

City Clerk File No. Ord. 11-070

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-070

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE ADDING A DEFINITION FOR MEZZANINES

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, Article I of the Land Development Ordinance contains definitions; and

WHEREAS, there is presently no definition for mezzanines; and

WHEREAS, mezzanines should be defined to limit the size of such features and to thereby eliminate the possibility of additional stories being considered mezzanines; 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 May 24, 2011 did vote to recommend that the Municipal Council amend the Definitions of the Land Development Ordinance as they pertain to mezzanines; 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- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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.

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

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE ADDING A DEFINITION FOR MEZZANINES

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl Czaplicki, Director, Department of Housing, Economic Development, and Commerce

3. Concise Description of the Plan Proposed in the Ordinance:

This Ordinance will amend Article I (Definitions) of the Land Development Ordinance (Zoning Ordinance) to add a definition for mezzanine.

4. Reasons (Need) for the Proposed Program, Project, etc.:

The proposed amendment will ensure that developments limit the size of mezzanines and do not use the word as a loophole for additional stories.

5. Anticipated Benefits to the Community:

The proposed amendment will help ensure that development is consistent with the building height anticipated in and permitted by the zoning.

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

8. Anticipated Completion Date: N/A

9. Persons Responsible for Coordinating Proposed Program, Project, etc.:

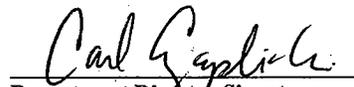
Carl Czaplicki, Director, Dept of HEDC
Robert D. Cotter, City Planning Director
Nick Taylor, Acting Director, Division of Zoning

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director

June 1, 2011
Date


Department Director Signature

6/1/2011
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE ADDING A DEFINITION FOR MEZZANINE

This Ordinance will amend Article I (Definitions) of the Land Development Ordinance (Zoning Ordinance) to add a definition for mezzanine. This will ensure that developments limit the size of mezzanines and do not use the word as a loophole for additional stories.

Proposed amendments prepared: 5/6/11

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.

Amendment to Article I – Section 345-6 – Definitions

mezzanine – An intermediate floor placed in any story or room which is open to and a part of the floor below it. When the total area of any such mezzanine floor exceeds 33.3 percent 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.

City Clerk File No. Ord. 11-071

Agenda No. 3.B 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-071

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MORRIS CANAL REDEVELOPMENT PLAN TO PERMIT RESIDENTIAL RE-USE OF ALL SAINTS SCHOOL

WHEREAS, the Municipal Council of the City of Jersey City adopted the Morris Canal Redevelopment Plan in March of 1999, and amended the Plan numerous times subsequently, most recently on May 29, 2010; and

WHEREAS, the Planning Board, at its meeting of May 24, 2011, determined that the Morris Canal Redevelopment Plan would benefit from an amendment to add a fifth Adaptive Re-Use Overlay District at All Saints School, 305 Whiton Street (Block 2052, Lot A dup .99) to permit residential conversion of the now vacant school; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Morris Canal Redevelopment Plan is attached hereto, and made a part hereof, and is 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 aforementioned amendments to the Morris Canal Redevelopment Plan be, and hereby are, adopted.

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, PP, AICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required

Not Required

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE MORRIS CANAL REDEVELOPMENT PLAN TO
PERMIT RESIDENTIAL RE-USE OF ALL SAINTS SCHOOL**

This ordinance will permit All Saints School to be converted to residential use and have accessory parking.

PROPOSED AMENDMENTS TO THE MORRIS CANAL REDEVELOPMENT PLAN

**APPROVED FOR RECOMMENDATION TO THE MUNICIPAL COUNCIL BY
THE JERSEY CITY PLANNING BOARD ON MAY 24, 2011**

Text that is intended to remain unchanged is in plain face type like this.
Text that is intended to be deleted is in strike-through ~~like this~~.
Text that is intended to be added is in bold italics *like this*.

