

City Clerk File No. Ord. 13-004

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-004

TITLE: **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE SIP AVENUE GATEWAY REDEVELOPMENT PLAN PERMITTING HOUSES OF WORSHIP**

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Sip Avenue Gateway Redevelopment Plan at its meeting of March 10, 2004; and

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 seeks to advance and promote high quality new construction on un-built lots and junk yards within the Redevelopment Plan; and

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

WHEREAS, the following amendments to the Sip Avenue Gateway Redevelopment Plan have been reviewed by the Jersey City Planning Board at its meeting of October 2, 2012; and

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

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

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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

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

APPROVED AS TO LEGAL FORM

APPROVED:

Corporation Counsel

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET

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

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE SIP AVENUE GATEWAY REDEVELOPMENT PLAN PERMITTING HOUSES
OF WORSHIP**

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

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

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

The amendment adds houses of worship to the list of permitted uses, along with development standards.

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

To expand possible locations for houses of worship.

5. Anticipated Benefits to the Community:

Development of vacant lots and junk yards along Sip Avenue.

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

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

7. Date Proposed Program or Project will commence:

Upon approval of the redevelopment plan amendment.

8. Anticipated Completion Date: N/A

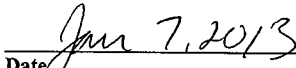
9. Person Responsible for Coordinating Proposed Program, Project, etc.:

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

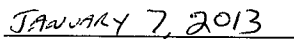
10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director


Date


Department Director Signature


Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE SIP AVENUE GATEWAY REDEVELOPMENT PLAN PERMITTING HOUSES OF WORSHIP

The amendment will add houses of worship to the list of permitted uses within the Sip Avenue Gateway Redevelopment Plan and includes development standards for same.

PROPOSED AMENDMENTS TO THE SIP AVENUE GATEWAY REDEVELOPMENT PLAN

AS RECOMMENDED TO THE MUNICIPAL COUNCIL BY JERSEY CITY PLANNING BOARD ON
OCTOBER 2, 2012

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

I. INTRODUCTION

The Sip Avenue Gateway Redevelopment Plan (the Plan) will regulate development within the Sip Avenue Gateway Redevelopment Area (the Area). The Area is comprised of a mix of industrial, commercial and residential buildings, some of which are dilapidated and others that are in poor to good condition. The area is currently zoned HC, Highway Commercial, and R-3, Multi-Family Mid-rise. The surrounding area to the east is primarily residential in character, zoned R-1. To the north of the Study Area is the Marion Gardens complex, and to the south is Holy Name Cemetery, zoned R-3 and Cemetery respectively. The area to the west of the Study Area is industrial in character and is zoned "I."

The setting for the Sip Avenue Gateway Redevelopment Plan is an area of approximately 14 acres located in the Marion section on Jersey City's Westside, about a quarter mile west of Westside Avenue and adjacent to NJ Route 1&9. For many years, the area under study has been a mix of industrial, commercial and residential uses, mixed side-by-side. However, the immediate adjoining neighborhood is residential. This is typical of many older urban areas where residential homes were constructed immediately adjacent to industrial land uses

As far back as the 1960's, the character of the area began to change. Commercial use began to be developed along Route 1&9. Industrial uses are on the decline and residential uses are gaining ground.

It would appear that industrial development is no longer appropriate for this area. The area along Route 1&9 is much more suitable for commercial development, and the area immediately adjacent to the Study Area to the east, north and south is primarily residential in character. The majority of the structures are one and two family homes. For the most part, the homes are well maintained and the streets are narrow and tree lined. The proximity of the industrial uses in the Study Area are in stark contrast to the otherwise tranquil setting of this residential neighborhood.

II. BOUNDARIES

The Sip Avenue Gateway Study Area consists of Tax Lots found on six Tax Blocks in the Marion section of Jersey City. The Block Numbers for these Tax Blocks are 11703, 10202, 10201, 11803, 11802, and 11801. The following are the Lot numbers on each of the Blocks which are to be included in the Study Area.

Block	Lots
10202	1 through 11
11703	3
10201	entire block
11803	entire block
11802	entire block
11801	1, 2, 3, 4

The boundary of the Study Area is also depicted on Map 2. In the event of a discrepancy between lots listed in the chart and the Map, the Map takes precedence.

III. REDEVELOPMENT OBJECTIVES

The Redevelopment Plan is promulgated to:

- A. Promote the development of the Area as residential and commercial developments compatible with the surrounding neighborhood.
- B. Allow for the development of commercial facilities along Route 1&9 consistent with the development pattern in the area and recognizing the high volume of traffic along this major traffic corridor.
- C. Provide for the orderly phased conversion of industrial/commercial land and buildings within the redevelopment area to residential and/or commercial land uses consistent with the development pattern of nearby neighborhoods.
- D. Remove substandard and dilapidated structures and the other blighting influences.
- E. Improve the functional and physical layout of the project area for the contemplated new development to provide for improved traffic and pedestrian circulation.
- F. Provide site improvements for the beautification of the Redevelopment Area and surrounding areas.

IV. PROPOSED REDEVELOPMENT ACTIONS

It is proposed to substantially improve and upgrade the Sip Avenue Gateway Study Area through a combination of redevelopment actions which will provide a uniform and consistent attack on blight within the Study Area by systematically removing blighting influences in an orderly manner, starting with those structures and properties most deleterious to the Area.

- A. Demolition of structures determined to be impediments to sound and comprehensive redevelopment, starting with those most dilapidated.
- B. The consolidation and re-subdivision of land within the Area into suitable parcels for development for the new residential and commercial land uses.
- C. Provision for a full range of public infrastructure necessary to service and support the new development.
- D. Construction of new structures and complimentary facilities that are consistent with the land use pattern in the surrounding area.

V. GENERAL ADMINISTRATIVE PROVISIONS

The following provisions shall apply to all property located within the Sip Avenue Gateway Redevelopment Area:

- A. Prior to the commencement of: (a) any new construction, (b) reconstruction, (c) rehabilitation (d) any change to the interior floor plan of any structure, (e) any change in the use of any structure or parcel, or (f) any change in the intensity of use of any structure or parcel, a site plan for such shall be submitted by the developer or property owner to the Planning Board for review and site plan approval. No Building Permit shall be issued for any work associated with (a) through (f) above, without prior site plan review and approval of such work by the Planning Board.
- B. The provisions of this plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of 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. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Submission of a site plan and site plan application shall conform with the requirements of the Jersey City Land Development Ordinance and this Plan. Applications may be submitted for an entire project or in phases. As part of site plan approval, the Planning Board may 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 Jersey City Corporation Counsel or the Planning Board attorney. The amount of any such performance guarantees shall be

determined by the City Engineer and shall be sufficient to assure completion of site improvements within one (1) year of final Site Plan approval.

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

public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

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

VI. GENERAL DESIGN AND LAND USE STANDARDS AND REQUIREMENTS

The following standards and requirements shall apply to all zones:

- A. No junked motor vehicles, or parts thereof, shall be permitted to be stored on any lot within the Area. Outdoor parking of vehicles that are inoperable or unregistered shall be prohibited.
- B. All utility distribution lines; utility service connections from such lines to the project area's individual uses; and utility appliances, regulators and metering devices shall be located underground or within enclosed structures. Remote readers are required for all utilities, in lieu of external location of the actual metering devices. Developers are required to arrange for connections to public and private utilities.
- C. Chain link fencing shall be prohibited along all street frontages within the Area, both residential and commercial, except during construction. Only tubular steel or mild steel, "wrought iron", decorative type fences will be permitted along Sip Avenue. Wooden board-on-board, or wooden picket fences may be permitted where the side yards of properties adjoin streets and/or where visual screening is appropriate, subject to review and approval by the Planning Board. Chain link fencing may be used along interior lot lines or along alleys subject to review and approval by the Planning Board. Chain link fencing for construction shall be dismantled and removed prior to the issuance of a Certificate of Occupancy. Barbed wire or razor wire shall be prohibited from all fencing.
- D. Billboards are expressly prohibited within the Area.
- E. Signs which include flashing, blinking or otherwise animated lights and/or parts, spinners, pennants, reflective materials, which sparkle or twinkle and/or similar materials are prohibited within the Plan Area.
- F. No advertising shall be permitted on parking meters, light poles, or on benches or other street furniture within the public right-of-way.
- G. All corner buildings shall have windows on both street frontages. When a building side faces a street it shall be decoratively appointed to complement the front entrance.
- H. All parts and components of cellular phone antennas, satellite dishes, and television and radio antennas shall be completely screened from view from all directions and elevations

on existing or planned structures, or shall be disguised within the architecture of a structure. Said screening shall be constructed in a manner that is pleasing to the eye and consistent with the surrounding architecture. In all cases, creative placement of said equipment is strongly encouraged in order to minimize the need for screening. No antenna of any sort may be located on the front of any structure.

- I. In all cases, rooftop mechanical equipment shall be screened from view from all directions and elevations to minimize the negative aesthetic impact upon the view from neighboring residential zones and from street level. Said screening shall be constructed in a manner that is pleasing to the eye and consistent with the surrounding architecture and the architecture of the building, and shall utilize the same materials used in the construction of the building, such that the screening appears to be an integral part of the building.
- J. Upon demolition of any existing structures, the site shall be graded, planted, sodded, paved and and/or developed in accordance with this Plan.
- K. All trash receptacles shall be adequately secured and enclosed. All exterior dumpsters shall be encompassed by opaque perimeter screening that is greater in height than the height of the dumpster and shall utilize materials similar to those used in the construction of the building. Said screening shall be constructed in a manner that is pleasing to the eye and consistent with the architecture of the building,
- L. On-street parking of trucks, tractor-trailers, trailers of any type, and buses, mini-buses and jitneys shall be prohibited.
- M. All outdoor storage shall be prohibited. The storage, processing, separation, or transfer of garbage or waste materials shall be prohibited.
- N. 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.
- O. Existing lots of record that are undersized by 10% or less shall be considered to be conforming lots.

VII. DESIGN REQUIREMENTS

A. Building Design Requirements

- 1. All structures within the project area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air and usable open space, access to public rights of way and off-street parking, height and bulk.

2. To the greatest extent possible, buildings should be oriented toward the street so as to contribute to the overall liveliness of the pedestrian environment. Commercial activities located along Sip Avenue should be oriented to the pedestrian sidewalk environment.
3. Residential buildings within the Area should be designed such that the front facades do not create the appearance of a blank wall or a continuous row of garage doors along the street right-of-way. The use of design features such as, but not limited to stoops and porches, architectural fenestration, decorative window treatments, landscaping, and/or other architectural features and traditional front yards is required.
4. Commercial buildings within the project area shall be designed such that the front facades provide visual interest through the use of architectural elements such as window bays, cornices, pilasters, etc. and do not create the effect of a blank wall along the street frontage. The street level facade of stores in such buildings shall contain windows that are transparent between the height of three (3) feet and eight (8) feet. Back and side facades should contribute to the scale and appeal of the building by incorporating features characteristic to the front facade. All building facades that face on a public street shall comply with the requirements of the primary facade.
5. All dwellings shall be developed with a variety of materials including, but not limited to brick and vinyl siding. Decorative details shall be required on all such structures. Decorative features shall be incorporated to reflect the character of the surrounding residential neighborhoods. Monotony of form shall be avoided.
6. Porches shall not be enclosed or gated with metal, mesh wire or other railing material. Exterior window or door grills or bars are prohibited.
7. Signs shall be designed to complement the building's architecture. Lettering should be kept simple and clear and complement the style of the building. Illumination of all signs should be designed so as to avoid glare. Signs may not consist of more than three colors.
8. Groups of related buildings shall be designed to present a harmonious appearance in terms of architectural style and exterior materials. Buildings shall be designed so as to have an attractive, finished appearance when viewed from all vantage points within and outside the Area.
9. Window sills of dwellings shall not be less than five (5) feet above the elevation of the nearest sidewalk or pedestrian pathway.
10. A decorative wrought iron style fence shall enclose the front yard. The fence shall be at least three (3) feet in height, but not more than four (4) feet in height.

B. Landscaping and Lighting Requirements

1. Landscaping shall be required for any part of any parcel not used for buildings, off-street parking and/or loading spaces. All proposed site plans shall include plans for landscaping indicating the location, size and quantity of the various species to be used. A minimum of ten (10%) percent of any lot, site or parcel shall must be landscaped.
2. Parking lots for five (5) or more vehicles, and all loading areas, shall provide a planting area not less than five (5) feet wide along any street line. This five feet strip shall provide screening of the parked cars. All screen planting shall consist of evergreen material that at least three (3) feet high at the time of planting and is planted in order to achieve a solid screening effect within two years of planting. Within such parking areas, a minimum of one tree shall be planted for every 5 parking spaces. Street trees planted along the street right-of-way shall not be counted toward this requirement. Landscaping shall be maintained with shrubs no higher than three (3) feet and trees with branches no lower than ten (10) feet, and designed so that the landscaping is dispersed throughout the parking area.
3. All landscaping materials must be able to withstand the local environment. A planting and maintenance schedule shall be provided on all site plans. The Planning Board may require landscape buffering in addition to the minimum requirements herein to mitigate against blank walls and other such aesthetic impairments.
4. Shade trees shall be planted along all streets as part of any development or improvements. Spacing shall be determined by the mature spread of the trees used, such that spacing is no more than ten (10) feet wider than the width of the mature spread of the species planted. Each street shade tree shall be planted in a tree pit which shall contain either a decorative metal grate, decorative fence surround, or decorative paving treatment. Tree pits may be rectangular or square, depending on the width of the sidewalk.
5. Lighting within each site shall sufficiently illuminate all areas, including those areas where buildings are setback or offset to prevent "dark corners". All lighting sources must be adequately shielded to avoid any glare. The area of illumination shall have a fairly uniform pattern of at least one-half (0.5) foot-candles and no greater than 2.0 foot-candles.

C. Circulation and Off-street Parking Requirements

1. Sidewalk areas must be provided along the all streets and shall be properly sized for the safe and convenient movement of pedestrians through and around the Area and shall be a minimum of ten (10) feet wide on Sip Avenue and Route 1 & 9, as measured from the face of the curb. Sidewalks along all other streets shall have an unobstructed width of at least five (5) feet. A planting strip at least three (3) feet in width as measured from the curb shall be in addition to the required sidewalk area. The planting strip shall be used to locate required street trees and street lights.

2. All required parking spaces shall be a minimum of 9-feet wide by 18-feet deep. All aisles shall be a minimum of 24-feet wide. Off-street parking and loading areas shall be coordinated with the public street system serving the project area in order to avoid conflicts with vehicular traffic and/or obstruction to pedestrian walkways and thoroughfares.

VIII. LAND USE REGULATIONS

A. RESIDENTIAL A DISTRICT

The Residential A zone shall consist of Blocks 10202 and 11803. On these blocks new housing shall be limited to one and two family homes, consistent with the character of the surrounding neighborhood.

Development within this zone shall follow standards for the R-1 zone in the Jersey City Land Development Ordinance with the exception of ~~houses of worship and~~ mortuaries which are prohibited. **Houses of worship are permitted under section E below.**

B. RESIDENTIAL B DISTRICT

The Residential B zone shall consist of Block 10201. This district may employ the standards of the R-1, R-2 or R-3 zones of the Jersey City Land Development Ordinance, with the exception of ~~houses of worship and~~ mortuaries which are prohibited. Any site plan must choose between the R-1 or R-2 or R-3 standards, in its entirety. **Houses of worship are permitted under section E below.**

C. COMMERCIAL DISTRICT

The purpose of the Commercial district is to provide a suitable area along Route 1& 9 for the development of commercial land uses that are compatible with the area's highway location.

1. Permitted Principal Uses and Buildings:
 - a. Shopping Centers
 - b. Retail sales of goods and services
 - c. Restaurants
 - d. Offices and Financial Institutions
2. Permitted Accessory Uses, Buildings and Structures:
 - a. Off-street parking
 - b. Fences and walls
3. Minimum Off-Street Parking Requirements
 - a. Commercial uses shall provide a minimum of one parking space per 250 square feet of gross floor area

4. **Sign Requirements**

Total exterior sign area shall not exceed the equivalent of twenty (20%) percent of the first story portion of the wall to which it is attached. Each use shall be permitted one (1) identification sign for each street frontage. Buildings with multiple uses shall have not more than one sign per use, provided that the aggregate area of all signs does not exceed the maximum area permitted for each street frontage. For purposes of calculating permitted sign area, the first story portion of the building shall not be considered to be any taller than fifteen (15) feet in height.

5. Bulk standards shall be the same as stated in the commercial district of the Water Street Redevelopment Plan.

D. TRANSITION DISTRICT

The Transition district shall consist of Block 11802. On this block redevelopment may use the provisions of either the Residential A with the exception of houses of worship and mortuaries which are prohibited; or the Commercial district, provided that commercial development shall be contiguous with the Commercial district.

E. HOUSE OF WORSHIP OVERLAY

A house of worship shall be a permitted use within Sip Avenue Gateway Redevelopment Area, except on block 11703. Development standards shall be as follows: (1) the minimum lot area for a House of Worship shall be sixty thousand (60,000) square feet; (2) the minimum parking requirement shall be one space for each eight (8) seats or seat equivalent; (3) the maximum height as measured to the roof of the structure shall be sixty (60) feet, exclusive of spires, towers and other ornamental features; (4) the maximum height of spires, towers and other ornamental features shall not exceed eighty five (85) feet; (5) the maximum building coverage shall be 50%; (6) the maximum lot coverage shall be 85%; (6) all building set back lines shall be contextual so as to line up to adjacent buildings; and (7) all surface parking areas shall include curbed landscape buffers a minimum of 4 feet wide and 8 inches high between all parking areas and public rights-of-way.

IX. ACQUISITION PLAN

The Sip Avenue Gateway Redevelopment Area is comprised of a compact and defined area within the City of Jersey City. The Area is important to the community as an area of residential and commercial development compatible with the surrounding land uses and development pattern. Incompatible land uses, vacant land, dilapidated buildings and other impediments to proper development must be removed in an orderly, planned and phased manner. As such, the following properties within the Study Area are proposed to be acquired:

Block 10202, lots 1, 2, 3, 4, 5, 6, 7, 8, 9;

Block 11703, lots 3;
Block 10201, lots 1, 2, 3, 4, 15, 18, 30;
Block 11803, lots 1, 2, 3, 4, 5, 12, 13, 14, 15, 16;
Block 11802, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 (entire block);
Block 11801, lots 1, 2, 3, 4 (entire block).

The above lots are shown on Map 4, "Acquisition Map," and where the map and the above list disagree, the map shall take precedence.

X. RELOCATION PLAN

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

The existing street pattern and traffic circulation pattern will remain the same, with the exception of new curb cuts along Route 1&9 and Sip Avenue. The functioning of the vehicular and pedestrian circulation systems will be improved through the construction of new curbs and sidewalks within the Area by the designated developer as the Redevelopment Plan is implemented. Currently, many streets within the Area are lacking curbing, sidewalks or both. The provision of these new sidewalks and curbs will allow for the proper separation of pedestrian and vehicular traffic, improved traffic safety, the provision of on street parking and overall improved traffic flow and control in the area.

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 given proposed land uses and building requirements for the redevelopment area.
- D. The Acquisition Map and Acquisition Plan (Section IX), which are a part of this Plan, indicate which properties are to be acquired as a result of this Plan.
- E. The Plan is in compliance with the Jersey City Master Plan. The Master Plan of the County of Hudson is not contrary to the goals and objectives of the Jersey City Master Plan. The Plan complies with the goals and objectives of the New Jersey Development

and Redevelopment Plan in that this Plan and the State's plan both recognize the need to redevelop urban land.

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

XIII. PROCEDURE FOR AMENDING THE PLAN

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

City Clerk File No. Ord. 13-005

Agenda No. 3.B 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-005

TITLE: **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE TURNKEY REDEVELOPMENT PLAN**

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

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Turnkey Redevelopment Plan (the "Plan") in May of 1980 and last amended December 15, 2010; and

WHEREAS, the maps contained within the Plan need to be amended to reflect current block and lot configurations; and

WHEREAS, the permitted uses within the plan should be updated to reflect the existing neighborhood character, and the conditional uses made accessory in order to comply with current land use law; and

WHEREAS, the Jersey City Planning Board, at its meeting of May 15, 2012 held a hearing on the proposed amendments and recommended adoption to the Municipal Council; and

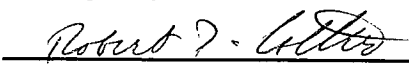
WHEREAS, the Municipal Council has accepted the Planning Board's recommendation; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Turnkey Redevelopment Plan is attached hereto, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

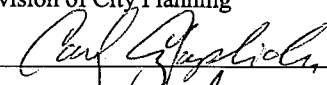
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Turnkey Redevelopment Plan be, and hereby are, adopted.

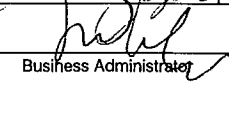
BE IT FURTHER ORDAINED THAT:

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


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

APPROVED AS TO LEGAL FORM

APPROVED: 

APPROVED: 
Business Administrator

Corporation Counsel

Certification Required ☐

Not Required ☐

Date Submitted to B.A. _____

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE TURNKEY REDEVELOPMENT PLAN**

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

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

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

This ordinance would amend the Turnkey Redevelopment plan to update maps and revise permitted uses to reflect the existing neighborhood character.

4. Reasons for the Proposed Project:

Existing maps in the redevelopment plan are outdated, and this will make them current. Additionally, the amendments have updated the uses to better reflect the character of the neighborhood. Conditional uses have been made accessory, as per current law.

5. Anticipated Benefits to the Community:

Up-to-date maps and uses.

6. Cost of Proposed Program, Project, etc.: \$0.00, all work was done in house

7. Date Proposed Program or Project will commence: Upon Adoption

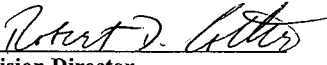
8. Anticipated Completion Date: N/A

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

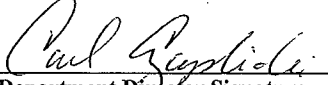
Robert D. Cotter, Director, City Planning 547-5050

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director

JAN 4, 2013
Date


Department Director Signature

1/4/13
Date

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE TURNKEY REDEVELOPMENT PLAN

This ordinance would amend the Turnkey Redevelopment plan to update maps and revise permitted uses to reflect the existing neighborhood character.

TURNKEY Redevelopment Plan

Prepared by the

**DIVISION OF CITY PLANNING
Department of Housing, Economic Development & Commerce**

May 1980

Amended August 1981

Amended September 1992

Amended March 1998

Amended March 2003

Amended April 2006

Amended February 2007

Amended December 15, 2010 Ord 10-165

Proposed Amendments 4/30/12

TABLE OF CONTENTS

SECTION	TITLE	PAGE
I	Description of Project	3
II	Redevelopment Plan Goals & Objectives	3
III	Types of Proposed Redevelopment Actions	4
IV	Building Design Objectives	4
V	Specific Objectives	5
VI	General Provisions	7
VII	General Land Use Plan	8
VIII	Other Provisions Necessary to Meet State & Local Requirements	17
IX	Procedure for Amending the Approved Plan	17
X	Definitions	18
	Boundary Map	19
	Acquisition Map	20
	Land Use Map	21
	Circulation Map	22

I. DESCRIPTION OF PROJECT

Turnkey Redevelopment Area Boundary Description Blocks 25001 (Partial), 25002 (Partial), 25101 (partial), 25604 (partial), 25704, and 25804

Beginning at the point of the intersection of the centerline of Fulton Avenue and Rose Avenue; thence in an easterly direction along the centerline of Fulton Avenue to the point at its intersection with the centerline of Ocean Avenue; thence in a northerly direction along the centerline of Ocean Avenue a distance of approximately 700 feet to the point at its intersection with the extension of the northern lot line of Lot 23 within Block 25002 across Van Cleef Street a distance of approximately 1400 feet to the point of its intersection with the eastern lot line of lot 69 in block 25001; thence in a southerly direction along the western lot line of lot 66 in block 25001 and continuing to the centerline of Stegman Street. Thence in a westerly direction to the extended western lot line of lot 2, block 25101, thence in a southerly direction along the western lot line of lots 2 and 50 in block 25101 to the centerline of Dwight Street. Thence in an easterly direction along the centerline of Dwight Street to the Extended easterly lot line of lot 2, block 2560r, thence in a southerly direction along the easterly lot line of lot 2 to the southerly lot line of lot 2. Thence in a westerly direction along the southerly lot line of lot 2, to its intersection with the westerly lot line of lot 1. Thence in a southerly direction along the westerly lot line of lot 1 to the centerline of Fulton Avenue, thence in an easterly direction along the centerline of Fulton Avenue to the point at its intersection with the centerline of Fulton Avenue the POINT AND PLACE OF BEGINNING.

II. REDEVELOPMENT PLAN GOALS AND OBJECTIVES

Renewal activities for the Turnkey project will be undertaken in conformity with, and will be designed to meet the following goals and objectives of the Redevelopment Plan.

A. Goals

1. To comprehensively redevelop the Turnkey Project Area through selective restoration and rehabilitation of Existing residential uses, by the elimination of negative and blighting influences and by providing new construction and site improvements where appropriate.
2. To provide for a variety of residential uses and housing types for both existing residents and prospective occupants in order to meet the housing needs of low, moderate and upper income families.
3. To provide for the improvement of the functional and physical layout of the project area for contemplated redevelopment and the removal of impediments for land disposition.
4. To provide for the overall improvement of traffic circulation through the elimination of unnecessary streets wherever possible and the development of new

vehicular and pedestrian circulation systems which provide for the separation of vehicular and pedestrian traffic, as well as to provide for the maximum use of public transportation.

5. To provide for the maximization of private investment through the attraction of qualified developers capable of securing private financing commitments.
6. To provide for the stabilization and the increase of the tax base of the project area and the entire city by redeveloping non-revenue producing areas and by reestablishing investment confidence of the part of existing and future residents both within the area and in contiguous neighborhoods.
7. To provide for the coordination of redevelopment activities to promote a uniform attack on blight which reinforces already existing renewal and improvement programs in adjacent area in accordance with a plan that integrates the Turnkey Project with the existing physical and social fabric of the City of Jersey City.

B. Objectives

1. To construct new residential rental housing for low- and moderate-income families through the use of public and/or private financing.
2. To assist private owner occupants who wish to improve their structures through a rehabilitation incentive program.
3. To provide construction related (temporary) jobs, and permanent jobs through housing rehabilitation and construction of new housing and public improvements.
4. To assist small neighborhood commercial uses by providing relocation opportunities for the few commercial businesses located in areas designated for new residential development.
5. To provide necessary site improvements for both proposed and existing residential uses as well as commercial businesses, including new streets and sidewalks, street realignment, off-street parking, open space, recreational areas, new trees and selected planting materials where necessary.

III. TYPES OF PROPOSED REDEVELOPMENT ACTIONS

It is proposed to substantially improve and upgrade the Turnkey Project through a combination of redevelopment actions. These will include but not be limited to:

1. clearance of dilapidated structures;
2. retention and construction of sound compatible uses;
3. assembly into developable parcels the vacant and under-utilized land now scattered and varied ownership; and
4. provisions for a full range of public infrastructure necessary to service and support the new community.

IV. BUILDING DESIGN OBJECTIVES

1. All structures within the project area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air, and usable open space, access to public right-of-way and off-street parking, height and bulk.
2. Groups of related buildings shall be designed to present a harmonious appearance in terms of architectural style and exterior materials.
3. Buildings shall be designed so as to be attractive from all vantage points.
4. Building setbacks shall be varied to the extent practicable in order to provide an interesting interplay of buildings and open spaces.

V. SPECIFIC OBJECTIVES

The following objectives shall apply to the entire study area. The proposals for each reuse parcel shall also conform, where appropriate, to the General Goals and Objectives discussed previously.

