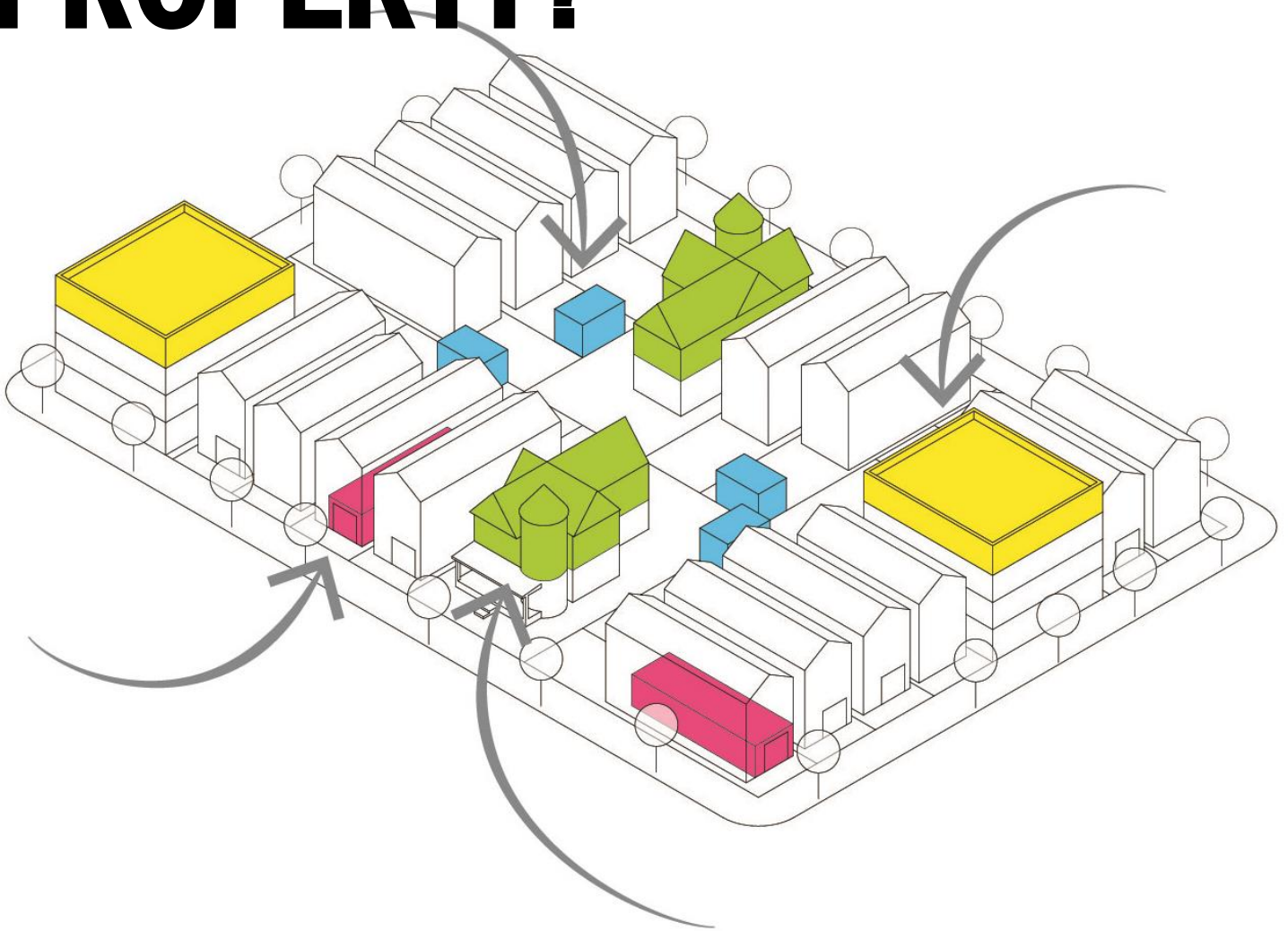


WHAT CAN I DO WITH MY RESIDENTIAL PROPERTY?



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



CITY
JERSEY
PLANNING

WHAT CAN I DO WITH MY RESIDENTIAL PROPERTY?

The Jersey City Master Plan has the principle to ensure the Jersey City's available housing is balanced and meets the needs of all current and future city residents. This has led to changes in the City's Land Development Ordinance. As a property owner, you may now be able to add an additional dwelling unit or more. This document will provide you with a better understanding of how you can add one or more dwelling units to your property.

A good place to start in this document is at the [Housing Guide Flow Chart](#). With this chart, you can understand what options you have to increase the number of units on a property. Also included in this document are FAQs concerning different methods to increase housing in the city including Density, the Affordable Housing Overlay, Accessory Dwelling Units, Attached/Ground Floor Garage to Dwelling Unit Conversions, Historically Significant Building, and Townhouse Lot Subdivision.

