanges of any Hackensack Meadowlands Transportation Planning District (MTPD) or third party funding of expenditures related to the construction.

ii. When the CMOA includes a parking strategy, the applicant shall record the CMOA in the county registrar's office.

(1) Proof of county filing shall be submitted to the NJMC prior to zoning certificate approval.

(2) County filing shall only be released upon completion of all remaining payments.

iii. The value of a credit for applicant-constructed improvements resulting from the above actions shall be considered as follows:

(1) The CMOA shall be finalized prior to zoning certificate approval.

(2) The value of the credit for construction of Plan elements in the CMOA shall be based upon an NJMC approved estimate of the design, construction, inspection, and related expenses submitted by the applicant.

(3) Original receipts are required to be submitted to the NJMC for verification of expenditures made by the applicant. Receipts will be accepted for the following areas and are subject to the approval of the NJMC:

(A) Preliminary, final and/or as-built engineering services in conjunction with the project detailed in the MOA and subject to the inspection and approval of the NJMC.

(B) Construction services in conjunction with the project detailed in the CMOA and subject to the inspection and approval of the NJMC.

(4) If the sum of all original receipts does not exceed the value of the credit, the remainder of the credit is required to be paid to the NJMC by the applicant within 30 days of the written request from the NJMC.

(5) The value of all credited elements not completed within 90 days of the date agreed to in the CMOA shall be paid to the NJMC by the applicant within 30 days of the request from the NJMC.

2. The design and construction of improvements shall be subject to the following:

i. The improvements shall be coordinated with the NJMC and the agency(ies) having jurisdiction.

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ii. The improvements shall conform to the standards of the agency(ies) having jurisdiction, and are subject to the approval of the NJMC.

(b) Applicant contributions of property, easements, and/or construction of Plan elements in association with an application, shall result in a credit to the transportation development fee as follows:

1. All credits shall be implemented prior to the issuance of any final Certificate of Completion and/or Occupancy Certification for the application. A final Certificate of Completion and/or Occupancy Certification shall not be issued without payment of the value of any outstanding credit for construction and/or property transfers.

2. Credits for construction of Plan elements shall be subject to the following:

i. The Plan elements shall be projects and/or implementation of programs within the Plan, or phased portions thereof.

ii. Any mitigation measures set forth in the traffic impact analysis (TIA), prepared in accordance with N.J.A.C. 19:4-7.10, which are fully funded by the applicant, MTPD Fund, and/or any other dedicated fund(s), shall be required to be constructed prior to the issuance of any final Certificate of Completion and/or Occupancy Certification for the application.

iii. The voluntary construction of any plan elements that are not mitigation measures set forth in the TIA shall be subject to the approval of the NJMC.

iv. No credits shall be granted for any on-site improvements, with the exception of credits for transit related improvements referenced in (b)4 below.

3. Credits for contributions of property shall be subject to the following:

i. An appraisal shall establish the value of all ownership interest in property and easement contributions.

(1) The applicant shall be responsible for the cost of all appraisals.

(2) The appraisal shall be prepared by an independent New Jersey-licensed appraiser and shall be subject to the approval of the NJMC.

4. Credits for construction of transit related improvements shall be subject to the following:

i. The improvements shall be consistent with transportation efficient land uses that reduce automobile dependency, improve bicycle and pedestrian safety, and/or encourage alternatives to peak hour automobile travel.

(1) The improvements shall result in a reduction in automobile trips.

(2) The improvements shall be subject to the approval of the NJMC.

ii. The value of the credit shall be a percentage of the fee prior to reductions for construction and right-of-way contributions.

iii. The percentage of credit granted by the NJMC shall be based upon the value of the project and the estimate of reduction in automobile trips and vehicle miles of travel.

(c) An applicant shall be entitled to transportation efficiency credits towards the transportation development fee for the strategies listed in the table entitled, "Transportation Efficiency Credit Program Schedule," located in the Meadowlands District Transportation Plan in association with an application as follows:

1. All required plans and documents shall be finalized prior to zoning certificate approval.

2. Any strategy shall be implemented prior to the issuance of any final Certificate of Completion and/or Occupancy Certification for the application.

i. All strategies shall remain in effect for a minimum of 20 years.

ii. All parking strategies require an annual report to be submitted to the NJMC detailing the previous year's statistical use of the strategy.

(1) Annual reports are due to the NJMC by the first working day in February each year.

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(2) Failure to submit the annual report within 30 days of receipt of a notice of late annual report shall constitute a default in the strategy.

iii. If the strategy is defaulted or does not remain in effect for a minimum of 20 years, the prorated value of the credit shall be paid to the NJMC by the applicant and/or property owner within 30 days of the written request by the NJMC. Any balances remaining unpaid after 30 days shall result in a lien being placed on the property.

