

City Clerk File No. Ord. 13-049

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 13-049

TITLE: ORDINANCE DEDICATING THAT THE INTERSECTION OF 5<sup>TH</sup> STREET AND MANILA AVENUE ALSO BE KNOWN AS

## *Edgar Sanchez Sr. Way*

WHEREAS, Edgar Sanchez was born on April 21, 1949 in Florida, Puerto Rico to Evangelista Jimenez and Eliezer Sanchez Sr. At three months old, Edgar, his oldest brother Eliezer Sanchez Jr. and parents in pursuit of a better life, journeyed to the United States where they began their new life in Manhattan, New York. Edgar attended Booker T. Washington School throughout grade school. His family relocated to Jersey City and Edgar attended Ferris High School; and

WHEREAS, Edgar Sanchez was drafted into the military at the age of 18. He was inducted on September 5, 1968 and was granted an Honorable Discharge 2 years later on the September 4, 1970. Edgar fought on foreign soil of the Republic of Vietnam. He battled heroically, honorably and proudly alongside the men of Recon Platoon 2/60<sup>th</sup> Infantry 9<sup>th</sup> Division. Edgar's unyielding acts of bravery, love for his country and the welfare of his much loved and respected fellow comrades during his horrific year of combat in Vietnam earned him several prestigious medals, such as the Vietnam Service Medal with Bronze Service stars; Republic of Vietnam Campaign Medal; National Defense Service Medal; Army Commendation Medal with Oak Leaf Cluster and Valor Device; Purple Heart; Air Medal; Bronze Star Medal (the fourth highest-ranked armed forces award); Vietnam Cross of Gallantry with Palm; Combat Infantryman Badge; Expert (Rifle) and Expert K-60MG; and

WHEREAS, Edgar Sanchez returned to civilian life and resumed his previous occupation as a Bookbinder Machine Operator Supervisor at Ay-One Book Bindery Inc. in Manhattan, New York, where he worked for more than 34 years; and

WHEREAS, Edgar Sanchez was a loving, supportive father, grandfather, family man. He married Nancy Rolon, a teacher in the Jersey City School System on December 30, 1972 and was an extraordinary, devout husband committed to marriage for 39 years. The loving couple raised three phenomenal children; Edgar Sanchez Jr., Saraida Sanchez and Samuel Sanchez in the Downtown section of Jersey City in Villa Borinquen. Edgar Sr. was also the proud grandfather of Ashlee, Aliyah, Alyssa, Alexia and Jaily; and

WHEREAS, Edgar Sanchez Sr. was a man of great integrity, faith and good will. He instilled in everyone he touched to be the best and do the best to their ability, whatever the endeavor may be. Edgar spent many years coaching and mentoring many neighborhood children in the Roberto Clemente Little League just a block away at the Roberto Clemente Field located on 6<sup>th</sup> Street; and

WHEREAS, Edgar Sanchez Sr. loved his country. He loved life and lived it his way till his peaceful passing surrounded by his loving family and friends on April 4, 2012. His legacy of joy, laughter and celebration of life lives on through all who had the pleasure of knowing him.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the City of Jersey City deems it fitting and proper to dedicate that the intersection of 5<sup>th</sup> Street and Manila Avenue also be known as Edgar Sanchez Sr. Way.

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

G:\WPDOCS\TOLONDA\RESOS\RENAME\Edgar Sanchez Sr.docx

APPROVED AS TO LEGAL FORM

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

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

Corporation Counsel

Business Administrator

Certification Required

Not Required

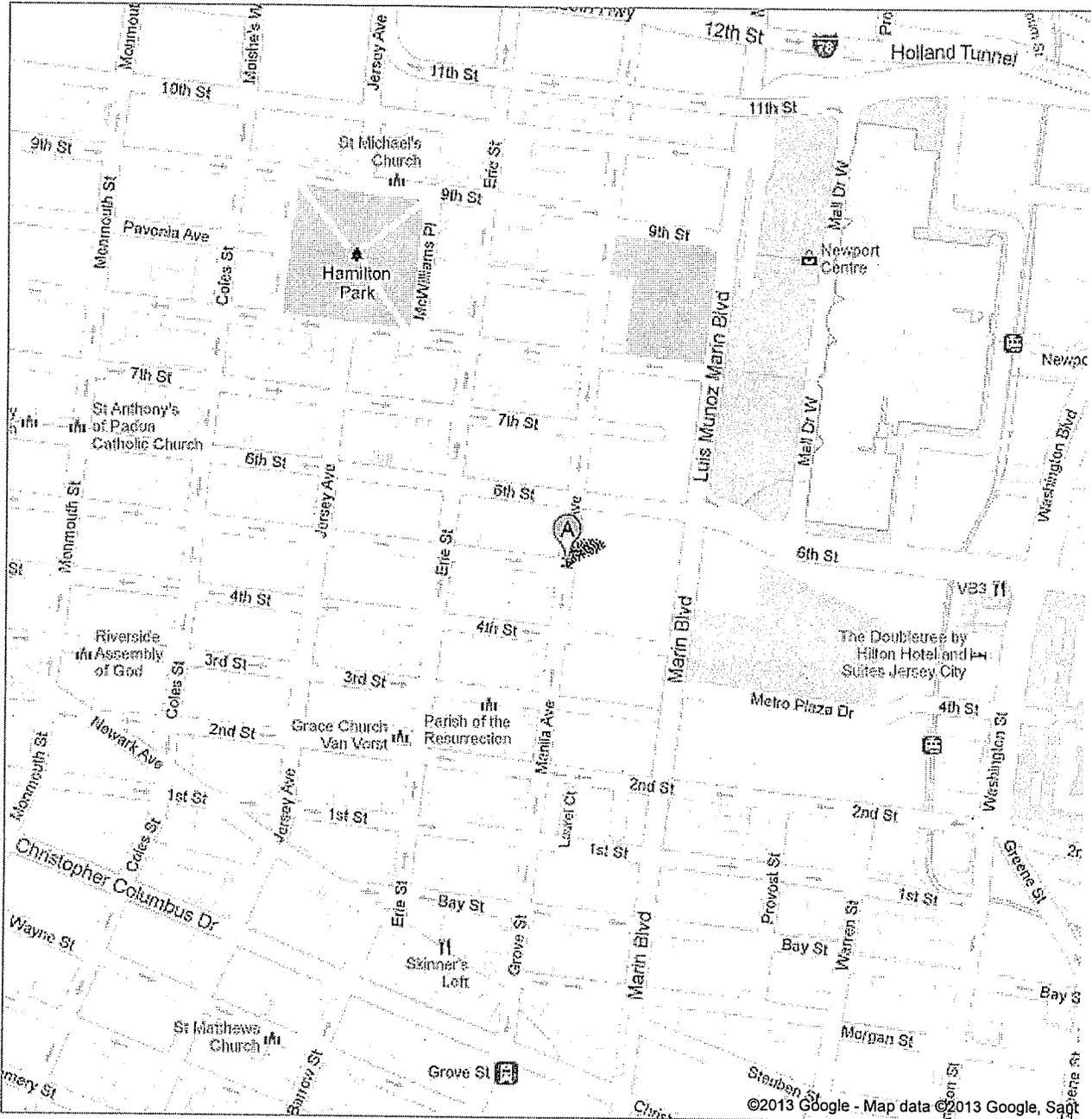


Address **Manila Ave & 5th St**  
**Manila Ave & 5th St**  
**Jersey City, NJ 07302**

Get Google Maps on your phone



Text the word "GMAPS" to 466453



City Clerk File No. Ord. 13-050

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 13-050

Ordinance Dedicating that Academy Street

TITLE: **Between Bergen Avenue and Van Reypen Street to also be Known as**

*Jack E. Miller Way*

WHEREAS, Jack E. Miller, the son of Mary and Edward Miller, was a born and raised in Jersey City. Jack was a star athlete and played baseball and basketball for Saint Aloysius High School. After high school, Jack played Jersey City AAA baseball, basketball, and football. In 1954, Jack was drafted to the Cincinnati Reds baseball farm team; and

WHEREAS, Jack E. Miller was owner of Jack Miller's Pub on Academy Street for thirty-three years at the time of his death in February 2003. Prior to that, he was owner of John E. Miller Insurance Agency located on Sip Avenue in Jersey City from 1962 to 1971; and

WHEREAS, Jack E. Miller's popularity in the Journal Square area led former Mayor Anthony Cucci to place Mr. Miller on his election ticket as a candidate for City Council in the mid 1980's. In addition to other positions of employment, Jack also worked in Hudson County's Department of Leisure Activities for several years. This position stemmed from Mr. Miller's lifetime commitment to sports; and

WHEREAS, Jack E. Miller worked as a boxing promoter in Hudson County. He was a member of Ring 14, a boxing social club based out of the Rocky Marciano Gymnasium on Division Street. Jack was a close friend to former world boxing champion Emile Griffith; and

WHEREAS, Jack E. Miller married Alice Sala in February 1958 and they had two sons; Curt and Christopher; and

WHEREAS, Jack E. Miller was a man who was considered by friends and family as one of the most loyal and generous people they knew. Along with both of these fine qualities, Jack was also well-known for his great humor and personality. Mr. Miller was not only well liked but well respected by all who knew him.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the City of Jersey City deems it fitting and proper to dedicate Academy Street between Bergen Avenue and Van Reypen Street to also be known as Jack E. Miller 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:\WPDOCS\TOLONDA\RESOS\RENAME\Jack E.Miller.docx

APPROVED AS TO LEGAL FORM

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

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

APPROVED: \_\_\_\_\_  
Business Administrator

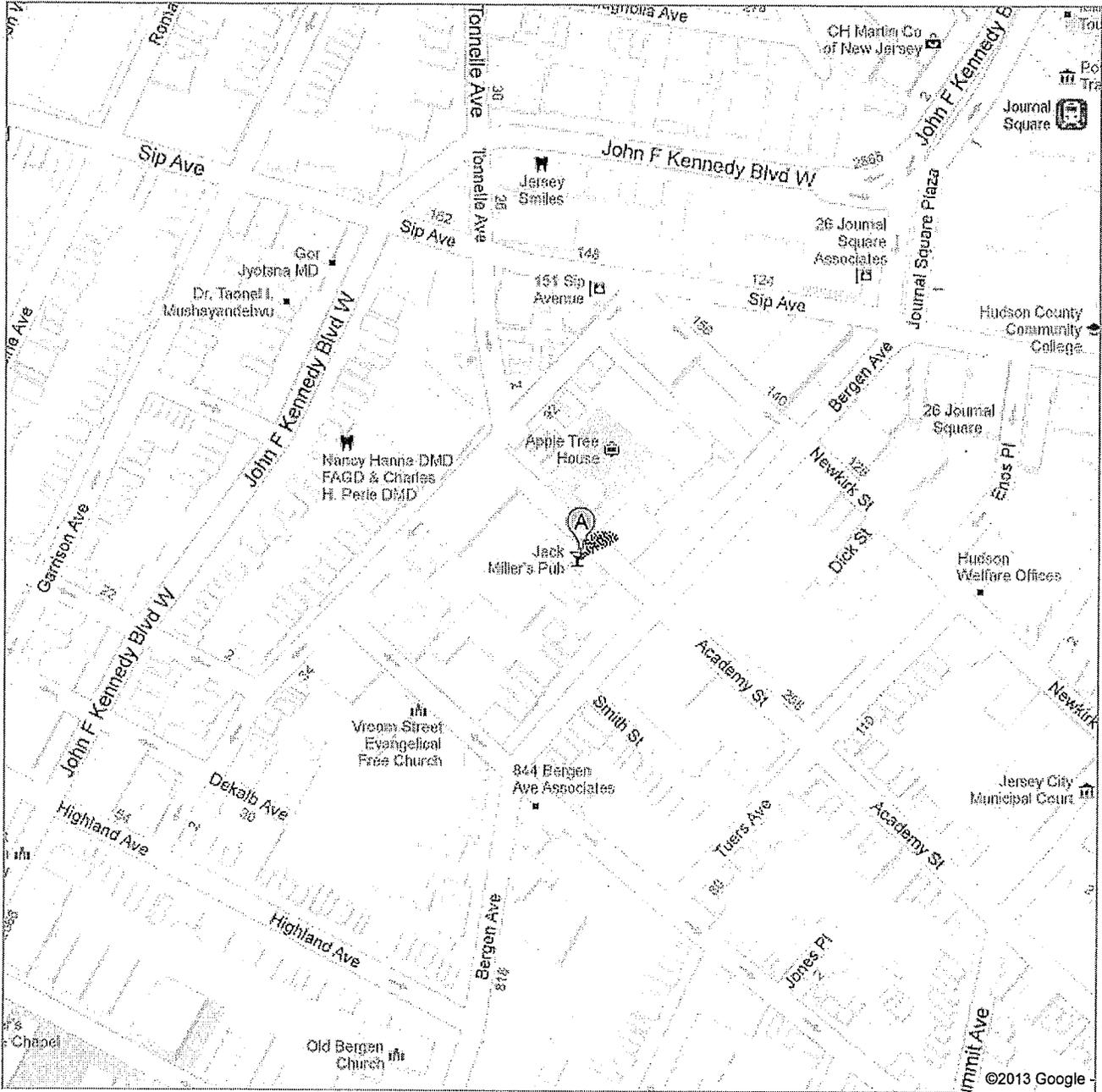
Certification Required

Not Required



Address 293 Academy St  
Jersey City, NJ 07306

Get Google Maps on your phone  
Text the word "GMAPS" to 466453



City Clerk File No. Ord. 13-051

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 13-051

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
AMENDING THE SAINT FRANCIS HOSPITAL REDEVELOPMENT PLAN TO  
CHANGE THE NAME TO HAMILTON SQUARE REDEVELOPMENT PLAN AND  
TO REVISE DEVELOPMENT STANDARDS**

**WHEREAS**, the Municipal Council adopted the St. Francis Hospital Adaptive Re-Use Redevelopment Plan on April 26, 2006 via Ordinance 06-052, and

**WHEREAS**, substantial redevelopment has taken place in the area since the plan's adoption leaving no trace of the abandoned hospital visible to new comers to the area; and

**WHEREAS**, the pedestrian extension of Pavonia Avenue to McWilliams Place and Hamilton Park deserves the support of a new name fitting for the new neighborhood square and the proposed amendment is minor in nature and chiefly altering the bulk and height of the Hamilton Sq. South building and allows rehabilitation of the garage; and

**WHEREAS**, the Planning Board of Jersey City, at its meeting of April 16, 2013, reviewed this amendment, found there to be many advantages to the proposed amendment, and unanimously recommended that the Municipal Council adopt the amendment as proposed; and

**WHEREAS**, a copy of the Proposed amendments to the Powerhouse Arts District Redevelopment Plan, dated March 27, 2013 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.

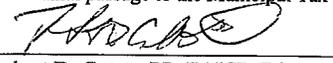
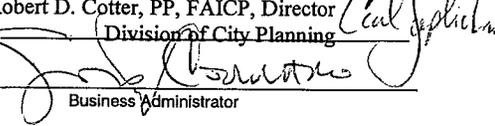
**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the proposed Amendments and Map revisions, attached hereto, as Recommended by the Jersey City Planning Board on April 16, 2013 be, and hereby is, adopted.

**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.

APPROVED AS TO LEGAL FORM

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

APPROVED:   
Robert D. Cotter, PP, FAICP, Director  
Division of City Planning  
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  
AMENDING THE SAINT FRANCIS HOSPITAL REDEVELOPMENT PLAN TO  
CHANGE THE NAME TO HAMILTON SQUARE REDEVELOPMENT PLAN AND TO  
REVISE DEVELOPMENT STANDARDS**

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

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

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

- ✓ Change the Name from St. Francis Hospital Redevelopment Plan to Hamilton Square Redevelopment Plan.
- ✓ Amend Maps 4a & 4b to adjust building height by making it lower but more uniform throughout.
- ✓ Allow for the garage parking to be in new construction or a rehabilitated building.
- ✓ Allow schools as a permitted use within the plan area

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

Slight altering of the development standards to best meet the needs of this fast growing neighborhood by accommodating school, parking and Modern architectural design needs.

**5. Anticipated Benefits to the Community:**

Advancement of private investment in the Redevelopment Area and continued implementation of the redevelopment plan.

**6. Cost of Proposed Plan, etc.:**

\$0.00 all work performed in house

**7. Date Proposed Plan will commence:**

Upon approval

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

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

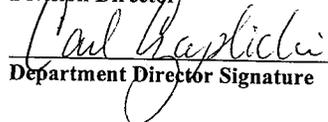
Robert D. Cotter, PP, FAICP Director, City Planning	547-5050
Maryann Bucci-Carter, PP, AICP	547-4499

**10. Additional Comments: None**

**I Certify that all the Facts Presented Herein are Accurate.**

  
\_\_\_\_\_  
Division Director

4/17/13  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Department Director Signature

4/17/13  
\_\_\_\_\_  
Date

**PROPOSED AMENDMENTS TO THE  
SAINT FRANCIS HOSPITAL ADAPTIVE RE-USE REDEVELOPMENT PLAN  
(Last Amended September 13, 2012 by Ord. 12-112)**

**March 27, 2013**

New text to be included is shown as Bold Italic, *Thusly*.  
Text to be removed is shown as a Strikethrough, ~~Thusly~~.

The name of the Redevelopment Area shall be changed to the *Hamilton Square* Redevelopment Area and the Redevelopment Plan name shall similarly be changed to the *Hamilton Square* Redevelopment Plan.

Section I. and Section II shall be changed as below:

~~SAINT FRANCIS HOSPITAL ADAPTIVE RE-USE~~  
***HAMILTON SQUARE***  
**REDEVELOPMENT PLAN**

**I. INTRODUCTION**

The Saint Francis Hospital complex is located in the Downtown section of Jersey City within the Hamilton Park neighborhood. The main portion of the hospital complex, fronting onto Hamilton Park, is within the Hamilton Park Historic District. There is also a parking garage associated with the hospital located along Erie Street between Ninth and Tenth Streets, just to the north-east of the main buildings, which is outside the boundaries of the historic district. Four vacant lots, just to the east of the parking garage along Ninth Street have also been included in the Redevelopment Plan area.

Saint Francis Hospital is phasing out its operations at this location following its recent merger. The services and facilities formerly operating at the Saint Francis location are being relocated and merged in other facilities operated at other locations, including Saint Mary Hospital in Hoboken.

Clearly, it is now time for the City to take a more pro-active role in guiding the re-use and redevelopment of this facility. The purpose of this Plan is to provide a comprehensive redevelopment plan that will allow and encourage the adaptive re-use and redevelopment of the buildings and vacant lots within the project area in a manner that recognizes the scale of the existing buildings and their potential for adaptive re-use, as well as their context in the fabric of the surrounding neighborhood, specifically the Hamilton Park Historic District.

**II. BOUNDARIES**

The ~~St. Francis Hospital Adaptive Re-Use~~ *Hamilton Square* Redevelopment Area (the Area) consists of Tax Lots found on Tax Blocks 252, 283 and 284 in the Downtown section of Jersey City. The following are the Block and Lot numbers which are to be included in the Study Area.

Block	Lots
-------	------

10004	1 & 2 (fka Block 283 Lots A, B, C, 5, L, K, J <sup>1</sup> , S, E <sup>1</sup> , D <sup>1</sup> , N, M and Block 284 Lots B, C, S <sup>1</sup> (i.e. entire block)
8803	1, 9, 10, 11, 12, <del>15</del> (fka Block 252 Lots 9, 10, 11, 12, 16, 17 and G <sup>2</sup> .)

