

**ZONING ORDINANCE AND MAP  
CHAPTER 175  
CITY OF HACKENSACK, NJ**

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MAYOR AND COUNCIL  
CITY OF HACKENSACK

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CHAPTER 175  
CITY OF HACKENSACK, NJ

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Section 175-1.1

**ARTICLE I  
TITLE AND PURPOSE**

**175-1.1 LONG TITLE**

The long title of this chapter is: "An Ordinance To Amend and Supplement an Ordinance Entitled 'An Ordinance To Limit and Restrict To Specific Districts, and To Regulate Therein Buildings and Structures According To Their Construction, and the Nature and Extent of Their Use in the City of Hackensack, County of Bergen and the State of New Jersey and To Provide for the Administration and Enforcement Thereof and To Fix Penalties for Violations Thereof as Amended and Supplemented.

**175-1.2 SHORT TITLE**

This chapter shall be known and cited as the "Zoning Ordinance of the City of Hackensack."

**175-1.3 LEGISLATIVE INTENT**

The intent of this chapter is to establish a precise and detailed plan for the use of land and buildings in the City of Hackensack, enacted in order to promote and protect the public health, safety, morals and the general welfare of the people. The Zoning Ordinance for the City of Hackensack shall be viewed as a permissive ordinance. In no instance after the adoption of this chapter shall any use be permitted in the City of Hackensack which is not listed as a permitted, accessory or conditional use as specified herein. Any use that is not permitted or specified shall be prohibited.

**175-1.4 PURPOSES**

Such regulations are deemed necessary to achieve the following purposes:

- A. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- B. To secure safety from fire, flood, panic and other natural and manmade disasters;
- C. To provide adequate light, air and open space;
- D. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;

- E. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- F. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- G. To provide sufficient space in appropriate locations for a variety of residential, recreational, office, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- H. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which result in congestion or blight;
- I. To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
- J. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent degradation of the environment through improper use of land;
- K. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- L. To encourage senior citizen community housing construction;
- M. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- N. To promote utilization of renewable energy resources;
- O. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planned practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs;
- P. To preserve and enhance the environment consistent with the New Jersey State Development Guide Plan and the New Jersey Development and Redevelopment Plan, prepared by the New Jersey State Planning Commission;
- Q. To secure safety from explosion, noxious fumes, excessive noise, radioactivity, vibration, glare, smoke, odor, dust, air and water pollution.

R. To regulate the intensity of use of zoning lots and to determine the areas of open spaces surrounding buildings necessary to provide adequate light and air, privacy and convenience of access to property owners and City emergency services;

S. To regulate locations of buildings and establish standards of development and to establish building lines and the location of buildings designed for residential, commercial, industrial, office and other uses within such lines and to fix reasonable standards to which buildings or structures shall conform;

T. To prohibit incompatible uses, buildings or structures which are incompatible with the character of development, or the permitted uses within the specified zoning districts;

U. To conserve taxable value of land and buildings throughout the City.



**ARTICLE II  
DEFINITIONS AND WORD USAGE**

**175-2.1 WORD USAGE**

Unless the context otherwise indicates, the following definitions shall be used in the interpretation and construction of this Chapter. Words used in the present tense include the future, the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building"; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot"; the word "occupies" includes the words "designated or intended to be occupied"; the word "used" shall include the words "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used"; the word "shall" is mandatory and not optional, and the word "may" is permissive.

**175-2.2 DEFINITIONS**

Certain words and phrases used in this chapter are defined for the purposes hereof as follows:

**ABANDONMENT**

The relinquishment of property, or a cessation of the use of property, by the owner, with the intention neither of transferring rights of the property to another owner nor of resuming the use of the property.

**ACCESSORY STRUCTURE**

A structure, the use of which is incidental to that of the main building, that is located on the same lot as the main building.

**ACCESSORY USE**

A use subordinate to the principal use located on the same zone lot and serving a purpose customarily incidental to the principal use.

**ACRE**

A measure of land equal to 43,560 square feet.

**ADDITION**

An extension or increase in floor area or height of a building or structure.

**ADMINISTRATIVE OFFICE**

An establishment primarily engaged in management and general administrative functions such as executive, personnel, finance and sales activities performed centrally for other facilities of the same company.

**ADMINISTRATIVE OFFICER**

The Zoning Officer of the City of Hackensack unless a different official or officials are designated by ordinance.

#### ADULT DAY CARE CENTER

A community based program designed to meet the needs of functionally or cognitively impaired adults over the age of 21 through an individual plan of care structured to provide a variety of health, social and related support services in a protective setting during any part of a day but less than 24 hours.

#### ADULT HOMES

Housing intended exclusively for persons fifty-five (55) years of age or older and the spouses of such persons; when necessary for the care of persons fifty-five (55) years of age or older, one person other than a spouse under fifty-five (55) years of age is permitted in each household.

#### ALTERATION

As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending a side or by increasing the height; or the moving from one location or position to another.

#### ALTERNATIVE TOWER STRUCTURE

Manmade trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

#### AMUSEMENT GAME MACHINE

A machine or device, whether automatic or coin-operated, whether mechanical, electrical or electronic, which shall be ready for play by insertion of a coin or may otherwise be operated by the public for a charge for use as a game, entrainment or amusement, including pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines to be representative of real games or activities, the object of playing of which is to achieve a score.

#### AMUSEMENT MACHINE COMPLEX

A group of more than five (5) amusement games or amusement machines in the same place, location or premises constituting a principal or accessory use. A group of less than five (5) amusement game machines or amusement machines in the same place, location or premises constituting the principal use of the premises shall also be considered an amusement machine complex.

#### AMUSEMENT MACHINE, OTHER

Any automatic or mechanical machine or device or entertainment or music vending machine, except an amusement game machine, which is or are operated or set in motion by the deposit therein of any coin or coins, tokens or slugs or the like thereof purchased for cash.

#### ANIMAL HOSPITAL

A place where animals or pets are given medical or surgical treatment. Use as a kennel shall be limited to animals hospitalized for medical or surgical treatment.

#### ANIMAL KENNEL

Any building, structure or premises in which animals are kept, boarded or trained for commercial gain.

#### ANTENNA

Any exterior transmitting or receiving device mounted on a tower, building or structure and use in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals) wireless telecommunication signals or other communication signals.

#### APARTMENT

One (1) or more rooms where a person or family lives independent of the other occupants of the same building and where each suite is used or designed to be used for living, sleeping, cooking and eating.

#### APARTMENT HOUSE

Any house or building which is rented, leased, let or hired out to be occupied or is occupied as the home or residence of three (3) or more families living in separate apartments or efficiency apartments.

#### APPLICANT

A developer submitting an application for development.

#### APPLICATION FOR DEVELOPMENT

The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to law.

#### ARCHAEOLOGICAL SITE

Land or water areas which show evidence or artifacts of human, plant or animal activity, usually dating from periods of which only vestiges remain.

#### AREA, BUILDING

The area included within surrounding exterior walls (or exterior walls and fire walls ) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

#### ASSEMBLAGE

The merger of separate properties into a single tract of land.

#### ATTIC

The space between the ceiling beams of the top story and the roof rafters.

#### AUTOMOBILE SALES

The use of any building, land area or other premises for the display and sale of new automobiles, panel trucks or vans, trailers, or recreation vehicles and including minor mechanical repair service conducted as an accessory use and the scale of used cars which have been traded-in. The sale of used cars shall function as an accessory use to the principal use of selling new automobiles and vehicles.

#### AUTOMOBILE SERVICE STATION or GASOLINE STATION

A building or place of business where gasoline, fuel, oil and grease and/or batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade and where minor repair service is rendered and to establishments providing "quick oil changes."

#### AWNING

A roof-like cover that is temporary in nature and projects from any part of a building for the purpose of shielding a doorway or window from the elements and is so erected as to permit it being raised to a position flat against the building when not in use.

#### BACKHAUL NETWORK

The lines that connect a providers tower site to one (1) or more cellular telephone switching offices and or long distance providers or the public switched telephone network.

#### BANNER

Any temporary sign applied to paper, plastic or fabric of any kind which shall be permitted by the Mayor and Council by permit, above a public right-of-way.

#### BAR

A structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages by the drink.

#### BASE FLOOD ELEVATION

The highest elevation, expressed in feet above sea level, of the level of flood waters occurring in the regulatory base flood.

#### BASEMENT

That portion of a building which is partly or completely below grade.

#### BEDROOM

A private room planned and intended for sleeping, separable from other rooms by a door.

#### BILLBOARD

Any sign erected or maintained for the purpose of displaying outdoor advertising for products or services provided off-premises.

## BOARD OF ADJUSTMENT

The Board of Adjustment of the City of Hackensack.

## BOARDER

An individual other than a member of the family or household occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

## BOARDINGHOUSE

Any dwelling or part of any dwelling which has space that is let by the owner or operator to more than three (3) persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator; provided, however, that such roomers and/or boarders shall not include convalescents or chronically sick or mentally deficient or physically incompetent or aged, infirm or similar boarders and/or similar roomers who require medical attention and supervision and are usually housed in hospitals, sanatoriums, homes for the aged, nursing homes and similar institutions.

## BRIDGE

A structure having a clear span of more than twenty feet designed to convey vehicles and/or pedestrians over a watercourse, railroad, public or private right-of-way, or any depression.

## BROOK

A small stream or creek.

## BUFFER ZONE

Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances elements and to insure privacy.

## BUILDABLE AREA

The area of a lot remaining after the minimum yard, open space and other limiting conditions established in the zoning ordinance or dictated by Federal or State regulations have been met.

## BUILDING

A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

## BUILDING, ACCESSORY

A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

## BUILDING, EXISTING

Any structure erected prior to the adoption of the appropriate code, or one for which a legal building permit has been issued.

### **BUILDING, PRINCIPAL**

A building in which is conducted the principal use of the lot on which it is located.

### **BUILDING HEIGHT**

The vertical distance of a building measured from the average elevation of the finished grade measured six feet from the foundation of the structure to the highest roof beams of a flat roof or the mean level of the highest gable or slope of a hip roof.

### **BUILDING LINE**

The line established by law, beyond which a building shall not extend, except as specifically provided by law.

### **BUILDING SERVICE EQUIPMENT**

The mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories, which provides sanitation, lighting, heating, ventilation, firefighting and transportation facilities essential for the habitable occupancy of the building or structure for its designated use and occupancy.

### **BUSINESS SERVICES**

Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, specifically advertising and mailing; building maintenance; employment service; management and consulting services; protective services; commercial research; development and testing; photo finishing; copying and reproduction services and personal supply services.

### **CAMPUS**

The grounds and building of a public or private college, university, hospital or school.

### **CANOPY**

Any structure, supported or unsupported, other than an awning, made of cloth or metal with metal frames attached to a building or structure and carried by a frame supported by the ground or sidewalk.

### **CELLAR**

A story partly above grade level, having more than one-half (1/2) its floor-to-ceiling height below the average level of the adjoining ground. No "cellar" or portion thereof shall be used as a dwelling unit, commercial workplace or habitable area. It shall not be counted as a story in determining the height of a building. (See BASEMENT)

### **CERTIFICATE OF OCCUPANCY (CO)**

The certificate issued by the code official which permits the use of a building or for land in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulation or conditions of the building permit.

#### CHANGE OF USE

Any use which differs from the previous use of a building or land.

#### CHARITABLE USE

Property used by a nonprofit or eleemosynary organization that provides a service beneficial to the general public or to a significant portion of the public for a fee or at a fee recognized as being less than that charged by profit making organizations.

#### CHIMNEY

A primary vertical enclosure containing one or more passageways.

#### CHURCH OR HOUSE OF WORSHIP

A building or structure, or group of buildings or structures, which by design and construction are intended for the conducting of organized religious services and accessory uses associated therewith, but not including missions, district offices or regional headquarters of a religious group.

#### CLUB

A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

#### COLLEGE OR UNIVERSITY

An educational institution authorized by the State to award associates, baccalaureate or higher degrees.

#### COMMERCIAL MOTOR VEHICLE

A licensed motor vehicle manufactured as a truck, bus, taxi, tractor or trailer, other than a recreational vehicle, which meets any of the following criteria:

- A. The vehicle is licensed for commercial purposes.
- B. The vehicle contains a sign, advertisement or other graphics indicating that its use is for commercial purposes.
- C. The vehicle has a gross weight in excess of three-fourths (3/4) ton.
- D. A van-type vehicle not having windows of at least two (2) square feet in area in both rear side panels. A pickup-type truck with a cap not having windows of at least two (2) square feet in area in both sides of such cap. (A pickup-type truck with a cap having windows of at least two (2) square feet in area in both sides of the cap shall not be deemed a commercial motor vehicle, provided that it complies with Subsection A, B and C above. A pickup type truck with a cap not having windows of at least two (2) square feet in area in both sides of such cap as well as a pickup type truck with a cap camper shall be deemed a recreational vehicle as defined in Article I, Section 175-2.2, 175-23.1 and shall be subject to the provisions of section 175-23.1 when located in a residential district.)
- E. A pick-up truck without a cap.

#### COMMON OPEN SPACE

An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain complementary structures and improvements as are necessary and appropriate for the use and enjoyment of the residents and owners of the development.

#### COMPLETE APPLICATION

An application form completed as specified by Ordinance and the rules and regulations of the Planning Board or Zoning Board of Adjustment, and all accompanying documents required by Ordinance for approval of the application for development including, where applicable, but not limited to, a site plan or subdivision plat; provided, that the Planning Board or the Zoning Board of Adjustment may require such additional information not specified by Ordinance or any information not specified by Ordinance or any revisions in the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Board or Zoning Board of Adjustment, unless the same are listed on the checklist of required items provided to the applicant upon the making of the application. An application shall be certified as complete immediately upon the meeting of all requirements established by Ordinance and the rules and regulations of the Planning Board or the Zoning Board of Adjustment and shall be deemed complete as of the date it is so certified by the administrative officer for purposes of the commencement of the time period for action by the Approving Authority.

#### COMMUNITY ASSOCIATION

A homeowners association or organization designed to own, maintain, and operate common facilities and to enhance and protect their common interests.

#### COMMUNITY CENTER

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

#### COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURED

A community residential facility licensed pursuant to PL 1977 c. 448 (C:30:11B-1 et seq) providing food, shelter, and personal guidance under such supervision as required assistance, temporary or presently in order to live in the community and shall include but not limited to half way houses, group homes, supervised apartment living arrangements and hotels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act" PL 19XX, c. 136 (C.26-28-1 et al.)

#### COMMUNITY RESIDENCE FOR THE TERMINALLY ILL

Any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services as required to not more than 15 terminally ill persons.



#### COMMUNITY RESIDENCES FOR THE DEVELOPMENTALLY DISABLED

Any community residential facility licensed pursuant to P.L. 1977, c. 448 (C. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act" (P.L. 1971.c. 136; C.26. 2H-1 et seq.). In the case of such a community residence, housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and hospitals of the Department of Human Services. As used herein, "developmentally disabled person" means a person who is developmentally disabled as defined in Section 2. of P.L. 1977, c. 448 (C. 30: 11B-2), and "mentally ill person" means a person who is afflicted with a mental illness as defined in R.S. 30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

#### COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE

Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, c. 337 (C. 30 :14-1 et seq.) providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

#### CONDITIONAL USE

A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the zoning ordinance and upon the issuance of an authorization therefore by the planning board.

#### CONDOMINIUM

The form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.

#### CONDOMINIUM ASSOCIATION

The entity responsible for the administration of a condominium, which entity may be incorporated or unincorporated.

#### CONFORMING USE OR CONFORMING BUILDING

A use or building which conforms with the regulations of this chapter for the district in which such building or use is located.

### CONGREGATE HOUSING

A dwelling providing shelter and services for the elderly which may include meals, housekeeping, and personal care assistance.

### COURT

An open, uncovered and unoccupied space on the same lot as a building where such space is enclosed wholly or partly by buildings, walls or other enclosing devices.

### CRITICAL AREA

An area with one or more of the following characteristics (1) slopes in excess of fifteen (15) percent; (2) floodplains; (3) soils classified as having a high water table; (4) soils classified as highly erodible, subject to erosion or highly acidic; (5) land incapable of meeting percolation requirements; (6) land formerly used for landfill operations or hazardous industrial use; (7) fault areas; (8) stream corridors; (9) areas designated as potential reservoir sites; (10) estuaries; (11) mature stands of native vegetation; (12) aquifer recharge and discharge areas; (13) wetland and wetland buffer areas, (14) areas designated in the Register of Natural Areas of the New Jersey Department of Environmental Protection, and (15) natural habitats which protect and preserve endangered and threatened plant and animal species.

### DAYS

Means Calendar days.

### DECIBEL

A unit of sound pressure level.

### DECIDUOUS

Plants that drop their leaves before becoming dormant in winter.

### DENSITY

The permitted number of dwelling units per gross area of land to be developed.

### DETENTION BASIN

An impoundment area made by constructing an embankment or excavating a pit or both, for the purpose of temporarily storing stormwater.

### DEVELOPER

The legal or beneficial owner or owners of a lot or of any land to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

### DEVELOPMENT

The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill; and any use or change in the use of any building or other structure or land or extension of use of land, for which permission may be required.

#### DEVELOPMENTALLY DISABLED

Experiencing a disability which originates before eighteen (18) years of age, which has continued or is expected to continue indefinitely, which constitutes a substantial handicap and which is attributable to mental retardation, cerebral palsy, epilepsy, autism or other conditions found by the Commissioner of Human Services to give rise to an extended need for similar services.

#### DISTRICT OR ZONE

Any portion of the territory of the City of Hackensack within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

#### DORMITORY

A building other than an apartment, hotel or motel containing units or rooms for the housing of non-transient persons attending or employed by a college or university.

#### DRAINAGE

The removal of surface water or groundwater from land by drains, grading or other means including control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

#### DRUG STORE

A store where the primary business is the filling of medical prescriptions, providing medical devices and supplies, and nonprescription medicines and where nonmedical products are sold as well.

#### DRY CLEANING

Cleaning textiles, fabrics, garments or other articles by the use of solvents other than water, extracting the solvents therefrom and drying the same.

#### DWELLING

Any permanent building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons.

#### DWELLING, ATTACHED

A one-family dwelling attached to one or more one-family dwellings by common vertical walls.

#### DWELLING, DETACHED

A dwelling which is completely surrounded by permanent open spaces.

#### DWELLING, EFFICIENCY

A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

DWELLING, MULTI-FAMILY- a principal structure or building occupied or intended for occupancy as separate living quarters for more than two (2) families or households, and provided with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit. For the purposes of this Chapter, this term shall not include the term "townhouse" as defined herein."

#### DWELLING, ONE-FAMILY

A building occupied or intended for occupancy exclusively by one (1) family or one (1) household, and provided with cooking, sleeping and sanitary facilities for the use of the occupants of the unit. Also referred to as a "single-family dwelling".

#### DWELLING, TWO-FAMILY

A building occupied or intended for occupancy as separate living quarters for no more than two (2) families or two (2) households, and provided with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit, which units are separated from each other by vertical walls to and through the roof or by horizontal floors: also referred to as a "duplex dwelling".

#### DWELLING UNIT

One (1) or more rooms, occupied or intended for occupancy as separate living quarters by one (1) family or household, provided that access is directly from the outside or through a common hall and that separate cooking, sleeping and sanitary facilities are provided within the dwelling for the exclusive use of the occupants thereof. Occupancy by more than one (1) family or household within a single dwelling unit shall constitute a violation of this chapter.

#### EAVE

The projecting lower edges of a roof overhanging the wall of a building.

#### ELEEMOSYNARY OR PHILANTHROPIC INSTITUTION

A private or nonprivate organization which is not organized or operated for the purpose of carrying on a trade or business and no part of the net earnings of which are for the benefit of any individual.

#### ENCROACHMENT

Any obstruction in a delineated floodway, right-of-way or adjacent land.

#### ENLARGEMENT

An increase in the size of an existing structure.

#### ENVIRONMENT

The sum of all external conditions and influences affecting the life, development and, ultimately, the survival of an organism.

## ENVIRONMENTAL COMMISSION

The City of Hackensack Environmental Commission created pursuant to P.L. 1968 c. 245 (C 40:56A-1 et seq.)

## ENVIRONMENTAL IMPACT STATEMENT (EIS)

A statement on the positive and negative effects of development proposals and other major actions which significantly affect the environment.

## EROSION

The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

## ESSENTIAL SERVICE

The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground, surface or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, light stations, telephone lines, hydrants and other similar equipment and accessories herewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.

## EXTENDED CARE FACILITIES

A long-term care facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged or a governmental medical institution. (See LONG TERM CARE FACILITY and NURSING HOME. )

## FAA

The Federal Aviation Administration.

## FCC

The Federal Communication Commission

## FACING OR SURFACE

The surface of the sign upon, against or through which the message is displayed or illuminated on the sign.

## FAMILY

A group of persons functioning as a single housekeeping unit and whose relationship is of a permanent, stable and domestic character as distinguished from non-familial institutional use, boarding homes, fraternities, sororities, clubs, associations, transient housing or other similar forms of housing . For the purpose of this Ordinance, a "family" shall include foster children placed with a family in such dwelling by the New Jersey State Board of Child Welfare or a duly incorporated child care agency.

#### **FAMILY DAY CARE CENTER**

A private establishment enrolling no more than 5 children between 2 and 6 years of age and where tuition, fees, or other forms of compensation for the care of children is charged and which is licensed by the State of New Jersey and approved by the City of Hackensack to operate as a day care center. (See Section 175-6.3F )

#### **FENCE**

An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

#### **FLOOD**

The temporary overflowing of water onto land which is usually devoid of surface water.

#### **FLOOD FRINGE AREA**

That portion of the flood hazard area outside of the floodway based on the total area inundated during the regulatory base flood plus twenty-five percent of the regulatory base flood discharge.

#### **FLOOD HAZARD AREA**

That flood plain consisting of the floodway and the flood fringe area.

#### **FLOOD HAZARD DESIGN ELEVATION**

The highest elevation, expressed in feet above sea level, of the level of floodwaters which delineates the flood fringe area.

#### **FLOOD INSURANCE RATE MAP**

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk of premium zones applicable to the community.

#### **FLOOD OF RECORD**

A flood which has occurred for which there are accurate local records available.

#### **FLOOD PLAIN**

The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

#### **FLOODPROOFING**

A combination of structural provisions, changes or adjustments to properties and structures subject to flooding for the reduction or elimination of flood damage to properties, water and sanitary facilities and other utilities, structures and the contents of buildings.

#### **FLOODWAY**

The channel of a natural stream, brook or river and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream, brook or river.

#### FLOOR AREA

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings including exterior balconies and mezzanines, but not including interior parking spaces, or any space where the floor-to-ceiling height shall be less than seven (7) feet six (6) inches.

#### FLOOR AREA, GROSS

The floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

#### FLOOR AREA, NET

The actual occupied area, not including accessory unoccupied areas or thickness of walls.

#### FLOOR AREA RATIO

The sum of the area of all of the floors of buildings or structures compared to the total area of the site.

#### FRONTAGE

The side of a lot abutting on a street also known as the front lot line. On a corner lot the front yard is defined by the as the larger of the dimensions. Where the dimensions are the same, the applicant may indicate which is to be utilized as the front yard.

#### FUNERAL HOME

A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

#### GARAGE, PRIVATE

An accessory structure to the principal building on the lot, designed for storage of one (1) or more motor vehicles in which no business, service or industry is conducted or rendered and which garage shall have solid exterior walls and roof, all openings being enclosed either with doors or windows, or both. In any residential district, not more than one (1) space in a "private garage" shall be rented to a nonresident of the premises. Carports shall not be considered a private garage.

#### GARAGE, PUBLIC

Any structure or part thereof other than a private garage in which a business or service connected with motor vehicles is conducted or rendered, including storage, rental, repair, servicing, adjusting or equipping automobiles or other motor vehicles. The term "public garage" shall not be interpreted to permit the principal use of any lot as an auto laundry or used automobile sales lot, which uses are only permitted in conjunction with a duly authorized new car agency and located on the same lot therewith. The term "public garage" shall not apply to an automobile salesroom conducted exclusively for the exhibition of such vehicles. The term "motor vehicle" shall include passenger automobiles, station wagons, motor scooters, tractors, truck tractors or similar types of conveyances for persons or goods.

## GARDEN APARTMENT

One (1) or more multifamily dwellings not exceeding a height of two (2) stories, containing off-street parking, and open spaces and as more fully required herein. Each dwelling unit therein shall contain two (2) separate direct means of access to the outside, with each two (2) dwelling units separated by a fire wall in accordance with the Uniform Construction Code.

## GLARE

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

## GRADE

The reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6') feet from the building between the building and a point six (6') feet from the building.

## GROSS DENSITY

Shall mean the total number of dwelling units on the tract divided by the total area of the tract, including environmentally sensitive or restricted areas. The result is expressed as dwelling units per acre (du/ac).

## GROSS LEASABLE AREA

The total floor area designed for tenant occupancy and exclusive use. The area of tenant occupancy is measured from the center lines of joint partitions to the outside of the tenant walls.

## GROUND COVER

Grasses or other plants grown to keep soil from being blown or washed away.

## HABITABLE SPACE

Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable space. Storage space, cellars, garage areas or any area where the floor to ceiling height is less than 7 feet 6 inches are also not considered habitable space.

## 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, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, 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.



#### HEIGHT

When referring to a tower or other structure the distance measured from the lowest finished grade of the parcel to the highest point on the tower or other structure including the base pad and any antenna.

#### HELISTOP

A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

#### HEREAFTER

After the time this ordinance becomes effective.

#### HERETOFORE

Before the time this ordinance becomes effective.

#### HOME OCCUPATION

A use conducted within, or storage on, the same property as a dwelling, that does not occupy more than one-third (1/3) of the area of one (1) floor or more than one-third (1/3) of the area of the same property as the dwelling located thereupon, and that is carried on by the inhabitants of the dwelling and which is incidental to the use of the dwelling for dwelling purposes and the operation of which does not change the character of the dwelling. A home occupation consisting of the office of a practitioner of a recognized profession.

#### HOMEOWNERS ASSOCIATION

A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

#### HORTICULTURE

The cultivation of a garden or orchard.

#### HOSPITAL OR MEDICAL CENTER

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

#### HOTEL

A building consisting of at least two (2) stories above ground level, which building provides sleeping accommodations to the general public and which building contains a central entrance leading to a common lobby. Access to sleeping rooms shall be only through hallways extending from said common lobby areas, and no sleeping room shall contain doors providing entrance or exit to sleeping rooms other than from said common hallway except as may be required by other ordinances or regulations for safety purposes.

#### HOUSING FOR THE ELDERLY

Multifamily housing designed for older persons, one of whom must minimally be 62 years of age or older. (Also known as senior citizen housing )

#### IMPERMEABLE

Not permitting the passage of water.

#### IMPERVIOUS SURFACE

Any material which reduces and prevents absorption of storm water into the land.

#### IMPROVED LOT COVERAGE

The percentage of lot area which is improved with principal and accessory buildings, structures and uses, including all impervious surface areas such as buildings, driveways, parking lots and garages and other man-made improvements, including retention, detention and water quality basins.

#### INCLUSIONARY ZONING

Regulations which increase housing choice by providing the opportunity to construct more affordable, diverse and economic housing to meet the needs of low and moderate income families.

#### INDOOR TENNIS FACILITY

A building or structure containing one or more roofed and enclosed tennis courts.

#### INSTITUTIONAL BUILDING

A building in which persons are harbored to receive medical, charitable or other care or treatment or in which persons are held or detained by reasons of public or civic duty or for correctional purposes, including, among others, hospitals, asylums, sanatoriums, firehouses, police stations and jails.

#### INTERESTED PARTY

"Interested party" means (a) in a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and (b) in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this ordinance, or whose rights to use, acquire, or enjoy property under this ordinance, or under any other law of the State of New Jersey or of the United States have been denied, violated or infringed by an action or a failure to act under the Municipal Land Use Law.

#### INTERMEDIATE CARE FACILITY

A facility which provides, on a regular basis, health related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designated to provide, but who, because of their mental or physical condition, require care and services which can be made available to them only through institutional facilities such as these.

#### JUNK YARD

An area of land, with or without buildings, used for or occupied by the deposit, collection or storage outside of a completely enclosed building of used and discarded materials, such as wastepaper, rags or sheet metal, used building materials, house furnishings, machinery, vehicles or parts thereof, etc., with or without the dismantling, processing, salvage, sale or use or disposition of the same. The deposit or storage on a lot of one (1) or more wrecked or broken-down vehicles or parts of one (1) or more such vehicles for one (1) month or more shall be deemed a "junkyard."

#### KIOSK

A free-standing structure upon which temporary information and/or posters, notices and announcements are posted.

#### KITCHEN AREA

A portion of a dwelling unit designed or used for cooking and eating. A stove, refrigerator, sink or cabinets must occupy at least sixteen (16) square feet of said "kitchen area."

#### LAND

Ground, soil or earth including improvements and fixtures on, above or below the surface.

#### LAND DISTURBANCE

Any activity involving the cleaning, cutting, excavating, filling, or grading of land or any other activity which alters land topography or vegetative cover.

#### LAUNDROMAT OR WET-WASH LAUNDRY

An establishment only for the washing and drying of clothing brought in by the customer and in which such washing and drying is performed with the use of mechanical equipment and for which a fee is charged.

#### LIGHT MANUFACTURING

Industrial uses which meet the performance standards, use regulations, bulk controls, and other requirements established in this ordinance.

#### LIVE ENTERTAINMENT

Establishments which provide live entertainment consisting of vocalist, instrumental music or dancers or similar entertainment where patrons are entertained for a fee, whether such fee shall be direct or indirect through a charge for other products or services, but not including halls, auditoriums, rooms or playhouses or religious, civic or fraternal organizations.

#### LONG-TERM CARE FACILITY

An institution which is licensed or approved by the State of New Jersey to provide health care under medical supervision for 24 or more consecutive hours to patients who are not related to the governing authority or its members by marriage, blood or adoption.

#### LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

#### LOT AREA

The computed areas contained within the lot lines, excluding any street rights-of-way. Where no lot line is designated on the tax map, the boundary of the public right-of-way shall determine the limits of the boundary of the lot.

#### LOT, CORNER

A parcel of land with two adjacent sides abutting upon streets.

#### LOT, INTERIOR

A parcel of land fronting upon one street.

#### LOT, THROUGH

A parcel of land which extends through from one street to another.

#### LOT, THREE-SIDED

A parcel of land located at the junction of and abutting on three intersecting streets.

#### LOT COVERAGE

That portion of a lot which is occupied by buildings and accessory buildings but not including other areas of impervious surfaces such as walkways, driveways, patios and open parking lots.

#### LOT DEPTH

A horizontal distance between the front lot line and rear lot line, measured perpendicular or radial to the front lot line at the midpoint of the lot frontage to the furthest distance thereof or taken as the average of three measurements at each corner and the midpoint for irregularly shaped parcels.

#### LOT FRONTAGE

The length of the front lot line measured at the street right-of-way line.

#### LOT LINE

A line of record bounding the lot. Where an area does not have a lot line indicated on a tax map, the boundary of the public right-of-way shall determine the boundary of the lot line.

#### LOT LINE, FRONT

The lot line separating the lot from the street right-of-way also referred to as a "street line."

#### LOT LINE, REAR

The lot line opposite and most distant from the front lot line.

#### LOT LINE, SIDE

Any lot line other than a front or rear lot line.

#### LOT, MINIMUM AREA OF

The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.

#### LOT WIDTH

The horizontal distance between the side lines of a lot measured parallel to the front lot line at the required front yard setback line.

#### LOW INCOME HOUSING

For the purpose of this Ordinance, "low income housing" shall be housing that is designed for a household earning 50% or less of the area median income, adjusted by household size.

#### MANUFACTURE

The converting or processing of raw, unfinished or finished materials or products, into an article or articles or substance of a different character or for use for a different purpose.

#### MARQUEE

Any hood, canopy, awning or permanent construction which projects from a wall of a building usually above an entrance.

#### MEDICAL BUILDING

A building that contains establishments dispensing health services including same day treatment only with overnight patient care prohibited.

#### MEZZANINE

An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than 33 percent of the floor area of the story in which the level or levels are located.

#### MINI-WAREHOUSE

A structure containing separate storage space of varying size leased or rented on an individual basis.

**MIXED COMMERCIAL/RESIDENTIAL BUILDINGS** -Buildings with one or more permitted commercial uses within or below the first above-grade story and apartments only above the first above-grade story. For the purposes of regulating mixed commercial/residential buildings, "first above-grade story" shall be the first full building story above the elevation of the street that is closest to the principal building entrance.

#### MOBILE HOME

Any commercially manufactured vehicle, or combination thereof, used, designed or intended for use, for permanent occupancy as living quarters for one (1) family or household, designed to be moved occasionally from one location to another by means of wheels affixed to an axle or carriage affixed to the vehicle, propelled by the power of another vehicle to which it may be attached, whether the axle or carriage to which the wheels may be affixed is detachable or detached.

#### MOBILE HOME PARK

One (1) or more parcels of land under single ownership which have been planned for the placement of two (2) or more mobile homes, appurtenant structures or additions.

#### MODERATE INCOME HOUSING

For the purpose of this Ordinance, "moderate income housing" shall be housing that is designed for a household earning between 50% and 80% of the area median income as adjusted for household size.

#### MOTEL

A building or a group of detached, semi-attached or attached buildings containing guest rooms or dwelling units, each of which, or each pair of which, has a separate entrance leading directly to the outside of the building with garage or parking space conveniently located to each unit, and which are designed, used or intended to be used primarily for the accommodation of motor vehicle transients, but not including hotels, boarding or rooming houses or trailer camps.

#### MOTION PICTURE THEATER

A place where motion pictures are shown to the public for a fee.

#### MOTOR VEHICLE BODY REPAIR SHOP

A place of business within a principal building where the bodies of motor vehicles are repaired and or rehabilitated. Motor vehicles shall be limited to passenger cars, vans and small trucks not exceeding two (2) tons in weight classification. Permitted activities include metal fabricating and refinishing, sanding and painting and other related mechanical activities necessary to repair auto bodies.

#### NATIONAL FLOOD INSURANCE PROGRAM

A federal program which authorizes the sale of federally subsidized flood insurance in communities where such flood insurance is not available privately.

#### NATIONAL HISTORIC PRESERVATION ACT

A 1966 federal law that established a National Register of Historic Places, the Advisory Council on Historic Preservation and authorizing grants in aid for historic properties preservation.

## NATIONAL REGISTER OF HISTORIC PLACES

The official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the nation's history or whose artistic or architectural value is unique.

## NET DENSITY

The total number of dwelling units within a designated residential land use parcel divided by the total land area of the designated residential land use parcel less major recreational facilities, streets, retention, detention, and water quality basins and public facilities within the parcel. The result is expressed as dwelling units per acre (du/ac).

## NONCONFORMING LOT

A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

## NONCONFORMING SIGN

Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

## NONCONFORMING STRUCTURE

A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

## NONCONFORMING USE

A use or activity which was lawful prior to the adoption, revision or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

## NON-POINT RUNOFF

Surface water entering a channel from no definable discharge source.

## NUISANCE

An interference with the enjoyment and use of property.

