

# **Jersey City Annual Zoning Board of Adjustment Report 2021**

**Dedicated to the Late Vice Chairman Richard J. McCormack**

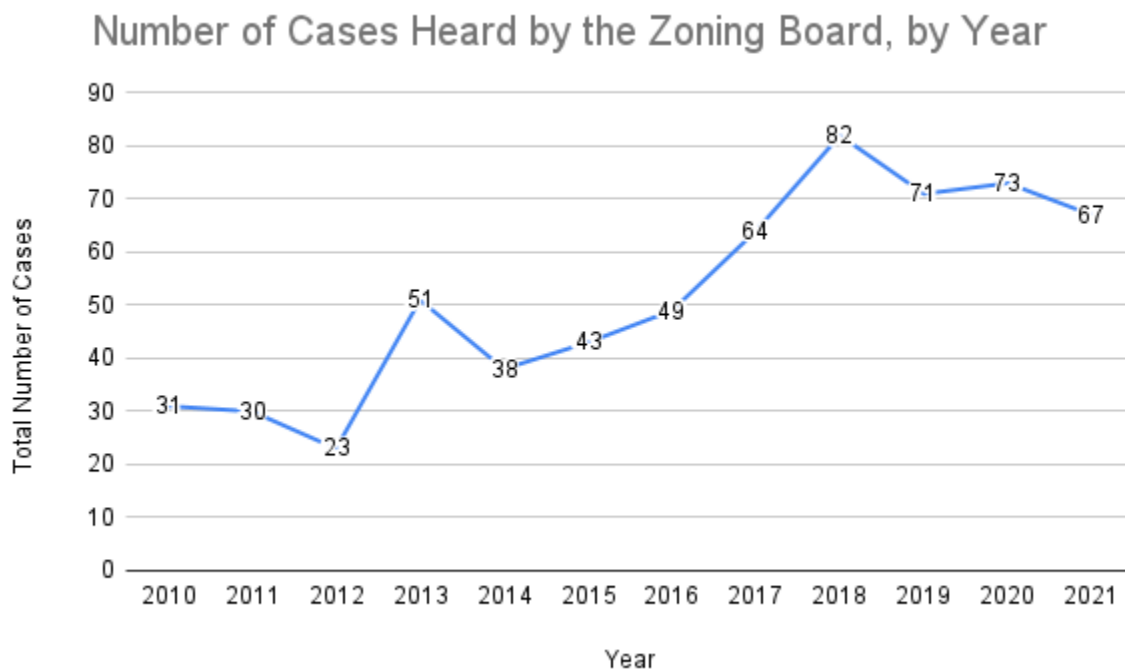
## 2021 Findings

In 2021, the Zoning Board of Adjustment heard **67** applications.

**64** of these were approved, 3 were denied, and 2 of those 3 denials, were appeals.

Based solely on the applications that were either approved or denied, the Zoning Board approval rate is **96%**.

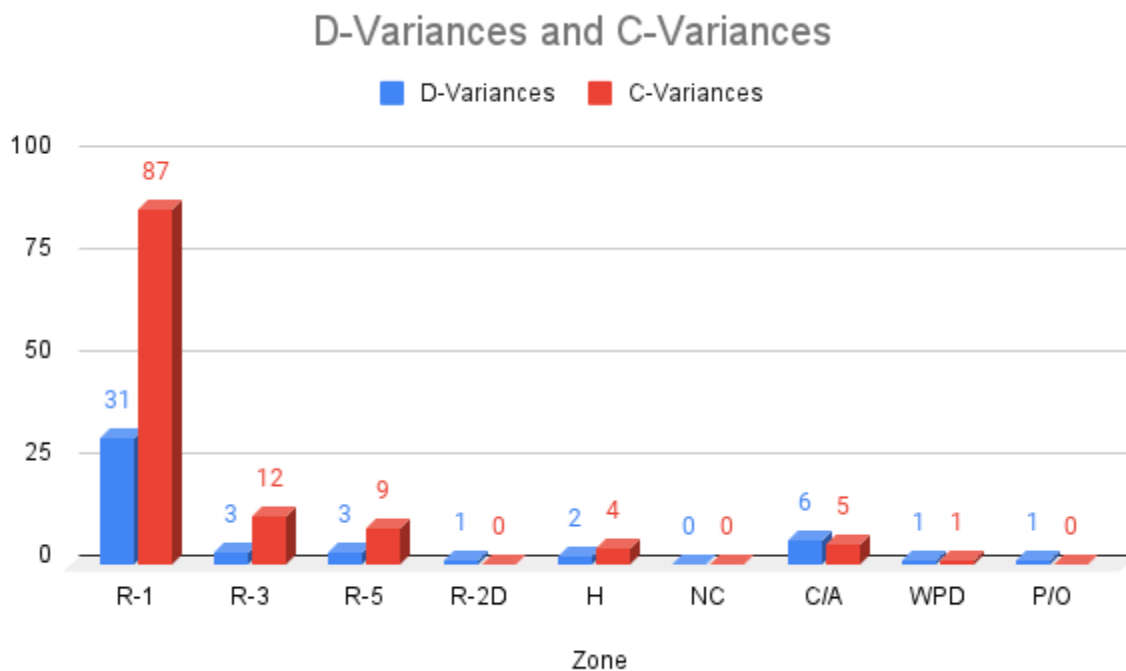
In 2018, the approval rating was 92% with 82 applications being heard in 2018 and 74 of those applications being approved. In 2019, the Zoning Board of Adjustment heard 71 applications. 69 of these were approved, 1 was denied, 3 were withdrawn, and 1 appeal was granted. In 2020, the approval rating was 94% with 73 applications heard and 69 of those were approved, 1 was denied, 2 were withdrawn, and 1 appeal was denied.



In total, **166** Variances were granted in 2021. Of the cases heard, 38, or 57%, included approval of a Site Plan and 3 cases included a subdivision. The Board granted 3 Site Plan Amendments, which is slightly higher than 2020.