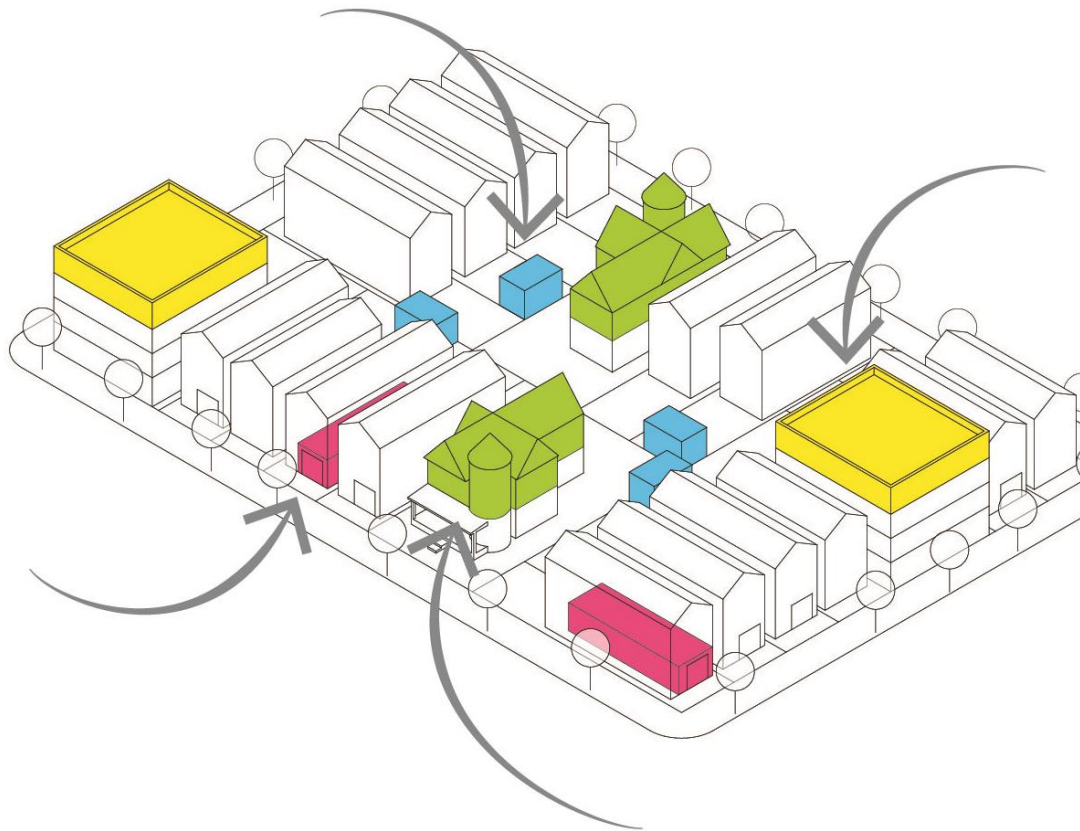
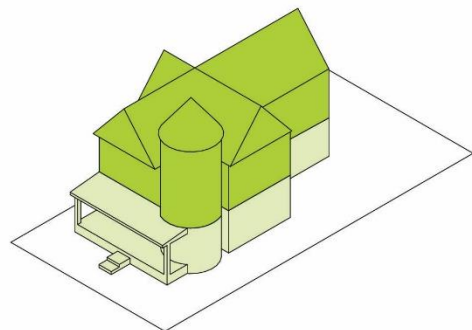
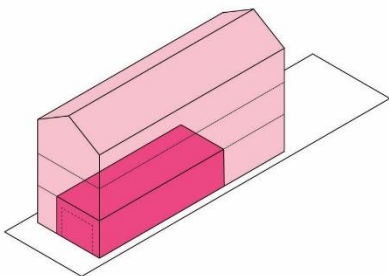
