



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 12-001

TITLE: **ORDINANCE AMENDING CHAPTER 157 (ENTERTAINMENT AND DANCE LICENSES) OF THE JERSEY CITY CODE**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

WHEREAS, the Municipal Council of the City of Jersey City [Council] recognizes and values the variety of entertainment and entertainment venues that exist in the City, which provide a rich and diverse cultural experience for the residents of the City as well as visitors to the City; and

WHEREAS, the City Council hereby finds that entertainment establishments are a key component of a well-rounded and vibrant community, and are an important part of the local economy; and

WHEREAS, entertainment establishments have a need to be regulated in order to protect the community from excess noise generation, disorderly conduct by patrons, and the attendant adverse health, safety and welfare of the surrounding business and residential communities; and

WHEREAS, it is the purpose of this Ordinance to encourage the development of new entertainment businesses and to regulate entertainment establishments to maintain the public health, safety and welfare of the City; and

WHEREAS, the City Council finds that the imposition of conditions tailored to fit particular establishment will allow the business or event to flourish while meeting the City's public health, safety and welfare needs. This approach also would avoid placing unnecessary conditions on existing establishments or organizations with a history of compliance with the City laws and requirements.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- A. The following amendments to Chapter 157 (Entertainment and Dance Licenses) are hereby adopted:

ENTERTAINMENT ~~{AND DANCE}~~ LICENSES

§157-1. Purpose and official comments.

- A. Purpose; official comments.
 - (1) The City of Jersey City has repeatedly experienced serious civil disturbances and other occurrences detrimental to the public's safety, health and welfare associated with entertainment and dance venues (these problems include but are not limited to riots, disorderly groups, public consumption of alcohol, and public urination). Consequently, this chapter is enacted to license and regulate these activities except those directly sponsored, co-sponsored and self-regulated by the city itself.

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- (2) Social clubs are expressly regulated by this chapter because recent experience has shown that attempts have been made to circumvent the general regulatory process. (For example, for-profit nightclubs have reorganized as private membership clubs to circumvent the Alcoholic Beverage Law.)
- (3) This chapter also prohibits obscene entertainment and obscene dancing and contains a definition of obscenity and pornography that reflects contemporary community standards as enforceable by relevant judicial decisions. It also explicitly incorporates by reference the prohibitions on pornography and obscenity found in Chapter 251 of the Municipal Code. In enacting this prohibition, the City Council relied on extensive evidence of long-standing community's standards. Testimony was taken from ordinary citizens as well as members of the clergy, teachers, business people and professionals. The Council issued legislative findings that the people of Jersey City are offended by obscenity and pornography:
 - (a) Jersey City seeks to maintain an atmosphere as conducive as possible to families in a densely populated urban setting.
 - (b) Obscenity and pornography have had no place in the public life of Jersey City. Historically, no so-called adult bookstores or adult theaters have operated here. In addition, no erotic dancing venues have ever been allowed to operate here in the city, notwithstanding their presence in adjacent communities. Therefore, these legislative findings support the existence of community standards that allow for the constitutional circumscription of such activity, and the city will continue to enforce these social norms through legal sanctions.
- (4) The Director of the Division of Commerce is given primary jurisdiction over this chapter. However, given the public safety concerns, the Director of Police also shares in its administration: §157-~~7A~~9 authorizes the Director of Police, upon a notice and hearing, to suspend licenses on an emergent basis.

B. This chapter is to be liberally construed in order to effectuate its purpose.

§157-2. Definitions.

The following terms shall have the meanings indicated when used in this chapter:

AGGRIEVED PARTY — Any person, persons, or entity, whether corporate or private, aggrieved by the sound of entertainment emanating from a Licensed Establishment.

~~[DANCE — Any dance to which admission can be had either with or without payment of a fee or any other dance in a place which constitutes a public accommodation, including, for instance, social clubs.]~~

DECIBEL LEVEL — A unit for measuring the volume of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).

DECIBEL MEASUREMENT - a measurement taken as follows:

Indoors - from any point of the room, in the premises of an aggrieved party, most affected by the sound, but not from areas which receive only casual use, e.g., hallways, bathroom and closets. All exterior doors and windows in the premises shall be closed and all sound sources

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within the premises, e.g., television, radio and stereo, shall be shut off at the time of measurement.

Outdoors - from any point within the property boundaries of an aggrieved party (excluding City rights-of way, e.g., streets and sidewalks), or the measurement may be taken from any point outside of the Licensed Establishment at the discretion of the City.

DIRECTOR — The Director of Commerce in the Department of Housing, Economic Development and Commerce.

ENTERTAINMENT — Any live act, including, but not limited to, vocalists, actors, dancers, floor shows, instrumentalists and recorded music played by a D.J.[s], and also the playing of recorded music either by a jukebox or by a similar instrumentality for the purposes of group entertainment.]

ENTERTAINMENT LICENSE — A license issued pursuant to this chapter regulating entertainment [for dance].

ESTABLISHMENT — A premises for which an entertainment license has been issued.

OBSCENITY AND PORNOGRAPHY — Obscenity and pornography exist when under contemporary standards in the community the entertainment taken as a whole, appeals to prurient interests; and the entertainment describes in a patently offensive way sexual conduct; and when the entertainment taken as a whole, lacks serious literary, artistic, political or scientific value. [NOTE: Miller v. California, 413 U.S. 15, 93 S. Ct. 2607, 37 L. Ed. 2d 419 (1973), rehearing denied, 414 U.S. 881, 94 S. Ct. 26, 38 L. Ed. 2d 128 (1973).] This definition incorporates by reference definitions contained in Chapter 251 of the Municipal Code.

OUTDOOR ENTERTAINMENT — Any entertainment taking place beyond the outside perimeter walls of the licensed premises or any entertainment which is intended to be audible or which is actually audible beyond such perimeter walls.

PERSON — Any natural person(s), or a partnership, corporation or legal entity.

VENUE — Any nightclub or restaurant as defined in Chapter 345 of this Code [place], including but not limited to a [restaurant, nightclub, supper club,] social or private club[, lounge, grill or open space used for entertainment or dancing].

§157-3. ~~{Classes of licenses; license required}~~ License required; types of licenses; restrictions.

- A. A license as described in this chapter is required for any live entertainment [for dance] taking place in any venue, as defined in §157-2, in the City of Jersey City except that no such license will be required for events taking place in or on any City-owned building or property or for any event which is sponsored or co-sponsored by the City. [at the Mary McLeod Bethune Life Center at 134-150 Martin Luther King Drive or any other Community Center. Community Center means a City owned building used for recreational, social, educational, and cultural activities, open to the public or a designated part to the public, and used by the City or leased by the City to either a nonprofit group or another public entity]. All existing Entertainment License holders must renew in accordance with the regulations herein within 60 days of the enactment of this ordinance. All existing Entertainment License holders, unless qualified for a Nightclub Entertainment License as regulated herein, will be permitted to renew pursuant to the Restaurant Entertainment License. An entertainment license is granted to a specific person to offer entertainment [for dancing] in a specified place. There shall be ~~{three classes of entertainment and dance licenses;} two Entertainment License categories: Nightclub and Restaurant.~~

{(1) — Class A annual license for an entertainment or dance venue with a capacity of one

~~hundred (100) people or fewer;~~

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~~(2) Class B annual license for an entertainment or dance venue with a capacity greater than one hundred (100) people;~~

~~(3) Special event license for an entertainment or dance venue of any capacity that offers entertainment or dancing for no more than twelve (12) days in a period of one year.]~~

(1) Nightclub Entertainment License. This license is available only in zoning districts where a nightclub is permitted pursuant to Jersey City Code Chapter 345 or a duly adopted Redevelopment Plan. A Nightclub Entertainment License shall further be categorized as follows:

