

City Clerk File No. Ord. 18-046

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 18-046

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING  
TITLE: AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE FOR  
CHAPTER 34S, ARTICLE V - TO AMEND THE R-2 ZONE AND CREATE NEW ZONE R-2D

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, pursuant to NJSA 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 respond to the 2012-2013, 2014-2015, and 2016-2017 Annual Zoning Board Report recommending changes to the this portion of Palisade Avenue due to the high volume of variances requested, and an extensive analysis of the existing density, height, and historical significance in the development of the Jersey City Heights ; and

WHEREAS, the Planning Board voted to recommend adoption of this amendment by the Municipal Council at their April 24, 2018 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):

#### 345-41. R-2- Multi-Family Attached Housing (four stories or less) District

- A. No Change
- B. Permitted principal uses are as follows:
  - 1. Townhouses
  - 2. Houses of worship
  - 3. Parks and playgrounds
  - 4. Essential services
  - 5. Schools
  - 6. Governmental uses
  - 7. ~~Along Palisades Avenue only, retail sales of goods and services, category one and two restaurants, and office uses on ground floor with apartments above~~
  - 7. Conversions of 1st floor commercial to a residential unit**
  - 8. Assisted living residences**
  - 9. Nursing homes**
  - ~~10. Senior housing~~
  - 11. Public Utilities, except that natural gas transmission lines shall be prohibited**

**345-41.A R-2D - Palisade Avenue Mixed Use Multi-Family Attached Housing District**

**A. Purpose.**

- 1. The purpose of this district is to recognize the existence and importance of the historic mixed use, neighborhood business district along Palisade Avenue. Palisade Avenue was one of the first thoroughfares to be constructed in Hudson County and is surrounded by some of the earliest neighborhoods established in Jersey City. The unique location of Palisade Avenue allowed Jersey City to establish a connection to Hoboken/New York City and Northern Hudson County. The purpose of this zoning is to promote the historical pattern along Palisade Avenue and continue to permit a mix of uses consistent with major corridors.**

**B. Permitted principal uses are as follows:**

**1. Ground Floor and Upper Floors:**

**a. Residential and/or Live/Work,**

**i. For lots that are 25 ft and less in width:**

- 1. Permitted on all floors, provided that in no instance shall there be a garage on the ground floor or on-site parking.**

**ii. For lots that are greater than 25 ft in width:**

- 1. Permitted above ground floor**
- 2. Residential uses are permitted on the ground floor, provided that ground floor Residential uses are located 25 linear feet from any lot line fronting on a right-of-way.**
- 3. Live/Work uses permitted on the ground floor, provided that they have a dedicated entrance from the right-of-way.**

- b. Art Galleries*
  - c. Health Clubs*
  - d. Offices*
  - e. Theaters and museums*
  - f. Education facilities, public and private*
  - g. Child Day Care Centers*
  - h. Adult Day Care Centers*
- 2. Ground Floor Only:**
- a. Retail sales of goods and services.*
  - b. Financial institutions without drive-thru facilities.*
  - c. Restaurants, category one and two.*
- 3. Government uses.**
- 4. Parks and playgrounds.**

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

- 1. Parking garages shall be located 25 feet from any lot line fronting on Palisade Avenue.**
- 2. Fences and walls.**
- 3. Signs.**
- 4. Sidewalk cafes associated with category one and two restaurants.**
- 5. TV, 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).**

**D. Bulk Standards For R-2 Palisade Ave:**

- 1. All existing lots of record at the time of adoption of this ordinance are considered conforming.**
- 2. Minimum Lot Size: Two thousand five hundred (2,500) square feet.**
  - a. Minimum Lot Width: Twenty-five (25) feet.*
  - b. Minimum Lot Depth: One hundred (100) feet.*
- 3. Maximum Density: Seventy-five (75) units an acre**

**4. Setback Standards:**

**a. Front Yard Setback: None**

**b. Minimum Side Yard: None; except where existing adjacent building has windows less than three (3) feet from the side lot line then three feet required starting from one foot in front of the first window to the rear building line.**

**c. Minimum Rear Yard: 5 feet at the ground floor level, 30 feet for all levels above the ground floor**

**5. Coverage Standard:**

**a. Maximum Lot Coverage: 100%**

**b. Maximum Building Coverage: 95%**

**c. All exposed rooftop shall provide an inaccessible true green roof.**

**d. All lots where there is less than 100% lot coverage, all areas shall be covered using one of the following materials:**

