

Reexamination Report

Jersey City Master Plan and Regulations

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The City of Jersey City adopted a new Master Plan in May of 2000, after more than a year of preparation, which included intensive staff research and preparation with community groups and leaders. The results were presented to and discussed within all six of the city's wards ultimately leading to a consensus on the city's future. The new Master Plan led to a total revision of the city's Zoning Ordinance into the Jersey City Land Development Ordinance, which was adopted in April of 2001.

Since adoption of the May 2000 Master Plan, there have been a number of reexamination reports adopted; followed by timely amendments to the Master Plan based on the recommendations of those reports. The first reexamination report was adopted by the Planning Board after five and a half years, in December 2005, and subsequent reports followed in 2006, 2007, 2011, and 2015 with the latest report to date issued in March of 2015.

The Municipal Land Use Law requires a municipal review of the city's plans and regulations at least once every ten years, but such review may occur at any time deemed warranted by changing land use demands and conditions.

The reexamination report shall state:

A. The major problems and objectives relating to land development in Jersey City at the time of the adoption of the last reexamination report.

B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.

C. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

E. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

These requirements are addressed as follows:

A. The major problems and objectives relating to land development in Jersey City at the time of the adoption of the last reexamination report.

The last Master Plan Reexamination Report was dated March 19, 2015. It identified formula business restrictions needing to be adopted in order to preserve Jersey City's downtown unique community character. The Planning Board recommended that the master plan be amended to address the issues listed above in the following specific ways:

1. The **Land Use Element, as it relates to Redevelopment Plans and Additional Land Use Recommendations**, should be updated to reflect current conditions since the adoption of the Master Plan in 2000.
2. The **Redevelopment Plans** subsection should be amended to remove the number of redevelopment plans and descriptive paragraphs of those plans in place in 2000. More general language such as goals and objectives that speaks to the intent and purpose of redevelopment plans should be included that will be easier to maintain and keep up-to-date.
3. The **Additional Land Use Regulations** subsection should be amended to recommend limitations on Formula Business.

B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.

All of the above issues and recommendations either have been addressed since the adoption of the last report or are in the process of being adopted .

1. The **Land Use Element** is undergoing an update, which is being conducted in-house by the Division of City Planning. This update continues to be a work in progress: the update process is ongoing as of February 2016 and expected to be concluded by spring 2016.
2. The Redevelopment Plans subsection was updated to remove static, out-of-date summary paragraphs of redevelopments plans that were place as of 2000. More general language such as goals and objectives that speaks to the intent and purpose of redevelopment plans was included which is easier to maintain and keep up-to-date.

3. Amendments to the following redevelopment plans in the Downtown area to include limitations on Formula Business were formally adopted by the City Council on May 13, 2015 by Ordinance 15-053.

1. 8 Erie	19. Harsimus Cove Station	Residential Rehabilitation
2. Bates Street	(<i>only</i> West Neighborhood	District)
3. Betz Brewery	District)	30. Morgan Grove Marin
4. Block 10102	20. Henderson Street South	31. Newark Ave
5. Block 239 Lot 47	21. Hoboken Avenue	32. Ninth and Brunswick
6. Bright and Varick	22. Jersey Avenue Light Rail	33. Ninth Street
7. Bright Street RDP	(<i>only</i> Transition District and	34. Ninth Street II
8. Colgate	Medium Rise District)	35. Paulus Hook (<i>only</i> N.D.P
9. Columbus Corner	23. Jersey Avenue Park	Area 1, Block 13102)
10. Dixon Crucible	24. Liberty Harbor North	36. Powerhouse (<i>exempt</i>
11. Exchange Place North	25. Luis Munoz Marin	Block
(<i>only</i> River View District,	26. Majestic Theater	11609)
Block 11613 and Block	27. Majestic Theater II	37. School #2
13003)	28. Merseles Street	38. Hamilton Square
12. Grand Jersey	29. Montgomery Gateway	(formerly St Francis
13. Grand Street	(<i>only</i> Adaptive Reuse	Hospital)
14. Gregory Park	District, Commercial Reuse	39. Tidewater
15. Grove and Mercer	District, Public District,	40. Village
16. Grove Street II	Residential New	41. Wayne Street
17. Grove Street N.D.P.	Construction District, and	
18. Grove Street Station		

C. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.

While there have been no significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised in March 2015, there have been significant changes in land use demands and conditions in the past ten years and since the adoption of the first re-examination report in 2005, as it relates to Redevelopment plans and Additional Land Use Recommendations, that were not addressed in any of the six subsequent, interim reports.

