

City Clerk File No. Ord. 10-128

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 10-128

TITLE:

**AN ORDINANCE OF THE CITY OF JERSEY CITY, IN  
THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING  
FOR A SPECIAL EMERGENCY APPROPRIATION OF  
\$22,000,000 FOR THE PAYMENT OF CONTRACTUALLY  
REQUIRED SEVERENCE LIABILITIES RESULTING  
FROM THE LAYOFF OR RETIREMENT OF CITY  
EMPLOYEES**

WHEREAS, N.J.S.A. 40A:4-53 provides that a municipality may adopt an ordinance providing for a special emergency appropriation for contractually required severance liabilities resulting from the layoff or retirement of City employees; and

WHEREAS, the Municipal Council of the City of Jersey City, in the County of Hudson, New Jersey (the "City") has determined to authorize a special emergency appropriation to provide for the payment of contractually required severance liabilities resulting from the layoff or retirement of City employees; and

WHEREAS, the estimated cost of the payment of the required severance liabilities is \$22,000,000; NOW THEREFORE

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$22,000,000 is hereby appropriated for the payment by the City of contractually required severance liabilities resulting from the layoff or retirement of City employees, and the same shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

Section 2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one fifth of the amount authorized by this ordinance and as provided in N.J.S.A. 40A:4-55.

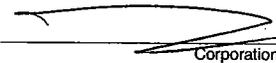
Section 3. A copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 4. This ordinance shall take effect upon final passage and publication as required by law.

APPROVED: 

APPROVED AS TO LEGAL FORM

APPROVED:   
Business Administrator

  
Corporation Counsel

Certification Required

Not Required

City Clerk File No. Ord. 10-129

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 10-129

TITLE:

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

**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 III of the Land Development Ordinance includes Procedures to be followed for development; and

**WHEREAS**, the existing Historic Preservation Review Procedures section should be amended to bring the appeals procedure into conformity with other City appeals processes; and

**WHEREAS**, Article V includes Historic Design Standards; and

**WHEREAS**, the existing Historic Design Standards section would benefit from reorganization of certain sections; 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 September 21, 2010 did vote to recommend that the Municipal Council amend the Land Development Ordinance Sections III and V; 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 Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the 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 further 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.

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

APPROVED AS TO LEGAL FORM

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

APPROVED: Carl Gagliardi

APPROVED: [Signature]  
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 PERTAINING TO HISTORIC PRESERVATION**

**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 III and Article V of the Land Development Ordinance (Zoning Ordinance) to reorganize the Historic Design Standards and modify the Historic Preservation Review Procedures with regard to appeals.

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

The amendments will clarify the Historic Design Standards and bring the Review Procedures into consistency with other City appeals processes.

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

Improved clarity of Ordinance and streamlined procedures

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

None

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

Upon approval

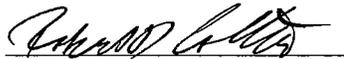
**8. Anticipated Completion Date: N/A**

**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

10/5/10  
\_\_\_\_\_  
Date

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

10/5/10  
\_\_\_\_\_  
Date

# **SUMMARY STATEMENT**

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

This Ordinance will amend Article III and Article V of the Land Development Ordinance (Zoning Ordinance) to reorganize the Historic Design Standards and modify the Historic Preservation Review Procedures with regard to appeals.

8/30/10

### ARTICLE III

#### APPLICATION REQUIREMENTS, DEVELOPMENT PROCEDURES AND CHECKLISTS

##### 345-30 HISTORIC PRESERVATION REVIEW PROCEDURES

###### A. Certificate of Appropriateness/Certificate of No Effect.

No permit shall be issued or amended nor shall any construction, alteration, minor alteration, ordinary maintenance and repair or demolition be started on a landmark building nor on any sign, building, structure, object, site or landscape feature within a ~~designed~~ **designated** historic district, whether or not a construction permit is required, prior to a filing of an application for review by the Historic Preservation Commission ~~or~~ **and** the issuance of either a Certificate of Appropriateness or a Certificate of No Effect.

