

City Clerk File No. Ord. 13,086

Agenda No. 3.A. 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 13,086

TITLE: **ORDINANCE DEDICATING THAT THE INTERSECTION OF
WILKINSON AVENUE AND CLERK STREET ALSO BE KNOWN AS
Bishop Richard J. Green Way**

WHEREAS, Richard J. Green, Jr. was born in Charleston, South Carolina on December 8, 1939 to Richard J. Green, Sr. and Sallie Mae Seabrooks. Upon graduating from high school, he relocated to Jersey City, NJ; and

WHEREAS, Bishop Richard J. Green accepted the Lord as his personal savior in 1959 and diligently worked for the Lord at Cornerstone Church of Christ under the late Bishop Grady Dale. He worked as an usher, deacon, minister, President of the Young People's Department and Assistant Sunday School Superintendent; and

WHEREAS, Bishop Richard J. Green acknowledged his call to ministry and on November 22, 1964, delivered his first sermon. In July of 1966, with the recommendation of his pastor, he was ordained as an Elder by the late Bishop Smallwood E Williams and received Biblical education at the Manhattan Bible Institute and Christ Temple; and

WHEREAS, Bishop Richard J. Green earned a Bachelor of Theology Degree from the American Divinity School in 1968, an Associate's Degree in Sociology in 1974 from Essex County Community College and in 1978, received a Bachelor of Arts Degree in Sociology from Rutgers University. He studied at the Jamison Christian College and received a Master of Theology and a Doctorate of Philosophy. Dr. Green also taught at the Jersey City Bible Institute and World Bible Evangelistic Ministries in Mt. Vernon, New York; and

WHEREAS, Bishop Richard J. Green loved Jersey City. He operated a summer youth program from his home on Clerk Street for several years providing outreach while keeping the community youth off the. He also provided hot meals for those in need; and

WHEREAS, Bishop Richard J. Green directed the Know Thy Neighbor Sunday-School Annex under the auspices of Cornerstone Church of Christ. In 1970, the church was renamed Know Thy Neighbor Church of Christ with a 501(c)(3) status all while operating from the home of his basement on Clerk Street. In 1986, Pastor Green mortgaged his home to build a new edifice at 101 Kearny Avenue; and

WHEREAS, Bishop Richard J. Green was consecrated from Elder to Bishop on March 29, 2009.

NOW, THEREFORE BE IT ORDAINED, that the Municipal Council of the City of Jersey City deems it fitting and proper to honor the longstanding ministry and community service of Bishop Richard J. Green who departed this life on November 27, 2012.

BE IT FURTHER ORDAINED, that the intersection of Wilkinson Avenue and Clerk Street also be known as Bishop Richard J. Green 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.

G:\WPDOCSITOLONDAIRESOS\RENAME\Pastor Richard J Green.docx

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 13.087

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 13.087

TITLE: **ORDINANCE AMENDING CHAPTER 296 (STREETS AND SIDEWALKS), ARTICLE VII (EXCAVATIONS) AND CHAPTER 160 (FEES AND CHARGES) OF THE JERSEY CITY MUNICIPAL CODE**

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

- A. The following amendments to Chapter 296 (Streets and Sidewalks), Article VII (Excavations) are hereby adopted:

**STREETS AND SIDEWALKS
ARTICLE VII
Excavations**

**SUBARTICLE I
Excavation in the Public-Right-Of-Way**

§296-20. No Change.

§296-21. Permits required to excavate.

- A. It is unlawful for any person to make or to cause or permit to be made any excavation in any public right of-way [~~that is under the jurisdiction of the Department~~] without first obtaining from the [~~Department~~] Division of Engineering, Traffic and Transportation a permit ~~[authorizing such excavation]~~ to excavate and a traffic permit to occupy the public right-of-way. A person seeking a [P] permit[s] to excavate for the purpose of connecting [residential dwellings] to municipal sewer and/or water utilities shall [be issued by the Division of] first obtain consent from the Jersey City Municipal Utilities Authority prior to applying for a permit for excavation. After receiving a permit for excavation, a permittee shall arrange a plumbing inspection through the Construction Code Official [under the direction of the Department. All other permits shall be issued directly by the Department] in order to obtain a certification of compliance upon completion of work.
- B. No permit to excavate shall be required when an excavation is completed within a period of 24 hours or less to install a parking meter, street light, street tree, traffic sign, traffic signal, or utility pole or to repair a utility box in a sidewalk; or when an excavation is performed for the sole purpose of repairing a sidewalk.
- C. Permit requirements pertaining to emergency excavation are addressed in Subarticle 3, §296-30.

§296-22. [~~Department~~] Division orders and regulations.

In addition to the requirements set forth in this Article, the [~~Department~~] Division shall prepare, and file with the office of the City Clerk, Standard Plans and Specifications governing excavations conducted pursuant to this Article. In addition, the Standard plans and Specifications shall be adopted by resolution of the City Council. Each excavation conducted pursuant to this chapter shall be performed in accordance with the Standard Plans and Specifications. In addition, such

plans and specifications shall be made available to the contractor at the time of application as part of the conditions set forth to be followed while performing the excavation work.

§296-23. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

- A. "Applicant" shall mean ~~{any}~~ a contractor authorized by the {O}wner of the property or {duly authorized} its designated agent {of such Owner who has submitted an application for a permit to excavate} to perform excavation work in order to provide utility service lines for the property. The contractor shall be licensed in the State of New Jersey to perform construction work and shall provide an Insurance Certificate and Surety Bond in the amount as stated in the ordinance at the time of application.
- B. "Chapter" shall mean this Article of the City of Jersey City Code.
- C. "Block" shall mean that part of the public right-of-way that includes the street area from the property line to the parallel property line in width and extending from the property line of an intersecting street to the nearest property line of the next intersecting street in length. For purposes of this definition, an intersection also shall be considered a "Block."
- D. "City" shall mean the City of Jersey City.
- E. "~~{Department}~~ Division" shall mean the ~~{Department of Public Works}~~ Division of Engineering, Traffic and Transportation.
- F. ~~"Deposit" shall mean any cash deposit, or other security provided by the Applicant in accordance with Subarticle 3, Section II of this Chapter.~~ Reserved.
- G. "Division Director" shall mean the Director of ~~{Public Works}~~ Engineering, Traffic and Transportation- or his or her designee.
- H. "Excavation" shall mean any work in the surface or subsurface of the public right-of-way, including, but not limited to opening the public right-of-way, installing, servicing, repairing or modifying any Facility(ies) in or under the surface or subsurface of the public right-of-way, and restoring the surface and subsurface of the public right-of-way.
- I. "Facility" or "Facilities" shall include, but not be limited to, any and all cables, cabinets, ducts, conduits, converters, equipment, drains, handholds, manholes, pipes, pipelines, poles, splice boxes, surface location markers, tracks, tunnels, utilities, vaults, and other appurtenances or tangible things owned, leased, operated, or licensed by an Owner or person, that are located or are proposed to be located in the public right-of-way.
- J. "Major Work" shall mean any reasonably foreseeable Excavation that will affect the public right-of-way for more than fifteen (15) consecutive calendar days.
- K. "Municipal Excavator" shall mean any agency, authority, board, commission, department, or subdivision of the City, or agent thereof, that owns, installs, or maintains a Facility or Facilities in the public right-of-way.
- L. "Owner" shall mean any person, including the City, who owns any Facility or Facilities that are or are proposed to be installed or maintained in the public right-of-way.
- M. "Permit" or "Permit to Excavate" shall mean a permit to perform an excavation as it has been approved, amended, or renewed by the ~~{Department}~~ Division.
- N. "Permittee" shall mean the Applicant to whom a permit to excavate has been granted by the ~~{Department}~~ Division in accordance with this Chapter.
- O. "Person" shall mean any natural person, corporation, partnership or entity, any Municipal Excavator, or any governmental agency, including the State of New Jersey or United States of America.

- P. "Public Right-of-Way" shall mean the area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, spaces, streets, and ways within the City, as they now exist or hereafter will exist and which are or will be under the permitting jurisdiction of the {Department of Public Works} Division.
- Q. "Sidewalk" shall mean the area from the established or actual building line and the back of the nearest curb in front of any building or vacant lot, or on the sides thereof.
- R. "Standard Plans and Specifications" shall mean and include those standards and specifications prepared by the {Department} Division that govern excavations pursuant to this Article and shall include but not be limited to standards and requirements imposed by the {Department} Division relating to the method, location and time of excavation and such other requirements as may now or hereafter be imposed or otherwise required by the {Department} Division.
- S. "Utility Excavator" shall include but not be limited to any Owner whose Facility or Facilities in the public right-of-way are used to provide electricity, gas, information services, sewer service, steam, telecommunications, traffic controls, transit service, video, water, or other services to customers regardless of whether or not such Owner is deemed a public utility by the New Jersey Board of Public Utilities (BPU)

SUBARTICLE II

Applications for Permits to Perform an Excavation

§296-24. Applications.

- A. Applications shall be submitted in a format and manner specified by the {Department} Division and shall contain:
 - (1) The name, address, telephone, and facsimile number of the Applicant, including an emergency phone number and contact whereby the Applicant can be reached 24-hours per day, 7 days per week. Where an Applicant is not the Owner of the Facility to be installed, maintained, or repaired in the public right-of-way, the application also shall include the name, address, telephone, and facsimile number of the Owner.
 - (2) A description of the location, purpose, method of excavation, and surface and subsurface area of the proposed excavation.
 - (3) A plan showing the proposed location and dimensions of the excavation and the Facilities to be installed, maintained, or repaired in connection with the excavation, and such other details as the {Department} Division may require.
 - (4) A copy or other documentation of the franchise, easement, encroachment permit, license, or other legal instrument that authorizes the Applicant or Owner to use or occupy the public right-of-way for the purpose described in the application. Where the Applicant is not the Owner of the Facility or Facilities to be installed, maintained, or repaired, the Applicant must demonstrate in a form and manner specified by the {Department} Division that the Applicant is authorized to act on behalf of the Owner.
 - (5) The proposed start date of excavation.
 - (6) The proposed duration of the excavation, which shall include the duration of the restoration of the public right-of-way physically disturbed by the excavation.
 - (7) Written acknowledgment that all material to be used in the excavation, installation maintenance, or repair of Facilities, and restoration of the public right-of-way, comply with all applicable state and federal environmental laws and regulations.
 - (8) Written acknowledgment that the Applicant and Owner are in compliance with all

terms and conditions of this Chapter, the orders, regulations, and Standard Plans and Specifications of the ~~{Department}~~ Division, and that the Applicant and Owner are not subject to any outstanding assessment, fees, penalties, that have been finally determined by the City or a court of competent jurisdiction.

(9) Evidence of insurance ~~{as required by Subarticle 3, Section F of this Chapter}~~ and business license.

~~{(10) A Deposit as required by Subarticle 3, Section H of this Chapter.}~~

~~(110)~~ Any other information that may reasonably be required by the Department.

- B. The ~~{Department}~~ Division may allow an Applicant to maintain documents complying with Subsections ~~{(D), (I), (J), and (K)}~~ §296-31C(1), (2), (3), (4) and (5) on file with the ~~{Department}~~ Division rather than requiring submission of such documents with each separate application.
- C. Coordination. The ~~{Department}~~ Division shall administer inspectors to monitor to excavation, review the plans and identify conflicts and opportunities for coordination of excavations. The ~~{Department}~~ Division shall notify affected Owners and permittees of such conflicts and opportunities to the extent necessary to maximize coordination of excavation. Each applicant shall coordinate, to the extent practicable, with each potentially affected Owner and permittee to minimize disruption in the public right-of-way.

§296-25. No Change.

SUBARTICLE III Permits to Excavate

§ 296-26. Action on applications for permits to excavate.

- A. After the receipt of an application for a permit to excavate, the ~~{Department}~~ Division, within 45 days, shall determine whether an application is ~~{complete}~~ approved. If the work associated with the excavation conflicts with other activities or the best interest of the public, the Division shall reschedule the work for another day.
- B. If the application is deemed to be incomplete, the ~~{Department promptly}~~ Division, within 15 days, shall advise the Applicant in a written, electronic, or facsimile communication of the reasons for rejecting the application ~~{as incomplete}~~.
- C. Within ~~{60}~~ 45 days of receipt of a complete application, the ~~{Department}~~ Division shall deny, approve, or conditionally approve the application.
- (1) If the application is approved or conditionally approved, the ~~{Department}~~ Division shall issue a permit to the Applicant upon payment of all fees required under §296-51 JJ(3) including the fee for pavement restoration required under § 296-51 JJ. The ~~{Department}~~ Division may condition a permit with specified requirements that preserve and maintain the public health, safety, welfare, and convenience. The ~~{Department}~~ Division shall inform the permittee of the basis for such requirements.
- (2) If the application is denied, the ~~{Department}~~ Division shall advise the Applicant in a written, electronic, or facsimile communication of the basis for denial.
- D. The ~~{Director}~~ applicant shall notify The Historic Preservation Office before any excavation commences within the legal borders of the designated Historic Districts of Jersey City. The Historic Preservation Officer or an assigned agent(s) shall have the right to be present during any excavations to review and recommend restoration. If excavation uncovers or discloses any structure, grave or artifact, which in the opinion of the Historic Preservation Officer may be of cultural, architectural or archaeological significance, he or she may order that excavation to cease immediately; direct that the means or manner of excavation be changed so as to avoid destruction or damage to any such items excavated;

or direct that the excavation cease temporarily until arrangements are made to protect, preserve or remove such items. Any permittee shall have the right to appeal any decision of the Historic preservation Officer to the historic Preservation Commission, but no excavation work may continue pending the decision of appeal.

§296-27. - Terms and limitations.

- A. No Change.
- B. No excavation shall interfere with the free flow of vehicular or pedestrian traffic without the approval of the Division Director. Prior to the issuance of a permit authorizing an excavation with the potential to disrupt the free flow of vehicle traffic, the Applicant shall meet with the Municipal Engineer, or his designee, at which time the Applicant shall submit plans for ensuring the safe and orderly flow of vehicular traffic during excavation work. Such plans, and any amendments the Municipal Engineer or his designee shall require, will be submitted as part of the Applicant's request for a permit. Nothing in this section shall excuse the permittee from complying with any other regulations the ~~{Department}~~ Division may have with respect to the closure of streets.

§296-28. Duration and validity.

Permits shall be void if the excavation has not begun within 30 calendar days of the start date specified in the permit, if the excavation is not pursued diligently to its conclusion, or if the excavation, including restoration, has not been completed within the specified duration; provided, however, that the Division Director, in his or her discretion, may issue extensions to the start date, the duration of excavation, or both upon written request from the permittee.

§296-29. No Change.

§ 296-30. Emergency excavation.

Nothing contained in this chapter shall be construed to prevent any person from taking any action necessary for the preservation of life or property or for the restoration of interrupted service provided by a Municipal or Utility Excavator when such necessity arises during days or times when the ~~{Department}~~ Division is closed. In the event that any person takes any action to Excavate or caused to be Excavated the public right-of-way pursuant to this Section, such person shall apply for an emergency permit within eight hours after the ~~{Department}~~ Division's offices are first opened. The Applicant for an emergency permit shall submit a written statement of the basis of the emergency action and describe the excavation performed and any work remaining to be performed.

§296-31. Liability and indemnification.

Each permit shall incorporate by reference and require the permittee and Owner to comply with the facility, indemnity and insurance provisions set forth below in this Section:

- A. Liability upon Owner and permittee. Each Owner and permittee is wholly responsible for the quality of the excavation performed in the public right-of-way and both the Owner and permittee are jointly and severally liable for all consequences of any condition of such excavation and any Facilities installed in the public right-of-way. The issuance of any permit, inspection, repair, or suggestion, approval, or acquiescence of any person affiliated with the ~~{Department}~~ Division shall not excuse any Owner or permittee from such responsibility.
- B. No Change.
- C. Insurance.
 - (1) No Change.
 - (2) Said policy or policies shall include the City as additional insured. Said policy or policies shall afford full coverage for any claims based on acts, omissions, injury,

or damage which occurred or arose, or the onset of which occurrence occurred or arose, in whole or in part, during the policy period. Said policy or policies shall be endorsed to provide thirty (30) calendar days advance written notice of cancellation or any material change to the ~~{Department}~~ Division.

- (3) No Change.
- (4) No Change.
- (5) Certificates of Insurance, in the form satisfactory to the Department, evidencing all coverages, above, shall be furnished to and maintained on file with the ~~{Department}~~ Division before issuance of a permit, with complete copies of policies furnished promptly upon the ~~{Department}~~ Division's request.

§296-32. Permit to be available at excavation site.

The original permit ~~{or a photo duplicate}~~ shall be available for review at the site of the excavation for the duration of the excavation and shall be shown, upon request, to any police officer or any employee of a City agency, board, commission, or department with jurisdictional responsibility over activities in the public right-of-way.

§296-33. ~~{Deposit.}~~ Reserved.

~~{Each applicant shall submit and maintain with the Department a cash deposit in accordance with § 160-11J or other security acceptable to the Department, securing the faithful performance of the obligations of the Owner and Applicant under any permit(s) to excavate and the compliance with all terms and conditions of this Chapter (the "Deposit"). Municipal excavators and other frequent Applicants may submit a single Deposit for multiple excavations so long as a constant balance of twenty five thousand dollars (\$25,000) is maintained on file with the Department. If the Director has deducted from such a Deposit pursuant to Subarticle 4, § 296-44, or Subarticle 5, §§ 296-47(A) and 296-48(B), the Utility or Municipal Excavator or other frequent Applicant must restore the full amount of the Deposit prior to the Department's issuance of a subsequent permit.}~~

§296-34. No Change.

§296-35. No Change.

§296-36. Additional fees for excavation.

In the instance where administration of this Chapter or inspection of an excavation is complex, and therefore unusually costly to the ~~{Department}~~ Division to monitor, the Division Director, in his or her discretion, may require an Applicant or permittee to pay any additional sum in excess of the amounts charged pursuant to Subarticle 4, Sections 296-44(D) and (E). This additional sum shall be sufficient to recover actual costs incurred by the ~~{Department}~~ Division and shall be charged solely on a time and materials basis. The Division Director also may charge for any time and material costs incurred by other agencies, authorities, boards, commissions, or departments of the City in connection with the administration or inspection of the excavation. Whenever additional fees are charged, the Division Director shall provide in writing the basis for their imposition. The Division Director shall, whenever practicable, provide the permittee with a cost estimate of additional fees to be levied by the ~~{Department}~~ Division prior to the issuance of a permit.

§296-37. No Change.

§296-38. ~~{Collection, return, and refund of deposit and fees.}~~ Reserved.

~~{A. Collection of Deposit and Fees. The Director shall establish procedures for billing, collection and refund of Deposits, fees, and other charges provided for in this Chapter.~~

~~{B. Refunds. When an application is either withdrawn by the Applicant or denied by the Department before the start of construction, the Applicant's administrative fee assessed under Subarticle 3, § 296-36 shall be retained and those fees assessed under Subarticle 3, §§ 296-33 and 296-38 shall be returned to the Applicant.~~

- ~~C. Deductions from Deposit. The Director may make deductions from the balance of a permittee's Deposit(s) to ensure the faithful performance of the obligations under a permit to excavate, to pay fees, to offset the costs for any excavation done or repairs made by the Department, or to pay any assessed penalties or costs associated with violations of this Chapter.~~
- ~~D. Retention of Deposit for One (1) Year. Each Deposit made pursuant to Subarticle 3, § 296-33 shall be retained by the City for a period of one (1) year after the satisfactory completion of the excavation to secure the obligations in the permit and this Chapter.~~
- ~~E. Return of Deposit. Upon the expiration of one year from the satisfactory completion of the excavation, the permittee's Deposit(s), less the deductions made pursuant to Subarticle 3, shall be returned to the permittee or to its assigns.]~~

**SUBARTICLE IV
Excavations**

§296-39. Notices.

Any permittee who Excavates or causes to be made an excavation in the public right-of-way shall provide notice as follows:

- A. Two (2) to fourteen (14) day excavations. For excavations that will be completed and restored in a period exceeding twenty-four (24) hours but within fourteen (14) calendar days of commencement, the permittee shall post and maintain notice at the site of the excavation. Such notice must clearly identify the permittee, permit number, the time, location and duration of excavation, and a name and telephone number of a person who can be contacted to respond to complaints and/or emergencies related to the excavation to be performed. The notice shall be posted at least every one hundred feet (100') along any Block where the excavation is to take place at least seventy-two (72) hours prior to commencement of the excavation, excavation project signs shall be in a format, quantity, and size specified by the ~~{Department}~~ Division.
- B. Notice of Major Work.
 - (1) No Change.
 - (2) Before commencement of construction, a permittee for Major Work shall post and maintain excavation project signs at the site of the excavation that describe the excavation being done and bear the name, address, and 24-hour telephone number of a contact person for the Owner and permittee. Said excavation projects signs shall be posted at least every one hundred feet (100?) along any Block where the excavation is to take place. Excavation project signs shall be in a format, quantity, and size specified by the ~~{Department}~~ Division.
- C. No Change.

§296-40. Notice for the making of subsurface facilities.

In accordance with State law, specifically N.J.S.A. 48:2-73 thru 80, and N.J.A.C. 14:2-1.1 thru 6.5, any person excavating in the public right-of-way shall comply with the requirements regarding the making of subsurface Facilities. Prior to the issuance of any permit, such person shall provide the ~~{Department}~~ Division with its subsurface designation, permit number or other information as may be necessary to properly identify the proposed excavation pursuant to this statute.

§296-41. No Change.

§296-42. Regulations concerning excavation sites.

Each Owner and permittee shall be subject to requirements for excavation sites that are set forth in ~~{Department}~~ Division orders or regulations. Such orders or regulations shall include, but not be limited to, the following measures:

- A. Protection of the excavation. Each permittee shall cover open excavation with steel plates ramped to the elevation of the contiguous street, pavement, or other public right-of-way, or otherwise protected in accordance with guidelines prescribed by the ~~{Department}~~ Division.
- B. Housekeeping and removal of excavated material. Each permittee shall keep the area surrounding the excavation clean and free of loose dirt or other debris in a manner deemed satisfactory to the ~~{Department}~~ Division. Excavation sites shall be cleaned at the completion of each work day. In addition, the permittee shall remove all excess excavated material from the site of the excavation no later than the end of each work day.
- C. No Change.
- D. No Change.

§296-43. No Change.

§296-44. Restoration of the public right-of-way.

- A. Sidewalk Restoration. In any case in which the sidewalk, ~~{street}~~, and/or concrete curb or other public right-of-way is or is caused to be Excavated, the Owner and permittee shall restore or cause to be restored such excavation in the manner prescribed by the orders, regulations, and Standard Plans and Specifications of the ~~{Department}~~ Division. ~~{At a minimum, trench restoration shall include resurfacing to a constant width equal to the widest part of the excavation on each block, plus one additional foot in width on each side of the excavation, in accordance with the Department's Standard and Guidelines.}~~
- B. Trench Restoration. Backfill~~{,}~~ and replacement of pavement base, ~~{and}~~ except the finished pavement. Activities concerning backfilling~~{,}~~ and replacement of pavement base shall be at the level even with the adjacent roadway surface, and ~~{finished pavement}~~ shall be performed in a manner specified by the orders, regulations and Standard Plans and Specifications of the ~~{Department}~~ Division. In addition, these activities shall be subject to the following requirements:
 - (1) No Change.
 - (2) Replacement of pavement base. Replacement of the pavement base shall be completed within seventy-two (72) hours from the time excavation is backfilled and the pavement base shall be at the level even with the adjacent roadway surface.
 - (3) Finished pavement. ~~{Finished}~~ The final surface pavement restoration {shall be completed within seventy two (72) hours of replacement of the pavement base} of the trench cut, which means the top pavement course, shall be restored by the City. The cost of such restoration in accordance with §296-51 JJ shall be paid by the permittee at the time of application for the permit to excavate. If the work is not performed within 90 calendar days of the date of the permit, the property owner may request in writing for a reimbursement of the final pavement restoration fee in or may request that the fee be applied by the City as a credit to the cost of a future permit.
- C. Modification to requirements. Upon written request from the permittee, the Division Director may grant written approval for modifications to the requirements of Subsection (2) above.
- D. Incomplete excavation; completion by the ~~{Department}~~ Division. In any case where an excavation is not completed or restored in the time and manner specified in the permit, this Chapter, or the orders, regulations, and Standard Plans and Specifications of the ~~{Department}~~ Division, the Division Director shall order the Owner or permittee to complete the excavation as directed within twenty-four (24) hours. If the Owner or the permittee should fail, neglect, or refuse to comply with the order, the Division Director may complete or cause to be completed such excavation in such manner as the Division

Director deems expedient and appropriate. The Owner or permittee shall compensate the ~~{Department}~~ Division for any costs associated with the administration and construction required to restore the excavation, including but not limited to any costs related to consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the ~~{Department}~~ Division or other agencies, authorities, boards, commissions, or departments of the City that were made necessary by said excavation. ~~{The cost of such work also may be deducted from the permittee's Deposit pursuant to Subarticle 3, §296-33.}~~ The Division Director's determination as to the cost of any work done or repairs made shall be final. ~~{In addition, the Owner, his Agent or permittee may be subject to those enforcement actions set forth in Subarticle 5.}~~

- E. ~~{Subject to the limitation set forth in Subarticle 5, § 296-45, c}~~ Completion of an excavation or restoration by the ~~{Department}~~ Division in accordance with Subsection (D) above shall not relieve the Owner or permittee from liability for future pavement at the excavating site.