The boundary of the Redevelopment Area is also depicted on Map 1 – Boundary Map.

NOTE: Any and all other references to the Saint Francis Hospital Adaptive Re-Use Redevelopment Plan or Area shall be changed to refer to the Hamilton Square Redevelopment Plan or Area

Section III through Section VII. – NO CHANGE.

### VIII. SPECIFIC LAND USE REGULATIONS

The Redevelopment Area is a relatively compact area. However, because of the varied conditions of the existing parcels within the Redevelopment Area, the Redevelopment Area has been further broken down into three (3) sub-districts as described below and as indicated on Map – 2, Sub-District Map, attached as part of this Redevelopment Plan. The Sub-Districts are as follows:

- **East Hamilton Place District** – This sub-district shall be comprised of Block 10004 and is located within the Hamilton Park Historic District. This sub-district contains the former main hospital complex. The development within this sub-district will consist of renovation and reconstruction of existing buildings, selective demolition and new infill construction to be approved by the Historic Preservation Commission.
- **Erie Street District** – This sub-district shall be comprised of Lots 1 ~~and 15~~ on Block 8803. This sub-district contains the parking garage for the former hospital complex. This parking structure ~~will~~ *may* be demolished and development within this district will *then* consist of new construction which will be responsive to the existing adjoining development on both Ninth Street and Tenth Street. *In the alternative, the garage will be renovated and new construction will occur within and above the existing structure.*
- **Ninth Street Infill District** – This sub-district shall be comprised of lots 9, 10, 11 and 12 on Block 8803. This sub-district contains vacant land currently used as a surface parking lot. Development within this sub-district will consist of new infill construction designed to be compatible with the existing character of Ninth Street in this area.

Because each of the Sub-Districts contain varying amount of rehabilitation, demolition and new infill construction, it is difficult or impossible to regulate such development through the use of traditional written bulk standards alone. Rather, the development standards for these Sub-Districts will be presented by a combination of written standards and graphics. The regulations for each of the Sub-Districts follow:

## East Hamilton Place District (Hamilton Park Historic District)

### A. Principal Permitted Uses

1. Multi-family Apartment Buildings.
2. *Schools*
3. *Child Care Centers*

### B. Uses incidental and accessory to the principal use and building, including:

1. Home occupation
2. Artist Studios
3. Commercial Uses
  - The following commercial uses are limited to the ground floor and mezzanine level of multi-family buildings. Retail and restaurant uses are further limited to corner locations on Blocks 10004 and to the re-opened Pavonia Avenue frontages on both blocks.
    - a. Retail sales of goods and services. No individual use or store shall occupy more than 2,000 square feet.
    - b. Restaurants, category one and two; which may include sidewalk cafes as regulated by the Jersey City Land Development Ordinance and/or other applicable ordinances, laws and codes.
  - The following commercial uses shall not be located above the second floor of multi-family buildings.
    - c. Health Club.
    - d. Offices.
    - e. Financial institutions.
    - f. Art Galleries.
    - g. ~~Child Care Centers; primary school.~~
4. Off-street parking, only within structures as part of the principal building.
5. Private recreation facilities and areas, (indoor &/or outdoor) including pools, landscaped yards and decks, active recreation uses, gymnasiums, exercise rooms, etc.
6. Community rooms.
7. Fences and walls.
8. Home occupations.
9. ~~Child Care Center.~~
109. Signs.

### C. Intensity of Development – NO Change

### D. Required Lot Size – NO CHANGE

### E. Bulk Standards – NO CHANGE

### F. Parking Requirements – NO CHANGE

### G. Design Requirements – NO CHANGE.

## Erie Street District

- A. Principal Permitted Uses
  - 1. Multi-family Apartment Buildings.
  - 2. *Schools*
  - 3. *Child Care Centers*
  
- B. Uses incidental and accessory to the principal use and building, including:
  - 1. Home occupation
  - 2. Artist Studios
  - 3. Commercial Uses – limited to the ground floor of multi-family buildings.
    - a. Retail sales of goods and services. No individual use or store may occupy more than 2,000 square feet.
    - b. Restaurants, category one and two; which may include sidewalk cafes as regulated by the Jersey City Land Development Ordinance and/or other applicable ordinances, laws and codes.
    - c. Health Club.
    - d. Offices.
    - e. Financial institutions.
    - f. Art Galleries.
  - 4. Off-street parking, only within structures as part of the principal building.
  - 5. Private recreation facilities and areas, (indoor &/or outdoor) including pools, landscaped yards and decks, active recreation uses, gymnasiums, exercise rooms, etc.
  - 6. Community rooms.
  - 7. Fences and walls.
  - 8. Home occupations.
  - 9. ~~Child Care Center.~~
  - 10. Signs.
  
- C. Intensity of Development – NO CHANGE.
  
- D. Required Lot Size – NO CHANGE
  
- E. Bulk Standards – NO CHANGE
  
- F. Parking Requirements – NO CHANGE.

## Ninth Street Infill District

- A. Principal Permitted Uses
  - 1. Multi-family Apartment Buildings.
  - 2. *Schools*
  - 3. *Child Care Centers*

- B. Uses incidental and accessory to the principal use, including: NO CHANGE
- C. Intensity of Development – NO CHANGE
- D. Required Lot Size – NO CHANGE
- E. Bulk Standards – NO CHANGE
- F. Parking Requirements – NO CHANGE

Section IX through Section XIV. – NO CHANGE

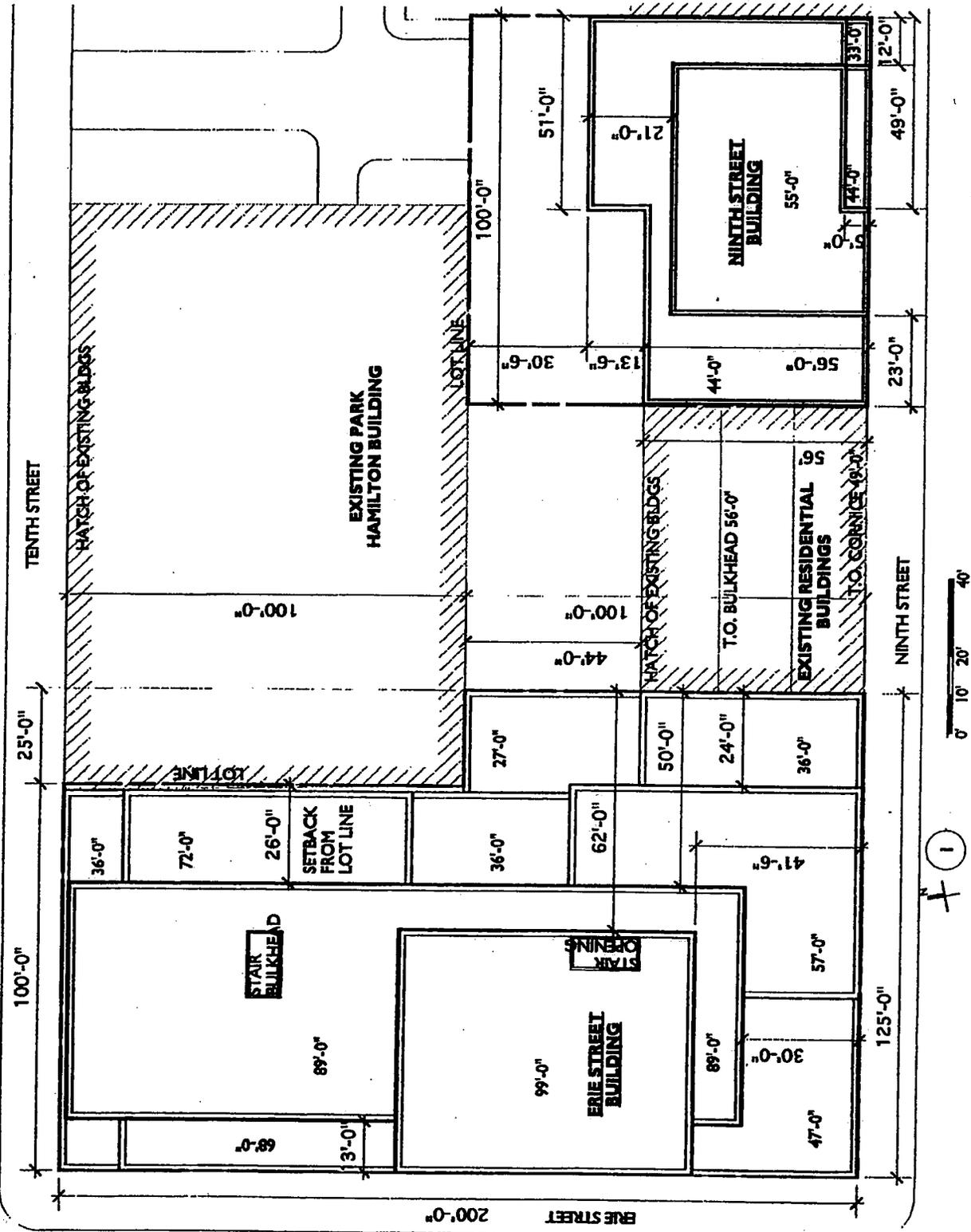
Section XV. MAPS

Revise maps to reflect the current block and lot numbers and reflect modified MAP 4a as attached.

# SAINT FRANCIS HOSPITAL ADAPTIVE RE-USE REDEVELOPMENT PLAN

MAP 3	Minimum Required Building Setbacks and Stepbacks
	Maximum Permitted Building Heights
ERIE STREET DISTRICT AND NINTH STREET DISTRICT	

MARCH 28, 2013



# SAINT FRANCIS HOSPITAL ADAPTIVE RE-USE REDEVELOPMENT PLAN

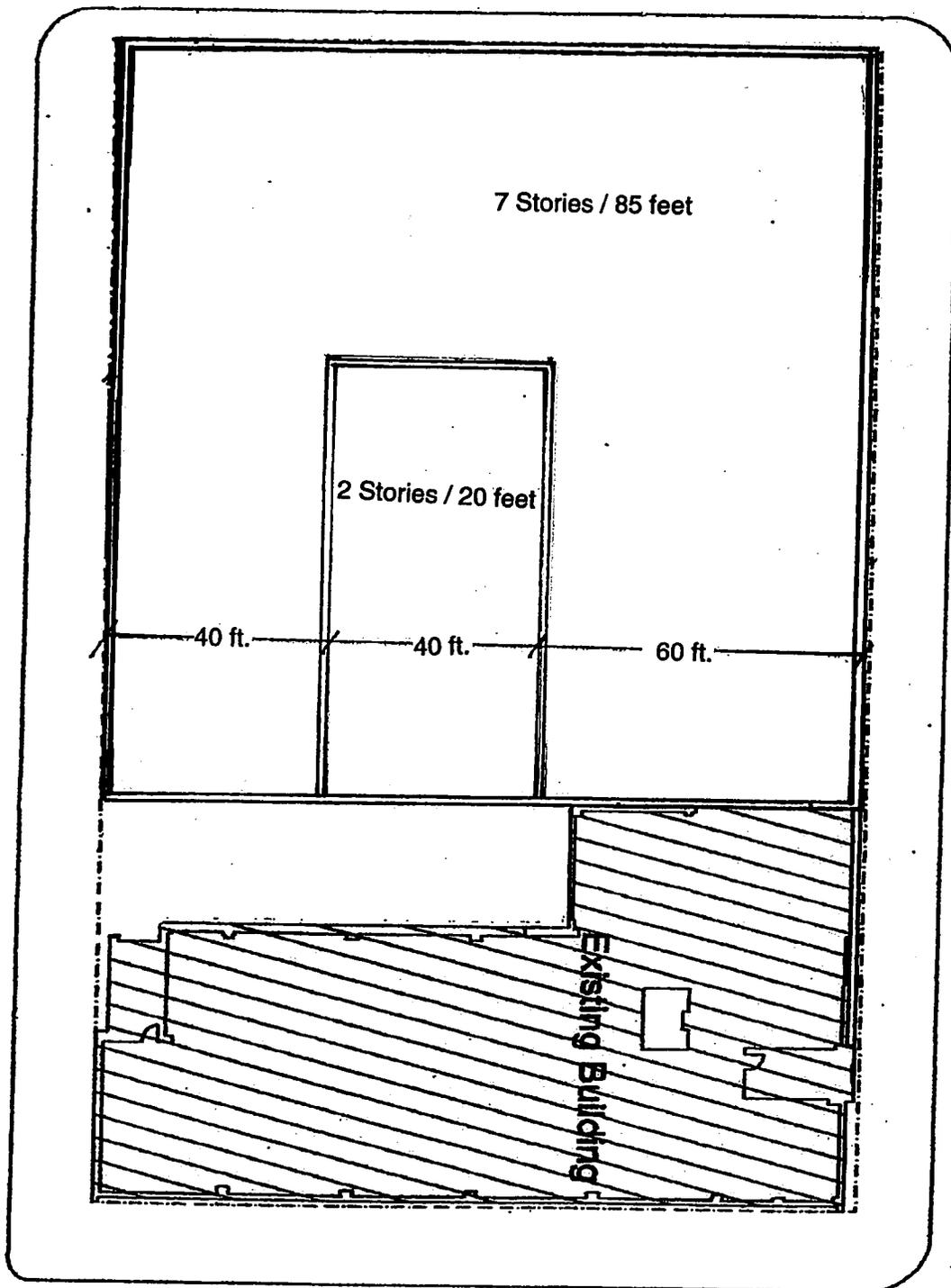
MAP 4 a	Minimum Required Building Setbacks and Stepbacks
	Maximum Permitted Building Heights
EAST HAMILTON PLACE DISTRICT SOUTH	

Pavonia Avenue

MARCH 28, 2013

Mc Williams Place

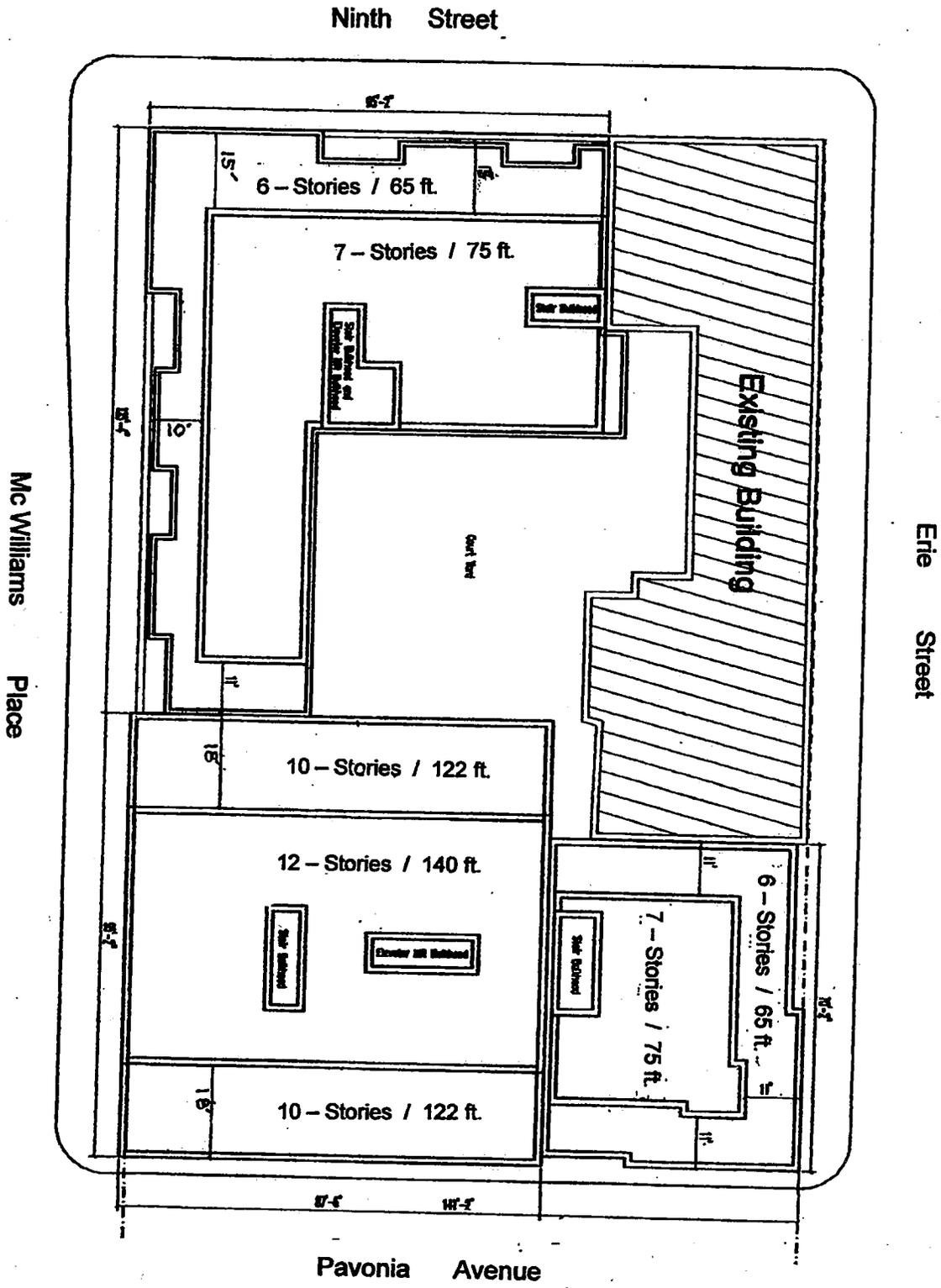
Erie Street



# SAINT FRANCIS HOSPITAL ADAPTIVE RE-USE REDEVELOPMENT PLAN

MAP 4 b	Minimum Required Building Setbacks and Stepbacks
	Maximum Permitted Building Heights
EAST HAMILTON PLACE DISTRICT NORTH	

MARCH 28, 2013





## **Summary Statement**

### **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AMENDING THE SAINT FRANCIS HOSPITAL REDEVELOPMENT PLAN TO CHANGE THE NAME TO HAMILTON SQUARE REDEVELOPMENT PLAN AND TO REVISE DEVELOPMENT STANDARDS**

The St. Francis Hospital Adaptive Re-Use Redevelopment plan is located along the eastern edge of Hamilton Park bounded by McWilliams Place, Erie Street, Ninth Street & Eighth Street; and portions of the block bounded by Erie Street, Manila Avenue, Ninth Street and Tenth Street.

The amendments specifically propose the following changes:

1. Change the Name from St. Francis Hospital Redevelopment Plan to Hamilton Square Redevelopment Plan.
2. Amend Maps 4a & 4b to adjust building height by making it lower but more uniform throughout.
3. Allow for the garage parking to be in new construction or a rehabilitated building.
4. Allow schools as a permitted use within the plan area

City Clerk File No. Ord. 13-052

Agenda No. 3.D 1st Reading

Agenda No. \_\_\_\_\_ 2nd Reading & Final Passage



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-052

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING  
AMENDMENTS TO THE NEWARK AVENUE DOWNTOWN REDEVELOPMENT PLAN**

**WHEREAS**, the Municipal Council of the City of Jersey City, adopted the Newark Avenue Downtown Redevelopment Plan at its meeting of September 24, 2008; and

**WHEREAS**, the Municipal Council seeks to advance and promote mixed use construction within the Newark Avenue Downtown Redevelopment Plan; 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 Newark Avenue Downtown Redevelopment Plan have been reviewed by the Jersey City Planning Board at its meeting of April 16, 2013; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the recommended amendments to the Newark Avenue Downtown 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

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

APPROVED: \_\_\_\_\_  
APPROVED: \_\_\_\_\_  
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 NEWARK AVENUE DOWNTOWN REDEVELOPMENT PLAN**

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

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

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

The amendment will adopt new bulk standards for portions of the redevelopment plan area. The amendment will also add to the list of permitted uses and clarify various design requirements and bonus provisions.

