

City Clerk File No. Ord. 14.173
Agenda No. 3.H 1st Reading
Agenda No. 4.H 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 14.173

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE TIDEWATER BASIN REDEVELOPMENT PLAN TO
MODIFY MIXED USE DISTRICT USES AND CLARIFY LANGUAGE**

WHEREAS, the Municipal Council of the City of Jersey City adopted the Tidewater Basin Redevelopment Plan in November of 1999, and amended the Plan numerous times subsequently, most recently on October 8, 2014; and

WHEREAS, at the time of the last amendment, the City Council requested that the Mixed Use zone be modified to remove nightclubs from permitted uses; and

WHEREAS, athletic facilities need to be added as a permitted use, because these uses already exist on site; and

WHEREAS, additional minor changes have been made to clarify existing language, none of which changes the intent of the zoning; and

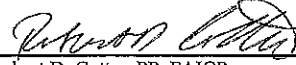
WHEREAS, the Planning Board, at its meeting of December 9, 2014, determined that the Tidewater Basin Redevelopment Plan should be amended to modify the uses and clarify language; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Tidewater Basin Redevelopment Plan is attached hereto, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

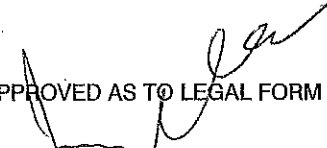
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Tidewater Basin Redevelopment Plan be, and hereby are, adopted.

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- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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 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, PP, FAICP
Director, Division of City Planning

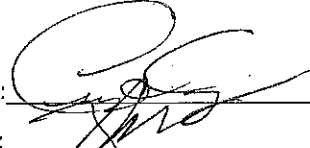
APPROVED AS TO LEGAL FORM


Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: 

APPROVED: 
Business Administrator

RESOLUTION FACT SHEET – NON-CONTRACTUAL

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

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE TIDEWATER BASIN REDEVELOPMENT PLAN TO MODIFY MIXED USE DISTRICT USES AND CLARIFY LANGUAGE

Initiator

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, AICP	Director
Phone/email	201-547-5010	bobbyc@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

The proposed amendments modify the uses permitted in the Mixed Use District per the request of City Council at the time of adoption. Additionally, amendments are made to clarify language.

I certify that all the facts presented herein are accurate.


Signature of Department Director


Date 12/5/14

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY
CITY ADOPTING AMENDMENTS TO THE TIDEWATER BASIN
REDEVELOPMENT PLAN TO MODIFY MIXED USE DISTRICT USES AND
CLARIFY LANGUAGE**

The proposed amendments modify the uses permitted in the Mixed Use District per the request of City Council at the time of adoption. Additionally, amendments are made to clarify language.

Department of Housing, Economic Development & Commerce
Division of City Planning



Inter-Office Memorandum

DATE: December 4, 2014
TO: Council President Lavarro, Anthony Cruz, Bob Cotter
FROM: Kristin J. Russell, PP, AICP
SUBJECT: Tidewater Basin Redevelopment Plan amendment

This past October, Jersey City Council adopted amendments to the Tidewater Basin Redevelopment Plan. At that time, it was requested that the plan be further amended to remove nightclubs from the permitted uses.

The amendments proposed do exactly that.

Additionally, athletic facilities have been added as a permitted use. St. Peter's already has athletic facilities on the site, and although the structure will ultimately be demolished and relocated, for the time being the use needs to be acknowledged and permitted.

Finally, minor housekeeping items have been incorporated into this amendment in order to retain consistency between zoning definitions and the Plan. Community groups have also been made exempt from fees, which is typical in other Redevelopment Plans but had not been incorporated into the Tidewater Basin Redevelopment Plan to date.

TIDEWATER BASIN REDEVELOPMENT PLAN

November 10, 1999

Amended June 27, 2007: Ord. 07-109

Amended Sept 9, 2009: Ord. 09-092

Amended March 24, 2010: Ord. 10-036

Amended April 28, 2010: Ord. 10-053

Block & Lot Updates: October 25, 2012

Amended October 8, 2014: Ord. 14-120

Draft 12/10/14

**CITY OF JERSEY CITY
DIVISION OF CITY PLANNING**

E. Grand and Marin District

This district is designed to provide space for athletic fields, open space, recreation and educational facilities at the corner of Marin and Grand Streets.

