

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.

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

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

(b): "the regulations listed in (a) above" was "these regulations"; (b)1: deleted text and replaced with new text.

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

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

Amended by R.2002 d.128, effective May 6, 2002.

See: 33 N.J.R. 2631(a), 34 N.J.R. 1733(a).

Added (b)3.

Amended by R.2009 d.40, effective January 20, 2009.

See: 40 N.J.R. 4696(a), 41 N.J.R. 624(b).

In (a)4, deleted "and" from the end; in (a)5iv, substituted "; and" for a period at the end; and added (a)6.

### 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 Sports and Exposition Authority  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

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

Amended by R.2005 d.295, effective September 6, 2005.

See: 37 N.J.R. 752(c), 37 N.J.R. 3455(a).

Amended by R.2008 d.10, effective January 7, 2008.

See: 39 N.J.R. 2338(a), 40 N.J.R. 195(a).

Amended by R.2008 d.128, effective May 19, 2008.

See: 40 N.J.R. 105(a), 40 N.J.R. 2565(b).

Amended by R.2009 d.80, effective March 2, 2009.

See: 40 N.J.R. 5566(a), 41 N.J.R. 1101(a).

Amended by R.2009 d.81, effective March 2, 2009.

See: 40 N.J.R. 5568(a), 41 N.J.R. 1101(b).

Amended by R.2010 d.201, effective September 20, 2010.

See: 42 N.J.R. 1012(a), 42 N.J.R. 2274(a).

Petition for Rulemaking.

See: 42 N.J.R. 3002(c).

Petition for Rulemaking.

See: 43 N.J.R. 1918(b).

Amended by R.2012 d.014, effective January 3, 2012.

See: 43 N.J.R. 2152(a), 44 N.J.R. 119(a).

Petition for Rulemaking.

See: 44 N.J.R. 1666(c).

Amended by R.2013 d.018, effective February 4, 2013.

See: 44 N.J.R. 2046(a), 45 N.J.R. 221(a).

Petition for Rulemaking.

See: 47 N.J.R. 836(b), 1355(b).

### 19:4-3.4 Designation of zones

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

#### 1. Zones:

- i. Environmental Conservation;
- ii. Parks and Recreation;
- iii. Waterfront Recreation;
- iv. Low Density Residential;
- v. Planned Residential;
- vi. Neighborhood Commercial;
- vii. Commercial Park;
- viii. Regional Commercial;

- ix. Highway Commercial;
  - x. Aviation Facilities;
  - xi. Light Industrial A;
  - xii. Light Industrial B;
  - xiii. Intermodal A;
  - xiv. Intermodal B;
  - xv. Heavy Industrial;
  - xvi. Public Utilities;
  - xvii. Sports and Exposition; and
  - xviii. Transportation Center; and
2. Redevelopment Areas.

### 19:4-3.5 Interpretation of boundaries

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

- 1. Boundaries indicated as approximately following the center lines of streets, roads, or alleys, shall be construed to follow such center lines.
- 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3. Boundaries indicated as approximately following boundary lines of constituent municipalities shall be construed as following such boundary lines.
- 4. Boundaries indicated as following railroad lines shall be construed to be the midpoint of the railroad ROW, unless otherwise indicated.
- 5. Boundaries indicated as following shore or bank lines shall be construed to follow such shore or bank lines, and in the event of change in the shore or bank line shall be construed as moving with the actual line; boundaries indicated as approximately following the center lines of streams, rivers, creeks or other bodies of water shall be construed to follow such center lines.
- 6. Boundaries indicated as parallel to or extensions of features indicated on the zoning map shall be so construed.
- 7. Where the boundaries do not coincide with any of the features enumerated above, or where the exact location of any boundary line is unclear or is in dispute, the boundary shall be determined by the use of the scale shown on the zoning map, or by interpretation in accordance with N.J.A.C. 19:4-4.12A.

Amended by R.2011 d.118, effective April 18, 2011.  
See: 42 N.J.R. 2938(a), 43 N.J.R. 1044(a).  
In (a)7, updated the N.J.A.C. reference.

### 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.

Repealed by R.2007 d.57, effective February 5, 2007.  
See: 38 N.J.R. 3762(a), 39 N.J.R. 548(a).

Section was "Affordable Housing".  
New Rule, R.2009 d.40, effective January 20, 2009.  
See: 40 N.J.R. 4696(a), 41 N.J.R. 624(b).  
Section was "Reserved".

### 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

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;

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.

Amended by R.2009 d.40, effective January 20, 2009.

See: 40 N.J.R. 4696(a), 41 N.J.R. 624(b).

Added (d) and (e).

#### 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.

(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.