SUBARTICLE V

Post-excavation repair, maintenance, and pavement

§296-45. ~~{Repair and maintenance obligation of permittee.}~~ Reserved.

~~{Each Owner and permittee that excavates or causes to be made an excavation in the public right of way shall be responsible to maintain, repair, or reconstruct the site of the excavation so as to maintain a condition acceptable to the Director for a period of one (1) year after its restoration.}~~

§296-46. No Change.

§296-47. Repair by the ~~{department}~~ Division.

- A. In the event that any person(s) fails, neglects, or refuses to repair any condition pursuant to the Director's notice ~~{as set forth in Subarticle 5, § 296-46}~~, the Director may repair or restore, or cause to be repaired or restored, such condition in such manner as the Director deems expedient and appropriate. The person(s) identified by the Director as the responsible party shall compensate the ~~{Department}~~ Division for any costs associated with the administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the City that were made necessary by reason of the repair or restoration undertaken by the ~~{Department}~~ Division. ~~{The cost of such work also may be deducted from the permittees Deposit pursuant to Subarticle 3, §296-38.}~~ The Director's determination as to the cost of the repair or restoration performed shall be final. In addition, the responsible party may be subject to those enforcement actions set forth in this subarticle.
- B. Repair or restoration by the ~~{Department}~~ Division in accordance with this Section shall not relieve the person(s) from liability for future pavement failures at the site of the repair or restoration.

§296-48. Emergency remediation by the ~~{department}~~ Division.

- A. No Change.
- B. If the responsible party is inaccessible or fails, neglects, or refuses to take immediate action to remedy the condition as specified in said communication, the Director may remedy the condition or cause the condition to be remedied in such manner as the Director deems expedient and appropriate. The person(s) identified by the Director as the responsible party shall compensate the ~~{Department}~~ Division for any reasonable costs associated with the administration, construction, consultants, equipment, inspection, notification, remediation, repair, restoration, or any other actual costs incurred by the ~~{Department}~~ Division or other agencies, boards, commissions, or departments of the City that were made necessary by reason of the emergency remediation undertaken by the ~~{Department}~~ Division. ~~{The cost of such work also may be deducted from the permittee's Deposit pursuant to Subarticle 4, §296-44, or Subarticle 5, §296-47.}~~ The Director's determination as to the cost of any remediation performed shall be final. In addition, the responsible party may be subject to those enforcement actions set forth in Subarticle 5, §§296-49, 296-50 and 296-51

C. Remediation by the [Department] Division in accordance with this Section shall not relieve the person(s) from liability for future pavement failures at the site of the remediation.

§296-49. No Change.

§296-50. Penalties and fees.

A. The Director shall have the authority to enforce this Chapter against violation thereof. Upon the Director's determination that a person has violated any provision of this Chapter, the Standard Plans and Specification, notices, orders, or regulations of the ~~{Department}~~ Division; any term, condition, or limitation of any permit or is subject to any outstanding fees, deposits, or other charges, the Director shall serve notice on said person to abate the violation. Any person whom the Director determines to be responsible for violating this Chapter may be subject to any or all of the enforcement mechanisms specified within Subarticle 5.

B. No Change.

C. Among other violations, citations may be issued for the following specific violations:

- (1) Excavation without a valid permit;
- (2) Excavation without proof of the permit issuance on site;
- (3) Excavation without proper notice in accordance with Subarticle 4, §296-40 and N.J.A.C. 14:2-1.1 through 6.5;
- (4) Excavation without proper public notice;
- (5) Excavation that violates the City of Jersey City Traffic Code;
- (6) Excavation that violates the regulations concerning excavation sites (Subarticle 4, ~~{Sections C and D}~~ §296-42), which include, but are not limited to, protection of the excavation, housekeeping and removal of excavated material, and hazardous material;
- (7) Excavation that does not meet the 72-hour requirements for restoration concerning backfill, replacement of pavement base~~[- and finished pavement (Subarticle 4, §296-44)]~~; or
- (8) Excavation that exceeds the scope of the permit, including, but not limited to, obstructing the path of automobile or pedestrian travel in excess of the permitted area.

D. No Change.

§296-51. No Change.

B. The following amendments to Chapter 160 (Fees and Charges) are hereby adopted:

FEES AND CHARGES

JJ. Chapter 296, Streets and Sidewalks.

- (1) Fee for sidewalk sale: \$10 per day.
- (2) Fee for sidewalk sale conducted within a special improvement district: \$100.
- (3) Fees and deposits for excavations in public rights-of-way:

~~{(a) Deposit for excavations pursuant to §296-33 shall be \$25.00 per square foot~~

~~of the area to be excavated but not less than \$1,000.00 nor more than \$25,000.00.]~~

~~[(b) Administrative fee of \$50.00 for each block in which an excavation is proposed.]~~

~~[(c) Inspection fee of \$50 for excavations up to 25 square feet and \$1.75 per square foot for each additional square foot thereafter.]~~

~~[(d) Such additional fees as may be required by §296-36.]~~

The fees scheduled herewith are for the permit issue agent only, namely the Division of Engineering, Traffic and Transportation, Department of Public Works. Fees for water tapping, plumbing inspection, off-duty police and Parking Authority's posting signs and covering meters, shall be subject to each individual agency's rules and regulations.

- (a) \$150.00 for installation of water service line (up to 2 inches).
- (b) \$200.00 for installation of sewer service line.
- (c) \$300.00 for installation of water and sewer line combined in one trench.
- (d) \$300.00 for installation of 4-inch water service line.
- (e) For installation of gas, electric and fiber optical lines in the public right-of-way, the fees shall be charged per application for \$50.00 of administrative fee and \$50.00 for excavation up to 25 square feet, and an additional \$2.00 per square foot increment thereafter.
- (f) A traffic permit for street/lane/sidewalk occupancy will be issued without additional charge when requested within 30 days of the issuance of the street opening (excavation) permit.
- (g) Any traffic permit requested for street/lane/sidewalk occupancy without an Engineering permit shall be subject to an administrative fee of \$50.00.
- (h) The fee for final restoration of asphalt pavement (excluding concrete sidewalk) shall be (\$10.00) ten dollars per square foot or the actual cost to the City of Jersey City or Jersey City Municipal Utilities Authority pursuant to a contract awarded under the Local Public Contracts Law.

Waiver of permit fees:

- (a) The permit fees may be waived if the contractor is working for the City or an autonomous agency of the City, such as the Jersey Municipal Utilities Authority (including United Water), Housing, Economic Development and Commerce (HEDC), Housing Authority, etc. A letter of certification shall be provided by the associated agency for such purposes.
- (4) Initial fee for permit for use of pay telephone franchise: fifty dollars (\$50.) per year or any part of a year.
- (5) Renewal permit for pay telephone franchise: twenty-five dollars (\$25.) per year.
- (6) (a) The annual license fee for a sidewalk café shall be \$225 for a sidewalk café seating sixteen (16) or fewer patrons and \$275 for a sidewalk café seating over sixteen (16) patrons renewable on or before March 31 of each year. The fee shall not be prorated for less than a full year.
- (b) Where a special improvement district (SID) duly exists within the City of Jersey City, the SID shall have the option of paying one annual license fee

for all sidewalk cafes within its boundaries. This annual fee shall be two thousand dollars (\$2000), payable and renewable by the SID to the City of Jersey City on or before March 31 of each year. The City shall supply the SID with the appropriate number of individual permits needed.

- C. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- D. 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.
- E. This ordinance shall take effect in the manner as prescribed by law.
- F. 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*.

/he/ms
8/17/13

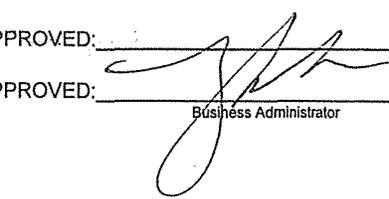
APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required



City Clerk File No. Ord. 13.088

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 13.088

TITLE: **ORDINANCE AMENDING CHAPTER 304 (TAXATION) ARTICLE VI (LONG TERM AND FIVE YEAR TAX EXEMPTIONS; AFFORDABLE HOUSING TRUST FUND) OF THE JERSEY CITY MUNICIPAL CODE**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY DOES ORDAIN:

A. The following amendment to Chapter 304 (Taxation) Article VI (Long Term and Five Year Tax Exemptions; Affordable Housing Trust Fund) of the Jersey City Code are hereby adopted:

ARTICLE VI

Long Term and Five Year Tax Exemptions: Affordable Housing Trust Fund

§304-28. Contribution required.

- A. No long term tax exemption permitted under N.J.S.A. 40A:20-1 et seq., or five (5) year tax exemption approved under N.J.S.A. 40A:21-8 and Section 304-12 of the Jersey City Municipal Code, for any market rate housing project or any commercial or industrial project, shall be approved unless the [urban-renewal-entity] recipient makes a contribution to the Jersey City's Affordable Housing Trust Fund, in accordance with N.J.S.A. 40A:12A-4.1 et seq., and this Chapter.
- B. No contribution shall be required of [an-urban-renewal-entity] a recipient that by a recorded deed or agreement, restricts (thereby setting aside) a minimum of fifteen (15) percent of the project for low and moderate income affordable housing for a minimum period of thirty (30) years in accordance with the Fair Housing Act, N.J.S.A 52:27D-301 et seq.

§304-29. Amount of prepayments.

The amount of contributions shall be calculated based upon the classification of the improvements to be tax exempt in accordance with the following formulas:

Market Rate Housing	\$1,500.00 per unit
Commercial Space	\$1.50 per sq. ft.
Industrial Space	\$.10 per sq. ft.

§304-30. Time of contribution.

- A. All contributions shall be due and payable as follows:
 - 1. One third on or before the effective adoption date of the ordinance approving the tax exemption, that is the effective date of the executed Financial or Tax Agreement;

2. One third on or before the issuance of the first of any construction permit for the Project, but no later than six months after the date of the Financial or Tax Agreement;
 3. One third on or before the date the first of any Certificate of Occupancy is issued for the Project, but no later than twenty-four (24) months after the date of the Financial or Tax Agreement.
- B. Any payment that is late or unpaid in whole or in part, whether billed or not, shall bear the highest rate of interest allowed by law for unpaid conventional taxes until paid in full.

§304-31. Notices.

The [urban renewal entity] recipient shall send a written notice to the Business Administrator and the Director of the Office of Tax Exemption, immediately advising the City of the following events:

- A. The submission of the executed financial or tax agreement to the City;
- B. The filing of the application for the first construction permit for the Project; and
- C. The issuance of the first Certificate of Occupancy by the Construction Code Official for any part of the project.

§304-32. - Guidelines for the expenditure of funds.

- A. Use of Funds: All contributions made to the Affordable Housing Trust Fund shall be expended solely for the actual costs of materials and labor directly associated with the rehabilitation or construction or preservation of existing low or moderate income affordable housing or the construction of new "low or moderate income affordable housing", as those terms are defined in the Fair Housing Act, N.J.S.A. 52:27-301 et seq., and any regulations promulgated thereunder.
- B. Awards: All funds shall be awarded by the City from the Affordable Housing Trust Fund as loans, on a reimbursement basis only, to supplement other private or public funds needed to complete the project.
- C. Requirements: No award will be approved unless the applicant at a minimum satisfies the following conditions:
 1. Application. Every applicant must file a complete application form, which shall include an administrative questionnaire, financial disclosure statement and any other forms or supporting documents the City deems appropriate or necessary; and
 2. Entity. An applicant must provide proof that it is a for profit or a non profit entity, organized under State and Federal law for the purpose of constructing affordable housing or a public entity; and
 3. Experience. Every applicant must demonstrate that it has successfully completed the construction of at least one other significant housing project.
 4. Funding. An applicant must provide proof that it is the recipient of funds from another public or private source that, together with the Trust Fund award, will constitute sufficient funds to complete the proposed project. However, for acquisition funds, the applicant must document that the proposed project is eligible for other public or private funds, and that an application for these funds will be filed within sixty (60) days of commitment of affordable housing trust fund funds.
 5. Commencement of Construction. The applicant must commence construction no later than one year from the date of the award of the Trust Fund money. Failure to commence construction within one year will result in cancellation of the award.

6. The recipient of funds shall be required to submit the following reports to the Business Administrator on the 15th day of each month for the previous month, for each year of construction until Project Completion.

(a) Certified Payroll Report specifying the residence, gender and ethnic/racial origin of each worker, work hours, and the rate of pay and benefits provided.

(b) Representatives of the City shall be permitted to have appropriate access to all work sites in order to confirm the veracity of the Payroll Report.

(c) Such Other Reports or other documents as the City may reasonably request from time to time in order to carry out purposes of the ordinance.

7. Remedies.

In the event of default the recipient shall be provided with a written notice of default allowing ten (10) days to cure the default. Should the recipient fail to cure, then, in addition to any other remedies available at law or in equity, including termination, the City shall be to require the refunding of all payments made by the City to the recipient, including payments made prior to the default or termination.

D. Project Location: Affordable Housing Trust Funds may only be used for an affordable housing project in the same Ward as the Project that generated the contribution.

~~D~~E. Dedication ratios: Trust Funds calculated as of July 1st of each year, shall be dedicated as follows:

Income Breakdown

1. A minimum of thirty (30) percent of the Trust Funds shall be dedicated for very low (fifty (50) percent or below area median income) or special needs housing including housing for senior citizens, the disabled or homeless or other special needs populations, with at least ten (10) percent reserved for housing designed to accommodate large families (three or more bedrooms);

Activity Breakdown

~~{1. Up to ten (10) percent of the Trust Funds will be dedicated to reasonable pre-development activities;}~~

~~{2}~~1. Ten (10) percent of the funds shall be retained by the City for its own administrative fees, and/or capacity building activities for local community development corporations;

~~{3. Up to thirty (30) percent of the funds may be used to acquire property for the development/redevelopment of affordable housing;}~~

~~{4}~~2. Balance of funds will be dedicated to hard construction costs.

~~{E. Pre-Development Costs: Only non-profit or public entities will be eligible to use funds for Pre-Development Costs. Pre-Development Costs may not exceed the lesser of ten (10) percent of the total project budget or one hundred thousand dollars (\$100,000.00) for any one project. All Pre-Development Costs must be pre-approved and in the City's sole discretion, reasonable, and based upon the total project budget. Pre-Development Costs are limited to the following:~~

~~1. Financing fees;~~

- 2. ~~Application fees;~~
- 3. ~~Legal fees;~~
- 4. ~~Environmental testing;~~
- 5. ~~Engineering fees;~~
- 6. ~~Costs related to securing local site plan approval;~~
- 7. ~~Architectural fees;~~
- 8. ~~Title report;~~
- 9. ~~Survey costs;~~
- 10. ~~Project management fees.}~~

F. Collateral: All loans shall be collateralized by a note and the recordation of a mortgage. The mortgage may on ly be subordinated to another permanent governmental loan or a private institutional lender used to finance initial project acquisition or construction. All loans, including self-amortizing loans, shall bear interest determined on a project-by-project basis at a rate not to exceed the interest rate imposed on the first mortgage as of the 1st day of the month immediately preceding the closing.

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 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 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*.

/meg
8/15/13

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF LAW

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
P: 201 547 5229 | F: 201 547 5230



JEREMY FARRELL
CORPORATION COUNSEL

MEMORANDUM

TO: Jeremy Farrell, Corporation Counsel

FROM: Joanne Monahan, Asst. Corporation Counsel

DATE: August 19, 2013

SUBJECT: Ordinance Amending Chapter 304 of the Affordable Housing

The above ordinance amends two sections of Chapter 304 of the Municipal Code.

One amendment imposes an obligation on the recipients of 5 Year Tax Exemptions to make a contribution to the City's Affordable Housing Trust Fund. (Under the existing City Code, only the recipients of Long Term Tax Exemptions are required to make a contribution to the City's Affordable Housing Trust Fund). The obligation is not be imposed on ALL 5 year recipients—only those with projects for commercial, industrial or multiple dwellings that require Council approval by ordinance and the execution of a Tax Agreement. Therefore, as a practical matter, the obligation will only be imposed on more substantial 5 year tax abated projects. (The City Council opted by ordinance to allow smaller 5 year tax exemptions to be approved administratively by the Tax Assessor).

The 2nd amendment more closely regulates the expenditure of Affordable Housing Trust Fund dollars by the City. It requires the affordable housing developer to use of the funds on the costs of materials and labor (as opposed to "soft costs"). The amendment also mandates that the funds be used on affordable housing projects located in the same ward as the project that generated the contributions.

Please advise.

JM/he

City Clerk File No. Ord. 13.089

Agenda No. 3D. 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 13.089

TITLE:
ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS OF WAY USE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND SUNESYS, LLC TO PERMIT THE INSTALLATION OF FIBER OPTIC CABLING THROUGH EXISTING INNERDUCTS, ATTACH TO EXISTING POLES, AND CONSTRUCT NEW FACILITIES WHERE NECESSARY WITHIN CERTAIN PUBLIC RIGHTS OF WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES

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

WHEREAS, Sunesys, LLC (Sunesys), 185 Titus Avenue, Warrington, Pennsylvania 18976, is a telecommunications carrier authorized to provide services such as dark fiber connectivity and high speed data transmission by the New Jersey Board of Public utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, Sunesys has requested that the City of Jersey City (City) grant it permission to run fiber optic cabling through existing innerducts located in existing underground conduits, attach to existing poles, and construct new facilities, where necessary, in the public rights of way for the purpose of installing, operating, repairing, and maintaining a telecommunications system (Project); and

WHEREAS, Sunesys agrees to execute the forty (40) year Rights of Way Use Agreement that is attached hereto; and

WHEREAS, Sunesys agrees to pay the City \$1,500.00 to cover the administrative expenses incurred by the City for engineering and legal review of Sunesys's Project; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for public utility lines in its public rights of way; and

WHEREAS, it is deemed to be in the best interest of the City and its citizenry, particularly its commercial and industrial citizens, for the City to grant consent to Sunesys to use the public rights of way within the City; and

WHEREAS, the granting of such consent is conditioned upon Sunesys's compliance with all existing City ordinances and its execution of the attached Rights of Way Use Agreement; and

WHEREAS, Sunesys agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the installation, operation, repair, and maintenance of its telecommunications system within certain public rights of way and provide liability insurance coverage for personal injury and property damage.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JERSEY CITY THAT:

- 1. Non-exclusive consent is hereby granted to Sunesys to use certain public rights of way within the City for the purpose of installation, operation, repair, and maintenance of a telecommunications system for a period of forty (40) years, subject to the mutual covenants and obligations as set forth in the Rights of Way Use Agreement attached hereto;
- 2. The within granted permission is conditioned upon Sunesys's executing the Rights of Way Use Agreement attached hereto and providing liability and property damage insurance; and
- 3. The Mayor or Business Administrator is authorized to execute the attached Rights of Way Use Agreement or such substantially similar agreement as approved by the City's Corporation Counsel.
- 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: New matter is underlined.

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

RR
7-22-13

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required



Jersey City Law Department Memorandum

To: City Council Members

From: Raymond Reddington, Supervisory Assistant Corporation Counsel *RR*

Subject: **Ordinance authorizing the execution of a Rights of Way Use Agreement with Sunesys, LLC to permit the installation of fiber optic cabling within certain public rights of way for the purposes of providing telecommunication services**

Date: August 20, 2013

Sunesys, LLC is a telecommunications carrier authorized by the New Jersey Board of Public Utilities and the Federal Communications Commission to provide services such as dark fiber connectivity and high speed data transmission. Sunesys requested the City of Jersey City's (City) permission to run fiber optic cable through the existing innerducts located in existing underground conduits, attach its fiber optic cabling to existing poles, and construct new facilities, where necessary, in public rights of way for the purpose of installing, operating, repairing and maintaining a telecommunications system.

N.J.S.A. 48:17-10 and N.J.S.A. 40A:67-1 authorize the City to grant municipal consent for public utility lines in its public rights of way. Sunesys has agreed to pay the City a fee of \$1,500.00 for the administrative expenses incurred by the City for staff engineering and legal review of the documents and plans for the Sunesys project. Based on the New Jersey Supreme Court case, Colonial Oaks West v. East Brunswick Tp., 61 N.J. 560 (1972), the fee charged by the City must be based on reasonable administrative costs that City incurs in reviewing engineering and legal documents associated with the granting of permission to install a telecommunications system in the public rights of way.

RR/cw

RIGHTS OF WAY USE AGREEMENT

THIS RIGHTS OF WAY USE AGREEMENT ("Use Agreement") is dated as of _____, 2013 (The "Effective Date"), and entered into by and between the City of Jersey City ("City"), a New Jersey Municipal Corporation, having its address at 280 Grove Street, Jersey City, New Jersey 07302, and Sunesys, LLC ("Sunesys"), a Delaware limited liability company, with offices located at 185 Titus Avenue, Warrington Pa. 18976

RECITALS

WHEREAS, Sunesys is a telecommunications carrier authorized to provide services such as dark fiber connectivity and high speed data transmission by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, Sunesys has requested that the City grant it permission to run fiber optic cabling through existing inner ducts located in existing underground conduits, attach to existing poles, and construct new facilities, where necessary, in the public rights of way for the purpose of installing, operating, repairing, and maintaining a telecommunications system (Project); and

WHEREAS, Sunesys agrees to execute this forty (40) year Rights of Way Use Agreement; and

WHEREAS, Sunesys agrees to pay the City \$1,500.00 to cover the administrative expenses incurred by the City for engineering and legal review of the Sunesys Project; and

WHEREAS, Sunesys agrees to pay the City's additional administrative expenses incurred by the City if the Project requires additional engineering and legal review; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant Municipal consent for the installation of public utility lines in its rights of way; and

WHEREAS, it is deemed to be in the best interest of the City and its citizenry, particularly its commercial and industrial citizens, for the City to grant consent to Sunesys the use the public rights of way within the City; and

WHEREAS, the granting of such consent is and shall be conditioned upon Sunesys' compliance with all existing ordinances of the City and its entering into this Rights of Way Use Agreement with the City; and

WHEREAS, Sunesys agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights of way and provide liability insurance coverage for personal injury and property damage.

NOW, THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, the City and Sunesys hereby agree to and with each other as follows:

Section 1: Definitions

- a. "BPU" is the New Jersey Board of Public Utilities.
- b. "Sunesys" is the grantee of rights under this Rights of Way Use Agreement and is known as Sunesys, LLC, its successors and assigns.
- c. "City" is the grantor of rights under this Rights of Way Use Agreement and is known as the City of Jersey City, County of Hudson, State of New Jersey.
- d. "Public Utility" means any public utility defined in N.J.S.A. 48:2-13.
- e. "Rights of Way" means the areas devoted to passing under, over on or through lands with public utility facilities.
- f. "Underground Conduit" means, in addition to its commonly accepted

meaning, any wires or cable placed therein and any replacement thereof which are similar in construction and use.

Section 2: Grant of Consent.

The City hereby grants Sunesys its municipal consent for the non-exclusive use of the public rights of way within the City for the purpose of owning, constructing, installing, operating and maintaining a telecommunications system, subject to the mutual covenants and obligations as set forth in this Rights of Way Use Agreement.

Section 3: Public Purpose.

It is deemed to be in the best interests of the City and its citizenry, particularly including commercial and industrial citizens, for the City to grant consent to Sunesys to occupy said public rights of way within the City for this purpose.

Section 4: Project Description and Notice to and Approval of City

Sunesys will be running fiber optic cabling through existing inner ducts located in existing underground conduits, attaching to existing poles and constructing new underground conduits located in the public rights of way as shown of Exhibit "A" attached hereto. Any construction to be undertaken for the purposes described herein shall require prior notice by Sunesys to the City. Sunesys shall fully describe the construction to be undertaken in plans and specifications submitted to the City, and shall obtain approval from, coordinate and work with the appropriate Municipal Department(s) before scheduling and commencing any construction.

Section 5: Scope of Use Agreement.