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

To accommodate the consolidation of various lots into a single development site.

**5. Anticipated Benefits to the Community:**

Development of attractive mixed use construction in a transit accessible location .

**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.:**

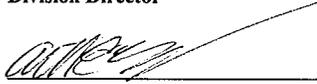
Robert D. Cotter, Director, City Planning                      547-5050  
Jeff Wenger, City Planning    547-5453

**10. Additional Comments: None**

I Certify that all the Facts Presented Herein are Accurate.

  
\_\_\_\_\_  
Division Director

4/15/13  
\_\_\_\_\_  
Date

  
DEPT. \_\_\_\_\_  
Department Director Signature

APRIL 15, 2013  
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## **SUMMARY STATEMENT**

### **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE NEWARK AVENUE DOWNTOWN REDEVELOPMENT PLAN**

The amendment will adopt new bulk standards for portions of the Redevelopment Plan area. The amendment will also add to the list of principal permitted uses and clarify various design requirements and bonus provisions.

# PROPOSED AMENDMENTS TO THE NEWARK AVENUE DOWNTOWN REDEVELOPMENT PLAN

PRESENTED TO THE JERSEY CITY PLANNING BOARD ON APRIL 16, 2013

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## I. INTRODUCTION

The Newark Avenue Downtown Redevelopment Area (hereinafter also referred to as the Redevelopment Area or the Area) was determined to be “an area in need of rehabilitation” pursuant to New Jersey Local Housing and Redevelopment Law (40A:12A-14) with portions found to be “an area in need of redevelopment”, pursuant to the New Jersey Local Housing and Redevelopment Law (N.J.S.A. 40A:12A-5). This determination was made by Resolution 07-367 of the Jersey City Municipal Council following a recommendation by the Jersey City Planning Board.

Located in the Downtown section of the City, the Study Area consists of two (2) tax blocks, as well as the rights-of-ways of all adjoining streets. The Study Area is bounded by Grove Street on the east, Christopher Columbus Drive on the South, Newark Avenue of the north, and Jersey Avenue to the west.

This highly visible location is also within approximately four (4) blocks of the Marin Boulevard Hudson-Bergen Light-Rail station. The Grove Street PATH Station is located immediately to the South of the Study area, affording it 24 hour access to midtown Manhattan and the World Trade Center Station, as well as Journal Square, Newark Penn Station and Hoboken.

### **Background**

Downtown Jersey City and Jersey City in general, has experienced vast changes over the course of the last 50 years. It was once a gritty manufacturing center within the New York & New Jersey Metropolitan region. It has now reinvented itself to become prime office location within the NY-NJ Metro area. The residential market in its downtown neighborhoods has experienced the complete cycle of birth, growth, stabilization, decline and rejuvenation making it one of the latest new hip locations of the region.

The Grove Street II Redevelopment Area has been recently completed and has brought with it the construction and occupancy of approximately 500 luxury residential dwelling units and an improved public plaza at the entrance to the Grove Street PATH Station. All of this new investment abuts the study area to the east.

The study area is presently zoned as a Neighborhood Commercial Zone. This zoning district has as its purpose, the intention to provide neighborhood oriented convenience shopping. This

particular portion of the neighborhood shopping district is also part of the Restaurant Row Overlay District, deigned to encourage the creation of a destination restaurant and entertainment hub. However, the current condition of this area actually contains only a hand full of restaurants and some convenience shopping. It is dominated by discount shops and vacancies, especially on the upper floors. This shopping district has not been experiencing the reinvestment and revitalization that neighborhoods immediately surrounding the area have.

Alternatively, there is much investment and revitalization in the new development downtown. These other downtown redevelopment projects are mostly new construction and have more flexibility than this existing neighborhood. All of the newer projects contain some new open space or new amenity that helps each individual project to stand out from the rest, attract patrons and investment to their venue. Many City resources and tax incentives have also been provided to achieve these ends. This redevelopment area is different from the rest. It contains many shops and buildings that have been in the City for the past century. Many shop keepers and landowners who have stuck out the downturn in the economy and stayed in this district despite its economic inertia relative to surrounding projects. This plan seeks to equip this district with the same tools to foster success as its other downtown partners. It seeks to do so without allowing the destruction and dismantling of the existing neighborhood fabric.

The success of a redevelopment plan for this area hinges on providing this neighborhood with a special amenity of its own that can set it apart from other downtown destinations. The pedestrian paseo will create an inviting public meeting place, outdoor dining venue, and mass transit pedestrian access within the core of this important downtown shopping district. Major cities throughout the world have been utilizing them for decades. Major cities across the nation have been adopting plans to create them within their own downtown shopping districts over the past decade.

Some of the specific improvements his plan seeks to implement in this area are as follows:

- *Correct the physical shortcomings of the area* - By requiring direct commercial access and front door visibility to Christopher Columbus Drive
- *Establish Parking Standards that Support Increased Transit Usage* – Effective organization and mix of land uses around transit facilities can help to eliminate the need to make trips by automobile, reducing the need to provide parking, and promoting additional pedestrian activity.
- *Emphasizing Pedestrians and Pedestrian Safety*– Pedestrian movement can create a link between transit facilities and the Newark Downtown shopping District.
- *Creating a Sense of Place* – Enhance this neighborhood shopping district. Where there is a sense of security and an environment that is attractive and well maintained, there needs to be a stronger link between the immediate residential neighborhoods to strengthen the sense of place, sense of ownership and stewardship for the District.

## II. BOUNDARIES

The Newark Avenue Downtown Redevelopment Area consists of the following specific tax Blocks and Lots:

Block	Lots
240	All
274	All
All roadways surrounding these Blocks	

The boundary of the Study Area is also depicted on the Boundary Map 1. The Boundary Map indicates the location and limits of the Redevelopment Area.

*\*Several lots are in the process of subdivision, consolidation, and/or re-numbering and therefore, may vary from their depiction on Map 1.*

*\*If there is any conflict between the maps and the list, the map shall take precedence.*

### III. OBJECTIVES AND REQUIREMENTS OF ANY CONSTRUCTION OR REHABILITATION WITHIN THE PLAN AREA

- A. Requiring an active commercial ground floor, allowing for other mixed-uses on floors above.
- B. The rehabilitation and adaptive re-use of the existing Newark Avenue buildings recognizing and retaining the size, scale, and architectural merit of the existing buildings' frontage on Newark Avenue and corner frontage or rear frontage, where applicable.
- C. Require infill development on single story building lots fronting on Newark Avenue and Christopher Columbus Drive to create a more continuous streetscape and eliminate the gaps created by underdeveloped properties.
- D. Require the opening of commercial storefront access to buildings from the C. Columbus Drive frontage.
- E. There is only one existing vacant through lot fronting on the Newark Avenue shopping district. The plan permits this to be acquired for a public paseo. This is a midblock pedestrian connection between the main sidewalks of Newark Avenue and Christopher Columbus Drive. It will function as a safe pedestrian passage to mass transit and an outdoor gathering and meeting place for dining and urban leisure.
- F. To improve the vitality of C. Columbus Drive, a major waterfront access artery and downtown spine by requiring retail frontage along the ground floor of all streets, wider sidewalk for better pedestrian access and building design requirements to establish an attractive street wall along this major City gateway road.
- G. Maintain the remnants and ghosting of the City-wide Mural until a new building or façade rehabilitation is completed pursuant to this redevelopment plan.

- H. Eliminate the requirement for parking on the lots within the area given their immediate proximity to the Grove Street PATH station.
- I. Improve the pedestrian environment and streetscape within the Redevelopment Area, with the provision of new sidewalks, street trees and other pedestrian amenities within the existing sidewalks and rights-of-ways, in return for the lifting of the parking requirement.
- J. Promote the addition of downtown green spaces in the form of plazas, paseos, and informal pedestrian spaces.
- K. Promote the responsible rehabilitation of the existing buildings through the use of the 1930's Tax Assessors photograph for guidance and conformance.
- L. Coordinate these efforts with the *Historic Downtown Newark Avenue Merchants Association & Special Improvement District Association*.
- M. Maintain the existing character and height of the Newark Avenue Shopping District to anchor its adjacent residential Historic Districts of Van Vorst Park and Harsimus Cove.
- N. To promote the principles of "Smart Growth" i.e. sustainable economic and social development, including a variety of housing choices, providing pedestrian friendly streets and public rights-of-way, minimize automobile use by maximizing the appeal of mass transit, encourage reduced parking and shared use parking solutions, and creating a livable community with convenient access to commercial facilities.

#### **IV. PROPOSED REDEVELOPMENT ACTIONS**

It is proposed to substantially improve and upgrade the Redevelopment Area through a combination of redevelopment actions that will provide a uniform and consistent attack on blight within the redevelopment area by systematically removing blighting influences in an orderly manner and allowing for new construction, creative adaptive re-use and rehabilitation. These will include but not be limited to:

- A. Provision for the full range of public and/or private infrastructure necessary to service and support new development in the Area and adjacent areas.
- B. The rehabilitation and adaptive re-use of the existing structures designated in need of rehabilitation along Newark Avenue and Jersey Avenue.
- C. The construction of new structures and complementary facilities in the area designated for redevelopment that are consistent with the scale of the existing adjacent buildings.
- D. Execute these improvements with techniques incorporating architectural merit, and maintain the positive character of the surrounding neighborhood.
- E. Recommend acquisition for the public purpose of providing improved pedestrian access, expanding retail opportunity, and providing outdoor open space.

## V. GENERAL ADMINISTRATIVE REQUIREMENTS

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

- A. **Prior to the commencement of:** (a) any new construction, (b) reconstruction, (c) rehabilitation (d) any change in building fenestration, or (e) 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 temporary or permanent Building Permit shall be issued for any work associated with a. through e. above, without site plan review and approval of such work by the Planning Board.
- B. **Duration** - The provisions of this Plan specifying the redevelopment of the Area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) 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. **Approval requirements of the Planning Board** - Site plan review shall be conducted by the Planning Board, pursuant to NJSA 40:55D-1 et. seq. Site plan review shall consist of a preliminary and final site plan application. Submission of a site plan and site plan application shall conform to the requirements of the Jersey City Zoning Ordinance and this Plan. Applications may be submitted for an entire project or in phases. Final Site plan approval for any phase shall entitle an applicant to building permits. Final site plan approval for any phase shall not be granted until performance guarantees for site improvements for that phase have been furnished by the redeveloper in accordance with NJSA 40:55D-53
- D. As part of final site plan approval, the Planning Board shall require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53. Such performance guarantees shall be in favor of the City of Jersey City, and be in a form approved by the Planning Board attorney. The amount of any such performance guarantees shall be determined by the City Engineer in conformance with applicable law, and shall be sufficient to assure completion of site improvements within one (1) year of final site plan approval, or such other time period as determined by the Planning Board if particular circumstances dictate a longer time frame.
- E. No Certificate of Occupancy (CO) of any type, either permanent or temporary, shall be issued for any construction until performance bonds, in an amount identified by the Planning Board and the City Engineer, have been posted with City.
- F. **Subdivision** - 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.
- G. **Interim Uses** - All interim uses may be permitted, subject to site plan review and approval by the Planning Board. The Planning Board shall only permit uses that it finds will not have an adverse effect upon surrounding existing or contemplated development

during the interim use period. Interim uses must be approved by the Planning Board. The Board shall establish an interim use period of up to three (3) years in duration. The Planning Board may grant additional one (1) year renewals of interim uses upon application, review, and approval. Surface parking lots and commuter parking garages are specifically prohibited and shall not be permitted as interim uses.

- H. **Deviation Clause** - 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 adopted pursuant to this 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 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 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 this Plan. No deviations may be granted which will result in permitting: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a non-conforming use, (3) an increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district, (4) an increase in the permitted floor area ratio, (5) an increase in the permitted density.

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.

- I. No covenant, lease, conveyance or other instrument shall be effected or executed by the Jersey City Redevelopment Agency or by a redeveloper or any successors or assignees, whereby land within the Redevelopment Area is restricted by the Jersey City Redevelopment Agency or the redeveloper upon the basis of race, creed, color or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments.
- J. No building shall be constructed over an easement in the Redevelopment Area without site plan review and approval of the Jersey City Planning Board and prior written approval of the Redevelopment Agency and the Division of Engineering.

- K. **Severability Clause** - 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 REQUIREMENTS AND RESTRICTIONS

The following standards and requirements shall apply to all applications, including but not limited to: developments, re-developments, rehabilitation, and or re-use applications within the Redevelopment Plan area:

- A. All utility distribution lines; utility service connections from such lines to the Redevelopment Area's individual uses; and transformers, utility appliances, regulators and metering devices shall be located underground or within the building. No utility boxes or structure shall be permitted in or adjacent to sidewalk areas, or anywhere exterior to the building. 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.
- B. Chain link fencing shall be prohibited within the Redevelopment Area, except during construction. Chain link fencing for construction shall be dismantled and removed prior to the issuance of a Certificate of Occupancy.
- C. No Billboard shall be permitted on any property contained within the Redevelopment Area.
- D. No signage shall be permitted within the Redevelopment 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.
- E. No advertising shall be permitted on parking meters, light poles, or on benches or other street furniture within the public right-of-way.
- F. All trash dumpsters and/or compactors shall be located within the buildings. All outdoor storage shall be prohibited.
- G. 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, but not oversized.
- H. In order to facilitate the overall redevelopment of the Redevelopment Area, the surrounding area, and the City of Jersey City in general, all advertising, signage and other promotion of the resulting project, whether undertaken by the City, the Redevelopment Agency, or private developers, shall contain references to the proposed project's location. They all shall clearly state it to be within the City of Jersey City so as to promote the positive external effects for not only the project, but the Redevelopment Area and the City as a whole.

## VII. URBAN DESIGN REQUIREMENTS

### A. Building Design Requirements

1. All new structures within the Redevelopment Area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of material, light, air and usable open space, access to public rights of way and off-street parking, height, setback and bulk.
2. Buildings shall be designed to be attractive from all vantage points, such that the same materials and detailing are used on all faces and sides of the building.
3. Buildings shall maintain a Main entrance *on each* street that their lot is adjacent to so as to contribute to the overall liveliness of the pedestrian environment. Each main entrance shall be prominent, easily identifiable, and connect directly to the public street and sidewalk.
4. Buildings shall have a clear base, middle and top. Architectural devices, of string courses, cornices and sub-cornices, lintels and sills, and/or horizontally differentiating surface treatments, shall be used to achieve the necessary transitions.
5. The windows and glazing of a **historic** building are a major element of the style which gives character to a building and shall be appropriately and sensitively chosen with respect to the Secretary of the Interior's Standards and Guidelines for Windows. They shall contain lintels and sills and shall be recessed the distance of one brick wayah.
6. Balconies and terraces may extend from the building when facing into interior courts. However, all **projecting** balconies facing onto streets shall be prohibited.
7. EIFS (Exterior Insulating Finishing Systems), cementitious concrete systems, stucco, artificial stone, CMU size/type block, jumbo brick, vinyl and/or aluminum siding, and artificial brick veneer such as permastone or brick-face, and plastic/vinyl or aluminum type artificial siding materials shall be prohibited as building cladding within this Redevelopment Area. Building face material **along Newark Avenue** to be used on all sides shall be primarily of brick in the Standard Modular or Standard Norman sizes only with other appointment being of Stone, wood, or metal.
8. All mechanical equipment, generators, HVAC equipment and similar equipment shall be visually screened such that they are not visible from adjacent buildings or public areas. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same or complimentary materials used in the construction of the building, such that the screening appears to be an integral part of the building. Interior building locations must be utilized where mechanically possible, and not located in the rear yard.

10. All mechanical equipment, generators, HVAC equipment and similar equipment shall be acoustically buffered such that any noise generated by the equipment shall be within the applicable standards as defined by the State of New Jersey for residential locations.
11. All electronic communication equipment shall be visually screened such that they are hidden from view. This shall be achieved through creative disguises within the basic architecture of the building, such that it does not negatively impact the appearance of the building. Said screening shall be constructed in a manner that is consistent with 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. Said equipment shall be located so as to minimize or eliminate the need for screening. Reference shall be made to the Wireless Communications section of the Jersey City Land Development Ordinance for appropriate permitted locations for these facilities.

**B. Streetscape, Open Space and Landscape Requirements**

1. A streetscape plan, acceptable to the Division of City Planning is required for all projects and shall include proposed sidewalk and curbing materials and treatments, street trees, tree pit grates and/or treatments, and any proposed street furniture, lighting or other features to be provided. The streetscape plan shall be submitted to the Jersey City Planning Board for its review and approval, as part of the project site plan application and implemented as part of the construction of the project and it shall be consistent with the *Historic Downtown Newark Avenue Merchants Association & Special Improvement District Association* street-scape design.
2. Sidewalk areas and curbing shall be attractively landscaped and durably paved in Scofield *Charcoal* or equivalent concrete. Decorative paving materials may be incorporated into the design. Ample bicycle racks must be provided in every public pedestrian node. Additional decorative elements shall be introduced at building entrances to accent and channel pedestrian flow. Decorative cross walks shall be provided at all intersections within and around the redevelopment plan area. The sidewalk and street-scape plan shall be coordinated and with and conform to the *Historic Downtown Newark Avenue Merchants Association & Special Improvement District Association* sidewalk design.
  - A. 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.
  - B. A planting schedule shall be provided by the developer and approved by the Planning Board. All landscaping shall be guaranteed for a period of two (2) years. Any landscaping which is not resistant to the urban environment or that dies shall be replaced by the developer or property owner.
  - C. Street trees shall be planted along all curb lines of streets within the Redevelopment Area at a maximum of 30 feet on center and be a minimum of 3 in caliper. Each tree pit shall be at least four foot by four foot in area and contain a decorative metal grate or tree guard.

3. Outdoor landscaped open space areas shall be provided for all new construction within the Redevelopment Area and shall occupy any required yard areas. All areas not covered by a building or necessary paved areas, shall be landscaped with trees, shrubs, groundcovers or other appropriate plant material.
4. Lighting within the Redevelopment Area shall sufficiently illuminate all areas to prevent "dark corners". All lighting sources must be shielded to prevent and eliminate any glare. The area of illumination shall have a uniform pattern of at least one-half (0.5) foot-candles.
5. A mid-block paseo may be a publicly owned space incorporated into the center of Block 240 on the existing vacant lot H. The tragic loss of a classic historic building to fire has led to this new opportunity to substantially improve the quality of this downtown shopping district and restaurant row by incorporating a pedestrian passageway that adds dimension to the shopping district and improved connections to the downtown pedestrian network. If acquired, it provides for improved access to shoppers parking, adjacent neighborhoods and shall accommodate outdoor dining. An added benefit is that it functions as an outdoor destination for dining and gathering within the Newark Avenue shopping district providing a great asset to this existing neighborhood, one that typically sees new investment going to new projects outside the old neighborhood core.
6. The main funding source for the acquisition of the access way may be provided through the bonus of permitting floor area above the 4<sup>th</sup> floor built within the redevelopment plan area. Any additional floor area that this plan permits over and above what is permitted under the former Neighborhood Commercial zoning shall be permitted as a bonus.
7. The landscape design of the paseo shall be simple with high quality materials, utilizing re-claimed belgium block pavers on the surface, decorative lighting and planters.
8. All retail building and tenant spaces fronting on the paseo shall provide windows and door to access the passageway and outdoor dining and seating areas.

