

City Clerk File No. Ord. 08-120

Agenda No. 3.A 1st Reading

Agenda No. 4.A 2nd Reading & Final Passage

4.L. SEP 24 2008



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-120

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

WHEREAS, the Municipal Council of the City of Jersey City, authorized the Jersey City Planning Board to conduct a preliminary investigation and hold a public hearing to determine if the area known as the Newark Avenue Downtown Study Area meets the statutory criteria necessary to be declared an area in need of redevelopment, pursuant to NJSA 40A:12A-1 et seq., and/or an area in need of rehabilitation, NJSA 40A:12A-14; and

WHEREAS, This determination was made by Resolution 07-367 of the Jersey City Municipal Council following a recommendation by the Jersey City Planning Board; and

WHEREAS, the Municipal Council, upon the recommendation of the Jersey City Planning Board has determined that the Newark Avenue Downtown Study Area is "an area in need of redevelopment"; and

WHEREAS, the Planning Board, at its meeting of August 5, 2008 recommended to the Municipal Council the Newark Avenue Downtown Redevelopment Plan, Dated August 5, 2008, as the guide to future redevelopment of the Study Area; and

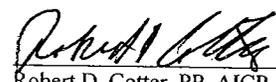
WHEREAS, the Newark Avenue Downtown Redevelopment Plan provides for redevelopment that maximizes the health, safety, and welfare of the community; and

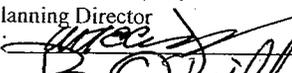
WHEREAS, a copy of the Newark Avenue Downtown Redevelopment Plan is attached hereto and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ, and the Division of City Planning, 30 Montgomery Street, Suite 1400, Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Newark Avenue Downtown 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
Planning Director

APPROVED: 
APPROVED: 
Business Administrator

APPROVED AS TO LEGAL FORM


Corporation Counsel

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE NEWARK AVENUE DOWNTOWN REDEVELOPMENT PLAN

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

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

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

This ordinance adopts a redevelopment plan for the Newark Avenue Downtown Study Area. Its goal is to rehabilitate and re-use the existing Newark Avenue buildings recognizing and retaining the size, scale, and architectural merit of the existing buildings. New construction is also permitted, and there are bonus provisions for additional floor area and building height. A central component of the plan is the establishment of a mid-block Paseo, also known as a laneway, for public pedestrian access and public outdoor café dining to be located on Block 240, Lot H.

4. Reasons for the Proposed Zoning:

The area was determined to be in need of redevelopment and rehabilitation.. Some of the specific improvements his plan seeks to implement in this area are as follows:

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

5. Anticipated Benefits to the Community:

The standards and requirement set forth in this plan promote the growth of a vibrant, mixed-use transit oriented neighborhood. The plan provides for many public amenities, a street network and open spaces that will benefit the new plan area and the established community surrounding the area.

6. Cost of Proposed Plan, etc.:

\$0.00.

7. Date Proposed Plan will commence:

Upon adoption.

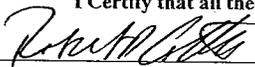
8. Anticipated Completion Date: N/A

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

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

10. Additional Comments:

I Certify that all the Facts Presented Herein are Accurate.



 Division Director

August 14, 2008

 Date

DEPUTY 

 Department Director Signature

8-14-08

 Date

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE NEWARK AVENUE DOWNTOWN REDEVELOPMENT PLAN

This ordinance adopts a redevelopment plan for the Newark Avenue Downtown Study Area. Its goal is to rehabilitate and re-use the existing Newark Avenue buildings recognizing and retaining the size, scale, and architectural merit of the existing buildings. New construction is also permitted, and there are bonus provisions for additional floor area and building height. A central component of the plan is the establishment of a mid-block Paseo, also known as a laneway, for public pedestrian access and public outdoor café dining to be located on Block 240, Lot H.

Located in the Downtown section of the City, the Study Area consists of two (2) tax blocks, as well as the rights-of-ways of all adjoining streets. The Study Area is bounded by Grove Street on the east, Christopher Columbus Drive on the South, Newark Avenue of the north, and Jersey Avenue to the west. The specific Tax Blocks are identified as Block 274 and Block 240.

Newark Avenue Downtown

Redevelopment Plan

City of Jersey City

Division of City Planning

As recommended to the City Council on August 5, 2008

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Newark Avenue Downtown Redevelopment Plan

I. INTRODUCTION

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

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

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

Background

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

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

The study area is presently zoned as a Neighborhood Commercial Zone. This zoning district has as its purpose, the intention to provide neighborhood oriented convenience shopping. This particular portion of the neighborhood shopping district is also part of the Restaurant Row Overlay District, deigned to encourage the creation of a destination restaurant and entertainment HUB. However, the current condition of this area actually contains only a hand full of restaurants and some convenience shopping. It is dominated by discount shops and vacancies, especially on the upper floors. This shopping district has not been experiencing the reinvestment and re-vitalization that neighborhoods immediately surrounding the area have.

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

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

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

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

II. BOUNDARIES

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

Block	Lots
240	All
274	All
All roadways surrounding these Blocks	

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

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

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

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

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

- J. Promote the addition of downtown green spaces in the form of plazas, paseos, and informal pedestrian spaces.
- K. Promote the responsible rehabilitation of the existing buildings through the use of the 1930's Tax Assessors photograph for guidance and conformance.
- L. Coordinate these efforts with the *Historic Downtown Newark Avenue Merchants Association & Special Improvement District Association*.
- M. Maintain the existing character and height of the Newark Avenue Shopping District to anchor its adjacent residential Historic Districts of Van Vorst Park and Harsimus Cove.
- N. To promote the principles of "Smart Growth" i.e. sustainable economic and social development, including a variety of housing choices, providing pedestrian friendly streets and public rights-of-way, minimize automobile use by maximizing the appeal of mass transit, encourage reduced parking and shared use parking solutions, and creating a livable community with convenient access to commercial facilities.

IV. PROPOSED REDEVELOPMENT ACTIONS

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

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

V. GENERAL ADMINISTRATIVE REQUIREMENTS

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

- A. **Prior to the commencement of:** (a) any new construction, (b) reconstruction, (c) rehabilitation (d) any change in building fenestration, or (e) any change in the intensity of use of any structure or parcel; a site plan for such shall be submitted by the developer or

- B. **Duration** - The provisions of this Plan specifying the redevelopment of the Area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) years from the original date of approval of this Plan by the Jersey City Municipal Council. Subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such amendments.
- C. **Approval requirements of the Planning Board** - Site plan review shall be conducted by the Planning Board, pursuant to NJSA 40:55D-1 et. seq. Site plan review shall consist of a preliminary and final site plan application. Submission of a site plan and site plan application shall conform to the requirements of the Jersey City Zoning Ordinance and this Plan. Applications may be submitted for an entire project or in phases. Final Site plan approval for any phase shall entitle an applicant to building permits. Final site plan approval for any phase shall not be granted until performance guarantees for site improvements for that phase have been furnished by the redeveloper in accordance with NJSA 40:55D-53
- D. As part of final site plan approval, the Planning Board shall require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53. Such performance guarantees shall be in favor of the City of Jersey City, and be in a form approved by the Planning Board attorney. The amount of any such performance guarantees shall be determined by the City Engineer in conformance with applicable law, and shall be sufficient to assure completion of site improvements within one (1) year of final site plan approval, or such other time period as determined by the Planning Board if particular circumstances dictate a longer time frame.
- E. No Certificate of Occupancy (CO) of any type, either permanent or temporary, shall be issued for any construction until performance bonds, in an amount identified by the Planning Board and the City Engineer, have been posted with City.
- F. **Subdivision** - Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with this Plan's requirements and the Jersey City Land Subdivision Ordinance.
- G. **Interim Uses** - All interim uses may be permitted, subject to site plan review and approval by the Planning Board. The Planning Board shall only permit uses that it finds will not have an adverse effect upon surrounding existing or contemplated development during the interim use period. Interim uses must be approved by the Planning Board. The Board shall establish an interim use period of up to three (3) years in duration. The Planning Board may grant additional one (1) year renewals of interim uses upon application, review, and approval. Surface parking lots and commuter parking garages are specifically prohibited and shall not be permitted as interim uses.
- H. **Deviation Clause** - The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions,

pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted which will result in permitting: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a non-conforming use, (3) an increase in height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district, (4) an increase in the permitted floor area ratio, (5) an increase in the permitted density.

An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

- I. No covenant, lease, conveyance or other instrument shall be effected or executed by the Jersey City Redevelopment Agency or by a redeveloper or any successors or assignees, whereby land within the Redevelopment Area is restricted by the Jersey City Redevelopment Agency or the redeveloper upon the basis of race, creed, color or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments.
- J. No building shall be constructed over an easement in the Redevelopment Area without site plan review and approval of the Jersey City Planning Board and prior written approval of the Redevelopment Agency and the Division of Engineering.
- K. **Severability Clause** - If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect.

VI. GENERAL DESIGN REQUIREMENTS AND RESTRICTIONS

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

- A. All utility distribution lines; utility service connections from such lines to the Redevelopment Area's individual uses; and transformers, utility appliances, regulators and metering devices shall be located underground or within the building. No utility boxes or structure shall be permitted in or adjacent to sidewalk areas, or anywhere exterior to the building. Remote readers are required for all utilities, in lieu of external location of the actual metering devices. Developers are required to arrange for connections to public and private utilities.
- B. Chain link fencing shall be prohibited within the Redevelopment Area, except during construction. Chain link fencing for construction shall be dismantled and removed prior to the issuance of a Certificate of Occupancy.
- C. No Billboard shall be permitted on any property contained within the Redevelopment Area.
- D. No signage shall be permitted within the Redevelopment Area, which includes flashing, blinking or otherwise animated lights and/or parts, spinners, pennants, reflective materials, which sparkle or twinkle and/or similar materials; except for seasonal holiday decorations.
- E. No advertising shall be permitted on parking meters, light poles, or on benches or other street furniture within the public right-of-way.
- F. All trash dumpsters and/or compactors shall be located within the buildings. All outdoor storage shall be prohibited.
- G. All buildings within the Redevelopment Area must display the street address of the building such that it is clearly visible from the adjoining street right of way, but not oversized.
- H. In order to facilitate the overall redevelopment of the Redevelopment Area, the surrounding area, and the City of Jersey City in general, all advertising, signage and other promotion of the resulting project, whether undertaken by the City, the Redevelopment Agency, or private developers, shall contain references to the proposed project's location. They all shall clearly state it to be within the City of Jersey City so as to promote the positive external effects for not only the project, but the Redevelopment Area and the City as a whole.