- 1) Reinforced lawn**
- 2) Ground cover**
- 3) Rain garden**
- 4) Bioswales**
- 5) Plants that are native, non-invasive and proven drought resistant in an urban environment**

**6. Height:**

**a. Maximum Building Height:**

- 1) Four stories, 46 feet on lots fifty (50) feet wide or less.**
- 2) Five stories, 56 feet on lots greater than fifty (50) feet wide, provided that the 5<sup>th</sup> story is setback 10 feet from the front of the primary street frontage.**

**b. Rooftop decks must be setback a minimum of 5 feet from the side property line and a minimum 10 feet setback from the front and rear of the roof. Rooftop deck shall not cover more than 30% of the roof inclusive of the setback requirements herein. Where an Inaccessible green roof is installed for stormwater detention, a rooftop deck is permitted an increase in coverage but shall not cover more that 80% of the roof, inclusive of the setback**

*requirements herein, and provided that the remaining areas of the roof is a green roof.*

*c. Rooftop appurtenances shall be no larger than 20% of the roof surface area.*

**E. Parking Standards for R-2 Palisade Ave Uses:**

- 1. No on-site parking is required for additions on structures greater than 50 years old or for adaptive reuse of existing buildings.*
- 2. No parking is required or permitted for lots fifty (50) feet wide or less.*
- 3. Parking is required for new construction on lots seventy-five (75) feet wide and greater subject to the following requirements:*

*a. In no instance shall parking be permitted between the front building line and street line.*

*b. Garage placement shall be setback a minimum of 4 feet from any lot line fronting a right-of-way.*

*c. Maximum width of curb cut: 14 feet; and in no instance shall the siting of a curb cut preclude the retention or creation of at least three on-street parking spaces along width of the lot for that portion of Palisade Avenue.*

*d. Minimum Parking requirements for Residential uses:*

|                                |                            |
|--------------------------------|----------------------------|
| <i>Studio units:</i>           | <i>No parking required</i> |
| <i>1 and 2 bedroom units:</i>  | <i>0.5 spaces per unit</i> |
| <i>3 bedroom and up units:</i> | <i>1 space per unit</i>    |

*e. Offices: a minimum of one space per one thousand (1,000) square feet, excluding the first five thousand (5,000) square feet of ground floor area.*

*f. Retail sales of Goods and Services: a minimum of one space per six hundred (600) square feet, excluding the first five thousand (5,000) square feet of ground floor area.*

*g. Financial Institutions: a minimum of one space per one thousand (1,000) square feet, excluding the first five thousand (5,000) square feet of ground floor area.*

*h. Restaurants: a minimum of one space per four seats, excluding the first five thousand (5,000) square feet of ground floor area.*

- i. Theaters and Museums: a minimum of one space per four seats, excluding the first five thousand (5,000) square feet area.*
- j. Educational facilities above ground floor: a minimum of two spaces per classroom, plus two spaces per twenty (20) seats for each auditorium, gymnasium and lecture hall.*
- k. Adult Day Care and Child Care: A minimum of one (1) space for loading and/or pick-up drop off. If the lot is under 50 feet wide, a designated on street parking space shall be proposed in accordance with the approval from the Division of Engineering.*
- 4. Curb cuts are discouraged along Pallsade Avenue, if the property is on a corner lot, the location for the curb cut shall be on the side street**
- 5. Parking spaces, driveways, and any type of patio shall be constructed using pervious paving materials. The following are acceptable materials:**
  - a. Interlocking concrete blocks*
  - b. Permeable Pavers*
  - c. Open-celled pavers*
  - d. Porous pavement, concrete or asphalt*
  - e. Gravel*
  - f. Reinforced lawn*
  - g. Or other material deemed appropriate by Planning/Zoning Board*

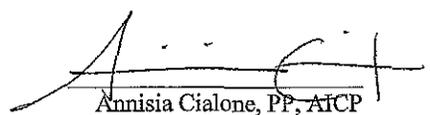
**F. Design Standards**

- 1. Chain link fences are prohibited.**
- 2. Buildings shall be designed contextually to present a harmonious appearance in terms of architectural style and materials and shall be encouraged to incorporate historic elements found throughout the surrounding area.**
- 3. The width and height of windows, doors and entries, including porches and stoops, must harmonize in scale and proportion with the width and height of windows, doors and entries of adjacent and surrounding buildings.**
- 4. The roof form and slope of a building or structure shall be consistent with the prevailing block or corridor pattern.**