Contextual Zoning: Background and History

The legislative enactments requiring periodic reevaluation of municipal master plans and zoning ordinances, N.J.S.A. 40:55D-89, 40:55D-89.1, and annual reports and recommendations from the boards of adjustment, N.J.S.A. 40:55D-70.1, reflect a legislative policy intended to ensure that a municipality's master plan and zoning ordinance reflect contemporary needs and conditions, and the governing body is kept informed of provisions the zoning ordinance that generate variance requests.

A mandatory reexamination of the master plan and zoning ordinance by the Planning Board, conducted at least every six (*now ten*) years, is intended to inform the governing body of the need for revisions to the plan and ordinance based on significant changes in the community since the previous reexamination.

Similarly, annual reports by the Boards of Adjustment summarizing variance requests throughout the years and recommending amendments to the zoning ordinance are designed to avoid successive appeals for the same types of variances by encouraging the governing body to amend the ordinance so that such appeals would be unnecessary. When an informed governing body does not change the ordinance, a Board of Adjustment may reasonably infer that its inaction was deliberate (*Medici v. BPR Co., N.J. 1, 1987*).

In 1918, the New Jersey State Legislature gave large cities the power to regulate and limit buildings' height and bulk. After the landmark *Village of Euclid, Ohio v. Ambler Realty Co.* (1926) case, Jersey City adopted its first zoning enabling legislation in 1930, and its first Zoning Ordinance in 1931. Jersey City's zoning ordinances from 1931 through 1963 were all clear examples of single-use Euclidean zoning.

The 1931 Jersey City Zoning Map divided the city into five districts: the First Residential District, Second Residential District, Business District, Commercial & Light Industrial Districts, and Heavy Industrial District. Under the 1931 zoning, which remained in place until 1963, the First Residential District was strictly limited to single family houses. Any higher-density residential development, including apartment buildings, was permitted in the Second Residential District. No business, commercial or industrial uses were permitted in either of these zones.

The 1963 Zoning Map, which replaced the 1931 zoning, was based on amendments to another map officially adopted May 17, 1957. Planning staff can reproduce no records of the 1957 map, but records do include a May 15, 1951 map (Map 1) based on the 1931 zoning. Planning surmises that the 1957 amendment included the recently-constructed New Jersey Turnpike, as all of the Jersey City exits were opened in 1956. The 1963 zoning map differentiates from the 1951 zoning map in creating more specific and distinct zoning districts. The six 1963 zones were Residential District "A," Residential District "B," Business District "A," Business District "B," Commercial & Light Manufacturing District, and the Industrial District.

Starting in 1971, new Federal programs began to usher in zoning that reflected a shift away from urban renewal and towards building neighborhoods. The 1971 City of Jersey City Planned Unit Development Ordinance introduced Residential and Non-Residential Planning Unit Development Areas, which effectively further separated residential and commercial uses. Larger residential tracts clustered on 3 acres were permitted to have a density of 60 units per acre per lot. Non-residential tracts were intended to become large employment centers and regional shopping facilities. The 1971 PUDO was the first zoning ordinance to incorporate detailed bulk, parking, and design standards.

The current zoning began to take shape with the 1974 Zoning Ordinance, which began to introduce mixed uses in residential zones by permitting some ground floor retail. The code also began to incorporate performance zoning, providing additional regulations for uses to limit their negative impacts. The 1974 zoning districts started look more like what currently exists: R-1 Low Density Residential; R-2 Low Density Residential; R-3 and R-3A Medium Density Residential; R-4 High Density Residential; C-1 Central Business District; C-2 Office and Retail; C-3 Shopping Center; C-4

Finance and Business District; I-1 Automotive, Construction, Office; I-2 Intensive Industrial; and I-3 Industrial Park.

For illustrative purposes, here are some examples of what would have been permitted in the four residential districts:

R-1: A 3-story 1 or 2-family house on a 25x100 lot.

R-2: 1 and 2 family houses, townhouses, and garden apartments. All residential buildings were permitted to 4 stories or 40 feet, 2-family housing on a 2,500 sq ft lot was permitted the highest density at 35 units per acre. Retail and offices were permitted on the ground floor of garden apartments and had to have access to one of the following streets: Hudson Boulevard (J.F. Kennedy Boulevard) north of Newark and New York Railroad; Summit Avenue north of Sip Avenue; Palisade Avenue; Newark Avenue; Montgomery Street; West Side Avenue north of Lincoln Park; Jackson Avenue (MLK Dr.); Ocean Avenue; and Communipaw Avenue.

R-3/A: All the uses from R-2, with the addition of medium rise apartments. The density, height and bulk standards also remained the same, but now medium rise apartments were permitted at 10 stories or 100 feet on minimum lot sizes of 40,000 sq ft at 60 units an acre. Retail sales and offices were permitted in medium rise apartments that were at least 6 stories and faced a street that had regular bus service or was classified as a collector or arterial street.