VII. URBAN DESIGN REQUIREMENTS

A. Building Design Requirements

- 1. All new structures within the Redevelopment Area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of material, light, air and usable open space, access to public rights of way and off-street parking, height, setback and bulk.
- 2. Buildings shall be designed to be attractive from all vantage points, such that the same materials and detailing are used on all faces and sides of the building.

3. Buildings shall maintain a Main entrance *on each* street that their lot is adjacent to so as to contribute to the overall liveliness of the pedestrian environment. Each Main entrance shall be prominent, easily identifiable, and connect directly to the public street and sidewalk.
4. Buildings shall have a clear base, middle and top. Architectural devices, of string courses, cornices and sub-cornices, lintels and sills, and/or horizontally differentiating surface treatments, shall be used to achieve the necessary transitions.
5. The windows and glazing of a building are a major element of the style which gives character to a building and shall be appropriately and sensitively chosen with respect to the Secretary of the Interior's Standards and Guidelines for Windows. They shall contain lintels and sills and shall be recessed the distance of one brick wayah.
6. Balconies and terraces may extend from the building when facing into interior courts. However, all balconies facing onto streets shall be prohibited.
7. EIFS (Exterior Insulating Finishing Systems, cementitious concrete systems, stucco, artificial stone, CMU size/type block, jumbo brick, vinyl and/or aluminum siding, and artificial brick veneer such as permastone or brick-face, and plastic/vinyl or aluminum type artificial siding materials shall be prohibited as building cladding within this Redevelopment Area. Building face material to be used on all sides shall be primarily of brick in the Standard Modular or Standard Norman sizes only with other appointment being of Stone, wood, or metal.
8. All mechanical equipment, generators, HVAC equipment and similar equipment shall be visually screened such that they are not visible from adjacent buildings or public areas. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same or complimentary materials used in the construction of the building, such that the screening appears to be an integral part of the building. Interior building locations must be utilized where mechanically possible, and not located in the rear yard.
10. All mechanical equipment, generators, HVAC equipment and similar equipment shall be acoustically buffered such that any noise generated by the equipment shall be within the applicable standards as defined by the State of New Jersey for residential locations.
11. All electronic communication equipment shall be visually screened such that they are hidden from view. This shall be achieved through creative disguises within the basic architecture of the building, such that it does not negatively impact the appearance of the building. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same materials used in the construction of the building, such that the screening appears to be an integral part of the building. Said equipment shall be located so as to minimize or eliminate the need for screening. Reference shall be made to the Wireless Communications section of the Jersey City Land Development Ordinance for appropriate permitted locations for these facilities.

B. Streetscape, Open Space and Landscape Requirements

1. A streetscape plan, acceptable to the Division of City Planning is required for all projects and shall include proposed sidewalk and curbing materials and treatments, street trees, tree pit grates and/or treatments, and any proposed street furniture, lighting or other features to be provided. The streetscape plan shall be submitted to the Jersey City Planning Board for its review and approval, as part of the project site plan application and implemented as part of the construction of the project and it shall be consistent with the *Historic Downtown Newark Avenue Merchants Association & Special Improvement District Association* street-scape design.
2. Sidewalk areas and curbing shall be attractively landscaped and durably paved in Scofield *Charcoal* or equivalent concrete. Decorative paving materials may be incorporated into the design. Ample bicycle racks must be provided in every public pedestrian node. Additional decorative elements shall be introduced at building entrances to accent and channel pedestrian flow. Decorative cross walks shall be provided at all intersections within and around the redevelopment plan area. The sidewalk and streetscape plan shall be coordinated and with and conform to the *Historic Downtown Newark Avenue Merchants Association & Special Improvement District Association* sidewalk design.
 - A. All plant material used must be able to withstand the urban environment and shall be planted, balled and burlapped as established by the American Association of Nurserymen.
 - B. A planting schedule shall be provided by the developer and approved by the Planning Board. All landscaping shall be guaranteed for a period of two (2) years. Any landscaping which is not resistant to the urban environment or that dies shall be replaced by the developer or property owner.
 - C. Street trees shall be planted along all curb lines of streets within the Redevelopment Area at a maximum of 30 feet on center and be a minimum of 3 in caliper. Each tree pit shall be at least four foot by four foot in area and contain a decorative metal grate or tree guard.
3. Outdoor landscaped open space areas shall be provided for all new construction within the Redevelopment Area and shall occupy any required yard areas. All areas not covered by a building or necessary paved areas, shall be landscaped with trees, shrubs, groundcovers or other appropriate plant material.
4. Lighting within the Redevelopment Area shall sufficiently illuminate all areas to prevent "dark corners". All lighting sources must be shielded to prevent and eliminate any glare. The area of illumination shall have a uniform pattern of at least one-half (0.5) foot-candles.
5. A mid-block paseo shall be a publicly owned space incorporated into the center of Block 240 on the existing vacant lot H. The tragic loss of a classic historic building to fire has led to this new opportunity to substantially improve the quality of this downtown shopping district and restaurant row by incorporating a pedestrian passageway that adds dimension to the shopping district and improved connections to the downtown pedestrian

network. It provides for improved access to shoppers parking, adjacent neighborhoods and shall accommodate outdoor dining. An added benefit is that it functions as an outdoor destination for dining and gathering within the Newark Avenue shopping district providing a great asset to this existing neighborhood, one that typically sees new investment going to new projects outside the old neighborhood core.

6. The main funding source for the acquisition of the access way shall be provided through the bonus of permitting floor area above the 4th floor built within the redevelopment plan area. Any additional floor area that this plan permits over and above what is permitted under the former Neighborhood Commercial zoning shall be permitted as a bonus.
7. The landscape design of the paseo shall be simple with high quality materials, utilizing re-claimed belgium block pavers on the surface, decorative lighting and planters.
8. All retail building and tenant spaces fronting on the paseo shall provide windows and door to access the passageway and outdoor dining and seating areas.

C. Off-street Parking Design and Loading Requirements

1.

Block: 240: No Parking Permitted

Block: 274: No Parking Required, Maximum of .5 Spaces per DU Permitted

2. Off-street loading or parking areas shall be coordinated with the public street system serving the Redevelopment Area in order to avoid conflicts with vehicular traffic and/or obstruction to pedestrian walkways and thoroughfares.
3. Developers shall demonstrate to the Board's satisfaction that sufficient off-street loading is provided to meet the needs of the proposed uses.
4. Driveway access is prohibited from Newark Avenue.
5. Surface parking is prohibited on Block 240 and 274 except in cases of pre-existing conditions.
6. All parking shall be interior to the building. No interior parking use shall be located within 20 feet of an exterior wall having street frontage. All parking areas shall be wrapped by a principal use of the building along a street or R-O-W.

D. Signage

1. Signage Approval Process

- a. All signs are subject to site plan review when included as part of a major site plan application.
- b. All new signage that complies with the redevelopment plan shall not require site plan approval.

- c. Minor Site Plan application with deviation will need to be submitted to the Planning board for all non-conforming signage proposals.
 - d. All signage shall conform to the Standards of the Newark Avenue Merchants Association and Special Improvement District.
2. Additional Signage Regulations and Requirements, applied throughout all areas of the plan:
- a. All signs shall be flush mounted although blade signs may be attached to the first floor façade on Christopher Columbus Drive and within the Paseo.
 - b. Window signs (other than lettering as specifically permitted) shall be prohibited. Lettering shall be limited to decorative metal leaf, flat black or etched / frosted glass style lettering and shall be limited to the name of the business occupying the commercial space / store front and shall cover no more than twenty (20%) of the window area.
 - c. All signs shall be attached to the first floor level of the building only.
 - d. Permitted signage material includes: 1.) Painted wood; 2.) Painted metals including aluminum and steel; 3.) Brushed finished aluminum, stainless steel, brass, copper, or bronze; 4.) Carved wood or wood substitute.
 - e. Permitted lettering material includes: 1.) Lettering forms applied to the surface of the sign; 2.) Single colored lettering forms applied to the surface of the sign; 3.) Metallic solid body letters with or without returns; 4.) Painted acrylic or metal letter. 5.) Vinyl lettering attached permanently to a wood, wood substitute or metal signboard.
 - f. Sign Lighting: Signs may be lit from backlit halo, and up-lights. Internally lit signs and sign boxes are prohibited.
 - g. During construction, one (1) temporary sign indicating: the name of the project or development, general contractor, subcontractor, financing institution and public entity officials (where applicable) shall be permitted. The sign area shall not exceed forty (40) square feet.
 - h. Store front windows shall not be blocked by any interior display case or other form of barrier. Passers by on the street shall have the ability to see into the shop and view the activity within.
4. Prohibited Signage: The following signs and devices shall not be permitted within the Redevelopment Area:
- a. Monument signs
 - b. internally or externally illuminated box signs
 - c. neon signs
 - d. flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle
 - e. roof signs
 - f. billboards
 - g. signboards
 - h. window signs, posters, plastic or paper that appear to be attached to the window
 - i. pole signs
 - j. free-standing signs

- k. fluorescent and/or glowing paint for any signage or building within the redevelopment area
- l. waterfall style awnings
- m. plastic awnings
- n. product advertising signage of any kind. Product advertising signage is defined here to include, but not be limited to signage on: parking meters, signage in windows, on light poles, benches or other street furniture within the redevelopment area.

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

VIII. SPECIFIC LAND USE REGULATIONS

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

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

Another goal is to encourage rehabilitation or new construction on lots designated "in need of redevelopment" by offering the bonus of additional height and floor area when these improvements are made in conformance with the design requirements of this plan and the specific bonus provisions are met.

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

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

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

Map - 4 Acquisition Map, indicates which lots were found to be "in Need of Rehabilitation", and "in Need of Redevelopment", by the City Council of the City of Jersey City. It also specifies

that no lots qualifying for redevelopment are to be acquired at this time. Refer to Section IX Acquisition Plan, of this document for a thorough discussion on this matter.

