

**CITY OF HACKENSACK
ORDINANCE NO. 15-2025**

**AN ORDINANCE TO AMEND CHAPTER 175 OF THE
CODE OF THE CITY OF HACKENSACK, "ZONING," IN
ORDER TO AMEND AND UPDATE CERTAIN
DEFINITIONS AND PROVISIONS CONTAINED THEREIN**

WHEREAS, the City of Hackensack ("City") has adopted the Zoning Ordinance and Map of the City of Hackensack, which is codified at Chapter 175 of the Code of the City of Hackensack ("Code"); and,

WHEREAS, the City Council, consistent with the recommendation of its zoning and planning professionals, finds and declares that a clarification and revision to certain sections of the Zoning Ordinance is necessary in order to promote the orderly development of the City as well as its general welfare; and,

WHEREAS, it is the City Council's desire that applications seeking to deviate from established zoning requirements be reviewed by the Planning Board and/or Zoning Board of Adjustment as provided for by the Municipal Land Use Law and local law; and,

WHEREAS, the City Council is empowered under its zoning authority to establish regulations for orderly development in the City of Hackensack and believes it is necessary and proper to exercise this authority as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HACKENSACK, as follows:

Section 1:

Section 175-2.2, "Definitions," of the Code of the City of Hackensack ("City Code") is hereby amended as follows (additions by underline):

175-2.2 Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings as herein defined. Any words not defined in this chapter shall have the meaning as defined in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. Any words not defined in either this chapter or the Municipal Land Use Law shall have the meaning as set forth in "The Complete Illustrated Book of Development Definitions, Fourth Edition" by Harvey S. Moscowitz, Carl G. Lindbloom, David Listokin, Richard Preiss and Dwight H. Merriam (published by Transaction Publishers, a Center for Urban Policy Research Book, 2015, as updated from time to time). The words set forth herein shall be defined as follows:

COMMERCIAL KITCHEN

A commercial kitchen is a space designed for preparation and cooking of foods, typically covering a variety of cuisines and styles, primarily for pick-up by or delivery directly to

the intended consumer of those foods, and typically not for consumption of those foods on premises by the majority of customers. Commercial kitchens are not considered eating and drinking establishments, and do not include catering facilities where large quantities of foods are prepared for consumption at an event off-site, nor do they include facilities where “fresh” foods are prepared for purchase or dispense at another business establishment.

Section 2:

Section 175-8.2, “Standards for Conditional Uses,” of the City Code is hereby amended to add standards for an additional conditional use as follows (additions by underline):

§ 175-8.2 **Standards for Conditional Uses.**

A. Purpose. [UNCHANGED]

B. General requirements. [UNCHANGED]

C. Conditional use standards.

(1) through (21) [UNCHANGED]

(22) Commercial Kitchens.

(a) Shall include one and a half parking spaces per cooking appliance plus four spaces per 1,000 sq. ft. in addition to 3 dedicated on site spaces for delivery /pick up.

(b) Shall only be located in zones that permit restaurants / eating and drinking establishments

Section 3:

A new Section 175-9.6, to be entitled “R40 Residential Overlay Zone (R40)” of the City Code is hereby adopted as follows:

§ 175-9.6 **R40 Residential Overlay Zone (R40).**

A. Purpose.

(1) To permit the expansion of existing single family structures in zones that do permit single family uses.

(2) To establish appropriate controls for such expansion as to protect and promote public safety and quality of life for persons residing and businesses existing in proximity to these uses.

B. Effect on the underlying zoning.

- (1) As an overlay zone, the R40 Residential Overlay Zone does not replace any of the underlying zones.
- (2) Any person or entity that wishes to use or develop upon a property within the R40 Overlay Zone shall have the option to use or develop the property in accordance with the regulations of either the R40 Overlay or the existing underlying zone.
- (3) The boundaries of the R40 Overlay zone shall be established in on the zoning map for the Code of the City of Hackensack or as it may be modified from time to time.

C. Conditions.

- (1) Any existing single family structure located on a minimum 40 foot lot that does not permit single family shall be permitted to enlarge as though it were a permitted use within the overlay zone based on the following conditions:
 - (a) Existing lots, regardless of their size, may not be subdivided for the purpose of creating a new prohibited dwelling;
 - (b) The building height for a single-family dwelling may not be increased above 2-½ stories or 35 feet;
 - (c) The front yard setback may not be reduced to less than 25 feet;
 - (d) The side yard setback for each side may be reduced to 25% of the lot width, but not less than 5 feet;
 - (e) The rear yard setback may be reduced to 25% of the lot depth, but not less than 10 feet;
 - (f) Any enlargement of a building or construction of an accessory building shall not cause building coverage to exceed 25%, except that 40% shall be permitted on lots smaller than 4,000 square feet;
 - (g) Existing nonconforming bulk conditions, including undersized lot size, setbacks, shall not trigger a variance, provided those conditions are not exacerbated;
 - (h) Failure of any dwelling enlargement to comply with any of the above conditions shall necessitate a request for variance relief.
 - (i) The expansion of any structure on a lot less than 40 feet in width shall necessitate a request for variance relief.

Section 4:

Attachment 5 to Chapter 175 of the City Code, entitled “City of Hackensack, Schedule of Off-Street Parking Regulations, is hereby amended to add the following use (additions by underline):

<u>Use</u>	<u>Minimum Number of Required Parking Spaces</u>
<u>Commercial Kitchen</u>	<u>1.5 spaces per cooking appliance (stove/stove top) plus 4 spaces per 1,000 sq ft plus 3 spaces for pick-up/delivery</u>

Section 5:

All other provisions of Chapter 175 of the City Code shall remain unchanged.

Section 6:

Pursuant to N.J.S.A. 40:55-D-64, after introduction of this Ordinance, it shall be referred to the Hackensack Planning Board for the review required by the Municipal Land Use Law, N.J.S.A. 40A:55-1 et seq., prior to the hearing on adoption of this Ordinance.

Section 7:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 8:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 9:

Codification. This Ordinance shall be a part of the Code of the City of Hackensack as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hackensack in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 10:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Introduced: March 25, 2025
Adopted: April 22, 2025

ATTEST:

CITY OF HACKENSACK

By: _____
Deborah Karlsson, City Clerk

By: _____
John P. Labrosse, Jr. Mayor