## NUISANCE ELEMENT

Any environmental pollutant, such as smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare or heat.

## NURSERY

Land or greenhouses used to raise flowers, shrubs and plants for sale.

#### NURSING HOME

An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, but not to include mental patients or persons afflicted with contagious or infectious disease or liquor or drug addiction.

#### OFFICE BUILDING

A building used for conducting the affairs of a business, profession, service, industry or government, or like activity, but not for manufacture, storage or sale of goods except by sample.

#### OFFICE PARK

A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

#### OFF-SITE

Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or within a contiguous portion of a street or right-of-way.

#### OFF-STREET PARKING SPACE

A storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located within a street right-of-way.

#### OFF-TRACT

Not located on the property which is the subject of a development application, nor located on a contiguous portion of a street or right-of-way.

#### ON-SITE

Located on the lot in question.

#### ON-STREET PARKING SPACE

A temporary storage area for a motor vehicle which is located within a street or right-of-way.

#### ON-TRACT

Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

#### OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.



## OUTDOOR STORAGE

The keeping, in an unroofed area of any goods, material, merchandise, or vehicles in the same place for more than twenty-four hours.

## PARAPET

The extension of the main walls of a building above the roof level. No parapet wall shall exceed four (4) feet in height.

## PARCEL

A lot or tract of land.

## PARKING AREA

Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

## PARKING AREA, PRIVATE

Any open area being part of the same lot or tract on which is erected a building or structure used for the temporary storage of automobiles and other vehicles for the private use solely by the occupants thereof to which such use is accessory.

## PARKING AREA, PUBLIC

Any open area other than a street or other public way used for the temporary storage of automobiles and other vehicles and available to the public, whether for a fee or without compensation, or as an accommodation for clients, customers or employees.

## PARKING SPACE

An off-street space available for the parking of one (1) motor vehicle in accordance with the terms of this ordinance.

## PENNANT

Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

## PENTHOUSE

An enclosed structure above the roof of a building, other than a roof structure or bulkhead, occupying not more than 33 1/3 percent of the roof area.

## PERFORMANCE STANDARDS

Standards adopted by this ordinance regulating noise level, glare, earthborn or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and flammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the City of Hackensack, or standards required by applicable Federal, state or interstate law or municipal ordinance.

#### PERMITTED USE

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

#### PERSON

Any individual, association, partnership, corporation or cooperative group.

#### PERSON WITH HEAD INJURY

A person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which result in a temporary or permanent psychobiological decrease of mental cognitive behavioral social or physical functioning which causes partial or total disability.

#### PLAN

The provisions for development of a planned development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, public or private streets, ways and parking facilities, open space and public facilities. The phrase "provisions of the plan," when used in this chapter, shall mean the written and graphic materials referred to in this development.

#### PLANNED COMMERCIAL DEVELOPMENT OR SHOPPING CENTER

An area of a minimum contiguous size as specified in this ordinance to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate commercial or office uses, or both.

#### PLANNED DEVELOPMENT

Includes planned unit development, planned residential development, planned commercial development or planned industrial development.

#### PLANNED INDUSTRIAL DEVELOPMENT

An area of minimum contiguous size as specified in this ordinance to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate industrial uses.

#### PLANNED RESIDENTIAL DEVELOPMENT

An area with a specified minimum contiguous acreage to be developed as a single entity according to a plan containing one (1) or more residential clusters, which may include appropriate public or quasi-public uses all primarily for the benefit of the residential development.

#### PLANNING BOARD

The Planning Board of the City of Hackensack.

#### PLAT

A map or maps of a subdivision or a site plan.

#### PLAZA

An open space which may be improved and landscaped usually surrounded by streets and buildings.( See COURT. )

#### POOL HALL OR BILLIARD HALL

A group of more than two (2) pool tables or billiard tables available for use by the public in the same place, location or premises constituting a principal or accessory use. Establishments selling or displaying for sale pool tables or billiard tables shall not be considered a pool hall or billiard hall if such are not available for use by the public.

#### PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS

Any tower or antenna for which a building permit or conditional use permit has be properly issued prior to the effective date of this ordinance including permitted towers or antenna that have not been constructed so long as each approval is correct and not expired.

#### PORCH

A roofed open area, which may be glazed or screened, attached to or part of and with direct access to or from a building.

#### PRIMARY STREET

The street faced by the main entrance of a principal building.

#### PRINCIPAL USE

The primary or predominant use of a lot.

#### PROCESSING

A series of operations, usually in a contiguous and regular action or succession of actions, taking place or carried on in a definite manner.

#### PROFESSIONAL AND BUSINESS OFFICE

A use or uses conducted entirely within a structure for the purpose of providing a professional service or conducting a business office therein, restricted solely to administrative office activities, specifically excluding the sale or transfer of any physical products or goods from the site.

#### PROFESSIONAL, RESIDENT

Includes the following : architect, accountant, dentist, surgeon or physician, engineer, land surveyor, lawyer, or professional planner, provided that the professional person owns and makes the premises his or her principal residence and domicile and the professional use does not exceed thirty percent (30%) of the floor area.

#### PROHIBITED USE

A use that is not permitted in a zone district.

**PRINCIPAL BUILDING ENTRANCE** - The place of ingress and egress used or designed to be used most frequently by building users.

**PSYCHIC READER**

A reader who advises clients by professing to tell past, present or future events. through extraordinary spiritual insight or by perceiving another's thought. The term "psychic reader" includes the term card reader," "crystal gazer," "fortuneteller," "mind reader," "palmist" and "tea-leaf reader."

**PSYCHIC STUDIO OR ROOM**

A room used primarily for conducting the business of psychic reading.

**PUBLIC AREAS**

Includes public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

**PUBLIC DRAINAGE WAY**

The land reserved or dedicated for the installation of storm water sewers or drainage ditches or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation, and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen nonpoint pollution.

**PUBLIC OPEN SPACE**

An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency, or other public body for recreational or conservational uses.

**PUBLIC UTILITY FACILITIES**

Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

**PUBLIC WAY**

Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use that has a clear width and height of not less than 10 feet.

**RECHARGE**

The process of renewing underground water by infiltration during wet seasons.

**RECREATIONAL FACILITY, COMMERCIAL**

A recreation facility operated as a business and open to the public for a fee.

#### RECREATIONAL FACILITY, PERSONAL

A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

#### RECREATIONAL FACILITY, PRIVATE

A recreation facility operated by a non-profit organization, and open only to bona fide members and guests of such nonprofit organization.

#### RECREATIONAL FACILITY, PUBLIC

A recreation facility operated by a governmental agency and open to the general public.

#### RECREATIONAL VEHICLE

A transportation structure, self-propelled or capable of being towed by a passenger car, station wagon or small pickup truck or panel truck, of such size and weight not to require any special highway movement permits and primarily designed or constructed to provide temporary, movable, living quarters for recreational, camping or travel use, but not while so parked, stored or garages in the City of Hackensack and not for any commercial purposes or for profit. The term "recreational vehicle" shall be limited to the following:

A. Travel trailers or fifth-wheel trailers which are defined as portable structures built on a chassis with wheels as an integral part to make them mobile and intended to be towed by passenger cars, station wagons and/or light pickup trucks or panel trucks, but not including truck tractors of any type. The maximum length of any travel trailer or fifth-wheel trailer which may be parked or stored unenclosed in the rear yard of any residential lot is twenty-eight (28) feet.

B. Camping trailers which are trailers, the walls of which are so constricted as to be collapsible and made of either canvas or similar cloth or rigid material such as fiber glass, plastic or metal. Camping trailers are mounted on wheels and designed for travel and recreation use.

C. Pickup campers or truck caps which are recreational structures designed to be mounted in the bed of light pickup trucks and are designed for travel, storage or recreational use.

D. Motor homes which are constructed with a truck or motor-van chassis and incapable of being separated there from. The maximum length of any motor home which may be parked or stored unenclosed in the rear yard of any residential lot is twenty-eight (28) feet.

E. A boat or snowmobile, or boat or snowmobile trailer. A boat or snowmobile trailer is a vehicle on which a boat or snowmobile may be transported and which is towable by a passenger car, station wagon, light pickup or panel truck or mobile home. The maximum length of any boat which may be parked or stored unenclosed in the rear yard of any residential lot is twenty-eight (28) feet.

## REPAIR

The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

## RESEARCH LABORATORY

An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

## RESIDENTIAL CLUSTER

An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

## RESIDENTIAL DENSITY

The number of dwelling units per gross acre of residential land area, including streets, easements, detention, retention and water quality basins and open space portions of a planned development.

## RESTAURANT

A building or structure designed, used or intended for use in which food and beverage are sold and consumed primarily within the confines of an enclosed structure on the site, with seating and serving capacity for not less than thirty (30) persons and with public floor area of not less than six hundred (600) square feet. A "restaurant" shall not include refreshment stands commonly called snack or dairy bars where consumption takes place outside of the structure or in automobiles parked upon the premises, whether brought to said automobile by the customer or by employees of the establishment. A "restaurant" shall also include pickup or delivery services wherein food is prepared on the premises for off-premises consumption. Cafes, coffeehouses and cyber cafes, which provide Internet access, are restaurants.

## RESTAURANT, CARRY-OUT

An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended to be consumed off the premises, and where the consumption of food in vehicles on the premises is not permitted.

## RESTORATION

The replication or reconstruction of a building's original architectural features.

## RESUBDIVISION

"Resubdivision" means (1) the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and as to combine existing lots by deed or other instrument.

#### RETAIL STORE

A store where goods are sold directly to the consumer for personal or household use, with or without incidental processing on the premises. Any establishment which requires a club membership or fee payment to permit entry to the establishment for the sale of goods or services shall be considered a retail establishment, whether or not the words "wholesale or warehouse" appear in the name of the establishment.

#### RETAINING WALL

A structure constructed to hold back or support an earthen bank.

#### RETENTION BASIN

A facility that provides permanent storage of excessive surface runoff, such as a pond, pool or basin.

#### REVIEWING BOARD

Either the Planning Board of the City of Hackensack or the Zoning Board of Adjustment, depending upon which agency has jurisdiction over the application under consideration.

#### RIGHT-OF-WAY

A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

#### RINGELMANN CHART

A device used to measure the opacity of smoke emitted from smoke stacks and other sources.

#### SATELLITE ANTENNA

A reflective dish structure which is designed for the purpose of receiving television, radio, microwave, satellite or similar signals and serves as an accessory structure to a principal permitted structure or use.

#### SEALAND TYPE CONTAINER

An aluminum or steel shipping container, either insulated or non insulated, which come in several sizes ranging from twenty to forty feet in length.

#### SCHOOL

Includes public and parochial (religious) institutions of learning for grades kindergarten through 12th grade, but shall not include institutions of higher learning, colleges, trade schools, vocational schools or nursery schools, nor shall it include schools for specialized training because of the mental or physical status of the prospective students.

#### SETBACK

The distance between the street right-of-way line and any part of the building.

#### SETBACK LINE

The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal building must be erected or placed.

#### SHOPPING CENTER

A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

#### SIDEWALK

A paved, surfaced or leveled area used as a pedestrian walkway.

#### SIGHT TRIANGLE

A triangular shaped portion of land established at street intersections or intersections of driveways and streets in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

#### SIGN

Includes any device, either freestanding or attached to a building or structure or erected, painted or represented or reproduced upon or in (to the extent provided herein) any building or structure which displays, reproduces or includes any letter, word, name, number, model, insignia, emblem, design, device or representation used for one or more of the following purposes: to identify the premises or occupant or owner of the premises; to advertise any trade, business, profession, industry, service or other activity; to advertise any product or item; to advertise the sale or rental or use of all or part of the premises, including that upon which it is displayed; to direct vehicular or pedestrian traffic, other than state, county or municipal highway and roadway markers; and shall include any announcement, declaration, demonstration, display, illustration, insignia or any representation used to advertise or intended to advertise or promote the interests of any person. In no event shall the word "sign" be construed to mean any sign in the interior of any structure except as specifically set forth in this ordinance.

#### SIGN, ADVERTISING (BILLBOARD)

An advertising sign is a sign which directs attention to an individual, business, product or service conducted, sold, leased or offered elsewhere than on the premises where the sign is located. For the purpose of this Ordinance, a billboard shall be considered an advertising sign.

#### SIGN, AREA OF

The area of a sign is that area included within the frame or edge of the sign. Where the sign has no such frame or edge, the area shall be the minimum area which can be defined by an enclosed four (4) sided (straight side) geometric shape which most clearly outlines the said sign.

#### SIGN, AREA IDENTIFICATION

A sign used to identify a common area containing a group of structures, or a single structure on a minimum site of five (5) acres, such as residential subdivisions, apartment complexes, industrial parks, mobile home parks, or shopping centers; located at the entrance or entrances of the area,



and including but not limited to a fence, wall, archway, post or column, with the letters or symbols affixed thereto.

#### **SIGN, BANNER**

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.

#### **SIGN, BUSINESS**

A business sign is a sign used to identify either the trade, business, industry, or profession being conducted on the premises. Logo identification which is used to advertise a product, such as but not limited to "Coca Cola" or "We Sell Kodak Film", shall not be deemed to be a permitted business sign, except that personal logos, not to be used to advertise a product, shall be permitted.

#### **SIGN, CLOSED**

A sign in which more than 50 percent of the entire area is solid or tightly enclosed or covered.

#### **SIGN, DIRECTIONAL OR INFORMATIONAL**

A directional or informational sign is a non-advertising sign that directs attention to vehicular or pedestrian entrances or exits, parking areas, reserved parking spaces or similar site elements and is intended only for the safety and convenience of employees, patrons or visitors. No directional or informational sign shall exceed three square feet in area.

#### **SIGN, FLAG**

A sign that is mounted on a freestanding pole or other support, made of cloth, canvas, fabric or like material designed or intended to advertise, identify or attract attention to a business organization, service or event. National flags are not considered "flag signs" and are not prohibited by this ordinance.

#### **SIGN, FLASHING**

A flashing sign is an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

#### **SIGN, FREE-STANDING**

A free standing sign is a sign having not more than two display sides which is attached to or part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or structure whether portable or stationary.

#### **SIGN, GROUND**

A sign supported by uprights or braces in or upon the ground surface.

#### **SIGN, HEIGHT**

The height of a free-standing sign shall be measured from the ground surface beneath the sign to the highest point of the sign.

#### **SIGN, ILLUMINATED**

Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign proper.

#### **SIGN, MARQUEE**

A sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

#### **SIGN, MOVING**

A moving sign is a sign which rotates or shifts, or appears to rotate or shift position.

#### **SIGN, OPEN**

A sign in which at least 50 percent of the enclosed area is uncovered or open to the transmission of wind.

#### **SIGN, POLITICAL**

A political sign is a sign containing a statement about or endorsement of, any public issue or candidate(s) for public office.

#### **SIGN, PORTABLE**

A sign usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

#### **SIGN, PROJECTING**

A display sign which is attached directly to the building wall, and which extends more than six inches from the face of the wall.

#### **SIGN, REAL ESTATE**

A real estate sign is a sign placed upon a property for the purpose of advertising to the public the sale or lease of the property placed thereon.

#### **SIGN, ROOF**

A sign which is erected, constructed and maintained wholly upon or over the roof of the building, with the principal support on the roof structure.

#### **SIGN. TEMPORARY**

A sign constructed of cloth, fabric or other lightweight temporary material with or without a structural frame intended for a limited period of display; including decoration displays for holidays or public demonstrations.

## SIGN, WALL

All flat signs of solid-face construction which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure so that the display surface is parallel with the plane of the wall. Signs painted on an exterior or a wall shall be deemed to be a "wall sign" subject to this ordinance.

## SITE

Any plot or parcel of land or combination of contiguous lots or parcels of land.

## SITE PLAN

A development plan of one or more lots on which is shown (1) the existing and proposed condition of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways, (2) the location of all existing and proposed buildings, drives, parking spaces, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed determination.

## SLOPE

The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

## SMOKE

Solid particles generated as a result of the incomplete combustion of materials containing carbon.

## SOIL

All unconsolidated mineral and organic material of whatever origin that overlies bedrock and can be readily excavated.

## SOLAR ACCESS

A property owner's right to have the sunlight shine on the owner's land.

## STEEP SLOPE

Land areas where the slope exceeds fifteen percent.

## STORMWATER DETENTION

Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, porous pavement, dry wells or any combination thereof.

## STORY

That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above.

## STORY, ABOVE GRADE

Any story having its floor surface entirely above grade except that a basement shall be considered as a story above grade when the distance from grade to the finished surface of the floor above the basement is more than 6 feet (1829mm) for more than 50 percent of the total perimeter or more than 12 feet (3658mm) at any point.

### STORY, HALF

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

### STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway or which is shown upon a plat heretofore approved pursuant to law or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant of such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

### STREET LINE

The dividing line between a street right-of-way and a lot.

### STRUCTURE

A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

### SUBDIVISION

"Subdivision" means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this act, if no new streets are created : (1) divisions of land found by the planning board or subdivision committee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are 5 acres or larger in size, (2) divisions of property by testamentary or interstate provisions, (3) divisions of property upon court order, including but not limited to judgments of foreclosure, (4) consolidation of existing lots by deed or other recorded instrument and (5) the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision."

### SUBDIVISION, MAJOR

Any subdivision not classified as a minor subdivision.

### SUBDIVISION, MINOR

A subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision provided that such subdivision does not involve (1) a planned development, (2) any new street, or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to section 30 of the Municipal Land Use Law.

#### SUPERMARKET

A retail establishment primarily selling food as well as other convenience and household goods.

#### SWIMMING POOL

Any structure having a depth greater than two (2) feet and a water surface area in excess of two hundred fifty (250) square feet which is used for swimming, bathing or wading purposes.

#### TEMPORARY USE

A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

#### TENNIS COURT

An improved area used for playing tennis.

#### THEATER

A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

#### TOPOGRAPHY

The configuration of a surface area showing relative elevations.

#### TOWER

Any structure that is designed and constructed primary for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes including self-supporting lattices, towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

**TOWNHOUSE** A building or structure designed for or occupied by no more than one (1) family or household and attached to other similar buildings or structures by not more than (2) party walls extending from the foundation to the roof and providing two (2) direct means of access from the outside. Furthermore, each such dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse. For the purpose of this chapter, a townhouse may include a building or structure in a fee simple, condominium, cooperative or leasehold ownership or any combination thereof.

#### UNDEVELOPED OR UNIMPROVED LAND

Land in its natural state before development.

#### UNIQUE NATURAL FEATURES

That part of the natural environment which is rare or not duplicated in the community or region.

## USE

The specific purpose for which land or a building, structure or facilities is designed, arranged or intended or for which it is or may be occupied or maintained.

## VARIANCE

Permission to depart from the literal requirements of this zoning ordinance pursuant to the Municipal Land Use Law.

## VEGETATIVE PROTECTION

Stabilization of erosive or sediment producing areas by covering the soil with permanent or short-term seeding, mulching, or sodding.

## WADING POOL

An above-ground or inground structure containing less than twenty-four inches of water.

## WAREHOUSE

A building used primarily for the storage of goods and materials.

## WAREHOUSING

Terminal facilities for handling and storing freight without the maintenance of vehicles.

## WINDOW

Includes any opening in the exterior wall or roof of any structure for the purpose of admitting air or light, whether or not covered with glass, plastic or other covering.

## WINDOW SPACE

Includes the aggregate square footage of all windows on any given story of any structure, regardless of the angle or angles at which they are set. In computing window space there shall be included all portions of any door which contains a window.

## YARD

An open space which lies between the principal or accessory building or buildings and the nearest lot line which is unoccupied and unobstructed from the ground upward except as herein permitted.

## YARD, FRONT

A yard extending across the full width of the lot between the front lot line and the principal building, unoccupied and unobstructed from the ground upward except as may be specified elsewhere in this chapter. The depth of the front yard shall be measured parallel to and at right angles to the front lot line.

## YARD, REAR

A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building. The depth of the rear yard shall be measured parallel to and at right angles to the rear property line.

#### **YARD, SIDE**

An open, unoccupied space between the side line of the lot and the nearest line of the principal building extending from the front to the rear yard. The width of the side yard shall be measured parallel to the side line of the lot.

#### **ZERO LOT LINE**

The location of a building on a lot in such a manner that one or more of the buildings side rests directly on a lot line.

#### **ZONE**

A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.( See DISTRICT. )

#### **ZONING**

The division of a municipality into districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

#### **ZONING BOARD**

The Board of Adjustment of the City of Hackensack as continued under this chapter.

#### **ZONING MAP**

The Zoning Map of the City of Hackensack, New Jersey, prepared by Kasler Associates, P.A., [dated May 10, 2005] last revised August 7, 2006 together with all amendments subsequently adopted.

#### **ZONING PERMIT**

A document signed by the Administrative Officer (1) which is required by this chapter as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion, or installation of a structure of building, and (2) which acknowledges that such use, structure, building complies with the provisions of this chapter or variance there from duly authorized by the Planning Board, Board of Adjustment, or the governing body, as the case may be.

### **ARTICLE III**

### **ESTABLISHMENT OF DISTRICTS; ZONING MAP**

#### **175-3.1 DISTRICTS DESIGNATED**

For the purpose of this chapter, the City of Hackensack is hereby divided into the following types of districts, differentiated according to use, area and bulk regulations, designated as follows:

ZONE DESIGNATIONS	ZONE DESCRIPTION
R-100	Single-Family Residential
R-75	Single-Family Residential
R-60	Single-Family Residential
R-50	Single-Family Residential
R-2	Single and Two-family Residential
R-2A	Single, Two-Family and Garden Apartment
R-2B	Single, Two-Family and Townhouse
R-3A	Median Density Multi-Family Residential
R-3B	Medium Density Multi-Family and Offices
R-3	High Density Multi-Family Residential
HCS	Health Care Services
B-1	Neighborhood Business
B-2	Central Business District
B-2A	Mixed Use District
B-3	General Business
B-4	Regional Shopping
B-5	Community Shopping
UN	University Office
HRO	High Rise office
O	Office
M1	Manufacturing
M2	Manufacturing
OD	Overlay District

### **175-3.2 ZONING MAP**

The location and boundaries of said districts are hereby established on the Zoning Map of the City of Hackensack, prepared by Kasler Associates, PA, last revised August 7, 2006 as may be amended or supplemented, which is hereby made a part of this Chapter. Said map or maps and all notations, references and designations shown thereon shall be, as such, a part of this Chapter as if the same were all fully described and set forth herein.

### **175-3.3 INTERPRETATION OF BOUNDARIES**

A. Designation of zone boundaries. The zone boundary lines are intended generally to follow the center lines of streets; the center lines of railroad rights-of-way; existing lot lines; the center lines of rivers, streams and other waterways; and municipal boundary lines. When a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a specific dimension expressing its distance, in feet, from a street line or other boundary line as indicated.

B. Determination of doubtful lines. In cases of uncertainty or disagreement as to the true location of any zone boundary line, the determination thereof shall lie with the jurisdiction of the Board of Adjustment.



C. Where a district boundary line is shown as approximately parallel to a street or highway, such boundary shall be construed as being parallel thereto and at such distance from the nearest right-of-way line as indicated on the Zoning Map.

### **175.-3.4 REZONING OF CERTAIN LOTS / BLOCKS**

A. In order to effectuate portions of the City’s Master Plan, the City may from time to time re-zone certain lots / blocks provided that the ordinance is enacted to advance the general welfare and is consistent with the planning objectives of the City’s Master Plan and / or Re-Examination Report.

1. Block 531.01 Lot 1; Block 527 Lot 5.02 and Block 532.02 Lot 1, Said Property shall be re-zoned and designated as being within the B-2 Zoning District and the Principal Permitted Uses, Accessory Uses, Conditional Uses, bulk requirements and other requirements / restrictions shall be as set forth in the “Schedule of District Regulations – B-2 District” as set forth elsewhere in Chapter 175.

#### **175-3.4(A)(1)**

Block 531.01 Lot I; Block 527 Lot 5.02 and Block 532.02 Lot 1, Said Property shall be re-zoned and designated as being within the B-2A Zoning District and the Principal Permitted Uses, Accessory Uses, Conditional Uses, bulk requirements and other requirements / restrictions shall be as set forth in the "Schedule of District Regulations - B-2A District" as set forth within Chapter 175.

## **ARTICLE IV DISTRICT REGULATIONS**

### **175-4.1 SCHEDULES OF REGULATIONS**

The restrictions and controls intended to regulate development in each district are set forth in the attached schedules, which are supplemented by other sections of this Ordinance.

### **175-4.2 APPLICATION OF REGULATIONS**

Except as hereinafter otherwise provided:

A. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the district in which such building or land is located.

B. No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

C. No building or structure shall be erected, no existing building or structure shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or

reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.

D. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

E. No minimum off-street parking area or loading or unloading area shall be considered as providing off-street parking, loading or unloading for a use or structure on any other lot or parcel than the principal use to which it is ancillary, except as provided herein.

F. No commercial trailers, or vehicles used or intended for conveyance upon public highways either under their own power or by attachment to a motor vehicle or through other means of transportation, shall be used for the storage of any type of goods or materials on any premises in any zoning district within the City of Hackensack. Any commercial trailers or vehicles described in the preceding sentence shall be deemed to be used for storage purposes if the trailer or vehicle remains on the premises in excess of seven (7) days.

G. General Use Restriction Any use not specifically designated as a principal permitted use, an accessory use or a conditional use is specifically prohibited from any zone district in the City of Hackensack.

H. Number of Principal Residential Structures per Lot Restricted Every residential building or residential structure hereafter erected or structurally altered shall be located on a lot, and in no event, except in the case of garden apartments, apartment buildings and planned developments, shall more than one (1) principal building or structure and its accessory buildings be located on one (1) lot.

## **ARTICLE V**

### **SUPPLEMENTARY LOT, HEIGHT AND YARD REGULATIONS**

#### **175-5.1 LOT REGULATIONS**

##### **A. Existing Zone Lots of Record**

If two (2) or more lots or combinations of lots and portions of lots, developed or undeveloped, with continuous frontage in single ownership were of record on November 18, 1956, and if all or part of the lots do not meet the requirements for lot width and area established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining lots with width or area below the requirements stated in this chapter.

In any R-50, R-50, R-100 zone, only a one-family dwelling may be erected on a nonconforming lot of official record at the effective date of this chapter, irrespective of its area or width,

provided, however, that no adjacent or adjoining vacant land existed at the time of the effective date of this chapter which would create a conforming lot if all or part of said vacant lot were combined with the subject lot. No lot or lots in single-ownership hereafter shall be reduced so as to create one (1) or more nonconforming lots.

#### B. Lot Width

The minimum lot width shall be measured either at the required front yard setback line or at the front lot line as required for the district in which it is located. In cases of irregularly shaped lots whose sides are not parallel, where the lot width is measured at the required front yard setback line, the street frontage measured at the front lot line shall not be less than seventy-five percent of the minimum lot width required, provided the lot width measured at the required front yard setback line shall not be less than the minimum lot width specified in the zoning schedule for the district in which the lot is contained.

In case of irregularly shaped lots whose sides are not parallel where the lot width is measured at the front lot line, the width of the lot measured at the required front yard setback line shall not be less than eighty-five (85) percent of the required lot width measured at the front lot line.

#### C. Corner Lot

At all street intersections or the intersection of a street and a driveway, no obstruction exceeding thirty (30) inches in height above the established grade of the street at the property line, other than an existing building, post, column, hedge or tree, shall be erected, maintained or planted on any lot within the area bounded by the line drawn between the points along such street lot line twenty-five (25) feet distance from their intersection.

#### D. Through Lots

A through lot shall be considered as having two (2) street frontages both of which shall be subject to the front yard requirements of the zoning schedule of this chapter.

#### E. Required Area or Space Cannot Be Reduced

The area or dimension of any zone lot, yard, parking area, buffer zone or other space shall not be reduced to less than the minimum required by this chapter; and if already existing at less than the minimum required by this chapter, said area or dimension may be continued and shall not be further reduced.

#### F. Frontage Upon a Street

Every lot or parcel created by subdivision and every building built upon a lot shall provide frontage upon an approved and improved street in accordance with the street standards established by the City of Hackensack.

#### G. Lot Located in More than One Zone

For any lot which is located in more than one zone district, all yard, bulk and other requirements shall be measured from the zone district boundary line and not the true lot line.

### **175-5.2 HEIGHT REGULATIONS**

#### A. General Application

No building or structure shall have a greater number of stories or a greater number of feet than are permitted in the district where such building is located.

#### B. Permitted Exceptions

(1) The building height provision contained in this chapter shall not apply to churches, church spires, belfries, flagpoles, water towers, fire towers, chimneys, public buildings, standard radio or television antennas, or to necessary mechanical appurtenances or to parapet walls, except no parapet wall may extend more than four (4) feet above the maximum height of the building.

(2) The height of bulkheads, elevator enclosures or water tanks or other structures constructed upon the roof of a building and occupying in the aggregate less than twenty (20%) percent of the area of the roof upon which the same are located shall not be included as a part of the height of the building for the purpose of the regulations and restrictions of this chapter.

(3) All roof-top appurtenances shall be appropriately screened from all adjoining properties with architectural screening, the material color and composition of which shall be approved by the Planning Board.

#### C. Special Height Restriction

Notwithstanding any other provisions of this chapter, no building or structure shall exceed a height of 100 feet above mean sea level when located within a radius of 325 feet of the dome of the Bergen County Courthouse.

### **175-5.3 YARD REGULATIONS**

#### A. General

The area required in a yard at any given level shall be open and unobstructed from such level to the sky, except for the projections and encroachments identified in Section 175-5.3D.

#### B. Front Yard Requirements Affected by Official Map

Where any lot shall front on a street right-of-way which is proposed to be widened as indicated on the Official Map or Master Plan of the City of Hackensack, the front yard shall be measured from such proposed right-of-way line or easement line, if a dedication of right-of-way is not effectuated.

#### C. Side Yard Exceptions (Corner Lots)

Any corner lot delineated by subdivision after the adoption of this Ordinance shall provide a side street setback line which shall be equal to or greater than the minimum front yard setback requirements (See Section 175-5.3F(3))

#### D. Projection into Required Yards

Certain features may project into required yards as follows:

(1) Normal skylights and parapets above the bottom of such yard.

- (2) Ordinary projections of windowsills and belt courses to the extent of not more than four (4) inches.
- (3) Cornices and other ornamental features to the extent of not more than twelve (12) inches.
- (4) An open or lattice enclosed iron fire escape, fireproof outside stairway or solid-floored balcony to a fire tower to the extent of not more than six (6) feet into a yard or an inner court provided, however, that an open or lattice-enclosed iron fire escape may project not more than eight (8) feet into a yard or into an inner court when it does not occupy more than twenty percent (20%) of the area of such inner court.
- (5) Chimneys or flues may be erected within a side or rear yard to the extent of not more than six (6) feet, provided that they shall not obstruct ventilation.
- (6) Patios may be located in any side or rear yard, provided that they are not closer than five (5) feet to any property line.
- (7) Self-supporting walls and fences may project into any required yard, provided that any accessory retaining wall or fence is not higher than four (4) feet in height and shall not obstruct automobile visions.

**E. Side Yard Requirements in All Non-Residential Areas**

No building or group of attached buildings shall have an aggregate front building wall in excess of eighty (80) percent of the actual lot width in all non-residential zones of the City of Hackensack; excluding the B-2 and M-1 zones.

**F. Delineation of Required Yard Setbacks**

**(1) Interior Lot, Frontage Upon One Street**

An interior lot containing frontage upon an improved and approved street will contain a front yard, two side yards and a rear yard.

**(2) Interior Lot, Frontage Upon Two Streets**

An interior lot containing frontage upon two improved and approved streets ( a through lot ) shall contain two required front yards and two required side yards.

**(3) Corner Lot, Frontage Upon Two Streets**

A corner lot, containing frontage upon two improved and approved streets shall contain two required front yards, one side yard and one rear yard. The required side yard will be located opposite the more

narrow of the two lot widths. In the event the two lot widths are equal, the lot shall contain two front yards and two rear yards.

**(4) Lot Containing Three Frontages**

A lot containing frontage upon three improved and approved streets shall contain three required front yards. The fourth required setback shall be a required rear yard setback.

**(5) Three Sided Triangular Shaped Lot**

A three-sided triangular shaped lot shall contain a required front yard and two required rear yard setbacks.

**(6) Multi-Sided Lots**

A lot consisting of multiple dimensions in which a front or rear yard cannot be established shall be considered to contain all side yard setbacks.

**G. Paving of Required Yard Areas** For a one or two-family dwelling abutting a public street, no front yard, side yard or rear yard shall be paved in excess of twenty (20) feet in width, and in no

case shall paving in the front yard, side yard or rear yard abutting a public street exceed fifty percent (50%) of the area of said front yard, fifty percent (50%) of said side yard abutting a public street or fifty (50) percent of said rear yard abutting a public street, unless such additional paving is otherwise permitted by this chapter. The curb cut shall not exceed the width of the driveway. For all other uses, no required front yard, side yard, or rear yard shall be paved except to allow driveway aprons to a public street or another approved parking area from an approved parking area. All required yard areas shall be appropriately landscaped so as to encourage the absorption of on-site water.

**H. Unenclosed Balconies, Porches and Steps**

Unenclosed balconies or unenclosed porches or steps may have a roof over same within the yard areas not to exceed the sizes listed:

YARD	MAXIMUM PROJECTION ( FEET )	MAXIMUM AREA ( SQUARE FEET )
Front	5	35
Side	3	25
Rear	5	30

Multiple-family dwellings may have one (1) canopy or porch at ground level which shall not exceed seven hundred (700) square feet and which shall have a minimum setback of eight (8) feet. Said canopy or porch shall not contain any walls but shall be restricted to a roof and supporting columns only.

**175-5.4 MAXIMUM LOT COVERAGE**

A. The maximum percentage of lot coverage by buildings or structures and the required area of front, rear and side yards shall be as noted in the Schedule of District Regulations.

B. Where a lot is developed for use by dwelling units for three (3) or more families, the maximum coverage of the Schedule of District Regulations shall apply solely to the principal building. In addition thereto, accessory buildings may be constructed, provided that the accessory building or buildings do not occupy more than fifteen percent (15%) of the total land area; provided, however that accessory buildings constructed below the grade of the primary street shall be excluded when determining the maximum percentage of land coverage.

C. All accessory buildings shall be computed with principal building in determining the coverage of the land.

**175-5.5 NUMBER OF BUILDINGS RESTRICTED**

Every residential building or residential structure hereafter erected or structurally altered shall be located on a lot, and in no event, except in the case of garden apartments, apartment buildings, townhouse developments that do not involve creation by subdivision of individual townhouse

lots, shopping centers and office building complexes, shall there be more than one (1) principal building or structure and its accessory buildings on one (1) lot.

### **175-5.6 PROXIMITY OF BUILDINGS TO SURFACE WATERS AND WETLAND AREAS**

A. No building or structure shall be erected on any lands abutting the Hackensack River south of Anderson Street to the Little Ferry border with a setback of less than fifty (50) feet from the pier and bulkhead line as established on the maps of the State of New Jersey, Board of Commerce and Navigation, Sheets 68, 68A, 69, 70, 71, 72 and 73.