**C. Off-street Parking Design and Loading Requirements**

1. **Block: 240:** No Parking Permitted  
**Block: 274:** No Parking Required, Maximum of .5 Spaces per DU Permitted
2. Off-street loading or parking areas shall be coordinated with the public street system serving the Redevelopment Area in order to avoid conflicts with vehicular traffic and/or obstruction to pedestrian walkways and thoroughfares.
3. Developers shall demonstrate to the Board's satisfaction that sufficient off-street loading is provided to meet the needs of the proposed uses.
4. Driveway access is prohibited from Newark Avenue.

5. Surface parking is prohibited on Block 240 and 274 except in cases of pre-existing conditions.
6. All parking shall be interior to the building. No interior parking use shall be located within 20 feet of an exterior wall having street frontage. All parking areas shall be wrapped by a principal use of the building along a street or R-O-W.

**D. Signage**

1. Signage Approval Process

- a. All signs are subject to site plan review when included as part of a major site plan application.
- b. All new signage that complies with the redevelopment plan shall not require site plan approval.
- c. Minor Site Plan application with deviation will need to be submitted to the Planning board for all non-conforming signage proposals.
- d. All signage shall conform to the Standards of the Newark Avenue Merchants Association and Special Improvement District.

2. Additional Signage Regulations and Requirements, applied throughout all areas of the plan:

- a. All signs shall be flush mounted although blade signs may be attached to the first floor façade on Christopher Columbus Drive and within the Paseo.
- b. Window signs (other than lettering as specifically permitted) shall be prohibited. Lettering shall be limited to decorative metal leaf, flat black or etched / frosted glass style lettering and shall be limited to the name of the business occupying the commercial space / store front and shall cover no more than twenty (20%) of the window area.
- c. All signs shall be attached to the first floor level of the building only.
- d. Permitted signage material includes: 1.) Painted wood; 2.) Painted metals including aluminum and steel; 3.) Brushed finished aluminum, stainless steel, brass, copper, or bronze; 4.) Carved wood or wood substitute.
- e. Permitted lettering material includes: 1.) Lettering forms applied to the surface of the sign; 2.) Single colored lettering forms applied to the surface of the sign; 3.) Metallic solid body letters with or without returns; 4.) Painted acrylic or metal letter. 5.) Vinyl lettering attached permanently to a wood, wood substitute or metal signboard.
- f. Sign Lighting: Signs may be lit from backlit halo, and up-lights. Internally lit signs and sign boxes are prohibited.
- g. During construction, one (1) temporary sign indicating: the name of the project or development, general contractor, subcontractor, financing institution and public entity officials (where applicable) shall be permitted. The sign area shall not exceed forty (40) square feet.
- h. Store front windows shall not be blocked by any interior display case or other form of barrier. Passers by on the street shall have the ability to see into the shop and view the activity within.

4. Prohibited Signage: The following signs and devices shall not be permitted within the Redevelopment Area:
- a. Monument signs
  - b. internally or externally illuminated box signs
  - c. neon signs
  - d. flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle
  - e. roof signs
  - f. billboards
  - g. signboards
  - h. window signs, posters, plastic or paper that appear to be attached to the window
  - i. pole signs
  - j. free-standing signs
  - k. fluorescent and/or glowing paint for any signage or building within the redevelopment area
  - l. waterfall style awnings
  - m. plastic awnings
  - n. product advertising signage of any kind. Product advertising signage is defined here to include, but not be limited to signage on: parking meters, signage in windows, on light poles, benches or other street furniture within the redevelopment area.

*\* Nothing in this paragraph shall be deemed to prohibit traditional residential holiday decorations.*

## **VIII. SPECIFIC LAND USE REGULATIONS**

The primary objectives are to invigorate these blocks of the Newark Avenue Shopping district. This plan seeks to create a mid-block access way and focal point for the shopping and restaurant experience of the district, eliminate vacancies within the existing store fronts and upper floors, and encourage the addition of upper stories to low rise buildings that now represent gaps in the streetscape of this traditional downtown shopping street.

This plan seeks to accomplish this goal with minimum interference and disruption to the existing shopping district buildings. The redevelopment area study revealed that most of the buildings within this district are designated in need of rehabilitation, indicating that there are only minor up-grades necessary. The goal is to encourage and enable the rehabilitation of these buildings by offering the bonus of additional height and floor area when these improvements are made. Therefore, any additional height and resulting floor area is permitted only as a bonus. If the bonuses are not sought, the current maximum height of 4 stories and 48' and other standards of the Neighborhood Commercial District where on-site parking is not required shall apply.

Another goal is to encourage rehabilitation or new construction on lots designated "in need of redevelopment" by offering the bonus of additional height and floor area when

these improvements are made in conformance with the design requirements of this plan and the specific bonus provisions are met.

*Map 1 - Boundary Map*, identifies the legal limits of the redevelopment plan area.

*Map 2 - Development Regulating Plan* - The Redevelopment Area is a relatively compact area. However, because of the varied conditions of the existing parcels within the Redevelopment Area, the Redevelopment Area has been broken down into specific sub-districts. The Purpose of this approach is to insure that the existing fabric of development area remains intact. *Map 2- Development Regulating Plan*, identifies the specific Sub-Districts and their bonus descriptions.

*Map - 3 Required Setback Area*, establishes required front yard and rear yard setbacks for sidewalks and private yard space respectively.

*Map - 4 Acquisition Map*, indicates which lots were found to be “in Need of Rehabilitation”, and “in Need of Redevelopment”, by the City Council of the City of Jersey City. It also specifies that no lots qualifying for redevelopment are to be acquired at this time. Refer to Section IX Acquisition Plan, of this document for a thorough discussion on this matter.

*Map 5 - Building Bonus Height Regulating Plan*, outlines specific height and building step-back limits that can be implemented provided the bonus provisions are met.

*Map 6 - Buildings to be Rehabilitated*, identifies buildings where rehabilitation of the entire building or the front 30’ is needed in order to receive the bonus height identified in this plan on Map 5.

*Map 7 - Required Retail Frontage*, identifies where store fronts are required and the uses within must comply with required ground floor uses prescribed within this plan.

*Map 8 - Circulation Map* - Streets sidewalks and paseo

#### A. **Principal Permitted Uses**

First Floor: At least one of the following uses are Required on the Ground Floor:

- a. **Retail sales of goods and services**
- b. **Category one or two restaurant**
- c. **Bars**
- d. **Theaters and Museums**
- e. **Financial institutions without drive-through facilities**
- f. **art galleries**

Second Floor and above:

- a. **Retail sales of goods and services**
- b. **Financial institutions without drive-through facilities**
- c. **Restaurants category one and two**
- d. **Theaters and Museums**
- e. **Governmental Uses**
- f. **Residential apartments**

- g. Public and private educational facilities
- h. Bars
- i. Day Care Centers
- j. General offices and medical offices
- k. Health Club
- l. Office**
- m. Any combination of the above

**\* Except that on Block 274, Lots 2, 3, 4 permitted uses of all floors shall be limited to residential uses and home occupations**

**B. Uses incidental and accessory to the principal use and building, including:**

- a. Home occupation
- b. Artist, dance or music studios
- c. Galleries
- d. Health Club
- e. Private recreation facilities and areas, (indoor &/or outdoor) including pools, landscaped yards and decks, active recreation uses, gymnasiums, exercise rooms, etc.
- f. Community rooms

**C. Area, Yard, Bulk & Height (without Bonus)–** The current maximum height of 4 stories and 48’ and other standards of the Neighborhood Commercial District where on-site parking is not required shall apply.

*\* Nothing in this plan shall preclude the voluntary rehabilitation of existing buildings within the redevelopment plan area provided they do not involve any changes or modification outlined in NJSA 40:D – 70 d. and the improvements are in compliance with the building design standards of this plan.*

**D. Bonus Provisions**

Three of the primary objectives of this redevelopment plan are to maintain the existing neighborhood scale and fabric of the Newark Avenue Downtown Shopping District, improve its desirability and visibility by providing an amenity known as a paseo and additionally enhance the Christopher Columbus Drive frontage of the redevelopment area recognizing its prominence as a gateway to the waterfront. It is also recognized that the redevelopment area may accommodate greater floor area because of its access to multiple mass transit opportunities. Some greater density near transit stations is also supported by the Jersey City Master Plan. This additional floor area shall be permitted as a bonus in order to achieve the primary goals of this redevelopment plan.

Map 2 – Development Regulating Plan and Map 5- Building Bonus Height Regulating Plan, identify the maximum Height and building coverage bonuses that can be achieved within each sub-district. This additional floor area may be approved as part of a site plan application to the Planning Board when all of the following are provided:

- 1) Existing facades on Newark Avenue and Jersey Avenue are retained and improved in a manner that is consistent with the tax assessors 1930's photograph of the building frontage. This is fulfilled by rehabilitation of the entire building or the rehabilitation of at least the front 30' for the entire height along Newark Avenue, Grove Street and Jersey Avenue. Buildings where this rehabilitation is required are depicted on *Map 6 – Buildings to be Rehabilitated*.
- 2) Existing buildings **along Newark Avenue and on Columbus where historic front facades existed**, designated "in need of redevelopment" are added to or reconstructed in a way that is consistent with the existing scale and historic nature of the shopping district. This new construction shall also look to the 1930's photograph of direction of building design however, a modern building form shall be permitted provided the window placement and floor to ceiling heights are consistent with and compatible to the adjacent buildings fronting on the same street in order to provide a unified and consistent street wall.
- 3) The project site shall incorporate active ground floor store fronts with public ingress and egress, containing required retail uses, on each and every building frontage on as per *Map 7 -Required Retail*.
- 4) Contributions to the Open Space and Pedestrian Passageway Trust Fund are provided for all floor area above the 4<sup>th</sup> floor as a bonus based on a monetary contribution of \$9.99 per square ft of **net leasable** floor area constructed above the 4<sup>th</sup> floor.  
Buildings included on Map 6 that provide the required rehabilitation are exempt from this requirement. In order to address cost increase over time, this contribution shall increase by 1% (**compounded**) each year from the date of adoption of this plan.  
**This contribution shall be paid by the developer to the City in two (2) installments: (1) fifty percent (50%) of the contribution shall be paid upon a final non-appealable site plan approval granted by the City of Jersey City Planning Board, and (2) the remaining fifty percent (50%) of the contribution shall be paid at the time of issuance of the first final certificate of occupancy. These contributions shall be specifically earmarked for the construction or improvements of sidewalks, open space, or plaza areas within the Newark Avenue Downtown Redevelopment Plan area.**
- 5) Buildings shall conform to the design requirements outlined below. Minor deviations of these requirements shall be permitted provided a deviation is granted by the Planning Board after review and approval.

## 2. Area, Yard & Bulk ( with Bonus)

- a. Maximum Bonus Description – See Map 2
- b. Maximum Bonus Height limits - See Map 5
- c. Minimum Bonus Building Step-back requirements – See Map 5
- d. Minimum Floor to Ceiling Height: 12 ft ground floor and 9 ft. upper floors
- e. Required Building Coverage – See Map 3
- f. Maximum Lot Width along Newark Avenue: 25' or existing lots of record
- g. Maximum Lot Width along C. Columbus Drive: 100' or existing lots of record

h. Required Setback Plan – See Map 3 and standards below:

1. Required front yard setback of 0 zero feet except where identified as requiring additional sidewalk along Grove Street and CC Drive and in the Plaza at the intersection of Newark Avenue and Jersey Avenue.
2. Minimum Required rear yard setback of 25 feet shall be provided above the first floor as depicted on Map 5
3. Required side yard setback (0) zero feet
4. All development on C. C. Drive and Grove Street shall provide an additional 8 feet and 5 feet respectively of sidewalk area interior of the property line. Buildings exempt from this requirement are any building that chooses to rehabilitate the an existing front façade on the Grove St or C. Columbus Drive frontage.
5. A chamfer shall be provided at the corner of Christopher Columbus Drive and Grove Street as depicted on Map 3 if new construction is proposed on Block 240 Lot A. Any new building shall front the corner at a 45% angle for the entire height.
6. Additional stories are depicted on Map 5. All additional stories above the 4<sup>th</sup> floor shall not be visible from the curb line on the opposite side of the street on Newark Avenue and C. C. Drive and be setback at least the distance depicted on Map 5 – Building Bonus Height Regulations.

i. **Building Design Requirements**

All exterior renovation and new construction shall conform to the following:

- Basement window openings shall be reopened and replaced with windows and decorative grates. Louvers shall be painted a dark color darker than the existing brick and covered with decorative grillwork.
- Brick façade shall be repaired, cleaned and spot pointed where necessary, while maintaining the original/historic color, texture, profile and depth of the existing mortar joints and the current brick work pattern. Any surface cleaning shall be done by the most conservative and gentlest means possible so as not to harm or destroy any original /historic building materials.
- Any window replacement shall not utilize a white or off-white frame.
- ~~Roof-top amenity open space shall be incorporated on at least 50% fifty percent of the upper story roof.~~
- **Roof-top amenity open space is required totaling 50% of all roof area.**

All exterior façade improvements shall incorporate the following into the façade:

- A roof-top cornice
- Brick façade of Standard brick with accents of other natural materials such as stone, cast stone, or metal in aesthetic harmony with surrounding buildings of architectural merit, Balanced window placement respectful of and aesthetically harmonious with the surrounding buildings of architectural merit.
- Floor to ceiling height of the first floor shall be two feet greater than the floors above.
- Roof top open space which shall be setback from the building frontage
- The Primary Façade shall be up-graded to contain ground floor retail with inviting design and maximum glazing

## **IX. ACQUISITION PLAN**

No other acquisition of any improved property within the Redevelopment Area by the City of Jersey City or any of its agencies, including the Jersey City Redevelopment Agency is envisioned at this time. Current owners shall be given (3) three years from the date of adoption of this plan to invest in their properties and redevelop consistent with the standards and objectives of the redevelopment plan. They shall have the opportunity to take part in the redevelopment of this downtown neighborhood.

## **X. RELOCATION PLAN**

As noted above, there is not expected to be any acquisition of land by the municipality or other public agency. Therefore, there will not be any relocation of persons or businesses as a result of this Plan. 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. CIRCULATION PLAN**

1. It is the intent of this Circulation Plan to provide a street layout for the Redevelopment Area which is adequate to meet the circulation needs of the Redevelopment Area in terms of vehicular traffic and pedestrian volume, while at the same time recognizing that it is a primary purpose of this Redevelopment Plan to promote the principles of Smart Growth. That is; to provide pedestrian friendly streets and public rights-of-way, to minimize automobile use by maximizing the appeal of mass transit and to encourage reduced parking and shared use parking solutions.
2. All existing streets and rights of way within the Redevelopment Area shall remain open to the public. All streets shall provide on street parking on both sides of the street unless restricted by local ordinance.

3. The paseo is a permitted pedestrian component of this redevelopment plan. Providing improved pedestrian access to the major downtown Grove Street PATH station, linking pedestrians to nearby parking, linking surrounding neighborhoods to the Newark Avenue Downtown shopping district in a more meaning full and efficient way, and by providing on-going opportunities for public and civic events and gatherings in a safe and protected public area.
4. Sidewalk areas must be provided 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 uses. In general, sidewalks serving commercial areas should be wider than those serving residential uses.

## **XII. OTHER PROVISIONS TO MEET STATE AND LOCAL REQUIREMENTS**

In accordance with NJSA 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 provided proposed land uses and building requirements for the Redevelopment Area.
- D. The Acquisition Plan (Section IX) indicates that no property is to be acquired by public agencies as a result of this Plan.
- E. The Plan is in general 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 where adequate infrastructure and transportation alternatives exist.
- F. This Redevelopment Plan shall supersede all provisions of the Jersey City Land Development Ordinance that are specifically addressed herein. Any zoning related question that is not addressed herein shall refer to the Jersey City Land Development 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 Redevelopment Area covered by this Plan as a 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 one thousand dollars (\$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.

- B. No amendment to this Plan shall be approved without the review and recommendation of 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.

# AMENDED MAPS:

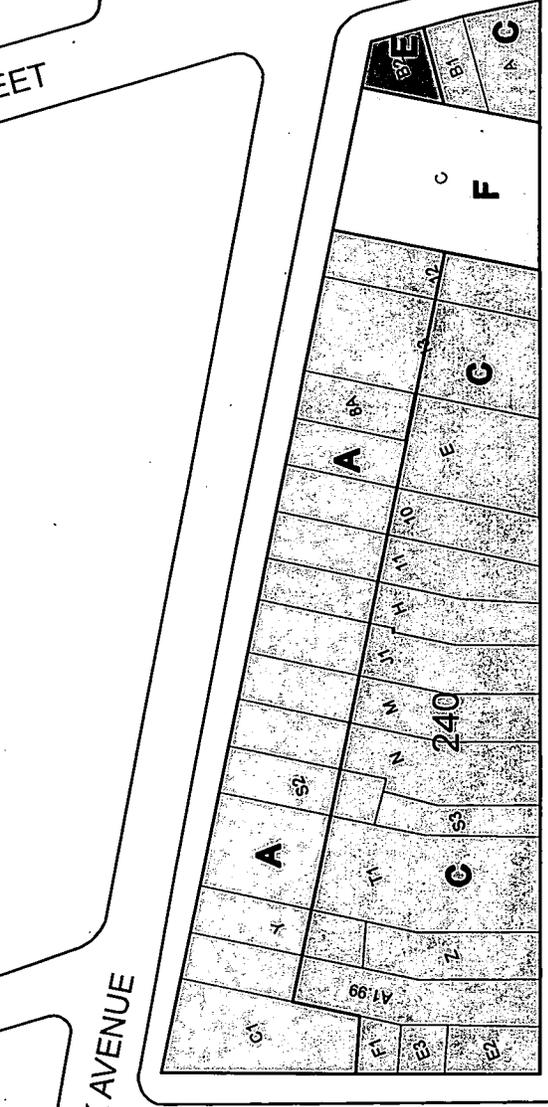
GROVE STREET

BAY STREET

NEWARK AVENUE

BARROW STREET

CHRISTOPHER COLUMBUS DRIVE



**NEWARK AVENUE REDEVELOPMENT PLAN AREA**  
**MAP 2: DEVELOPMENT REGULATING PLAN**



**ZONE A:**  
4 stories with bonus of 1 story



**ZONE D:**  
Rehabilitation of existing buildings. Existing height is the maximum permitted.



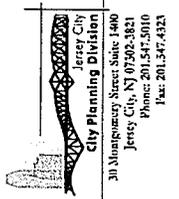
**ZONE C:**  
4 stories with bonus of 2 additional stories, and a penthouse where permitted as per map 5.



**ZONE E:**  
Rehabilitation of existing building with bonus of 2 additional stories to a maximum of 55 feet.



**ZONE F:**  
Rehabilitation or NC up to 8 stories with maximum height of 75 feet to the finished floor height of the uppermost story, with a maximum overall height of 85 feet measured from the lowest grade elevation.