Any and all rights expressly granted to Sunesys under this Right of Way Use Agreement, which shall be exercised at Sunesys' sole cost and expense, shall be subject to the prior and continuing right of the City under applicable laws to use any and all parts of the municipal rights of way exclusively or concurrently with any other person or persons, and shall be further subject

to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such municipal rights of way. Nothing in this Right of Way Use Agreement shall be deemed to grant, convey, create or vest in Sunesys a real property interest in land, including any fee, leasehold interest, easement or any other form of interest or ownership.

Subject to obtaining the permission of the owner(s) of an underground conduit and existing poles which shall be the sole responsibility of Sunesys to undertake and obtain, and subject to notice and approval of the City as described in section 4 herein, the City hereby authorizes and permits Sunesys to enter upon the municipal rights of way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace its telecommunications facilities, in underground conduit and poles owned by public utility companies located within the municipal rights of way as may be permitted by the public utility company or property owner, as the case may be.

Section 6: Compliance with Ordinances

Sunesys shall comply with all existing ordinances of the City as may be amended from time to time and with all future ordinances as may be enacted.

Section 7: Municipal Costs

Sunesys agrees to pay to the City \$1,500.00 to cover the reasonable costs incurred by the City for engineering and/or legal review, analysis and preparation of documents related to Sunesys' request for municipal consent to its Project. If the Project requires additional engineering and/or legal review, Sunesys agrees to pay the City's reasonable administrative expenses that the City incurs.

Section 8: Duration of Consent and Termination of Agreement

The non-exclusive municipal consent granted herein shall expire forty (40) years from the Effective Date of this Right of Way Use Agreement. Upon expiration of such consent, or at such earlier date that Sunesys ceases to maintain its facilities, it shall remove the facilities at its cost and expense.

The City may terminate this Right of Way Use Agreement, or require modification hereof, upon notice and opportunity of Sunesys to be heard, where it is shown that the scope of use hereunder is compromising the health, safety and welfare of the citizenry.

Section 9: Indemnification

Sunesys, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the City, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Sunesys' actions under this Right of Way Use Agreement and costs in connection therewith. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys' fees, court costs and any other expenses that may be incurred by the City in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Sunesys' activities pursuant to the rights granted in this Right of Way Use Agreement.

Other than in connection with the foregoing third-party claims indemnification, neither the City nor Sunesys shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to the consents granted hereby.

Section 10. Notices

All notices or other correspondence required or permitted to be given in connection with this Rights of Way Use Agreement shall be in writing and delivered personally, by telecopy, by overnight carrier service or by registered or certified mail to the parties at the following addresses:

To Sunesys at: Sunesys, LLC
185 Titus Avenue
Warrington, Pa. 18976
Attn: Senior Counsel
Facsimile: 267.927.2099
E-mail: pbradshaw@sunesys.com

To the
Municipal Engineer
City of Jersey City
575 Route 440
Jersey City, New Jersey 07305

With a copy to:
Corporation Counsel
Jersey City Law Department
City Hall
280 Grove Street
Jersey City, New Jersey 07302

Section 11. Liability Insurance

Sunesys shall at all times maintain a commercial general liability insurance policy with a single amount of One Million dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000.00).

Prior to the commencement of any work pursuant to this Right of Way Use Agreement, Sunesys shall file Certificates of Insurance with the City with endorsements evidencing the coverage provided by said liability and excess liability policies.

The City shall notify Sunesys within fifteen days (15) days after the presentation of any claim or demand to the City, either by suit or otherwise, made against the City on account of any of Sunesys' or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Right of Way Use Agreement.

Section 12. Successors and Assigns.

The terms and conditions herein contained shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 13. Governing Law.

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey.

Section 14. Incorporation of Prior Agreements.

This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose.

Section 15. Modification of Agreement.

This Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment, modification or waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

Section 16. Invalidity.

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible. The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

Section 17. Counterparts.

This Agreement may be executed and delivered in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

IN WITNESS WHEREOF, this Right of Way Use Agreement has been executed
as of the date set forth below.

Sunesys, LLC

Print name and title:

Witness

Print name and title:

Dated: _____

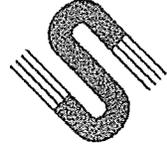
City of Jersey City

Business Administrator

Municipal Clerk

Dated: _____

Exhibit A - New Fiber Optic Cable Routes in Jersey City, NJ - 2013



SUNESYS

City Clerk File No. Ord. 13.090

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 13.090

TITLE:

ORDINANCE AUTHORIZING THE SALE OF SLOPE EASEMENTS TO THE STATE OF NEW JERSEY AFFECTING REAL PROPERTIES OWNED BY THE CITY OF JERSEY CITY IN THE TOWN OF KEARNY KNOWN AS ROUTE 7, SECTION 1 PARCELS ER62B AND UE62C

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

WHEREAS, the City of Jersey City (City) owns real properties in the Town of Kearny that contain the City's water pipeline which connects the Boonton Reservoir to the City; and

WHEREAS, the State of New Jersey Department of Transportation (State) is undertaking a road construction project that will include improvements to Route 7 (Project); and

WHEREAS, the State needs to acquire from the City Deeds of Easement to form and maintain slopes for the grading of the Project; and

WHEREAS, the easements affects property owned by the City which is part of Lot 5 in Block 287 as shown on the Tax Maps for the Town of Kearny also known as Parcel ER62B as shown on a map entitled "New Jersey Department of Transportation, Route 7 (1953), Section 1, Passaic River to Route U.S. 1 and U.S.9 (1953), Parcel ER62B, Town of Kearny, County of Hudson, April 2012" and as Parcel UE62C shown on a map entitled "New Jersey Department of Transportation, Route 7 (1953), Section 1, Passaic River to Route U.S. 1 and U.S. 9 (1953), Parcel UE62C, Town of Kearny, County of Hudson, April 2012"; and

WHEREAS, the State provided the City with an appraisal report which indicates that the fair market value of the easements is \$500.00; and

WHEREAS, the City's Tax Assessor has reviewed the appraisal report and agrees that this is reasonable compensation for the sale of the slope easements; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(1), the City is authorized to sell easements by private sale to the State.

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

1. Subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is authorized to execute an Agreement of Sale, which is attached hereto, with the State of New Jersey to sell slope easements affecting properties known as Route 7, Section 1 parcels ER62B and UE62C;
2. The Mayor or Business Administrator is authorized to execute the Easement Agreements attached hereto affecting properties known as Route 7, Section 1 parcels ER62B and UE62C; and

- 3. The Mayor or Business Administrator is authorized to execute such other documents necessary or appropriate to effectuate the purposes of this Ordinance.
 - 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 in the manner as prescribed 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.

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*.

RR
7-19-13

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required
Not Required

APPROVED: _____
APPROVED: _____
Business Administrator



Jersey City Law Department Memorandum

To: City Council Members

From: Raymond Reddington, Supervisory Assistant Corporation Counsel *R.R.*

Subject: **Ordinance authorizing the sale of slope easements to the State of New Jersey affecting real properties owned by the City of Jersey City in the Town of Kearny known as Route 7, Section 1 parcels ER62B and UE62C**

Date: August 20, 2013

The City of Jersey City (City) owns real properties in the Town of Kearny that contain the City's water pipeline which connects the Boonton Reservoir to the City. The State of New Jersey Department of Transportation (State) is undertaking a road construction project that will include improvements to Route 7 (Project). The State needs to acquire Deeds of Easement to form and maintain slopes to support the grading of Route 7. The City's properties are identified on a State map as parcels ER62B and UE62C. The City will continue to be the owner of the properties and the slope easements will not affect the City's water pipeline. The State provided the City with an appraisal report indicating that the fair market value of the easements is \$500.00. The City's Tax Assessor has reviewed the appraisal report and agrees that this is fair compensation for the sale of the two slope easements.

RR/cw

Buyer and Sellers agree to the following:

1. The cash consideration herein agreed to is to be considered by both parties as payment in full of all claims of whatever nature against the State, including claims by the Sellers, their successors, assigns, tenants, lessees, or anyone acting in their behalf, for damages resulting from this acquisition. This consideration does not include payment for damages caused by the State's contractor on property retained by the Sellers.
2. This agreement shall not be binding upon the State until it is formally accepted by the Commissioner of Transportation or his duly authorized representative. The State will provide the seller with a copy of this agreement after it has received the necessary approval. The State will also prepare and submit the necessary deed and other instruments of conveyance to the seller within 90 days of the transmittal of the approved agreement to the seller.
3. The State, pursuant to N.J.S.A. 20:3-26, will reimburse the seller for reasonable expenses incidental to conveying title. Attorney fees are not reimbursable.
4. The attached environmental addendum is made a part of this agreement and its terms shall not merge with the deed and shall survive the closing of title.
5. After this agreement is signed by the seller, the seller will not permit anyone to acquire an interest in the Seller's property unless such interest is subject to this easement.
The deed of easement will provide that the Seller retains all other rights to use the Property, which is subject to the easement, for any legal purpose not inconsistent, contrary or in conflict with the terms of this easement as described in Schedule "A". Maintenance of the property, which is subject to the easement, shall remain the obligation of the seller except to the extent stated otherwise.
6. The Sellers shall not be in arrears in the payment of any real estate taxes, assessments or other municipal liens at the time of payment by the Buyer.
7. The sellers shall cause the easement to be properly released, satisfied or discharged from all tenancies, mortgages, judgments and other encumbrances and shall furnish proper evidence of having done so and shall execute and deliver an affidavit of title to the State. However, the State's acquisition will be subject to all public utility easements.
8. The sellers shall transfer the interest being acquired by the State in this agreement within 30 days from the date the instruments of conveyance were received from the State.
9. Payment pursuant to this agreement shall be made upon receipt of the properly executed instruments of conveyance together with all proofs which are required to convey clear title. Upon payment, the State shall be given use of the easement as described in Schedule A.

RE EAC/I

Route: 7

INITIALS _____

RE SC

Signature

This Agreement is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page.

Attested by:

(Print name of attesting witness below signature)

By _____
(Print name below signature)

Corporate Acknowledgment

STATE OF NEW JERSEY

) SS.:

COUNTY OF _____

I CERTIFY that on _____, 2013, _____ personally came before me and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the _____ Secretary of the corporation named in this Agreement;

(b) this person is the attesting witness to the signing of this agreement by the proper corporate officer who is _____;

(c) this Agreement was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;

(d) this person signed this proof to attest to the truth of these facts;

Sworn to and subscribed before me the date aforesaid

Notary Public of _____

INITIALS _____

4/3/12 (MJT:jmr)
1/4/13 (MJT:jmr)

An easement in certain land and premises, situate, lying and being in the Town of Kearny, County of Hudson and State of New Jersey and more particularly described as follows:

Parcel ER62B as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 7 (1953), Section 1, Passaic River to Route U.S. 1 and U.S. 9 (1953), Showing Existing Right Of Way And Parcels To Be Acquired In the Borough of North Arlington, Town of Kearny and City of Jersey City, County of Bergen and Hudson, April, 2012"; and as shown more particularly on a map attached hereto and made a part hereof, marked "Exhibit "B", entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 7 (1953), Section 1, Passaic River to Route U.S. 1 and U.S. 9 (1953), Parcel ER62B, Town of Kearny, County of Hudson, April 2012", and also being construction project Route 7 over Conrail Bridge Replacement, Contract #002103400;

Parcel ER62B, at about Station 41+40 (Proposed Route 7 (1953) Baseline Stationing), consisting the permanent right to form and maintain slopes for grading the said Route 7 (1953), as far as the line marked Slope "E" on the aforesaid maps, including the right to topsoil; seed, plant trees, vines and shrubs, in such a manner, so as not to interfere with points of access and to maintain the same so as to support the said Route 7 (1953) stabilize the soil, prevent erosion and/or to improve the aesthetic aspects of Route 7 (1953), areas of existing or proposed driveways, parking lots or other paved areas that are to remain in accordance with the construction plans and specifications for the project, may be replaced with equal or better paving or impervious or semi-impervious materials. The owner shall retain the right to use the area within said slope easement consistent with the purposes and rights described above, however, the owner shall not have the right to remove vegetative material, add or remove material from the slope to be constructed, construct walls or other structures, or in any manner modify said slope easement rights, without first applying for permission to the New Jersey Department of Transportation (NJDOT). The permission to modify or release said slope may be obtained from the NJDOT, Office of ROW, where it is demonstrated by the owner, to the satisfaction of the NJDOT, in its sole discretion, that the slope is no longer needed to support Route 7 (1953), or that the proposed modification will not interfere with or adversely affect the integrity of the slope; the NJDOT, however, reserves the right to impose such terms and conditions on the release of any slope rights that are necessary to ensure the stability of the adjacent Route 7 (1953);

"The location of all permanent easements and improvements constructed therein shall not be changed or modified in any manner without the specific written permission of the Division of ROW, New Jersey Department of Transportation within its sole discretion and upon such terms and conditions as it determines."

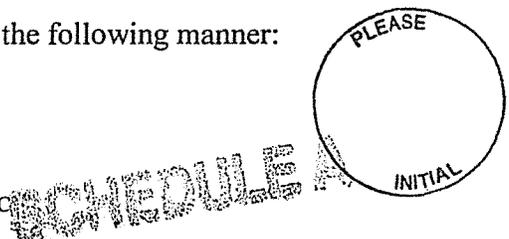
Being known as an easement of Lot 5 in Block 287 as shown on the Tax Maps for the Town of Kearny, Hudson County;

AND ALSO, any ownership, reversionary or associated right, title and interest that the owner may have in the right of way of Route 7 (1953) contiguous to the above described premises as shown on the aforesaid map;

SUBJECT HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises.

The above-described premises are color coded on "Exhibit "B" in the following manner:

Yellow – Slope Easement Line.



4/3/12 (MJT:jmr)

1/4/13 (MJT:jmr)

An easement in certain land and premises, situate, lying and being in the Town of Kearny, County of Hudson and State of New Jersey and more particularly described as follows:

Parcel UE62C as indicated on a map entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 7 (1953), Section 1, Passaic River to Route U.S. 1 and U.S. 9 (1953), Showing Existing Right Of Way And Parcels To Be Acquired In the Borough of North Arlington, Town of Kearny and City of Jersey City, County of Bergen and Hudson, April, 2012"; and as shown more particularly on a map attached hereto and made a part hereof, marked "Exhibit "B", entitled: "NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE 7 (1953), Section 1, Passaic River to Route U.S. 1 and U.S. 9 (1953), Parcel UE62C, Town of Kearny, County of Hudson, April 2012", and also being construction project Route 7 over Conrail Bridge Replacement, Contract #002103400;

Parcel UE62C, at about Station 49+00 (Proposed Route 7 (a.k.a. Belleville Turnpike) Baseline Stationing), consisting of the permanent right to remove, replace and maintain above ground electric utility poles and appurtenances, as far as the line marked "Utility Easement Line" as shown on the aforesaid maps.

"The location of all permanent easements and improvements constructed therein shall not be changed or modified in any manner without the specific written permission of the Division of ROW, New Jersey Department of Transportation within its sole discretion and upon such terms and conditions as it determines."

Being known as an easement of Lot 5 in Block 287 as shown on the Tax Maps for the Town of Kearny, Hudson County;

AND ALSO, any ownership, reversionary or associated right, title and interest that the owner may have in the right of way of Route 7 (1953) contiguous to the above described premises as shown on the aforesaid map;

SUBJECT HOWEVER, to all public utility easements, recorded or unrecorded, affecting the herein described premises.

The above-described premises are color coded on "Exhibit "B" in the following manner:

Blue – Utility Easement Line

SCHEDULE A

City Clerk File No. Ord. 13.091

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 *13.091*

TITLE:

**ORDINANCE REAPPROPRIATING \$1,009,628.89
PROCEEDS OF OBLIGATIONS NOT NEEDED FOR
THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE
FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY
THE CITY OF JERSEY CITY, IN THE COUNTY OF
HUDSON, NEW JERSEY**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL MEMBERS THEREOF AFFIRMATIVELY CONCURRING) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$1,009,628.89 of the proceeds of obligations originally made available pursuant to four bond ordinances of the City of Jersey City, in the County of Hudson, New Jersey (the "City"), namely, Section 3(a)(4) of Bond Ordinance No. 06-106, Sections 3(a)(3) and (4) of Bond Ordinance No. 07-162, Section 3(a)(3) of Bond Ordinance No. 08-148 and Sections 3(a)(4) and (5) of Bond Ordinance No. 12-042 finally adopted by the Municipal Council of the City on September 13, 2006, October 22, 2007, November 12, 2013 and April 11, 2012, respectively, are no longer necessary for the purpose for which the obligations previously were authorized.

Section 2. The \$1,009,628.89 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39, comprised of \$165,261.01 from Bond Ordinance No. 06-106, \$81,737.74 from Bond Ordinance No. 07-162, \$90,043.91 from Bond Ordinance No. 08-148 and \$672,586.26 from Bond Ordinance No. 12-042 are hereby reappropriated to provide for (i) the installation of speed humps throughout the City for purposes of traffic calming, including milling portions of pavement and placing asphalt at specified designs to form said speed humps and signage installation, (ii) the implementation of a bicycle infrastructure plan comprised of the installation of striped bike lanes and sharrows throughout the City, including markings and signage installation and acquisition of various equipment, including but not limited to, bicycle

racks and related equipment; and (iii) City-wide general traffic striping and pavement markings installation.

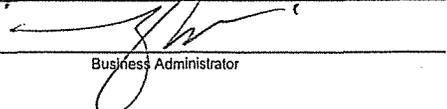
Section 3. The capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:  CTO

APPROVED: 
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 13.092

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 *13.092*

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE JOURNAL SQUARE 2060 REDEVELOPMENT PLAN REGARDING SPLIT ZONED DEVELOPMENT SITES

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Journal Square 2060 Redevelopment Plan at its meeting of July 14, 2010, Ordinance #10-103; and

WHEREAS, the Municipal Council amended the Journal Square Redevelopment Plan on November 28, 2012 to create a new Zone 11 as part of a settlement agreement; and

WHEREAS, the Municipal Council seeks to limit any potential expansion of any redevelopment project subject to Zone 11 which was not contemplated as part of Resolution 12-574, adopted July 18, 2012, authorizing settlement of litigation entitled Robinhood Plaza, Inc. International Chain Enrico Corp., and Avner Netter v. City Council of City of Jersey City, Docket No. HUD-1-5825-10; and

WHEREAS, a copy of the amended text is attached hereto and made a part hereof, and is available for public inspection at the Offices of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ; and

WHEREAS, the following amendments to the Journal Square 2060 Redevelopment Plan have been reviewed by the Jersey City Planning Board at its meeting of July 23, 2013; and

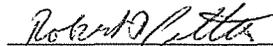
WHEREAS, the Planning Board voted to recommend adoption of these amendments by the Municipal Council; and

WHEREAS, the attached amendment is consistent with Resolution 12-574 adopted July 18, 2012, authorizing settlement of litigation entitled Robinhood Plaza, Inc. International Chain Enrico Corp., and Avner Netter v. City Council of City of Jersey City, Docket No. HUD-1-5825-10; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the recommended amendments to the Journal Square 2060 Redevelopment Plan be, and hereby are, adopted.

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 hereby directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

 Robert D. Cotter, PP, FAICP, Director of Planning

APPROVED AS TO LEGAL FORM

APPROVED: 

APPROVED: _____

Corporation Counsel

Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance/Resolution/Cooperation Agreement:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE JOURNAL SQUARE 2060 REDEVELOPMENT PLAN REGARDING SPLIT ZONED DEVELOPMENT SITES

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

Anthony Cruz, Director, Department of Housing, Economic Development, and Commerce

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance/Resolution:

The amendment limits any expansion of "Zone 11" though the split zoned site provision.

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

To limit any expansion of the 42 story tower currently permitted under Zone 11.

5. Anticipated Benefits to the Community:

This amendment will limit the size of the permitted Zone 11 tower to an appropriate size.

6. Cost of Proposed Program, Project, etc.:

No expense to the city. All work done by in house staff.

7. Date Proposed Program or Project will commence:

Upon approval of the redevelopment plan amendment.

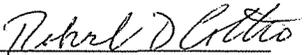
8. Anticipated Completion Date: N/A

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050
Jeff Wenger, City Planning 547-5453

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director

Aug 19, 2013
Date


Department Director Signature

Aug 19, 2013
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE JOURNAL SQUARE 2060 REDEVELOPMENT PLAN REGARDING SPLIT ZONED SITES

The amendment will limit any expansion of the newly created "Zone 11" which permits 42 stories.

PROPOSED AMENDMENTS TO THE JOURNAL SQUARE 2060 REDEVELOPMENT PLAN REGARDING SPLIT ZONED SITES

PRESENTED TO THE JERSEY CITY PLANNING BOARD ON JULY 23, 2013

Text that is unchanged is in plain face type like this.

Text that is deleted is in strike-through like ~~this~~.

Text that is added is in bold **like this**.

Page 5:

D) Split zoned development sites:

(1) For any consolidated development site which overlaps multiple zone districts, the zone that covers the largest portion of the site shall govern the entire development site. Zone 6, ~~and Zone 7, and Zone 11~~ are excluded from this split zone provision. All property **within Zones 6, or 7, or 11** must be developed under the provisions of that zone. **Zone 11 may not be expanded through this provision.**

City Clerk File No. Ord. 13.093

Agenda No. 3.4. 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 13.093

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE WATER STREET REDEVELOPMENT PLAN TO CREATE A HIGH RISE ZONE AND UPDATE TERMS THROUGHOUT FOR CONSISTENCY WITH THE ZONING GLOSSARY

WHEREAS, the Municipal Council of the City of Jersey City adopted the Water Street Redevelopment Plan (the "Plan") in March of 2000, and amended the Plan numerous times subsequently, most recently on September 8, 2004; and

WHEREAS, the existing zoning for a portion of the Water Street Redevelopment Plan Area (the "Area") permits strip mall development, which is no longer deemed desirable or appropriate; and

WHEREAS, in March 2013 the Jersey City Council adopted the Route 440-Culver Redevelopment Plan which lies adjacent to the Area, and which permits high rise and mixed use development; and

WHEREAS, consistent development along the Rt. 440 corridor is desirable; and

WHEREAS, old terminology is used in the Plan which needs to be revised for consistency with the recently adopted Zoning Glossary; and

WHEREAS, the Planning Board, at its meeting of August 6, 2013, determined that the Water Street Redevelopment Plan would benefit from amendments to the permitted land uses and terminology; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Water Street Redevelopment Plan is attached hereto, and made a part hereof, and is 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 aforementioned amendments to the Morris Canal Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.


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

APPROVED AS TO LEGAL FORM

APPROVED: 

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY
CITY ADOPTING AMENDMENTS TO THE WATER STREET
REDEVELOPMENT PLAN TO CREATE A HIGH RISE ZONE AND UPDATE
TERMS THROUGHOUT FOR CONSISTENCY WITH THE ZONING GLOSSARY**

This ordinance revises the zoning districts in the Water Street Redevelopment Plan to establish a high rise zone compatible with and comparable to the adjacent zone in the Rt. 440-Culver Area. Additionally, outdated terminology is updated for consistency with the City's Zoning Glossary as adopted in January 2013.

Water Street Redevelopment Plan

as Amended and Adopted by the Municipal Council

of the

City of Jersey City

Adopted: March 2000
Amended: June 24, 2003
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Amended: September 8, 2004
Proposed Amendments: July 19, 2013

TABLE OF CONTENTS

SECTION	TITLE	PAGE
I	Introduction	3
II	Boundaries	4
III	Redevelopment Objectives	5
IV	Proposed Redevelopment Actions	5
V	General Administrative Procedures	5
VI	General Design and Land Use Standards and Requirements	7
VII	Urban Design Requirements	9
VIII	Specific Land Use Regulations	13
IX	Acquisition Plan	20
X	Relocation Plan	20
XI	Provisions Necessary to Meet State and Local Requirements	20
XII	Procedures for Amending the Redevelopment Plan	21
XIV	Interim Use	21
XV	Definitions	21
XV	Maps	25
	Map 1 - Local Setting Map	
	Map 2 - Boundary Map	
	Map 3 - Proposed Land Use Map	
	Map 4 - Proposed Acquisition Map	
	Map 5 - Proposed Circulation Map	

WATER STREET REDEVELOPMENT PLAN

I. INTRODUCTION

The Water Street Redevelopment Plan (the Plan) will regulate development within the Water Street Study Area (the Study Area). The Study Area is primarily comprised of industrial buildings; some of which are dilapidated and others that are in poor to fair condition. The majority of the area is currently zoned I-2, Intensive Industrial District, although the northwestern portion of the Study Area is zoned R-2, Low Density Residential. The surrounding area to the north and east is primarily residential in character with a commercial corridor along West Side Avenue. To the west, the area is zoned *HC (Highway Commercial) C-3, Shopping Center District*. The existing land uses generally follow this pattern. NJ Transit's adjacent commuter parking lot which was intended to serve the West Side Avenue light rail station, but which proved to be vastly underutilized, was added to the Plan area in March 2004.