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

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

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

Map 8 – Circulation Map – Streets sidewalks and paseo, which is to be named Via Del Forno.

A. Principal Permitted Uses

First Floor: At least one of the following uses are Required on the Ground Floor: 1) Retail 2) Category one or two Restaurant, Second Floor and above:

- a. Retail sale of goods and services
- b. Financial institutions without drive-through facilities
- c. Restaurants category one and two
- d. Theaters and Museums
- e. Governmental Uses
- f. Residential apartments
- g. Public and private educational facilities
- h. Bars
- i. Day Care Centers
- j. General offices and medical offices
- k. Health Club
- l. Any combination of the above

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

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

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

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

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

D. **Bonus Provisions**

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

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

- 1) Existing facades on Newark Avenue and Jersey Avenue are retained and improved in a manner that is consistent with the tax assessors 1930’s photograph of the building frontage. This is fulfilled by rehabilitation of the entire building or the rehabilitation of at least the front 30’ for the entire height along Newark Avenue, Grove Street and Jersey Avenue. Buildings where this rehabilitation is required are depicted on *Map 6 – Buildings to be Rehabilitated*.
- 2) Existing buildings, designated “in need of redevelopment” are added to or reconstructed in a way that is consistent with the existing scale and historic nature of the shopping district. This new construction shall also look to the 1930’s photograph of direction of building design however, a modern building form shall be permitted provided the window placement and floor to ceiling heights are consistent with and compatible to the adjacent buildings fronting on the same street in order to provide a unified and consistent street wall.
- 3) The project site shall incorporate active ground floor store fronts with public ingress and egress, containing required retail uses, on each and every building frontage on as per *Map 7 -Required Retail*.
- 4) Contributions to the Open Space and Pedestrian Passageway Trust Fund are provided for all floor area above the 4th floor as a bonus based on a monetary contribution of \$9.99 per square ft of floor area constructed above the 4th floor. Buildings included on Map 6 that provide the required rehabilitation are exempt from this requirement. In order to address cost increase over time, this contribution shall increase by 1% each year from the date of adoption of this plan.

- 5) Buildings shall conform to the design requirements outlined below. Minor deviations of these requirements shall be permitted provided a deviation is granted by the Planning Board after review and approval.

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

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

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

i. **Building Design Requirements**

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

- Basement window openings shall be reopened and replaced with windows and decorative grates. Louvers shall be painted a dark

color darker than the existing brick and covered with decorative grillwork.

- Brick façade shall be repaired, cleaned and spot pointed where necessary, while maintaining the original/historic color, texture, profile and depth of the existing mortar joints and the current brick work pattern. Any surface cleaning shall be done by the most conservative and gentlest means possible so as not to harm or destroy any original /historic building materials.
- Any window replacement shall not utilize a white or off-white frame.
- Roof-top amenity open space shall be incorporated on at least 50% fifty percent of the upper story roof .

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

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

IX. ACQUISITION PLAN

Acquisition for the creation of a pedestrian public R-O-W is slated for Block 240 Lot H. This acquisition serves an important public purpose, improving access to a major PATH station, pedestrian access to nearby parking, neighborhood connections and needed civic plaza space within the heart of the downtown shopping district. The parcel slated for acquisition is the only vacant parcel within the block. The building that was completely destroyed by fire was designated in need of rehabilitation by the City Council of the City of Jersey City within the Newark Avenue Downtown Study Area Report.

No other acquisition of any improved property within the Redevelopment Area by the City of Jersey City or any of its agencies, including the Jersey City Redevelopment Agency is envisioned at this time. Current owners shall be given 5 years from the date of adoption of this plan to invest in their properties and redevelop consistent with the standards and objectives of the redevelopment plan. They shall have the opportunity to take part in the redevelopment of this downtown neighborhood.

The building located at Block 240, Lot 11 is designated for redevelopment and has remained vacant for several years. Its vacancy is one of the single most dominant causes of blight within this area. If it is not improved and occupied in a way that is consistent with this plan within two years of adoption of this plan, the City shall re-evaluate this acquisition schedule to consider acquisition of this property.

X. RELOCATION PLAN

As noted above, there is not expected to be any acquisition of land by the municipality or other public agency. Therefore, there will not be any relocation of persons or businesses as a result of this Plan. Nonetheless, should relocation become necessary, the process of relocating the affected persons and businesses will receive the careful attention of local officials and the Jersey City Redevelopment Agency, and be conducted in accordance with the requirements of all applicable Federal, State and Local laws.

XI. CIRCULATION PLAN

1. It is the intent of this Circulation Plan to provide a street layout for the Redevelopment Area which is adequate to meet the circulation needs of the Redevelopment Area in terms of vehicular traffic and pedestrian volume, while at the same time recognizing that it is a primary purpose of this Redevelopment Plan to promote the principles of Smart Growth. That is, to provide pedestrian friendly streets and public rights-of-way, to minimize automobile use by maximizing the appeal of mass transit and to encourage reduced parking and shared use parking solutions.
2. All existing streets and rights of way within the Redevelopment Area shall remain open to the public. All streets shall provide on street parking on both sides of the street unless restricted by local ordinance.
3. The paseo is an essential pedestrian component of this redevelopment plan. Providing improved pedestrian access to the major downtown Grove Street PATH station, linking pedestrians to nearby parking, linking surrounding neighborhoods to the Newark Avenue Downtown shopping district in a more meaning full and efficient way, and by providing on-going opportunities for public and civic events and gatherings in a safe and protected public area.
4. Sidewalk areas must be provided and shall be properly sized for the safe and convenient movement of pedestrians through and around the Area, taking into consideration the character of the adjoining uses. In general, sidewalks serving commercial areas should be wider than those serving residential uses.

XII. OTHER PROVISIONS TO MEET STATE AND LOCAL REQUIREMENTS

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

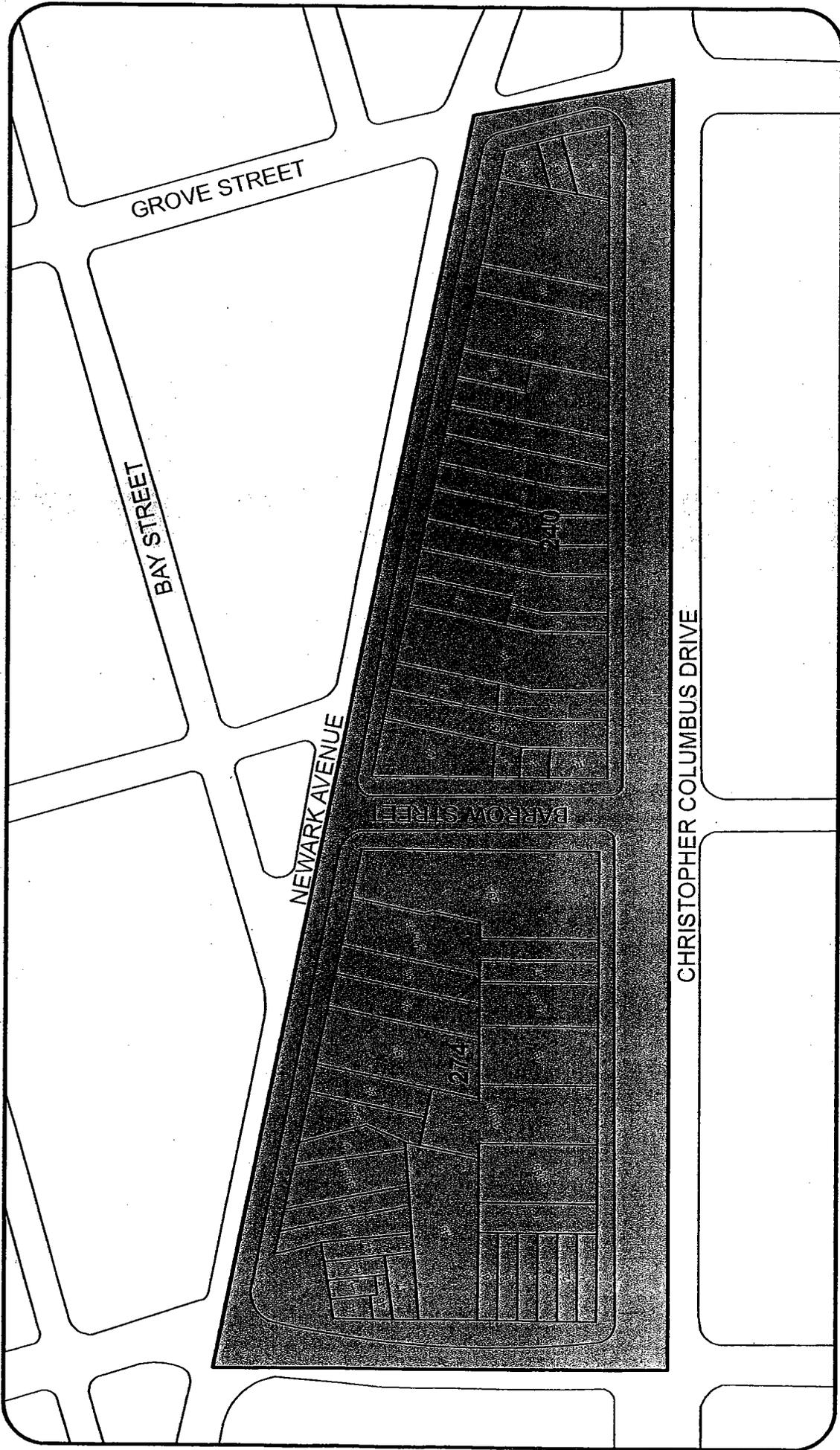
- A. The Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements.
- B. The Plan has laid out various strategies needed to be implemented in order to carry out the objectives of this Plan.
- C. The Plan has provided proposed land uses and building requirements for the Redevelopment Area.
- D. The Acquisition Plan (Section IX) indicates that no property is to be acquired by public agencies as a result of this Plan.