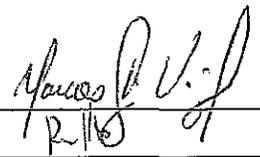
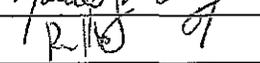
- 5. *Blank walls without fenestration, shall incorporate façade articulation, recess portions of the street wall, a planter/landscaping buffer, stairs, porches, or any other architectural techniques to ensure visual connectivity between the elevated first floor and the sidewalk.*
- 6. *Buildings with ground floor retail shall incorporate a cornice element or horizontal projection above the storefront glazing separating ground floor uses from the building above.*
- 7. *Trash containers shall be located in the cellar, side or rear yard. All containers shall be screened from public right-of-ways.*

**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, PP, AICP  
 Director of City Planning

APPROVED AS TO LEGAL FORM  
  
 Corporation Counsel

APPROVED:   
 APPROVED:   
 Business Administrator

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 LAND DEVELOPMENT ORDINANCE FOR CHAPTER 345, ARTICLE V – TO AMEND THE R-2 ZONE AND CREATE NEW ZONE R-2D**

**Initiator**

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

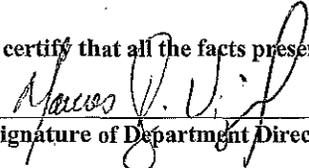
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Purpose**

This ordinance creates a new zone, that after much analysis is more comparable to the existing use and intensity than the current R-2 zoning along Palisade Avenue. The major points are:

- Zoned by Density: 75 units an acre = 4 units on a 25x100 lot
- Ground floor retail is optional on buildings 25 ft wide or smaller, and required on buildings 50 ft wide
- Maximum Height: 4 stories on lots that are 50 ft wide or less and 5 stories with setback on lots more than 50 ft wide
- Minimum Lot Size: 25x100
- Parking prohibited lots under 50 ft wide. For lots over 75 ft wide; .5 space for 1-and 2-bedrooms and 1 space for 3 bedrooms
- Curb cuts highly discouraged on Palisade Avenue
- Requirements for green roofs on inaccessible roof space

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

4-30-18  
Date

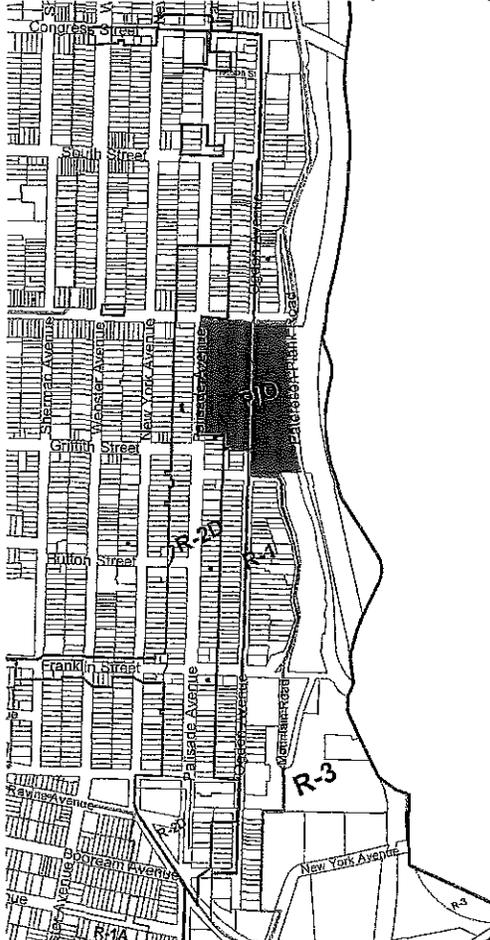
Department of Housing, Economic Development & Commerce  
Division of City Planning



