

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY AMENDING THE GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 35, ZONING REGULATIONS BY AMENDING SECTION 5.3, ENTITLED R-2 DETACHED/ATTACHED RESIDENTIAL DISTRICT; SECTION 5.5, ENTITLED R-M HIGH DENSITY RESIDENTIAL DISTRICT; SECTION 25.3 ENTITLED SIGNS PERMITTED IN RESIDENTIAL AND RESIDENTIAL/OFFICE DISTRICTS AND SCHEDULE I AREA, YARD, HEIGHT AND DENSITY REQUIREMENTS AND SECTION 31.3, APPLICATION FOR CONSTRUCTION PERMIT OR CERTIFICATE OF OCCUPANCY, SUBSECTION B, DECISION BY THE ZONING OFFICER.

WHEREAS, the current Zoning Regulations of 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”), contain several discrepancies; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62 the City may adopt or amend a zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the City’s Zoning Officer has reviewed the City’s Zoning Regulations and found discrepancies regarding front and side yard setbacks when comparing what is required in the text of the regulations and what is stated in the zoning schedule; and

WHEREAS, the discrepancy between the table and the text of the Regulations has caused confusion with residents and property owners within the City; and

WHEREAS, the removal of discrepancies will allow the Zoning Officer to uniformly apply the Zoning Regulations as written in the text of the General Ordinances and will provide residents with certainty in the regulation of their property; and

WHEREAS, the City’s Zoning Officer has reviewed the City’s Zoning Regulations and found discrepancies regarding decisions made by the Zoning Officer; and

WHEREAS, the City’s Zoning Officer has made a recommendation that the time period for review and decision by the Zoning Officer be adjusted to ten (10) days in accordance with the Zoning Regulations; and

WHEREAS, the ten-day review period will allow the Zoning Officer to conduct a thorough review and provide residents with the needed guidance for their applications; and

WHEREAS, the Municipal Council desires to adopt zoning that is in the City’s best interest to maintain and support stability, future growth, development and uniform zoning determinations on all parcels of land in the City; and

WHEREAS, the Municipal Council believes that amending the Zoning Regulations is in the best interest of the City that the General Ordinances of the City of Bayonne, Chapter 35 “Zoning Regulations” be amended to correct the discrepancy between the text of the Zoning Regulations and the Zoning Schedule and to allow for a ten day review and decision period; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64 the City hereby refers this Ordinance and proposed zoning amendments to the Planning Board for a hearing and seeks their recommendations as to the consistency with the Master Plan of the City.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 5.3, R-2 Detached/Attached Residential District, Subsection E, Area, Yard and Structure Requirements, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

35-5.3 R-2 Detached/Attached Residential District.

- a. No change
- b. No change
- c. No change
- d. No change
- e. Area, Yard and Structure Requirements.
 - 1. No change
 - 2. No change
 - 3. ~~{Maximum}~~ ****Minimum**** front yard setback:

| | | |
|------------------------|-----------------------|---------------------|
| Detached Single-Family | 20 ft. (interior lot) | 20 ft. (corner lot) |
| Detached Two-Family | 20 ft. (interior lot) | 20 ft. (corner lot) |

- 4. No change
- 5. Minimum side yard setback 3 feet, except that the combination of both side yards must be at least ~~{7 feet}~~ ****6 feet****
- Accessory Structure (all uses) 3 feet
- 6. No change
- 7. No change
- f. No change

Section 3. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 5.5, R-M High Density Residential District, Subsection E, Area, Yard and Structure Requirements, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions ~~{within brackets and/or struck through}~~):

35-5.5 R-M High Density Residential District.

- a. No change
- b. No change
- c. No change
- d. No change
- e. Area, Yard and Structure Requirements.
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. Maximum structure height

Principal Use

No change

Accessory Use

| | |
|----------------------|---|
| Low Rise Apartments | 20 feet and not exceeding {3 stories} **2 stories** |
| High Rise Apartments | 30 feet and not exceeding 3 stories |
| All other Uses | 15 feet and not exceeding 2 1/2 stories |

- 7. No change

8. No change

Section 4. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 25.3 Signs Permitted in Residential and Residential/Office Districts, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {within brackets and/or struck through}):

35-25.3 Signs Permitted in Residential {and Residential/Office} Districts

- a. No change
- b. No change
- c. No change
- d. No change
- e. No change
- f. No change
- g. {In R2-O districts, one building mounted sign identifying a permitted nonresidential use, not exceeding one square foot in area.}

Section 5. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Section 31.3, Application for Construction Permit or Certificate of Occupancy, Subsection B, Decision by the Zoning Officer, is hereby amended and supplemented as follows (additions ****between asterisks and/or in bold****, deletions {within brackets and/or struck through}):

35-31.3 Application for Construction Permit or Certificate of Occupancy.

- a. No change.
- b. Decision by the Zoning Officer. A decision shall be made by the Zoning Officer within {seven (7)} ****ten (10)**** days of the submission of a complete application.

If the Zoning Officer shall determine that the application material submitted is complete, and that the proposal is in full conformance with this and all other applicable land use ordinances and statutes, and that no additional reviews are required by any other agencies, he shall forthwith issue a Zoning Permit.

- c. No change.

Section 6. The Revised General Ordinances of the City of Bayonne, Chapter 35, Zoning Regulations, Schedule I is hereby amended as described herein above to correct any discrepancies between the text of the zoning regulations and the zoning schedule and such amendment to Schedule I is attached hereto as Exhibit A to this Ordinance.

Section 7. The City Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the City of Bayonne Planning Board and to all other

persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Municipal Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance that are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Municipal Council deems appropriate.

Section 8. Any and all prior Zoning Regulations of the City that are inconsistent with this Ordinance are superseded by the Zoning Regulations adopted by this Ordinance.

Section 9. If any part of this Ordinance shall be deemed to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 9. A copy of this Ordinance and the Zoning Regulations shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 10. This Ordinance shall take effect in accordance with all applicable laws.