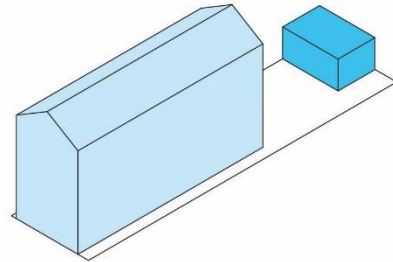
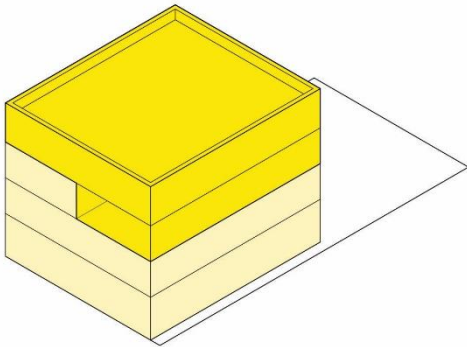
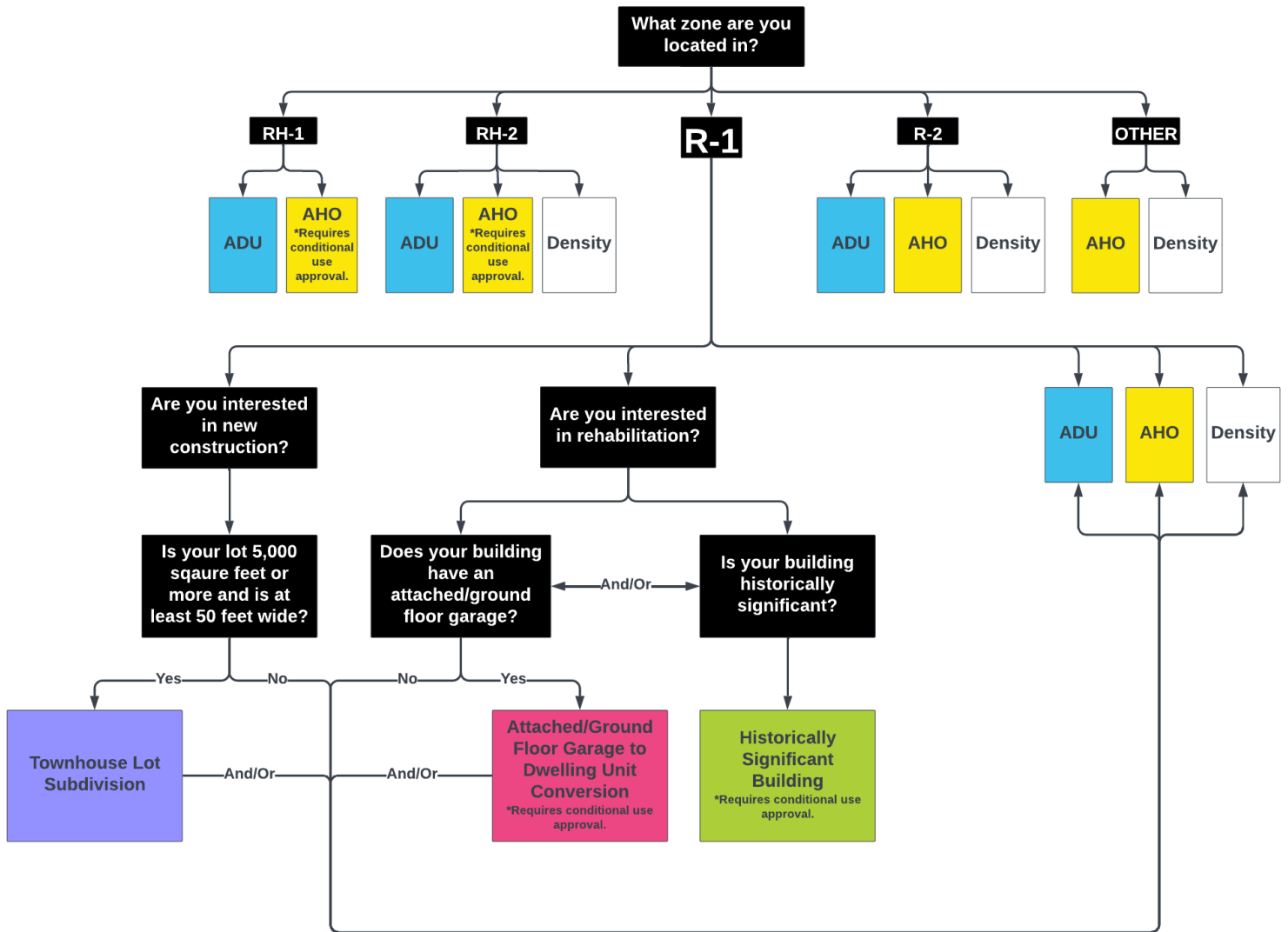