3. All credits are subject to NJMC approval and availability of funds in the Transportation Efficiency Credit Program established in the Plan.

4. The applicant shall prepare and submit a report containing the documentation and plans necessary to determine whether the application meets the criteria listed below for each available strategy, subject to the approval of the NJMC.

i. Transit oriented development:

(1) The land use categories eligible for this credit are residential, lodging, retail, and office.

(2) A transit oriented development credit shall not be granted in conjunction with an infill or high-density residential development.

(3) The development shall be located within a NJMC designated transit oriented development; or shall be located within the following average walking distances of a train station or bus stop within one of the corresponding average frequencies within a peak four-hour period:

(A) Train station:

(I) One-quarter mile and 30-minute frequency;

(II) One-half mile and 20-minute frequency; or,

(III) One mile and 10-minute frequency.

(B) Bus stop:

(I) One-quarter mile and 10-minute frequency serving a minimum of four routes; or

(II) One-half mile and five-minute frequency serving a minimum of five routes.

(C) Facility under construction meeting the above criteria.

ii. Infill development:

(1) The development shall be located on vacant lot(s) bound by non-vacant lots along a minimum of three property boundaries and a minimum of 60 percent of the property boundary; or shall be located on vacant lot(s) bound by non-vacant lots along a minimum of 70 percent of the property boundary.

(2) An infill development credit shall not be granted in conjunction with a transit oriented development credit.

iii. High-density residential development:

(1) The development shall consist of a minimum of 15 units per acre.

(2) A high-density residential development credit shall not be granted in conjunction with a transit oriented development credit.

iv. Unbundled parking:

(1) The land use categories eligible for this credit are residential uses with a minimum of 25 parking spaces.

(2) The price of the unbundled parking spaces shall be limited as follows:

(A) A minimum of \$ 5,000 per space for resale units.

(B) A minimum of \$ 50.00 per space per month for rental units.

v. Cash-out parking:

(1) The land use categories eligible for this credit are industrial, office, and institutional uses with a minimum of 25 parking spaces.

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(2) The price of the cash-out parking program shall be a minimum payment of \$ 50.00 per parking space per month to the employee.

vi. Preferential parking:

(1) The percentage value of the preferential parking credit shall be equal to the percentage of spaces dedicated to preferential parking, but shall not to exceed five percent. The percentage of spaces shall be rounded down to the nearest whole percent.

(2) Industrial, office, and institutional:

(A) The land use categories eligible for this credit are industrial, office, and institutional uses with a minimum of 25 parking spaces.

(B) Carpool, vanpool, and/or carsharing parking spaces shall be eligible for preferential parking credit.

(I) A minimum of 20 spaces or 80 percent of the preferential parking spaces, whichever is less, shall be reserved for high-occupancy vehicles consisting of three or more occupants.

(II) A minimum of five spaces or 20 percent of the preferential parking spaces, whichever is less, shall be reserved for carsharing vehicles.

(C) Preferential parking spaces shall be the closest non-Americans with Disabilities Act (ADA) required spaces to the building entrance.

(3) Residential, retail, and lodging:

(A) The land use categories eligible for this credit are residential, retail, and lodging uses with a minimum of 25 parking spaces.

(B) Parking spaces for low-emitting and fuel-efficient vehicles and/or carsharing shall be eligible for preferential parking credit.

(I) A minimum of 15 spaces or 60 percent of the preferential parking spaces, whichever is less, shall be reserved for low-emitting and fuel-efficient vehicles that are classified as Zero Emission Vehicles (ZEV) by the California Air Resources Board, P.O. Box 2815 Sacramento, CA 95812 or have achieved a minimum green score of 40 in the American Council for an Energy Efficient Economy (ACEEE) Green Book: The Environmental Guide to Cars & Trucks, incorporated herein by reference, as amended and supplemented, copies of which can be obtained from the American Council for an Energy Efficient Economy, 1001 Connecticut Avenue, NW Suite 801 Washington, DC 20036.

(II) A minimum of 10 spaces or 40 percent of the preferential parking spaces, whichever is less, shall be reserved for carsharing vehicles.

(C) Preferential parking spaces shall be the closest non-ADA required spaces to the building entrance.

§ 19:7-5.4 Time of transportation development fee assessment

(a) The applicant shall be required to pay a transportation development fee prior to the issuance of a zoning certificate by the NJMC. Zoning certificates shall not be issued without payment of the transportation development fee.

