

Ordinance of the City of Jersey City, N.J.

File No. Ord. 22-063
Agenda No. 3.4 (1st Reading)
Agenda No. 4.4 (2nd Reading and Final Passage)



AN ORDINANCE ADOPTING AMENDMENTS TO THE MIXED USE-A ZONE AND MAP B OF THE MORRIS CANAL REDEVELOPMENT PLAN.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

WHEREAS, on February 24, 2022, the City Council of the City of Jersey City adopted Resolution No. 22-145 directing the Planning Board of the City of Jersey City (the “Planning Board”) to prepare an amendment or revision to the Morris Canal Redevelopment Plan pursuant to the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Act”); and

WHEREAS, on May 23, 2022, the Planning Board held a public hearing on Amendments to the Morris Canal Redevelopment Plan; and

WHEREAS, the Planning Board of Jersey City, at its meeting, reviewed the Amendments proposed and attached hereto and made recommendations; and

WHEREAS, the Amendments proposed herein rezone parcels in the Rail Transportation Corridor zone to Mixed Use – A zone while also requiring on-site affordable housing and a public access easement for the envisioned greenway of the Plan; and

WHEREAS, the Planning Board of Jersey City determined the Amendments are consistent with the goals and objectives of the Morris Canal Redevelopment Plan and are also consistent with the City’s Master Plan; and

WHEREAS, the Planning Board of Jersey City recommended to the Municipal Council of Jersey City that the proposed amendments to the Redevelopment Plan be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS: the Amendments proposed to the Morris Canal Redevelopment Plan, attached hereto, as recommended by the Jersey City Planning Board on May 23, 2022, be and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith

APPROVED AS TO LEGAL FORM

Business Administrator

Corporation Counsel

An ordinance adopting amendments to the Mixed Use-A Zone and Map B of the Morris Canal Redevelopment Plan.

transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

n/a

An ordinance adopting amendments to the Mixed Use-A Zone and Map B of the Morris Canal Redevelopment Plan.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Jun 29 2022						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	ABSENT	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES	AYE	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING – Jul 13 2022						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	ABSENT	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	


SPEAKERS:
Laverne Washington

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		DEGISE		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		GILMORE		WATTERMAN, PRES.		


RECORD OF FINAL COUNCIL VOTE – Jul 13 2022						
RIDLEY	AYE	SALEH	AYE	DEGISE	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	ABSENT	
BOGGIANO	AYE	GILMORE	AYE	WATTERMAN, PRES.	AYE	

Adopted on first reading of the Council of Jersey City, N.J. on **Jun 29 2022**
Adopted on second and final reading after hearing on **Jul 13 2022**


This is to certify that the foregoing Ordinance was adopted
by the Municipal Council at its meeting on Jul 13 2022



City Clerk



Joyce E. Watterman, President of Council
Approved: Jul 13 2022



Steven M. Fulop, Mayor
Date to Mayor: Jul 14 2022
Approved: Jul 14 2022

An ordinance adopting amendments to the Mixed Use-A Zone and Map B of the Morris Canal Redevelopment Plan.

FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Matt Ward, Supervising Planner	201-547-5883	mward@jcnj.org
Department	Department of Housing, Economic Development, and Commerce	
Division	Division of Planning	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Meeting	Regular Meeting of Municipal Council - Jun 29 2022
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Purpose

Please be advised that on May 23, 2022 at a Meeting of the Planning Board of the City of Jersey City, the Board reviewed and commented on the proposed ordinance listed above. The purpose of the Amendments is to rezone parcels in the Rail Transportation Corridor zone to Mixed Use – A zone while requiring on-site affordable housing (as a result of applying the IZO) and also requiring a public access easement for the envisioned greenway of the Plan. At their meeting, the Planning Board discussed, were provided the opportunity to ask questions, and reviewed the amendment and its conformance to the Master Plan. After public comments, the Board voted to recommend to the Council that this ordinance amending the Redevelopment Plan be adopted. The petitioner of this amendment is Halladay Real Estate, LLC, Pacific Real Estate, LLC and Dr. Hemant Shah. Public outreach was conducted in lead up to these amendments being scheduled before the Planning Board.

