

**CHAPTER 4
DISTRICT ZONING REGULATIONS**

Authority

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

Source and Effective Date

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

Chapter Expiration Date

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

Chapter Historical Note

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

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

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

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

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

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

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

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

Chapter 4, District Zoning Regulations, was repealed and new rules were adopted by R.2004 d.76, effective February 17, 2004.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

Subchapter 12, Affordable Housing, was adopted as new rules by R.2007 d.57, effective February 5, 2007. See: 38 N.J.R. 3762(a), 39 N.J.R. 548(a).

Law Review and Journal Commentaries

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

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

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

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

Amended by R.2005 d.295, effective September 6, 2005.
See: 37 N.J.R. 752(c), 37 N.J.R. 3455(a).
Amended by R.2008 d.10, effective January 7, 2008.
See: 39 N.J.R. 2338(a), 40 N.J.R. 195(a).

19:4-3.4 Designation of zones

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

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

19:4-3.5 Interpretation of boundaries

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

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

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

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

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

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

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

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

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

19:4-3.7 Coastal zone management

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

19:4-3.8 (Reserved)

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".

19:4-3.9 Redevelopment areas

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

19:4-3.10 Land containing sanitary landfill

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

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

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

19:4-3.11 Permitted uses

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

19:4-3.12 Special exceptions

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

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

19:4-3.13 Prohibited uses

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

19:4-3.14 Temporary uses and structures

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

19:4-4.21 Penalties and enforcement

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

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

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

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

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

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

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

the lot and block number(s), of the premises entered and a description of the premises, including a description of any and all violations.

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

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

19:4-4.22 Severability

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

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

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

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

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

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

19:4-5.2 General provisions

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

1. The design of all structures and other improvements shall comply with the requirements of N.J.A.C. 19:4-8.
2. In the case of a conflict between these regulations and the NJ UCC, N.J.A.C. 5:23-3.15 through 3.22, regarding required setbacks, the more restrictive regulation shall apply.
3. Minimum lowest floor elevations for structures within the designated 100-year flood zones shall be established one foot above the applicable 100-year base flood elevations determined by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).
4. All wastewater standards of N.J.A.C. 19:4-7.9 shall apply.
5. Buffers shall be provided in accordance with N.J.A.C. 19:4-8.7, where applicable.
6. Wetland enhancement, restoration or creation activities and wildlife habitat creation shall be a permitted use in all zones.
7. The NJMC may publish detailed design guidelines, which shall be filed at the Offices of the NJMC, where they shall be of public record and with which development in the District is encouraged to comply.
8. Where development includes housing to meet municipal growth share obligations in N.J.A.C. 19:4-12, the bulk, layout, and design requirements in N.J.A.C. 19:4-12.8 through 12.11 shall apply.

Administrative correction.

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

Amended by R.2007 d.57, effective February 5, 2007.

See: 38 N.J.R. 3762(a), 39 N.J.R. 548(a).

Added (a)8.

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:

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;
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.

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 recreation, indoor;
5. Cultural facilities;
6. Day care facilities;
7. Essential public services;
8. Helistops;
9. Hotels;
10. Institutional uses;
11. Offices;
12. Parks or recreation facilities;
13. Passenger rail terminals;
14. Personal services;
15. Public utility uses, light;
16. Restaurants;
17. Retail; and
18. 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. Commercial off-street parking as a principal use;
2. Communications transmission towers; and
3. Heliports.

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: 50 percent;
2. Minimum open space: 15 percent;
3. Maximum building height: 40 stories, excluding antennas; and
4. Maximum floor area: 4.7 million gross square feet in the zone.