

City Clerk File No. Ord. 08-156

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 08-156

**TITLE:**  
**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
AMENDING THE MONTICELLO AVENUE REDEVELOPMENT PLAN TO  
INCORPORATE THE MONTICELLO AVENUE EXTENSION STUDY AREA**

**WHEREAS**, the Municipal Council of the City of Jersey City, by Resolution #08-540, adopted July 6, 2008 and by Resolution #08-778, adopted October 7, 2008, authorized the Jersey City Planning Board to conduct a preliminary investigation to determine if the area known as the Monticello Avenue Extension Study Area (hereinafter "the Study Area") meets the criteria of New Jersey's Local Redevelopment and Housing Law, *NJSA 40A:12A-1 et seq.*, qualifying it as "an area in need of redevelopment;" and

**WHEREAS**, the Municipal Council, upon the recommendation of the Jersey City Planning Board, on November 10, 2008 by Resolution # \_\_\_\_\_, did declare the Monticello Avenue Extension Study Area to be "an area in need of redevelopment;" and

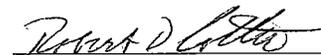
**WHEREAS**, the Jersey City Planning Board, at a public hearing on October 22, 2008, did review the proposal that the Boundary Map of the Monticello Avenue Redevelopment Plan be amended to incorporate the Study Area into the Redevelopment Plan and voted to recommend that the Municipal Council adopt said amendment; and

**WHEREAS**, the proposed Boundary Map amendment to the Monticello Avenue Redevelopment Plan is attached hereto and made a part hereof is available for public inspection in the Office of the City Clerk, City Hall, Jersey City, NJ;

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the above referenced amendment to the Monticello Avenue Redevelopment Plan be, and hereby is, adopted as recommended by the Jersey City Planning Board.

**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- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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.

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

APPROVED AS TO LEGAL FORM

APPROVED: 

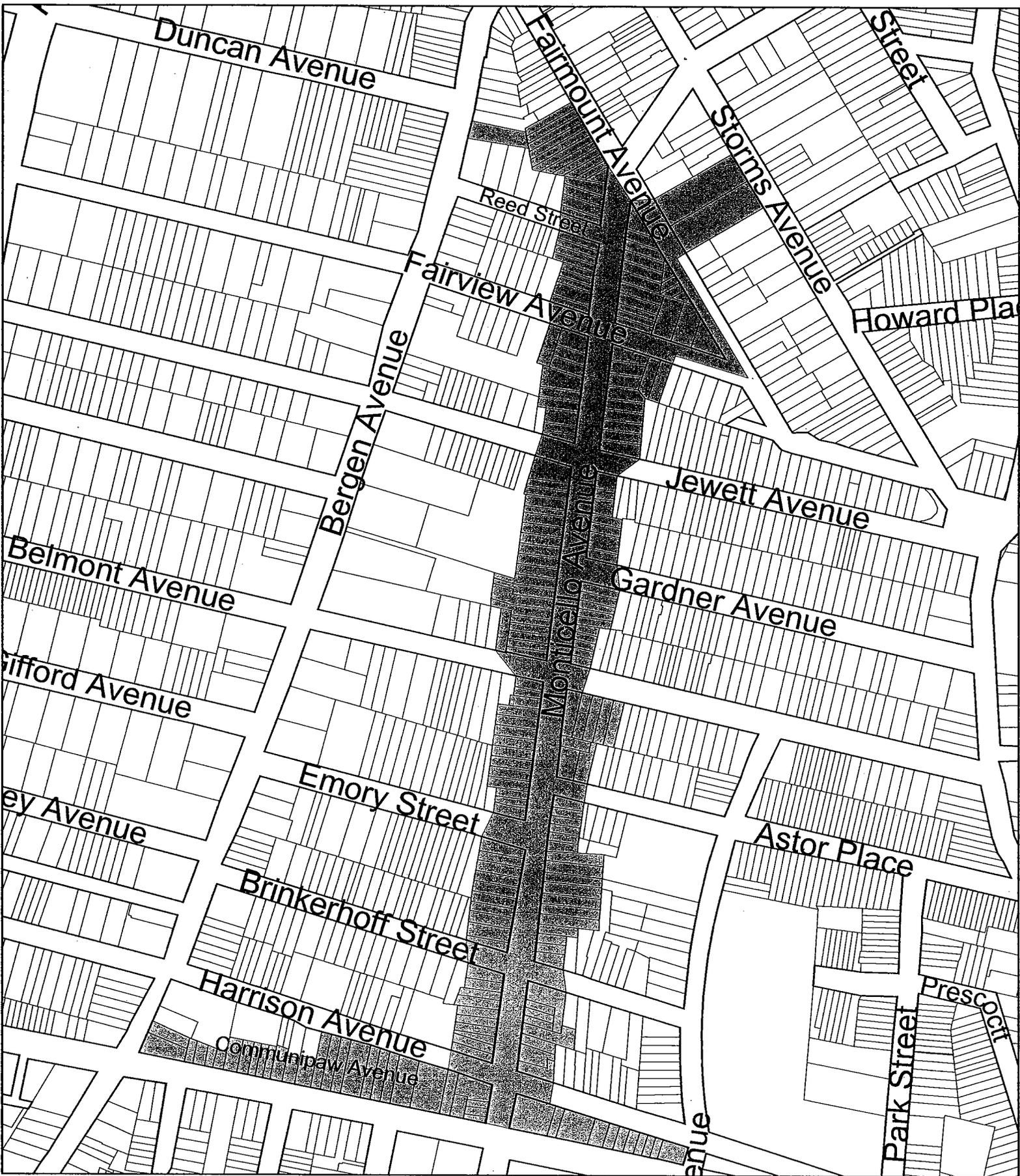
APPROVED: \_\_\_\_\_

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

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

Certification Required

Not Required



# Monticello Avenue Redevelopment Plan Area Boundary Map

## Legend

 Redevelopment Plan Boundary



1 inch = 300 feet



October 22, 2008

**ORDINANCE FACT SHEET**

**1. Full Title of Ordinance:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
AMENDING THE MONTICELLO AVENUE REDEVELOPMENT PLAN TO  
INCORPORATE THE MONTICELLO AVENUE EXTENSION STUDY AREA**

**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:**

This ordinance will incorporate the Monticello Extension Study Area into the Monticello Avenue Redevelopment Plan by amending the boundary map for the Plan.

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

The incorporation of the Study Area is necessary for the effective redevelopment of Block 1910 in order to create a more regular and appropriately sized parcel capable of accommodating appropriate redevelopment that is consistent with the goals and objectives of the Monticello Avenue Redevelopment Plan.

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

Unified, more appropriate redevelopment of Block 1910

**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, Director, City Planning 547-5050

**10. Additional Comments: None**

I Certify that all the Facts Presented Herein are Accurate.

Robert D. Cotter  
Division Director

OCTOBER 23, 2008  
Date

Carl S. Czaplicki  
Department Director Signature

10/24/08  
Date

## **Summary**

### **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AMENDING THE MONTICELLO AVENUE REDEVELOPMENT PLAN TO INCORPORATE THE MONTICELLO AVENUE EXTENSION STUDY AREA**

This ordinance will incorporate the Monticello Extension Study Area into the Monticello Avenue Redevelopment Plan by amending the boundary map for the Plan. The Study Area's inclusion in the Monticello Avenue Redevelopment Plan will allow for the lots within the Study Area to be redeveloped in a unified manner along with the other adjacent lots on Block 1910 already within the Redevelopment Plan.

City Clerk File No. Ord. 08-157

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 08-157

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AN AMENDMENT TO THE SCHOOL NO. 2 REDEVELOPMENT PLAN**

**WHEREAS**, the Local Redevelopment and Housing Law, (NJSA 40A:12A-1 et seq.) permits municipalities to adopt and amend regulations dealing with areas declared to be "in need of redevelopment;" and

**WHEREAS**, the Municipal Council of the City of Jersey City, adopted the School No. 2 Redevelopment Plan in September of 1984; and

**WHEREAS**, the amendment will change the parking requirement from a minimum to a maximum of ten (10) parking spaces and remove permission for a penthouse on the school building; and

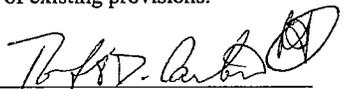
**WHEREAS**, the Jersey City Planning Board, at its meeting of November 5, 2008, voted to recommend to the Municipal Council to approve the amendment; and

**WHEREAS**, a copy of the proposed amendment to the School No. 2 Redevelopment Plan is attached hereto and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, JC, NJ;

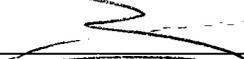
**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the proposed Amendment to the School No. 2 Redevelopment Plan be, and hereby is, adopted.