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HOUSING GUIDE FLOW CHART



KEY

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DENSITY REFERENCE TABLE

The number of dwelling units permitted depends on what zone the property is located in and the lot size of the property. Check what zone the property is located in by using the [Jersey City Interactive Zoning Map](#). Once you know what zone your property is located in, use the table below to help determine what is permitted for your property. One notable change to the City's Land Development Ordinance is that if your property is located in RH-2 or R-1 and your lot is greater than 2,560 square feet, you are allowed to have up to three dwelling units.

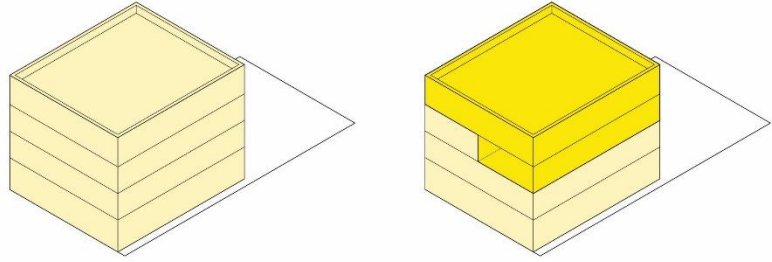
If a third unit is not permitted through the density standards, there are still other options to consider such as using the Affordable Housing Overlay. Using the [Housing Guide Flow Chart](#) will help you understand what options you have.

Zone		Density*	Lot Size (Square Feet)							
			1,800	2,000	2,400	2,500	2,560	3,000	4,000	5,000
Max. Dwelling Units	R-1	42 du/ac	2 du	2 du	2 du	2 du	3 du	3 du	4 du	5 du
	R-2	55 du/ac	2 du	3 du	3 du	3 du	3 du	4 du	5 du	6 du
	R-3	4 dwelling units								
	RH-1	2 dwelling units								
	RH-2	42 du/ac	2 du	2 du	2 du	2 du	3 du	3 du	4 du	5 du
	RC-1	65 du/ac	3 du	3 du	4 du	4 du	4 du	5 du	6 du	8 du
	RC-2	75 du/ac	3 du	3 du	4 du	4 du	4 du	5 du	7 du	9 du
	RC-3	80 du/ac	3 du	4 du	4 du	5 du	5 du	6 du	7 du	9 du

* Density is calculated as Dwelling Units per Acre. DU/AC is shorthand.

AFFORDABLE HOUSING OVERLAY

The Affordable Housing Overlay (AHO) incentivizes and has the potential to increase affordable housing throughout the city.



A. **What is the Affordable Housing Overlay (AHO)?**

The AHO is a voluntary incentive to create more affordable housing in Jersey City. By electing to participate you are not constrained by maximum density or maximum unit requirement on your property. Instead, you may build as many units in your principal structure as permitted under building code. You will be required to provide onsite affordable housing and/or a contribution to the Affordable Housing Trust Fund.

B. **Where can you use the AHO?**

The AHO applies to all zones, districts, or redevelopment plans where residential is a permitted use. In the RH-1 and RH-2 zones, the AHO requires a conditional use approval from the Planning Board. In this case, you may need to retain the services of a land use attorney and design professional to appear before a local land use board. Legal notice, as prescribed by law, will be required as well. Check what zone the property is located in by using the [Jersey City Interactive Zoning Map](#).

C. **What is the benefit of the AHO?**

If the conditions of the AHO are satisfied, a developer can...

1. Build a multi-unit residential building where it is not listed as a permitted principal use.
2. Change the density standard so that the density is defined by the "building envelope".

D. **What are the requirements for using the AHO?**

1. Any minimum and maximum setbacks, height, building coverage, and lot coverage standards of a zone or district still apply.
2. A percentage of the units, either 10% or 15% depending on where the property is located, are required to be affordable and in accordance with Chapter 187 and 188 of the Jersey City Municipal Code. See more information in the question below.
3. All applicants using the AHO will need to have an Affordable Housing Agreement with the Division of Affordable Housing. Communicating with the Division of Affordable Housing must be done prior to applying for building permits. For more information, you can visit the [Division of Affordable Housing website](#).
4. If your property is located in RH-1, additional standards are required:
 - i. Structures must be designed to comply with the design standards of RH-1.
 - ii. Any restoration or renovation is strongly encouraged to be completed under the guidance of the Secretary of the Interior's Guidelines for the Treatment of Historic Properties when undertaking any exterior work.
 - iii. Any new construction must be designed in context of any surrounding historic resources, following the predominant setbacks, height, and lot siting.

5. If your property is located in RH-2, additional standards are required:
 - i. Any restoration or renovation is strongly encouraged to be completed under the guidance of the Secretary of the Interior's Guidelines for the Treatment of Historic Properties when undertaking any exterior work.
 - ii. Any new construction must be designed in context of any surrounding historic resources, following the predominant setbacks, height, and lot siting.

E. What is the "affordable housing set-aside"?

The "affordable housing set-aside" is the number of on-site units required to be affordable. The number changes according to the following:

1. If the development is in a Low, Moderate, or Middle Income Census Tract, a minimum of 10% of the residential units are required to be affordable. Check what income census tract the property is located in by using the [Inclusionary Zoning - Tier Map](#).
2. If the development is in an Upper Income Census Tract, a minimum of 15% of the residential units are required to be affordable. Check what income census tract the property is located in by using the [Inclusionary Zoning - Tier Map](#).
3. If the development is funded through low-income housing tax credits and/or tax-exempt bond financing from the State, 20% of the residential units should be affordable.
4. When calculating the affordable housing set-aside, the following formula can be used: [# of units] x [% set-aside] = [# rounded to nearest 10th]. When the fraction is less than 0.5, the developer shall provide a payment which will be the fraction multiplied by \$180,000.00. When the fraction is more than 0.5, the developer shall round up to the nearest whole number. Example Calculations:
 - i. 14 total units X 10% set-aside = 1.4
 $0.4 \times \$180,000 = \$72,000$ contribution required; and
 1.0 = 1 on-site affordable units required
 - ii. 23 total units X 15% set-aside = 3.45, which rounds to 4
 $4.0 = 4$ on-site affordable units required
 No contribution is required