(b) Payment for any fee shall be made as follows:

1. The fee shall be paid either in a lump sum payment or in a series of annual payments with a payment schedule not exceeding 20 years.

i. Annual payment plans are subject to a Payment Memorandum of Agreement (PMOA) between the property owner, applicant, and the NJMC.

(1) The applicant shall record the PMOA in the county registrar's office.

(A) Proof of county filing shall be submitted to the NJMC prior to zoning certificate approval.

(B) County filing shall only be released upon completion of all remaining payments.

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ii. Annual payment plans shall include an interest rate equal to the U.S. Prime Rate plus one point or 100 basis points as determined at the close of business on the day prior to initializing the PMOA between the applicant and the NJMC.

iii. The value of the annual payments shall be determined by the Annuity Formula, listed in Figure 5-2 below:

Figure 5-2  
Annuity Formula

$$A = F[i(1+i)^{<n>} / [(1+i)^{<n>} - 1]]$$

where:

A = Annual Payment

F = Transportation Development Fee

i = Interest Rate

<n> = Number of Years in Payment Plan

iv. Annual payments are due yearly by the date of the original zoning certificate approval.

(1) Payments not received in full by the date due shall be subject to a late payment charge as follows:

(A) The late payment charge shall be equal to the daily interest on the value of the unpaid payment for the number of days the payment is late.

(B) The interest rate shall be as specified in (b)1ii above.

(2) Failure to make an annual payment within 30 days of receipt of a notice of late payment shall constitute a default and shall obligate the applicant and/or property owner to pay the balance of the transportation development fee in full.

(3) Default in payment shall result in a lien being placed on the property by the NJMC as provided in this chapter.

(4) Payments thereof shall be enforced within the same time and in the same manner and be the same proceedings as the payment of taxes is otherwise enforced under Title 54 of the Revised Statutes.

(c) A transportation development fee shall be paid prior to zoning certificate approval as follows:

1. Any application that requires a revised zoning certificate after November 28, 2007 shall be subject to a Transportation Development Fee with the exception of signs, fences/gates, site improvements, tanks, antennae, transmission towers and associated utility structures, recycling and/or refuse areas, loading doors, compactor and concrete utility pads, fill/stockpile operations, salt storage areas, construction trailers, guard sheds, storage sheds with a floor area of less than 1,000 square feet, remediation activities, temporary uses, and external mechanical equipment.

2. Any transportation development fee, assessed as per this subchapter, shall be adjusted upon the issuance of a revised zoning certificate.

3. No credit shall be provided for any previously paid fees, except as provided for in N.J.A.C. 19:7-5.6.

§ 19:7-5.5 Exemptions from transportation development fee

(a) Exemptions from the transportation development fee shall be granted for the specific conditions of this section.

(b) A de minimis exemption shall be granted to applications that have a beneficial, neutral, or minor adverse impact on the District transportation network. De minimis exemptions shall be granted for an application meeting the following conditions, as determined by the NJMC:

1. The alteration, expansion, or replacement of an existing residential structure meeting all of the following conditions:

i. The total number of units of the original structure is not increased;

ii. The units are included on one application;

iii. The construction does not modify the ITE Trip Generation Manual land use classification; and

iv. The zoning certificate is issued within two years of the demolition or destruction of the original structure.

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2. The alteration, expansion, or replacement of an existing non-residential structure meeting all of the following conditions:

- i. The alteration, expansion, or replacement does not increase the gross floor area, of the original structure, by more than 1,000 square feet;
- ii. The total number of lodging rooms or selected independent variable is not increased;
- iii. The modifications are included on one application;
- iv. The construction does not modify the ITE Trip Generation Manual land use classification; and
- v. The zoning certificate is issued within five years of the demolition or destruction of the original structure.

3. The construction of only miscellaneous improvements, including placement of fill, signs, tanks, recycling areas, antennas, towers, utilities, walls, and fences.

4. The demolition or removal of a structure.

(c) An exemption shall be granted for applications that are temporary in nature and meet the following conditions, as determined by the NJMC:

1. The development involves no permanent structure; and

2. Any trips associated with the development will permanently cease within 18 months of zoning certificate approval.

i. Failure to permanently cease operation of the application's temporary trips within 18 months of zoning certificate approval shall render the use permanent and shall obligate the property owner and applicant to pay the required transportation development fee.

ii. Failure to pay the transportation development fee within 30 days shall result in a lien being placed on the property by the NJMC as provided in this chapter.

(d) A statutory exemption shall be granted in accordance with N.J.S.A. 13:17-101(a). Statutory exemptions shall be granted for an application meeting any of the following conditions, as determined by the NJMC:

1. Any development for which a zoning certificate has been issued prior to the NJMC adoption the Meadowlands District Transportation Plan on November 28, 2007;

2. Any development that has an approved development agreement with the NJMC, including the mitigation of transportation impact;

3. Any development for which construction of a material portion of the development has commenced after the date on which a development agreement was executed; or

4. Any low and moderate income housing units that are constructed pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. or under court order or settlement of a builder's remedy lawsuit.