B. Every development application shall include suitable provision for a pedestrian walkway along the bank of the Hackensack River. Said walkway shall consist of a minimum thirty (30) foot easement area and a minimum sixteen (16) foot travel lane. Where NJDEP requires a minimum walkway width greater than that set forth above, their requirement shall apply. Within the thirty (30) foot easement area there shall be landscaping and lighting in addition to the travel lane. Suitable access to said walkway shall be provided to enable its use by all borough residents.

C. No parking area, driveway or other paved areas shall be placed upon any lands referred to above with a setback of less than twenty-five (25) feet from the pier and bulkhead line as established by the State of New Jersey, Board of Commerce and Navigation, Sheets 68, 68A, 69, 70, 71, 72 and 73.

D. The Planning Board shall review all site plans which involve improvements set forth in Subsections A and B above with respect to finished grades, landscaping and treatment of riverbanks where said projects are to be constructed. Section 175-5.6.

E. Any parcel within any zone of the City of Hackensack shall minimally maintain a dimension equal to the respective front, side or rear yard measured from the exterior walls of any building to the nearest body of a river, lake stream, brook, wetland or wetland buffer area unless a greater dimension is required by this Ordinance.

## **ARTICLE VI SUPPLEMENTARY USE REGULATIONS REGULATIONS GOVERNING CERTAIN PERMITTED USES**

### **175-6.1 ANIMAL HOSPITALS AND ANIMAL KENNELS.**

Animal hospitals and kennels shall be located no closer than two hundred (200) feet to any residential zone line. Such facilities shall be maintained in an enclosed structure and shall be of soundproof construction and so operated as to produce no objectionable odors at the property line. Open kennels, exercise pens or runways shall not be located closer than four hundred (400) feet to any property line and shall be subject to noise and odor controls established for an enclosed building. Open kennels, pens or runways shall not be located within a wetland area, wetland buffer or flood hazard area.

**175-6.2 COMMUNITY BUILDINGS, CLUBS, SOCIAL HALLS, LODGES, FRATERNAL ORGANIZATIONS AND SIMILAR USES.**

All buildings shall be setback a minimum of twenty (20) feet from any property line, except where greater distances are otherwise required herein.

**175-6.3 COMMUNITY RESIDENCES**

Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential districts of Hackensack and the requirements therefore shall be the same as for single family dwelling units located within such district.

**175-6.4 GARDEN APARTMENT USES.**

A. Density Requirements

The maximum number of dwelling units per acre for garden apartments shall be determined by the following schedule.

DENSITY REQUIREMENTS FOR GARDEN APARTMENTS  
City of Hackensack, New Jersey

NUMBER OF ROOMS PER DWELLING UNIT EXCLUSIVE OF KITCHEN AND BATHROOM	MINIMUM LOT AREA PER DWELLING UNIT (SQ.FT.)	MAXIMUM NUMBER OF UNITS PER ACRE
1	1,975	22
2	2,560	17
3	3,351	13
4	4,356	10
5 or more	5,445	8

In determining the maximum number of dwelling units permitted, where the number of rooms in dwelling units varies, a weighted proportion of each type to the total distribution shall be utilized.

B. Maximum number of dwelling units per grouping.

Each building shall contain no more than eight (8) dwelling units, and in attached buildings not more than twenty-four (24) dwelling units, with no portion of the building below the first story used for dwelling purposes, except that a basement where the floor is not more than three (3) feet below grade may contain living quarters for the building superintendent and his family. The maximum length of any garden apartment building shall not exceed one hundred sixty (160) feet. The building design shall be accessible to emergency vehicles.



C. Courts.

Where a court is provided, it shall have dimensions the minimum of which shall be forty (40) feet.

D. Recreation space.

There shall be provided on the site of such development an area or areas of not less than one hundred (100) square feet of recreation space for each dwelling unit but in no case shall there be less than two thousand (2,000) square feet devoted to joint recreational use by the residents thereof. Such recreation space shall be appropriately located in other than a front yard and shall be required to be developed with passive and/or active recreational facilities.

E. General landscaping requirements.

Unenclosed use or area may be required by the Planning Board to be landscaped and provision, when deemed necessary, shall also be made for landscaping in accordance with Section 175-9.2 herein.

F. Other Required Conditions.

All performance and design standards established herein shall be complied with where applicable.

**175-6.5 MID-RISE, HIGH RISE AND GARDEN APARTMENTS**

A. Maximum front yard depth for all types of apartment construction shall be three hundred (300) feet, with an approved Fire Department standpipe system if the building front setback exceeds two hundred (200) feet.

B. Each separate garden apartment or apartment building shall have frontage upon a public street.

C. The percentage of bedrooms permitted in any type of apartment three (3) stories or less in height shall be determined at the rate of not more than one (1) bedroom for the first seventy percent (70%) of the total number of dwelling units ( including efficiency units ). The remaining thirty percent (30%) of dwelling units are not limited as to the number of bedrooms permitted.

D. The minimum distance between any two (2) or more apartment buildings on the same property shall be twenty-five (25) feet or one (1) foot of open space for every four (4) feet of building height, whichever is the greater.

E. No driveway servicing either an entrance or porch for an apartment building which has a setback of less than forty (40) feet shall be permitted in any front, side or rear yard abutting a public street.

F. Garbage, trash or other types of refuse-burning incinerators shall be prohibited as a secondary use in any apartment structure in any zone in the City of Hackensack.

G. Professional offices shall be permitted in multiple-family dwellings in multiple-family districts, provided that they meet the following requirements:

- (1) Not more than five percent (5%) of the original dwelling units can be used for this purpose.
- (2) No dwelling unit above the second floor level measured from grade shall be used for this purpose. This provision does not apply to model apartments or on-premises management offices.
- (3) Parking shall be provided at the rate of four (4) parking stalls for each one thousand (1,000) square feet of G.L.A. No office facility shall have less than four (4) designated parking stalls. Said parking stalls shall be designated with the name of the professional occupying the office space.

H. An accessory building above grade, when servicing a multiple-family dwelling, shall have a side yard and rear yard of five (5) feet if the accessory building is not more than twelve (12) feet high. If more than twelve (12) feet high, side and rear yards shall be provided at a height ratio of four to one (4:1) but in no case less than five (5) feet. Side or rear yards abutting a street shall be not less than the minimum required setback from such street as required for the principal building.

#### **175-6.6 HOTELS**

A. Minimum Habitable Room Area. Such uses shall have a minimum area for each unit of occupancy of three-hundred (300) square feet and shall include a minimum of one (1) bedroom and a shower or bath, sink and a water closet.

B. Off-Street Parking and Loading Requirements. Off-street parking and loading facilities shall be in accordance with the requirements established herein. Off-street parking shall not be permitted within thirty (30) feet of any street right-of-way line.

C. Accessory uses permitted and associated with hotels only shall include automobile rental establishments, banks, barber and beauty shops, book and stationery stores, confectionery and tobacco sales, florists, gift shops, newspaper stands, restaurants and travel agencies.

D. Minimum lot size. Such uses shall have a minimum lot area of one and one half (1.5) acres.

#### **175-6.7 NURSING AND CONVALESCENT HOMES.**

A. Area, bulk and yard regulations.

- (1) Minimum Lot Area: One and One Half (1.5) acres
- (2) Minimum Lot Area Per Patient Bed: One Thousand (1,000) square feet
- (3) Minimum Lot Width: One Hundred (100) feet
- (4) Minimum Lot Depth: One Hundred Fifty (150) feet
- (5) Maximum Lot Coverage: Twenty-Five Percent (25%)

(6) Maximum Improved Lot Coverage: Seventy Percent (70%)

(7) Maximum Building Height:

(a) Thirty-Five (35) feet

(b) Three (3) stories

(8) Minimum Yard Requirements:

	Principal Building (feet)	Accessory Building (feet)
Yard		
Front	40	40
Side, One	20	10
Side, Both	40	20
Rear	50	10

B. Courts. Where a court is provided, it shall have dimensions the minimum of which shall be forty (40) feet.

C. Recreational Space. There shall be provided on the site of such development an area or areas of not less than two thousand (2,000) square feet plus twenty (20) square feet per patient bed which shall be utilized for the recreational use of the patients therein.

## **175-6.8 TOWNHOUSES**

### **TOWNHOUSES ON INDIVIDUAL LOTS**

In the event a townhouse development site is subdivided into individual parcels for each townhouse unit, the development site shall still be permitted, subject to the following area, yard and bulk regulations for the entire townhouse development site and the individual townhouse lots:

*Required site dimensions prior to subdivision into townhouse lots:*

Minimum Lot Area	15,000 square feet
Minimum Lot Width	150 feet
Minimum Lot Depth	100 feet

*Post-subdivision requirements for entire townhouse development site:*

Max. Density	14 units per acre
Max. Improved Site Coverage	50%
Max. Lot Coverage	30%
Min. Side Yard from Property Line	15 feet
Max. Length of Building	6 dwelling units or 180 feet, whichever is lesser.

*Requirements for Individual Townhouse Lots:*

Max. Building Height	35 feet or 3 stories
Min. Yard Setbacks	
Front	25 feet
Side Yard (one)	---
Side Yard (both)	---
Rear Yard	20 feet

**175-6.9 PROHIBITED USES IN ALL ZONE DISTRICTS IN THE CITY OF HACKENSACK**

A. The following uses listed in Table 1 are not permitted, accessory or conditional uses and are prohibited in all zone districts in the City of Hackensack. This list is not exhaustive of all uses that are prohibited.

**Table 1  
Uses Specifically Prohibited**

- Acetylene gas manufacture or storage
- Adult day care centers
- Alcohol manufacture
- Ammonia, chlorine or bleaching powder manufacture
- Boarding Houses, Rooming Housing, and half way houses
- Bingo halls or bingo parlors or similar types of amusement establishments, except in halls owned and operated by churches and similar charitable organizations.
- Carousels, Ferris wheels, merry-go-rounds, roller coasters, miniature and practice golf courses, shooting galleries.
- Arsenals, storage or manufacture of gun powder, ammunition and blasting material
- Asphalt manufacture or refining
- Auction rooms; flea markets
- Auto laundries, except when operated in conjunction with a duly authorized new car agency and when located on the same property
- Automobile junkyards or wrecking yards
- Blast furnace, forge plants, rolling mills, foundry
- Boiler works
- Brick, pottery, tile or terra-cotta manufacture
- Celluloid or film manufacture or extraction of products therefrom
- Chemical manufacture or storage of chemicals having a flammable, explosive or toxic base or which have an odor.
- Cement, cinder block, lime, gypsum or plaster of paris manufacture
- Coke ovens
- Community drop-in centers or rehabilitation centers for those afflicted with drug abuse alcoholism, diseased, or mental illness.
- Cotton oil manufacture
- Disinfectant, insecticide or poison manufacture

Distillation of coal, petroleum, refuse, grain, wood or bone  
Dog pounds or animal shelters  
Dormitories, Fraternity or Sorority Houses  
Dye manufacture  
Dyeing establishments or carpet or rug cleaning establishments  
Emery cloth and sandpaper manufacture  
Establishments for the distribution of free food, toiletries, clothes, household goods, etc.  
including soup kitchens  
Explosives or fireworks manufacture and storage  
Fat-rendering plant  
Fertilizer manufacture  
Fish and meat: wholesale smoking or curing  
Freak shows or wax museums  
Open-front stores, restaurants or sidewalk cafés  
Glue, size, adhesive or gelatin manufacture  
Grain drying or food manufacture from refuse, marsh or grain  
House-wreckers yard or secondhand lumberyard  
Incineration, except publicly owned incinerators or accessory to an apartment building or  
hospital, reduction, storage or dumping of slaughter house refuse, rancid fats, garbage, dead  
animals or offal.  
Junkyards or the storage, sorting or bailing of junk, scrap iron, paper, bottles, metal or rags.  
Massage parlors and health clubs  
Match manufacture  
Motels, tourist camps or cabins; trailer camps or courts  
Oilcloth and linoleum manufacture  
Outdoor markets commonly known as "auctions" or "farmers markets" or other similar types of  
merchandising outlets  
Paint, oil, varnish, turpentine, shellac, enamel, japan, lacquer or solvents manufacture  
Paper pulp manufacture  
Parking, storing or garaging garbage, refuse or scavenger trucks in the B-1, B-2 , B-3  
M-1 or UN Zones; permitted in the M-2 zone if stored in a fully enclosed garage  
Petroleum refining  
Plastics manufacture or the manufacture of articles from plastic having an inflammable base  
Potash works  
Power forging, riveting, hammering, punching, chipping, drawing, rolling or tumbling of metals  
except as necessary incident of manufacture of which these processes form a minor part and  
which are carried on without objectionable noise audible beyond the limits of the lot.  
Printing ink manufacture  
Quarry, sandpits, gravel pits, topsoil stripping  
Raw hides or skins storage, cleaning, curing, pickling or tanning or retanning  
Rental of furnished apartments  
Rock or stone crusher  
Rubber, latex or gutta-percha manufacture or treatment  
Shoddy manufacture or wool scouring  
Slaughtering or wholesaling of animals or fowl

Smelting, smelters, and foundries  
Soap manufacture  
Starch, glucose or dextrin manufacture  
Steel furnace or rolling mill  
Stockyards  
Sugar refining  
Sulphurous, sulphuric, acetic, nitric, picric, carbolic or hydrochloric acid manufacture  
Tar distillation or manufacture  
Tallow, grease or lard manufacture or refining  
Tobacco manufacture or treatment  
Used automobile sales, except when operated in conjunction with a duly authorized new car agency and located on the same lot  
Use Group H-High hazard use as defined in the Building Code  
Yeast plant

**ARTICLE VII  
REGULATIONS GOVERNING CERTAIN ACCESSORY USES**

**175-7.1 ACCESSORY STRUCTURE REGULATIONS IN RESIDENTIAL DISTRICTS.**

A. Accessory structures which are not attached to a principal structure may be erected in one-half (1/2) of the required side yard setback or within the rear yard, except on the street side of a corner lot, provided that:

- (1) Accessory structures shall maintain the minimum yard requirements of the principal structure.
- (2) No accessory structure shall be located closer to the street right-of-way line than the required front yard setback of the principal structure.
- (3) No portion of an accessory structure shall be used for living quarters.
- (4) Accessory structures below grade shall have a minimum rear or side yard, when not abutting a street, of five (5) feet.

B. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this ordinance applicable to the principal building, including lot coverage.

C. No accessory building or structure shall be constructed or placed on any lot unless the principal building is first constructed or placed upon said lot.

D. No accessory structure shall be placed nearer than ten (10) feet from any principal building.

E. In all residential districts the height of an accessory building shall not exceed the one and one-half stories or a height of fifteen (15) feet.

F. Accessory buildings in the R-3 zone shall not exceed three (3) stories even if the principal building is in excess of five (5) stories. In no event shall the height of an accessory building in the R-3 zone exceed the height of the principal building.

G. In the R-3 District, the minimum height of a multiple-family dwelling shall be five (5) stories above grade and, for non-residential structures, a minimum of three (3) stories above grade, except that churches, synagogues and similar houses of worship need not exceed one (1) story in height above grade.

### **175-7.2 ACCESSORY STRUCTURE REGULATIONS IN NON-RESIDENTIAL DISTRICTS**

A. In any nonresidential district, no accessory structure or use shall be located closer to any lot line than five (5) feet. Said requirements shall not apply to retaining and decorative walls and fences, provided same do not exceed seven (7) feet in height.

B. Accessory structures below grade shall have a minimum rear or side yard when not abutting a street, of five (5) feet.

C. In any nonresidential district, no accessory structure shall be located closer to any lot line than is required for the principal building on such lot.

D. In any nonresidential district, the aggregate area covered by accessory structures shall not exceed twenty-five percent (25%) of the rear yard, exclusive of required buffer areas.

E. In any nonresidential district, all accessory structures shall be located no less than twelve (12) feet from the side or rear of the principal building.

F. In any nonresidential district, no accessory structure shall be located closer to the street right-of-way line than the required front yard setback of the principal structure.

G. When an accessory structure is attached to the principal building in all nonresidential districts, it shall comply in all respects with the requirements of this ordinance applicable to the principal building including lot coverage.

H. No portion of an accessory structure in any nonresidential district shall be used for living quarters.

I. In all non-residential districts, the height of the accessory structure shall not exceed two stories or twenty (20) feet.

J. Any garage structure whether attached to or detached from the principal building shall be treated as an accessory structure for purposes of building height.

### **175-7.3 ACCESSORY RETAIL SALES IN HOTELS**

A. The following accessory retail and service uses shall be permitted within hotels.

- (1) Banks
- (2) Barber and Beauty Shops
- (3) Book and Stationery Stores
- (4) Confectionery and Tobacco Sales
- (5) Dry Cleaning Establishments
- (6) Restaurants, Eating and Drinking Establishments
- (7) Florist Shops
- (8) Travel Agencies and Automobile Rental Services

B. All of the permitted accessory uses identified herein must be entirely contained within the hotel building. Direct access from the outside shall be prohibited. Such space shall have no exterior signs or other appurtenances of any kind whatsoever.

### **175-7.4 ACCESSORY RETAIL SALES IN OFFICE BUILDINGS**

A. The following accessory retail and service uses shall be permitted within office buildings, provided that they are located only on the first floor.

- (1) Banks
- (2) Barber and Beauty Shops
- (3) Book and Stationery Stores
- (4) Confectionery and Tobacco Sales
- (5) Newspaper Stands
- (6) Restaurants, Eating and Drinking Establishments that shall not be limited to any floor location.

B. All of the permitted accessory uses identified herein must be entirely contained within the building. Direct access from the outside shall be prohibited. Such space shall have no exterior signs or other appurtenances of any kind whatsoever.

### **175-7.5 FENCES.**

A. No fence or other manmade enclosure shall exceed six feet in height at any point, as measured from existing ground levels. In the case of commercial property that abuts a residential property, no fence or other manmade enclosure shall exceed seven feet in height except along the property line common to the residence, where the six-foot limit shall apply.

B. No fence coming within 15 feet of a corner at two intersecting streets shall exceed four feet in height, nor shall such fence be solid-surfaced.

C. No fence or enclosure shall exceed four feet in height on any portion of the front setback, as measured by a line extending from the front face of the prime structure to each side property line. Any property in question that borders on two streets, commonly known as a “corner property”,



shall also have the restriction of four feet as to the front yard setback, and, in addition, such restriction shall be applied to the street side setback up to a line extending from the rear face of the prime structure to the street side property line.

D. No fence or other enclosure shall be erected closer than 10 feet to the curblineline of the property.

E. All fences shall be installed or erected as close to the ground as possible. The total height of the fence may exceed six feet where otherwise permissible to conform to existing ground heights; provided, however, that 80% of the fence does not exceed the maximum height of the six feet. Decorative type structural posts may extend no more than 6" above the top of the fence.

F. Fences must be constructed with the face or finished side away from the property and the structural side toward the interior of the property.

G. Fences or other manmade enclosures shall be installed no closer than three inches to the property line. Living fences or screens shall be planted no closer than 12 inches to the property line. These provisions can be amended by the application submitted and agreement by both adjoining property owners to construct the fence, man-made or living, closer to or upon the common property line.

H. Fences shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be dammed so as to create ponding.

I. Fences or other enclosures shall be maintained in such a manner as to assure the structural integrity of the fence, to prevent all or portions of the fence from encroaching over the property line of adjoining owners, and shall be further maintained so as to prohibit an unsightly appearance to adjoining property owners. "Unsightly appearance" shall include the following:

1. Living fences that are not neatly trimmed so as to prevent leaves, branches or trunks from extending beyond the height limitations imposed under this chapter.
2. Living fences that are not neatly trimmed so as to prevent leaves, branches or trunks from growing beyond the property line over to the adjoining properties.
3. Painted fences or other enclosures whereon paint has chipped or peeled from more than 15% of the surface area of the fence.
4. Fence posts which have become loosened or which were installed in such a manner as to be leaning more than 5 degrees from the fence line.
5. In the case of picket fences, where more than 10% of the picket fences have fallen, been removed or rotted in any given ten-linear-foot section of such fence.
6. In the case of slatted or other solid-wall fences, where more than 10% of the surface of the fence has been removed, fallen or rotted in any given ten-linear-foot section of such fence.

J. The following fences and fence materials are specifically prohibited: barbed wire, chicken wire, pointed iron slats or pickets, canvas, cloth, fiberglass, poultry netting, electrically charged fences, temporary fences such as snow fences, except where necessary for active construction, and collapsible fences, except during active construction.

K. No fence shall be erected in such a manner so as to interfere with the public right-of-way or interfere with the visibility of vehicular and pedestrian traffic proceeding along any public right-of-way.

L. Masonry walls or enclosures shall not exceed four feet in height along any property line.

M. In the case of commercial property that abuts residential property, if cyclone fence construction is used along the common property line, the fence shall also include privacy inserted therein.

N. In business and manufacturing zoning districts cyclone-type fences surrounding nonresidential property may be erected to a height of seven feet on all property lines.

O. In all commercial districts, fences other than solid-surface fences, may be erected up to 14 feet in height when surrounding or upon lands of governmental facilities and buildings, public parks and playgrounds and public or parochial schools, including their accessory uses.

P. As provided under Section 175-7.11C a fence with a maximum height of ten (10) feet shall be permitted incidental to a tennis court.

#### **175-7.6 GARAGE OR YARD SALES.**

A garage or yard sale of goods and materials shall not be conducted more than once during any one (1) calendar year from the same residential premises, and any such garage or yard sale shall not exceed two (2) days in duration. All signs advertising the sale must be removed within 24 hours of the completion of the sale.

#### **175-7.7 OFFICE AND COMMERCIAL USES IN APARTMENT BUILDINGS**

A. Professional offices shall be permitted in multiple-family dwellings in multiple-family districts, provided that they meet the following requirements:

(1) Not more than five percent (5%) of the original dwelling units can be used for this purpose.

(2) No dwelling unit above the second floor level measured from grade shall be used for this purpose.

(3) Parking shall be provided at the rate of four (4) parking stalls for each one thousand (1,000) square feet of G.F.A. No office facility shall have less than four (4) designated parking stalls.

Said parking stalls shall be designated with the name of the professional occupying the office space.

B. Commercial services such as laundry facilities, valet services and convenience vending facilities, which are designed for the exclusive use of the residents therein shall be permitted. Laundry facilities may be located in any part of the building. All other commercial services shall be located in the basement and must be entirely contained within the building. Such space shall have no exterior signs or other appurtenances of any kind whatsoever which would tend to attract non-residents to such facilities.

### **175-7.8 OUTDOOR STORAGE AREAS.**

A. Outdoor storage uses, where permitted, shall not abut existing residential development, a residential street or any R District, and the operation thereof shall be governed by the following provisions:

(1) Flammable and Explosive Liquids

All flammable or explosive liquids, solids or gases shall be stored in appropriate containers as regulated by the Uniform Construction Code.

(2) Fencing and Setbacks

All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property.

(3) Deposit of Wastes

No material or wastes which might cause fumes or dust or which might constitute a fire hazard or which may be edible by or otherwise attractive to animals or insects shall be stored outdoors unless in closed containers.

B. The outdoor storage of material or equipment accessory to a permitted use in the M-1 and M-2 Districts shall not be located in the front yard or the required side yard abutting a street unless screened from view of such streets by a wall, fence or hedge. Such wall, fence or hedge shall not be closer to a street than the required setback for the principal building.

### **175-7.9 PERMANENT AND PORTABLE SWIMMING POOLS**

A. Permanent and portable swimming pools accessory to a residential use shall be erected on the same zone lot as the principal structure. Said pool may be erected in the side or rear yard of the zone lot. The wall of the swimming pool shall be located no closer than six (6) feet to a side or rear yard line or closer to a street than the principal building to which it is accessory, or within 10 feet of the principal building. All such pools shall be suitably fenced in accordance with the City of Hackensack requirements.

B. These regulations shall not apply to portable swimming pools which are less than two (2) feet in height and pool regulations set forth and adopted by the UCC.

### **175-7.10 PRIVATE GARAGES**

- A. Private garages shall be deemed to be accessory uses to a permitted principal use if it is located on the same lot or parcel as the principal use.
- B. Private garages shall be subject to regulations established herein.
- C. In any townhouse development, the driveway providing access to a private garage may be counted as a parking space provided that a minimum area of 10 feet in width and 20 feet in length is provided in the driveway area.
- D. Private garages shall only be utilized for the storage and security of motor driven vehicles. Private garages and carports shall not be utilized for the conduct of any business, service, or residency.
- E. Private garages shall be permitted as accessory uses in all residential zones either as a detached structure or as a part of the main building for the storage of automobiles and other permitted items owned by the occupants of the main building. Not more than one commercial vehicle which shall not exceed 10,000 pounds in gross vehicular weight shall be stored in said garage.

### **175-7.11 PRIVATE TENNIS & BASKETBALL COURTS.**

- A. Private tennis and basketball courts shall be permitted as an accessory use to a residential use provided it is constructed on the same lot or parcel as the principal use. Said courts may be erected only in the rear yard of the zone lot. No portion of the courts or fence area surrounding the courts shall be located closer than ten (10) feet to any adjoining property.
- B. No outdoor lighting shall be permitted in conjunction with said private courts unless it can be demonstrated that said lighting will be totally shielded from all surrounding residential land uses.
- C. A fence with a maximum height of ten (10) feet shall be permitted incidental to the tennis or basketball court.
- D. The court may be used only by the residents of the premises and their non-fee paying guests and shall not be used as a revenue generating operation.
- E. Development of a private tennis or basketball court on any residential property shall be subject to site plan approval by the Planning Board.

### **175-7.12 RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS**

- A. Any owner of a recreational vehicle, as defined by this ordinance, may park or store one (1)

such recreational vehicle upon premises on which the owner of such recreational vehicle resides in a residential district as follows:

(1) Within an enclosed building meeting all Building Code and Zoning Ordinance requirements.

(2) In the rear yard of the lot upon which such recreational vehicle is parked or stored and not closer to any side or rear lot line or other structure than required for an accessory building within such zoning district. However, in no case shall such recreational vehicle be located closer to a side or rear lot line than five (5) feet.

(3) No recreational vehicle parked or stored in a residential district in accordance with this section shall be used for any type of commercial or business use, nor shall it be registered with any motor vehicle department as a commercial vehicle.

(4) All such recreational vehicles must be kept in good repair and carry a current year's license and/or registration. No major overhaul or body work shall be permitted on any recreational vehicle when parked on the residential premises.

(5) No recreational vehicle shall be occupied or used for human habitation while parked or stored on any lot.

(6) No recreational vehicle shall have fixed connections to electricity, water, gas or sanitary sewer facilities.

B. Notwithstanding the above provisions, a recreational vehicle may be parked on a driveway in a residential district for the purpose of loading and unloading for a period not to exceed forty-eight (48) hours in any one (1) week.

### **175-7.13 RESIDENTIAL-PROFESSIONAL OFFICES.**

Residential-professional practice, provided that there is no depository of goods or advertising on the premises, except for the residential-professional's nameplate which may appear on the outside of the premises, and provided that the professional person resides at the location. A residential-professional is restricted to no more than 4 assistants other than members of his family, and provided further that no colleagues shall be allowed to practice within said structure.

### **175-7.14 SIGNS.**

#### **A. General Regulations**

(1) All signs erected within the City shall conform to this Chapter, including the schedule of Permitted Signs herein, and the Uniform Construction Code.

(2) No sign shall be erected or altered within the City of Hackensack without first obtaining a permit from the Construction Official of the City. A sign permit application shall include

structural drawings of how the sign is to be erected and electrical drawings of how the sign is to comply with the National Electric Code.

(3) Removal of Certain Signs : In the event that a business ceases to operate for a period of time in excess of ninety (90) days, the sign owner, lessee, or the property owner shall immediately remove any sign identifying or advertising the business or any product sold thereby; provided, however, this requirement shall not apply where under the provisions of this Ordinance an existing conforming sign may remain when evidence is presented to the Zoning Officer that a new business will be in operation on the premises within ninety (90) days. Upon failure to comply with this section, the appropriate City Official shall take the legal steps outlined in the enforcement sections of this Chapter. For the purpose of this Chapter, "removal" shall mean the dismantling and relocation from the site in question of the sign face, posts, supports, sign box and all other structural members of the sign.

(4) Sign Illumination : Direct illumination or backlighting shall not exceed seventy-five (75) foot candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the narrowest dimension of any sign.

(5) Glare. All signs shall be so designed, located, shielded and directed so as to prevent the casting of glare or direct light from artificial illumination upon streets, driveways and surrounding property.

(6) Exempt Signs. Exempt signs as provided herein shall be permitted within all zoning districts of the City of Hackensack.

(7) No sign shall be lighted so as to flash, blink or have a intermittent variable message.

(8) All signs hereafter erected in connection with nonresidential uses within all residential districts, where permitted, shall be limited to one (1) flat sign on the front wall of the building, not to exceed two (2) square feet.

## B. Signs, Permit Required; Issuance of Permit; Fees

### 1. Application

a. No sign shall be erected, altered, located or relocated within Hackensack except upon application and the issuance of a permit as hereinafter provided:

(1) Application for a permit for residential signs. Application for a permit for a sign for premises used for residential purposes shall be made in writing to the Zoning Officer and presented together with the appropriate filing fee. Such application shall be sufficient to describe the premises and the location at which the sign is to be affixed, together with a rendering of the sign, inclusive of its dimensions, design and color. There shall also be provided a statement as to the means by which said sign shall be constructed on the premises. The Zoning Officer shall act upon such application within fifteen (15) days of the receipt thereof.

(2) Application for a permit for nonresidential signs. Any sign associated with a change in occupancy or ownership necessitates an application for a sign permit. Application for a permit for a permitted nonresidential sign conforming to the regulations set forth herein shall be made in writing to the Zoning Officer. Such application shall be sufficient to describe the premises and location at which the sign is to be affixed and shall include at minimum the following items: The name and address of the applicant; The name and address of the owner of the premises; A statement as to whether the owner has consented to the application, if the applicant is other than the owner; A rendering to scale of the sign, reflecting its composition, colors, dimensions, elevation from grade level and lighting; the address of the premises; specification and location of all existing signs; the sight distances, in the case of freestanding signs, with relation to access ways to the premises on which such sign is to be located and adjacent premises; the information to be stated on sign, and the method by which said sign shall be secured.

(3) Application for a permit for a sign which does not comply with the provisions of this Article shall be submitted to the appropriate approving authority including any sign associated with a change in occupancy or ownership which does not comply with the provisions set forth herein. Such application shall be in writing and, upon notice and a public hearing where the same is required by law, submitted at least ten days before the next meeting preceding the succeeding public meeting date of the appropriate authority, together with a filing fee as hereinafter set forth. Such application shall be in triplicate and accompanied by no less than fifteen (15) sketch plats in the case of an application for a free standing sign, and fifteen (15) building elevations where the application is for other than a freestanding sign, each of which shall be drawn to scale and reflect the sign location and designation.

## 2. Issuance of Permit

a. A permit shall be issued by the Zoning Officer upon the favorable action of the approving authority, subject to any other applicable governmental regulations, or as otherwise provided herein.

b. A permit for the replacement of an existing sign may be issued by the Zoning Officer without the necessity of Board approval only upon satisfaction of all of the following conditions:

(1) There is no physical alteration or expansion to the existing sign beyond the limits permitted herein;

(2) The sign conforms in all respects to the ordinance provisions specified herein;

(3) No other signage is proposed to be added to the premises beyond that which is permitted herein.

## 3. Exceptions

a. The provisions and regulations of this Section shall not apply to the following signs:

- (1) Real estate signs not exceeding eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located only;
- (2) Residential nameplates identifying a single-family residence and/or street address, not to exceed two (2) square feet in area;
- (3) Professional nameplates not exceeding two (2) square foot in area for lawful occupants of the premises under the Zoning Ordinance;
- (4) Bulletin boards or signs not over sixteen (16) square feet in area for public, charitable or religious institutions when same are located on the premises of said institutions;
- (5) A sign identifying the architect, engineer or contractor, when placed upon a work site under construction, not to exceed twelve (12) square feet in area, provided the sign is set back at least fifteen (15) feet from the curb, and further provided that same are removed within twenty-four (24) hours after final certificate of occupancy is issued;
- (6) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials;
- (7) Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary, emergency or nonadvertising signs, or signs of any governmental agency deemed necessary to the public welfare;
- (8) Flags of the United States, State of New Jersey or other governmental or quasi-public agencies;
- (9) Holiday decorations and lights on residential premises;
- (10) Signs erected to control the movement of traffic on a premises, provided these signs shall provide traffic directions only and shall not be used for any advertising purpose. These signs shall not exceed four (4) square feet in area and shall have been approved by the appropriate approving agency;
- (11) Election or political signs provided that said signs are placed entirely on private property and do not exceed twelve (12) square feet in area.

#### 4. Fees

- a. At the time of the filing for a permanent sign permit, the applicant shall pay to the City of Hackensack the following: two dollars per square foot of surface area of sign, computed by one (1) side only for double-faced signs.



b. At the time of the filing for a temporary sign permit, the applicant shall pay to the City of Hackensack twenty five dollars (\$25.00). Temporary signs for and in connection with special events in the community will be issued permits without fee.

c. Computation of Sign Area and Sign Height

The following principles shall control the computation of sign area and height.

(a) Computation of Area of Individual Signs. The area of a sign face shall be computed by drawing a square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with the sign frame and any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed; or, by delineating the area established by reason of distinctive variation in background color or by borders, whichever is greater.

(b) Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart at any point, the sign area shall be computed by the measurement of one of the faces.

(c) Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at grade to the top of the highest attached component of the sign.

C. Regulations Governing Signs for Particular Uses.

(1) Automobile Service Stations. Signs for automobile service stations shall be permitted to display only the following signs which are customary and necessary to their business:

a. One freestanding identification sign which may include the company or brand name, insignia or emblem, and unit prices, provided that the sign not exceed 32 square feet in area on each side. The freestanding sign shall be located a minimum of ten feet from all property lines and shall not exceed twenty feet in height. The sign shall have an open area of not less than ten feet between the baseline of the sign and the ground level.

b. The gasoline pump structure may include signage which is limited to an emblem or insignia, brand name of gasoline, lead warning sign, price indicator, and any other sign required by law. This signage shall be limited to two (2) square feet per pump.

c. One wall identification sign shall be permitted, except where a building has street frontage on more than one street, one additional sign (facing the second street) shall be permitted. The wall sign shall not project more than six (6) inches from the building, nor be attached to a wall at a height less than eight (8) feet above the sidewalk. The wall sign shall be limited to twelve (12) square feet in size. d. In the event that there is a canopy that is located over the pump island, one

(1) sign limited to the brand name, insignia or emblem of the station shall be permitted per canopy side, provided that each sign does not exceed an area of ten (10) percent of the canopy face.

(2) Shopping Centers and other Multi-Tenant Developments. In addition to the signage requirements for the each zone district, shopping centers and other multi-tenant developments shall be governed by the following regulations:

a. A sign plan shall be submitted to the approving authority for approval and shall include the following: Letter style and size, illumination details, color, construction materials, locations, and height above grade; Location relative to lot lines, landscaping and on-site lighting fixtures; An indication of the location of site identification signs and, for shopping malls, internal directional signs (as determined to be necessary).

b. A unified design theme shall be provided which integrates the architectural design, materials and colors of the primary structure, facade signs, freestanding signs, landscaping, and lighting fixtures.