1. Application for review. Application for a Certificate of Appropriateness or a Certificate of No Effect shall be made on forms available in the Division of City Planning. A completed application form shall be returned to the Division of City Planning and shall be accompanied by:
  - a. Appropriate sketches and/or signed drawings.
  - b. Current photograph(s) of façade showing detail, if applicable.
  - c. A copy of Tax Assessor's 1938 photo showing façade, if not already on file with the Division of City Planning.
  - d. Specifications of all materials to be used, including catalog lot sheets, sample paint chips, etc.
  - e. A detailed description explaining the proposed construction, alterations, minor alterations, ordinary maintenance and repair or other changes; **a contract for work shall be submitted if applicable**. If the proposed changes are to be presented to the Planning Board or Board of Adjustment, the same documentation for submission to those Boards shall be submitted to the Commission in addition to the above-required items.
2. No Change.
3. No Change.

###### B. Appeals to the Board of Adjustment

1. An applicant dissatisfied with the action of the Commission resulting in the denial of a Certificate of Appropriateness shall have the right to appeal to the Board of Adjustment within twenty (20) days after receipt of notification of such action. The applicant shall be advised by the Secretary to the Board of Adjustment of the time and place of the hearing at which the appeal will be considered and shall have all rights defined under NJSA 40:55D-70, Subsection a. ~~If the Board of Adjustment affirms the Commission's denial, the applicant may seek legal remedies as cited in NJSA 40:55D-17.~~
2. A Certificate of Appropriateness or a Certificate of No Effect shall be valid for a period of one (1) year from the date of issue unless reasonable extensions are granted by the Commission; requests for extensions shall be made by written request and shall require five (5) affirmative votes. If a permit is also required and is obtained prior to expiration of the one-year period, then the certificate shall be valid for the life for the permit.

- C. No Change
- D. No Change
- E. No Change
- F. No Change
- G. No Change

8-30-10

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

**345-71. HISTORIC DESIGN STANDARDS**

- A. No Change
- B. No Change
- C. No Change
- D. No Change
- E. No Change
- F. No Change
- G. No Change
- H. No Change
- I. No Change
- J. No Change
- K. No Change
- L. Additional Regulations for Alterations and Additions to Buildings and New Construction
  - 1. No Change
  - 2. No Change
  - 3. Additions
    - a. No Change
    - b. Rooftop Additions. A Certificate of no Effect will be granted for applications for rooftop additions which meet the following criteria:
      - i. No Change
      - ii. No Change
      - iii. No Change
      - iv. No Change
      - v. No Change
      - vi. No Change
      - vii. ***Applications for rooftop additions which do not meet the above criteria will most likely require a Certificate of Appropriateness.***
    - c. ***Supporting Documentation. Applications for rear yard or rooftop additions must include photographs of the existing buildings (including rear façade for rear additions), individually and in the context of the neighborhood, to-scale floor plans, elevations and sections of the building and addition, to-scale sight line drawings for rooftop additions, a site plan of the entire block for rear yard additions, full or half scale details of windows, doors and decorative trim, materials and color samples.***
  - 4. Restoration

- a. A Certificate of No Effect will be granted for applications for the restoration of a building or building façade features (such as stoops, cornices, window and door openings and enframements) to their historic appearance when the following criteria are met:
  - i. No Change
  - ii. No Change
  - iii. No Change
  - iv. No Change
  - v. No Change
  - vi. ~~Applications for rooftop additions which do not meet the above criteria will most likely require a Certificate of Appropriateness.~~
- ~~b. Supporting Documentation. Applications for rear yard or rooftop additions must include photographs of the existing buildings (including rear façade for rear additions), individually and in the context of the neighborhood, to scale floor plans, elevations and sections of the building and addition, to scale sight line drawings for rooftop additions, a site plan of the entire block for rear yard additions, full or half scale details of windows, doors and decorative trim, materials and color samples.~~

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

11. Sidewalk Repair and Replacement (Revised)

- a. No Change
- b. Replacement of more than Fifty Percent (50%). In the case of stone paving such as blue stone, the replacement units should be of the same material, shape, and size as the existing stone paving
  - i. When the pervious material is concrete, then blue stone or colored concrete must be used. Colored concrete after curing should be ***Scofield Charcoal Gray or equivalent "French Gray"***. The texture of the concrete should be made smooth with a wood float in order to create a texture more like blue stone. The sidewalk should cure without fine finishing and lines should be scored without edging. ~~An alternating 2 x 4 foot grid pattern is preferred; however, 2.5 x 5 foot is also acceptable.~~ Corners (intersections) need to meet ADA standards and sloped areas (re: driveways or ramps) should have a coarse ***light*** broom finish for traction.

