

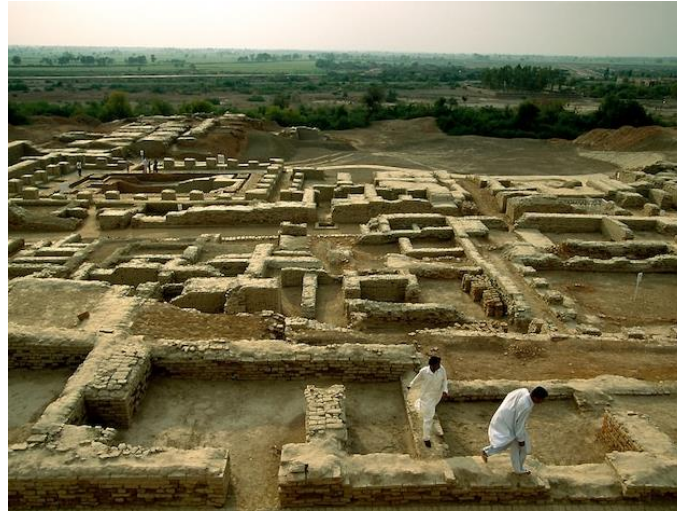
Introduction to City Planning

Jersey City Citizen Planner Class

"The city is as complicated an artifact as language; it represents the combined work of society and history, and is transformed according to the needs of its citizens. In the field of urban planning, the city is seen as composed of urban tissues, which are sets of buildings and open spaces supported by infrastructure, analogous to an organic body that consists of genes, cells, internal organs, blood vessels, bones and so on." ~Shuji Funo

Evolution of Planning

Indus Valley Civilizations



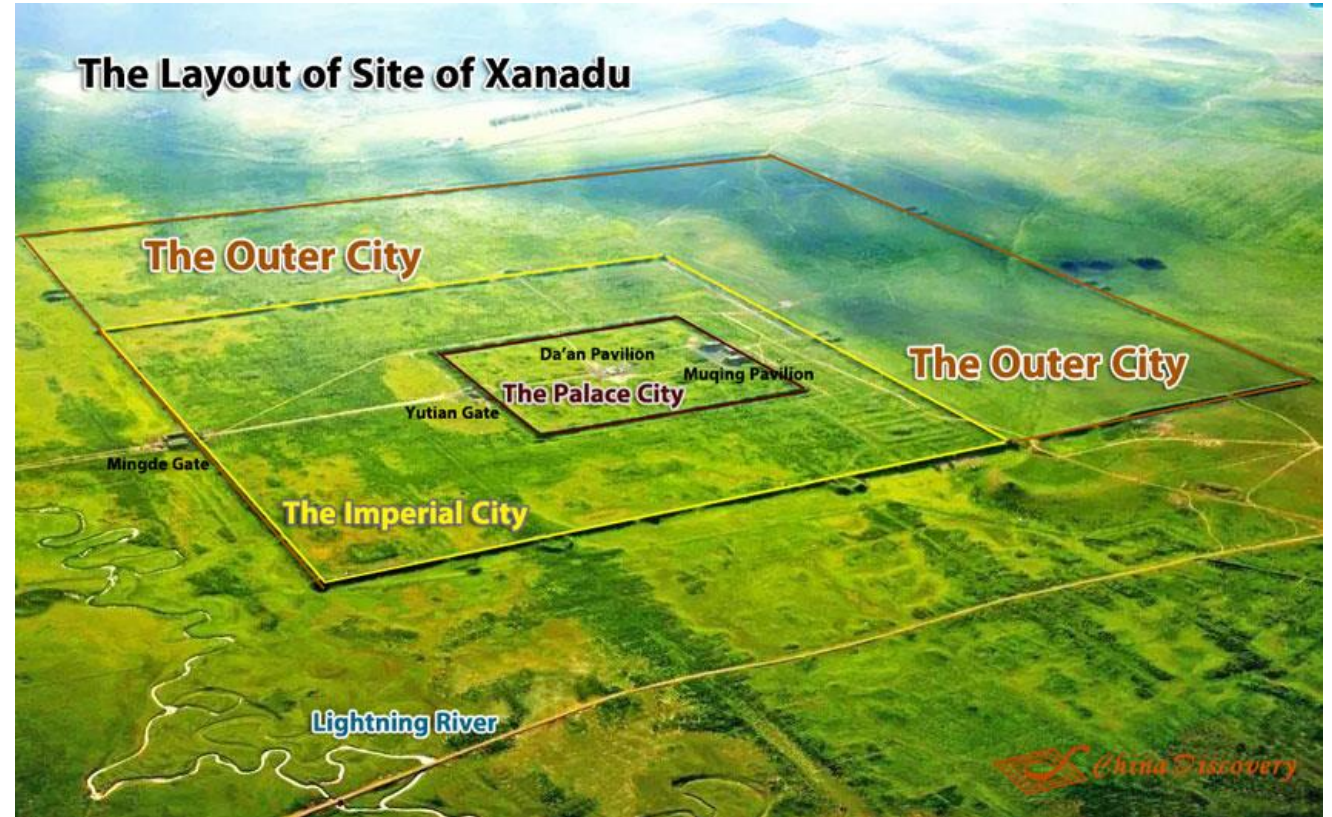
Mohenjo-daro, built in 26th century BCE – one of the oldest civilizations in the world

- Planned city with buildings on a grid plan
- Public baths
- A large residential structure housing 5,000 citizens
- Two large assembly halls
- Central marketplace
- Central well – smaller wells throughout
- Waster water channeled to covered drains