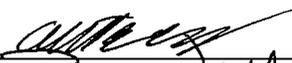
**BE IT FURTHER ORDAINED THAT:**

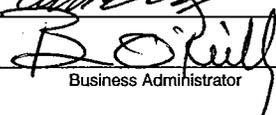
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City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

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

APPROVED AS TO LEGAL FORM

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

APPROVED: 

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

Certification Required

Not Required

**ORDINANCE FACT SHEET**

**1. Full Title of Ordinance:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AN AMENDMENT TO THE SCHOOL NO. 2 REDEVELOPMENT PLAN**

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

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

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

This ordinance amends the School No. 2 Redevelopment Plan to change the parking requirement from a minimum to a maximum of ten parking spaces and removes permission for a penthouse on the school building, as well as a standard deviation clause.

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

To provide for development with greater consistency with the historic district.

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

The reduction in parking requirement will allow for a more aesthetic first floor and development on a corner parking lot with greater consistency with development patterns in the historic district.

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

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

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

Upon Adoption.

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

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

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

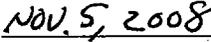
**10. Additional Comments:**

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

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

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Date  
NOV. 5, 2008

## **Summary**

### **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE SCHOOL NO. 2 REDEVELOPMENT PLAN**

This ordinance amends the School No. 2 Redevelopment Plan to change the parking requirement from a minimum to a maximum of ten parking spaces and removes permission for a penthouse on the school building, as well as a standard deviation clause. The reduction in parking requirement will allow for a more aesthetic first floor and development on a corner parking lot with greater consistency with development patterns in the historic district.

## AMENDMENT TO THE SCHOOL NO. 2 REDEVELOPMENT PLAN

PRESENTED TO THE JERSEY CITY PLANNING BOARD ON NOVEMBER 5, 2008

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

Page 4:

### III. DESIGN OBJECTIVES

~~B) — One additional story of penthouse will be allowed provided it be set back then (10) ten feet from Erie Street and five (5) feet from any other roof edge. In lieu of a penthouse floor a rooftop garden/sitting area will be permitted. Similar setbacks shall prevail as for a penthouse.~~

**B) A rooftop garden/sitting area is permitted on top of the school building provided it be set back ten (10) feet from any roof edge, and not visible from a public right of way.**

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### VI. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

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

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### V. LAND USE PLAN

#### A) Permitted Principal Uses

##### 1. Residential

**2. The cellar of the School 2 building may be used for storage, community meeting space, or building amenity space.**

#### E) Parking

1. A ~~minimum~~ **maximum** of ten (10) parking spaces ~~must~~ **may** be provided.

City Clerk File No. Ord. 08-158

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 08-158

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AN AMENDMENT TO THE GRAND JERSEY REDEVELOPMENT PLAN  
TO ALLOW PUBLIC PARKING GARAGES**

**WHEREAS**, the Local Redevelopment and Housing Law, (NJS 40A:12A-1 et seq.) permits municipalities to adopt and amend regulations dealing with areas declared to be "in need of redevelopment;" and

**WHEREAS**, the Municipal Council of the City of Jersey City, adopted the Grand Jersey Redevelopment Plan on March 24, 1993; and

**WHEREAS**, the Plan was last amended on September 25, 2002 by Ordinance 02-110; and

**WHEREAS**, the amendment allows for public parking garages to be a permitted use; and

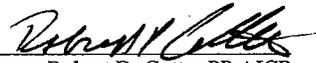
**WHEREAS**, the Jersey City Planning Board, at its meeting of October 15, 2008, voted unanimously to recommend to the Municipal Council that public parking garages should be a permitted use; and

**WHEREAS**, a copy of the proposed amendment to the Grand Jersey Redevelopment Plan is attached hereto and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, JC, NJ;

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the proposed Amendment to the Grand Jersey Redevelopment Plan 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.

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

APPROVED AS TO LEGAL FORM

APPROVED: 

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

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

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

Certification Required

Not Required

**ORDINANCE FACT SHEET**

**1. Full Title of Ordinance:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AN AMENDMENT TO THE GRAND JERSEY REDEVELOPMENT PLAN  
TO ALLOW PUBLIC PARKING GARAGES**

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

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

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

This ordinance amends the Grand Jersey Redevelopment Plan to allow public parking garages as a permitted principal use.

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

The future site of a municipal parking garage has been located within the Grand Jersey Redevelopment Plan. Currently the plan does not allow for a public parking garage that is open to commuters and users from outside of the redevelopment plan.

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

This amendment is beneficial to the community within the Plan as well as the adjacent neighborhoods. By allowing a municipal garage, the community will have more options within close proximity to their homes and transit stations.

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

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

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

Upon Adoption.

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

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

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

**10. Additional Comments:**

I Certify that all the Facts Presented Herein are Accurate.

Robert D. Cotter  
Division Director

OCT 27, 2008  
Date

Carl Czaplicki  
Department Director Signature

10/27/08  
Date

Proposed Amendments to the Grand Jersey Redevelopment Plan  
Recommended by the Planning Board  
To the City Council on October 15, 2008

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

## VII. General Land Use Plan

### A. Grand Jersey District

#### 1. Principal Uses

- a. Residential uses
- b. Hospitals and related care uses, including, but not limited to: nursing, rehabilitation and convalescent facilities, medical office buildings and ambulatory care facilities
- c. Parking facilities, but not including commuter parking, except to serve other uses within this, or adjoining, redevelopment area(s)
- d. *Public Parking Garages***
- ~~d.~~ **e.** Retail Sales of Goods and Services
- ~~e.~~ **f.** Restaurants, Banquet facilities, Nightclubs, Cafes, Bars
- ~~f.~~ **g.** Public and Semi-public uses
- ~~g.~~ **h.** Utilities
- ~~h.~~ **i.** Schools, Colleges and related facilities
- ~~i.~~ **j.** Sports, Heath and Recreation facilities
- ~~j.~~ **k.** Offices
- ~~k.~~ **l.** Hotel, Conference/Convention and Exhibition Centers
- ~~l.~~ **m.** Theaters, Museums
- ~~m.~~ **n.** Day Care facilities
- ~~n.~~ **o.** Parks, Open Space
- ~~o.~~ **p.** Mixed Use of the above
- ~~p.~~ **q.** Television broad television transmission tower with public observation deck, limited to the area south of Mill Creek, east of the New Jersey Turnpike, north of Johnston Avenue/Zapp Drive and west of the Tidewater Basin. Due to its unique design requirements, such tower shall not be subject to the regulations and design requirements imposed on the standard land uses permitted in this redevelopment plan. Such television transmission tower shall be subject to Planning Board site plan review and approval. The Planning Board review shall be directed to architectural design, parking, landscaping and signage as well as public access and safety.

City Clerk File No. Ord. 08-159

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 08-159

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
AMENDING THE STORMWATER CONTROL ORDINANCE (NO. 07-056)**

**WHEREAS**, as stated in NJAC7:8-4.4, the NJDEP requires all municipal stormwater control ordinances, after adoption by the municipality, to be approved by the county in which the municipality is located,

**WHEREAS**, the JCMUA, as the City coordinating agency on stormwater issues, sent a copy of the adopted Jersey City Stormwater Management Plan and Control Ordinance to the Hudson County Division of Planning on May 1, 2007 for their review and approval,

**WHEREAS**, Hudson County Planning Board, based on the review and recommendation by their consultant T&M Associates, passed a resolution on Sept. 19, 2007 conditionally approving the Jersey City Stormwater Management Plan and Control Ordinance provided that the City submit copies of the revised plan and ordinance to the Board within 180 days of said resolution,

**WHEREAS**, JCMUA resubmitted revised Stormwater Management Plan and Control Ordinance to the County on March 5, 2008 that addressed all comments provided earlier by the County,

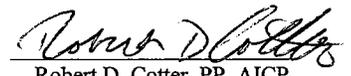
**WHEREAS**, JCMUA, in its letter dated July 30, 2008, addressed additional comments received from T&M Associates acting on the County's behalf,

**WHEREAS**, T&M Associates, in their letter dated August 26, 2008, now recommends that the County formally approve the revised Jersey City Stormwater Management Plan and Control Ordinance once they have been adopted by the City and resubmitted to the County,

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that amendments to the Stormwater Control Ordinance be 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.