The setting for the Water Street Redevelopment Plan is an area of approximately 15 acres located about a quarter mile south of Communipaw Avenue and about a half mile from the municipal border with the town of Kearny, New Jersey. Historically the area under study has been industrial in nature, although the immediate adjoining neighborhood is residential. This is typical of many older urban areas where residential homes were constructed immediately adjacent to industrial land uses. Many times the people living in the homes worked in the adjacent factories and industrial plants. It was not uncommon for people in this era to walk to work. Times have changed, however, and it is now common planning practice to segregate industrial land uses from residential land uses. The noise, smells and traffic associated with industrial land uses is considered to be deleterious to the proper development of residential neighborhoods and the peaceful enjoyment of these neighborhoods by the residents.

This particular area developed as an industrial area because it was at the time on the outskirts of the City and had good transportation access. The Morris Canal adjoined the Study Area along its western edge. Later, the area was served by two railroad lines, one running east to west and the other north and south in the approximate location of the old Morris Canal. Route 440, a State highway also adjoins the Study Area.

As far back as the 1960's, the character of the area began to change. Commercial uses began to be developed along Route 440 to service the residential community. More and more homes were developed on infill lots and larger subdivisions, such as the Country Village neighborhood, were developed on new landfill adjacent to the highway. Later, the railroads discontinued service and industrial development and land use began to decline. Some factories were demolished and residential development constructed, such as on the Inland Steel facility. In other instances, factories were replaced by commercial development such as the Stadium Plaza on the old Kellogg factory site. Today, most of the industrial land uses along the highway have been replaced by automobile dealerships, a Home Depot, shopping plazas or other commercial development. In another instance, New Jersey City University is utilizing a former industrial site to expand its campus.

Commercial development in the area along Route 440 has undergone a particular resurgence lately. The Hudson Mall, which is directly across the highway from the Study Area, evolved from what was at first an open-air strip center. Recently, the Mall has been able to attract a Marshall's and Old Navy to complement the existing Kids R Us, Toys R Us, Staples and numerous other smaller stores.

Clearly, industrial development is no longer appropriate for this area. The area along Route 440 is much more suitable for commercial development and the area immediately adjacent to the Study Area to the east and south is primarily residential in character. The majority of the structures are one and two family homes. For the most part, the homes are well maintained and the streets are narrow and tree lined. The proximity of the industrial uses in the Study Area are in stark contrast to the otherwise tranquil setting of this residential neighborhood. The construction of the new light rail transportation system is further evidence of the suitability of the eastern portion of this area for residential development. This new transportation facility will link the Study Area and surrounding neighborhood to the burgeoning Jersey City waterfront and the PATH system. A brand new station is currently under construction immediately adjacent to the Study Area to the east. The timing is now right to provide for the transition of this area from industrial to residential and commercial land uses.

The purpose of the Plan is to provide a comprehensive development plan that will allow and encourage the redevelopment of this area in a manner that will guide the orderly transition from industrial land uses to residential and commercial land uses as is now appropriate.

II. BOUNDARIES

The Water Street Study Area consists of Tax Lots found on six Tax Blocks in the West Side section of Jersey City. The Block Numbers for these Tax Blocks are ~~1751, 1767, 1768, 1769, 1772-1775.1, 1776, 1297.5 and 1298.5~~ include 20701, 20702, 20703, 20403, 21701, and 21802. The following are the Lot numbers on each of the Blocks which are to be included in the Study Area. The boundary of the Study Area is also depicted on Map 2.

Block	Lots
1751	11E, 11K, 11M, 11N, 11O, & 11Q
1767 20403	21 through 28 (entire block)
1768 20701	31 through 38 (entire block)
1769 20702	1 through 7, and 72 through 75 58 & 59
1772 20703	1 through 12 14, and 71 through 84, and 87, 88, S3, & S4
1775.1 21701	73 through 77, 82, A.9, A.16 partial 2 through 11
1776 21802	D1, H 1 through 8, 29 through 33
1297.5	C1, H3, K1, M6, M7 and M9
1298.5	A, B, 5, 6, 7, and 8

III. REDEVELOPMENT OBJECTIVES

- A. The planning and development of the portion of the redevelopment area that is contained within blocks ~~1751, 1767, 1768, 1769, 1772, and 1775.~~ *20701, 20702, 20703, 20403, 21701, and 21802* as primarily residential development compatible with the surrounding neighborhood, and the planning and development of the portion of the redevelopment area that is contained within blocks ~~1776, 1297.5 and 1289~~ *21802* as vibrant, mixed use, high intensity pedestrian oriented environment that has a definite functional relationship with the existing West Side Avenue light rail station and pedestrian plaza.
- B. Allow for the development of commercial facilities along Route 440 consistent with the development pattern in the area and recognizing the high volume of traffic along this major traffic corridor.
- C. To provide for the orderly phased conversion of industrial land and buildings within the redevelopment area to residential and/or commercial land uses consistent with the development pattern in the area.
- D. The elimination of substandard and dilapidated structures and the removal of blighting influences.
- E. The improvement of the functional and physical layout of the project area for the contemplated new development to provide for improved traffic and pedestrian circulation. Including the possible widening of Route 440.
- F. To provide site improvements for the beautification of the Redevelopment Area and surrounding areas.
- G. The planning and development of an elevated westward extension of the West Side Avenue light rail line through Block *21802* ~~1776~~, Lot 2 H and toward State Highway 440.

IV. PROPOSED REDEVELOPMENT ACTIONS

It is proposed to substantially improve and upgrade the Water Street Study Area through a combination of redevelopment actions which will provide a uniform and consistent attack on blight within the Study Area by systematically removing blighting influences in an orderly manner, starting with those structures and properties most deleterious to the Area; and permitting the interim re-use of sound structures during the phased redevelopment of the entire area.

- A. Demolition of structures determined to be impediments to sound and comprehensive redevelopment, starting with those most dilapidated.
- B. The consolidation and re-subdivision of land within the Study Area into suitable parcels for development for the new residential, commercial, school and community center land uses, including mixed-use, transit oriented development.
- C. Provision for a full range of public infrastructure necessary to service and support the new development, including reopening or reconfiguring streets in the Study Area.
- D. Construction of new structures and complimentary facilities that are consistent with the land use

pattern in the surrounding area.

V. GENERAL ADMINISTRATIVE PROVISIONS

The following provisions shall apply to all property located within the Water Street Redevelopment Area.

- A. Prior to the commencement of: (a) any new construction, (b) reconstruction, (c) rehabilitation (d) any change to the interior floor plan of any structure, (e) any change in the use of any structure or parcel, or (f) any change in the intensity of use of any structure or parcel; a site plan for such shall be submitted by the developer or property owner to the Planning Board for review and site plan approval. No Building Permit shall be issued for any work associated with a through f above, without prior site plan review and approval of such work by the Planning Board.
- B. The provisions of this plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of twenty (20) years from the original date of approval of this Plan by the Jersey City Municipal Council. Subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such amendments.

- C. ~~Site plan review shall be conducted by the Planning Board pursuant to NJS 40:55D-1 et. seq. Site plan review shall consist of a preliminary site plan application and a final site plan application. Submission of a site plan and site plan application shall conform with the requirements of the Jersey City Zoning Ordinance and this Plan. Applications may be submitted for an entire project or in phases. A master plan which depicts the overall layout of the site must be submitted and approved by the Board prior to preliminary site plan approval and as part of the application process. The master plan shall include at a minimum the following elements: proposed uses; approximate heights, densities, floor area ratios and square footage; open space; on-site and off-site circulation; parking and vehicular access; utilities; and a phasing plan. Preliminary site plan approval for any phase shall entitle an applicant to building permits. Final site plan approval for any phase shall not be granted unless or until that phase is substantially complete, or performance guarantees for site improvements for that phase have been furnished by the redeveloper in accordance with NJS 40:55D-53. No Certificate of Occupancy (CO) of any type shall be issued for any construction until the Planning Board has given final site plan approval for the phase in which such construction is located. As part of site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to NJS 40:55D-53. Such performance guarantees shall be in favor of the City of Jersey City, and be in a form approved by the Corporation Counsel or the Planning Board attorney. The amount of any such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of site improvements within one (1) year of final Site Plan approval. Prior to commencement of construction, architectural drawings, specifications and site plans for the construction of improvements to the redevelopment area shall be submitted by the developers for review and approval by the Planning Board of the City of Jersey City.~~

Site plan review shall be conducted by the Jersey City Planning Board pursuant to NJS 40:SSD-1 et seq. Site plan review shall consist of a preliminary site plan application and a final site plan application Site plan review shall be conducted by the Planning Board, pursuant to NJS 40:55D-1 et. seq., pursuant to the requirements of the Jersey City Land Development Ordinance and this Plan. Final site plan approval for any phase may be conditioned upon submission of performance guarantees for unfinished site improvements in accordance with NJS 40:55D-53. Such performance guarantees shall be in favor of the City

of Jersey City and in the form approved by either the Corporation Counsel of the City of Jersey City or the Attorney for the Jersey City Planning Board, as determined by the Planning Board.

The amount of such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of improvements within one (1) year of final site plan approval.

- D. Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with this Plan's requirements and the Jersey City Land Subdivision Ordinance.
- E. No development or redevelopment of any parcel in the Plan Area that will result in an increase in wastewater from that parcel shall be permitted unless and until the planned project wastewater piping and systems for the removal of effluent and storm water are approved by the City of Jersey City Division of Engineering and the Municipal Utilities Authority; and the municipal wastewater piping and systems for the removal of effluent and storm water are certified by the City of Jersey City Division of Engineering and the Municipal Utilities Authority as being of sufficient capacity and good condition to accommodate uses that will occupy said parcel. Such approval may be contingent upon requisite improvements to the drainage system in the street, as determined by the Division of Engineering.
- F. Interim uses may be submitted, subject to an agreement between the developers and the Planning Board that such uses will not have an adverse effect upon existing or contemplated development during the interim use period. Interim uses must be approved by the Planning Board, which may establish an interim use period of one (1) year in duration. The Planning Board may grant up to two (2) additional one (1) year renewals of interim uses.
- G. Non-conforming uses and structures may continue to function within the redevelopment area during the redevelopment of Block ~~1775-A~~ 21701 and Lot 87 1 on Block ~~1772~~ 20703. Provided, however, that once redeveloped for a permitted use, no property may be returned to any use not expressly permitted in this Redevelopment Plan. And further provided that no non-conforming use or structure may be expanded or made more non-conforming in nature.
- H. The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely effecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant a deviation from the regulations contained within this Redevelopment Plan related to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan. No deviations may be

granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. An application requesting a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

- I. If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect.

VI. GENERAL DESIGN AND LAND USE STANDARDS AND REQUIREMENTS

The following standards and requirements shall apply to all zones, except where otherwise noted:

- A. No junked motor vehicles, or parts thereof shall be permitted to be stored on any lot within the Area. Outdoor parking of vehicles that are inoperable or unregistered shall be prohibited.
- B. All utility distribution lines; utility service connections from such lines to the project area's individual uses; and utility appliances, regulators and metering devices shall be located underground or within enclosed structures. Remote readers are required for all utilities, in lieu of external location of the actual metering devices. Developers are required to arrange for connections to public and private utilities.
- C. Chain link fencing shall be prohibited along all street frontages within the Area, both residential and commercial, except during construction. Only tubular steel or mild steel, "wrought iron", decorative type fences will be permitted in such areas and shall not exceed three (3) feet in height. Wooden board-on-board, picket fences or other types of fences may be permitted where the sides of properties adjoin street rights of way and/or where visual screening is appropriate, and may exceed three (3) feet in height, subject to review and approval by the Planning Board. Chain link fencing may be used along interior lot lines or along alleys subject to review and approval by the Planning Board. Chain link fencing for construction shall be dismantled and removed prior to the issuance of a Certificate of Occupancy.
- D. No Billboard shall be permitted on any property contained within the Plan Area.
- E. No signage shall be permitted within the Plan Area, which includes flashing, blinking or otherwise animated lights and/or parts, spinners, pennants, reflective materials, which sparkle or twinkle and/or similar materials; except for seasonal holiday decorations.
- F. No advertising shall be permitted on parking meters, light poles, or on benches or other street furniture within the public right-of-way.
- G. All corner buildings shall have windows on both street frontages. When a building side faces a street it shall be decoratively appointed to mimic the front entrance. It shall also incorporate a special detail/feature such as a bay window, French balcony, or other such feature that is found acceptable by the planning Board.
- H. All parts and components of cellular phone antennas, satellite dishes, and television and radio antennas shall be completely screened from view from all directions and elevations on existing or planned structures, or shall be disguised within the architecture of a structure. Said screening

shall be constructed in a manner that is pleasing to the eye and consistent with the surrounding architecture. In all cases, creative placement of said equipment is strongly encouraged in order to minimize the need for screening.

- I. In all cases, rooftop mechanical equipment shall be screened from view from all directions and elevations to minimize the negative aesthetic impact upon the view from neighboring residential zones and from street level. Said screening shall be constructed in a manner that is pleasing to the eye and consistent with the surrounding architecture and the architecture of the building, and shall utilize the same materials used in the construction of the building, such that the screening appears to be an integral part of the building.
- J. Upon demolition of any existing structures, the site shall be graded; planted, sodded, paved and &/or developed in accordance with this Plan.
- K. All trash receptacles shall be adequately secured and enclosed. All exterior dumpsters shall be encompassed by opaque perimeter screening that is greater in height than the height of the dumpster and shall utilize materials similar to those used in the construction of the building. Said screening shall be constructed in a manner that is pleasing to the eye and consistent with the architecture of the building,
- L. On-street parking of trucks, tractor-trailers, trailers of any type, and buses, mini-buses and jitneys shall be prohibited.
- M. All outdoor storage shall be prohibited. The storage, processing, separation, or transfer of garbage or waste materials shall be prohibited.
- N. Uses, such as; Automotive and truck sales, repair, bodywork and painting; Service stations; Motor freight and shipping; Heavy industrial uses; Junk yards, scrap yards and salvage yards; any other similar use; and any use which might result in toxic or noxious fumes, hazardous discharges, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features that are detrimental to the public health, safety or general welfare, or that are damaging to the physical environment are expressly prohibited.
- O. All buildings within the Redevelopment Area must display the street address of the building such that it is clearly visible from the adjoining street right of way.
- P. In order to facilitate the overall redevelopment of the Study Area, surrounding area and the City of Jersey City in general; all advertising, signage and other promotion of the development and redevelopment of the Study Area shall contain references to the proposed project's location in the City of Jersey City so as to promote the positive aspects of the project, Study Area and the City of Jersey City.
- Q. All protrusions and ventilation through the rooftops shall be bundled and screened in false chimneys, except that plumbing stacks may remain separate provided they are painted to match the roofing material.
- R. All property within this Redevelopment Area that abuts or is in close proximity to Route 440 shall be developed in a manner that adheres to the setback requirements adopted 8-31-2011 by Ordinance #11-094 of the City of Jersey City.

VII. URBAN DESIGN REQUIREMENTS

The following requirements shall apply to all zones, except where otherwise noted:

A. Building Design Requirements

1. All structures within the project area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air and usable open space, access to public rights of way and off-street parking, height and bulk.
2. To the greatest extent possible, buildings should be oriented toward the street so as to contribute to the overall liveliness of the pedestrian environment. Commercial activities located along Mallory or Claremont Avenue shall be oriented to the pedestrian sidewalk environment. All commercial uses within the Highway Commercial zone shall have at least one pedestrian access on Mallory Avenue.
3. Residential buildings within the project area should be designed such that the front facades do not create the appearance of a blank wall or a continuous row of garage doors along the street right of way. The use of design features such as, but not limited to stoops and porches, architectural fenestration, decorative window treatments, landscaping, &/or other architectural features and traditional front yards is required. The residential development within the Mixed Use Residential zone shall also present a strong pedestrian focal entrance point at Mallory Avenue toward the light rail facility to the east.
4. Non-residential building within the project area shall be designed such that the front facades provide visual interest through the use of architectural elements such as window bays, cornices, pilasters, etc. and do not create the effect of a blank wall along the street frontage. The street level facade of stores in such buildings shall contain windows that are transparent between the height of three (3) feet and eight (8) feet. Back and side facades should contribute to the scale and appeal of the building by incorporating features characteristic to the front facade. All building facades that face on a public street shall comply with the requirements of the primary facade.
5. ~~Medium~~ *Mid-rise* apartment buildings within the Mixed Use Residential Zone should be designed to evoke an industrial aesthetic appearance to provide a transition from the former industrial uses of the Study Area to the existing residential uses in the surrounding areas.
6. All single family, two-family and three family houses *and* townhouses shall be developed with a variety of basic design materials including, but not limited to, color vinyl siding, detailed trim and doors, fypon, vinyl and brick detailing, and window and door details. Materials and design shall vary within each building luster, changing window style, door style, roof line and height, roofing material color and other accents. At a minimum, first floor windows shall be 6 feet in height. In addition a transom shall also be incorporated to further enhance the look / size of the window. Upper floor windows shall incorporate a French balcony or other window accent acceptable to the board.
7. *All apartment and Stacked-Flat townhouse* buildings with ground floor parking shall incorporate a stone or masonry like base material such as Arriscraft, not concrete or

decorative standard block. It shall be appointed with decorative punched style windows and decorative metal grills, stone colored stoops to break up the façade, topped with decorative railing, with a minimum of three stair sets per stacked row. Stacked flats *townhouses* shall include cornices that vary for each stacked bay, varying both window design and lintel design, and incorporating some French balconies as an accent at key locations to add interest. Facades for these high density stacked buildings shall incorporate standard or long brick, and /or stucco and utilize fypon, hardy plank, stone, concrete and brick detailing for accents.

8. Porches shall not be enclosed or gated with metal, mesh wire or other railing material. Exterior window or door grills or bars are prohibited.
9. Signs shall be designed to complement the buildings architecture. Natural materials and external illumination are required. Lettering should be kept simple and clear and complement the style of the building. Plastic signs and internally lit signs are prohibited. Illumination of all signs should be designed so as to avoid glare. Bright multi-color signs should be avoided, not more than three colors is required.
10. Groups of related buildings shall be designed to present a harmonious appearance in terms of architectural style and exterior materials. Buildings shall be designed so as to have an attractive, finished appearance when viewed from all vantage points within and outside the Area. Materials used for screening of rooftop mechanical equipment shall be harmonious with those used in the building's facade, such that the screening appears to be an integral part of the architecture of the building.
11. No window sill of any window to a residential unit within the Mixed Use Residential zone shall be less than five (5) feet above the elevation of the nearest sidewalk or pedestrian pathway, and no window sill of any window to a residential unit within the Transit Oriented Development zone shall be less than six (6) feet above the elevation of the nearest sidewalk or pedestrian pathway. If lower, a decorative wrought-iron looking style fence shall be added along the property frontage to create a private front yard. The fence shall have a gate and be no higher than 3 feet.
12. All outdoor storage shall be prohibited. Any storage area that may be required shall be contained within the principal structure.

B. Landscaping and Lighting Requirements

1. Landscaping shall be required for any part of any parcel not used for buildings, off-street parking and/or loading spaces. All proposed site plans shall include plans for landscaping indicating the location, size and quantity of the various species to be used. A minimum of ten (10%) percent of any lot, site or parcel used for commercial or medium rise apartment purposes must be landscaped area; and a minimum of twenty (20%) percent of any lot, site or parcel used for other residential purposes must be landscaped area.
2. Surface parking lots for five (5) or more vehicles, and all exterior loading areas, shall provide a decorative screen planting area not less than five (5) feet wide along any street line, along all property lines and adjacent to ground level parking areas.

3. Within the parking area, a minimum of one tree shall be planted for every 5 parking spaces. Street trees planted along the street right of way shall not be counted toward this requirement. Landscaping shall be maintained with shrubs no higher than three (3) feet and trees with branches no lower than ten (10) feet, and designed so that the landscaping is dispersed throughout the parking area.
4. Green space (trees, shrubs, flowers, etc.) shall be used as buffers and to accent entrances, arcades and sidewalks.
5. All screen planting shall consist of evergreen material that is four (4) feet to six (6) feet high at the time of planting and that is planted on a center that is consistent with the mature spread of the species planted in order to achieve a solid screening effect.
6. All plant material used must be able to withstand the urban environment and shall be planted, balled and burlapped as established by the American Association of Nurserymen. A planting schedule shall be provided by the developer and approved by the Planning Board. Any landscaping which is not resistant to the urban environment or that dies shall be replaced by the developer or property owner.
7. Trees shall be planted along curb lines of streets at a maximum of thirty (30) to forty (40) feet apart on center or in groupings, in a regular pattern or spaced alternately on either side of streets. Each tree pit shall contain either: a decorative metal grate, decorative fence surround, decorative paving treatment or similar treatment, to further enhance the aesthetic quality of the pedestrian environment in the redevelopment area. Main thoroughfares through the redevelopment plan area shall utilize tree grates while secondary, side streets, may choose from the list above.
8. Lighting within each site shall sufficiently illuminate all areas, including those areas where buildings are setback or offset to prevent "dark comers".
9. All lighting sources must be adequately shielded to avoid any glare. The area of illumination shall have a fairly uniform pattern of at least one-half (0.5) foot-candles and no greater than 2.0 foot-candles.
10. Lighting fixtures shall be in scale with the street and size of the project and shall be a maximum of sixteen (16) feet above grade. Pedestrian lighting shall be provided along the pathways and sidewalks throughout the site.
11. All plazas and/or decks at the top of sub-surface parking structures shall be landscaped with trees, shrubs, ground covers and/or lawn areas.

C. Circulation and Off-street Parking Requirements

The creation of new blocks within the existing street grid is required pursuant to the provisions as follows, and as shown on Map V Proposed Circulation Plan. Additional vehicular traffic will be generated by the uses that are development as part of this Plan. However, these increases should be offset to great extent by the mixing of uses, the small block sizes, provision of adequate sidewalks, and convenient access to mass transportation, all of which serve to make pedestrian and bicycle travel more attractive to residents and shoppers in and around the Plan Area.

1. Sidewalk areas must be provided along the street right of ways and shall be properly sized for the safe and convenient movement of pedestrians through and around the Area, taking into consideration the character of the adjoining land uses (i.e. residential, commercial, etc.) and shall be a minimum of fifteen (15) feet wide on Mallory Avenue, Claremont Avenue, Rt. 440, and for the block of any street to which a school abuts. These 15 feet shall include the tree-planting strip and is measured from face of curb. The same are on side streets shall be ten (10) feet, including the tree-planting strip.
2. Sidewalk areas shall be attractively landscaped and durably paved in conformance with Municipal standards and shall be provided with adequate lighting. Pedestrian scale lighting is required.
3. Dead end streets should be avoided to allow for the smooth flow of local traffic and improved access for emergency vehicles.
4. All required parking spaces for residential land uses must be a minimum of 9 feet wide by 18 feet deep. All required parking spaces for commercial and other land uses must be a minimum of 10 feet wide by 18 feet deep. The placement of a curb up to two (2) feet within the required 18 foot depth of the parking space is permitted, provided that there is adequate area for an automobile occupying the parking space to over-hang the said curb a like distance without infringing on required landscaping or pedestrian areas. All aisles shall be a minimum of 24 feet wide.
5. Off-street parking and loading areas shall be coordinated with the public street system serving the project area in order to avoid conflicts with vehicular traffic and/or obstruction to pedestrian walkways and thoroughfares.
6. The ingress and egress to parking and loading areas serving commercial uses in the western portions of the Study Area shall be from Route 440. Secondary access to shopping center parking may be arranged within the approved grid pattern.
7. The area shall be developed in a regular grid pattern formation. The new blocks shall be approximately (200' x 220') two hundred feet by two hundred-twenty feet when measured curb to curb. All new streets shall connect at regular intervals to existing streets and extend to Mallory Avenue, Yale Avenue and Clark Avenue in order to complete the grid. Blocks measuring approximately 130' x 220' shall be permitted to accommodate the *Mid-Rise Apartments* ~~stacked flats~~ provided the grid can remain regular.
8. Front yard parking along the street frontages is prohibited throughout the Redevelopment Area, except for commercial uses located along Route 440.
9. Lighting used to illuminate off-street parking and loading areas shall be arranged and shielded to prevent the spillage of light off the premises and shall be in accordance with the lighting requirements of the Jersey City Zoning Ordinance and section VII.B. of this Plan.
10. Required residential parking shall be provided in enclosed garage area or on street. Blocks of One, two and three family units incorporating stacked duplex townhouse and private garages shall be permitted to count the outdoor apron area as a parking stall. Commercial parking may be at grade in a dedicated lot. All such parking and loading

areas shall be graded and paved with a durable dust free surface, adequately drained, and use poured in place concrete curbs. The use of wheel stops is prohibited. All parking and loading areas shall be designed in accordance with the requirements of the Jersey City Zoning Ordinance.

