

City Clerk File No. Ord. 12-002

Agenda No. 3.B 1st Reading

Agenda No. 4.B 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 12-002

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE V OF THE LAND DEVELOPMENT ORDINANCE (CHAPTER 345) PERTAINING TO ENTERTAINMENT

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, 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, bars are permitted principal uses in the NC zone, and Category One and Category Two restaurants are permitted principal uses in the NC, O/R, CBD, HC, WPD and Restaurant Overlay zoning districts and permitted conditional uses in certain locations within the Historic Districts under the Land Development Ordinance of the City of Jersey City; and

WHEREAS, bars and Category One and Two restaurants are separately defined, and Category One restaurants are distinguished from other restaurant uses in the Definition Section of the Jersey City Land Development Ordinance; and

WHEREAS, T.V.s, radios, and/or stereo systems are commonly found at and can be considered as incidental and customary accessory uses at bars and restaurants with bars; and

WHEREAS, live or D.J. monitored entertainment is currently only allowed, under an existing "Entertainment and Dance License," at uses defined as nightclubs; and

WHEREAS, the ability of restaurants to offer live or D.J. monitored entertainment, but under more restrictive conditions than a nightclub; is desirable in order to better serve both the public and the business community; and

WHEREAS, the Planning Board of Jersey City, at its meeting of January 13, 2007 did discuss and approve a motion recommending that the Municipal Council adopt the amendments contained herein pertaining to the NC, O/R, CBD, HC, WPD and Historic Districts; and

WHEREAS, the Planning Board of Jersey City, at its meeting of April 26, 2011 did discuss and approve a motion recommending that the Municipal Council adopt the amendments contained herein pertaining to the Restaurant Overlay Zoning District (ROZ); and

WHEREAS, the amendments to the Land Development Ordinance are incorporated herein and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey city that the Land Development Ordinance, be and hereby is amended as follows:

(Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold italic *like this* is new material that is intended to be enacted).

345-45. NC- NEIGHBORHOOD COMMERCIAL DISTRICT

C. Uses incidental and accessory to the principal use, such as:

1. Off-street parking.
2. Fences and walls.
3. Signs.
4. Sidewalk cafes associated with category one and two restaurants.
5. *T.V., radio, and/or stereo systems accessory to bars and restaurants.*
6. *Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001), with the exception of properties on Lower John F. Kennedy Boulevard where no live entertainment shall be permitted.*

345-47. CBD - CENTRAL BUSINESS DISTRICT/JOURNAL SQUARE

C. Uses incidental and accessory to the principal uses, such as:

1. Parking garages.
2. Meeting rooms, conference facilities, gymnasiums and exercise rooms and pools.
3. Signs.
4. *T.V., radio, and/or stereo systems accessory to bars and restaurants*
5. *Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).*

345-46. O/R- OFFICE/RESIDENTIAL DISTRICT

C. Uses incidental and accessory to the principal use, such as:

1. Off-street parking garages and lots and off-street loading.
2. Fences and walls.
3. Signs.
4. *T.V., radio, and/or stereo systems accessory to bars and restaurants.*
5. *Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).*

345-48. HC- HIGHWAY COMMERICAL DISTRICT

C. Uses incidental and accessory to the principal use, such as:

1. Off-street parking, garages and off-street loading.
2. Fences and walls.
3. Signs.
4. Auto service ancillary to retail car dealership.
5. Outdoor garden centers.
6. *T.V., radio, and/or stereo systems accessory to bars and restaurants*
7. *Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).*

345-56. WPD- WATERFRONT PLANNED DEVELOPMENT DISTRICT

C. Uses incidental and accessory to the principal use, such as:

1. Fences and walls.

2. Signs.

3. Parking.

4. T.V., radio, and/or stereo systems accessory to bars and restaurants.

5. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).

345-58. H- HISTORIC DISTRICT

C. Accessory uses permitted in all Historic Districts:

1. Private garages, for projects of 10 units or more.

2. Screened off-street parking, for projects of 10 units or more.

3. Live entertainment accessory to Category One restaurants only, where permitted as conditional uses or where O/R use standards apply, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).

345-60 SUPPLEMENTARY ZONING REGULATIONS

T. Restaurant Overlay

1. Restaurant Overlay Zones (ROZ) shall apply to the areas depicted on the Jersey City Zoning Map. The ROZ is intended to apply as an overlay, which means that it applies an alternative zoning pattern when and if chosen by the property owner. Within a ROZ, existing zoning regulations continue unchanged. The application of ROZ zoning provides for a new, additional permitted principal use- restaurants.