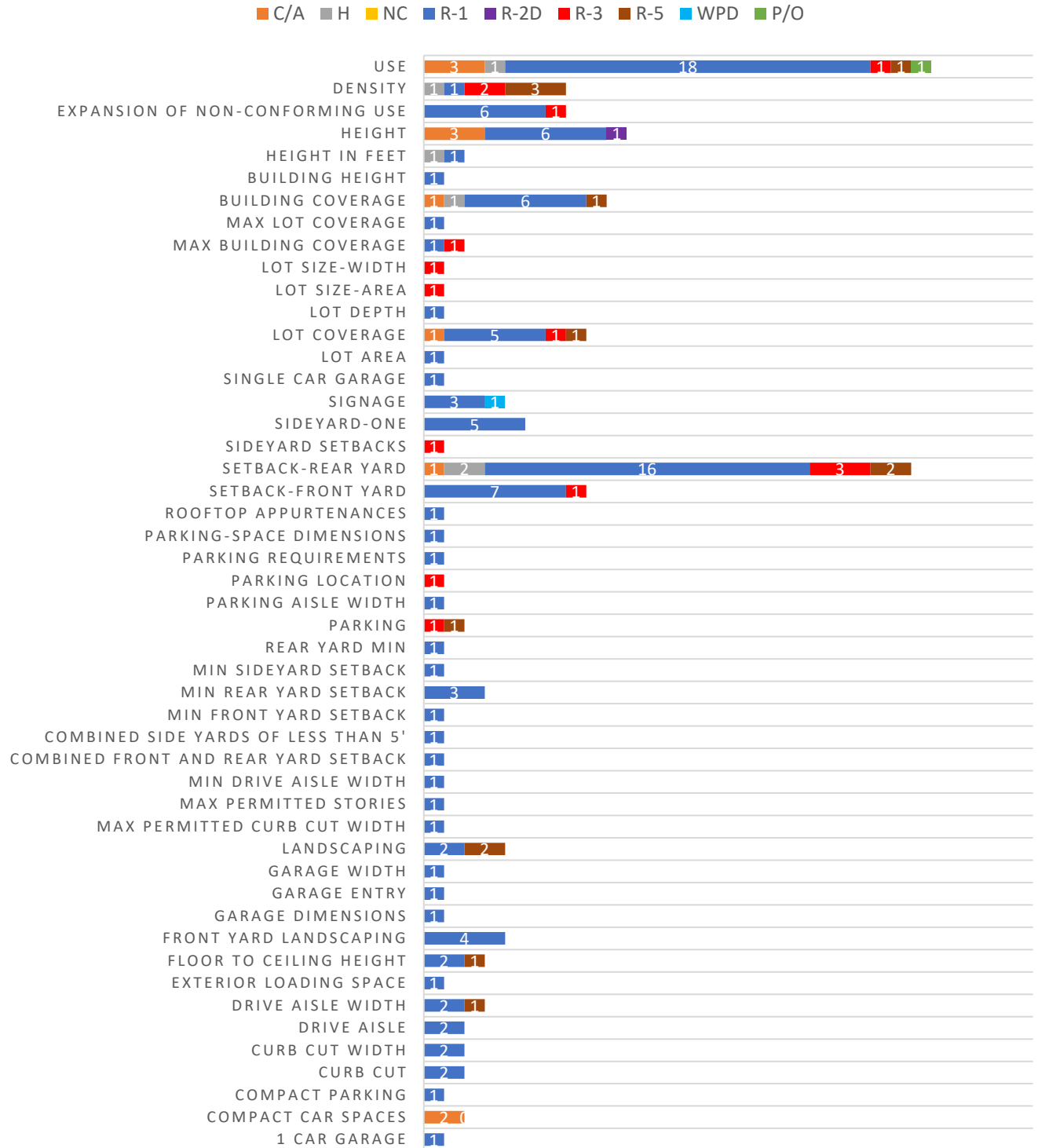
In total, 50 cases heard by the board included D variances. 49 of these cases were approved, while one application for a use and a density variance was denied. The table below provides a breakdown of D Variances by type.

Types of "d" Variances	D Variances Approved	D Variances Denied	% Total of approved D Variances
D(1) Use	25	1	51%
D(2) Expansion of a non-conforming Use	7	0	14.3%
D(5) Density	7	1	14.3%
D(6) Height exceeding 10%	10	0	20.4%
<b>Total</b>	<b>49</b>	<b>1 (same app with 2 variances)</b>	<b>100%</b>



Comparable to previous years, the majority of Variances were granted in the R-1 Zone. The graph below provides a breakdown of types of variances by zone.

## TYPES OF VARIANCES BY ZONE



**Zones where a significant amount of Variances were granted:**

- 70% of all Variances granted were in the R-1 district, compared to 79% in 2020.
- 65% of all D Variances granted were in the R-1 district, compared to 72% in 2020.
- 74% of all C Variances granted were in the R-1 district, compared to 77% in 2020.