Cost (Identify all sources and amounts)	Contract term (include all)
n/a	n/a
Type of award:	n/a
If “Other Exception”, enter type:	n/a

ATTACHMENTS:

Proposed Amendment Text and Maps RESO2 P22-012 Morris Canal RDP RTC Mixed Use A Amendment 20220614

Approved by	Status:
Tanya Marione, Director of Planning	Approved - Jun 16 2022
Annisia Cialone, HEDC Director	Approved - Jun 16 2022
Ray Reddington, Attorney	Approved - Jun 21 2022
John Metro, Business Administrator	Approved - Jun 22 2022

Morris Canal Redevelopment Plan

(formerly known as the Garfield - Lafayette Redevelopment Plan)

As adopted by the Municipal Council of the City of Jersey City - March 1999

Amended:

Amended February 27, 2002
Amended March 27, 2002
Amended July 26, 2002
Amended November 13, 2002
Amended August 11, 2004
Amended January 11, 2006
Amended October 16, 2006
Amended March 14, 2007
Amended May 28, 2008 – Ord. 08-060
Amended June 25, 2008 – Ord 08-084
Amended December 17, 2008 – Ord 08-169
Amended January 28, 2009 – Ord 09-006
Amended June 17, 2009 – Ord 09-071
Amended May 12, 2010 – Ord 10-064
Amended August 25, 2010 – Ord 10-104
Amended September 29, 2010 – Ord 10-115
Amended November 23, 2010 – Ord 10-156
Amended February 23, 2011 - Ord 11-024
Amended June 29, 2011 – Ord. 11-071
Amended June 27, 2012 – Ord. 12-083
Amended October 9, 2013 – Ord. 13-103
Amended March 12, 2014 – Ord. 14-024
Amended July 16, 2014 – Ord. 14-076
Amended May 27, 2015 – Ord. 15-066
Amended January 13, 2016 -- Ord. 15-182 & 15-183
Amended March 23, 2016 -- Ord. 16-050
Amended May 26, 2016 -- Ord. 16-090
Amended June 15, 2016 -- Ord. 16-094
Amended November 9, 2016 -- Ord. 16-170
Amended August 15, 2018 – Ord. 18-089
Amended October 10, 2018 – Ord. 18-118
Amended December 21, 2018 – Ord. 18-139
Amended January 9, 2019 – Ord. 18-146
Amended May 8, 2019 – Ord. 19-046
Amended October 23, 2019 – Ord. 19-145
Amended March 11, 2020 – Ord. 20-015
Amended June 10, 2020 – Ord. 20-039
Amended December 16, 2020 – Ord. 20-103

LANGUAGE TO BE ADDED IS
HIGHLIGHTED IN YELLOW.

LANGUAGE TO BE
REMOVED IS ~~IN RED AND IS~~
~~STRUCK OUT~~



Table of Contents:

- Mixed Use - B
 - Mixed Use - C
 - Mixed Use - D
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- Residential
- Whitlock Cordage Adaptive Reuse District
- Berry Lane Park Zone
- Adaptive Reuse Overlay Zones
 - Zone A
 - Zone B
 - Zone C
 - Zone D
 - Zone E
 - Zone F
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- Berry Lane Park – North Zone
- Design and Sign Standards
- Acquisition
- Other Provisions to Meet State and Local Requirements
- Procedure for Amending the Plan

INTRODUCTION

NO CHANGE

I. Boundary Description

NO CHANGE

II. Redevelopment Plan Goals

NO CHANGE

III. Parks and Greenspace Objectives

NO CHANGE

IV. General Traffic Circulation and Parking Objectives

NO CHANGE

VIII. General Administrative Provisions

NO CHANGE

IX. General Design and Land Use Standards and Requirements

NO CHANGE

X. Off-Street Parking And Loading Requirements

NO CHANGE

XI. Land Use Zones And Specific Land Use Provisions

A. Transit Oriented Development

NO CHANGE

B. Commuter Parking

NO CHANGE

C. Industrial

NO CHANGE

D. Mixed Use Zones

1. Mixed Use - A

Residential and Neighborhood Retail

(Communiaw and Pacific Avenues Area)

The zone shall encompass lands as depicted in the Zoning Map (Map B) of this plan.