M. No Change

City Clerk File No. Ord. 10-130

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 10-130

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MARTIN LUTHER KING DRIVE REDEVELOPMENT PLAN CLARIFYING ELEVATOR REQUIREMENTS**

**WHEREAS**, the Municipal Council of the City of Jersey City, adopted the Martin Luther King Drive Redevelopment Plan (hereinafter "the MLK Plan") at its meeting of December 8, 1993; and

**WHEREAS**, the MLK Plan has been amended several times since its original adoption; and

**WHEREAS**, the Municipal Council seeks to advance and promote high quality new construction on vacant corner lots with in the MLK Neighborhood Shopping District; 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

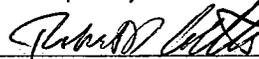
**WHEREAS**, the following amendments to the Martin Luther King Drive Redevelopment Plan have been reviewed by the Jersey City Planning Board at its meeting of October 26, 2010; and

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

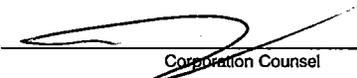
**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the recommended amendments to the Martin Luther King Drive Redevelopment Plan be, and hereby are, adopted.

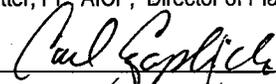
**BE IT FURTHER ORDAINED THAT:**

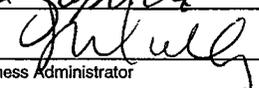
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City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

  
Corporation Counsel

APPROVED: 

APPROVED:   
Business Administrator

Certification Required

Not Required

**ORDINANCE FACT SHEET**

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

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MARTIN LUTHER KING DRIVE REDEVELOPMENT PLAN CLARIFYING ELEVATOR REQUIREMENTS**

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

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

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

The amendment will clarify the language in the redevelopment plan, requiring an elevator for new construction at 4 or 5 stories in height on corner lots.

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

The existing language in the redevelopment plan requires clarification.

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

The existing language in the redevelopment plan requires clarification.

**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

**10. Additional Comments: None**

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

  
Division Director

10/19/10  
Date

  
Department Director Signature

10/19/10  
Date

## **SUMMARY STATEMENT**

The amendment will clarify the language in the redevelopment plan, requiring an elevator for new construction at 4 or 5 stories in height on corner lots.

**PROPOSED AMENDMENTS TO THE MARTIN LUTHER KING DRIVE  
REDEVELOPMENT PLAN**

**PRESENTED TO THE JERSEY CITY PLANNING BOARD ON OCTOBER 26, 2010**

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

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

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

Page 68:

C. NEIGHBORHOOD SHOPPING DISTRICT (NS)

Page 72:

- e. Residential Development on vacant (as of the date of this amendment) corner lots 2,500 square feet or less.

New development on corner lots shall comply with all the standards and regulations of the Neighborhood Shopping District, Sections 1-6, except that the following area, yard, bulk, and parking requirements shall supersede:

- i. Maximum Building Coverage: 90%
- ii. Minimum Rear Yard Setback: 10 feet
- iii. Maximum Building Height: 5 stories and 60 feet, **provided that any number of stories above three (3) shall provide an elevator at least 5' by 7' in dimension, serving all units. No deviations shall be granted from this requirement.**
- iv. Maximum Density: ~~120 units per acre, provided that any number of units above three (3), within this district shall provide an elevator at least 5' by 7' in dimension, serving all units. No deviations shall be granted from this requirement.~~ **Density is not restricted except by minimum building code room size and unit size requirements.**
- v. Parking is optional, except that no curb cut or driveway access shall be located along Martin Luther King Drive.

