

AN ORDINANCE TO AMEND CHAPTER 17.36.010 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "ESTABLISHMENT OF ZONES"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

SECTION 1. - That Chapter 17.36.010 of the Code of the City of Elizabeth entitled "Establishment of Zones" shall be amended as follows:

1. Adopt an amended Zone Map dated March, 2016 as updated to be consistent with the recommendations of the Master Plan Re-Examination Report, last amended July 27, 2015.
2. Adopt an amended Zone Map dated March, 2016 as updated to be consistent with the recommendations of the Land Use Plan Element, dated January 08, 2016.
3. Amend Section 17.36.010 of the Land Development Code – Establishment of Zones – to remove and delete any reference to the R-2C Zone District;
4. Amend Section 17.36.010 of the Land Development Code – Establishment of Zones – to remove and delete any reference to the C-3A Zone District;
5. Amend Section 17.36.010 of the Land Development Code – Establishment of Zones – to remove and delete any reference to the M-3 Zone District;
6. Amend Section 17.36.010 and Section 17.36.160, Schedule IF of the Land Development Code – Establishment of Zones – to rename the Professional Office (PO) Zone District to the Office Commercial -1 (OC-1) Zone District;
7. Amend Section 17.36.010 of the Land Development Code – Establishment of Zones – to add the Office Commercial -2 (OC-2) Zone District with the following permitted land uses and schedule of bulk requirements:
 - A. Purpose. The purpose of the Office – Commercial – 2 (OC-2) Zone District is to encourage the mix of office and commercial uses with low intensity residential development within areas depicted on the Zoning Map, last amended March 15, 2016.
 - B. Principal Permitted uses:
 1. Professional offices, studios and clinics;
 2. Business offices;
 3. Business offices;
 4. Instructional and educational uses;
 5. Governmental uses, including governmental and administrative offices;
 6. Specialized shops and boutiques;
 7. Residential uses as allowed in the R-3 Zone District provided that no site is developed with more than twelve (12) residential units and provided that all open space and off-street parking requirements are satisfied.

PRESENTED to the Mayor for
 APPROVAL or DISAPPROVAL on
 APR 13 2016
 City Clerk

C. Area, yard and bulk requirements for all Principal Permitted Uses other than residential uses. All residential uses shall comply with the area, yard and bulk requirements of the R-3 Zone District.

1. Lot area: minimum of six thousand square feet (6,000 sq. ft.);
2. Yards:
 - (a) Front Yard Setback: prevailing
 - (b) Side Yard Setback: prevailing
 - (c) Rear Yard Setback: prevailing
3. Lot depth: minimum of one hundred feet (100');
4. Lot width: minimum of sixty feet (60');
5. Height: three stories / thirty-five feet (35');
6. Open space: twenty percent (20%);
7. Buildings and impervious coverage: seventy-five percent (75%);
8. Off-Street Parking and Loading requirements shall be the same as in the OC-1 Zone District.

8. Amend Section 17.36.010 and amend Schedule C of the Land Development Code – Establishment of Zones – to amend and rename the Open Space (OS) zone to the Open Space (O) Zone District and amend the permitted land uses and schedule of bulk requirements as follows:

A. Purpose. As recommended in the Land Use Plan Element of the Master Plan adopted by the Planning Board, the Open Space (OS) Zone District is being split into two separate zone districts. The Open Space (O) Zone District is designed to contain publicly owned open space and separate the publicly owned buildings, land and other institution into a separate zone district to be known as the Public Space (P) Zone District as depicted on the Zoning Map, last amended March, 2016.

B. Permitted uses:

- (1) Improved open space. Improved open space is intended to provide site for recreational facilities. Improved open space may include, but shall not be limited to: landscaped lawn areas, golf courses, stormwater detention and groundwater recharge areas, walkways, pedestrian bicycle paths, paved terraces and sitting areas, and recreational facilities such as playfields, playgrounds, tot lots, swimming pools, sports courts, community centers, boat slips, boat launching and storage facilities and docks, but not repair facilities and any ancillary roadway or parking.
- (2) Unimproved Open Space. Unimproved open space is intended to preserve lands in a natural state for recreation and conservation purposes and shall include: wetlands, woodlands, wildlife preserves, manmade and natural bodies of water, scenic areas, hedgerows and treelines, natural wooded areas. Improvements in unimproved open space shall be limited to the following: woodland trails, foot paths, jogging trails, bridle paths, bicycle paths, nature walks; nurseries for the trees, shrubs and other plants to be used in the development; roads and ancillary parking for access to unimproved open space sites; lighting, retaining walls, and other features necessary to protect the land or people who will use the unimproved open space.
- (3) Related Commercial or Industrial Uses. Related commercial or industrial uses are intended to support or enhance the activities occurring within the associated improved or unimproved open space.

- C. Accessory Uses. Customary and Incidental Uses.
- D. Conditional Uses. None.
- E. Permitted Signage. Signs permitted in the C-1 and C-2 districts.
- F. Required bulk conditions:

- 1. Minimum lot area: one acre
- 2. Lot frontage One hundred fifty feet (150');
- 3. Yards:
 - (a) Front Yard Setback: Twenty feet (20') or prevailing;
 - (b) Side Yard Setback: none;
 - (c) Rear Yard Setback: none;
- 4. Lot depth: none
- 5. Lot width: none
- 6. Maximum principal building height shall be two and one half stories or thirty-five feet (35'), whichever is less;
- 7. Maximum accessory building height shall be one and one half stories or thirty feet (30'), whichever is less;
- 8. Open space: n/a
- 9. Building coverage: n/a

- 9. Amend Section 17.36.010 of the Land Development Code – Establishment of Zones – to amend and rename the Public Space (PS) zone district to the Public (P) Zone District and amend the permitted land uses and schedule of bulk requirements as follows:

- A. Purpose. As recommended in the Land Use Plan Element of the Master Plan adopted by the Planning Board, the Open Space (OS) Zone District is being split into two separate zone districts. The Public (P) Zone District is designed to contain publicly owned buildings, land and other institutions and separate the publically owned lands into a separate zone district to be known as the Open Space (O) Zone District as depicted on the Zoning Map, last amended March, 2016.