11. Parking and service areas shall be separated from streets. Access to said areas shall be clearly designated and arranged so as to avoid the backing in and out of vehicles onto the street right-of-way and to limit conflicts with pedestrian areas.
12. Parking for ~~medium~~ *mid*-rise apartments shall be provided off-street. [Parking structures or lots may be at grade level; however, all parking must be screened by the principal building or not appear readily visible from street level. Any parking which are not surrounded by the principal building shall be screened by the use of decorative walls, that incorporate help from landscaped berms and evergreen. Refer to item 6. of Section VII. URBAN DESIGN REQUIREMENTS, A. Building Design Requirements of this document for other detailed requirements concerning parking level screening.
13. Each parking space within *mid*-~~medium~~ rise residential developments must be included within the residential leasehold for a dwelling unit; except that parking spaces in excess of those required may be utilized as visitor parking. All parking spaces shall be numbered or labeled with appropriate ground markings or signage so that the particular space can be assigned to a particular unit, or indicating that the space is a visitor parking space. No parking space may be leased to non-residents of the *mid*-~~medium~~ rise development.
14. All sub-surface &/or basement level parking structures must be mechanically ventilated.
15. Commercial parking shall be separate and distinct from residential parking.
16. Parking for schools should be below grade and under the school structure.
17. Short term (20 minute) on-street convenience parking should be provided adjacent to the Plaza in order to serve light rail passenger pick-up.
18. Curb bump outs shall be provided at street corners within the Transit Oriented Development zone to provide a physical barrier to curbside parking that is too close to the corner, and to aid in traffic calming, *and* to shorten the length of the crosswalk in the street.
19. Curbs in the Transit Oriented Development Zone shall be granite.
20. For pedestrian safety reasons, handicapped accessible curb cuts at street corners within the Transit Oriented Development zone shall be set back from the corner such that there shall be two distinct curb cuts at the corner – one for each street, with a standard curb between. In addition, a decorative bollard shall be placed at each side of each curb throughout the TOD zone.
21. Crosswalks within the Transit Oriented Development zone shall be of different material, color and texture than the rest of the street surface.

22. *Alleys providing access to residential parking areas shall have a right-of-way or access easement of 22 feet in width and a cartway of at least 18 feet, and need not provide sidewalks or other exclusively pedestrian walkways within its right-of-way.*

VIII. SPECIFIC LAND USE REGULATIONS

A. **MIXED USE RESIDENTIAL ZONE** - The purpose of this district is to establish a zones which will permit the orderly phased conversion of industrial land uses to residential land uses compatible with the surrounding area and consistent with *the* Area's location adjacent to a transportation / light rail-station. The permitted height within this Zone has been established to accommodate a mixture of the planned ~~medium~~ *mid*-rise development and planned low rise development as well as the existing low-rise residential areas adjoining the redevelopment area along Yale Avenue and Clark Avenue.

1. Permitted Principal Uses ~~and Buildings~~:
 - a. ~~Medium Mid-Rise Loft Style and standard Apartments Residential~~
 - b. Detached and Attached Single Family, Two Family Homes, Three Family Homes
 - c. Single Family and Two Family Townhouses *and Stacked Townhouses*
 - d. *Single-family, two-family, and three-family attached and detached homes*

2. Permitted Accessory Uses:
 - a. Off-street parking located within the principal building only.
 - b. Fences and walls.
 - c. Recreation areas and swimming pools, gymnasiums and health club facilities.
 - d. Neighborhood retail as part of the ground floor of medium rise apartments, provided that said neighborhood face and have direct pedestrian access from Mallory Avenue.

3. Intensity of Development *for the overall redevelopment site*:
 - a. The Maximum Density of the redevelopment plan area shall be 55 Dwelling Units per Acre, inclusive of the commercial land area.
 - b. The ratio of 7 story ~~flat~~ apartment type units to 4 story townhouse style units through-out the redevelopment plan shall be no greater than 1.8 7 story ~~flat~~ *apartment* units to 1 Townhouse units.

4. Bulk Requirements for various residential product types:
 - a. ~~Stacked Flat Mid-Rise~~ apartments style building with ground floor parking

Maximum Height:	7 stories
Minimum setback from curb:	15 feet from curb

 - b. Townhouse clusters including a mix of duplex units with flats above

Maximum Height:	4 stories
Minimum setback from curb:	15 feet from curb

 - c. One-, two-, and three-family dwellings
 - i. Maximum Height:
 - a. Principal Buildings- three (3) stories; forty-five (45) feet
 - b. Accessory Buildings- one (1) story; fifteen (15) feet
 - c. Fences and Walls- three (3) feet in the front yard area six (6) feet in the side and rear yard area

- ii. Maximum Building Coverage:
 - a. Principal Buildings - fifty (50%) percent
 - b. Accessory Buildings - twenty (20%) percent
 - c. Total of not more than - sixty (60%) percent.
 - d. Open porches, decks and patios shall not be calculated as building coverage, provided that at least the minimum landscape standards pursuant to section VII. B. are met.
- iii. Minimum Setbacks
 - d. Detached Homes: Front yard 5 feet, rear yard 15 feet, side yard 3 feet to one side and five feet total to both
 - b. Attached Homes: Front yard 5 feet, rear yard 15 feet, side yard 3 feet on unattached side
 - c. Townhouses: Front yard 5 feet, rear yard 15 feet, side yard 3 feet at end of row provided that no building shall be closer than five (5) feet to any street line; and further provided that private garages and sheds may occupy any rear yard area provided that there is at least fifteen (15) feet between the private garage and the principal structure unless the private garage is attached to the principal structure, in which case the private garage shall adhere to the 15 foot rear yard standard.
 - d. Detached structures may utilize a zero lot line option, wherein one side yard may be reduced to zero feet or near zero feet, provided that the distance between structures on adjoining lots remains at least 5 feet and the total setback for both side yards is at least 5 feet; and provided further that the zero lot line setback cannot be adjacent to a street line. All yards shall be of sufficient size and arrangement to provide adequate air, light and open space; and meet all applicable building construction and fire codes for the proposed building and use.

d. Maximum Density: 30 dwelling units per acre

e. Minimum Lot Size

- i. Detached homes; lot width 28 feet with rear alleys, 30 feet without rear alleys; lot area 2,660 square feet with rear alleys, 2,850 square feet without rear alleys.
- ii. Attached homes; lot width 28 feet with rear alleys, 30 feet without rear alleys; lot area 2,660 square feet with rear alleys, 2,850 square feet without rear alleys.
- iii. Townhouses; lot width 24 feet, lot area 2,280 square feet

Note: Regarding minimum lot width; All lots that adjoin Bennett Avenue on their side property line must have an average width of at least 35 feet to accommodate additional buffer plaiting area along this property line.

Note: Regarding lot depth and lot area; access to parking shall be provided by a rear alley, the area of the rear alley adjacent to the lot shall be considered part of the lot for purposes of calculating lot depth and lot area; notwithstanding that the alley may be a public right-of-way.

Minimum Off-Street Parking Requirements

- f. All single-family residential structures ————— 2 spaces*
- g. All two-family residential structures ————— 3 spaces*
- h. All three-family residential structures ————— 4 spaces*

*except that when parking is provided at the rear or side of a structure such that the curb at the front of the building is available for on-street parking, only one space per unit will be required.

- 5. Buffers: All lots which adjoin Bennett Street along their western property line must provide a buffer along said property line consisting of a six (6) foot high decorative screen fence, or approved equivalent fence, located along the property line. Chain link or chain/metal mesh of any kind is prohibited. The buffer strip shall be planted with dense row of evergreen trees and shrubs. In addition, street trees shall be planted along Bennett Street not less than thirty (30) feet on center in order to create a visual barrier and aesthetically appealing appearance

Mid-Rise Apartments shall provide a buffer along any property line adjoining a commercial or industrial use or zone. Said buffer may be located within the required setback area and shall be at least fifteen (15) feet wide; with a six (6) foot high opaque decorative metal fence, or approved equivalent fence. The buffer strip shall be planted with a solid row of dense evergreen trees not less than six (6) feet tall at the time of planting and spaced not more than ten (10) feet on center. Additional flowering deciduous and broad leaf evergreen plant material shall also be planted in front of the evergreen trees in order to create a more complete visual barrier and an aesthetically appealing appearance.

- 6. Building Design Guidelines:
 - a. Facade Treatment: The facades shall be designed to invoke aesthetic appearance. The use of masonry materials is required. Design accents are encouraged, such as, porches and entries into the first level dwelling units to encourage and enliven street level activity. Masonry and/or metal materials are required for these porches. The use of EIFS (ie “drivit” type) materials and/or concrete block is prohibited.
 - b. Base Treatment: The base of medium rise apartment buildings-of the ground floor, shall consist of masonry (i.e. brick) materials. The use of EIFS (i.e. “drivit” type) materials and/or concrete block is prohibited.
 - c. Other Requirements: All requirements of section VII.A. of this plan shall also apply.
 - d. The Planning Board shall have the authority to review and approve building plans and elevations to determine compliance with the intent and purpose of the above guidelines, including the types of exterior materials, finishes and design.
- 7. Minimum Off-Street Parking Requirements:
 - a. Neighborhood Retail; 2.0 spaces per thousand square feet after the first 5,000 square feet.
 - b. Stacked Flat apartments style building with ground floor parking –0.9 per unit

- c. Townhouse clusters including a mix of duplex units with flats above – same as 1-3 family dwelling shown below
- d. All single-family residential structures 2 spaces*
- e. All two-family residential structures 3 spaces*
- f. All three-family residential structures 4 spaces*

* except that when parking is provided at the rear or side of a structure such that the curb at the front of the building is available for on street parking, only one space per unit will be required.

8. Permitted Signage

- a. Residential Stacked Apartments - One sign not to exceed eight (8) square feet, attached flush to the building wall, identifying the name of the building or complex, and street address only.
- b. Neighborhood retail – One sign per permitted use, identifying the use, not to exceed 10% of the first story portion of the wall to which it is attached. No plastic or similar material back-lit signs are permitted. Canvas like awnings a maximum of 19 feet in length are required for windows of all retail uses. Waterfall style awnings are prohibited.

The Planning Board shall have the authority to review all sign plans and elevations to determine compliance with the intent and purpose of the above requirements.

~~9. Buffers: Medium Rise Apartments shall provide a buffer along any property line adjoining a commercial or industrial use or zone. Said buffer may be located within the required setback area and shall be at least fifteen (15) feet wide; with a six (6) foot high opaque decorative metal fence, or approved equivalent fence. The buffer strip shall be planted with a solid row of dense evergreen trees not less than six (6) feet tall at the time of planting and spaced not more than ten (10) feet on center. Additional flowering deciduous and broad leaf evergreen plant material shall also be planted in front of the evergreen trees in order to create a more complete visual barrier and an aesthetically appealing appearance.~~

B. ~~HIGHWAY COMMERCIAL HIGH RISE ZONE – HC HR-~~ The purpose of the *high rise highway commercial* zone is to provide a suitable area along Route 440 for the development of commercial land uses that are compatible with the area’s highway location and consistent with the types of commercial use already existing in the surrounding area. The zone line shall run along the center line of Bennett Street &/or as extended to the north *south to accommodate a new right-of-way*. (See Map 3 -Proposed Land Use Map)

1. Permitted Principal Uses:

a. At the ground floor level:

- i. *The following uses may be located on the ground floor of a mid- or high-rise apartment building: retail sales, retail services, category one and two restaurants, bars, financial institutions and services, and commercial health club/fitness center/gym. Restaurants, theaters, and/or health clubs/fitness centers/gyms may also occupy the second floor in this zone provided that the second floor use is connected internally to the same use on the ground floor.*

- b. Above the ground floor level:
 - i. residential
 - ii. offices (includes general, professional, medical)
 - iii. child day care centers
 - iv. civic uses
 - v. Public and private academic and technical schools
- c. Any combination of the above
- 2. Permitted Accessory Uses and structures:
 - a. Home Occupation in any residential unit in accordance with regulations of the Land Development Ordinance, Chapter 345-60.
 - b. Health/fitness Club reserved for the sole use of building occupants, on any floor of a mid-rise or high-rise apartment building
 - c. Roof-Top recreation space on the roof of a mid-rise or high-rise apartment building
 - d. Meeting and/or community room on the second floor or above of a mid-rise or high-rise apartment building
 - e. Structured parking
- 3. Bulk Standards
 - a. Minimum lot area
 - i. Mixed use with office above – 10,000 sf
 - ii. Mixed use with residential above – 6,000 sf
 - b. Minimum Lot Width
 - i. Mixed use with office above – 100'
 - ii. Mixed use with residential above – 60'
 - c. Minimum Lot Depth - 100'
 - d. Required front yard – 0'
 - e. Required rear yard – Ground floor or single floor partially above grade parking garages may be built to the rear lot line; all floors above a single story garage level shall provide a minimum of 30 feet.
 - f. Required side yard – Parking garage level(s) may be built to the side lot line. All floors above shall provide a minimum of 5 feet on each side.
 - g. Maximum FAR – 7.7
 - h. Height
 - i. Mezzanines
 - a. Up to two residential floors of a mid-rise apartment building may include mezzanine levels, provided that mezzanines do not cover more than 33% of the interior space below, and provided that the maximum ceiling height of the mezzanine level shall be 9 feet.
 - b. Mezzanines are allowed in all commercial spaces, provided that mezzanines do not cover more than 33% of the interior space below, and provided that where a commercial use is permitted to occupy a second floor, either a mezzanine level or an internally connected second floor shall be permitted, but not both.

Use	Min height	Max height	Min floor-to-ceiling height	Max floor-to-ceiling height
High Rise	8 stories	12 stories	Res: 9 ft.	Res: 12 ft.

			<i>Gr. Fl. Com: 10 ft.</i>	<i>Gr. Fl. Com: 15 ft.</i>
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4. *Parking Standards*

- a. *No parking is permitted between the building and the street line.*
- b. *Off-street parking for all new construction shall be subject to the following minimum and maximum requirements:*

<i>Use</i>	<i>Min. # spaces</i>	<i>Max. # spaces</i>
<i>Apartment buildings</i>	<i>.5 spaces /d.u.</i>	<i>1 spaces /d.u.</i>
<i>Retail, Restaurant, Office (all), Financial</i>	<i>N/A</i>	<i>1 space /1,000 sq.ft. of G.F.A.</i>

- c. *All off-street parking shall be provided within the building envelope of the development site. Where on-site parking is not feasible, it may be located within a structured parking garage located no more than 500 feet of the development parcel that is to be shared by other building sites.*
- d. *Loading Requirements: the requirements of the Zoning Ordinance of the City of Jersey City shall apply.*

5. ~~Permitted Principal Uses and Buildings:~~

- a. ~~Shopping Centers~~
- b. ~~Retail sales of goods and services, and Restaurants.~~
- c. ~~Offices and Financial Institutions.~~

6. ~~Permitted Accessory Uses, Buildings and Structures:~~

- a. ~~Off street parking~~
- b. ~~Fences and walls.~~
- c. ~~Dumpster enclosures, storage buildings and other similar buildings and structures as would commonly be associated with the above permitted principal uses.~~

7. ~~Intensity of Development~~

- a. ~~Commercial Uses shall adhere to the requirements of the C-3 Shopping Center District as found in the Zoning Ordinance of the City of Jersey City.~~

8. 5. ~~Buffers~~

- a. ~~Commercial uses shall provide a buffer along any property line shared with a property containing a residential use or proposed for residential development. Said buffer shall be at least fifteen (15) feet wide; with a six (6) foot high opaque decorative metal fence, or approved equivalent fence. The buffer strip shall be planted with a solid row of dense evergreen trees not less than six (6) feet tall at the time of planting and spaced not more than ten (10) feet on center. Additional flowering deciduous and broad leaf evergreen plant material shall also be planted in front of the evergreen trees in order to create a more complete visual barrier and an aesthetically appealing appearance.~~

9. ~~Minimum Off Street Parking Requirements:~~

In general, the commercial uses within the TOD zone should be clustered toward the eastern end of the TOD zone in order to be in close proximity to, and an extension of, the adjacent neighborhood commercial zone along West Side avenue. In addition, the commuter parking structures should also be located in the blocks at the eastern end of the TOD zone in order to be closer to the light rail station; however, blocks should avoid having the single use of parking above the ground floor. Structures are to predominantly range from four to seven stories in height, similar to portions of nearby John F. Kennedy Boulevard.

School and community center may be well served by the light rail station, and also add to the diversity and utilization of the plaza. However, they are considered to be of secondary importance when ensuring plaza vitality, and accordingly they should be located such that they do not monopolize the building frontages abutting and facing the plaza.

The redevelopment of land in this zone must be designed to accommodate an eventual westward extension of the light rail line to Route 440 and beyond, and must be designed to accommodate elevated light rail tracks transversing the site. The tracks as they transverse the TOD zone may be either stand-alone or incorporated into the structure of new buildings.

The ground floor frontage (gff) ratios that are written into this zone plan are designed to allow flexibility in response to future market and financing conditions, while at the same time perpetuating the vision for a mixed use project. The ratios require a minimum amount of ground floor retail development, except along Mallory Avenue, and set limits for the occupancy of ground floor frontage by non-retail uses. There is no frontage limitation set by this plan for the upper levels of the structure. For example, residential, community center, office, or additional retail can be placed atop the ground floor retail.

Master Plan Considerations: The Jersey City Master Plan was adopted in May of 2000. Within the Master Plan, the Water Street Redevelopment Plan's TOD Zone is located primarily in a One- and Two-family Residential District that is situated between a Multi-family Mid-rise District and a Neighborhood Commercial/Residential District. The Neighborhood Commercial/Residential district extends along both sides of West Side avenue from near Communipaw Venue to Broadman Parkway, and the West Side Avenue light rail station is located entirely within this district. The above stated TOD Zone purpose is inconsistent with the Master Plan in that the TOD Zone calls for greater intensity and diversity of use than does the Master Plan. However, pursuant to 40A:12A-7(d), the municipal council may adopt a redevelopment plan which is inconsistent with the Master Plan by affirmative vote of a majority of its full authorized membership provided that the reasons for so acting are set forth in the redevelopment plan. The following statement is intended to satisfy this requirement: The reasons for so acting are due to the proximity of the light rail station and the desire to develop the underutilized commuter parking lot in a manner that fully utilizes and is oriented toward this significant mass transit resource, and which will be a positive addition for the residents of this neighborhood. In addition, the potential impact of the proposed increase in intensity and diversity to the adjoining portions of the One- and Two-Family Residential District will largely be mitigated by virtue of the excellent mass transit and highway access provided to the TOD Zone, which bypasses the adjoining One- and Two-Family residential district. In addition, the TOD Zone is entirely consistent with the Bayside Development Plan, which was recently completed as a non-binding study, and which was prepared using a public participation visioning process. The Bayside Plan calls for transit oriented development with a mix of uses and an increase of intensity for the area around the West Side Avenue light rail stop.

1. Principal Permitted Uses and Ground Floor Frontage

Principal Permitted Uses are subject to Ground Floor Frontage (gff) requirements and limitations as listed parenthetically for each principal permitted use, and which apply to the use as a percentage of gff for the entire sub-zone.

- a. TOD-A Sub-Zone
 - i. School (Zero gff requirement)
 - ii. All principal permitted uses in TOD-B (gff requirements as in TOD-B)
 - iii. Combination of the above, subject to approval by the Planning Board and to gff requirements

 - b. TOD-B Sub-Zone
 - i. Art Gallery (Zero gff requirement, but counts towards Retail and Restaurant gff)
 - ii. Child Daycare Facility (maximum gff – 25%)
 - iii. Community center (maximum gff – 25%)
 - iv. Public Parking – commuter or other (above or below ground level only)(maximum gff – 5%)
 - v. Office (maximum gff – 25%)
 - vi. Mid-rise apartments; single and two-family townhouse (maximum combined gff – 40%)
 - vii. Museum (Zero gff requirement, but counts towards Retail and Restaurant gff)
 - viii. Outdoor public space (MINIMUM gff – 5%)
 - ix. Retail sales; retail services; restaurant, category one or two (MINIMUM combined gff – 50%)
 - x. Theater or Cinema (except abutting Mallory Avenue)(Zero gff requirement)
 - xi. Combination of the above, subject to approval by the Planning Board and to gff requirements

 - c. TOD-C Sub-Zone
 - i. Light rail tracks and supporting structures
 - ii. Pocket park
 - iii. All principal permitted uses in TOD-A and TOD-B, provided that the westward extension of the light rail tracks through TOD-C is also accommodated
 - iv. Combination of the above, subject to approval by the Planning Board and to gff requirements

 - d. Plaza Sub-Zone
 - i. Pedestrian Plaza or Town Square
2. Permitted Accessory Uses
- a. TOD-A, TOD-B, and TOD-C Sub-Zones
 - i. Awnings
 - ii. Benches and Street Furniture
 - iii. Concessions (interior)
 - iv. Courtyards
 - v. Fences and Walls
 - vi. Retail Sales (except abutting Mallory Avenue)
 - vii. Landscaping
 - viii. Laundry facility

- ix. Lobby
- x. Off-street parking located above or below the ground floor of the principal structure
- xi. Outdoor public space
- xii. Playground
- xiii. Recreation areas and swimming pools, gymnasiums and health club facilities
- xiv. Signs (for non-residential uses only)
- xv. Bicycle racks and Bicycle lockers

b. Plaza Sub-Zone

- i. Benches and Street Furniture
- ii. Fences and Walls
- iii. Landscaping and Planters
- iv. Playground equipment
- v. Sculpture
- vi. Fountain
- vii. Bicycle racks and Bicycle lockers

3. Bulk Requirements

Prior to Master Plan or preliminary site plan approval for any land within the TOD-C Sub-Zone, a viable path of a future light rail extension shall be determined based upon professional engineering analysis. No structure in the TOD zone shall interfere with or encroach upon the path of the future light rail extension. In addition, the requirements as shown in the following table shall apply.

	TOD-A (except school) TOD-B		School	TOD-D
Minimum Building Height	35 feet		20 feet	15 feet
Maximum Building Height	75 feet		75 feet	75 feet
Maximum Setback	Mallory and Claremont Ave.	20 feet*	20 feet	20 feet*
	Other streets	15 feet	20 feet	10 feet
Maximum Building Coverage	60%		50%	60%
Maximum Lot Coverage	75%		80%	75%
Minimum Ground Floor Ceiling Height	15 feet		15 feet (applies only to primary entry)	-
Maximum	60 units/acre		-	60

Residential Density		units/acre
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*Conditional maximum front setback for Public Space: A greater setback shall be permitted for up to 30% of the length of the façade of a building in the TOD-A and TOD-B Sub-zones, as may be needed to accommodate an outdoor public space, where such space contains benches, a significant permanent art installation, and a minimum of 25% landscaping coverage, which space shall not be fenced nor gated, and which shall be free and open to the public, and to which vehicular access shall be prohibited.

4. Parking Requirements

All required parking shall be off-street and contained within structures or below grade wherever feasible. Individual curb cuts for individual residences shall be prohibited. Minimum off-street Parking requirements for all Sub-zones shall be pursuant to the following table:

Use	Parking Requirement (all are minimums unless otherwise noted)
Community Center	1.0 spaces per 1,000 square feet of gross floor area
Office	0.7 spaces per 1,000 square feet of gross floor area, which may be offset by ..
Residential	0.0 spaces for efficiency units
	0.5 spaces per 1 bedroom unit
	1.0 spaces per unit with 2 or more bedrooms
	0.2 spaces per bedroom for senior housing
Retail sales, retail service, restaurant, bars, theater, cinema, art gallery, museum	1.0 spaces per 600 square feet of gross floor area, excluding the first 5,000 square feet of gross floor area
Public Parking (commuter or other)	The commuter parking lot that exists at the time of adoption of the TOD zone contains 822 parking spaces, with 100 leased to the Jersey City Board of Education, and about 40 spaces used by HBLRT riders. NJ Transit representatives tell us that their official position is that they will not need more than this number of spaces in the future, and that they very well may be able to reduce this number, while still working to increase utilization of the parking lot by HBLRT riders. Therefore, the maximum permitted number of parking spaces shall be 822 for the entire TOD zone, but it is understood by both NJ Transit and the City of Jersey City that should NJ Transit determine that they do not need the full amount that NJ Transit may reduce the number of spaces that are maintained for commuter parking.
Non-commuter parking spaces that are provided as permitted by this section may not be used for commuter parking; however, commuter parking that is provided pursuant to this section may be used for the non-commuter permitted principal uses of this section provided that evidence of agreement by the owner of the commuter parking facility to the use of the parking facility is provided to the Jersey City Planning Board.	

