

City Clerk File No. Ord. 13,095

Agenda No. 3.J. 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13,095

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT
PERTAINS TO HEIGHT EXCEPTIONS FOR ROOF DECKS**

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, the Land Development Ordinance limits rooftop coverage of mechanical equipment; and

WHEREAS, roof decks are an increasingly popular amenity on apartment buildings in Jersey City, which the Planning Board seeks to encourage without the possible encumbrance of coverage limits; and

WHEREAS, excepting roof decks from the height exceptions in the Land Development Ordinance will encourage and permit more roof decks; 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 April 30, 2013 did vote to recommend that the Municipal Council adopt these amendments to the Supplementary Zoning section 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- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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.

APPROVED AS TO LEGAL FORM

APPROVED:

Corporation Counsel

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

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 – SUPPLEMENTARY ZONING AS IT
PERTAINS TO HEIGHT EXCEPTIONS FOR ROOF DECKS

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

Albert Cameron, Acting Director, Department of Housing, Economic Development, and Commerce

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

This Ordinance will amend the Supplementary Zoning section of the Land Development Ordinance
(Zoning Ordinance) to clarify height exceptions for roof decks.

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

Roof decks are a popular amenity which we seek to encourage without limitations on the coverage of the
structure.

5. Anticipated Benefits to the Community:

This amendment will allow buildings to offer roof decks to the residents.

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

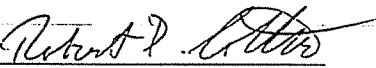
8. Anticipated Completion Date: N/A

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

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

Aug 7, 2013
Date


Department Director Signature

August 7, 2013
Date

As of 4/30/13

§345-60 Supplementary Zoning Regulations

A. Through F. No change

G Height Exceptions.

1. Penthouses and roof structures 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 church spires shall have no height restrictions.

Building Height(feet)	Maximum Height of the Exceptions
Up to 35	10 feet
35 to 100	12 feet or 20% of building height, whichever is greater
101 and over	20 feet or 20% of building height, whichever is greater

2. Fire or parapet walls may be erected above the height limits prescribed by this Chapter up to a maximum height of 6 (six) feet from the roof of the top story and with a minimum of 42" from the floor of the rooftop deck, if provided.
3. Mechanical and other roof appurtenances shall not exceed twenty percent (20%) of the roof area and shall be properly shielded. ***There is no coverage limit on roof decks used for residents' open space.***
4. Where a property in any zone except the Historic District is located within the one hundred (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.

H Through T. No change

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT EXCEPTIONS FOR ROOF DECKS

This Ordinance will amend the Supplementary Zoning section of the Land Development Ordinance (Zoning Ordinance) to clarify height exceptions for roof decks.

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



ORDINANCE NO.

Ord. 13. 095

TITLE:

3.5. AUG 28 2013 4.1. SEP 11 2013

Ordinance of the Municipal Council of the City of Jersey
City adopting amendments to the Land Development
Ordinance-Supplementary Zoning as it pertains to height
exceptions for roof decks.

RECORD OF COUNCIL VOTE ON INTRODUCTION AUG 28 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING SEP 11 2013 9-0											
Councilperson <u>OSBORNE</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.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

JAYSON BURG

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.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE SEP 11 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 28 2013
Adopted on second and final reading after hearing on SEP 11 2013

This is to certify that the foregoing Ordinance was adopted by
the Municipal Council at its meeting on SEP 11 2013

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

SEP 11 2013

APPROVED:

Steven Fulop, Mayor

Date

SEP 17 2013

Date to Mayor

SEP 12 2013