

City Clerk File No. Ord. 15.053
Agenda No. 3.D 1st Reading
Agenda No. 4.D 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.



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

CITY ORDINANCE 15.053

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO VARIOUS REDEVELOPMENT PLANS TO ADD FORMULA BUSINESS RESTRICTIONS

WHEREAS, the New Jersey Local Redevelopment and Housing Law empowers local government to adopt and amend Redevelopment Plan to promote the advancement of community interests through a program of redevelopment; and

WHEREAS, Jersey City Municipal Council has determined that formula business, which utilize standardized features such as decor, menu or merchandise items, and logos, may detract from downtown Jersey City's unique community character; and,

WHEREAS, the Jersey City Master Plan recommends additional land use regulations restricting formula businesses; and

WHEREAS, downtown Jersey City supports a great variety of unique local businesses while most national chains in downtown have located within enclosed shopping malls, strip shopping centers, or near the waterfront; and

WHEREAS, Municipal Council has determined that this pattern of retail development should remain in order to preserve Downtown's distinctive sense of place and unique neighborhood character; and

WHEREAS, formula business restrictions will apply to the following redevelopment plans or portions thereof: 8 Brie; Bates Street; Betz Brewery; Block 10102; Block 239 Lot 47; Bright and Varick; Bright Street; Colgate; Columbus Corner; Dixon Crucible; Exchange Place North (only River View District, Block 11613 and Block 13003); Grand Jersey; Grand Street; Gregory Park; Grove and Mercer; Grove Street II; Grove Street N.D.P.; Grove Street Station; Hamilton Square; Harsimus Cove Station (only West Neighborhood District); Henderson Street South; Hoboken Avenue; Jersey Avenue Light Rail (only Transition District and Medium Rise District); Jersey Avenue Park; Liberty Harbor North; Luis Munoz Marin; Majestic Theater; Majestic Theater II; Merseles Street; Montgomery Gateway (only Adaptive Reuse District, Commercial Reuse District, Public District, Residential New Construction District, and Residential Rehabilitation District); Morgan Grove Marin; Newark Ave; Ninth and Brunswick; Ninth Street; Ninth Street II; Paulus Hook (only N.D.P Area 1, Block 13102); Powerhouse (exempt Block 11609); School #2; St. Francis Hospital; Tidewater; Village; Wayne Street; and

WHEREAS, the various redevelopment plans or portions thereof subject to this amendment is depicted on the attached map entitled "Proposed Formula Business Restrictions Ordinance Amendment;" 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 April 7, 2015 did vote to recommend that the Municipal Council amend the Redevelopment Plans listed above; and

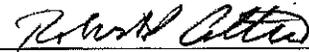
WHEREAS, the Planning Board at its meeting of April 7, 2015 recommended a floor amendment to reduce the provision about grocery stores from 35,000 square feet to 15,000 square feet; and

WHEREAS, the amendments to Redevelopment Plans listed above 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;

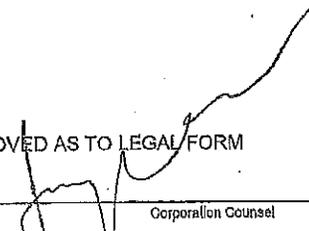
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the redevelopment plans listed above and depicted on the attached map, be and hereby are amended as per the attached document;

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.


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

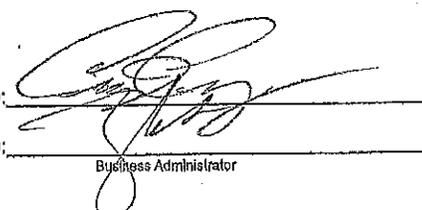
APPROVED AS TO LEGAL FORM


 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 TO VARIOUS REDEVELOPMENT PLANS TO ADD FORMULA BUSINESS RESTRICTIONS

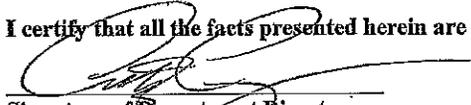
Initiator

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, AICP	Director
	Jeff Wenger, AICP	Principal Planner
	Matt Ward, AICP	Senior Planner
Phone/email	201-547-5010	bobbyc@jenj.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 will provide formula business restrictions to various downtown redevelopment plans or portions thereof. Formula business, which utilize standardized features such as decor, menu or merchandise items, and logos, may detract from downtown Jersey City's unique community character. Restrictions on formula business should be implemented to preserve Downtown's distinctive sense of place and unique neighborhood character.