(3) Institutional Signs. Signs associated with houses of worship, hospitals, nursing homes, continuing care facilities, schools, or other similar public or semi-public uses, as permitted by this chapter, may be erected with the following provisions:

a. One (1) freestanding sign for each public street frontage shall be permitted;

b. Freestanding signs shall be a maximum twelve (12) square feet, with a maximum height of eight (8) feet;

c. The minimum setback required is one half of the minimum required building setback for the zone in which the use is located.

(4) Residential Signs for residential land uses shall comply with the following regulations.

a. The following signs shall be permitted: Residential signs, including name and address plates, professional nameplates, real estate signs, temporary campaign signs and contractor signs as provided herein, are permitted in accordance with the size limitations as set forth herein.

b. Residential nameplates identifying a single-family residence and/or street address, not to exceed two (2) square feet in area. Street addresses larger than two square feet shall be construed to be advertising signs for the purposes of this ordinance;

c. Professional nameplates not exceeding two (2) square feet in area for lawful occupants of the premises under the Zoning Ordinance;

d. Residential signs for multi-family developments shall be permitted if they comply with the following:

(1) One (1) freestanding or monument sign, not exceeding eight (8) square feet, is permitted for each vehicular entrance to the development;

(2) The height of the sign shall not exceed six (6) feet;

(3) All such signs shall be set back a minimum of ten (10) feet from any street right-of-way. Monument signs shall be placed perpendicular to the street right-of-way property frontage to ensure visibility;

(4) The sign shall be an identification sign only, limited to the name of the development or project on-site.

D. Regulations Governing Nonresidential Zone Districts. The following supplemental regulations shall apply as noted.

(1) Signs in the B-1, B-2, B-3, B-4, B-5, M1 and M2 Zone Districts. Signs in these districts shall comply with the following requirements:

(a) Each commercial industrial or institutional use shall be entitled to one wall mounted sign, canopy or awning, except that where a building has street frontage on more than one street, one additional sign may be permitted;

(b) The lettering or graphic panel shall not exceed seventy-five percent of the linear width of the storefront on which it is located. Letters shall not be more than two feet in height;

(c) Wall signs shall advertise only the permitted use, products or service on the premises on which they are displayed;

(d) Canopies, perpendicular signage and awnings shall be permitted to overhang the pedestrian right-of-way, with a minimum vertical clearance of 8.5 feet, a maximum overall height of five (5) feet, and a minimum setback of three (3) feet from the curbline. Lettering on a canopy or awning shall be limited to the valance area and shall not exceed 75 percent of the linear width of the valance. The valance shall be no more than one foot in height, and lettering on the valance shall be limited to six (6) inches in height.

(e) Window Signs. In addition to any sign or signs permitted pursuant to this section, window display signs, as well as affixed window signs limited to indicate membership in a retail or professional organization or credit card or credit association, to show manufacturers' or required licenses, or advertisements referable to sales within, shall be permitted to be attached to windows on the interior of the business use provided that the aggregate area employed for such purpose shall not exceed twenty percent (20%) of the total window area on which it is located.

(f) Each commercial use shall be entitled to a wall sign, but in no event shall the total square footage of all wall signs exceed two hundred square feet or ten (10%) of the square footage of the front façade, whichever is the lesser.

(1) Wall signs shall not exceed two (2) square feet of signage for every linear foot of the front facade of the portion of the building occupied by the use being advertised. No wall sign shall exceed a vertical dimension (height) of greater than two (2) feet;

(2) The maximum letter size of any wall mounted sign shall be two (2) feet;

(3) Wall signs which are placed parallel to the building wall shall be permitted to project forward no more than six (6) inches from the building nor be attached to a wall at a height of less than eight (8) feet above the sidewalk or ground;

(4) Canopies, perpendicular signage and awnings shall be permitted to overhang the pedestrian right-of-way, with a minimum vertical clearance of 8.5 feet, a maximum overall height of five (5) feet, and a minimum setback of three (3) feet from the curblin. Lettering on a canopy or awning shall be limited to the valance area and shall not exceed 75 percent of the linear width of the valance. The valance shall be no more than one foot in height, and lettering on the valance shall be limited to six (6) inches in height.

(2) Signs in the UN, HRO and O Districts. Signs in these districts shall comply with the following requirements.

(a) One (1) freestanding or monument sign identifying the development shall be permitted;  
1) The sign shall be limited to twenty-four (24) square feet and shall not exceed a height of eight (8) feet above the grade;

2) The freestanding sign shall be setback a minimum of ten (10) feet from any property line. Monument signs shall be placed perpendicular to the street right-of-way to ensure visibility;

(b) One (1) wall mounted building identification sign is permitted, subject to the following requirements:

- 1) The area of the sign shall not exceed twenty square feet;
- 2) The maximum letter size shall be a maximum two (2) feet in height.

#### E. Temporary Signs

Temporary signs shall comply to the following:

(1) All temporary signage, except as specifically exempted under this Article, shall require a permit. Said permit shall be valid for a period not to exceed thirty (30) days from the issuance thereof and may be renewed for a period not to exceed sixty (60) days.

(2) No temporary sign shall exceed an area of eight (8) square feet, provided that temporary signs, such as banners, which are permitted by permit by the Mayor and Council within the public right-of-way may exceed eight (8) square feet in size.

F. Insurance for temporary signs may be required by the Mayor and Council.

Any person obtaining a permit for the erection of a temporary sign, where the Mayor and Council requires insurance, shall provide proof to the satisfaction of the Construction Code Official that the person, firm or corporation actually doing the erection shall have in force a public liability insurance policy with limits of no less than one hundred thousand dollars (\$100,000) for property damage and three hundred thousand dollars (\$300,000) for bodily injury per occurrence. Nothing contained herein shall be deemed to permit the erection or installation of any political signs upon any pole or tree located on public property or within the public right-of-way within the City of Hackensack, and their erection or installation is hereby specifically prohibited. This section shall not be deemed to prohibit temporary lawn signs or street banners as set forth elsewhere in this ordinance. Streamers of flags or pennants and banners shall be permitted as temporary signs subject to the permit requirements of the City of Hackensack.

G. Illumination

(1) No sign shall be an illuminated sign except as provided herein.

(2) No sign shall be illuminated externally by more than one (1) floodlight per surface of said sign. Such lighting shall be at grade and properly directed and shielded so as not to produce glare or offensive light off the property.

(3) Flashing signs, highly reflective glass or fluorescent paint (red or green) and illuminated tubing outlining roofs, doors windows or wall edges of a building are prohibited.

(4) No sign shall be artificially illuminated after 11:00 pm or before 7:00am unless said premises are occupied and attended.

H. Other Regulations for Signs

(1) Billboards shall be considered a conditional use in the following zones: R1A, R2A, R2, R3B, B3, B4, B5, HRO, M1 and M2. The conditions placed on this land use in these zones it they must be located along or adjacent to Route 4, Route 17 or Route 80 and are regulated by the state and/or federal government. No sign otherwise lawful under this ordinance shall be prohibited because of this section.

(2) No sign shall be placed, located or displayed upon any sidewalk or area between sidewalk and curb.

(3) No roof sign, often known also as a "sky sign", shall be permitted.

(4) No signs shall be erected or painted or composed of fluorescent or phosphorescent or similar material.

(5) No sign shall be, in whole or part, moving, mobile, revolving or flashing, except for signs commonly known as barber poles and are ordinarily and customarily used in connection with barber shops.

(6) No sign shall have more than two (2) colors, inclusive of its background, frame and decorative parts. However, varying tones or gradients of the two main colors may be utilized on a sign and shall not constitute additional colors. For the purposes of this ordinance, black and white shall be considered colors. Notwithstanding anything herein to the contrary, in such instance where black or white shall be used in the formation of a sign as aforesaid, then in such instance either of such may be used as a third color.

(7) Canopies, awnings and marquees with signage embossed upon them shall be considered to be a business sign.

(8) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

(9) Strings or streamers of flags, pennants, spinners or other similar devices strung across, upon, over or along any premises or building, whether as a part of any sign or not.

(10) No sign or other advertising structure, as regulated by this chapter shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, cause an optical illusion or be confused with any authorized traffic sign, signal or device, or which makes use of words, phrases, symbols, or characters in such manner as to interfere with, mislead or confuse traffic.

(11) In order to preserve the basically residential character of this community and to facilitate the improvement of its commercial and industrial areas in a safe and orderly manner, no commercial outdoor advertising signs, billboards or other signs which are not expressly and directly related to the business being conducted on the premises and which do not conform to the applicable requirements and standards set forth in other sections of this chapter shall be permitted, and all other such commercial outdoor advertising signs, billboards and other nonconforming signs are specifically prohibited. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.

(12) If the Zoning Officer shall find that any sign is unsafe or insecure, the Zoning Officer shall give written notice to the owner, agent or person having the beneficial use of the premises upon which such sign may be erected. If such owner, agent or person fails to remove or alter the sign so as to comply with the standards herein set forth within ten (10) days after such notice, such

sign or other advertising structure may be removed or altered to comply, by the Zoning Officer, at the expense of the owner, agent or person having the beneficial use of the premises upon which such sign may be erected. The Zoning Officer may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

#### I. Nonconforming Signs

(1) Any signs existing at the time of the passage of this ordinance and which violate any provisions thereof shall be deemed a nonconforming use and may be continued, maintained and repaired upon the present premises or location; provided, however, that such sign was lawful under any prior ordinance. Any nonconforming sign which is associated with a change in occupancy or ownership shall necessitate an application to the approving authority. Any sign unlawful under any prior ordinance shall remain unlawful unless it complies with the provisions of this ordinance and there is issued by the Zoning Officer a sign-erection permit therefore.

(2) Any sign which has been damaged to the extent that the cost of repairs shall exceed fifty percent (50%) of the current value of said sign shall be deemed as destroyed, and the owner thereof shall not be permitted to erect or restore said sign except in accordance with this ordinance.

#### J. Removal of signs.

(1) Whenever there is a change in occupancy of a building or premises, including any vacancy of such building or premises, the message of any sign or signs which identify or advertise an individual, business, service, product or other item that is no longer present or available in the building or on the premises shall be removed within 30 days. The provisions of this subsection shall not be construed to require the removal of any sign structure, except as required by § 175-7.14J(2)(d) and J(3)(b).

(2) The manner of removal of sign messages shall include, but is not limited to, the following:

(a) In the case of a sign with a painted message, the sign message shall be painted over to match the background.

(b) In the case of a sign with projecting or movable letters or symbols, the letters and/or symbols shall be removed.

(c) In the case of a sign where the message is contained on a panel that is inserted into the sign frame or structure, the message panel shall be replaced with a blank panel.

(d) In the case of a sign where the message cannot be removed without also removing the sign structure, the structure shall be removed unless the owner demonstrates that the sign message could reasonably apply to the next occupant of the building or premises. If the sign message does not accurately identify or advertise the next occupant of the building or premises or any product, service or other item available at the premises, the sign structure shall be removed prior to the issuance of a certificate of occupancy for said occupant.

(3) Nonconforming signs. The following provisions shall apply to any sign which was lawful prior to the adoption, revision or amendment of this chapter but which fails to conform to the requirements of this chapter by reasons of such adoption, revision or amendment.

(a) Routine maintenance. Routine maintenance for any nonconforming sign shall be permitted, provided that such maintenance shall comply with the provisions of Subsection J(3)(c) and (d) below. The term "routine maintenance" is intended to include such activities as cleaning, replacement of light bulbs, removal of rust and corrosion and repainting. Specifically prohibited is the replacement of the sign structure or message, in whole or in part.

(b) Restoration or repair of partial destruction. Any nonconforming sign existing at the time of the passage of this chapter or any amendment thereto may be continued upon the lot so occupied and any such sign may be restored or repaired in the event of partial destruction thereof, provided that such restoration or repair shall comply with the provisions of Subsection J(3)(c) and (d) below. For purposes only of administering this provision, the term "partial destruction" shall be defined as any condition affecting less than 50% of the area or volume, whichever is more restrictive, of the sign message or structure in such a manner that the appearance or structural characteristics of the sign are substantially altered from the originally approved and installed sign.

(c) Effect of removal. The following provisions shall regulate removal of nonconforming signs:

(1) Nothing contained herein shall be construed to permit the removal and subsequent replacement of a nonconforming sign structure for purposes of maintenance, restoration, repair or alteration. Removal of a sign structure for any purpose shall terminate the nonconforming rights of said sign. (2) Sign messages may be removed only for purposes of routine maintenance, restoration or repair as permitted herein.

(d) Alterations. The following provisions shall regulate alterations of nonconforming signs:

(1) Signs nonconforming because of use shall not be enlarged, extended, relocated or altered in any manner.

(2) Alteration of nonconforming sign structure or sign message. A nonconforming sign structure or sign message may not be altered unless the alteration will result in both the sign structure and the message conforming in all respects with the provisions of this chapter. Alterations covered by the above provisions include, but are not limited to, alteration of sign area, dimension, height or location; alteration of sign letters, logos, symbols or other design or construction; alteration of any aspect of sign illumination; and, alteration of sign material or color.

(e) Reversion to nonconforming sign prohibited. A nonconforming sign structure and/or message which is changed to a conforming structure and/or message may not thereafter be changed back to a nonconforming structure.

K. Lighting and illumination. Any sign permitted by the provisions of this chapter may be nonilluminated or nonflashing illuminated, except that real estate signs shall be nonilluminated. Illuminated signs may be directly or indirectly lighted, provided that they comply with the following standards. For the purpose of administering this section, a "directly lighted sign" shall



be defined as a sign that is illuminated by a light source that shines through the letters or logos from the back of the sign. An "indirectly lighted sign" shall be defined as a sign that is illuminated by a light source that shines directly on the surface of a sign, which light source is designed specifically to illuminate only the sign.

(1) Directly lighted signs.

- (a) Illumination of any sign shall be of the diffused-lighting type, and only the letters or logos in the sign shall be illuminated.
- (b) No sign shall be lighted by means of flashing or intermittent illumination.
- (c) Neon signs in which the tubes are exposed are prohibited.

(2) Indirectly lighted signs.

- (a) Indirectly lighted signs shall be permitted only where the sources of illumination are shielded in such a manner that the same are not visible from the street or adjoining property.
- (b) No sign shall be lighted by means of a flashing or intermittent illumination source.
- (c) Floodlights or spotlights used for the illumination of signs, whether or not such lights are attached to or separate from the building, shall not project light beyond the sign. Gooseneck reflectors and lights shall be permitted; provided, however, that the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.
- (d) In no instance shall the light intensity of any illuminated sign exceed 75 foot candles measured with a standard light meter measured at any point in front of the sign at a distance that is no greater than the smallest horizontal or vertical dimension of said sign. There shall be no electric conduit located on the exterior facade of a building used to provide electric power to any sign.

L. Business Signs In Nonresidential Districts. Businesses shall be permitted to have signs in accordance with the following provisions, except in the case of multiple business uses with a common entrance, which are regulated in Subsection F(6) below.

(1) Number of principal signs. There, shall be no more than one principal sign for each retail establishment or permitted use therein, except where the following conditions are met:

- (a) Any permitted use within a building having an exterior wall facing an off-street parking area or railroad station platform may have a second principal sign on said wall if that wall contains an approved pedestrian entrance to said permitted use.
- (b) Any permitted use within a building on a corner lot may have a second, principal sign. One sign shall be located on one street, and a second sign shall be located on the second or side street. Nothing contained herein shall be construed to permit more than two principal signs on a building located on a corner lot.

(2) Freestanding signs. In the case of premises on which the structure is set back at least 40 feet from the public right-of-way, a freestanding sign is permitted, which shall comply with the standards hereinafter set forth. This provision shall not be construed to prohibit freestanding signs accessory to filling and service stations as provided in § 175-8.7 nor to signs erected in

connection with nonresidential uses within all residential districts, where permitted, provided that same do not exceed two square feet and are either flat signs on the front wall of the building or are of the professional shingle type of sign on the front lawn of a premises of a professional office, and that all sources of lighting shall be extinguished no later than 10:00 p.m. prevailing time. (a) The area of such a freestanding sign shall not exceed 12 square feet. (b) The top of said sign shall not be more than 16 feet above the level of the ground. (c) No part of the sign shall be located closer than five feet to the property line. (d) The foregoing notwithstanding, no freestanding sign shall be placed on premises in such a manner as to create a traffic safety hazard due to inadequate sight angles.

(3) Nonilluminated interior signs. Nonilluminated signs painted on or placed upon or hung within 24 inches from the inside window glass or door glass of any building shall be limited as follows. The coverage of nonilluminated interior signs shall not exceed 36 square feet or 20% of such total area of glass, whichever is less.

(4) Illuminated interior signs. Directly illuminated interior signs located within six feet of the window glass or door glass of a building shall be considered a principal sign and shall meet all applicable requirements for exterior principal signs, including, but not limited to, the number of principal signs and the area permitted for principal signs. Indirectly illuminated interior signs located within two feet of the window glass or door glass of a building shall also be considered a principal sign and shall meet all applicable requirements for exterior principal signs, including, but not limited to, the number of principal signs and the area permitted for principal signs.

(5) Awning signs. In the districts permitting retail sales or services, signs running in a horizontal direction are permitted on the flap or vertical plane of any permitted awning, provided that the following standards shall apply:

(a) Said signs shall not exceed a height of eight inches. (b) No horizontal sign shall be permitted which exceeds 1/3 of the length of the flap which runs parallel to the street. (c) No other signs besides those permitted above are permitted on the awning.

(6) Signs for business uses with a common entrance and other uses. Signs for permitted uses in those districts permitting office uses for other than retail sales and services stores and shops and signs for retail sales and services stores and shops which share a common entrance shall be limited to tenant identification or directory signs which shall comply with the following:

(a) Said signs shall be unlighted.

(b) They shall be limited to one sign per tenant.

(c) They shall be uniform in appearance and shall be made of the same materials with the same background and contain the same letter type, style and materials as all other similar signs used by tenants in the building.

(d) Said signs shall not exceed an area of two square feet per sign nor a vertical height of eight-inches.

(e) Where there is more than one tenant in the building, all of said signs shall be abutting one another and not indiscriminately placed on the exterior walls of the building.

(7) Governmental signs. In addition to any sign permitted pursuant to this section, a sign or signs as may be required by any federal, state, county or municipal law to be displayed as a license or permit may be attached to a store window or windows. The size of such governmental sign(s) shall not be included in any calculation of maximum area coverage. M. Prohibited acts; administration; enforcement.

(1) No person, corporation, partnership, association, organization or other entity shall construct, erect, display, alter, maintain or illuminate any sign in violation of this section. Any person violating this section shall be subject to the penalties set forth in Chapter 1, § 1-15 of the Code of the City of Hackensack, New Jersey.

(2) Other than signs which are temporary in nature, such as real estate signs, temporary construction signs, nonilluminated interior signs and the like, which are in compliance with the provisions of this chapter, no type of sign regulated hereunder shall be constructed, erected, displayed, altered, maintained or illuminated without the application for, and the issuance of, a permit therefor by the Department of Community Affairs.

### **175-7.15 TOOL SHEDS AND OTHER SIMILAR STRUCTURES.**

Tool sheds, dog houses and other small structures shall be permitted as accessory uses provided said accessory uses are located on the same lot or parcel as the principal use. Tool sheds and other similar structures shall only be provided in the rear yard of the zone lot. Said accessory uses shall not occupy more than three (3) percent of the rear yard area as defined herein.

Tool sheds or other similar accessory structures up to 100 square feet may not be placed closer than three feet from the property line; larger than 100 square feet must meet the setback requirements for the zone.

### **175-7.16 VENDING MACHINES.**

A. Not more than one (1) food or merchandise vending machine shall be located upon any one (1) lot. This restriction shall not apply to food or merchandise vending machines which are located within a permanent enclosed building.

B. A food or merchandise vending machine which is not located as an accessory use within a permanent enclosed building housing a principal use shall conform to all of the following regulations and restrictions:

(1) No food or merchandise vending machine shall occupy an area of more than forty-eight (48) square feet.

(2) No food or merchandise vending machine shall be located within any required front yard area or any yard area abutting a side street.

(3) No food or merchandise vending machine shall be permitted unless it is of metal or steel construction.

### **175-7.17 ROOMERS / AND OR BOARDERS**

No roomer or boarder shall be permitted in any dwelling buildings, except that:

- A. Two roomers or boarders shall be permitted in a one family dwelling.
- B. One roomer or boarder shall be permitted in any building occupied as two-family dwelling.

## **175-7.18 SOLAR ENERGY SYSTEMS**

### Residential Requirements

- (a) **Roof-Mounted Solar Energy Systems**

Installation of solar energy systems shall be permitted on the roofs of residential housing units. The solar energy systems shall be mounted parallel to the roof angle and shall not exceed a height of twelve inches (12”) above the edge of the roof line. The unit height shall never exceed the highest point of the roof surface or structure. In the instance that the solar energy system is to be mounted on a flat roof, the panels may be angled to achieve maximum sun exposure, but shall not exceed five feet (5’) above the roof height, nor exceed the height of the parapet wall, whichever is less. In the event that the building does not contain a parapet wall, then the Applicant shall provide the appropriate screening to shield the panels from view from street level. In no instance shall the unit extend beyond the front, side, or rear roof lines. The solar energy system shall not exceed the maximum height that is permitted for a principal or accessory building in that zone. Solar energy systems are subject to the issuance of the appropriate permit issued through the Department of Building, Housing & Land Use.

- (b) Residential Ground-mounted solar energy systems that produce energy are not permitted in residential districts.

- (c) **Aesthetic and Architectural Standards**

- i. Roof-mounted solar energy systems. Exposed hardware, supporting structures, frames and piping shall be finished in non-reflective surfaces and shall be compatible with the color scheme of the roof, or concealed.

- (d) **Safety Considerations**

An external disconnect switch shall be provided, and the owner must file a survey map with the Fire and Police Departments, clearly showing where the disconnect switch is located.

- (1) **Non-Residential Requirements**

- (a) **Roof-Mounted Solar Energy Systems**

Installation of solar energy systems shall be permitted on the roofs of non-residential structures with minor site plan approval. The solar energy systems shall be mounted parallel to the roof angle and shall not exceed a height of twelve inches (12") above the edge of the roof line. The unit height shall never exceed the highest point of the roof surface or structure. In the instance that the solar energy system is to be mounted on a flat roof, the panels may be angled to achieve maximum sun exposure but shall not exceed five feet (5') above the roof height, nor exceed the height of the parapet wall, whichever is less. In the event that the building does not contain a parapet wall, then the Applicant shall provide the appropriate screening to shield the panels from view from street level. In no instance shall the unit extend beyond the front, side, or rear roof lines. The solar energy system shall not exceed the maximum height that is permitted for a principal or accessory building in that zone. Solar energy systems are subject to the issuance of the appropriate permit issued through the Department of Building, Housing & Land Use.

(b) Ground-Mounted Solar Energy Systems

Ground-mounted solar energy systems shall be permitted in the rear and side lots of non-residential properties, as long as the units are not visible from the street or neighboring residential properties (see aesthetic and architectural standards, Section ii.). In no instance shall a ground mounted solar energy system be permitted in the front yard of a non-residential property. The height of the unit shall not exceed eight feet (8') in height. Solar energy systems are subject to the appropriate permit issued through the Department of Building, Housing & Land Use.

(c) Aesthetic and Architectural Standards.

i. Roof-mounted solar energy systems. Exposed hardware, supporting structures, frames and piping shall be finished in non-reflective surfaces and shall be compatible with the color scheme of the roof, or concealed. Solar-energy system is subject to the installation of appropriate screening in an architectural design compatible with the building.

ii. Exposed hardware, supporting structures, frames, hardware, and piping that are visible to residential properties, shall be screened from residential view through the installation of screening materials. The lot owner shall provide appropriate effective natural buffering materials that will block the view of

said solar energy systems and accompanying materials from abutting residential zones or properties.

(d) Safety Considerations

An external disconnect switch shall be provided, and the owner must file a survey map with the Fire and Police Departments clearly showing where the disconnect switch is located.

- (2) Solar panels, whether in a residential or non-residential area, shall be maintained in accordance with the Property and Maintenance Code of the City of Hackensack.

**ARTICLE VIII.  
REGULATIONS GOVERNING CERTAIN CONDITIONAL USES AND OVERLAY  
DISTRICTS**

**175-8.1 GENERAL PROVISIONS**

A. Special Permit. The Planning Board may authorize the issuance of a special permit for conditional uses only in accordance with the provisions of this Ordinance. After the effective date of this ordinance, no land, building or structure shall be used and no building or structure shall be erected or altered to be used for any purpose for which a conditional use permit is required unless such permit is issued for such conditional or temporary use as provided herein.

B. Conditional Uses. The conditional uses for which special permits are required shall be deemed to be uses permitted in a particular zoning district only upon a showing that such uses in specific location will comply with the conditions and standards for the location or operation of such uses as contained in the Zoning Ordinance and upon the issuance of an authorization therefore by the Planning Board.

In accordance with N.J.S.A. 40:55D-70D.(3), in the event the application does not meet the requirements of the zoning ordinance as established for the conditional use, the jurisdiction to hear the application shall shift from that of the Planning Board to the Board of Adjustment.

C. Procedure. The procedure for any application to the planning Board for permission to erect, establish, maintain or use property or a building for a conditional use shall be the same as if a variance were being sought for other matters for which the Planning Board has final jurisdiction to grant or deny relief.

In sections of this chapter concerning conditional uses, where reference is made to the Planning Board, the words "Board of Adjustment" shall be substituted in those situations where the Zoning Board of Adjustment has Jurisdiction.

D. Standards and Requirements.

1. Such use shall be one which is specifically authorized as a conditional use in the district within which such particular site is located.
2. For every such conditional use, the Planning Board shall make a specific finding, supported by evidence produced at a public hearing in the manner provided by law, that such use will not be detrimental to the character of the neighborhood.
3. For every such conditional use, the Planning Board shall determine that there is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and not within 75 feet of a street intersection.
4. For every such conditional use, the Planning Board shall determine the number of parking spaces, parking areas and off street truck loading spaces necessary for the safe use and occupancy of such conditional use and that such parking spaces, parking areas and off-street truck loading spaces are in conformity with this chapter and all other pertinent ordinances for the anticipated number of occupants, employees and patrons.
5. For every such conditional use, the Planning Board shall require suitable planting or fencing, not less than six feet high, alongside and rear lot lines adjacent to residential uses or districts.
6. For every such conditional use, where the installation of outdoor flood- or spotlighting is intended, the Planning Board shall determine that such lighting will not shine directly upon any abutting property. No unshielded lights shall be permitted. Such conditional use shall be further subject to any applicable conditions or safeguards which are or may be specified in this chapter for its particular category or type of use.

#### **175-8.2 AUTOMATIC COIN-OPERATED LAUNDERETTES.**

Automatic coin-operated laundrettes shall be permitted in all nonresidential business districts if they comply with the following standards:

- A. They are located in a one-story masonry building.
- B. All radios, television or other medium of entertainment is so controlled as to be inoperative between the hours of 10:00 PM and 8:00 AM.
- C. A coin-operated telephone booth is located on the premises.
- D. All lights in the interior of the building are so arranged as to cause no glare on adjoining property.
- E. All outside illuminated signs are so controlled as to not be lighted between the hours of 11 :00 PM and 8:00 AM.
- F. All washing machines and dryers are grounded in accordance with the National Board of Fire Underwriters specifications.
- G. All heat-producing devices are installed in accordance with the Fire Prevention Code of the City of Hackensack.

H. The building is so constructed that there are no hidden comers or places in the establishment when viewed from the public street.

I. The hours of operation of automatic coin-operated laundrettes shall be inoperative between the hours of 10:00 PM to 7:00 AM.

J. Off-street parking in addition to that otherwise required for the uses on the premises shall be provided in the amount of one (1) space per one and a half (1 -5) washing machines and one (1) space per employee.

### **175-8.3 BUSINESS PROVIDING AMUSEMENT GAMES OR MACHINES**

A. Certain establishments prohibited.

1. In all districts, no building, land, or portion thereof shall be used for amusement machine complexes.

Licensing and Site Plan Requirements.

1. Where there are five (5) or less amusement game machines or other amusement machines in one (1) place, location or premises and where such activity does not constitute the principal use of a building, these are permitted subject only to the licensing requirements of Chapter 51 of the Code of the City of Hackensack.

### **175-8.4 BUSINESS PROVIDING LIVE ENTERTAINMENT**

A. Certain establishments prohibited.

1. In all districts, no building, land, or portion thereof shall be used to provide live entertainment.

### **175-8.5 CHURCHES, TEMPLES AND OTHER PLACES OF WORSHIP.**

A. Definition

1. Places of worship: A church, synagogue, temple, mosque, or other facility that by design and construction are intended for the conducting of organized religious services and prayer by persons of similar belief, and accessory uses associated there within, but no including missions, district offices, or regional headquarters of a religious group.

B. Certain establishments prohibited.

1. In all districts other than residential districts (R Districts), no building, land, or portion thereof shall be used for churches, temples, and other places of worship.

C. Area, Bulk, and Yard Requirements

- |                         |                    |
|-------------------------|--------------------|
| 1. Minimum Lot Area     | 60,000 square feet |
| 2. Minimum Lot Width    | 200 feet           |
| 3. Minimum Lot Frontage | 200 feet           |



4. Minimum Lot Depth	200 feet
5. Minimum Front Yard	
A. Principal Building	50 feet
B. Accessory Building	50 feet
6. Minimum Side Yard	
A. Principal Building	25 feet
B. Accessory Building	25 feet
7. Minimum Rear Yard	
A. Principal Building	25 feet
B. Accessory Building	25 feet
8. Maximum Lot Coverage	30 percent
9. Maximum Improved Site Coverage	60 percent
10. Maximum Building Height	2 ½ stories / 35 feet

D. The minimum distance between any two (2) or more buildings on the same property shall be forty (40) feet.

E. All living quarters accessory to a church, temple, and other places of worship shall be located within any accessory building. No living quarters shall be permitted within the principal building.

F. All accessory structures shall have a minimum building area of one thousand five hundred (1,500) square feet.

G. The minimum lot area per dwelling unit accessory to a church, temple, and other places of worship shall be twenty thousand (20,000) square feet.

H. Any facility which maintains a school accredited by the State of New Jersey for elementary or high school grades shall also provide, in addition to the minimum lot standards for said church, temple or other place of worship, a minimum lot area as approved by the New Jersey State Board of Education.

I. Churches, temples, and other places of worship shall provide parking as follows: 1. One (1) space per three (3) seats 2. One (1) space per twenty (20) inches of bench I pew 3. One (1) space per sixty (60) square feet of gross floor area 4. Six tenth (0.6) spaces per attendee for maximum building occupancy per applicable building code The most restrictive shall govern.

J. Churches, temples, and other houses of worship including church schools shall not provide any vehicular access or exit to a public street which is closer than seventy-five (75) feet of an intersection.

K Site access to any churches, temples, and other houses of worship shall only be provided on arterial roads or major collector roads and should be encouraged to ad as a transition between residential and nonresidential zones.

L. No place of worship or school with more than five thousand (5,000) square feet in area shall be permitted to face or have vehicular access to a street or a roadway with a cartway width less than twenty-eight (28) feet wide except for those roadways under State or County jurisdiction.

M. The exterior design of any structure used in connection with such facility shall conform to the general character of the area.

N. A four season landscape buffer of not less than twenty-five feet in width, from which parking be included, shall be provided along the side and rear boundary of the property, pursuant to the following standards where any yard is adjacent to a residential zone or residence:

1. Twenty-five (25) feet of heavily landscaped buffer containing, at a minimum, a double staggered row of evergreen trees planted at a maximum of ten (10) feet on center with a minimum planting height of four (4) to six (6) feet, or approved equivalent; a mix of evergreen and deciduous shrubs; and a six (6) foot high, solid, board-on-board fence; or
2. Twenty-five (25) feet of heavily landscaped buffer containing a triple, staggered row of evergreen trees planted at a maximum of ten (10) feet on center with a minimum planting height of four (4) to six (6) feet, or approved equivalent; and a mix of evergreen and deciduous shrubs; or
3. Twenty (20) foot buffer provided a landscaped berm is provided. No parking is permitted within the front yard.

#### **175-8.6 FAMILY DAY CARE CENTERS**

A. The provision of family day care centers as a conditional use in any residence that is allowed to maintain such a facility shall be in accordance with NJAC 10:126-1 .I et seq., commonly known as Chapter 126, Subchapters 1, 5 and 6 entitled "Provider Edition, Manual of Requirements for Family Day Care Registration adopted November 7, 1988 as may be amended from time to time as well as the conditions of approval as outlined herein.

##### **1. Maximum Number of Children**

- a. A provider shall be permitted to enroll, for a fee, no more than five children at any one time.
- b. A provider caring for children residing in the provider's home who are under six years of age may care for up to five children for a fee, provided that no more than eight children in total are present in the home at any one time.
- c. Children residing in the provider's home who are six years of age or older shall not be counted in the total number of children being cared for in the home.
- d. The provider shall care for no more than the following maximum number of children without a provider assistant:

Maximum Number of Children Permitted in the Home Without a Provider Assistant  
(No More than Five Children may attend for a Fee)

<b>CATEGORIES</b>	<b>INFANTS</b>	<b>TODDLERS</b>	<b>PRE-SCHOOL</b>	<b>SCHOOL AGER</b>
A total of	2	1	0	5
A total of	2	1	1	4
A total of	2	1	2	3
A total of	3	0	0	5
A total of	0	4	0	4

<b>CATEGORIES</b>	<b>INFANTS</b>	<b>TODDLERS</b>	<b>PRE-SCHOOL AND SCHOOLAGER COMBINED</b>
A total of	0	1	7
A total of	0	2	6
A total of	0	0	5
A total of	0	0	8
A total of	1	1	7
A total of	1	2	6
A total of	1	2	5
A total of	2	0	6

1. Infants refers to children under 15 months of age, including children residing in the provider's home.
2. Toddlers refers to children aged two to six years, including children residing in the provider's home.
3. Preschoolers refers to children aged two to six years, excluding children residing in the provider's home.
4. School Agers refers to children aged six to fourteen years, excluding children residing in the provider's home.
- e. A provider assistant shall be present whenever the provider is caring for more children than the maximum numbers specified in each of the Infants, Toddlers, Preschoolers and School Agers categories in (d) above.
- f. Although a provider assistant may be present, the provider shall care for no more than the maximum numbers of children specified herein.

2. Physical Environment

- a. The provider shall ensure that adequate floor space is available for the children's activities;
- b. The temperature of rooms used by children is maintained at a minimum of 65 degrees Fahrenheit;
- c. Floors, walls, ceilings, furniture, equipment and other surfaces are kept clean and in good repair;
- d. Adequate ventilation is provided by means of open windows, fans, air conditioning or other mechanical ventilation systems;
- e. Warm and cold running water are available;

- f. Working indoor toilets are easily accessible to children;
- g. Play equipment, materials and furniture for indoor and outdoor use are of sturdy and safe construction, nontoxic, easy to clean and free of hazards that may be injurious to young children;
- h. The home contains sufficient furniture and equipment to accommodate the needs of the children in care; and
- i. A working telephone is available in the home.
- j. If not working telephone is available in the home, the provider shall demonstrate to the sponsoring organization that he or she is unable to afford the cost of installing and maintaining a telephone in the home; if the provider fails to demonstrate to the sponsoring organization that he or she is unable to afford the cost of installing and maintain a telephone in the home, the provider shall install a working telephone in the home within 90 days; the provider shall care for no more than three children under two years of age or four children at least two years of age; a working telephone shall be accessible to the provider within five minutes from the home at all times when enrolled children are present; and if the provider must leave the home to use the telephone, the children shall either accompany the provider, the provider assistant, or a person at least 14 years old.