Evolution of Planning

Mongolian Civilization – Kublai Khan

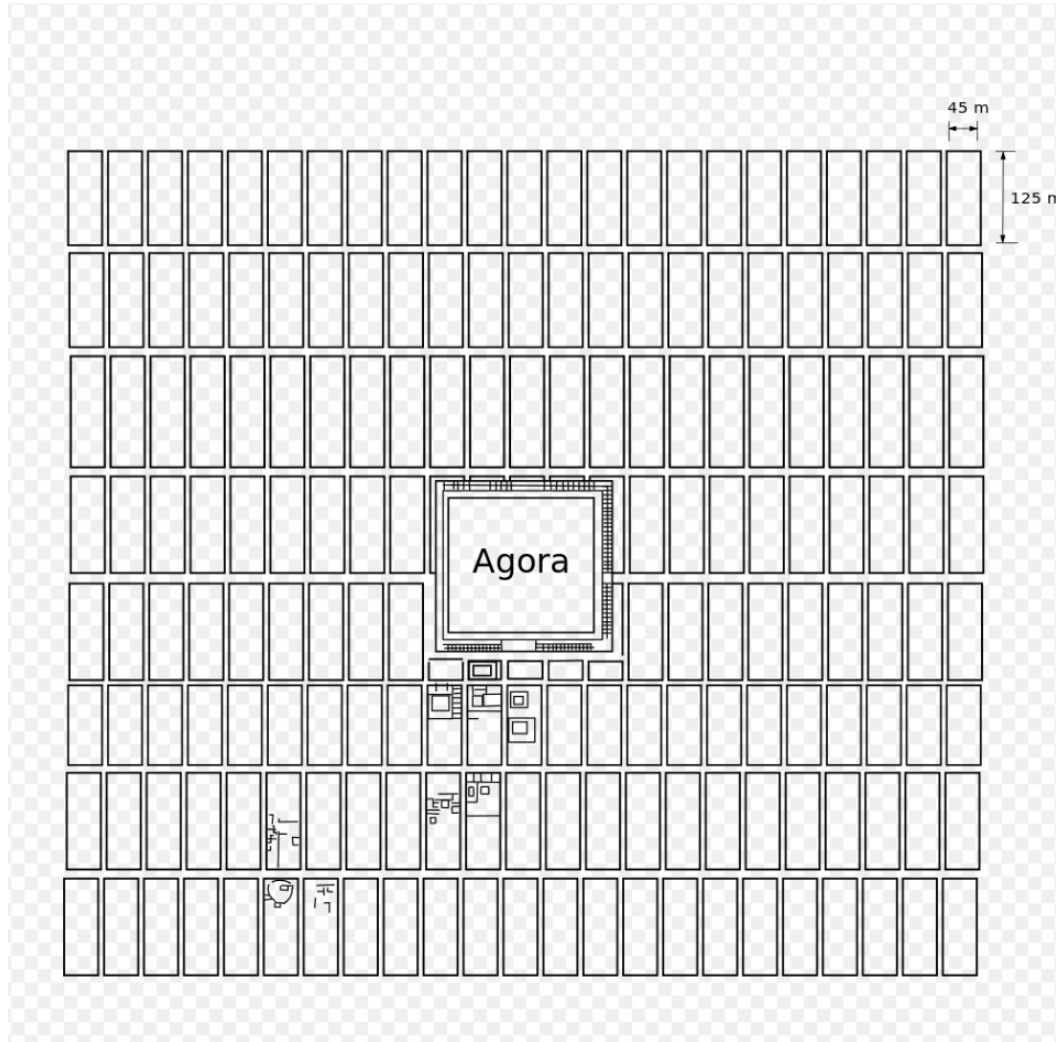


Shangdu aka Xanadu

- Whole city laid out on north-south axis, according to Feng Shui principles
- 3 distinct areas: Inner City, the Outer City, and an enclosed hunting preserve

Evolution of Planning

Hippodamus – Ancient Greece

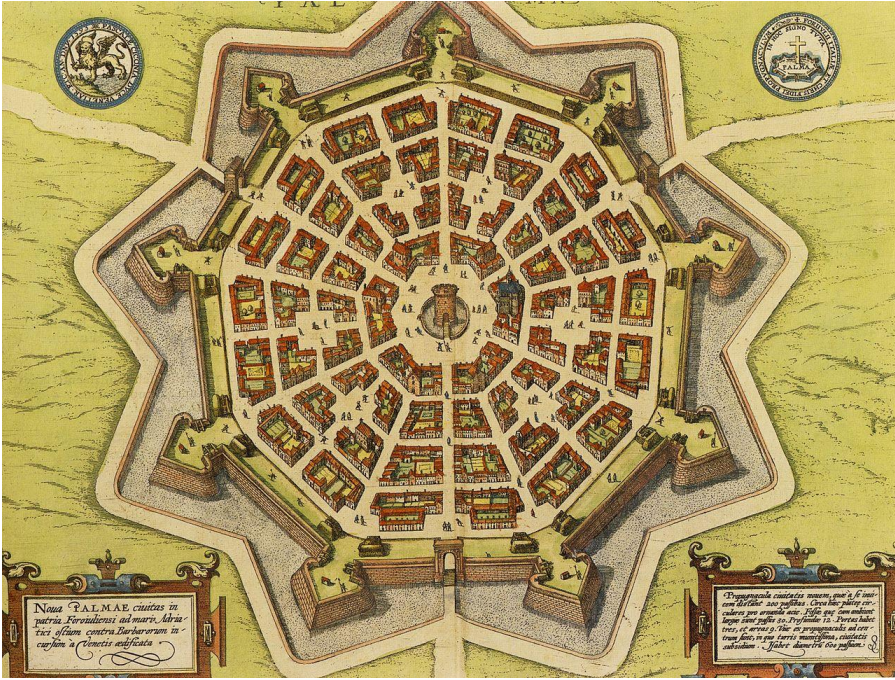


Considered the father of “European City Planning”

- Not the first to use grid iron plan, but cemented in the concept of a square city with a main street and the public square in the center
- Roman would use this design