<b>Types of Variances in the R-1</b>			
<b>Types</b>	<b># of Variances</b>	<b>Types</b>	<b># of Variances</b>
USE	18	LOT DEPTH	1
DENSITY	1	MAXIMUM BUILDING COVERAGE	1
HEIGHT	6	MAX PERMITTED STORIES	1
EXPANSION OF A NON-CONFORMING USE	6	MAXIMUM LOT COVERAGE	1
BUILDING HEIGHT	1	MAX CURB CUT WIDTH	1
BUILDING COVERAGE	6	PARKING ASILE WIDTH	1
1 CAR GARAGE	1	MINIMUM DRIVE AISLE WIDTH	1
CURB CUT	2	MINIMUM FRONT YARD SETBACK	1
CURB CUT WIDTH	2	MINIMUM REAR YARD SETBACK	3
DRIVE AISLE	2	MIN REAR YARD	1
DRIVE AISLE WIDTH	2	MINIMUM SIDEYARD SETBACK	1
EXTERIOR LOADING SPACE	1	PARKING REQUIREMENTS	1
FLOOR TO CEILING HEIGHT	2	PARKING-SPACE DIMENSIONS	1
FOUR STORY BUILDING	1	ROOFTOP APPURTENANCES	1
FRONT YARD LANDSCAPING	4	FRONT YARD SETBACK	7
GARAGE DIMENSIONS	1	REAR YARD SETBACK	16
GARAGE ENTRY	1	SIDE YARD - ONE	5
GARAGE WIDTH	1	SIDE YARD SETBACK	0
LANDSCAPING	2	COMBINED FRONT AND REAR YARD SETBACK	1
LOT AREA	1	COMBINED SIDE YARDS OF LESS THAN 5'	1
LOT COVERAGE	5	SIGNAGE	3
LOT SIZE AREA	1	SINGLE CAR GARAGE	1

- Within the R-1 zone, 15% of Variances granted were for use.
- Within the R-1 zone, 5% of Variances granted were for height of 10% or greater than permitted.
- Within the R-1 zone, 14% of Variances granted were for Rear Yard setback.
- 13% of all Variances granted in the R-1 zone were related to parking standards. This includes number of spaces and minimum requirements for the size of the garage. 3 Variances for garage dimensions were granted in 2021, similar to the amount in 2020.

- There were 16 rear yard setback variances granted in 2021, compared to 10 in 2020, 15 in 2019, and 4 in 2018.

**Significant changes from 2020 include:**

Case#	Type	Zone
Z20-059	density	R-5
Z20-059	setback-rear yard	R-5
Z20-059	building coverage	R-5
Z20-059	lot coverage	R-5
Z20-059	landscaping	R-5
Z20-059	drive aisle width	R-5
Z21-014	density	R-5
Z21-014	parking	R-5
Z21-014	landscaping	R-5
Z21-016	density	R-5
Z21-016	setback-rear yard	R-5
Z21-016	floor to ceiling height	R-5

- In 2021, 12 Variances were granted in the R-5 compared to 4 in 2019.

Case#	Type	Zone
Z20-003	density	R-3
Z20-003	lot size-width	R-3
Z20-003	lot size-area	R-3
Z20-003	parking	R-3
Z20-003	setback-rear yard	R-3
Z20-051	density	R-3
Z20-051	setback-rear yard	R-3
Z20-051	setback-front yard	R-3
Z20-051	sideyard setbacks	R-3
Z20-051	maximum building coverage	R-3
Z21-003	use	R-3
Z21-003	expansion of non-conforming lot width	R-3
Z21-003	lot coverage	R-3
Z21-003	setback-rear yard	R-3
Z21-003	parking location	R-3

- In 2021, 15 Variances were granted in the R-3 compared to 3 in 2020.

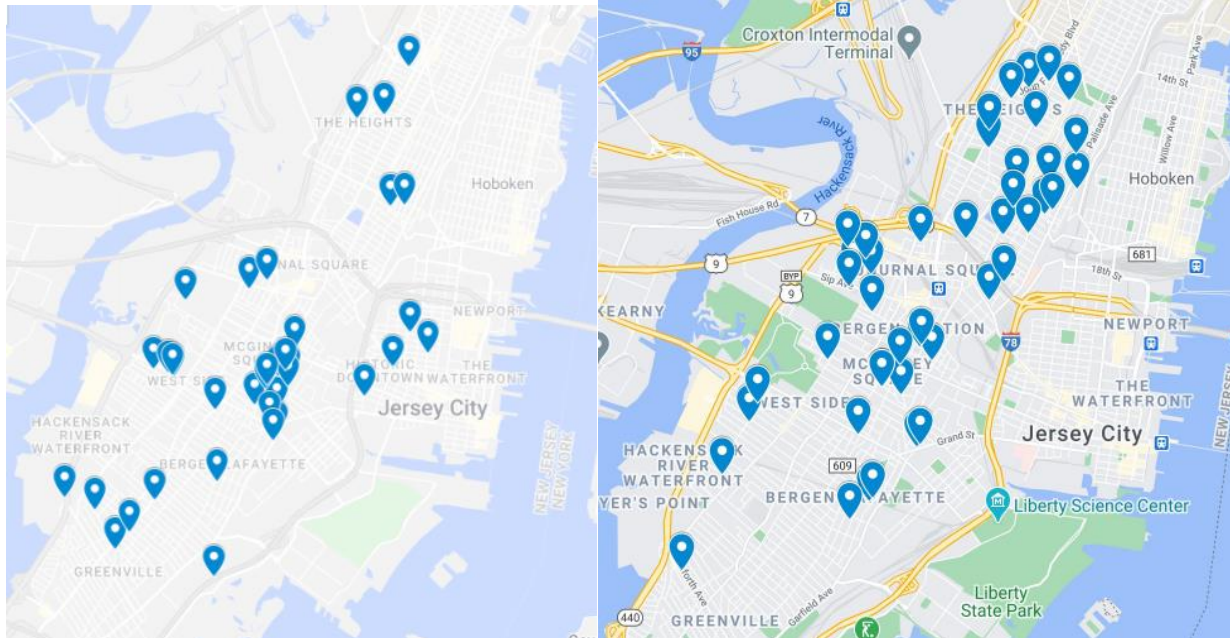
Case#	Type	Zone
Z20-071	use	C/A
Z20-071	height	C/A
Z20-071	compact car spaces	C/A
Z20-072	use	C/A
Z20-072	height	C/A
Z20-072	compact car spaces	C/A
Z20-095	use	C/A
Z20-095	height	C/A
Z20-095	setback-rear yard	C/A
Z20-095	building coverage	C/A
Z20-095	lot coverage	C/A

- In 2021, 11 Variances were granted in the C/A compared to 4 in 2020.