Purpose: A locus of the historic Lafayette community, this area provides shops, services, homes, and a vibrant pedestrian streetscape. This existing pattern of mixed uses and other positive elements shall be protected and encouraged by this Plan. A future historic district may serve to provide even greater conservation of this area, and further study of the area from an historic preservation perspective is duly warranted.

A. Permitted Principal Use

- (1) Artist studio workspace
- (2) Community Facility
- (3) Day Care Center
- (4) Funeral Parlor
- (5) Health Care Facility. Prohibited: Health Care Facility that provides any type of residential accommodation.
- (6) House of Worship
- (7) Retail sales of goods and services, except for drive-through pick-up windows and liquor stores
- (8) Office
- (9) Commercial Parking
- (10) Residential (above the first floor)
- (11) Residential on the first floor, on a parcel that was occupied by a structure with a first floor residential use at the time of adoption of this Plan or on the ground floor in the rear of the building, provided the building depth is 80 feet or greater, and that retail is maintained along all street frontages averaging 30 feet deep into the building.
- (12) Restaurants, category 1 and 2
- (13) Combination of any of the above
- (14) Park
- (15) Public Utilities, except that natural gas transmission lines shall be prohibited

B. Accessory use

- (1) Parking.

C. Design Standards and Requirements – refer to Section VII

D. Area, yard and bulk requirements

- (1) All existing lots of record at the time of the adoption of this Plan are considered conforming. After the adoption of this plan, the minimum lot size in this district shall be 2,500 square feet, with a minimum lot width of twenty five 25 feet, for any lots that are to be subdivided.
- (2) Minimum yards
 - a. Front Yard – shall be determined by prevailing setbacks, but no front yard shall exceed 10 feet. (Block 2000, Lot 16 must maintain a setback of five feet to match the residential setback)
 - b. Side Yards – 0 feet
 - c. Rear Yards – 15 feet, 0 feet for corner lots

(3) Maximum height shall not exceed 45 feet, except for steeples on houses of worship, and provided that no deviation from this height limit will be cognizable by the Planning Board.

E. Affordable Housing Bonus:

(1) For the purposes of this bonus, the maximum permitted height of this zone shall increase by 10 feet to a maximum of 55 feet. Developers will be required to fulfill certain performance standards, including but not limited to the obligation to provide the community benefits of on-site affordable housing as described herein, for the successful implementation of the goals of the redevelopment plan. Subject to the terms and conditions of a redevelopment agreement with the Jersey City Redevelopment Agency (JCRA), at least 5% of all units constructed shall be deed restricted as low income affordable housing for a period of a minimum of 30 years from the issuance of the certificate of occupancy, in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., and pursuant to the terms of the redevelopment agreement which shall set forth the controls on affordable housing to be constructed as part of a redevelopment project. Nothing herein shall be construed to deprive or dispossess the Jersey City Redevelopment Agency of the discretionary exercise of its redevelopment powers enumerated in N.J.S.A. 40A:12A-1 et seq. including the designation of a redeveloper under the Act.

(2) The property at Block 19903, Lots 11, 22, 23, and 24 are not eligible for the Affordable Housing Bonus. Rather, future development on these lots is subject to the requirements of Jersey City Inclusionary Zoning regulations under Chapter 187 of the Land Development Ordinance (adopted January 2022). The total unit count from which the inclusionary requirement is calculated shall be based on the total number of units developed collectively on all of the aforementioned lots, regardless of whether multiple structures are developed under multiple site plan approvals. Any site plan(s) associated with the above lots shall provide a 10ft wide easement at the southern property line (adjacent to the HBLR tracks) continuous from Halladay Street east to Pacific Ave for the purpose of a pedestrian path. The permitted height for development on the above lots shall be five (5) stories, 55 feet.

2. Mixed Use – B
NO CHANGE

3. Mixed Use – C
NO CHANGE

4. Mixed Use – D
NO CHANGE

E. Rail Transportation Corridor

The zone shall encompass all lands as follows: ~~Block 19903 Lots 11, 23, and 24~~; Block 21503 Lot 1; Block 19903 Lot 10; Block 21501 Lot 1; Block 15802, Lots 5, 8 and 19; Block 15801, Lot 1. In addition, all tax lots that are contained within an area described by a line that follows the centerlines of Johnston Avenue, Gateway Drive, the New Jersey Turnpike Extension, and the extended centerline of Communipaw Avenue, plus all tax lots that are between Block 15801, Lot 1, the centerline of Johnston Avenue, the centerline of the New Jersey Turnpike Extension, and the extended centerline of Whiton Street, plus all tax lots that are between the extended centerline of Communipaw Avenue, the centerline of the New Jersey Turnpike Extension, the extended south-southwesterly block limit of Block 21503, and the extended block limit of Block 21503 in the direction it extends in its first one-hundred (100) feet south of Communipaw Avenue.