### 3. Fire Safety

- a. The provider shall have a written plan for the emergency evacuation of the children from the home.
- b. The provider shall ensure that:
  - 1. At least one working smoke detector is installed on each floor of the home;
  - 2. All interior doors that can be locked from the inside have a means to be unlocked from the outside in case of emergency;
  - 3. All heating or cooling devices are adequately vented, protected by guards and kept clear of combustible materials;
  - 4. Wood burning stoves have protective barriers and are not accessible to children;
  - 5. Portable liquid fuel-burning heating appliances are not in use when children are in care;
  - 6. Stairways, hallways and exits from rooms and from the home are unobstructed, except for safety barriers; and
  - 7. Electric cords are maintained in good condition.

### 4. General Safety

The provider shall ensure that:

- a. The home and its furnishings present no hazard to the health and safety of the children in care;
- b. All corrosive agents, insecticides, bleaches, detergents, polishes, medicines, poisonous plants, and all toxic substances are stored out of the reach of children;
- c. Non-permanent safety barriers are installed to prevent children from falling from stairs, ramps, balconies, porches or elevated play areas;
- d. All electrical outlets that are accessible to the children have protective covers; and
- e. A working flashlight is available for emergency lighting.

### 5. Outdoor Space.

The provider shall ensure that:

- a. An adequate, safe outdoor play area is available either adjacent to or within walking distance of the home; and
- b. The provider, substitute provider, provider assistant, or a person at least 14 years old is supervising any children who use swimming pools and wading pools.
- c. Any outdoor play area is screened by a five (5) foot high fence or evergreen planted wall.

#### 6. Location Requirements.

The provider shall ensure that:

- a. No driveway shall open onto a public street within one hundred fifty (150) feet of an intersecting public street, measured from the intersection of the tangents of the adjacent curb lines.

### **175-8.7 GASOLINE SERVICE STATIONS.**

#### A. Location Requirements.

1. No premises may be used as a gasoline service station and no building or structure may have its use changed to any such use if:

- a. Any vehicular entrance to or exit from such premises or building is situated on either side of any portion of a street between two (2) intersecting streets, on which portion there exists a school, a public or school playground, a public park, a church, a hospital maintained as a charitable institution, a public library or a public museum; provided, however, that this prohibition shall not apply beyond nine hundred (900) feet; or
- b. Any vehicular entrance to or exit from such premises or building is situated within two hundred (200) feet of a school, a public school playground, a public park, a church, a hospital maintained as a charitable institution, a public library or a public museum; or
- c. Any portion of such premises or building is situated within two hundred (200) feet of a church or a hospital maintained as a charitable institution.
- d. Any portion of such premises or building is situated within one thousand (1,000) feet of premises or buildings used as a gasoline service station
- e. Any oil draining pit or visible appliance for any purpose other than gasoline filling or air pumps is located within fifty (50) feet of any existing or future street line or within one hundred fifty (150) feet of any residential district. All such appliances or pits other than gasoline pumps or air pumps shall be within a building.

Distances shall be measured in a straight line from the vehicular entrance to or exit from the gasoline service station or garage to the nearest lot line of the school playground, park, hospital, church, library or museum, as the case may be; the distance referred to in Section 175- 8.7A(1)(c) above shall be measured in a straight line from the lot lines of the gasoline service station nearest to the nearest lot line of the school playground, park, hospital, church, library or museum, as the case may be.

3. This protection for schools shall extend to schools maintained by an established religious group and schools regulated under Chapters 19 and 20 of Title I 8 of New Jersey Revised Statutes of 1937, together with amendments and supplements thereto, in addition to schools maintained by the public school authorities.

B. All fuel pumps shall be located at least twenty-five (25) feet from any street line or property line.

C. Driveways shall cross the sidewalk at right angles and shall not be more than thirty (30) feet wide at any point. Driveways must be at least ten (10) feet from any side lot line and fifty (50) feet from any intersection of street lines. No more than two (2) driveways shall be permitted for every one hundred (100) feet of street frontage.

D. All repairs of motor vehicles shall be performed in a fully enclosed building. No parts of partially dismantled motor vehicles may be stored outdoors. In addition, no more than six motor vehicles may be located outside of a fully enclosed building as they are awaiting repair for a reasonable period of time.

E. Gasoline Service Stations are established as conditional uses in the B-I, B-2, B-3, M-1 and M-2 zones. Landscaping shall be required for all gasoline services accounting for a minimum of 10 percent of the site. Landscaping requirements shall be in accordance with Article IX herein.

F. Premises used as a gasoline service station shall have the entire site area traversed by motor vehicles to be hard-surfaced.

G. Off-street parking in addition to that otherwise required for the uses on the premises shall be provided in the amount of one (1) space per employee, but not fewer than five (5) employee parking spaces; one (1) space per two hundred (200) square feet of accessory retail area, but not fewer than five (5) space; and two (2) spaces per service bay.

### **175-8.8 POOL HALL OR BILLIARD HALL.**

Certain establishments prohibited.

1. In all districts, no building, land or portion thereof shall be used as a pool hall or billiard hall.

### **175-8.9 COMMUNITY CENTER**

A. Definition

I. Community Center - A facility used for recreational, social, educational and cultural activities.

B. Certain establishments prohibited.

1. In all districts other than residential districts (R Districts), no building, land, or portion thereof shall be used for community center.

C. Certificate of Incorporation. The application shall be accompanied by the existing or proposed Certificate of Incorporation and By-laws of the organization and such material as may be required to guarantee to the satisfaction of the Planning Board, the following:

1. The organization is, or will be, a bona fide non-profit group organized solely for charitable purposes or for the benefit and enjoyment of its members who shall be primarily residents of City of Hackensack and the surrounding communities.
2. The use will not involve the sale or consumption of liquor or alcoholic beverages in any form, unless the Planning Board specifically finds that such sales or consumption will not be detrimental to the character of the area and the safety and welfare of the public.
3. The organization will not engage in sales of products or materials to the general public or otherwise engage in activities normally carried on as a business or commercial activity.
4. Overnight accommodations shall not be provided.
5. The hours of use are fixed in a manner in which the property rights of nearby property owners will not be adversely affected.
6. Activities of the organization will be carried on primarily within an enclosed building or structure. Area, Bulk, and Yard Requirements The area bulk and yard requirements shall be the same as those set Churches, Temples and Other Places of Worship (Section 175 - 8.5).

The minimum distance between any two (2) or more buildings on the same property shall be forty (40) feet. Parking shall be provided follows for community centers:

1. One (1) space per sixty (60) square feet of gross floor area
2. Six tenth (0.6) spaces per attendee for maximum building occupancy per applicable building code.

The most restrictive shall govern.

G. Community centers shall not provide any vehicular access or exit to a public street which is closer than seventy-five (75) feet of an intersection.

H. Site access to any community centers shall only be provided on arterial roads or major collector roads and should be encouraged to act as a transition between residential and nonresidential zones.

No community center with more than five thousand (5,000) square feet in area shall be permitted to face or have vehicular access to a street or a roadway with a cartway width less than twenty-eight (28) feet wide except for those roadways under State or County jurisdiction.

J. The exterior design of any structure used in connection with such facility shall conform to the general character of the area.

K. A four season landscape buffer of not less than twenty-five feet in width, from which parking be included, shall be provided along the side and rear boundary of the property, pursuant to the following standards where any .yard is adjacent to a residential zone or residence:

- a. Twenty-five (25) feet of heavily landscaped buffer containing, at a minimum, a double staggered row of evergreen trees planted at a maximum of ten (10) feet on center with a minimum planting height of four (4) to six (6) feet, or approved equivalent; a mix of evergreen and deciduous shrubs; and a six (6) foot high, solid, board-on-board fence; or
- b. Twenty-five (25) feet of heavily landscaped buffer containing a triple, staggered row of evergreen trees planted at a maximum of ten (10) feet on center with a minimum planting height of four (4) to six (6) feet, or approved equivalent; and a mix of evergreen and deciduous shrubs; or
- c. Twenty (20) foot buffer provided a landscaped berm is provided.

L. No parking is permitted within the front yard.

**175-8.10 PROFESSIONAL OFFICE OVERLAY DISTRICT**

A. Boundaries of District. The PO Overlay District shall be designated as the area bounded by Beech Street, First Street, Essex Street and a line parallel to and located two hundred (200) feet west of the westerly right-of-way line of Summit Avenue between Essex Street and Beech Street. This district shall overlay the existing zoning districts within this above described area.

6. Requirements of Underlying Zone.

- 1) All regulations and requirements of each existing (underlying) zoning district shall continue to apply to all permitted, accessory and conditional uses.
- 2) The conversion only of an existing one- or two-family dwelling to professional office use shall be permitted as a conditional use.
- 3) Within the PO Overlay District regulations of the underlying existing zoning district applying to one- or two-family dwellings including minimum lot size, minimum lot frontage, minimum front yard, minimum rear yard, maximum height, and maximum lot coverage shall apply to such conversion of an existing one- or two-family dwelling into professional office use.
- 4) In addition, on-site off-street parking shall also be provided as required herein.

C. Site Plan Application. An applicant proposing conversion of an existing one- or two-family dwelling to professional office use within the PO Overlay District shall submit to the Planning Board copies of a site plan which shall follow the procedures for conditional uses.

b) Lighting of parking areas accessory to a professional office use shall be arranged so as to throw no glare toward abutting or nearby residential properties. Such lighting shall be extinguished no later than 10:000 P.M., prevailing time.

No more than one (1) two-way driveway or not more than two (2) one-way driveways shall be permitted providing access to such required off-street parking. The width of a two-way driveway shall not be less than eighteen (18) feet nor more than twenty-two (22) feet, and the width of a one-way driveway shall not be less than ten (10) feet nor more than twelve (12) feet.



3) Drainage plans shall be reviewed by the Planning Board, which Board may in such review require a report thereon from the City Engineer. The objective of such drainage plan shall be to remove and direct stormwater from imperious surfaces to the street or natural drainage channel in such manner that will not increase drainage runoff onto any abutting properties.

4) All of the area of the front yard, side yard or rear yard abutting a street not used for driveways or walkways shall be landscaped when such premises are located in any underlying R District. Proposed landscaping plans shall be included with site plans.

5) Signs for each professional offices in any R District shall be subject to the provisions of Section 175-7.14. Signs for each such professional in any R District shall not exceed two (2) square feet.

### **175-8.11 ESSENTIAL SERVICES.**

A. Enclosed or permanent structures.

Public utility services.

Such uses shall include electric substations, transformers, switches and auxiliary apparatus serving a district area, and water pumping station in R Districts and shall be subject to the follow regulations:

1) Such facility shall not be located on a residential street, unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such street.

2) The location, design and operation of such facility may not adversely affect the character of the surrounding residential area.

3) Adequate fences, barriers and other safety devices shall be provided, and shall be landscaped in accordance with Article IX.

B. Open Uses.

1) Such uses shall be limited to the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead electrical, gas, water transmission or distribution systems of collection, communication, supply or disposal systems, include poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Open essential services shall not include any human or animal fecal matter or material.

2) Landscaping requirements and performance standards established in Articles IX and X herein shall be adhered to.

### **175-8.12 RESERVED**

## **175-8.13 HOUSING OVERLAY DISTRICT (HO DISTRICT)**

A. Purpose. The purpose of the Housing Overlay District is to take advantage of opportunities for implementing smart growth principles by locating a substantial population density within close proximity and in support of existing transit, employment and shopping facilities. The area of the City lying north of Route 4 is an appropriate location for residential use as it has a substantial concentration employment and shopping facilities, which are currently accessed only by passenger automobiles and busses. Through the creation of the Housing Overlay District, the City seeks to establish a resident population in this area to provide for the more efficient use of land, improve the visual environment and help minimize traffic congestion by encouraging pedestrian access to shopping and employment opportunities and to improve the utilization of the nearby commuter train station in River Edge. High density residential development is expected to occur through redevelopment of underutilized properties within the Housing Overlay District.

B. Boundaries of District. The Housing Overlay District shall be designated as all real property in the area described as follows: Generally bounded to the northeast and east by the Hackensack River, to the northwest and west by the Borough of River Edge, to the south by State Highway Route 4 and including all of Blocks 504.02, 504.03, 504.04, 512.01, 513, 513.01, 514, 515 and 626 and more specifically depicted on the City of Hackensack Zoning Map, dated May 30,2005.

Requirements of Underlying Zone. The requirements of this Chapter that are applicable to uses in the underlying zone shall remain in effect on all lots in the Housing Overlay District, unless different requirements are specified within the Housing Overlay District section of this Chapter, in which case, the requirements of the Housing Overlay District shall govern.

### Use Requirements.

1. Permitted uses in the Housing Overlay District. In addition to the uses permitted in the underlying zoning district, the following principal uses are permitted:

a. Mid-rise and high-rise apartment buildings

2. Permitted accessory uses. For mid-rise and high-rise apartment buildings in the Housing Overlay District, the following accessory uses are permitted on the same lot as the principal permitted use: a. On-site leasing, management, maintenance and recreational amenities for mid-rise and high-rise apartment buildings, provided that all such uses are located on the same lot as the principal permitted multi-family use they serve and further provided that all recreational amenities are solely for the use of residents and their guests and not the general public.

b. Off-street parking and loading facilities

c. Signs as provided below in section 4 hereunder.

d. Fences

3. Area, Yard and Bulk Regulations. Permitted apartment building uses shall be developed in conformance with the following requirements:

Area, Yard and Bulk Regulations

HO Multifamily

Min. Lot Size (sq. ft.)	130,000
Min. Lot Width (ft.)	125
Min. Front Yard (ft.)	40
Min. Side Yard, Interior (ft.)	15
Min. Side Yard, Secondary Sts. (ft.)	40
Min. Rear Yard (ft.)	20
Max. Height (stories/ft.)	30/max. 280
Max. Lot Coverage (%)	40
Min. Lot Area per Dwelling Unit (sq-ft.)	525
Min. Height Ratio, front	6:1
Min. Height Ratio, rear	0
Min. Height Ratio, side	6:1

4. Supplemental regulations for mid-rise and high-rise apartment building uses in the Housing Overlay District. Multi-family uses in the Housing Overlay District shall comply with the following:

a. In order to implement the provisions of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and the regulations adopted by the New Jersey Council on Affordable Housing (COAH), as set forth in N.J.A.C. 5:94 (COAH regulations), including future amendments thereto, any apartment building use shall provide on-site affordable housing units, provide for same in the form of a cash contribution or provide a mixture of the two types of contribution so as to provide the total number of affordable units as specified below. The number of required affordable units shall be at least 20% of the number of units to be offered for sale at market rates and 15% of the number of units to be offered for rental. Any affordable units so provided shall be exempt from any applicable residential density limits. For the purposes of this section, all terms in this sub-paragraph shall have the definitions and meanings as set forth in the COAH regulations, and all provisions herein shall be interpreted in a manner consistent with the COAH regulations, including future amendments thereto. In addition, the administration, eligibility and marketing of affordable units created pursuant to this section shall be carried out in a manner consistent with the COAH regulations under N.J.A.C. 5:80-26.1, including future amendments thereto.

b. Any apartment building use shall provide a landscaped buffer strip around the entire perimeter of the subject site, exclusive of site driveways. Such buffer strip shall include at least 1 shade tree for each 50 linear feet of site perimeter. Each shade tree shall be planted at least 30 feet from any building taller than one story.

c. Any apartment building use shall provide a pedestrian access route from the principal building entrance to the edge of the site most directly toward the nearest public transit stop. Such route shall be separated from site driveways, parking aisles by lighted and landscaped areas at least five feet in width or a curbed sidewalk at least five feet in width.

d. Any apartment building use shall provide both vehicular and pedestrian interconnections to adjoining properties, regardless of the opportunity to connect at the time of site plan approval.

**ARTICLE IX  
BUFFER AND GENERAL LANDSCAPING REQUIREMENTS**

**175-9.1 BUFFER ZONE AND GENERAL LANDSCAPING REQUIREMENTS**

A. Buffer Zone Requirements

(1) All commercial, industrial, office, apartment and health care uses adjoining or abutting a residential zone, an institutional use or a public use, except as set forth in Article VIII, shall provide a buffer zone in accordance with the following table.

(See Ordinance 12-2010 changing buffer zone requirements for various conditional uses)

**BUFFER ZONE REQUIREMENTS  
CITY OF HACKENSACK, NEW JERSEY  
BUFFER ZONE**

<b>DEPTH OF BUFFER ZONE</b>	<b>MIN.</b>	<b>MAX. (FEET)</b>
3% of Lot Depth	3	20

(2) No principal or accessory structure, other than as may be provided herein, nor any off-street parking or loading areas or other use shall be permitted within the buffer zone.

(3) No access or driveway, other than as may be permitted herein, shall be permitted within the buffer zone.

(4) Said buffer zone shall be kept in its natural state where wooded, and when natural vegetation is sparse, plant material at least six (6) feet in height and a solid or tightly woven fence may be required so as to provide a year-round visual screen by the Planning Board. Said planting may be placed in suitable areas in the buffer zone as shall be required by the Planning Board.

(5) Within said buffer zone, underground utility easements shall be permitted.

(6) The area encompassed in the buffer zone may be utilized for the purpose of computing lot coverage.

(7) Where the extension of a utility or a street extends into a mandatory buffer, said utility or street shall be located perpendicular to the buffer area and shall disturb the buffer to the minimum extent possible.

**175-9.2 GENERAL LANDSCAPING REQUIREMENTS.**

A. Enclosed Uses.

Any enclosed use require by this Ordinance to be landscaped shall be provided with a fence or a visual screen designed to produce a dense cover consisting of evergreen or evergreen-type hedges or shrubs, spaced at intervals of not more than five (5) feet, located and maintained in good condition within ten (10) feet of the property line or as shall be determined by the Planning

Board. The Planning Board, in the alternative, may require a landscaped earthen berm not less than five (5) feet in height.

**B. Unenclosed Uses.**

Any use which is not conducted within a completely enclosed building, such as required off-street parking, shall be entirely enclosed by a solid or closely woven fence or by evergreen hedges or shrubs spaced at intervals of not more than five (5) feet, located and maintained in good condition, within ten (10) feet of the property line or the zone district boundary line or as shall be determined by the Planning Board. In the alternative, the Planning Board may require a landscaped earthen berm not less than five (5) feet in height.

**C. Maintenance.**

- (1) Any fence or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this ordinance. Failure to maintain fencing or to replace dead or diseased landscaping or any refuse which may collect therein shall be considered a violation of this ordinance.
- (2) Whenever a buffer or landscaping requirement is imposed, and to the extent that same is in fulfillment of the requirements of this ordinance or any other City ordinance, a guaranty in the form of a surety bond, cash or security deposit shall be required.
- (3) All properties shall be kept free of Poison Ivy (*Toxicodendron radicans*), Japanese Knotweed (*Polygonum cuspidatum*), and Ailanthus (*Ailanthus altissima*), which are undesirable or invasive species that may readily spread to nearby properties”

**D. Submission of proposed landscape plans.**

A proposed landscape plan shall be submitted to the Planning Board for its consideration by:

- (1) All applicants for site plan approval.
- (2) All applicants for subdivision approval where any of the lots to be created would require a planted buffer area or a planted area.
- (3) All applicants for subdivisions requiring planting of public dedicated land.

**D. Contents of landscape plan.**

(1) The landscape plan shall be prepared at a scale shown on the plan by a landscape architect, architect or professional engineer. The name of the preparer of the plan, his address, telephone number and license number shall be indicated on the plan. The scale of the plan shall also be indicated. The name of the applicant and any authorized agents shall also appear on the plan.

(2) The plans shall specify all planted areas and planted buffer areas, if required, and the dimensions of each of said areas. The plan shall specify the total number of square feet of any planted area (not including buffer area), the total number of square feet of any required planted buffer area, the combined total area in square feet, if applicable, and the percentage figures of planted areas and buffer areas of the sum of the two (2) and of the total site area.

### **175-9.3 LOCATION, SHAPE AND CONTENT OF AREAS.**

A. The criteria to be considered in determining the location, shape and content of any required planted area and the creation of any required buffer area shall include the following

- (1) Drainage control.
- (2) Traffic and pedestrian safety.
- (3) Conservation of the economic values of the property and adjacent property.
- (4) Proper vehicular and traffic sight lines.
- (5) Shade and pollution control.
- (6) Screening and privacy of adjacent residential area&
- (7) The configuration and relationship of planting areas to the total plan submitted.
- (8) The reduction of noise and lights disturbing to nearby property zoned for residential use.
- (9) The objectives of good planning and zoning pursuant to the provisions of N.J.S.A. 40.55D-1 et seq.
- (10) The preservation of healthy substantial trees wherever it is reasonable to do so, consistent with the criteria set forth herein.

B. In connection with Planning Board consideration for site plan approval, the Planning Board shall have the right to determine the proper areas for the required planted area, taking into consideration the criteria set forth above.

### **175-9.4 USE OF AREAS RESTRICTED**

A planted area and a planted buffer area required by this chapter shall not be used for any buildings, structures, paving or parking or for the sale, display, storage or leasing of materials or for any other use other than a planted area or a planted buffer area except:

A. Detention basins, subject to a finding by the Planning Board that adequate visual screening is still provided.

B. Below-grade, underground parking facilities may be erected underneath any required planted area or planted buffer area, provided that the surface of the lot in the area of the planted buffer area and the planted area has at least four (4) feet of soil and is properly drained so that the same is sufficient to support the growth of plants, ground cover, shrubs and trees.

C. On Planning Board site plan approval, the Planning Board shall, however, allow paved ingress and egress from the site to a public street or highway through a planted buffer area where there are no possible safe exits or entrances to a road or highway. The area to be so paved shall not be included as part of the area making up the required planted buffer area.

### **175-9.5 MAINTENANCE STANDARDS**

A. The required planted area (other than planted buffer areas) need not be all in one (1) area of the lot.

B. The Planning Board may, at the request of any applicant for site plan approval, consider any portion of the planted area to be provided by the applicant on any other lot or lots for purposes of determining the required planted area requirement (not including planted buffer areas) if, in the opinion of the Planning Board:

(1) The subject lots are to be operated essentially and substantially as a single site rather than as separate sites; and

(2) The lots have or are to be provided as part of the site plan with designated pedestrian and vehicular ingress and egress between or among each lot in the unit considered, without using public roads, and utilizing common parking areas.

#### **175-9.6 DESIGN CRITERIA.**

A. The planted area and required planted buffer area shall be so designed to provide proper drainage of the soil.

B. The planted area or required planted buffer shall be protected by continuous portland cement concrete or Belgian block curbing on all sides except on the planted buffer area; curbing is required only on the inside perimeter of the buffer area.

C. The planted area or required planted buffer area shall be planted with approved plant material with sufficient organic sanitary material, topsoil, peat moss and the like, so that the same shall be likely to thrive. Minimum depth of topsoil in all turf areas shall be four (4) inches. All topsoil shall conform to specifications approved by the City Engineer.

D. No owner, developer or occupant of a lot of which all or a portion is undeveloped shall remove any trees in excess of six (6) inches in diameter as measured one (1) foot above the base from any required planted area or any required planted buffer area or from the lot except by express direction or approval contained in a subdivision approval, soil permit or site plan approval by the Planning Board of the City of Hackensack. The exception to this criteria is that all Ailanthus (Ailanthus Altissima) trees and saplings must be removed, including their stumps to limit resprouting.

E. Existing healthy trees in excess of six (6) inches in diameter one (1) foot from ground level that are located in any approved planted buffer area or approved planted area shall be preserved unless otherwise ordered by the Planning Board in connection with site plan approval.

F. The planted area shall be designed to provide for the planting of plant material that is hardy and of a variety which requires a minimum amount of maintenance.

G. Where a planted buffer area is required and in areas where there are to be required planted areas, the Planning Board may require on site plan approval that changes in topography or elevation of the planted buffer areas and planted areas be made where such changes would better serve the criteria set forth in section 175-9.3.

H. In connection with any site plan approval granted, the developer of the property shall protect against damage to trees that are located in the approved planted area and approved planted buffer area and shall also protect these areas by temporary fencing until the certificate of occupancy has been issued and all outside construction has been completed.

### **175-9.7 PLANT SELECTION AND PLACEMENT.**

A. The following types of evergreen plants (hereinafter denominated 'Group A) in the upright varieties are recommended for buffer areas to establish screening of nonresidential use and residential use:

#### **Group A**

Pines of all upright varieties  
Junipers of all upright varieties  
Spruces of all upright varieties  
Firs of all upright varieties  
Cedars of all upright varieties  
Tsuga of all upright varieties  
Arborvitae of all upright varieties

B. The trees denominated 'Group B-1' in the accompanying tabulation and the shrubs denominated 'Group B-2 in the accompanying tabulation are recommended for use as a formal clipped hedge for screen and buffer planting.

C. The plants denominated 'Group C in the accompanying tabulations are recommended for informal flowering or fruiting or evergreen hedge for buffer and screen planting.

D. The plants denominated 'Group D' in the accompanying tabulations are recommended for ground covers for greenery planting and the planted areas that are at the end of aisles of parking or very close to entrances and exits to other property or streets or highways. The plants in Group D shall be utilized so as to not obstruct proper sight lines for vehicular and pedestrian safety. The maximum height shall not exceed thirty (30) inches at maturity.

E. The plant species in Group E (shade trees) and Group F (ornamental trees) are recommended and approved species for planted areas and planted buffer areas. Group E (shade trees) when planted shall have a minimum size of two-and-one-half-inches caliper and a minimum branch height of seven (7) feet. If shade trees in Group E are planted in any area on the lot where they will be close to automobiles or at the end of any parking aisle or near the corner of any intersection of any aisle and any other driveway or aisle or in any other location in parking aisles, the trees shall be pruned to remove all limbs at the trunk if at that point the limbs are lower than ten (10) feet from the ground. All new trees in Group E and F must be staked in accordance with the American Nurserymen's Standards.

#### **Group B-1**

Acer campestre



Acer ginnala  
Carpinus in variety  
Crataegus cordata  
Crataegus, crus-galli  
Picea excelsa  
Pinus strobus  
Taxus cuspidata capitata  
Tsuga canadensis  
Tsuga occidentals nigra

**Group B-2**

Berberis thunbergii  
Buxus sempervirens  
Euonymus alatus  
Euonymus alatas compactus,  
Euonymus fortunei vegetus  
Ilex crenata varieties  
Ilex crenata microphylla  
Ligustrum ibolium  
Ligustrum ovalifolium  
Phamnus, fragula tallhedge  
Pyracantha coccinea lalandi  
Taxus in variety

**Group C**

Berberis in variety  
Cydonia japonica  
Deutzia gracilis  
Euonymus patens  
Forsythia intermedia varieties  
Hetzi  
Juniperus chinensis pftzeriana  
Juniperus chinensis glauca  
Lonicera (bush forms)  
Mahonia aquifolium  
Philadelphus; virginalis  
Rhodotypes kerriodes  
Rosa nitida  
Rosa rugosa  
Spirea bum antony waterer  
Spirea thunderergi  
Spirea vanhouttei  
Syringa vulgaris  
Syringa vulgaris alba  
Taxus intermedia densilomis

Taxus intermedia hatfieldi  
Virburnum dentatum  
Virburnum lantana,  
Viburnum tomentosum

**Group D**

Turf (grass)  
Scotch heather  
Rockspray cotoneaster  
Candytuft  
Creeping juniper  
Sargent juniper Uyo of the valley Ferns  
Shore juniper  
Juniper wiltoni  
Lily of the Valley Ferns  
Epimedium,  
English ivy  
Japanese spurge  
Periwinkle or myrtle  
Hall's honeysuckle  
Virginia creeper  
Moss pink  
Creeping thyme  
Bulge plant wintercreeper  
Chinese matrimony vine  
Memorial rose yellow root

**Recommended Shade Trees for Buffer Planting and Planted Areas**

**Common Name Botanical Name**

Sycamore maple Acer pseudo-platanus  
Red Maple Acer Rubrum  
Armstrong II  
Columnar  
October Glory  
Soashanger  
Sugar maple Acer saccharum  
Columnar  
Green Mountain  
Momentale  
Red horsechestnut Aesculus carnea  
White ash Fraxinus Americana  
Marshall Seedless ash Fraxinus Pennsylvania "Marshall"  
Blue ash Fraxinus velutina "Modesto"  
Ginkgo maidenhair tree Fraxinus Pennsylvania "Marshall"  
Autumn Gold (must be male)

Lakeview (must be male)  
 Sentry (must be male)  
 Honey locust *Gleditsia triacanthos inernis*  
 Imperial  
 Skyline  
 Sunburst  
 Sweetgum *Liquidambar styraciflua*  
 Sour-gum *Nyssa sylvatica*  
 Oaks  
 Scarlet oak  
 Pin oak  
 Willow oak  
 Northern red oak  
*Quercus coccinea*  
*Quercus palustris*  
*Quercus phellos*  
*Quercus rubra*  
 Japanese pagoda tree *Sophora japonica*  
 Lindens  
 Littleleaf lindern  
 Chancellor  
 Greenspire  
 Rancho  
 Tilia *Tilia cordata*  
 Sawleaf zelkova *Zelkova serrata*  
 Katsura *Cercidiphyllum japonicum*  
 Dawn redwood *Metasequoia glypostroboides*

### **Group F**

Recommended Ornamental Trees for Buffer  
 Planting and Planted Areas  
 Common Name Botanical Name  
 Shadblow Serviceberry *Amelanchier Canadensis*  
 Canoe birch, Paper birch *Betula papyrifera*  
 Gray birch *Betula populifolia*  
 European white birch *Betula verrucosa*  
 European hornbeam *Carpinus betulus*  
 American hornbeam *Fastigiata Carpinus caroliniana*  
 Goldenrain tree *Koelreuteria paniculata*  
 Sourwood sorrel tree *Oxydendrum arboretum*  
 Amur corktree *Phellodendron amurense*  
 Bradford pear *Pyrus calleryana*  
 English holly *Ilex aquifolium*  
 American holly *Ilex opaca*  
 Flowering cherry *Prunus*

Sargent Cherry Prunus sargentii  
 Autumn Flowering Cherry Prunus subhirtella autumnalis  
 Beni Hagan Cherry Prunus beni hagan  
 Weeping Japanese Cherry Prunus subhirtella pendula  
 Kwanzan Cherry Prunus Kwanzan  
 Yoshino Cherry Prunus Kwanzan  
 Dogwoods  
 Pink dogwood Cornus florida rubra  
 Flowering dogwood Cornus florida  
 Chinese dogwood Cornus Kousa  
 Cornelian Cherry Cornus mas  
 Flowering crabapple Malus  
 Bilrelana plum Prunus birelana  
 Purpleleaf plum Prunus cerasifera "Atropurpurea"  
 American Beauty Plant patent 2821 Malus American Beauty  
 Snow Cloud Plant patent 2913 Malus Snowcloud  
 Double Flowering Plant patent 2912 Malus Pink Perfection  
 Snowdrift Crabapple Malus Snowdrift  
 Catherine Crabapple Malus Catherine  
 Sergeant Crab Malus Scheldeckeri  
 Scheidecker Crab Malus Scheideckeri  
 Eastern redbud Cercis Canadensis  
 Lavallie hawthorn Crataegus Ivellei  
 Carolina Silverbell tree Halesia carolina

F. All landscaping is to be completed in a good and workmanlike manner and all planted areas and planted buffer areas are subject to the inspection and approval of the Planning Board prior to the issuance of any permanent certificate of occupancy.

G. The developer must notify the Planning Board at least forty-eight (48) hours prior to the installation of any planted material. The Planning Board may adopt resolutions at public meetings creating standard specifications for planted material and planting which, if adopted, shall be adhered to by all persons installing such material. H. Substitutions of plants within the same grouping from those shown in plans submitted are allowed, subject to Planning Board approval, where the originally designated plants are not available.

**ARTICLE X  
 OFF-STREET PARKING, LOADING AND PERFORMANCE STANDARDS AND  
 DESIGN CRITERIA**

**175-10.1 SCHEDULE OF OFF-STREET PARKING REGULATIONS**

A. Off-street parking shall be provided in conformity with the off-street parking requirements as set forth in the Schedule of Off-Street Parking Regulations, which is hereby adopted and set forth below.

