

City Clerk File No. Ord. 18-074

Agenda No. 3 - E 1st Reading

Agenda No. 4 - E 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 18-074

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO DEFINITIONS AND SUPPLEMENTARY ZONING OF THE LAND DEVELOPMENT ORDINANCE

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 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, several definitions in Chapter 345-6 and the height exceptions paragraph in Chapter 345-60.G of the Land Development Ordinance necessitate amendments to more clearly control overall building heights; and

WHEREAS, Municipal Zoning, pursuant to N.J.A.C. 5:23-2.2(e), can specify provisions with respect to permissible height which is more restrictive than the Uniform Construction Code.

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, the Planning Board at its meeting of June 5, 2018 did vote to recommend that the Municipal Council amend the Definitions and Supplementary Zoning 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- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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.

Annisia Cialone, PP, AICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

Business Administrator

Certification Required
Not Required

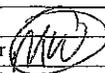
RESOLUTION FACT SHEET – NON-CONTRACTUAL

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 DEFINITIONS AND SUPPLEMENTARY ZONING OF THE LAND DEVELOPMENT ORDINANCE

Initiator

Department/Division	HEDC	City Planning
Name/Title	Annisia Cialone, PP, AICP	Director
	Matt Ward, PP, AICP	Principal Planner 
Phone/email	201-547-5010	acialone@jcnj.org / mward@jcnj.org

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

Resolution Purpose

Please be advised that on June 5, 2018, at the Regular Meeting of the Planning Board of the City of Jersey City the Board reviewed and commented on the Proposed Ordinance entitled “Ordinance of the Municipal Council of the City of Jersey City adopting amendments to definitions and supplementary zoning of the Land Development Ordinance.” The purpose of the amendments to the Ordinance is to update and clarify definitions and standards related to controls on overall building heights. The proposed amendments will revise several Definitions (§ 345-6) in the Land Development Ordinance as well as clarify the Supplementary Zoning paragraph outlining Height Exceptions (§ 345-60.G).

The Board discussed, were provide the opportunity to ask questions and reviewed the amendment and its conformance to the Master Plan. After the comments, the Board voted unanimously to recommend to the Council that the Ordinance amending definitions and height exceptions within the Land Development Ordinance be adopted.

See attached memo.

I certify that all the facts presented herein are accurate.


Signature of Division Director

6-18-18
Date


Signature of Department Director

6-18-18
Date

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



Inter-Office Memorandum

DATE: June 18, 2018
TO: Council President Lavarro and Municipal Council
FROM: Matt Ward, PP, AICP 
SUBJECT: LDO definitions and supplementary zoning amendment

The amendments before you pertain to the zoning definitions (§ 345-6) and supplementary zoning (§ 345-60.G).

First, amendments are proposed to several definitions in the Land Development Ordinance. These amendments were initiated by resident concern over the wording found in the definitions of Story and Basement. Planning Staff agrees with community stakeholders and is proposing amendments to nine definitions that all relate to building height. Together these amendments clarify and course correct several definitions making it easier to determine overall permitted building heights.

Second, amendments are proposed to the Height Exceptions paragraph of the Supplementary Zoning Chapter in the Land Development Ordinance. These amendments are a mix of carrying over the nine revised definitions, clarifying some language, and expanding standards to be better control rooftop appurtenances.

Staff ensured the proposed amendments are not in conflict with the Uniform Construction Code. In fact, municipal zoning, according to N.J.A.C. §5:23-2.2(e), can specify provisions with respect to location, use, permissible area and *permissible height* which is more restrictive than the Uniform Construction Code.

Community input was requested and feedback was received from the Downtown Neighborhood Coalition where concerns were initiated. Coordination and sign-off was given from the Division of Zoning and the Office of the Construction Code Official.

Thank you.

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF
JERSEY CITY ADOPTING AMENDMENTS TO DEFINITIONS AND
SUPPLEMENTARY ZONING OF THE LAND DEVELOPMENT
ORDINANCE**

The proposed amendments will revise several Definitions (§ 345-6) in the Land Development Ordinance as well as clarify the Supplementary Zoning paragraph outlining Height Exceptions (§ 345-60.G). The purpose of the amendment is to update and clarify definitions and standards related to controls on overall building heights.

Amendments to the Chapter 345-6 – Definitions and 345-60.G – Height Exceptions

May 16, 2018 version

Text to be added is shown in bold italics *like this*.

Text to be deleted is shown in strikethrough ~~like this~~.

Text amended is shown in yellow highlight like this for ease of use.

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§ 345-6 – Definitions.

~~BASEMENT – A portion of the building partly underground, but having less than one-half of its clear height below average contact grade around the periphery of the foundation.~~ ***BASEMENT – A portion of the building having more than one-half of its clear height above finished grade. average contact grade around the periphery of the foundation. A basement shall be counted as a story in determining the height of a building.***

~~CELLAR – A portion of the building having one-half or more than one-half of its clear height below average contact grade around the periphery of the foundation.~~ ***CELLAR – A portion of the building having one-half or more than one-half of its clear height below finished grade. average contact grade around the periphery of the foundation. A cellar shall not be counted as a story in determining the height of a building.***

GRADE, FINISHED – For buildings adjoining one street only, elevation of the established curb at the center of the wall adjoining the street. For buildings adjoining more than one street, the average of the elevations of the established curbs at the center of all walls adjoining the streets. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the buildings. All walls approximately parallel to and not more than 15 feet from the street line are to be considered as adjoining a street.