- E. The Plan is in general compliance with the Jersey City Master Plan and the Master Plan of the County of Hudson. It is not contrary to the goals and objectives of the Jersey City Master Plan. The Plan complies with the goals and objectives of the New Jersey Development and Redevelopment Plan in that this Plan and the State's plan both recognize the need to redevelop urban land where adequate infrastructure and transportation alternatives exist.
- F. This Redevelopment Plan shall supersede all provisions of the Jersey City Land Development Ordinance that are specifically addressed herein. Any zoning related question that is not addressed herein shall refer to the Jersey City Land Development Ordinance for clarification. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this plan, as provided herein. Upon final adoption of this Plan by the Municipal Council of Jersey City, the Jersey City Zoning Map shall be amended to rezone the Redevelopment Area covered by this Plan as a Redevelopment Area, and all underlying zoning will be voided.

XIII. PROCEDURE FOR AMENDING THE PLAN

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

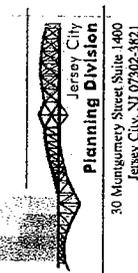
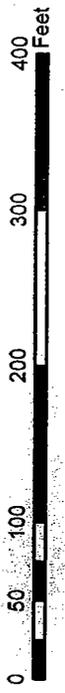
XV MAPS



NEWARK AVENUE REDEVELOPMENT PLAN AREA
 MAP 1: BOUNDARY MAP

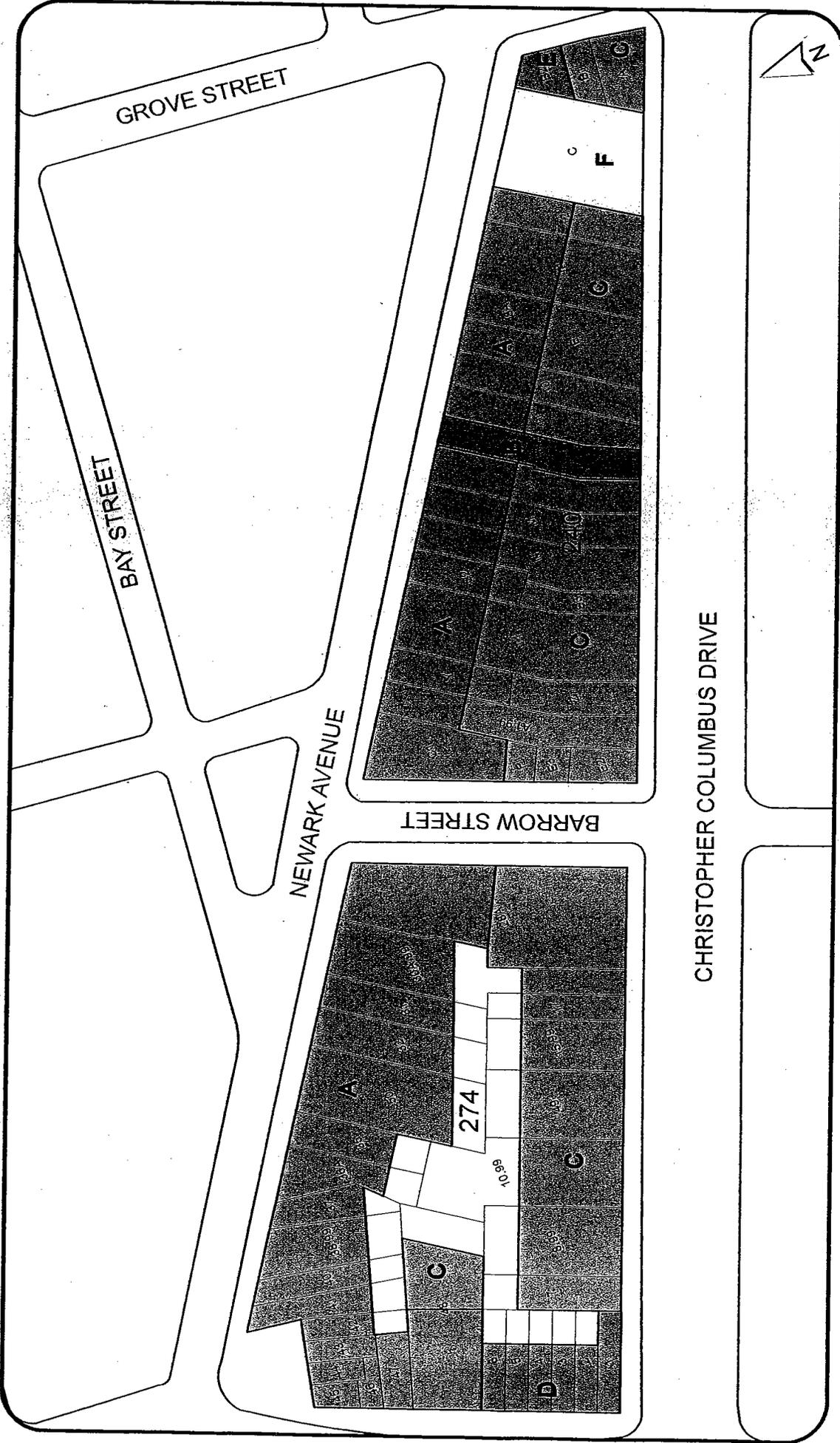


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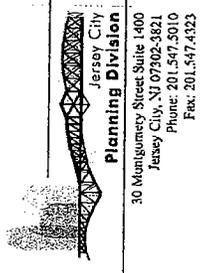
JULY 31, 2008

30 Montgomery Street, Suite 1400
 Jersey City, NJ 07302-3621
 Phone: 201.547.5010
 Fax: 201.547.4323



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

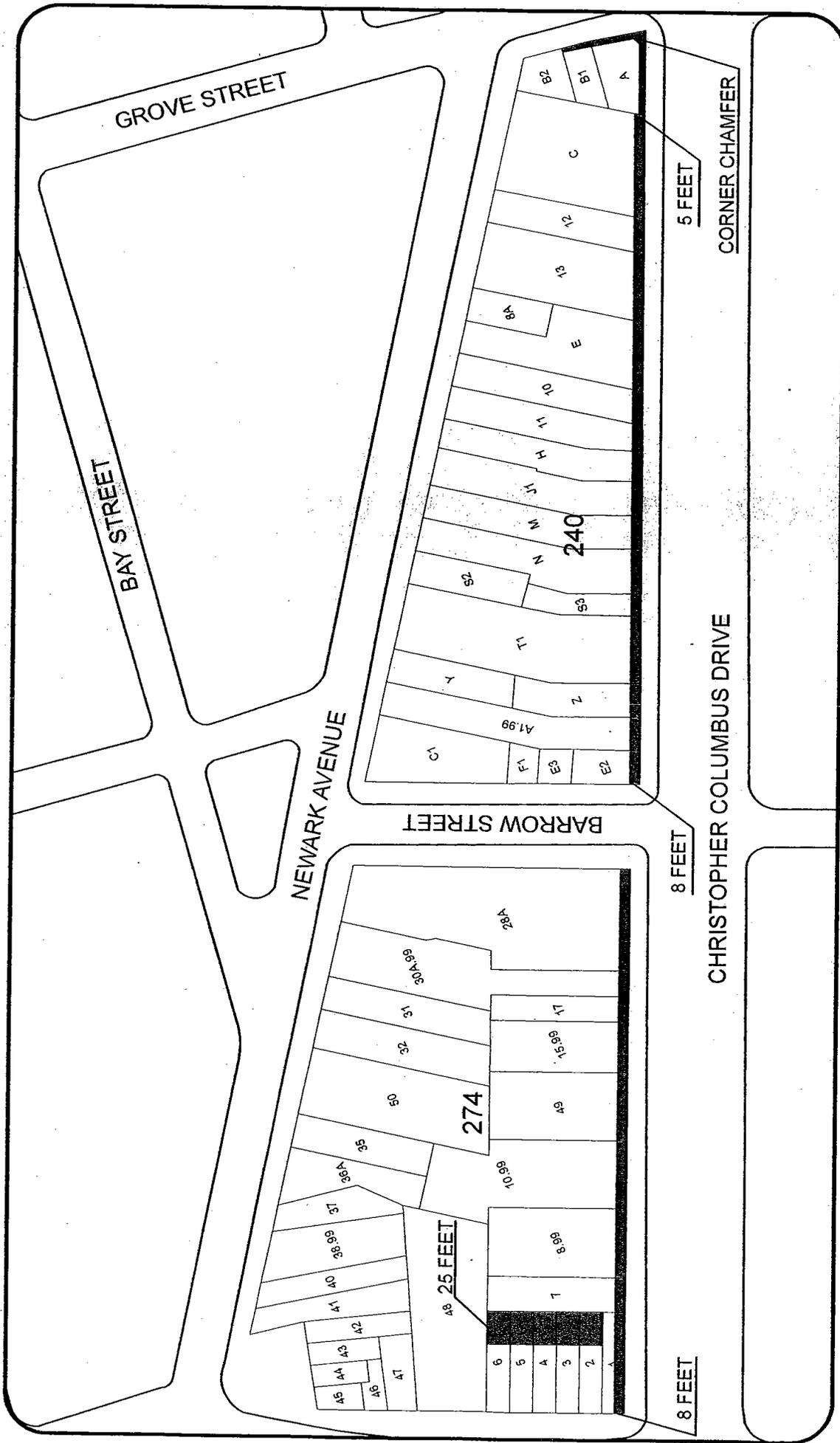
- ZONE A:**
4 stories with bonus of 1 story
- ZONE B:**
Pedestrian midblock passageway (the paseo)
- ZONE C:**
4 stories with bonus of 2 additional stories, and a penthouse where permitted as per map 5.
- ZONE D:**
Rehabilitation of existing buildings. Existing height is the maximum permitted.
- ZONE E:**
Rehabilitation of existing building with bonus of 2 additional stories to a maximum of 55 feet.
- ZONE F:**
Rehabilitation or NC up to 8 stories with maximum height of 75 feet to the finished floor height of the uppermost story, with a maximum overall height of 85 feet measured from the lowest grade elevation.



