

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 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).

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).

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.

19:4-5.29 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
 - (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;
12. Retail;
13. Senior housing; and
14. Townhome dwellings.

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)5, inserted "care".

Petition for Rulemaking.

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

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. Houses of worship;
5. Institutional uses;
6. Nursing or rehabilitation facilities;
7. Primary and secondary schools;
8. Public utility uses, light; and
9. Social services.

Petition for Rulemaking.
See: 43 N.J.R. 1918(b).

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.

Petition for Rulemaking.
See: 42 N.J.R. 3002(c).

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:

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.

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)9, inserted "care"; in (a)15, substituted "included within a mixed-use structure" for "accessory to a permitted use"; in (a)17, deleted "and" from the end; in (a)18, substituted "; and" for a period at the end; and added (a)19.

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;
5. Movie theaters;
6. Nursing or rehabilitation facilities;
7. Primary and secondary schools;
8. Public utility uses, light; and
9. Senior housing.