  
Robert D. Cotter, PP, AICP  
Planning Director

APPROVED AS TO LEGAL FORM

APPROVED: 

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

Corporation Counsel

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 STORMWATER CONTROL ORDINANCE (NO. 07-056)**

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

Joseph Beckmeyer, PE, Chief Engineer

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

The following changes are being proposed for the existing Stormwater Control Ordinance (07-056) based on comments from Hudson County Planning Dept.

- Definition of "Person" shall be revised to include the City of Jersey City
- Table 1 "Water Quality Design Storm Distribution" under Section G of the ordinance shall be replaced with the table provided in model NJDEP ordinance.

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

These changes are required for Hudson County approval

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

N/A, existing ordinance

**6. Cost of Proposed Project:**

There are no new costs to the City as all work involved in this amendment has been done by in-house staff.

**7. Date Proposed Program or Project will commence:** Immediately upon adoption

**8. Anticipated Completion Date:** Not Applicable (This is enabling legislation.)

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

Robert D. Cotter, City Planning Director                      201-547-5050

**10. Additional Comments:**

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

  
Division Director Signature

10/27/08  
Date

  
Department Director Signature

10/27/08  
Date

City Clerk File No. Ord. 08-160

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 08-160

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AN AMENDMENT TO THE DIXON CRUCIBLE REDEVELOPMENT  
PLAN TO ALLOW RESTAURANTS AND CAFES AS A PRINCIPAL USE**

**WHEREAS**, the Local Redevelopment and Housing Law, (NJSA 40A:12A-1 et seq.) permits municipalities to adopt and amend regulations dealing with areas declared to be "in need of redevelopment;" and

**WHEREAS**, the Municipal Council of the City of Jersey City, adopted the Dixon Crucible Redevelopment Plan on August 10, 1983; and

**WHEREAS**, the current Plan permits restaurants and cafes as an "accessory" use; and

**WHEREAS**, the amendment changes the permitted use of restaurants and cafes to a "principal" use; and

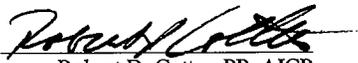
**WHEREAS**, the Jersey City Planning Board, at its meeting of October 15, 2008, voted unanimously to recommend to the Municipal Council that restaurants and cafes should be a permitted "principal" use; and

**WHEREAS**, a copy of the proposed amendment to the Dixon Crucible Redevelopment Plan is attached hereto and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, JC, NJ;

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the proposed Amendment to the Dixon Crucible Redevelopment Plan 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.

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

APPROVED AS TO LEGAL FORM

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

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

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

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

Certification Required

Not Required

**ORDINANCE FACT SHEET**

**1. Full Title of Ordinance:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AN AMENDMENT TO THE DIXON CRUCIBLE REDEVELOPMENT  
PLAN TO ALLOW RESTAURANTS AND CAFES AS A PRINCIPAL USE**

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

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

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

This ordinance amends the Dixon Crucible Redevelopment Plan to allow restaurants and cafes as a permitted principal use instead of an accessory use.

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

The definition of an accessory use infers that any restaurants or cafes within the current Plan area can only be used by residents of the Plan area. The permitted use of restaurants and cafes is an issue of an interpretation technicality and should be allowed for the general public.

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

The amendment to allow for restaurants and cafes to be a principal use will open up the amenity to the community outside the boundaries of the Plan.

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

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

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

Upon Adoption.

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

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

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

**10. Additional Comments:**

I Certify that all the Facts Presented Herein are Accurate.

  
Division Director

OCT 27, 2008  
Date

  
Department Director Signature

10/27/08  
Date

Proposed Amendments to the Dixon Crucible Redevelopment Plan  
Recommended by the Planning Board  
To the City Council on October 15, 2008

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

Article VIII: Land Use Provisions

Dixon District

Principal Permitted Uses

1. Residential
2. Offices – limited to those that existed at the adoption of this ordinance.
3. Retail Sales of Goods and Services
4. Community Health/Recreation Facilities
5. Designed Open Space
6. Cultural Facilities
7. ***Restaurants and Cafés including sidewalk and rooftop dining areas.***

Accessory Uses

1. Parking facilities including:
  - surface lots
  - underground areas
  - multi-level decks (limited to fifty (50) feet overall height and only in the areas outside
- ~~2. Restaurants and Cafés including sidewalk and rooftop dining areas.~~
- ~~3.~~ 2. Theatres

City Clerk File No. Ord. 08-161  
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 08-161

TITLE:

**A ORDINANCE GRANTING PERMISSION TO PRONTI CONSTRUCTION, INC., ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE BARROW STREET AND WAYNE STREET PUBLIC RIGHTS OF WAY ADJACENT TO THE PROPERTY LOCATED AT 307 BARROW STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 273, LOT E.**

The Municipal Council of the City of Jersey City does hereby ordain:

**WHEREAS**, Pronti Construction, Inc., having offices located 192 Christopher Columbus Drive, Jersey City, New Jersey 07302, is the owner of the property located at 307 Barrow Street, Jersey City, and known as Block 273, Lot E on the current tax maps of the City of Jersey City ("Property"); and

**WHEREAS**, pursuant to a Resolution for the Preliminary and Final Site Plan Approval, Case #Z07-059, the Zoning Board of Adjustment granted approval to develop a five (5) story building with twelve (12) residential units and twelve (12) on site parking spaces in connection with the Property; and

**WHEREAS**, part of the development approval granted in Case #Z07-059 includes the construction of separate planting beds enclosed in fencing, and entry stairs, within a portion of the Wayne Street and Barrow Street public rights-of-way, which is more particularly depicted and described in the Franchise Plans, Exhibits A and B, attached hereto; and

**WHEREAS**, the construction of the planting and fencing areas, and the entry stairs, is the result of the recommendation of the Historic Preservation Commission for aesthetic and historic preservation purposes to match existing fence lines, setbacks, and entry stairs along the street, as stated in the Resolution attached hereto as Exhibit C, attached hereto; and

**WHEREAS**, the Petitioner was required to file the Petition for a Franchise Ordinance as a condition of its approval; and

**WHEREAS**, there will remain sufficient area in the right-of-way for pedestrian use (at least five [5] unobstructed feet), and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

**WHEREAS**, Pronti Construction, Inc. has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests and essential for the completion of the construction of the development; and

**WHEREAS**, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Pronti Construction, Inc. to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The contemplated improvements will include the installation of separate planting beds with fencing, and entry stairs, to be located within the public rights-of-way.
2. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

**WHEREAS**, the Jersey City Zoning Officer and Building Department approved the construction of the improvements at the subject property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

**WHEREAS**, a franchise ordinance is required to permit the completion of the construction of the private improvements within the public rights-of-way; and

**WHEREAS**, by reason of the character of the development of the area within which this property is situated, the said improvements will enhance the aesthetic and character of the property and greatly benefit Jersey City and the surrounding neighborhood; and

**A FRANCHISE ORDINANCE GRANTING PERMISSION TO PRONTI CONSTRUCTION, INC., ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE BARROW STREET AND WAYNE STREET PUBLIC RIGHTS OF WAY ADJACENT TO THE PROPERTY LOCATED AT 307 BARROW STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 273, LOT E.**

**WHEREAS**, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

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

**SECTION I.** Permission be, and is hereby granted to Pronti Construction, Inc., its successors and assigns, to complete private improvements to a portion of lands located within the public rights of way adjacent to 307 Barrow Street, Jersey City, and known as Block 273, Lot E on the current tax maps of the City of Jersey City, said areas being more particularly described as follows and on the plan, survey with metes and bounds description and foundation plan attached hereto as Exhibit A and Exhibit B respectively.

1. The contemplated improvements will include the installation of separate planting beds with fencing, and entry stairs, to be located within the public rights-of-way.
2. There will remain sufficient area in the right-of-way (at least five [5] unobstructed feet) for typical pedestrian use.
3. The contemplated improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Board of Adjustment, the Jersey City Zoning Officer and Building Department.

**AN ORDINANCE GRANTING PERMISSION TO PRONTI CONSTRUCTION, INC., ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE BARROW STREET AND WAYNE STREET PUBLIC RIGHTS OF WAY ADJACENT TO THE PROPERTY LOCATED AT 307 BARROW STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 273, LOT E.**

4. All costs associated with these improvements will be incurred by the Petitioner.
5. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals and will greatly benefit the Petitioner's property and the surrounding neighborhood.