Evolution of Planning

The Renaissance

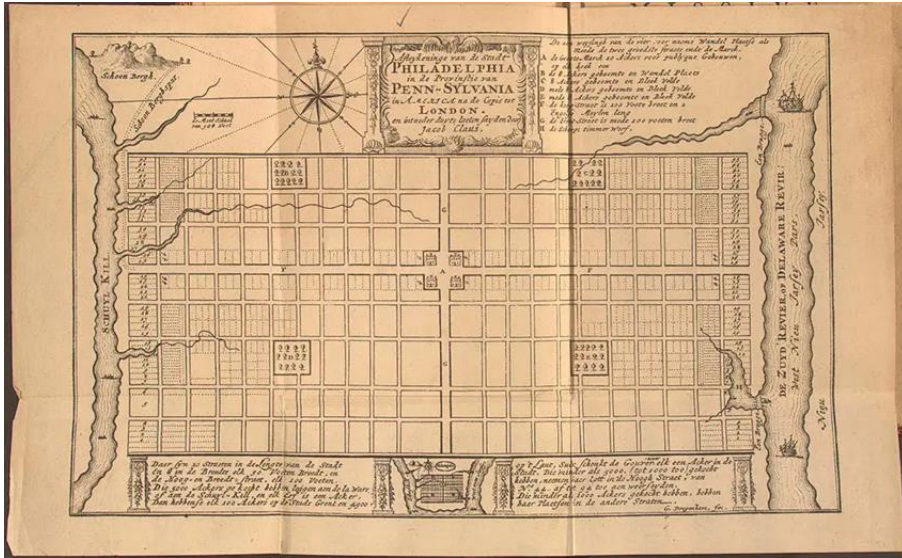


Palmanova, Italy

- Concentric city with the form of a star, with 3 nine-sided ring roads intersecting in the main military radiating streets
- Considered “Utopia”
- The plan was a fortress, designed to resist cannon fire
- Architecture and Gardens tied the city together connecting the palace and town
- Focus was on form, design, math

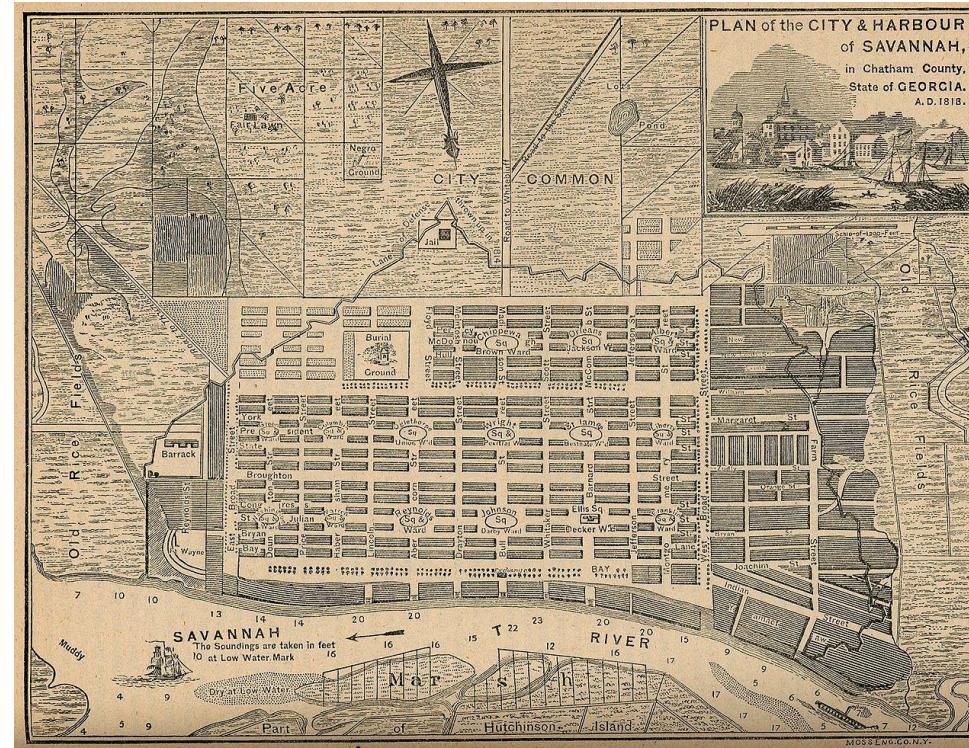
Evolution of Planning

The Enlightenment



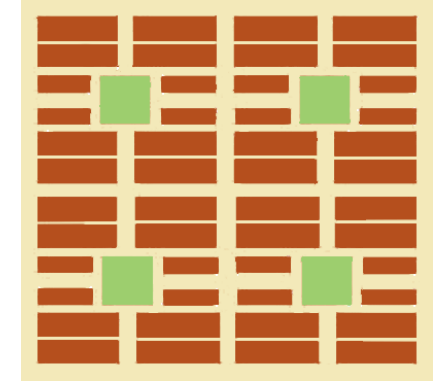
Philadelphia, PA

- Grid pattern
- Wide streets/Main thoroughfare
- Public squares
- Bordered by the Schuylkill and Delaware
- Century later Washington DC designed its grid the same way