1. Principal Permitted Uses
 - a. Outdoor recreation and improved open space
 - b. Athletic facilities
 - c. Educational facilities
 - d. Residential above the ground floor
 - e. Ground floor retail on corner properties
 - f. Ground floor restaurant, categories one and two as defined by the Land Development Ordinance, on corner properties
 - g. Mixed uses of the above
2. Accessory Uses
 - a. Off-street parking conforming with plan standards
 - b. Fences and railings
 - c. Signs, not to exceed 12 square feet, and not to be internally illuminated
3. Maximum Height:
 - a. 4 stories and forty-five (45) feet
 - b. One additional penthouse story, not to exceed 12 (twelve) feet for a total of fifty-seven (57) feet, and compliant with the standards outlined in §VII.E(7) below, is permitted on corner lots.
4. Maximum Lot Coverage
 - a. Seventy percent (70%)
5. Setbacks:
 - a. Maximum Front yard – Zero (0) feet
 - b. ~~Maximum Corner Side yard – Zero (0) feet~~
 - c. Minimum Side yard – Zero (0) feet, except where side windows are proposed to be located *on interior lot lines*, in which case six (6) feet
 - d. Minimum Rear yard – Thirty (30) feet
 - a. *On corner lots, the side yard which runs parallel to the rear façade shall be subject to rear yard setback requirements.*
 - e.
6. Parking & Loading
 - a. Parking is prohibited
 - b. One garaged loading space per building is permitted, provided that access to this garage is not from Grand Street.
7. Penthouses (as permitted in §E(3.a) above) on corner lots
 - a. Penthouses must be set back five (5) feet from all streetfront facades
 - b. Penthouses may not exceed twelve (12) feet in height
 - c. Penthouses must be constructed primarily of glass, with metal or other modern elements permitted as details.
 - d. Penthouses must have a flat roof
8. Buffering
 - a. All permitted principal uses must be adequately buffered from adjoining residential uses, through the use of a five feet wide evergreen hedge-row, of a species that will grow tall and can be trained (clipped) into a dense evergreen hedge, and contain

- fencing, which must be located on the non-residential side of the landscaped buffer.
9. All other requirements shall be as regulated in Sub-Section D. Historic Buffer District

F. Mixed Use District

This district fronts on Van Vorst Street, and contains several sites that were predominantly historically used for industrial purposes. Re-use of these sites for residential purposes is favored for feasibility reasons, and because of the strong demand for residential uses. Mixed use development is also permitted to service the existing and future residential development within the district.

1. Permitted Principal Uses
 - a. Residential
 - b. Ground floor Office
 - c. Ground Floor Retail
 - d. Ground floor cafes, ~~nightclubs~~, and bars
 - e. Ground floor restaurants, categories 1 and 2
 - f. Parks, pedestrian and bicycle paths, open space, plazas
 - g. Child Care and Day Care Centers
 - h. **Athletic facilities** ~~on Block 11205, limited to one per block~~
 - i. A combination of any of the above
2. Accessory Uses – Uses which are customarily associated with and incidental to permitted principal uses, limited to the following:
 - a. Off-street parking
 - b. Health clubs serving units
 - c. Residential amenities
 - d. Fences and railings
 - e. Home occupations
 - f. Signs
3. Maximum Height
 - a. The maximum height shall be seven (7) stories and eighty-three (83) feet.
4. Minimum Lot Size
 - a. Interior Lot – 2,000 square feet
 - b. Corner lot – 2,400 square feet
5. Maximum Lot coverage – 100%
6. Landscaping - Required 10% landscaping may be provided in landscaped planting areas, green roof plantings, and raised planters. If a project is completed in phases, the calculation may be calculated over the entire development site as a whole.
7. Minimum Setbacks

None required
8. Stepbacks are required along Van Vorst Street between Morris and Sussex Streets for buildings utilizing the height bonus.
 - a. At the 7th story, a 10 foot stepback from the ground level façade is required

- b. At the 8th story, a 20 foot stepback from the ground level façade is required
- c. At the 9th story, a 30 foot stepback from the ground level façade is required
- d. Notwithstanding the foregoing, at the corner building on Sussex and Van Vorst Streets, only one stepback is required. It is to be located at the 7th story and must have a minimum stepback of 25 feet from the ground level façade.