F. Can I use the AHO to construct a 3rd or 4th unit even though I do not have the permitted density?

Yes, this is one of the reasons why the AHO was created. In most instances the R-1 is in the 10% affordable housing set-aside tier and a 3rd or 4th unit will result in a payment instead of an onsite requirement. Use the below formula to determine the payment required. Example Calculations:

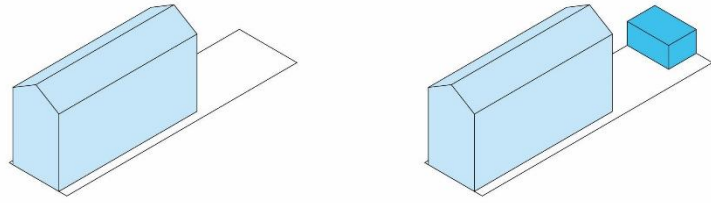
- i. 3 total units X 10% set-aside = 0.3
 $0.3 \times \$180,000 = \$54,000$ contribution required; and
 No contribution is required
- ii. 4 total units X 10% set-aside = 0.4
 $0.4 \times \$180,000 = \$72,000$ contribution required; and
 No contribution is required

G. Where can I find the AHO in the City's Land Development Ordinance?

The AHO can be found in §345-59.7 of the [City's Land Development Ordinance](#).

ACCESSORY DWELLING UNITS

An ADU stands for an *accessory dwelling unit*. An ADU is a smaller, independent dwelling unit that is detached from the principal structure (main house) on a lot.



A. Can I build an Accessory Dwelling Unit (ADU) on my property?

Check what zone the property is located in by using the [Jersey City Interactive Zoning Map](#). If the property is in the RH-1, RH-2, R-1, or R-2 zone, an ADU is allowed.

B. I already have two units (or the maximum units) in my principal structure (main house), can I still build an ADU?

Yes, 1 ADU is permitted in addition to the unit(s) in the principal structure (main house).

C. Do they have to be detached from the principal structure (main house)?

Yes, all ADUs in Jersey City must be detached from the principal structure (main house).

D. Is there a limit on the square footage of an ADU?

There is no limit on square footage of an ADU. There are, however, other requirements which do apply and may limit the size of an ADU. See the table below.

Standards for ADUs By Zone							
Zone	Maximum Height	Side Yard Setback	Rear Yard Setback	Number of ADUs Permitted	Maximum Lot Coverage	Maximum Building Coverage	Parking
R-1	18 feet or 2 stories	2 feet	None	1 ADU is permitted in addition to the units in the principal structure (main house)	Maximum lot coverage permitted shall increase by an additional 5%	N/A	ADUs are exempt from parking requirements
		Corner lots, cap lots, and through lots: 2 feet minimum front-line setback					
R-2	18 feet or 2 stories	3 feet	3 feet	1 ADU is permitted in addition to the units in the principal structure (main house)	80%	N/A	Follow R-2 minimum parking requirements

Standards for ADUs By Zone							
Zone	Maximum Height	Side Yard Setback	Rear Yard Setback	Number of ADUs Permitted	Maximum Lot Coverage	Maximum Building Coverage	Parking
RH-1	18 feet	2 feet	None	1 ADU is permitted in addition to the units in the principal structure (main house)	75%	55%	ADUs are exempt from parking requirements
RH-2	18 feet or 2 stories	2 feet	None	1 ADU is permitted in addition to the units in the principal structure (main house)	75%	N/A	ADUs are exempt from parking requirements

E. Is there a height limit on an ADU?

Yes, there is an 18 foot limit on the height of an ADU. There are also additional side yard setback, rear yard setback, and lot coverage requirements shown in the table above.

F. How many feet needs to be in between the ADU and the principal structure?

The distance between an ADU and a principal structure (main house) on the same lot need to meet the minimum requirements for fire, health and safety regulations of any City and/or State regulations. Refer to the 2021 International Building Code New Jersey Edition for more information.

G. What is safe egress?

Safe egress means that there is a way to leave a building safely. Every dwelling unit, including ADUs, must have a safe and unobstructed mean of egress from every floor at ground level and above leading to safe and open space at ground level that meet the Uniform Construction Code requirements.