Class 1 - For establishments with a capacity greater than one hundred (100) people;

Class 2 - For establishments with a capacity of one hundred (100) people or fewer;

All Nightclub Entertainment Licenses shall be subject to the following:

(a) Notwithstanding noise regulation in Chapter 222 of the Jersey City Code to the contrary, any entertainment under this Nightclub Entertainment License shall be restricted to a decibel level of 65 dB from Noon to 10 P.M., and shall be restricted to 50 dB from 10 P.M. to close of entertainment in accordance with § 157-4C(1), seven days per week;

(b) Outdoor entertainment shall be prohibited in all establishments, except where specifically requested in the license application for a certain part of the establishment and approved by the Director and specifically indicated on the actual license. Outdoor entertainment shall not be the norm and shall only be granted where the Director is convinced that it would not unreasonably interfere with the quality of life of the surrounding community. In determining whether or not to grant outdoor entertainment, the Director shall consider, but not be limited to, the following criteria: the nature of the establishment; the location of the establishment including its proximity to residential properties; the input of residents of the surrounding area; and the history (if any) of the establishment. Furthermore, the Director shall not permit outdoor entertainment beyond the hours described in § 157-4C(4).

(c) The Director may, in consultation with the Police Department, establish any reasonable conditions deemed necessary for the health, safety, and welfare of the public prior to granting any license. Any such conditions established shall be listed on the license.

(2) Restaurant Entertainment License. This license is available only in zoning districts where a Category 1 Restaurant is permitted pursuant to Jersey City Code Chapter 345 or a duly adopted Redevelopment Plan, except that in the Restaurant Row Overlay Zone (ROZ), a category 2 Restaurant shall also be eligible for this license and except that no entertainment license shall be permitted within the lower J.F.K. Boulevard NC Zoning District.

Class 1 - For establishments with a capacity greater than one hundred (100) people;

Class 2 - For establishments with a capacity of one hundred (100) people or fewer;

All Restaurant Entertainment Licenses shall be subject to the following:

(a) Notwithstanding noise regulation in Chapter 222 of the Jersey City Code to the contrary, any entertainment under this Restaurant Entertainment License

shall be restricted to a decibel level of 55 dB from Noon to 10 P.M., and shall

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be restricted to 45 dB from 10 P.M. to close of entertainment in accordance with §157-4C(1), seven days per week.

- (b) Outdoor entertainment shall be prohibited in all establishments, except where specifically requested in the license application for a certain part of the establishment and approved by the Director and specifically indicated on the actual license. Outdoor entertainment shall not be the norm and shall only be granted where the Director is convinced that it would not unreasonably interfere with the quality of life of the surrounding community. In determining whether or not to grant outdoor entertainment, the Director shall consider, but not be limited to, the following criteria: the nature of the establishment; the location of the establishment including its proximity to residential properties; the input of residents of the surrounding area; and the history (if any) of the establishment. Furthermore, the Director shall not permit outdoor entertainment beyond the hours described in § 157-4C(4).
- (c) The Director may, in consultation with the Police Department, establish any reasonable conditions deemed necessary for the health, safety, and welfare of the public prior to granting any license. Any such conditions established shall be listed on the license.
- (d) A Restaurant Entertainment Licensee shall not locate or place entertainment within 10 feet of any entrance door or open window existing within the establishment;

§157-4. Fees; inactive license; surrender; expiration; hours of operations.

- A. Except as provided in § 157-3, no person shall keep, maintain, or operate any entertainment or dance venue without obtaining a license from the Director. A license shall be issued only if both the venue and the applicant comply with relevant standards. The fee schedule shall be as follows:

Class A	Class B	Special Event License
\$300	\$600	\$25

Nightclub Entertainment License Class 1: \$1,200 per year or part thereof;

Nightclub Entertainment License Class 2: \$1,000 per year or part thereof;

Restaurant Entertainment License Class 1: \$800 per year or part thereof;

Restaurant Entertainment License Class 2: \$600 per year or part thereof;

- B. If a licensee fails to conduct ~~a dance or~~ entertainment ~~venue~~ at the licensed premises in a period of three months, the Director may revoke the license after a hearing has been held on ten (10) days' notice.

- C. The hours of operation for a licensee under this chapter shall be as follows:

(1) Permitted hours for entertainment:

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Sunday-Thursday	Friday/Saturday	New Year's Eve
12:00 p.m.-2:00 a.m.	12:00-3:00 a.m.	12:00 p.m.-4:00 a.m.

- Nightclubs: Noon to 2:00 a.m., Sunday - Thursday;
Noon to 3:00 a.m., Friday - Saturday;
Noon to 4:00 a.m., New Year's Eve;
- Restaurants: Noon to 1:00 a.m., Sunday - Thursday;
Noon to 2:00 a.m., Friday - Saturday;
Noon to 3:00 a.m., New Year's Eve;

- (2) With reference to establishments holding Nightclub Entertainment Licenses, ~~no~~ no person whatsoever, except the licensee and the licensee's employees and agents, may be on the licensed premises after closing time until 12:00 p.m. of that day, Monday through Sunday.
- (3) With reference to establishments holding Nightclub Entertainment Licenses, ~~A~~ a wind-down process must begin thirty (30) minutes prior to closing, and dance music entertainment must be terminated not later than fifteen (15) minutes prior to the establishment's closing time to assure that patrons are out by the actual closing time.
- (4) Notwithstanding any later hour permitted in accordance with Section 157-4(c)(1), in venues where Outdoor Entertainment is permitted, it shall cease promptly at ~~11:00~~ 10:00 p.m. on Sunday through ~~Thursday~~ Wednesday and ~~12:00 midnight~~ 10:00 p.m. on ~~Friday and~~ Thursday through Saturday, or such earlier "close of entertainment" hour as mandated by §157-3A(1)(b); §157-3A(1)(c); §157-3A(2)(b); and §157-3A(2)(c).

§157-5. Applications; qualifications; procedure for review.

- A. Applicants shall be of good moral character and shall file an application under oath with Director on forms approved by the Director. All applications shall be reviewed by the Division of Commerce and the Department of Police. The premises shall be inspected by the Fire Department, the Division of Health and the Division of Buildings for compliance with relevant laws and regulations.
- B. The application shall be made under oath and shall contain the class of license sought, names, residences and citizenship status of all persons financially interested in the business, and the nature and extent of this interest; and, if a corporation, the names, residences and citizenship of the officers, directors and stockholders, and shall disclose whether the

applicant has been convicted of any criminal or quasi-criminal offense, and if so, the date and place of such conviction and the nature of the offense.

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- C. The application shall also include a sworn statement signed by the applicants agreeing to comply with the relevant laws, rules and regulations of the United States, the State of New Jersey and the City of Jersey City.
- D. The application shall have attached a copy of the plans and specifications of the premises sought to be licensed.
- E. All relevant land use approvals, including approved site plans, together with a valid certificate of occupancy, are conditions precedent for the approval of any application.

§157-6. Publication of application notice.

- A. The ~~{Director}~~ applicant shall publish once each week for a period of two weeks in a newspaper of general circulation notice of any new application or application for renewal or transfer of a license. Such notice shall be at the applicant's expense and shall be in a form approved by the Director.
- B. Any objections to the issuance of the proposed license or transfer may be filed with the Director within 20 days from the last date of publication of this notice, and all objections must include the name and address of the person who files the objection and the grounds for the objection.
- C. If one or more objections are filed, the Director shall hold a hearing no later than 30 days after the last date of publication before approving the license or transfer. All objectors shall receive notice of the time, date and place of the hearing, and it shall be published in the local newspaper and placed upon the City web site. The nonreceipt of such notice shall not void the Director's action.

