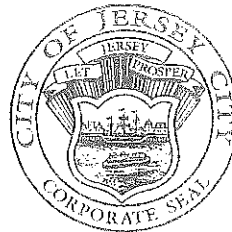


City Clerk File No. Ord. 19-086

Agenda No. 3.12 1st Reading

Agenda No. 4.11 2nd Reading & Final Passage



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 19-086

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY JERSEY CITY ADOPTING AMENDMENTS TO THE NEIGHBORHOOD DISTRICT OF THE JERSEY AVENUE LIGHT RAIL REDEVELOPMENT PLAN THAT INCLUDES AN AFFORDABLE HOUSING PROVISION**

**WHEREAS**, the Municipal Council of the City of Jersey City adopted the Jersey Avenue Light Rail Redevelopment Plan (the "Plan"); and

**WHEREAS**, the Municipal Council seeks to promote affordable housing and appropriate development in the Jersey Avenue Light Rail Redevelopment Area (the "Area"); and

**WHEREAS**, the attached amendments to the Neighborhood District of the Plan will be reviewed by the Planning Board, before second reading of this Ordinance; and

**WHEREAS**, a copy of the proposed amendments to the Plan is attached hereto and made a part hereof, and is available for public inspection at the Offices 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 Plan be, and hereby are, adopted.

**BE IT FURTHER ORDAINED THAT:**

- A. All ordinance and parts of ordinance inconsistent herewith are hereby repealed.
- B. This ordinance shall be 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. 40:55D015 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.

06/20/19

APPROVED AS TO LEGAL FORM

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

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required

Not Required

Proposed Amendment  
Jersey Avenue Light Rail Redevelopment Plan  
Neighborhood District

NEW SUB-PARAGRAPH 6.  
LOT CONSOLIDATION / INCLUSIONARY HOUSING OVERLAY

Comparison Version (2019-06-19) – indicating original text of the Neighborhood District with Proposed Amendments Added.

The amendments presented are indicated as:

1. Language to be retained is indicated as plain text.
2. Language to be deleted is indicated as a ~~strikethrough~~.
3. Language to be added is indicated as ***bold italic***.

SECTION X. SPECIFIC LAND USE PROVISIONS

Paragraph A. High Rise District – **NO CHANGES**

Paragraph B. High Rise District – **NO CHANGES**

C. Neighborhood District

1. Formula Business Objectives

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

2. Permitted Uses

- Residential
- Parks/Public Open Space
- Restaurants
- Office/retail
- Public Utilities, except that natural gas transmission lines shall be prohibited

3. Accessory Uses
  - On-Site/Off-Street Parking & Loading Facilities
  - Fences & Walls
  - Signs
  - Health Clubs
  - Ground floor retail space
  - Day Care Centers
4. Area Yard, and Bulk Requirements – See chart

**NEIGHBORHOOD DISTRICT PRINCIPAL**

	OFFICE BLDGS	RESI- DEN- TIAL	COMM. RETAIL	REST./ BARS/ N'CLUBS	PARKS/ OPEN SPACE
HEIGHT	70'	75'	70'	70'	N/A
COVERAGE <sup>1</sup>	75%	75%	75%	75%	N/A
LOT AREA IN SQ. FT.	2,500	2,500	2,500	2,500	2,500
DENSITY <sup>2</sup>	N/A	50	N/A	N/A	N/A
FRONT YARD MIN.	5'	5'	5'	5'	N/A
FRONT YARD MAX.	15'	15'	15'	15'	N/A
EACH SIDE YARD					
REAR YARD	10'	10'	10'	10'	N/A
F.A.R. <sup>3</sup>	3.5	3.5	3.5	3.5	N/A

1 Total percentage, buildings and impervious surfaces, subject to bonus provisions of IX.F.

2 Dwelling units per acre.

3 Floor Area Ratio.

- Existing structures to be rehabilitated shall be exempt from area, yard and bulk requirements except any additions to existing structures shall not cause the total building area to exceed the floor area ratio specified in the appropriate district. In the event that an existing building exceeds the permitted floor area ratio, that structure shall not be permitted any additional floor area.