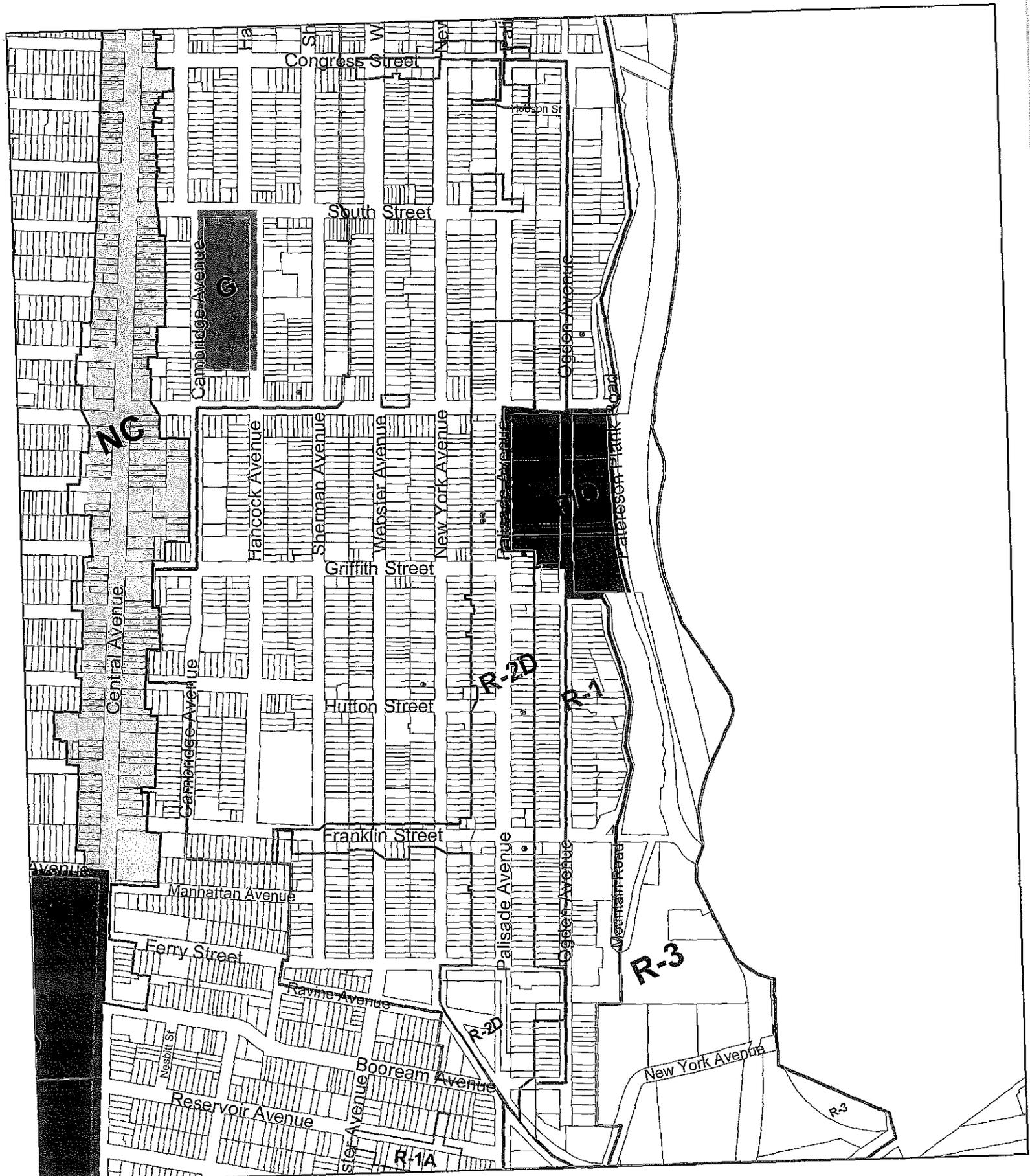
Inter-Office Memorandum

**DATE:** April 30, 2018  
**TO:** Council President Lavarro, Director Marco Vigil, and Director Annisia Cialone  
**FROM:** Tanya R. Marione, PP, AICP  
**SUBJECT:** AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE FOR  
CHAPTER 345, ARTICLE V – TO AMEND THE R-2 ZONE AND CREATE NEW ZONE R-2D

The new R-2D would encompass the proposed area, marked in light yellow below:



- Zoned by Density: 75 units an acre = 4 units on a 25x100 lot
- Ground floor retail is optional on buildings 25 ft wide or smaller, and required on buildings 50 ft wide
- Maximum Height: 4 stories on lots that are 50 ft wide or less and 5 stories with setback on lots 50 ft or wider
- Minimum Lot Size: 25x100
- Parking prohibited lots under 50 ft wide. For lots over 75 ft wide: .5 space for 1-and 2-bedrooms and 1 space for 3 bedrooms
- Curb cuts highly discouraged on Palisade Avenue
- Requirements for green roofs on inaccessible roof space