A. Submission of Redevelopment Proposals

Prior to commencement of construction, architectural drawings, specifications and site plans for the construction of improvements to the redevelopment area shall be submitted by the developers for review and approval by the Planning Board of the City of Jersey City and the Board of Commissioners of the Jersey City Redevelopment Agency.

B. Adverse Influences

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

C. Restriction of Occupancy or Use

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

D. Circulation and Open Space Design Objectives

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

2. Open spaces for both residential rehabilitation and new construction shall be provided where feasible and be so located as to provide for maximum usability by tenants and to create a harmonious relationship of buildings and open space throughout the project area.
3. Sidewalk areas shall be adequately provided for the movement of pedestrians through and around the site.
4. Sidewalk areas shall be attractively landscaped and durably paved and shall be provided with adequate lighting.
5. Trees and shrubs shall be planted along the curb line at not more than 30-foot centers or in groupings in a regularly spaced pattern to further increase the aesthetic quality of redevelopment activities.
6. Areas designated as improved open space shall be in addition to all parking, loading, yard and setback requirements.

E. Off-Street Parking and Loading Objectives

1. Off-street parking and loading areas shall be coordinated with the public street system serving the project area in order to avoid conflicts with through traffic or obstruction to pedestrian walks and thoroughfares.
2. Any surface parking facilities shall be landscaped; large concentration of parking shall be avoided; poured-in-place concrete curbing shall be used in parking areas to prevent vehicles from encroaching upon planted areas.
3. All parking and loading areas abutting streets or residential zones shall be landscaped about their periphery with berms, shrubs, trees and/or ground-cover.
4. All required parking and loading areas shall be provided off-street. All such parking and loading areas shall be graded, paved with a durable, dust-free surface, adequately drained, well landscaped, and all access points shall be defined and limited in accordance with the Zoning Ordinance of the City of Jersey City

F. Landscape Design Objectives

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

one-half (3 ½) inches in caliper. All plants, trees and shrubs shall be installed in accordance with the Division of Planning planting schedules.

2. Prior to commencement of construction, architectural drawings, specifications and site plans for the construction of improvements to the project area shall be submitted by the developers to the Board of Commissioners of the Jersey City Redevelopment Agency and to the Planning Board of the City of Jersey City for review and approval so that compliance of such drawings, specifications and plans to the Redevelopment objectives can be determined.

G. Interim Uses

Interim uses may be established, subject to agreement between the developer(s) and the Planning Board that such use will not have an adverse affect upon existing or contemplated development during the interim use period. Interim uses must be approved by the Planning Board which may establish an interim use period of up to three (3) years in duration. Additional renewals of an interim use may be granted by the Planning Board.

H. Underground Utility Placement

All utility distribution lines and utility service lines to the project areas individual uses shall be located underground where feasible.

VI. GENERAL PROVISIONS

- A. The regulations and controls in this section (VI) will be implemented by appropriate covenants or other provisions or agreements for land disposition and conveyance executed pursuant thereto.
- B. The redeveloper shall begin and complete the development of the land and the construction of improvements agreed upon in the disposition contract with a reasonable amount of time as determined in the said disposition contract between the Jersey City Redevelopment Agency and the designated redeveloper.
- C. The redeveloper shall agree to retain the interest acquired in the project land until the completion of the construction and development in the area required by this plan and the disposition instruments and the redeveloper shall further agree not to sell, lease or otherwise transfer the interest acquired or any part thereof without prior written approval of the Jersey City Redevelopment Agency.
- D. No covenant, lease, conveyance or other instrument shall be affected or executed by the Jersey City Redevelopment Agency or by a redeveloper or any of his successors or assignees, whereby land within the project area is restricted by the JCRA 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.

- E. No building shall be constructed over an easement in the project area without prior written approval of the JCRA.
- F. The JCRA and the Jersey City Planning Board shall specifically reserve the right to review and approve the redeveloper's plans and specifications with respect to their conformance to the Redevelopment Plan. Such a review shall be on the basis of a site plan and/or construction plans submitted to both agencies. No additional construction or alteration to existing or proposed construction shall take place until a site plan reflecting such additional or revised construction shall have been submitted to and approved by both the JCRA and the Planning Board. This pertains to revisions or additions prior to, during and after completion of the improvements.
- G. The provisions of this Plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) years from the date of approval of this Plan by the City Council of Jersey City.
- H. All residential redevelopment proposals and construction plans shall meet applicable FHA and HFA minimum room size requirements prior to approval by the Redevelopment Agency and the Planning Board.
- I. Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements to the Area shall be submitted by the developer to the Planning Board of the City of Jersey City for review and approval so that compliance of such plans with the redevelopment objectives can be determined. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Applications may be submitted for the entire project or in any number of phases.

As part of any site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53 et seq. Such performance guarantees shall be in favor of the City in a form approved by the Jersey City Corporation Counsel. The amount of any such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of on and off site improvements within one (1) year of final site plan approval.

VII. GENERAL LAND USE PLAN

- A. Land Use Map, proposed land uses shall be shown on Map No. 3, Land Use Map.
- B. Land Use Provisions and Building Requirements
 - 1. Residential
 - a) Permitted Principal Uses
 - 1. One- and two- family detached dwellings
 - ~~2. Garden apartments~~
 - 3. Townhouses
 - ~~4. Row Houses~~
 - 5. Multi-purpose community center, providing such services as: housing management, meeting rooms, day care, social support and counseling, library, healthcare/first aid, security and indoor and

outdoor recreation, and limited to lots fronting on Fulton, Dwight and/or Stegman

6. Senior Housing

b) Accessory Uses Permitted

- Off-street parking
- Fences and walls
- Designed open space
- Utilities
- ***Housing Management Facility***

~~c) Conditional Uses~~

- ~~• ***Housing Management Facility***~~

d) Regulations and Controls

- Parcels designated residential shall be designed utilizing various materials to form a compatible overall architectural scheme

New construction of multi-family residential shall be designed to include:

1. An ornamental cornice at the roofline.
2. Avoid blank walls, particularly at street level.
3. Window detailing, including lintels and sills.
4. A variety of horizontal and vertical architectural elements which harmonize the surrounding structures.
5. Sidewalk shall be tinted French grey.
6. Driveways shall be differentiated from the sidewalk through the use of different paving color and texture. Driveways are to be flush with the sidewalk, with driveway apron slopes shall extend no more than two and one-half feet.
7. Fencing shall be wrought-iron or other decorative material; no chain-link or aluminum fencing is permitted.
8. All parking shall be screened by the above mentioned fencing at the street frontage, including a 5' strip of hedge landscaping in addition to the fence.
9. Interior property line adjacent to parking shall contain board-on-board fencing to screen it from its neighbors.
10. The roof shall be flat unless incompatible with surrounding buildings.
11. Buildings shall be designed to include a water table or water course and differentiate materials at the first floor. All first floor facades must be primarily masonry. No EIFS or synthetic materials are permitted at the first level. All facades and façade materials are subject to Board review and approval.
12. Main entries shall have transom windows above.
13. Street trees are to be included, spaced 35' apart for the length of each project.

14. All rooftops, including garages, shall include patio areas accessible to tenants wherever possible.

15. All front yard setbacks shall maintain the setback of the prevailing building line and not to exceed 20' from the curb.

- Designed open space shall be developed as an integral part in the overall design scheme
- Where any questions arise in terms of definitions or terminology, the Zoning Ordinance of the City of Jersey City shall govern
- Utilities shall be defined as: water, sewer, telephone, gas or electric service from a public or private utility company under the regulations of the New Jersey Public Utilities Commission.
- Conditional Use Standards for Housing Management Facility:
 1. Such use must be similar in style and bulk to the housing it is intended to serve
 2. No overnight storage of vehicles permitted.

The intent is to insure the parking for these buildings is on the side or rear yard and the building is established as a prominent feature on the street.

e) Maximum Height

* Residential uses shall not exceed three (3) stories or thirty-five (35) feet. All senior housing uses four (4) stories and fifty (50) feet.

f) Area, Yard and Bulk

1) One- and two-family detached dwellings

Maximum Building Coverage	-	60%
Minimum Lot Area	-	2,500 sq ft
Minimum & Maximum Front	-	Shall be consistent with the prevailing street setback, except that front yard setback may not be less than 5 feet nor greater than 20 feet
Minimum One Side	-	0 feet
Minimum Total Sides	-	5 feet
Minimum Rear	-	15 feet

The goal of the front yard setback requirement within this section is to have new development setback a distance that is consistent with the existing building line of the street.

All streets, even those which contain large tracts of vacant parcels, contain areas of development which have a definite street line formed by a fence, a hedge or a structure. It is the intent of the prevailing setback requirement to allow flexibility in design while maintaining the character of the neighborhood.

2) Garden Apartments

Maximum Building Coverage	30%
Minimum Lot Width	150 feet
Minimum Lot Depth	100 feet
Minimum Lot Area	15,000 sq ft
Maximum Density	25 units per acre
Minimum Yards: Front	5 feet
Side	20 feet per grouping
Rear	25 feet

3) Townhouses and Row Houses

Maximum Building Coverage	-	60%
Minimum Lot Width	-	20 feet
Minimum Lot Depth	-	100 feet
Minimum Lot Area	-	2000 sq ft
Minimum Yards: Front	-	Prevailing as above
Side	-	0 feet
Rear	-	15 feet

4) Community Center

Maximum Building Coverage	-	75%
Minimum Lot Width	-	50 feet
Minimum Lot Depth	-	100 feet

5) Senior Housing

- Minimum Lot Area: Ten Thousand (10,000) square feet.
- Minimum Lot Width: Eighty (80) feet.
- Minimum Lot Depth: Eighty (80) feet.
- Maximum Building Coverage: Sixty percent (60%).
- Maximum Density: Eighty (80) dwelling units per acre.
- Minimum and Maximum Yards:
 - Front: 0 Feet
 - Side: 0 Feet
 - Rear: 40 Feet
- Minimum Parking: 0.2 spaces per bedroom

g) Maximum off-street parking:

All residential uses shall provide a maximum of 2 spaces per dwelling unit.

Front-yard parking is prohibited except as necessary to dwellings specifically designed for handicapped residents.

h) Minimum off-street loading

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

i) Maximum Sign Area

All residential uses: one (1) sign not to exceed two (2) square feet.

Billboards are expressly prohibited throughout the entire redevelopment area.

2. Mixed Use A

a) Permitted Principal Uses

- Retail sales of goods and services
- Office uses
- Financial institutions
- Restaurants
- Public uses
- Management offices for designated urban renewal developers
- Community facilities for residential tenants of urban renewal development

b) Accessory Uses Permitted

- Residential units above first (1st) floor retail sales
- Off-street parking and loading
- Parking garages and lots

c) Conditional Uses – None permitted

d) Regulations and Controls

- Retail sales of goods and services shall be defined as grocery stores and pharmacies where all sales are under one roof, cleaning establishments such as dry cleaners and Laundromats with attendants, but in no instance shall bars, liquor stores, auto body shops or service stations be considered retail sales.
- Commercial operations for the sale of retail goods and services may have residential units located above first floor provided:
1) the residential units shall be provided with separate ingress and egress other than that which is used for the purposes of the commercial operations; and 2) the parking for residential dwelling units shall be counted separate and apart from any commercial parking.
- Public uses shall be limited to: parks, play-grounds, or governmental uses which shall be limited to: office, meeting, legislative or judicial functions and municipal facilities.

e) Maximum Height

- Retail sales with residential uses located above the first floor: four stories or forty (40) feet in height
- All other uses shall have a maximum height of three (3) stories or thirty-five (35) feet.

f) Area Yard and Bulk

- All commercial buildings, community facilities or management offices shall conform to the following regulations:

Maximum Building Coverage -	60%
Minimum Lot Width -	25 feet
Minimum Lot Depth -	100 feet
Minimum Lot Area -	2,500 sq ft
Maximum Height -	4 stories

g) Minimum Off-Street Parking

- Retail sales of goods and services: one (1) space per 600 square feet of gross floor area.
- Restaurants one (1) space per each four seats.
- Existing commercial or public uses not acquired through this urban renewal program shall have no parking requirements.
- Office and financial institutions: one (1) space for each 1,000 square feet of gross floor area.
- Mixed-use commercial/residential one (1) space per 600 square feet of gross floor area for commercial use plus 0.75 space per each dwelling unit.
- Public uses shall be provided with a minimum of one (1) space per each six-hundred (600) square feet of gross floor area, excluding the first five-thousand (5,000) square feet of gross floor area for that use plus one (1) space for each official car assigned to that use.

h) Minimum Off-Street Loading

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

i) Maximum Sign Area

- Billboards are expressly prohibited throughout the entire redevelopment area.
- Each business establishment shall be permitted not more than two (2) signs per store frontage illuminated in any way shall not exceed one-foot, six-inches (1'6") in height by the length of façade and may not project more than twelve inches (12").
- If more than one (1) sign is provided on any façade, one (1) sign shall be perpendicular to that façade. It shall not exceed five (5) square feet in area on any one (1) surface and must comply with the following:
 - a. it may not exceed one (1) foot in height;
 - b. it must be arranged to allow a minimum of eight-feet, six-inches (8'6") to the sidewalk below;

- c. it may be internally illuminated but may not be flashing or illusory in nature;
- d. only one (1) such sign will be permitted on each street frontage of the establishment;
- e. it may not move or have any moving parts as elements.
- Under no circumstances shall fluorescent or glowing paint be permitted for any signage within the area. No signs or window graphics other than those specifically enumerated herein shall be permitted.
- All signage shall be subject to site plan review and approval by the Planning Board.

3. Mixed Use B

a) Permitted Principal Uses

- 1) Multi-family mid-rise apartments above the ground floor
- 2) Retail sales of goods and services, and/or restaurants, and or financial institutions, required on all Ocean Avenue frontages

b) Accessory Uses Permitted

- 1) Off-street parking
- 2) Fences and walls
- 3) Designed open space
- 4) Utilities
- 5) Community space and management rooms accessory to residential units

c) Regulations and Controls

New construction shall be designed to include:

- 2. An ornamental cornice at the roofline.
- 3. Avoid blank walls, particularly at street level.
- 4. Window detailing, including lintels and sills.
- 5. A variety of horizontal and vertical architectural elements which harmonize the surrounding structures.
- 6. Sidewalk shall be tinted French grey.
- 7. Driveways shall be differentiated from the sidewalk through the use of different paving color and texture. Driveways are to be flush with the sidewalk, with driveway apron slopes shall extend no more than two and one-half feet.
- 8. Driveways and parking areas shall not be accessed from Ocean Avenue, and shall be located in garages within the building. No surface parking.
- 9. Parking shall be accessed by a maximum of one entry lane and one exit lane. This may be arranged as a single two-way driveway, or two one-way driveways.
- 10. Fencing shall be wrought-iron or other decorative material; no chain-link or aluminum fencing is permitted.

11. All surface parking shall be screened by the above mentioned fencing at the street frontage, including a 5' strip of hedge landscaping in addition to the fence.
 12. Interior property line adjacent to parking shall contain board-on-board fencing to screen it from its neighbors.
 13. The roof shall be flat.
 14. Buildings shall be designed to include a water table or water course and differentiate materials at the first floor. All first floor facades must be primarily masonry. No EIFS or synthetic materials are permitted at the first level. All facades and façade materials are subject to Board review and approval.
 15. Main entries shall have transom windows above.
 16. Street trees are to be included, spaced 35' apart for the length of each project, and with a minimum caliper of 3-3.5".
 17. All rooftops, including garages, shall include patio areas accessible to tenants wherever possible.
 18. All front yard setbacks shall maintain the setback of the prevailing building line and not to exceed 20' from the curb. The intent is to ensure parking areas are on the side or rear yard and the building is established as a prominent feature on the street.
 19. Garages are to be screened with storefronts along Ocean Avenue, and with attractive openings which match the rhythm, pattern, and architectural style of the building along the side streets.
 20. All facades with street frontage are to be treated as a front façade, with no blank walls and with appropriate architectural detail, window openings, and quality materials.
 21. All setbacks above the first floor shall be designed as green roofs
- Where any questions arise in terms of definitions or terminology, the Zoning Ordinance of the City of Jersey City shall govern
 - Utilities shall be defined as: water, sewer, telephone, gas or electric service from a public or private utility company under the regulations of the New Jersey Public Utilities Commission.

d) Maximum Height

- (1) five (5) stories and sixty feet where garaged parking is provided as required
- (2) minimum residential floor-to-ceiling height nine (9) feet;
- (3) minimum ground floor floor-to-ceiling height twelve (12) feet

e) Area, Yard and Bulk

- (1) Minimum Lot Area: Ten Thousand (10,000) square feet.
- (2) Minimum Lot Width: Eighty (80) feet.
- (3) Minimum Lot Depth: Eighty (80) feet.
- (4) Maximum Building Coverage:

- i. With garaged parking, first floor parking garage may have one hundred percent (100%) coverage
 - ii. Above first floor garage, seventy percent (70%) building coverage
- (5) Maximum Density: One-hundred fifteen (115) dwelling units per acre.
- (6) Yard Setbacks:
 - i. Front: Maximum 0 Feet
 - ii. Side: Minimum 0 Feet on first floor, minimum fifteen feet (15') on upper floors
 - iii. Rear: with garaged parking, first floor maximum zero (0) feet, above first floor minimum thirty-five (35) feet.

f) Minimum off-street parking

- (1) Residential - 0.3 spaces per unit
- (2) Retail sales of goods and services: one (1) space per 600 square feet of gross floor area, excluding the first 5,000 sf
- (3) Restaurants one (1) space per each four seats, excluding the first 5,000 sf
- (4) Financial institutions: one (1) space for each 1,000 square feet of gross floor area, excluding the first 5,000 sf
- (5) There shall be secure bicycle parking at a minimum rate of 1 bicycle space per dwelling unit and 1 bicycle space per 5000 square feet of non residential use. A bicycle storage room, located in a convenient and accessible location from the sidewalk or the front entry of the building with no more than four vertical steps (ramps may be utilized) between the bicycle room and the sidewalk. Bike racks must permit the ability to secure the frame of the bike to the rack system.

g) Minimum off-street loading

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

h) Maximum Sign Area

- (1) Billboards are expressly prohibited throughout the entire redevelopment area.
- (2) Each business establishment shall be permitted not more than one (1) sign per store frontage which may not be internally illuminated in any way shall not exceed one-foot, six-inches (1'6") in height by the length of façade and may not project more than twelve inches (12").
- (3) All signage shall be subject to minor site plan review and approval by the Planning Board.

- (4) One identification sign per lobby entry is permitted for residential uses which may list the building name and/or street address and shall not exceed 5 square feet.

C. Deviation Requests

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan. Notice shall be given, pursuant to the requirements of NJSA 40:55D-12. a. & b., for any relief requested under this section.

VIII. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

- A. The various elements of this Redevelopment Plan set forth above are in compliance with the requirements of State and Local Law and there are no additional requirements with respect to a redevelopment plan which have not been complied with.
- B. The Redevelopment Plan contains all provisions necessary to fulfill statutory requirements of the City of Jersey City.
- C. The Redevelopment Plan proposes to attain identifiable local objectives as to appropriate land use, density of population, improved public utilities, traffic circulation, recreational and community improvements and other public renovations.
- D. The following text referencing provision for the temporary relocation and permanent re-housing of persons residing within the Turnkey Study Area Redevelopment Project is presented to comply with statutory requirements of the State of New Jersey. The City of Jersey City, through the services of the Jersey City Redevelopment Agency staff, will provide displaced families and individuals with the opportunity of being relocated into decent, safe and sanitary housing which is within their financial means. This office will be staffed by qualified personnel who will actively assist the families and individuals being displaced in finding adequate accommodations. All families and individuals being displaced will be interviewed to determine re-housing requirements. In addition, a list of privately owned houses and apartments which have been inspected and certified as being safe, decent and sanitary will be maintained by the relocation staff from

which individuals will be referred to such dwelling units which are within their financial means.

IX. PROCEDURE FOR AMENDING THE APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. A fee of \$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.