## 2021 “D” Variances in R-1

## 2020 “D” Variances in R-1

### Map of Locations for all D Variances in the R-1 zone



In 2021, there was a concentration of Use Variances in the “McGinley Square”, “West Greenville”, and “West Side” neighborhoods. In 2020, the bulk of “d” Variances were given in the “Heights”, “Greenville”, “Marion”, and “McGinley Square” neighborhoods.

### Staff Recommendations

#### **Article 9. Zoning Board of Adjustment**

##### **40:55D-70.1 Report on variance applications, amendment recommendations.**

The Board of Adjustments shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendments or revision, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board. (added by the 1985 amendments to the MLUL)

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 insure 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. This, the

mandatory reexamination by the planning board of the master plan and zoning ordinance, at least every six years, (*now ten*) is intended to inform the governing body of the need for revision in the plan and ordinance based on significant changes in the community since the same such reexamination. Similarly, the 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 appeal for the same types of variance by encouraging the governing body to amend the ordinance so that such appeal will 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)** (content in italics added by staff)

The first zoning legislation introduced in New Jersey was in 1918. The New Jersey Constitution was amended in 1927 to expressly authorize municipalities to zone. However, it is not until the ratification of the 1947 Constitution where municipalities were enabled the right to land use regulation within the designation of the police powers granted to the legislative branch.

Article IV, Section VI.

2. The Legislature may enact general laws under which municipalities, other than counties, may adopt zoning ordinances limiting and restricting to specified districts and regulating therein, buildings and structures, according to their construction, and the nature and extent of their use, and the nature and extent of the uses of land, and the exercise of such authority shall be deemed to be within the police power of the State. Such laws shall be subject to repeal or alteration by the Legislature.

Substantial amendments were made in 1948, 1949, and 1953. Mainly, these amendments introduced

- 1) The authorization of granting use variances based on special reasons (previously use variances were only granted with proof of undue hardship)
- 2) Introduction of the negative criteria for both “c” and “d” variances, “provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.”
- 3) Restricting the authority to grant “d” variances to the Zoning Board of Adjustment

The first Jersey City Zoning Ordinance was created in 1931, and included 5 districts: 2 residential, 1 business, and 2 industrial. The zoning ordinance was amended in 1957, 1963, but it is not until the 1974 zoning amendment that the delineated zoning districts begin to 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:

- The R-1 permitted a 3-story 1 or 2-family house on a 25x100 lot.
- The R-2 permitted 1 and 2 families, along with 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

- The R-3 and R-3A permitted 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.
- Finally, the R-4 again permitted 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.

The City continued to make amendments to the 1974 overhaul up until the introduction the today's current zoning: the Jersey City Land Development Ordinance adopted in 2001. However, none of the amendments from 1974 to 2000 have as many drastic changes as the ordinances from 1951, 1963 and 1974.

The biggest change in the 2001 Land Development Ordinance zone change would be to take all the lots zoned R-1 and R-2 and combine them to be our current version of R-1, simply a 3-story 1-or 2- family house on a 25x100 lot. Historically, there were very few lots zoned R-1, one and

two family housing, and the majority (near entirety) of the low-rise residential would be zoned R-2. The prior R-2 zoned by density, permitted 4 stories, townhouses, garden apartments, and in some location ground floor retail. In fact, the zoning 1963 and before always permitted apartment houses and rooming houses in the areas now only permitting 1 and 2 family housing.

From a historic perspective, the type of zoning and the time it was created makes sense based on current Federal policy and Supreme Court land use decisions.

The 1931 ordinance came after the Village of Euclid, Ohio v. Ambler Realty Co. (1926). Jersey City's first zoning ordinance in 1931 until 1963 are clear examples of Euclidean zoning (single-use zoning).

The 1974 Zoning Ordinance begins to introduce mixed uses where in the residential zones, ground floor retail is also permitted. Performance zoning started to become incorporated into the code and the code started to provide additional regulations for uses that would limit the negative impacts it could have. This, of course, does not take into account the impact of redevelopment plan areas which would have been permitted as early as 1947, and today half the of City lies in a Redevelopment Zone.

The 2001 Jersey City Land Development Ordinance, currently used today with amendments as recent at 2017 represents hybrid zoning. Amendments are based on a variety of reasons, some being market forces, as shown by the annual number of zoning applications. (2009 marks The Great Recession) This argues further in favor of the need to correct zoning.

#### **Chapter 345 Zone Changes that were made in 2021:**

1. . § 345-17. - Traffic Impact Assessment.  
Amended 1-13-2021 by Ord. No. 20-112  
The purpose of this amendment is to address existing and proposed bike network facilities proposed in the Bike Master Plan, recommendations and improvements to the City school travel plan as well as the latest annual Vision Zero Action report and Pedestrian Enhancement Plan, and lastly add trip generation for ride-share and deliveries.
2. § 345-18. – Shadow analysis and visual impact assessment. Amended 1-13-2021 by Ord. No. 20-112. Purpose. To demonstrate the impact of building development applications citywide on its surroundings showing the maximum extent of the shadow lengths from the Winter solstice, Summer solstice, and Spring/Fall solstice.
3. Storm water Control Ordinance (345-74) In accordance with NJDEP's amended Storm water Management Rules (N.J.A.C. 7:8).

#### **Building Permits Authorized for Jersey City**

Building Permits, By Year				
	2018	2019	2020	2021
Jersey City	3,850	6,365	4,762	4,073
Hudson County	6,205	8,596	6,736	5,243
New Jersey	26,048	30,770	25,497	31,473

The data indicates a decrease in growth in the number of units authorized via building permits issued for development in Jersey City and the County but an overall increase for the State of New Jersey.