Purpose: It is appropriate to plan for additional stops along the LRT line that join with facilities that provide services to the nearby residents and workers who will utilize the stops. A cluster of small scale neighborhood retail with a newsstand, florist and small restaurant or café can be a desirable amenity to a neighborhood LRT stop. In addition, the planned narrow walkway that provides pedestrian access to the LRT stop will provide a convenient and pleasant route for residents to walk or bicycle to the various LRT stations in the area.

1. Permitted Principal Use

- a. Light Rail Right of Way
- b. Light Rail Station or Stop
- c. Retail sales of goods and services, except for drive-through pick-up windows and liquor stores
- d. Other Rail Right of Way
- e. Park
- f. Walkway and Bikeway
- g. Public Utilities, except that natural gas transmission lines shall be prohibited

2. Accessory use

- a. Outdoor seating.
- b. Parking.

3. Please refer to Design standards, Section VII for design requirements.

4. Please refer to Mixed Use – A district for area, yard and bulk requirements. The LRT ROW shall be considered the same as the street for all design, area, yard, bulk and screening requirements.

5. Structures on sites that are adjacent to planned LRT stops should provide public pedestrian access from the LRT stop to the building entrance.

F. Residential

NO CHANGE

G. Whitlock Cordage Adaptive Reuse District

NO CHANGE

H. BERRY LANE PARK ZONE

NO CHANGE

I. ADAPTIVE REUSE OVERLAY ZONES

NO CHANGE

J. R2 - RESIDENTIAL 2 ZONE

NO CHANGE

K. BERRY LANE PARK - NORTH ZONE

NO CHANGE

XII. Design and Sign Standards

NO CHANGE

XIII. ACQUISITION

NO CHANGE

XIV Other Provisions to Meet State and Local Requirements

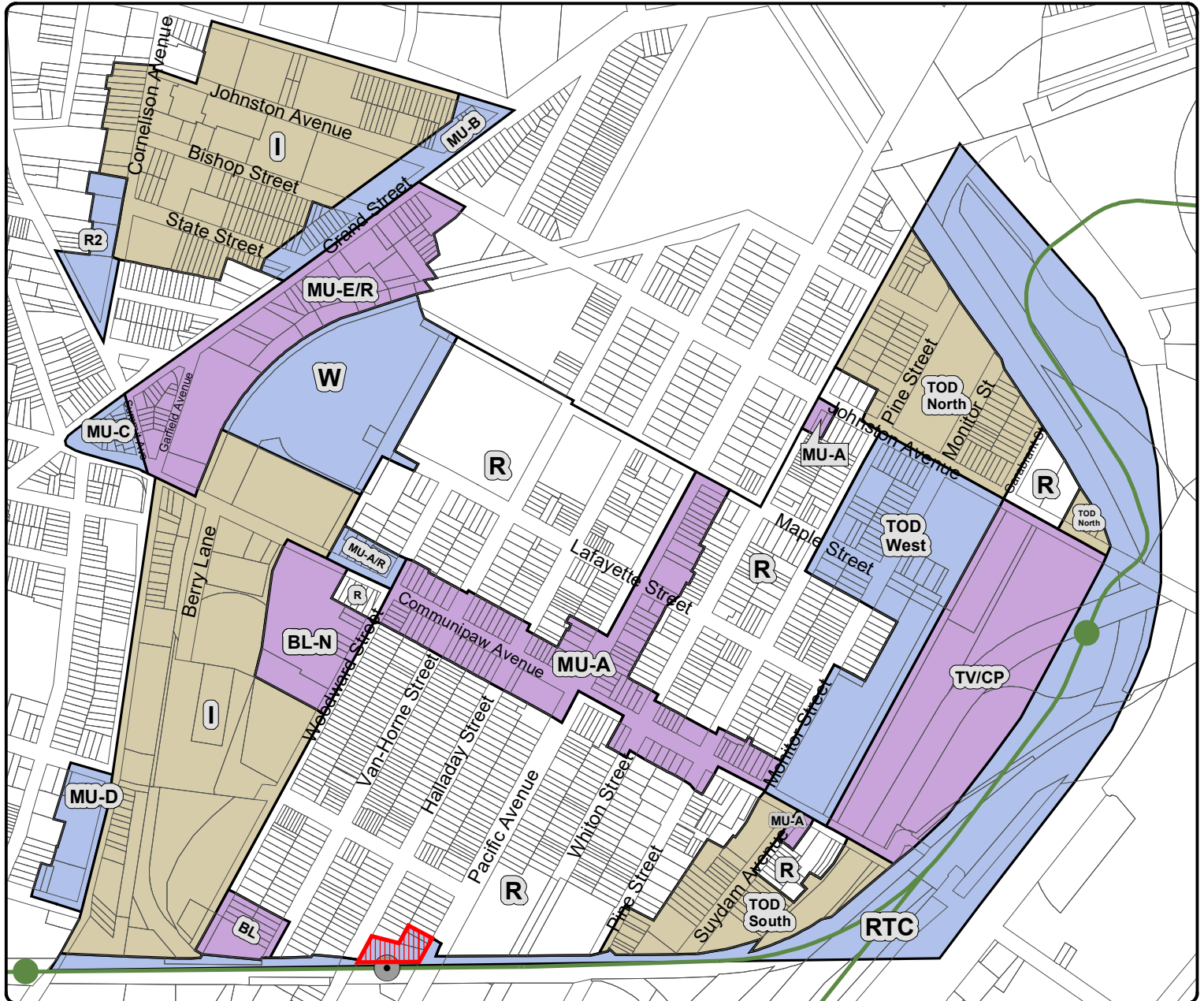
NO CHANGE

XIV. Procedure for Amending the Plan

NO CHANGE

Morris Canal Redevelopment Plan

Map B: Zoning (176 HALLADAY REQUEST)