H. Do ADUs require additional parking spaces?

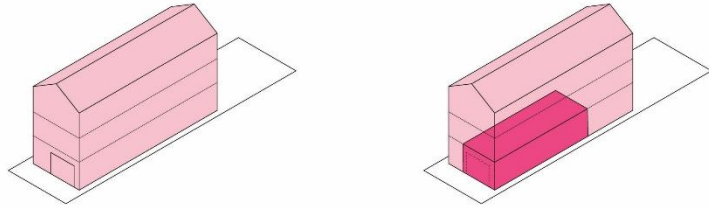
ADUs are exempt from parking requirements.

I. Can I convert my existing attached or ground floor garage into an ADU?

No. An ADU must be in a separate structure from the principal building. You may apply for a conditional use approval to the Planning Board for a garage to unit conversion. See [Attached/Ground Floor Garage to Dwelling Unit Conversion](#).

ATTACHED/GROUND FLOOR GARAGE TO DWELLING UNIT CONVERSION

In the R-1 zone, a garage *attached or on the ground floor* of the principal structure (main home) can be converted into an additional dwelling unit.



A. Can I convert an attached/ground floor garage to a dwelling unit on my property?

Check what zone the property is located in by using the [Jersey City Interactive Zoning Map](#). If the property is in the R-1 zone, you can convert your attached garage into a dwelling unit with a conditional use approval from the Planning Board, meaning there are requirements you must fulfill. See §345-41 G.1. in the [City's Land Development Ordinance](#) for more information.

B. I already have *more than two* units in my principal structure (main house), can I still convert my garage into an additional dwelling unit?

No. The conversion of an *attached/ground floor* garage to dwelling unit increases the total number of dwelling units in the principal structure (main house) by one. A maximum of one additional unit can be converted from a garage to a unit for a maximum of 3 units in the principal structure (main house), regardless of the lot size.

C. Would the new dwelling unit require additional parking space?

No. In fact, off-street parking is prohibited.

D. What would happen to my existing curb cut or driveway?

The standard of the conditional use approval requires that you must remove the driveway and curb-cut from your property and install a new curb along with a street tree. If your front yard is 3 feet deep or more, you will also need to install a knee wall planter(s) and landscaping.

E. Does the whole garage need to be turned into a dwelling unit?

No, any portion of the garage not used as a dwelling unit may be used for storage, mechanical use, refuse, or other ancillary uses. It cannot be used for off-street parking.

F. Are there other requirements to convert a garage into a dwelling unit?

Approvals for garage to unit conversion are conditional uses, meaning an application must go to a hearing before a land use board. You may need to retain the services of a land use attorney and a design professional to appear. Legal notice, as prescribed by law, will be required as well.

G. What is safe egress?

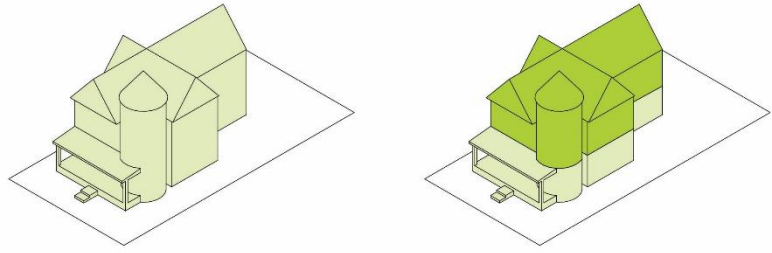
Safe egress means that there is a way to leave a building safely. Every dwelling unit must have a safe and unobstructed means of egress from every floor at ground level and above leading to safe and open space at ground level that meet the Uniform Construction Code requirements.

H. Can I convert my detached garage into a residential unit?

Yes, however converting a detached garage into a residential unit would be considered an ADU instead. See the section on [ADUs](#).

HISTORICALLY SIGNIFICANT BUILDING

If a historically significant building is located in the R-1 Neighborhood Housing District, the building can be rehabilitated to increase the total amount of dwelling units permitted.



A. What is a historically significant building?

A historically significant building is a structure determined to be historically significant by the Historic Preservation Office. The building possess significant historical, architectural, social and/or archaeological value, and would be denied a demolition permit.

The city has five local historic districts and fourteen local landmarks designated for protection, which can be seen on the [Jersey City Local Historic Districts and Landmarks Map](#). Buildings that are listed in the Historic Preservation Element of the [Jersey City Master Plan](#) are also protected from demolition.

Historic Significance can be determined by contacting the Jersey City Historic Preservation Commission staff at jchpc@cnj.org.

B. How can you create a multi-unit residential building in a historically significant structure?

A conditional use approval is required from the Planning Board or Zoning Board of Adjustment. The *entire* building must be rehabilitated in compliance with the Secretary of Interior's Standards and Guidelines for the Treatment of Historic Properties.