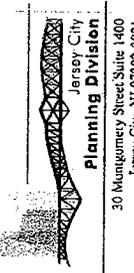
Jersey City
Planning Division
30 Montross Street, Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5910
Fax: 201.547.4323

AUGUST 1, 2008





**NEWARK AVENUE REDEVELOPMENT PLAN AREA
MAP 3: SETBACK PLAN**



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

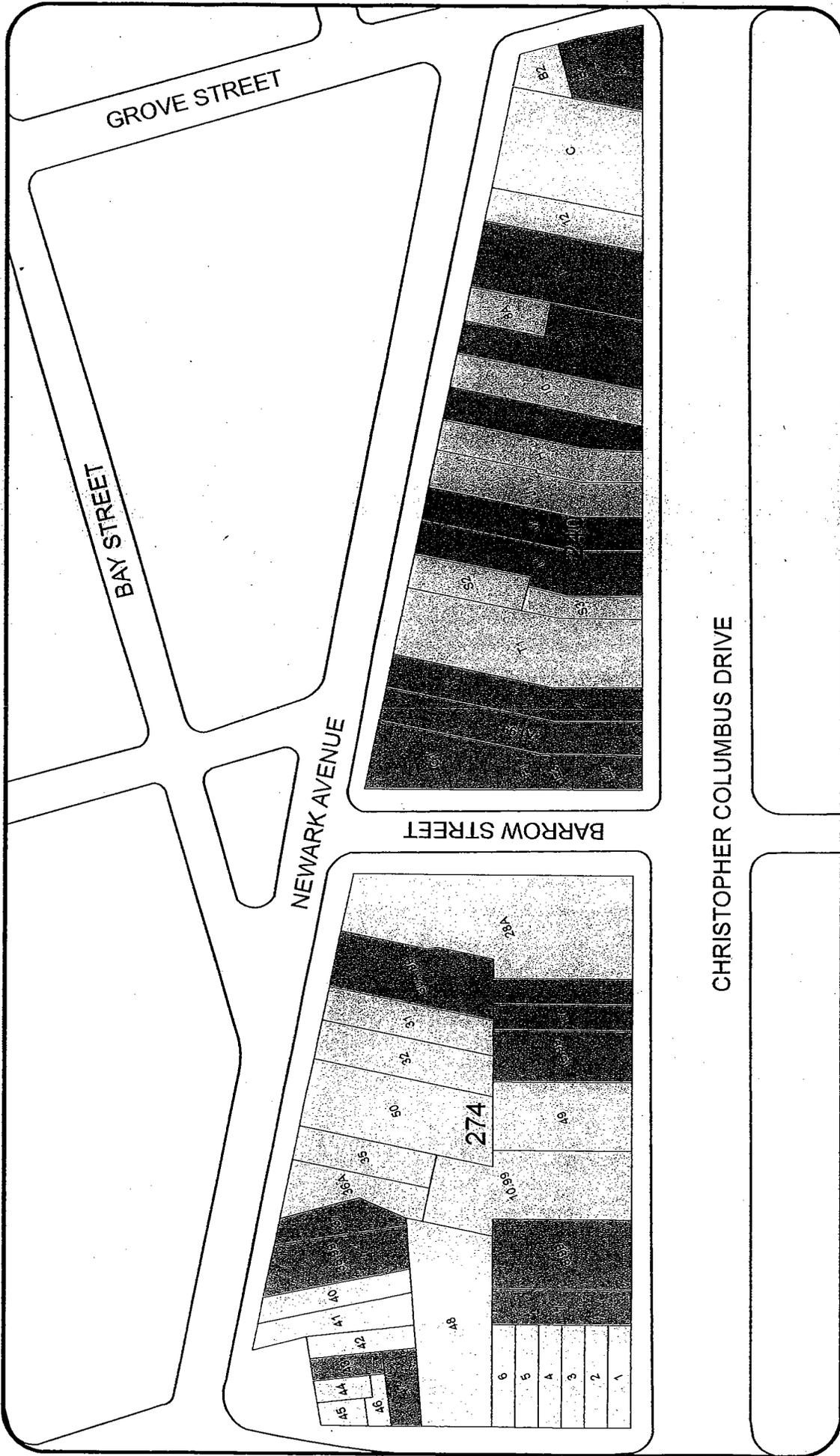
Legend

-  REQUIRED SETBACK AREA
-  BUILDINGS MAY OVERHANG THE FRONT SET BACK ABOVE THE FIRST FLOOR

1 inch equals 100 feet

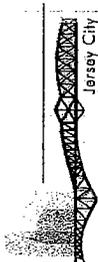


JULY 31, 2008



**NEWARK AVENUE REDEVELOPMENT PLAN AREA
MAP 4: ACQUISITION PLAN**




 Jersey City
 Planning Division
 30 Montgomery Street Suite 1400
 Jersey City, NJ 07302-3821
 Phone: 201.547.3010
 Fax: 201.547.4323

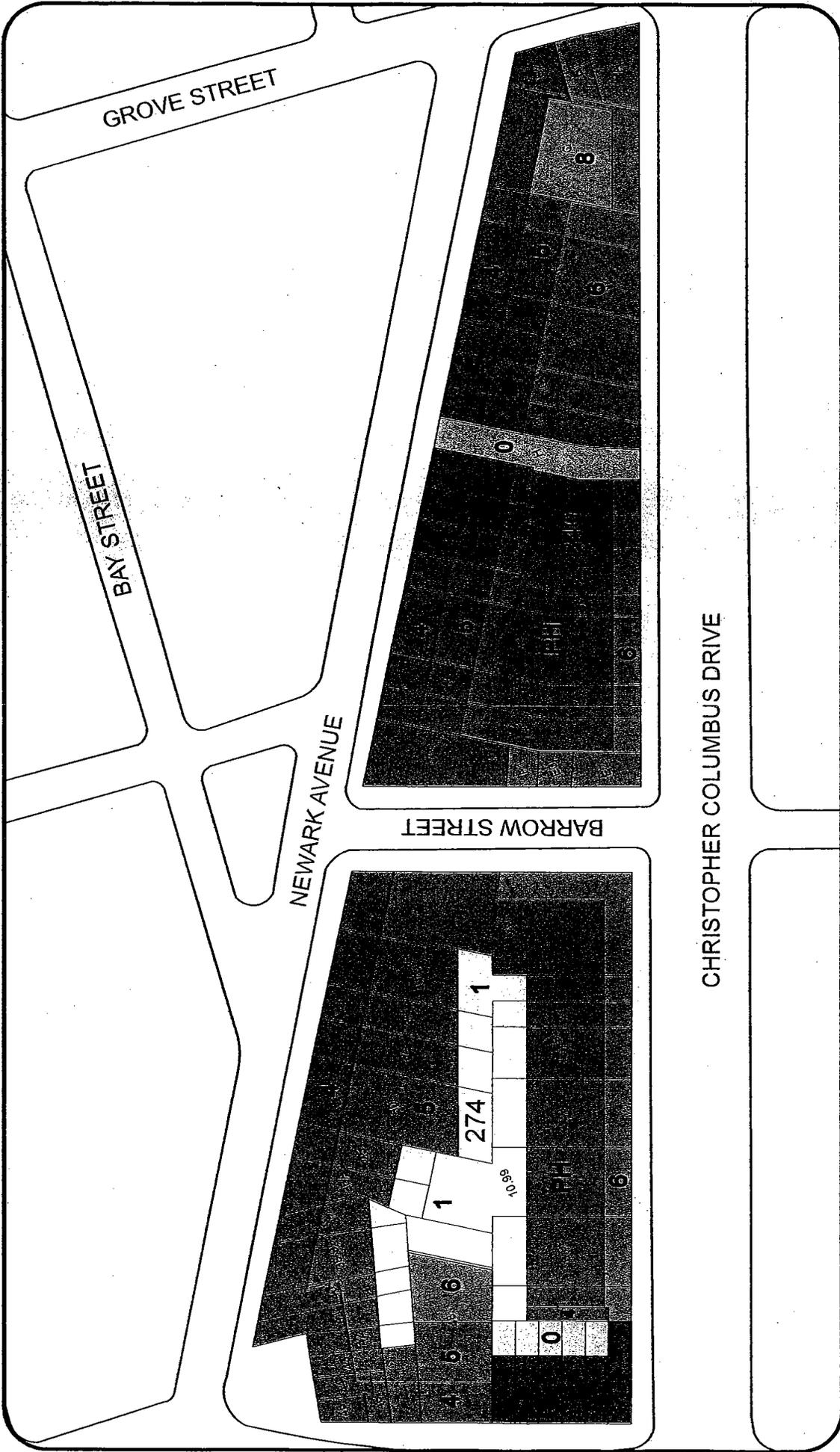
JULY 31, 2008

Legend

-  Qualifying for Rehabilitation / Not to be Acquired
-  Qualifying for Redevelopment / Not To be Acquired

