

City Clerk File No. Ord. 15.052  
Agenda No. 3.C 1st Reading  
Agenda No. \_\_\_\_\_ 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 15.052

**TITLE:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE ADDING A DEFINITION FOR FORMULA BUSINESSES**

**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 buildings and structures thereon; and

**WHEREAS**, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001, (Ordinance No. 01-042), and several amendments since then; and

**WHEREAS**, Article I of the Land Development Ordinance contains definitions; and

**WHEREAS**, the existing glossary does not include a definition for "formula business," which will be beneficial to distinguish from other uses; and

**WHEREAS**, City Council has determined that formula businesses that are easily recognized as offering the same merchandise or menu items and having the same branding and styling as many other locations throughout the region and therefore may detract from established community character and instill a sense of sameness to our commercial areas causing neighborhoods to feel less unique; and

**WHEREAS**, downtown Jersey City supports a great variety of small, unique local businesses while most national chains have been located within enclosed shopping malls, strip shopping centers, or along the waterfront. The Jersey City Municipal Council has determined that this pattern of retail development remain in order to preserve Downtown's distinctive sense of place and unique neighborhood character; 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**, the Planning Board at its meeting of April 7, 2015 did vote to recommend that the Municipal Council amend the Definitions of the Land Development Ordinance to add a definition for Formula Businesses; and

**WHEREAS**, the amendments to the Land Development Ordinance are attached hereto and made a part hereof, 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 that the Land Development Ordinance, be and hereby is amended as per the attached document;

**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, FAICP, PP, Director, Division of City Planning

APPROVED AS TO LEGAL FORM

APPROVED: 

APPROVED: \_\_\_\_\_

Corporation Counsel

Business Administrator

Certification Required   
Not Required

**RESOLUTION FACT SHEET – NON-CONTRACTUAL**

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

**Full Title of Ordinance/Resolution**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE ADDING A DEFINITION FOR FORMULA BUSINESSES**


**Initiator**

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, FAICP	Director
	Jeff Wenger, AICP	Principal Planner
	Matt Ward, AICP	Senior Planner
Phone/email	201-547-5010	bobbyc@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Resolution Purpose**

The proposed amendments will provide a definition of "formula business" to the Land Development Ordinance.

I certify that all the facts presented herein are accurate. *RDC*  
  
Signature of Department Director                      Date 4/13/15

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**Department of Housing, Economic Development & Commerce**  
**Division of City Planning**



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**Inter-Office Memorandum**

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**DATE:** April 8, 2015  
**TO:** Council President Lavarro, Anthony Cruz, Bob Cotter  
**FROM:** Matt Ward, AICP  
**SUBJECT:** LDO definition amendment to add Formula Business

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The amendment before you was requested by Mayor Fulop and pertains to Formula Business restrictions to various downtown Redevelopment Plans.

Formula Business restrictions were added where most appropriate.

Formula Businesses are establishments with multiple locations that exhibit standardized characteristics such as logos, menu items, merchandise, store decor, and other standardized features. These types of business establishments, more commonly referred to as "chain stores", are frequently perceived to detract from community character by replicating the standard designs and items at every location. The Mayor requested the Planning Division to review formula business restrictions nationwide and propose a definition and set of standards appropriate for Jersey City.

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY  
CITY ADOPTING AN AMENDMENT TO THE LAND DEVELOPMENT  
ORDINANCE ADDING A DEFINITION FOR FORMULA BUSINESSES**

The proposed amendment will provide a definition of "formula business" to the Land Development Ordinance.

## **Proposed amendment to the Land Development Ordinance, Article I – Section 345-6 - Definitions**

**as presented to the Jersey City Planning Board on April 7, 2015**

### **FORMULA BUSINESS:**

A type of business establishment that is contractually obligated to maintain two or more standardized characteristics such as: array of merchandise, menu items, facade design, decor, color scheme, uniform apparel, signage, trademark, or servicemark; and where 10 or more other establishments that are similarly contractually obligated to the same corporate entity are in operation within 300 miles of Jersey City.

- (1) Standardized array of merchandise and menu items shall be defined as 50% or more of items from a single distributor bearing uniform markings.
- (2) Trademark and Servicemark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods or service from one party from those of others.
- (3) Decor shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.
- (4) Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.
- (5) Uniform Apparel shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hats, and pins (other than name tags) as well as standardized colors of clothing.