§157-7. License renewal or transfer; change of ownership.

- A. No license shall be ~~{transferred or}~~ renewed without the approval of the Director and payment of the appropriate fee. Applications for annual renewal ~~{for transfer}~~ shall comply with all of the relevant provisions of this chapter, including the filing of all forms in §157-~~{4}~~5 and any additional forms required by the Director. ~~{Any unauthorized transfer shall result in the automatic suspension of the license.}~~
- B. The Entertainment License is non-transferable. Upon transfer of a licensed establishment, any existing Entertainment License is automatically voided, and any new Owner/Operator desiring to have entertainment at the venue shall apply for an Entertainment License as required by this Chapter.
- ~~{B}C.~~ If the owner of a sole proprietorship, the partners of a partnership or the officers, directors or stockholders of a corporation are changed, their successors shall file an affidavit stating their names, residences, citizenship and the nature and extent of their financial interest in the business. Failure to inform the Director of changes of ownership shall be grounds for suspension or revocation of the license. The Director shall review the validity of an existing

license upon change in ownership.

~~(C)D.~~ The Director may deny an application for a renewal of a license where the licensed premises has been operating in a manner detrimental to the health, safety, and welfare of the people of the City of Jersey City.

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§157-8. No Change.

§157-9. No Change.

§157-10. Interpretative guide.

- A. Severability. If any provision, or portion of a provision, of this chapter, or its application to any person or circumstances, shall be held invalid by a court of competent jurisdiction, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.
- B. Preemption. Notwithstanding any other provisions of the Code, the conditions and restrictions placed on entertainment and dance in this Chapter supersede any other provisions found in other chapters of the Jersey City Municipal Code.

§157-10.1. Variance.

With the exception of variances from the requirements of Chapter 345 (Zoning), an applicant or licensee may request a variance from the strict compliance with a specific requirement of this article by requesting same in writing to the Business Administrator. The application should contain all pertinent details, together with documentation, which the applicant or licensee wishes considered. The approval or denial of the application for variance shall be at the discretion of the Business Administrator and shall not be approved absent a showing that strict compliance with the specific requirement would create a practical hardship for the applicant and that the proposed alternative will in no way jeopardize the health, safety, and welfare of the public. The City Council shall be notified of any variance granted by the Business Administrator hereunder.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

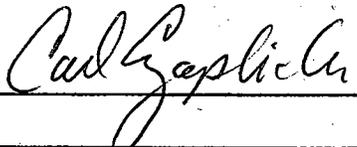
Note: All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

VS/jn
12-6-11

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: 

Business Administrator

Certification Required
Not Required

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO CITY ORDINANCE 157, ENTERTAINMENT AND DANCE

The amended Ordinance will allow permitted restaurants to apply for a separate entertainment license from nightclubs which will include certain restrictions that do not apply to nightclubs.

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO CHAPTER 157 – ENTERTAINMENT AND DANCE

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

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

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

Currently there is only one license that is applicable only to nightclubs where permitted under chapter 345 (zoning). The amended ordinance will provide for a license for restaurants and a separate license for nightclubs. The restaurant entertainment license will have restrictions in regards to hours of operation, sound levels and positioning with respect to doors and windows. It will be a annually renewable license based upon good standing and success of its use. In addition is the update and modifications of fees to coincide with the equipment and training necessary to enforce proper noise levels.

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

Jersey City prides itself on its location, ease of mobility and multicultural people, neighborhoods and small businesses-which according to the State make up 96% of all businesses in New Jersey. As the US Small Business Association has indicated “for every \$100 spent locally, over two-thirds are returned to the community.” This Administration recognizes these facets and has looked to create new small businesses while at the same time expanding and/or improving those already in existence. In expanding Restaurant Row and implementing a more flexible yet practical Sidewalk Café Ordinance, Jersey City’s restaurants and other small businesses stand to benefit and so does our City as new jobs are created and opportunities made. The proposed updated Entertainment Ordinance purpose and function is to do just that: grow new and existing businesses, create jobs and ratables, and make Jersey City a destination for all to experience. Combined all of the above will allow and encourage people to dine and stay in Jersey City for a full evening’s experience.

5. Anticipated Benefits to the Community:

Expansion and growth of our small businesses within our Neighborhood Commercial Districts, continued success and expansion of our Restaurant Row Overlay districts, the promotion of artistic expression through live entertainment, music and the like within Jersey City’s own business establishments, ability to now enforce the noise restrictions through the purchase of decibel equipment and training for three individuals at the Division of Commerce, Jersey City’s continued growth as a destination point throughout the region.

6. Cost of Proposed Plan, etc.:

\$2,022.32 for 2 decibel meters and \$1245.00 for certification training courses for three people at the Rutgers Noise Technical Assistance Center.

7. Date Proposed Plan will commence:

Upon Council Approval

8. **Anticipated Completion Date:** N/A

9. **Persons Responsible for Coordinating Proposed Program, Project, etc.:**

Carl S. Czaplicki, Department Director, HEDC
Robert D. Cotter, City Planning Director
Nick Taylor, Zoning Director
Paul J. Barna, Commerce Director

10. **Additional Comments:** N/A

I Certify that all the Facts Presented Herein are Accurate.

Paul J. Barna
Division Director

12/8/11
Date

Carl Czaplicki
Department Director Signature

12/8/11
Date



CITY OF JERSEY CITY

DEPARTMENT OF HOUSING, ECONOMIC DEVELOPMENT & COMMERCE

Jeremiah Healy

382 MARTIN LUTHER KING DRIVE

CARL S.

CZAPLICKI
Mayor

JERSEY CITY, NEW JERSEY 07305
TELEPHONE (201) 547-5139
FAX (201) 547-5585

Department Director

Paul J Barna, Division Director

INTEROFFICE MEMORANDUM

DATE: December 7, 2011

TO: Council President Peter Brennan and the Municipal Council

FROM: Paul J Barna, Director of Commerce,

SUBJECT: NEW ENTERTAINMENT ORDINANCE

Dear Council members:

Jersey City prides itself on its location, ease of mobility and multicultural people, neighborhoods and small businesses, which according to the State make up 90% of all businesses in New Jersey. As the U.S. Small Business Association has indicated "for every \$100.00 spent locally, over two thirds are returned to the community." This Administration recognizes these facts and has looked to create new small businesses while at the same time expanding and/or improving those already in existence. In expanding restaurant row and implementing a more flexible yet practicable sidewalk café ordinance, Jersey City's restaurants and other small businesses stand to benefit and so does our City as new jobs are created and opportunities made. The proposed updated Entertainment Ordinance proposes and function is to do just that: grow new and existing businesses, create jobs and ratable and make Jersey City a destination for all to experience.

The Jersey City Department of Housing, Economic Development and Commerce would like to introduce a new Entertainment Ordinance for your consideration. This Ordinance will replace the present Ordinance because of the changing needs of our Community and to help Jersey City Businesses, prosper and grow.

The proposed ordinance separates the entertainment license into two separate licenses, a nightclub license and a restaurant license. A nightclub entertainment license is only available in zoning districts where a nightclub is permitted pursuant to Jersey City Code chapter 345 or a duly adopted redevelopment plan. The restaurant entertainment license will be available only in zoning districts where a category 1 Restaurant is permitted pursuant to Jersey City Code Chapter 345 or a duly adopted Redevelopment Plan. In the Restaurant Row Overlay Zone (ROZ) a category 2 Restaurant shall also be eligible for this license and no entertainment license shall be permitted within the lower J.F.K. Boulevard NC Zone.