2. Restaurant Overlay Zoning Regulations

a. Permitted Principal uses

(1) Restaurants, *category one and two.*

b. Permitted Accessory uses

(1) Sidewalk Cafes (subject to the provisions of Chapter 296, Article XII, Sidewalk Cafes)

(2) Live Entertainment subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001)

~~b. Parking Requirements for restaurants.~~


~~(1) One space per 250 square feet of gross floor area. This calculation shall be based upon gross floor area of all spaces dedicated to the restaurant use, including table area, bar, kitchen, storage, office and all other restaurant related uses.~~

c. Minimum building separation.

(1) No setback from any lot line shall be required for existing structures that are not to be enlarged. However, in the event that a separation of structures exists, or is proposed in the event of new construction, the minimum distance between any rear wall of a building proposed for a ROZ restaurant use and any rear wall of an adjacent building containing any residential uses shall be 15 feet, as measured from building face to building face, except in the case of corner lots, where no minimum or maximum separation shall apply.

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

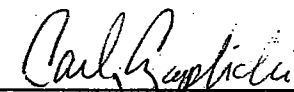

 Robert D. Cotter, AICP, PP, Director
 Division of City Planning

APPROVED AS TO LEGAL FORM

 Corporation Counsel

APPROVED:

APPROVED:


 Business Administrator

Certification Required ☐Not Required ☐

ORDINANCE FACT SHEET**1. Full Title of Ordinance:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO ARTICLE V OF THE LAND DEVELOPMENT
ORDINANCE (CHAPTER 345) PERTAINING TO ENTERTAINMENT**

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl Czaplicki, Director, Department of Housing, Economic Development, and Commerce

3. Concise Description of the Plan Proposed in the Ordinance:

Amends Article V accessory use standards pertaining to bars to allow accessory T.V.s, radios, and stereo systems; amends accessory use standards for category one (primarily sit-down) restaurants, where permitted as principal or conditional uses; and updates Restaurant Row Overlay Zone standards pertaining to category one and category two restaurants, in order to permit the issuance of a "restaurant entertainment license" in all applicable zones.

4. Reasons (Need) for the Proposed Program, Project, etc.:

- a.) T.V.s, radios, and/or stereo systems are commonly found at and can be considered as incidental and customary accessory uses at bars and restaurants with bars;
- b.) Live or D.J. monitored entertainment is currently allowed, under an existing "Entertainment and Dance License," only at uses defined as nightclubs, and the ability of restaurants to offer live or D.J. monitored entertainment, but under more restrictive conditions than a nightclub, is desirable in order to better serve both the public and the business community.

5. Anticipated Benefits to the Community:

Enhancement of local restaurant business in a way that better serves the public while protecting the general welfare

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

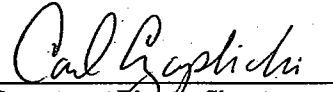
8. Anticipated Completion Date: N/A**9. Persons Responsible for Coordinating Proposed Program, Project, etc.:**

Carl Czaplicki, Director, Dept of HEDC
Robert D. Cotter, City Planning Director
Nick Taylor, Acting Director, Division of Zoning

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director


Department Director Signature

Dec 6, 2011
Date

12/8/11
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE V OF THE LAND DEVELOPMENT ORDINANCE (CHAPTER 345) PERTAINING TO ENTERTAINMENT

Amends Article V accessory use standards pertaining to bars to allow accessory T.V.s, radios, and stereo systems; amends accessory use standards for category one (primarily sit-down) restaurants, where permitted as principal or conditional uses; and updates Restaurant Row Overlay Zone standards pertaining to category one and category two restaurants, in order to permit the issuance of a "restaurant entertainment license" in all applicable zones.

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

ORDINANCE NO. Ord. 12-002

TITLE: **3.B JAN 11 2012** **4.B JAN 25 2012**



Ordinance of the Municipal Council of the City of Jersey
City adopting amendments to Article V of the Land
Development Ordinance (Chapter 345) pertaining to
entertainment.

RECORD OF COUNCIL VOTE ON INTRODUCTION JAN 11 2012 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 25 2012 9-0											
Councilperson <u>RICHARDSON</u>				moved, seconded by Councilperson <u>BRENNAN</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	✓		

✓ Indicates Vote

JASON BURG
YVONNE BALZER

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				MASSEY			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE JAN 25 2012 8-0-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN		ABSTAIN	
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 11 2012

Adopted on second and final reading after hearing on JAN 25 2012

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on JAN 25 2012

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Peter M. Brennan
Peter M. Brennan, Council President

Date: JAN 25 2012

APPROVED:

Jeremiah T. Healy
Jeremiah T. Healy, Mayor

Date: JAN 30 2012

Date _____

JAN 26 2012

Date to Mayor _____