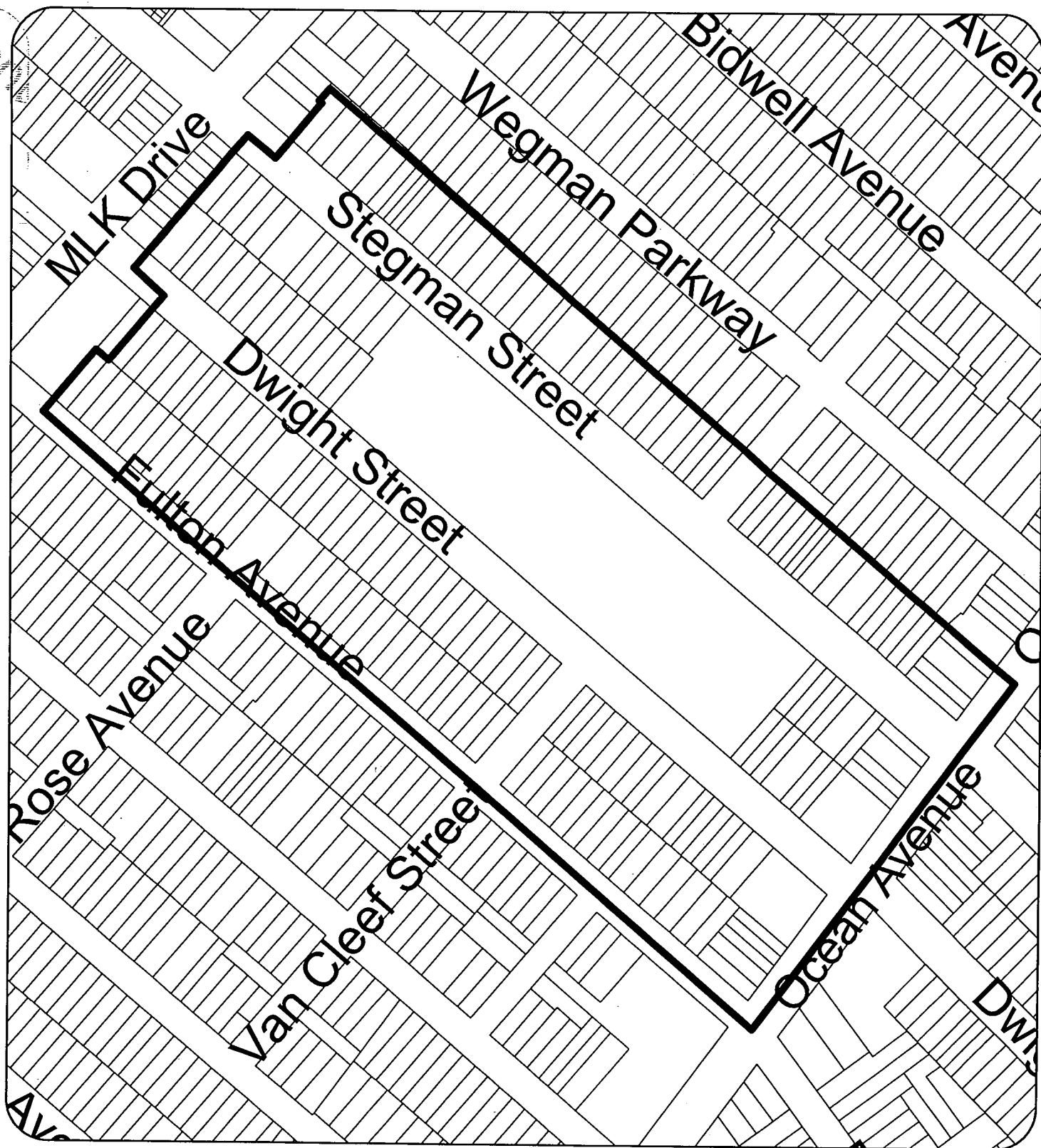
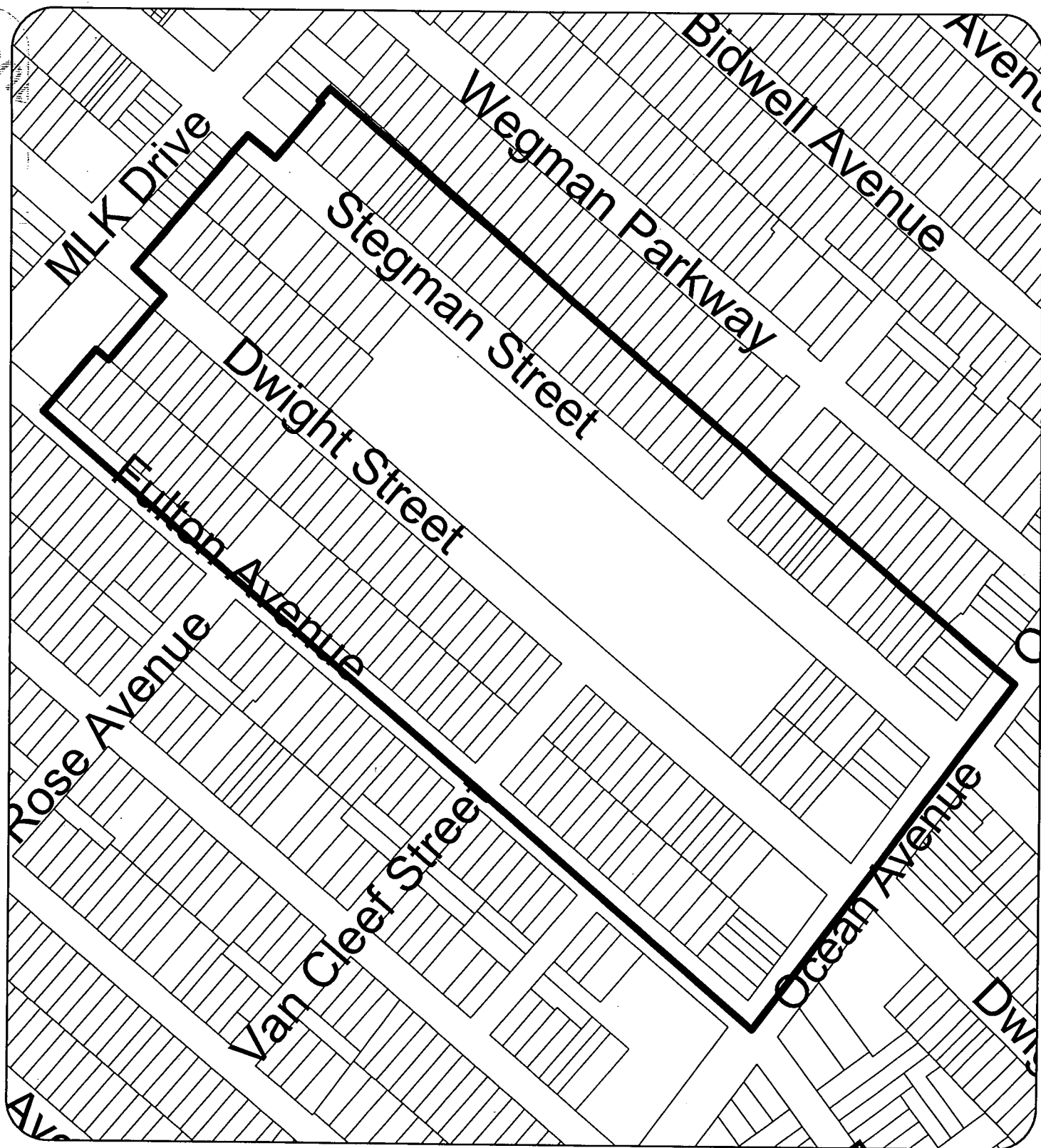
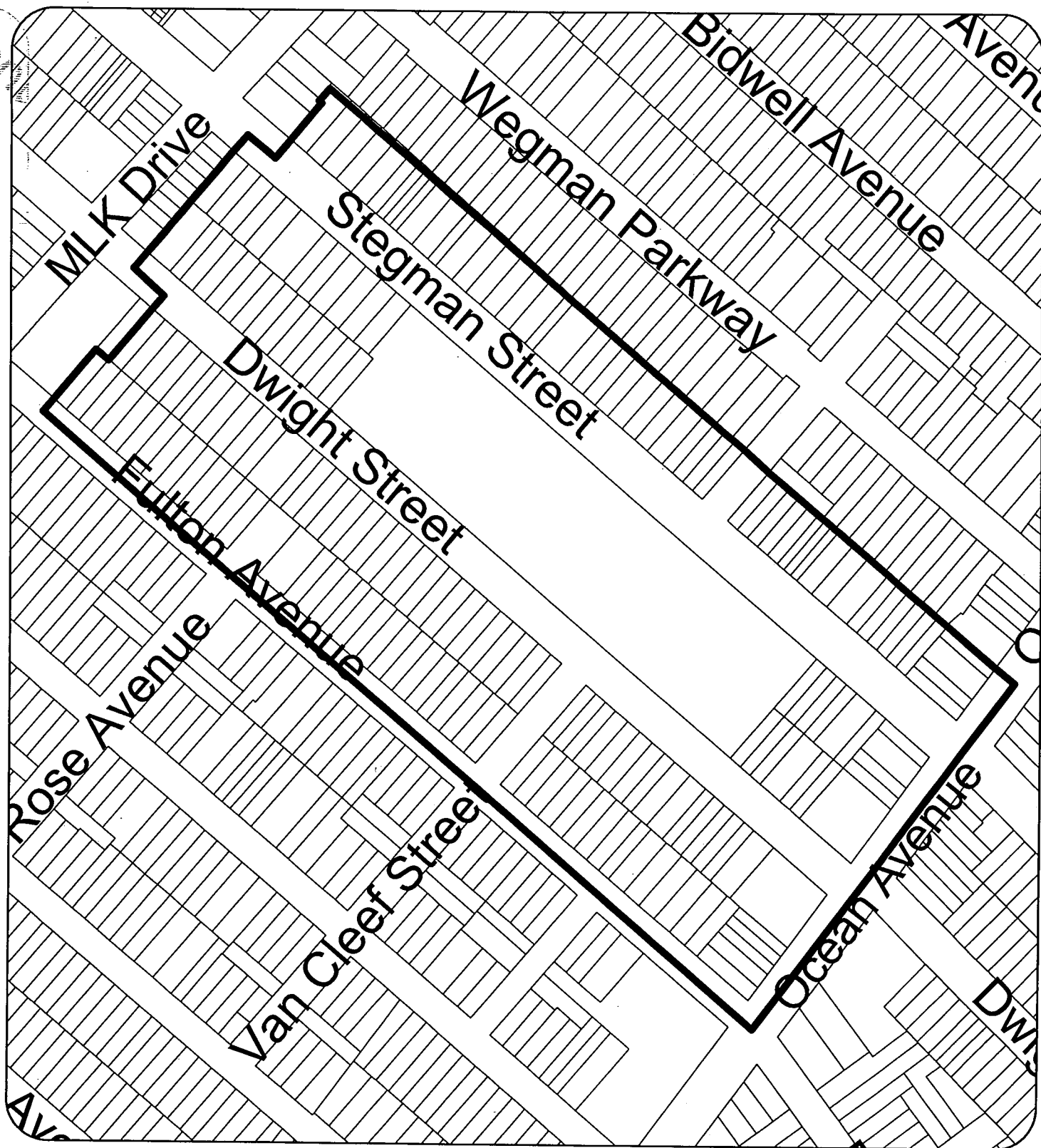
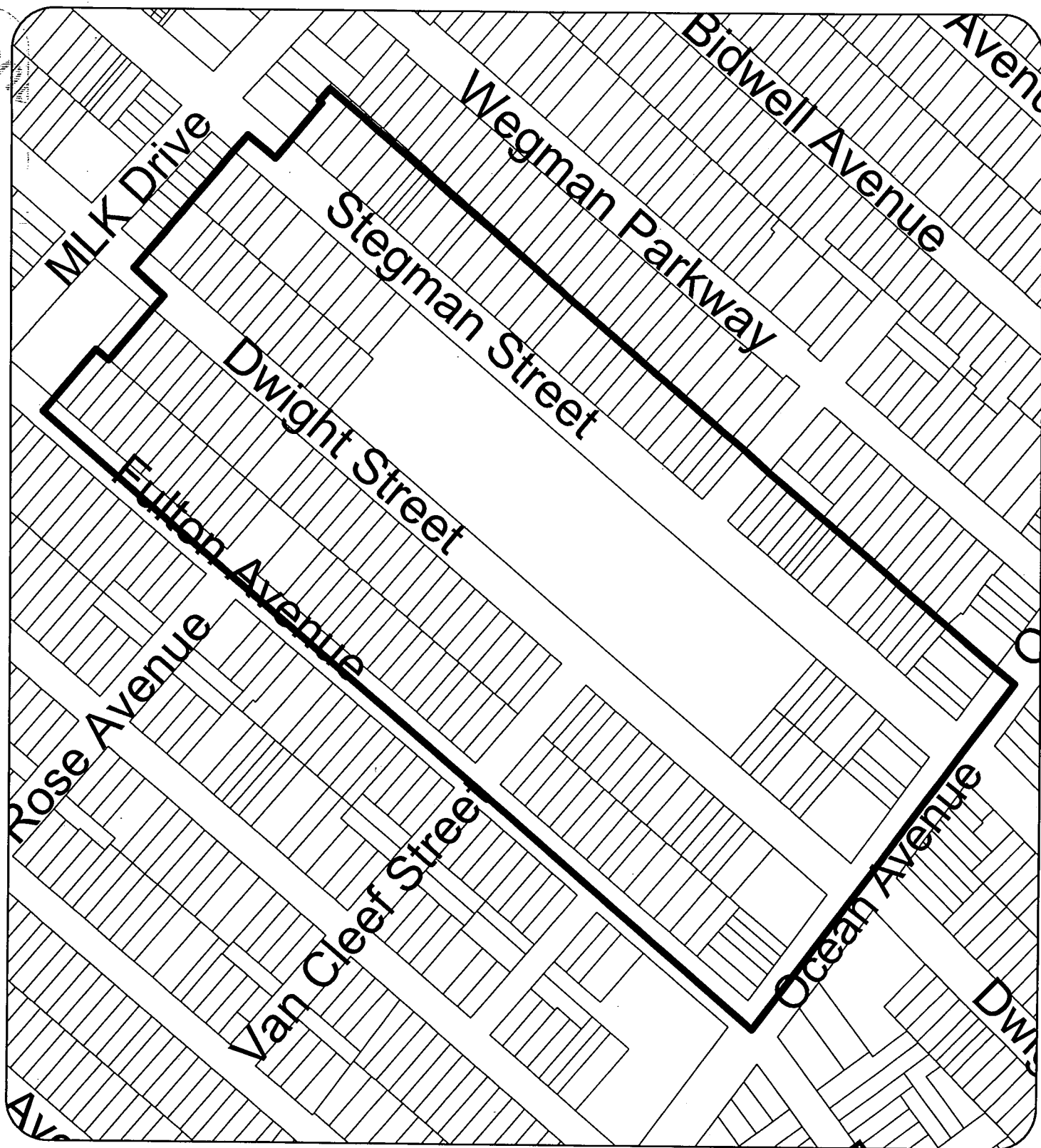
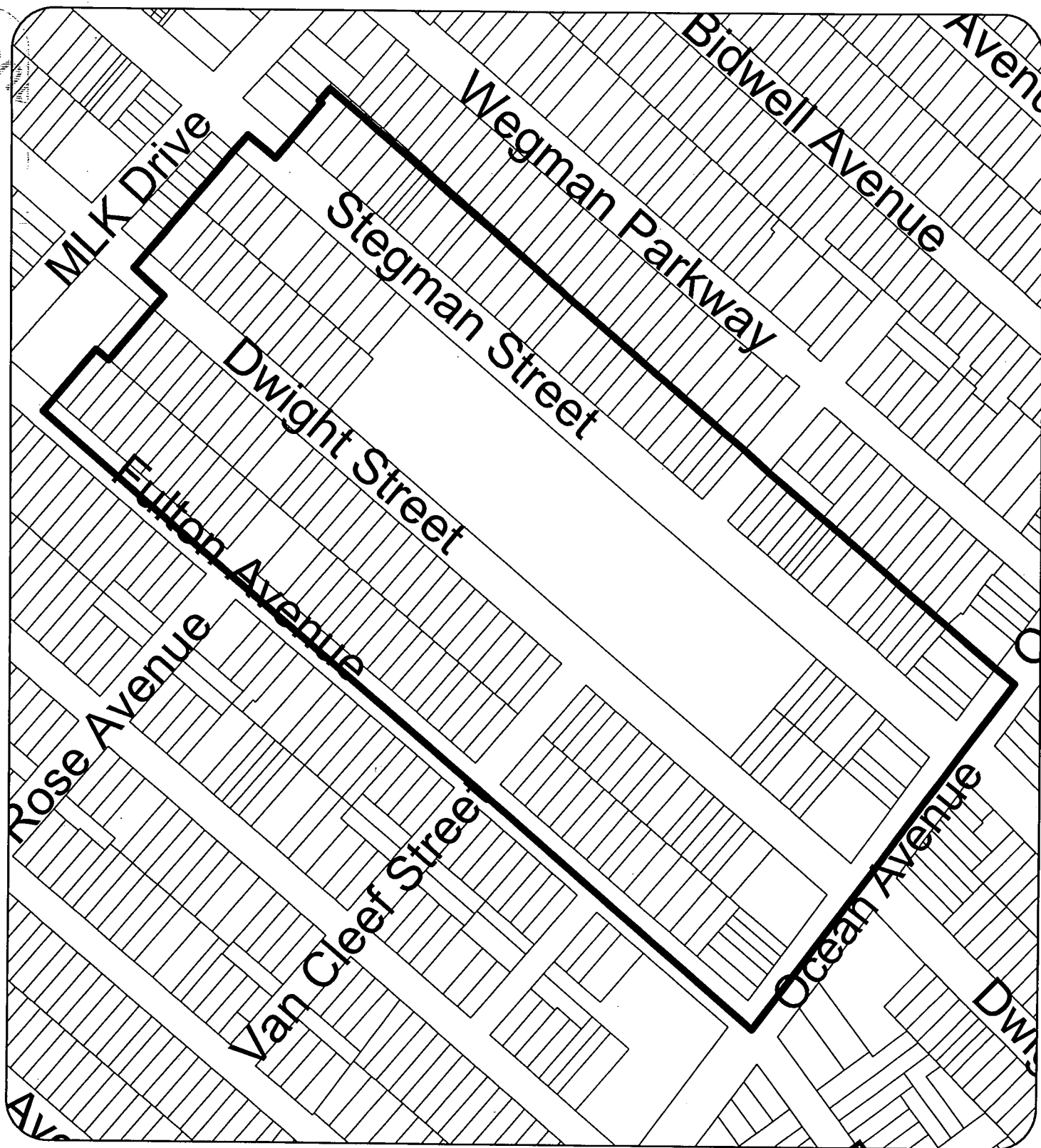
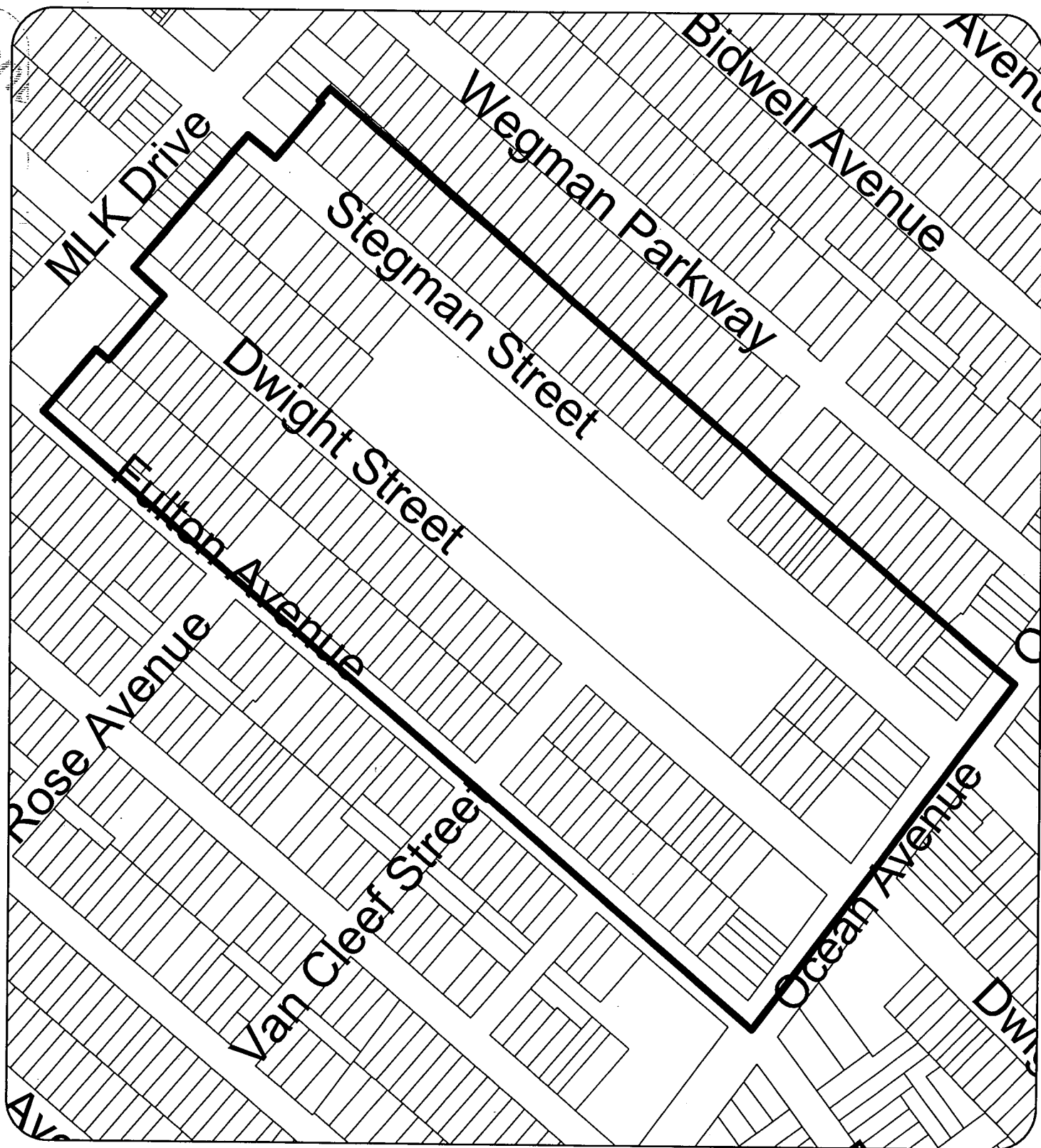
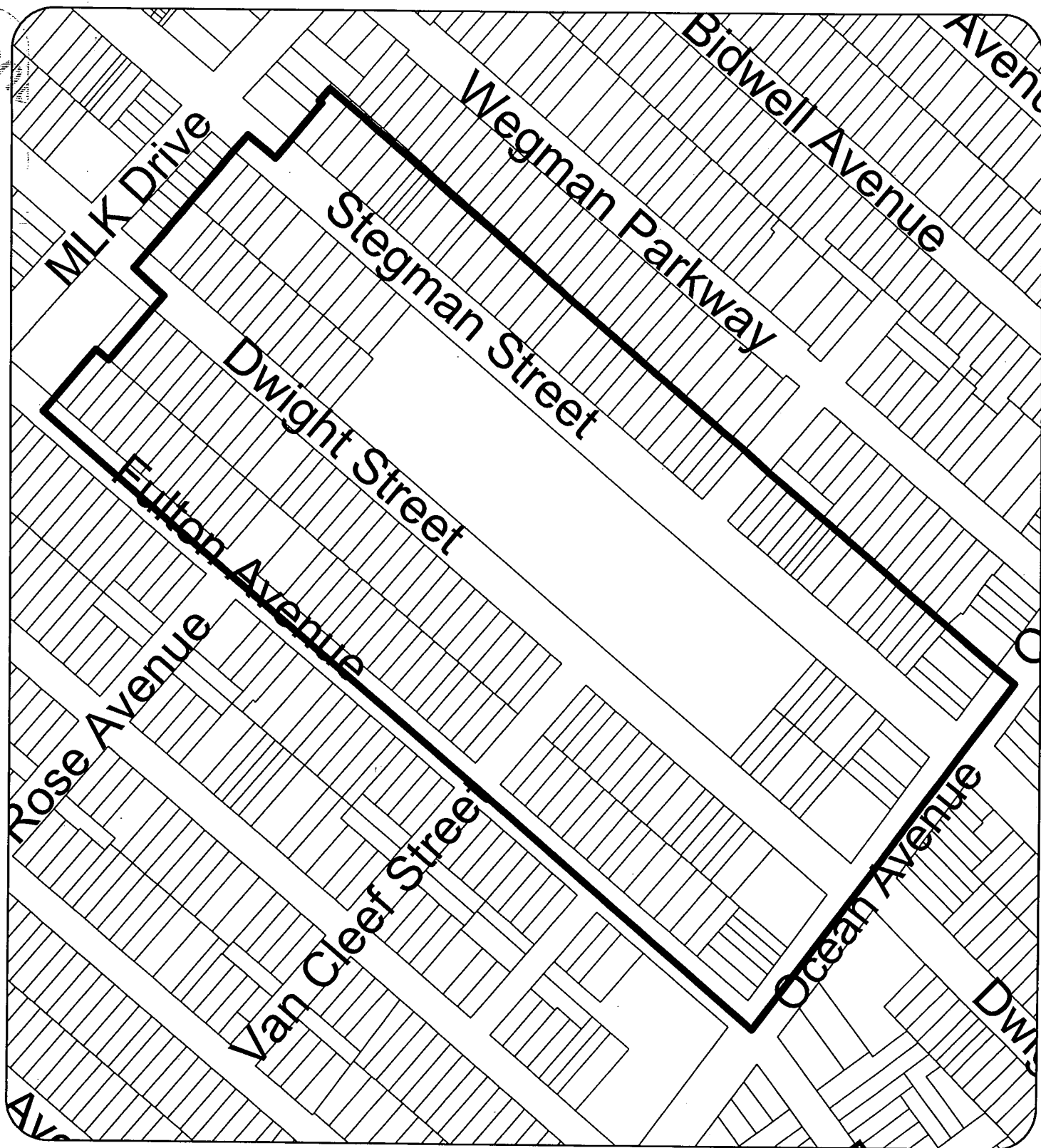
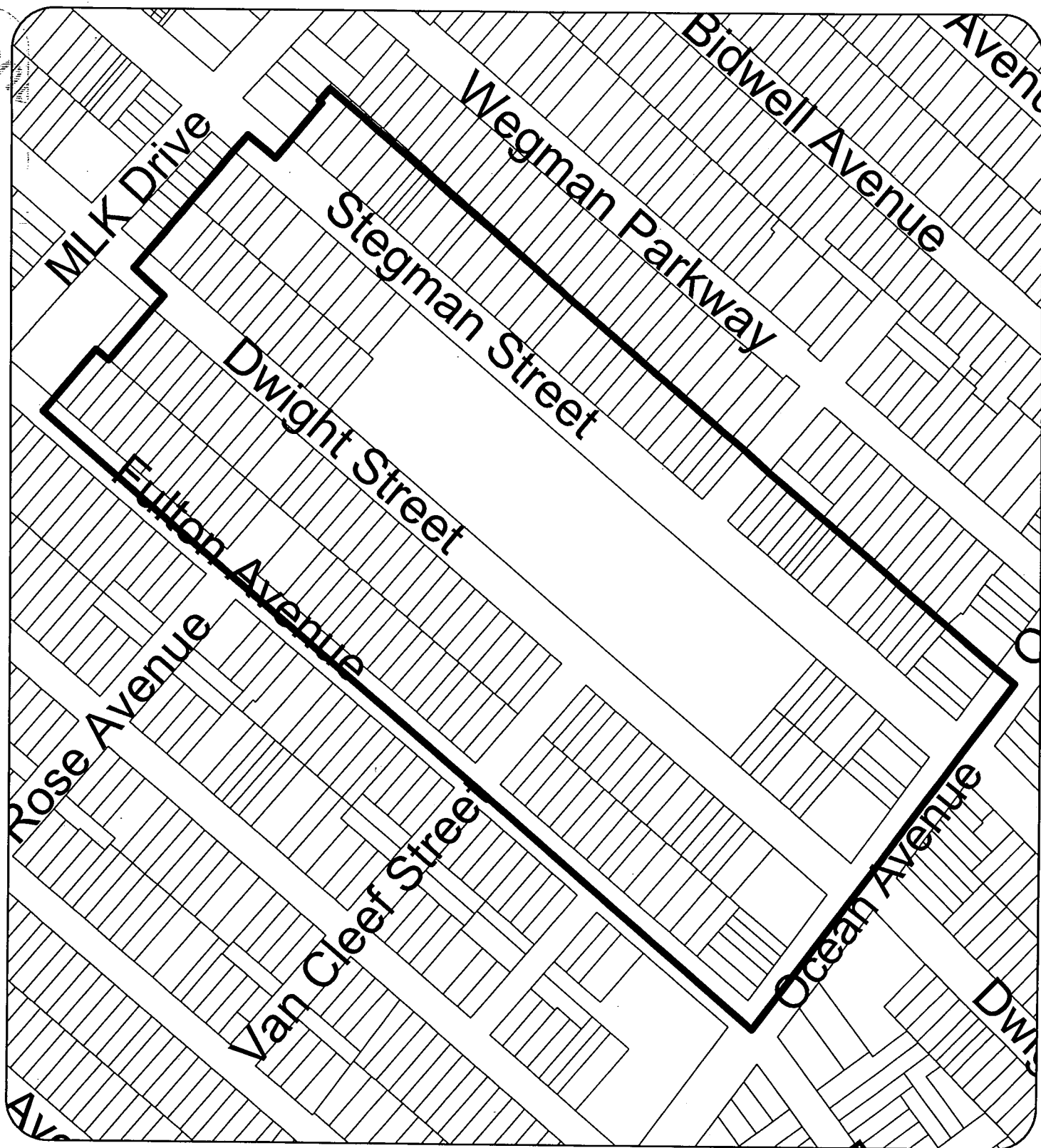
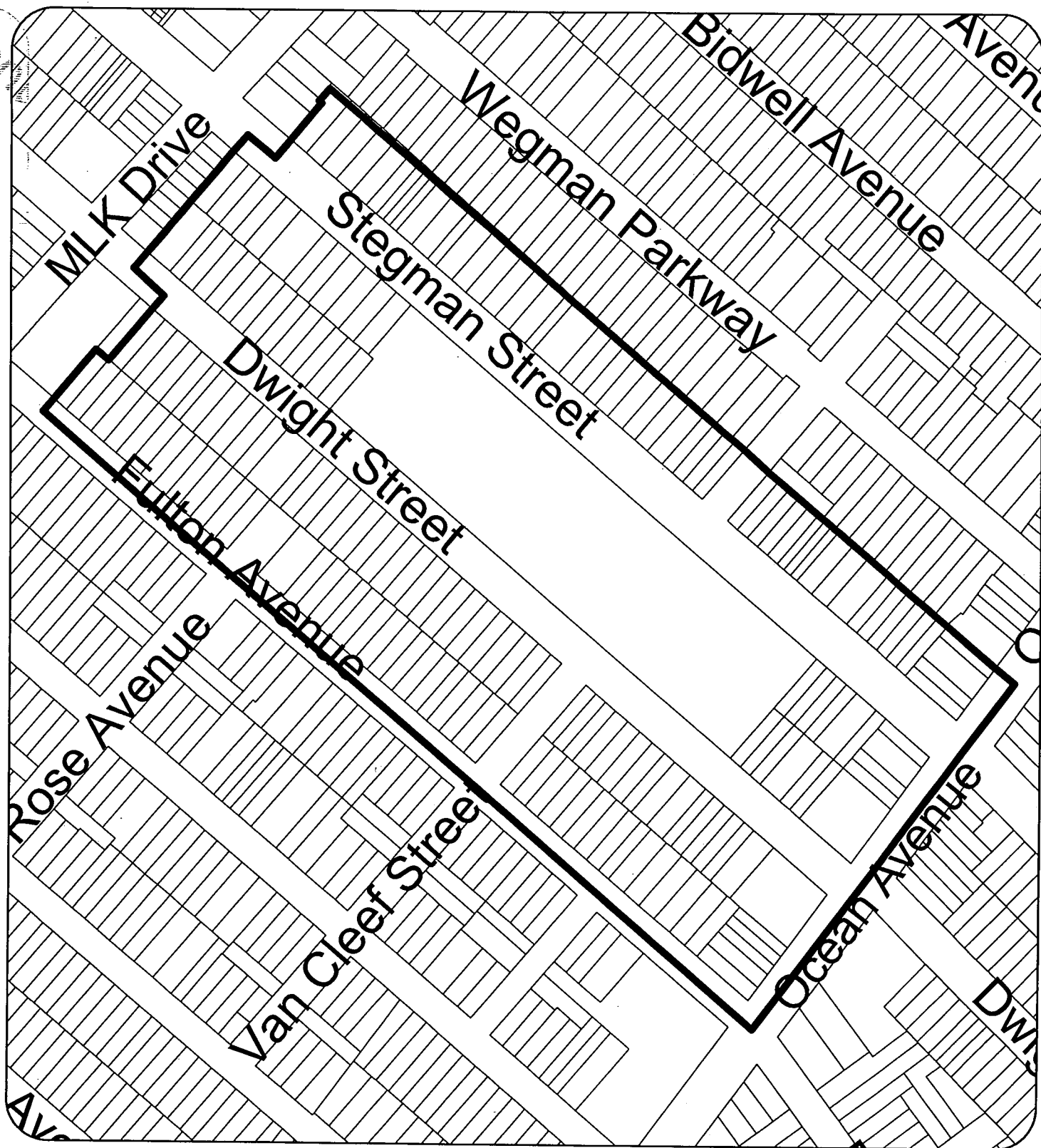
X. DEFINITIONS