C. How many units can a multi-unit residential historically significant building have?

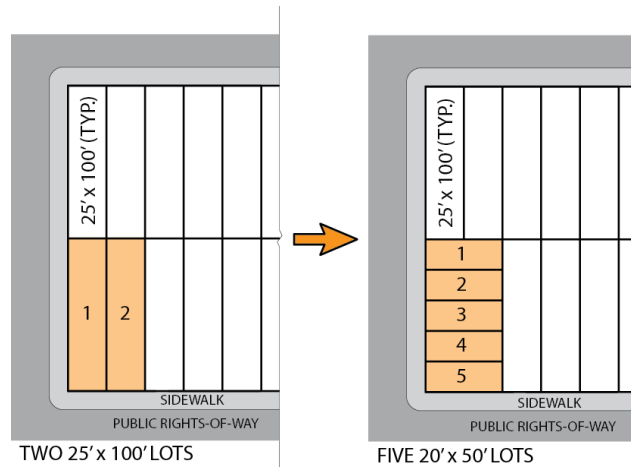
The permitted density would increase to a maximum of 75 units per acre or 4 dwelling units in the principal structure, whichever is greater.

D. What conditions must be followed to create a multi-unit residential building in a historically significant structure?

1. The existing structure is determined to be historically significant by the Historic Preservation Office. Contact the Jersey City Historic Preservation Commission staff at jchpc@cnj.org to know if your property is historically significant.
2. A report must be provided from a historic preservation specialist certifying the rehabilitation meets the Secretary of Interior Standards for Rehabilitation.
3. The density of the principal structure cannot exceed 75 units per acre or 4 dwelling units in the principal structure, whichever is greater.
4. The site must comply with the minimum parking ratio for residential uses in the R-1 Neighborhood Housing District.
5. Front yard additions are not permitted, unless supported by photographic evidence. The existing front yard setback shall be considered compliant.

TOWNHOUSE LOT SUBDIVISION

In the R-1 Neighborhood Housing District lots that are 5,000 square feet or greater and 50 feet wide can be subdivided into lots as small as 1,000 square feet and 18-feet wide.



A. What is a subdivision?

A subdivision is the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions of land.

B. Can I subdivide my property using the Townhouse Lot Subdivision?

A lot can be subdivided using the Townhouse Lot Subdivision if the following conditions are met:

1. The lot is in the R-1 Neighborhood Housing District.
2. The lot is 5,000 square feet or greater, and at least 50 feet wide.

If the lot can be subdivided, the services of a surveyor will be necessary. Other professionals may be needed to present your application to a local land use board.

C. How can I subdivide my lot with the Townhouse Lot Subdivision?

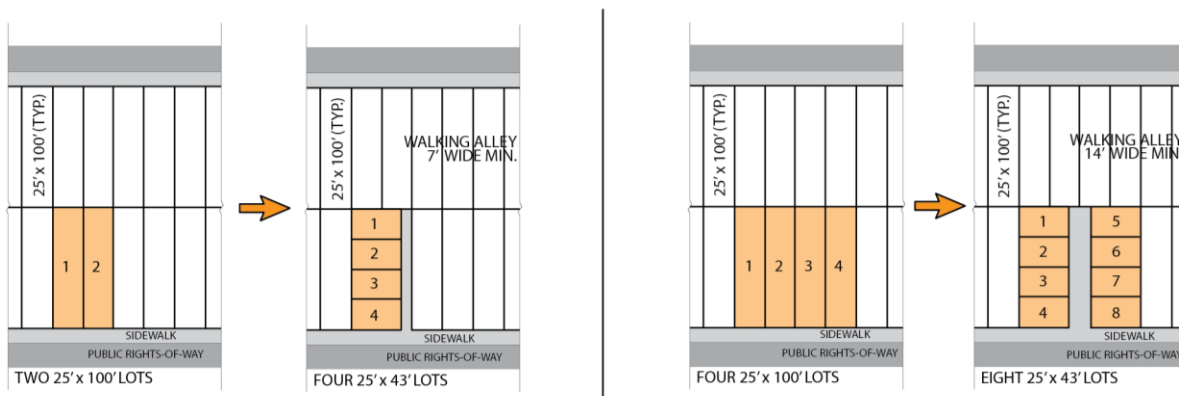
The new lots need to have a minimum lot width of 18 feet and a minimum lot area of 1,000 square feet. There are no minimum lot length standards. Each lot is permitted two (2) dwelling units in the principal structure and potentially an additional one (1) unit in an ADU.

D. What is the benefit of the Townhouse Lot Subdivision?

When the lot is subdivided, the minimum front yard setback is 0 feet, and the minimum side yard setback is 0 feet. Most ideal for corner lots that are at least 50x100 feet (see image above).