5. Off-Street Loading Requirements: The requirements of the Jersey City Land Development Ordinance section 345-70, as amended, shall apply.
6. Building Design Requirements. All requirements of section VII.A of this Plan shall apply, as well as the following:
 - a. Façade articulations are encouraged, and the use of projecting windows and balconies should be maximized.
 - b. All structures should incorporate masonry into the façade design, including but not limited to stone, brick, textured concrete, etc. Stainless steel and/or glass may also be used. Materials such as EIFS and concrete block are prohibited.
 - c. All buildings over 40 feet in height shall incorporate a base, middle, and top, with each section boldly distinguished by a combination of at least three of the following elements: color, cornice, scoring pattern, step-back, materials, and/or texture. The area of the base on each side shall be at least twenty (20) percent of the façade area for each side.
 - d. All façades shall incorporate a minimum of three colors.
 - e. All façades shall incorporate a minimum of two textures.
 - f. All HVAC grills shall be colored to match the façade color.
 - g. All parking structures shall provide continuation of the lines, materials, and colors of the adjacent principal structures. Parking structures shall also provide fenestration that is complementary to the fenestration of the adjacent principal structures.
7. Signage

Façade mounted signs, where permitted, shall meet the following requirements:

 - a. All lettering shall be with individual raised letters. Signs shall not be backlit.
 - b. Lighting of signs shall be by façade mounted gooseneck lamps or by halo.
 - c. For each primary entry, one sign may be placed on the ground floor façade. Maximum signage area for each sign shall be twenty (20) square feet or five (5) percent of the façade area of the one story on which the sign is mounted, whichever is smaller.
 - d. A pedestrian scale directory of all tenants and their building location shall be permitted within the main entrance lobby.
 - e. For school and community center uses, a special festival/event identification plan may be implemented, incorporating banner poles attached to the building and/or on a freestanding pole or poles within the front yard. These banners can be used to announce accomplishments, events or activities that are scheduled for the facility. All banners are considered signs and are subject to site plan approval from the Planning Board. The inclusion of this banner component is designed to prohibit the hanging of ad-hoc banners on the front façade of the building. A formal banner to fit onto the planned poles, either freestanding or attached to the building, is required.
 - f. Signs in windows, roof signs, freestanding pole signs, and back-lit signs are prohibited.
8. Awnings

Awnings shall be permitted as follows: Awnings shall be triangular in shape, and the metal frame shall be covered with canvas or canvas-like material. Lettering, logs and designs on the awning shall be limited to the skirt. The sloped portion of the awning shall remain blank.
9. Bicycle Storage

All development containing commercial or community center uses, and all residential projects of more than 3 units, shall provide facilities to secure bicycles in the public sidewalk area. All

residential developments shall provide bicycle lockers within the parking areas or common areas of the building at a ratio of one locker for every two units. Access to the street from the locker areas shall be unimpeded by stairs or tight corners.

10. Dog Run Requirement

The development of any residential units in the TOD zone shall trigger a requirement that an open air, soft surface dog run of no less than 2,500 square feet shall be constructed either within the TOD zone, or within 200 feet of the boundary of the TOD zone.

IX. ACQUISITION PLAN

The Water Street Redevelopment Area is comprised of a compact and defined area within the City of Jersey City. The Area is important to the community as an area of residential and commercial development compatible with the surrounding land uses and development pattern. Incompatible land uses, vacant land, dilapidated buildings and other impediments to proper development must be removed in an orderly, planned and phased manner. As such, all properties within the Study Area are proposed to be acquired. At this time, it is anticipated that any property to be acquired within the Study Area will be purchased and assembled by private development interests. However, if acquisition in this manner proves to be unsuccessful, municipal acquisition by eminent domain will be pursued in order to create properly planned and developable parcels of land. The developer shall reimburse the City of Jersey City for the costs associated with the acquisition pursuant to a redeveloper's agreement or contract between the designated developer and the Jersey City Redevelopment Agency.

(See Map 4 – Proposed Acquisition Map).

X. RELOCATION PLAN

There is not expected to be any required relocation of persons or businesses to fully implement the Redevelopment Plan. This is the result of the high proportion of vacant and/or underutilized land within the study area and the fact that acquisitions are currently proposed to be carried out by private means. Nonetheless, should relocation become necessary, the process of relocating the affected persons and businesses will receive the careful attention of local officials and the Jersey City Redevelopment Agency, and be conducted in accordance with the requirements of all applicable Federal, State and Local laws.

XI. OTHER PROVISIONS TO MEET STATE AND LOCAL REQUIREMENTS

In accordance with NJS 40A:12A-1 et seq., Chapter 79, Laws of New Jersey 1992, known as "The Local Redevelopment and Housing Law", the following statements are made:

- A. The Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements.
- B. The Plan has laid out various strategies needed to be implemented in order to carry out the objectives of this plan.
- C. The Plan has given proposed land uses and building requirements for the redevelopment area.
- D. The Acquisition Map and Acquisition Plan (Section IX), which are a part of this Plan, indicate all property to be acquired as a result of this Plan.
- E. The Plan is in compliance with the Jersey City Master Plan *and* the Master Plan of the County of Hudson. *It* is not contrary to the goals and objectives of the Jersey City Master Plan. The Plan complies with the goals and objectives of the New Jersey Development and Redevelopment Plan

- in that this Plan and the State's plan both recognize the need to redevelop urban land.
- F. This Redevelopment Plan shall supersede all provisions of the Jersey City Zoning Ordinance that are specifically addressed herein. Any zoning related question that is not addressed herein shall refer to the Jersey City Zoning Ordinance for clarification. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this plan, as provided herein. Upon final adoption of this Plan by the Municipal Council of Jersey City, the Jersey City Zoning Map shall be amended to rezone the area covered by this Plan as the Water Street Redevelopment Area, and all underlying zoning will be voided.

XIII. PROCEDURE FOR AMENDING THE PLAN

- A. This Plan may be amended from time to time upon compliance with the requirements of law. A fee of five hundred dollars (\$500 ~~1,000~~), plus all costs for copying and transcripts shall be payable to the City of Jersey City for any request to amend this Plan. If there is a designated developer, as provided for under NJSA 40A: 12A-1 et. seq., said developer shall pay these costs. If there is no developer the appropriate agency shall be responsible for any and all costs.
- B. No amendment to this Plan shall be approved without a public hearing by the Planning Board, and a public hearing and adoption by Municipal Council. A copy of any proposed change to the Plan shall be filed with the Office of the City Clerk.

XIV. Interim Use

There shall be no surface parking in the redevelopment plan area prior to during or as part of any phase of the redevelopment plan project implementation, excepting the NJ Transit West Side Avenue Commuter Parking Lot that exists at the time of plan adoption.

~~XIV. DEFINITIONS~~

~~Definitions contained herein shall prevail within the Redevelopment Area. For definitions not contained herein, the definitions contained in the City of Jersey City Zoning Ordinance shall prevail.~~

~~ALLEY: A public thoroughfare that affords only a secondary means of access to an abutting property. An alley providing access to residential parking areas shall have a right of way of twenty-two (22) feet in width and a cart way of at least eighteen (18) feet; and need not provide sidewalks or other exclusively pedestrian walkways within its right of way.~~

~~ATTACHED HOME: A one-family, or two-family, or three-family residential structure attached to another one-family, or two-family, or three-family structure along one side wall, on adjoining lots, each being separated from the adjoining one-family, or two-family or three-family residential structure by a party wall extending from the basement or cellar to or through the roof, with separate entrances for each unit or structure.~~

~~BUFFER: A strip of land that exists between two parcels of land, or between two land uses, and that serves to mitigate the negative or undesirable impact or impacts of one occupant or land use upon the other. The strip may be required to contain a minimum width, minimum height of earth or plant material, minimum height or type of fencing, or minimum amount or type of landscaping.~~

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

~~DISTRICT: Zone. These terms may be used interchangeably.~~

~~FLOOR AREA RATIO: The ratio of the floor area of any building to the total area of the site or lot it occupies.~~

~~FLOOR AREA: The sum of the gross area of all floors of a building or buildings, measured from the exterior face of exterior walls or from the centerlines of common walls separating two buildings, but excluding mechanical rooms, garages and basements.~~

~~FRONT YARD: A yard extending from the front of a building to the sidewalk across the entire width of a lot.~~

~~INFILL HOUSING: The construction of a housing unit that resembles in proportion scale, height, style and bulk the adjacent dwelling units.~~

~~JUNKYARD: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk. Any site with three (3) or more unregistered vehicles shall constitute a junkyard. (Also known as Salvage Yard)~~

~~LOT DEPTH: The mean distance from the front street line to the rear lot line of any given lot. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.~~

~~MEDIUM RISE LOFT STYLE APARTMENTS A multi family dwelling with four (4) or more, but not to exceed seven (7) residential living levels. Medium rise loft style apartment buildings are intended to have an industrial aesthetic appearance. The use of metal canopies over key windows &/or entrance doorways, and the use of metal stairs leading to exterior entrances to individual units is encouraged. The use of exposed metal trusses to support building elements such as bridges linking buildings is also encouraged in order to evoke the feel of a traditional industrial campus or complex.~~

~~MIXED USE: A lot or structure containing more than one (1) zoning use, such as residential mixed with neighborhood retail, or commercial mixed with light industrial.~~

~~NEIGHBORHOOD RETAIL: The retail sales of goods and services; such as a delicatessen, pharmacy, grocer, restaurant, daycare facilities, barber shop, beauty salon, hardware store, clothing store, dry cleaner, newsstand, florist, financial institution, and other similar uses that provide services and convenience or comparison shopping; but not including auto service stations, auto sales, motor vehicle repair, taverns, bars, or other similar uses.~~

~~NON CONFORMING BUILDING: A building, which in its location upon a lot or in its size, does not conform to the regulations of this Redevelopment Plan for the district in which it is located.~~

~~NON CONFORMING LOT: A lot of record which does not have the minimum dimension or location of which was lawful prior to the adoption of this ordinance, but which fails to conform to the requirements of the district in which it is located by reason of such adoption.~~

~~NON CONFORMING STRUCTURE: A structure the size, dimension or location of which was lawful prior to the adoption of this ordinance, but which fails to conform to the requirements of the district in which it is located by reason of such adoption.~~

~~NON CONFORMING USE: A use or activity which was lawful prior to the adoption of this ordinance but which fails to conform to the requirements of the district in which it is located by reason of such adoption.~~

~~OPEN SPACE: Any sidewalk, park, public plaza, courtyards, which is open and unobstructed from its lowest level to the sky.~~

~~PARKING SPACE (COMPACT): An area measuring a minimum of eight (8) feet in width by sixteen (16) feet in depth, either within a structure or in the open, for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights of way~~

~~PARKING SPACE: An area measuring nine (9) feet in width by eighteen (18) feet in depth when associated with residential land uses, or measuring ten (10) feet in width by eighteen (18) feet in depth when associated with commercial land uses, either within a parking structure or a surface lot, for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights of way~~

~~REHABILITATION: The act or process of returning a building to a usable state using selective corrective measures as mentioned in the architectural guideline section.~~

~~RESTAURANT: A place where the primary activity is the serving of meals to the public.~~

~~RETAIL SALES: An establishment where goods are sold directly to the consumer for personal household use, with or without processing on the premises for such retail sale, but excluding the processing, repair or renovating of furniture, bedding or fixtures. In no instance shall bars, service stations, or drug rehabilitation centers be considered retail sales.~~

~~SERVICE STATION: A place where motor fuel, lubricants, and miscellaneous accessories for motor vehicles are sold and dispensed and where services are rendered for engine and mechanical repairs, but where no automobile painting and bodywork are done and where no junked or unregistered motor vehicles are kept or stored. Service stations may also include retail sales of food and sundry items of convenience to the general public.~~

~~SHOPPING CENTER: A group of five (5) or more commercial establishments on a single site, containing at least 10,000 square feet within a building or buildings & on a site of at least 40,000 square feet; planned, constructed & managed as a single entity; sharing parking, vehicular access, and circulation; and providing common areas, signage, landscaping and other improvements in accordance with an approved plan.~~

~~SIGN, FREESTANDING: A sign that is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure, whether portable or stationary.~~

~~SIGN, INTERNALLY ILLUMINATED: Any sign which has characters, letters, figures, designs or outline illuminated such that the light is directed into the eyes of the viewer from the light source.~~

~~SIGN: Any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interest of any person or product when the same is placed to be seen by the general public.~~

~~SITE PLAN REVIEW: The examination of the specific development plans for a lot. Whenever the term~~

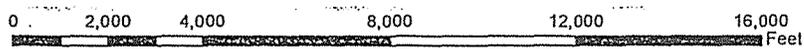
"site plan approval" is used in this Redevelopment Plan it shall be understood to mean a requirement that the site plan be approval by the Planning Board.

TOWN HOUSE: A one family or two family residential structure *(including stacked duplexes)* in a group of not less than 3 and not more than 12 erected in a row of attached buildings, on adjoining lots, each being separated from adjoining one family or two family residential structures by a party wall extending from the basement or cellar to or through the roof, with separate entrances for each unit or structure.

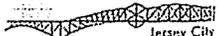
XIV MAPS



**WATER STREET REDEVELOPMENT PLAN
MAP 1: LOCATION MAP**



APRIL 20, 2012

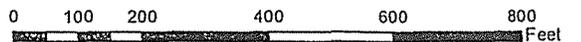

 Jersey City
 City Planning Division
 30 Montgomery Street Suite 1400
 Jersey City, NJ 07302-3821
 Phone: 201.547.5010
 Fax: 201.547.4323



WATER STREET REDEVELOPMENT PLAN
MAP 2: BOUNDARY MAP

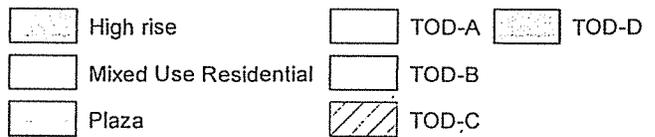


APRIL 20, 2012

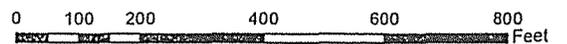




WATER STREET REDEVELOPMENT PLAN
 MAP 3: LAND USE MAP



JULY 19, 2013



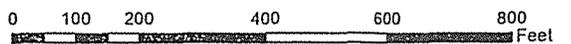


WATER STREET REDEVELOPMENT PLAN
 MAP 4: ACQUISITION MAP



 To Be Acquired

APRIL 20, 2012





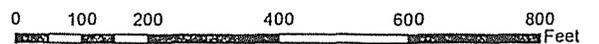
WATER STREET REDEVELOPMENT PLAN
 MAP 5: CIRCULATION MAP

Legend

 NEW STREET RIGHT OF WAY



APRIL 20, 2012



City Clerk File No. Ord. 13.094

Agenda No. 3. I. 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 *13.094*

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE VILLAGE STUDY AREA REDEVELOPMENT PLAN TO CLARIFY PERMITTED USES

WHEREAS, the Municipal Council of the City of Jersey City adopted the Village Study Area Redevelopment Plan in January 1980, amended the Plan multiple times, most recently on October 19, 2012; and

WHEREAS, the Planning Board, at its meeting of July 9, 2013, determined that the Village Study Area Redevelopment Plan would benefit from an amendment to accommodate three-family dwellings on corner lots and a clarification to permitted retail and office uses in order to encourage development; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Village Study Area Redevelopment Plan is attached hereto, and made a part hereof, and is 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 aforementioned amendments to the Village Study Area Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Robert D. Cotter, PP, FAICP
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 VILLAGE STUDY AREA REDEVELOPMENT
PLAN TO CLARIFY PERMITTED USES

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

Albert Cameron, Acting Director of Housing, Economic Development, and Commerce

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance:

This ordinance modifies the permitted uses of the Village Study Area Redevelopment Plan in order to allow three-family dwellings on corner lots and to clarify permitted office and retail uses.

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

This Redevelopment Area is largely built out, and allowing for a three-family building on corner lots will encourage the completion of development in the area. Clarifying permitted retail and office uses is an administrative correction.

5. Anticipated Benefits to the Community:

This amendment will encourage the development of the remaining lots in the area.

6. Cost of Proposed Plan, etc.:

\$0.00. Plan was prepared by Division of City Planning staff.

7. Date Proposed Plan will commence:

Upon Adoption.

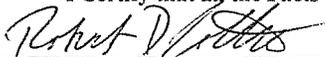
8. Anticipated Completion Date: N/A

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050

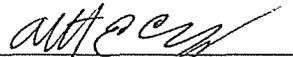
10. Additional Comments:

I Certify that all the Facts Presented Herein are Accurate.



Division Director

Aug 7, 2013
Date



Department Director Signature

AUGUST 8, 2013
Date

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY
CITY ADOPTING AMENDMENTS TO THE VILLAGE STUDY AREA
REDEVELOPMENT PLAN TO CLARIFY PERMITTED USES**

This ordinance modifies the permitted uses of the Village Study Area Redevelopment Plan in order to allow three-family dwellings on corner lots and to clarify permitted office and retail uses.

VILLAGE STUDY AREA REDEVELOPMENT PLAN

JANUARY, 1980
AMENDED: JUNE, 1980
AMENDED: NOVEMBER, 1983
AMENDED: JANUARY 13, 1999 : Ord 98-167
AMENDED: NOVEMBER 22, 2005 : Ord 05-160
AMENDED: AUGUST 20, 2008: Ord 08-121
AMENDED: March 10, 2010: Ord 10-028
AMENDED: April 13, 2011: Ord 11-042
Block & Lot Updates October 19, 2012

CITY OF JERSEY CITY
DIVISION OF CITY PLANNING

A. TABLE OF CONTENTS

I.	Description of Project	1
II.	Redevelopment Plan Goals and Objectives.....	2
III.	Types of Proposed Redevelopment Actions.....	4
IV.	Building Design Objectives for New Construction.....	4
V.	Specific Objectives	4
VI.	General Provisions.....	8
VII.	General Land Use Plan.....	11
VIII.	Other Provisions Necessary to Meet State and Local Requirements.....	18
IX.	Procedure for Amending the Approved Plan.....	20

B. TABLE OF MAPS

1.	Redevelopment Boundaries Map	21
2.	Acquisition Map	22

DESCRIPTION OF PROJECT

VILLAGE STUDY AREA BOUNDARY DESCRIPTION

BEGINNING at the point of intersection of the centerlines of Columbus Drive and Varick Street, thence in, a westerly direction along the centerline of Columbus Drive to the point of its intersection with the centerline of Brunswick Street, thence in a northerly direction along the centerline of Brunswick Street to the point of its intersection with the centerline of First Street, thence in an easterly direction along the centerline of First Street to the point of its intersection with the extended western lot line of Lot 33, Block 11005, thence in a northerly direction along the extended western lot line of Lot 33, Block 11005 to the point of its intersection with the center block line of Block 11005, thence in an easterly direction along the center block line of Block 11005 to the point of its intersection with the eastern lot line of Lot 21 Block 11005, thence in a southerly direction along the extended eastern lot line of Lot 21 to the point of its intersection with the centerline of First Street, thence in an easterly direction along the centerline of First Street to the point of its intersection with the centerline of Monmouth Street, thence in a northerly direction along the centerline of Monmouth Street to the point of its intersection with the centerline of Second Street, thence in an easterly direction along the centerline of Second Street to the point of its intersection with the centerline of Newark Avenue, thence in a easterly direction along the centerline of Newark Avenue to the point of its intersection with the centerline of Coles Street, thence in a southerly direction along the centerline of Coles Street to the place and point of BEGINNING.

II. REDEVELOPMENT PLAN GOALS AND OBJECTIVES

Renewal activities of the Village Study Area will be undertaken in conformity with, and will be designed to meet the following goals and objectives.

- 1) To comprehensively redevelop The Village Study Area by the elimination of negative and blighting influences and by providing new construction and site improvements where appropriate.
- 2) To provide for a variety of residential uses and housing types for both existing residents and prospective new occupants.
- 3) To provide for the improvement of the functional and physical layout of the project area for complete redevelopment and the removal of impediments for land disposition.
- 4) To provide construction related jobs and permanent jobs through the construction of new housing and public improvements.
- 5) To construct new housing for home ownership through a combination of private development financing and the selective use of public assistance.
- 6) To provide for the overall improvement of traffic circulation through the elimination of unnecessary streets wherever possible, and the development of new vehicular and pedestrian circulation systems which provide for the separation of vehicular and pedestrian traffic as well as to provide for the maximum use of public transportation.
- 7) To provide for the maximization of private investment through the attraction of qualified developers capable of securing private financing commitments.

- 8) To provide for the stabilization and the increase of the tax base of the project area and the entire city by redeveloping non-revenue producing areas and by re-establishing investment confidence on the part of existing and future residents both within the area and in contiguous neighborhoods.
- 9) To provide for the coordination of redevelopment activities to promote a uniform attack on blight which reinforces already existing renewal and improvement programs in adjacent areas in accordance with a plan that integrates the Village Study Area with the existing physical and social fabric of the City of Jersey City.
- 10) To provide where necessary site improvements for both proposed and existing residential uses including new streets and sidewalks, street realignment, off-street parking, open space, pedestrian malls, recreational areas, and new trees, where appropriate.
- 11) To maximize developer participation and contribution to the Village Redevelopment Plan.

III. TYPES OF PROPOSED REDEVELOPMENT ACTIONS

It is proposed to substantially improve and upgrade the Village Study Area through a combination of redevelopment actions. These will include but not be limited to: 1) clearance of dilapidated structures; 2) retention and construction of sound compatible uses; 3) assembly into developable parcels the vacant and underutilized land now in scattered and varied ownership; and 4) provisions for a full range of public infrastructure necessary to service and support the new community.

IV. BUILDING DESIGN OBJECTIVES FOR NEW CONSTRUCTION

- A) All structures within the project area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air and usable open space, access to public right-of-ways and off-street parking, height and bulk.
- B) Groups-of related buildings shall be designed to present a harmonious appearance in terms of architectural style and exterior materials.
- C) Buildings should be designed so as to be attractive from all vantage points.

V. SPECIFIC OBJECTIVES

A) Submission of Redevelopment Proposals

Prior to commencement of construction, architectural drawings, specifications and site plans for the construction of improvements to the redevelopment area shall be

submitted by the developers for review and approval by the Planning Board of the City of Jersey City.

Site plan review shall be conducted by the Jersey City Planning Board pursuant to NJS 40:SSD-1 et seq. Site plan review shall consist of a preliminary site plan application and a final site plan application. Site plan review shall be conducted by the Planning Board, pursuant to NJSA 40:55D-1 et. seq., pursuant to the requirements of the Jersey City Land Development Ordinance and this Plan. Final site plan approval for any phase may be conditioned upon submission of performance guarantees for unfinished site improvements in accordance with NJSA 40:55D-53. Such performance guarantees shall be in favor of the City of Jersey City and in the form approved by either the Corporation Counsel of the City of Jersey City or the Attorney for the Jersey City Planning Board, as determined by the Planning Board.

The amount of such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of improvements within one (1) year of final site plan approval.

Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this Plan and the Land Development Ordinance of the City of Jersey City.

B) Adverse Influences

No use or re-use shall be permitted, which when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

C) Restriction of Occupancy or Use

There shall be no restriction of occupancy or use of any part of the project area on the basis of race, creed, color or national origin.

D) Circulation and Open Space Design Objectives

Unless paved, all open space areas shall be landscaped and maintained in an attractive condition.

Open spaces for both residential rehabilitation and new construction shall be provided where feasible and be so located as to provide for maximum usability by occupants and to create a harmonious relationship of buildings and open space throughout the project area.

Sidewalk areas shall be adequately provided for the movements of pedestrians through and around the site.

Sidewalk areas shall be attractively landscaped and durably paved and shall be provided with adequate lighting.

Trees shall be planted along the curblines at not less than 30 foot centers in a regularly spaced pattern to further increase the aesthetic quality of redevelopment activities.

Areas designated as improved open space shall be in addition to all parking, yard and setback requirements.

E) Off-Street Parking and Loading Objectives

Off-street parking and loading areas shall be coordinated with the public street system serving the project area in order to avoid conflicts with through traffic or obstruction to pedestrian walks and thoroughfares.

Any surface parking facilities shall be landscaped; large concentration of parking shall be avoided; poured-in-place concrete curbing shall be used in parking areas to prevent vehicles from encroaching upon planted area.

All parking and loading areas abutting streets or residential zones shall be landscaped about their periphery with berms, shrubs, trees and/or ground cover.

All required parking and loading areas shall be provided off-street. All such parking and loading areas shall be graded, paved with a durable dust-free surface, adequately drained, well landscaped, and all access points shall be defined and limited in accordance with the zoning ordinance of the City of Jersey City.