1 inch equals 100 feet





0 50 100 200 300 400 Feet
1 inch equals 100 feet

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

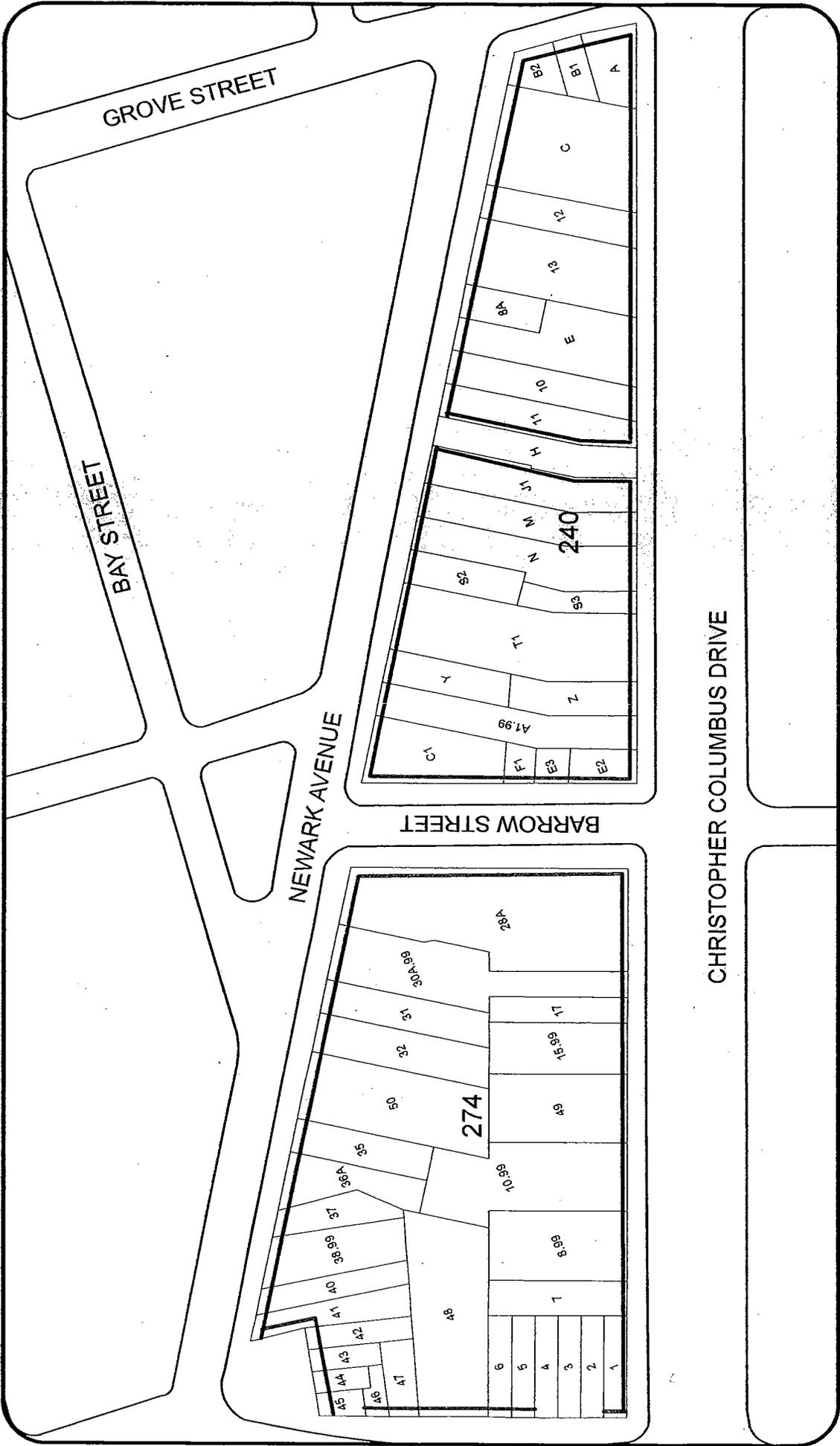
**NEWARK AVENUE REDEVELOPMENT PLAN AREA
MAP 5: BUILDING BONUS HEIGHT REGULATING PLAN**

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



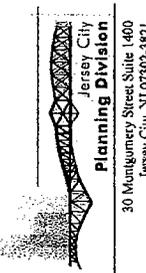
AUGUST 1, 2008





**NEWARK AVENUE REDEVELOPMENT PLAN AREA
MAP 7: REQUIRED RETAIL FRONTAGE**

-  REQUIRED RETAIL FRONTAGE
-  REQUIRED RESTAURANT / CAFE FRONTAGE WITH OUTDOOR SEATING

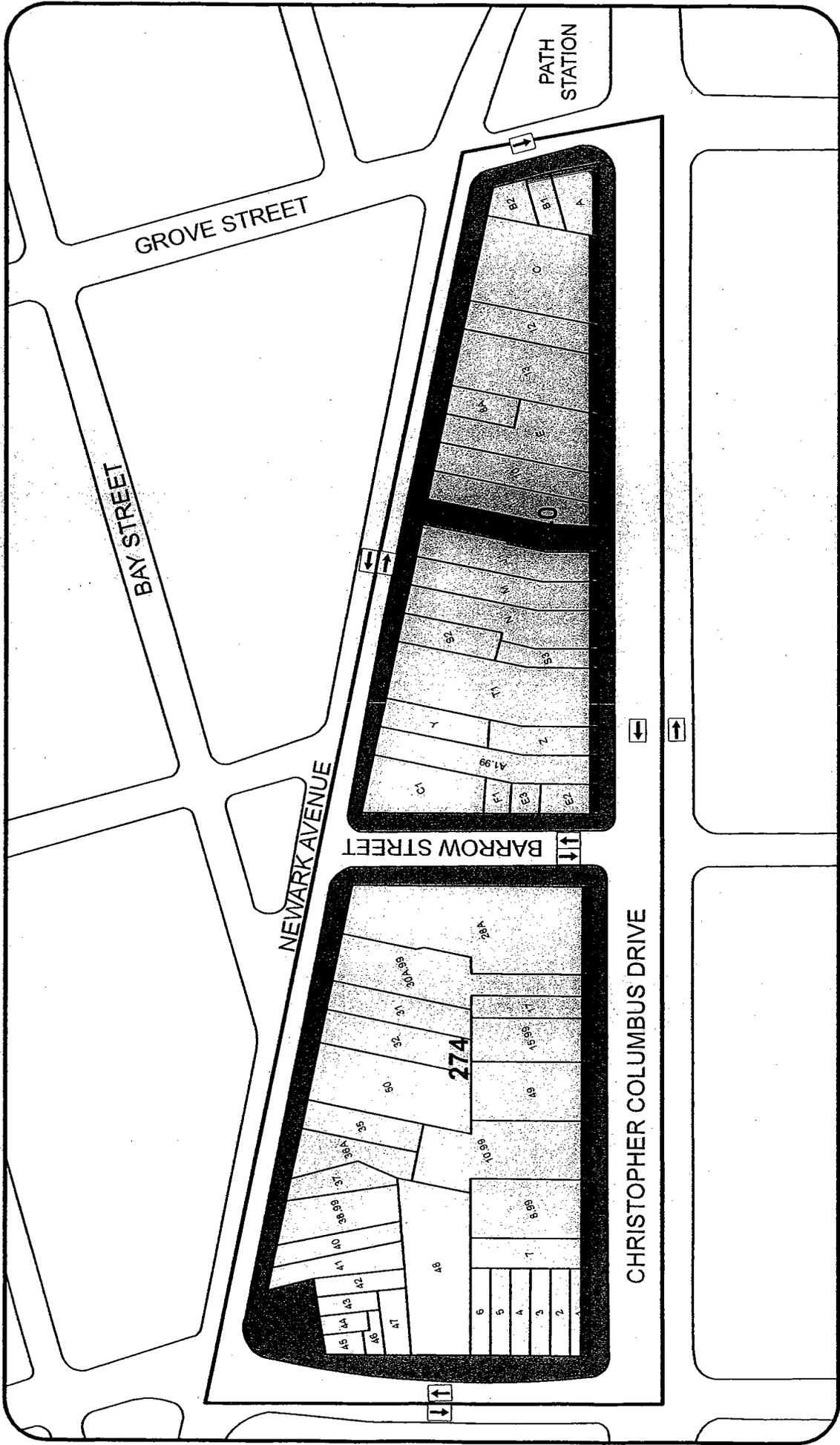


30 Montgomery Street, Suite 1400
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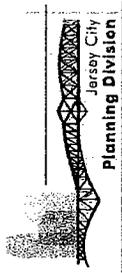
AUGUST 14, 2008

1 inch equals 100 feet





NEWARK AVENUE REDEVELOPMENT PLAN AREA
 MAP 8: CIRCULATION MAP



1:1,400



JULY 31, 2008

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

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



Memorandum

DATE: September 24, 2008
TO: Brain O'Reilly, Business Administrator
FROM: Robert D. Cotter, Planning Director 
SUBJECT: Newark Avenue Redevelopment Plan

If the Council desires to revise the Newark Avenue Redevelopment Plan, the following changes will accomplish that end.

1. Change all the language in the plan from requiring a paseo to permitting a paseo. In order to achieve this the term *required* will be replaced with *permitted* in the following plan location: Section III, E.
2. Change all Maps in the plan from requiring the paseo to permitting the paseo and reflect zoning for the paseo site. In order to achieve this, the following adjustments need to be made:

J.1

- Amend *Map 2 Development Regulating Plan* Zone B to also permit Zone A and C as it is permitted on Lot ~~X~~, which it is adjacent to.
- Amend *Map 5 Building Bonus Height Regulation Plan* to match Lot ~~X~~ when a paseo is not proposed.
- Amend *Map 7 Required Retail Frontage* to add a footnote that the frontage along the paseo is only required if the paseo is constructed by the City as a public R-O-W.
- Amend *Map 8* to reflect the paseo shading as a different color and add a key that notes if proposed.

3. Amend Section XI Circulation Plan, Item 3. To replace the word *essential* with *permitted*.
4. Replace Section IX Acquisition Plan, with the following language:

No acquisition of any improved property within the Redevelopment Area by the City of Jersey City or any of its agencies, including the Jersey City Redevelopment Agency is envisioned at this time. Current owners shall be given ~~2~~ 3 years from the date of adoption of this plan to invest in their properties and redevelop consistent with the standards and objectives of the redevelopment plan. They shall have the opportunity to take part in the redevelopment of this downtown neighborhood.

3

Ordinance of the City of Jersey City, N.J.

