

City Clerk File No. \_\_\_\_\_ Ord. 15.041

Agenda No. \_\_\_\_\_ 3.C \_\_\_\_\_ 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 15.041

**TITLE**  
**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS  
TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT  
AND SIZE EXCEPTIONS FOR ROOFTOP APPURTENANCES**

**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**, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001, (Ordinance No. 01-042), and several amendments since then; and

**WHEREAS**, the Land Development Ordinance limits the height and size of rooftop appurtenances; and

**WHEREAS**, roof decks are an increasingly popular building amenity in Jersey City, and accessing them through a stair or elevator does require some sort of space through which to pass; and

**WHEREAS**, in order to prevent these areas from becoming an additional story and additional living space, it is necessary to limit them in size; and

**WHEREAS**, Planning Staff and Board feel that one hundred square feet is a reasonable size limit in order to allow a functional space that will not become living space and will not impact neighboring properties; and

**WHEREAS**, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

**WHEREAS**, the Planning Board at its meeting of March 10, 2015 did vote to recommend that the Municipal Council adopt these amendments to the Supplementary Zoning section of the Land Development Ordinance; and

**WHEREAS**, the amendments to the Land Development Ordinance are attached hereto 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 per the attached document;

**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.

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Robert D. Cotter, FAICP, PP, Director  
Division of City Planning

\_\_\_\_\_  
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 LAND DEVELOPMENT ORDINANCE -- SUPPLEMENTARY ZONING  
AS IT PERTAINS TO HEIGHT AND SIZE EXCEPTIONS FOR ROOFTOP APPURTENANCES**

**Initiator**

Department/Division	HBDC	City Planning
Name/Title	Robert Cotter, PP, FAICP	Director
Phone/email	201-547-5010	hobbye@jcnj.org

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

**Resolution Purpose**

This Ordinance will amend the Supplementary Zoning section of the Land Development Ordinance (Zoning Ordinance) to limit the size of rooftop vestibules to one hundred square feet. This limit acknowledges the need for a space to pass through between stairs and elevators to access the outdoors, but caps the size of that space to eliminate the concern that it will become additional living space at a prohibited building height.

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

  
3/13/15  
Date

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



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**Inter-Office Memorandum**

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**DATE:** March 11, 2015  
**TO:** Council President Lavarro, Anthony Cruz, Bob Cotter  
**FROM:** Kristin J. Russell, PP, AICP  
**SUBJECT:** LDO amendment – Height Exceptions

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The “height exceptions” of the Land Development Ordinance recognizes that certain rooftop appurtenances exceed the height of the building, and places limits on the height and area of such spaces. These are generally mechanical, stair, and elevator bulkheads, as well as ventilation and cellular equipment.

As Jersey City sees an increase in rooftop amenity space (roof decks), it is important to zone properly for these uses.

It is understood that as one access a roof, there needs to be a space to pass through between stairwells/elevators and the outdoors – it is not typical to step directly from an elevator, for example, out into the elements.

The intent of this amendment is to limit the size of that space. Applicants have been increasingly asking for a large room(s) on the roof which we believe should qualify as an additional story. Therefore, Planning proposes limiting the size of that space to 100 square feet. This will allow reasonable space to transition between an elevator/stair and the outdoors without much risk of the space becoming additional substantial living space. Also, limiting the space to 100 square feet will ensure that neighbors will not be impacted by this feature.

# SUMMARY STATEMENT

## ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT AND SIZE EXCEPTIONS FOR ROOFTOP APPURTENANCES

This Ordinance will amend the Supplementary Zoning section of the Land Development Ordinance (Zoning Ordinance) to limit the size of rooftop vestibules to one hundred square feet. This limit acknowledges the need for a space to pass through between stairs and elevators to access the outdoors, but caps the size of that space to eliminate the concern that it will become additional living space at a prohibited building height.

2/24/15

345-60

#### G. Height Exceptions.

1. Penthouses and roof structures for the housing of stairways, tanks, ventilating fans, air-conditioning equipment, dust collectors or similar equipment required to operate and maintain the building as well as skylights, spires, cupolas, flagpoles, chimneys, water tanks or similar structures may be erected above the height limits prescribed by this Chapter but in no case more than the following distances above the maximum height permitted in the district, except spires for houses of worship shall have no height restrictions.

Building Height(feet)	Maximum Height of the Exceptions
Up to 45	10 feet
45 to 100	12 feet or 20% of building height, whichever is greater for buildings without common rooftop amenity space. For buildings with common rooftop amenity space, a total of 20 feet shall be permitted to accommodate elevator bulkheads and mechanicals.
101 and over	20 feet or 20% of building height, whichever is greater for buildings without common rooftop amenity space. For buildings with common rooftop amenity space, a total of 30 feet or 10% of building height, whichever is less shall be permitted to accommodate elevator bulkheads and mechanicals.

2. Any rooftop appurtenance **or penthouse** covered by this section must be set back from any front façade (primary or secondary) by a distance of one foot one inch for every foot of rooftop appurtenance **or penthouse** height.
3. Fire or parapet walls may be erected above the height limits prescribed by this Chapter up to a maximum height of 6 (six) feet from the roof of the top story and with a minimum of 42" from the floor of the rooftop deck, if provided.

4. Mechanical and other roof appurtenances shall not exceed twenty percent (20%) of the roof area and shall be properly shielded. ***Of this 20%, a maximum of one hundred (100) square feet may be used as access vestibules to and from points of egress.***
5. There is no coverage limit on roof decks used for residents' open space.
6. Where a property is located within the "One Percent (1%) Annual Chance Flood Hazard Area," the number of feet required to reach the base flood elevation plus one foot shall be added to the maximum permitted height of the building. This provision shall apply to all property within any regular zone district or within any duly adopted Redevelopment Plan Area. Where property is located within an Historic District, or where an Historic District and Redevelopment Plan overlap, this exception shall not apply.

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



ORDINANCE NO. Ord. 15,041

TITLE: 3.C MAR 25 2015 4.B APR 08 2015

Ordinance of the Municipal Council of the City of Jersey  
City adopting amendments to the Land Development  
Ordinance - supplementary zoning as it pertains to height  
and size exceptions for rooftop appurtenances.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">MAR 25 2015 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">APR 08 2015 9-0</span>											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>OSBORNE</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	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

JAYSON BURG  
DAN SICARDI

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				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">APR 08 2015 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 25 2015

Adopted on second and final reading after hearing on APR 08 2015

This is to certify that the foregoing Ordinance was adopted by  
the Municipal Council at its meeting on APR 08 2015

Robert Byrne  
Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date APR 08 2015

APPROVED:

Steven M. Fulop, Mayor

Date APR 09 2015

Date to Mayor

APR 09 2015