



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-041

TITLE: **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE
IN SUPPORT OF SUSTAINABLE ZONING**

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 unintended impact of urbanization can be food insecurity, malnutrition, and lack of recreational open space; and

WHEREAS, the creation of a more sustainable, healthy city includes identifying ways to provide adequate, reliable access to food supplies for all of its residents, maintaining recreational spaces, and revitalizing the urban landscape through waste and water management; and,

WHEREAS, urban agriculture also encompasses urban food production, which will help create food security, generate income for residents, promote healthier lifestyles, and provide opportunities for both environmental education and revitalization; and

WHEREAS, the Planning Board of Jersey City, at its meeting of March 22, 2011, did discuss and approve a motion recommending that the Municipal Council adopt the amendments contained herein; and

WHEREAS, the amendments to the Jersey City Municipal Code and Land Development Ordinance are included below, 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 as follows:

The Land Development Ordinance shall be amended as follows.

New material intended to be enacted is indicated by bold italics *thusly*.

Article I – Section 345-6. Definitions

Agriculture, Community Gardening – land that is held publicly or privately and is used collectively for the cultivation and harvesting of herbs, fruit, flowers, and vegetables, including the cultivation and tillage of soil. Cultivation can be done in outdoor raised planters or greenhouses, hydroponically or in soil. Cultivation and harvesting of illegal and controlled substances shall not be permitted.

Agriculture, Commercial – land that is used for cultivation and harvesting of herbs, fruit, flowers, vegetables, and soil in which plants are raised outdoors in planters, in greenhouses, in buildings or on rooftops. Plants may be grown hydroponically or in soil, for sale either as food, use in landscaping, or ornamental purposes. Cultivation and harvesting of illegal and controlled substances shall not be permitted.

Green Roof - A vegetated roof system used in place of a conventional roof which typically involves a water proof membrane and root repellent system, a drainage system, filter cloth, a lightweight growing medium and species appropriate plants.

Article V- Section 345-60. Supplementary zoning regulations

V. Agriculture

- 1. Community gardening: Shall be permitted in all zones and redevelopment plan areas, and it is exempt from site plan approval. When community gardening is done on city owned land, it is subject to the Jersey City "Adopt-A-Lot" Program standards and requirements.*
- 2. Commercial agriculture: Shall be permitted in all commercial, industrial and mixed use redevelopment plan area zones. Commercial greenhouses of 5,000 sq. ft. or less in area are exempt from site plan approval but shall be subject to the maximum, but not the minimum, height regulations of the zone they are located within. Greenhouses shall be required to meet minimum setback requirements of 2 feet for each sideyard, 5 feet for the rear yard and 5 feet for the front yard.*
- 3. Rooftop gardens and Raised planters: Shall be permitted in all zones and redevelopment plan areas, and shall be exempt from setback requirements and site plan approval.*

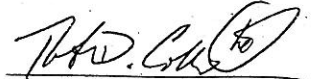
W. Green Roofs

- 1. Green roofs shall be exempt from the rooftop area limit of 20% for rooftop appurtenances, as per Section 345-60.G.2.*
- 2. Green roofs shall be exempt from site plan approval, unless their installation is part of a project that exceeds the threshold for Site Plan review as per Section 345-16.*
- 3. Ancillary green roof equipment and structures, including but not limited to the installation of a greenhouse, shall be subject to the maximum height for exceptions for roof appurtenances, as is outlined in Section 345-60.G.1. of the Land Development Ordinance*

BE IT FURTHER ORDAINED THAT:

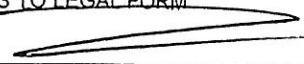
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City 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.



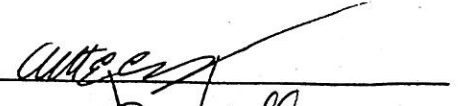
Robert D. Cotter, PP, AICP
Planning Director

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED:



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 IN SUPPORT
OF SUSTAINABLE ZONING

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

Carl S. Czaplicki, Director, Department of Housing, Economic Development, and Commerce

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

Amends Article I Definitions and Article V of Chapter 345 to define and create standards for agriculture and greenroofs.

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

This ordinance amends the zoning ordinance to address newuses that support sustainable zoning practices accepted throughout the State of New Jersey. It specifically amends Article I Definition and Article V Supplementary Zoning of Chapter 345 to define agriculture and green roofs and establishes simple standards for same.

5. Anticipated Benefits to the Community:

Sustainable Jersey Silver Certification

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.:

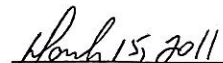
Carl S. Czaplicki, Director, Dept of HEDC
Robert D. Cotter, City Planning Director

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.



Division Director



Date



Deputy
Department Director Signature

MARCH 15, 2011

Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE IN SUPPORT OF SUSTAINABLE ZONING

This ordinance amends the zoning ordinance to address new uses that support sustainable zoning practices accepted throughout the State of New Jersey. It specifically amends Article I Definitions and Article V Supplementary Zoning of Chapter 345 to define agriculture and green roofs and establishes simple standards for same.

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

ORDINANCE NO. Ord 11-041
 TITLE: 3.F. MAR 23 2011 4.F. APR 13 2011



Ordinance of the Municipal Council of the City of Jersey
 City adopting amendments to the Land Development
 Ordinance in support of sustainable zoning.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
MAR 23 2011 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			AHMAD	✓		
LOPEZ	✓			RICHARDSON	✓			VELAZQUEZ	✓		

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
APR 13 2011 9-0											
Councilperson <u>VELAZQUEZ</u>				moved, seconded by Councilperson <u>DONNELLY</u>				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			AHMAD	✓		
LOPEZ	✓			RICHARDSON	✓			VELAZQUEZ	✓		

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

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.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				AHMAD			
LOPEZ				RICHARDSON				VELAZQUEZ			

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

RECORD OF FINAL COUNCIL VOTE											
APR 13 2011 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			AHMAD	✓		
LOPEZ	✓			RICHARDSON	✓			VELAZQUEZ	✓		

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

Adopted on first reading of the Council of Jersey City, N.J. on MAR 23 2011

Adopted on second and final reading after hearing on APR 13 2011

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on APR 13 2011

Robert Byrne
 Robert Byrne, City Clerk

APPROVED:
Peter M Brennan
 Peter M. Brennan, Council President

*Amendment(s):

Date: APR 13 2011
 APPROVED:
Jerramiah T. Healy
 Jerramiah T. Healy, Mayor

Date APR 14 2011

Date to Mayor APR 14 2011