

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

File No. Ord. 20-112
Agenda No. 3.6 (1st Reading)
Agenda No. 4.5 (2nd Reading and Final Passage)



ORDINANCE OF THE JERSEY CITY MUNICIPAL COUNCIL ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE, CHAPTER 345, ARTICLE III, SECTION 17. TRAFFIC IMPACT ANALYSIS AND SECTION 18. VISUAL IMPACT ANALYSIS.

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

WHEREAS, the Municipal Council, pursuant to N.J.S.A. 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of the buildings and structures thereon; and

WHEREAS, the Municipal Council, pursuant to N.J.S.A. 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

Whereas, there is a need to update the requirements for a traffic impact analysis to be consistent with the latest updates of the Circulation Master Plan element and subsequent transportation studies related to pedestrian and bicycle safety; and

Whereas, there is a need to create the requirement and parameters for a shadow analysis study to provide guidance to the Planning Board when making development decisions; and

Whereas, the Planning Board voted to recommend the adoption of this amendment by the Municipal Council at its November 10, 2020 meeting;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY AS FOLLOWS:

that Chapter 345 (Zoning) Article III Section 17 and 18 be amended and supplemented to incorporate the proposed new text as attached hereto, and referenced herein.

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- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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 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 a public hearing thereon, the City Clerk is hereby 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

Business Administrator

Corporation Counsel

Ordinance of the Jersey City Municipal Council Adopting Amendments to the Land Development Ordinance, Chapter 345, Article III, Section 17. Traffic Impact Analysis and Section 18. Visual Impact Analysis.

RECORD OF COUNCIL VOTE ON INTRODUCTION – Dec 16 2020						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	8-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES	ABSENT	

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING –						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	

SPEAKERS:

Yvonne Balcer, Adam Coehn

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY –						
RIDLEY		SALEH		LAVARRO		
PRINZ-AREY		SOLOMON		RIVERA		
BOGGIANO		ROBINSON		WATTERMAN, PRES.		

RECORD OF FINAL COUNCIL VOTE – Jan 13 2021						
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE	9-0
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE	
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE	

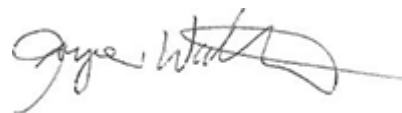
Adopted on first reading of the Council of Jersey City, N.J. on **Dec 16 2020**

Adopted on second and final reading after hearing on **Jan 13 2021**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Jan 13 2021



City Clerk



Joyce E. Watterman, President of Council
Approved: Jan 13 2021



Steven M. Fulop, Mayor
Date to Mayor: Jan 13 2021
Approved: Jan 14 2021

Ordinance of the Jersey City Municipal Council Adopting Amendments to the Land Development Ordinance, Chapter 345, Article III, Section 17. Traffic Impact Analysis and Section 18. Visual Impact Analysis.

FACT SHEET -

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Project Manager

Tanya Marione, Director of Planning	201-547-5010	tanyam@jcnj.org
Division	Division of City Planning	

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 1:00 p.m.)

Purpose

To adopt updated requirements for traffic impact studies and create requirements for shadow studies for development applications

Cost (Identify all sources and amounts)

0

Contract term (include all)

ATTACHMENTS:

[Traffic Assessment and Shadow Study Analysis for Council](#)

Approved by

- Tanya Marione, Director of Planning
- Annisia Cialone, HEDC Director
- John McKinney, Attorney
- Peter Baker, Corporation Counsel
- Amy Forman, Attorney
- Nick Strasser, Attorney
- Norma Garcia, Attorney
- Ray Reddington, Attorney
- Jeremy Jacobsen, Attorney
- Sapana Shah, Attorney
- Elizabeth Barna, Assistant Corporation Counsel
- John Metro, Director of Finance

Status:

- Approved - Nov 30 2020
- Approved - Dec 01 2020
- None
- None
- None
- None
- None
- Approved - Dec 02 2020
- None
- None
- None
- Approved - Dec 08 2020

Proposed Amendments

Material indicated by strikethrough ~~like this~~ is existing material intended to be deleted. Material indicated by bold italic **like this** is new material intended to be enacted. Highlighted added for ease.

§ 345-17. - Traffic impact assessment.

- A. ~~When Required. The Division of City Planning shall require a traffic impact assessment as part of preliminary approval of major subdivision or major site plan may be waived at the discretion of the Division Director~~ **for applications that require major site plan or for a major subdivision, whether or not parking is proposed. Additionally, a traffic impact assessment shall be required for minor site plans where parking is proposed. Waivers may only be granted at the discretion of both the Director of the Division of City Planning and the Director of the Division of Traffic Engineering.**
- B. General Provisions.
1. The traffic impact assessment shall be prepared by a New Jersey licensed professional engineer having appropriate experience and education.
 2. All relevant sources of information used in the preparation of said statement shall be identified.
- C. Submission Format. All traffic impact assessments shall provide a description of the impact and effect of the proposed land development upon all roads which are adjacent to or immediately affected by traffic and shall specifically address the following items:
1. Existing conditions in the vicinity of the proposed project including:
 - a. Roadway network.
 - b. Representative traffic counts, not during holiday or summer periods (or with appropriate statistical adjustments for counts during the summer months).
 - c. Traffic accident statistics.
 - d. Availability of public transportation.
 - e. Level of service of adjacent roadways.
 - f. Existing bike network**
 - g. Bike network and facilities proposed in Bike Master Plan**
 - h. All recommendations and improvements for the site and vicinity made in the Jersey City school travel plan**
 - i. All existing and recommended improvements within the latest annual Vision Zero Action report and Pedestrian Enhancement Plan**
 - j. Number of on street parking spaces on the block the property is located on. Report should specify if on street parking is residential permit parking (Zone and zone regulations must be specified), designated loading spaces, and metered spaces. Report should also identify multi-unit buildings without onsite parking.**
 2. **Vehicular, Bicycle, and Pedestrian** Traffic generated by the proposed development including:
 - a. Trip generation, **must include ride-share and deliveries.**
 - b. Trip distribution.
 - c. Modal split.
 - d. Level of service under proposed conditions.