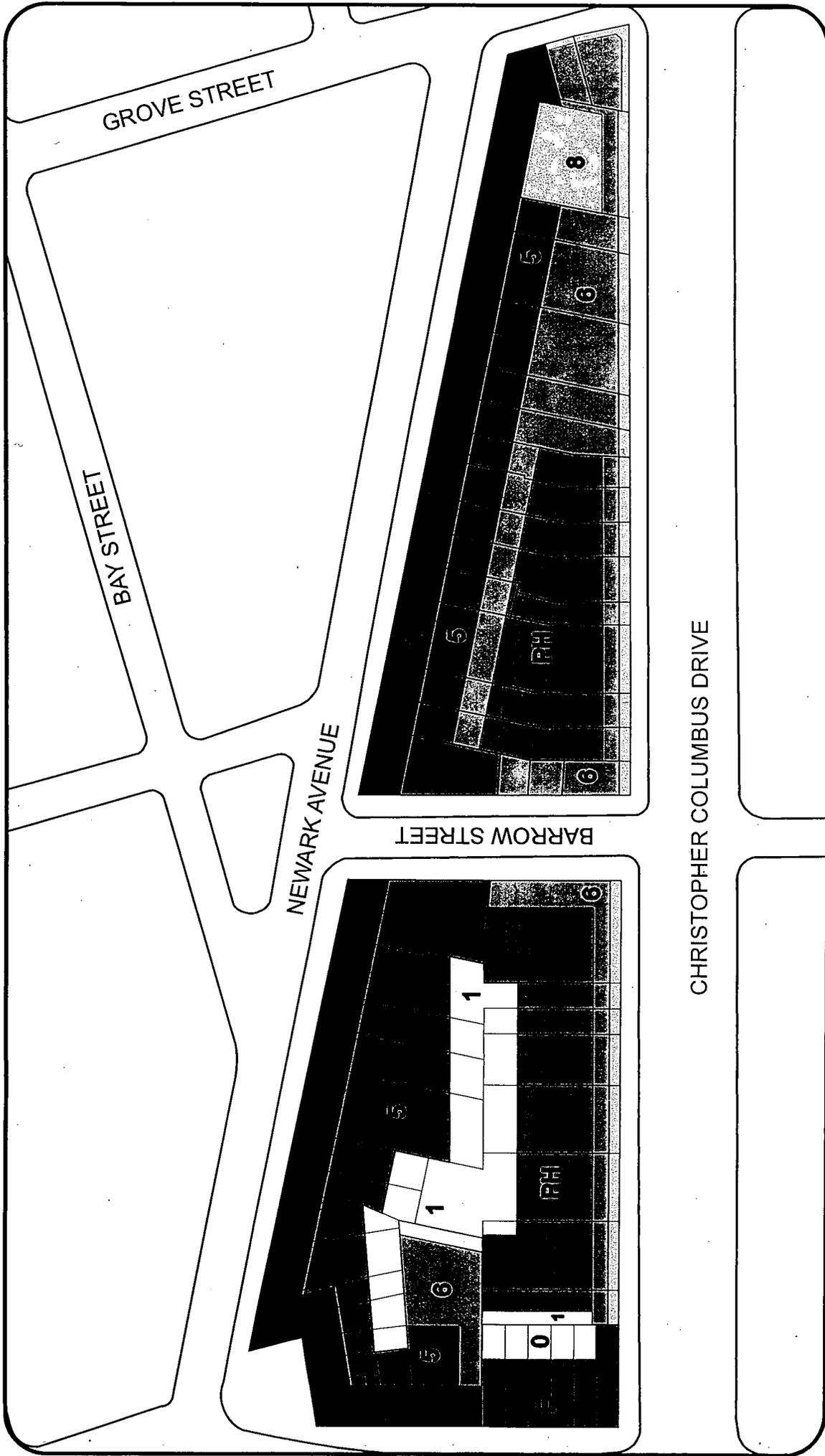


MARCH 25, 2013

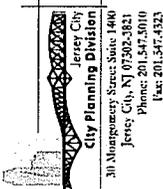
1 inch = 100 feet







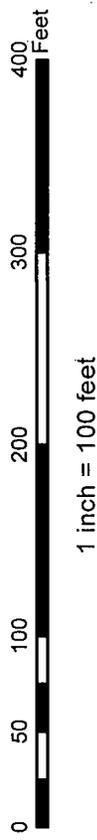
NEWARK AVENUE REDEVELOPMENT PLAN AREA  
 MAP 5: BUILDING BONUS HEIGHT REGULATING PLAN



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



- ZERO HEIGHT PERMITTED
- 1 STORY
- 4 STORIES
- 5 STORIES
- 6 STORIES
- PENTHOUSE
- 8 STORIES
- F: EXISTING HEIGHT



MARCH 21, 2013

City Clerk File No. Ord. 13-053

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 13-053

**TITLE:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE PERTAINING TO SIGNAGE**

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

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

**WHEREAS**, Article V includes Signage Zoning Standards for all districts, which lists several types of prohibited signage; and

**WHEREAS**, the existing Signage Standards would benefit from adding a prohibition on signage above the second story of any building other than hotels in order to control excess, inappropriate, and unwanted signage citywide; and

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

**WHEREAS**, the Planning Board at its meeting of April 16, 2013 did vote to recommend that the Municipal Council amend the Land Development Ordinance Section V as it pertains to Signage; 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;

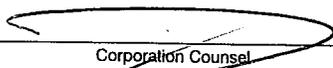
**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

**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

  
Corporation Counsel

APPROVED: 

APPROVED:   
Business Administrator  
ASST.

Certification Required

Not Required

4/1/13

**345-68. Signs**

A. No Change

B. Zoning Standards

## 1. Individual Sign Area Measurement

a. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, graphic, illustration, picture, symbol or other display, together with any material or color forming an integral part of the background of the sign. For purposes of calculating sign area, any illuminated border including those which may frame a window shall be included in the sign area calculation and used to differentiate the sign from the backdrop or structure against which it is placed. This does not include any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly incidental to the sign itself.

b. No sign shall have more than two display faces. The sign area for a sign with two display faces shall be computed by adding together the area of all the sign's faces which are visible from any one point. When a sign has two display faces such that both faces cannot be viewed from any one point at the same time, the sign's area shall be computed by the measurement of the larger of the two faces.

2. Glazed Area. Any glazing in doorways shall be considered part of the glazed area. For purposes of calculating window signs, a window shall be considered the glazed area. Signs which are required by county, state, or federal agencies are exempt from calculation of permanent signage.
3. Measurement of Height. The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be considered to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filing, berming, mounding or excavation solely
4. The following signs are prohibited:

- a. No billboards or other off-site advertising signs shall be erected, used or maintained within the City of Jersey City except in the CBD Central Business District.
- b. No signs shall be placed on fences, walls, utility poles, trees, railway or road bridges, bridge supports or abutments, retaining walls, parking meters or water towers unless approved by the City Council.
- c. No roof signs, also known as "sky signs" shall be allowed except in the CBD.
- d. No signs above the 2<sup>nd</sup> floor of any building other than hotels.***
- e. No sign shall be placed on an accessory building.
- f. No sign shall be lighted by means of a varied illuminated light, nor shall any sign be in whole or in any part moving, mobile, revolving and/or electrically or mechanically activated except in the CBD Central Business District. Signs displaying the time and/or temperature shall be permitted in non residential districts.
- g. No sign shall be allowed with the optical illusion of movement by means of a design which presents a pattern capable of reverse perspective, giving the illusion of motion or changing copy except in the CBD.
- h. No signs shall be allowed that are placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, service or activity or direct people to a business or activity. This is not intended, however, to prohibit signs placed on or affixed to vehicles, buses or trailers where the sign is incidental to the primary use of the vehicle or trailer.
- i. No sign shall be allowed to obstruct any window or door opening used as a means of egress, interferes with an opening required for legal ventilation, or is attached to or obstructs any standpipe, fire escape or fire hydrant.
- j. No sign shall be allowed which obstructs the view of vehicle operators or pedestrians entering a public roadway from any parking area, service drive, public driveway, alley or other thoroughfare.
- k. No building sign shall be greater than 4 feet from the building face.

5. The following signs and the standards and conditions that govern such signs are set forth in the sign matrix. All other signs are expressly prohibited.

C. No Change

D. No Change

# **SUMMARY STATEMENT**

## **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE PERTAINING TO SIGNAGE**

This Ordinance will amend Article V of the Land Development Ordinance (Zoning Ordinance) to modify the Signage Standards to prohibit signs above the second floor of any building other than hotels.

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE PERTAINING TO SIGNAGE

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

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

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

This Ordinance will amend Article V of the Land Development Ordinance (Zoning Ordinance) to modify the Signage Standards prohibit signs above the second floor of any building other than hotels.

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

Signage is undesirable on upper stories and along rooflines.

5. Anticipated Benefits to the Community:

This ordinance will help ensure appropriate and attractive signage.

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

8. Anticipated Completion Date: N/A

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

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

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.

  
\_\_\_\_\_  
Division Director

April 11, 2013  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Department Director Signature

4/11/13  
\_\_\_\_\_  
Date

City Clerk File No. Ord. 13-054

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 13-054

**TITLE: ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF CONSERVATION EASEMENT FOR THE PROPERTIES LOCATED AT BROADWAY AND SIP AVENUE AND IDENTIFIED AS BLOCK 1627, LOTS 1.P, 2.A, 3.B, 5.A AND BLOCK 1639.A, LOTS 1.C, 3, 4, 4.C, 6.A, 7, COLLECTIVELY KNOWN AS THE HACKENSACK RIVER WATERFRONT PARK ACQUISITION PROPERTY**

**COUNCIL** offered and moved adoption of the following Ordinance:

**WHEREAS**, the City of Jersey City (City) is the owner of certain land designated as Block 1627, Lots 1.P, 2.A, 3.B, 5.A and Block 1639.A, Lots 1.C, 3,4,4.C, 6.A and 7, located between Broadway and Sip Avenue, collectively known as the Hackensack River Waterfront Park Acquisition [the Property]; and

**WHEREAS**, the Property will be designated on the City's Recreation and Open Space Inventory (ROSI); and

**WHEREAS**, the County of Hudson provides grants to municipal governments for assistance in the development of lands for outdoor recreation and conservation purposes from the County's Open Space Trust Fund; and

**WHEREAS**, Resolution 09-990, approved on December 16, 2009 authorized the City to execute a Grant Agreement with the County of Hudson to accept funds in the amount of \$1,125,000.00 from the County Trust Fund for purposes of increasing the availability of recreational resources at the Property; and

**WHEREAS**, as a condition of the Grant Agreement dated August 16, 2011, the County of Hudson requires the City to execute a Deed of Conservation Easement (Easement) to assure that the Property be preserved and maintained in its natural and open space condition and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property; and

**WHEREAS**, the dimensions and terms of the Easement are described in the Deed of Easement including a metes and bounds description, attached hereto as Exhibit A; and

**WHEREAS**, the City intends that this Easement will confine the use of the Property to such activities as are consistent with the purpose of this Easement; and

**WHEREAS**, the County of Hudson agrees to maintain the Property in a manner that is consistent with the use of the property as provided for in the Deed of Conservation Easement; and

**WHEREAS**, N.J.S.A. 40A:12-4 and N.J.S.A. 40A:12-5 permit the City to convey by ordinance, a Deed of Conservation Easement to the County of Hudson; and

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

0 2 0 1 3 0 6 1

**ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF CONSERVATION EASEMENT FOR THE PROPERTIES LOCATED AT BROADWAY AND SIP AVENUE AND IDENTIFIED AS BLOCK 1627, LOTS 1.P, 2.A, 3.B, 5.A AND BLOCK 1639.A, LOTS 1.C, 3, 4, 4.C, 6.A, 7, COLLECTIVELY KNOWN AS THE HACKENSACK RIVER WATERFRONT PARK ACQUISITION PROPERTY**

1. Subject to such modifications as deemed necessary or appropriate by the Business Administrator or Corporation Counsel, the Mayor or Business Administrator is hereby authorized to execute the Deed of Conservation Easement attached hereto granting the County of Hudson a conservation easement for Block 1627, Lots 1.P, 2.A, 3.B, 5.A and Block 1639.A, lots 1.C, 3,4,4.C, 6.A and 7, located between Broadway and Sip Avenue, collectively known as the Hackensack River Waterfront Park Acquisition to assure that the Property be preserved and maintained in its natural and open space condition consistent with the terms of the Deed of Conservation Easement, attached as Exhibit A; and
2. Subject to review and approval by Corporation Counsel, execute such other documents which may be necessary to effectuate the purposes of this ordinance.
3. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
4. 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.
5. This Ordinance shall take effect at the time and in the manner as provided by law but in no event prior to the adoption of the Ordinance approving the Morris Canal Redevelopment Plan.
6. 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.

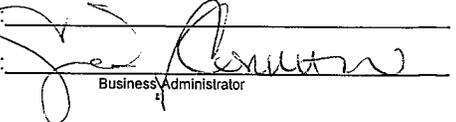
**NOTE:** All material is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

IW/he  
04/17/13

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

APPROVED:

  
Business Administrator

Certification Required   
Not Required

HUDSON COUNTY OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION TRUST FUND  
DEED OF CONSERVATION EASEMENT

Prepared by:

\_\_\_\_\_  
\_\_\_\_\_

This Deed is made \_\_\_\_\_ 20\_\_.

BETWEEN \_\_\_\_\_,

Whose address is \_\_\_\_\_  
and is referred to as the Grantor;

AND County of Hudson, whose address is 567 Pavonia Avenue, Jersey City, New Jersey and is referred to as the Grantee.

The Grantor, Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns grants and conveys to the Grantee a conservation easement on the Property, located in the City of Jersey City, County of Hudson described in the attached Schedule A, incorporated by reference in this Deed of Easement, for \_\_\_\_\_ Dollars. Any reference in this Deed of Easement to "Property" refers to the property described in Schedule A.

The tax map reference for the Property is:

\_\_\_\_\_ of \_\_\_\_\_

Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Being the same Property shown on a certain survey entitled:

" \_\_\_\_\_ " dated \_\_\_\_\_

prepared by \_\_\_\_\_ as their job number \_\_\_\_\_  
(Name of licensed land surveyor)

WHEREAS, the Grantor is the sole and exclusive owner of the Property; and

WHEREAS, the Grantee believes that the retention and preservation of recreational space is beneficial to the public health, safety and welfare of the citizens of Hudson County; and

WHEREAS, the parties have entered into a certain Grant Agreement dated \_\_\_\_\_ to convey a conservation easement for the purpose of restricting its use.

NOW THEREFORE, THE GRANTOR, GRANTOR'S HEIRS, EXECUTORS, ADMINISTRATORS, PERSONAL OR LEGAL REPRESENTATIVES, SUCCESSORS AND/OR ASSIGNS PROMISE that the Property will be owned, used and conveyed subject to, and not in violation of the following restrictions:

1. Grantor, for itself, its successors and its assigns, agrees to maintain, protect, and use the Property only for open space preservation and public recreational purposes. Grantor, its successors and its assigns shall not sell, lease, exchange, or donate the Property except to the State of New Jersey, a local government unit, or another qualifying tax-exempt, non-profit organization. No such conveyance shall be effective without the prior written approval of the County. The property shall remain subject to this Deed of Conservation Easement after any approved conveyance.
2. Any development of the Property for uses outside of open space preservation and recreational activities is expressly prohibited.
3. The Property shall be retained for public access to the waterfront of the Hackensack River for public recreation in accordance with N.J.A.C. 7:7E-3.50 Lands and waters subject to public trust rights and the public trust rights rule, N.J.A.C. 7:7E-8.11.
4. The Property shall be developed for open space preservation and public recreation and upon completion shall be maintained as a recreational resource for the residents of the City of Jersey City and Hudson County.
5. Removal or destruction of any tree, shrub or other vegetation now existing on the Property, except if (a) necessary for the development and use of the Property for public recreational purposes, or (b) the preservation of open space, plant and animal

HUDSON COUNTY OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION TRUST FUND  
DEED OF CONSERVATION EASEMENT

species, and natural communities described in the Deed of Conservation Easement is expressly prohibited.

6. Excavation, dredging, removal, or placement of topsoil, sand, gravel, loam, rock, or other mineral substance from or on the Property, except if necessary for use of the Property for the development and use of the Property for passive recreational purposes described in this Deed of Conservation Easement is expressly prohibited.
7. No dumping or placing of landfill material, trash, waste, or unsightly or offensive materials shall be permitted on the Property.
8. Notwithstanding the forgoing, Grantee agrees that Grantor may: (a) engage in sound soil and water conservation practices or management activities, and to protect the conservation values associated with the Property, these practices and activities may include, but are not limited to, removing vegetation which poses a health or safety hazard or to remove invasive plant species; (b) impose terms, conditions and restrictions upon the use and ownership of the Property which are in addition to, or more restrictive than, this Deed of Conservation Easement, provided that the Property will be open and accessible for public use and enjoyment and that any use of the Property will not significantly impair or interfere with the recreation and conservation values of the Property.
9. No activity shall be permitted on the Property which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued use of the Property as a public recreational resource.
10. Grantee and its agents shall be permitted access to, and to enter upon, the Property at all reasonable times, but solely for the purpose of inspection in order to enforce and assure compliance with the terms and conditions of this Deed of Conservation Easement.
11. The Grantor has a duty at all times to maintain the Property in a manner that is consistent with use of the property as provided for in this Deed of Conservation Easement.
12. Grantor may construct any new buildings, structures, or facilities that are consistent with the permitted uses as provided for in this Deed of Conservation Easement, subject to prior approval by the County.
13. Public access shall be limited to non-vehicular use, with no fees, charges, or membership, provided, however, that the Grantor may utilize motorized vehicles in the management and maintenance of the Property. Grantor covenants to permit public access to the extent possible consistent with the use of the Property, as provided before above, although access will be strictly controlled and may be limited due to the delicate and sensitive nature of the plant and animal communities at the Property.
14. In the event of any violation of the terms and conditions of the Deed of Conservation Easement, or the Grant Agreement dated \_\_\_\_\_ which is expressly incorporated herein, Grantee may institute any proceedings(s) to enforce the terms and conditions including, but not limited to, the institution of suit to enjoin such violations and to require restoration of the Property to its prior condition. Grantee does not waive or forfeit the right to take any other legal action necessary to insure compliance with terms, conditions, and propose of this Deed of Conservation Easement by a prior failure to act.
15. Nothing contained herein shall be construed to interfere with the right of Grantor, its successors, or assigns to utilize the Property subject to the terms and conditions of this Deed of Conservation Easement.
16. This Deed of Conservation Easement is binding upon the Grantor, the Grantor's heirs, executors, administrators, personal or legal representatives, successors and/or assigns, and shall be construed as a permanent restriction running with the land and shall be binding upon any person to whom title to the Property is transferred as well as upon the heirs, executors, administrators, personal or legal representatives, successors, and/or assigns of all such persons.
17. The word 'Grantor' shall mean any and all persons who lawfully succeed to the rights and responsibilities of the Grantor herein, including but not limited to the Grantor's heirs, executors, administrators, personal or legal representatives, successors and/or assigns.

HUDSON COUNTY OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION TRUST FUND  
DEED OF CONSERVATION EASEMENT

18. Wherever in this Deed of Conservation Easement any party shall be designated or referred to by name or general reference, such designation shall have the same effect as if the words, 'heirs, executors, administrators, personal or legal representatives, successors and assigns' have been inserted after each and every designation.
19. The lands being conveyed herein are being purchased with Hudson County Open Space, Recreation, and Historic Preservation Trust and/or Green Acres funding and may be subject to Green Acres restrictions as provided at N.J.S.A. 13:8C-1 et seq. and N.J.A.C. 7:36, as may be amended and supplemented, and the grantee herein agrees to accept these lands with the Green Acres restrictions, including restrictions against disposal or diversion to a use for other than recreation and conservation purposes.
20. Grantee agrees to record this instrument in the Office of the County Register of the County of Hudson, State of New Jersey. Grantor agrees to execute any corrective or additional instruments which Grantee determines may be necessary to secure its rights under this Deed of Conservation Easement, or necessary to effectuate the purposes intended by this Deed of Conservation Easement.