**The previous annual zoning reports suggest the following -**

**Prior annual zoning reports recommendations yet to be addressed, but still relevant:**

- 1) Implement the new approved Jersey City 2020 Master Plan recommendations (refer to Appendix).
- 2) A complete analysis of the current zoning in the R-1 zone for 1 and 2 family housing throughout certain sections of the City.
- 3) An analysis of the “West Side”, “Heights”, “McGinley Square” and “West Greenville” section should be conducted to determine if R-1 zoning is the most appropriate zoning. 2021 variances for this neighborhood were related to the intensity of use and density.

## Appendix

### **IMPLEMENTATION MATRIX**

This Land Use Element represents not only a product of much time and effort, but also the beginning of a process that involves altering conditions, regulations, and procedures in Jersey City. Some of these changes will require further, more detailed studies and plans. Sustained public involvement is necessary to bring the items in this plan to fruition.

The summary of recommendations below identifies specific steps the City can take to carry out recommendations within this element. The matrix can be used as a "To Do" list, intended to help the City track its implementation progress. It is recommended that the City review and update this matrix yearly.

Most of the items listed are related to zoning, which would ultimately be carried out by City Council in coordination with City Planning staff. Some activities may involve further study, budget commitments, or capital expenses. In addition, some activities may involve action and coordination with other involved agencies. Nearly all recommendations will require additional community engagement. If a zoning district is not listed in this section, it means that no changes have been identified.

#### **Residential Areas and Districts**

##### **R-1 District**

###### **Proposed Regulatory Changes**

###### **Residential Density:**

- Consider allowing three families as a conditional use. Conditions could include provisions to limit or reduce the number of curb cuts, discourage demolition of existing housing, reduce impervious coverage, and promote smaller and more affordable units.
- Establish an overall residential density in the R-1 district to accommodate 2- or 3-unit dwellings on a 25x100 lot, with additional residential density to promote restoration of historically significant structures.

###### **Bulk Provisions:**

- Adjust bulk provisions to:
  - Provide for attached housing, which can create a more continuous street frontage and eliminate side yards that have minimal usage;
  - Reduce large front yards that tend to be used for off-street parking;
  - Standardize building height requirements; and,
  - Increase permeable coverage on individual lots.
  - Prioritize lot width over lot depth as well as lot area.
- Consider creating design guidelines that promote rehabilitation and/or compatible new development.
- Provide that senior housing follows the same bulk controls but not necessarily same density as rest of district.

###### **Parking:**

- Do not permit off-street parking on lots less than 50 feet wide and restrict curb cuts to a maximum of 10 feet for every 50 feet of lot frontage. This would promote development that is less disruptive to the pedestrian streetscape and that increases available on-street parking.
- Base parking requirements on bedrooms, not total unit count (0.2 space per bedroom).
- Enforce prohibitions on parking in front yard.

###### **Use Provisions:**

- Allow ground-floor restaurants as conditional uses at corners and along wide streets, to promote the location of more goods and services within walking distance.
- Permit the conversion of street-facing garages into small businesses.

**Map Changes:**

- Consider rezoning areas where it may be appropriate to reflect the existing multifamily land use character or the desired development pattern based on the existing context.
- Consider creating a new zoning district or R-1 overlay zone to preserve the scale of for low-rise (2-story) areas.

**Public Realm Recommendation**

- Right size traffic lanes and reclaim additional cartway width for dedicated bike lanes. Provide shared bike lanes (with traffic) on narrow right-of-ways.

**R-1A/R-1F Districts**

- Merge the R-1A districts into R-1F to allow three-family units in these areas as a conditional use. If separate districts are maintained, establish residential density as in the R-1.

**R-3 District**

- Adjust graduated density requirements and consider graduated height requirements that correlate with these densities.

**R-4 District**

- Simplify height stepback requirements
- Consider elimination of some of these areas and incorporating them into other districts.
- Increase allowable height to 14 stories (from 4-8 stories, allowable height is currently dependent on use)

**Use Provisions for All Residential Districts**

- Standardize bulk requirements for each district regardless of use and create a use table which clearly indicates what uses are allowed. This will help to maintain cohesion and clarity for development in each zone and allow for changes to a building's use once it is constructed.
- Allow detached garages and carriage houses to be converted to accessory dwelling units (ADUs) to increase affordable housing options.

## Commercial Areas and Districts

### Neighborhood Commercial Districts and Transit Nodes

#### *Proposed Regulatory Changes*

- Consider new zoning in neighborhood centers and around HBLR stations to promote density and commercial activity around existing infrastructure. Three scales of NC districts are proposed, each tailored to a different context. For areas that are located in redevelopment plan areas, these scales should be considered in future redevelopment plan revisions.
- NC-S: Small-Scale Neighborhood Centers – 5 stories, required mixed-use (apartments over ground-floor retail). NC-S may be appropriate for following areas:
  - Ocean and Lembeck Avenues
  - Danforth Avenue and Old Bergen Road
  - Central Avenue
  - The Junction
  - Areas adjacent to the 2<sup>nd</sup> Street, 9<sup>th</sup> Street-Congress Street, and Garfield Avenue HBLR stations
- NC-M: Medium-Scale Neighborhood Centers – 6-8 stories, required mixed-use or commercial. NC-M may be appropriate for following areas:
  - West Side Avenue (from Communipaw Avenue south to the HBLR tracks and including the station area)
  - Newark Avenue (west of Summit Avenue)
  - Five Corners
  - Martin Luther King Avenue HBLR station area
- NC-L: Large-Scale Neighborhood Centers – 8-12 stories, favored mixed-use, commercial, government facilities with required publicly accessible active street-level uses. NC-L may be appropriate for following areas:
  - McGinley Square
  - Areas surrounding the Journal Square commercial core

#### *Public Realm and Open Space Recommendations*

- Use bulk standards to create publicly usable plazas to create a central open space ("market square") and support new commercial uses. Program public plazas with street furniture and other urban streetscape elements, and create zones for ongoing, programmed activities like farmer's markets, local festivals, and street food vendors.
- Expand central public space where possible and create curb extensions at wide intersections. Create new open space by reclaiming right-of-way.
- Limit on-street parking in areas near the market square and promote non-auto transportation.
- Right size traffic lanes to reclaim additional right-of-way for bike lanes and expanded sidewalks.
- Incorporate all urban streetscape elements such as uniform signage, planting, lighting etc. to enhance the identity of the neighborhood center.