9. Minimum Parking

- a. Residential – 0.6 spaces per unit. There shall be no lease/deed parking requirements or guest/staff parking requirements.
- b. Retail, restaurants, cafes, nightclubs, and bars – 0.5 spaces per 1,000 square feet of floor area
- c. Office – 0 spaces required

Where a project is developed in phases, the parking and loading constructed with phase 1 must meet or exceed the parking and loading requirements for that phase. Required parking and loading for the entire project may be constructed in Phase I.

Valet parking is permitted.

Maximum driveway width: 12 feet one way, 20 feet two way

10. Loading Off-street loading shall conform to Article V of the Zoning Ordinance of the City of Jersey City.

11. Signs

Use	Type	Number	Size
Residential	Nameplate or Awning	1 per entry	12 sf
Retail, restaurant, café, bar, nightclub	Façade Band sign	1 per street or plaza frontage	20 sf or 15% of ground floor area of that portion of the primary façade, whichever is less
	Blade Sign	1 per street or plaza frontage	8 sf
	Canopy Sign	1 per window bay	Shall be calculated into the maximum façade sign area
Office	Façade Band sign	1 per street or plaza frontage	20 sf or 15% of ground floor area of that portion of the primary façade, whichever is less
Home Occupations	Plaque	1	2 sf

- Façade signs in the sign band area above the display window(s) are permitted. Band signs shall display the name and/or logotype of the store only. Band signs shall be illuminated at night. The sign band shall be limited to an area not less than ten (10) feet and not greater than fifteen (15) feet above grade level. In addition, all signs shall set back a minimum of two (2) feet from each side of the building. Sign lettering within the sign band may also be applied directly onto the building surface, rather than onto a sign board.
- During construction, one (1) temporary sign indicating: the name of the project or development, general contractor, subcontractor, financing institution and public entity officials (where applicable) shall be permitted. The sign area shall not exceed forty (40) square feet.
- All wall signs shall be flush mounted
- All blade signs shall project no more than 30 inches from the facade and the bottom of the sign must be a minimum of 9 feet above the sidewalk or plaza.
- Internally lit sign boxes are prohibited. Internally lit channel letters are permitted.
- Storefront windows shall not be blocked by any interior display case or other form of barrier. Pedestrians on the street shall have the ability to see into the shop and view the activity within.
- Signs may include the name of the store and street number only.

12. Design Standards

- Parking garages must be wrapped by the principal use building to disguise the garage area. Garages fronting on Sussex Street, however, are not required to be wrapped. Instead, the façade of all parking levels along Sussex Street shall be of compatible material and quality to that used throughout the development and shall be designed to provide visual interest.
- Bike parking requirements, as outlined in the Land Development Ordinance, apply
- Except for the Sussex Street frontage, no more than fifteen (15) percent of the first floor

street and plaza frontage or thirty (30) consecutive linear feet along a public right-of-way and plaza frontage - whichever is greater - may be dedicated to other uses such as meter rooms, blank walls, garage doors or loading zones, emergency exits, etc.

- d. Large blank walls (rear façade, etc.) without fenestration must incorporate facade relief, an expressed structural system, sculpted, carved or penetrated wall surfaces, architectural lighting, or other architectural techniques to provide visual interest.
- e. Window HVAC units (PTAC units) shall not be permitted below twenty (20) feet above grade. At and above twenty (20) feet above grade, all facade vents for air conditioning or heating units must be incorporated into the window opening and mullion design such that vent grills and windows appear as a single unit. This is best achieved by lining up vent grills with the vertical or horizontal edge of the adjacent window and matching the window's length or width or using a spandrel panel to fill any voids.

13. Height Bonus - In recognition of its close proximity to mass transit, and as supported by the Jersey City Master Plan, this district can accommodate greater building heights

An additional 8 stories and 92 feet, for a maximum of 15 stories and 175 feet of height are permitted when the following are all provided:

- a. A privately held and maintained 10,000 square foot pedestrian plaza is developed for 24-hour public use. The Developer and its successors and assigns must agree to maintain and repair the plaza in accordance with a Developer's Agreement entered into with the Planning Board.
- b. Open Space Requirement – 30% of the total lot area shall be provided as outdoor recreation space, which may be averaged over the entire development when a project is developed in phases. This can be allocated and divided up as needed, at grade, as plaza space, as rooftop amenity space, and so forth.
- c. The Developer agrees to enter into an easement with the Jersey City Municipal Utilities Authority ("JCMUA") for ten dollars (\$10.00) nominal consideration for the construction by the JCMUA, at its sole cost and expense, of an underground water main pipe line ("pipe line") on a portion of the land where the private pedestrian plaza is planned. The easement shall provide that such pipe line shall be located in a place on such land that will not disrupt or impede the project and that the construction of the pipe line will not delay or obstruct the developer's construction schedule. Such easement shall give the JCMUA the right to construct the pipe line at any time up to the date the developer applies to the City for the first certificate of occupancy for the project. The developer shall give the JCMUA 90 days written notice of its intention to apply to the City for a certificate of occupancy for the project.
- d. The developer agrees to enter into an easement agreement with the JCMUA for ten dollars (\$10.00) nominal consideration granting a ten (10) foot wide easement to the JCMUA for the maintenance, operation, repair and replacement of the pipe line by the JCMUA, at its sole cost and expense. The easement shall provide that should it be necessary for the JCMUA to remove any portion of the pedestrian plaza improvements and materials, it will reinstall and restore them, at the JCMUA's sole cost and expense, with the same color, type and quality improvements and materials.
- e. The developer agrees to make cross-street improvements at the intersection of Van Vorst Street and Morris Street utilizing materials that are compatible with the pedestrian plaza;

- f. Buildings must be designed and built with LEED or equivalent green measures that will reduce the overall energy consumption by the building occupants, the energy demands on local utilities, and water consumption by occupants.
- g. For phased development, the developer shall adhere to the following benchmarks:
 - i. Subject to the easement grant limitations identified in this Subsection, the aforementioned easements to JCMUA must be granted with the first phase prior to the issuance of a Certificate of Occupancy by the Jersey City Building Department for that phase
 - ii. Aforementioned plaza and necessary Van Vorst / Morris Street intersection improvements must be completed prior to the issuance of a Certificate of Occupancy by the Jersey City Building Department for the second phase

VIII. PROCEDURAL REQUIREMENTS

A. Submission of Redevelopment Proposals

Site plan review shall be conducted by the Jersey City Planning Board pursuant to NJSA 40:55D-1 et seq.

As part of the final site plan approval process, the Jersey City Planning Board may require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53. Such performance guarantees shall be in favor of the City of Jersey City, in a form approved by either the Corporation Counsel of the City of Jersey City, or the Attorney for the Jersey City Planning Board. The amount of such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of improvements within one (1) year of final site plan approval.

B. Duration of Plan's Effect

The provisions of this plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) years from the date of approval of this plan by the City Council of the City of Jersey City.

C. Deviation Requests

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

D. Procedure for Amending this Plan

This Redevelopment Plan may be amended from time-to-time upon compliance with the requirements of law. A fee of \$1,000 plus all costs of copying and transcripts shall be payable *by the applicant* to the City of Jersey City for any request to amend this plan. ~~If there is a designated developer, as provided for under NJSA 40:55 C-1 et seq, said developer shall pay these costs. If there is no developer, the appropriate agency shall be responsible for any and all such costs.~~ *Fees shall not be charged for amendments proposed by a local and recognized neighborhood association.*

E. Interim Uses

Interim uses may be established, subject to site plan approval and agreement between the developers and the Planning Board that such use will not have an adverse effect upon existing or contemplated development during the interim use period. Interim uses may be granted for a period of up to three (3) years, and may be renewed at the discretion of the board. Commuter parking that does not serve employees of this redevelopment plan area is specifically prohibited and does not qualify as an interim use.

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



ORDINANCE NO. Ord. 14.173
 TITLE: DEC 17 2014 4.H. JAN 14 2015
 Ordinance of the Municipal Council of the City of Jersey
 City adopting amendments to the Tidewater Basin
 Redevelopment Plan to modify mixed use district uses and
 clarify language.

RECORD OF COUNCIL VOTE ON INTRODUCTION DEC 17 2014 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 14 2015 9-0											
Councilperson <u>WATTERMEN</u>				moved, seconded by Councilperson <u>LAVARRO</u>				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

JAYSON BURG

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.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 14 2015 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 17 2014
 Adopted on second and final reading after hearing on JAN 14 2015

This is to certify that the foregoing Ordinance was adopted by
 the Municipal Council at its meeting on JAN 14 2015

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JAN 14 2015

APPROVED:

Steven M. Fulop, Mayor

Date JAN 15 2015

Date to Mayor JAN 15 2015