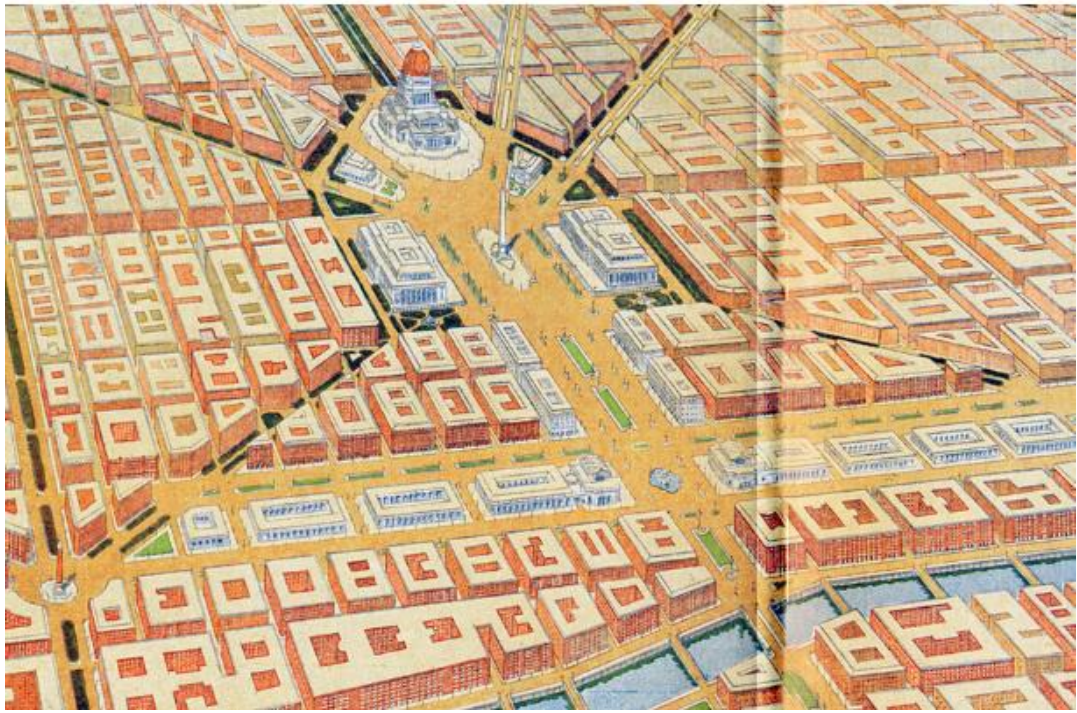
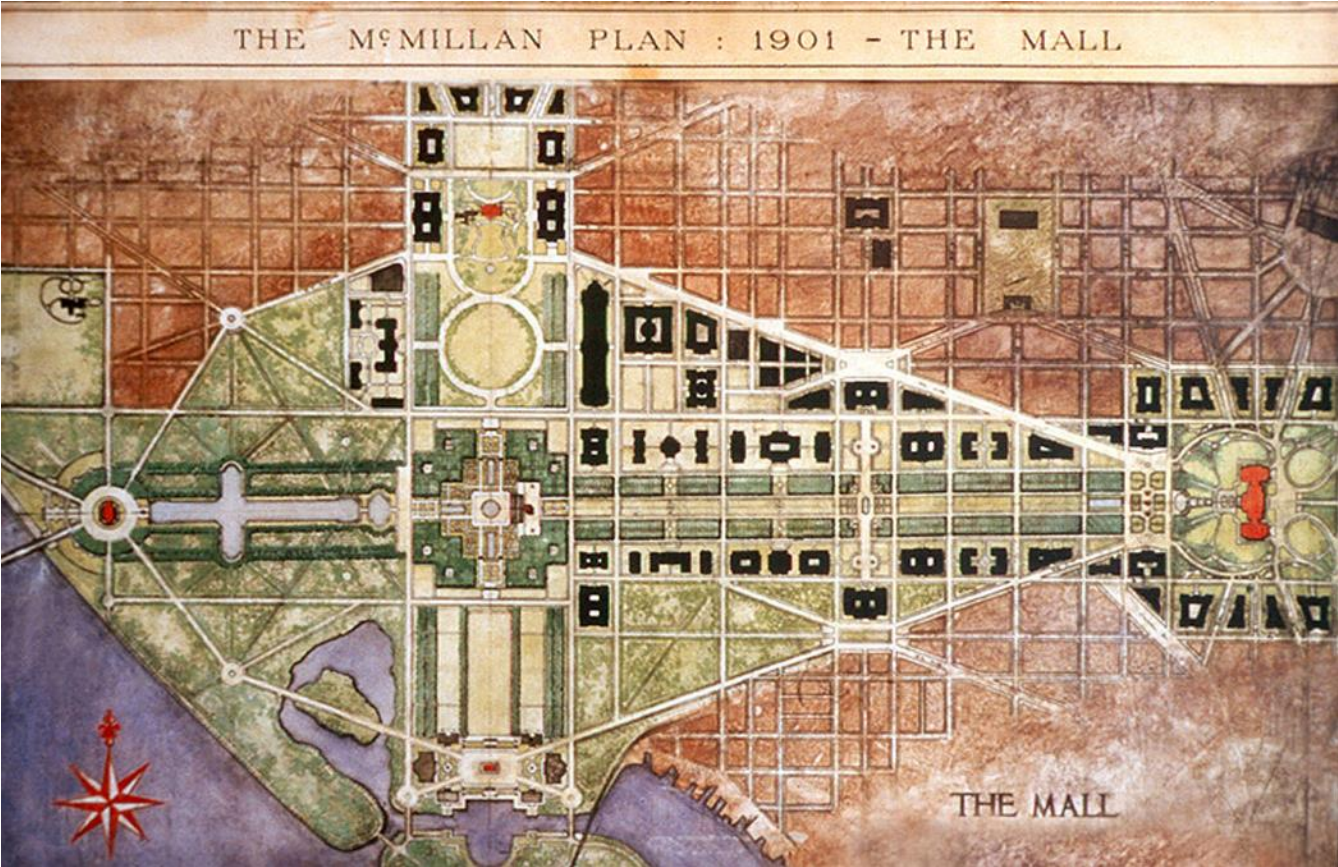


Savannah, Georgia

- Grid pattern of cellular ward containing city blocks around a square.
- 4 residential blocks, split by narrow lanes
- 4 commercial blocks east and west of the public square
- Each ward was assigned a sq mile tract outside town for farming
- Principal thoroughfare



Evolution of Planning



Large Comprehensive Plans "The City Beautiful"