Outdoor entertainment will be prohibited in all establishments except where specifically requested in the license application for a certain part of the establishment, this will not be the norm and shall only be granted where the Director is convinced that it would not unreasonably interfere in the quality of life of the surrounding community. Additionally the new ordinance creates maximum decibel levels, increases fees and adjusts the hours where entertainment is permitted.

The nightclub entertainment license shall be restricted to a decibel level of 65dB and will be restricted to 50dB from 10:00 P.M. to close of entertainment seven days per week; restaurant entertainment licenses will be restricted to a decibel level of 55dB from noon to 10:00 P.M. and will be restricted to 45dB from 10:00 P.M. to close of entertainment, seven days a week. Additionally a restaurant entertainment license shall not locate or place entertainment within 10 feet of any entrance door or open window. Both the hours of operation and fee schedule have been changed and two State approved decibel devices have been purchased and three inspectors have been trained and certified by Rutgers Noise Certification course.

The fee changes are as follows:

Nightclub entertainment license class 1 - \$1200.00 per year or part thereof
Nightclub entertainment license class 2 - \$1000.00 per year or part thereof
Restaurant entertainment license class 1 - \$800.00 per year or part thereof
Restaurant entertainment license class 2 - \$600.00 per year or part thereof

The new permitted hours of operation are:

Nightclubs: Noon to 2:00 A.M., Sunday to Thursday
Noon to 3:00 A.M., Friday to Saturday
Noon to 4:00 A.M., New Years Eve

Restaurants: Noon to 1:00 A.M., Sunday to Thursday
Noon to 2:00 A.M., Friday to Saturday
Noon to 3:00 A.M., New Years Eve

Respectfully submitted,



Paul J Barna, Division of Commerce
Department of Housing, Economic Development and Commerce

City Clerk File No. Ord. 12-002

Agenda No. 3.B 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 12-002

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE V OF THE LAND DEVELOPMENT ORDINANCE (CHAPTER 345) PERTAINING TO ENTERTAINMENT

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, bars are permitted principal uses in the NC zone, and Category One and Category Two restaurants are permitted principal uses in the NC, O/R, CBD, HC, WPD and Restaurant Overlay zoning districts and permitted conditional uses in certain locations within the Historic Districts under the Land Development Ordinance of the City of Jersey City; and

WHEREAS, bars and Category One and Two restaurants are separately defined, and Category One restaurants are distinguished from other restaurant uses in the Definition Section of the Jersey City Land Development Ordinance; and

WHEREAS, T.V.s, radios, and/or stereo systems are commonly found at and can be considered as incidental and customary accessory uses at bars and restaurants with bars; and

WHEREAS, live or D.J. monitored entertainment is currently only allowed, under an existing "Entertainment and Dance License," at uses defined as nightclubs; and

WHEREAS, the ability of restaurants to offer live or D.J. monitored entertainment, but under more restrictive conditions than a nightclub, is desirable in order to better serve both the public and the business community; and

WHEREAS, the Planning Board of Jersey City, at its meeting of January 13, 2007 did discuss and approve a motion recommending that the Municipal Council adopt the amendments contained herein pertaining to the NC, O/R, CBD, HC, WPD and Historic Districts; and

WHEREAS, the Planning Board of Jersey City, at its meeting of April 26, 2011 did discuss and approve a motion recommending that the Municipal Council adopt the amendments contained herein pertaining to the Restaurant Overlay Zoning District (ROZ); and

WHEREAS, the amendments to the Land Development Ordinance are incorporated herein 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 follows:

(Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold italic *like this* is new material that is intended to be enacted).

345-45. NC- NEIGHBORHOOD COMMERCIAL DISTRICT

C. Uses incidental and accessory to the principal use, such as:

1. Off-street parking.
2. Fences and walls.
3. Signs.
4. Sidewalk cafes associated with category one and two restaurants.
5. *T.V., radio, and/or stereo systems accessory to bars and restaurants.*

6. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001), with the exception of properties on Lower John F. Kennedy Boulevard where no live entertainment shall be permitted.

345-47. CBD - CENTRAL BUSINESS DISTRICT/JOURNAL SQUARE

C. Uses incidental and accessory to the principal uses, such as:

1. Parking garages.
2. Meeting rooms, conference facilities, gymnasiums and exercise rooms and pools.
3. Signs.
4. *T.V., radio, and/or stereo systems accessory to bars and restaurants*

5. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).

345-46. O/R- OFFICE/RESIDENTIAL DISTRICT

C. Uses incidental and accessory to the principal use, such as:

1. Off-street parking garages and lots and off-street loading.
2. Fences and walls.
3. Signs.

4. *T.V., radio, and/or stereo systems accessory to bars and restaurants.*

5. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).

345-48. HC- HIGHWAY COMMERCIAL DISTRICT

C. Uses incidental and accessory to the principal use, such as:

1. Off-street parking, garages and off-street loading.
2. Fences and walls.
3. Signs.

4. Auto service ancillary to retail car dealership.

5. Outdoor garden centers.

6. *T.V., radio, and/or stereo systems accessory to bars and restaurants*

7. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).

345-56. WPD- WATERFRONT PLANNED DEVELOPMENT DISTRICT

C. Uses incidental and accessory to the principal use, such as:

- 1. Fences and walls.
- 2. Signs.
- 3. Parking.

4. T.V., radio, and/or stereo systems accessory to bars and restaurants.

5. Live entertainment accessory to Category One restaurants only, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).

345-58. H- HISTORIC DISTRICT

C. Accessory uses permitted in all Historic Districts:

- 1. Private garages, for projects of 10 units or more.
- 2. Screened off-street parking, for projects of 10 units or more.

3. Live entertainment accessory to Category One restaurants only, where permitted as conditional uses or where O/R use standards apply, subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001).

345-60 SUPPLEMENTARY ZONING REGULATIONS

T. Restaurant Overlay

1. Restaurant Overlay Zones (ROZ) shall apply to the areas depicted on the Jersey City Zoning Map. The ROZ is intended to apply as an overlay, which means that it applies an alternative zoning pattern when and if chosen by the property owner. Within a ROZ, existing zoning regulations continue unchanged. The application of ROZ zoning provides for a new, additional permitted principal use- restaurants.

2. Restaurant Overlay Zoning Regulations

a. Permitted Principal uses

(1) Restaurants, *category one and two.*

b. Permitted Accessory uses

(1) *Sidewalk Cafes (subject to the provisions of Chapter 296, Article XII, Sidewalk Cafes)*

(2) *Live Entertainment subject to issuance of a "Restaurant Entertainment License" by the Division of Commerce and the restrictions as to decibel level, hours of operation, and location of entertainment providers attached to that license (see Ordinance #12-001)*

b. Parking Requirements for restaurants:

(1) ~~One space per 250 square feet of gross floor area. This calculation shall be based upon gross floor area of all spaces dedicated to the restaurant use, including table area, bar, kitchen, storage, office and all other restaurant related uses.~~

c. Minimum building separation.

(1) No setback from any lot line shall be required for existing structures that are not to be enlarged. However, in the event that a separation of structures exists, or is proposed in the event of new construction, the minimum distance between any rear wall of a building proposed for a ROZ restaurant use and any rear wall of an adjacent building containing any residential uses shall be 15 feet, as measured from building face to building face, except in the case of corner lots, where no minimum or maximum separation shall apply.