The Grantor signs the Deed of Conservation Easement as of the date of the top of the first page. If the Grantor is a corporation, this Deed of Easement is signed and attested to by its proper corporate officers, and its corporate seal, if any, is affixed. If the Grantor is a public entity, this Deed of Conservation Easement is signed and attested to by its proper officials and duly authorized according to law.

**MUNICIPAL ACKNOWLEDGEMENT**

STATE OF NEW JERSEY, COUNTY OF \_\_\_\_\_ SS.:

Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_, who being sworn on his or her oath, deposes and makes proof to my satisfaction that he or she is the Clerk, or equivalent, of Grantor, that the execution and the making of this Deed of Conservation Easement has been duly authorized by proper resolution of said Grantor, that the deponent knows the seal of said Grantor, and the seal affixed to this instrument is such seal; and that this Deed of Conservation Easement was signed and delivered by \_\_\_\_\_, Mayor as and for the voluntary act and deed of said Grantor, in the presence of the deponent.

Sworn to and subscribed before me, the date aforesaid

\_\_\_\_\_  
Print name and title below signature

**COUNTY OF HUDSON**

The UNDERSIGNED, being the Executive of the County of Hudson, hereby accepts and approves the foregoing restrictions, benefits and covenants.

ACCEPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Thomas A. DeGise  
County Executive

STATE OF NEW JERSEY, COUNTY OF HUDSON SS.:

I CERTIFY that on \_\_\_\_\_ 20\_\_,

\_\_\_\_\_ personally came before and acknowledged under oath, to my satisfaction that this person: (a) is named in and personally signed this DEED OF CONSERVATION EASEMENT, (b) signed, sealed and delivered this DEED OF CONSERVATION EASEMENT as the County's act and deed; and (c) is the Executive of the County of Hudson.

\_\_\_\_\_  
Print name and title below signature

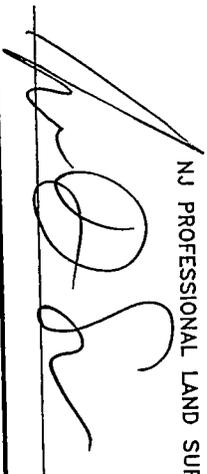
BOUNDARY AND TOPOGRAPHIC SURVEY  
LOTS 1 P, 3B, 4B, 5A & 6A BLOCK 1627,  
LOTS 1C, 2A, 3, 4C & 7 BLOCK 1639.1  
THE CITY OF JERSEY CITY  
HUDSON COUNTY, NEW JERSEY

SHEET 5 OF 5

SCALE: 1"=30'  
ASCI/COGO: F:\LP\2008\03  
FIELD BOOK: 2008-1/121  
DRAWING: 080302  
WORK ORDER: -  
PROJECT NO.: 080302

**BORBAS SURVEYING & MAPPING, LLC**  
402 MAIN STREET, BOONTON, NEW JERSEY 07005  
Phone (973) 316-8743 Fax (973) 402-6627 www.borbas.com  
NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28056200  
Geomatics  Surveying  Mapping  Planning  
Data Collection and Information Management  Geographic Information Systems Certified  
Global Positioning System Certified  OSHA Hazardous Waste Operation Certified

**JAMES D. SENS**  
NJ PROFESSIONAL LAND SURVEYOR 24GS04322600



Date: JULY 8, 2008

City Clerk File No. Ord. 13-055

Agenda No. 3.6 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 13-055

**TITLE: ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF CONSERVATION EASEMENT FOR THE PROPERTY KNOWN AS BLOCK 1825.A, LOTS A.6 AND A.7, MORE COMMONLY KNOWN AS 91-95 DUNCAN AVENUE (THE BOYD MCGUINNESS PARK EXPANSION)**

**COUNCIL** offered and moved adoption of the following Ordinance:

**WHEREAS**, the City of Jersey City (City) is the owner of certain land designated as Block 1825.1, Lot C1, more commonly known by the street address on the City's Official Tax Assessment Map as 2565 Kennedy Boulevard, also known as the Boyd McGuinness Park which is designated on the City's Recreation and Open Space Inventory (ROSI); and

**WHEREAS**, Ordinance 08-013, adopted on March 26, 2008, authorized the City to acquire Block 1825.A, Lots A.6 and A.7, more commonly known by the street address of 91-95 Duncan Avenue, for expansion of the Park [the Boyd McGuinness Park Expansion, hereinafter, the "Property"]; and

**WHEREAS**, the Property shall be designated on the City's ROSI; and

**WHEREAS**, the Hudson of County provides grants to municipal governments for assistance in the development of lands for outdoor recreation and conservation purposes from the County's Open Space Trust Fund; and

**WHEREAS**, Resolution 08-975, approved on December 17, 2008, authorized the City to execute a Grant Agreement with the County of Hudson to accept funds in the amount of \$150,000.00 from the County Trust Fund for purposes of increasing the availability of recreational resources at the Property; and

**WHEREAS**, as a condition of the Grant Agreement executed on August 14, 2008, the County of Hudson requires the City to execute a Deed of Conservation Easement (Easement) to assure that the Property be preserved and maintained in its natural and open space condition and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property; and

**WHEREAS**, the dimensions and terms of the Easement are described in the Deed of Conservation Easement including a metes and bounds description, attached hereto as Exhibit A; and

**WHEREAS**, the City intends that this Easement will confine the use of the Property to such activities as are consistent with the purpose of this Easement; and

**WHEREAS**, the County of Hudson agrees to maintain the properties in a manner that is consistent with the use of the Property as provided for in the Deed of Conservation Easement; and

**WHEREAS**, N.J.S.A. 40A:12-4 and N.J.S.A. 40A:12-5 permit the City to convey by ordinance, a Deed of Conservation Easement to the County of Hudson; and

ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF CONSERVATION EASEMENT FOR THE PROPERTY KNOWN AS BLOCK 1825.A, LOTS A.6 AND A.7, MORE COMMONLY KNOWN AS 91-95 DUNCAN AVENUE (THE BOYD MCGUINNESS PARK EXPANSION)

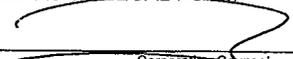
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

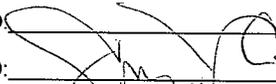
1. Subject to such modifications as deemed necessary or appropriate by the Business Administrator or Corporation Counsel, the Mayor or Business Administrator is hereby authorized to execute the Deed of Conservation Easement attached hereto granting the County of Hudson a conservation easement for Block 1825.A, Lots A.6 and A.7, also known as 91-95 Duncan Avenue [the Boyd McGuinness Park Expansion] to assure that the Property be preserved and maintained in its natural and open space condition consistent with the terms of the Deed of Conservation Easement, shown in Exhibit A; and
2. Subject to review and approval by Corporation Counsel, execute such other documents which may be necessary to effectuate the purposes of this ordinance.
3. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
4. 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.
5. This Ordinance shall take effect at the time and in the manner as provided by law but in no event prior to the adoption of the Ordinance approving the Morris Canal Redevelopment Plan.
6. 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. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

IW/he  
04/17/13

APPROVED AS TO LEGAL FORM

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

APPROVED: 

APPROVED:   
Business Administrator

Certification Required   
Not Required

HUDSON COUNTY OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION TRUST FUND  
DEED OF CONSERVATION EASEMENT

Prepared by:

\_\_\_\_\_  
\_\_\_\_\_

This Deed is made \_\_\_\_\_ 20\_\_.

BETWEEN \_\_\_\_\_,

Whose address is \_\_\_\_\_  
and is referred to as the Grantor;

AND County of Hudson, whose address is 567 Pavonia Avenue, Jersey City, New Jersey and is referred to as the Grantee.

The Grantor, Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns grants and conveys to the Grantee a conservation easement on the Property, located in the \_\_\_\_\_ of \_\_\_\_\_, County of Hudson described in the attached Schedule A, incorporated by reference in this Deed of Easement, for and in consideration of the sum of \_\_\_\_\_ Dollars. Any reference in this Deed of Easement to "Property" refers to the property described in Schedule A.

The tax map reference for the Property is:

\_\_\_\_\_ of \_\_\_\_\_

Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Being the same Property shown on a certain survey entitled:

" \_\_\_\_\_ " dated \_\_\_\_\_

prepared by \_\_\_\_\_ as their job number \_\_\_\_\_  
(Name of licensed land surveyor)

WHEREAS, the Grantor is the sole and exclusive owner of the Property; and

WHEREAS, the Grantee believes that the retention and preservation of recreational space is beneficial to the public health, safety and welfare of the citizens of Hudson County; and

WHEREAS, the parties have entered into a certain Grant Agreement dated \_\_\_\_\_ to convey a conservation easement for the purpose of restricting its use.

NOW THEREFORE, THE GRANTOR, GRANTOR'S HEIRS, EXECUTORS, ADMINISTRATORS, PERSONAL OR LEGAL REPRESENTATIVES, SUCCESSORS AND/OR ASSIGNS PROMISE that the Property will be owned, used and conveyed subject to, and not in violation of the following restrictions:

1. Grantor, for itself, its successors and its assigns, agrees to maintain, protect, and use the Property only for open space preservation and public recreational purposes. Grantor, its successors and its assigns shall not sell, lease, exchange, or donate the Property except to the State of New Jersey, a local government unit, or another qualifying tax-exempt, non-profit organization. No such conveyance shall be effective without the prior written approval of the County. The property shall remain subject to this Deed of Conservation Easement after any approved conveyance.
2. Any development of the Property for uses outside of open space preservation and public recreation, and/or environmental education is expressly prohibited.
3. The Property shall be retained for open space preservation, public recreation, and/or environmental education.
4. The Property shall be developed for open space preservation, public recreation, and/or environmental education and upon completion shall be maintained as a recreational resource for the residents of the City of Jersey City and Hudson County.
5. Removal or destruction of any tree, shrub or other vegetation now existing on the Property, except if (a) necessary for the development and use of the Property for public recreational purposes, or (b) the preservation of open space, plant and animal species, and natural communities described in the Deed of Conservation Easement is expressly prohibited.

HUDSON COUNTY OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION TRUST FUND  
DEED OF CONSERVATION EASEMENT

6. Excavation, dredging, removal, or placement of topsoil, sand, gravel, loam, rock, or other mineral substance from or on the Property, except if necessary for use of the Property for the development and use of the Property for public recreational purposes described in this Deed of Conservation Easement is expressly prohibited.
7. No dumping or placing of landfill material, trash, waste, or unsightly or offensive materials shall be permitted on the Property.
8. Notwithstanding the foregoing, Grantee agrees that Grantor may: (a) engage in sound soil and water conservation practices or management activities, and to protect the conservation values associated with the Property, these practices and activities may include, but are not limited to, removing vegetation which poses a health or safety hazard or to remove invasive plant species; (b) impose terms, conditions and restrictions upon the use and ownership of the Property which are in addition to, or more restrictive than, this Deed of Conservation Easement, provided that the Property will be open and accessible for public use and enjoyment and that any use of the Property will not significantly impair or interfere with the recreation and conservation values of the Property.
9. No activity shall be permitted on the Property which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued use of the Property as a public recreational resource.
10. Grantee and its agents shall be permitted access to, and to enter upon, the Property at all reasonable times, but solely for the purpose of inspection in order to enforce and assure compliance with the terms and conditions of this Deed of Conservation Easement.
11. The Grantor has a duty at all times to maintain the Property in a manner that is consistent with use of the property as provided for in this Deed of Conservation Easement.
12. Grantor may construct any new buildings, structures, or facilities that are consistent with the permitted uses as provided for in this Deed of Conservation Easement, subject to prior approval by the County.
13. Public access shall be limited to non-vehicular use, with no fees, charges, or membership, provided, however, that the Grantor may utilize motorized vehicles in the management and maintenance of the Property. Grantor covenants to permit public access to the extent possible consistent with the use of the Property, as provided before above, although access will be strictly controlled and may be limited due to the delicate and sensitive nature of the plant and animal communities at the Property.
14. In the event of any violation of the terms and conditions of the Deed of Conservation Easement, or the Grant Agreement dated \_\_\_\_\_ which is expressly incorporated herein, Grantee may institute any proceedings(s) to enforce the terms and conditions including, but not limited to, the institution of suit to enjoin such violations and to require restoration of the Property to its prior condition. Grantee does not waive or forfeit the right to take any other legal action necessary to insure compliance with terms, conditions, and propose of this Deed of Conservation Easement by a prior failure to act.
15. Nothing contained herein shall be construed to interfere with the right of Grantor, its successors, or assigns to utilize the Property subject to the terms and conditions of this Deed of Conservation Easement.
16. This Deed of Conservation Easement is binding upon the Grantor, the Grantor's heirs, executors, administrators, personal or legal representatives, successors and/or assigns, and shall be construed as a permanent restriction running with the land and shall be binding upon any person to whom title to the Property is transferred as well as upon the heirs, executors, administrators, personal or legal representatives, successors, and/or assigns of all such persons.
17. The word 'Grantor' shall mean any and all persons who lawfully succeed to the rights and responsibilities of the Grantor herein, including but not limited to the Grantor's heirs, executors, administrators, personal or legal representatives, successors and/or assigns.

HUDSON COUNTY OPEN SPACE, RECREATION, AND HISTORIC PRESERVATION TRUST FUND  
DEED OF CONSERVATION EASEMENT

18. Wherever In this Deed of Conservation Easement any party shall be designated or referred to by name or general reference, such designation shall have the same effect as if the words, 'heirs, executors, administrators, personal or legal representatives, successors and assigns' have been inserted after each and every designation.
19. The lands being conveyed herein are being purchased with Hudson County Open Space, Recreation, and Historic Preservation Trust and/or Green Acres funding and may be subject to Green Acres restrictions as provided at N.J.S.A. 13:8C-1 et seq. and N.J.A.C. 7:36, as may be amended and supplemented, and the grantee herein agrees to accept these lands with the Green Acres restrictions, including restrictions against disposal or diversion to a use for other than recreation and conservation purposes.
20. Grantee agrees to record this instrument in the Office of the County Register of the County of Hudson, State of New Jersey. Grantor agrees to execute any corrective or additional instruments which Grantee determines may be necessary to secure its rights under this Deed of Conservation Easement, or necessary to effectuate the purposes intended by this Deed of Conservation Easement.

The Grantor signs the Deed of Conservation Easement as of the date of the top of the first page. If the Grantor is a corporation, this Deed of Easement is signed and attested to by its proper corporate officers, and its corporate seal, if any, is affixed. If the Grantor is a public entity, this Deed of Conservation Easement is signed and attested to by its proper officials and duly authorized according to law.

**MUNICIPAL ACKNOWLEDGEMENT**

STATE OF NEW JERSEY, COUNTY OF \_\_\_\_\_ SS.:

Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_, who being sworn on his or her oath, deposes and makes proof to my satisfaction that he or she is the Clerk, or equivalent, of Grantor, that the execution and the making of this Deed of Conservation Easement has been duly authorized by proper resolution of said Grantor, that the deponent knows the seal of said Grantor, and the seal affixed to this instrument is such seal; and that this Deed of Conservation Easement was signed and delivered by \_\_\_\_\_, Mayor as and for the voluntary act and deed of said Grantor, in the presence of the deponent.

Sworn to and subscribed before me, the date aforesaid

\_\_\_\_\_  
Print name and title below signature

**COUNTY OF HUDSON**

The UNDERSIGNED, being the Executive of the County of Hudson, hereby accepts and approves the foregoing restrictions, benefits and covenants.

ACCEPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Thomas A. DeGise  
County Executive

STATE OF NEW JERSEY, COUNTY OF HUDSON SS.:

I CERTIFY that on \_\_\_\_\_ 20\_\_,

\_\_\_\_\_ personally came before and acknowledged under oath, to my satisfaction that this person: (a) is named in and personally signed this DEED OF CONSERVATION EASEMENT, (b) signed, sealed and delivered this DEED OF CONSERVATION EASEMENT as the County's act and deed; and (c) is the Executive of the County of Hudson.

\_\_\_\_\_  
Print name and title below signature

File Number: A-13314

SCHEDULE A - NUMBER 4  
(continued)

A COPY OF THIS DEED  
WAS BEING SENT TO ASSESSOR'S OFFICE

## DESCRIPTION

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Jersey City, County of Hudson State of New Jersey:

BEGINNING at the intersection of the southerly side of Duncan Avenue and the westerly side of McClellan or Grand Street (now vacated) which point of intersection is also distant westerly 79.55 feet from Kennedy Boulevard and running;

THENCE (1) Along the said southerly side of Duncan Avenue, North 48,degrees 00 minutes West, 87.50 feet to a point;

THENCE (2) South 42 degrees 00 minutes West, 125.00 feet to a point;

THENCE (3) South 48 degrees 00 minutes East, 83.90 feet to a point in the said westerly side of McClellan or Grand Street (now vacated);

THENCE (4) Along the same, North 43 degrees 39 minutes East, 125.05 feet to the point and place of BEGINNING.

BEING also known as parts of Lots 1, 2, 3, 4 and 5 as laid down on a certain map entitled "Map of 85 building lots situated in the 13th Ward of Jersey City, belonging to S.C. Nelson, June 1, 1870."

The above description is in accordance with a survey made by Decker & Coriell, Inc., PLS, dated June 24, 2004

**NOTE:** Shown and designated as Tax Lot(s) A6 & A7, in Block 1825A, on the current and official tax maps of the City of Jersey City, County of Hudson State of New Jersey.

City Clerk File No. Ord. 13-056

Agenda No. 3.H 1st Reading

Agenda No. \_\_\_\_\_ 2nd Reading & Final Passage



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-056

TITLE: **ORDINANCE AMENDING CHAPTER 239 (PARKS) AND CHAPTER 242 (PEACE AND GOOD ORDER) ARTICLE VI (ROLLER SKATES, IN-LINE SKATES, SKATEBOARDS AND BICYCLES) OF THE JERSEY CITY MUNICIPAL CODE**

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

A. The following amendments to Chapter 239 (Parks) are hereby adopted:

**PARKS**

**§239-1 through §239-6 No Change**

**§239-7 - Use of Bicycles**

No person in a park shall:

A. Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.

~~B. Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.~~

~~[C. Ride any other person on a bicycle.]~~

~~[D]B.~~ Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

~~[E]C.~~ Leave a bicycle lying on the ground or paving, set against trees or in any place or position where other persons may trip over or be injured by it.

**239-8 through 239-17 No Change**

B The following amendments to Chapter 242 (Peace and Good) Article VI (Roller Skates, In-Line Skates, Skateboards and Bicycles) are hereby adopted:

0 2 0 1 3 0 - 5 - 6

**PEACE AND GOOD  
ARTICLE VI  
Roller Skates, In-Line Skates, Skateboards and Bicycles**

**§ 242-8. - Helmet use and safety.**

- A. No one under 18 years of age may ride upon in-line skates, bicycles, roller blades, roller skates, skateboards or similar devices without wearing a properly fitted and fastened helmet which meets the standards of the American National Standards Institute (ANSI Z 90.4 bicycle helmet standard), the United States Consumer Product Safety, or the Snell Memorial Foundation's 1984 standard for protective head gear for use in bicycling or a helmet designed for use with the particular device being used.
  
- B. No person operating a bicycle shall allow another person to ride as a passenger on a bicycle unless:
  - (1) Such passenger is carried in a proper bike seat, trailer or other bicycle accessory that complies with the Snell Memorial Foundation, the Safety Equipment Institute, or the United States Consumer Produce Safety Commission, and contains adequate provision for retaining the passenger in place and for protecting the passenger from moving parts of the bicycle; and such bike seat, trailer or other bicycle accessory is used in accordance with manufacturer's age and weight requirements and limitations; and
  
  - (2) Such passenger is wearing a properly fitted and fastened helmet meeting the standards in §242-8(A)
  
- C. No passenger on a bicycle shall be carried in a pack fastened to the operator.

