

City Clerk File No. Ord. 17-153

Agenda No. 3.C 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 17-153

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY**  
TITLE: **CITY ADOPTING AMENDMENTS TO THE JERSEY CITY LAND  
DEVELOPMENT ORDINANCE FOR CHAPTER 345, ARTICLE III,  
SECTION 19. NOTICE OF APPLICATIONS**

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

**WHEREAS**, there is a need to provide public notice to all effected property owners within 200 feet of any major development so that they be made aware of a public hearing where interested parties are entitled to speak; and

**WHEREAS**, the Planning Board voted to recommend adoption of this amendment by the Municipal Council at their September 26, 2017 regular meeting;

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the Jersey City Land Development Ordinance, be and is hereby 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):

§ 345-19. Notice of applications.

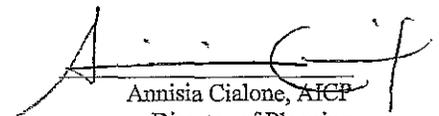
A. Public notice of a hearing on an application for development shall be given; pursuant to N.J.S.A. 40:55D-12 ~~except for~~. *This shall also include:*

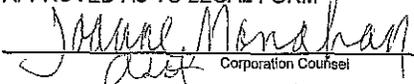
1. Preliminary site plan review pursuant to section 34 of N.J.S.A. 40:55D-46;
2. Minor subdivisions pursuant to section 35 of N.J.S.A. 40:55D-47; or
3. Final approval pursuant to section 38 of N.J.S.A. 40:55D-50; and provided that public notice shall be given in the event that relief is requested pursuant to section 47 or 63 of N.J.S.A. 40:55D-60 or 40:55D-76 as part of an application for development otherwise excepted herein from public notice.

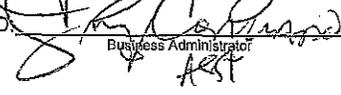
- B. NO CHANGE
- C. NO CHANGE
- D. NO CHANGE
- E. NO CHANGE
- F. NO CHANGE

**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 hereby 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.

  
 Annisia Cialone, AICP  
 Director of Planning

APPROVED AS TO LEGAL FORM  
  
 Corporation Counsel

APPROVED:   
 APPROVED:   
 Business Administrator  
 ASST

Certification Required   
 Not Required

**ORDINANCE/RESOLUTION FACT SHEET – NON-CONTRACTUAL**

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

**Full Title of Ordinance/Resolution**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AMENDMENTS TO THE JERSEY CITY LAND DEVELOPMENT  
ORDINANCE FOR CHAPTER 345, ARTICLE V – ZONING AND DESIGN  
STANDARDS**

**Initiator**

Department/Division	HEDC	City Planning
Name/Title	Annisia Cialone, AICP	Director
	Tanya R. Marione PP, AICP	Principal Planner
Phone/email	201-547-5010	tanyam@jenj.org

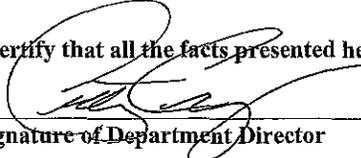
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Purpose**

The amendment before you pertains to the Land Development Ordinance noticing requirements for all applications to the Planning or Zoning Board

1. Currently the LDO only requires an applicant to notice if their application proposes deviations or variances and exempts conventional site plans, minor subdivision, and final approvals from needing to notice property owners within 200 ft. This amendment would remove those exemptions and require all applications to send a notice to all property owners within 200' of the application site.
2. This is within the power granted in the MLUL under NJSA 40:55D-12. It will greatly improve resident's awareness of all applications going to a land use board.

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

\_\_\_\_\_  
Date

## Summary

### **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE JERSEY CITY LAND DEVELOPMENT ORDINANCE FOR CHAPTER 345, ARTICLE III, SECTION 19. NOTICE OF APPLICATIONS**

The amendment before you pertains to the Land Development Ordinance noticing requirements for all applications to the Planning or Zoning Board

1. Currently the LDO only requires an applicant to notice if their application proposes deviations or variances and exempts conventional site plans, minor subdivision, and final approvals from needing to notice property owners within 200 ft. This amendment would remove those exemptions and require all applications to send a notice to all property owners within 200' of the application site.
2. This is within the power granted in the MLUL under NJSA 40:55D-12. It will greatly improve resident's awareness of all applications going to a land use board.

# CITY OF JERSEY CITY

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



Interdepartmental Memorandum

DATE: 10/11/2017  
TO: Rolando Lavarro and City Council Members  
FROM: Tanya R. Marione, AICP, PP, Principal Planner  
RE: Land Development Ordinance Amendments Notice Requirements 345-19

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## NJSA 40:55D-12. Notices of application, requirements.

Requires applicants to provide notice at least 10 days prior to the date of the hearing.

NJSA 40:55D-12.a. exempts

- 1) conventional site plan,
- 2) minor subdivisions, and
- 3) final approval.

That subsection concludes with “notwithstanding the foregoing, the governing body may by ordinance require public notice for such categories of site plan review as may be specified by ordinance.”

The 2000 LDO update provided for the exemption from those 3 subcategories – this ordinance amendment would remove that exemption and now all applications to a land use board will be required to provide notices according to state noticing requirements. Simply stated, site plan application with no deviations or variances would now be required to notice in the same way they would if a variance is required.

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



ORDINANCE NO. Ord. 17-153  
 TITLE: 3.C NOV 16 2017 4.C

NOV 29 2017

Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Jersey City Land Development Ordinance for Chapter 345, Article III, Section 19, notice of applications.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
								NOV 16 2017 7-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	ABSENT			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
								NOV 29 2017 7-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
Councilperson <u>GAJEWSKI</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H.											
GAJEWSKI	✓			YUN	✓			RIVERA	ABSENT		
GADSDEN	✓			OSBORNE	✓			WATTERMAN	ABSENT		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALCER

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
				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			
GADSDEN				OSBORNE				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

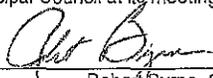
RECORD OF FINAL COUNCIL VOTE											
								NOV 29 2017 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMAN	ABSENT		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 16 2017  
 Adopted on second and final reading after hearing on NOV 29 2017

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on NOV 29 2017

  
 Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:   
 Rolando R. Lavarro, Jr., Council President

Date NOV 29 2017

APPROVED:   
 Steven M. Fulop, Mayor

Date DEC 01 2017

Date to Mayor NOV 30 2017