- ~~A. Density: A number expressing dwelling units per gross acre.~~
- ~~B. Home Occupation: An occupation being conducted wholly or in part from a residence or its residential lot as an accessory use. Such occupations shall be conducted solely by resident occupants of the residential building, except that no more than two persons not a resident of the building may be employed and provided also that no more than the 900 square feet, or the equivalent of the first floor area of the building, whichever is smaller, shall be used for such purpose; that the livable floor area for the resident shall remain at least as large as that required of residences; that no display of products shall be visible from the street; that the residential character of the building shall not be changed; that no sign shall be displayed exceeding the maximum area permitted for signs on each of two sides, and said sign shall be placed inside the building or, if located outside, shall be attached flat outside the building; that the occupation shall be conducted entirely within either the dwelling unit or an accessory building, but not both, that no occupational sounds shall be audible outside the building; that no machinery or equipment shall be used which will cause interference with radio and television reception in neighboring residences; and that the use does not reduce the parking or yard requirements of the principal use.~~
- ~~C. Office: A place for the transaction of business where reports are prepared, records kept and services rendered, but where no retail sales are offered and where no manufacturing, assembly or fabricating takes place.~~
- ~~D. Banners: A banner shall be any announcement, declaration, demonstration display, illustration or insignia used to advertise or promote the interest of any person or product where the same is placed to be seen by the general public. The banner shall not exceed 24 square feet in area, shall not be lower than eight (8) feet above finished sidewalk elevation, nor higher than 18 feet above finished sidewalk elevation. The banner shall not extend more than eight feet from any building to which it is affixed. The banner may be attached flush to any building wall or extend perpendicular to any wall so long as it conforms to all other sections of this definition. The banner may be fabricated of any natural or synthetic fabric.~~
- ~~E. Garden Apartment: A multi-family structure, a maximum three stories or thirty-five (35) feet in height, where apartments may be grouped into separate buildings containing a minimum of four (4) dwelling units and a maximum of twenty (20) dwelling units with two (2) to four (4) units adjacent to a stairway.~~

continued from page 18

1999-2000 2000-2001 2001-2002 2002-2003 2003-2004

Maps



Turnkey Redevelopment Plan Boundary Map

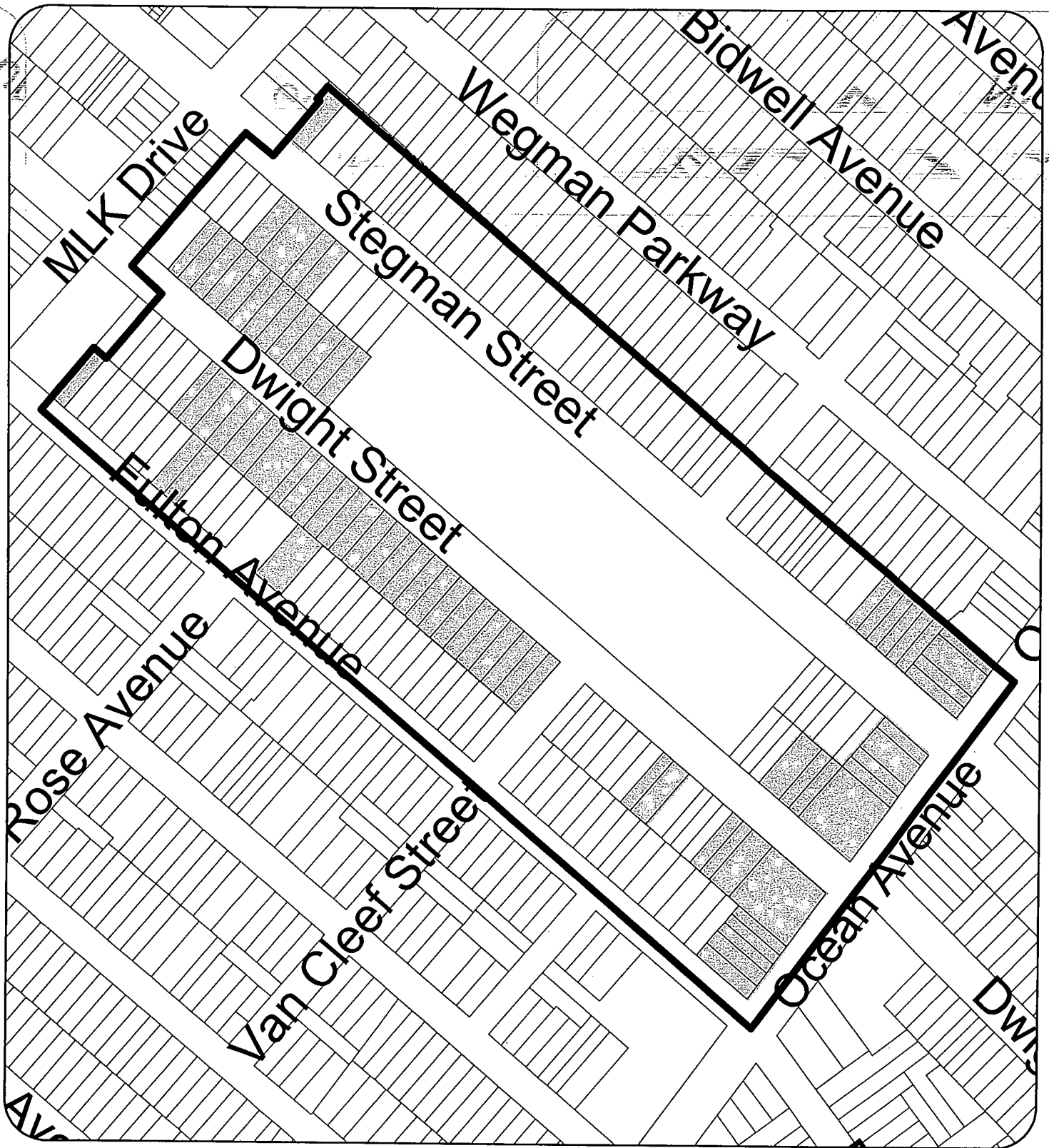
Legend



April 30, 2012



1 inch = 200 feet





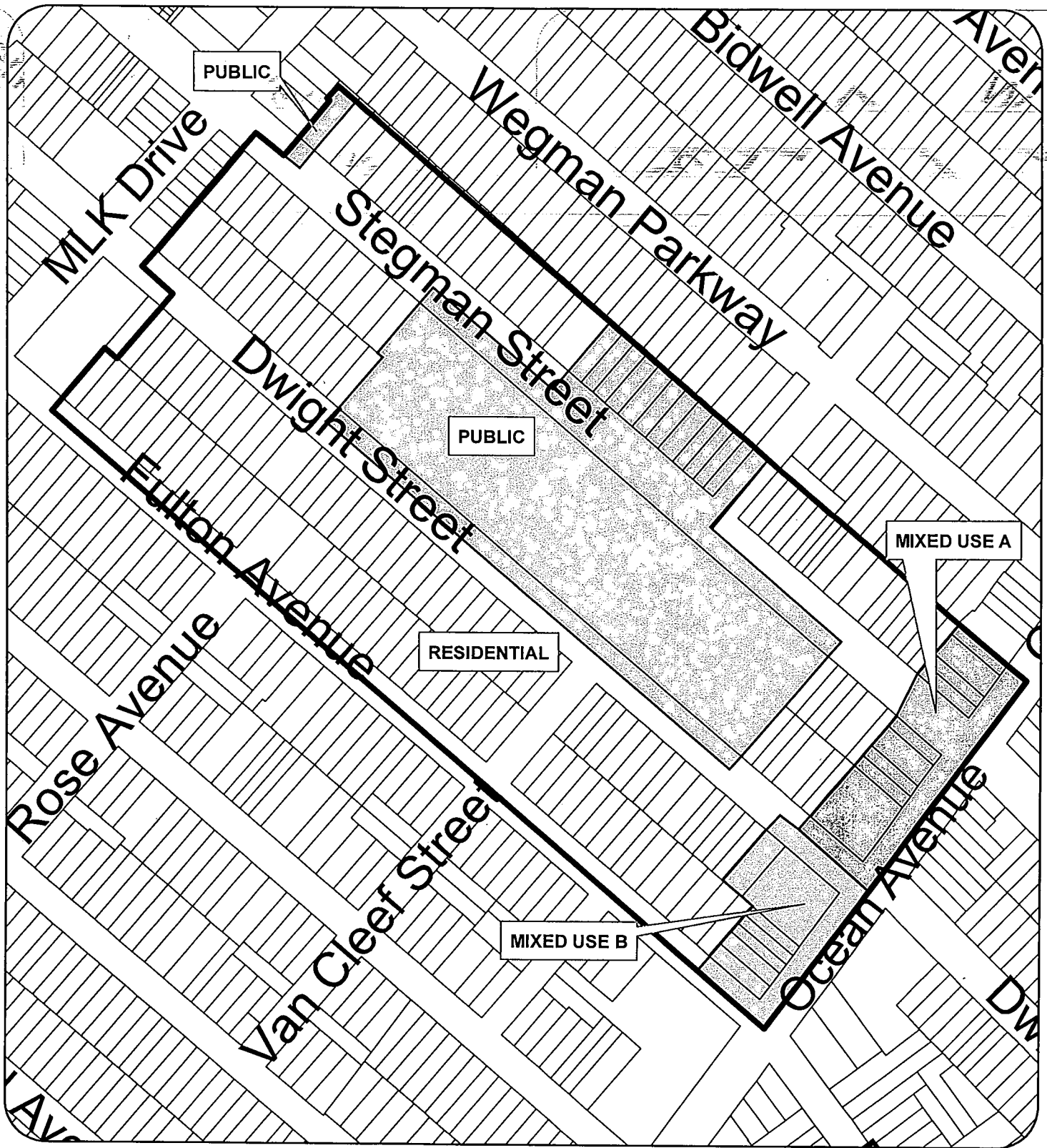
Turnkey Redevelopment Plan Acquisition Map

Legend

-  Boundary
-  To Be Acquired

1 inch = 200 feet





Turnkey Redevelopment Plan Land Use Map



April 30, 2012



1 inch = 200 feet



City Clerk File No. Ord. 13-006
Agenda No. 3.C 1st Reading
Agenda No. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-006

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

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

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

PARKS

§239-1 through §239-6 No Change

§239-7 - Use of Bicycles

No person in a park shall:

- A. Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.
- B. Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.

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

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

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

E. Lock or set a bicycle against a tree.

239-8 through 239-17 No Change

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

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

§ 242-8. - Helmet, Safety and Passengers

- A. No one under 18 years of age may ride upon in-line skates, bicycles, roller blades, roller skates, skateboards or similar devices without wearing a properly fitted and fastened helmet which meets the standards of the American National Standards Institute (ANSI Z 90.4 bicycle helmet standard), the United States Consumer Product Safety, or the Snell Memorial Foundation's 1984 standard for protective head gear for use in bicycling or a helmet designed for use with the particular device being used.
- B. No person operating a bicycle shall allow another person to ride as a passenger on a bicycle unless:
- (1) Such passenger is carried in a proper bike seat, trailer or other bicycle accessory that complies with the Snell Memorial Foundation, the Safety Equipment Institute, or the United States Consumer Produce Safety Commission, and contains adequate provision for retaining the passenger in place and for protecting the passenger from moving parts of the bicycle; and such bike seat, trailer or other bicycle accessory is used in accordance with manufacturer's age and weight requirements and limitations; and
 - (2) Such passenger is wearing a properly fitted and fastened helmet meeting the standards in §242-8(A)
 - (3) No passenger on a bicycle shall be carried in a pack fastened to the operator.
- C. Equipment. It shall be unlawful for the driver of the bicycle to wear more than one earphone attached to an audio device while operating a bicycle.
- D. Carry Articles. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handles bars.
- E. Clinging to moving motor vehicles is prohibited.
- F. Lamps and equipment on bicycles.
- (1) Bicycles in use when dark shall be equipped with a lamp on the front which shall omit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from 50 feet to 300 feet to the rear. A lamp omitting a red light visible from distance of 500 feet to the rear may be used in addition to the red reflector.
 - (2) Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.
 - (3) Bicycles shall be equipped with a bell to serve as audible signal to vehicles, pedestrians, and other bicyclists.

§ 242-9. - Violations and penalties.

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

- A. Any person, except a minor, who violates this article shall be subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine as provided in Chapter 1, General Provisions § 1-25.
- B. Any minor who violates any provision of this article shall, upon a first offense, receive a written warning addressed to the minor's parents or guardian. The minor and the parent may also be advised that a second violation will make them liable for a fifty-dollar (\$50.00) fine or community service as provided in Chapter 1, General Provisions § 1-25, and that a third or subsequent offense will make them liable to a minimum fine of one hundred dollars (\$100.00) and a maximum fine as provided in Chapter 1, General Provisions. § 1-25.
- C. A fine may be waived if an offender or his or her parent or legal guardian presents suitable proof that an approved helmet has been purchased since the violation occurred.

§ 242-9.1. - Definition; bicycle riders subject to traffic regulations; riding bicycles on business district public sidewalks prohibited. No Change

- A. No Change.
- B. No Change.
- C. No Change.

[§ 242-9.2. - Violations and penalties:]

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

§ 242-9.2. Bicycle Lanes.

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

- (1) Whenever overtaking or passing another bicycle, vehicle or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.
- (2) When preparing for a turn at an intersection or into a private road or driveway.
- (3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.
- (4) No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal.

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

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

§ 242-9.3. - Use restricted. No Change

§ 242-9.4. - Definitions. No Change

§ 242-9.5 - Violations and penalties.

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

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

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

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

- D. A police officer shall only issue a fine for a violation of any provision of this article by a person less than fourteen years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian. Such fines shall only be issued to such parent or guardian.
- C. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- D. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- E. This ordinance shall take effect in the manner as prescribed by law.
- F. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

City Clerk File No. Ord. 13-007

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-007

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE CANAL CROSSING REDEVELOPMENT PLAN TO
CREATE CONSISTENCY BETWEEN LAND DEVELOPMENT ORDINANCE DEFINITIONS
AND PERMITTED USES IN THE PLAN.**

WHEREAS, the Municipal Council of the City of Jersey City adopted the Canal Crossing Redevelopment Plan (the "Plan") on January 28, 2009; and

WHEREAS, revised definitions in the Land Development Ordinance make it necessary to clarify, but not change, permitted uses within the Plan; and

WHEREAS, the Planning Board, at its meeting of December 18, 2012, determined that the Canal Crossing Redevelopment Plan would benefit from amendments to clarify, but not change, permitted uses; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Canal Crossing Redevelopment Plan is attached hereto, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Morris Canal Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

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

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

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET**1. Full Title of Ordinance:**

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE CANAL CROSSING REDEVELOPMENT PLAN TO CREATE CONSISTENCY BETWEEN LAND DEVELOPMENT ORDINANCE DEFINITIONS AND PERMITTED USES IN THE PLAN.

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

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

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

This ordinance amends the Canal Crossing Redevelopment Plan (the "Plan") to create consistency between the uses permitted therein and the definitions established in the Land Development Ordinance. No changes of permitted uses are proposed, however this amendment more clearly lists the uses that were previously contained under one umbrella term.

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

This ordinance amends the Plan to create consistency between the uses permitted therein and the definitions established in the Land Development Ordinance.

5. Anticipated Benefits to the Community:

Amendments proposed will create clarity and consistency.

6. Cost of Proposed Plan, etc.:

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

7. Date Proposed Plan will commence:

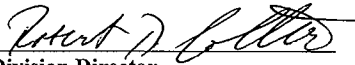

Upon Adoption.

8. Anticipated Completion Date: N/A**9. Person Responsible for Coordinating Proposed Program, Project, etc.:**

Robert D. Cotter, Director, City Planning 547-5050
Nick Taylor, Zoning Officer 547-4832

10. Additional Comments:

I Certify that all the Facts Presented Herein are Accurate.


Division Director

Department Director Signature

Date_____
Date

1/4/13

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY
CITY ADOPTING AMENDMENTS TO THE CANAL CROSSING
REDEVELOPMENT PLAN TO CREATE CONSISTENCY BETWEEN LAND
DEVELOPMENT ORDINANCE DEFINITIONS AND PERMITTED USES IN
THE PLAN.**

This ordinance amends the Canal Crossing Redevelopment Plan (the "Plan") to create consistency between the uses permitted therein and the definitions established in the Land Development Ordinance. No changes of permitted uses are proposed, however this amendment more clearly lists the uses that were previously contained under one umbrella term.

Proposed Amendments To Canal Crossing

As Recommended by the Jersey City Planning Board

D. PARKING AND LOADING REQUIREMENTS

1. Required Parking Provisions - All new construction shall provide parking as follows:

Use	Min. Parking	Max. Parking
Residential	0.7 per unit	1.2 per unit
Office <i>and medical office</i>	0/1,000 sq. ft.	1/1,000 sq. ft.
Retail	0/1,000 sq. ft.	1/1,000 sq. ft.
Restaurant, Bar, Nightclub	0/1,000 sq. ft.	1/1,000 sq. ft.
Civic/School/other	0/1,000 sq. ft.	1/1,000 sq. ft.

2. Required parking shall be located off-street. Parking may be provided in the same building as the use or in another building within the Redevelopment Area. Off-street parking shall be provided within a linear distance of 1000 ft. of the building that it serves.
3. Parking decks and surface parking lots shall be masked from the street by habitable building, either commercial or residential.
4. No mid-block parking structure shall be higher than the height of the shortest building masking it. All parking structures shall be covered by a landscaped deck providing open space for residents of the building.
5. Other parking under buildings may be placed directly against the street frontage where it is a minimum of three (3) feet below grade and hidden by a foundation wall articulated to appear as a half basement, with small vertically-proportioned glazed openings.
6. All surface parking and loading areas shall be graded, paved with a durable surface, adequately drained, and well landscaped.
7. All curbing shall be poured-in-place concrete or other suitable material such as Belgian block or granite curbing as approved by the Planning Board. Asphalt curbing and/or anchored railroad ties are not permitted. Curbs must run straight down to the asphalt roadway edge; gutter-pan type curbing is not permitted.
8. Pedestrian entrances/accessways from the public sidewalk into parking structures shall be separated from the vehicular entrance and located such that the pedestrian

pathway is not shared with the vehicular access ramp.

9. Private garages shall be accessed from the rear yard and shall be provided at the rear of and within any structure. As recommended by the Jers.
10. Vehicular entrances to parking structures shall be designed as architecturally compatible openings in the façade of the building and shall not be merely gaps between buildings.
11. Loading areas shall be provided within the building as required and accessed through a two-way access drive leading to the service area. If parking is provided within the building, access ramps shall share the loading ramp openings to the degree possible to produce the least number of breaks in the facade. Developers shall demonstrate to the satisfaction of the Planning Board that sufficient off-street loading will be provided to meet the needs of the proposed use.

E. SIGNAGE REQUIREMENTS

No signs or window graphics other than those specifically enumerated herein shall be permitted.

1. Under no circumstances shall fluorescent or glowing paint be permitted for any signage within the area.
2. All signage shall be subject to site plan review and approval by the Planning Board.
3. Billboards are expressly prohibited throughout the Redevelopment Area.
4. Rooftop, flashing moving or intermittently illuminated signs or advertising devices are prohibited, as are signs that may be mistaken for traffic control devices.
5. Kiosks listing tenants and giving direction may be provided but no advertising will be permitted. Such kiosks may not exceed eight (8) square feet of sign areas.
6. Freestanding signs are prohibited. Except that way-finding identification as per City standard shall be permitted.
7. No sign shall be attached above the first story of any structure.
8. All signage shall be externally lit. Signs may be lit from gooseneck fixtures, backlit halo, and up-lights. Internally lit signs and sign boxes are prohibited.
9. Permitted signage material includes: 1.) Painted wood; 2.) Painted metals including aluminum and steel; 3.) Brushed finished aluminum, stainless steel, brass, or bronze; 4.) Carved wood or wood substitute.
10. All signs shall be flush mounted, although blade signs may be attached to and perpendicular to the first floor façade
11. Window signs (other than lettering as specifically permitted) shall be prohibited. Lettering shall be limited to decorative gold-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.

12. All buildings within the Redevelopment Area shall display the street address of the building such that it is clearly visible from the adjoining street right of way.
13. In order to facilitate the overall redevelopment of the Study Area, surrounding area and the City of Jersey City in general, all advertising, signage and other promotion of the development and redevelopment of the Study Area shall contain references to the proposed projects location in the City of Jersey City so as to promote the positive aspects of the project, Study Area and the City of Jersey City.
14. The following additional signage restrictions shall apply to specific uses:
 - a. Office, **Medical Office**, Civic/Public/school: Total exterior signage shall not exceed fifty (50) square feet. One (1) use shall be permitted no more than one (1) sign. Buildings with multiple uses shall not have more than one (1) sign per use and the aggregate of all signs shall not exceed the maximum area permitted.
 - b. Residential: One (1) sign per building may be allowed, not to exceed twenty (20) square feet.
 - c. Retail, Restaurant, and all other uses not specifically identified: Each establishment is allowed one sign and one blade sign per street frontage. (Establishments on corners are thus allowed two sets of signs.) Signage shall not exceed 30 inches in vertical dimension. Blade signage shall not exceed 18 inches in vertical dimension.
 - d. Accessory Parking – Since commuter and commercial parking is not permitted, the location of parking facilities may only be indicated by use of the international parking symbol. Said signage may not exceed five (5) square feet and must be flush mounted to the building. Informational and directional signage may also be provided, but only flush mounted on interior walls within the structure.
15. The Planning Board at its discretion may waive some of the above regulations if a proposed sign is presented as a site-specific piece of civic art. All signs are subject to minor site plan review when not included as part of a major site plan application.
16. Prohibited Signage: The following signs and devices shall not be permitted within the Canal Crossing Redevelopment Area:

Monument signs and internally or externally illuminated box signs, flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle, roof signs, billboards, signboards, window signs, posters, plastic or paper that appear to be attached to the window, pole signs, free-standing signs, fluorescent and/or glowing paint for any signage or building within the redevelopment area, waterfall style awnings, plastic awnings, 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 signage within New Jersey Transit Light Rail Stations or bus stop shelters; or either lamppost mounted seasonal banners or traditional residential holiday decorations.

VII. SPECIFIC USE STANDARDS

- A. **Permitted Uses:** The following uses are permitted pursuant to the location requirements found in the Land Use and Frontage Regulating Plans. These uses are further defined in the definition section of this Plan and the Jersey City Land Development Ordinance.
1. Residential
 2. Offices
 3. *Medical Offices*
 4. *Retail sales and retail services*
 5. *Financial institutions*
 6. *Bars*
 7. *Child Care centers*
 8. *Restaurants, categories 1 and 2*
 9. Civic
 10. Open Space and Parks
 11. Transportation Uses – restricted to the area indicated as Rail Transportation on the Land Use Regulating Plan. These uses shall include: Light-Rail Stations, rights-of-way and maintenance facilities, other rail rights-of-way. In addition, walkways, bikeways, open space, and parks shall be permitted in the Rail Transportation district.

XVI. DEFINITIONS

Civic: ~~Premises available for not for profit organizations dedicated to: religion, arts and culture, education, government, social service and the like. Including: house of worship, meeting hall, school, and post office~~

Home Occupation: ~~An occupation being conducted from a residence as an accessory use. Such occupations shall be conducted solely by resident occupants of the residential unit. No more than 900 square feet, or the equivalent of not more than 50% of the floor area of the residential unit, whichever is smaller, shall be used for such purpose; such that the livable floor area for the residence shall remain at least as large as the floor area of the home occupation. In addition, no display of products shall be visible from the street; the residential character of the building shall not be changed; and no sign shall be displayed. The occupation shall be conducted entirely within the dwelling unit, no occupational sounds shall be audible outside the residential unit; no machinery or equipment shall be used which will cause interference with radio and television reception of neighboring residences; and the use shall not reduce the parking or yard requirements of the principal use.~~

New Urbanism: ~~Incorporates interrelated patterns of land use, transportation, and urban forms to create communities that promote the most desirable characteristics of human habitation: neighborliness, environmental sustainability, economic efficiency and prosperity, historic preservation, participation in civic processes, and human health. New Urbanism practices apply to all scales of community, from the region to the neighborhood. Communities developed utilizing New Urbanism principals usually take the form of an urban street grid, or modified street grid system, in order to provide a more even distribution of vehicular traffic and a more varied and convenient pedestrian network.~~

Office: A place for the transaction of general business, but excluding retail sales and manufacturing activity. Including: general business offices, professional offices, and medical offices.

Public Improvements: This shall include: public parks and open space, streets, sidewalks, water and sewer lines and other similar spaces and infrastructure.

Residential: This shall include: individual houses, townhouses, apartments, multi-family dwellings and work/live space.

Retail: For the purposes of this Redevelopment Plan and applying the standards of the Frontage Regulating Plan, retail shall include the following uses as further defined by the Jersey City Land Development Ordinance: retail sales, retail services, restaurants category one and two, financial institutions, bars, and child care centers.

Smart Growth: Is defined as well-planned, well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland, and environmental resources. Smart Growth supports livable neighborhoods with a variety of housing types, price ranges and multi-modal forms of transportation. Smart Growth principles include mixed-use development, walkable town centers and neighborhoods, mass transit accessibility, sustainable economic and social development and preserved green space.

Transit Villages: Are defined as urban communities well served by mass transit systems. Transit Villages make it easy for residents to live without a car by allowing for the convenient ability to ride transit and walking within pleasant urban environments. Typically, they have active, vibrant, and strong neighborhood centers providing convenient access to commercial services focused around transit.

Townhouse: A residential building in which each building has its own front and rear access to the outside and is separated from adjacent buildings only by vertical fire-resistant building walls. A townhouse building may contain one to three dwelling units.

City Clerk File No. Ord. 13-008

Agenda No. 3.E 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 13-008

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
TITLE AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE REVISING DEFINITIONS**

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

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

WHEREAS, Article I of the Land Development Ordinance contains definitions; and

WHEREAS, the existing glossary does not include terms used in Redevelopment plans, and adding them to this section will create a single source of Planning and Zoning definitions; and

WHEREAS, some existing definitions are confusing or outdated, and revising or deleting them is necessary; and

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

WHEREAS, the Planning Board at its meeting of December 18, 2012 did vote to recommend that the Municipal Council amend the Definitions of the Land Development Ordinance to incorporate terms from Redevelopment Plans; and

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

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

BE IT FURTHER ORDAINED THAT:

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

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

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE REVISING DEFINITIONS

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

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

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

This Ordinance will amend Article I (Definitions) of the Land Development Ordinance (Zoning Ordinance) to incorporate terms used in Redevelopment Plans, eliminated unneeded terms, and clarify other terms. Updating the glossary will make terms consistent city-wide.

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

Currently, definitions are located in scattered Redevelopment Plans as well as the Land Development Ordinance. By bringing them all together into one location, consistency and ease of use will be possible.

5. Anticipated Benefits to the Community:

Creating a single source of definitions will simplify understanding of Planning and Zoning terms.

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

8. Anticipated Completion Date: N/A

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

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

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director

JAN 7, 2013
Date


Department Director Signature

1/4/13
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE REVISING DEFINITIONS

This Ordinance will amend Article I (Definitions) of the Land Development Ordinance (Zoning Ordinance) to incorporate terms used in Redevelopment Plans, eliminated unneeded terms, and clarify other terms. Updating the glossary will make terms consistent city-wide.

A

ABUTTING COUNTY ROAD — ~~Any existing or proposed county road shown on the adopted County Master Plan or Official Map which adjoins or lies within a lot or parcel of land submitted for subdivision or site plan approval.~~

ACCESS — A physical entrance to property.

ACCESSORY BUILDING, STRUCTURE OR USE — A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use and which is located on the same lot therewith.

ADAPTIVE REUSE — *The development of a new use for an older building or for a building originally designed for a different purpose. This action may involve changes to the façade, and the interior floor plan may be changed to accommodate the new use.*

ADMINISTRATIVE OFFICER — The Zoning Officer, Construction Code Official, Historic Preservation Specialist or other municipal official designated by ordinance by the City of Jersey City.

AGRICULTURE, COMMERCIAL — Land that is used for cultivation and harvesting of herbs, fruit, flowers, vegetables, and soil in which plants are raised outdoors in planters, in greenhouses, in buildings or on rooftops. Plants may be grown hydroponically or in soil, for sale either as food, use in landscaping, or ornamental purposes. Cultivation and harvesting of illegal and controlled substances shall not be permitted.

AGRICULTURE, COMMUNITY GARDENING — Land that is held publicly or privately and is used collectively for the cultivation and harvesting of herbs, fruit, flowers, and vegetables, including the cultivation and tillage of soil. Cultivation can be done in outdoor raised planters or greenhouses, hydroponically or in soil. Cultivation and harvesting of illegal and controlled substances shall not be permitted.

AIR RIGHTS — The interest in the use of the space above the land or above structures or improvements affixed to the land.

AISLE — The traveled way by which cars enter and depart parking spaces.

ALLEY — A minor way which is used primarily for vehicular access to the back or the side of properties otherwise abutting a street.

ALTERATION OR ADDITIONS, STRUCTURAL — Any additions, change or rearrangement in the supporting members of a building such as walls, foundations, columns, beams, girders, posts or piers; or additions to or enlargements of an existing structure requiring walls, foundations, columns, beams, girders, posts or piers; or the moving from one location or position to another. Within historic districts, any addition, change or modification, for a building, structure, object, site or landscape feature or the

service equipment thereof, that affects safety, health or structure and the addition, change or modification of which is not classified as a minor alteration or ordinary repair.