**SECTION II.** All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. Pronti Construction, Inc., and its successors and assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.

**SECTION III.** This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioners one year prior to the date of cancellation.

**SECTION IV.** All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said Pronti Construction, Inc.

**SECTION V.** In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, Pronti Construction, Inc., its successors and assigns hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. Pronti Construction, Inc., its successors and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance.

**SECTION VI.** This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event, that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

**SECTION VII.** Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

A FRANCHISE ORDINANCE GRANTING PERMISSION TO PRONTI CONSTRUCTION, INC., ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE BARROW STREET AND WAYNE STREET PUBLIC RIGHTS OF WAY ADJACENT TO THE PROPERTY LOCATED AT 307 BARROW STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 273, LOT E.

**SECTION VIII.** An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

**SECTION IX.** For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

**SECTION X.**

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified 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 repeals of existing provisions.

APPROVED AS TO LEGAL FORM

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

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

APPROVED:   
Business Administrator

Certification Required   
Not Required

**PETITION**

**TO: THE HONORABLE, THE MAYOR AND MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY:**

Your Petitioner, Pronti Construction, Inc., having offices located 192 Christopher Columbus Drive, Jersey City, New Jersey 07302, respectfully says that:

1. Petitioner is the owner of the property located at 307 Barrow Street, Jersey City, and known as Block 273, Lot E, on the current tax maps of the City of Jersey City (the "property"). The Petitioner is proposing to develop a five (5) story building with twelve (12) residential units, and twelve (12) on site parking spaces in connection with the property.

2. The Jersey City Zoning Board of Adjustment approved the development consistent with the recommendation from the Historic Preservation Commission that fencing and landscaping, and entry stairs, be constructed in the Barrow Street and Wayne Street public rights-of-way to match existing fence lines, setbacks, and entry stairs, along the street for aesthetic and historic preservation purposes.

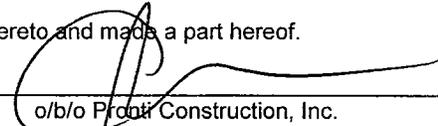
3. Petitioner proposes to make the following site improvements within the areas of the public right-of-way:

- A. The contemplated improvements will include the installation of separate planting beds with fencing, and entry stairs, to be located within the public rights-of-way along Wayne Street and Barrow Street.
- B. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

4. Petitioner has presented the proposed improvements to the Jersey City Zoning Officer and Building Department, which have approved proposed improvements conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City.

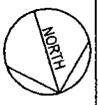
5. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals, and will greatly benefit the Petitioner's property and the surrounding area and neighborhood.

**WHEREFORE**, your Petitioner respectfully prays for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within and under the sidewalk area of the public rights-of-way of Wayne Street and Barrow Street, all as more particularly shown on the plans annexed hereto and made a part hereof.

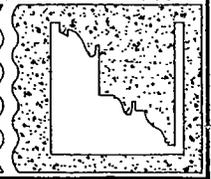
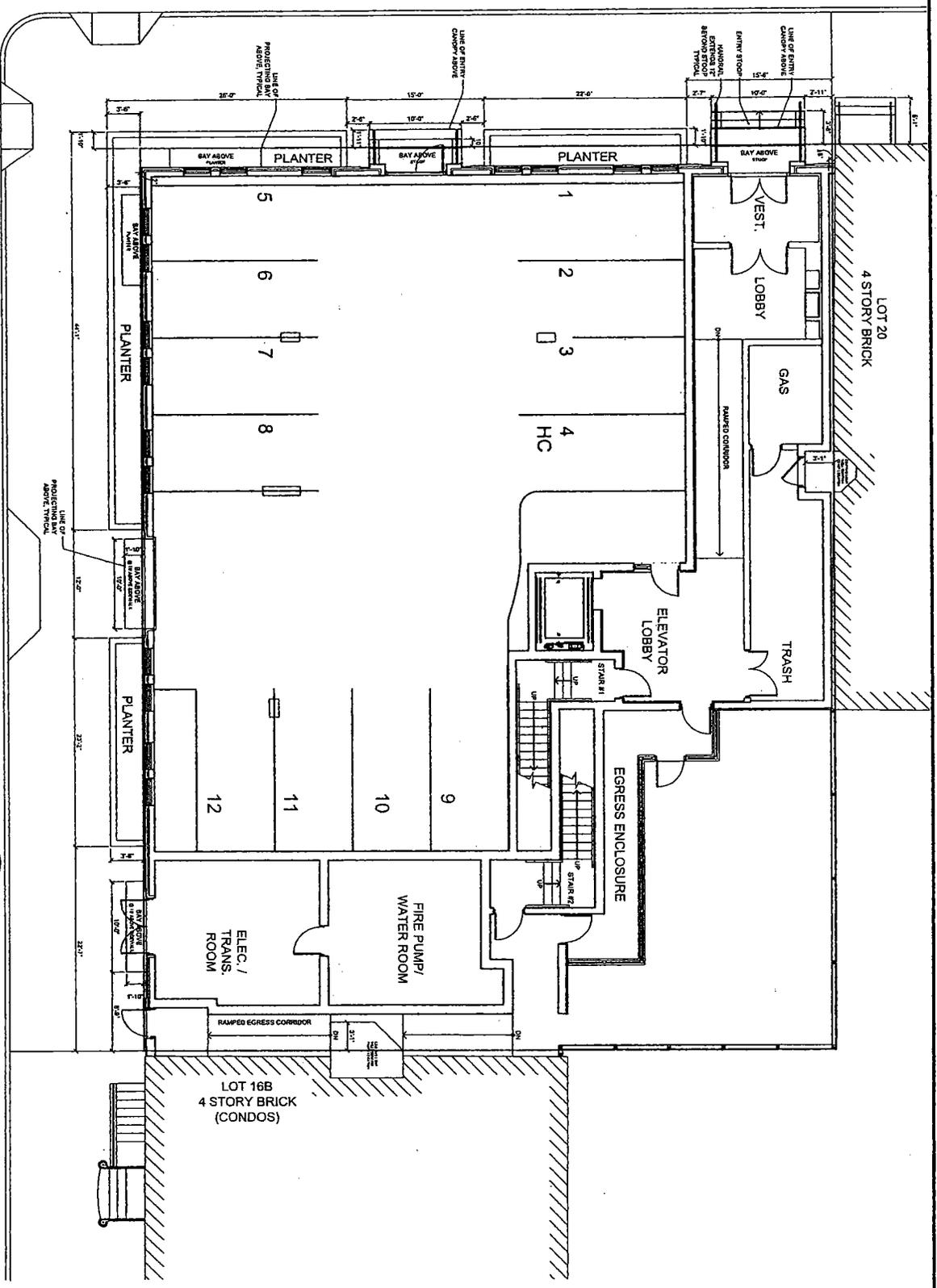
By:   
o/b/o Pronti Construction, Inc.  
Charles J. Harrington, III, Esq.,  
Attorney for the Petitioner

WAYNE STREET  
(R.O.W. 60')

BARROW STREET  
(R.O.W. 60')



GROUND FLOOR / SITE PLAN  
SCALE: 1/8" = 1'-0"



307 BARROW STREET  
BLOOR, JERSEY CITY  
HUDSON COUNTY  
NEW JERSEY

FOR:  
ARTHUR PRONZI

PROJECT NO.  
ISSUE DATE: 06-28-2008  
DRAWN: RC  
CHKD: ALO

SHEET TITLE  
SITE / GROUND  
FLOOR PLAN  
DWG. NO. SP  
OF 1 DWGS.