**§ 242-9. - Violations and penalties.**

- A. Anyone who violates a requirement of [~~this article~~] §242.8 shall be warned of the violation by the enforcing official. His or her parent or legal guardian may be fined a maximum of \$50 [~~\$25 for the first offense and a maximum of \$100 for each subsequent offense.~~] There shall be a presumption that the parent or guardian failed to exercise reasonable supervision or control over the person's conduct. A fine may be waived if an offender or his or her parent or legal guardian presents suitable proof that an approved helmet or bike seat has been purchased since the violation occurred.]

**§ 242-9.1. - Definitions; bicycle riders subject to traffic regulations; riding bicycles on business district public sidewalks prohibited; riding bicycles on public sidewalks in areas outside of business districts prohibited, except for minors age nine and under; use of bicycle lanes regulated; and safety of cyclist.**

- A. As used herein, "bicycle" means a vehicle propelled by human power upon which a person may ride, having two tandem wheels, either of which is twelve (12) inches or more in diameter, and may be any vehicle generally recognized as a bicycle though equipped with two front or rear wheels.
  
- B. As used herein, "business district" is defined as an area that is a designated Special Improvement District or is zoned for retail use.

B.C. All persons operating bicycles shall have all of the rights and shall obey all applicable laws of the State of New Jersey and ordinances of this city, particularly those regulating traffic. Bicycle riders shall obey the same rules as the drivers of motor vehicles unless inapplicable.

- (1) Any person operating a bicycle within a roadway shall obey the instructions of the official traffic control signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- (2) No person shall ride or operate a bicycle within a roadway in any direction except that permitted of vehicular traffic traveling on the same side of the roadway, or that permitted in a bike lane.
- (3) Any person operating a bicycle within a roadway or bike lane shall stop for pedestrians in crosswalks.

D. Every person riding a bicycle within a roadway shall ride as near to the right roadside as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction. A bicyclist may move left under any of the following conditions:

- (1) To make a left turn from a left turn lane or pocket;
- (2) To avoid debris, drains, or other hazardous conditions on the right;
- (3) To pass a slower moving vehicle;
- (4) To occupy any available lane when traveling at the same speed as other traffic;
- (5) To travel no more than two abreast when traffic is not impeded, but otherwise ride in single file;

[C.]E. It shall be unlawful for any person to operate or ride a bicycle in any of the following places:

- (1) On any public property where signs are posted by the Traffic Engineer prohibiting such use;
- (2) On private property where a sign prohibiting bicycle riding has been posted by the owner, lessee or person in charge of such property;
- (3) On sidewalks in business districts;
- (4) On sidewalks outside of business district areas, except for minors age nine and under.

F. Use of bicycle lanes. Whenever a bicycle lane has been established on a roadway, any person operating a bicycle upon the roadway at a speed less than the normal speed of traffic moving in the same direction shall ride within the bicycle lane, except that such person may move out of the lane under any of the following situations:

- (1) Whenever overtaking or passing another bicycle, vehicle or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.
- (2) When preparing for a turn at an intersection or into a private road or driveway.
- (3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

G. No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal.

H. In addition to bicyclists, the following are permitted to use bicycle lanes:

- (1) Individuals using roller blades, scooters, and skateboards; and
- (2) Individuals using motorized wheelchairs with an orange safety flag at least five feet above the street level; and
- (3) Bicyclists with attached trailers for children with an orange safety flag attached to the rear of the portage vehicle at least five feet above the street level.

I. Equipment. It shall be unlawful for the driver of the bicycle to wear more than one earphone attached to an audio device while operating a bicycle.

J. Carry Articles. No person operating a bicycle shall carry any package, device, or article which prevents the rider from keeping both hands upon the handles bars.

K. Clinging to moving motor vehicles is prohibited.

L. Lamps and equipment on bicycles.

- (1) Bicycles in use when dark shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from 50 feet to 300 feet to the rear. A lamp omitting a red light visible from distance of 500 feet to the rear may be used in addition to the red reflector.
- (2) Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.
- (3) Bicycles shall be equipped with a bell to serve as audible signal to vehicles, pedestrians, and other bicyclists.

~~§ 242-9.2. - Violations and penalties;~~

~~[A. Any person, except a minor who violates §242-9.1 shall be submit to a minimum fine of fifty dollars (\$50.00) and a maximum fine as provided in Chapter 1- General Provisions. §1-25.]~~

~~[B. Any minor who violates and provisions of § 242-9.1 shall, upon a first offense, receive a written warning addressed to the minor's parents or guardian. The minor and the parent may also be advised that a second violation will make them liable for a fifty-dollar (\$50.00) fine or community service as provided in Chapter 1- General Provisions § 1-25, and that a third or subsequent offense will make them liable to a minimum fine of one hundred dollars (\$100.00) and a maximum fine as provided in Chapter 1- General Provisions, § 1-25.]~~

§ 242-9.3. - Use restricted. No Change

§ 242-9.4. - Definitions. No Change

§ 242-9.5 - Violations and penalties.

[A. Any person who violates this article shall be subject to a fine of not less than twenty-five dollars (\$25.00) for the first offense and not more than two hundred fifty dollars (\$250.00) for subsequent offenses.]

A. Any person, except a minor, who violates this article shall be subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine as provided in Chapter 1, General Provisions § 1-25.

B. Any minor who violates any provision of §242-9.1 and §242-9.3 shall, upon a first offense, receive a written warning addressed to the minor's parents or guardian. The minor and the parent may also be advised that a second violation will make them liable for a fifty-dollar (\$50.00) fine or community service as provided in Chapter 1. General Provisions § 1-25, and that a third or subsequent offense will make them liable to a minimum fine of one hundred dollars (\$100.00) and a maximum fine as provided in Chapter 1. General Provisions. § 1-25.

[B:]C. In addition to subsection (A) of this section, any member of the Police Department who witnesses a violation of this subsection shall confiscate the motorized scooter, motorized skateboard, or motorized roller skates which shall remain in police custody until such time as a the matter is adjudicated in the Municipal Court and the violator pays any fine that is ordered. Should the defendant be found guilty of the alleged violation, the vehicle will be forfeited.

D. A police officer shall only issue a fine for a violation of any provision of §242-9.1 and §242-9.3 by a person less than fourteen years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian. Such fines shall only be issued to such parent or guardian.

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

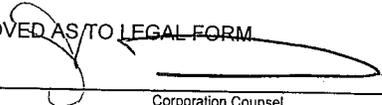
D. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

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.

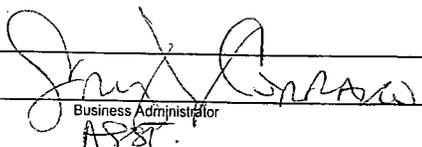
**NOTE:** All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

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

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

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

  
Business Administrator  
ASST.

Certification Required

Not Required



# CITY OF JERSEY CITY OFFICE OF THE MAYOR

## MEMORANDUM

**TO:** PETER BRENNAN, COUNCIL PRESIDENT AND THE MEMBERS OF THE MUNICIPAL COUNCIL

**FROM:** DOUGLAS GREENFELD, AICP/PP, SUPERVISING PLANNER *D.G.*

**SUBJECT:** PROPOSED AMENDMENTS TO BICYCLE RIDING ORDINANCES

**DATE:** APRIL 15, 2013

**CC:** ROSEMARY MCFADDEN, CHIEF OF STAFF; BILL MATSIKLOUDIS, CORPORATION COUNSEL; ZAHIRE ESTRELLA, ASSISTANT CORPORATION COUNSEL; JACK KELLY, BUSINESS ADMINISTRATOR

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We submit for your consideration a proposed ordinance which amends the City's current ordinances that pertain to bicycle riding in Jersey City.

The original version of this proposed ordinance was prepared by the Bicycle Infrastructure Working Group. However, some members of the municipal council have objected to permitting bicyclists to ride on public sidewalks throughout the city, and especially in business districts.

The National Highway Traffic Safety Administration (NHTSA) states that the safest place for bicycle riding is on the street, where bicycles are expected to follow the same rules of the road as motorists, and ride in the same direction. However, NHTSA also states that children less than 10 years old are not mature enough to make the decisions necessary to safely ride in the street, and that those children less ten years old are better off riding on the sidewalk.

We have modified the original proposed ordinance such that it now prohibits bicycling on all public sidewalks in the city, except for minors age nine and under in areas outside of business districts. It prohibits all bicycling on public sidewalks in business districts. It

defines business districts as any area that is a designated special improvement district or that is zoned for retail use.

Additionally, the proposed ordinance makes the following changes to the current ordinances:

- Adds requirement for any passengers on bicycles to be carried in a proper bike seat, trailer or other equipment that complies with established standards for safety. This is particularly pertinent to children as passengers.
- Adds rules for bicycling in the roadway to match state law.
- Establishes rules for bicycling within bicycle lanes, using the same rules that the City of Hoboken has already established to avoid confusion for cyclists.
- Establishes requirements for safety equipment for bicycles, including: a brake, a bell, and when dark front and rear lamps.
- Prohibits carrying any item which prevents both hands from being on the handle bars.
- Clarifies the violations section and makes it more consistent with the violations section of Chapter 242.

It is our belief that these changes will support bike riding in Jersey City and make safety a top priority.

City Clerk File No. Ord. 13-057

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 13-057

**TITLE: ORDINANCE APPROVING A 12 YEAR TAX EXEMPTION FOR A MARKET RATE MIXED USE RENTAL PROJECT TO BE CONSTRUCTED BY CHOSEN CONDOMINIUMS URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.**

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

**WHEREAS**, Chosen Condominiums Urban Renewal, LLC, is an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. (Entity); and

**WHEREAS**, the Entity owns certain vacant land property known as Block 6304, Lot 5, on the City's Official Tax Map, consisting of approximately 0.50 acres, more commonly known by the street address of 3075 Kennedy Boulevard, and more specifically described by metes and bounds, in the application (Property); and

**WHEREAS**, the Property is located within the Journal Square 2060 Redevelopment Plan Area and is therefore eligible for a tax exemption under N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g).; and

**WHEREAS**, the Entity applied for a 12 year long term tax exemption, a copy of which is on file in the office of the City Clerk, to construct two (2) new six (6) story multiple dwellings, to consist of approximately eighty-three (83) market rate residential rental units; approximately 3,700 square feet of ground floor commercial/retail/office space and a garage unit to contain approximately nineteen (19) parking spaces; and

**WHEREAS**, the Project received site plan approval from the Planning Board on June 19, 2012; and

**WHEREAS**, Chosen Condominiums Urban Renewal, LLC, has agreed to:

1. pay the greater of (i) the Minimum Annual Service Charge or (ii) 10% of the Annual Gross Revenue for years 1 through 6, which sum is estimated to be \$143,180; and 12% of Annual Gross Revenue for years 7 through 12, and which Service Charge shall be subject to statutory staged increases over the term of the tax exemption; and
2. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and
3. provide employment and other economic opportunities for City residents and businesses; and
4. pay to the City, for remittance to Hudson County, an amount equal to 5% of the Annual Service Charge upon receipt of that charge; and
5. pay the sum of \$130,050 to the City's Affordable Housing Trust Fund; and

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**WHEREAS**, the City hereby determines that the relative benefits of the project outweigh the cost of the tax exemption, for the following reasons:

1. the current real estate taxes generate revenue of only \$22,882, whereas, the Annual Service Charge as estimated, will initially generate revenue of more than \$143,180 to the City;
2. it is expected that the Project will create approximately 32 jobs during construction and 2 new permanent jobs;
3. the Project will stabilize and contribute to the economic growth of businesses in the surrounding area;
4. the Project will further the overall redevelopment objectives of the Journal Square 2060 Redevelopment Plan;
5. the City's impact analysis, on file with the Office of the City Clerk, indicates that the benefits of the Project will likely outweigh the costs to the City; and

**WHEREAS**, the City hereby determines that the tax exemption is important to the development of the project and will influence the locational decisions of probable occupants for the following reasons:

1. the relative stability and predictability of the Annual Service Charges will make the Project more attractive to investors needed to finance the Project;
2. the relative stability and predictability of the Annual Service Charges will allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project, which will attract tenants to the Project and insure the likelihood of the success of the Project; and

**WHEREAS**, Chosen Condominiums Urban Renewal, LLC, has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing an appropriate letter in the Office of the City Clerk; and

**WHEREAS**, this Ordinance will sunset and the Tax Exemption will terminate unless construction of the Project begins before May 24, 2015.

**WHEREAS**, on April 16, 2013, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor.

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

A. The application of Chosen Condominiums Urban Renewal, LLC, an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. a copy of which is on file in the office of the City Clerk, for Block 6304, Lot 5, more commonly known by the street address of 3075 Kennedy Boulevard, and more specifically described by metes and bounds in the application, is hereby approved.

B. The Mayor or Business Administrator is hereby authorized to execute a tax exemption Financial Agreement and a Project Employment and Contracting Agreement. The Financial Agreement shall include at a minimum the following terms and conditions:

1. Term: the earlier of 14 years from the adoption of the within Ordinance or 12 years from the date the project is Substantially Complete;
2. Annual Service Charge: each year the greater of:

- (a) the Minimum Annual Service Charge equal to (i) \$100,000 upon substantial completion of the first building; or (ii) \$143,180 upon the earlier of: substantial completion of the second building or two (2) years after the first building is substantially complete; all of which shall be due and payable, whether or not the Project is complete or occupied; or
  - (b) 10% of Annual Gross Revenue for years 1 through 6, which sum is estimated to be \$143,180; and 12% of Annual Gross Revenue for years 7 through 12, and which shall be subject to statutory increases during the term of the tax exemption.
3. Administrative Fee: 2% of the prior year's Annual Service Charge;
  4. County Payment: 5% of the Annual Service Charge estimated to be \$7,159, to the City for remittance by the City to Hudson County;
  5. Project: A new multiple dwelling, market rate residential rental project, which will consist of two(2) six (6) story buildings with approximately eighty-three (83) market rate residential rental units; approximately 3,700 square feet of ground floor commercial/retail/office space and a garage to contain approximately nineteen (19) parking spaces;
  6. Affordable Housing Trust Fund: \$1,500 per unit or \$124,500 plus \$1.50 per square foot x 3,700 square feet or \$5,550, for a total of \$130,050;
  7. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses;
  8. This Ordinance will sunset and the Tax Exemption will terminate unless construction of the Project begins on or before May 24, 2015.
- C. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.
- D. The application is on file with the office of the City Clerk. The Financial Agreement and Project Employment and Contracting Agreement shall be in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator or Corporation Counsel deems appropriate or necessary.
- E. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- F. This ordinance shall be 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.
- G. This ordinance shall take effect at the time and in the manner provided by law.
- H. The City Clerk and Corporation Counsel be and 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. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he  
4/18/13

APPROVED AS TO LEGAL FORM

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

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

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required   
Not Required

City Clerk File No. Ord. 13-058

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 13-058

**TITLE ORDINANCE APPROVING A 12 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL RENTAL PROJECT TO BE CONSTRUCTED BY LAIDLAW PROPERTIES URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.**

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

**WHEREAS**, Laidlaw Properties Urban Renewal, LLC, is an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. [Entity]; and

**WHEREAS**, the Entity owns two (2) existing commercial/industrial structures on certain property known as Block 5901, Lot 1 (f/k/a Block 702, Lots 32, T.1 and V), on the City's Official Tax map, consisting of approximately .9 acres, and more commonly known by the street address of 66 Laidlaw Avenue and also known as 136-138 Oakland Avenue, and more specifically described by metes and bounds, in the application [Property]; and

**WHEREAS**, the Property is located within an Urban Enterprise Zone as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g); and

**WHEREAS**, by adoption of Ordinance 05-012 on February 23, 2005, the City of Jersey City [City] approved a 20 year long term tax exemption for 78 residential condominium units with a service charge equal to sixteen percent (16%) of annual gross revenue formula with a term of twenty (20) years; and

**WHEREAS**, Laidlaw Properties Urban Renewal, LLC, then advised that despite making good faith efforts, due to the economic turndown in the real estate market, it was never able to secure financing for a residential condominium project at that location in order to proceed with the project; and gave the City notice that the Entity was not able to commence the project due to difficulties it had financing, and thus was abandoning the project; and

**WHEREAS**, by the adoption of Ordinance 09-005 on January 28, 2009, the City rescinded Ordinance 05-012 approving the tax exemption for Laidlaw Properties Urban Renewal, LLC, and the City of Jersey City; and

**WHEREAS**, on March 26, 2013, the Entity applied for a new 12 year long term tax exemption, a copy of which is on file in the office of the City Clerk, to renovate the buildings, add 2 and 3 stories, and construct approximately ninety-five (95) market rate residential rental units and approximately one hundred three (103) on site parking spaces located on the Property [Project]; and

**WHEREAS**, the Project received site plan approval from the Planning Board on February 16, 2012; and

**WHEREAS**, Laidlaw Properties Urban Renewal, LLC, has agreed to:

1. pay the greater of (i) the Minimum Annual Service Charge, as defined in the agreement as on less than the estimated Annual Service Charge, or (ii) 10% of Annual Gross Revenue for years 1-6, which sum is estimated to be approximately \$138,728; and 12% of Annual Gross Revenue for years 7-12; and which shall be subject to statutory staged increases over the term of the tax exemption; and
2. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and

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3. provide employment and other economic opportunities for City residents and businesses; and
4. pay to the City, for remittance to Hudson County, an amount equal to 5% of the Annual Service Charge upon receipt of that charge; and
5. pay the sum of \$142,500 to the City's Affordable Housing Trust Fund; and

**WHEREAS**, the City hereby determines that the relative benefits of the project outweigh the cost of the tax exemption, for the following reasons:

1. the current real estate taxes generate revenue of only \$66,824, of which only \$22,491 is allocated to the land, whereas, the Annual Service Charge as estimated, will initially generate revenue of more than \$138,728 to the City;
2. it is expected that the Project will create approximately 50 jobs during construction and 2 new permanent jobs;
3. the Project will stabilize and contribute to the economic growth of businesses in the surrounding area;
4. the Project will further the overall redevelopment objectives of the Jersey City Master Plan;
5. the City's impact analysis, on file with the Office of the City Clerk, indicates that the benefits of the Project outweigh the costs to the City; and

**WHEREAS**, the City hereby determines that the tax exemption is important to the development of the project and will influence the locational decisions of probable occupants for the following reasons:

1. the relative stability and predictability of the Annual Service Charges will make the Project more attractive to investors needed to finance the Project;
2. the relative stability and predictability of the Annual Service Charges will allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project, which will attract tenants to the Project and insure the likelihood of the success of the Project; and

**WHEREAS**, Laidlaw Properties Urban Renewal, LLC, has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing an appropriate letter in the Office of the City Clerk; and

**WHEREAS**, this Ordinance will sunset and the Tax Exemption will terminate unless construction of the Project begins before May 24, 2015; and

**WHEREAS**, on April 16, 2013, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor by an unanimous vote.

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

A. The application of Laidlaw Properties Urban Renewal, LLC, an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. a copy of which is on file in the office of the City Clerk, for Block 5901, Lot 1 (f/k/a Block 702, Lots 32, T.1 and V), more commonly known by the street address of 66 Laidlaw Avenue and also known as 136-138 Oakland Avenue, and more specifically described by metes and bounds in the application, is hereby approved.

