

ORDINANCE NO. 4920

Ordinance Creating, Amending & Superseding

City of Elizabeth Land Development Code, Chapter 17 Sections 17.36.098, Section

17.36.100(A),(C),(D), 17.36.099, 17.36.110(A),(D), and 17.36.120A.1

New Section: 17.36.098 Residential Buildings Elevator Requirements

PREAMBLE

WHEREAS, the City of Elizabeth is desirous of amending its Land Development Code, Chapter 17.36.098, Section 17.36.100(A),(C),(D), 17.36.099, 17.36.110(A),(D), and 17.36.120(A)(1).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elizabeth, County of Union and State of New Jersey, as follows:

SECTION ONE

New Section: 17.36.098 Residential Buildings Elevator Requirements

17.36.098 Pedestrian/loading elevators.

A. All residential buildings with ten (10) or more units and are three (3) or more stories in height located within the City of Elizabeth must construct an elevator large enough to house pedestrians and their furniture. This elevator must be electric or hydraulic and meet all applicable building codes.

SECTION TWO

Section 17.36.100(A) "Lot Dimensions" shall be repealed and replaced with the following:

A. The following parcel and yard dimensions shall apply to all residential projects except one and two family homes in all permitted zones within the City of Elizabeth.

- 1) Lot width prevailing, but at no time less than 60 ft.
- 2) Lot frontage prevailing, but at no time less than 60 ft.
- 3) Lot depth prevailing, but at no time less than 100 ft.
- 4) Front Yard Setback Prevailing. If no prevailing exists within the block, then the front yard setback shall be thirty (35') feet.
- 5) Side Yard Setback. Minimum of 33% of building height, but at no time less than ten (10'). All structures which abut each other must be at least 15' apart, including off-site structures.

PRESENTED to the Mayor for
APPROVAL or DISAPPROVAL on

OCT 11 2017

City Clerk

- 6) Rear yard Setback. Thirty-five (35) percent of the lot depth but not less than thirty-five (35) feet. Measured from the rear lot line to the most outward rear building projection. Excluding projections permitted under paragraph B.
- 7) Requirements specific to corner lots (corner lots shall be considered to have two (2) front yards, one rear yard and one side yard):
 - a. Front Yard Setback. Prevailing on both lot frontages.
 - b. Interior Side Yard same as 17.36.110 C(2)
 - c. Rear Yard Setback same as 17.36.110 C(3)

SECTION THREE

Section 17.36.100(C) "Lot Dimensions" shall be repealed and replaced with the following:

- C. Lot width and frontage for one and two family residential lots in all permitted zones within the City shall be based on the following table:
(use existing table already in ordinance)

SECTION FOUR

Section 17.36.100(D) "Lot Dimensions" shall be repealed and replaced with the following:

- D. The following requirements for lot dimensions shall apply to all non-residential properties in zones in which the use is permitted within the City.
 1. Lot Area. Minimum five thousand (5,000) square feet.
 2. Lot Width. Minimum fifty (50) feet.
 3. Lot Depth. Minimum on hundred (100) feet.

SECTION FIVE

New Section 17.36.099 "Calculation of Prevailing Conditions"

- A. To establish prevailing lot widths, frontages, front yard setbacks and rear yard setbacks, the applicant must perform the following.
 1. Utilize all existing lots, including the property in question, as per the city tax maps. Proposed lots to be created by the application are not to be included.
 2. Include only lots located within the same zone, within the same (entire) block and on both sides of the street as the subject parcel.
 3. The prevailing percentile shall be 65%. This is to say that the prevailing lot dimension shall be the lot which constitutes 65% of the neighborhood. Example, if there are 25 lots that meet the criteria of items 17.36.099(a) and 17.36.099(b) and you create a table listing the lots minimum to maximum dimensions, the 16th lot going from low to high is the prevailing lot dimension to utilize.

SECTION SIX

Section 17.36.110(A)(5) "Yard dimensions" shall be repealed and replaced with the following:

5. The following requirements of yard dimensions shall apply to all non-residential properties in all zones within the City, except if that particular zone has its own separate standards.

SECTION SEVEN

Section 17.36.110(A) "Yard dimensions" shall be repealed and replaced with the following:

- A. The following requirements for yard dimensions shall apply to all one and two family residential dwellings in all zones permitted within the City.

SECTION EIGHT

17.36.110(D)(2),(D)(3), and (D)(4) "Yard Dimensions" shall be repealed and replaced with the following:

- D. Open space shall be provided as follows:
 2. Open space for all residential units except one and two family dwellings shall be two hundred (200) square feet per unit. The open space shall have a cap of four thousand (4,000) square feet for buildings over four (4) stories.
 3. Open space shall be limited to the following:
 - a. Exterior yards, courts and recreational areas, not devoted to auto usage with a minimum dimension of twenty (20) feet in width and minimum area of 500 square feet.
 - b. "This section is the remain the same"
 - c. "This subsection is to be eliminated"
 4. A minimum of seventy-five (75) percent of the total required open space is required to be exterior lawn and/or court yard areas suitable for recreational use.

SECTION NINE

17.36.120(A)(1) "Principal building regulations" shall be repealed and replaced with the following:

- A. Height limitations shall be maintained as follows at any time a building or other structure is constructed or altered. A basement which rises not more than four feet above grade shall not count as a story. No occupancy of a basement or half a story shall be permitted in the City for residential purposes in any zone.
 1. In the R-1 residential district, buildings shall be limited to three stories. No occupancy for any purposes (office, storage, residential uses, etc.) shall be permitted above the third story. Building height shall be prevailing or if a prevailing does not exist thirty-eight (38) feet. Building height shall be measured by using the average of the existing grades where the future building will be placed (all four corners and 10' within that area) and the "roof top" of the structure (peak).

SECTION TEN

If any section or provision of this ordinance shall be held invalid in any court the same shall not affect the other sections or provisions of this ordinance except as far as the section or provision so declared invalid and shall be inseparable from the remainder of any portion thereof.

SECTION ELEVEN

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION TWELVE


This ordinance shall take effect upon publication as provided by law.

PASSED: 10-10-17



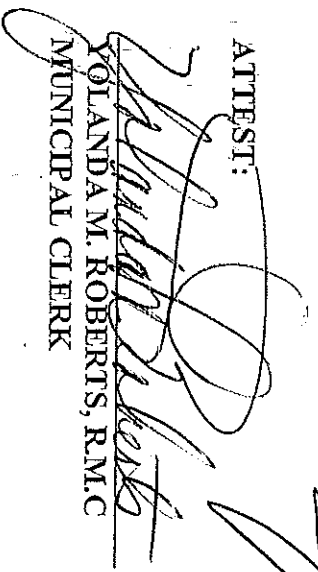
CARLOS I. TORRES
PRESIDENT OF CITY COUNCIL

APPROVED: 10-12-17



CHRISTIAN BOLINWAGE
MAYOR

ATTEST:



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