### Gateway Commercial Zone

- Create a Gateway Commercial Zone along commercial corridors that are vehicular entry points to the City. This zone would seek to improve the public realm to enhance the pedestrian experience, lessen nuisance impacts to nearby neighborhoods, and limit drive-thru commercial activities in favor of uses oriented to the street. Consider this zone for the following areas:
  - Communipaw Avenue west of West Side Avenue (currently zoned C/A)
  - Route 139 west of Palisade Avenue (currently zoned R-1)
  - Southern portion of Kennedy Boulevard (currently zoned NC)

## Regional, City, and Neighborhood Corridors

### Proposed Regulatory Changes

- On regional and city Corridors, consider increased density at key intersections while respecting scale of surrounding neighborhoods.
- For city corridors:
  - Standardize minimum street wall height.
  - At intersections, require buildings to build to the edge of sidewalk.
  - Limit all surface parking at these smaller scale nodes and consider eliminating front yards.

### Public Realm and Open Space Recommendations

- Design intersection treatments to enhance safety for pedestrians and bicyclists and organize traffic movement.
- Allow temporary parklets in on-street parking lots on city and neighborhood Corridors.
- In high density areas, create zones for drop-off and street food vendors. Prioritize planting where active uses don't include restaurants or need outdoor seating. Provide infrastructure for multi-modal connectivity. Prohibit curb cuts and accommodate parking in building structures.
- In low- to medium-density mixed-use areas, right-size traffic lanes and reclaim space to widen sidewalks to support active uses. Provide infrastructure for multi-modal connectivity.
- Limit parking at intersections and prioritize installation of urban streetscape elements such as trash cans, lighting, signage etc., especially in dense areas.
- Consider density bonuses for new public open space and capital improvements.

## Large Format Commercial

- The following principles should be used when considering zoning changes, redevelopment plans, or site plan approval for large-format commercial areas.
  - Identify opportunities, including extending existing streets, to re-establish the street grid in future development or redevelopment.
  - Orient redevelopment to the pedestrian, with buildings, not parking, addressing the street.
  - Expand the range of permitted uses, including institutional users, recreation, health-care, entertainment, and arts and cultural uses.
  - Leverage opportunities in future development to right-size parking, allowing for reduced impervious coverage and increased landscaping.
  - Facilitate the restoration of wetland habitat areas along Route 440.
  - Prioritize streetscape improvements and enhanced bike/pedestrian connections to nearby transit facilities and adjacent development.

## Use Provisions for Commercial and Industrial Districts

### All Commercial Zones:

- Consider allowing multiple uses in one space, e.g. food halls and stores that also include cafes and offer classes.
- Allow auto repair uses where auto sales are permitted.
- Allow reuse of auto garages for cafes, maker spaces, and small-scale manufacturing uses.
- Allow offices and medical offices wherever other commercial uses are permitted.

### **All Industrial Zones:**

- Provide for greater flexibility in office and light industrial uses (alone or in combination):
  - Shared office space (co-working), shared labs, and shared kitchens.
  - Business incubators
  - Labs
  - Artisan manufacturing
  - Small-scale food production/commercial kitchens
- Allow breweries, distilleries, film production, green manufacturing, indoor recreation, urban agriculture, and similar uses.
- Eliminate industrial parks, cyber hotels, and car washes as permitted uses.
- Allow port-related uses where located near highway access and with limited impacts on residential areas.
- Establish buffering, screening, and landscaping requirements for technology and telecommunications infrastructure facilities.
- Develop guidelines that encourage green land and building development.
- Identify and redesign key connector streets to integrate industrial areas with surrounding residential neighborhoods

### **Revise WPD Zone**

- Incorporate parcels in HC district on east side of Route 440 into a combined and revised WPD zone, providing for the following:
  - Require incorporation of a public walkway (where not already required) as part of all redevelopment and future plans for Route 440 Boulevard.
  - Require street improvements including landscaping, bike and pedestrian infrastructure for upland-waterfront connectors.
  - Promote development that faces Route 440 and contributes to the streetscape along the corridor with attractive buildings, signage, and landscaping.
  - Eliminate townhouses and warehousing/distribution as principal permitted uses, animal shelter as conditional use.
  - Clearly permit mixed-use.
  - Standardize area/bulk provisions
  - Consider additional height (current max. is 8 stories for multifamily).
  - Ensure that large-scale housing or mixed-use is well-connected into the neighborhood fabric. In particular, do not permit gated residential projects.

### **Other Zoning Map Changes**

#### **CBD and O/R Districts**

- Consider elimination of these areas and incorporating them into other districts.

#### **Highway Commercial**

- Consider rezoning identified areas along Tonnele Ave (Route 1&9) to C/A



## Institutional and Open Space Districts

### Governmental (G) District

- Consider elimination of the G zone and replacing it with a residential zone as appropriate.

### University (U) District

- Consider Overlay Zone for areas around Institutional Districts.

### Open Space (OS) District

- Consider identified areas where OS may be appropriate.

### Cemetery (C) District

- Evaluate C district boundaries to ensure they are appropriate and up-to-date.