GRADE, EXISTING – The vertical location of the ground surface at any given point prior to excavating or filling, ***or the percent of rise or descent of a slope.***

~~MEZZANINE – An intermediate floor placed in any story or room which is open to and part of the floor below it.~~ ***MEZZANINE – An intermediate floor placed in any story or room which is open to and part of the floor below it. For the purposes of Zoning, a mezzanine, no matter the size, shall be counted as a story in determining the height of a building. When the total area of any such mezzanine floor exceeds thirty-three and three-tenths percent (33.3%) of the total floor area in the room or story in which the mezzanine floor occurs, it shall be considered as constituting an additional story.***

~~STORY – That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used as a principal use.~~ ***STORY – That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used as a principal use. See definitions for basements, cellars, mezzanines, and penthouses.***

STORY, HALF – A space under a sloping roof that has the line of intersection of the roof decking and wall face not more than three feet above the top floor level and in which space the possible floor area with a headroom of five feet or less occupies at least forty percent (40%) of the total floor area of the story directly beneath. ***Also known as an attic.***

~~HEIGHT, BUILDING – The vertical distance measured to the highest point of the roof of a building from the mean elevation of the finished grade from all exterior walls.~~ ***HEIGHT, BUILDING – The vertical distance measured to the highest point of the roof of a building from the mean elevation of the finished grade from all exterior walls. A building's highest point shall be determined in accordance with Height Exceptions (§ 345-60).*** In accordance with Height Exceptions

~~(§ 345-60), any property within a 100-year flood plain, the number of feet required to reach the base flood elevation plus one shall be added to the maximum permitted height of the building.~~

PENTHOUSE — A structure or dwelling unit built on the roof of an existing building or occupying the uppermost floor(s) *story* of a newly constructed building.

§ 345-60.G – Height Exceptions.

1. ~~Penthouses and~~ Roof structures **and appurtenances** 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 <i>(permitted to accommodate appurtenances and roof structures)</i>
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% 20% of building height, whichever is less shall be permitted to accommodate elevator bulkheads, mechanicals and other roof appurtenances and structures and mechanicals.

2. Any rooftop **structure or** appurtenance ~~or penthouse~~ covered by this section must be set back from any front façade (primary or secondary) by a distance of one (1) foot one (1) inch for every foot of rooftop **structure or** 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 six feet from the roof of the top story and with a minimum of forty-two (42) inches from the floor of the rooftop deck, if provided.

4. Mechanical and other roof appurtenances **and structures** shall not exceed twenty percent (20%) of the roof area and shall be properly shielded. ~~Of this twenty percent (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; ***however, roof decks in Historic Districts shall not be visible from the street and shall be setback a minimum of ten feet from any front façade (primary or secondary).***

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 a Historic District, or where a Historic District and Redevelopment Plan overlap, this exception shall not apply.

7. Requirements for roof structures used as enclosed amenity spaces:

- a) In Historic Districts, enclosed amenity spaces are limited to a floor area maximum of one hundred (100) square feet.***
- b) For buildings without elevator service to the roof, enclosed amenity spaces are limited to a floor area maximum of one hundred (100) square feet.***
- c) For buildings with elevator service to the roof, enclosed amenity spaces are limited to a maximum of one hundred (100) square feet or 10% of the floor area of the roof, whichever is greater.***
- d) Enclosed amenity spaces include, but are not limited to, the following: storage closets, trash rooms, bathrooms, common spaces, recreational spaces, lounges, communal spaces, lobbies, and vestibules.***
- e) Should Roof Structures used as enclosed amenity spaces exceed the floor area maximums of this section then the top of any such roof structure shall be considered the highest point of the building and shall be considered a story in determining the height of the building.***

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



ORDINANCE NO. Ord. 18-074
 TITLE: 3.E JUN 27 2018 4.E JUL 18 2018

Ordinance of the Municipal Council of the City of Jersey City adopting amendments
 to definitions and supplementary zoning of the Land Development Ordinance.

RECORD OF COUNCIL VOTE ON INTRODUCTION JUN 27 2018 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	ABSENT			ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JUL 18 2018 8-0											
Councilperson <u>RIVERA</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.
RIDLEY	✓			YUN	✓			RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote N.V.--Not Voting (Abstain)

SPEAKERS:

MIKE KULOWSKI
 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.
RIDLEY				YUN				RIVERA			
PRINZ-AREY				SOLOMON				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

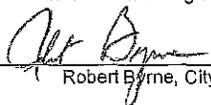
RECORD OF FINAL COUNCIL VOTE JUL 18 2018 6-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
RIDLEY	✓			YUN	✓	✓		RIVERA	✓		
PRINZ-AREY	✓			SOLOMON	✓			WATTERMAN	✓		
BOGGIANO			✓	ROBINSON	ABSENT			LAVARRO, PRES.	✓		

✓ Indicates Vote N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JUN 27 2018

Adopted on second and final reading after hearing on JUL 18 2018

This is to certify that the foregoing Ordinance was adopted by
 the Municipal Council at its meeting on JUL 18 2018

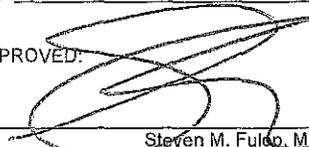

 Robert Byrne, City Clerk

*Amendment(s):

APPROVED: 

 Rolando R. Lavarro, Jr., Council President

Date JUL 18 2018

APPROVED: 

 Steven M. Fulco, Mayor

Date JUL 23 2018

Date to Mayor JUL 19 2018