Evolution of Planning

The Industrial Revolution

Modern Planning – The First International Urban Planning Conference, 1898

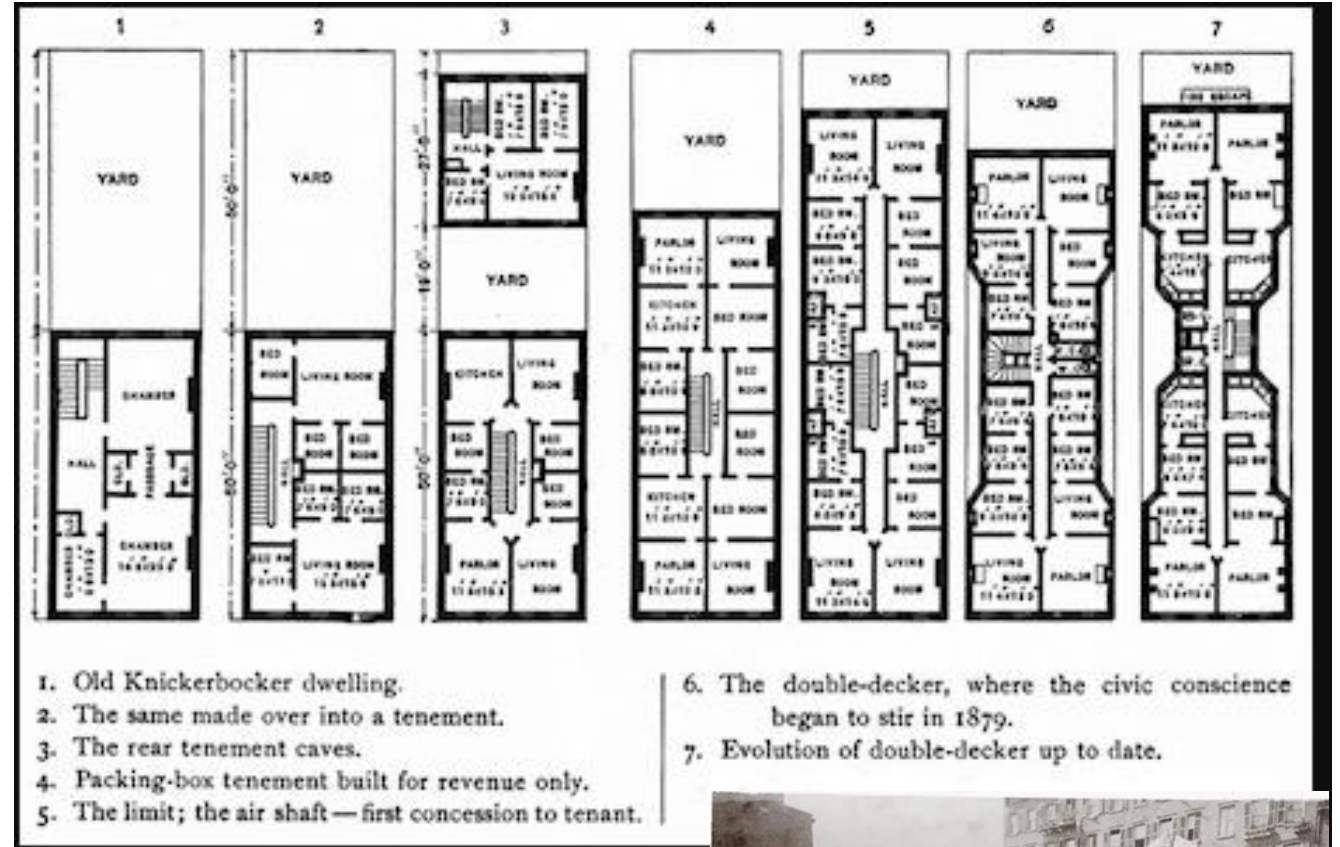
First Challenge: Manure

Decision: We need plans to deal with growing populations



- Architects: Focused on city as built environment
 - Public Health Professionals: Focused on infrastructure – connections between health and water/waste/garbage
 - Social Workers: Cleaner tenements, spaces for play, more light and fresh air for residents
- (Ultimately, modern urban planning's history ends up grounded in architecture)

Evolution of Planning



- Required fire escapes
- Windows to face a source of fresh air and light/not an interior hallway
- Garbage removal
- At least 120 sq ft room per apartment with no additional rooms being less than 70 sq ft

Evolution of Planning



ZONING



Kate: I was partying pretty hard last night...

Mary: Partying?

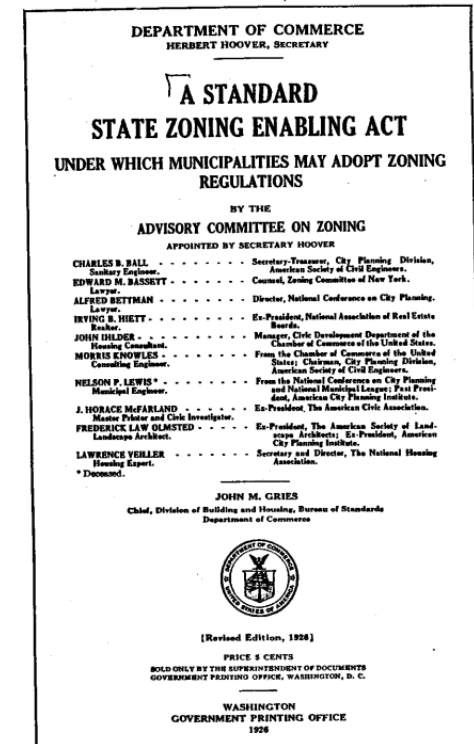
Kate: Someone must've slipped something...

Mary: I thought you said you were taking real estate classes.

Kate: I was. No one wants to learn about zoning laws sober.