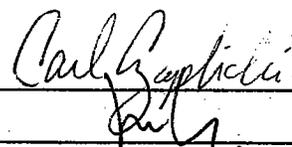
BE IT FURTHER ORDAINED THAT:

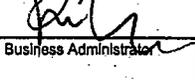
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City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

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 ARTICLE V OF THE LAND DEVELOPMENT
ORDINANCE (CHAPTER 345) PERTAINING TO ENTERTAINMENT**

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

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

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

Amends Article V accessory use standards pertaining to bars to allow accessory T.V.s, radios, and stereo systems; amends accessory use standards for category one (primarily sit-down) restaurants, where permitted as principal or conditional uses; and updates Restaurant Row Overlay Zone standards pertaining to category one and category two restaurants, in order to permit the issuance of a "restaurant entertainment license" in all applicable zones.

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

- a.) T.V.s, radios, and/or stereo systems are commonly found at and can be considered as incidental and customary accessory uses at bars and restaurants with bars;
- b.) Live or D.J. monitored entertainment is currently allowed, under an existing "Entertainment and Dance License," only at uses defined as nightclubs, and the ability of restaurants to offer live or D.J. monitored entertainment, but under more restrictive conditions than a nightclub, is desirable in order to better serve both the public and the business community.

5. Anticipated Benefits to the Community:

Enhancement of local restaurant business in a way that better serves the public while protecting the general welfare

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 Czaplicki, Director, Dept of HEDC
Robert D. Cotter, City Planning Director
Nick Taylor, Acting Director, Division of Zoning

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.



Division Director

Dec 6, 2011

Date



Department Director Signature

12/7/11

Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE V OF THE LAND DEVELOPMENT ORDINANCE (CHAPTER 345) PERTAINING TO ENTERTAINMENT

Amends Article V accessory use standards pertaining to bars to allow accessory T.V.s, radios, and stereo systems; amends accessory use standards for category one (primarily sit-down) restaurants, where permitted as principal or conditional uses; and updates Restaurant Row Overlay Zone standards pertaining to category one and category two restaurants, in order to permit the issuance of a "restaurant entertainment license" in all applicable zones.

City Clerk File No. Ord. 12-003

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 12-003

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE ZONING MAP EXPANDING THE RESTAURANT OVERLAY ZONE

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, the Land Use Element of the Jersey City Master Plan references the creation of a "restaurant row" through the adoption of the Restaurant Overlay Zone (ROZ) within the downtown Newark Avenue Neighborhood Commercial District; and

WHEREAS, a Master Plan Reexamination Report recommending the expansion of the ROZ boundaries into growth areas in Jersey City was adopted by the Planning Board on July 26, 2011; and

WHEREAS, amendments to the Zoning map implementing the recommendations of the Reexamination Report were recommended by the Planning Board for adoption by the Municipal Council on December 13, 2011; and

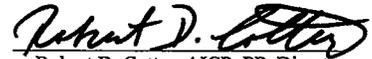
WHEREAS, the subject map amendments are attached hereto and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

WHEREAS, the City Planning Division has given notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning Board;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Land Development Ordinance Zoning Map, 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. 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.

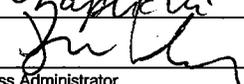


Robert D. Cotter, AICP, PP, Director
Division of City Planning

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 AN AMENDMENT TO THE ZONING MAP EXPANDING THE RESTAURANT
OVERLAY ZONE**

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

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

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

It expands the boundaries of the Restaurant Overlay Zone to include five properties in Paulus Hook and one on Columbus Drive.

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

The expansion of the ROZ zoning to these properties will strengthen existing or approved restaurants on Washington Avenue, at York and Warren and Morris and Warren and a proposed hotel use at 190 Columbus Drive.

5. Anticipated Benefits to the Community:

It will increase opportunities for small business expansion to meet the growing demand for restaurants in downtown Jersey City.

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 Czaplicki, Director, Dept of HEDC
Robert D. Cotter, City Planning Director
Nick Taylor, Director, Division of Zoning

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director

Dec 22, 2011
Date


Department Director, Signature

12/22/11
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE ZONING MAP EXPANDING THE RESTAURANT OVERLAY ZONE

This Ordinance expands the ROZ zoning to existing or approved restaurants on Washington Avenue between Montgomery and Morris, at York and Warren and Morris and Warren and a proposed hotel use at 190 Columbus Drive.



Inter-Office Memorandum

DATE: January 4, 2012
TO: Robert Byrne, City Clerk
FROM: Robert D. Cotter, PP, AICP, Planning Director
SUBJECT: Restaurant Overlay Zone Additions



Per your request, here is the information on the Second Expansion of the ROZ Zoning.

200-202 Washington Street – currently a liquor store/deli. Has an Zoning Board approval to convert to a café.

212-214 Washington Street – currently Satis Restaurant. This is a small restaurant, apparently struggling to survive on food sales only. We have received a letter (attached) from the Board of Ed explaining that they have no objection to this expansion of the ROZ near PS 16.

263 Washington Street – new, occupied 10 story apartment building with ground floor restaurant called Mantra under construction.

104-124 York Street – unbuilt 11 story apartment building where Lisbon and St Peter's Prep parking lot were.

199 Warren Street – Presto's Restaurant, probably won't go for liquor license, but this will allow them sidewalk café seats.

191 Columbus Drive – currently the Hahn Warehouse, may convert to boutique hotel.

Any questions, please call me at 5050.



THE JERSEY CITY PUBLIC SCHOOLS

346 CLAREMONT AVENUE
JERSEY CITY, NEW JERSEY 07305
(201) 915-6274
(201) 938-1142 Fax



MELISSA SIMMONS
Business Administrator/Board Secretary

Email: msimmons@jcboe.org

January 4, 2012

Robert Cotter, Director
Jersey City Division of Planning
30 Montgomery Street
Jersey City, NJ 07302

RE: Restaurant Row Designation/Cornelia F. Bradford School (P.S. #16)

At a recent committee meeting of the Board of Education members present reviewed the concept of a restaurant now in the vicinity of the Cornelia Bradford School (P.S. #16) located on Sussex Street.

The purpose of this letter is to inform you that the district has no objection to the plan.

If there are any questions in this matter, please do not hesitate to contact this office.