Page 73:

7. Sub District E

Development within Sub District E shall comply with all the standards and regulations of the Neighborhood Shopping District, Sections 1-6, except that the following area, yard, bulk and parking requirements shall supersede:

- i. Maximum Building Coverage: 90%
- ii. Minimum Rear Yard Setback: 10ft
- iii. ~~Maximum Number of Seven (7) Dwelling Units~~ **Maximum Building Height: 5 stories and 60 feet**, provided that any number of ~~units~~ **stories** above three (3), within this district shall provide an elevator – at least 5 ft. x 7 ft. in dimension, serving all units. No deviations shall be granted from this requirement
- iv. Parking – optional, except that, no curb cut or driveway access shall be located along Martin Luther King Drive.
- v. **Maximum Density: Density is not restricted except by minimum building code room size and unit size requirements.**

City Clerk File No. Ord. 10-131

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 10-131

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AMENDMENTS TO THE NEWPORT REDEVELOPMENT PLAN TO AMEND  
PERMITTED USES**

**WHEREAS**, the Municipal Council of the City of Jersey City adopted the Newport Redevelopment Plan in February of 1985, and amended the Plan subsequently on September 22, 1988; and

**WHEREAS**, the Planning Board, at its meeting of October 12, 2010, determined that the Newport Redevelopment Plan would benefit from amendments to make numerous uses permitted rather than conditional; and

**WHEREAS**, existing uses listed as conditional do not have any conditions to go along with them, which is not allowed; and

**WHEREAS**, other minor amendments have been made to bring the plan up to date with existing conditions; and

**WHEREAS**, a copy of the Planning Board's recommended amendments to the Newport 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 Newport 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 Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the 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 further 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

  
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 NEWPORT REDEVELOPMENT PLAN TO  
AMEND PERMITTED USES**

**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 Plan by making previously "conditional uses" now "permitted". The conditional uses had no listed conditions and are uses which are typical throughout the Plan Area. Additionally, changes were made to bring the Plan up to date by since it had not been modified since 1988.

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

Existing conditional uses have no conditions, which is not allowed, and the uses should be permitted.

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

Revised permitted uses in the Plan Area will more accurately reflect the existing conditions and desired development for the area.

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

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

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

Upon Adoption.

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

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

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

**10. Additional Comments:**

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

  
Division Director

  
Department Director Signature

13 OCT. 2010  
Date

10/13/10  
Date

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AMENDMENTS TO THE NEWPORT REDEVELOPMENT PLAN TO  
AMEND PERMITTED USES**

This ordinance amends the Plan by making previously “conditional uses” now “permitted”. The conditional uses had no listed conditions and are uses which are typical throughout the Plan Area. Additionally, changes were made to bring the Plan up to date by since it had not been modified since 1988.

# **NEWPORT REDEVELOPMENT PLAN**

**ADOPTED: FEBRUARY 1985  
AMENDED: SEPTEMBER 22, 1988**

**Amendments as Recommended by the Planning Board on October 12, 2010  
and as Modified by the Municipal Council as its meeting of \_\_\_\_\_, 2010**

**Draft 9/13/10**

## **I. INTRODUCTION**

In October 1980, the then existing Northern Waterfront Redevelopment Plan was amended to permit development of the blighted area as a high density, mixed-use Urban Center to be known as Harborside. The amendment substituted the Harborside Redevelopment Plan for the Northern Waterfront Redevelopment Plan. In 1985 the Harborside Redevelopment Plan was amended for the following reasons:

- A. To formalize the projects name change from Harborside to Newport City (name amended to Newport in 1988).
- B. To change the character of the development in order to meet the current commercial and residential market conditions.
- C. To take advantage of new planning information and techniques which have become available since the original plan was adopted.
- D. To change the descriptions of the project phasing and land use in keeping with sound land use planning standards.
- E. To introduce the flexibility required for a long-term redevelopment project.

## **II. BOUNDARY DESCRIPTION**

The Newport Redevelopment Area (hereinafter referred to as "the Area") is located in the extreme northeastern corner of Jersey City. The site is situated along the Hudson River and it straddles the Holland Tunnel and the Port Authority Trans Hudson (PATH) tubes. The Area is described as follows:

**BEGINNING** at a point at the intersection of the centerline of 6th Street and Luis Munoz Marin Boulevard; thence in an easterly direction along the centerline of 6th Street to a point at its intersection with the U.S. Pier head Line; thence in a northerly direction along the U.S. Pier head Line to a point at its intersection with the Jersey City/Hoboken City line; thence in a westerly direction along the Jersey City/Hoboken City line to a point at its intersection with the centerline of Luis Munoz Marin Boulevard; thence in a southerly direction along the centerline of Luis Munoz Marin Boulevard to a point at its intersection with the centerline of 6th Street, being the point and place of **BEGINNING**.