B. Parking Schedule

USE	MINIMUM NUMBER OF REQUIRED PARKING SPACES
One-family dwelling	2 spaces per unit
Two-family dwelling	2 spaces per unit
Townhouse	2 spaces per unit
Mixed Commercial/ Residential Buildings	The sum of the parking requirements for each use within each mixed-use building. Parking for the residential portion shall be as required by the New Jersey Residential Site improvement Standards (N.J.A.C., Chapter 21) in effect at the time of municipal action on the site plan for such use. Parking for the nonresidential portion shall be as required for each use pursuant to the requirements of this section.
Multifamily dwelling	1 1/2 spaces per unit (studio apt.) plus additional parking spaces equivalent to 10% of the total parking required to be designated as visitor's parking. Each dwelling unit shall have one on site parking space available to it at no additional charge to the tenant/owner. For the purposes of this section, a studio apartment dwelling unit is hereby defined as a one-family apartment without separate walled sleeping, cooking, dining and living areas.
Multifamily dwelling	2 spaces per unit plus (other than studio apt.) additional parking spaces equivalent to 10% of the total parking required to be designated as visitor's parking. Each dwelling unit shall have two on-site parking space available to it at no additional charge to the tenant/owner.
Professional Office	Parking shall be provide at in multifamily dwelling the rate of 4 parking spaces for each 1,000 sq. ft. of G.F.A. No office facility shall have less than 4 designated parking spaces with the name of the professional occupying the office space.
Hotel	1.75 spaces per rental unit for a full service hotel. Retail and personal service business, 6 spaces per 1,000 square including galleries,

	studios, post office. feet of Gross Leasable Area.
Sale of new and used motor vehicles	The storage of new or used motor vehicles used motor vehicles shall not encroach on any public right-of-way or the following required spaces. An agency for the sale of new motor vehicles shall provide a minimum of 6 spaces clearly designated and marked for customer use, and 3 additional spaces clearly marked for customer use if used vehicles are also offered for sale on the premises, plus 1 space for each 700 square feet of G.F.A.
Repair garages; public garages	3 spaces clearly marked for customer use plus 1 space for each 700 square feet of G.F.A. Repair garages which are part of a new motor vehicle sales agency shall provide 3 spaces in addition to those required for the new and used motor vehicle sales.
Gasoline service station	1 space per 1,000 square feet of lot area Establishments devoted to 4 spaces per repair bay. If installation of motor supplies no bays are provided, the required parking for a retail use shall apply.
Office building or use	4 spaces per 1,000 square feet of G.F.A.
Restaurants and other eating establishments	1 parking space for each 2 seats, plus 10% of the total required parking spaces
Hospitals of all types	3.9 spaces per bed Nursing or convalescent homes 1 space for each 3 beds, plus 10% of the total required parking spaces
Schools: public, parochial	1 space per classroom, private and religious below plus 10% of the total the level of high school, required parking spaces including day nursery and nursery schools
Other schools: high school or equivalent	1 space for every 5 pupils, plus 10% of the total required parking spaces Colleges, universities and 1 space for each pupil, schools of higher learning; plus 10% of the total business schools required parking spaces

Church or similar place of worship	1 space for each 3.5 seats. Each 20 inches of a pew or bench space shall be equal to 1 seat. If seating is unfixed one parking space per 200 square feet of GFA shall be required.
Funeral home	1 space per 30 square feet of slumber room or parlor, plus 1 space per employee during peak time
Bowling alley	6 spaces per alley
Skating rink	1 space per 75 square feet of skating area
Bank and savings institutions	1 space per 100 square feet of G.F.A.
Research, experimental or testing laboratory	1 space per 600 square feet of G.F.A. manufacturing or industrial use or service use
Shopping Centers	Less than 150,000 sq.ft. 5 1/2 parking spaces per 1,000 sq.ft. of Gross Leasable Area  150,000-500,000 sq.ft. 5 parking spaces per 1,000 sq.ft. of Gross Leasable Area  500,000 sq.ft. or more 4 1/2 parking spaces per 1,000 sq.ft. of Gross Leasable Area
Wholesale business, warehouse, lumber or coal yard; animal hospital	1 space per 600 sq.ft.
Office floor area within a laboratory; Manufacturing, industrial, wholesale, business or warehouse building devoted to office use which office floor area is 20% or greater of the gross floor area of the building in which located.	4 spaces per 1,000 square feet of G.F.A.
Federal state or county one employment office, post office.	1 space per 100 square feet of G.F.A
Arenas, gymnasiums, concert halls, theaters, auditoriums	1 space for each 3 seats, , plus 10% of the total halls, bleachers and similar use required parking for each 2 registered members whichever is greater
Private club, lodge, meeting hall, social hall, community center building and similar place of public assembly	1 space for each 3.5 seats or 1 space for each 200 square feet of G.F.A, whichever is greater

Other uses	For any use not specified above, the parking requirement for the most similar use with regard to need for parking shall be used.
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NOTE 1: In case of a combination of uses, the total requirements for the sum of the various uses shall be required. Whenever the formula for parking spaces required results in a fraction of a space exceeding forty-nine hundredths (0.49), a full space shall be required.

NOTE 2: G.F.A. denotes "Gross Floor Area", defined as the total interior floor area of all floors determined by measuring the inside dimension of the outside walls of the structure.

NOTE 3: In any off-street parking area containing twenty (20) or more parking spaces, up to thirty percent (30%) of the parking stalls may be designated for compact cars. Parking stall dimensions for compact cars shall be at least seven and five-tenths (7.5) feet in width and at least fifteen and zero tenths (15.0) feet in length. Such spaces for compact cars shall be clearly identified by signing or stall surface painting.

**C. Handicapped Parking Schedule (as per the Americans with Disabilities Act)**

If parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each such parking area in conformance with the table below.

**Total Parking  
in Lot**

**Required Minimum Number of Accessible Spaces**

1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

**175-10.2 ADDITIONAL OFF-STREET PARKING REGULATIONS**

In addition to the provisions of the Schedule of Off-Street Parking Regulations contained in Section 175-10.1 of this Ordinance, there shall be applicable the special district regulations as set forth below.

A. Except for one- and two-family structures, all parking areas and driveways shall be paved with bituminous concrete, concrete or other approved permanent hard-surfaced material, and all parking spaces shall be lined and designated on said pavement.



B. Except for one and two-family structures, all parking areas and driveways must have a six (6) inch solid concrete or Belgian block curb to separate the parking area and/or driveway from the required front, side and rear yard when these parking areas are located within six (6) feet of the yard.

C. Except for driveways servicing one and two-family structures, the minimum width of any driveway along which parking is not permitted, used to service a parking area, shall be ten (10) feet and the maximum width shall be twelve (12) feet when used for one-way traffic. When used for two-way traffic, the minimum width shall be eighteen (18) feet and the maximum width shall be twenty-two (22) feet with no parking permitted.

D. Parking Stall and Driveway Requirements

(1) Driveway widths for other than one and two-family structures shall be the sizes indicated in the table below, depending upon their location and traffic flow.

(2) The parking layout tabulated below shall be for one-way traffic only and for parking on one (1) side of said driveway. A driveway for the above-mentioned parking requirement shall be provided with an exit and entrance to either another driveway, right-of-way or public thoroughfare. If said driveway does not comply with the above, a cul-de-sac shall be installed with a minimum radius of thirty-five (35) feet at its blind end. When said driveway serves two-way traffic, the minimum width of the driveway shall be twenty-two (22) feet, except for angle parking between seventy-six degrees (76°) and ninety degrees (90°) for standard sized spaces which shall be a minimum width of twenty-five (25) feet. (3) For parking stalls and aisles, there shall be provided a minimum stall width of nine (9) feet and a minimum stall depth of eighteen (18) feet. Compact car spaces, where permitted, shall provide a minimum stall width of seven and five-tenths (7.5) feet and a minimum stall depth of fifteen (15) feet.

(a) The following minimum aisles widths shall be used:

	AISLE WIDTH (feet)	
	Standard Space (9 x 18)	Compact Car Space (7.5 x 15)
Angle Parking		
Parallel	10	10
30° or less	12	12
31° - 45°	13	13
46° - 60°	18	15
61° - 75°	22	18
76° - 90°	25	22

(b) Aisle providing access to both standard sized spaces and compact car spaces shall be of a width as required for standard sized spaces when the above requires a greater aisle width for such standard sized spaces than for such compact car spaces.

E. All parking areas required by this ordinance, when located in residential districts, except for one and two-family structures, shall be screened along the side or sides abutting a public street with either a solid fence or wall. Said fence or wall shall be a minimum of five (5) feet in height. Landscaping when required as per Article IX shall be provided. Semisolid walls shall be permitted with the approval of the Construction Official.

F. All parking areas required by this Ordinance, when located in residential districts, except for one-and two-family structures in all districts, shall be required to be sufficiently lighted so as to ensure safety to both pedestrians and motorists. Such lighting shall be in accordance with the following :

(1) Nonattendant parking areas shall have a minimum of one-foot-candle-power lighting throughout the entire parking area.

(2) Attendant parking areas shall have a minimum two-foot candles lighting throughout the entire parking area.

(3) The lighting in parking areas shall be installed and arranged so as to throw no glare toward windows of dwellings on adjoining residential property.

G. No person shall store, garage or park, or permit the garaging, storing or parking of, any commercial vehicle upon any of the properties or premises or private roads within the boundaries of Residence Districts R-50, R-100, R-2, R-2A, R-2B, R-3, R-3A and R-3B provided, however that no more than one (1) commercial vehicle of not more than one (1) ton of rated load capacity per premises may be garaged within Residence Districts, R- 50, R-100, R-2, R-2A, R-2B, R-3, R-3A, and R-3B provided if the said commercial vehicle or truck is stored within an enclosed private garage that is accessory to the main building in such residential districts. Nothing herein shall prohibit the parking of a commercial vehicle or truck for such reasonable times as may be required for pickup or delivery service to or from the occupants of premises within the said districts. Owners, lessees, occupants and other persons responsible for or knowingly permitting violations of this subsection on private property or roads shall be guilty of such violations, as well as the owner or user of any vehicle parking or garaged in violation of this subsection. Notice of violations of this subsection shall be given to the violator by the Police Department or the Department of Community Affairs; the posting of signs shall not be necessary in the enforcement hereof.

H. All parking spaces shall be laid out so as to have direct access from a driveway or aisle, and no double-parking shall be permitted except on driveways accessory to one and two-family dwellings.

I. Except for one and two-family structures, no off-street parking shall be permitted in the front, side or rear yards nor between the front setback line and the street right-of-way line of any multifamily dwelling in an R District, B-1, or B-2 District or of any office building in an R District. Driveways are permitted in the required front yard; however, no driveways, turn-arounds, traffic aisles or other paved areas are permitted in the required side or rear yards. Driveway aprons from an approved parking area to a public right-of-way or approved parking area on an adjacent lot are permitted in the required side and rear yards. No garage or parking area for a multifamily dwelling in an R District shall be designated so as of permit backup areas or turning areas to serve garages or parking stalls, which backup areas or turning areas are located in a required front, side or rear yard abutting any public street.

J. All off-street parking areas shall provide space to permit a vehicle to turn around on the site so as to avoid a backing maneuver within the street. Backing within the street shall only be permitted for driveways and parking associated with one and two-family residences.

K. Off-street loading and unloading shall be provided in such amount and manner that all loading and unloading operations will be conducted entirely within the boundaries of the lot concerned, and no vehicle shall use public streets, sidewalks or rights-of-way for loading or unloading operations, other than ingress and egress to the lot.

### **175-10.3 PERFORMANCE STANDARDS AND DESIGN CRITERIA**

#### **A. General Application**

All industrial, business, office, multiple-family residential and health service uses, are subject to the following performance standards and procedures. Other uses, existing or proposed, which the Construction Code Official or Zoning Officer has reasonable grounds to believe violate these performance standards shall be subject to the provisions of this Ordinance as well.

#### **B. Compliance with Performance Standards**

##### **(1) Prior to Construction and Operation.**

Any application for a building permit for a use which shall be subject to performance standards shall be accompanied by a sworn statement by the owner of the subject property that said use will be operated in accordance with the performance standards set forth herein.

##### **(2) Continued Compliance.**

Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be enforced by the Construction Code Official and Zoning Officer

#### **C. Nuisance Elements**

The location where determinations are to be made for the enforcement of performance standards shall be made at or outside property lines of the use creating such element for noise, odor, vibration, glare, dust, smoke, air pollution or water pollution.

## **175-10.4 PERFORMANCE STANDARDS**

### **A. Vibration.**

No vibration shall be permitted which is detectable without instruments at points of measurement specified in Section 175-10.3.

### **B. Glare.**

No direct or sky-reflected glare shall be visible, whether from floodlights or from high-temperature processes, so as to be visible at the points of measurement specified in Section 175-10.3.

### **C. Smoke.**

(1) The emission standards of this chapter or as promulgated by the New Jersey Department of Environmental Protection, whichever is more restrictive, shall pertain.

(2) No emission shall be permitted, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No.2 on the Power's Micro-Ringelmann Chart, published by McGraw-Hill Publishing Company, Inc. copyright 1954, being a direct facsimile reduction of a standard Ringelmann Chart as issued by the United States Bureau of Mines.

(3) The provisions of this subsection shall not apply to : (a) Smoke emitted during the cleaning of a fire box or the building of a new fire, the shade or appearance of which is not darker than No. 3 of the Power's Micro-Ringlemann Chart for a period or periods aggregating no more than three (3) minutes in any fifteen (15) consecutive minutes. (b) Smoke resulting from any fire ignited solely for the purpose of training or research in fire prevention or protection. (c) Smoke from locomotives the shade or appearance of which is equal to but not darker than No. 3 of the Power's Micro-Ringelmann Chart for a period or periods aggregating no more than thirty (30) seconds in any three (3) consecutive minutes, or smoke of said density for a period aggregating no more than four (4) minutes in any fifteen (15) consecutive minutes when building a new fire. (d) Household fireplaces.

### **D. Odors.**

No emission of odorous gases or other odorous matter in such quantity as to be readily detectable shall be permitted.

### **E. Dust.**

Solid particles shall not be emitted in concentrations exceeding standards established by the New Jersey Department of Environmental Protection.

### **F. Flash.**

No emission of any fly ash shall be permitted to be discharged from any stack or chimney into the open air in excess of the quantity set forth in regulations promulgated by the New Jersey Department of Environmental Protection.

**G. Noise.**

No public address system shall be permitted except where such system shall not be audible at any property line.

At the points of measurement specified in Section 175-10.3. the maximum sound pressure level radiated in each standard octave band by any use or facility, other than transportation facilities or temporary construction work shall not exceed the values for octave bands lying within the several frequency limits given in the following table, after applying the corrections shown therein. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association. American Standard Sound Level Meters for Measurements of Noise and Other Sounds, Z. 24.3-1944, American Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Sounds, Z.24-10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, New York, shall be used.

MAXIMUM PERMITTED NOISE LEVELS	
Frequency Ranges Containing Standard Octave Bands(cycles per second)	Octave Band Sound Pressure Level (decibels re 0.0002 dyne/cm)
20 - 300	60
300 - 2,400	40
above 2,400	30
Type or Location of Operation Correction or Character of Noise (1) in Decibels	CORRECTIONS TO BE APPLIED TO OCTAVE BAND SOUND PRESSURE LEVEL IN DECIBELS
Daytime Operation Only	+ 5
Noise Source Operating Less than:	
20% of any 1-hour period	+ 5
5% of any 1-hour period	+10
Noise of Impulsive Character (hammering, etc.)	- 5
Noise of Periodic Character	- 5

(1) Note: Apply one (1) of these corrections only.

**H. Radioactivity or Electrical Disturbance.**

No activities shall be permitted which emit dangerous radioactivity or electrical disturbances adversely affecting the operation of any equipment. All applicable federal and state regulations shall be complied with.

#### I. Fire and Explosion Hazards.

All activities involving and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of state and local laws and regulations shall also apply.

### **175-10.5 DESIGN CRITERIA**

In the judgment of the Planning Board, in accordance with the spirit and intent of this Ordinance, the following design criteria shall be adhered to in each and every case, except where otherwise provided.

A. Traffic access: that all proposed site traffic accessways are adequate but not excessive in number; adequate in grade, width, alignment and visibility; and not located too near street corners, entrances to schools or places of public assembly; and other similar considerations.

B. Circulation and parking: that interior circulation is adequate and that all required parking spaces are provided and are easily accessible. All off-street parking and loading areas shall be surfaced with a durable and dust-free surface. All areas shall be properly marked so as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.

C. Lighting. All exterior lighting devices shall be arranged so as to reflect the light away from adjoining premises. No rotating or flashing signs or lights shall be permitted.

D. Drainage, water supply and sewage disposal facilities. All development shall be provided with adequate water supply, sewage disposal and drainage facilities in accordance with the City requirements.

E. Disposal of usable open space. Usable open space shall be so arranged as to ensure the health and safety and to promote the general welfare.

F. Arrangement of buildings. Adequate provision shall be made for light, air, access and privacy in the arrangement of buildings.

G. Landscaping. Landscaping, where required, shall be provided in order to enhance and protect the natural and scenic qualities of the land. Where adjacent land use dictates, screening and buffer areas shall be required.

H. Wetlands. Wetland areas and wetland transitional areas also known as wetland buffers shall be preserved and protected in accordance with law. Wetlands and wetland buffers shall not be considered usable open space.

### **ARTICLE XI**

**NONCONFORMING USES AND STRUCTURES**  
**175-11.1 CONTINUATION OF USE**

A. A use, building or structure which is lawfully in existence at the effective date of this chapter and shall be made nonconforming at the passage of this Ordinance or any applicable amendment thereto may be continued, except as otherwise provided herein.

B. Any lawful nonconforming use or structure existing on the effective date of this Ordinance may be continued upon the premises or in the building so occupied or used.

C. Any lawful nonconforming use subject to condition or conditions or limited as to term of duration shall continue subject to any such condition or conditions and only for and to the end of the term of duration for which such nonconforming use was granted.

**175-11.2 PARTIAL DESTRUCTION OF NONCONFORMING USE: RESTORATION OR REPAIR**

A. Any nonconforming use or structure existing on the effective date of this chapter may be restored or repaired in the event of partial destruction thereof, provided that the cost of such restoration and repair, in compliance with all existing construction codes of the City of Hackensack and does not exceed fifty (50) percent of the market value of the structure, less foundation systems, at the time of the partial destruction.

B. In the event of a partial destruction of a structure devoted to a nonconforming use, the owner or occupant shall, within ninety (90) days after such event, give notice in writing to the Administrative Officer or the Construction Official of his intention to restore or repair the structure, and within ninety (90) days after date of notice, commence and diligently proceed to the completion of the work.

C. Nonconforming signs as established by this Ordinance and/or the Building Code may remain at their present location, provided that only basic maintenance work on these signs shall be permitted. Maintenance work shall not mean to include the removal of a sign for repair, alteration or repainting nor the relettering of a sign to a name other than that which existing at the time of the passage of this Ordinance. The relettering of a sign at the site shall not apply to billboards.

D. Nothing in this chapter shall prevent the strengthening or restoring to a safe or lawful condition any part of any building or structure declared unsafe or unlawful by the Construction Official, Zoning Officer, or other authorized State or City official.

**175-11.3 EXTENSIONS, ENLARGEMENTS OR CHANGES**

A. No existing building or premises devoted to a non-conforming use as permitted by this Article, shall be enlarged, extended, reconstructed or structurally altered unless such use is

changed to a use permitted in the district in which such building or premises is located; and no nonconforming use shall be changed to another or different nonconforming use.

B. A one- or two-family residential building which complies with the use requirements of this Ordinance and is nonconforming because of the interior side yard regulations may be enlarged, provided that the following conditions are met. (1) There shall be no other violations of the Zoning Ordinance. For the purposes of this subsection only, a zoning violation does not exist when the existing front setback is non conforming but is in keeping with the established front yard setbacks of existing structures within one hundred feet (100') of each side of the property.

#### **175-11.4 DISCONTINUANCE OR ABANDONMENT**

No nonconforming use or structure which shall have been discontinued or abandoned for a period exceeding twelve (12) months shall be resumed; provided, however, that no such use or structure shall be resumed if the premises upon which such use or structure existed is devoted to a conforming use after the discontinuance or abandonment of the nonconforming use.

#### **175-11.5 MODERNIZATION OF NONCONFORMING STRUCTURES**

Nothing contained in this Article shall prohibit the modernization of existing nonconforming structures; provided, however, that such modernization does not entail any extension, enlargement, addition or change of the nonconforming use.

#### **175-11.6 NONCONFORMING BUILDINGS LAWFULLY UNDER CONSTRUCTION**

Any nonconforming building or structure lawfully under construction on the effective date of this Ordinance, pursuant to plans filed with the Construction Official and approved by him and all other municipal boards and agencies as required under law, may be completed and may be used for the nonconforming use for which it was designed, to the same extent as if such building had been completed and been in use on the effective date of this chapter, provided that such building or structure shall be completed within one (1) year after the effective date thereof.

### **ARTICLE XII**

#### **BOARD OF ADJUSTMENT**

##### **175-12.1 CONTINUANCE OF BOARD OF ADJUSTMENT**

All ordinances applicable to the Board of Adjustment are expressly not repealed or amended by this Ordinance.



**ARTICLE XIII  
WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS**

**175-13.1 PURPOSE.**

The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in nonresidential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antenna to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

**175-13.2 APPLICABILITY.**

A. New Towers and Antennas. All new towers or antennas in the City of Hackensack shall be subject to these regulations, except as provided in subsection 175-13.2B through D, inclusive.

B. Amateur Radio Station Operators/Receive Only Antennas. This section shall not govern any tower, or the installation of any antenna, that is under seventy (70') feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

C. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of subsections 175-13.3 F and G, absent any enlargement or structural modification or the addition of any structures

D. AM Array. For purposes of implementing this section, an AM array, consisting of one (1) or more tower units and supporting ground system which functions as one (1) AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

**175-13.3 GENERAL REQUIREMENTS.**

Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses.

A, Notwithstanding any other Hackensack Land Use Regulation, a different existing use or structure on the same lot shall not preclude the installation of an antenna or tower on such lot. If a tower and its appurtenant structures constitute the sole use of the lot, the tower shall be deemed to be the principal use.

B. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with zone development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

C. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Administrative Officer an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Hackensack or within three (3) miles of the border thereof, including specific information about the location, height, and design of each tower. The Administrative Officer may share such information with other applicants applying for administrative approvals or permits under this section or other organizations seeking to locate antennas within the jurisdiction of the City of Hackensack, provided, however that the Administrative Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

D. Aesthetics. Towers and antennas shall meet the following requirements: (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings. (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

E. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

F. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

G. Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Hackensack concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

H. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

I. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Hackensack have been obtained and shall file a copy of all required franchises with the Administrative Officer.

J. Public Notice. For purposes of this section, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance herein, in addition to any notice otherwise required by the Zoning Ordinance.

K. No signs shall be allowed on an antenna or tower.

L. Buildings and Other Equipment. Storage and support equipment associated with antennas or towers shall comply with the requirements of subsection 175-13.6.

M. Multiple Antenna/Tower Plan. The City of Hackensack encourages and mandates the users of towers and antennas to collocate antennas. Applications for approval of collocation sites shall be given priority in the review process.

#### **175-13.4 PERMITTED USES.**

A. General. The uses listed in this section are deemed to be permitted uses and shall require administrative approval for site plan approval.

B. Permitted Uses. The following uses are specifically permitted: Antennas or towers located on property owned, leased, or otherwise controlled by the City of Hackensack provided a license or lease authorizing such antenna or tower has been approved by the City of Hackensack. However, the City may, as a condition of such lease, require site plan approval. The decision to extend such leases to an applicant shall be vested solely with the Municipality, and shall not be governed by this section.

## **175-13.5 CONDITIONAL USE PERMITS.**

A. List of Conditional Uses. The following uses may be approved by the Approving Authority as conditional uses.

(1.) Antennas on existing structures or towers consistent with the terms of paragraphs A, 1(a) and (b) below.

(a) Antennas on existing structures. Any antenna which is not attached to a tower may be attached to any existing business, industrial, office or institutional structure not located in a residential zone provided:

- (1) The antenna does not extend more than the maximum building height for the zone wherein the structure is located as required herein;
- (2) The antenna complies with all applicable FCC and FAA regulations; and
- (3) The antenna complies with all applicable building codes.

(b) Antennas on existing towers. An antenna may be attached to an existing tower in a nonresidential zone and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

- (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Planning Board or Board of Adjustment under site plan approval allows reconstruction as a monopole.
- (2) Height An existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this section. The height change referred to in paragraph a, 1(b), (2)(i) may only occur one (1) time per communication tower. The additional height shall not require an additional distance separation as set forth in subsection 175-13.5. The tower's premodification height shall be used to calculate such distance separations.

(2) New Towers.

New towers may be constructed to hold antennas. In addition to any information required for applications for conditional use permits shall submit the following information:

- (a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in subsection 175-13 B(5)(e), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Planning Board or Board of Adjustment to be necessary to assess compliance with this section.
- (b) Legal description of the entire tract and leased parcel (if applicable).

- (c) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- (d) The separation distance from other towers described in the inventory of existing sites. shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- (e) A landscape plan showing specific landscape materials.
- (f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- (g) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (h) Identification of the entities providing the backhaul network for the owned or operated by the applicant in the City.
- (i) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (j) A description of the feasible location(s) of future towers or antennas within the City of Hackensack based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (k) A visual study depicting where, within a three (3) mile radius any portion of the proposed tower could be seen.
- (l) A statement of intent on whether excess space will be leased.

(3) Factors Considered in Granting Conditional Use Permits for Towers. In addition to any standards for consideration of conditional use permit applications, the Planning Board or Board of Adjustment shall consider the following factors in determining whether to issue a conditional use permit.

- (a) Height of the proposed tower;
- (b) Proximity of the tower to residential structures and residential district boundaries;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) Proposed ingress and egress;
- (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, and
- (i) Availability of proposed tower to other potential users.

(4) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Board or Board of Adjustment that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Board or Board of Adjustment related to the availability of suitable existing towers, other structures or

alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following (although meeting one (1), some, or all of the following may entitle the applicant to approval):

- (a) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(5) Setbacks. The following setback requirements shall apply to all towers for which a conditional use permit is required:

- (a) Towers must be set back a distance equal to at least one hundred (100%) percent of the height of the tower from any adjoining lot line and all non-appurtenant buildings.
- (b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (c) No tower shall exist within required buffer areas, if adjacent to residential zones and as prescribed under local ordinance.
- (d) The minimum tower setback from a residential zone district line and from any school and from any site designated on the Federal, State or Municipal historic register shall be five hundred (500') feet.

B. Separation. The following separation requirements shall apply to all towers and antennas for which a conditional use permit is required:

(1) Separation from Off-Site Uses/Designated Areas.

- (a) Tower separation shall be measured from the base of the tower to the lot line of the offsite uses and/or designated areas as specified in Table A, except as otherwise provided in Table A.
- (b) Separation requirements for towers shall comply with the minimum standards established in Table A.

**Table A**

Off-site Use/Designated Area	Separation Distance
Residential, Public parks, schools or house of worship	200 feet or 300% height of tower whichever is greater
Vacant residentially zoned land	200 feet or 300% height of tower whichever is greater
M-1 and M-2 Zones	None; only zoning code setbacks apply

(2) Separation Distances Between Towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table B.

**Table B Existing Tower Types**

Lattice	Lattice	Guyed	Monopole 75 Ft. in Height	Monopole Less Than 75 Ft.
Guyed	5,000	5,000	1,500	712
Monopole 75 Ft. in height	5,000	5,000	1,500	750
Monopole Less than 75 Ft. in height	1,500	1,500	1,500	750
	750	750	750	750

C. Security Fencing. Towers shall be enclosed by security fencing not less than six (6') feet in height and shall also be equipped with an appropriate anti-climbing device.

D. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required.

- (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences or planned residences. The standard buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the compound.
- (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.
- (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
- (4) Height. The maximum height of new towers shall be:
  - (a) For single user, up to one hundred and twenty (120') feet in height;
  - (b) For two (2) users, up to one hundred thirty five (135') feet in height;
  - (c) For three (3) or more users, up to one hundred fifty (150') feet in height.

E. General Requirements. The following provisions shall govern the issuance of conditional use permits for towers or antennas by the Approving Authority:

- (1) If the tower or antenna is not a permitted use then a conditional use permit shall be required for the construction of a tower.
- (2) In granting a conditional use permit, the Planning Board or Board of Adjustment may impose conditions to the extent the Planning Board or Board of Adjustment concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties
- (3). Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (4) An applicant for a conditional use permit shall submit the information described in this section and a nonrefundable application fee and an escrow deposit as required by the City of Hackensack.
- (5) Telecommunication towers shall be permitted as conditional uses in the M-1 and M-2 zones.

### **175-13.6 BUILDINGS OR OTHER EQUIPMENT STORAGE.**

A. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

- (1) The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than ten (10') feet in height. In addition, for buildings and structures which are less than forty (40') feet in height, the related unmanned equipment structure, shall be located on the ground and shall not be located on the roof of the structure.
- (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten (10%) percent of the roof area. (3) Equipment storage buildings or cabinets shall comply with all applicable building codes.

B. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

- (1) In a front or side yard provided the cabinet or structure is no greater than six (6') feet in height or one hundred (100) square feet in gross floor area and the cabinet/structure is located a minimum of seventy-five (75') feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two to forty-eight (42"-48") inches and a planted height of at least thirty-six (36") inches.
- (2) In a rear yard, provided the cabinet or structure is no greater than eight (8') feet in height or one hundred twenty (120) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8') feet and a planted height of at least forty-eight (48") inches.



(3) In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6') feet in height or an evergreen hedge with an ultimate height of eight (8') feet and a planted height of at least seventy-two (72") inches.

C. Antennas Located on Towers. The related unmanned equipment structure shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10') feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

### **175-13.7 REMOVAL OF ABANDONED ANTENNAS AND TOWERS.**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Hackensack notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The City may condition the issuance of any permit to demolish or remove a tower or antenna on the posting of an appropriate performance bond or other suitable guarantee in a face amount of not less than one hundred twenty (120%) percent of the cost (as determined by the City Engineer) of such removal, grading and restoration to a state required under all applicable City Ordinances, including but not limited to the City Property Maintenance Code.

### **175-13.8 EXISTING TOWERS.**

Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Nonconforming towers or antennas that are damaged or destroyed may not be rebuilt without having to first obtain administrative approval or a conditional use permit and without having to meet the separation requirements specified herein. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subsection 175-13.7

## **ARTICLE XIV SITE PLAN REVIEW**

### **175- 14.1 STATUTORY AUTHORITY; PURPOSE.**

This Article is adopted pursuant to N. J. S. A.40-55D-38 and N.J.S.A. 55D-39 to ensure that any proposed development complies with all of the standards and provisions set forth in N.J.S.A. 40:55D-38a and b and NJSA 40:55D-2, which are hereby incorporated by reference. Site plans shall

be so designed as to provide for the harmonious use of land and as to comply with all of the requirements of this Article and all other applicable ordinances and the foregoing purposes.

### **175-14.2 SUBMISSION OF SITE PLAN REQUIRED; EXCEPTIONS**

A. Except as provided in 175-14.2B of this section, no building permit for any building or structure nor certificate of occupancy or other use permit shall be issued unless a site plan is first submitted to and approved by the Planning Board (or Board of Adjustment where appropriate). No person, firm or corporation shall use, occupy, change the use or enlarge a lot, structure or building unless a site plan is first submitted to and approved by the reviewing board. No certificate of occupancy shall issue unless all improvements and construction required by site plan approval have been properly installed and completed, including all requirements of applicant's soil erosion and sediment control plan, when required, and all conditions annexed to the resolution of approval have been complied with.

B. Site plan approval shall not be required for minor subdivisions or individual lot applications for detached one-or two- family dwelling unit buildings, unless the applicant is seeking a conditional use permit, a use variance or other "D" variance. Additionally, site plan approval shall not be required for any nonresidential use or activity involving the following :

- (1) Repairs to the interior or exterior of a building not involving an enlargement of the building.
- (2) Renovations or alterations to the exterior or interior of a building or structure not involving any significant increase in usable space or existing use of the building or structure and not involving any change of a permitted use. Any proposed change of a site plan or deviation from the plan during construction shall require approval by the initial reviewing board.
- (3) Lots of less than ten thousand (10, 000) square feet wherein the existing structure occupies at least eighty percent (80%) of the lot area.

### **175-14.3 OBJECTIVES.**

A. The objectives of site plan review are to ensure that sufficient information is provided to the reviewing board so that the board can determine whether the proposed use, building, structure, addition or change to any building, structure or use will conform to the Municipal Land Use Law, this Zoning Ordinance, the Land Subdivision Ordinance and other applicable ordinances and requirements of the City of Hackensack, county, and state. Site plan review shall work towards the development of an aesthetically acceptable and well-ordered community serving the interest of public health, safety and general welfare of the city residents and ensuring that the scope of the development is within the infrastructure capacities of the City.

B. In the course of such review, the reviewing board shall consider but not be limited to such factors as the following:

- (1) The adequacy of access for fire and police protection and otherwise.
- (2) The adequacy of provision for drainage of surface waters and for disposal of all wastes.
- (3) The location and the layout of accessory off-street parking and off-street loading spaces, the width and grading of all entrances and exits to such places, the location of such exits and entrances, the traffic flow on the site and ingress and egress to the site, together with the distance

from street intersections, the likelihood of left-hand turns and other turning movements and the likelihood of drawing vehicular traffic to and through local residential streets.

(4) The arrangements for safe and convenient pedestrian circulation on the site and on its approaches.

(5) The impact of the proposed layout upon the surrounding area and particularly upon any nearby residences. including but not limited to:

(a) The location, bulk and height of buildings and the extent of their shadows.

(b) The location, intensity and direction of any outdoor lighting and the proposed times for its use.

(c) The location of any utilities.

(d) The likelihood of any other nuisances. (d) Whether appropriate and adequate screening is provided.

(6) The size, location and type of any signs and/or outdoor display and their appropriateness in the area involved.

(7) The proposed landscaping and its appropriateness in the area involved. Preservation of substantial trees and, where appropriate, existing vegetation is to be encouraged to the maximum extent possible. All site plans must show the location of all existing trees in excess of 1.5 feet (18 inches) in diameter, when measured at a height of 3 feet above ground.

(8) The arrangement of buildings, structures and open spaces on the site, with particular emphasis on setback requirements and the architectural design of the structure(s) and their impact on surrounding properties.

C. In its review, the reviewing board shall encourage creative design of the site to provide a more convenient and attractive layout.

#### **175- 14.4 PROCEDURE FOR SUBMISSION OF SITE PLAN - FEES.**

A. A complete site plan shall be submitted on paper twenty-four by thirty-six (24 x 36) inches in size, fourteen (14) copies of which shall be filed with the administrative officer at least twenty-one (21) days prior to the regular monthly meeting of the reviewing board, together with all required site plan application forms and the fee required by ordinance.

B. Prior to the consideration of an application. under the terms of this chapter, the applicant shall have paid a fee as established by the following schedule. These fees are to be used to defray all related costs of city review, including engineering, legal, planning, traffic or any other related costs, whether by city staff or employed consultants.

(1) Major Site plan: \$1,000 per application; Minor Site Plan: \$500. See Ordinance 24-2012 for fee schedule.

(2) Site plan resubmission. For each resubmission of a site plan previously withdrawn by the applicant or disapproved by the reviewing board, a new application fee shall be paid.

(3) Plan revisions. For revisions to all reviewed site plans, there shall be no fee for the first revision. The fee for all subsequent revisions shall be ten percent (10%) of the original application fee; provided, however, that the reviewing board may waive the fee in such cases where the reviewing board has recommended changes after the plan has been accepted as complete.

(4) Technical review fees. The applicant shall pay to the City twenty percent (20%) of the required fee upon submission of the application for determination if the application is complete as provided for in this Article. If the application is deemed complete, upon payment of the remainder of the stipulated fee, the application will be scheduled for consideration. If the application is determined to be incomplete, it shall be returned to the applicant together with a statement of deficiencies and twenty percent (20%) of the required fee retained to offset the cost of this review. A resubmission of this application shall be considered as a new application.

(5) Engineering inspection fees.

(a) An applicant, prior to the commencement of construction of any improvements required by the reviewing board that are on the right-of-way or interconnected to a public facility, shall pay to the City Treasurer a sum equal to three percent (3%) of the cost of required improvements as determined by the City Engineer. These funds shall be used for the inspection of the required improvements to ensure their compliance with city regulations and the reviewing board approval.

(b) These funds shall be deposited by the Treasurer in an escrow account and shall be used to reimburse the city for any costs incurred on behalf of the applicant.

(c) Upon final release of the maintenance bonds or final approval, whichever occurs later, the applicant or his successor may request the return of any excess funds in his escrow account. These funds shall be released within sixty (60) days, together with a statement of all costs paid from the escrow funds indicating the time expended and the costs of the City in providing these inspections and other required reviews. The applicant has the right to review all vouchers and other supporting documentation on file with the City substantiating the costs charged against his escrow account.

(d) If, at any time prior to final approval, the applicant elects to withdraw his request for approval and abandon the project, the applicant or his successor may request the return of excess funds in his escrow account in the manner outlined above.

(6) Payment of taxes and liens as condition to development approval. As a condition for approval of any development application, an applicant shall be required to submit proof that no taxes or assessments for local improvements are due or delinquent on the property for which said application is made.