(e) An exemption shall be granted for the following, as determined by the NJMC:

1. Municipal projects;

2. Any non-profit development that is entirely funded by the State of New Jersey, or any agency thereof; and

3. Any non-profit public transportation project.

(f) A waiver may be granted by the Executive Director upon recommendation of the Chief Engineer for county and publicly funded projects, not described in (e) above, that propose mitigation of adverse impacts on the District transportation network.

§ 19:7-5.6 Transportation development fee refunds and property transfers

(a) Refunds from the transportation development fees collected, plus earned interest, shall be granted as follows:

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1. Within 10 years of the date of collection, any transportation development fee not committed to a transportation project or used for allowable administrative costs shall be refunded with accrued interest to the applicant and/or property owner.

2. Upon the written request from any applicant and/or property owner, the transportation development fee, or calculated portion thereof, as determined by the NJMC, may be refunded for any of the following:

i. Zoning certificates that are no longer valid pursuant to N.J.A.C. 19:4-4.6, provided such written request is received within one year of the date of which the certificate becomes null and void;

ii. Zoning certificates rescinded by the Chief Engineer, upon written request of the applicant and/or property owner, provided that no work has commenced on the subject approval; or

iii. Zoning certificates, including portions thereof or revisions thereto, rescinded by the Chief Engineer, upon written request of the applicant and/or property owner, for uncompleted portions of the subject approval for which the transportation development fee is applicable.

(b) Any applicant and/or property owner who transfers the rights of a development or zoning certificate which is subject to a transportation development fee shall enter into a Rights Memorandum of Agreement (RMOA) with all parties involved in the transfer of rights, in accordance with this section and as follows:

1. The RMOA shall indicate which parties are entitled to receive any refund;

2. The RMOA shall be filed with the county;

3. Proof of filing with the county shall be submitted to the NJMC; and

4. If the applicant and/or property owner fails to enter into an RMOA, the refund shall be made to the property owner at the time of refund.

§ 19:7-5.7 Transportation development fee appeals

(a) An applicant who is assessed a transportation development fee is granted the following rights to reconsideration and appeal:

1. An applicant may request in writing a reconsideration of the transportation development fee assessment and a hearing by the NJMC Executive Director or designee within 90 days of the receipt of notification of the amount of the fee for the following conditions:

i. The NJMC did not abide by the provisions of N.J.S.A. 13:17-95 et seq.;

ii. The NJMC did not abide by the provisions of NJMC Resolution 07-104; or

iii. The NJMC did not abide by the provisions of this chapter.

2. An applicant may appeal in writing to the NJMC any decision made in connection with the reconsideration of the transportation development fee as follows:

i. The appeal shall be made within 15 days of the reconsideration decision or the applicant shall waive all rights to any further appeal.

ii. The NJMC Board of Commissioners shall review the record of the hearing and render its decision, which shall constitute final administrative agency action subject to review by the Appellate Division of the Superior Court.

**SUBCHAPTER 6. TRANSPORTATION PLANNING DISTRICT FUND**

§ 19:7-6.1 Transportation Planning District Fund

(a) Transportation development fees shall be deposited into the Meadowlands Transportation Planning District Fund (Fund), an interest bearing account.

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1. The Fund shall be under the control of the NJMC Chief Fiscal Officer.
2. Payments to and expenditures from the Fund shall follow a first-in/first-out methodology for transportation development fees and expenditures.

(b) The Fund shall be appropriated as follows:

1. The Fund shall be used to defray the costs of plan elements and allowable administrative costs incurred by the NJMC and Meadowlands Transportation Planning Board for administration, management, development, update, amendment, and supplement of the Meadowlands District Transportation Plan and the Meadowlands Transportation Planning District.
2. Fund expenditures shall be subject to appropriation by the NJMC Board of Commissioners and certification by the NJMC Chief Fiscal Officer.

## SUBCHAPTER 7. ENFORCEMENT

### § 19:7-7.1 Penalties and enforcement

(a) Failure to comply with the requirements of this chapter, including any zoning certificate approval, payment of required fees, and/or construction of required improvement(s), shall result in enforcement action by the NJMC pursuant to N.J.A.C. 19:4-4.21.

(b) Any lien created pursuant to this chapter shall be enforceable on the subject property in the same manner that taxes are made a lien against land pursuant to Title 54 of the Revised Statutes.

### § 19:7-7.2 Severability

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

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