All driveways shall be paved in accordance with the Zoning Ordinance of the City of Jersey City.

Maximum Driveway width:

One way	- 10 feet
Two way	- 20 feet
Private Parking	- 10 feet for 1 & 2 family units.

F) Landscape Design Objectives

All open space, including yards, shall be landscaped with lawns, trees, shrubbery and other appropriate plant material unless said open space is specifically designated for other activities which require paving or other treatment. All screen planting shall be evergreen and only species with proven resistance to the urban environment in this area will be acceptable. Screen planting shall be a minimum of four (4) feet high at time of planting. Material shall be planted balled and burlaped and be heavy and of specimen quality as established by the American Association of Nurserymen. At initial planting the material shall provide an opaque screen from the top of the shrub to within six (6) inches of grade. Other plant materials shall be heavy, and of specimen quality determined as above. All trees shall be a minimum of three and one-half (3 ½) inches in caliper. All plants, trees and shrubs shall be installed in accordance with the Land Development Ordinance planting schedules.

VI. GENERAL PROVISIONS

A) The regulations and controls-in this section (Section VI General Provisions) will be implemented, where applicable, by appropriate covenants, or other provisions or agreements for land disposition and conveyance executed pursuant thereto.

- B) No building shall be constructed over an easement in the project area without prior written approval of the Jersey City Municipal Engineer.
- C) The provisions of this Plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) years from the date of approval of this plan by the City Council of the City of Jersey City.
- D) All residential redevelopment proposals and construction plans shall meet applicable F.H.A. and/or H.F.A. minimum room size requirements prior to approval by the Planning Board.
- E) Existing non-conforming buildings of record with lot frontage on Newark Avenue are exempt from parking requirements.
- F) Deviation Requests. The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue

hardship upon, the developer or redeveloper of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan, and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant deviations from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted which will result in permitting a use that is a prohibited use within this Plan. An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a & b.

VII. GENERAL LAND USE PLAN

A) Land Use Provisions and Building Requirements

a. Permitted Principal Uses

- 1 and 2 family dwellings, including townhouses and rowhouses, except on Newark Avenue
- Apartment buildings, limited to lots with Newark Avenue frontage
- Public and quasi-public uses
- Retail sales, Medical Offices, restaurants (categories one and two), and/or Professional Offices and related services required on and limited to the ground and 2nd floors of Apartment Buildings on Newark Avenue.

b. Permitted Accessory Uses

- Private garages
- Off-street parking
- Recreation areas as part of a residential development
- Fences and walls
- Designed open space

B) Regulations, Controls, and Design Guidelines

- a. Buildings shall be designed so that their appearances reflect the historic development patterns of the older mixed-use buildings on Newark Avenue. All new construction and/or exterior improvements to mixed use buildings shall be designed so as to be harmonious with the neighboring buildings in terms of material, height, scale, façade proportions, window patterns, decorative features, floor-to-ceiling heights where appropriate, and architectural styles.
- b. At the top of the base, a visual cue or indicator such as belt coursing, a change in glass-to-solid ratio, or any other indicator consistent with the design, proportions, and materials of the base shall be provided.
- c. The roofline of the structure shall be designed with architectural features in harmony with that of the adjacent buildings.

- d. Buildings shall be designed utilizing primarily brick and masonry materials on all sides to form a compatible overall architectural scheme. No EFIS is permitted.
- e. All streetfront facades shall be treated as primary facades, with high-quality materials, architectural detail, windows quantity and proportion, and with respect to the character and aesthetic of the neighborhood.
- f. Designed open space shall be developed as an integral part in the overall design scheme. Common rooftop open space is encouraged. Balconies fronting on Newark Avenue are prohibited.
- g. Apartment buildings shall limit retail sales activities to the ground floor, mezzanine, and second floor, and provide separate ingress and egress for the residential uses.
- h. One and two family townhouses and rowhouses shall be defined as attached structures in a row of similar structures containing one or two dwelling units.
- i. Offices as a home occupation shall be defined as places for the transaction of business where reports are prepared, records kept, and services rendered, but where no retail sales are offered, and shall be limited to licensed doctors, lawyers, architects, engineers and planners.
- j. Display windows: All retail uses shall have display windows constituting a minimum of seventy percent (70%) glass, open to the street, and the bottom edge of the display window(s) shall be no more than four (4) feet in height above grade. The glass is to be clear and not tinted; film to block ultra-violet sunlight is permitted provided that it is not tinted and does not obscure the view of the interior of the store from the sidewalk immediately adjacent. The name and/or logotype of the establishment are permitted to be applied to the window. All window frames shall be of a complementary color. Product displays and/or store signage should be appropriate for the product or service being sold, and should occupy no more than a reasonable area of the display window(s). The display window area shall allow for a clear view into the interior of the store.
- k. All roofs shall be flat. All roofs shall be internally drained and have parapets.
- l. Where any questions arise in terms of definitions or terminology the Zoning Ordinance of the City of Jersey City shall govern.

C) Maximum Height

- The height of any existing residential building shall not be increased or altered in any way such as by the addition of any additional stories or added ceiling or

roof height. Vertical expansion beyond the height of original construction of any home in the Area is prohibited.

- All new 1- and 2-family dwellings, four (4) stories.
- Apartment buildings and mixed use buildings shall not exceed 4 stories from grade where on-site parking is not required; 5 stories where on-site parking is required and provided regardless of whether parking level is below, at, or above grade.
- Public or quasi-public, 4 stories from grade where on-site parking is not required; 5 stories where on-site parking is required and provided regardless of whether parking level is below, at, or above grade.
- Minimum floor-to-ceiling height for ground floor retail – 12 feet, and to match adjacent where appropriate

Minimum floor-to-ceiling height for residential uses (excluding garages) – 9 feet

Maximum floor-to-ceiling height for residential uses (excluding garages) – 12 feet

D) Area, Yard and Bulk

1. One and two family dwellings

Minimum lot width	20 feet
Minimum Lot Area	1,600 sq. ft.
Minimum Yards Front	prevailing
Side	0 feet
Rear	prevailing

2. Apartment Buildings (limited to lots with Newark Avenue frontage)

Minimum Lot Width	25 feet
Minimum Lot Depth	100 feet
Minimum Lot Area	2,500 sq. ft.
Minimum Yards Front	0 feet

Side	0 feet
Rear	15 feet

3. Public and Quasi Public Uses

Maximum Building Coverage		30%
Minimum Lot Width		100 feet
Minimum Lot Depth		100 feet
Minimum Lot Area		10,000 sq. ft.
Minimum Yards	Front	5 feet
	Side	10 feet
	Rear	10 feet

E) Minimum Off-Street Parking

No on-site parking is required for existing uses, or for adaptive reuse of existing buildings.

No parking is required for lots 0 – 4,999 square feet in lot area.

Curb cuts are prohibited on Newark Avenue.

Where feasible, parking is to be set partially or wholly below grade.

Any at- or above-grade parking garage in an Apartment or Mixed-use building shall be screened so as not to give the apparent perception of garage space from all street Rights-of-Ways. All ground floor parking and mechanical related areas shall be wrapped along the exterior by occupied active building uses, such as commercial storefronts and residential units, excepting the location of the vehicular entry and exit and stairways or elevator shafts that serve the parking structure. Utility rooms may occupy no more than fifteen (15%) percent of any single façade.

Parking is required for new construction on lots over 10,000 square feet, subject to the following requirements:

F) Minimum Off-Street Loading

Off-street loading shall conform to Article IV of the Zoning Ordinance of the City of Jersey City.

G) Signage

1) Retail sales, medical office, professional office, and restaurant uses as part of the ground floor within Apartment Buildings:

- a. Band signs in the sign band area above the display window(s) are permitted. Band signs shall display the name and/or logotype of the store only. One sign is permitted per building. Maximum sign area shall be twenty (20) square feet or fifteen percent (15%) of the ground floor façade area, whichever is less. The content of the band sign shall occupy no more than two-thirds (2/3) of the total width of the sign band. Band signs shall be illuminated at night. Attached wall signs shall be limited to the building's sign band. The sign band shall be limited to an area not less than ten (10) feet and not greater than fifteen (15) feet above grade level. In addition, all signs shall set back a minimum of two (2) feet from each side of the building. Sign lettering within the sign band may also be applied directly onto the building surface, rather than onto a sign board.
- b. Window signage is permitted but may not exceed twenty five percent (25%) of the total glazed area of a storefront or of any individual window. Signage shall be calculated into the maximum

building signage area.

- c. Buildings with a secondary façade or corner lots are permitted additional signage on such frontages, consistent with the above guidelines but dimensions not to exceed one-half (½) the width of the primary façade signage.
- 2) Signage for apartment buildings is limited to a Nameplate or awning identification, not to exceed two (2) square feet.
 - 3) Public and quasi-public uses shall be permitted one (1) attached sign not to exceed twelve square feet.

H) Lighting

- 1) Internal display window lighting: All shop windows are to be internally lit with spotlights of an incandescent type, and shall remain lit during the night to provide added security on the street for the shops.
- 2) Exterior façade lighting: Overhead lights that project from above the signboard are strongly recommended to provide for additional street lighting. The use of fluorescent, flashing or blinking lights is prohibited, as is the use of multicolored lights, except for temporary seasonal displays.
- 3) Security lighting: All exterior spaces, both public and private, must be furnished with an adequate level of lighting relative to police and community surveillance. All exterior lights shall be designed to be automatically controlled. All interior security lights inside the entrances to the residential units shall also be photocell controlled.

I) Canopies/Awning

Retail, medical office, and professional office storefronts may have canopies/awnings of the owner's preference, provided that all canopies/awnings on that building are of the same fabric, and no vinyl is used. Canopies/awnings

must allow for a minimum of seven (7) feet clearance from the lowest point of the canopy/awning to the ground but no higher than the top of the ground floor entry, and must extend horizontally from the vertical surface of the building no more than three (3) feet six (6) inches. The vertical distance from the top to the bottom of any canopy or awning shall not exceed four (4) feet, including valance. The canopy/awning must be permanently attached to the building. Signage on the canopy/awning is limited to the street number (example: "100", not "100 Newark Avenue"), and/or the name and/or logotype of the store only. Canopy/Awning signage may be used in place of, but not in addition to, sign band signage, and area of canopy/awning signage must be calculated into the maximum building signage area.

J) Security Gates

Security gates shall be power operated, open linkage and placed on the interior of the window glass and/or entry door(s) of ground floor spaces. Solid, full metal security gates are expressly prohibited.

VIII. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

A) The various elements of this Redevelopment Plan set forth above are in compliance with the requirements of State and Local Law and there are no additional requirements with respect to a Redevelopment Plan which have not been complied with.

B) The Redevelopment Plan contains all provisions necessary to fulfill statutory requirement of the City of Jersey City.

C) The Redevelopment Plan proposes to attain identifiable local objectives as to appropriate land use, density of population, improved public utilities traffic circulation recreational and community improvements, other public renovations.

D) The following text referencing provisions for the temporary relocation and permanent housing of persons residing within the Village Study Area Redevelopment Project is presented to comply with statutory requirements of the State of New Jersey. The City of Jersey City through the services of the Jersey City Redevelopment Agency staff will provide displaced families and individuals with the opportunity of being relocated into decent, safe, and sanitary housing which is within their financial means.

This office will be staffed by qualified personnel who will actively assist the families and individuals being displaced in finding adequate accommodations. All families and individuals being displaced will be interviewed to determine their re-housing requirements.

In addition, a list of privately owned houses and apartments which have been inspected and certified as being safe, decent, and sanitary will be maintained by the relocation staff from which individuals will be referred to such dwelling units which are within their financial means.

IX. PROCEDURE FOR AMENDING THE APPROVED PLAN

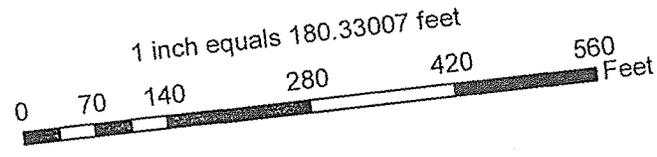
This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law; provided that in respect to any land in the project area previously disposed of for use in accordance with the Redevelopment Plan, written consent is received from the owner of such lands whose interests therein are materially affected by such amendment, or amendments. A fee of One Thousand dollars (\$1,000), plus all costs for copying and transcripts shall be payable by the applicant to the City of Jersey City for any request to amend this Plan.



VILLAGE REDEVELOPMENT PLAN AREA
BOUNDARY MAP

MAY 14, 2008


Jersey City
Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323

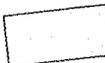
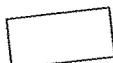




VILLAGE REDEVELOPMENT PLAN AREA
ACQUISITION MAP

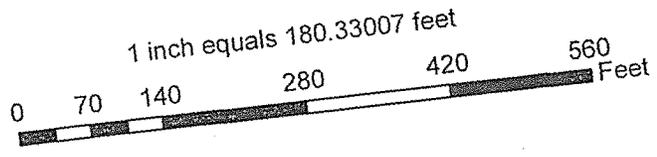
MAY 14, 2008

Legend

-  To Be Acquired
-  May Be Acquired




 Jersey City
Planning Division
 30 Montgomery Street Suite 1400
 Jersey City, NJ 07302-3821
 Phone: 201.547.5010
 Fax: 201.547.4323



VILLAGE ~~STUDY AREA~~ REDEVELOPMENT PLAN

JANUARY, 1980
AMENDED: JUNE, 1980
AMENDED: NOVEMBER, 1983
AMENDED: JANUARY 13, 1999 : Ord 98-167
AMENDED: NOVEMBER 22, 2005 : Ord 05-160
AMENDED: AUGUST 20, 2008: Ord 08-121
AMENDED: March 10, 2010: Ord 10-028
AMENDED: April 13, 2011: Ord 11-042
Block & Lot Updates October 19, 2012
Proposed July 9, 2013

CITY OF JERSEY CITY
DIVISION OF CITY PLANNING

A. TABLE OF CONTENTS

I.	Description of Project	1
II.	Redevelopment Plan Goals and Objectives.....	2
III.	Types of Proposed Redevelopment Actions.....	4
IV.	Building Design Objectives for New Construction.....	4
V.	Specific Objectives.....	4
VI.	General Provisions.....	8
VII.	General Land Use Plan.....	11
VIII.	Other Provisions Necessary to Meet State and Local Requirements.....	18
IX.	Procedure for Amending the Approved Plan.....	20

B. TABLE OF MAPS

1.	Redevelopment Boundaries Map	21
2.	Acquisition Map.....	22

I. DESCRIPTION OF PROJECT

VILLAGE STUDY AREA BOUNDARY DESCRIPTION

BEGINNING at the point of intersection of the centerlines of Columbus Drive and Varick Street, thence in, a westerly direction along the centerline of Columbus Drive to the point of its intersection with the centerline of Brunswick Street, thence in a northerly direction along the centerline of Brunswick Street to the point of its intersection with the centerline of First Street, thence in an easterly direction along the centerline of First Street to the point of its intersection with the extended western lot line of Lot 33, Block 11005, thence in a northerly direction along the extended western lot line of Lot 33, Block 11005 to the point of its intersection with the center block line of Block 11005, thence in an easterly direction along the center block line of Block 11005 to the point of its intersection with the eastern lot line of Lot 21 Block 11005, thence in a southerly direction along the extended eastern lot line of Lot 21 to the point of its intersection with the centerline of First Street, thence in an easterly direction along the centerline of First Street to the point of its intersection with the centerline of Monmouth Street, thence in a northerly direction along the centerline of Monmouth Street to the point of its intersection with the centerline of Second Street, thence in an easterly direction along the centerline of Second Street to the point of its intersection with the centerline of Newark Avenue, thence in a easterly direction along the centerline of Newark Avenue to the point of its intersection with the centerline of Coles Street, thence in a southerly direction along the centerline of Coles Street to the place and point of BEGINNING.

II. REDEVELOPMENT PLAN GOALS AND OBJECTIVES

Renewal activities of the Village Study Area will be undertaken in conformity with, and will be designed to meet the following goals and objectives.

- 1) To comprehensively redevelop The Village Study Area by the elimination of negative and blighting influences and by providing new construction and site improvements where appropriate.
- 2) To provide for a variety of residential uses and housing types for both existing residents and prospective new occupants.
- 3) To provide for the improvement of the functional and physical layout of the project area for complete redevelopment and the removal of impediments for land disposition.
- 4) To provide construction related jobs and permanent jobs through the construction of new housing and public improvements.
- 5) To construct new housing for home ownership thorough a combination of private development financing and the selective use of public assistance.
- 6) To provide for the overall improvement of traffic circulation through the elimination of unnecessary streets wherever possible, and the development of new vehicular and pedestrian circulation systems which provide for the separation of vehicular and pedestrian traffic as well as to provide for the maximum use of public transportation.
- 7) To provide for the maximization of private investment through the attraction of qualified developers capable of securing private financing commitments.

- 8) To provide for the stabilization and the increase of the tax base of the project area and the entire city by redeveloping non-revenue producing areas and by re-establishing investment confidence on the part of existing and future residents both within the area and in contiguous neighborhoods.
- 9) To provide for the coordination of redevelopment activities to promote a uniform attack on blight which reinforces already existing renewal and improvement programs in adjacent areas in accordance with a plan that integrates the Village Study Area with the existing physical and social fabric of the City of Jersey City.
- 10) To provide where necessary site improvements for both proposed and existing residential uses including new streets and sidewalks, street realignment, off-street parking, open space, pedestrian malls, recreational areas, and new trees, where appropriate.
- 11) To maximize developer participation and contribution to the Village Redevelopment Plan.

III. TYPES OF PROPOSED REDEVELOPMENT ACTIONS

It is proposed to substantially improve and upgrade the Village Study Area through a combination of redevelopment actions. These will include but not be limited to: 1) clearance of dilapidated structures; 2) retention and construction of sound compatible uses; 3) assembly into developable parcels the vacant and underutilized land now in scattered and varied ownership; and 4) provisions for a full range of public infrastructure necessary to service and support the new community.

IV. BUILDING DESIGN OBJECTIVES FOR NEW CONSTRUCTION

- A) All structures within the project area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air and usable open space, access to public right-of-ways and off-street parking, height and bulk.
- B) Groups-of related buildings shall be designed to present a harmonious appearance in terms of architectural style and exterior materials.
- C) Buildings should be designed so as to be attractive from all vantage points.

V. SPECIFIC OBJECTIVES

A) Submission of Redevelopment Proposals

Prior to commencement of construction, architectural drawings, specifications and site plans for the construction of improvements to the redevelopment area shall be

submitted by the developers for review and approval by the Planning Board of the City of Jersey City.

Site plan review shall be conducted by the Jersey City Planning Board pursuant to NJS 40:SSD-1 et seq. Site plan review shall consist of a preliminary site plan application and a final site plan application. Site plan review shall be conducted by the Planning Board, pursuant to NJSA 40:55D-1 et. seq., pursuant to the requirements of the Jersey City Land Development Ordinance and this Plan. Final site plan approval for any phase may be conditioned upon submission of performance guarantees for unfinished site improvements in accordance with NJSA 40:55D-53. Such performance guarantees shall be in favor of the City of Jersey City and in the form approved by either the Corporation Counsel of the City of Jersey City or the Attorney for the Jersey City Planning Board, as determined by the Planning Board.

The amount of such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of improvements within one (1) year of final site plan approval.

Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this Plan and the Land Development Ordinance of the City of Jersey City.

B) Adverse Influences

No use or re-use shall be permitted, which when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

C) Restriction of Occupancy or Use

There shall be no restriction of occupancy or use of any part of the project area on the basis of race, creed, color or national origin.

D) Circulation and Open Space Design Objectives

Unless paved, all open space areas shall be landscaped and maintained in an attractive condition.

Open spaces for both residential rehabilitation and new construction shall be provided where feasible and be so located as to provide for maximum usability by occupants and to create a harmonious relationship of buildings and open space throughout the project area.

Sidewalk areas shall be adequately provided for the movements of pedestrians through and around the site.

Sidewalk areas shall be attractively landscaped and durably paved and shall be provided with adequate lighting.

Trees shall be planted along the curblines at not less than 30 foot centers in a regularly spaced pattern to further increase the aesthetic quality of redevelopment activities.

Areas designated as improved open space shall be in addition to all parking, yard and setback requirements.

E) Off-Street Parking and Loading Objectives

Off-street parking and loading areas shall be coordinated with the public street system serving the project area in order to avoid conflicts with through traffic or obstruction to pedestrian walks and thoroughfares.

Any surface parking facilities shall be landscaped; large concentration of parking shall be avoided; poured-in-place concrete curbing shall be used in parking areas to prevent vehicles from encroaching upon planted area.

All parking and loading areas abutting streets or residential zones shall be landscaped about their periphery with berms, shrubs, trees and/or ground cover.

All required parking and loading areas shall be provided off-street. All such parking and loading areas shall be graded, paved with a durable dust-free surface, adequately drained, well landscaped, and all access points shall be defined and limited in accordance with the zoning ordinance of the City of Jersey City.

All driveways shall be paved in accordance with the Zoning Ordinance of the City of Jersey City.

Maximum Driveway width:

One way	- 10 feet
Two way	- 20 feet
Private Parking	- 10 feet for 1 & 2 family units.

F) Landscape Design Objectives

All open space, including yards, shall be landscaped with lawns, trees, shrubbery and other appropriate plant material unless said open space is specifically designated for other activities which require paving or other treatment. All screen planting shall be evergreen and only species with proven resistance to the urban environment in this area will be acceptable. Screen planting shall be a minimum of four (4) feet high at time of planting. Material shall be planted balled and burlaped and be heavy and of specimen quality as established by the American Association of Nurserymen. At initial planting the material shall provide an opaque screen from the top of the shrub to within six (6) inches of grade. Other plant materials shall be heavy, and of specimen quality determined as above. All trees shall be a minimum of three and one-half (3 ½) inches in caliper. All plants, trees and shrubs shall be installed in accordance with the Land Development Ordinance planting schedules.

VI. GENERAL PROVISIONS

A) The regulations and controls-in this section (Section VI General Provisions) will be implemented, where applicable, by appropriate covenants, or other provisions or agreements for land disposition and conveyance executed pursuant thereto.

- B) No building shall be constructed over an easement in the project area without prior written approval of the Jersey City Municipal Engineer.
- C) The provisions of this Plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) years from the date of approval of this plan by the City Council of the City of Jersey City.
- D) All residential redevelopment proposals and construction plans shall meet applicable F.H.A. and/or H.F.A. minimum room size requirements prior to approval by the Planning Board.
- E) Existing non-conforming buildings of record with lot frontage on Newark Avenue are exempt from parking requirements.
- F) Deviation Requests. The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue

hardship upon, the developer or redeveloper of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan, and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant deviations from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted which will result in permitting a use that is a prohibited use within this Plan. An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a & b.

VII. GENERAL LAND USE PLAN

A) Land Use Provisions and Building Requirements

a. Permitted Principal Uses

- 1 and 2 family dwellings, ~~including townhouses and rowhouses,~~ except on Newark Avenue
- *3 family dwelling on corner lots.*
- Apartment buildings, limited to lots with Newark Avenue frontage
- Public and quasi-public uses
- Retail sales, Medical Offices, restaurants (categories one and two), and/or Professional Offices and related services required on the ground floor and ~~limited to the ground and 2nd floors~~ *and permitted on the 2nd floor* of Apartment Buildings on Newark Avenue.

b. Permitted Accessory Uses

- Private garages
- Off-street parking
- Recreation areas as part of a residential development
- Fences and walls
- Designed open space

B) Regulations, Controls, and Design Guidelines

- a. Buildings shall be designed so that their appearances reflect the historic development patterns of the older mixed-use buildings on Newark Avenue. All new construction and/or exterior improvements to mixed use buildings shall be designed so as to be harmonious with the neighboring buildings in terms of material, height, scale, façade proportions, window patterns, decorative features, floor-to-ceiling heights where appropriate, and architectural styles.
- b. At the top of the base, a visual cue or indicator such as belt coursing, a change in glass-to-solid ratio, or any other indicator consistent with the design, proportions, and materials of the base shall be provided.