ALTERATION, MINOR — Replacement or renewal of existing work, requiring a permit, of a building, structure, object, site or landscape feature or part of the service equipment therein, within the same or equivalent materials or equipment parts, that are made in the ordinary course of maintenance and that do not in any way affect health, fire or structural safety of the building, structure, object, site or landscape feature or affect the design or integrity of the historic fabric of the building, structure, object, site or landscape feature.

AMBULATORY CARE FACILITY — A health care facility or a distinct part of a health care facility which provides preventive, diagnostic and treatment services to persons who come to the facility to receive services and depart from the facility on the same day. The facility shall not be open before 5:00 AM nor after midnight.

ANTENNA - *A metallic device such as a rod or wire for radiating or receiving radio waves. See also Wireless Communication Antennas.*

APARTMENT — One or more rooms comprising a dwelling unit in a multifamily dwelling or serving as the home or residence of an individual or a family or a household. "Apartments" may include buildings in cooperative, *rental*, or condominium ownership.

APPLICANT — A *person or entity* ~~developer~~ submitting an application for development.

APPLICATION FOR DEVELOPMENT — The filled-out current edition of the application form ("General Development Application") and all accompanying documents including signed and sealed site plans, or subdivision plats, and all items on the corresponding Checklist required by ordinance for approval of a subdivision plan, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 and/or N.J.S.A. 40:55D-36.

APPURTENANCE — Any accessory or subordinate building, object or structure or landscape feature.

ARCHITECTURAL — Relating or conforming to the rules of architecture; having or conceived of as having a single unified overall design, form or structure.

ARCHITECTURAL MAST - *A vertical finial used for aesthetic, decorative or functional purposes which is integral to the design of a building and does not incorporate or include a logo, mascot, symbol, or signage.*

ARCADE - *A covered passage or alleyway, which may have an arched roof, located in front of or through a building, and which is used exclusively for pedestrian use.*

AREA — A specific geographic division of the City of Jersey City.

ARTIST — ~~For the purposes of the WALDO, a~~ A person regularly engaged in the fine arts as a career and not as a hobby ~~and is so certified by the Planning Board.~~ This does not mean that the art the artist

creates generates the artist's main source of income, nor does it require that the creation of art occupies the greatest portion of the artist's day. An artist is committed to his or her work, has a body of work that demonstrates the development of that art and intends to pursue that work for the foreseeable future. As used herein, the "fine arts" shall include, but not be limited to, painting, sculpture, choreography and the composition of music.

ARTIST, CERTIFIED - *A person who has been certified by the Planning Board as an artist pursuant to the Jersey City Land Development Ordinance.*

ARTIST STUDIO WORKSPACE – *A room or rooms for which the principal use is the making of art by an artist, and from which the artist may sell art as an accessory use to the studio, but which shall not be considered a principal retail use.*

ARTIST WORK-ONLY STUDIO – *see Artist Studio Workspace*

ASSISTED LIVING RESIDENCE — A facility which is licensed by the State Department of Health to provide apartment style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. ~~Apartment units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance. A coordinated array of supportive personal and health services available twenty four (24) hours a day are usually provided~~

ATRIUM - *A courtyard located in an interior area of a building or between buildings which is covered with a curved glass roof and completely enclosed in glass except where it is bordered by the walls of the adjacent buildings.*

ATTACHED HOME – *see townhome*

ATTIC — The open non-habitable space between the ceiling beams of the top habitable story and the roof rafters in any building.

AUTO BODY SHOP — An establishment primarily engaged in repairing or customizing automotive vehicles including the painting of automotive vehicles and may include the replacement, repair and/or tinting of automotive vehicle glass.

AUTO REPAIR GARAGE — Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair of vehicles, but no painting or body repair, *no motor fuels are sold, and no junked or unregistered vehicles are kept or stored.*

AUTO SALES — The use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use.

AWNING — An angled , flexible cover, *of fabric* , used for the purpose of shielding a doorway or window from the elements and may be *stationary or* periodically retracted into the face of the building.

Auto / Automotive Services – see Auto Repair Garage

B

BALCONY — A roofless platform that projects beyond the wall of a building, is surrounded by a railing, balustrade, or parapet, and is suspended from and supported solely by the principal structure, with no additional independent supports.

BANQUET FACILITY — *A large room or space in a restaurant or hotel suitable for banquets*

BAR — A place of business, *or a defined area accessory to a principal restaurant or nightclub use, primarily devoted to* for the sale and on-premises consumption of alcoholic beverages.

BASEMENT — A portion of the building partly underground, but having less than one-half of its clear height below average contact grade around the periphery of the foundation.

BED AND BREAKFAST — Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. The owner of a dwelling resides on the premises and guest stays are limited to fourteen (14) consecutive days.

BEDROCK — Continuous solid rock that underlies regolith.

BELT COURSING - *A change or variation in the placement or orientation of the building material (i.e., brick, stone, etc.) used to emphasize a particular height or portion of a building.*

BICYCLE LANE — *A reserved lane within a* ~~at the edge of roadway reserved and~~ marked for the exclusive use of bicycles.

BICYCLE PATH — A pathway, often paved and separated from streets and sidewalks, designed to be used by bicycles.

BILLBOARD — An off-site sign advertising an occupant, product or service pertaining to a lot other than the lot upon which the billboard is located.

BOARD — The City of Jersey City Planning Board *or* Zoning Board of Adjustment ~~or City Council~~ when acting within its scope of its jurisdiction under this Chapter and/or the Act.

BOARD OF ADJUSTMENT — The board established pursuant to N.J.S.A. 40:55D-69.

BOARDER — A person other than a member of a family occupying a part of any dwelling unit who, for a consideration, is furnished sleeping accommodations in such dwelling unit and may be furnished meals as part of this consideration.

BOARDING HOUSE — A building, other than a hotel, motel or group home, occupied by more than one person not living together as a family unit where meals may be served to occupants, including a rooming

house and single room occupancy unit and that is governed by the "Rooming and Boarding House Act of 1979", N.J.S.A. 55:13B-1 et seq.

BOLLARD - A vertical, freestanding short post used as a barrier to vehicles.

BUFFER — A strip of land containing planted screening materials and/or fencing used to physically separate and screen one use or property from another so as to minimize adverse impacts. No building, structure, parking area, driveway (except to provide access to the property and which is perpendicular to the buffer area) street, sign (except directional sign) or storage of materials shall be permitted in such buffer.

BUILD-TO LINE - a line along which the lower floors of the primary façade of a building must be located.

BUILDING — ~~A combination of materials to form a structure adapted to permanent, temporary or continuous occupancy and having a roof.~~ ***Any structure, part of a structure, extension thereof, or addition thereto having a roof supported by columns, posts, piers, or walls and intended for the shelter, business, housing or enclosing of persons, or property.***

BUILDING COVERAGE — The ratio of the horizontal area of all principal and accessory buildings, measured from the exterior surface of the exterior walls of the ground floor on a lot, to the total lot area. "Building coverage" is expressed as a percentage and shall mean the percentage of a lot or assemblage of lots occupied by one or more buildings.

BUILDING ENVELOPE — The ~~three two~~-dimensional space within which a principal structure is permitted ***and/or proposed*** to be built on a lot ~~and which is as defined by minimum yard setbacks, stepbacks, and height.~~

BUILDING FOOTPRINT - The two dimensional space within which any building (principal or accessory) is permitted and/or proposed to be built on a lot and which is defined by yard setbacks.

BUILDING LINE — ~~The~~ A line parallel to the street line or other lot line which touches that part of a building's ***principal facade*** closest to the ~~street line or other lot line. In the case of a cantilevered section of a building, the building line will coincide with the most projected surface.~~ ***Cantilevers and appurtenances are not counted toward the building line.***

BULKHEAD — (1) A boxlike structure on the roof of a building covering a stairwell, ***elevator***, or mechanical equipment; (2) A low wall, sometimes paneled, beneath a storefront display window; ***(3) A retaining wall, often located at the high-tide line, that protects waterfront property.***

BUSINESS, TECHNICAL AND ARTS SCHOOLS — An institution offering training without academic programs.

BUSINESS INCUBATOR - A place, often in an office type environment, where services and assistance are provided to new businesses and light industries. Incubators are often affiliated with a school or

university, which provide access to instruction, advice, research facilities, or funding. Shared services often provided include: photocopying, bookkeeping, utilities, and building maintenance and management. Sharing of services provides greater economies of scale for the incubator.

C

CALIPER - *The diameter of a tree trunk measured in inches six (6) inches above ground level for trees up to four (4) inches in diameter and measured twelve (12) inches above ground level for trees over four (4) inches in diameter.*

CANOPY — A ~~permanent, non-retractable metal wood or fabric~~ roof-like **projection shelter** with or without support poles permanently affixed and perpendicular to the wall of an entrance of a building used for providing overhead protection from the weather and shall be construed to be a part of the building to which it is affixed.

CAR SALES – *See Auto Sales*

CAR WASH, AUTOMATIC — A building or place of business where the washing of motor vehicles is carried on with the use of a chain or conveyor, blower and water and/or steam cleaning device.

CAR WASH, HANDWASH — A vehicle washing that does not include mechanized automatic washing.

CAR WASH, ROLL OVER — A car wash in which the vehicle remains stationary while automatic washing occurs.

CARPORT — A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

CARRIAGE WAY – *see Cartway*

CARTWAY — The hard or paved area of a street between the curbs, including travel lanes and parking areas but not including curbs, sidewalks or swales.

CATERING SERVICES - *a place where the preparation and delivery of food and beverages occurs for off-site consumption, without the provision for on-site pick-up or consumption.*

CELLAR — A portion of the building having one-half or more than one-half of its clear height below average contact grade around the periphery of the foundation.

CEMETERY — Any site which contains at least one burial, marked or previously marked, dedicated to and used or intended to be used for the permanent internment of the human dead, to include perpetual-care and non-perpetual-care cemeteries, even though suffering neglect or abuse.

CERTIFICATE OF APPROPRIATENESS — A document attesting that proposed work within a historic district or affecting a landmark building, structure, object, site or landscape feature has been reviewed

and deemed appropriate and consistent with the purpose of this Chapter by the Jersey City Historic Preservation Commission.

CERTIFICATE OF NO EFFECT — A document attesting that proposed work within a historic district or affecting a landmark building, structure, object, site or landscape feature has been reviewed by the Historic Preservation Officer and the Division of City Planning and is not detrimental to the historic district or landmark on which the work is to be done or neighboring buildings, structures, objects, sites or landscape features.

CERTIFICATE OF OCCUPANCY (CO) — A document issued by the Construction Official allowing the occupancy or use of a building or structure and certifying that the building or structure or use has been constructed and/or renovated according to, and in compliance with all the applicable state codes and municipal ordinances and resolutions.

CHANGE OF USE — ~~(1) Any change from a designated permitted principal use in any zone district to another designated permitted principal use or to a any non permitted *principal* use, and/or any change from a any non permitted use to a another non permitted *principal* use, or to a any designated permitted principal use. (2) Any change of use where there is significant change in impacts including traffic, parking, stormwater management, generation of solid waste or recyclable materials, noise, odors, other impacts regulated by performance standards.~~

CHILD CARE CENTER — An establishment providing for the care, supervision, and protection of children that is licensed by the State of New Jersey pursuant to P.L 1983, c. 492 (C. 30:5B-1 et seq.).

CITY — City of Jersey City, Hudson County, New Jersey.

CITY COUNCIL — The chief legislative body of the City of Jersey City.

CIVIC - *Premises available for operation by organizations dedicated to serving socially based public purposes such as: religion, arts and culture, education, government, performance, social service and the like. Including: house of worship, meeting hall, school, community center, and recreation facilities.*

CIVIC SPACE — An *area* use that is occupied and active on most days of the year and is dedicated to serving socially based public purposes and civic uses. Plazas, parks, and paseos may ~~all include be~~ *considered* civic spaces.

CLIFF FACE — A sheer, nearly vertical slope of exposed bedrock.

CLUSTER — A group of cultural resources with compatible buildings, objects or structures geographically or thematically relating to and reinforcing one another through design, setting, materials, workmanship, congruency and association.

COLONNADE - *a linear series of columns which support a continuous lintel.*

COLOCATION — Use of a common wireless telecommunication tower or a common site by two or more wireless license holders or by one wireless license holder for more than one type of communications

technology and/or placement of a wireless telecommunication tower on a structure owned or operated by a utility or other public entity.

COMMON PROPERTY or OWNERSHIP — A parcel or parcels of land, together with the improvements thereon, in which the ownership, use and enjoyment of the same are shared by the owners and tenants of the individual dwelling units in the development.

COMMUNITY FACILITY/CENTER - *Municipal, county, state, or not-for-profit enterprises that serve the public interest. Community Facility shall include, but not be limited to, the following services: adult day care, art education, child care, fire, health care, job training, library, police, recreation, school, or teen center. Community Facility shall not include prisons, or drug and narcotic rehabilitation centers.*

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED — Any community residential facility licensed pursuant to P.L. 1977, c. 448 (C. 30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act" (P.L. 1971, c. 136; c. 26:2H-1 et seq.). In the case of such community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services.

COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES — A community residential facility licensed pursuant to P.L. 1977, c. 448 providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to, group homes, halfway houses, supervised apartment living arrangements and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," 1971, c. 136.

COMMUNITY RESIDENCE FOR THE TERMINALLY ILL — Any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, for not more than fifteen (15) terminally ill persons.

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE — Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L. 1979, C. 337 (C. 30:14-1 et seq.) providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than fifteen (15) persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

COMPATIBLE PROPERTY — A resource in a historic district or cluster distinguished by its scale, material, compositional treatment and other features that provide the setting for more important resources and add to the character of the scene.

COMPLETE APPLICATION — Any and all materials required by this Chapter to review any application for development (application form, affidavit of ownership, boundary descriptions, plat maps in accordance with ordinance specifications, etc.)

CONDITIONAL USE — A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with the conditions and standards for the location and operation of such use as contained in the zoning ordinance and upon the issuance of an authorization therefore by the *Reviewing Planning Board*.

CONDOMINIUM — The form of ownership of real property under a master deed pursuant to N.J.S.A. 46:8B-1 et seq.

CONDOMINIUM ASSOCIATION — The entity responsible for the administration of a condominium, which entity may be incorporated or unincorporated. *Also known as Condo Association.*

CONFERENCE CENTER — A facility used for conferences and seminars, which may include accommodations for sleeping, food preparation and eating, recreation, resource facilities and meeting rooms. *Conference centers may be commercial ventures providing space for corporate, government, social or other types of meetings, or they may be maintained by large institutions, such as universities or corporations.*

~~**CONFIGURATION** — Number, shape, organization and relationship of parts of windows, doors and storefronts including panes of glass, panels, sash, frame, muntins, mullions and transoms.~~

CONSTRUCTION — The erection of a new principal or accessory building or structure on a lot or property; alterations and the act of creating an addition to an existing building or structure.

CONSTRUCTION OFFICIAL — The Construction Official of the City of Jersey City.

~~**CONTIGUOUS PARCELS** — Tracts of land which share one or more common boundaries.~~

CONTINUING CARE RETIREMENT COMMUNITY — The provisions of lodging and nursing, medical or other health related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges. A fee which is less than the sum of the regular periodic charges for one year of residency is not considered an entrance fee.

CONTRACTOR'S WORKSHOP — *A place where a licensed contractor may store and utilize tools, equipment and materials that are used in the trade for which the contractor is licensed. Storage of*

hazardous materials, junk, inoperable vehicles, or equipment or materials that are not used in the trade shall not be permitted. Outdoor storage and use of tools or equipment shall not be permitted.

CONTRIBUTING PROPERTY — A resource in a historic district or cluster that contributes to the district's or clusters historical significance through location, design, setting, materials, workmanship, feeling and association and which shall be afforded the same considerations as landmarks.

CONVENTIONAL — Development other than planned development.

CORNICE — Projecting ornamental molding along the top of a building, wall or storefront.

COUNTY MASTER PLAN — A composite of the plan elements for the physical development of Hudson County, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board.

COUNTY PLANNING BOARD — The Hudson County Planning Board.

COURTYARD - *an open public space located in the rear of the two or more buildings which is designed and used for passive recreational purposes.*

CRAFTSPERSON - *A person who practices a trade or handicraft as an artisan, and who engages in the production of their work, design or objects as a career.*

CULTURAL — Activities or acts related to the past or present social and material traits of a group or groups of people.

CURB CUT — The opening along the curb line at which point vehicles may enter or leave the roadway.

CUT AND FILL — The excavating of rock fragments and mineral grains, including soil, in one place and depositing of it as fill in adjacent place.

CREDITABLE SQUARE FOOT — A term used in providing a basis for bonuses for buildings and those areas improved by the owners beyond those required by any city ordinance and are accessible, unobstructed, improved, usable areas for their intended purpose.

CYBERHOTELS/TECHOTELS/SERVERFARMS/TELECOMMUNICATION CENTERS — *See Data Centers.*
~~Businesses that are equipment oriented generating relatively low employment often located in high security windowless buildings. These uses are infrastructure dependent with high electricity and telecommunications infrastructure requirements.~~

D

DAYCARE CENTER - *A facility providing for the care, supervision, and protection of preschool children.*

DAYCARE CENTER, ADULT - *a facility for the supervised care of adults with physical or mental limitations, providing activities such as meals and socialization one or more days a week during specified daytime hours, and which may also include care by ancillary medical staff.*

DAYS — Calendar days.

DATA CENTERS — ~~Businesses engaging in operating, maintaining or providing access to facilities for the transmission of data, text or voice between network termination points. It may be based on single technology or a combination of technologies and generally generate higher employment densities than cyber hotels.~~ *A facility used to house computer systems and associated components, such as telecommunications and storage systems .*

DEAD-END STREET — A street or portion of a street which is accessible by a single means of ingress ~~or~~ and egress.

DECK — A raised accessory structure more than one and one-half feet above finished grade, supported by either pillars or posts *or walls*, and not covered by a permanent roof.

DEMOLITION — ~~Within a historic district,~~ The dismantling or razing of all or part of a landmark building, structure, object, site or landscape feature including interior spaces and all operations incidental thereto.

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

DESIGNATED REPRESENTATIVE — That person or office so named by the reviewing board to dispense, receive and classify any development applications.

DETACHED SINGLE-FAMILY — A dwelling for one family that is not attached to any other dwelling by any means *and* which is occupied or is intended to be occupied for residence purposes by one housekeeping unit.

DEVELOPABLE AREAS - *Upland areas or pier areas not dedicated to public rights-of way.*

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any mining, excavation, landfill or land disturbances and any use, change in use or extension of use of land for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

DEVIATION – *Used in Redevelopment Plans; identical to a variance pursuant to N.J.S.A. 40:55D-70.c.*

DIRECTOR, DIVISION OF CITY PLANNING — The person holding the above title, or the acting director during an interim period of filling the position, or such other licensed professional planner on the staff of

the Division of City Planning who has received written authority from the Director to carry out specified duties on behalf of the Director.

DISTRICT — A geographically definable area, possessing a significant concentration, linkage or continuity of buildings, objects, sites, structures or landscape features united by past events or aesthetically by plan or physical development which may also comprise individual elements separated geographically but thematically linked by association or history.

DORMITORY — A building to provide sleeping and living accommodations with sanitary and general living facilities designed and used to accommodate students of a university or college.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction, or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen non-point pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE RIGHT-OF-WAY — The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY — A paved or unpaved area used for ingress or egress of vehicles and allowing access from a street to a lot, building or other structure or facility.

DWELLING — A building that is designed or used exclusively as the living quarters for one or more housekeeping units.

DWELLING UNIT — A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one housekeeping unit. The "dwelling unit" shall be self-contained and shall not require ~~the use of outside stairs~~, passing through ~~of~~ another dwelling unit or other indirect route to get to any portion of the dwelling unit, nor shall one dwelling unit require shared facilities with another dwelling unit. *Hotel facilities or other facilities providing temporary accommodations shall not be considered dwelling units.*

E

EASEMENT — *A grant of one or more of the property rights by the property owner to and/or of rote use by the public or another person, entity, or property.*

ECONOMIC RETURN — ~~A profit from use of a building, object, site or structure that accrues from investment or labor.~~

EFFECT — A change in the quality of the historical, architectural, archaeological or cultural significance of a resource or in the characteristics that qualify the resource as historically important.

EFFECT, ADVERSE — A negative change in the quality of the historical, architectural, archaeological or cultural significance of a landmark or historic district or in the characteristics of a landmark or historic district that are historically important.

ELECTRONIC COMMUNICATIONS EQUIPMENT - *Any electronic device used to send or receive information.*

EMBANKMENT — A man-made or natural deposit of soil, rock or other materials.

ENCROACHMENT - *an area beyond the build to line into which certain building elements protrude. Typical encroachments may include overhangs, bays, or other elements that commonly protrude over the main façade of the building.*

ENVIRONMENTAL COMMISSION — A municipal advisory body created pursuant to P.L. 1968, c. 245 (C. 40:56A-1 et seq.).

ESSENTIAL SERVICES — Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface, or overhead electrical, gas, telephone, steam, water, sewerage, and other utilities and the equipment and appurtenances necessary for such system to furnish an adequate level of service for the area in which it is located.

EXISTING ARCHITECTURAL FEATURES — The architectural features existing at the time of designation or architectural features which have been changed subsequent to designation pursuant to a Certificate of Appropriateness/No Effect issued by the *Historic Preservation* Commission.

F

FAÇADE — *(1.) A building's front or any of its exterior walls; (2.) A prominent side of a building or structure that has been given special architectural or design treatment to make it more attractive.*

FAÇADE, FRONT PRIMARY — The streetfront building façade which runs roughly parallel to the front lot line. *For the purposes of yard calculations, projecting accessory structures including decks, porches, balconies, fencing, stoops, and/or stairs are excluded.*

FAÇADE, FRONT SECONDARY — In the case of a corner lot, the streetfront building façade which runs roughly parallel to the side lot line.

FAÇADE, PRIMARY BUILDING — ~~The finished exterior wall of the building facing the front lot line, exclusive of projecting accessory structures including decks, porches, balconies, fencing, stoops, and/or stairs~~

FAÇADE, PRINCIPAL — (1) A façade facing a street or a public thoroughfare; or (2) a façade that does not face a street or public thoroughfare, but that possesses architectural features which contribute to the special historic, cultural and aesthetic character of the building or the historic district.

FAÇADE, REAR — The building façade which is opposite the primary façade and roughly faces the rear lot line. In the case of two *Front* Primary Façades, there will be no rear façade but rather two side façades. *See Façade, Secondary.*

FAÇADE, SECONDARY — A façade that does not face a street or a public thoroughfare and that does not possess significant architectural features.

FAÇADE, SIDE — The building façade(s) which run roughly parallel to the side lot lines but does not face a street. In the case of two *Front* Primary Façades, there will be two side façades and no rear façade. *See Façade, Secondary.*

FAMILY — A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

FAMILY DAY CARE HOME — Any private residence approved by the Division of Youth and Family Services or an organization with which the division contracts for family day care in which child care services are regularly provided to no less than three and no more than five children for no less than fifteen (15) hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving childcare services:

- A. The child being cared for is legally related to the provider, or
- B. The child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents, where no payment for the care is being provided.

FENCE — A barrier intended to prevent escape or intrusion; or to mark a boundary, *enclose, screen, or separate areas.*

FENCE LINE — The established line of existing fences on a street, more or less parallel to the curb line. The fence line may be within the public right-of-way.

FENESTRATION - *The arrangement and design of windows, doors, or other openings in a building or building façade.*

FERRY - *A boat or ship that carries passengers and vehicles across relatively short spans of water.*

FINAL APPROVAL — The official action of the Planning Board taken on a preliminarily approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

FINAL PLAN PLAT — The final map of all or a portion of the subdivision which is presented to the Planning Board for approval in accordance with these regulations and which, if approved, shall be filed with the county recording officer.

FINANCIAL INSTITUTION — ~~Any structure wherein business of primarily a monetary nature is transacted, such as banks, savings and loan associations, mortgage companies and similar institutions.~~

FINANCIAL SERVICES FACILITY — *A retail service facility that provides diversified financial and brokerage services to the general public in person and on a walk in basis; offers amenities to encourage pedestrian traffic, such as retail banking services, computer access to brokerage accounts, ATM access to cash accounts, and visible screens with financial information and stock reports. The facility shall be utilized for financial consultation meetings with clients.*

FINISH — The visual characteristics, including color, texture and reflectivity of all exterior materials.

FLOOR AREA RATIO — ~~The ratio of gross floor area to the lot area.~~ *The sum of the gross area of all floors of buildings or structures compared to the total area of the site.*

FOOTCANDLE — A unit for measuring illumination equaling the amount of direct light on a surface.

FRONTAGE — See LOT FRONTAGE

G

GARAGE, PARKING — *Buildings or building areas* used exclusively for the parking or storing of motor vehicles ~~and in which services limited to washing, polishing and other cleaning services may be provided and which may include manual car washing.~~

GARAGE, PRIVATE — An accessory building, ~~or structure, or use, or portion of a main building or structure,~~ for the parking of passenger motor vehicles, ~~and~~ in which no occupation, business or services for profit is conducted.

GOVERNING BODY — The City Council of the City of Jersey City.

GOVERNMENT AGENCY — Any department, commission, independent agency or instrumentality of the United States, the State of New Jersey, and/or any county, municipal or other governmental unit.

GOVERNMENTAL USES — Public institutions and uses, such as schools, community centers and government-owned or operated buildings, structures or land used for public purposes, ~~not including houses of worship.~~

GRADE - *For buildings adjoining one street only, elevation of the established curb at the center of the wall adjoining the street. For buildings adjoining more than one street, the average of the elevations of the established curbs at the center of all walls adjoining the streets. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the buildings.*

All walls approximately parallel to and not more than 15 feet from the street line are to be considered as adjoining a street.

GRADE, EXISTING — The vertical location of the ground surface at any given point prior to excavating or filling

GREEN ROOF — A vegetated roof system used in place of a conventional roof which typically involves a water proof membrane and root repellant system, a drainage system, filter cloth, a lightweight growing medium and species appropriate plants.

GROSS FLOOR AREA — In residences, shall be measured by using the outside dimension of the building. Only those portions of floor areas in residential structures which are at or above grade and have a ceiling height above them of seven and one-half feet or more or those floor areas on the top story which meet the definitions of a half story shall be included in the "gross floor area." In non residential structures, the "gross floor area" of any use sharing a common wall with another use shall be measured from the center of interior walls and the outside of exterior walls.

GROUND FLOOR — *the floor closest to, but not below, grade.*

GROUND FLOOR STREET FRONTAGE (GFSF) - *The sum of the horizontal lengths of all exterior walls of a building at ground floor level, inclusive of all windows and doors, and excepting where there is another property between the wall and the street.*

GYM — *see Health Club*

H

HEALTH CLUB - *A meeting place for groups of people for the purpose of engaging in exercise and conditioning of the body for the benefit of physical fitness.*

HEIGHT, BUILDING — *The vertical distance measured to the highest point of the roof from the mean elevation of the finished grade from all exterior walls. In accordance with Height Exceptions (§345-60), any property within a 100-year flood plain, the number of feet required to reach the base flood elevation plus one shall be added to the maximum permitted height of the building.*

HELISTOP- *Area for landings and takeoffs of helicopters, but shall not include any servicing or parking functions for such crafts. Also known as Heliport.*

HIGH-CUBE WAREHOUSING — Facilities used for the receipt, storage and handling of goods, bulk products and materials prior to their distribution to other recipients. These facilities consist of buildings with large floor plates, often subdivided for individual tenants, with a typical ceiling height of thirty (30) feet or more; they are also characterized by a low employee parking requirement due to a high level of mechanization, truck activities frequently outside of the peak hour of the adjacent street system, and good highway access.

HIGH-RISE APARTMENT BUILDING — A multi-family residential building with nine (9) stories or more.

HISTORIC — A building, structure, object, site or landscape feature having a degree of significance or importance over or at a period of time.