City Clerk File No. Ord. 15.053  
Agenda No. 3.D 1st Reading  
Agenda No. 2nd Reading & Final Passage



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 15.053

TITLE:

## ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO VARIOUS REDEVELOPMENT PLANS TO ADD FORMULA BUSINESS RESTRICTIONS

**WHEREAS**, the New Jersey Local Redevelopment and Housing Law empowers local government to adopt and amend Redevelopment Plan to promote the advancement of community interests through a program of redevelopment; and

**WHEREAS**, Jersey City Municipal Council has determined that formula business, which utilize standardized features such as decor, menu or merchandise items, and logos, may detract from downtown Jersey City's unique community character; and,

**WHEREAS**, the Jersey City Master Plan recommends additional land use regulations restricting formula businesses; and

**WHEREAS**, downtown Jersey City supports a great variety of unique local businesses while most national chains in downtown have located within enclosed shopping malls, strip shopping centers, or near the waterfront; and

**WHEREAS**, Municipal Council has determined that this pattern of retail development should remain in order to preserve Downtown's distinctive sense of place and unique neighborhood character; and

**WHEREAS**, formula business restrictions will apply to the following redevelopment plans or portions thereof: 8 Erie; Bates Street; Betz Brewery; Block 10102; Block 239 Lot 47; Bright and Varick; Bright Street; Colgate; Columbus Corner; Dixon Crucible; Exchange Place North (only River View District, Block 11613 and Block 13003); Grand Jersey; Grand Street; Gregory Park; Grove and Mercer; Grove Street II; Grove Street N.D.P.; Grove Street Station; Hamilton Square; Harsimus Cove Station (only West Neighborhood District); Henderson Street South; Hoboken Avenue; Jersey Avenue Light Rail (only Transition District and Medium Rise District); Jersey Avenue Park; Liberty Harbor North; Luis Munoz Marin; Majestic Theater; Majestic Theater II; Merseles Street; Montgomery Gateway (only Adaptive Reuse District, Commercial Reuse District, Public District, Residential New Construction District, and Residential Rehabilitation District); Morgan Grove Marin; Newark Ave; Ninth and Brunswick; Ninth Street; Ninth Street II; Paulus Hook (only N.D.P Area 1, Block 13102); Powerhouse (exempt Block 11609); School #2; St. Francis Hospital; Tidewater; Village; Wayne Street; and

**WHEREAS**, the various redevelopment plans or portions thereof subject to this amendment is depicted on the attached map entitled "Proposed Formula Business Restrictions Ordinance Amendment;" and

**WHEREAS**, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

**WHEREAS**, the Planning Board at its meeting of April 7, 2015 did vote to recommend that the Municipal Council amend the Redevelopment Plans listed above; and

**WHEREAS**, the Planning Board at its meeting of April 7, 2015 recommended a floor amendment to reduce the provision about grocery stores from 35,000 square feet to 15,000 square feet; and

**WHEREAS**, the amendments to Redevelopment Plans listed above are attached hereto and made a part hereof, 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 that the redevelopment plans listed above and depicted on the attached map, be and hereby are amended as per the attached document;

**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, FAICP, PP, Director  
Division of City Planning

APPROVED AS TO LEGAL FORM

APPROVED: 

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Corporation Counsel

\_\_\_\_\_  
Business Administrator

Certification Required   
Not Required

**RESOLUTION FACT SHEET – NON-CONTRACTUAL**

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

**Full Title of Ordinance/Resolution**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING TO VARIOUS REDEVELOPMENT PLANS TO ADD FORMULA BUSINESS RESTRICTIONS**


**Initiator**

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, AICP	Director
	Jeff Wenger, AICP	Principal Planner
	Matt Ward, AICP	Senior Planner
Phone/email	201-547-5010	bobbyc@cnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Resolution Purpose**

The proposed amendments will provide formula business restrictions to various downtown redevelopment plans or portions thereof. Formula business, which utilize standardized features such as decor, menu or merchandise items, and logos, may detract from downtown Jersey City's unique community character. Restrictions on formula business should be implemented to preserve Downtown's distinctive sense of place and unique neighborhood character.