XI. Land Use Zones and Specific Land Use Provisions

L. Adaptive Reuse Overlay Zones

3. List of Adaptive Reuse Overlay Zones and Permitted Uses:

e. Adaptive Reuse Overlay – Zone E

<i>Block</i>	<i>Lot</i>	<i>Address</i>
<i>2052</i>	<i>A dup.99</i>	<i>305 Whiton Street</i>

(1) Permitted Principal Use

(a) Residential

(2) Accessory Uses

(a) Parking

(b) Patio & Landscaping

(c) Fences and Walls

Morris Canal Redevelopment Plan

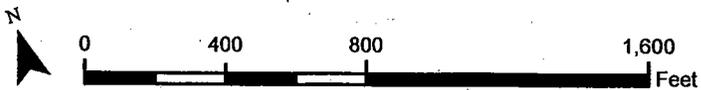
Map C: Adaptive Reuse Zoning Overlay



Legend

-  Adaptive Reuse - A
-  Adaptive Reuse - B
-  Adaptive Reuse - C
-  Adaptive Reuse - D
-  Adaptive Reuse - E

May 25, 2011



City Clerk File No. Ord. 11-072

Agenda No. 3.C 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-072

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE EXCHANGE PLACE NORTH REDEVELOPMENT PLAN TO ADD THE DEVIATION CLAUSE

WHEREAS, the Local Redevelopment & Housing Law, NJSA 40A:12A-1et seq. permits municipalities to amend regulations dealing with areas declared to be “in need of redevelopment” and “in need of rehabilitation”; and

WHEREAS, this Redevelopment Plan was intended to provide for the construction of residential and commercial development within comprehensively planned districts along the Hudson River; and

WHEREAS, the proposed amendment adds the standard deviation clause language to this redevelopment plan; and

WHEREAS, at its meeting of May 24, 2011, the Jersey City Planning Board, discussed the proposed amendments and unanimously recommended that the Municipal Council adopt the proposed amendments; and

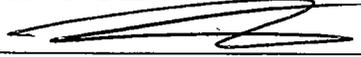
WHEREAS, the Redevelopment Plan, reflecting the proposed amendments, is attached and made a part hereof and is available for public inspection at the Office of the City Clerk in City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the proposed Redevelopment Plan, as Recommended by the Jersey City Planning Board on November 30, 2010 be, and hereby is, adopted.

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 Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the 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 further 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.

APPROVED AS TO LEGAL FORM

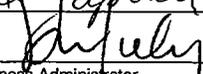


Corporation Counsel

APPROVED:



APPROVED:



Business Administrator

Certification Required

Not Required

Proposed Amendment to the Exchange Place North Redevelopment Plan

May 24, 2011 Planning Board Meeting

- 1) Amend Section IX. General Provisions To Add Paragraph I. – Deviation Clause -** The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted which will result in permitting: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a non-conforming use, (3) an increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district, (4) an increase in the permitted floor area ratio, (5) an increase in the permitted density.

An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

ORDINANCE FACT SHEET

1. Full Title of Ordinance/Resolution/Cooperation Agreement:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE EXCHANGE PLACE NORTH
REDEVELOPMENT PLAN TO ADD THE DEVIATION CLAUSE

2. Name and Title of Person Initiating the Ordinance, Resolution, etc.:

Carl S. Czaplicki, Director, Department of Housing, Economic Development, and Commerce

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance/Resolution:

This ordinance amends the Exchange Place North Redevelopment Plan to add the standard deviation clause language.

4. Reasons (Need) for the Proposed Program, Project, etc.:

Allows for minimal flexibility by permitting the Planning Board to grant variances equivalent to a "c" variance, as per NJSA 40:55D-c.

5. Anticipated Benefits to the Community:

Make the plan similar to all the other predevelopment plans of the City.

6. Cost of Proposed Program, Project, etc.:

No expense to the city.

7. Date Proposed Program or Project will commence:

It will commence upon approval of the redevelopment plan amendment.

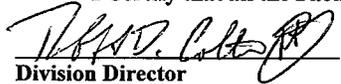
8. Anticipated Completion Date: N/A

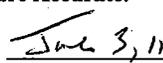
9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050
Maryann Bucci-Carter, City Planning 547-4499

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director


Date


Department Director Signature

6/3/11
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE EXCHANGE PLACE NORTH REDEVELOPMENT PLAN TO ADD THE DEVIATION CLAUSE

This ordinance amends the Exchange Place North Redevelopment Plan to add the standard deviation clause language.