3. Traffic impacts caused by the proposed development as per change in existing conditions factoring in the projected buildout in the vicinity of the proposed project as defined in the Development Report prepared by the Division of City Planning.
4. Explanation of Traffic Reduction/Traffic Management Plans necessary pursuant to any current Federal, State, or County, **or Municipal recommendations and** requirements, and, where applicable, proposed interaction with appropriate County Transportation Management Areas (TMA).
5. Recommendations for alleviating or diminishing any possible congestion or disruption to the established traffic pattern, **and for the improvement of pedestrian and bike safety.**
6. Any other information requested by the appropriate Division of City Planning reasonably required to make an informed assessment of potential traffic impacts.

§ 345-18. - Visual impact assessment **Shadow Analysis and Visual Impact Assessment.**

- A. When Required. The Division of City Planning **shall require a shadow analysis for all applications with new construction or additions to existing buildings that are 40 ft and over. A visual impact assessment may be required at the discretion of the Division of City Planning to determine if there is any negative impact to the City's scenic corridors and vistas listed in the Master Plan.**

B. General Provisions.

- 1. Shadow Analysis and Visual Impact assessment shall be prepared by a qualified professional, such as, but not limited to, an architect, urban designer, or engineer.**

~~shall require a visual impact assessment as part of preliminary approval of a major subdivision or site plan if, in the opinion of the Division of City Planning, the development could have an adverse affect on the visual environment and may be waived at the discretion of the Division Director. The Division of City Planning shall review the application with specific reference to scenic corridors and vistas. In addition, shadow analysis shall be required for buildings over eighty (80) feet in height.~~

- B. C. Shadow Analysis** Submission Format. All visual impact assessments shall consist of written and graphic materials which clearly present the following information:

1. Project Description. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed and the uses intended. ~~The resident population, working population and visitor population shall be estimated.~~
2. ~~The compatibility or incompatibility of the proposed project shall be described in relation to the following:~~
 - a. ~~City of Jersey City Master Plan.~~
 - b. ~~Hudson County planning documents.~~
 - c. ~~Hudson County Urban Complex Strategic Plan.~~
3. ~~Site Description and Inventory. The suitability of the site for the intended use shall be discussed. This shall include a description of environmental conditions on the site which shall include, but not be limited to, the following items:~~
 - a. ~~Unique Scenic Features. Describe and map those portions of the site that can be considered to have unique scenic qualities and any scenic view from the site.~~

- ~~b. Shadow Constraints. The purpose of the analysis is to demonstrate the impact of the building on its surroundings showing the maximum extent of the shadow lengths on December 21 in the A.M., noon and P.M.~~
- ~~4. Impact. The negative and positive visual impacts of the project shall be discussed.~~
- ~~5. Environmental Performance Controls. The applicant shall indicate the measures which will be employed to minimize or eliminate negative visual impacts on and off site.~~
- ~~6. Alternatives. A discussion of site design and project location alternatives that were considered shall be provided. The discussion shall indicate why an alternative was rejected if it would have resulted in less of a negative impact than the proposed development.~~
- ~~7. 2. Documentation. All publications, file reports, manuscripts or other written sources of information which were consulted in preparation of the environmental impact assessment shall be listed and footnoted. A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately. Dates and locations of all meetings shall be specified.~~
- ~~8. Review. Applicants shall be encouraged or required to provide suitable mitigation for all adverse environmental impacts and other conditions identified in the EIA and/or in the course of the public hearings before the appropriate municipal board.~~
- 3. Elevations of proposed building and surrounding buildings with dimensions shown. Must include roof, parapets, and penthouse/attics. Diagrams should include a north arrow and be drawn to scale.**
- 4. Diagrams of shadow cast by the proposed project should be provided for the following four days of the year. Diagrams must also clearly indicate the existing shadow for comparison:**
- Winter solstice (December 21) – midday sun is lowest and shadows are at their longest
 - Summer solstice (June 21) – midday sun is at its highest and shadows are at their shortest
 - Spring/Fall Equinox (March 21/September 21) – shadows are midway through a period of lengthening
 - The 'worst case' shadow day – the day on which the new shadow is the largest/longest duration.
- 5. On the days the graphical depictions are required, the shadows should be shown on an hourly basis, from one hour after sunrise to one hour before sunset.**
- EXAMPLE: On June 21, the sun rises at 5:48 am and sets at 8:35pm. Therefore shadow graphics should be included at the following times:**
- A.M.: 6:48, 7, 8, 9, 10, 11
 - P.M.: 12, 1, 2, 3, 4, 5, 6, 7, 7:35

D. Visual Impact Assessment Submission Format.

- 1. Elevation of proposed building or project**
- 2. Description of unique scenic features and any scenic view from the site**
- 3. Visual impact the proposal will have on any of the scenic corridors identified in the Master Plan**
- 4. Proposed mitigations to negative impacts**