## Other Land Use Recommendations

### Sustainability and Resiliency

- Implement transportation and land use actions in the Climate Action Plan.
- Consider expanding the Flood Overlay Zone green infrastructure approach to other parts of the City.
- Continue to identify and remediate contaminated sites.
- Adopt programs to reduce energy use and greenhouse gases and increase energy efficiency of buildings. Encourage new development/redevelopment to be compatible with U.S. Green Building Council (USGBC) principles, or equivalent.
- Preserve remaining natural wetland areas and restore environmentally sensitive habitat areas.
- Promote and expand recycling and composting and increase the reuse of natural resources.
- Ensure that zoning and building codes incorporate best practices for solar panels, cool roofs, and other sustainability measures. This could be done through a sustainability checklist for site plan review of buildings over 25,000 sf.
- Consider parking regulations that encourage or require electric vehicle charging stations in large-scale construction. New buildings over a certain size should be constructed to be EV-ready.
- Adopt EV charging ordinances as consistent with state legislation, and consider EV parking regulations that further encourage these spaces in large-scale projects.

## Parks, Open Space, and Community Facilities

*Note: These recommendations are described further in the Open Space and Community Facilities Element. See that plan for more details.*

- Surround community facilities and parks with pedestrian and bicycle infrastructure. Improve sidewalk accessibility, increase pedestrian-scale lighting, and increase mid-block crossings on Communipaw Avenue at Martin Luther King Drive, Bergen Avenue at Pavonia Avenue and Academy Street, Sip Avenue at Corbin Avenue and Jones Street, and along Route 139 headed downtown.
- Connect proximate parks and open spaces through walking and biking infrastructure. Enhance pedestrian and bicycle facility in environmental justice, high stress locations close to community facilities and parks.
- Link and invest in community resources close to existing or future transit stations and stops. Locate new transit, bus, and micro mobility stations in gap area neighborhoods.
- Ensure that greenways are continuous connections that provide road transportation and creative spaces. Incentivize redevelopment and new development adjacent to greenways to connect to the larger system.
- Identify and establish a City-wide greenway network that is off-road wherever possible. Reclaim wide east-west rights-of-way and underutilized vacant land corridors to create a continuous protected greenway "boulevard," leveraging plans like Bergen Arches, Hackensack River Greenway, the Harsimus Stem/ Sixth Street Embankment, and Reservoir 3, wherever possible.
- Acquire new land parcels for open space. Prioritize new park investments and land acquisition in the Greenville, West Side, Hilltop, and Journal Square neighborhoods, where access to park space is limited.
- Balance the open space, facility, and recreation system. Rebalance park amenities based on trends and geographic distribution. Reuse underutilized City-owned parcels or facility "yards" for open space/recreation. Coordinate major development projects with new open space creation.
- Prioritize reinvestment in existing parks in environmental justice communities. Renovate a park or build a new community resource to close the community resource gap in Greenville/Ward A.
- Tie future development to expanded space (indoor/outdoor). Craft joint-use agreements and partnership standards to incentivize developers to create needed community amenities, like recreation centers.
- Connect Police and Fire facilities and grounds with their communities. Transform leftover outdoor spaces next to fire stations and police stations into pocket parks with native plantings and seating.
- Repurpose curb bump outs as micro pocket parks or rain gardens. Prioritize areas in gaps, high stress areas, or near schools/libraries. Work with the Municipal Utilities Authority, Engineering Department, Department of Public Works, and other partners.
- Create habitats in underutilized or interstitial spaces and along waterfront shorelines.
- Adapt buildings for climate readiness and education using the metrics in the Climate Action Plan. Upgrade HVAC systems. Invest in redundant systems and disaster preparedness for all community facilities in case of emergencies or to serve as cooling centers during the summer months.
- Expand tree coverage equitably throughout the City. Adopt and follow an Urban Forest program. Maximize tree coverage in park and community facility properties and within adjacent public right-of-ways.
- Reduce impervious surfaces on City-owned land. Retrofit City buildings with green roofs and porous outdoor surfaces.
- Create avenues for residents to support green infrastructure on private property. Create incentives for private residents to maintain wild flora and fauna and increase pervious surfaces on private property.

## Affordable and Workforce Housing

- Encourage the continued development of a variety of housing, ranging from affordable to moderate-income and market-rate units, through set-aside requirements in new development, designation of affordable units within existing housing stock through per-unit buy-down programs, and preservation of naturally occurring affordable units.
- Consider allowing accessory dwelling units (ADUs) in existing garages and carriage houses throughout Jersey City, providing further options for smaller and more affordable units that can be interspersed throughout residential neighborhoods.
- Adopt an Inclusionary Zoning Ordinance, which would address affordability requirements for new residential projects.

## Parking and Curbside Management

- Re-examine parking requirements in the Land Development Ordinance (LDO).
- Consider parking strategies within the LDO including:
  - Update parking requirements based on urban and transit-oriented use standards.
  - Consider overlay districts around transit that promote less parking and higher density.
  - Incorporate provisions for shared parking
  - Switch from parking minimums to parking maximums throughout the City.
- Implement programs to encourage alternative transportation and other transportation demand management (TDM) measures.
- Standardize parking requirements in redevelopment areas and require redevelopers to prepare a parking demand analysis as well as the required traffic study for new development.
- Freeze permits for new curb cuts to determine which are permitted vs. illegal and assess the impact of future cuts on the same block. Consider requiring registration of new curb cuts.
- Prepare a Curbside Management Plan or program including:
  - Recommended locations to implement bike corrals, ride-hailing zones, and loading zones;
  - Standards to mitigate commercial deliveries and traffic on residential streets;
  - Encourage deliveries to be made by bicycle rather than automobile; and
  - Identification of a community demonstration project to test streetscape improvements.

## Design Guidelines for Gateways

- Develop streetscape, landscaping, and signage guidelines for gateway areas including:
  - Newark Avenue (gateway connecting Journal Square to Downtown), particularly at 6<sup>th</sup> Street/Division Street/Mary Benson Park.
  - Jersey Avenue (Downtown gateway): 2<sup>nd</sup> Street at the north, Grand Street to the south.
  - Entrances to the City at Route 440 and Communipaw Avenue, Jersey Avenue/Marin Boulevard from Hoboken, either end of Kennedy Boulevard, and Tonnele Avenue.
  - Access to/from the City from the Holland Tunnel (14<sup>th</sup> Street and 12<sup>th</sup> Street).