- c. The roofline of the structure shall be designed with architectural features in harmony with that of the adjacent buildings.
- d. Buildings shall be designed utilizing primarily brick and masonry materials on all sides to form a compatible overall architectural scheme. No EFIS is permitted.
- e. All streetfront facades shall be treated as primary facades, with high-quality materials, architectural detail, windows quantity and proportion, and with respect to the character and aesthetic of the neighborhood.
- f. Designed open space shall be developed as an integral part in the overall design scheme. Common rooftop open space is encouraged. Balconies fronting on Newark Avenue are prohibited.
- g. Apartment buildings shall limit retail sales activities to the ground floor, mezzanine, and second floor, and provide separate ingress and egress for the residential uses.
- h. One and two family townhouses and rowhouses shall be defined as attached structures in a row of similar structures containing one or two dwelling units.
- i. Offices as a home occupation shall be defined as places for the transaction of business where reports are prepared, records kept, and services rendered, but where no retail sales are offered, and shall be limited to licensed doctors, lawyers, architects, engineers and planners.
- j. Display windows: All retail uses shall have display windows constituting a minimum of seventy percent (70%) glass, open to the street, and the bottom edge of the display window(s) shall be no more than four (4) feet in height above grade. The glass is to be clear and not tinted; film to block ultra-violet sunlight is permitted provided that it is not tinted and does not obscure the view of the interior of the store from the sidewalk immediately adjacent. The name and/or logotype of the establishment are permitted to be applied to the window. All window frames shall be of a complementary color. Product displays and/or store signage should be appropriate for the product or service being sold, and should occupy no more than a reasonable area of the display window(s). The display window area shall allow for a clear view into the interior of the store.
- k. All roofs shall be flat. All roofs shall be internally drained and have parapets.
- l. Where any questions arise in terms of definitions or terminology the Zoning Ordinance of the City of Jersey City shall govern.

C) Maximum Height

- The height of any existing residential building shall not be increased or altered in any way such as by the addition of any additional stories or added ceiling or roof height. Vertical expansion beyond the height of original construction of any home in the Area is prohibited.
- All new 1,- ~~and~~ 2, or 3 -family dwellings, four (4) stories.
- Apartment buildings and mixed use buildings shall not exceed 4 stories from grade where on-site parking is not required; 5 stories where on-site parking is required and provided regardless of whether parking level is below, at, or above grade.
- Public or quasi-public, 4 stories from grade where on-site parking is not required; 5 stories where on-site parking is required and provided regardless of whether parking level is below, at, or above grade.
- Minimum floor-to-ceiling height for ground floor retail – 12 feet, and to match adjacent where appropriate
 Minimum floor-to-ceiling height for residential uses (excluding garages) – 9 feet
 Maximum floor-to-ceiling height for residential uses (excluding garages) – 12 feet

D) Area, Yard and Bulk

1. One, ~~and~~ two, or three family dwellings

Minimum lot width	20 feet
Minimum Lot Area	1,600 sq. ft.
Minimum Yards Front	prevailing
Side	0 feet
Rear	prevailing

2. Apartment Buildings (limited to lots with Newark Avenue frontage)

Minimum Lot Width		25 feet
Minimum Lot Depth		100 feet
Minimum Lot Area		2,500 sq. ft.
Minimum Yards	Front	0 feet
	Side	0 feet
	Rear	15 feet

3. Public and Quasi Public Uses

Maximum Building Coverage		30%
Minimum Lot Width		100 feet
Minimum Lot Depth		100 feet
Minimum Lot Area		10,000 sq. ft.
Minimum Yards	Front	5 feet
	Side	10 feet
	Rear	10 feet

E) Minimum Off-Street Parking

No on-site parking is required for existing uses, or for adaptive reuse of existing buildings.

No parking is required for lots 0 – 4,999 square feet in lot area.

Curb cuts are prohibited on Newark Avenue.

Where feasible, parking is to be set partially or wholly below grade.

Any at- or above-grade parking garage in an Apartment or Mixed-use building shall be screened so as not to give the apparent perception of garage space from all street Rights-of-Ways. All ground floor parking and mechanical related areas shall be wrapped along the exterior by occupied active building uses, such as commercial storefronts and residential units, excepting the location of the vehicular entry and exit and stairways or elevator shafts that serve the parking structure. Utility rooms may occupy no more than fifteen (15%) percent of any single façade.

F) Minimum Off-Street Loading

Off-street loading shall conform to Article IV of the Zoning Ordinance of the City of Jersey City.

G) Signage

1) Retail sales, medical office, professional office, and restaurant uses as part of the ground floor within Apartment Buildings:

- a. Band signs in the sign band area above the display window(s) are permitted. Band signs shall display the name and/or logotype of the store only. One sign is permitted per building. Maximum sign area shall be twenty (20) square feet or fifteen percent (15%) of the ground floor façade area, whichever is less. The content of the band sign shall occupy no more than two-thirds (2/3) of the total width of the sign band. Band signs shall be illuminated at night. Attached wall signs shall be limited to the building's sign band. The sign band shall be limited to an area not less than ten (10) feet and not greater than fifteen (15) feet above grade level. In addition, all signs shall set back a minimum of two (2) feet from each side of the building. Sign lettering within the sign band may also be applied directly onto the building surface, rather than onto a sign board.
- b. Window signage is permitted but may not exceed twenty five percent (25%) of the total glazed area of a storefront or of any

individual window. Signage shall be calculated into the maximum building signage area.

- c. Buildings with a secondary façade or corner lots are permitted additional signage on such frontages, consistent with the above guidelines but dimensions not to exceed one-half ($\frac{1}{2}$) the width of the primary façade signage.
- 2) Signage for apartment buildings is limited to a Nameplate or awning identification, not to exceed two (2) square feet.
 - 3) Public and quasi-public uses shall be permitted one (1) attached sign not to exceed twelve square feet.

H) Lighting

- 1) Internal display window lighting: All shop windows are to be internally lit with spotlights of an incandescent type, and shall remain lit during the night to provide added security on the street for the shops.
- 2) Exterior façade lighting: Overhead lights that project from above the signboard are strongly recommended to provide for additional street lighting. The use of fluorescent, flashing or blinking lights is prohibited, as is the use of multicolored lights, except for temporary seasonal displays.
- 3) Security lighting: All exterior spaces, both public and private, must be furnished with an adequate level of lighting relative to police and community surveillance. All exterior lights shall be designed to be automatically controlled. All interior security lights inside the entrances to the residential units shall also be photocell controlled.

I) Canopies/Awning

Retail, medical office, and professional office storefronts may have canopies/awnings of the owner's preference, provided that all canopies/awnings on that building are of the same fabric, and no vinyl is used. Canopies/awnings must allow for a minimum of seven (7) feet clearance from the lowest point of the canopy/awning to the ground but no higher than the top of the ground floor entry, and must extend horizontally from the vertical surface of the building no more than three (3) feet six (6) inches. The vertical distance from the top to the bottom of any canopy or awning shall not exceed four (4) feet, including valance. The canopy/awning must be permanently attached to the building. Signage on the canopy/awning is limited to the street number (example: "100", not "100 Newark Avenue"), and/or the name and/or logotype of the store only. Canopy/Awning signage may be used in place of, but not in addition to, sign band signage, and area of canopy/awning signage must be calculated into the maximum building signage area.

J) Security Gates

Security gates shall be power operated, open linkage and placed on the interior of the window glass and/or entry door(s) of ground floor spaces. Solid, full metal security gates are expressly prohibited.

VIII. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

A) The various elements of this Redevelopment Plan set forth above are in compliance with the requirements of State and Local Law and there are no

additional requirements with respect to a Redevelopment Plan which have not been complied with.

- B) The Redevelopment Plan contains all provisions necessary to fulfill statutory requirement of the City of Jersey City.
- C) The Redevelopment Plan proposes to attain identifiable local objectives as to appropriate land use, density of population, improved public utilities traffic circulation recreational and community improvements, other public renovations.
- D) The following text referencing provisions for the temporary relocation and permanent housing of persons residing within the Village Study Area Redevelopment Project is presented to comply with statutory requirements of the State of New Jersey. The City of Jersey City through the services of the Jersey City Redevelopment Agency staff will provide displaced families and individuals with the opportunity of being relocated into decent, safe, and sanitary housing which is within their financial means.

This office will be staffed by qualified personnel who will actively assist the families and individuals being displaced in finding adequate accommodations. All families and individuals being displaced will be interviewed to determine their re-housing requirements.

In addition, a list of privately owned houses and apartments which have been inspected and certified as being safe, decent, and sanitary will be maintained by

the relocation staff from which individuals will be referred to such dwelling units which are within their financial means.

IX. PROCEDURE FOR AMENDING THE APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law; provided that in respect to any land in the project area previously disposed of for use in accordance with the Redevelopment Plan, written consent is received from the owner of such lands whose interests therein are materially affected by such amendment, or amendments. A fee of One Thousand dollars (\$1,000), plus all costs for copying and transcripts shall be payable by the applicant to the City of Jersey City for any request to amend this Plan.

AS PRESENTED TO THE JERSEY CITY PLANNING BOARD ON July 9, 2013

Text that is unchanged is in plain face type like this.

Text that is deleted is in strike-thru like this.

Text that is added is in bold like this.

VILLAGE ~~STUDY AREA~~ REDEVELOPMENT PLAN

JANUARY, 1980
AMENDED: JUNE, 1980
AMENDED: NOVEMBER, 1983
AMENDED: JANUARY 13, 1999 : Ord 98-167
AMENDED: NOVEMBER 22, 2005 : Ord 05-160
AMENDED: AUGUST 20, 2008: Ord 08-121
AMENDED: March 10, 2010: Ord 10-028
AMENDED: April 13, 2011: Ord 11-042
Block & Lot Updates October 19, 2012
Proposed July 9, 2013

CITY OF JERSEY CITY
DIVISION OF CITY PLANNING

I. No Change

II. No Change

III. No Change

IV. No Change

V. No Change

VI. No Change

VII. GENERAL LAND USE PLAN

A) Land Use Provisions and Building Requirements

a. Permitted Principal Uses

- 1 and 2 family dwellings, ~~including townhouses and rowhouses,~~ except on Newark Avenue
- ***3 family dwelling on corner lots.***
- Apartment buildings, limited to lots with Newark Avenue frontage
- Public and quasi-public uses
- Retail sales, Medical Offices, restaurants (categories one and two), and/or Professional Offices and related services required on *the ground floor* ~~and limited to the ground and 2nd floors~~ ***and permitted on the 2nd floor*** of Apartment Buildings on Newark Avenue.

b. Permitted Accessory Uses

- Private garages
- Off-street parking

- Recreation areas as part of a residential development
- Fences and walls
- Designed open space

B) Regulations, Controls, and Design Guidelines

- a. Buildings shall be designed so that their appearances reflect the historic development patterns of the older mixed-use buildings on Newark Avenue. All new construction and/or exterior improvements to mixed use buildings shall be designed so as to be harmonious with the neighboring buildings in terms of material, height, scale, façade proportions, window patterns, decorative features, floor-to-ceiling heights where appropriate, and architectural styles.
- b. At the top of the base, a visual cue or indicator such as belt coursing, a change in glass-to-solid ratio, or any other indicator consistent with the design, proportions, and materials of the base shall be provided.
- c. The roofline of the structure shall be designed with architectural features in harmony with that of the adjacent buildings.
- d. Buildings shall be designed utilizing primarily brick and masonry materials on all sides to form a compatible overall architectural scheme. No EFIS is permitted.
- e. All streetfront facades shall be treated as primary facades, with high-quality materials, architectural detail, windows quantity and proportion, and with respect to the character and aesthetic of the neighborhood.
- f. Designed open space shall be developed as an integral part in the overall design scheme. Common rooftop open space is encouraged. Balconies fronting on Newark Avenue are prohibited.
- g. Apartment buildings shall limit retail sales activities to the ground floor, mezzanine, and second floor, and provide separate ingress and egress for the residential uses.
- h. One and two family townhouses and rowhouses shall be defined as attached structures in a row of similar structures containing one or two dwelling units.
- i. Offices as a home occupation shall be defined as places for the transaction of business where reports are prepared, records kept, and services rendered, but where no retail sales are offered, and shall be limited to licensed doctors, lawyers, architects, engineers and planners.

- j. Display windows: All retail uses shall have display windows constituting a minimum of seventy percent (70%) glass, open to the street, and the bottom edge of the display window(s) shall be no more than four (4) feet in height above grade. The glass is to be clear and not tinted; film to block ultra-violet sunlight is permitted provided that it is not tinted and does not obscure the view of the interior of the store from the sidewalk immediately adjacent. The name and/or logotype of the establishment are permitted to be applied to the window. All window frames shall be of a complementary color. Product displays and/or store signage should be appropriate for the product or service being sold, and should occupy no more than a reasonable area of the display window(s). The display window area shall allow for a clear view into the interior of the store.
- k. All roofs shall be flat. All roofs shall be internally drained and have parapets.
- l. Where any questions arise in terms of definitions or terminology the Zoning Ordinance of the City of Jersey City shall govern.

C) Maximum Height

- The height of any existing residential building shall not be increased or altered in any way such as by the addition of any additional stories or added ceiling or roof height. Vertical expansion beyond the height of original construction of any home in the Area is prohibited.
- All new 1,- *and 2, or 3* -family dwellings, four (4) stories.
- Apartment buildings and mixed use buildings shall not exceed 4 stories from grade where on-site parking is not required; 5 stories where on-site parking is required and provided regardless of whether parking level is below, at, or above grade.
- Public or quasi-public, 4 stories from grade where on-site parking is not required; 5 stories where on-site parking is required and provided regardless of whether parking level is below, at, or above grade.
- Minimum floor-to-ceiling height for ground floor retail – 12 feet, and to match adjacent where appropriate

Minimum floor-to-ceiling height for residential uses (excluding garages) – 9 feet

Maximum floor-to-ceiling height for residential uses (excluding garages) – 12 feet

D) Area, Yard and Bulk

1. One, ~~and~~ two, *or three* family dwellings

Minimum lot width	20 feet
Minimum Lot Area	1,600 sq. ft.
Minimum Yards	Front prevailing
	Side 0 feet
	Rear prevailing

2. Apartment Buildings (limited to lots with Newark Avenue frontage)

Minimum Lot Width	25 feet
Minimum Lot Depth	100 feet
Minimum Lot Area	2,500 sq. ft.
Minimum Yards	Front 0 feet
	Side 0 feet
	Rear 15 feet

3. Public and Quasi Public Uses

Maximum Building Coverage	30%
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Minimum Lot Area	10,000 sq. ft.
Minimum Yards	Front 5 feet
	Side 10 feet
	Rear 10 feet

E) Minimum Off-Street Parking

No on-site parking is required for existing uses, or for adaptive reuse of existing buildings.

No parking is required for lots 0 – 4,999 square feet in lot area.

Curb cuts are prohibited on Newark Avenue.

Where feasible, parking is to be set partially or wholly below grade.

Any at- or above-grade parking garage in an Apartment or Mixed-use building shall be screened so as not to give the apparent perception of garage space from all street Rights-of-Ways. All ground floor parking and mechanical related areas shall be wrapped along the exterior by occupied active building uses, such as commercial storefronts and residential units, excepting the location of the vehicular entry and exit and stairways or elevator shafts that serve the parking structure. Utility rooms may occupy no more than fifteen (15%) percent of any single façade.

Parking is required for new construction on lots over 10,000 square feet, subject to the following requirements:

- 1) All residential uses shall provide off-street parking at a ratio of not less than one (1) space per each dwelling unit for townhouses and 0.5 spaces per dwelling unit for apartment buildings.
- 2) Professional Offices as part of ground and 2nd floors of Apartment buildings: shall provide off-street parking at a ratio of not less than one (1) space per each one thousand (1,000) square feet of gross floor area devoted to the professional occupation.
- 3) Retail sales and Medical Offices as part of the ground and 2nd floors of Apartment buildings shall provide off-street parking at a ratio of one (1) space

width of the sign band. Band signs shall be illuminated at night. Attached wall signs shall be limited to the building's sign band. The sign band shall be limited to an area not less than ten (10) feet and not greater than fifteen (15) feet above grade level. In addition, all signs shall set back a minimum of two (2) feet from each side of the building. Sign lettering within the sign band may also be applied directly onto the building surface, rather than onto a sign board.

- b. Window signage is permitted but may not exceed twenty five percent (25%) of the total glazed area of a storefront or of any individual window. Signage shall be calculated into the maximum building signage area.
- c. Buildings with a secondary façade or corner lots are permitted additional signage on such frontages, consistent with the above guidelines but dimensions not to exceed one-half ($\frac{1}{2}$) the width of the primary façade signage.

- 2) Signage for apartment buildings is limited to a Nameplate or awning identification, not to exceed two (2) square feet.
- 3) Public and quasi-public uses shall be permitted one (1) attached sign not to exceed twelve square feet.

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Retail, medical office, and professional office storefronts may have canopies/awnings of the owner's preference, provided that all canopies/awnings on that building are of the same fabric, and no vinyl is used. Canopies/awnings must allow for a minimum of seven (7) feet clearance from the lowest point of the canopy/awning to the ground but no higher than the top of the ground floor entry, and must extend horizontally from the vertical surface of the building no more than three (3) feet six (6) inches. The vertical distance from the top to the bottom of any canopy or awning shall not exceed four (4) feet, including valance. The canopy/awning must be permanently attached to the building. Signage on the canopy/awning is limited to the street number (example: "100", not "100 Newark Avenue"), and/or the name and/or logotype of the store only. Canopy/Awning signage may be used in place of, but not in addition to, sign band signage, and area of canopy/awning signage must be calculated into the maximum building signage area.

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Security gates shall be power operated, open linkage and placed on the interior of the window glass and/or entry door(s) of ground floor spaces. Solid, full metal security gates are expressly prohibited.

VIII. No Change

IX. No Change

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



Inter-Office Memorandum

DATE: August 15, 2013
TO: John Thieroff, Anthony Cruz, Bob Cotter
FROM: Kristin J. Russell, PP, AICP
SUBJECT: Redevelopment Plan Amendments

There are two Redevelopment Plan Amendments scheduled to go before City Council at the August 26 Caucus. I would like to take this opportunity to explain the amendments to you.

Village Redevelopment Plan Amendments

The Village Redevelopment Plan was originally adopted in 1980. Since that time, it has been largely built-out and developed. There is, however, one remaining corner lot which has yet to be developed (corner of First and Brunswick). In order to facilitate development of this lot, and because this is a corner lot on the edge of the Area boundary, the Division of City Planning feels that it would be appropriate to allow a 3-family dwelling on this lot. (Currently only 1- and 2-family dwellings are permitted.) Corner lots are generally able to accommodate larger, denser development without affecting the character of the area.

A second change proposed to the Plan is a clarification of existing language. It has always been the intent that buildings along Newark Avenue require retail and offices on the ground floor and permit them on the 2nd floor. However, the language actually reads that they are *required* on both the first and second floors. The amendment will clarify the intent of the zoning language.

Water Street Plan Amendments

The Water Street Redevelopment Plan was originally adopted in 2000 when strip malls were standard along Route 440. However, as time has passed and with the adoption of several more progressive redevelopment plans in the immediate area (Bayfront across the street, Rt. 440-Culver adjacent, and The Rt. 440 Boulevard study) "strip mall" development is no longer desirable and more walkable, mixed-use development is planned for the corridor.

As such, we have rezoned the Highway Commercial zone to a High Rise Zone which will match the adjacent Rt. 440-Culver zoning. This will allow for 8-12 story buildings with

ground floor office/retail and office/residential on the upper floors.

Other changes noted in the plan are actually the result of previous Land Development Ordinance amendments and citywide tax block/lot renumbering. Old lot numbers have been replaced with the new numbers, old provisions and procedures have been replaced with current legal requirements, and outdated terms have been replaced with terms that are defined in the citywide glossary. These changes have already been approved by City Council but are reflected in this amendment for transparency.

City Clerk File No. Ord. 13.095

Agenda No. 3.J. 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 *13.095*

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT EXCEPTIONS FOR ROOF DECKS

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, the Land Development Ordinance limits rooftop coverage of mechanical equipment; and

WHEREAS, roof decks are an increasingly popular amenity on apartment buildings in Jersey City, which the Planning Board seeks to encourage without the possible encumbrance of coverage limits ; and

WHEREAS, excepting roof decks from the height exceptions in the Land Development Ordinance will encourage and permit more roof decks; and

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

WHEREAS, the Planning Board at its meeting of April 30, 2013 did vote to recommend that the Municipal Council adopt these amendments to the Supplementary Zoning section of the Land Development Ordinance; and

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

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

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

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

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 – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT EXCEPTIONS FOR ROOF DECKS

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

Albert Cameron, Acting Director, Department of Housing, Economic Development, and Commerce

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

This Ordinance will amend the Supplementary Zoning section of the Land Development Ordinance (Zoning Ordinance) to clarify height exceptions for roof decks.

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

Roof decks are a popular amenity which we seek to encourage without limitations on the coverage of the structure.

5. Anticipated Benefits to the Community:

This amendment will allow buildings to offer roof decks to the residents.

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

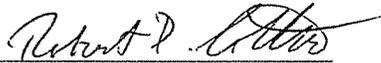
8. Anticipated Completion Date: N/A

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

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

10. Additional Comments: None

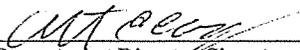
I Certify that all the Facts Presented Herein are Accurate.



Division Director

Aug 7, 2013

Date



Department Director Signature

August 7, 2013

Date

As of 4/30/13

§345-60 Supplementary Zoning Regulations

A. Through F. No change

G Height Exceptions.

- 1. Penthouses and roof structures for the housing of stairways, tanks, ventilating fans, air-conditioning equipment, dust collectors or similar equipment required to operate and maintain the building as well as skylights, spires, cupolas, flagpoles, chimneys, water tanks or similar structures may be erected above the height limits prescribed by this Chapter but in no case more than the following distances above the maximum height permitted in the district, except church spires shall have no height restrictions.

Building Height(feet)	Maximum Height of the Exceptions
Up to 35	10 feet
35 to 100	12 feet or 20% of building height, whichever is greater
101 and over	20 feet or 20% of building height, whichever is greater

- 2. Fire or parapet walls may be erected above the height limits prescribed by this Chapter up to a maximum height of 6 (six) feet from the roof of the top story and with a minimum of 42” from the floor of the rooftop deck, if provided.
- 3. Mechanical and other roof appurtenances shall not exceed twenty percent (20%) of the roof area and shall be properly shielded. ***There is no coverage limit on roof decks used for residents’ open space.***
- 4. Where a property in any zone except the Historic District is located within the one hundred (100) year Flood Plain, the number of feet required to reach the base flood elevation plus one shall be added to the maximum permitted height of the building.

H Through T. No change

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT EXCEPTIONS FOR ROOF DECKS

This Ordinance will amend the Supplementary Zoning section of the Land Development Ordinance (Zoning Ordinance) to clarify height exceptions for roof decks.

City Clerk File No. Ord. 13.096

Agenda No. 3.K. 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 13.096

TITLE: ORDINANCE AUTHORIZING AN EASEMENT AGREEMENT WITH
THE JERSEY CITY MUNICIPAL UTILITIES AUTHORITY FOR
IMPROVEMENTS AFFECTING BLOCK 31001, LOT 12 AND BLOCK
50001, LOT 1 (THE SPLIT ROCK DAM AND SPLIT ROCK ROAD)

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

WHEREAS, the City of Jersey City (City) currently owns vacant land known as Block 31001, Lot 12 and Block 50001, Lot 1, also known in part as the Split Rock Dam which is connected by Split Rock Road [Property]; and

WHEREAS, the Jersey City Municipal Utilities [JCMUA] has agreed to construct certain improvements to the dam, which will also necessitate improvements to Split Rock Road; and

WHEREAS, the JCMUA desires a use and access easement affecting the City's Property in order to construct the improvements to the dam and road, which will necessitate a maintenance easement [Project]; and

WHEREAS, the City is authorized to convey an easement to the JCMUA pursuant to N.J.S.A. 40A:14B-48.

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

- 1) The Mayor or Business Administrator is authorized to execute a deed of easement or easement agreement concerning Block 31001, Lot 12 and Block 50001, Lot 1;
- 2) The purpose of this agreement is to create a non-exclusive easement and maintenance easement for the Jersey City Municipal Utilities Authority [JCMUA] affecting the City's Property for the purpose of improving the dam and installing and maintaining the traffic signals on a portion of Split Rock Road;
- 3) The construction plans for the Project shall be subject to review and approval by the Municipal Engineer;
- 4) The granting of this easement is subject to the JCMUA's continued use of the property for purposes associated with the operation and maintenance of the City's system; and
- 5) The form of agreement or deed shall be in substantially the form on file in the office of the City Clerk, subject to such modifications as the Business Administrator or Corporation Counsel deem appropriate or necessary.

ORDINANCE AUTHORIZING AN EASEMENT AGREEMENT WITH THE JERSEY CITY MUNICIPAL UTILITIES AUTHORITY FOR IMPROVEMENTS AFFECTING BLOCK 31001, LOT 12 AND BLOCK 50001, LOT 1 (THE SPLIT ROCK DAM AND SPLIT ROCK ROAD)

- 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 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 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 material is new; therefore, underlining has been omitted.

JM/he
8/22/13

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required