I certify that all the facts presented herein are accurate. 

Signature of Department Director

Date

4/13/15



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**Department of Housing, Economic Development & Commerce**  
**Division of City Planning**



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**Inter-Office Memorandum**

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**DATE:** April 13, 2015  
**TO:** Council President Lavarro, Anthony Cruz, Bob Cotter  
**FROM:** Matt Ward, AICP  
**SUBJECT:** LDO definition amendment to add Formula Business

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The amendment before you was requested by Mayor Fulop and pertains to the definition of "Formula Business."

Adding a definition for Formula Business to the LDO will distinguish it from other uses and prompt legislation restricting the amount and location of uses meeting the definition of Formula Business.

Formula Businesses are establishments with multiple locations that exhibit standardized characteristics such as logos, menu items, merchandise, store decor, and other standardized features. These types of business establishments, more commonly referred to as "chain stores", are frequently perceived to detract from community character by replicating the standard designs and items at every location. The Mayor requested the Planning Division to review formula business restrictions nationwide and propose a definition and set of standards appropriate for Jersey City.

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY  
CITY ADOPTING TO VARIOUS REDEVELOPMENT PLANS TO ADD  
FORMULA BUSINESS RESTRICTIONS**

The proposed amendments will provide formula business restrictions to various downtown redevelopment plans or portions thereof. Formula business, which utilize standardized features such as decor, menu or merchandise items, and logos, may detract from downtown Jersey City's unique community character. Restrictions on formula business should be implemented to preserve Downtown's distinctive sense of place and unique neighborhood character.

# PROPOSED AMENDMENTS TO VARIOUS DOWNTOWN REDEVELOPMENT PLANS

Text that is added to various plans is in bold **like this**.

Floor amendments are in underlined bold italics **like this**

Text to be omitted by a floor amendment is strikethrough ~~like this~~.

## Amendment language added to the following redevelopment plans:

- |  |   |  |
|--|---|--|
| 1. 8 Erie  | 18. Grove Street Station  | New Construction District, and Residential Rehabilitation District)  |
| 2. Bates Street  | 19. Harsimus Cove Station   |  |
| 3. Betz Brewery  | (only West Neighborhood 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   | (only Transition District and Medium Rise District)   | 34. Ninth Street II  |
| 8. Colgate   | 23. Jersey Avenue Park  | 35. Paulus Hook (only N.D.P Area 1, Block 13102)                     |
| 9. Columbus Corner   | 24. Liberty Harbor North  | 36. Powerhouse (exempt Block 11609)                                  |
| 10. Dixon Crucible   | 25. Luis Munoz Marin  | 37. School #2  |
| 11. Exchange Place North (only River View District, Block 11613 and Block 13003) | 26. Majestic Theater  | 38. <u><del>Hamilton Square (formerly St Francis Hospital)</del></u> |
| 12. Grand Jersey   | 27. Majestic Theater II   | 39. Tidewater  |
| 13. Grand Street   | 28. Merseles Street   | 40. Village  |
| 14. Gregory Park   | 29. Montgomery Gateway (only Adaptive Reuse District, Commercial Reuse District, Public District, Residential | 41. Wayne Street   |
| 15. Grove and Mercer   |   |  |
| 16. Grove Street II  |   |  |
| 17. Grove Street N.D.P.  |   |  |



## Text to be inserted into the principal permitted use section:

All commercial retail areas within each structure or within a single tax lot shall limit formula business establishments, as defined by the Land Development Ordinance, to a maximum of 30% of ground floor gross leasable commercial area. For the purposes of this area restriction, the formula business definition shall apply to the following uses, whether functioning as a principal or accessory use:

1. Retail sales of goods and services.
2. Restaurants, all categories.
3. Bars.
4. Financial service facilities and banks.

Grocery stores greater than 35,000 ~~15,000~~ square feet may exceed 30% of gross leasable commercial area, but shall be the only formula business within such structure or lot.

# PROPOSED FORMULA BUSINESS RESTRICTION ORDINANCE AMENDMENT

-  Redevelopment Areas to be amended for Formula Business Restrictions
-  Areas not to be amended

MAP NO. 605