#### **175-14.5 COMPLETION OF APPLICATION.**

An application for development shall be complete for purposes of commencing the applicable time period for action by a reviewing board when so certified by the reviewing board or its administrative officer. In the event that the reviewing board or administrative officer does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five-day period for purposes of commencing the applicable time period, unless the application lacks information required by this Article and the reviewing board or its administrative officer has notified the applicant in writing of the deficiencies in the application within forty-five (45) days of submission of the application. The applicant may request that one (1) or more of the submission requirements be waived, in which event the reviewing board shall grant or deny the request within forty-five (45) days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that the applicant is entitled to approval of the application. The reviewing board may subsequently require correction of any information found to be in error and submission of additional information not specified in this Article or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the reviewing board.

#### **175-14.6 REVIEW PROCESS.**

A. The reviewing board shall, within forty-five (45) days after submission of a complete application conforming to this chapter or within ninety-five (95) days after submission of a complete application involving a development of more than ten (10) acres or ten (10) dwelling units, approve or disapprove the proposed development or construction or may approve subject to appropriate conditions and safeguards designed to further the general purposes of this chapter and specific purposes indicated above. The certificate of occupancy shall then be made explicitly subject to conformity with those conditions and safeguards. Whenever review or approval or the application by the County Planning Board is required by Section 5 of P. L 1968. c.285 (N. J. S. A.40: 27-6. 6), the reviewing board shall condition any approval on the timely receipt of a favorable report or approval on the application by the County Planning Board.

(1) When a site plan is submitted as a function of a “D” variance or conditional use variance , the time limit requirements for the variance shall prevail.

(2) Failure of the reviewing board to render a decision within the forty-five-day period or within any further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

B. Staged development. For any site plan which cannot be reasonably constructed within a period of one (1) year, the reviewing board may require, as a condition of site plan approval or otherwise, a developer's agreement including one (1) or more of the following.

- (1) That final approval be granted in sections or stages.
- (2) That improvements be installed in a specified order.
- (3) That all or some building permits be withheld pending completion of all or certain in-ground improvements or the posting of adequate performance guaranties.
- (4) That the applicant perform all necessary measures, necessary or reasonable to protect the environment, required by the duration of the construction process.

C. Concept plan. At the request of the developer, the Planning Board shall grant an informal review of a concept plan for development for which the developer intends to prepare and submit an application for development. The developer shall not be bound by any Concept plan for which review is requested, and the Planning Board shall not be bound by any such review.

#### **175-14.7 DETAILS OF SITE PLAN.**

A. The site plan shall be prepared by a licensed surveyor of New Jersey, or if prepared by a professional engineer, the site plan must be accompanied by a survey prepared by a licensed surveyor.

B. All site plans shall, as a minimum, set forth or depict the following information :

- (1) A data block in the lower right-hand corner setting forth:
  - (a) The title or name of the developer.
  - (b) The name and address of the applicant and the record owner of all lots comprising any part of the plan.
  - (c) The name, address, profession, New Jersey license number, signature and seal of the preparer of the site plan.
  - (d) The date of preparation of the plan and all revision dates.
  - (e) An indication of scale, which shall not be smaller than fifty (50) feet to the inch.
  - (f) North arrow.
- (2) A key map showing all property within a radius of two hundred (200) feet of the tract, the block and lot numbers of each such lot, the location of the tract (by shading), all streets and intersections within said area and the names and addresses of all property owners within said two-hundred-foot area.
- (3) The interior corridor and egress layout of the proposed building or structure, first floor only.
- (4) All distances shall be in feet and decimals of a foot, and all bearings shall be given to the nearest ten (10) seconds.
- (5) Existing zoning and municipal boundaries within two hundred (200) feet of the tract.
- (6) Boundaries of the property, building or setback lines and lines of existing streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way.
- (7) A copy of any covenants, deed restrictions or exceptions that are intended to or do presently relate to all or any part of the tract.
- (8) All distances, as measured along the center lines of existing streets abutting the property to the nearest intersection with any public street if not shown on the plan.

- (9) Location of existing buildings which shall remain and all other structures, such as walls, fences, culverts, bridges, roadways, etc., with spot elevations of structures. Structures to be removed shall be indicated by dashed lines.
- (10) The location of all water, sewer and storm drainage structures and utility lines, whether publicly or privately owned, with pipe sizes, grades and direction of flow, and, if any existing utility lines are underground, the estimated location of said underground utility lines shall be shown.
- (11) For lots exceeding ten thousand (10, 000) square feet, existing contours at intervals of one (1) foot where slopes are more than three percent (3%) but less than fifteen percent (15%) and for all lots containing steeper slopes, contours at intervals of two (2) feet, referenced to United States Coast and Geodetic Survey datum. Existing contours shall be indicated by dashed lines. Where any changes in contours are proposed, finished grades shall be shown as solid lines. Floodway and flood fringe elevations and contours shall be clearly marked.
- (12) For lots requiring a contour plan, the location of existing watercourses, wetlands, wooded areas or single trees not in wooded areas with a diameter of eight (8) inches or more as measured three (3) feet above the base of the trunk and other significant existing features, including previous flood elevations as determined by survey.
- (13) The location of refuse collection and disposal system, including the location of dumpsters and screening and provisions for materials to be recycled. Applications for fifty (50) or more single-family units, twenty-five (25) multifamily units or commercial/industrial developments in excess of one thousand (1, 000) square feet shall incorporate a solid waste management plan with their application, specifically including provisions for the handling, storage and disposal of solid waste and recycled materials. (14) The proposed location of buildings, including proposed first floor grades.
- (15) All means of vehicular access for ingress and egress to and from the site onto public streets, showing the size and location of driveways and curb cuts, including the possible organization of traffic channels, acceleration and deceleration lanes, additional width and any other devices necessary to prevent traffic hazards.
- (16) The location and design of any on-site parking areas or loading areas, showing size and location of bays, aisles and barriers, and internal traffic circulation.
- (17) The proposed location, direction of illumination, power and time of proposed outdoor lighting.
- (18) A landscape plan showing all screening and a planting schedule.
- (19) Proposed stormwater drainage system designed to accommodate a twenty-five-year storm using the New Jersey Department of Environmental Protection rainfall intensity curve. All site plans shall be accompanied by a key map showing all existing drainage within five hundred (500) feet of the tract and all areas such as paved areas, grassed areas, wooded areas and any other surface areas contributing to the surface water runoff and calculations of the runoff, showing methods of computation.
- (20) All means of pedestrian access to and from the principal buildings, parking areas and adjacent public sidewalks and streets.
- (21) The entire property in question, even though only a portion of said property is involved in the site plan; provided, however, that where it is physically impossible to show the entire property on one (1) sheet, it may be shown on a key map. The key map shall also show the tract in relation to its surrounding area.

- (22) The location of all buildings within fifty (50) feet of the property line.
- (23) The location, size and description of all proposed signs relating to traffic regulations, off-street parking or loading areas and the location, size and description of all business identification signs.
- (24) Fire areas and other accessways for emergency vehicles.
- (25) Drawings of building elevations, perspectives or renderings to demonstrate that the proposed building or buildings will be aesthetically acceptable and in keeping with the character of the neighborhood prepared by a New Jersey Licensed architect.
- (26) Such other information or data as may be required by the reviewing board in order to determine that the details of the site plan are in accordance with the standards of this chapter and all other ordinances of the City of Hackensack and, further, that the building or use will not be detrimental to the public health, safety and welfare.

**175-14.8 DEVIATIONS FROM SITE PLAN STANDARDS.**

If it can be demonstrated that, because of peculiar conditions relating to the property or proposed construction, any of the above details are not necessary to properly evaluate the site plan, the reviewing board, upon written application, may modify or waive any of the specific site plan details.

**175-14.9 STANDARDS FOR REVIEW.**

The reviewing board approval may refer the site plan to the City Engineer, Planner, Police Department, Fire Department and/or any other pertinent departments for review and comment. Following receipt of such comments, the reviewing board, before approval, shall determine that the proposed site plan and structure will compare favorably with community standards, other neighborhood improvements and the properly intended and planned appearances throughout any street or neighborhood. In making such determination, the reviewing board shall consider the objectives of review as set forth in this Article.

**175-14.10 AGREEMENT WITH DEVELOPER.**

The reviewing board may require, as a condition of its approval, that the applicant enter into an agreement with the board providing for such reasonable conditions as the board finds necessary to assure that the required improvements shall be properly installed and will function so as not to create any nuisance or condition adverse to the public interest.

**175-14.11 OFF-TRACT IMPROVEMENTS.**

When reviewing a site plan, the reviewing board shall determine if off-tract public utilities and facilities are capable of serving the proposed development. If these public utilities and facilities are inadequate, the reviewing board shall document the inadequacies and either deny the application and advise the applicant and the City Council of the off-tract improvements that are required for the approval or provide an approval conditioned upon the correction of the inadequacies. The applicant shall meet with the City Council of the City of Hackensack or other



responsible agency to make adequate provision for these off-tract improvements, and, upon the resolution of this issue, within eighteen (18) months of the original denial, the reviewing board may grant approval without a resubmission of the site plan documents.

#### **175-14.12 COMPLETION OF IMPROVEMENTS.**

A. Prior to the issuance of a certificate of occupancy, the applicant's engineer shall certify that all improvements as shown on the approved site plan have been completed in accordance with the approved site plan or accepted construction practices. When, by reason of adverse weather conditions, completion of certain improvements would cause an undue delay, the reviewing board may allow the issuance of a temporary certificate of occupancy after the posting by the developer of a performance guaranty sufficient in amount to cover the cost of all such uncompleted improvements as estimated by the City Engineer, assuring the installation of such uncompleted improvements within six (6) months of the posting of the performance guaranty. The amount of the performance guaranty shall be fixed by the reviewing board and shall not be in excess of one hundred twenty percent (120%) of the cost of uncompleted improvements as estimated by the City Engineer. The performance guaranty shall be in a form acceptable to the City Attorney.

B. The Construction Official of the City may issue temporary certificates of occupancy when site plan improvements required for the health and safety of the occupants are completed and the remainder of the improvements can be completed within sixty (60) days or the performance guaranties have been posted.

#### **175-14.13 VIOLATIONS AND PENALTIES.**

Failure to comply with any of the conditions of site plan approval subsequent to the receipt of a building permit or certificate of occupancy, as the case may be, shall be construed to be a violation of this Article and shall be grounds for the revocation of any building permit or certificate of occupancy, as the case may be. If the Construction Official finds that any conditions of site plan approval have not been met he shall give the applicant ten (10) days written notice to comply with said conditions. and failure to comply within this ten-day period shall result in the revocation of the building permit or certificate of occupancy, as the case may be. Such violations may additionally or singly also be prosecuted by law.

### **ARTICLE XV ADMINISTRATION AND ENFORCEMENT**

#### **175-15.1 ENFORCING OFFICER**

The Zoning Officer shall enforce the provisions of this chapter. He may require any member of the Police, Fire or Health Department or other department to report to him in writing any violation of the provisions of this chapter.

## **175-15.2 BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY REQUIRED**

A. Building Permits. No person shall construct, erect, repair or make any alteration to or restoration of any structure or swimming pool until he shall be applied for and secured a building permit from the Construction Official.

B. Certificates of Occupancy. No person shall occupy or use or change the occupation or use of, in whole or in part, any building or structure until he shall have applied for and secured a certificate of occupancy therefore from the Chief Building Inspector.

## **175-15.3 APPLICATION REQUIREMENTS**

### **A. Building Permits**

(1) Unless otherwise provided by this chapter, applications for building permits shall be submitted to the Chief Building Inspector in the manner prescribed by the Building Code of the City of Hackensack, including the amendments and supplements thereto.

(2) For all apartment houses, all plans submitted for approval to the Department of Community Affairs shall contain on the plan a breakdown giving the number of apartments, number of bedrooms per apartment, percentage of land covered and the total square foot area of the lot.

B. Certificates of Occupancy. Applications for certificates of occupancy shall be submitted to the Chief Building Inspector in the manner prescribed by the Building Code of the City of Hackensack, including the amendments and supplements thereto.

## **175-15.4 ISSUANCE OF PERMITS AND CERTIFICATES**

A. By Whom Issued. Building permits and certificates of occupancy shall be issued by the Chief Building Inspector.

### **B. Determination Required as Prerequisite to Issuance.**

(1) The Chief Building Inspector shall issue building permits or certificates of occupancy only after he shall have determined that the building, structure or use is one permitted under the provisions of this chapter.

(2) To assist the Chief Building Inspector in making such a determination, he may require any member of the Police, Fire or Health Department or other department to make an investigation of the premises in question and to report to him the findings of such investigation.

## **175-15.5 NOTICE OF DENIAL TO PERMIT A CERTIFICATE**

If the Chief Building Inspector shall determine that a building, structure or use is not permitted under any provision of this ordinance, he shall give written notice thereof to the applicant as follows:

A. Such notice shall state in what respects the building, structure or use does not conform to such provision or provisions, and shall contain a brief description of the building, structure or use to which the notice refers in terms sufficient to identify it and its location.

B. The notice may be served upon the applicant by registered or certified mail, return receipt requested, or where such resides in the City of Hackensack, in person or by leaving it at his usual place of residence with a member of his family above the age of fourteen (14) years. Where lands are held by joint tenants, tenants in common or tenants by the entirety, service upon one (1) of the owners shall be sufficient and deemed and taken as notice to all.

## **175-15.6 VIOLATIONS AND PENALTIES**

A. Any owner, general agent, contractor or tenant of any building or premises or part thereof, in which premises or part thereof is in violation of any provision of this ordinance has been committed or shall exist, or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist; or any person who constructs, alters, restores, repairs, reconstructs, converts or maintains, or permits the construction, alteration, restoration, conversion or maintenance of, any building or structure, or who uses, maintains or permits the use or maintenance of any land, building or structures, in violation of any provisions of this ordinance, shall, upon conviction, be subject to a fine not to exceed one thousand two hundred and fifty dollars (\$1,250.00) or imprisonment for a term not to exceed ninety (90) days, or both, at the discretion of the court.

B. For every day that a use or structure in violation of any provision of this ordinance is permitted to exist or is continued in any building or location, a distinct violation of this ordinance shall be deemed to have been committed.

C. Any owner, agent, or tenant of any building or premises or part thereof, in which premises or part thereof occupies or uses the structure, or any other person who commits, takes part or assists in such, in violation of any provisions of this chapter, shall, upon conviction, be subject to a fine, for the first offense, of one thousand two hundred and fifty dollars, (\$1,250.00). For the second and subsequent violation the fine shall be equal to the annual cost of the education of a student in the schools in the City of Hackensack. Said fines shall be recovered in a civil action, in a summary proceeding, in the name of the municipality, pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:51-1, et seq., said proceeding shall be commenced in the municipal court of the City of Hackensack for the enforcement of the penalty provided for herein.

D. Complaints of Violations Any person may file a complaint if there is any reason to believe a violation of this ordinance exists. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate.

### **E. Procedures for Abatement of Violations**

(1) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure of land is used in violation of this ordinance or of any ordinance or regulation made under authority conferred hereby, the Zoning Officer or

other proper official, in addition to other remedies, may institute any appropriate legal action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct business or use about such premises.

(2) A violation of any of these terms of this ordinance shall be abated within five (5) days, or within as reasonable time as may be determined, after written notice has been served, either by mail or personal service.

### **175-15.7 AMENDMENTS**

All amendments to this ordinance and to the Zoning Map, which forms a part hereof, shall be adopted in accordance with the provisions of New Jersey law.

### **175-15.8 INTERPRETATION OF PROVISIONS**

In the interpretation and the application of the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances, provided that where this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

**SCHEDULE OF DISTRICT REGULATIONS**  
**R-100 DISTRICT**

**Principal Permitted Uses**

No building or premises shall be erected, altered or used except for uses designated for each district as follows:

- All uses permitted in the R-50 district.

**Accessory Uses**

Any of the following accessory uses may be permitted in conjunction with a permitted principal use

- Any accessory use permitted in the single family district (R-50) under the same terms and conditions.

**Conditional Uses**

The following conditional uses are permitted within the single-family district (R1-100) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- Any conditional use permitted in the single-family district (R-50) under the same terms and conditions.

**Area, Yard and Bulk Regulations R-100 R -100**

	One-family	Non-residential
Min. Lot Size (sq. ft.)	20,000	10,000
Min. Lot Width(ft.)	100	100
Min. Front Yard (ft.)	50	25
Min. Side Yard, interior (ft.)	10	10
Min. Side Yard, secondary streets (ft.)	15	15
Min. Rear Yard (ft.)	50	20
Max. Height (stories/ft.)	2 1/2/ 35	2 1/2 /35
Max. Lot Coverage (%)	20	25
Min. Lot Area Per Dwelling Unit (sq.ft.)	-	-
Min. Height Ratio, front	-	-
Min. Height Ratio, rear	-	-
Min. Height Ratio, side	-	-

SCHEDULE OF DISTRICT REGULATIONS  
R-75 DISTRICT

**Principal Permitted Uses**

No building or premises shall be erected, altered or used except for uses designated for each district as follows:

- All uses permitted in the R-50 district.

**Accessory Uses**

Any of the following accessory uses may be permitted in conjunction with a permitted principal use

- Any accessory use permitted in the single family district (R-50) under the same terms and conditions.

**Conditional Uses**

The following conditional uses are permitted within the single-family district (R1-100) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- Any conditional use permitted in the single-family district (R-50) under the same terms and conditions.

Area, Yard and Bulk Regulations	R-75	R-75
	One-family	Non-residential
Min. Lot Size (sq. ft.)	10,000	10,000
Min. Lot Width(ft.)	75	100
Min. Front Yard (ft.)	35	25
Min. Side Yard, interior (ft.)	10	10
Min. Side Yard, secondary streets (ft.)	15	15
Min. Rear Yard (ft.)	35	20
Max. Height (stories/ft.)	2 1/2/ 35	2 1/2 /35
Max. Lot Coverage (%)	30	25
Min. Lot Area Per Dwelling Unit (sq.ft.)	-	-
Min. Height Ratio, front	-	-
Min. Height Ratio, rear	-	-
Min. Height Ratio, side	-	-

SCHEDULE OF DISTRICT REGULATIONS  
R-60 DISTRICT

**Principal Permitted Uses**

No building or premises shall be erected, altered or used except for uses designated for each district as follows:

- All uses permitted in the R-50 district.

**Accessory Uses**

Any of the following accessory uses may be permitted in conjunction with a permitted principal use

- Any accessory use permitted in the single family district (R-50) under the same terms and conditions.

**Conditional Uses**

The following conditional uses are permitted within the single-family district (R1-100) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- Any conditional use permitted in the single-family district (R-50) under the same terms and conditions.

Area, Yard and Bulk Regulations	R-60	R-60
	One-family	Non-residential
Min. Lot Size (sq. ft.)	7,500	10,000
Min. Lot Width(ft.)	60	100
Min. Front Yard (ft.)	25	25
Min. Side Yard, interior (ft.)	10	10
Min. Side Yard, secondary streets (ft.)	15	15
Min. Rear Yard (ft.)	20	20
Max. Height (stories/ft.)	2 1/2/ 35	2 1/2 /35
Max. Lot Coverage (%)	30	25
Min. Lot Area Per Dwelling Unit (sq.ft.)	-	-
Min. Height Ratio, front	-	-
Min. Height Ratio, rear	-	-
Min. Height Ratio, side	-	-

SCHEDULE OF DISTRICT REGULATIONS  
R-50 DISTRICT

**Principal Permitted Uses**

No building or premises shall be erected, altered or used except for uses designated for each district as follows:

- Single-family dwelling, limited to 1 such dwelling per lot
- Municipal facilities and buildings
- Municipal parks and playgrounds
- Public or parochial schools, limited to prekindergarten through grade 12
- Resident-professional practice, provided that there is no depository of goods or advertising on the premises, except for the resident-professional's nameplate, which may appear on the outside of the premises, and provided that the professional person resides at the location. A resident professional is restricted to no more than 4 assistants other than members of his family and provided further that no colleagues shall be allowed to practice within said structure.
- Community residence for developmentally disabled.

**Accessory Uses**

Any of the following accessory uses may be permitted in conjunction with a permitted principal use

- Accessory uses customarily incidental to a permitted principal use
- Fences
- Garages
- Signs
- Swimming pools

**Conditional Uses**

The following conditional uses are permitted within the single-family district (R-50) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- House of worship, rectory, parish house

Area, Yard and Bulk Regulations	R-50 One-family	R-50 Non-residential
Min. Lot Size (sq. ft.)	5,000	10,000
Min. Lot Width(ft.)	50	100
Min. Front Yard (ft.)	25	25
Min. Side Yard, interior (ft.)	7.5	7.5
Min. Side Yard, secondary streets (ft.)	15	15
Min. Rear Yard (ft.)	20	20
Max. Height (stories/ft.)	2 1/2/ 35	2 1/2 /35
Max. Lot Coverage (%)	25	25
Min. Lot Area Per Dwelling Unit (sq.ft.)	-	-
Min. Height Ratio, front	-	-
Min. Height Ratio, rear	-	-
Min. Height Ratio, side	-	-



SCHEDULE OF DISTRICT REGULATIONS  
R-2 DISTRICT

**Principal Permitted Uses**

No building or premises shall be erected, altered or used except for uses designated for each district as follows:

- All uses permitted in the R-50 district.
- Two-family dwellings

**Accessory Uses**

Any of the following accessory uses may be permitted in conjunction with a permitted principal use

- Any accessory use permitted in the single family districts under the same terms and conditions.

**Conditional Uses**

The following conditional uses are permitted within the R-2 district subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- Any conditional use permitted in the R-50 district under the same terms and conditions.

Area, Yard and Bulk Regulations R-2

	One-family	Non-residential
Min. Lot Size (sq. ft.)	5,000	10,000
Min. Lot Width(ft.)	50	100
Min. Front Yard (ft.)	25	25
Min. Side Yard, interior (ft.)	7.5	10
Min. Side Yard, secondary streets (ft.)	15	15
Min. Rear Yard (ft.)	20	20
Max. Height (stories/ft.)	2 1/2/ 35	2 1/2 /35
Max. Lot Coverage (%)	30	30
Min. Lot Area Per Dwelling Unit (sq.ft.)	-	-
Min. Height Ratio, front	-	-
Min. Height Ratio, rear	-	-
Min. Height Ratio, side	-	-

SCHEDULE OF DISTRICT REGULATIONS  
R-2A DISTRICT

**Principal Permitted Uses**

No building or premises shall be erected, altered or used except for uses designated for each district as follows:

- All uses permitted in the R-2 district.
- Garden Apartments

**Accessory Uses**

Any of the following accessory uses may be permitted in conjunction with a permitted principal use

- Any accessory use permitted in the R-2 zone under the same terms and conditions.

**Conditional Uses**

The following conditional uses are permitted within the R-2A district subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- Any conditional use permitted in the R-2 district under the same terms and conditions.

Area, Yard and Bulk Regulations

	<b>One &amp; Two-Family Garden Apartment Non-Residential</b>		
Min. Lot Size (sq. ft.)	5,000	15,000	10,000
Min. Lot Width(ft.)	50	100	100
Min. Front Yard (ft.)	25	25	25
Min. Side Yard, Interior (ft.)	7.5	15	10
Min. Side Yard, Secondary Streets (ft.)	15	15	15
Min. Rear Yard (ft.)	20	20	20
Max. Height (stories/ft.)	2.5/ 35	2.5/35	2.5/35
Max. Lot Coverage (%)	30	30	---
Min. Height Ratio, front	----	---	---
Min. lot Area per Dwelling unit(Sq. ft.)	0	1,500	0
Min. Height Ratio, rear	---	---	---
Min. Height Ratio, side	---	---	---

SCHEDULE OF DISTRICT REGULATIONS  
R-2B DISTRICT

**Principal Permitted Uses**

"No building or premises shall be erected, altered or used except for uses designated for the R-2B District as follows:

- a) All uses permitted in the R-2 District;
- b) Townhouses."

**Accessory Uses**

Any of the following accessory uses may be permitted in conjunction with a permitted principal use

- Any accessory use permitted in the R-2 zone under the same terms and conditions.

**Conditional Uses**

The following conditional uses are permitted within the R-2A district subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- Any conditional use permitted in the R-2 district under the same terms and conditions.

Area, Yard and Bulk Regulations

	<b>One &amp; Two-Family</b>	<b>Townhouse</b>	<b>Non-Residential</b>
Min. Lot Size (sq. ft.)	5,000	15,000	10,000
Min. Lot Width(ft.)	50	150	100
Min. Front Yard (ft.)	25	25	25
Min. Side Yard, Interior (ft.)	7.5	0	10
Min. Side Yard, Secondary Streets (ft.)	15	15	15
Min. Rear Yard (ft.)	20	20	20
Max. Height (stories/ft.)	2.5/ 35	2.5/35	2.5/35
Max. Lot Coverage (%)	30	30	---
Min. Height Ratio, front	----	---	---
Min. lot Area per Dwelling unit(Sq. ft.)	0	0	0
Min. Height Ratio, rear	---	---	---
Min. Height Ratio, side	---	---	---

"TOWNHOUSES(a)"

Min. Lot Size (sq. ft.)	15,000
Min. Lot Width (ft.)	150
Min. Front Yard (ft.)	25
Min. Side Yard, Interior (ft.)	15

Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	20
Max. Height (stories/ft.)	3/35
Max. Lot Coverage (%)	30
Min. lot Area per Dwelling unit (Sq. ft.)	3111
Min. Height Ratio, front	---
Min. Height Ratio, side	---
Min. Height Ratio, rear	---
Max. Length of Building	6 dwelling units or 1 80 feet, whichever is lesser.

(a) Where individual townhouse lots will be created and sold, section 175-6.8 shall apply in lieu of the standards hereunder.

"ONE & TWO-FAMILY"

Min. Lot Size (sq. ft.)	5,000
Min. Lot Width (ft.)	50
Min. Front Yard (ft.)	25
Min. Side Yard, Interior (ft.)	7.5
Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	20
Max. Height (stories/ft.)	2.5/35
Max. Lot Coverage (%)	30
Min. lot Area per Dwelling unit (Sq. ft.)	0
Min. Height Ratio, front	---
Min. Height Ratio, side	---
Min. Height Ratio, rear	---

"MULTIFAMILY (2 stories or less)"

Min. Lot Size (sq. ft.)	15,000
Min. Lot Width (ft.)	100
Min. Front Yard (ft.)	25
Min. Side Yard, Interior (ft.)	15
Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	15
Max. Height (stories/ft.)	2/28
Max. Lot Coverage (%)	30
Min. lot Area per Dwelling unit (Sq.ft.)	1,500
Min. Height Ratio, front	0

Min. Height Ratio, side	---
Min. Height Ratio, rear	---

"MULTIFAMILY (over 2 stories) & NONRESIDENTIAL"

Min. Lot Size (sq. ft.)	20,000
Min. Lot Width (ft.)	100
Min. Front Yard (ft.)	25
Min. Side Yard, Interior (ft.)	15
Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	15
Max. Height (stories/ft.)	-/55
Max. Lot Coverage (%)	30
Min. lot Area per Dwelling unit (Sq. ft.)	871
Min. Height Ratio, front	0
Min. Height Ratio, rear	---
Min. Height Ratio, side	---

SCHEDULE OF DISTRICT REGULATIONS  
R-3 DISTRICT

**Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district as follows:

- All uses permitted in the R-50 district.
- Multifamily Dwellings
- Professional offices in multifamily dwellings meeting the requirements of Section 175-6.6G.

**Accessory Uses**

Any of the following accessory uses may be permitted in conjunction with a permitted principal use

- Any accessory use permitted in the R-3B zone under the same terms and conditions.

**Conditional Uses**

The following conditional uses are permitted within the R-3 district subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- Any conditional use permitted in the R-3B zone under the same terms and conditions.

Area, Yard and Bulk Regulations

	One-family	Multifamily	Nonresidential
Min. Lot Size (sq. ft.)	7,500	30,000	30,000
Min. Lot Width(ft.)	75	125	125
Min. Front Yard (ft.)	40	40	40
Min. Side Yard, interior (ft.)	10	15	15
Min. Side Yard, secondary streets (ft.)	20	20	20
Min. Rear Yard (ft.)	20	20	20
Max. Height (stories/ft.)	2 1/2 / 35	30/max. 280	30/max. 280
Max. Lot Coverage (%)	25	30	30
Min. Lot Area per dwelling unit (sq. ft.)	0	525	0
Min. Height Ratio, front	0	4:1	4:1
Min. Height Ratio, rear	0	0	0
Min. Height Ratio, side	0	4:1	4:1

SCHEDULE OF DISTRICT REGULATIONS  
R-3A DISTRICT

**Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district as follows:

- All uses permitted in the R-2A and R-2B district.
- Multi-family dwellings
- Professional offices in multifamily dwellings meeting the requirements of Section 175-6.6G.

**Accessory Uses**

Any of the following accessory uses may be permitted in conjunction with a permitted principal use

- Any accessory use permitted in the R- 2A zone under the same terms and conditions.
- Underground parking, parking garages and decks and off-street parking areas.

**Conditional Uses**

The following conditional uses are permitted within the R-3A district subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- Any conditional use permitted in the R-2A zone under the same terms and conditions.

Area, Yard and Bulk Regulations

	One and Two family	Multifamily (2 stories or less)	Multifamily over 2 stories and Nonresidential
Min. Lot Size (sq. ft.)	5,000	15,000	20,000
Min. Lot Width(ft.)	50	100	100
Min. Front Yard (ft.)	25	25	25
Min. Side Yard, interior (ft.)	7.5	15	15
Min. Side Yard, secondary streets (ft.)	15	15	15
Min. Rear Yard (ft.)	20	15	15
Max. Height (stories/ft.)	2.5/ 35	2/28	-/55
Max. Lot Coverage (%)	30	30	30
Min. Height Ratio, front	----	0	0
Min. Lot Area per Dwelling Unit (sq. ft.)	0	1,500	871
Min. Height Ratio, rear	---	---	---
Min. Height Ratio, side	---	---	---

SCHEDULE OF DISTRICT REGULATIONS  
R-3B DISTRICT

**Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district as follows:

- All uses permitted in the R-3A district.
- Professional and business office buildings

**Accessory Uses**

Any of the following accessory uses may be permitted in conjunction with a permitted principal use

- Any accessory use permitted in the R-3A zone under the same terms and conditions.

**Conditional Uses**

The following conditional uses are permitted within the R-3B district subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- Any conditional use permitted in the R-3A zone under the same terms and conditions.
- Nursing, rest and convalescent homes

Area, Yard and Bulk Regulations

	One and Two family	Multifamily (2 stories or less)	Multifamily over 2 stories and Nonresidential
Min. Lot Size (sq. ft.)	5,000	15,000	20,000
Min. Lot Width(ft.)	50	100	100
Min. Front Yard (ft.)	25	25	25
Min. Side Yard, interior (ft.)	7.5	15	15
Min. Side Yard, secondary streets (ft.)	15	15	15
Min. Rear Yard (ft.)	20	15	15
Max. Height (stories/ft.)	2.5/ 35	3/38	-/55
Max. Lot Coverage (%)	30	30	30
Min. Height Ratio, front	-	-	-
Min. Lot Area per Dwelling Unit (sq. ft.)	-	1,500	871
Min. Height Ratio, rear	-	-	-
Min. Height Ratio, side	-	-	-

"TOWNHOUSES(a)" and associated area, yard and bulk regulations so that the area, yard and bulk regulations shall be as follows:

"TOWNHOUSES(a)



Min. Lot Size (sq. ft.)	15,000
Min. Lot Width (ft.)	150
Min. Front Yard (ft.)	25
Min. Side Yard, Interior (ft.)	15
Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	20
Max. Height (stories/ft.)	3/35
Max. Lot Coverage (%)	30
Min. lot Area per Dwelling unit (Sq. ft.)	3,111
Min. Height Ratio, front	---
Min. Height Ratio, side	---
Min. Height Ratio, rear	---
Max. Length of Building:	6 dwelling units or 180 feet, whichever Is lesser.

(a) Where individual townhouse lots will be created and sold, section 175-6.8 shall apply in lieu of the standards hereunder.

"ONE and TWO -FAMILY"

Min. Lot Size (sq. ft.)	5,000
Min. Lot Width (ft.)	50
Min. Front Yard (ft.)	25
Min. Side Yard, Interior (ft.)	7.5
Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	20
Max. Height (stories/ft.)	2.5/35
Max. Lot Coverage (%)	30
Min. lot Area per Dwelling unit (Sq. ft.)	-
Min. Height Ratio, front	-
Min. Height Ratio, side	-
Min. Height Ratio, rear	-

"MULTIFAMILY (3 stories or less)"

Min. Lot Size (sq. ft.)	15,000
Min. Lot Width (ft.)	100
Min. Front Yard (ft.)	25
Min. Side Yard, Interior (ft.)	15
Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	15

Max. Height (stories/ft.)	3/38
Max. Lot Coverage (%)	30
Min. Lot Area per Dwelling unit (Sq. ft.)	1,500
Min. Height Ratio, front	-
Min. Height Ratio, side	-
Min. Height Ratio, rear	-

"MULTIFAMILY over 3 stories and NONRESIDENTIAL"

Min. Lot Size ( <i>sq.</i> ft.)	20,000
Min. Lot Width (ft.)	100
Min. Front Yard (ft.)	25
Min. Side Yard, Interior (ft.)	15
Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	15
Max. Height (stories/ft)	-/55
Max. Lot Coverage (%)	30
Min. lot Area per Dwelling unit (Sq. ft.)	871
Min. Height Ratio, front	-
Min Height Ratio, side	-
Min. Height Ratio, rear	-

## SCHEDULE OF DISTRICT REGULATIONS HCS DISTRICT

### **Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district as follows:

- Hospitals and medical centers providing primary health care services for the diagnosis, care and treatment of human patients.
- Offices of physicians, dentists, surgeons, chiropractors, ophthalmologists and other licensed practitioners of the healing arts, but not including veterinarian services.
- Medical and dental laboratories and research facilities.
- Facilities for the education and training of hospital personnel, including but not limited to interns, hospital residents, nurses, technicians and orderlies.
- Convalescent or nursing homes and life care facilities
- Any principal use permitted in the R-3B medium density multifamily residential and office zone.
- Municipal, county, state or federal governmental buildings, library, park or recreational facility, firehouse.
- Public and private day schools.

### **Accessory Uses**

Any of the following accessory uses may be permitted when used in conjunction with a permitted principal use.

- Uses customarily and/or associated with the operation and administration of the principal use.
- Accessory uses customarily and/or associated with the operation and administration of principal uses identified in the R-3B zone.
- Gift or flower shops; cafeteria, restaurant or snack bars; pharmacy, provided said use or uses are associated with a hospital or medical center and maintains no exterior entrances or exits to the outside building.
- Off-Street parking lots, garages, and /or structures associated with the principal permitted or conditional use on the site and in accordance with Article X (Off-Street Parking) of this Ordinance. Off-street parking lots, garages and/or structures associated with a hospital or medical center may be constructed within the HCS zone provided that said facility is located no further than 1,500 feet from the principal campus.
- Signs
- Fences

### **Conditional Uses**

The following conditional uses are permitted within the health care services district (HCS) subject to

area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- Community Residence for the developmentally disabled and community shelters for victims of domestic violence.

- Houses of worship, rectory, parish house.