Ord. 08-120

ORDINANCE NO. _____

TITLE: 3.A. AUG 20 2008 4.A. SEP 10 2008
4.L. SEP 24 2008



Ordinance of the Municipal Council of the City of Jersey City adopting the Newark Avenue Downtown Redevelopment Plan.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
								AUG 20 2008 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote *Tabled 8-0 after the close of the public hearing on a motion by Gaughan, seconded by Brennan, Council President Vega: absent* N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
LIPSKI / SPINELLO								SEP 10 2008 7-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	ABSENT		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

✓ Indicates Vote *YVONNE BALCEA ERIC FLEMING GERRY BAKIRTJY CATHERINE GRIMM CHUCK HARRINGTON LAWRENCE PERLAKI ANTHONY SANDKAMP RON SHALTIAN WILLIAM VAN RYZN ELIZABETH YOUNG SCOTT MAHAFFEY* N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
GAUGHAN / FULOP								SEP 24 2008 8-0-1			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	ABSTAIN		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote *RONALD SHALTIAN ERIC FLEMING GERRY BAKIRTJY DANIA CADALLERO* N.V.-Not Voting (Abstain)
 ADDITIONAL SPEAKERS • JO PALMER *Removed 9-0 from the tabled agenda on a motion by Gaughan, seconded by Brennan*

RECORD OF FINAL COUNCIL VOTE											
								SEP 24 2008 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 20 2008

Adopted on second and final reading after hearing on SEP 24 2008

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 24 2008

Robert Byrne
 Robert Byrne, City Clerk

APPROVED:

Mariano Vega, Jr.
 Mariano Vega, Jr., Council President

Date: SEP 24 2008

APPROVED:

Joseph P. Luteri
 Joseph P. Luteri, Deputy Mayor

Date: SEP 25 2008

Date to Mayor SEP 25 2008

*Amendment(s): *See attached memorandum from City Planner ROBERT COTTER*

City Clerk File No. Ord. 08-132

Agenda No. 3.D 1st Reading

Agenda No. 4.C. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-132

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AN AMENDMENT TO THE COLGATE REDEVELOPMENT PLAN TO
EXTEND THE PLAN'S DURATION TO FORTY YEARS**

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 Colgate Redevelopment Plan on January 26, 1989; and

WHEREAS, the Plan is currently set to expire in less than six months, specifically, on January 25, 2009; and

WHEREAS, there are still three tax blocks within the Plan Area that have not yet been fully redeveloped under the Colgate Redevelopment Plan and that only contain parking facilities; and

WHEREAS, the Jersey City Planning Board, at its meeting of August 5, 2008, voted unanimously to recommend to the Municipal Council that the Plan's duration be extended from twenty years to forty years, thus extending its duration to January 25, 2029; and

WHEREAS, a copy of the proposed amendment to the Colgate 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 Colgate 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

Asst. 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 COLGATE REDEVELOPMENT PLAN TO
EXTEND THE PLAN'S DURATION TO FORTY YEARS**

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 Colgate Redevelopment Plan to extend the Plan's duration from twenty to forty years from the date of the original adoption, January 26, 1989.

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

Currently the Plan duration period is twenty years. The Plan Area still has 3 tax blocks which currently have not yet been developed. With only about five months left of the Plan's effective period, it is necessary to extend the plan's duration.

5. Anticipated Benefits to the Community:

The amendment will continually allow for redevelopment on remaining lots in the Area.

6. Cost of Proposed Plan, etc.:

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

7. Date Proposed Plan will commence:

Upon Adoption.

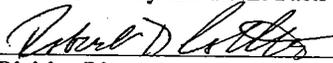
8. Anticipated Completion Date: N/A

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

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

10. Additional Comments:

I Certify that all the Facts Presented Herein are Accurate.


Division Director

August 19, 2008
Date


Department Director Signature

8/20/08
Date

**Proposed Amendments of the Colgate Redevelopment Plan Recommended by the
Planning Board to the Municipal Council on September 10, 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.

X. GENERAL PROVISIONS

- I. The provisions of this plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of ~~twenty (20)~~ ***forty (40)*** years from the date of approval of this plan by the City Council of the City of Jersey City, provided, however, that any development or redevelopment projects that are commenced and/or completed within said ~~twenty (20)~~ ***forty (40)*** year period shall be deemed to comply with all applicable laws, as long as they comply with the provisions of this Redevelopment Plan. At the end of the ~~twenty (20)~~ ***forty (40)*** year period, the zoning regulations contained within this plan shall be incorporated into the Zoning Ordinance of the City of Jersey City.

Summary

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AN AMENDMENT TO THE COLGATE REDEVELOPMENT PLAN TO
EXTEND THE PLAN'S DURATION TO FORTY YEARS**

This ordinance extends the Colgate Redevelopment Plan's duration from twenty to forty years. This will extend the Plan's duration to January 25, 2029.

Ordinance of the City of Jersey City, N.J.

Ord. 08-132

ORDINANCE NO. _____

TITLE: 3.D. SEP 1 0 2008 4.C. SEP 2 4 2008



Ordinance of the Municipal Council of the City of Jersey
City adopting an amendment to the Colgate Redevelopment
Plan to extend the Plan's duration to forty years.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
SEP 1 0 2008 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
SEP 2 4 2008 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	ABSENT		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

✓ Indicates Vote N.V.-Not Voting (Abstain)

YVONNE BALZER
GERRY BAKIRTJY

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote N.V.-Not Voting (Abstain)

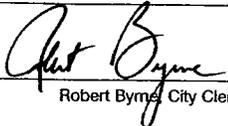
RECORD OF FINAL COUNCIL VOTE											
SEP 2 4 2008 7-1-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	ABSTAIN			FLOOD	✓		
LIPSKI	✓			RICHARDSON				VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 1 0 2008

Adopted on second and final reading after hearing on SEP 2 4 2008

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 2 4 2008


Robert Byrne, City Clerk

APPROVED: 
Mariano Vega, Jr., Council President

Date: SEP 2 4 2008

APPROVED: 
Jeremiah T. Healy, Mayor

Date: SEP 2 6 2008

Date to Mayor SEP 2 5 2008

*Amendment(s): _____

City Clerk File No. Ord. 08-133

Agenda No. 3.E 1st Reading

Agenda No. 4.D. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-133

TITLE:

AN ORDINANCE AMENDING ORDINANCE 08-062 APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR PROPERTY DESIGNATED AS BLOCK 751, LOT G, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 100 PATERSON PLANK ROAD AND TO BE KNOWN AS BRASS WORKS URBAN RENEWAL COMPANY, LLC

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

WHEREAS, Brass Works Urban Renewal Company, LLC [Brass Works UR], is the owner of the site which had been a dilapidated and obsolete warehouse and rehabilitated the building by adding two (2) additional floors in order to newly construct a total of approximately one hundred and twenty (120) market rate residential rental units, located in Block 751, Lot G, on the City's Tax Map and more commonly known by the street address of 100 Paterson Plank Road, Jersey City, N.J.; and

WHEREAS, the City of Jersey City as an area in need of rehabilitation, is authorized to adopt an ordinance to utilize tax exemptions pursuant to N.J.S.A. 40A:21-1, et seq., the Five (5) Year Exemption and Abatement Law; and

WHEREAS, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, a tax exemption for a newly constructed a multiple dwelling, is permitted for a period of five (5) years; and

WHEREAS, on March 19, 2008, Brass Works UR, the owner filed an application to tax exempt the newly constructed multiple dwelling building; and

WHEREAS, by the adoption of Ordinance 08-062 on May 28, 2008, Brass Works UR was granted a five (5) year tax abatement on the property; and

WHEREAS, as determined by the assessor, on October 1st of the year following completion, the owner proposes to pay the City (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) a tax payment for the new improvements on the property, as follows:

- (a) 2008: the tax year in which the structure will be completed. \$0 taxes;
- (b) 2009: the second tax year, 39% of actual full taxes, estimated to be \$171,659;
- (c) 2010: the third tax year, 59% of actual full taxes, estimated to be \$259,689;
- (d) 2011: the fourth tax year, 79% of actual full taxes, estimated to be \$347,719; and
- (e) 2012: the fifth tax year, 80% of actual full taxes, estimated to be \$352,120;

AN ORDINANCE AMENDING ORDINANCE 08-062 APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR PROPERTY DESIGNATED AS BLOCK 751, LOT G, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 100 PATERSON PLANK ROAD AND TO BE KNOWN AS BRASS WORKS URBAN RENEWAL COMPANY, LLC

WHEREAS, Ordinance 08-062 incorrectly stated that upon the expiration of the tax exemption, the total assessment will be approximately \$29 Million Dollars, that will generate a total tax payment of \$725,000; and

WHEREAS, the Tax Assessor has determined that upon the expiration of the tax exemption, the total assessment will be approximately \$8 Million Dollars, that will generate a total tax payment of \$440,152.

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

1. The application, attached hereto, for a five (5) year tax exemption for the full and true value of the newly constructed 5 story building with multiple dwelling, located in Block 751, Lot G, and more commonly known by the street address of 100 Paterson Plank Road, Jersey City, N.J., is hereby approved.

2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall contain at a minimum, the following terms and conditions:

(a) tax payment on the new improvements shall be:

- (i) Year 1: the tax year in which the structure will be completed. \$0 taxes;
- (ii) Year 2: the second tax year, 39% of actual full taxes, estimated to be \$171,659;
- (iii) Year 3: the third tax year, 59% of actual full taxes, estimated to be \$259,689;
- (iv) Year 4: the fourth tax year, 79% of actual full taxes, estimated to be \$347,719; and
- (v) Year 5: the fifth tax year, 80% of actual full taxes, estimated to be \$352,120; and
- (vi) Conventional taxes: \$440,152.

(b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.J.S.A.40A:21-11(b).

(c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying then the tax which would have otherwise been payable for the then tax year but not previous years, shall become due and payable from the property owner as if no exemption and abatement had been granted. The collector forthwith ad the tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.

AN ORDINANCE AMENDING ORDINANCE 08-062 APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR PROPERTY DESIGNATED AS BLOCK 751, LOT G, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 100 PATERSON PLANK ROAD AND TO BE KNOWN AS BRASS WORKS URBAN RENEWAL COMPANY, LLC

(d) With respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.

(e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, an receiving the full benefits of, any other tax preferences provided by law.

3. The form of tax exemption agreement is attached hereto as Exhibit B, subject to such modification as the Corporation counsel or Business Administrator deems necessary.

4. The Tax Assessor shall send a copy of the fully executed Financial Agreement will be sent to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40A:21-11(d).

5. The Entity has agreed in writing to terminate and waive any reimbursement or repayment or credit to which it would authorize be due under the law or the June 16, 2006 Prepayment Agreement.

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

B. 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.

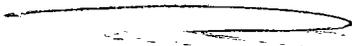
C. This ordinance shall take effect at the time and in the manner provided by law.

D. 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
8/28/08

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: 

APPROVED: 
Business Administrator

Certification Required
Not Required

Ordinance of the City of Jersey City, N.J.

Ord. 08-133

ORDINANCE NO. _____

3.E. SEP 10 2008 4.D. SEP 24 2008

TITLE: _____

An ordinance amending Ordinance 08-062 approving a five (5) year tax exemption for property designated as Block 751, Lot G, on the city's tax map and more commonly known by the street address of 100 Paterson Plank Road and to be known as Brass Works Urban Renewal Company, LLC.