### III. TRAFFIC, TRANSIT AND STREETS

- a) The major traffic influence upon the Area is the Holland Tunnels exit and entrance toll plaza, which is located in the central part of the site. The New Jersey Turnpike Extension and Routes 1 & 9 are the primary approach routes to the Tunnel and the site.
- b) The secondary streets surrounding the site are arranged on a relatively constant grid pattern and are used for local circulation to gain access to the Tunnel.
- c) Marin Boulevard, which forms the western boundary of the site, is a major north/south route for local traffic. Christopher Columbus Drive, further to the south of the site, is a major arterial route for this portion of Jersey City. *New arterial streets have been built to provide access to and from the Newport Redevelopment Area.* ~~There are no major traffic routes located within the site, as it is largely undeveloped.~~
- d) The Area has access to a series of existing and well developed mass transit systems including New Jersey Transit (both bus and rail service), Port Authority Trans Hudson (PATH) subways and local bus service. The system of local highways and the Holland Tunnel link the Area to the regional road network.
- e) Traversing the project area is a branch of the PATH subway with the Pavonia Avenue ~~/Newport~~ Station located at the approximate center of the Area. This station provides direct access to both the Midtown and Lower Manhattan lines of the PATH System as well as to Newark's Penn Station via Journal Square. All areas of the site are within easy walking distance of the PATH rapid transit facilities.
- f) At the northern edge of the Area is the Hoboken Terminal, a major commuter transfer station. This terminal combines bus, rail and PATH subway service. Express bus lines provide shuttle service between Hoboken Terminal and the 42nd Street Port Authority Bus Terminal in New York City via the Lincoln Tunnel. Also originating from this terminal are New Jersey Transit trains to points throughout northern New Jersey.
- g) Local bus service also currently operates in the vicinity of the project area.

#### IV. REDEVELOPMENT GOALS

- A. Successful redevelopment of this large blighted area requires the creation of a large scale, essentially new, physical environment. Such a large-scale redevelopment project must derive initially from an existing strong market area.
- B. Carefully planned and implemented redevelopment can reverse a trend of deterioration and can serve as a catalyst for major renovation and improvements beyond the projects boundaries and have a positive impact upon the entire region.
- C. The redevelopment of the Area will provide for the functional and physical improvement of the Area as well as provide a uniform and coordinated attack on blighted conditions.
- D. The successful redevelopment plan for this particular site must make good use of the following features:
  1. The unique and dramatic location along the Hudson River waterfront across from Lower Manhattan, New York City.
  2. The existing regional transportation facilities of:
    - a) The PATH System including the Pavonia Avenue Station within the central portion of the site, the Hoboken Station at the northern boundary and the Exchange Place and Grove Street stations just south of the site.
    - b) The New Jersey Transit System at the northern boundary.
    - c) The major approach roads for the Holland tunnel from the New Jersey Turnpike and Routes 1 & 9.
  3. The strong market, which exists for a new regional commercial shopping facility to serve Hudson County and nearby New York City. This market is well identified but until now the absence of a large site with suitable access has prevented that market from being fully utilized.
  4. An existing market for modern hotel/convention facilities in close and convenient proximity of New York City.
  5. An existing market for apartments, townhouses and condominium units within the metropolitan area and within walking distance of mass transit into New York City.
  6. An expanding market for new high quality energy efficient major office space

with direct access to mass transit.

7. Additional open green space and active parks
- E. The redevelopment of the Area will allow for a carefully orchestrated balance of land uses where commercial, residential and recreational areas are systematically designed to provide a cohesive community structure.
- F. The redevelopment project affords an excellent opportunity for the application of this type of comprehensive planning concept. Its location has definite advantages, which make it particularly well suited to varied land uses. One of the most important assets is the potential for a variety of new waterfront uses and amenities, all with a spectacular view of the Manhattan skyline, Statue of Liberty, and the Upper Bay.