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT  
OF THE CITY OF JERSEY CITY**

**APPLICANT:**       **307 BARROW STREET, LLC**

**FOR:**               **PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL  
WITH "C" AND "D" VARIANCES  
307 BARROW STREET, JERSEY CITY, NEW JERSEY  
BLOCK 273, LOT E**

**CASE NO.:**       **Z07-059**

**WHEREAS**, the Applicant, **307 BARROW STREET, LLC, (the "Applicant")**, per **Connell Foley, LLC**, (Charles J. Harrington, III, Esq., appearing) made application to the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for variances pursuant to N.J.S.A. 40:55D-70(c) (rear yard setback; building and lot coverage; and parking aisle width) and N.J.S.A. 40:55D-70(d) (use and height), and for Preliminary and Final Major Site Plan Approval, to wit: Calendar No. Z07-059, to develop the lot with a single four (4) story building with a total of twelve (12) residential units and twelve (12) on-site parking spaces in connection with the property located at 307 Barrow Street, Jersey City, New Jersey, also known on the Jersey City tax maps as Block 273, Lot E; and

**WHEREAS**, due notice of a hearing before the Zoning Board of Adjustment of the City of Jersey City, on June 19, at 6:00 p.m., was duly published as prescribed in the Zoning Ordinance of the City of Jersey City; and

**WHEREAS**, the Applicant has submitted proof that it has complied with the applicable procedural requirements including the payment of fees and public notices; and

**WHEREAS**, all testimony having been formally heard for this application; and

**WHEREAS**, after consideration of the application, the Principal Points Statement submitted on behalf of the Applicant, the testimony presented at the meeting, and the oral and written comments and recommendations of the Division of Planning professional staff, the Zoning Board of Adjustment has made the following findings of fact:

**FINDINGS OF FACT**

1. The Applicant, 307 Barrow Street, LLC, has filed an application with the Jersey City Zoning Board of Adjustment for property located at 307 Barrow Street,

Jersey City, Block 273, Lot E, for variances pursuant to N.J.S.A. 40:55D-70(c) (rear yard setback; building and lot coverage; and parking aisle width) and N.J.S.A. 40:55D-70(d) (use and height), and for Preliminary and Final Major Site Plan Approval. The purpose of the application is to develop the lot with a single four (4) story building with a total of twelve (12) residential units and twelve (12) on-site parking spaces.

2. The property is located within the Van Vorst Park Historic Zoning District ("Historic District") and the proposed use (a multi-family mid-rise building with 12 dwelling units) is not a permitted use within the zone.

3. The Applicant is requesting variances from the Jersey City Land Development Ordinance (LDO) to permit a multi-family mid-rise residential use with 12 dwelling units in the Historic District; for relief from the minimum rear yard setback; maximum building and lot coverage; minimum parking aisle width; and the maximum building height regulations in the Historic District.

4. The subject property is an oversized lot (7,500 s.f.) in the Historic District, and is located at the corner of Barrow Street and Wayne Street. Therefore, the development lot has a perception of having two front "yards" (along both Barrow Street and Wayne Street). However, the actual "front" or width of the lot is on Wayne Street (narrower dimension), and it would be inappropriate to create a 30 foot gap on Barrow Street (rear yard requirement) since both Barrow and Wayne Streets have historic buildings developed to the street line. Instead, the proposed development is continuing the streetscape along both streets, and creating a courtyard area in the northwest corner of the property. Moreover, the new building will not extend beyond the rear building line of the existing adjacent buildings on either side and the benefits of the proposed design outweigh the detriments of the rear yard deviation.

5. The Applicant is also requesting a variance for the height of the principal building. The maximum permitted height in this zone for residential uses is four (4) stories and forty (40) feet (townhouses are the only permitted residential uses).

6. The development was reviewed by the Historic Preservation Commission, and the Applicant complied with their recommended changes to the project to conform and be consistent with the historic character of the neighborhood. Accordingly, the development promotes and enhances the preservation of the historic character of the neighborhood by continuing and enhancing the architectural historic design and rhythm along both Wayne and Barrow Streets.

7. The proposed height of the building (51 feet) is consistent with buildings in the area, and specifically, with the buildings immediately adjacent to the development along Barrow Street and Wayne Street. Conversely, a building height of forty (40') feet would create an anomaly at this corner because it would be much shorter than the existing developments. Additionally, the interior of the building will have floor to floor heights of 11'6" and resulting higher than standard floor to ceiling heights consistent with the historic character of the neighborhood.

Accordingly, the proposed building height is consistent with the intent of the District, creating compatibility with the existing historic heights of other buildings in the immediate neighborhood, was recommended by the Jersey City Historic Preservation Commission, and will advance the purpose and intent of the zone by recognizing its compatibility with the varied existing historic character of the neighborhood, will advance the purpose historic preservation. At the same time the proposed height will cause no substantial detriment to the public welfare or impairment of the zone plan also due to its compatibility with the surrounding architecture.

8. The proposed development conforms to the permitted density, and the lot could alternatively be subdivided into four lots and each developed with a permitted three unit townhouse. However, in that event, if developed as a single development project of 10 more units, on-site parking would still be required and difficult to provide. However, as a result of the lot being oversized and on the corner, the proposed development is an appropriate development of the lot and for the neighborhood. The ability to provide twelve (12) on-site parking spaces (the maximum permitted) is a benefit to the project and the neighborhood.

9. The Applicant has also requested a variance to allow a parking aisle width of less than the required twenty-four (24) feet. Since the parking garage will only be used by the residents of the building, the benefits to the neighborhood of providing the on-site parking outweigh any detriments of having a smaller than required parking aisle width.

10. The proposed development of the property is appropriate at this corner location and provides a residential use that will benefit the immediate neighborhood, promote the general welfare, and promote a desirable visual environment. Furthermore, the proposed variances will not cause substantial detriment to the public good as the project will be no greater in density or height than at adjacent properties, and sufficient air and light will be provided in the area, nor will there be substantial impairment to the intent and purpose of the Jersey City Historic District Plan.

11. The Applicant has requested a variance for the proposed parking aisle width. This is a private parking garage that will only be used by the residents of the building. The benefits of providing the on-site parking outweigh any detriments of having a smaller parking aisle width.

**NOW, THEREFORE, BE IT RESOLVED** that the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, approves the within application for variances pursuant to N.J.S.A. 40:55D-70(c) (rear yard setback; building and lot coverage; and parking aisle width) and N.J.S.A. 40:55D-70(d) (use and height), and for Preliminary and Final Major Site Plan Approval, to wit: Calendar No. Z07-059 to develop the lot with a single four (4) story building with a total of twelve (12) residential units with twelve (12) on-site parking spaces in connection with the property located at 307 Barrow Street, Jersey City, New Jersey, also known on the Jersey City tax maps as Block

273, Lot E, in accordance with the plans and testimony, submitted to the Zoning Board of Adjustment of the City of Jersey City, subject to the following conditions:

1. All comments and recommendations of the Municipal Review Agents shall be addressed in revised plans.
2. A franchise ordinance, including a metes and bounds description and survey map of all proposed improvements within the public right-of-way, must be filed with the City Clerk and scheduled for a hearing prior to approval for construction permits.
3. A complete color/material board shall be submitted, and final materials with all manufacturing specifications including colors shall be shown on elevations. No deviation from the approved site plan or elevations, including those that may be required by the Office of the Construction Code Official, shall be permitted without immediate notification to the Division of City Planning and consultation with planning and historic preservation staff.
4. In the event of condominium conversion, all on-site parking provided by this project shall be incorporated into the Master Deed as a limited common element to be reserved for the exclusive use of the owners and residents of the building. Should the project be developed as a rental (i.e., without condominium conversion), then all parking spaces shall be for the exclusive use of the project tenants, and a parking space must be included in the leasehold of each dwelling unit.
5. A copy of the memorialized resolution shall be filed with the Hudson County Register's Office with proof of such filing to be submitted to the Division of City Planning prior to application for construction permits, and all restrictions contained herein shall be incorporated and applicable to the Master Deed in the event of condominium conversion.

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**APPLICANT:** 307 BARROW STREET, LLC

**FOR:** PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL  
WITH "C" AND "D" VARIANCES  
307 BARROW STREET, JERSEY CITY, NEW JERSEY  
BLOCK 273, LOT E

**CASE NO.:** Z07-059

**VOTE:** 7 - 0

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COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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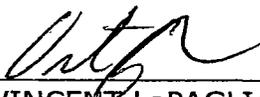
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Chairman Joseph Kealy	X			
Commissioner Consuelo Evans	X			
Commissioner Aneesah Abdullah	X			
Commissioner Dominick Forte	X			
Commissioner Deborah Ann Davis	X			
Commissioner Diane Strasz	X			
Commissioner Thomas Fricchione	X			

  
\_\_\_\_\_  
**JOSEPH KEALY, CHAIRMAN**  
ZONING BOARD OF ADJUSTMENT  
OF THE CITY OF JERSEY CITY

  
\_\_\_\_\_  
**CLAIRE DAVIS, SECRETARY**  
ZONING BOARD OF ADJUSTMENT  
OF THE CITY OF JERSEY CITY

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
VINCENT LaPAGLIA, ESQ.