5. Building Design Requirements for the Neighborhood District

Building Facades

- Building design and exterior materials of all new construction,

renovations and re-use within the Neighborhood District shall conform to the Design Standards, Section IV of this redevelopment plan and the Design Guidelines of the Historic Preservation Districts entitled, Regulations for Alterations & Additions to Buildings & New Construction In Historic Districts

- Building facades of structures shall be constructed of masonry including but not limited to stone, brick, textured concrete, etc. Concrete block is prohibited. Street facades shall employ color schemes and other elements complementary and harmonious in color, scale and material to those in the Hamilton Park Historic District.
- At a height between 15 and 40 feet all buildings shall provide a horizontal visual cue, through the use of a cornice, belt coursing, change in materials or ratio of glass to solid area, or any other visual indicator consistent with the design, proportions and materials of the entire building.
- All buildings shall be designed to front on public streets in order to create a uniform street wall.
- All buildings shall provide a main entrance onto a public street. Other secondary entrances may be provided from parking areas or any other place necessary by the design of the building.
- Entrances shall be designed to be attractive and functional. Indicators such as awnings, changes in sidewalk paving materials, changes in height incorporating stairs or any other indicator shall be incorporated into the main entrance design. These indicators shall similar in design, proportions, material and character of the Neighborhood District and other adjacent conforming buildings.

**6. *Lot Consolidation / Inclusionary Housing Overlay  
Block 7103 (formerly Block 223)***

- a. In order to encourage more significant comprehensive development within Block 7103; the following development regulations shall apply to development parcels on Block 7103 that meet the criteria listed below:***
  - i. Consist of an assemblage of tax lots that total at least 30,000 square feet in area; and***
  - ii. Provides at least 20% of the total residential units developed as affordable housing consistent with the requirements found in paragraph d. below.***
  - iii. In the alternative, if the City of Jersey City adopts an Affordable Housing Ordinance, then the developer may choose to comply with such adopted ordinance.***
- b. Permitted Principal Uses***
  - i. Permitted uses in the Neighborhood District of this***

*Redevelopment Plan.*

- ii. *Hotels*
- iii. *Health Clubs*
- iv. *Child Care Centers*
- v. *More than one use may occupy any building or site.*

c. *Permitted Accessory Uses*

- i. *Accessory uses as permitted in the Neighborhood District of this Redevelopment Plan.*
- ii. *Uses customarily associated with, and subordinate and incidental to a permitted principal use on the same property.*

d. *Inclusionary Housing Criteria*

i. *Definitions for Inclusionary Housing.*

- *AFFORDABLE HOUSING - means residential housing, which is restricted for occupancy by households whose combined annual income for all members does not exceed 80 percent of the median income. This term shall refer to the broad classification, and not be confused with more specific terms that define different income divisions.*
- *“HUD” – means the United States Department of Housing and Urban Development.*
- *INCLUSIONARY DEVELOPMENT means a development containing both affordable and market rate units.*
- *LOW-INCOME HOUSEHOLD means a household in which the combined total annual income for all members of a household, that does not exceed 50 percent of the average median income. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.*
- *LOW-INCOME UNIT means a restricted unit that is affordable to a low-income household.*
- *MARKET-RATE UNITS mean housing not restricted to low-, moderate-income and workforce households that may sell or rent at any price.*
- *MEDIAN INCOME means the median income by household size for Hudson county, as adopted by HUD income requirements by ordinance by the City Council.*
- *MODERATE-INCOME HOUSEHOLD means a household in which the combined total annual income for all members of a household is not less than 50 percent and does not exceed 80 percent of the median income. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.*
- *MODERATE-INCOME UNIT means a restricted unit that is affordable to a moderate-income household.*
- *REDEVELOPMENT PLAN means a plan adopted by the*

*governing body of the City of Jersey City for the redevelopment or rehabilitation of all or any part of a redevelopment area, or area in need of rehabilitation, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq.*

