

**CITY OF HACKENSACK
ORDINANCE NO. 13-2024**

**AN ORDINANCE TO AMEND CHAPTER 175 OF THE
CODE OF THE CITY OF HACKENSACK, "ZONING," IN
ORDER TO AMEND AND CLARIFY CERTAIN
DEFINITIONS 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 definitions within 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, deletions by ~~striketrough~~):

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 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:

HEALTH CARE FACILITY

A facility, institution, or medical center, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain,

injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, ~~mental hospital~~, public health center, diagnostic center, treatment center, physical therapy/rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary of prescribed medications or medical equipment, home health care agency, ~~boarding home or other~~ home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer, but excluding inpatient or outpatient rehabilitation centers for substance abuse, alcohol abuse, or behavioral or mental disorders.

MEDICAL OFFICE

An establishment from which a licensed medical professional and their staff provide outpatient medical services including checkups, diagnosis, consultation, treatment, and other outpatient services that are customarily and typically provided in doctor and dentist offices. Medical offices shall not include hospitals, nursing homes, convalescent homes, rehabilitation centers, or in-patient medical services involving overnight stays, nor shall they include establishments providing group-based counseling or treatment for substance abuse or addiction.

REHABILITATION CLINIC OR REHABILITATION CENTER

A facility and the lands thereon used for the short- or long-term treatment of victims of alcohol or drug use or addiction, which may either be in-patient clinics providing care, meals, and lodging, or outpatient clinic, where treatment is provided but meals and lodging is not.

Section 2:

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

Section 3:

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 4:

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 5:

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 6:

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 7:

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

Introduced: March 5, 2024
Adopted: March 19, 2024

ATTEST:

CITY OF HACKENSACK

By: _____
Deborah Karlsson, City Clerk

By: _____
John P. Labrosse, Jr. Mayor