R-4: All of the prior residential uses with the addition of high rise apartments. High rise apartments were regulated by floor area ratio with a maximum density of 90 units per acre.

Although Jersey City continued to make zoning amendments up through today's current zoning—the 2001 Land Development Ordinance— none of the 1974-2000 amendments included major changes. This, of course, does not take into account the impact of redevelopment plan areas, which were permitted as early as 1947. Today, half the of City lies in a Redevelopment Zone. The current zoning, based on the 2001 Jersey City Land Development Ordinance, amendments made as recently as June 2014, and the City's various redevelopment plans, represents hybrid zoning.

In some areas of the City, historic zoning has generated a substantial mismatch between the use and density as permitted and the actual existing context:

Downtown R-1 Zone: Significant swaths of downtown that were zoned Commercial & Light Industrial under the 1931 ordinance, particularly to the west of Brunswick Street, but since become residential. Many Downtown "Redevelopment Areas" were also once zoned Light or Heavy Industrial. Additionally, much of today's current R-1 One and Two Family Housing District was zoned R-2 under the 1974 ordinance.

The area known as the Italian Village, located north of Christopher Columbus Dr, south of Hamilton Park Historic District, west of Harsimus Cove Historic District, and east of the Turnpike extension, has seen its zoning go from light industrial, to business and residential and light industrial, to mainly 1-2 family residential.

Palisade Avenue: Palisade Avenue, constructed in 1768 through the dense woods along the Palisades cliffs, was one of Hudson County's first thoroughfares. Historically, it was one of the few roads connecting 5 Corners, which granted access to Paulus Hook, with the Heights area— until 1870 the independent Hudson City. In 1874, the North Hudson Railway Company (one of two chartered trolley companies in Hudson County), built a steam elevator to pull trolleys up from the Hoboken ferry terminal to Palisade Avenue and Ravine Avenue. Ten years later, the North Hudson Trolley company built the first elevated cable railway in the United States, running from the Lackawanna Railroad Terminal in Hoboken, up Bergen Hill and along Palisade and Central Avenue to its terminus at 5 Corners. By 1940, the trolley lines were replaced by the automobile, but the roads created for trolley use now served cars. The southern portion of Palisade Avenue still serves as a connection between Hoboken and the Jersey City Heights.

The area along Palisade Avenue between Ravine and Franklin, historically known as the Waverly and Washington Village neighborhoods, were some of the earliest in Hudson City to be developed. The 1931 Jersey City Zoning map designated this particular area for business and all of Palisade Avenue north of Franklin Avenue for residential.

R-4 zoning along Palisade Avenue remained in place from 1973 until 2001— the City considered it a desirable location for higher residential density as it was close to transportation hubs and, unlike many other areas in Jersey City, the Heights did not develop through industrial uses. This created a historical pattern of development of small commercial shops with residential units on the top floors. This mixed-use, higher-density context was recognized in Palisade Avenue's R-2 designation under the 2001 LDO. (*Based on Uptown Jersey City Narrative, Dr. Joseph Carter Brooks, 1986*).

D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

1. The **Land Use Element, as it relates to Redevelopment Plans and Additional Land Use Recommendations**, should be updated to reflect current conditions since the adoption of the Master Plan in 2000.

2. The **Redevelopment Plans** subsection should be amended to remove the number of redevelopment plans and descriptive paragraphs of those plans in place in 2000. More general language such as goals and objectives that speaks to the intent and purpose of redevelopment plans should be included that will be easier to maintain and keep up-to-date.

3. The **Additional Land Use Regulations** subsection should be amended to create a new, more historically and contextually appropriate, "R-E" zone for the downtown R-1 district. Specifically, this zone should include increased density to matches the existing neighborhood and mirror the density within other historic downtown neighborhoods. Moreover, the new R-E zone should take into consideration the need to address and mitigate the flooding vulnerabilities caused by elevation, infrastructure, and an excessive amount of impervious coverage.

The R-2 zoning for Palisade Avenue should also be amended to recommend new, more historically and contextually appropriate zoning. Specifically, this zoning should encourage higher density and recognizes that Palisade Avenue is and has historically been a commercial corridor.

E. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” P.L. 1992, c. 79 (C.40A:12A-1 et al.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

Jersey City should continue to use the powers of the redevelopment statute as they have proven to serve us well as valuable development tools to renew our city. There are a great deal of redevelopment plans currently in place, and several more planned and in various stages of development. It is recommended that all adopted redevelopment plans, and any that may be adopted prior to the issuance of the next re-examination report, be incorporated by reference into the update of the Land Use Element, which is currently being undertaken as of February 2016.