I certify that all the facts presented herein are accurate. *R. Cotter*

Signature of Department Director 4/13/15
Date

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



Inter-Office Memorandum

DATE: April 13, 2015
TO: Council President Lavarro, Anthony Cruz, Bob Cotter
FROM: Matt Ward, AICP
SUBJECT: LDO definition amendment to add Formula Business

The amendment before you was requested by Mayor Fulop and pertains to the definition of "Formula Business."

Adding a definition for Formula Business to the LDO will distinguish it from other uses and prompt legislation restricting the amount and location of uses meeting the definition of Formula Business.

Formula Businesses are establishments with multiple locations that exhibit standardized characteristics such as logos, menu items, merchandise, store decor, and other standardized features. These types of business establishments, more commonly referred to as "chain stores", are frequently perceived to detract from community character by replicating the standard designs and items at every location. The Mayor requested the Planning Division to review formula business restrictions nationwide and propose a definition and set of standards appropriate for Jersey City.

Summary Sheet:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING TO VARIOUS REDEVELOPMENT PLANS TO ADD FORMULA BUSINESS RESTRICTIONS

The proposed amendments will provide formula business restrictions to various downtown redevelopment plans or portions thereof. Formula business, which utilize standardized features such as decor, menu or merchandise items, and logos, may detract from downtown Jersey City's unique community character. Restrictions on formula business should be implemented to preserve Downtown's distinctive sense of place and unique neighborhood character.

PROPOSED AMENDMENTS TO VARIOUS DOWNTOWN REDEVELOPMENT PLANS

Text that is added to various plans is in bold like this.

Floor amendments are in underlined bold italics ~~like this~~

Text to be omitted by a floor amendment is strikethrough like this.

Amendment language added to the following redevelopment plans:

- | | | |
|--|---|---|
| 1. 8 Erie | 18. Grove Street Station | New Construction District, and Residential Rehabilitation District) |
| 2. Bates Street | 19. Harsimus Cove Station | |
| 3. Betz Brewery | (only West Neighborhood District) | 30. Morgan Grove Marin |
| 4. Block 10102 | 20. Henderson Street South | 31. Newark Ave |
| 5. Block 239 Lot 47 | 21. Hoboken Avenue | 32. Ninth and Brunswick |
| 6. Bright and Varick | 22. Jersey Avenue Light Rail | 33. Ninth Street |
| 7. Bright Street RDP | (only Transition District and Medium Rise District) | 34. Ninth Street II |
| 8. Colgate | 23. Jersey Avenue Park | 35. Paulus Hook (only N.D.P Area 1, Block 13102) |
| 9. Columbus Corner | 24. Liberty Harbor North | 36. Powerhouse (exempt Block 11609) |
| 10. Dixon Crucible | 25. Luis Munoz Marin | 37. School #2 |
| 11. Exchange Place North (only River View District; Block 11613 and Block 13003) | 26. Majestic Theater | 38. Hamilton Square (former St Francis Hospital) |
| 12. Grand Jersey | 27. Majestic Theater II | 39. Tidewater |
| 13. Grand Street | 28. Merseles Street | 40. Village |
| 14. Gregory Park | 29. Montgomery Gateway (only Adaptive Reuse District, Commercial Reuse District, Public District, Residential | 41. Wayne Street |
| 15. Grove and Mercer | | |
| 16. Grove Street II | | |
| 17. Grove Street N.D.P. | | |

Text to be inserted into the principal permitted use section:

All commercial retail areas within each structure or within a single tax lot shall limit formula business establishments, as defined by the Land Development Ordinance, to a maximum of 30% of ground floor gross leasable commercial area. For the purposes of this area restriction, the formula business definition shall apply to the following uses, whether functioning as a principal or accessory use:

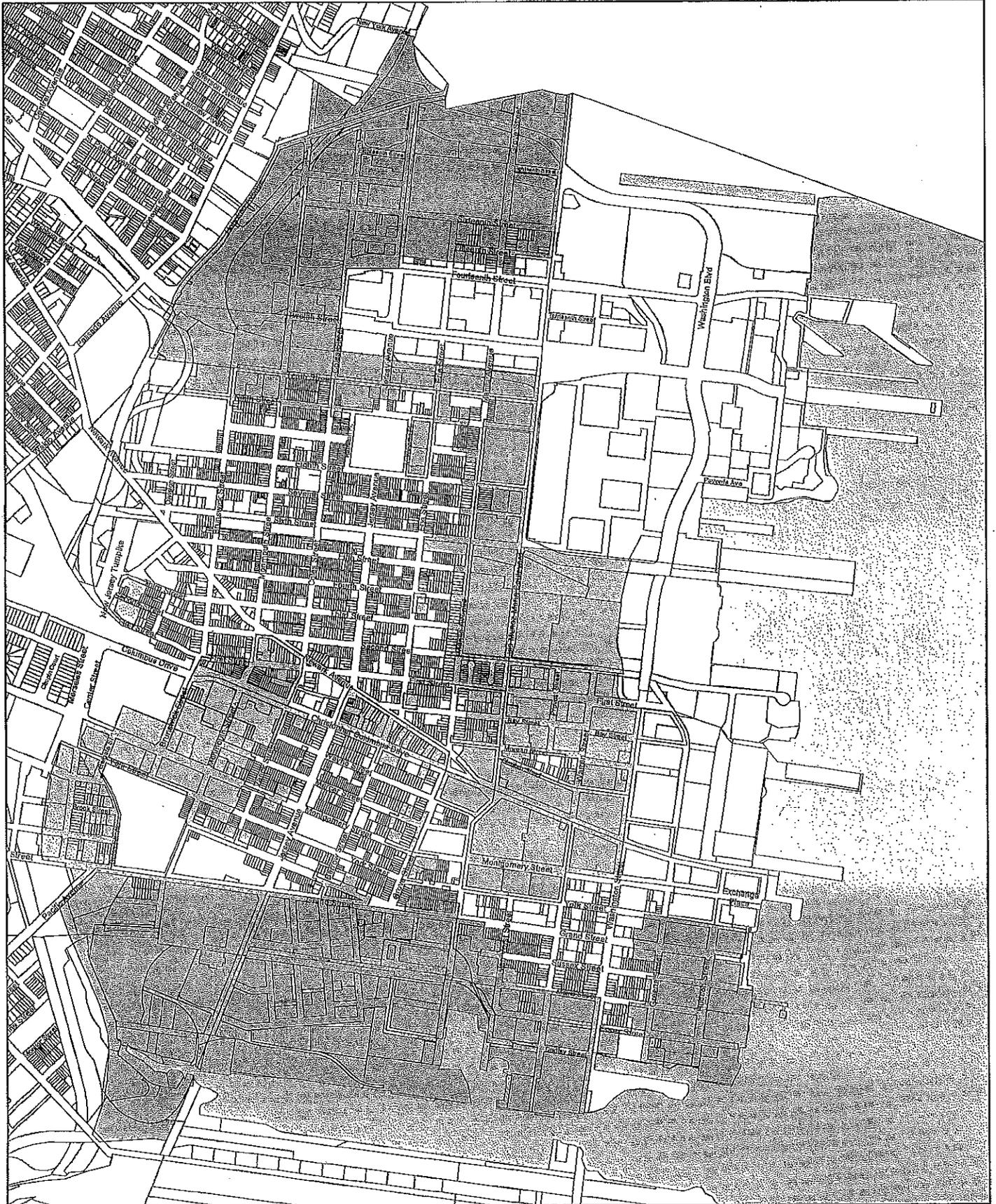
1. Retail sales of goods and services.
2. Restaurants, all categories.
3. Bars.
4. Financial service facilities and banks.

Grocery stores greater than 35,000 ~~15,000~~ square feet may exceed 30% of gross leasable commercial area, but shall be the only formula business within such structure or lot.

PROPOSED FORMULA BUSINESS RESTRICTION ORDINANCE AMENDMENT

-  Redevelopment Areas to be amended for Formula Business Restrictions
-  Areas not to be amended

MAP NO.:605



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



ORDINANCE NO. Ord. 15.053
 TITLE: 3.D APR 22 2015 4.D MAY 13 2015

Ordinance of the Municipal Council of the City of Jersey City adopting amendments to various redevelopment plans to add formula business restrictions.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
				APR 22 2015 9-0							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
				MAY 13 2015 8-0							
Councilperson <u>WATTERMAN</u> moved, seconded by Councilperson <u>RIVERA</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	ABSENT			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

AARON MORRILL
 YVONNE BALZER
 CHESTER ROTHMAN
 MICHAEL SELENDER
 DANIEL SICARDI
 RIAZ WAHID
 JEFF KAPLOWITZ
 EMME WOLF

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				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
				MAY 13 2015 8-1							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on APR 22 2015

Adopted on second and final reading after hearing on MAY 13 2015

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on MAY 13 2015

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date MAY 13 2015

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date MAY 14 2015

MAY 14 2015

Date to Mayor _____