E. What if a newly created interior lot doesn't have access to the street?

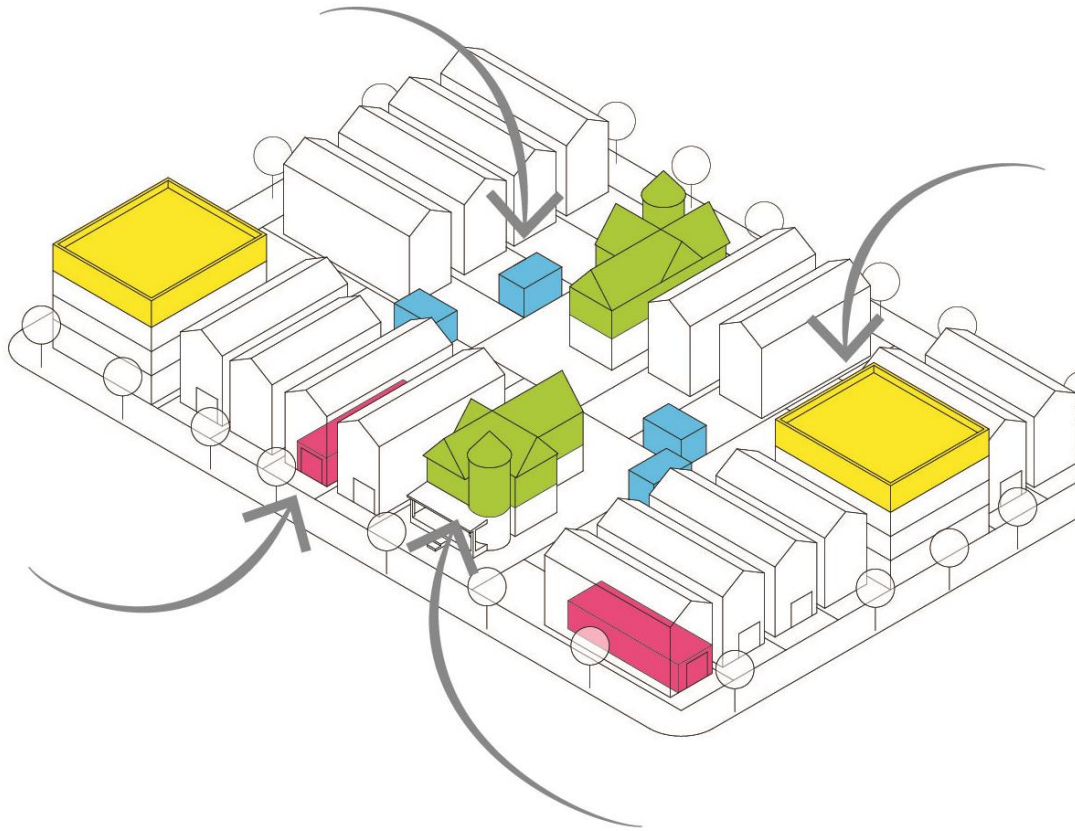
If an interior lot doesn't have access to the street, a walking alley of 7 feet must be created next to the new lots. If the same phenomenon occurs on the other side, a walking alley of 14 feet must be created in between the new lots. See the image below for examples of the walking alley.



NEED MORE INFORMATION?

When embarking on a project to add dwelling unit(s) to your property, you may have more specific questions that this document does not address. In this case, you can apply for a [Zoning Determination Letter](#) and receive an official response to any questions you may have.

Regarding applications and questions for the Division of City Planning you may email city.planning@jcnj.org or call 201-547-5010.



GLOSSARY

Accessory Dwelling Unit (ADU)

A single-unit dwelling in an accessory structure that is detached from the principal building or structure and is in addition to the principal permitted use which is located on the same lot therewith.



Affordable Housing Overlay (AHO)

A voluntary incentive which allows as many units in a principal structure as is permitted under building code in exchange for onsite affordable housing and/or a contribution to the Affordable Housing Trust Fund.

Affordable Housing Set-Aside

The number of on-site units required to be affordable when using the Affordable Housing Overlay.

Attached/Ground Floor Garage to Dwelling Unit Conversion

A garage attached to or on the ground floor of a principal structure (main house) which is turned into an additional dwelling unit.



Conditional Use

A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with the conditions and standards for the location and operation of such use as contained in the zoning ordinance and upon the issuance of an authorization therefore by the Planning Board or the Zoning Board.

Density

The permitted number of dwelling units per gross area of land to be developed.

Historically Significant Building

A building possessing significant historical, architectural, social and/or archaeological value, and determined to be historically significant by the Historic Preservation Office.



Land Development Ordinance

Chapter 345 of Jersey City's Code of Ordinances specifying zoning standards.

Principal Structure (Main House)

A building in which the principal use of the lot is conducted.

Safe Egress

A way to leave a building safely.

Subdivision

A subdivision is the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land.

Walking Alley

A street, primarily for pedestrian access, used to access properties that may not be next to the street.



Zoning

Municipal or local laws or regulations that govern how real property can and cannot be used in certain geographic areas.