ZONING – Brief History IN US

- 1800 and early 1900s various cities had height restrictions – especially in NYC tied to Tenement Acts/Housing Reform
- 1904 LA creates first ‘use’ based ordinance separating residential districts
 - (Including prohibiting laundries – which was a direct attack against Chinese immigrants)
- 1900-1917 various American cities pass residential racial segregation ordinances
 - Sometimes referred to as de facto segregation as residential areas would be implemented on a block by block basis in cities where race was not specifically called out
- Standard State Zoning Enabling Acts, 1922, 1926
 - Federal government gave states a model zoning ordinance
- Euclid v. Ambler Realty, 1926
 - Case upholding constitutionality of zoning



ZONING – Brief History - Movements

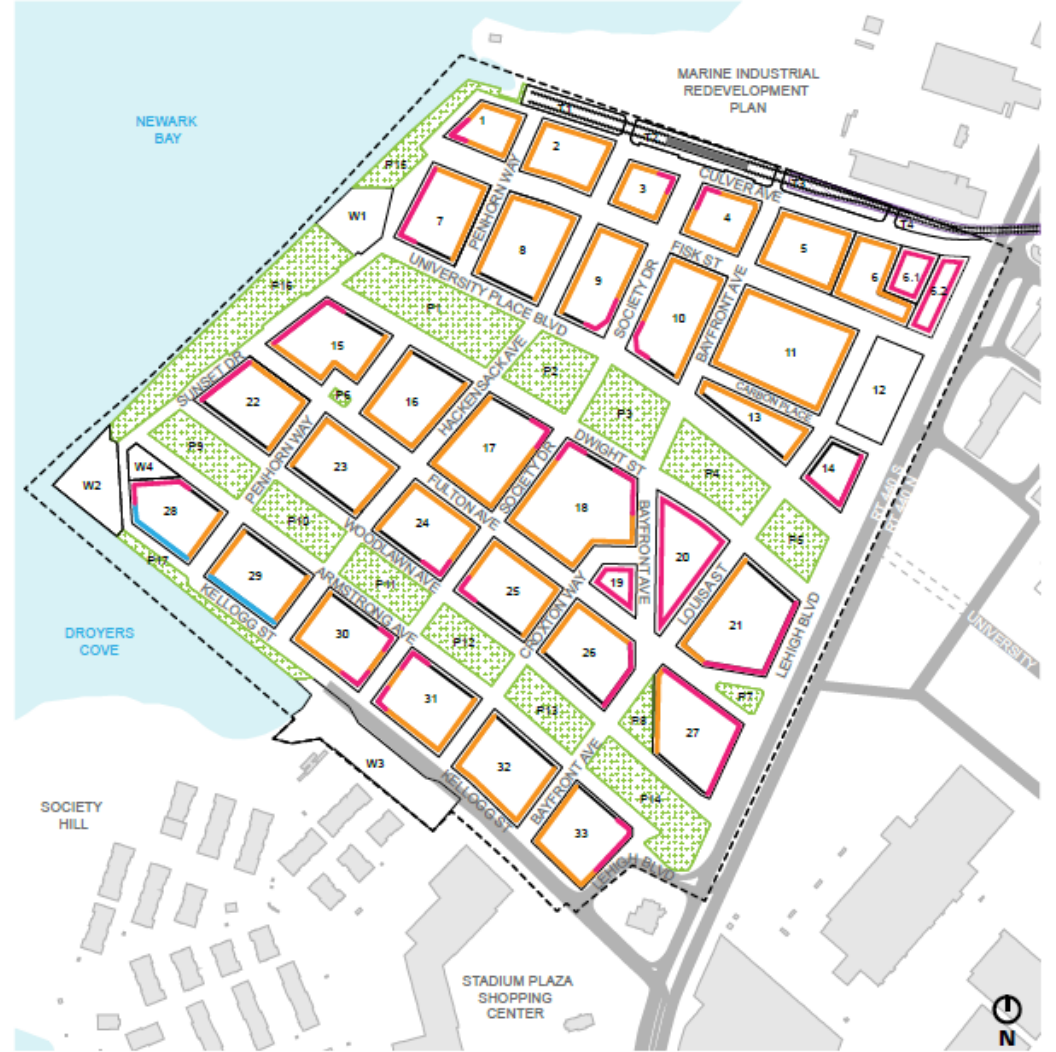
- Early 1920-40s – Euclidean Zoning – Separation of Land Uses by Type
- 1950s – Planned unit development, Cluster Zoning – Increase of suburbanization – Ex. Levittown
- 1960s – Incentive zoning, Urban Renewal, Special districts – Ex. Chicago was the first to add extra floor space to encourage developers to incorporate public plazas
- 1970s – Growth management zoning – Areas could not be built until municipal services were already constructed, done in response to sprawl but created very large costs for home purchasing and large lot zoning
- 1980s – Inclusionary zoning, Design reviews – Ex. Mt Laurel decision 1975, 1983
- 1990s – New Urbanism, Smart Growth – Response to Growth management, promote high density development in cities. More detailed rules about uses and shapes. Ex. Liberty Harbor North
- 2000s – Form Based Zoning – Building envelope focused, Ex Bayfront

ZONING – Brief History - Movements



6 STEPBACK MAP: MIXED USE DISTRICT

BAYFRONT I REDEVELOPMENT PLAN



LEGEND

- NO STEPBACK REQUIRED
- STEPBACK AT 5TH STORY
- STEPBACK AT 7TH STORY
- BAYFRONT I BOUNDARY
- EXISTING ROADWAYS
- EXISTING BUILDINGS - CONTEXT

ZONING – Brief History – NJ and JC

- 1918 – Act giving cities the power to regulate
- 1921 – Act creating the “Board of Appeals”
- 1926 – Euclid v. Ambler
- 1928 – NJ Zoning Enabling and Planning Act
- 1975 – Municipal Land Use Law

- 1922/31 – Jersey City’s First Zoning Ordinance
- 1957 – First substantial expansion for Zoning Districts
- 1974 – First substantial Zoning Amendments
- 2000 – Jersey City Land Development Ordinance

New Jersey Planning – So you want a zoning ordinance?