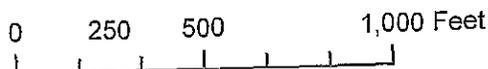


**PROPOSED R-2D  
MAP 1: BOUNDARY**

APRIL 24, 2018

1 inch = 500 feet

 R-2D BOUNDARY



Jersey City  
**City Planning Division**  
 30 Montgomery Street Suite 1400  
 Jersey City, NJ 07302-3821  
 Phone: 201.547.5010  
 Fax: 201.547.4323

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



ORDINANCE NO. Ord. 18-046  
 TITLE: 3.D MAY 9 2018 4.D MAY 23 2018

Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Land Development Ordinance for Chapter 345, Article V - to amend the R-2 Zone and create new Zone R-2D.

| RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">MAY 09 2018 9-0</span> |     |     |      |               |     |     |      |                |     |     |      |
|---|-----|-----|------|---------------|-----|-----|------|----------------|-----|-----|------|
| COUNCILPERSON   | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON  | AYE | NAY | N.V. |
| RIDLEY  | ✓   |     |      | YUN           | ✓   |     |      | RIVERA         | ✓   |     |      |
| PRINZ-AREY  | ✓   |     |      | SOLOMON       | ✓   |     |      | WATTERMANN     | ✓   |     |      |
| BOGGIANO  | ✓   |     |      | ROBINSON      | ✓   |     |      | LAVARRO, PRES. | ✓   |     |      |

| RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">MAY 23 2018</span> |        |     |      |   |     |     |      |                |        |     |      |
|---|--------|-----|------|---|-----|-----|------|----------------|--------|-----|------|
| Councilperson <u>ROBINSON</u>   |        |     |      | moved, seconded by Councilperson <u>SOLOMON</u> |     |     |      | to close P.H.  |        |     |      |
| COUNCILPERSON   | AYE    | NAY | N.V. | COUNCILPERSON                                   | AYE | NAY | N.V. | COUNCILPERSON  | AYE    | NAY | N.V. |
| RIDLEY  | ✓      |     |      | YUN   | ✓   |     |      | RIVERA         | ABSENT |     |      |
| PRINZ-AREY  | ABSENT |     |      | SOLOMON   | ✓   |     |      | WATTERMANN     | ✓      |     |      |
| BOGGIANO  | ✓      |     |      | ROBINSON  | ✓   |     |      | LAVARRO, PRES. | ✓      |     |      |

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

DAN SICARDI  
 KERN WEISSMAN  
 ANDREA BRACHFELD  
 BRIAN RANS  
 ROGER HEITMANN  
 FAIGE SICARDO  
 BECKY HOFFMAN  
 MARIA SCARIATI  
 MIKE KULOWSKI  
 CHARLES DeMUTH

| 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. |
| RIDLEY                                       |     |     |      | YUN  |     |     |      | RIVERA         |     |     |      |
| PRINZ-AREY                                   |     |     |      | SOLOMON  |     |     |      | WATTERMANN     |     |     |      |
| BOGGIANO                                     |     |     |      | ROBINSON   |     |     |      | LAVARRO, PRES. |     |     |      |

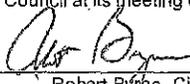
| RECORD OF FINAL COUNCIL VOTE <span style="float: right;">MAY 23 2018 8-0</span> |     |     |      |               |     |     |      |                |        |     |      |
|---|-----|-----|------|---------------|-----|-----|------|----------------|--------|-----|------|
| COUNCILPERSON   | AYE | NAY | N.V. | COUNCILPERSON | AYE | NAY | N.V. | COUNCILPERSON  | AYE    | NAY | N.V. |
| RIDLEY  | ✓   |     |      | YUN           | ✓   |     |      | RIVERA         | ABSENT |     |      |
| PRINZ-AREY  | ✓   |     |      | SOLOMON       | ✓   |     |      | WATTERMANN     | ✓      |     |      |
| BOGGIANO  | ✓   |     |      | ROBINSON      | ✓   |     |      | LAVARRO, PRES. | ✓      |     |      |

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAY 09 2018  
 Adopted on second and final reading after hearing on MAY 23 2018

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on MAY 23 2018

  
 Robert Byrne, City Clerk

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

  
 Rolando R. Lavarro, Jr., Council President

Date MAY 23 2018

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

  
 Steven M. Fulop, Mayor

Date \_\_\_\_\_

Date to Mayor MAY 24 2018