Sincerely,

Melissa Simmons
Business Administrator/Board Secretary

MS/is

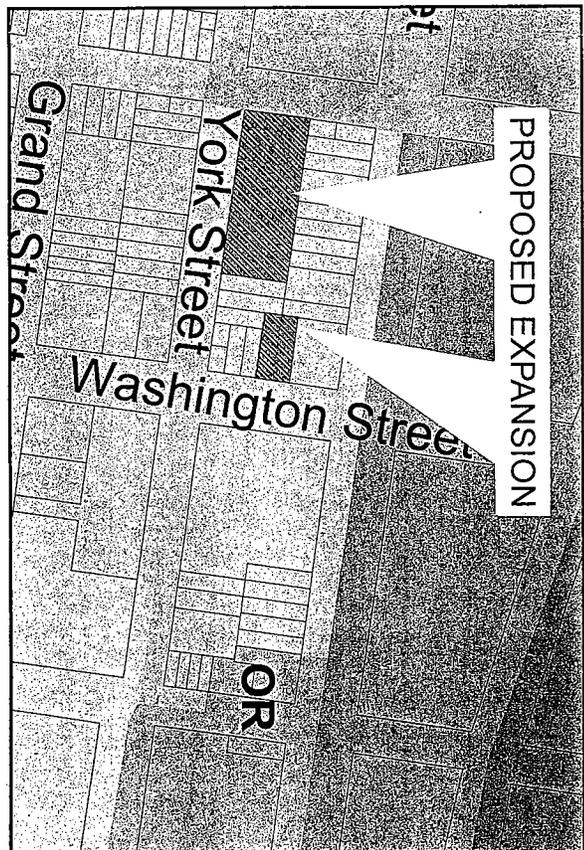
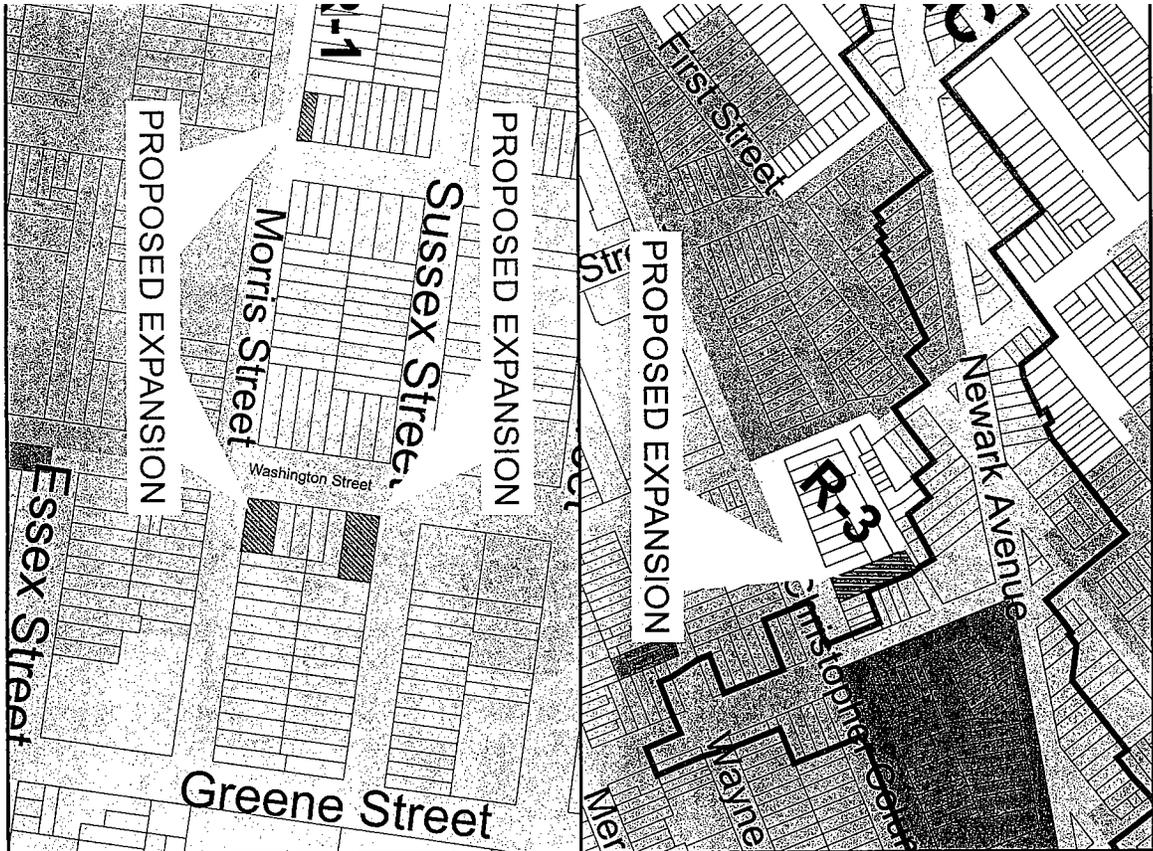
C: Sterling Waterman, President, Jersey City Board of Education
Suzanne T. Mack, Chairperson, Finance Committee
Franklin Walker, Interim Superintendent
Flavio Rubano, Deputy Superintendent
Norma Fernandez, Special Assistant, Division B
Terry Watkins-Williams, Principal, Cornelia F. Bradford School

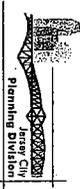
**ZONING MAP AMENDMENT
EXPANDING THE RESTAURANT OVERLAY ZONE**

 PROPOSED ROZ EXPANSIONS

Legend

	PROPOSED EXPANSION
	HISTORIC DISTRICTS
	OFFICE/BUSINESS DISTRICTS
	RESIDENTIAL DISTRICTS
	CENTRAL BUSINESS DISTRICTS
	INDUSTRIAL DISTRICTS
	INSTITUTIONAL DISTRICTS
	WATER SUPPLY FACILITY DEVELOPMENT
	CEMETERY
	HISTORIC SPACE
	VACANT
	NONCONFORMING USE
	NONCONFORMING STRUCTURE




 Planning Board of the City of Jersey City
 30 Mack Centre Street, Suite 1400
 Jersey City, NJ 07310-3881
 Phone: 201.445.2810
 Fax: 201.445.4330

December 8, 2011

City Clerk File No. Ord. 12-004

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 12-004

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE PERTAINING TO THE COMMERCIAL/AUTOMOTIVE DISTRICT

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 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 V of the Ordinance lays out permitted uses in zones citywide, including the C/A Commercial Automotive zone; and

WHEREAS, the existing C/A zone limits permitted uses to those directly involving automotive uses, however other compatible uses such as restaurants, banks, and offices would not present a conflict to the zone and in fact already exist in the zone; and

WHEREAS, expanding the list of permitted uses and bulk standards for these uses would benefit the C/A district; 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

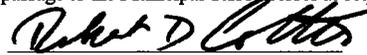
WHEREAS, the Planning Board at its meeting of December 13, 2011 did vote to recommend that the Municipal Council amend the Land Development Ordinance Section V; and

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, AICP, PP, Director
Division of City Planning

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 PERTAINING TO THE COMMERCIAL/AUTOMOTIVE DISTRICT

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

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

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

This Ordinance will amend Article V of the Land Development Ordinance (Zoning Ordinance) to expand the permitted uses in the Commercial/Automotive Zone and modify bulk standards to accommodate such uses.

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

The existing permitted uses in the Commercial/Automotive district are limited, and there is no conflict in expanding the permitted uses to include other compatible uses including banks, restaurants, and offices. These uses already exist in the zone and this will bring them into compliance. Revised bulk standards are proposed to accommodate these uses.

5. Anticipated Benefits to the Community:

The amendments will make existing non-conforming uses permitted, and will allow future development of compatible but currently prohibited uses.

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 Czaplicki, Director, Dept of HEDC
Robert D. Cotter, City Planning Director
Nick Taylor, Acting Director, Division of Zoning

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director

DEC 15, 2011
Date


Department/Directory Signature

12/15/11
Date

As of 12/6/11

§345-49 C/A Commercial/Automotive District

- A. No Change
- B. Permitted principal uses are as follows:
1. Retail sales of goods and services.
 2. Auto sales.
 3. Auto repair and services.
 4. Service Stations
 5. Auto Body Shops
 6. **Financial institutions**
 7. **Restaurants, all categories.**
 8. **Offices**
- C. Uses incidental and accessory to the principal use, such as
1. Offices
 2. Fences and walls
 3. Signs
 4. Parking
 5. Car washes, all categories
- D. Bulk Standards for Commercial/Automotive District:
1. Minimum Lot Size: Ten thousand (10,000) square feet.
 2. Minimum Lot Width: One hundred (100) feet.
 3. Minimum Lot Depth: One hundred (100) feet.
 4. **Maximum Minimum Front Yard Setback: Five feet; *Setback may exceed five feet if the entire yard adjacent to the right-of-way is fully landscaped and provides a pedestrian pathway to the building entrance. Additionally, garage bays with overhead doors must be set back twenty (20) feet between overhead doors and right-of-way to allow for queuing. Garage bays shall be limited to fifty percent (50%) of the front building façade width.***
 5. Side Yard: Zero feet. ***On corner lots, setback may exceed zero feet if the entire yard adjacent to the right-of-way is fully landscaped and provides a pedestrian pathway to the building entrance.***
 6. Minimum Rear Yard: Five feet
 7. Minimum Building Height: Thirty (30) feet
 8. Maximum building and lot coverage: Ninety (90) percent
 9. ~~Overhead doors shall be limited to fifty percent (50%) of the front building façade width~~
 10. A six foot high decorative brick wall is required along the rear lot line if the parcel abuts residential uses or zones.