HISTORIC ARCHITECTURAL FEATURES — Architectural features installed or built at the time of construction of the building; architectural features of a type installed or built at the time of construction of similar buildings in similar periods and styles; or architectural features installed or built at the time of a major façade alteration thirty (30) or more years ago.

HISTORIC/CULTURAL RESOURCE — Those buildings, objects, sites, structures or landscape features of historical, cultural, architectural or archaeological importance and the demolition, destruction or alteration of which would constitute an irreplaceable loss to the quality and character of Jersey City; inventoried interior spaces designed or intended to be occupied as part of the structure or which are accessible to the public; such buildings, objects, sites, structures or landscape features, their appurtenances and the property on which they are located are considered historic as defined in this Chapter.

~~**HISTORIC RESOURCE** — A collection of buildings, objects, sites, structures, landscape features or areas that exemplify the cultural, social, economic, political, archaeological or architectural history of the nation, state or city.~~

HISTORIC DISTRICT — An area defined as a historic district by City Council, state or federal authority and which may contain within definable geographic boundaries one or more landmarks or clusters, including their accessory buildings, fences and other appurtenances, and natural resources having historical, cultural and archaeological significance and which district may have within its boundaries other buildings or structures, that while not of such historical, cultural, architectural or archaeological significance as to be designated landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the district.

HISTORIC PRESERVATION COMMISSION — The Jersey City Historic Preservation Commission. Also referred to as the "Commission."

HISTORIC SITE — Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance.

HOME OCCUPATION — An occupation or activity carried out for gain by a resident and conducted as a customary, incidental and accessory use in the resident's dwelling unit or accessory structure located on the lot and *is in accordance with Supplementary Zoning Regulations §345-60(1.2(a))*.

HOSPITAL — An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

HOTEL — A building designed for occupancy as the more or less temporary place of abode for individuals who are lodged with or without meals, in which there are ten (10) or more guest rooms or suites and in which there may be kitchens in any individual room or suite.

HOUSEKEEPING UNIT — One or more persons living together in one dwelling unit on a nonseasonal basis and sharing living, sleeping, cooking and sanitary facilities on a nonprofit basis.

HOUSE OF WORSHIP — A building used for the assembly of members of a designated faith for religious instruction and worship of a deity such as a church, synagogue, mosque or temple.

I

IMPROVEMENT PARCEL — A unit of real property that includes a landmark designated under this Chapter and is treated as a single entity for the purpose of levying real estate taxes within the historic district.

INCUBATOR — ~~A place, often in an office type environment, where services and assistance are provided to new businesses and light industries. Incubators are often affiliated with a school or university, which provide access to instruction, advice, research facilities, or funding. Shared services often provided include: photocopying, bookkeeping, utilities, and building maintenance and management. Sharing of services provides greater economies of scale for the incubator.~~ *See Business Incubator.*

INDEPENDENT LIVING - A residential facility where individualized support is provided to residents in forms such as a community director, a social director, and ~~24 hour~~ *daily* on-site assistance.

INDUSTRIAL PARK — An area wherein one or more buildings are erected for industrial purposes in relation to one another as part of an integrated and comprehensively planned total unit, whether or not the buildings are erected simultaneously or over a period of time.

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

INTERIM USE - *A use approved by the Planning Board applied on a temporary basis as prescribed while permanent plans for the area are formulated or implemented.*

INTRUSION — A building, object, site, structure or landscape feature which detracts from a landmark, historic district or cluster of historical significance because of its incompatibility with the historic district's or cluster's sense of time and place and historical development; or its incompatibility of scale, height, materials, texture or color, or whose integrity has been irretrievably lost.

INVENTORY, HISTORIC — A systematic listing of cultural, historical, architectural or archaeological resources prepared by the city, state or federal government or a recognized local historic authority, following standards set forth by federal, state and city regulations for evaluation of cultural properties.

J

JUNKYARD — Any area, lot, land or parcel with or without structures used for the storage, collection, processing, purchase, sale, salvage or disposal of scrap, waste, reclaimable material or debris. ***Any site with 3 or more unregistered vehicles shall constitute a junkyard.***

K

KIOSK - *A small, freestanding structure with one or more open sides such as a newsstand, information booth or telephone booth.*

L

LAND — Including improvements and fixtures on, above or below the surface.

LAND AREA — The area contained within the lot lines of a lot, not including any portion of a street right-of-way.

LANDMARK — Any building, object, site, structure or landscape feature, any part of which is fifty (50) years old or older, which has a special character or special historic or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a "landmark" pursuant to the provisions of this Chapter.

LANDSCAPE FEATURE — Any grade, body of water, stream, rock, plant, shrub, tree, path, walkway, road, plaza, fountain, wall, sculpture or other form of natural or artificial landscaping.

LAUNDROMAT — An establishment providing washing and drying machines on the premises for rental use to the general public and may include ***wash and fold*** or drop off dry cleaning ~~with an attendant~~ as an accessory use, ***but shall not include on-site dry cleaning processing.***

LIGHT ASSEMBLY - *Flexible space suitable for final assembly of finished products for distribution. No manufacturing shall be associated with this use.*

LIGHT INDUSTRIAL - *Warehousing, wholesaling, shipping and receiving, manufacturing, assembly, processing, research, laboratory testing service, professional and governmental offices, public and quasi-public uses and other operations which do not include the production of petroleum into fuel, oil or other products or chemical processing and storage. Light Industrial uses shall not produce any corrosive, toxic, noxious fumes, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety, or general welfare, provided however that existing activities not in violation of City, State or Federal law are exempt.*

LIGHT RAIL TRANSIT (LRT) - *Rail service employing energy efficient light rail vehicles (LRVs) at least partly on shared or semi-exclusive rights-of-way, designed so that other traffic can mingle safely with the LRT operation where desired.*

LIVE/WORK UNIT – *See Work/Live Unit*

LOADING SPACE — An off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading ~~with fifteen (15) feet of vertical clearance.~~

LOGGIA - *A gallery or breaking in the façade that can be open to the air on at least one side. Loggias create breaks in the vertical scale of a building and are surrounded by columns or created by a setback or overhang within the façade. The interior of these spaces can be used as common space for these vertical neighborhoods, live work offices, mechanical equipment space, or any number of other uses.*

LONG TERM CARE FACILITY/NURSING FACILITY/NURSING HOME — A facility that is licensed by the Department of Health to provide health care under medical supervision and continuous nursing care for twenty-four (24) or more consecutive hours to two or more patients who do not require the degree of care and treatment which a hospital provides and who, because of their physical or mental condition, require continuous nursing care and services above the level of room and board.

LOT — A tract or parcel of land ~~abutting a street~~ **established by a plat, deed, or otherwise**, but not including any portion of a street, which tract or parcel of land is legally separate from any other tract or parcel of land. Contiguous undersized lots under **common** ownership **and fronting on the same street** are considered one lot.

LOT, CORNER — A lot on the junction of and abutting two or more intersecting streets where the interior angle of intersection is less than one hundred thirty-five (135) degrees. For additional corner lot regulations, see § 345-60.C(6).

LOT, INTERIOR — A lot other than a corner lot.

LOT, THROUGH — A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

LOT AREA — The total area within the lot lines of a lot but not including any street rights-of-way.

LOT CONSOLIDATION — An action ~~by the reviewing Board~~ eliminating lot lines from contiguous lots.

LOT COVERAGE — The square footage or other area measurements by which all buildings and **impervious paved** surfaces occupy a lot as measured on a horizontal plane around the periphery of the foundations and paved areas, and including the areas under the roof of any structure.

LOT DEPTH — The shortest horizontal distance between the street line and a line drawn parallel to the street line through the midpoint of the rear lot line. The greatest dimension on a corner lot is its "depth."

LOT FRONTAGE — ~~The horizontal distance between side lot lines measured along the street line. The minimum lot frontage shall be the same as the lot width except that where side lot lines are not parallel or where the lot fronts a street with a curved alignment with an outside radius of less than five hundred (500) feet, the minimum distance between the side lot lines measured at the street line shall not be less than seventy five percent (75%) of the required width; in the case of a corner lot, either street frontage that meets the minimum frontage required for that zone may be considered the "lot frontage."~~ ***That portion of a lot extending along a street line.***

LOT LINE — Any line forming a portion of the exterior boundary of a lot and the same line as the street line for that portion of lot abutting a street. "Lot lines" extend vertically in both directions from ground level.

LOT LINE, FRONT — The lot line separating a lot from a street right-of-way, also referred to as a "street line." In the case of corner lots, the front lot line shall be the street line with lesser frontage. In the case of through lots, there shall be two front lot lines and no rear lot line.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line, or the point at which the side lot lines meet. In the case of through lots, there shall be no rear lot line.

LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT WIDTH — The straight and horizontal distance between side lot lines at setback points on each side lot line measured an equal distance back from the street line. The minimum "lot width" shall be measured at the minimum required building setback line.

M

MAINTENANCE GUARANTEE — Any security which may be accepted by a municipality for the maintenance of any improvements required by the Municipal Land Use Law, including but not limited to surety bonds and letters of credit under the circumstances specified in Section 16 of P.L. 1991, c. 256 (C. 40:55D-53.5), and cash.

MARINA - *A shorefront development that provides private and commercial pleasure craft mooring, launching and fueling.*

MARINA, FULL SERVICE - *A shorefront development that provides private and commercial pleasure craft mooring, launching, fueling, repair, storage and on-shore service facilities.*

MARINA SERVICES - *Commercial uses associated with the operation of a marina. These shall include, but not be limited to, bait and tackle shops, yacht clubs, up-land security posts but shall not include boat repair or storage or other similar uses.*

MARQUEE — A metal rooflike, permanent structure often containing a signboard that projects from the wall of a building, over an entrance to a theatre or other building.

MASS TRANSIT FACILITY - *A fixed route and/or station used to facilitate the transportation of people (as opposed to goods) on a fixed route and fixed schedule basis generally on conveyances such as buses, rapid-transit vehicles and commuter rail facilities.*

MATCH — Either an exact or an approximate replication. If not an exact replication, the approximate replication shall be so designed as to achieve a harmonious result which exhibits the color, texture and dimensions of the original feature(s).

MAY – *permissive action*

MAYOR — The chief executive of the City.

MECHANICAL EQUIPMENT - *Any device below, above, or within a structure or on a lot which provides necessary support service for that structure. Mechanical equipment shall include but not be limited to heating and cooling units, and elevator bulkheads.*

MEZZANINE—An intermediate floor placed in any story or room which is open to and a part of the floor below it. When the total area of any such mezzanine floor exceeds thirty-three and three-tenths percent (33.3%) of the total floor area in the room or story in which the mezzanine floor occurs, it shall be considered as constituting an additional story.

MID-RISE APARTMENT BUILDING — A multi-family residential building with three (3) to eight (8) stories and more than four dwelling units.

MIXED USE - *A lot or structure containing more than one principal zoning use.*

MOBILE HOME — A dwelling unit manufactured in one or more sections, designed for long-term occupancy; containing living and sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels, or on flatbed or other trailers, arriving at the site where it is to be occupied as a dwelling complete, usually including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations. Travel trailers and campers are not considered "mobile homes."

MORTUARY - *An establishment with facilities for the preparation of the dead for burial or cremation, for the view of the body, and for funerals.*

MULTI-FAMILY BUILDING — A building containing three or more dwelling units that share common horizontal and vertical separations.

MUNICIPALITY — City of Jersey City.

MLUL — The Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

MUNICIPAL AGENCY — The Planning Board, Board of Adjustment, or the City Council when acting pursuant to the Municipal Land Use Law.

MUNICIPAL RESIDENT — A person who is domiciled in Jersey City.

MUNTINS — In windows, doors and storefronts, framing members that subdivide a glazed area into individual panes, lights or panels.

MURAL — An art installation, visible to the public right-of-way, consisting of paint, and adhered directly to the wall of a building or structure.

N

NARCOTIC AND DRUG ABUSE TREATMENT CENTER — Any licensed institution, facility, place, building or agency which supplies care, treatment, services, maintenance, accommodation or board, or any of these services in a group setting primarily or exclusively for individuals having any type of habitation, dependency or addiction to the use of any kind of controlled substance, alcohol, narcotic drug or other type of drug; and which provides guidance, supervision and personal services which enable the drug user, dependent or addict to move into independent living in normal surroundings, but does not provide those services that can be rendered only by a physician or within the confines of a hospital, and does not provide a permanent residence but only a temporary one.

NAMEPLATE — A ~~sign~~ *identification* located on the premises, giving the name or addresses or both of the owner or occupant of a building or premises.

NET ANNUAL RETURN — ~~The amount by which earned income yielded by the improvement parcel during a test year exceeds the operating expenses of such parcel, including mortgage interest and amortization.~~

NET LEASABLE AREA - *The square footage of the area as measured from within the inside surface of the outer glass or finished walls of the building to the opposite walls, or, in the case of partial floor leases, to the midpoint of internal dividing walls, excluding only the areas (service areas) within the outside walls used for elevator mechanical rooms, building stairs, elevator shafts, flues, vents, stacks, and vertical ducts, but including all columns within the leased area and any such areas which are for the specific use of the particular tenant such as special stairs or elevators, plus a proportionate allocation of the square footage of the building's elevator mechanical rooms, common areas on the same floor of the leased premises, and the ground floor lobby.*

NEW URBANISM - *Interrelated patterns of land use, transportation, and urban forms used to create communities that promote: neighborliness, environmental sustainability, economic efficiency and prosperity, historic preservation, participation in civic processes, and human health. New Urbanism practices apply to all scales of community, from the region to the neighborhood. Communities developed utilizing New Urbanism principals usually take the form of an urban street grid, or modified street grid system, in order to provide a more even distribution of vehicular traffic and a more varied and convenient pedestrian network.*

NIGHTCLUB — An establishment ~~dispensing liquor and meals and/or~~ in which music, dancing, *and/or live* entertainment is conducted *and which may also dispense liquor and/or food.*

NONCONFORMING BUILDING OR STRUCTURE — A building or structure which, in its location upon a lot or in its size, does not conform to the regulations of this Chapter for the district in which it is located.

NONCONFORMING LOT — A lot of record which does not have the minimum width, frontage or depth or contain the minimum area *or shape factor requirements* for the district in which it is located.

NONCONFORMING USE — A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance *or redevelopment plan*, but which fails to conform to the requirements of the zoning district *or redevelopment plan* in which it is located by reasons of such adoption, revision or amendment.

NONCONTRIBUTING — A building, object, site or structure which neither adds to nor detracts from a historic district's or cluster's sense of time and place and historical development.

NOTICE TO PROCEED — A document attesting that an emergency situation exists, as certified by the Building or Zoning/Administrative Officer, requiring an immediate issuance of a building permit or other permit to commence to stabilize, secure, repair or protect a landmark building, structure, object, site or landscape feature.

NURSING FACILITY/NURSING HOME — See Long Term Care Facility.

O

OBJECT — An "object" is a material thing of functional, aesthetic, cultural, historical, archaeological or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

OCCUPATION — Gainful employment in which an individual engages to earn compensation.

OFFSITE — *Located outside the lot lines of the lot in question but within the property of which the lot is a part, which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part.*

OFF-TRACT — *Not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way.*

OFFICE — A place for the transaction of business where reports are prepared, records are kept and services rendered, but where no retail sales are offered and where no manufacturing, assembly or fabricating takes place. *Office does not include Medical Office.*

OFFICE, MEDICAL — A professional office where the services of one or more practitioner can be obtained and where patients are studied or treated on an outpatient basis and where no overnight accommodations are provided.

OFFICIAL MAP — A map adopted by ordinance which shall be deemed to be conclusive with respect to the location and width of streets, public parks and playgrounds, and drainage rights-of-way shown thereon (N.J.S.A. 40:50D-32).

ON-SITE — Located on the lot in question and excluding any abutting street or right-of-way.

ON-TRACT — Located on the property that is the subject of a development application or on a contiguous portion of a street or right-of-way.

OPAQUE SCREENING - *Any type of screening that completely obscures that which is to be hidden from view; this may include, but shall not be limited to, solid masonry walls, reflective glass, etc.*

OPEN SPACE — Any parcel or area of land or water ~~essentially unimproved and~~ set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; ~~provided that~~ such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are ~~designed to be~~ *customary and* incidental to the natural openness of the land *and may be designed for either passive or active recreational use.*

ORDINARY REPAIRS — Replacement or renewal of existing fabric of a ~~landmark~~ building or a structure, site, object or landscape feature ~~within a historic district~~ or of parts of the service equipment therein, with the same material or equipment parts, that are made in the ordinary course of maintenance and that do not in any way affect health, fire or structure safety of the landmark building, structure, site, object or landscape feature; or do not affect the design or integrity of the historic fabric of the landmark building, structure, object, site or landscape feature.

OUTDOOR STORAGE - *The storage of goods and materials outside of any building or structure.*

OWNER — An individual, firm, association, syndicate, co-partnership or corporation having sufficient *proprietary* ~~propriety~~ interest in the land *involved in an Application for Development* ~~sought to be subdivided~~ to commence and maintain proceedings to ~~subdivide~~ *develop* the same under this Chapter.

P

PARCEL - *A lot or contiguous group of lots in a single ownership or under single control.*

PARK - *A form of public open space either publicly or privately owned and available for recreational, educational, cultural or aesthetic use, which may include, but not be limited to, amenities such as landscaping, lighting, benches, fountains, recreational equipment, etc.*

PARKING, COMMERCIAL - Any parking facility open to the public where a fee is charged and where the persons parking therein do not necessarily live or work in a building or development which the parking lot, area, or structure is intended to serve.

PARKING, COMMUTER - a commercial lot for the parking of personal passenger vehicles or buses, while occupants of the vehicles travel by trolley, train, boat, bus, van, foot, or other means to another destination for purposes of work or pleasure.

PARKING, PUBLIC – see Parking, Commercial

PARKING, SHARED - Parking facilities which utilize the same parking spaces to accommodate the parking needs for two or more separate and distinct users.

PARKING, VALET (ATTENDANT) - Parking facilities in which an attendant parks and retrieves vehicles; aisles between spaces usually do not exist.

PARKING SPACE — An accommodation for the parking of one licensed motor vehicle. A standard parking space measures 8.5'x18', exclusive of driveways, access drives, fire lanes, and public rights-of-way.

PARKING SPACE, COMPACT - An accommodation for the parking of one compact licensed motor vehicle. A compact parking space measures 8'x16', exclusive of driveways, access drives, fire lanes, and public rights-of-way.

PARLOR FLOOR — The first floor above grade in a dwelling with a basement.

PASEO – An uncovered public walkway or passageway.

PATIO — A level, surfaced area at or within one and one-half feet of the finished grade, not covered by a permanent roof. It may be of wood or masonry construction.

PENTHOUSE - A structure or dwelling unit built on the roof of an existing building or occupying the uppermost floor(s) of a newly constructed building.

PERFORMANCE GUARANTEE — Any security that may be accepted by a municipality to assure that improvements required as part of an application for development will be satisfactorily completed.

PERMITTED USE — Any use of land or buildings as permitted by this Chapter *in the zone in which it is situated*.

PERSON — ~~A corporation, company, association, society, firm, partnership or joint stock company, as well as an individual, the state and all political subdivisions of the state or any agency or instrumentality thereof.~~

PLANNING BOARD — The Jersey City Planning Board established pursuant to the N.J.S.A. (C. 40:55 D-23).

PLAT — A map or maps of a subdivision.

PLAT, PRELIMINARY — The preliminary map indicating the proposed layout of the subdivision which is submitted to the Reviewing Board for approval.

PLAZA — An open area for the general public's use *that may serve as a point of assembly and/or a physical link between two buildings*, and which is designed for pedestrian access from the street level(s) which it abuts and which ~~may have~~ *has* improved surfacing, sitting areas, ~~and~~ landscaping, *and public art*.

PORCH — A roofed open area, which may be screened and is attached to or part of a principal structure.

PREDOMINANT FRONT YARD SETBACK — The most frequently occurring setback on the block frontage.

PRELIMINARY APPROVAL — *Conferral* on the applicant the following rights for a three-year period from the date of preliminary approval (N.J.S.A. 40:55D-46)

- A. That the general terms and conditions on which the preliminary approval was granted shall not be changed.
- B. That the applicant may submit for final approval on or before the expiration of this three-year period.

PRINCIPAL BUILDING — A building in which the principal use of the lot is conducted.

PRINCIPAL USE — The ~~main~~ *primary* use of land or structures as distinguished from an accessory use.

PROFESSIONAL REVIEW — Technical review of applications for development by staff or retained consultants, who are considered competent and prepared by virtue of their expertise, training, education and/or licensure to undertake such review for the land use boards of the City of Jersey City. All professional review shall take place under the supervision of New Jersey licensed professional planners, engineers, architects, landscape architects or surveyors.

PUBLIC AREAS — Public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

PUBLIC IMPROVEMENTS - *Public parks and open space, streets, sidewalks, water and sewer lines and other similar spaces and infrastructure.*

PUBLIC/QUASI-PUBLIC USE - *Any use that enables a public or private institution to carry out its functions to preserve or promote public health, safety and welfare and shall include, but not be limited to, religious organizations, public and private schools, civic and fraternal organizations, nursing homes, hospitals, public works and government buildings, daycare facilities and non-profit organizations.*

PUBLIC UTILITY — Any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to C. 48:2-13.

Q

QUORUM — A majority of the full authorized membership of a municipal agency.

R

RECONSTRUCTION — The act or process of reassembling, reproducing or replacing by new construction the form, detail and appearance of a property and its setting as it appeared at a particular period of time by means of the removal of later work, or by the replacement of missing earlier work or by reuse of original materials for historical preservation purposes.

REDEDICATED (Street or Right-of-Way) - *A public right-of-way once having been vacated for private use and returned by ordinance to its previous status as a public right-of-way.*

~~**REGOLITH** — The noncemented rock fragments and mineral grains, including soil, which overlie bedrock.~~

REHABILITATION — The act or process of returning a building, object, site, structure or landscape feature to a state of utility through repair, remodeling or alteration that makes possible an efficient contemporary use while preserving those portions or features of the building, object, site or structure that are significant to its historical, architectural and cultural values for historical preservation purposes.

~~**RELOCATION** — Any change of the location of a building, object, site, structure or landscape feature in its present setting or to another setting.~~

RESTAURANT — Any establishment, however designated, at which food is sold for consumption on premises, normally to patrons seated within an enclosed building. However, a snack bar at a public or community playground, playfield, park, or swimming pool operated solely by the agency or group operating the recreation facilities, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

RESTAURANT, CATEGORY ONE — A restaurant which is designed for and whose primary function and operation is the preparation and service by employees of meals to a customer or customers seated at the table at which the meal is consumed. A category one restaurant operates without substantial carry-out service; with no delivery service; with no drive-thru, drive-in, or service in vehicles; and without service at counters or bars unless the restaurant is licensed to serve alcoholic beverages.

RESTAURANT, CATEGORY TWO — A restaurant whose primary function is the preparation and service by employees of food ~~or drink~~ to customers as part of an operation designed to include substantial carry-out service; delivery service; self-service, and which may, *but is not required to, also* include on-premises consumption, except that no drive-in, drive-thru, or service in vehicles is permitted.

RESTAURANT, CATEGORY THREE — A restaurant whose primary function is the preparation and service by employees of food ~~or drink~~ to customers as part of an operation which may be designed with carry-

out service; delivery service; self-service; on-premise consumption; or customer pick-up service utilizing a vehicular drive-thru.

RESTAURANT, DRIVE-IN — An establishment where the majority of the patrons purchase food, soft drinks, ice cream, and similar confections for takeout or consumption on the premises but outside the confines of the principal building, or in automobiles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons.

RESTORATION — The act or process of accurately recovering the form and details of a building, object, site or structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

RETAIL BROKERAGE — *See Financial Services Facility*

RETAIL SALES — An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. *In no instance shall bars or service stations be considered as retail sales.*

RETAIL SERVICES — An establishment providing services, as opposed to products, to the general public for personal or household use. *In no instance shall drug rehabilitation centers be considered as retail services.*

ROOMING HOUSE — ~~A dwelling unit wherein three or more rooms are rented for sleeping purposes but where no cooking facilities are available and no meals are served.~~ *See Boarding House.*

ROW HOUSE — *see Townhouse*

S

SANITARY LANDFILL — The means by which refuse is deposited, compacted and covered with clean fill and meeting all the standards of the State of New Jersey and the City of Jersey City and the *New Jersey Meadowlands* ~~Hackensack Meadowlands Development~~ Commission in the areas of their jurisdiction.

SASH — ~~The part of a window which holds the glazing in place. A sash may be operable or fixed, and may be subdivided with muntins.~~

SATELLITE DISH ANTENNA - *A device or instrument, designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be solid, open mesh, or bar-configured structure in the shape of a shallow dish or parabola.*

SATELLITE EARTH STATION — *A Satellite Dish Antenna larger than 3 feet in diameter.*

SCHOOL — An institution of academic education which is designed, constructed or used for education of students up to and through the secondary level.

SCREENING - *The decorative fencing, evergreen, or other vegetation maintained for the purpose of concealing from view the area behind such structures, evergreen, or other vegetations.*

SENIOR HOUSING — Housing that is located and designed to meet the special needs and accommodate the changing living arrangements of an elderly population, *aged 62 and older.*

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

SETBACK, REQUIRED - *a line that is established a minimum horizontal distance from the street line or the lot line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line.*

SETBACK LINE — A line drawn parallel to a street line or lot line and drawn through the point of a building nearest to the street line or lot line. ~~The term "required setback" means a line that is established a minimum horizontal distance from the street line or the lot line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line.~~

SHALL – *mandatory requirement*

SHAPE FACTOR - *the perimeter of the lot squared, divided by the lot area.*

SIDE SLOPE — The section of a hill that is below the Talus Slope and generally of moderate or lesser gradient than the Talus Slope or cliff face.

SIGHT TRIANGLE — The area outside the right-of way which is bounded by intersecting street lines and the straight line connecting sight points, one each located on the two intersecting street center lines, the following distance away from the intersecting center lines: primary and secondary arterial streets at one hundred (100) feet; major and minor collector streets at sixty (60) feet; and local streets at forty (40) feet. Where the intersecting streets are both arterial, both collectors or one arterial and one collector, two overlapping sight triangles shall be required, formed by connecting the sight points noted above with a sight point forty (40) feet on the intersecting street. The classification of streets shall be those in the Master Plan of the Jersey City.

SIGN — Any device, fixture, placard or structure that uses color, form, picture, display, graphic, illumination, symbol or writing to advertise, attract attention to, announce the purpose of, or identify a person, entity or thing, or to communicate any information to the public.

SIGN, BANNER — Any sign intended to be hung *flush with any building wall* either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. National flags, flags of political subdivision and symbolic flags of political subdivisions and symbolic flags of any institutions or business shall not be considered banners.

SIGN, BUILDING — Any sign attached below the roofline to any part of a building, as contrasted to a freestanding sign. Building signs include wall signs, window signs, and canopy signs.

SIGN, CANOPY — Any sign on, or attached to, an awning, marquee, or canopy.

SIGN, FREESTANDING — Any sign supported by structures or supports that are placed on, or anchored in, the ground, and that are independent from any building or other structure.

SIGN, HANGING/BLADE — A sign that is wholly or partly dependent upon a building for support and that projects perpendicular more than twelve (12) inches from such building.

SIGN, INTERNALLY ILLUMINATED - *Any sign which has characters, letters, figures, designs or outline illuminated, and where the light source is contained within or directly behind the sign band.*

SIGN, MONUMENT — A sign which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

SIGN, PYLON/POLE — *A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.*

SIGN, WALL — Any sign attached parallel to, but within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface and may be made of a fabric material.

SIGN, WINDOW — Any sign that is placed within a window or upon the window panes or glass and is visible from the exterior of the window.