RECORD OF COUNCIL VOTE ON INTRODUCTION											
				SEP 10 2008				8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
				SEP 24 2008							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	ABSENT		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

BECKY HOFFMAN

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
				SEP 24 2008				7-0-1			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	ABSENT		
LIPSKI	✓			RICHARDSON	ABSTAIN			VEGA, PRES.	✓		

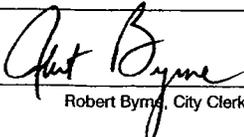
✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 10 2008

Adopted on second and final reading after hearing on SEP 24 2008

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **SEP 24 2008**


 Robert Byrne, City Clerk

APPROVED: _____

 Mariano Vega, Jr., Council President

Date: SEP 24 2008

APPROVED: _____

 Jeremiah T. Healy, Mayor

Date SEP 26 2008

Date to Mayor SEP 25 2008

*Amendment(s): _____

City Clerk File No. Ord. 08-140

Agenda No. 3.L. 1st Reading

Agenda No. 4.K. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-140

TITLE: ORDINANCE SUPPLEMENTING CHAPTER 254 (PROPERTY MAINTENANCE) ARTICLE I (GENERAL PROVISIONS), ARTICLE IX (MAINTENANCE RESPONSIBILITIES OF OWNERS AND MANAGERS) AND ARTICLE XI (MAINTENANCE RESPONSIBILITIES OF OCCUPANTS) OF THE CITY OF JERSEY CITY

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

A. The following supplement to Chapter 254 (Property Maintenance), Article I (General Provisions) of the Jersey City Code is adopted:

Article I General Provisions

§ 254-4. Definitions.

As used herein, the following terms shall have the meanings indicated:

INSECTS - means, but is not limited to bedbugs, houseflies, lice, bees, cockroaches, moths, silverfish, beetles, ants, termites, hornets, mosquitoes and wasps, and such members of the phylum arthropoda as spiders, mites, ticks, centipedes and wood lice.

B. The following supplement to Chapter 254 (Property Maintenance), Article XI (Maintenance Responsibilities of Occupants) of the Jersey City Code is adopted:

Article IX Maintenance Responsibilities of Owners and Managers

§ 254-45. General safety and sanitation.

A. Residential. Every dwelling and accessory structure and every part thereof shall be maintained in a structurally sound condition and in a state of good repair. All parts of a dwelling also shall be kept in a clean and sanitary condition, free of nuisances, insects, rodents, vermin or other pests, and free from fire, health and safety hazards.

B. Without restricting the generality of Subsection A, the following requirements shall be met:

(1) Through (30) No Change.

31) Extermination of pests. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for the extermination of insects, rodents, vermin or other pests on the premises. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the

responsibility of the owner. As appropriate, but especially where the presence of bedbugs has been established, the owner shall treat and if needed, repeat treatment two weeks later, ~~off~~ all horizontal and vertical units adjacent to the affected unit. The owner's responsibility to exterminate will be triggered upon receipt of a letter from the tenant stating the presence and description of the infestation and requesting extermination. ~~The letter shall describe the type of infestation and a~~ A copy of the letter must be filed with the ~~City Health Department~~ Division of Health and Human Services and the Office of Property Conservation. The Director of the ~~Health Department~~ Division of Health and Human Services may direct the owner to utilize the type of treatment he or she deems appropriate depending upon the type of infestation.

- C. All costs of extermination shall be the sole and exclusive obligation of the owner. Such costs may not be charged to any tenant or occupant. However, the owner will not be responsible to undertake the treatment and re-treatment, ~~f~~ more than one time per year. If repeated treatments are necessary or ~~if~~ the extermination is due to the tenant's failure to properly maintain the dwelling, notwithstanding the initial treatment and re-treatment, the costs can be charged to the tenant.
- D. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- E. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- F. This ordinance shall take effect at the time and in the manner as provided by law.
- G. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

WM/he
9/22/08

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: _____
APPROVED: _____
Business Administrator

Certification Required
Not Required

Ordinance of the City of Jersey City, N.J.

Ord. 08-140

ORDINANCE NO. _____

3.L. SEP 1 0 2008

4.K. SEP 2 4 2008

TITLE: _____

Ordinance supplementing Chapter 254 (Property Maintenance) Article I (General Provisions) Article IX (Maintenance Responsibilities of Owners and Managers) and Article XI (Maintenance Responsibilities of Occupants) of the City of Jersey City.



RECORD OF COUNCIL VOTE ON INTRODUCTION											
SEP 1 0 2008 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
SEP 2 4 2008 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

*WILLIAM DORRITY
ANGELO STRAQUATANIO
CATHERINE GRIMM*

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
SEP 2 4 2008 7-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD		✓	
LIPSKI	✓			RICHARDSON		✓		VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
SEP 2 4 2008 7-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD		✓	
LIPSKI	✓			RICHARDSON		✓		VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 1 0 2008

Adopted on second and final reading after hearing on SEP 2 4 2008

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **SEP 2 4 2008**

Robert Byrne

Robert Byrne, City Clerk

APPROVED: *Mariano Vega*

Mariano Vega, Jr., Council President
Date: SEP 2 4 2008

APPROVED: *Jerramiah T. Healy*

Jerramiah T. Healy, Mayor
Date: SEP 2 6 2008
Date to Mayor SEP 2 5 2008

*Amendment(s): *on page 2 in italics*



CITY OF JERSEY CITY
Office of the Corporation Counsel

280 Grove Street
Jersey City, New Jersey 07302
Telephone: (201) 547-4667
Fax: (201) 547-5230

Jerramiah Healy, Mayor
Brian O'Reilly, Business Administrator

Bill Matsikoudis, Corporation Counsel

September 19, 2008

Councilman Steven Fulop
City Hall
280 Grove Street
Jersey City, NJ 07302

Re: Ordinance No. 08-140

Dear Councilman Fulop:

I have prepared a memorandum in response to your concerns regarding proposed City Ordinance, 08-140, to Chapter 254 of the Jersey City Municipal Code, Property Maintenance Section. The issue is whether the Jersey City Municipal Council has the authority to adopt an ordinance that requires landlords to exterminate or treat for infestation in residential apartment buildings. In short unless preempted by state law, which is not the case here, the Jersey City Municipal Council may enact an ordinance to compel landlords to exterminate or treat for infestation in residential apartment buildings

The issue of whether a landlord may be compelled to exterminate apparently stems from complaints by tenants regarding the presence of bed bugs in various apartment buildings in Jersey City. Currently, there is a proposed amendment, City Ordinance, 08-140, to Chapter 254 of the Jersey City Municipal Code, Property Maintenance Section that would require landlords to exterminate for bed bug infestation. This proposed City ordinance is consistent with pending state legislation, Assembly Bill No 2303 introduced on September 15, 2008 (copy attached), which places even more stringent responsibility regarding extermination on landlords than does the proposed City Ordinance.

N.J.S.A. 40:48-2 states:

Any municipality may make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary

to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law.

Under this statute, a municipality may adopt legislation for the preservation of public health, safety and welfare of the municipality and its inhabitants. Quick Check Food Stores v. Springfield Tp., 83 N.J. 438 (1980). Moreover, such necessary and proper ordinances are an express delegation of police power to a municipality. Id. This section is buttressed by New Jersey Const. Art. 4, Sec. 7, Par. 11, which states that any law concerning municipal corporations shall be liberally construed in their favor. Id. Any ordinance enacted under this section must be designed to protect and promote health, safety, morals and general welfare of the community. Boulevard Apartments, Inc. v. Borough of Hasbrouck Heights, 86 N.J. Super. 189, 192 (Law Div. 1965), affirmed 90 N.J. Super. 242 (App. Div. 1966). Our courts have long held that:

The Home Rule Act and related enabling legislation are intended to grant municipal corporations such powers as are deemed necessary to serve the public interest and to insure judicial deference to that goal. Berkeley Heights Tp. v. Board of Adjustment of Berkeley Heights Tp., 144 N.J. Super. 291, 296 (Law Div. 1976).

Inasmuch as the municipal police power can be exercised only in those areas where regulation is needful for the common good, that is, public health, safety, morals or general welfare, and then only by reasonable means substantially connected with the public interest designed to be advanced, the proposed ordinance must recite that bed bugs present a nuisance and threat to the public health, safety, morals or general welfare. See Bonito v. Mayor and Council of Bloomfield Tp., 197 N.J. Super. 390, 398 (Law Div. 1984), also holding that:

A sweep of a municipality's police power is coextensive with the public need, and exercise of such power must be reasonable and free of arbitrariness. Id.

A municipal ordinance may not be so arbitrary or unreasonable as to violate standards of due process of law. Hudson Circle Servicer, Inc. v. Town of Kearny, 70 N.J. 289, 301 (1976). This does not prevent the City from enacting a valid ordinance pursuant to its police power which curtails or restricts the use of private property. Gilman v. City of Newark, 73 N.J. Super. 562, 580 (Law Div. 1962). However, a municipal governing body may not arbitrarily or unreasonably put restraint upon the exercise or rights of private property. Antonelli Const. v. Milstead, 34 N.J. Super. 449, 458 (Law Div. 1955).

Moreover, there is no provisions in the Jersey City Rent Leveling Ordinance or in N.J.S.A. 2A:18-61.31, the landlord-tenant statute, which prohibits the City Council from enacting proposed Ordinance 08-140.

The proposed amendment to Chapter 254 of the Jersey City Municipal Code, Property Maintenance Section, City Ordinance 08-140, is also consistent with Code Sections 254-4, 254-45(31) and 254-6.

Section 254-4 compels landlords to exterminate "insects, rodents, vermin or other pests within or around any building."

Section 254-45 (31) states:

Extermination of pests. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for the extermination of insects, rodents, vermin or other pests on the premises. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

Section 254-63 allows the burden to be placed on either party depending on the cause of origin of infestation as follows:

A. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infested.

B. Notwithstanding the foregoing provision of this Article, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat proof or reasonably insect proof condition, extermination shall be the responsibility of the owner.

Since there is no State law preempting the proposed ordinance and because the requirement to treat for infestation is within the City's police powers, the Council has the authority to pass this ordinance.

City of Jersey City
Office of the Corporation Counsel

Please feel free to contact me if you require anything further.

Very truly yours,



**WILLIAM MATSIKLOUDIS
CORPORATION COUNSEL**

WM/ign

- c. Jeremiah T. Healy, Mayor
- Mariano Vega, Council President
- Brian O'Reilly, Business Administrator
- Robert Byrne, City Clerk