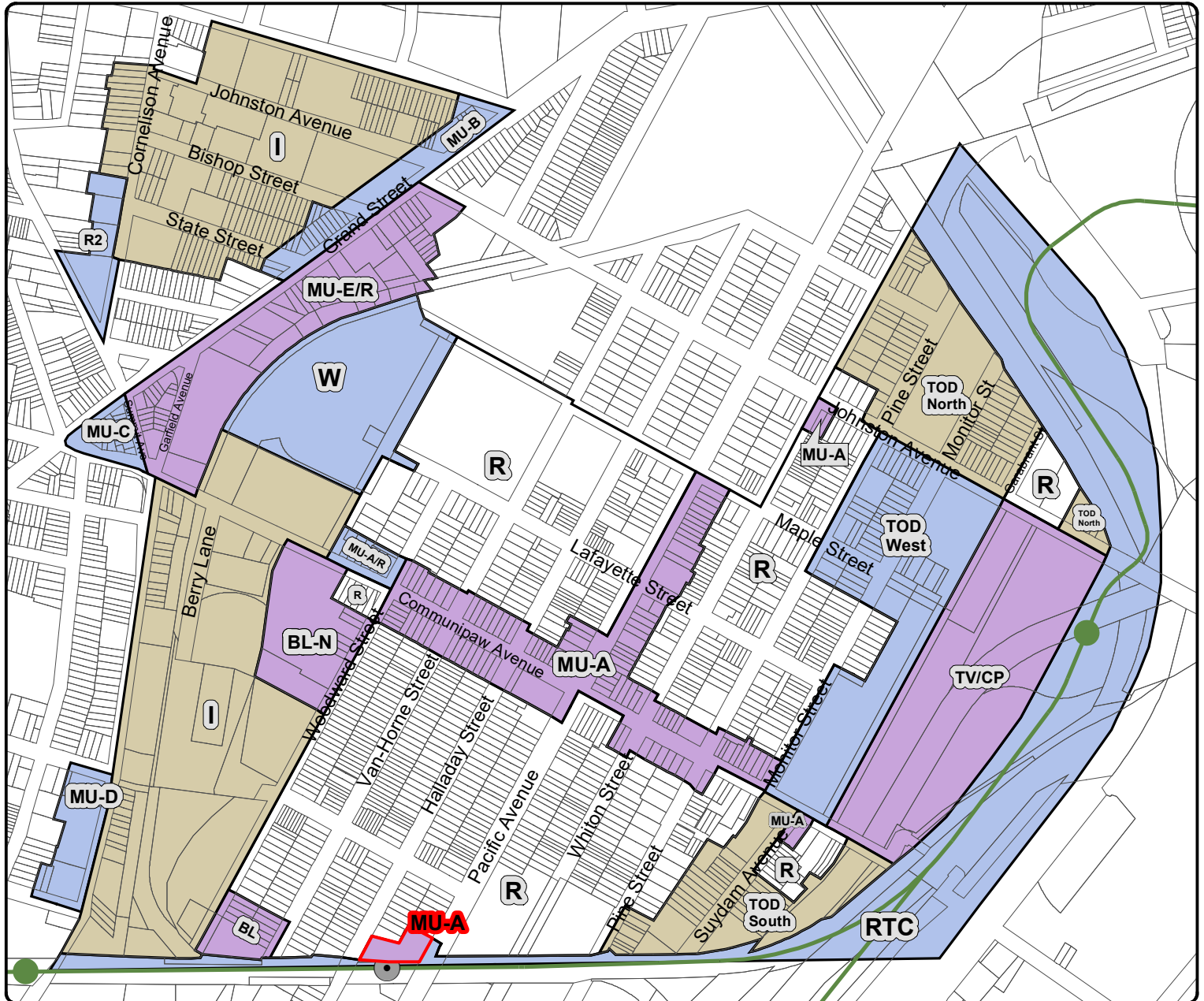
ZONE ABBREVIATIONS

R	Residential	MU-D	Mixed Use - D	BL	Berry Lane Park
R2	Residential 2	MU-E/R	Mixed Use - E/Residential	BL-N	Berry Lane Park - North
MU-A/R	Mixed Use - A or Residential	I	Industrial		
MU-A	Mixed Use - A	RTC	Rail Transportation Corridor		
MU-B	Mixed Use - B	W	Whitlock Cordage ARD		
MU-C	Mixed Use - C		TOD North		
			TOD South		
			TOD West		
			TV/CP		
			Transit Village / Commuter Parking		

- Hudson Bergen Light Rail
- Proposed Station
- Study Area (REQUEST AT 176 HALLADAY)



Morris Canal Redevelopment Plan

Map B: Zoning (176 HALLADAY REQUEST)



ZONE ABBREVIATIONS

R	Residential	MU-D	Mixed Use - D	BL	Berry Lane Park
R2	Residential 2	MU-E/R	Mixed Use - E/Residential	BL-N	Berry Lane Park - North
MU-A/R	Mixed Use - A or Residential	I	Industrial		
MU-A	Mixed Use - A	RTC	Rail Transportation Corridor		
MU-B	Mixed Use - B	W	Whitlock Cordage ARD		
MU-C	Mixed Use - C		TOD North		
			TOD South		
			TOD West		
			TV/CP		
			Transit Village / Commuter Parking		

 Hudson Bergen Light Rail
 Proposed Station
ABC Proposed Zoning
 (REQUEST AT 176 HALLADAY)

**RESOLUTION OF THE PLANNING BOARD OF
THE CITY OF JERSEY CITY
FOR APPROVAL AND RECOMMENDATION OF AMENDMENTS TO THE MORRIS
CANAL REDEVELOPMENT PLAN
Case No. P22-012**

WHEREAS, by correspondence dated May 28, 2021 from Francis X. Regan, Esq. on behalf of Halladay Real Estate, LLC, Pacific Real Estate, LLC and Dr. Hemant Shah (the “Owner”), a request was made for certain amendments to the Morris Canal Redevelopment Plan for properties located at 176 Halladay Street and 213-217 Pacific Avenue and identified as Block 19903, Lots 11, 22, 23, and 24 on the tax maps of the City of Jersey City (the “Properties”); and