- You (town, village, city, borough) cannot exercise your authority in conflict with the State or Federal constitutions

What does that mean?

You can't do something unconstitutional. You can't take land without compensation, you can't zone to exclude a protected class, you can't impede on religious freedom

- You can't exercise authority in conflict with county, state or the federal government

Real life real time example – Cannabis

- Your ordinance has to be in strict conformity with the Municipal Land Use Law

What is the Municipal Land Use Law???



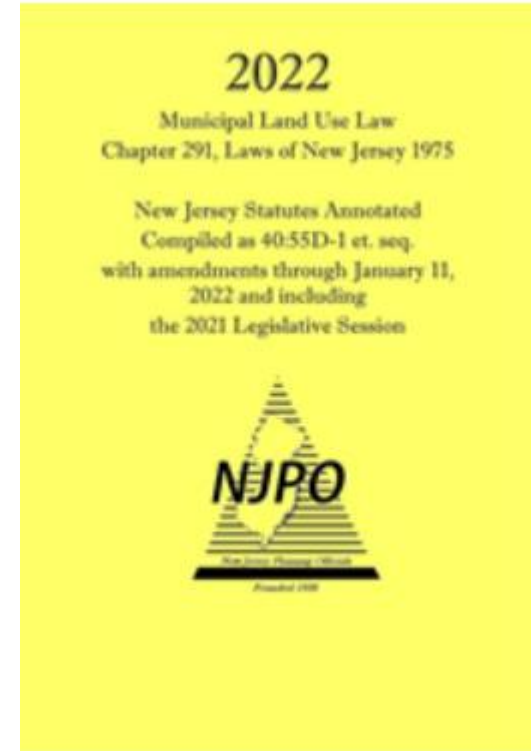
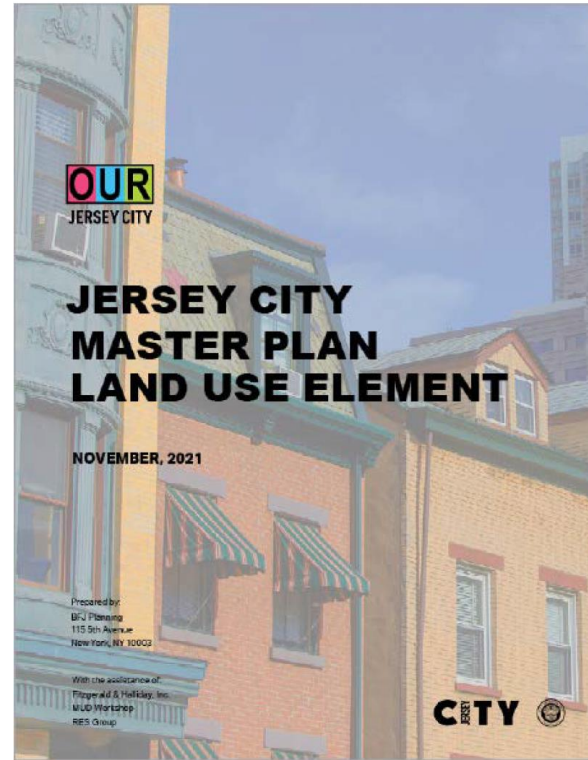
New Jersey Planning

MLUL grants power to municipalities to set land use priorities and policies.

Authorizes the Planning Board, Zoning Board, and Governing Body to carry out these policies and laws.

However, before a municipality can adopt any zoning ordinance it SHALL (scary legal word) adopt a master plan – specifically the land use element and housing plan element

Zoning and any amendments have to be substantially consistent with the Master Plan.



Jersey City – The Boards!

- In Jersey City board members are appointed by the Mayor
- Every single board member is required by State Law to take and pass a basic land use course
- Every member must be a Jersey City resident

The Planning Board

- Must have 9 regular members, 2 alternates
- Class I – Mayor or Designee
- Class II – City employee, not elected official
- Class III – Elected official
- Class IV – Regular folks with no employment with the City

The Zoning Board

- Must have 7 regular members and can have 2-4 alternate members
- Terms are 4 years
- No member can hold an elective office or have employment with the City

Each board gets a secretary and an attorney who is not employed by the City and only represents the board

Jersey City – The boards!

The Planning Board

- Approves the Master Plan
- Approves subdivisions and site plans
- Adopts the official map
- Adopts/Recommends zoning to the Governing body – who then can legally adopt zoning into law
- Perform advisory duties assigned by the governing body
- Grant 'c' Variances
- Reviews applications in redevelopment

The Zoning Board

- Hears and decides appeals from the zoning officer or any administrator of the zoning ordinance
- Hears and decides request for interpretation of zoning ordinance (in JC the zoning officer does this)
- Grants 'd' variances and any subdivisions or site plans attached to those variances
- Must prepare an annual report with all variances granted and provide recommendations to the planning board and governing body on zoning changes, if any

Appeals of the Planning or Zoning Board's decisions can only be done by filing a case with Superior Court "prerogative writ" – Civil case seeking to overturn determination of a public entity

Jersey City – The boards!

The Historic Preservation Commission

- 9 regular members, 2 alternative
- Class A – person who is knowledgeable in building design and construction or architectural history
- Class B – a person who is knowledgeable or with a demonstrated interest in local history
- Class C – regular citizen not employed with the City

Powers

- Make surveys of historic sites and recommendations to the Planning Board to the historic element of the Master Plan
- Makes recommendations to the Planning Board for the creation of Historic Districts
- Reviews applications before the Planning and Zoning Board that are within Historic Districts
- Reviews all permits related to properties within historic districts

Certificate of No Effects are issued by Preservationist Staff and
Certificate of Appropriateness can only be issued by the HPC

Jersey City – The boards!