DATE OF HEARING:

June 19, 2008

DATE OF MEMORIALIZATION:

August 21, 2008

City Clerk File No. Ord. 08-154

Agenda No. 3.G 1st Reading

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



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-154

**TITLE: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE IX (DEPARTMENT OF PUBLIC WORKS)**

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

A. The following amendments and supplements to Chapter 3 (Administration of Government) Article IX (Department of Public Works) of the Jersey City Code are adopted:

## ARTICLE IX Department of Public Works

### § 3-71.2. Division of Neighborhood Improvement.

- A. No change.
- B. No change.
- C. (1) Through (5) No Change.
- (6) Chapter 245 (Peddling, Soliciting and Canvassing), Article I (Licensing of Peddlers), section(s):
  - (a) Section 245-8 (Articles not to be sold).
- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

JM/he  
10/08/08

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required

№ 2 0 8 2 8 3

**From:** Joanne Monahan  
**To:** Robert Byrne; Sean Gallagher; Steven Fulop  
**Date:** 11/3/2008 10:52 AM  
**Subject:** Re: Flower Peddling

Yes. Had I known you weren't going to be there to explain it, I would have attached a short memo to the Council. I think everyone was confused as to why Joanne Monahan cared about flower peddlers.

Robert, do you need another original or can you go with what you have?

>>> Steven Fulop 11/2/2008 8:13 AM >>>

Joanne

Thanks for making the change to the NID portion of the flower peddler ordinance. We tried to walk it on the last agenda but I got held up at work and arrived late to the council meeting so they thought best to hold off. I just want to confirm that it will be on this agenda

Thanks in advance for all your help  
Steve

Steven M. Fulop  
Jersey City Councilman  
Ward "E"  
280 Grove Street  
Jersey City, NJ 07302

City Clerk File No. Ord. 08-162

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 08-162

TITLE:

**ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GIFT OF THE PROPERTY DESCRIBED AS THE OPEN SPACE AOC AREA IN THE CONSENT DECREE REGARDING THE REMEDIATION AND REDEVELOPMENT OF STUDY AREA 6 SOUTH IN JCMUA V. HONEYWELL, JCIA V. HONEYWELL AND HACKENSACK RIVERKEEPER V. HONEYWELL, AND IN THE ALTERNATIVE, AUTHORIZING AN OPTION TO BUY SUCH PROPERTY**

**WHEREAS**, on June 30, 2003, the district court for the District of New Jersey [the Court] issued a Final Judgment in *Interfaith Community Organization v. Honeywell International Inc.*, Civ. No. 95-2097 (DMC) [ICO v. Honeywell], ordering the remediation of an area designated by the New Jersey Department of Environmental Protection [NJDEP] as Study Area 7 by excavation of all chromium contamination on the property; and

**WHEREAS**, on December 23, 2005, the Jersey City Municipal Utilities Authority [JCMUA] filed *Jersey City Municipal Utilities Authority v. Honeywell International Inc.*, D.N.J., Civ. No. 05-5955 (DMC), against Honeywell International Inc. [Honeywell] under the Resource Conservation and Recovery Act [RCRA], and seeking remediation of chromium contamination on property owned by JCMUA within an area designated by the New Jersey Department of Environmental Protection [NJDEP] as Study Area 6 North; and

**WHEREAS**, on December 28, 2005, the Jersey City Incinerator Authority [JCIA] filed *Jersey City Incinerator Authority v. Honeywell International Inc.*, D.N.J., Civ. No. 05-5993 (DMC), bringing claims against Honeywell under RCRA, and seeking remediation of chromium contamination on property owned by JCIA within Study Area 6 North; and

**WHEREAS**, on January 4, 2006, the Hackensack Riverkeeper, Inc., Captain William Sheehan, Reverend Winston Clark, and Lawrence Baker [Riverkeeper] filed *Hackensack Riverkeeper, Inc. v. Honeywell International Inc.*, D.N.J., Civ. No. 06-022 (DMC), bringing a claim against Honeywell under RCRA and seeking remediation of chromium contamination to soils, groundwater, surface waters, and sediments associated with various properties collectively designated by NJDEP as Study Areas 5 and 6; and

**WHEREAS**, in *Riverkeeper v. Honeywell*, Riverkeeper has alleged that Honeywell bears responsibility for the presence and remediation of chromite ore processing residue [COPR] and chromium in soils and groundwater on the Study Area 5 and 6 properties; and

**WHEREAS**, Riverkeeper named as defendants in *Riverkeeper v. Honeywell*, all owners of the properties that comprise Study Areas 5 and 6, as it is legally required to do. The property owners include the City of Jersey City [Jersey City], JCMUA, and JCIA [collectively, the "Jersey City Entities"]; and

**WHEREAS**, the Jersey City Entities and Honeywell also asserted cross-claims against each other in *Riverkeeper v. Honeywell*; and

**ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GIFT OF THE PROPERTY DESCRIBED AS THE OPEN SPACE AOC AREA IN THE CONSENT DECREE REGARDING THE REMEDIATION AND REDEVELOPMENT OF STUDY AREA 6 SOUTH IN JCMUA V. HONEYWELL, JCIA V. HONEYWELL AND HACKENSACK RIVERKEEPER V. HONEYWELL, AND IN THE ALTERNATIVE, AUTHORIZING AN OPTION TO BUY SUCH PROPERTY**

**WHEREAS**, *JCMUA v. Honeywell*, *JCIA v. Honeywell*, and *Riverkeeper v. Honeywell* were consolidated by the United States District Court for the District of New Jersey [Consolidated Litigation]; and

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented [Redevelopment Law] provides for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, Study Areas 6 and 7 consists of parcels which by Ordinance No. 08-025 adopted by Jersey City on February 27, 2008, have been determined to be "areas in need of redevelopment" under the criteria of the Redevelopment Law because of conditions prevalent in those parcels; and

**WHEREAS**, under the Redevelopment Plan for Study Areas 6 and 7, two areas of Study Area 6 are to be developed, following remediation, as open space parks with recreation and other facilities; and

**WHEREAS**, on April 21, 2008, the district court for the District of New Jersey entered the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 North [Study Area 6 North Decree] resolving issues between Honeywell, the Jersey City Entities, and Riverkeeper related to chromium contamination at Study Area 6 North; and

**WHEREAS**, under the Study Area 6 North Decree, Honeywell agreed to donate the open space park area to Jersey City following remediation and Jersey City agreed to accept this donation and to add the park to its Green Acres Program Recreation and Open Space Inventory [ROSI]; and

**WHEREAS**, on April 9, 2008, Jersey City adopted Ordinance No. 08-051 authorizing acceptance of the donation of the open space park area in Study Area 6 North; and

**WHEREAS**, Honeywell and the Riverkeeper have agreed to settle their respective claims regarding Study Area 6 South in the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South; and

**WHEREAS**, the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South provides for the participation of Jersey City such that under the terms of the decree, Honeywell will donate the open space park to Jersey City following remediation and Jersey City agrees to accept this donation and to add the park to its ROSI as it has agreed to do with the open space park in Study Area 6 North; and

**WHEREAS**, the Redevelopment Plan for Study Areas 6 and 7 contemplates creation of a major mixed use project in an important section of Jersey City; and

**WHEREAS**, Jersey City desires to contribute to the development of aesthetically pleasing open space parks for its residents in a revitalized West Side, dubbed the "Green Coast"; and

**WHEREAS**, Jersey City recognizes that public parks and open spaces are key components to urban communities and neighborhoods that are essential to the quality of life of all Jersey City residents; and

**WHEREAS**, increasing acreage in Jersey City's ROSI is an important public benefit; and

**WHEREAS**, Jersey City has agreed to take ownership of the open space park area in Study Area 6 South for the enjoyment and use of its residents.

**ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GIFT OF THE PROPERTY DESCRIBED AS THE OPEN SPACE AOC AREA IN THE CONSENT DECREE REGARDING THE REMEDIATION AND REDEVELOPMENT OF STUDY AREA 6 SOUTH IN JCMUA V. HONEYWELL, JCIA V. HONEYWELL AND HACKENSACK RIVERKEEPER V. HONEYWELL, AND IN THE ALTERNATIVE, AUTHORIZING AN OPTION TO BUY SUCH PROPERTY**

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

- (1) the Corporation Counsel is authorized to enter into the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South on behalf of the City of Jersey City; and
- (2) the Mayor or Business Administrator is authorized to accept as a gift on behalf of the City of Jersey City the property known under the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South as the Open Space AOC Area at such time as Bayfront Redevelopment LLC donates such property pursuant to the terms of the Consent Decree; and
- (3) in the event that the circumstances described in the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South concerning the option to buy the Open Space AOC Area come to pass, the Mayor or Business Administrator is authorized to exercise the option to buy same for nominal consideration, meaning not more than \$1,000.