SINGLE ROOM OCCUPANCY (SRO)— A housing type consisting of one room, ~~often with cooking facilities~~ and with private or shared bathroom facilities, *and no cooking facilities are provided.*

SITE — Any plot or parcel of land or combination of contiguous lots or parcels of land. Within historic districts, a site is the location of a significant event, a prehistoric or historic occupation or activity, or a building, structure, object or landscape feature, whether standing, ruined or vanished, where the location itself maintains historical, cultural, architectural or archaeological value regardless of the value of any existing structure.

SITE PLAN — *A development plan of one or more lots on which is shown the proposed conditions of the lot, showing the location of proposed buildings, drives, parking spaces, walkways, means of ingress and egress, and any other information that may be reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval.*

SITE PLAN, MINOR — ~~Any application that does not meet the threshold for major site plan review and contains the following: (1) conversions, reconstruction, alterations or renovations of storefronts; (2) wireless communication antennas.~~ *A development plan of one or more lots which (1) proposes new development within the scope of development specifically permitted by ordinance as a minor site*

plan; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to section 30 of P.L. 1975,c.291 (C.40:55D-42); and (3) contains the information reasonably required in order to make an informed determination pursuant to an ordinance requiring review and approval of site plans.

SITE PLAN REVIEW — The examination of the specific development plans for a lot as per N.J.S.A. 40:55D-37 et seq.

SOIL CONSERVATION DISTRICT — The Hudson-Essex-Passaic Soil Conservation District.

SOIL EROSION AND SEDIMENT CONTROL PLAN — A plan which indicates necessary land treatment measures, including a schedule for installations, which will effectively minimize soil erosion and sedimentation. Such measures shall be at least equivalent to the standards and specifications as adopted by the Hudson-Essex-Passaic Soil Conservation District.

STABILIZATION — The act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated building, object, site, structure or landscape feature while maintaining the essential form as it exists at present.

STEEP SLOPE — Shall be defined as an area in which the change in elevation is in excess of thirty percent (30%).

STEPBACK - *The distance the upper floors or portions of a building or structure are setback from the outermost edge of that building or structure as measured from its intersection with grade. (Upper floors may be any floor above the ground level floor.)*

STILTED BUILDING — A structure built above the surface of the grade with the first floor resting on or supported by posts and the grade level exposed.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.

STORY, HALF — A space under a sloping roof that has the line of intersection of the roof decking and wall face not more than three feet above the top floor level and in which space the possible floor area with a headroom of five feet or less occupies at least forty percent (40%) of the total floor area of the story directly beneath.

STREET — A street, avenue, boulevard, road, parkway, viaduct, drive or other way:

- A. Which is an existing state, county or municipal roadway; or
- B. Which is shown upon a plat heretofore approved pursuant to law; or
- C. Which is approved by official action as provided by this Chapter; or

- D. Which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to and includes to determine review plats;

and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STREET FURNITURE – *Above-ground items that are usually found in street rights-of-way including benches, kiosks, plants, canopies, shelters, bicycle racks, lamp posts, and trash cans.*

STREET LINE — The edge of the street right-of-way forming the dividing line between the street and a lot.

STRUCTURE — A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

STUDIO, FILM PRODUCTION AND PERFORMING ARTS - *An area utilized for the production and editing of films and/or rehearsal space for actors, musicians, dancers and other similar performers.. Where this use is permitted within any residential district, no equipment or process shall be used that creates noise, glare, fumes, odors, electrical interference or other nuisance factors detectable to the human senses outside the structure in which the studio is located. In addition, where this use is permitted within a residential district, all studio activities shall be permitted to occur only within an enclosed structure.*

SUBDIVIDER — Any individual, firm, association, syndicate, company, partnership, corporation, trust or other legal entity commencing proceedings under this Chapter to effect a subdivision of land for himself or herself or for another.

SUBDIVISION — The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development The following shall not be considered subdivisions within the meaning of this Chapter, if no new streets are created:

- A. Divisions of property by testamentary or intestate provisions.
- B. Divisions of property upon court order, including but not limited to judgments of foreclosure.
- C. Consolidation of existing lots by deed or other recorded instrument.
- D. The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons, and all of which are found and certified by the administrative officer to conform to the requirements of the Municipal Development regulations and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the City.

SUBDIVISION, MAJOR — Any subdivision not classified as a minor subdivision.

SUBDIVISION, MINOR — Any subdivision containing four lots or less and which does not involve: a planned development; any new street; or the extension of any off-tract improvement, the cost of which

is to be prorated pursuant to N.J.S.A. 40:55D-42. Any lot or remaining land approved as a minor subdivision shall not be submitted as a minor subdivision within five years from the date of approval as a minor subdivision. Such lot or tract may be submitted as a major subdivision.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSTANTIAL REHABILITATION OR ALTERATION OF A HISTORIC FACADE — Alteration or rehabilitation of fifty percent (50%) or more of any facade along a public right-of-way within a designated historic district.

T

TALUS SLOPE — A slope formed by accumulation of debris at the bottom of a cliff.

~~**TENANT'S PARCEL** — That portion of a lot leased or used by an occupant in some manner other than fee simple. For purposes of this Chapter, "tenant's parcels" shall provide sufficient area, dimensions and configurations to meet the standards of a lot for the district in which it is located.~~

~~**TEST YEAR** — As determined by the applicant to be the most recent full calendar year or the owner's most recent fiscal year, or any twelve (12) consecutive months ending not more than one year prior to the filing of an application for a certificate of hardship.~~

THEATER — *Space for live or screen performances including movies, plays, and concerts.*

THEMATIC GROUP — A finite group of resources related to one another in a clearly distinguishable way by association with a single historic person, event or development force, as one building type or use, as designed by a single architect, as a single archaeological site form or as a particular set of archaeological research.

THROUGH LOT - *A lot that fronts on two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot. Both street frontages shall be considered to be front lot lines and front yard, and front yard setback standards shall apply to both frontages.*

TOP OF CLIFF — The portion of a hill located above the cliff face, overlain with regolith, generally the plateau or hill crest.

TOWNHOUSE — A residential building in which each building has its own front and rear access to the outside and is separated from adjacent buildings only by vertical fire-resistant building-walls. A townhouse building may contain one to four dwelling units in accordance with the density standard of the particular zoning district in which such property is located.

TOWNHOUSE, BACK-TO-BACK - *A townhouse building with individual units that are attached back to back, but in no case shall individual units be located above or below another unit. Each individual unit shall have its own entrance from the exterior. Each building cluster shall have two building front facades and two side facades.*

TOWNHOUSE, STACKED - *A townhouse building with units that are stacked one on top of the other. Each individual unit shall have its own entrance from the exterior. Stacked Townhouses may also qualify as Back-to-Back Townhouses.*

TRANSCRIPT — A typed or printed verbatim record of the proceedings or reproduction thereof.

TRANSIT-WAY - *That roadway, easement, rail, trench route, etc. on which a mass transit vehicle travels.*

TRANSIT VILLAGE — *An urban community well served by mass transit system(s). Transit Villages make it easy for residents to live without a car by allowing for the convenient ability to ride transit and walking within pleasant urban environments. Typically, they have active, vibrant, and strong neighborhood centers providing convenient access to commercial services focused around transit.*

TRANSOM — A small window above a door or other window.

TWO-FAMILY — A building on a single lot containing two dwelling units, each of which is separated from the other by an unpierced wall extending from ground to roof or an unpierced vertical and horizontal ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

U

UNUSUAL AND COMPELLING CIRCUMSTANCES — Those uncommon and extremely rare instances, factually detailed, which would warrant the Historic Preservation Commission action due to the evidence presented.

UPLAND AREA - *Land area located above the surface of any body of water.*

UTILITY — Water, sewerage, telephone, gas or electric service from a private or public utility company under the regulations of the New Jersey Board of Public Utilities.

V

VALUATION OF AN IMPROVEMENT PARCEL — ~~The current assessed valuation established by the city, which is in effect at the time of the filing of an application for a certificate of hardship. The Commission may make a finding that the valuation of the improvement parcel is an amount different from such assessed valuation if there has been a bona fide sale of such parcel or a comparable parcel since the last property valuation at a readily ascertainable price.~~

VARIANCE — Permission to depart from the literal requirements of the zoning ordinance as per N.J.S.A. 40:55D-70(d).

VEHICULAR SALES AREA — ~~An open area, other than a right-of-way or public parking area, used for display, sale or rental of new or used vehicles in operable condition and where no repair work is done.~~
See Auto Sales.

VIEW CORRIDOR - *Three dimensional space through which views of historic, cultural or aesthetic significance may be observed.*

VISTA — A view through or along an avenue, street or opening which as a view corridor frames, highlights or accentuates a prominent building, object, site, structure, scene or panorama, or patterns or rhythms of buildings, structures, objects, sites or landscape features; to include views of areas at a distance.

W

WAIVER – *Permission to depart from the requirements of an ordinance with respect to the submission of required documents, and/or compliance with particular design standards.*

WALKWAY - *Any pathway set aside for and traveled by pedestrians and improved in such way to assist in the designated use.*

WALL — A solid, vertical structure of wood, masonry or other material serving to enclose, divide or protect an area.

WAREHOUSE – *A building used primarily for the storage of goods and materials.*

WATER TRANSPORTATION FACILITIES – *See Mass Transit Facility*

WHARF - *A structure built parallel to the shore, used to load passengers and may also serve as a walkway or access-way. A quay wall is a simple form of wharf that serves as both a retaining wall for shorefront protection and a docking facility.*

WHOLESALE SALES AND SERVICES — Establishments or places of business primarily engaged in selling merchandise to retailers; industrial, commercial, institutional or professional business users; other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIRELESS COMMUNICATION ANTENNAS — Devices which are used for the transmission and reception of wave frequencies for the purposes of any wireless telecommunication (e.g., telephone, radio, paging, and/or television communication) and which are permitted as either second principal uses on existing structures or as "conditional uses" on a tower *except in historic districts*, in accordance with the specified zoning conditions and standards for their location and operation set forth in this Chapter. Wireless Communication Antennas shall not be considered to be a "public utility."

WIRELESS TELECOMMUNICATION TOWER — A freestanding vertical structure designed to support one or more wireless telecommunication antennas, including monopoles, guyed towers, lattice towers and similar structures.

WORK/LIVE ARTIST STUDIO — A single, enclosed, private space of nine hundred (900) square feet or more, where at least one-half of the volume of the total space is devoted to work space for the creation, display and sale of art, and the remainder is used for living purposes. ~~A minimum of one hundred fifty (150) square feet of living space per person occupying such work/living space shall be required.~~ Nothing in this definition shall prohibit the use and occupancy of a "work/live artist studio" in a setting where shared kitchen and/or bath facilities are available, provided that applicable health and safety codes are met and maintained.

WORK/LIVE UNIT — *A unit that adheres to all of the standards of a Home Occupation except that a minimum of 900 (nine hundred) square feet must be provided, a maximum 50% of which may be used as work space and the remaining space is used for residential purposes. There is no maximum square footage to the workspace so long as it does not exceed 50% of the total unit area.* ~~A single, enclosed, private space of at least twelve hundred (1200) square feet, within a building that is designed to accommodate the two distinct functions of the living and working environment of residents who are creative in their professional work at home. This accommodation shall occur through the provision of appropriate ceiling heights, spatial arrangement, ventilation, sound attenuation and such other design considerations appropriate to a shared living and working environment; and the space/unit must also meet all appropriate codes for residential occupancy. Not more than one-half of the area of the total space may be dedicated to work space for the use of a person or persons engaged in a profession or other occupation in a business office setting. The remaining area within the space must be used for residential purposes and the person engaged in the profession or occupation must reside within the premises. Not more than two full time or full time equivalent employees not residing within the premises may be employed. The professions and occupations shall include:~~

- ~~1. Computer or information technology.~~
- ~~2. Computer graphics and computer aided design.~~
- ~~3. The graphic arts.~~

~~4. The offices of architects, planners, lawyers, accountants and other business professions.~~

~~5. Similar business occupations as determined by the Planning Board.~~

~~Industrial uses, heavy commercial uses and other uses that may create or produce toxic or noxious fumes, smoke, odors, hazardous discharges, glare, electromagnetic disturbances, radiation, dust or waste, undue noise or vibration, or other objectionable features that are detrimental to the public health, safety or general welfare, or that are damaging to the physical environment are prohibited.~~

Y

YARD — An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance shall be unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

YARD, FRONT — An open space extending across the full width of the lot and lying between the street line and the closest point of any building on the lot. The depth of the "front yard" shall be measured horizontally and at right angles to either a straight street line or the point of tangent of curved street lines. The minimum required "front yard" shall be the same as the required setback.

YARD, REAR — An open space extending across the full width of the lot and lying between the rear lot line and the closest point of the principal building on the lot. The depth of the "rear yard" shall be measured horizontally and at right angles to either a straight rear lot line or the point of tangent of curved rear lot lines. The minimum required "rear yard" shall be the same as the required setback.

YARD, SIDE — An open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the principal building on the lot. The width of the required "side yard" shall be measured horizontally and at right angles to either a straight side line or the point of tangent of curved side lot lines. The minimum required "side yard" shall be the same as the required setback.

Z

ZONE — *see District*

ZONING PERMIT — A document signed by the Zoning Officer.

- A. Which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or buildings.
- B. Which acknowledges that such use, structures or buildings comply with the provisions of the City Zoning Ordinance or variance therefore duly authorized by the appropriate agency of the City pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.

City Clerk File No. Ord. 13-009

Agenda No. 3.F 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-009

TITLE:
**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE ARTICLE III, SECTION 345-38
REDEVELOPMENT AREAS TO STRIKE ALL DEFINITIONS FROM REDEVELOPMENT PLANS AND
INSTEAD USE THE LAND DEVELOPMENT ORDINANCE GLOSSARY**

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

WHEREAS, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001 in Ordinance No. 01-042. The Municipal Council has adopted many amendments since then; and

WHEREAS, the Land Development Ordinance currently contains Article III, Section 345-38 Relating To Redevelopment Areas and their standards; and

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

WHEREAS, the Planning Board at its meeting of December 18, 2012 did vote to recommend that the Municipal Council adopt these provisions which eliminate definitions from individual Redevelopment Plans in favor of using one consistent glossary located in the Land Development Ordinance, and

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

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

BE IT FURTHER ORDAINED THAT:

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


Robert D. Cotter, AICP, PP, Director

APPROVED AS TO LEGAL FORM

APPROVED: 

APPROVED: 

Corporation Counsel

Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET**1. Full Title of Ordinance:**

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE ARTICLE III, SECTION 345-38 REDEVELOPMENT AREAS TO STRIKE ALL DEFINITIONS FROM REDEVELOPMENT PLANS AND INSTEAD USE THE LAND DEVELOPMENT ORDINANCE GLOSSARY

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

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

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

Many of the older Redevelopment Plans include a glossary for terms used within the Plan. In order to create consistency city-wide for zoning and land development terms, it will be beneficial to remove all definitions from Redevelopment Plans and have the Land Development Ordinance glossary as the single source of definitions.

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

This is needed to make the City's definitions consistent between the Land Development Ordinance and Redevelopment Plans.

5. Anticipated Benefits to the Community:

This amendment will provide consistency of terms city-wide, making development regulations easier to understand.

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:


Upon approval

8. Anticipated Completion Date: N/A**9. Persons Responsible for Coordinating Proposed Program, Project, etc.:**

Robert D. Cotter, City Planning Director
Nick Taylor, Zoning Officer

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director

JAN 4, 2013
Date


Department Director Signature

1/4/13
Date

345-38 REDEVELOPMENT AREAS

A. In any area officially declared and delineated as a redevelopment area by duly adopted ordinances, the standards and designations contained in the Redevelopment Plans for such legally adopted plans shall take precedence over any standards contained within this Chapter. The only exception to this provision shall apply to the Site Plan approval requirements of the Planning Board. All redevelopment plan approval procedures within redevelopment plans shall be revised to be consistent with the following procedure and requirements:

1. Prior to commencement of construction, architectural drawings and site plans with detailed specifications for the construction and/or rehabilitation of improvements to the area shall be submitted by the developer to the Planning Board of the City of Jersey City for review and approval so that compliance of such plans with the redevelopment requirements and objectives can be determined. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Applications may be submitted for the entire project or in any number of phases. Final Site Plan approval for any phase shall entitle an applicant to building permits.
2. As part of any Final Site Plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53 et seq. Such performance guarantees shall be in favor of the City in a form approved by the Jersey City Corporation Counsel. The amount of any such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of on and off site improvements within one (1) year of final site plan approval.

Where the standards and controls of the Plans do not provide alterations to the provisions of this chapter, those provisions of this Chapter that remain unchanged shall prevail.

B. Definitions as found in §345-1 shall apply to all zones and all Redevelopment Plan Areas citywide.

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE ARTICLE III, SECTION 345-38 REDEVELOPMENT AREAS TO STRIKE ALL DEFINITIONS FROM REDEVELOPMENT PLANS AND INSTEAD USE THE LAND DEVELOPMENT ORDINANCE GLOSSARY

Many of the older Redevelopment Plans include a glossary for terms used within the Plan. In order to create consistency city-wide for zoning and land development terms, it will be beneficial to remove all definitions from Redevelopment Plans and have the Land Development Ordinance glossary as the single source of definitions.

City Clerk File No. Ord. 13-010

Agenda No. 3.6 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 13-010

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING TITL AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE AS IT PERTAINS TO BUILDING FAÇADE TERMINOLOGY IN THE R-1 ONE- AND TWO-FAMILY HOUSING DISTRICT

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

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

WHEREAS, Article V of the Ordinance establishes Front Yard Setback standards for the R-1 One- and Two-Family Housing District; and

WHEREAS, the Definitions in the Land Development Ordinance includes the term "Front Primary Façade"; and

WHEREAS, there is inconsistent use of this terminology between the Definitions and the R-1 standards which this amendment seeks to correct; and

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

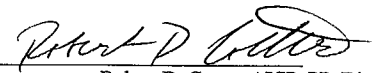
WHEREAS, the Planning Board at its meeting of December 18, 2012 did vote to recommend that the Municipal Council amend the Land Development Ordinance fencing standards; and

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

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

BE IT FURTHER ORDAINED THAT:

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



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

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: 

APPROVED: 

Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET**1. Full Title of Ordinance:**

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE AS IT PERTAINS TO BUILDING FAÇADE TERMINOLOGY IN THE R-1 ONE- AND TWO-FAMILY HOUSING DISTRICT

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

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

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

This Ordinance will amend Article V of the Land Development Ordinance (Zoning Ordinance) to revise terminology used in the R-1 One- and Two-family housing district (§345-40). The Definitions refer to a "Front Primary Façade," and R-1 should be revised to correct this inconsistency.

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

There is currently an inconsistency between the Definition section of the Land Development Ordinance and the R-1 zone.

5. Anticipated Benefits to the Community:

The proposed amendments are an administrative correction and will clarify the intent of the Land Development Ordinance.

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

8. Anticipated Completion Date: N/A**9. Persons Responsible for Coordinating Proposed Program, Project, etc.:**


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

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director

JAN 4, 2013
Date


Department Director Signature

1/4/13
Date

Proposed 12/4/12

§345-40

R-1 One and Two Family Housing District

A. No Change

B. No Change

C. No Change

D. No Change

E. Bulk Standards for One and Two Family Dwellings.

1. Minimum Lot Size: Two thousand five hundred (2,500) square feet.
2. Minimum Lot Width: Twenty-five (25) feet.
3. Minimum Lot Depth: One hundred (100) feet.
4. Front Yard Setback:

Front yard setback shall match the setback of the **Front Primary Building Façade** (see Article I for definition of **Front Primary Building Façade**) of the closest permitted use on either side of the subject parcel, provided that the building setback to be matched shall be closest to the predominant (most frequently occurring) setback on the blockfront. A current signed and sealed survey of the subject property showing adjacent building setbacks on both sides along with photos showing the entire blockfront to the left and right of the subject property must be provided to the Zoning Officer as part of the application for a building permit.

5. No Change
6. No Change
7. No Change
8. No Change
9. No Change
10. No Change
11. No Change

F. No Change.

G. No change.

H. No Change

I. No Change.

J. No Change.

K. No Change.

L. No Change.

M. No Change.

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE AS IT PERTAINS TO BUILDING FAÇADE TERMINOLOGY IN THE R-1 ONE- AND TWO-FAMILY HOUSING DISTRICT

This Ordinance will amend Article V of the Land Development Ordinance (Zoning Ordinance) to revise terminology used in the R-1 One- and Two-family housing district (§345-40). The Definitions refer to a “Front Primary Façade,” and R-1 should be revised to correct this inconsistency.

City Clerk File No. Ord. 13-011

Agenda No. 3.H 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 13-011

TITLE: AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION WITH 109 CHRISTOPHER COLUMBUS, LLC, PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-12 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 12901, LOT 6, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 109 CHRISTOPHER COLUMBUS DRIVE

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

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:21-1 et seq., the City of Jersey City adopted Ordinance 05-060 (Section 304-1 et seq. of the Municipal Code), as amended by Ordinance 07-146, to allow Five (5) Year Tax Exemptions whereby the Tax Assessor will regard the full and true value or a portion thereof of certain improvements as not increasing the value of certain property for a period of five (5) years, provided the owner's application is approved by the Tax Assessor and by Ordinance of the Municipal Council; 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 commercial and multiple dwelling improvements is permitted for a period of five (5) years; and

WHEREAS, 109 Christopher Columbus, LLC, is the owner of a newly constructed five (5) story building with approximately twenty-four (24) residential rental units and approximately seven thousand three hundred thirty-four (7,334) square feet of ground level retail space, located in Block 12901, Lot 6 on the City's Tax Map and more commonly known by the street address of 109 Christopher Columbus Drive, Jersey City, N.J.; and

WHEREAS, the Tax Assessor has certified that 109 Christopher Columbus, LLC, substantially completed the improvements and received a Certificate of Occupancy on October 25, 2012; and

WHEREAS, on or about November 28, 2012, the owner filed an application to tax exempt the newly constructed mixed-use (commercial and residential dwelling) building, a copy of which application is attached hereto; 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) 2013: the tax year in which the structure will be completed. \$0 taxes;
- (b) 2014: the second tax year, 39% of actual full taxes, estimated to be \$39,314.30;
- (c) 2015: the third tax year, 59% of actual full taxes, estimated to be \$59,475.47;
- (d) 2016: the fourth tax year, 79% of actual full taxes, estimated to be \$79,636.65; and

- (e) 2017: the fifth tax year, 80% of actual full taxes, estimated to be \$80,644.71;

WHEREAS, the Tax Assessor has determined that the full and true value of the new improvements will generate an additional tax payment of \$100,805.89 a year upon completion; and

WHEREAS, the applicant has agreed that in the event the Citywide revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

WHEREAS, the application for tax exemption was complete and timely filed; the application was approved by the Tax Assessor and the newly constructed multiple dwelling and commercial space are eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code; and

WHEREAS, upon the expiration of the tax exemption, the total assessment will generate a total tax payment of \$100,805.89; and

WHEREAS, on December 20, 2012, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor.

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

1. The application, attached hereto, for a five (5) year tax exemption for the full and true value of the newly constructed five (5) story building with approximately twenty-four (24) residential rental units and approximately seven thousand three hundred thirty-four (7,334) square feet of ground level retail space, located in Block 12901, Lot 6, and more commonly known by the street address of 109 Christopher Columbus Drive, 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 \$39,314.30;
 - (iii) Year 3: the third tax year, 59% of actual full taxes, estimated to be \$59,475.47;
 - (iv) Year 4: the fourth tax year, 79% of actual full taxes, estimated to be \$79,636.65; and
 - (v) Year 5: the fifth tax year, 80% of actual full taxes, estimated to be \$80,644.71.

The applicant has agreed that in the event the Citywide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder; during this five (5) year period, the amount due hereunder shall be calculated on the higher of the amount estimated above or the actual taxes due after the revaluation; and

(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 each tax year shall become due and payable from the property owner as if no exemption and abatement had been granted. The tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.

(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, or 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).

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
1/14/13

Ed Toloza, Tax Assessor

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

TAX AGREEMENT
FIVE YEAR/NEW CONSTRUCTION

THIS AGREEMENT made on this _____ day of _____, 2013, by and between the **CITY OF JERSEY CITY** [City], a municipal corporation organized under the Laws of the State of New Jersey and having its principal place of business at 280 Grove Street, Jersey City, New Jersey, and, **109 CHRISTOPHER COLUMBUS, LLC**, [Applicant], whose principal place of business is 109 Christopher Columbus Drive, Jersey City, NJ 07302.

WITNESSETH:

WHEREAS, the Municipal Council has indicated by its intention to utilize the five year tax exemption provisions authorized by Article VIII, Section I, paragraph VI of the NJ State Constitution and the Five Year Exemption Law, N.J.S.A. 40A:21-1 et seq. for improvements and projects by the adoption of Ordinance 05-060, as amended by Ordinance 07-146; and

WHEREAS, the Applicant is owner of certain property located at 109 Christopher Columbus Drive, in the City of Jersey City, County of Hudson and State of New Jersey, designated as Block 12901, Lot 6 on the Tax Assessor's Map, more commonly known by the street address of 109 Christopher Columbus Drive, and more particularly described in the metes and bounds description attached hereto as Exhibit A [Property];

WHEREAS, on or about November 28, 2012, the Applicant applied for a five year tax exemption to construct a new five (5) story building with approximately twenty-four (24) residential rental units and approximately seven thousand three hundred thirty-four (7,334) square feet of ground level retail space on the Property [Improvements] pursuant to N.J.S.A. 40A:21-1 et seq and Section 304-12 of the Municipal Code [Law]; and

WHEREAS, the City has reviewed the application, approved the construction of the Improvements and authorized the execution of a Tax Exemption Agreement by the adoption of Ordinance _____ on _____, 2013.

NOW, THEREFORE, IN CONSIDERATION of the mutual promises and covenants hereinafter contained, the parties hereto agree as follows:

ARTICLE I: APPROVAL OF TAX EXEMPTION

The City hereby agrees to a tax exemption for the construction of a new five (5) story building with approximately twenty-four (24) residential rental units and approximately seven thousand three hundred thirty-four (7,334) square feet of ground level retail space [Improvements] on the Property, as further described in the Application, attached hereto as

hereto as Exhibit B, pursuant to the provisions of N.J.S.A. 40A:21-1 et seq. and Ordinance _____ which authorized the execution of this Tax Agreement [Law], subject to the terms and conditions hereof.

ARTICLE II: IN LIEU OF TAX PAYMENTS

The Applicant agrees to make payments on the new Improvements, (separate and apart from taxes on the land and existing improvements which shall continue to be subject to conventional assessment and taxation and for which the Applicant shall receive no credit against the in lieu of tax payment) in lieu of full property tax payments according to the following schedule:

1. For the full calendar year of 2013, no payment in lieu of taxes;
2. For the full calendar year of 2014, thirty-nine (39%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$39,314.30;
3. For the full calendar year of 2015, fifty-nine (59%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$59,475.47;
4. For the full calendar year of 2016, seventy-nine (79%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$79,636.65; and
5. For the full calendar year of 2017 eighty (80%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$80,644.71.

In the event a City-wide revaluation results in an increase or decrease in the amount of taxes otherwise due, payment shall be the higher of either the taxes estimated above or the amount of actual taxes after the City-wide revaluation.

ARTICLE III: APPLICATION FEE

The Applicant agrees to pay the sum of **\$3,500** to the City on or before the date this Agreement is executed. Failure to make such payment shall cause the tax exemption to terminate.

ARTICLES IV: FEDERAL, STATE AND LOCAL LAW

The construction of the Improvements is subject to all applicable federal, State and local laws and regulations on pollution control, worker safety, discrimination in employment, housing provision, zoning, planning and building code requirements.

ARTICLE V: TERM OF EXEMPTION

The Tax Exemption granted shall be valid and effective for a period of five (5) full

calendar years from the date of Substantial Completion of the Project, which shall ordinarily mean the date on which the City issues, or the Project is eligible to receive, a Certificate of Occupancy, whether temporary or final, for part or the whole of the Project. During the term of the tax exemption, the Applicant shall make an in lieu of tax payment to the City in accordance with the schedule set forth above. Prior to the commencement of the tax exemption, and upon expiration thereof, the Applicant shall pay full conventional taxes on the Improvements.