## Signage

- Implement a City-wide update to signage regulations, including:
  - Design guidelines for NC and similar zones based on building context and transit proximity.
  - Revise regulations to allow blade signs and give guidance on storefront and billboard signs.
  - Create signage guidelines for historic districts and district identifiers.
  - Address sign rules for commercial uses in residential areas, e.g. lighting, height, materials.

## Wireless Communications

- Adopt a wireless communications ordinance to address siting, bulk, and aesthetics.

## Bus and Micro Transit

- Coordinate with NJ Transit and other bus providers on major new developments to ensure that bus transportation is located and timed to effectively serve new residents. Bus operators should be part of any community benefit negotiations in new or revised redevelopment plans.
- Work with NJ Transit to upgrade bus shelters and related amenities throughout the City, with a focus on socially vulnerable/environmental justice areas and areas located at least a half-mile from fixed-route transit.
- Collaborate with neighborhood groups to determine needs for operational and route changes to bus service in order to better serve residents.
- As part of the Circulation Element, explore the potential for bus rapid transit (BRT) on select corridors as appropriate. Continue to support and expand, as needed, the Via network to enhance transit options within Jersey City and connect neighborhoods.

## Redevelopment Planning

### Consistency and Relationship to Adjacent Neighborhoods

- In new/amended redevelopment plans, provide clear language on urban design, parking, and specific use/bulk controls, with potential project hurdles discussed and addressed between involved agencies.
- Develop more uniform standards and design guidelines across redevelopment plan areas, based on the urban design typologies in the Land Use Element. These guidelines could also require shadow analysis on adjacent neighborhoods and consideration of the public realm.
- Where development incentives are used, incorporate specific milestones to avoid ambiguous goals and objectives that may not be realistic to meet within redevelopment plan timeframes.

### Community Benefits and Open Space

- Improve the process of developing community benefit agreements to take into account the needs of the surrounding neighborhood and the provisions of adjacent redevelopment plans.
  - Work closely with developers to construct new parks and recreation areas that serve the wider area as well as residents of the new development. Where multiple individual developers are located near each other, promote fewer and larger spaces rather than individual, smaller spaces. This could include a requirement to meet with City staff to determine the recreational needs within a half-mile of the redevelopment plan area.
  - On the Hackensack River, incorporate a public walkway as part of all future redevelopment areas with riverfront property and in future plans for the Route 440 Boulevard.
  - Ensure that public access does not feel private, through signage and design treatments.
  - Incorporate a park/open space requirement in large planned developments and explore opportunities to connect to nearby parks and greenways.
  - Require that new or revised redevelopment plans within a half-mile of fixed transit (i.e. PATH or HBLR stations) that include new residential development must meet with the Port Authority and/or NJ Transit to assess potential impacts on existing infrastructure.
  - Require that new redevelopment plans within priority areas identified in the Resiliency Master Plan as vulnerable to climate change must incorporate resiliency and adaptation strategies. Review existing redevelopment plans in these areas to reflect these strategies.

### Transition to Traditional Zoning

- Incorporate some redevelopment plan areas either into adjacent zoning or a new/existing zoning district that allows for the existing development. Revise other redevelopment plan areas to reflect current priorities.
- Consider designating future redevelopment plans as overlay zones, rather than superseding zones, to give property owners flexibility of "opting in" and ease transition to traditional zoning.

### New/Revised Redevelopment Plans

- Consider new redevelopment designations or revisions to existing redevelopment plans for the following areas:
  - Hudson County complex at Cornelison Avenue between Montgomery/Academy Streets
  - Sixth Street Embankment
  - Water Street Redevelopment Plan (revise)
  - Morris Canal Redevelopment Plan (revise)

## Historic Preservation Planning

### New Historic Districts

- Consider the following areas for designation as local historic districts:
  - Bergen Hill
  - Communipaw-Lafayette
  - Hudson City (a.k.a. Sherman Place)

### Update Historic Preservation Element and Cultural Resources Survey

- Update historic preservation planning documents and incorporate the following:
  - Reflect diversity of Jersey City's history, focusing on communities of color, immigrants, and other marginalized populations.
  - Revisit historic preservation design guidelines in flood hazard zones.
  - Increase development/staff resources to handle the demolition ordinance.

### Existing Historic Districts

- Consider expansion of Hamilton Park and Harsimus Cove Historic Districts along their western edges.
- Adjust underlying zoning in the West Bergen-East Lincoln Park District to address parcels in multiple zones.
- Review the edges of all H districts to identify and eliminate split-zoned lots.
- Revise bulk standards in historic districts to allow for higher density, to match surrounding existing buildings, and for greater height, to incorporate the base flood elevation while matching predominant row height. This will address regular variance requests for new buildings to achieve the same bulk as existing buildings.
- Supplement the design standards for infill development to include a requirement to meet the prevailing height and setback of adjacent structures facing the same street, as well as structures across the street.
- Review the list of permitted uses in historic districts to allow uses that lend themselves to adaptive reuse, e.g. bed and breakfasts.
- Allow adaptive reuse to be considered as positive criteria for variance requests, which would provide for Historic Preservation Commission (HPC) staff to be consulted in such applications, and the Department of the Interior standards for adaptive reuse to be followed.

### Staffing and Funding (see draft Chapter 5, p. 118)

- Continue to pursue efforts to achieve designation as a Certified Local Government (CLG), which would allow the HPC to receive matching federal grants for historic studies and preservation efforts.
- Hire at least one additional Historic Preservation Specialist to address increased workload with the creation of the West Bergen-East Lincoln Park district. Hire additional staff with the creation of any new historic district.