Area, Yard and Bulk Regulations

	Hospital, Medical Center, Hospital Training Facility	Medical Offices	R-3B Uses
Min. Lot Size (sq. ft.)	650,000	20,000	See Area, Yard and Bulk Regulations for R- 3B Zone District
Min. Lot Width(ft.)	500	100	See Area, Yard and Bulk Regulations for R- 3B Zone District
Min. Front Yard (ft.)	½ building height	25	See Area, Yard and Bulk Regulations for R- 3B Zone District
Min. Side Yard (ft.)			
Interior	25	0	See Area, Yard and Bulk Regulations for R- 3B Zone District
Secondary Streets	25	25	
Min. Rear Yard (ft.)	0	25	See Area, Yard and Bulk Regulations for R- 3B Zone District
Max. Height (stories/ft.)	10/120	3/40	See Area, Yard and Bulk Regulations for R- 3B Zone District
Max. Lot Coverage (%)	80	50	See Area, Yard and Bulk Regulations for R- 3B Zone District
Min. Lot Area per Dwelling Unit (sq. ft.)	0	0	See Area, Yard and Bulk Regulations for R- 3B Zone District

## SCHEDULE OF DISTRICT REGULATIONS B-1 DISTRICT

### **Permitted Principal Uses**

"No building or premises shall be erected, altered or used except for uses designated for the B-1 District as follows:

- a) Retail stores and shops where products to be sold are stored within a fully enclosed building, but specifically excluding pawnshops, the sale of used furniture, appliances, machinery, clothing or other used manufactured goods, including antique shops. Recognized charitable rummage sales for a limited period (2 weeks) are not included in this exclusion;
- b) Art gallery, studios for dancing, photography, sculpture or musical instruction or instruction in physical self defense;
- c) Bakery where products prepared are retailed on the premises;
- d) Bank or trust company or savings and loan institutions, except drive-in facilities;
- e) Club, lodge, meeting hall and social recreation building affiliated with a national or international organization;
- f) Day nursery, nursery school, child care center;
- g) Delicatessen store;
- h) Drug stores;
- i) Florist shop;
- j) Funeral parlors, undertaking establishments;
- k) Hardware stores;
- l) Mixed commercial/residential buildings on lots that abut Main Street, provided 100% of the mixed-use building coverage lies within 200 feet of Main Street;
- m) Multi-family dwellings;
- n) Municipal, county, state or federal governmental building, library, park or recreation facility, firehouse;
- o) Package liquor store;
- p) Personal service establishments, including tailor, dressmakers, shoe repair, barbershop, beauty parlors, nail and hair salons, specifically excluding public garages;
- q) Pet shops;
- r) Professional offices, business offices, governmental offices, office buildings;
- s) Townhouses;
- t) Travel agencies or offices."

### **Accessory Use**

Any of the following accessory uses may be permitted within the B-1 District, only on the same lot(s) as a permitted principal use.

- a) Accessory uses customarily incidental to a permitted principal use;
- b) Off-street parking and loading facilities;
- c) Fences;
- d) Signs;
- e) Steam or wet-wash laundries, shirt laundries or any other laundry shall be permitted only as an accessory use to a hotel.

**Conditional Use**

The following conditional uses are permitted within the neighborhood business district (B-1) subject to the area, yard, and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- a) Automatic coin-operated laundries (laundrettes) meeting the requirements of this Chapter;
- b) Showroom for the sale of new automobiles. The sale of used cars and the servicing of automobiles shall be permitted only as an accessory use;
- c) Drive-in banking facilities;
- d) Gas or service station;
- e) House of worship, rectory, parish house

**Area, Yard and Bulk Regulations**

	Hotel & Multi-family Non-residential
Min. Lot Size (sq. ft.)	15,000
Min. Lot Width(ft.)	100
Min. Front Yard (ft.)	20 (note 10)
Min. Side Yard, interior (ft.)	15 *
Min. Side Yard, Secondary Streets (ft.)	15 (note 10)
Min. Rear Yard (ft.)	15 (note 10)
Max. Height (stories/ft.)	- / 150 - / 150
Max. Lot Coverage (%)	33 1/3
Min. Lot Area per Dwelling Unit (sq. ft.)	871(multifamily dwelling only)
Min. Height Ratio, front	4:1 Bldgs. Exceeding 25 ft. in height; 6:1, but not less than Note 10
Min. Height Ratio, side	4:1 Bldgs. exceeding 25 ft. in height 6:1, but not less than 10 ft.
Min. Height Ratio, rear	4:1 **

\* No side yard is required, however, if a yard is provided, it shall be no less than six (6) feet.

\*\* Off street loading and unloading shall be arranged that vehicular maneuvering (backing into a loading or unloading area or dock) will not take place on Hackensack Avenue, River Street, South River Street, Hudson Street, or Johnson Avenue.

“TOWNHOUSES” and "MIXED COMMERCIAL/RESIDENTIAL BUILDINGS" and associated area, yard and bulk regulations so that the area, yard and bulk regulations shall be as follows:

"TOWNHOUSES"

Min. Lot Size (sq. ft.)	15,000
Min. Lot Width (ft.)	150
Min. Front Yard (ft.)	25
Min. Side Yard, Interior (ft.)	15
Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	20
Max. Height (stories/ft.)	3/35
Max. Lot Coverage (%)	30
Min. lot Area per Dwelling unit (Sq. ft.)	3,111
Min. Height Ratio, front	---
Min. Height Ratio, side	---
Min. Height Ratio, rear	---
Max. Length of Building	6 dwelling units or 180 feet, whichever is lesser.

(a) Where individual townhouse lots will be created and sold, section 175-6.8 shall apply in lieu of the standards hereunder.

"HOTEL AND MULTIFAMILY"

Min. Lot size (sq. ft.)	15,000
Min. Lot Width (ft.)	100
Min. Front Yard (ft.)	20
Min. Side Yard, Interior (ft.)	15
Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	15
Max. Height (stories/ft.)	-/150
Max. Lot Coverage (%)	33 1/3
Min. lot Area per Dwelling unit (Sq. ft.)	871 (multi-family dwelling only)
Min. Height Ratio, front	4:1
Min. Height Ratio, side	4:1
Min. Height Ratio, rear	4:1

"MIXED COMMERCIAL/RESIDENTIAL BUILDINGS"

Min. Lot Size (sq. ft.)	5,000
Min. Lot Width (ft.)	50
Min. Front Yard (ft.)	---
Min. Side Yard (ft.)	*

Min. Rear Yard (ft.)	15
Max. Height (stories/ft.)	3/35
Max. Lot Coverage (%)	80
Min. lot Area per Dwelling unit (Sq. ft.)	1,000
Min. Height Ratio, front	None
Min. Height Ratio, side	None
Min. Height Ratio, rear	None

\*No side yard is required, however, if a yard is provided, it shall be no less than six (6) feet.

“NON-RESIDENTIAL”

Min. Lot Size (sq. ft.)	---
Min. Lot Width (ft.)	---
Min. Front Yard (ft.)	(note 10)
Min. Side Yard, Interior (ft.)	*
Min. Side Yard, Secondary Streets (ft.)	(note 10)
Min. Rear Yard (ft.)	(note 10)
Max. Height (stories/ft.)	-/150
Max. Lot Coverage (%)	---
Min. lot Area per Dwelling unit (Sq. ft.)	---
Min. Height Ratio, front	Bldgs. exceeding 25 ft. in height; 6: 1, but not less than Note 10
Min. Height Ratio, side	Bldgs. exceeding 25 ft. in height; 6: 1, but not less than Note 10
Min. Height Ratio, rear	---

\* No side yard is required, however, if a yard is provided, it shall be no less than six (6) feet.

\*\* Offstreet loading and unloading shall be arranged that vehicular maneuvering (backing into a loading or unloading area or dock) will not take place on Hackensack Avenue, River Street, South River Street, Hudson Street, or Johnson Avenue.

The following uses are specifically prohibited in the B-1 Zone:

- a) Check cashing stores;
- b) Day laborer employment placement officer;
- c) Public parking lots;
- d) Outside storage of vehicles as commercial storage, or as vehicles for rent;
- e) Any temporary or permanent storage of contractor equipment, construction materials, demolition debris, lot clearance debris, or excavated soil and rock on any property not undergoing construction work, whether the property is established as a contractor yard or not."



SCHEDULE OF DISTRICT REGULATIONS  
B-2 DISTRICT

**Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for the B-2 District as follows:

- a) All uses permitted in the B-1 District except studios for instruction of self-defense, day nurseries, nursery schools, and townhouses;
- b) Appliance stores;
- c) Book and stationary stores;
- d) Business or vocational schools;
- e) Department stores;
- f) Dry goods and variety stores;
- g) Fully enclosed theaters, concert halls, auditoriums;
- h) Furniture stores;
- i) Hardware and for building supply stores;
- j) Hobby and craft stores;
- k) Hotels subject to the requirements of this chapter. A public dance hall shall be permitted as an accessory use to a hotel only;
- l) Movie theaters, bowling alleys, and other indoor amusement facilities;
- m) Multi-family dwellings;
- n) Office equipment establishments;
- o) Painting, plumbing and wallpaper stores;
- p) Photographic equipment and supply stores;
- q) Supermarkets;
- r) Telegraphic office, telephone exchange.

**Accessory Uses**

Any of the following accessory uses may be permitted when used in conjunction with a permitted principal use.

- Any accessory use permitted in the (B1)zone under the same terms and conditions.

**Conditional Uses**

The following conditional uses are permitted with the B-2 zone subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- All uses permitted as conditional uses in the B-1 District
- Live Entertainment

Area, Yard and Bulk Regulations

Hotel & Multi-family Non-residential

Min. Lot Size (sq. ft.)	1.5 acres
Min. Lot Width(ft.)	100
Min. Front Yard (ft.)	20 (note 10)
Min. Side Yard, interior (ft.)	15 *
Min. Side Yard, Secondary Streets (ft.)	15 (note 10)
Min. Rear Yard (ft.)	15 (note 10)
Max. Height (stories/ft.)	0/ 150 0/150
Max. Lot Coverage (%)	33 1/3
Min. Lot Area per Dwelling Unit (sq. ft.)	525(multifamily dwelling only)
Min. Height Ratio, front	4:1 Bldgs. exceeding 25 ft. in height; 6:1, but not less than Note 10
Min. Height Ratio, side	4:1 Bldgs. exceeding 25 ft. in height
Min. Height Ratio, rear	6:1, but not less than 10 ft. 4:1 **

\* No side yard is required, however, if a yard is provided, it shall be no less than six (6) feet.

\*\* Off street loading and unloading shall be arranged that vehicular maneuvering (backing into a loading or unloading area or dock) will not take place on Hackensack Avenue, River Street, South River Street, Hudson Street, or Johnson Avenue.

MIXED COMMERCIAL/RESIDENTIAL BUILDINGS and associated area, yard and bulk regulations so that the area, yard and bulk regulations shall be as follows:

"HOTEL & MULTI-FAMILY"

Min. Lot Size (sq. ft.)	15,000
Min. Lot Width (ft.)	100
Min. Front Yard (ft.)	20
Min. Side Yard, Interior (ft.)	15
Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	15
Max. Height (stories/ft.)	0/150
Max. Lot Coverage (%)	33/13
Min, lot Area per Dwelling unit (Sq. ft.)	525 (multi-family dwelling only)
Min. Height Ratio, front	4:1
Min. Height Ratio, side	4:1
Min. Height Ratio, rear	4:1

"MIXED COMMERCIAL/RESIDENTIAL BUILDINGS"

Min. Lot Size (sq. ft.)	5,000
Min. Lot Width (ft.)	50
Min. Front Yard (ft.)	No front yard required, except that a building setback of 50 feet shall be required along River Street.
Min. Side Yard, Interior (ft.)	*
Min. Rear Yard (ft.)	15
Max. Height (stories/ft.)	5/55
Max. Lot Coverage (%)	80
Min. lot Area per Dwelling unit (Sq. ft.)	1,000
Min. Height Ratio, front	None
Min. Height Ratio, side	None
Min. Height Ratio, rear	None

\*No side yard is required, however, if a yard is provided, it shall be no less than six (6) feet.

“NON-RESIDENTIAL”

Min. Lot size (sq. ft.)	---
Min. Lot Width (R)	---
Min. Front Yard (ft.)	(note 10)
Min. Side Yard, Interior (ft.)	*
Min. Side Yard, Secondary Streets (ft.)	(note 10)
Min. Rear Yard (ft.)	(note 10)
Max. Height (stories/ft.)	0/150
Max. Lot Coverage (%)	---
Min. lot Area per Dwelling unit (Sq. ft)	---
Min. Height Ratio, front	Bldgs. exceeding 25 ft. in height; 6:1, but not less than Note 10
Min. Height Ratio, side	Bldgs. exceeding 25 ft. in height 6:1, but Not less than 10 ft.
Min. Height Ratio, rear	**

\*No side yard is required, however, if a yard is provided, it shall be no less than six (6) feet.

\*\*Off street loading and unloading shall be arranged that vehicular maneuvering (backing into a loading or unloading area or dock) will not take place on Hackensack Avenue, River Street, South River Street, Hudson Street, or Johnson Avenue.

SCHEDULE OF DISTRICT REGULATIONS  
B-2A DISTRICT

<p><b>Permitted Principal Uses</b> No Building or premises shall be erected, altered or used except for uses designated for each district or use as follows:</p>	All uses permitted in the B-2 District	
<p><b>Accessory Uses</b> Any of the following accessory uses may be permitted when used in conjunction with a permitted principal use:</p>	Any accessory use permitted in the B-2 zone under the same terms and conditions	
<p><b>Conditional Uses</b> The following conditional uses are permitted, subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance:</p>	All uses permitted as conditional uses in the B-2 District	
<b>Area, Yard and Bulk Regulations:</b>	<b>Hotel &amp; Multifamily (MF)</b>	<b>Non-Residential</b>
Minimum Lot Size (square feet or acre)	1.5 acres	-
Minimum Lot Width (feet)	100 feet	-
Minimum Front Yard (feet)	20 feet	See B-2 District Regulations
Minimum Side Yard, Interior (feet)	15 feet	See B-2 District Regulations
Minimum Side Yard, Secondary Streets (feet)	15 feet	See B-2 District Regulations
Minimum Rear Yard	15 feet	See B-2 District Regulations
Maximum Height (stories/feet)	14 stories, 176 feet	See B-2 District Regulations
Maximum Lot Coverage (percentage)	80%	-
Minimum Lot Area per Dwelling Unit (square feet)	434 square feet (MF only)	-
Maximum Lot Area per Dwelling Unit (square feet)	868 square feet (MF only)	-
Minimum Dwelling Unit Size (square feet)	650 square feet (MF only)	-
Minimum Height Ratio, Front	-	See B-2 District Regulations
Minimum Height Ratio, Side	-	See B-2 District Regulations
Minimum Height Ratio, Rear	-	See B-2 District Regulations

**Loading & Unloading:**

Off Street loading and unloading shall be arranged so that vehicle maneuvering (such as backing into a loading or unloading area or dock) will not take place on Kinderkamack Road or Johnson Avenue

**Parking Standards in B-2A District:**

In General, refer to Section 175- 10.1 and 175- 10.2 with the exception of the following parking standards which shall apply to the following scheduled uses:

Multifamily Dwelling	Studio (as defined within Section 175-1 0.1)	1.0 space per unit
Multifamily Dwelling	1,2 or 3 bedroom units	1.25 spaces per unit
Multifamily Dwelling	Visitor Parking	Equal to 5% of the total parking required to be designated as visitor parking
Hotel	-	1 parking space per hotel room plus 1 parking space per employee per shift
Retail Stores	-	3 parking spaces per 1000 square feet of gross leasable area

**Shared Parking Strategies:**

Joint use of up to 50% of required parking spaces may be permitted for two or more uses located on the same parcel or adjacent parcels, provided that the applicant can demonstrate that the uses will not substantially overlap in hours of operation, or in demand for the shared spaces. Any sharing of required parking spaces by uses located on different parcels shall be guaranteed by legally binding written agreements between the owner of the parking area and the owner of any use located on a different parcel and served by the parking area. An applicant that seeks approval of a shared parking arrangement must demonstrate that the shared parking plan is feasible based upon a "Shared Parking Analysis" using Urban Land Institute's (ULI) Shared Parking Software or a comparable software model. The Shared Parking Analysis shall be prepared by a credible expert, such as an experienced parking or land use consultant, planner, architect or engineer.

**Additional Standards Applicable to Structured Parking to Promote a Desirable Visual Environment:**

- a. Structured parking shall be screened from any public street utilizing decorative elements such as brick, grillwork, louvers, artwork or other architectural features or occupied uses in such a way that no vehicles shall be visible from the center line of the adjacent public street other than vehicles located at the entrance or exit of the parking structure.
- b. Structured parking shall be designed to ensure that ramping is not visible from any public street.

**Additional Buffer Zone and Landscape Standards Applicable to Streetscapes to Provide Shade Trees and Promote Open Space:**

- a. A minimum 8'-0" planting strip is required at the back of the curb with a minimum 6'-0" sidewalk along Kinderkamack Road and Johnson Avenue
- b. A minimum 6'-4" planting strip is required at the back of the curb with a minimum 6'-0" sidewalk along all other public streets.
- c. Street trees shall be planted in the planting strip at an equivalent of 30'-0" on-center with a minimum six inch (6") caliper as measured in accordance with the current edition of the "American Standard for Nursery Stock", published by the American Nursery & Landscape Association.

**Additional Design Standards to Promote a Desirable Visual Environment Relating to Building & Architectural Character:**

- a. All buildings shall reinforce pedestrian scale at the street level to provide safe, walkable, attractive, pedestrian-oriented areas.
- b. Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in materials or color and other sculpting of the base of the building are appropriate ways to reinforce pedestrian scale at the street level.
- c. The Applicant shall give special attention to the design of windows at the base of buildings to reinforce pedestrian scale. Consideration should be given to the use of recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments.
- d. Building façades in excess of 120'-0" in length shall be designed to avoid a monolithic appearance through the use of different façade materials (vertically or horizontally) and different building set-backs that act to break the building appearance into smaller increments or sections.
- e. Building materials may include brick, stone, cast stone, stucco, metal and glass assemblies, wood and fiber cement siding; the use of vinyl siding of any type or grade is strictly prohibited.
- f. All buildings over 4 stories shall be designed with a flat roof.

SCHEDULE OF DISTRICT REGULATIONS  
 B-3 DISTRICT

**Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district or use as follows:

- All uses permitted in the B-2 District except multi-family dwellings
- Newspaper office
- Publishing and job printing, including blueprints, photostats, offsets and other similar reproductions.

**Accessory Uses**

Any of the following accessory uses may be submitted when used in conjunction with a permitted principal use.

- Any accessory use permitted in the (B- 2) zone under the same terms and conditions.

**Conditional Uses**

Any of the following conditional uses may be permitted in the general business district B-3 district subject to the area, yard and bulk controls identified in the conditional use regulations of this ordinance.

- All uses permitted as conditional uses in the B-2 District
- Amusement machine complex
- Establishments devoted to the sale and/or installation of automotive supplies, including tires, brakes, shock absorbers, mufflers, seat covers and radios.
- Pool or billiard hall
- Psychic reading studio

Area, Yard and Bulk Regulations

	Hotel	Non-residential
Min. Lot Size (sq. ft.)	1.5 Acres	0
Min. Lot Width(ft.)	100	0
Min. Front Yard (ft.)	20	15
Min. Side Yard, interior (ft.)	15	10
Min. Side Yard, secondary streets (ft.)	15	10
Min. Rear Yard (ft.)	15	10
Max. Height (stories/ft.)	0/ 150	0/150
Max. Lot Coverage (%)	33 1/3	25
Min. Lot Area per Dwelling Unit (sq. ft.)	0	0
Min. Height Ratio, front	4:1	6:1
Min. Height Ratio, side	4:1	4:1
Min. Height Ratio, rear	4:1	6:1

SCHEDULE OF DISTRICT REGULATIONS  
B-4 DISTRICT

**Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district or use as follows:

- All permitted principal uses in the B-2 district except multifamily dwelling
- Shopping centers with a minimum gross floor area of 600,000 sq. ft.

**Accessory Use**

Any of the following accessory uses may be permitted when used in conjunction with a permitted principal use.

- All accessory uses permitted in the B-2 zone district.
- Off-street parking and loading facilities including underground, garage and deck parking.
- Outdoor lighting

**Conditional Uses**

The following conditional uses may be permitted in the district subject to the area, yard and bulk controls identified in the conditional use regulations of this ordinance.

- House of worship, rectory, parish house

Area, Yard and Bulk Regulations	B-4
Min. Lot Size (sq. ft.)	700,000
Min. Lot Width(ft.)	500
Min. Front Yard (ft.)	15
Min. Side Yard, interior (ft.)	10
Min. Side Yard, secondary streets (ft.)	10
Min. Rear Yard (ft.)	10
Max. Height (stories/ft.)	0/120
Max. Lot Coverage (%)	25
Min. Height Ratio, front	6:1
Min. Height Ratio, side	4:1
Min. Height Ratio, rear	6:1



SCHEDULE OF DISTRICT REGULATIONS  
B-5 DISTRICT

**Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district or use as follows:

- All permitted principal uses in the B-2 district except multifamily dwelling
- Shopping centers with a minimum gross floor area of 100,000 sq. ft.

**Accessory Use**

Any of the following accessory uses may be permitted when used in conjunction with a permitted principal use.

- All accessory uses permitted in the B-1 zone district.
- Outdoor lighting

**Conditional Uses**

The following conditional uses are permitted in the B-5 district subject to the area, yard and bulk controls identified in the conditional use regulations of this ordinance.

- House of worship, rectory, parish house

Area, Yard and Bulk Regulations

Min. Lot Size (sq. ft.)	475,000
Min. Lot Width(ft.)	600
Min. Front Yard (ft.)	100
Min. Side Yard, interior (ft.)	50
Min. Side Yard, Secondary Streets (ft.)	50
Min. Rear Yard (ft.)	75
Max. Height (stories/ft.)	2/40
Max. Lot Coverage (%)	20
Min. Lot Area per Dwelling Unit (sq. ft.)	-
Min. Height Ratio, front	-
Min. Height Ratio, rear	-
Min. Height Ratio, side	-

SCHEDULE OF DISTRICT REGULATIONS  
UN District

**Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district or use as follows:

- College or university of higher learning giving regular instruction at least 5 days a week for 8 or months of the year, including auditoriums, athletic fields and gymnasiums accessory thereto. Dormitories associated with a college or university are prohibited.
- Office or office use
- Municipal buildings
- Public parks and playgrounds
- Public schools and vocational schools, including auditoriums, athletic fields and gymnasiums accessory thereto.
- Restaurants as defined by this ordinance.

**Accessory Use**

Any of the following accessory uses may be permitted when used in conjunction with a permitted principal use.

- Accessory uses customarily incidental to a permitted principal use.
- Accessory storage within a wholly enclosed permanent structure of materials, goods and supplies intended for the sale or consumption on the premises.
- Fences
- Off-street parking and loading facilities
- Outdoor lighting
- Signs.

**Conditional Uses**

The following conditional uses are permitted in within the University-Office district (UN) subject to the area, yard and bulk regulations identified in the conditional use regulations of this ordinance.

- House of worship, rectory, parish house

Area, Yard and Bulk Regulations	(UN) Nonresidential
Min. Lot Size (sq. ft.)	20,000
Min. Lot Width(ft.)	100
Min. Front Yard (ft.)	25
Min. Side Yard, interior (ft.)	10
Min. Side Yard, Secondary Streets (ft.)	---
Min. Rear Yard (ft.)	15
Max. Height (stories/ft.)	---/150
Max. Lot Coverage (%)	50
Min. Lot Area per Dwelling Unit (sq. ft.)	---
Min. Height Ratio, front	6:1
Min. Height Ratio, side	---
Min. Height Ratio, side	4:1

SCHEDULE OF DISTRICT REGULATIONS  
O DISTRICT

**Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district or use as follows:

- Office building or office use, including business, professional and governmental office uses.
- Bank or trust company or savings and loan institution, except drive-in facilities
- Restaurants
- Municipal, county, state or federal building, park or recreation facility

**Accessory Use**

Any of the following accessory uses may be permitted when used in conjunction with a permitted principal use.

- Any accessory use permitted in the UN District under the same terms and conditions.

**Conditional Uses**

The following conditional uses are permitted in within the office (O) district subject to the area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- House of worship, rectory, parish house

Area, Yard and Bulk Regulations (O)

Min. Lot Size (sq. ft.)	20,000
Min. Lot Width(ft.)	100
Min. Front Yard (ft.)	25
Min. Side Yard, interior (ft.)	15
Min. Side Yard, Secondary Streets (ft.)	15
Min. Rear Yard (ft.)	40
Max. Height (stories/ft.)	5/60
Max. Lot Coverage (%)	30
Min. Lot Area per Dwelling Unit (sq. ft.)	---
Min. Height Ratio, front	---
Min. Height Ratio, side	---
Min. Height Ratio, side	---

SCHEDULE OF DISTRICT REGULATIONS  
HRO DISTRICT

**Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district or use as follows:

- Office building or office use, including business, professional and governmental office uses.
- Bank or trust company or savings and loan institution, except drive-in facilities
- Restaurants
- Municipal, county, state or federal building, park or recreation facility

**Accessory Use**

Any of the following accessory uses may be permitted when used in conjunction with a permitted principal use.

- Any accessory use permitted in the UN District under the same terms and conditions.

**Conditional Uses**

The following conditional uses are permitted within the Highrise Office (HRO) District subject to the area, yard and bulk regulations identified in the conditional use regulations of this ordinance.

- House of worship, rectory, parish house
- Area, Yard and Bulk Regulations (HRO)

Min. Lot Size (sq. ft.)	100,000
Min. Lot Width(ft.)	200
Min. Front Yard (ft.)	40
Min. Side Yard, interior (ft.)	20
Min. Side Yard, Secondary Streets (ft.)	20
Min. Rear Yard (ft.)	40
Max. Height (stories/ft.)	14/150
Max. Lot Coverage (%)	40
Min. Lot Area per Dwelling Unit (sq. ft.)	---
Min. Height Ratio, front	---
Min. Height Ratio, side	---
Min. Height Ratio, side	---

## SCHEDULE OF DISTRICT REGULATIONS

### M-1 District

#### **Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district or use as follows:

- Bank or trust company or savings and loan institution, except drive-in facilities
- Business or vocational school
- Club, lodge, meeting hall or social recreation building
- Contracting business, including building and yards for air conditioning, heating, sheet and metal, aluminum, windows and glass and similar items
- General manufacturing plant or establishment for processing, fabricating or assembly, provided that there is no resulting noxious or offensive odor, dust, smoke, gas, noise, vibration, heat, vapor or glare beyond the boundary line of the lot on which use is located, and provided further that such use is not expressly prohibited by this chapter.
- Municipal, county, state or federal building, park or recreation facility
- Office building or office use
- Printing and publishing, engraving
- Public utility building or structure other than gas manufacturing plant
- Repair and service of appliances, furniture and other home and office articles except public garages.
- Research lab, provided that the proposed use or product is not expressly prohibited by this chapter.
- Retail sales of products manufactured or stored on the premises, provided that not more than 20% of the floor area of the building is used for retail sales and provided that off-street parking requirements of this chapter are complied with.
- Shop of a plumber, electrician, carpenter or similar tradesman
- Warehouse except as expressly prohibited by this chapter.
- Wholesale business.

#### **Accessory Use**

Any of the following accessory uses may be permitted when used in conjunction with a permitted principal use.

- Any accessory use permitted in the B-3 District under the same terms and conditions.
- The parking, storing or garaging of commercial motor vehicles except those specifically prohibited by this chapter, provided that such vehicles are not located in any front yard and such outdoor storage is screened from the view of adjacent streets and residential districts.

#### **Conditional Uses**

The following conditional uses are permitted in the manufacturing (M-1) district subject to the area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- All uses permitted as conditional uses in the B-3 District, except amusement machine complex, pool hall or billiard hall, psychic reading studio, live entertainment.
- House of worship, rectory, parish house
- Rental agency for automobiles, trucks and construction equipment.
- Telecommunication Towers

Area, Yard and Bulk Regulations (M-1)

Min. Lot Size (sq. ft.)	---
Min. Lot Width(ft.)	---15**
Min. Front Yard (ft.)	---
Min. Side Yard, interior (ft.)	---
Min. Side Yard, Secondary Streets (ft.)	(Note 10)
Min. Rear Yard (ft.)	(Note 10)
Max. Height (stories/ft.)	---/150
Max. Lot Coverage (%)	---
Min. Lot Area per Dwelling Unit (sq. ft.)	
Min. Height Ratio, front	---
Min. Height Ratio, side	---
Min. Height Ratio, side	---

\*\* Off street loading and unloading shall be arranged that vehicular maneuvering (backing into a loading or unloading area or dock) will not take place on Hackensack Avenue, River Street, South River Street, Hudson Street, or Johnson Avenue.

## SCHEDULE OF DISTRICT REGULATIONS

### M-2 District

#### **Permitted Principal Uses**

No building or premises shall be erected, altered or used except for uses designated for each district or use as follows:

- All principal uses permitted in the Manufacturing (M-1) district.
- Truck and bus terminals and yards.

#### **Accessory Use**

Any of the following accessory uses may be permitted when used in conjunction with a permitted principal use.

- Any accessory use permitted in the Manufacturing District (M-1) under the same terms and conditions.

#### **Conditional Uses**

The following conditional uses are permitted in within the manufacturing (M-2) district subject to the area, yard and bulk regulations and other controls identified in the conditional use regulations of this ordinance.

- All uses permitted as conditional uses in the Manufacturing District (M-1).
- Aboveground bulk storage tanks for petroleum products and other volatile liquids in excess of 60,000 gallons.
- Cemeteries
- Retail lumber and coal yards and building products.
- Telecommunication Towers

Area, Yard and Bulk Regulations	(M-2)
Min. Lot Size (sq. ft.)	10,000
Min. Lot Width(ft.)	100
Min. Front Yard (ft.)	15**
Min. Side Yard, interior (ft.)	10
Min. Side Yard, Secondary Streets (ft.)	10
Min. Rear Yard (ft.)	10
Max. Height (stories/ft.)	---/150
Max. Lot Coverage (%)	50
Min. Lot Area per Dwelling Unit (sq. ft.)	---
Min. Height Ratio, front	6:1
Min. Height Ratio, side	4:1
Min. Height Ratio, rear	6:1

\*\* Off street loading and unloading shall be arranged that vehicular maneuvering (backing into a loading or unloading area or dock) will not take place on Hackensack Avenue, River Street, South River Street, Hudson Street, or Johnson Avenue.

## **SCHEDULE OF DISTRICT REGULATIONS**

### **NOTES**

#### **Notes Pertaining to Residential Districts and Residential Uses in the B-1 and B-2 Districts.**

Note 1 The maximum front yard setback in an R-3 District shall be 100 feet.

Note 2 The required front yard setback for one- and two-family dwellings, if more than 50% of the common street frontage of a block is developed shall be the same as the average front yard setbacks of the existing dwellings facing the common street said block, but in no case less than the minimum required by this schedule.

Note 3 The minimum height of a one or two-family dwelling shall be 1 ½ stories but not less than 15 feet.

Note 4 Hospitals may occupy not more than 60% of the land with principal and accessory buildings.

Note 5 No structure in an R-3 or R-3B District shall be converted to office use unless it is of ordinary construction or frame construction with a noncombustible veneer.

Note 6 No building in an R-3 District shall be converted to a more intensive use or to include more dwelling units unless it shall be of semi fireproof construction throughout.

Note 7 The height of a building in an R-3A and R-3B District shall be measured from the curb level of the abutting street or from the abutting principle street, when the lot abuts more than one street. If abutting streets are of equal value, then the location of the main entrance of the principal building shall determine the principal street. If no curb exists, the height shall be measured from the center-line elevation of the street.

Note 8 Whenever the minimum yard area specified by the minimum yard requirements differs from the yard required by using the minimum height ratio, the regulation requiring the greater yard shall apply.

Note 9 Where a lot is developed for use by dwelling units for three or more families, the maximum coverage of the Schedule of Regulation apply to the principal building, In addition thereto, accessory buildings may be constructed, provided that the accessory building or buildings do not occupy more than 15% of the total land area; provided, however, that accessory building constructed below the grade of the primary street shall be excluded when determining the maximum percentage of land coverage.



### **Other Notes Pertaining to Nonresidential Districts.**

Note 10 Yard requirements for nonresidential structures or uses within the B-1, M-1 and B-2 Districts:

(1) Yards abutting a street for buildings not exceeding 25 feet in height: Unless a minimum requirement is provided for by a street widening ordinance, the following yards, measured at ground level, shall be required:

(a) If the property lies along any street which is 50 feet or less in right-of-way width, the minimum yard shall be ten (10) feet.

(b) If the property lies along a street which is in excess of 50 feet in right-of-way width, there shall be a minimum yard of five (5) feet.

(2) The minimum rear yard for a building not exceeding 25 feet in height shall be (5) five feet, except that if the lot on which the building is to be erected is a corner lot, no rear yard shall be required unless required by Note 12. The minimum rear yard for a building exceeding 25 feet in height shall be 10 feet.

Note 11 Whenever the minimum yard area specified by the minimum yard requirement differs from the yard required by using the minimum height ratio, the regulation requiring the greater yard shall apply.

Note 12 When a lot in a B- 1, B-2, M- I or M-2 District immediately abuts a lot in a residential district, a side and/or rear yard of not less than 10 feet in a B-1 or B-2 District and 15 feet in a B-3, M-1 or M-2 District, but in no case less than 1/4 of the height of the building, shall be provided abutting such residential district. Such nonresidential use shall be screened and landscaped along such side and/or rear lot line abutting a lot in a residential district by a wall, fence or landscaping not less than six nor more than seven feet in height, except that such fence, wall or landscaping shall not located closer than 10 feet to a street right-of-way line and is in conformance with the appropriate provisions of the ordinance.

Note 13 No driveway shall be constructed which intersects Main Street, between Hackensack Avenue and Essex Street, unless a site plan showing the existing and proposed buildings and the off-street parking and driveway location of the site has been approved by the Planning Board or Board of Adjustment, where applicable.

Note 14 Minimum Yards Required. Any building or structure devoted to a mixture of commercial and/or office or residential uses shall be designed so that those floors containing such commercial and/or office use shall adhere to all area and bulk regulations applicable to those uses. All portions of such buildings devoted to residential use shall meet all area and bulk regulations applicable to a residential structure.

\* No side yard is required; however, if a side yard is provided, it shall be no less than six (6) feet.

\*\* Off-street loading and unloading shall be so arranged that vehicular maneuvering (backing into a loading or unloading area or dock) will not take place on Hackensack Avenue, River Street, South River Street, Hudson Street or Johnson Avenue.

\*\*\* Buildings exceeding a height of twenty-five (25) feet shall provide a setback from the side line for that portion of a building exceeding twenty-five (25) feet at a height ratio applicable to the total height of the building of 4: 1, but in no case less than ten (10) feet.

**Validity.**

If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance. All Ordinances or parts of Ordinances, which are inconsistent herewith are repealed, but only to the extent of such inconsistency. This article shall become effective immediately upon its final passage and publication as required by law.