B. The Mayor or Business Administrator is hereby authorized to execute a tax exemption Financial Agreement and a Project Employment and Contracting Agreement. The Financial Agreement shall include at a minimum the following terms and conditions:

1. Term: the earlier of 14 years from the adoption of the within Ordinance or 12 years from the date the project is Substantially Complete;
2. Annual Service Charge: each year the greater of:
  - (a) the Minimum Annual Service Charge equal to \$138,728 upon Project Completion, whether or not the Project is occupied; or

(b) 10% of Annual Gross Revenue for years 1 through 6, which sum is estimated to be \$138,728; and 12% of Annual Gross Revenue for years 7 through 12, and which shall be subject to statutory increases during the term of the tax exemption.

- 3. Administrative Fee: 2% of the prior year's Annual Service Charge;
- 4. County Payment: 5% of the Annual Service Charge to the City for remittance by the City to Hudson County;
- 5. Project: renovate and expand an existing industrial commercial building with approximately ninety-five (95) market rate residential rental units and approximately one hundred three (103) on site parking spaces;
- 6. Affordable Housing Trust Fund: \$1,500 per unit x 95 units, or \$142,500;
- 7. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses;
- 8. This Ordinance will sunset and the Tax Exemption will terminate unless construction of the Project begins before May 24, 2015.

C. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.

D. The application is on file with the office of the City Clerk. The Financial Agreement and Project Employment and Contracting Agreement shall be in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator or Corporation Counsel deems appropriate or necessary.

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

F. This ordinance shall be 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.

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

H. The City Clerk and Corporation Counsel be and 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. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he  
4/18/13

APPROVED AS TO LEGAL FORM

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

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

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 13-059

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 13-059

**TITLE: ORDINANCE TO 1) EXTEND THE SUNSET PROVISION OF ORDINANCE 11-084 THAT APPROVED A 30 YEAR TAX EXEMPTION FOR A LOW AND MODERATE INCOME SENIOR CITIZEN AFFORDABLE HOUSING PROJECT TO BE CONSTRUCTED BY THE MONTGOMERY SENIOR LIVING CENTER URBAN RENEWAL ASSOCIATES, L.P.; AND 2) AMEND THE FINANCIAL AGREEMENT TO INCREASE THE PERCENTAGE OF THE ANNUAL SERVICE CHARGE**

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

**WHEREAS**, Montgomery Senior Living Center Urban Renewal Associates, L.P., is an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. [Entity]; and

**WHEREAS**, Montgomery Senior Living Center Urban Renewal Associates, L.P. is the ground lessee of certain property owned by the Jersey City Housing Authority (JCHA) known as: Block 2116, Lot P1; to be known as Block 13102, Lot 1.02, on City's Tax map and more commonly known by the street address of 561 Montgomery Street, Jersey City, New Jersey [Property]; and

**WHEREAS**, by an application dated June 8, 2011, Montgomery Senior Living Center Urban Renewal Associates, L.P., applied for a 30 year tax exemption to rehabilitate an existing unoccupied ten (10) story high rise building containing 70 dwelling units for occupancy by and at rents affordable to senior citizens of low or moderate income affordable housing as defined by the United States Department of Housing and Urban Development [Project]; and

**WHEREAS**, because the Project is a low and moderate income affordable housing project, it is eligible for tax exemption pursuant to N.J.S.A. 40A:20-4, even though it is in neither a redevelopment area or an urban enterprise zone; and

**WHEREAS**, by the adoption of Ordinance 11-084 on August 10, 2011, the tax exemption was approved, subject to the approval of financing from the New Jersey Housing and Mortgage Finance Agency [NJHMFA] on or before December 31, 2012; and

**WHEREAS**, NJHMFA did not approve financing by December 31, 2012, and the tax exemption sunsetted; and

**WHEREAS**, by a letter dated April 10, 2013, Montgomery Senior Living Center Urban Renewal Associates, L.P., has applied to revive its application of June 8, 2011 and extend its period of tax exemption in order to now obtain financing from the NJHMFA from May 24, 2015; and

**WHEREAS**, Montgomery Senior Living Center Urban Renewal Associates, L.P., has also agreed to pay a service charge estimated to be \$36,286, which sum is equal to 9% of Annual Gross Revenue for years 1 through 15; and 12% of Annual Gross Revenue for years 16 through 30, and to provide employment and other economic opportunities for City residents and businesses in accordance with a Project Employment Agreement; and

**WHEREAS**, the City hereby determined that the relative benefits of the project outweigh the cost of the tax exemption for the following reasons:

1. The City will apply to receive credit for creating 68 units of low and moderate income rental housing against the units needed within the City of Jersey City as determined by the New Jersey Council on Affordable Housing;
2. There is an especially compelling need for decent safe and affordable housing for low income families, who are currently paying over 30% of their income for housing; and
3. The construction of the improvements will create 55 construction jobs, 2 full-time jobs and 1 part-time job, and stabilize the neighborhood; and

**WHEREAS**, the City hereby determines that the tax exemption is necessary to insure the success of the Project for the following reasons:

1. The reduced tax payments allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project;
2. The reduction in taxes makes the Project attractive to investors of low income housing tax credits and makes the project eligible for financing from the New Jersey Housing and Mortgage Finance Agency, needed to fund the Project; and
3. The reduced tax payments will also allow the owner to maintain the low income units at the lowest rents possible within the income guidelines; and
4. The Project will provide 68 units of low and moderate income affordable housing which advances an inherently beneficial public purpose, notwithstanding that the City's impact analysis, on file with the Office of the City Clerk, which indicates that the service charge will not support the cost of providing municipal services to the Project; and

**WHEREAS**, Montgomery Senior Living Center Urban Renewal Associates, L.P., site plan application was approved on May 24, 2011; and

**WHEREAS**, Montgomery Senior Living Center Urban Renewal Associates, L.P., has certified that the terms of its application dated June 8, 2011 have not changed except that it accepts the Amended Service Charge; and

**WHEREAS**, on April 16, 2013, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor with a two (2) year extension of the sunset provision and an amendment to the Service Charge of 9% of Annual Gross Revenue for years 1 through 15; and 12% of Annual Gross Revenue during years 16 through 30.

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

1. The application of Montgomery Senior Living Center Urban Renewal Associates, L.P., an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq.; for a tax exemption, a copy of which is on file in the office of the City Clerk, is hereby approved subject to the following terms and conditions:

- (a) Term: 30 years;

- (b) Service Charge: 9% of Annual Gross Revenue for years 1 through 15, estimated to be approximately \$36,286; and 12% of Annual Gross Revenue for years 16 through 30;
- (c) Administrative Fee: 2% of the prior year's Annual Service Charge;
- (d) County Payment: 5% of the Annual Service Charge to the City for remittance by the City to Hudson County;
- (e) Project: 68 units of rental housing for low or moderate income families, especially senior citizens and special needs persons, as defined by United States Department of Housing and Urban Development; and
- (f) Property: Block 2116, Lot P1; to be known as Block 13102, Lot 1.02, on the City's Tax map and more commonly known by the street address of 561 Montgomery Street, Jersey City, New Jersey.

2. The Mayor or Business Administrator is authorized to execute a tax exemption Financial Agreement, which includes a Project Employment Agreement in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator and Corporation Counsel deems appropriate or necessary.

3. This Ordinance will sunset and the Tax Exemption will terminate unless the Entity receives approval of financing from the NJHMFA, which must now occur no later than May 24, 2015.

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

5. This ordinance shall be 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.

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

7. 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 material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he  
4/18/13

APPROVED AS TO LEGAL FORM

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

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

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required   
Not Required

City Clerk File No. Ord. 13-060

Agenda No. 3.L 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 13-060

TITLE: **ORDINANCE TO 1) EXTEND THE SUNSET PROVISION OF ORDINANCE 11-083 THAT APPROVED A 30 YEAR TAX EXEMPTION FOR A LOW AND MODERATE INCOME SENIOR CITIZEN AFFORDABLE HOUSING PROJECT TO BE CONSTRUCTED BY THE GLENNVIEW TOWNHOUSES II URBAN RENEWAL ASSOCIATES, L.P.; AND 2) AMEND THE FINANCIAL AGREEMENT TO AMENDMENT THE PERCENTAGE OF THE ANNUAL SERVICE CHARGE**

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

**WHEREAS**, Glennview Townhouses II Urban Renewal Associates, L.P., is an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. [Entity]; and

**WHEREAS**, Glennview Townhouses II Urban Renewal Associates, L.P. is the ground lessee of certain property owned by the Jersey City Housing Authority (JCHA) known as: Block 2088.1, Lots 5 and 16; to be known as Block 15601, Lots 1 and 6.01, on City's Tax map and more commonly known by the street address of 296 Woodward Street and 511 Grand Street, Jersey City, New Jersey [Property]; and

**WHEREAS**, on July 11, 2011, Glennview Townhouses II Urban Renewal Associates, L.P., applied for a 30 year tax exemption to construct two (2) residential rental complexes (4 buildings in each complex) containing 64 units of housing, of which 56 units will be occupied by and affordable to families of low income as defined by the United States Department of Housing and Urban Development; and eight (8) units will be market rate units [Project]; and

**WHEREAS**, because the Project is a low and moderate income affordable housing project, it is eligible for tax exemption pursuant to N.J.S.A. 40A:20-4, even though it is in neither a redevelopment area or an urban enterprise zone; and

**WHEREAS**, by the adoption of Ordinance 11-083 on August 10, 2011, the tax exemption was approved, subject to the approval of financing from the New Jersey Housing Mortgage and Finance Agency [NJHMFA] on or before December 31, 2012; and

**WHEREAS**, NJHMFA did not approve financing by December 31, 2012, and the tax exemption sunseted; and

**WHEREAS**, by letter dated April 10, 2013, Glennview Townhouses II Urban Renewal Associates, L.P., has applied to revive its application of July 11, 2011, and extend its period of tax exemption to obtain financing from the NJHMFA to May 24, 2015; and

**WHEREAS**, Glennview Townhouses II Urban Renewal Associates, L.P., now agrees to pay a service charge equal to 9% of Annual Gross Revenue for the low and moderate income units for years 1 through 15; and 12% of Annual Gross Revenue for years 16 through 30, and 10% of Annual Gross Revenue for the market rate units for years 1 through 15, and 18% of

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Annual Gross Revenue for years 16 through 30; and to provide employment and other economic opportunities for City residents and businesses in accordance with a Project Employment Agreement; and

**WHEREAS**, the City hereby determined that the relative benefits of the project outweigh the cost of the tax exemption for the following reasons:

1. The City will apply to receive credit for creating 56 units of low and moderate income rental housing against the units needed within the City of Jersey City as determined by the New Jersey Council on Affordable Housing;
2. There is an especially compelling need for decent safe and affordable housing for low income families, who are currently paying over 30% of their income for housing; and
3. The construction of the improvements will create 55 construction jobs, 2 full-time jobs and 1 part-time job, and stabilize the neighborhood; and

**WHEREAS**, the City hereby determines that the tax exemption is necessary to insure the success of the Project for the following reasons:

1. The reduced tax payments allow the owner to stable its operating budget, allowing a high level of maintenance to the building over the life of the Project;
2. The reduction in taxes makes the Project attractive to investors of low income housing tax credits and makes the project eligible for financing from the New Jersey Housing and Mortgage Finance Agency, needed to fund the Project; and
3. The reduced tax payments will also allow the owner to maintain the low and moderate income units at the lowest rents possible within the income guidelines; and
4. The Project will provide 56 units of low and moderate income affordable housing advances an inherently beneficial public purpose notwithstanding that the City's impact analysis, on file with the Office of the City Clerk, indicates that the service charge will not support the cost of providing municipal services to the Project; and

**WHEREAS**, Glennview Townhouses II Urban Renewal Associates, L.P., site plan application was approved on May 10, 2011; and

**WHEREAS**, Glennview Townhouses II Urban Renewal Associates, L.P., has certified that the terms of its July 11, 2011 application have not changed except that the Service Charge is amended; and

**WHEREAS**, on April 16, 2013, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor with a two (2) year extension of the sunset provision and an increase in the Service Charge to 9% for the low and moderate income housing units for years 1 through 15; and 12% of Annual Gross Revenue for years 16 through 30; and a decrease in the Service Charge to 10% (in years 1 through 15), but an increase to 18% in years 16 through 30 for the market rate units.

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

1. The application of Glennview Townhouses II Urban Renewal Associates, L.P., an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq.; for a tax exemption, a copy of which is on file in the office of the City Clerk, is hereby approved subject to the following terms and conditions:

- (a) Term: 30 years;

- (b) Service Charge: 9% of Annual Gross Revenue for years 1 through 15, estimated to be approximately \$38,070 for the 56 low and moderate income housing units; and 12% of Annual Gross Revenue for years 16 through 30; and 10% of Annual Gross Revenue for years 1 through 15, estimated to be approximately \$15,276 for the 8 market rate units, and 18% of Annual Gross Revenue for years 16 through 30;
- (c) Administrative Fee: 2% of the prior year's Annual Service Charge;
- (d) County Payment: 5% of the Annual Service Charge to the City for remittance by the City to Hudson County;
- (e) Project: 56 units of rental housing for low income families; and 8 market rate units; and
- (f) Property: Block 2088.1, Lots 5 and 16; to be known as Block 15601, Lots 1 and 6.01, on the City's Tax map and more commonly known by the street address of 296 Woodward Street and 511 Grand Street, Jersey City, New Jersey.

2. The Mayor or Business Administrator is authorized to execute a tax exemption Financial Agreement, which includes a Project Employment Agreement in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator and Corporation Counsel deems appropriate or necessary.

3. This Ordinance will sunset and the Tax Exemption will terminate unless the Entity receives approval of financing from the NJHMFA, which must now occur no later than May 24, 2015.

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

5. This ordinance shall be 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.

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

7. The City Clerk and Corporation Counsel be and 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. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he  
4/18/13

APPROVED AS TO LEGAL FORM

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

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

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required   
Not Required

City Clerk File No. Ord. 13-061

Agenda No. 3.M 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 13-061

**TITLE: ORDINANCE TO 1) EXTEND THE SUNSET PROVISION OF ORDINANCE 11-102 THAT APPROVED A 30 YEAR TAX EXEMPTION FOR A LOW INCOME SENIOR CITIZEN AND SPECIAL NEEDS AFFORDABLE HOUSING PROJECT TO BE CONSTRUCTED BY THE OCEAN GREEN SENIOR APARTMENTS, L.P., A QUALIFIED HOUSING SPONSOR UNDER THE NEW JERSEY MORTGAGE HOUSING FINANCE AGENCY LAW N.J.S.A. 55:14K-1 ET SEQ.; AND 2) AMEND THE PERCENTAGE OF THE SERVICE CHARGE**

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

**WHEREAS**, Ocean Green Senior Apartments, L.P., is the owner of certain property known as: Block 1999, Lots 12.E and 34, on City's Tax map and more commonly known by the street address of 742-748 Ocean Avenue, Jersey City, New Jersey [Property]; and

**WHEREAS**, Ocean Green Senior Apartments, L.P., is a qualified housing sponsor under the New Jersey Mortgage Housing Finance Agency Law N.J.S.A. 55:14K-1 et seq.; and

**WHEREAS**, Ocean Green Senior Apartments, L.P., proposed to construct a housing project to be regulated and financed pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law, N.J.S.A. 55:14K-1 et seq. on the Property; and

**WHEREAS**, by application dated June 22, 2011, Ocean Green Senior Apartments, L.P., applied for a 30 year 10% of Annual Gross Revenue tax exemption for a five (5) story building to be constructed on the Property, to create a total of 44 dwelling units to be occupied by and at rents affordable to, low income families, especially senior citizens, including five (5) special needs units as defined by the United States Department of Housing and Urban Development, one (1) superintendent unit, and 23 off street parking spaces [Project]; and

**WHEREAS**, by the adoption of Ordinance 11-102 on August 10, 2011, the tax exemption was approved subject to the approval of financing from the New Jersey Housing and Mortgage Finance Agency [NJHMFA] on or before September 1, 2012; and

**WHEREAS**, NJHMFA did not approve financing by September 1, 2012 and the tax exemption sunsetted; and

**WHEREAS**, by letter dated April 10, 2013, Ocean Green Senior Apartments, L.P., applied to revive its application of June 22, 2011, and extend its period of tax exemption in order to obtain financing from the NJHMFA; and

**WHEREAS**, Ocean Green Senior Apartments, L.P., has now agreed to pay a service charge estimated to be \$27,911, which sum is equal to approximately 9% of Annual Gross Revenue for years 1 through 15, and 12% of Annual Gross Revenue for years 16 through 30, and to provide employment and other economic opportunities for City residents and businesses in accordance with a Project Employment Agreement; and

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**WHEREAS**, the City hereby determined that the relative benefits of the project outweigh the cost of the tax exemption for the following reasons:

1. The City will apply to receive credit for creating 44 units of low income rental housing against the units needed within the City of Jersey City as determined by the New Jersey Council on Affordable Housing;
2. There is an especially compelling need for decent safe and affordable housing for low income families, especially for special needs persons, who are currently paying over 30% of their income for housing; and
3. The construction of the improvements will create 80 construction jobs and 4 full-time jobs and stabilize the neighborhood; and

**WHEREAS**, the City hereby determines that the tax exemption is necessary to insure the success of the Project for the following reasons:

1. The reduced tax payments allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project;
2. The reduction in taxes makes the Project attractive to investors of low income housing tax credits and makes the project eligible for financing from the New Jersey Housing and Mortgage Finance Agency, needed to fund the Project; and
3. The reduced tax payments will also allow the owner to maintain the low income units at the lowest rents possible within the income guidelines; and
4. The project will provide 44 units of low income affordable housing which advances an inherently beneficial public purpose notwithstanding that the City's impact analysis, on file with the Office of the City Clerk, indicates that the service charge will not support the cost of providing municipal services to the Project; and

**WHEREAS**, Ocean Green Senior Apartments, L.P., site plan application was approved on August 3, 2011; and

**WHEREAS**, based upon Ocean Green's certification that the terms of its application have not changed, except the sunset provision and percentage of service charge; and

**WHEREAS**, on April 16, 2013, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor with a two (2) year extension of the sunset provision and a decrease in the Service Charge to 9%.

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

1. The application of Ocean Green Senior Apartments, L.P., a qualified housing sponsor under the New Jersey Mortgage Housing Finance Agency Law N.J.S.A. 55:14K-1 et seq.; for a tax exemption, a copy of which is on file in the office of the City Clerk, is hereby approved subject to the following terms and conditions:

- (a) Term: 30 years;
- (b) Service Charge: 9% of Annual Gross Revenue for years 1 through 15, estimated to be \$27,911; and 12% of Annual Gross Revenue for years 16 through 30;
- (c) Administrative Fee: 2% of the prior year's Annual Service Charge, or \$558;

- (d) Project: 44 units of rental housing for low income families, especially senior citizens and 5 units for special needs persons as defined by the United States Department of Housing and Urban Development; and
- (e) Property: Block 1999, Lots 12.E and 34, on the City's Tax map and more commonly known by the street address of 742-748 Ocean Avenue, Jersey City, New Jersey.

2. The Mayor or Business Administrator is authorized to execute a tax exemption Financial Agreement, which includes a Project Employment Agreement in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator and Corporation Counsel deems appropriate or necessary.

3. This Ordinance will sunset and the Tax Exemption will terminate unless the Entity receives approval of financing from the NJHMFA, which must now occur no later than May 24, 2015.

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

5. This ordinance shall be 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.

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

7. The City Clerk and Corporation Counsel be and 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. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

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4/18/13

APPROVED AS TO LEGAL FORM

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

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

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required   
Not Required