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required

City Clerk File No. Ord. 08-163

Agenda No. 3.1 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 08-156

**TITLE: ORDINANCE RENAMING MORGAN STREET, BETWEEN WASHINGTON BOULEVARD AND GREEN STREET, TO TRUMP PLAZA**

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

**WHEREAS**, Vector Urban Renewal Associates I, is the developer of Block 75, Lots PL1 and PL2, more commonly known by the street address of 328-342 Washington Boulevard, a 55 story tower with approximately 445 residential rental units, parking and 9,000 square feet of retail space; and

**WHEREAS**, Vector Urban Renewal Associates II, is the developer of a 50 story tower within the same Block and Lots, to contain approximately 417 residential condominium units, parking and 6,700 square feet of retail space; and

**WHEREAS**, the 55 story tower by Vector Urban Renewal Associates I is closely identified as and referred to as "Trump" product; and

**WHEREAS**, given both the present and future visual and architectural impact of these towers, it is both fitting and appropriate to commemorate the importance of these projects to the City of Jersey City by renaming Morgan Street, between Washington Boulevard and Green Street, "Trump Plaza".

**NOW, THEREFORE BE IT ORDAINED** by the Municipal Council of the City of Jersey City that Morgan Street between Washington Boulevard and Green Street shall be known as:

### **TRUMP PLAZA**

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

JM/he  
11/06/08

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required

City Clerk File No. Ord. 08-164

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 08-164

**TITLE: ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE COMMERCIAL (RETAIL/PARKING GARAGE) USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 1 OR THE COMMERCIAL UNIT)**

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

**WHEREAS**, MEPT Journal Square 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 is the owner of Unit 1 [the Commercial Unit] that is one (1) condominium unit of a three (3) unit condominium project [the Journal Square Development], located on certain property known as Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, on the City's Official Tax map, consisting of approximately 1.5 acres, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, and more specifically described by metes and bounds, in the application [Property]; and

**WHEREAS**, the Entity will lease the Commercial Unit to Journal Square Commercial Leasing Associates, LLC [the Leasing Entity]; and

**WHEREAS**, the Property is located within the Journal Square Redevelopment Plan Area as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g); and

**WHEREAS**, since the Entity estimates construction costs that will exceed \$25 million, the project shall be subject to a Project Labor Agreement as required by Ordinance 07-123; and

**WHEREAS**, the Entity has applied for a 30 year long term tax exemption for the Commercial Unit to construct a seven (7) story building, containing a garage with approximately 700 parking spaces and approximately 70,385 net square feet of retail space [the Project]; and

**WHEREAS**, MEPT Journal Square Urban Renewal, LLC, has agreed to:

1. pay the greatest of (i) the Minimum Annual Service Charge or (ii) 10% of the Annual Gross Revenue each year, which sum has been estimated to be a minimum of \$75,000 in year 1; \$150,000 in year 2; \$225,000 in year 3; \$300,000 in years 4 through 7; \$375,000 in years 8 through 19; and \$450,000 in years 20 through 30; or (iii) the amount of the maximum statutory staged increases over the term of the tax exemption; and
2. in addition to the amounts set forth in paragraph 1, the Entity shall pay 10% of any excess over the Project's pro forma projected revenues of the Leasing Entity, as set forth in an exhibit to the financial agreement with the Entity [the Supplemental PILOT], which shall begin on the first day of year 16; and

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE COMMERCIAL (RETAIL/PARKING GARAGE) USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 1 OR THE COMMERCIAL UNIT)**

3. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and
4. provide employment and other economic opportunities for City residents and businesses; and
5. 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
6. pay the sum of \$420,578 to the City's Affordable Housing Trust Fund in four (4), rather than three (3), installments as set forth in the Financial Agreement; 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 \$51,967 (total taxes of \$346,446 x 15%) whereas, the Annual Service Charge, will generate minimal revenue of \$75,000 in year 1; \$150,000 in year 2; \$225,000 in year 3; \$300,000 in years 4 through 7; \$375,000 in years 8 through 19; and \$450,000 in years 20 through 30 to the City;
2. it is expected that the Journal Square Development will create approximately 439 jobs during construction and 300 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 Redevelopment 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 in obtaining development of the project and influencing 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**, MEPT Journal Square 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;

**WHEREAS**, MEPT Journal Square Urban Renewal, LLC, has agreed to comply with the City of Jersey City's Ordinance 07-123, Requiring Apprenticeships and Project Labor Agreements.

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

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE COMMERCIAL (RETAIL/PARKING GARAGE) USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 1 OR THE COMMERCIAL UNIT)**

A. The application of MEPT Journal Square 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 Unit 1 [the Commercial Unit] that is one (1) unit of the Journal Square Development located on Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, 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, provided that the Prepayment and Contribution Agreement relating to all three (3) Units of the Journal Square Development and authorized by separate Resolution has been fully executed. The Financial Agreement shall include at a minimum the following terms and conditions:

1. Term: the earlier of 35 years from the adoption of the within Ordinance or 30 years from the date the project is Substantially Complete;
2. Annual Service Charge: each year the greatest of:
  - (a) the Minimum Annual Service Charge equal to \$51,967 (total taxes of \$346,446 x 15%) upon Project Completion, whether or not the Project is occupied; or
  - (b) 10% of gross revenue, estimated to be a minimum of \$75,000 in year 1; \$150,000 in year 2; \$225,000 in year 3; \$300,000 in years 4 through 7; \$375,000 in years 8 through 19; and \$450,000 in years 20 through 30; or
  - (c) the amount of the maximum statutory staged increases over 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: a seven (7) story building, containing approximately 700 parking spaces and 70,385 net square feet of retail space;
6. Affordable Housing Trust Fund: \$1.50 per square foot x 70,385 net square feet (Retail) plus \$1.50 per square foot x 210,000 net square feet of garage or \$420,578 payable in four (4), rather than three (3), installments as set forth in the Financial Agreement;
7. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
8. Execution of a Project Labor Agreement as required by Ordinance 07-123. The Project Labor Agreement shall be in substantially the form on file in the office of the City Clerk.

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.

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE COMMERCIAL (RETAIL/PARKING GARAGE) USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 1 OR THE COMMERCIAL UNIT)**

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 including Section 304-28 of the Jersey City Municipal Code, which mandates Affordable Housing Trust Fund payments in three (3) installments, 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 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  
11/06/08

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required

City Clerk File No. Ord 08-165

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 08-165

**TITLE: ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE TOWER NORTH URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 2 OR TOWER NORTH)**

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

**WHEREAS**, MEPT Journal Square Tower North 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 is the owner of Unit 2 [Tower North] that is one (1) condominium unit of a three (3) unit condominium project [the Journal Square Development], located on certain property known as Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, on the City's Official Tax map, consisting of approximately 1.5 acres, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, and more specifically described by metes and bounds, in the application [Property]; and

**WHEREAS**, the Entity will lease the Tower North to Journal Square Residential Leasing Associates, LLC [the Leasing Entity]; and

**WHEREAS**, the Property is located within the Journal Square Redevelopment Plan Area as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g); and

**WHEREAS**, since the Entity estimates construction costs that will exceed \$25 million, the Project (as defined in the next Recital) shall be subject to a Project Labor Agreement as required by Ordinance 07-123; and

**WHEREAS**, the Entity has applied for a 30 year long term tax exemption to construct a new sixty-eight (68) story building with approximately nine hundred twenty-two (922) residential rental units on the Property [the Project]; and

**WHEREAS**, MEPT Journal Square Tower North Urban Renewal, LLC, has agreed to:

1. pay the greatest of (i) the Minimum Annual Service Charge or (ii) 10% of the Annual Gross Revenue each year, which sum has been estimated to be a minimum of \$250,000 in year 1; \$500,000 in year 2; \$750,000 in year 3; \$1,000,000 in years 4 through 7; \$1,250,000 in years 8 through 19; and \$1,500,000 in years 20 through 30; or (iii) the amount of the maximum statutory staged increases over the term of the tax exemption; and
2. in addition to the amounts set forth in paragraph 1, the Entity shall pay 10% of any excess over the Project's pro forma projected revenues of the Leasing Entity, attributable to the Project, as set forth in an exhibit to the financial agreement with the Entity, [the Supplemental PILOT], which shall begin on the first day of year 16 and thereafter to the end of the Term; and

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**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE TOWER NORTH URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 2 OR TOWER NORTH)**

3. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and
4. provide employment and other economic opportunities for City residents and businesses; and
5. 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
6. pay the sum of \$1,383,000 to the City's Affordable Housing Trust Fund in four (4), rather than three (3), installments as set forth in the Financial Agreement; 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 \$173,223 (total taxes of \$346,446 x 50%) whereas, the Annual Service Charge, will generate minimal revenue of \$250,000 in year 1; \$500,000 in year 2; \$750,000 in year 3; \$1,000,000 in years 4 through 7; \$1,250,000 in years 8 through 19; and \$1,500,000 in years 20 through 30 to the City;
2. it is expected that the Journal Square Development will create approximately 439 jobs during construction and 300 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 Redevelopment 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 in obtaining development of the Project and influencing 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**, MEPT Journal Square Tower North 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;

**WHEREAS**, MEPT Journal Square Tower North Urban Renewal, LLC, has agreed to comply with the City of Jersey City's Ordinance 07-123, Requiring Apprenticeships and Project Labor Agreements.