ARTICLE VI: REVALUE

The applicant has agreed that in the event the revalue results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes.

ARTICLE VII: COUNTY EQUALIZATION AND SCHOOL AID

Pursuant to N.J.S.A. 40A:21-11(c), the percentage, which the payment in lieu of taxes for the tax exempt property bears to the property tax which would have been paid had an exemption not been granted for the property under this Agreement, shall be applied to the valuation of the property to determine the reduced valuation of the property to be included in the valuation of the City for determining equalization for county tax apportionment and school aid, during the term of the tax exemption agreement covering this property. At the expiration or termination of this Agreement, the reduced valuation procedure required under the Law shall no longer apply.

ARTICLE VIII: OPERATION OR DISPOSITION OF PROPERTY

If during any year prior to the termination of this Agreement, the Applicant ceases to operate or disposes of the Property, or fails to meet the conditions for qualifying for tax exemption under this Agreement or pursuant to Law, then the tax which would have otherwise been payable for each and every year, shall become due and payable from the Applicant as if no exemption had been granted. The Tax Collector shall, within 15 days thereof, notify the owner of the Property of the amount of taxes due.

However, with respect to the disposal of the property, if it is determined that the new owner will continue to use the property pursuant to the conditions which qualify the property for exemption, the tax exemption shall continue and this Agreement shall remain in full force and effect.

ARTICLE IX: TERMINATION/ELIGIBILITY FOR ADDITIONAL TAX EXEMPTION

Upon the termination of this Agreement for tax exemption, the Project shall be subject to all applicable real property taxes as provided by State Laws and Regulations and

City Ordinances. However, nothing herein shall be deemed to prohibit the Project, at the termination of this Agreement, from qualifying for and receiving the full benefits of any other tax preferences allowed by law. Furthermore, nothing herein shall prohibit the Applicant from exercising any rights under any other tax provisions of State law or City Ordinances.

In the event the owner elects to terminate this tax abatement after the revalue, the owner shall pay the City the difference of 100% of the full amount of the taxes otherwise due from 2013 to the date of termination.

ARTICLE X: PROJECT EMPLOYMENT AGREEMENT

In order to provide City residents and businesses with employment and other economic opportunities, the Applicant agrees to comply with the terms and conditions of the Project Employment Agreement which is attached hereto as Exhibit C.

ARTICLE XI: NOTICES

All notices to be given with respect to this Agreement shall be in writing. Each notice shall be sent by registered or certified mail, postage prepaid, return receipt requested, to the party to be notified at the addresses set forth below or at such other address as either party may from time to time designate in writing:

Notice to City:

Business Administrator
City Hall, 280 Grove Street
Jersey City, New Jersey 07302

Notice to Applicant:

109 Christopher Columbus, LLC
109 Christopher Columbus Drive
Jersey City, NJ 07302

And

Charles Harrington, Esq.
Harborside Financial Center
2510 Plaza Five
Jersey City, NJ 07311

ARTICLE XII: GENERAL PROVISIONS

This Agreement contains the entire Agreement between the parties and cannot be amended, changed or modified except by written instrument executed by the parties hereto.

In the event that any provisions or term of this Agreement shall be held invalid or unenforceable by an Court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof; provided, however, that the City continues to receive the full benefit of any economic term hereunder.

Robert Byrne
City Clerk

PROJECT EMPLOYMENT & CONTRACTING AGREEMENT

This Project Employment & Contracting Agreement is made on the ____ day of _____, 2013, between the **CITY OF JERSEY CITY** [City] and **109 CHRISTOPHER COLUMBUS, LLC**, having its principal office at 109 Christopher Columbus Drive, Jersey City, NJ 07302. Recipient agrees as follows:

I. Definitions:

The following words and terms, when used in this agreement, shall have the following meanings unless the context clearly indicates otherwise.

1. "City" means the Business Administrator of the City of Jersey City, or his designee, including any person or entity which enters into a contract with the City to implement, in whole or in part, this agreement.
2. "Construction Contract" means any agreement for the erection, repair, alteration or demolition of any building, structure, bridge, roadway, or other improvement on a Project Site.
3. "Contractor" means any party performing or offering to perform a prime contract on behalf of the Recipient.
4. "DEO" means the Division of Economic Opportunity under the Department of Administration, located at 121-125 Newark Avenue, Jersey City, NJ 07302, Telephone #(201) 547-5611. DEO is in charge of Project Employment & Contracting coordination and monitoring on projects receiving abatements.
5. "Economic Incentive" means a tax abatement or exemption for a property or project which requires approval of the Municipal Council and which reduces the annual amount of taxes otherwise due, by \$25,000 or more in the aggregate;
6. "Employment" means any job or position during the construction and operational phase of the project. It includes positions created as a result of internal promotions, terminations, or expansions within the Recipient's work force which are to be filled by new employees. However, positions filled through promotion from within the Recipient's existing work force are not covered positions under this agreement.
7. "Local Business" means a bona fide business located in Jersey City.
8. Acting Mayor Jerramiah T. Healy's Business Cooperative Program means the group within DEO under the Department of Administration responsible for collecting local and minority business contracts and capability information. This group operates the Supplier Alert service which is to be used by the Recipient to meet their good faith business contracting and construction subcontracting goals.

9. "Minority" means a person who is African, Hispanic, Asian, or American Indian defined as follows:
- a) "African-American" means a person having origins in any of the black racial groups of Africa.
 - b) "Hispanic" means a person of Mexican, Puerto Rican, Cuban, Central or South American or other Latino culture or origin, regardless of race, excluding, however, persons of European origin.
 - c) "Asian" means a person having origins in any of the original people of the Far East, Southeast Asia, and subcontinent India, Hawaii or the Pacific Islands.
 - d) "American Indian" means a person having origins in any of the original people of North America who maintains cultural identification through tribal affiliation or community recognition.
10. "Minority or Woman Owned Local Business" means a bona fide business located in Jersey City which is fifty-one (51%) percent or more owned and controlled by either a Minority or woman.
11. "Non-Traditional Jobs" means jobs which are held by less than twenty (20%) percent women, as reported by the New Jersey Department of Labor, Division of Labor Market, and Demographic Research for Jersey City, which report shall be on file with the City Clerk.
12. "Permanent Jobs" mean newly created long term salaried positions, whether permanent, temporary, part time or seasonal.
13. "Project or Project Site" means the specific work location or locations specified in the contract.
14. The "Project Employment & Contracting Coordinator" is a member of the DEO staff under the Department of Administration who is in charge of coordinating Project Employment & Contracting projects. Contractors and developers engaged in projects covered by Project Employment & Contracting Agreements will direct inquiries to the Project Employment & Contracting Coordinator.
15. The "Project Employment & Contracting Monitor" or "Monitor" is a member of the DEO staff under the Department of Administration directly under the command of the Project Employment & Contracting Coordinator, who is in charge of monitoring the site, collecting the reports and documentation, and other day-to-day Project Employment & Contracting housekeeping as stipulated by this agreement.
16. The "Project Employment & Contracting Officer" or "Officer" is an employee of the Recipient who is designated by the Recipient to make sure the Recipient is in compliance with the Recipient's Project Employment & Contracting agreement.

17. "Recipient" means any individual, partnership, association, organization, corporation or other entity, whether public or private, or for profit or non-profit, or agent thereof, which receives an Economic Incentive and shall include any Contractor, Subcontractor or agent of the Recipient.
18. "The Registry" or "Jersey City Employment Registry" means a list maintained by the City or its designee of Jersey City residents seeking employment and Local Businesses, including Minority or Woman Owned Local Businesses, seeking contracts.
19. "Subcontract" means a binding legal relationship involving performance of a contract that is part of a prime contract.
20. "Subcontractor" means a third party that is engaged by the prime Contractor to perform under a subcontract all or part of the work included in an original contract.
21. "Substantial Completion" means the determination by the City that the Project, in whole or in part, is ready for the use intended, which ordinarily shall mean the date on which the Project receives, or is eligible to receive any Certificate of Occupancy for any portion of the Project.

II. Purpose:

The City wishes to assure continuing employment opportunities for City residents, particularly residents who are Minorities, and business opportunities for Local Businesses, especially Minority and Women Owned Local Businesses, with employers located in or relocating to the City who are the Recipients of Economic Incentives. The City has determined to accomplish that goal by requiring the Recipient of an Economic Incentive to act in Good Faith, as defined herein, and discharge its obligations under this Agreement. To the extent mandated by State and Federal law and so long as the Entity discharges its Good Faith obligations under this agreement, the City acknowledges that the Recipient and its contractors are free to hire whomever they choose.

III. Good Faith Goals:

In the event the Recipient is able to demonstrate that its work force already meets the goals set forth below or is able to meet such goals during the term of this agreement, the Recipient will not be required to comply with the interviewing or reporting obligations set forth in Section VI 1., A-L (Construction Jobs) and Section VI, 2., A-J (Permanent Jobs). All goals for Construction Jobs shall be calculated as a percentage of the total number of work hours in each trade from the beginning of the project to its completion.

1. **Employment:** The Recipient shall make a Good Faith effort to achieve the goal of a work force representing fifty-one (51%) percent City residents, fifty-one (51%) percent of whom are residents who are Minorities and, in Non-Traditional Jobs, six point nine (6.9%) percent of whom are residents who are women, it being understood that one employee may satisfy more than one category.

2. **Business Contracting:** The Recipient shall make a Good Faith effort to achieve the goal of awarding twenty (20%) percent of the dollar amount of its contracts to Local Businesses, fifty-one (51%) percent of which shall be Minority or Women Owned Local Businesses. If fifty-one (51%) percent of Minority or Women Owned Local Businesses cannot be obtained, that percentage of contracts must still be applied to local vendors.

IV. Recipient Designee:

The Recipient shall designate a principal officer of its firm to be responsible for administering the agreement detailed herein and to report to and confer with the City in order to discharge its Good Faith obligations as defined in this agreement. This officer should be designated as the Project Employment & Contracting Officer.

The Recipient should send a letter of introduction regarding the "Project Employment & Contracting Compliance Officer" to the Project Employment & Contracting Coordinator prior to any preconstruction meetings. An example of this letter can be found in Appendix A. This principle officer should also be present for all preconstruction meetings.

The Recipient should send a letter regarding the "Project Employment & Contracting Compliance Officer" to the employees of the Recipient's company. An example of this letter can be found in Appendix AZ

V. Term:

This agreement shall be in effect for a period co-terminus with the effective period of the tax exemption [the Economic Incentive]. Thus, it will commence on the date the City Council adopted Ordinance _____ approving the tax exemption and terminate 5 years from the date of Substantial Completion of the Project.

VI. Good Faith Defined:

1. **Construction Jobs:** Good Faith shall mean compliance with all of the following conditions:

A. Initial Manning Report:

- i) Prior to the commencement of their work on the Project, each Contractor /Subcontractor shall prepare an Initial Manning Report.
- ii) The initial manning report should contain an estimate of the total work force to be used at the Project Site, including the work force of any and all Contractors and Subcontractors. It should also describe the specific construction trades and crafts, and indicate the projected use of City residents, City resident Minorities and City resident women. Attached hereto as Appendix B is the Recipient's Initial Manning Report.
- iii) The Initial Manning Report shall be filed with the Project Employment and

Contracting Monitor, who must accept said Report prior to the Recipient entering into any construction contract. An example of this acceptance letter is given in Appendix C.

B. Developer's Contracting Obligations

- i) Once the developer submits the project's initial manning report, he/she must forward a letter with requests for quotation or bid to Acting Mayor Jerramiah T. Healy's Business Cooperative Program for local and minority vendors for any construction or building operating goods, services and sub-contracting opportunities. An example of this letter is given in Appendix D.
- ii) The developer shall make a good faith effort to contact those businesses and individuals who submit bids. This effort must be documented by letter, which will be sent to Acting Mayor Jerramiah T. Healy's Business Cooperative Program at DEO under the Department of Administration. An example of this letter can be found in Appendix D2.

C. Contractor's/Subcontractor's Compliance Statement

Prior to commencement of their work on the Project, each Contractor or Subcontractor must agree in writing to comply with this agreement and the employment goals elaborated herein. An example of this Compliance Statement can be found in Appendix E.

D. Union Statement of Using Its Best Efforts

- i) Prior to commencement of their work on the Project, the contractor/subcontractor must submit a statement expressing its adherence to the Project Employment & Contracting Agreement to each union with which he/she has a collective bargaining agreement covering workers to be employed on the project.
- ii) The Compliance Statement shall include a union statement for the particular union to sign, which claims the union will use its best efforts to comply with the employment goals articulated in the Project Employment & Contracting agreement. This compliance statement is detailed in Appendix F. A copy of the signed compliance statement must be sent to the Project Employment & Contracting Monitor in DEO under the Department of Administration before work starts in order for a developer to be in compliance.
- iii) The Recipient will require the Contractor or Subcontractor to promptly notify the City of any refusal or failure of a union to sign the statement. If a particular union refuses to sign a statement, the Recipient will document its efforts to obtain such statement and the reasons given by the union for not signing such statement, and submit such documentation to the Project Employment & Contracting Monitor in DEO under the Department of Administration.

E. Sub-Contractors

The developer shall require that each prime contractor be responsible for the compliance of his/her subcontractors with the aforementioned Project Employment & Contracting requirements during the performance of the contract. Whenever the contractor sub-contracts a portion of the work on the project, the contractor shall bind the subcontractor to the obligations contained in these supplemental conditions to the full extent as if he/she were the contractor.

F. Union Apprentices

The contractor is responsible for assuring that resident and minority apprentices account for at least fifty (50%) percent of the total hours worked by union apprentices on the job in each trade listed in which apprentices are employed, according to the apprentice-to-journey-worker ratio contained in the collective bargaining agreement between the various unions, and shall hold each of his/her subcontractors to this requirement. The Recipient will require the contractor or subcontractor to promptly notify the City of any refusal of a union to utilize resident and minority apprentices.

G. Monthly Manning Report

- i) The Recipient will cause the Contractor to complete and submit Monthly Project Manning Reports to the Project Employment & Contracting Monitor in DEO under the Department of Administration by the seventh day of the month following the month during which the work is performed, for the duration of the contract.
- ii) The report will accurately reflect the total work hours in each construction trade or craft and the number of hours worked by City residents, including a list of minority resident and women resident workers in each trade or craft, and will list separately the work hours performed by employees of the Contractor and each of its Subcontractors. The Monthly Manning Report shall be in the form attached hereto as Appendix G.
- iii) The Recipient is responsible for maintaining or causing the Contractor to maintain records supporting the reported work hours of its Contractors or Subcontractors.

H. Monthly Certified Payroll Report

- i) The Recipient will cause the Contractor to furnish the Project Employment & Contracting Monitor with copies of its weekly Certified Payroll reports. The reports will specify the residency, including gender and ethnic/racial origin of each worker. The Certified Payroll report shall be in the form attached hereto as Appendix H.
- ii) Payroll reports must be submitted on a monthly basis with the Monthly Manning Report or the Recipient is no longer in compliance.

I. Equal Employment Opportunity Reports

Prior to commencement of work on the Project, the Recipient will request copies of the most recent Local Union Report (EEO-3) and Apprenticeship Information Report (EEO-2) which are required to be filed with the US Commission of Equal Employment Opportunity Commission by the collective bargaining unit. These reports will be forwarded to the Project Employment & Contracting Monitor within one month of the signing of the Project Employment & Contracting Agreement.

J. Other Reports

In addition to the above reports, the Recipient shall furnish such reports or other documents to the City as the City may request from time to time in order to carry out the purposes of this agreement.

K. Records Access

The Recipient will insure that the City will have reasonable access to all records and files reasonably necessary to confirm the accuracy of the information provided in the reports.

L. Work Site Access For Monitor

- i) The City will physically monitor the work sites subject to this agreement to verify the accuracy of the monthly reports. Each work site will be physically monitored approximately once every two weeks, and more frequently if it is deemed reasonably necessary by the City. The City's findings shall be recorded in a "Site Visit Report." An example of a bi-weekly site visit report can be found in Appendix I.
- ii) The Recipient shall require the Contractor and Sub-contractor to cooperate with the City's site monitoring activities and inform the City as to the dates they are working at the Project site. This includes specifically instructing the on-site construction manager about the monitoring process, and informing him/her that the monitor will contact him/her to set up an initial meeting. In the case of projects with multiple locations, the Recipient shall inform the City of the dates they are working at each site location(s) where they are working, in order to facilitate the monitoring.

2. **Permanent Jobs:** Good Faith shall mean compliance with all of the following conditions:

A. Pre-hiring Job Awareness: At least eight (8) months prior to the hiring of a Recipient's permanent workforce, the Project Employment & Contracting officer for the Recipient will sit down with the head of the Registry to discuss how the Recipient plans to hire its permanent workforce. The following issues should be covered in this meeting:

- i) whether subcontractors will be used in the hiring process.
- ii) the specific types of jobs that need to be filled.
- iii) the qualifications needed for these particular jobs.
- iv) possible training programs offered by the permanent employer.

- v) the Recipient's goals and how it plans to meet these goals.
- vi) any other issues which need to be addressed by the Registry.

1. Subcontractor Notification -- If the Recipient decides to subcontract any portion or all of its permanent workforce, then the Recipient must receive a signed acknowledgment from the subcontracting party that it will abide by the Project Employment & Contracting Agreement before said subcontractor begins staffing permanent employees. The Recipient must forward a copy of the signed acknowledgment to the Project Employment & Contracting Monitor. An example of this signed acknowledgment can be found in Appendix E.

2. Subcontractor Pre-Hiring Job Awareness Meeting -- Each subcontractor hired to staff permanent job positions must appoint a Project Employment & Contracting Officer to meet with the head of the Registry to discuss the same issues presented above in VI 2.A(I-vi).

3. Subcontractors of Subcontractors--Subcontractors of subcontractors are subject to the same requirements for the initial subcontractors above in Section VI 2.A.

B. Documentation of Hiring Plan--Once the Pre-Hiring Job Awareness Meeting has taken place, the Recipient must put together a document with goals and totals for future permanent employment needs. This plan should summarize all that was discussed in the Pre-Hiring Awareness Meeting, list estimates for manpower needs, set residential and minority employment goals commensurate with the Project Employment & Contracting Agreement, and show how the Recipient plans to meet these goals. An example of this plan is found in Appendix J.

C. Pre-Hiring Notification: At least ten (10) working days prior to advertising for any employees, the Recipient or the Recipient's subcontractor shall provide the Registry with a written notice, which shall state the job title, job description and minimum qualifications, rate of pay, hours of work and the hiring date for each position to be filled, in qualitative and objective terms which will enable the Registry to refer qualified applicants to the Recipient.

D. Advertisement: At the request of the City, or because the City does not have qualified applicants to refer to the Recipient, the Recipient will place an advertisement for the jobs in a newspaper which is regularly published in Jersey City. The Recipient must furnish the Project Employment & Contracting Coordinator in DEO under the Department of Administration with a copy of this advertisement.

E. Pre-Hiring Interview: The Recipient shall interview any qualified applicants referred to it from the Registry, to be maintained by the City or its designee. In the event advertisement is required, the Recipient agrees to interview any qualified persons responding to the advertisement.

F. Semi-Annual Employment Reports: The Recipient will submit written semi-annual employment reports to the Project Employment & Contracting Monitor in the form to be provided by the City. The report will describe the job, whether the job is held by a City resident, minority resident or woman resident. The report will explain in writing the reasons why any qualified applicant referred by the Registry (or in the event advertisement is required, any qualified person responding to the advertisement) was not hired. An example of this report is found in Appendix K.

G. Record Access: The Recipient shall provide the City with reasonable access to all files and records including payroll and personnel information reasonably necessary to confirm the accuracy of the information set forth in the semi-annual reports.

H. Work Place Access: The Recipient shall provide the City with reasonable access to the site to physically monitor the work site to verify the accuracy of the information set forth in the semi-annual reports.

I. Other Reports, Documents: In addition to the above reports, the Recipient shall furnish such reports or other documents that the City may request from time to time in order to implement the purposes of this agreement.

J. Incorporation of Agreement: The Recipient shall incorporate the provisions of this Agreement in all contracts, agreements and purchase orders for labor with any service, maintenance, security or management agent or Contractor engaged by the Recipient whose personnel will be assigned to the Recipient project.

3. Business Contracting

Good Faith shall mean compliance with all of the following conditions:

1) Solicitation of Businesses:

- a) One month before accepting bids for goods and services, the Recipient must forward a letter with requests for quotation or bid to Acting Mayor Jerramiah T. Healy's Business Cooperative Program for local and local minority vendors for any construction or building operating goods, services and subcontracting opportunities. An example of this letter can be found in Appendix D.
- b) After submission of bids, the Recipient will document whether the bid was accepted or rejected, and state the reason why. An example of this documentation can be found in Appendix D2.
 - i) Semi-Annual Purchasing Reports: The Recipient will submit written semi-annual purchasing reports which will include a list of all contracts awarded over a six month period and the dollar amounts of these contracts. The reports will specify the number and dollar amount of contracts awarded to Local Businesses and Minority or Women Owned Local Businesses. An example of these reports can be found in Appendix L.
 - ii) No Utilization of Local and Local Minority Vendors As Conduits For Vendors That Are Not Local Or Minority Owned:

The Recipient pledges not to use local and local minority vendors solely as conduits for vendors that are not local and minority owned. Any discovery by DEO under the Department of Administration of a Recipient, either knowingly or unknowingly, using the masthead of a local or minority owned

business as a way to get credit for local or minority employment when it should not, will immediately subject the Recipient to the penalties listed in Section VIII (d) below.

4. Summation of Documentation Needed For Compliance with Agreement

1. Letter Designating Project Employment & Contracting Officer (Appendix A)
2. Letter designating Project employment & Contracting Officer to Recipient's Employees (App.) AZ
3. Example of Initial Manning Report (Appendix B)
4. Letter Of Acceptance of Initial Manning Report (Appendix C)
5. Letter From Developer Forwarding Requests for Quotation or Bid for Minority and Residential Vendors from Acting Mayor Jerramiah T. Healy's Business Cooperative Program (Appendix D)
6. Documentation of Bid Submission (Appendix D2)
7. Letter Expressing Project Employment & Contracting Obligations to Contractors/ Subcontractors (Appendix E)
8. Union Statement of Best Efforts (Appendix F)
9. Example of Monthly Manning Report (Appendix G)
10. Example of Monthly Certified Payroll Report (Appendix H)
11. Example of Bi-Weekly Site Visit Report (Appendix I)
12. Example of Documentation of Hiring Plan (Appendix J)
13. Example of Semi-Annual Employment Report (Appendix K)
14. Example of Semi-Annual Purchasing Report (Appendix L)

VII. Notices of Violation:

1. Advisory Notice: The City will issue a written Advisory Notice to the Recipient if there is non-compliance with a Good Faith requirement as defined in this agreement. The Advisory Notice shall explain in sufficient detail the basis of the alleged violation. The Recipient shall have four (4) working days to correct the violation. An example of an Advisory Notice can be found in Appendix M.
2. Violation Notice: If the alleged violation set forth in the Advisory Notice has not been corrected to the satisfaction of the City within four (4) working days, the City shall then issue a Violation Notice to the Recipient. The Violation Notice shall explain in sufficient detail the basis of the alleged, continuing violation. The Recipient will have three (3) working days to correct the violation. An example of a Violation Notice can be found in Appendix N.
3. Correcting the Violation: Either or both the Advisory Notice or the Violation Notice may be considered corrected if the Recipient satisfies the requirements of this agreement and so advises the City in writing, subject to confirmation by the City.
4. Extension of Time to Correction: Either the Advisory Notice or the Violation Notice may be held in abeyance and the time for correction extended if the Recipient enters into satisfactory written agreement with the City for corrective action which is designed to achieve compliance. If Recipient fails to abide by the terms of such agreement the violation

will be considered not corrected.

5. Meetings Concerning Violations: The City may provide an opportunity for a meeting with the Recipient, his Contractors or Subcontractors in an effort to achieve compliance; or may respond to Recipient's request for a meeting after the Recipient has made timely submission of a written explanation pursuant to the above. The meeting shall be requested no later than two days after the alleged violator has submitted the written explanation.
6. Interviews Relating to Violations: The City may conduct interviews and may request additional information from appropriate parties as is considered necessary to determine whether the alleged violation has occurred.
7. Determination of Violation: The City shall issue a determination of whether the Recipient is in violation of this agreement as soon as possible but not later than thirty days after the delivery of the Violation Notice to the Recipient. If the City determines that the Recipient is in violation, the City shall be entitled to the liquidated damages provided below.

VIII. Damages:

While reserving any other remedies the City may have at law or equity for a material breach of the above terms and conditions, the parties agree that damages for violations of this agreement by the Recipient cannot be calculated within any reasonable degree of mathematical certainty. Therefore, the parties agree that upon the occurrence of a material breach of any of the above terms and conditions and after notice and expiration of any period to correct the violation, the City will be entitled to liquidated damages from the Recipient in the following amounts:

- a) failure to file Initial Manning Reports (Construction Jobs) or Pre-Hiring Notification (Permanent Jobs) or Pre-Contracting Notification (Business Contracting): Five (5%) percent increase in the annual payment in lieu of taxes;
- b) failure to conduct Pre-hiring Interviews or submit Compliance Statement (Construction Jobs) or Solicit Bids (Business Contracting): Three (3%) percent increase in the annual payment in lieu of taxes;
- c) failure to allow record or work place access or submit any other required reports (all categories): Two (2%) percent increase in the annual payment in lieu of taxes.
- d) the use of the local or local minority business' masthead for labor or work supplied by a non local or local minority vendor: Five (5%) percent increase in the annual payment in lieu of taxes.

IX. Commercial Tenants at the Project Site:

1. The Recipient shall send all tenants of commercial space within the Project Site a letter and a Tenant Employment Services Guide in the form attached as Appendix O.

2. The Recipient shall solicit information from tenants of commercial space about the composition of the work force of each tenant. The information solicited will be submitted to the Project Employment & Contracting Monitor, which shall provide the Recipient with a questionnaire in the form attached as Appendix P.
3. The Recipient will send the results of its solicitation to the Project Employment & Contracting Monitor no later than October 31 of each year.
4. The Recipient shall send all tenants of commercial space within the Project Site a Supplier Alert Service Registration Package in the form attached as Appendix Q.

X. Notices

Any notice required hereunder to be sent by either party to the other, shall be sent by certified mail, return receipt requested, addressed as follows:

1. When sent by the City to the Recipient it shall be addressed to:

109 Christopher Columbus, LLC
109 Christopher Columbus Drive
Jersey City, NJ 07302

And

Charles Harrington, Esq.
Harborside Financial Center
2510 Plaza Five
Jersey City, NJ 07311

2. When sent by the Recipient to the City, it shall be addressed to:

Project Employment & Contracting Monitor
Department of Administration
Division of Economic Opportunity
280 Grove Street – 1st Floor
Jersey City, New Jersey 07302

with separate copies to the Mayor and the Business Administrator; unless prior to giving of such notice, the City or the Recipient shall have notified the other in writing.

XI. Adoption, Approval, Modification:

This agreement shall take effect on the date that the Economic Incentive is approved by the Municipal Council.

XII. Controlling Regulations and Laws:

To the extent required by State and Federal Law and so long as the Entity discharges its Good

Faith obligations under this agreement, the City agrees and acknowledges that the Recipient and its contractors are free to hire whomever they choose. If this agreement conflicts with any collective bargaining agreement, the City agrees to defer to such agreements so long as the Recipient provides the City with a copy of the offending provision in the collective bargaining agreement.

ATTEST:

CITY OF JERSEY CITY

Robert Byrne
City Clerk

John Kelly
Business Administrator

WITNESS:

109 CHRISTOPHER COLUMBUS, LLC

Secretary

President