WHEREAS, on February 24, 2022, the City Council of the City of Jersey City adopted Resolution No. 22-145 the Planning Board of the City of Jersey City (the “Planning Board”) to prepare an amendment or revision to the Morris Canal Redevelopment Plan pursuant to the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Act”); and

WHEREAS, on May 23, 2022, the Planning Board held a public hearing on Amendments to the Morris Canal Redevelopment Plan for the Properties; and

WHEREAS, the Planning Office has submitted proof it complied with all applicable procedural requirements, including those required by the Act; and

WHEREAS, all testimony having been formally heard for this matter; and

WHEREAS, Matt Ward, PP, AICP, Supervising Planner for the City of Jersey City Planning Division testified with respect to the amendments to the Morris Canal Redevelopment Plan for the Properties prepared by the Planning Division noting the additions and deletions under Section XI. Land Use Zones and Specific Land Use Provisions, specifically D. Mixed Use Zones, 1. Mixed Use -A and E. Rail Transportation Corridor (the “Amendments”); and

WHEREAS, after discussion and consideration of the Amendments as presented, the Planning Board makes the following initial findings of fact:

1. The City, pursuant to N.J.S.A. 40A:12A-7, may amend or modify a redevelopment plan by ordinance.

2. Matt Ward, PP, AICP testified and presented the Amendments and other information that was available digitally on the City’s website regarding the request, which is made a part of the record herein.

WHEREAS, the Amendments were explained to the public and the public had the opportunity to comment, ask questions and be heard with regard to these issues and provide their input; and

WHEREAS, for the submissions made to the Planning Board, the testimony and evidence presented and based on the entire record, the following further findings of facts and conclusions of law were made:

1. All of the initial findings of facts as set forth in paragraph 1 and 2 and the “WHEREAS” paragraphs are hereby incorporated by reference herein as further findings of facts.

2. The Planning Board has determined that the Amendments are consistent with the goals and objectives of the Morris Canal Redevelopment Plan and are also consistent with the City’s Master Plan.

3. The Planning Board has determined that Chapter 187 of the Municipal Code is applicable and the necessary provisions for on-site affordable housing have been incorporated into the Amendments.

4. The Planning Board has determined that it is in the best interest of the City to adopt this resolution and clearly state that this resolution shall be, and here is, the report of the Planning Board as required by the Act, to the City Council containing the Planning Board’s recommendation regarding the adoption of the Amendments.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the City of Jersey City that based upon the foregoing findings of facts and conclusions of law, including all of the testimony and evidence presented at the hearing and based upon the reports submitted to the Planning Board that it is hereby recommended to the City Council that it adopt the Amendments to the Morris Canal Redevelopment Plan for the Properties prepared by the Planning Division noting the additions and deletions under Section XI. Land Use Zones and Specific Land Use Provisions, specifically D. Mixed Use Zones, 1. Mixed Use -A and E. Rail Transportation Corridor and that this resolution shall be considered the report of the Planning Board to the City Council.

BE IT FURTHER RESOLVED that this Resolution will be published within ten (10) days of the date of adoption in the official newspaper of publication of the Planning Board of the City of Jersey City.

**RESOLUTION OF THE PLANNING BOARD OF
THE CITY OF JERSEY CITY
FOR APPROVAL AND RECOMMENDATION OF AMENDMENTS TO THE MORRIS
CANAL REDEVELOPMENT PLAN
Case No. P22-012**

Vote : 8-0 in favor of

	In Favor	Opposed	Abstain
Chairman Langston	x		
Vice Chair Gonzalez	x		
Commissioner Torres	x		
Commissioner Allen	x		
Commissioner Green	x		
Commissioner Gangadin	x		
Commissioner Lipski	x		
Councilwoman Watterman	x		


Orlando V. Gonzalez MD
Orlando V. Gonzalez MD (Jun 15, 2022 12:28 EDT)

Christopher Langston, Chairman
JERSEY CITY PLANNING BOARD

Cameron Black
Cameron Black (Jun 15, 2022 14:09 EDT)

Cameron Black Secretary
JERSEY CITY PLANNING BOARD

APPROVED AS TO LEGAL FORM:


Santo T. Alampi (Jun 15, 2022 15:03 EDT)

Santo T. Alampi, Esq.
JERSEY CITY PLANNING BOARD

DATE OF MEMORIALIZATION:

June 14, 2022

#3184751