

CITY OF BAYONNE

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 33 OF THE ORDINANCE OF THE CITY OF BAYONNE TO UPDATE CERTAIN DEFINITIONS BY ADDING DEFINITION OF “HABITABLE SPACE” AND “STORY, HALF”

THE CITY COUNCIL OF THE CITY OF BAYONNE DO ORDAIN:

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the “City”), a public body corporate and politic of the State of New Jersey (the “State”), is a “redevelopment entity” as defined in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”); and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bayonne, in the County of Hudson, and State of New Jersey, as follows:

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 33, “PLANNING AND ZONING REGULATIONS” Section 2.2. “Definition of Terms”, is hereby amended and supplemented as follows (Additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

Definitions of the City of Bayonne Ordinance Chapter 33 Planning and Development Regulations is amended and supplemented by amending and/or adding the following definitions:

~~LIVABLE SPACE~~ **HABITABLE SPACE**- shall mean any area between a floor and ceiling or roof line that is at least seven (7) feet in height, per the IBC (International Building Code) and IRC (International Residential Code) **for living, sleeping, eating and cooking.**

STORY –

~~That portion of a building consisting of a minimum seven feet of vertical height between the surface of any floor and roof/floor above it, that is defined as a livable space and is counted as a full story. Any space between the floor and roof with less than seven feet and is not livable space, as defined herein, shall not be considered a story. Ground story containing livable space behind the garage and consisting of minimum seven feet of vertical height between floor and roof/floor above it shall be considered a story.~~

Shall mean that portion of a building consisting of a minimum seven (7) feet of vertical height between the surface of any floor and roof/ floor above it, that is defined as a habitable space and is

counted as a full story. Any space between the floor and roof with less than seven (7) feet and is not habitable space, as defined herein, shall not be considered a story.

Ground story containing habitable space behind the garage shall be considered a story.

STORY, HALF –

~~A space under a roofline at the top of a building, which has vertical distance of minimum seven feet between roof and ceiling and the total area of this livable space is 50% or less of the total area of the floor below it. A half story may not have its own separate entrance or exit. A half story, which does not contain an internal staircase, may not have a kitchen, bedroom(s) or plumbing. A half story, which contains an internal staircase, creating a duplex, may not have a kitchen or bedroom(s) but may include a half bathroom.~~

Shall mean a space under a roofline at the top of a building, which has vertical distance of minimum seven (7) feet between roof and ceiling and the total area of this habitable space is 50% or less of the total area of the floor below it. A half-story may not have its own separate entrance or exit. A half-story, which does not contain an internal staircase, may not have a kitchen, bedroom(s) or plumbing. A half-story, which is only accessible from an internal staircase, creating a duplex, may not have a kitchen or bedroom(s) but may include a half-bathroom no larger than five (5) feet by five (5) feet.

SECTION 2. The Municipal Clerk be and is hereby authorized and directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board and to all others entitled thereto pursuant to N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of this passage thereof and to file a copy of this ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S.A. 40:55D-16 and with the Municipal Tax Assessor.

SECTION 4. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 5. All ordinances or parts of ordinances of the City heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.