E. **Minimum** Parking Standards for Commercial/Automotive District:

1. No Change
2. No Change
3. No Change
4. **Financial institutions: one space per five hundred (500) sq. ft. of gross floor area**
5. **Restaurants: one space per five hundred (500) sq. ft. of gross floor area**
6. **Offices : one space per five hundred (500) sq. ft. of gross floor area**

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE PERTAINING TO THE COMMERCIAL/AUTOMOTIVE ZONE

This Ordinance will amend Article V of the Land Development Ordinance (Zoning Ordinance) to expand the permitted uses in the Commercial/Automotive Zone and modify bulk standards to accommodate such uses.

City Clerk File No. Ord. 12-005

Agenda No. 3.E 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 12-005

TITLE:

AN ORDINANCE DEDICATING THAT THE INTERSECTION OF
MAPLE STREET AND HALLADAY STREET ALSO BE KNOWN AS

Joseph A. Webb Place

WHEREAS, Joseph A. Webb, the loving son of the late Lemar and Mary Webb was born on July 1, 1941, in Jersey City, New Jersey; and

WHEREAS, Joseph A. Webb was a lifelong resident of the Lafayette section of Jersey City, New Jersey; and

WHEREAS, Joseph A. Webb began his professional career with Shick Realty as a Real Estate Agent, and was later employed by the City of Jersey City Department of Recreation; and

WHEREAS, Joseph A. Webb began a new career in 1968 with the Hudson County Board of Chosen Freeholders as a Senior Map Clerk at the Registrar's Office, Joseph where he diligently worked until retirement in 2005; and

WHEREAS, Joseph A. Webb was a dedicated lifelong member of Monumental Baptist Church. He was a Father of the church and participated in The Men's Club and The Men's Day Choir. Friendship Lodge #44 was also an integral part of his life. He held various positions and was a Past Master; and

WHEREAS, Joseph A. Webb loved children and the Christmas season, often volunteering his time at the Christmas parties held for the children of the community. He also chaired many successful events for the Level Club; and

WHEREAS, Joseph A. Webb departed this life and entered into eternal rest on February 6, 2011.

NOW, THEREFORE, BE IT ORDAINED, that in recognition of his exemplary community service the Municipal Council of the City of Jersey City deems it fitting and most appropriate to honor Joseph A. Webb by dedicating that the intersection of Maple Street and Halladay Street also be known as Joseph A. Webb Place.

- 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 fully set forth therein. The City 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 Counsel 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 accidental repealers of existing provisions.

G:\WPDOC\SITOLONDAIRESOS\RENAME\Joseph A. Webb.wpd

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

Joseph A. Webb



Joseph A. Webb began his life's journey on July 1, 1941, in Jersey City, New Jersey. He was the loving son of the late Lemar and Mary Webb. Joseph was a lifelong resident of the Lafayette section of Jersey City, New Jersey. He entered into eternal rest on February 6, 2011.

Joseph began his professional career with Shick Realty as a Real Estate Agent, and was later employed by the City of Jersey City Department of Recreation. In 1968, Joseph began a new career with the Hudson County Board of Chosen Freeholders, as a Senior Map Clerk at the Registrar's Office, where he diligently worked until retirement in 2005.

Joseph was a life long member of Monumental Baptist Church, where he was a Father of the church; and participated in The Men's Club and The Men's Day Choir.

He would always sing "I Will Trust in The Lord", Oh How I Love Jesus and I'll Fly Away. He would always state when his time came he wanted to hear "Well Done Thy Good and Faithful Servant, Well Done".

Friendship Lodge #44 was an integral part of Joseph's adult life. He was a Past Master. During his tenure he successfully held various positions and especially enjoyed helping Mr. Jones and the other members at Christmas time when they gave parties for the children of the community. He chaired many successful events for the Level Club.

Surviving to cherish his precious memory are:
two loving brothers, Reginald and Walter and wife Clartha;
four adored sisters, Theresa Ferguson, Mary Webb-Miller,
Margaret Webb-Nixon and Lavern Webb-Washington;
one caring brother-in-law, William Davis;
a treasured god-son, Kevin Brigman;
dear friend Deacon Edward Bratton;
thirty-six nieces and nephews and a host of great-nieces,
nephews, cousins, other loving relatives and friends.

The family would like to thank all who came to care for Joseph and the special care he received from Ria.

Funeral Service Friday, at 7:00 p.m. from Monumental Baptist Church, 121 Lafayette Street, Jersey City, New Jersey. Visitation Friday, 3:00 p.m. to 7:00 p.m. at the church. Interment will take place at the New York Bay Cemetery Saturday, February 12, 2011, at 10:00 a.m.

Arrangements by:

**JACKSON FUNERAL
RESIDENCE**

384 COMMUNIPAW AVENUE • JERSEY CITY • (201) 432-6565

City Clerk File No. Ord. 12-006

Agenda No. 3.F 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 12-006

TITLE: AN ORDINANCE DEDICATING THAT VAN HORNE STREET BETWEEN
MAPLE STREET AND JOHNSTON AVENUE ALSO BE KNOWN AS

Allen Nile Dunbar, Sr. Way

WHEREAS, Allen Nile Dunbar, Sr. was born on April 16, 1945 in Jersey City, New Jersey and has remained a lifelong resident. He resided in the Marion Gardens Housing Complex before moving to the Lafayette Housing Complex in 1960; and

WHEREAS, Allen Nile Dunbar, Sr. created the Dunbar Leagues in basketball, baseball, football and track in 1960. The Leagues were based at the Jersey City Boys Club, Jersey City Department of Recreation and Lafayette Team Post. More than 1000 children participated in the Dunbar Leagues, many of whom are successful professionals today. While serving the children of the Lafayette Neighborhood, he also served as an umpire with the Industrial League, Black Tavern League, Latin American League and the Independent League; and

WHEREAS, Allen Nile Dunbar, Sr. emphasized love of education and community, pride, hard work, self-reliance, self-respect, respect for others and love of the Lord to children through sports. During these years, Allen worked as a machinist full-time and raised his own family. Mr. Dunbar has received more than 100 awards for his dedication to the community, including the James "Pop" Curry Community Service Award from Team Walker in 2000; and

WHEREAS, Allen Nile Dunbar, Sr. gives much of the credit for his community service and mentorship to his lovely wife, Lee Ethel, his "Queen." Allen and Lee Ethel often acted as surrogate parents to many children in the neighborhood. The couple has been married for 45 years and are the proud parents of three children; Edward Bazz Dunbar, Allen Dunbar, Jr. and Niece Dunbar. They are the loving grandparents of and eleven.

WHEREAS, on Saturday, September 24, 2011, an induction ceremony was held to honor Dunbar as a Lafayette Legend. A bronze plaque featuring his name and description of community service will be placed on the Glenn D. Cunningham History Trail in the Reverend Dr. Erce F. Webb Park; and

NOW, THEREFORE, BE IT ORDAINED, that recognition of her years of exemplary service to the City of Jersey City and the County of Hudson, the Municipal Council of the City of Jersey City deems it fitting and most appropriate to honor Allen Nile Dunbar, Sr. by dedicating that Van Horne Street between Maple Street and Johnston Avenue also be known as Allen Nile Dunbar, Sr. Way.

- 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 fully set forth therein. The City 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 Counsel 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 accidental repealers of existing provisions.