Order of Meetings:

- 1) Applicant presents their case with their witnesses
- 2) Board can ask questions
- 3) Public comment is opened for questions and/or comments
- 4) Public comment is closed for board deliberation. Petitions or emails are not allowed to be entered into evidence. This is sworn testimony
- 5) Vote
- 6) A meeting later a resolution will be memorialized. Any appeal of that application cannot be filed until the resolution is memorialized, and must be done within 45 days.

Community Input:

It is and has been encouraged but is not legally required. The public input required by law is done during the hearing.

Notices:

- Applicant is required to provide a public notice posted in the local newspaper at least ten days prior to the hearing
- Applicant is required to send certified mailing to all property owners within 200 ft of the applicant's site.

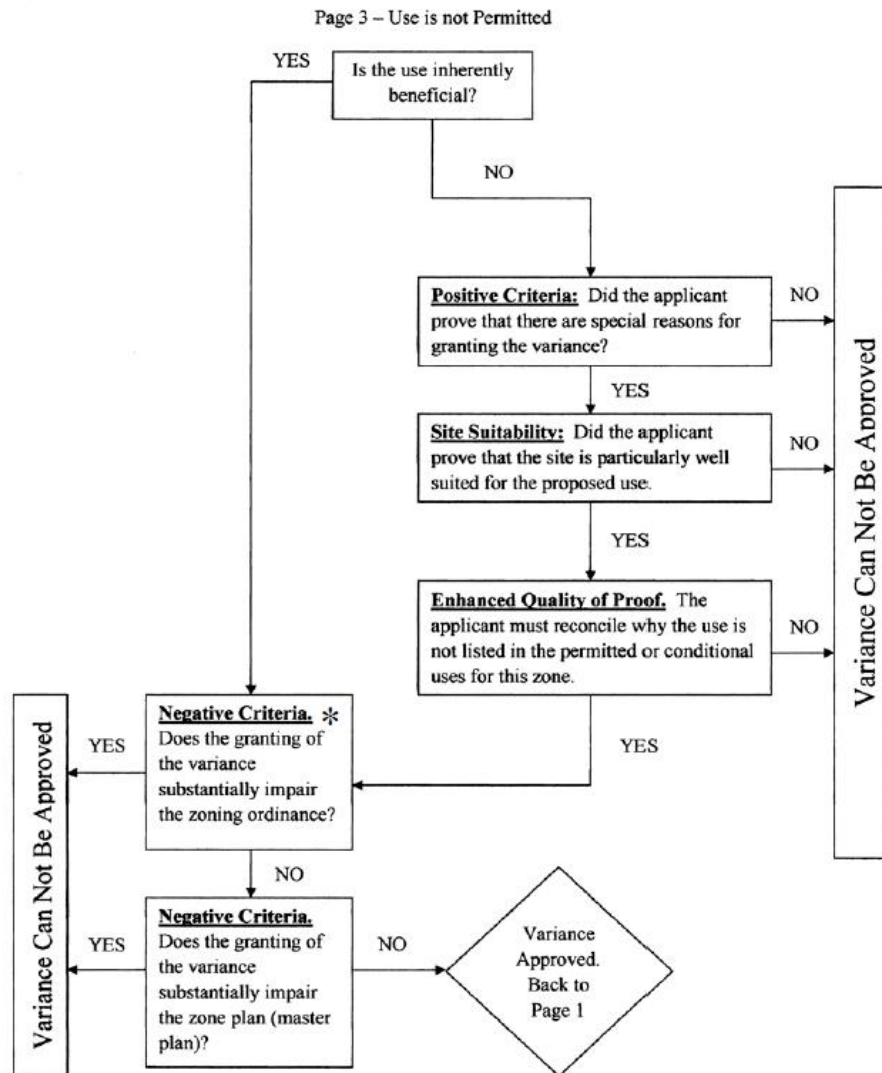
Case Law and Issues:

- Municipality is not permitted to require any more stringent standards for noticing than what the MLUL requires

Boards are quasi-judicial:

Proceedings conducted similar to court proceedings by making decisions based on evidence produced at the hearing

Jersey City – Special Reasons – Use Variances



Say what?!

What are special reasons?

- Extreme or Undue Hardships
- Advances the purposes of zoning

Site Suitability?

- The use is PARTICULARLY SUITED to the property. It is NOT enough to show a purpose of zoning can be advanced
 - Why is this location particularly suited to the use despite the zoning
 - What unique characteristics of the site make it particularly appropriate for the proposed use RATHER than the permitted uses

Enhanced Burden of Proof?

- Reconcile why the use proposed is not permitted and show it will not impair the intention of the ordinance, master plan, or general welfare

Jersey City – Special Reasons – Purposes of Zoning

40:55D-2. Purpose of the act. It is the intent and purpose of this act:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n. To promote utilization of renewable energy resources; and
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

Jersey City – All the other ‘d’ variances

Special Reasons for ‘d’ variances are different for each one

- Non-conforming uses: “Aesthetic improvement”
- FAR and Density: “Can the site accommodate the proposed density”

Height: - Applicant must demonstrate that the proposed height will not offend the purpose of the height limitation.

Some examples provided in *Grasso v. Bor. Of Spring Lake Hghts*, are:

- The proposed height will be consistent with surrounding neighborhood
- Proposed structure will not be out of place in neighborhood
- The appearance of the neighborhood will not be degraded by blocking viewsheds
- Will not give the appearance of being out of character
- Permitted height/structure would have a detrimental effect on the neighborhood than the proposed height/structure

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Jersey City – You made it!

Some things we didn't cover (if you can believe it)

- Redevelopment
- Affordable Housing
- Zoning ordinance adoption process

Willing to add whatever else you would like to see here!