- B. Permitted uses:

- (1) Public buildings and structures.
- (2) Public and private schools and grounds
- (3) Governmental Buildings and Institutions and other governmental uses
- (4) Related Commercial or Industrial Uses. Related commercial or industrial uses are intended to support or enhance the activities occurring within the associated improved or unimproved open space.

- C. Accessory Uses. Customary and Incidental Uses.

- D. Conditional Uses. None.

- E. Permitted Signage. Signs permitted in the C-1 and C-2 districts.

- F. Required bulk conditions:

- 1. Minimum lot area: one acre
- 2. Lot frontage One hundred fifty (150) feet;

3. Yards:
 - (a) Front Yard Setback: 20 feet or prevailing;
 - (b) Side Yard Setback: none;
 - (c) Rear Yard Setback: none;
4. Lot depth: n/a
5. Lot width: n/a
6. Maximum principal building height shall be two and one half stories or thirty-five (35) feet, whichever is less;
7. Maximum accessory building height shall be one and one half stories or thirty (30) feet, whichever is less;
8. Open space: n/a
9. Building coverage: n/a

10. Amend Section 17.36.010 of the Land Development Code – Establishment of Zones – to add the Highway Commercial (HC) Zone District with the following permitted land uses and schedule of bulk requirements;

A. Purpose. The purpose of the Highway Commercial (HC) Zone District is to promote services, retail uses and commercial activity along a major transportation corridor and to limit auto related uses and one and two family homes and apartment uses on the first floor in areas as depicted on the Zoning Map, last amended March, 2016;

B. Permitted uses:

- (1) Professional offices
- (2) Business offices
- (3) Neighborhood convenience uses
- (4) Local convenience uses
- (5) Community retail
- (6) General & Specialty Retail
- (7) Indoor Amusement
- (8) Hotels
- (9) Major Entertainment Uses
- (10) Major Retail and Community Services
- (11) Residential apartments on second and third floors only and consistent with the R-3 Zone District Standards;

C. Required bulk conditions:

- (1) Lot area: ten thousand square feet (10,000 sq. ft.);
- (2) Yards:
 - (a) Front Yard Setback: prevailing;
 - (b) Side Yard Setback: prevailing;
 - (c) Rear Yard Setback: twenty feet (20');
- (3) Lot depth: one hundred feet (100');
- (4) Lot width: one hundred feet (100');
- (5) Height: 3 stories and thirty five feet (35') except for Hotels which are permitted to be 5 stories;
- (6) Open space: twenty percent (20 %);
- (7) Maximum impervious coverage: eighty percent (80 %);

11. Amend Section 17.36.010 of the Land Development Code – Establishment of Zones – to add the Transportation (T) Zone District with the following permitted land uses and schedule of bulk requirements;

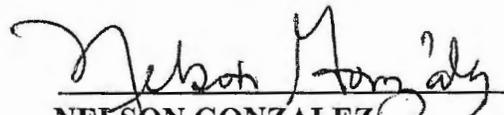
- A. Purpose. The purpose of the Transportation (T) Zone District is to contain all of the publicly owned tracts of land in the City of Elizabeth which are utilized for public transportation. The Transportation Zone District is being created to establish a separate zone for all of the publicly owned street rights-of-way and transportation rights-of-way as depicted on the Zoning Map, last amended March, 2016;
- B. Permitted uses:
- (1) Public streets and rights-of-way.
 - (2) Public transportation rights-of-way.
- C. Required bulk conditions:
- (1) Lot area: n/a.
 - (2) Yards:
 - (a) Front: n/a.
 - (b) Side: n/a.
 - (c) Side: n/a.
 - (3) Lot depth: n/a.
 - (4) Lot width: n/a.
 - (5) Height: n/a.
 - (6) Open space: n/a.
 - (7) Building coverage: n/a.

SECTION 2. - All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

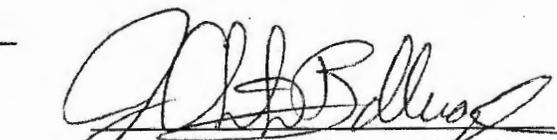
SECTION 3. - If any portion or clause of this Ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this Ordinance.

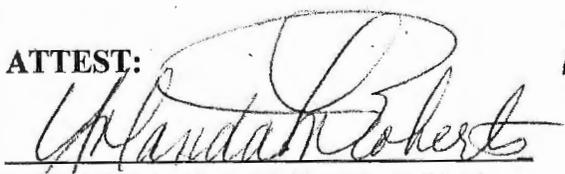
SECTION 4. - The effective date of this Ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

PASSED: 4/12/16


NELSON GONZALEZ
PRESIDENT OF CITY COUNCIL

APPROVED: 4/13/16


J. CHRISTIAN BOLLWAGE
MAYOR

ATTEST:

YOLANDA M. ROBERTS, R.M.C.
MUNICIPAL CLERK