CLWY000310LONDARESCORRENAMEAllen Nile Dunbar.rpd

APPROVED AS TO LEGAL FORM

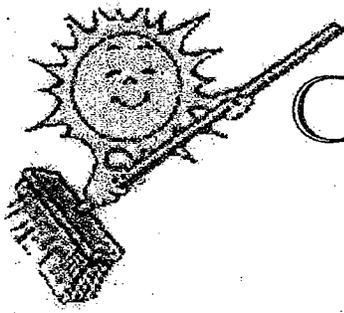
Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required

Not Required



Communipaw Avenue Block Association

384 Communipaw Avenue, Jersey City, NJ 07304

Phone: 201.432.6565 Fax: 201-333-2248

Email: commblock@msn.com

www.cabajc.org

Member of Jersey City Parks Coalition

CABA OFFICERS

Rosalyn Browne - President

Susan Curry - Co-President
Liaison with Lafayette Legends

Patricia Jackson - Co-President
Liaison with Lafayette Legends

Cheryl Loftin - Vice President
Website Maintenance

Elizabeth Garnes - Treasurer

Cynthia Fluellen - Corresponding Secretary

Phyllis Thomas - Webb Park Watch Program

Gloria Felder - Recording Secretary

Anna McClain - Chaplin

Darryl Walker - Chaplin

WEBB PARK MAINTENANCE

Chester Tucker

Gary Williams

Dwayne Baskerville

Reverend Robert Allen, Jr.

ADVISORY COUNCIL

Rev. Joseph L. Jones, Sr.

Rev. Annie Jones

Father Eugene Squeo

Clifford Waldman, PhD

William Montgomery, PhD

Pargellan McCall, PhD

David Silverstein

Cheryl D.B. Murphy

John Gomez

Michael Lyle, Sr.

Biography of Allen Nile Dunbar, Sr. for the Glenn D. Cunningham History Trail Project in Webb Park

Allen Nile Dunbar, Sr., was born on April 16, 1945 in Jersey City, New Jersey and remained a lifelong resident. He resided in the Marion Gardens Housing Complex before moving to the Lafayette Housing Complex in 1960. Allen has been married for 45 years to Lee Ethel Dunbar. The couple have two sons; Edward Bazz Dunbar and Allen Dunbar, Jr., a daughter Niliece Dunbar and eleven grandchildren. Dunbar stresses the need to impart character building lessons such as, love of education and community, pride, self reliance, self respect, hard work, respect for others, and love of the Lord to children through sports. So, in 1960 he created the Dunbar Leagues in basketball, baseball, football and track. The Leagues were based at the Jersey City Boys Club, Jersey City Department of Recreation and Lafayette Team Post. Over 1000 children participated in the Dunbar Leagues, many of whom are successful professionals today. New Jersey Assemblyman Charles Mainor said; "Nile was a father to many of us who didn't have father figures".

Unfortunately some parents in Dunbar's neighborhood neglected to take time to spend with their children. So Allen and his wife Lee Ethel acted as surrogate parents. The couple were nurturing role models, who provided whatever sustenance was needed by the children. During these years Allen worked as a machinist full time and raised his own family, while serving the children of the Lafayette Neighborhood. He had been an Umpire with the Industrial League, Black Tavern League, Latin American League and the Independent League. While Umpiring the Independent League baseball games in Pershing Field in 1966, Dunbar recounts seeing a sign posted that read "No Niggers Allowed", but those things never deterred him. Allen says his direction and vocation emanated from the Lord whose path he followed. Allen gives much of the credit for his community service and mentorship to his lovely wife Lee Ethel, who he calls his Queen, without whose love and commitment his service would not have been possible. Mr. Dunbar has received over 100 awards for his dedication to the community including James "Pop" Curry Community Service Award from Team Walker on September 9, 2000.

He retired from employment at Hudson County Court House in 2009 with a joyful and humble spirit. Allen Nile Dunbar has lived his best life and we all honor him for his service to the children of the Lafayette Community.

The Communipaw Avenue Block Association intends to request that Van Horne Street between Maple Street and Johnston Avenue be renamed Allen Nile Dunbar, Sr. Place in his honor.

"Dedicated to Restoring Lafayette to a Clean, Healthy, Safe, and Drug-Free Environment"

City Clerk File No. Ord. 12-007

Agenda No. 3.G 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 12-007

TITLE:

ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE II (COUNCIL) OF THE JERSEY CITY CODE ESTABLISHING THE OFFICE OF COUNCIL PRESIDENT PRO TEM

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

6A.. The following amendment to Chapter 3 (Administration of Government) Article II (Council) is hereby adopted:

CHAPTER 3
Administration of Government

Article II
Council

§3-4 Organization; President; President Pro Tem

A. The Council shall organize pursuant to law (~~on July 1~~) at the first meeting after the effective date of this ordinance at which time it shall elect a President from among its members for a term coextensive with the term of the Council (~~;- provided, however, that the election of July 1, 1994 shall be for a term of three years~~). Beginning July 1, 2013 the Council shall elect a successor President on July 1 or at the first council meeting thereafter for a two year term.

B. The Council may also elect a Council President Pro Tem from among its members at the first meeting after the effective date of this ordinance for a term coextensive with the term of the Council. Beginning July 1, 2013 the Council shall elect a successor Council President Pro Tem on July 1 or at the first council meeting thereafter for a two year term.

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel 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 accidental repealers of existing provisions.

NOTE: All new material is underlined; words in [brackets] are omitted.

For purposes of advertising only, new matter is indicated by boldface and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____

Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 12-008

Agenda No. 3.H 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 12-008

TITLE: **ORDINANCE AMENDING CHAPTER A350 (COUNCIL RULES OF ORDER)
PROHIBITING COUNCIL MEMBERS FROM USING CELL PHONES OR OTHER
ELECTRONIC DEVICES WHILE ON THE COUNCIL DAIS WHILE A COUNCIL
MEETING IS IN SESSION**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

A. The following amendments to Chapter A350 (Council Rules of Order) are hereby adopted:

§ A350-19. - Rule XVIII: Decorum.

- A. Council members. While the Council is in session, the members shall observe order and decorum. A Council member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council nor disturb any member while speaking. A Council Member shall not use a cell phone or any other electronic device while on the Council dais or refuse to obey the orders of the Council President while a Council meeting is in session. Members of the Council shall inform the Council President before leaving their seats during a Council meeting.
- B. Employees. Members of the city staff shall observe the same rules of order and decorum which apply to the Council.
- C. Persons addressing the Council. Any person making personal, slanderous or profane remarks or who willfully utters loud, threatening or abusive language or engages in any disorderly conduct which disrupts or disturbs the orderly conduct of any meeting shall be called to order by the Council President. If such conduct continues the Council President may, at his or her discretion, order such person barred from further audience before the Council during that meeting.
- D. Members of the audience. No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, shouting and other similar demonstrations which disturb the peace and order of the Council Meeting.
- E. Videotaping, audiotaping and photographing. Any person may videotape, audiotape or photograph the proceedings of the Municipal Council. Such conduct should be unobtrusive so as not to interfere with the proceedings. The Council President or City Clerk may direct the activities of such persons to ensure an orderly meeting.
- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.

**ORDINANCE AMENDING CHAPTER A350 (COUNCIL RULES OF ORDER)
PROHIBITING COUNCIL MEMBERS FROM USING CELL PHONES OR OTHER
ELECTRONIC DEVICES WHILE ON THE COUNCIL DAIS WHILE A COUNCIL
MEETING IS IN SESSION**

E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: New matter is underlined; deleted matter in [brackets.] For purposes of advertising only, New matter is indicated by **boldface** and repealed matter by *italic*.

JM/cw
01/05/12

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required