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

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE TOWER NORTH URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 2 OR TOWER NORTH)**

A. The application of MEPT Journal Square Tower North 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 Tower North, that is one (1) condominium unit of the Journal Square Development, located on Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, 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, provided that the Prepayment and Contribution Agreement relating to all three (3) condominium units of the Journal Square Development and authorized by separate Resolution has been fully executed. The Financial Agreement shall include at a minimum the following terms and conditions:

1. Term: the earlier of 35 years from the adoption of the within Ordinance or 30 years from the date the project is Substantially Complete;
  2. Annual Service Charge: each year the greatest of:
    - (a) the Minimum Annual Service Charge equal to \$173,223 (total taxes of \$346,446 x 50%) upon Project Completion, whether or not the Project is occupied; or
    - (b) 10% of gross revenue, estimated to be a minimum of \$250,000 in year 1; \$500,000 in year 2; \$750,000 in year 3; \$1,000,000 in years 4 through 7; \$1,250,000 in years 8 through 19; and \$1,500,000 in years 20 through 30; or
    - (c) the amount of the maximum statutory staged increases over 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: a sixty-eight (68) story building with approximately nine hundred twenty-two (922) residential rental units;
  6. Affordable Housing Trust Fund: \$1,500 per unit x 922 units or \$1,383,000 payable in four (4), rather than three (3), installments as set forth in the Financial Agreement;
  7. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
  8. Execution of a Project Labor Agreement as required by Ordinance 07-123. The Project Labor Agreement shall be in substantially the form on file in the office of the City Clerk.
- 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 and the Entity deem appropriate or necessary.

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE TOWER NORTH URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 2 OR TOWER NORTH)**

E. All ordinances and parts of ordinances including Section 304-28 of the Jersey City Municipal Code, which mandates Affordable Housing Trust Fund payments in three (3) installments, 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 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*  
*11/06/08*

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required

City Clerk File No. Ord. 08-166

Agenda No. 3.1 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 08-166

**TITLE: ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 3 OR TOWER SOUTH)**

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

**WHEREAS**, MEPT Journal Square Tower South 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 is the owner of Unit 3 [Tower South] that is one (1) condominium unit of a three (3) unit condominium project [the Journal Square Development], located on certain property known as Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, on the City's Official Tax map, consisting of approximately 1.5 acres, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, and more specifically described by metes and bounds, in the application [Property]; and

**WHEREAS**, the Entity will lease Tower South to Journal Square Residential Leasing Associates, LLC [the Leasing Entity]; and

**WHEREAS**, the Property is located within the Journal Square Redevelopment Plan Area as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g); and

**WHEREAS**, since the Entity estimates construction costs that will exceed \$25 million, the project shall be subject to a Project Labor Agreement as required by Ordinance 07-123; and

**WHEREAS**, the Entity has applied for a 30 year long term tax exemption to construct a new fifty (50) story building with approximately six hundred ninety-three (693) residential rental units on the Property [the Project]; and

**WHEREAS**, MEPT Journal Square Tower South Urban Renewal, LLC, has agreed to:

1. pay the greatest of (i) the Minimum Annual Service Charge or (ii) 10% of the Annual Gross Revenue each year, which sum has been estimated to be a minimum of \$250,000 in year 1; \$500,000 in year 2; \$750,000 in year 3; \$1,000,000 in years 4 through 7; \$1,250,000 in years 8 through 19; and \$1,500,000 in years 20 through 30; (iii) upon completion of the Tower North Urban Renewal, LLC tax exemption, approved by the adoption of an ordinance simultaneously herewith, 10% of the Annual Gross Revenue each year, which sum has been estimated to be a minimum of \$175,000 in year 1; \$350,000 in year 2; \$525,000 in year 3; \$700,000 in years 4 through 7; \$875,000 in years 8 through 19; and \$1,050,000 in years 20 through 30; or (iv) the amount of the maximum statutory staged increases over the term of the tax exemption; and

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 3 OR TOWER SOUTH)**

2. in addition to the amounts set forth in paragraph 1, the Entity shall pay 10% of any excess over the Project's pro forma projected revenues of the Leasing Entity, attributable to the Project, as set forth in an exhibit to the financial agreement with the Entity [the Supplemental PILOT], as of the application filing date which shall begin on the first day of year 16;
3. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and
4. provide employment and other economic opportunities for City residents and businesses; and
5. 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
6. pay the sum of \$1,039,500 to the City's Affordable Housing Trust Fund in four (4), rather than three (3), installments as set forth in the Financial Agreement; 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 \$121,256 (total taxes of \$346,446 x 35%) whereas, the Annual Service Charge, will generate minimal revenue of \$175,000 in year 1; \$350,000 in year 2; \$525,000 in year 3; \$700,000 in years 4 through 7; \$875,000 in years 8 through 19; and \$1,050,000 in years 20 through 30 to the City;
2. it is expected that the Journal Square Development will create approximately 439 jobs during construction and 300 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 Redevelopment 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 in obtaining development of the project and influencing 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**, MEPT Journal Square Tower South 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;

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 3 OR TOWER SOUTH)**

**WHEREAS**, MEPT Journal Square Tower South Urban Renewal, LLC, has agreed to comply with the City of Jersey City's Ordinance 07-123, Requiring Apprenticeships and Project Labor Agreements.

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

A. The application of MEPT Journal Square Tower South 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 Tower South that is one (1) condominium unit of the Journal Square Development, located on Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, 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, provided that the Prepayment and Contribution Agreement relating to all three (3) Units of the Journal Square Development and authorized by separate Resolution has been fully executed. The Financial Agreement shall include at a minimum the following terms and conditions:

1. Term: the earlier of 35 years from the adoption of the within Ordinance or 30 years from the date the project is Substantially Complete;
2. Annual Service Charge: each year the greatest of:
  - (a) the Minimum Annual Service Charge equal to \$121,256 (total taxes of \$346,446 x 35%) upon Project Completion, whether or not the Project is occupied; or
  - (b) 10% of the Annual Gross Revenue each year, which sum has been estimated to be a minimum of \$250,000 in year 1; \$500,000 in year 2; \$750,000 in year 3; \$1,000,000 in years 4 through 7; \$1,250,000 in years 8 through 19; and \$1,500,000 in years 20 through 30; (iii) upon completion of the Tower North Urban Renewal, LLC tax exemption, approved by the adoption of an ordinance simultaneously herewith, 10% of the Annual Gross Revenue each year, which sum has been estimated to be a minimum of \$175,000 in year 1; \$350,000 in year 2; \$525,000 in year 3; \$700,000 in years 4 through 7; \$875,000 in years 8 through 19; and \$1,050,000 in years 20 through 30; or
  - (c) the amount of the maximum statutory staged increases over 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: a fifty (50) story building with approximately six hundred ninety-three (693) residential rental units;

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 3 OR TOWER SOUTH)**

- 6. Affordable Housing Trust Fund: \$1,500 per unit x 693 units or \$1,039,500 payable in four (4), rather than three (3), installments as set forth in the Financial Agreement;
- 7. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
- 8. Execution of a Project Labor Agreement as required by Ordinance 07-123. The Project Labor Agreement shall be in substantially the form on file in the office of the City Clerk.
- 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 and the Entity deem appropriate or necessary.
- E. All ordinances and parts of ordinances including Section 304-28 of the Jersey City Municipal Code, which mandates Affordable Housing Trust Fund payments in three (3) installments, 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 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*  
11/06/08

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

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

Certification Required   
Not Required