- *RESIDENTIAL means any real property and the improvements, buildings, structures or house thereon, whether single or multi-family, whether or not owner occupied, used for residential purposes.*
  - *RESTRICTED UNIT means a dwelling unit, whether a rental unit or ownership unit, that is subject to affordability controls.*
  - *VERY LOW-INCOME HOUSEHOLD means a household in which the combined total annual income for all members of a household does not exceed 30 percent of the median income. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.*
  - *VERY LOW INCOME UNIT means a restricted unit that is affordable to a very low- income household.*
- ii. *Inclusionary Housing Set-Aside – All developments in Block 7103 of the Neighborhood District pursuant to this Redevelopment Plan shall set aside not less than twenty percent (20%) of the total number of residential units, as identified herein, as affordable housing. This requirement shall apply to both rental units and all forms of ownership. All affordable units shall be consistent with Chapter 188 of the Jersey City Code.*
  - iii. *In each affordable housing development at least 50% of the restricted units within each bedroom distribution shall be low-income units.*
  - iv. *All inclusionary units shall be required to be income restricted for a minimum of 30 years*
  - v. *Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.*
  - vi. *All inclusionary Development Applications shall be reviewed and approved by the Director of the Office of Affordable Housing, the Director of Housing, Economic Development and Commerce or their designee, the Director of Community Development, and the Executive Director of the Jersey City Redevelopment Agency, or their designee.*
  - vii. *All Inclusionary Developments must be formalized with an Affordable Housing Agreement as required in Chapter 188 of the Jersey City Code. The Affordable Housing Agreement shall be included in any Development Application to the Planning Board.*

- e. **Area, Yard and Bulk requirements**
- i. **All buildings shall have a base, which shall have a maximum height of 60 feet.**
  - ii. **Buildings may also have a tower or towers above the base. The maximum height of any tower, inclusive of the base height, shall be:**
    - (a) **For lots from 30,000 to 50,000 square feet – 265 feet.**
    - (b) **For lots over 50,000 square feet – 325 feet**
  - iii. **Maximum Permitted Building Coverage: 100% for the base of the building and 75% for the tower portion(s) of the building.**
  - iv. **Maximum Residential Density:**
    - (a) **For lots from 30,000 to 50,000 square feet – 625 units/acre**
    - (b) **For lots over 50,000 square feet – 750 units/acre**
  - v. **Minimum Front Yard Setback (applies to all street frontages):**
    - (a) **Zero - except that buildings must be setback the distance necessary to achieve a 15 foot wide sidewalk width along all street frontages.**
    - (b) **Above the ground floor, at a height of not less than 20 feet above grade, the upper floors may extend into the setback area; but may not extend beyond the street line.**
  - vi. **Minimum Interior Lot Line Setbacks:**
    - (a) **The minimum required setback for the base of any building shall be zero, except as necessary to meet building, fire and safety codes.**
    - (b) **The tower element of any building adjacent to an interior property line shall be setback a minimum of 3.1 feet, or such distance as necessary to allow for glazing in the façade of the tower element in order to avoid the appearance of a blank façade; to meet building, fire and safety codes.**
    - (c) **The rear wall of the tower element of any building shall not be located more than 75 feet distant from the street line adjacent to the front wall of said building. Any building wall facing a street line shall be considered a front wall.**
- f. **Parking Requirements**
- i. **Residential: Minimum of 0.5 space per unit, except parking is not required for inclusionary or affordable dwelling units.**
  - ii. **Retail/Restaurants/Other Commercial: Minimum of 1.0 spaces per 1,000 square feet, excluding the first 5,000 square feet of each use.**
  - iii. **Hotels: Minimum of 0.2 space per room.**
  - iv. **Shared use of parking facilities is permitted and encouraged.**
  - v. **Bicycle parking shall be provided as required by the Jersey City Land Development Ordinance.**

(END of DOCUMENT)

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



ORDINANCE NO. Ord. 19-086  
 TITLE: 3.12 JUN 26 2019 4.11

Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Neighborhood District of the Jersey Avenue Light Rail Redevelopment Plan that includes an Affordable Housing Provision.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
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.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
Councilperson			moved, seconded by Councilperson						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				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

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

SPEAKERS:

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											
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.			

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

Adopted on first reading of the Council of Jersey City, N.J. on JUN 26 2019

Adopted on second and final reading after hearing on \_\_\_\_\_

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

APPROVED:

\_\_\_\_\_  
 Robert Byrne, City Clerk

\_\_\_\_\_  
 Rolando R. Lavarro, Jr., Council President

\*Amendment(s):

Date \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
 Steven M. Fulop, Mayor

Date \_\_\_\_\_

Date to Mayor \_\_\_\_\_