## V. OVERALL REDEVELOPMENT OBJECTIVES

- A. The overall objectives of this Redevelopment Plan will be to provide for:
  1. The construction of a regional shopping mall to serve Hudson County municipalities and adjoining communities.
  2. The development of apartments, townhouses and condominiums.
  3. The creation of thousands of construction jobs and a comparable number of permanent within the retail and office space after construction is completed.
  4. The establishment of a commercial, office and residential development, which will stabilize and revitalize Jersey City's tax base.
  5. The reconstruction and revitalization of a portion of Jersey City's Waterfront long dormant due to its former ownership by bankrupt railroads.
- B. With residential development making good use of the panoramic view, commercial enterprises shall be blended to make the community a prosperous and viable urban unit. Provisions for open space and public facilities will complete this civic entity.
- C. Successful redevelopment will necessitate:
  1. Major improvements to the site's PATH Station.

2. Improved vehicular access to the site.
  3. Continued, gradual improvements to the regional mass transit and road networks.
  4. *Completion of the Hudson-Bergen Light Rail tracks and station.*
  5. *Completion of the Hudson River Waterfront Walkway.*
- D. The implementation of the redevelopment plan will help to restore the economic and social viability of the most densely populated area in New Jersey and will integrate the area into the physical and social fabric of Jersey City.

## VI. SPECIFIC REDEVELOPMENT PLAN OBJECTIVES

### A. Land Use

The land use plan has been developed through blending of the redevelopment objectives, the physical features of the site and an analysis of market conditions. The ability of the development to maintain a responsive approach to market conditions through flexibility in land uses and intensities of development is a key element of the plan.

In planning for the redevelopment of the Area, a special emphasis has been placed on the distinctive character of the neighborhoods (existing and newly developed), the needs of the surrounding community and the unique character of the Hudson River waterfront. This emphasis will be apparent through the careful design and implementation of improved open spaces, waterfront recreation areas and marinas. The ease of access to the other areas of Jersey City and to New York City will compliment the neighborhood character.

The unifying theme in the arrangement of land uses is the intensity of development in relation to the mass transit facilities. Maximum diversity and intensity will occur in the areas closest to the major mass transit locations, reduced density will occur farther away.

Waterfront development to the extent possible will maximize use of the existing pier and bulkhead areas.

Where feasible, roadways and major utility corridors will be aligned to match the subsurface easements of the Holland Tunnel and PATH tubes. This alignment maximizes land usage while developing a road and utility services network that will be unsurpassed in the metropolitan area. A major north/south thoroughfare

will provide an access corridor through the entire length of the Area from 6th Street on the south to 18th Street on the north. Connections with the New Jersey Turnpike, the Holland Tunnel, and Routes 1 & 9 will be made via the 14th Street Extension, the 11th Street Viaduct and 18th Street. North-south streets which are a continuation of existing streets shall bear the same name as the existing street. However, such streets may change the roadway designation word (i.e. street may become boulevard).

With the resurgence of waterborne transit as a viable means of moving between New Jersey and New York, high speed ferry stops may operate along the riverfront to serve residential and commercial use of the Area. Similarly, helistops providing helicopter connections with the Manhattan financial and business districts as well as major and minor outlying airports are also planned for the Newport waterfront region.

Buffer areas created through land use, landscaping or use of other natural features will be provided around the portals of the Holland tunnel, along the northern boundary with the Hoboken rail yards and where appropriate along Marin Boulevard. Other buffer areas will be created within the site to separate residential development from office and retail land uses. These areas will present an attractive and environmentally sound transition between differing land uses.

A complete system of access roadways will be provided to minimize the impact of project traffic upon existing neighborhoods and provide efficient and safe vehicle access to and from the Area.

New domestic water, sanitary and storm sewer and electric utilities will replace the existing aged and failing infrastructure. These improved support utilities will be capable of serving the new development as well as in many cases improving service in the local existing neighborhoods.

#### B. Commercial and Retail Development

A major component of the overall redevelopment will be the creation of an enclosed regional shopping mall. The shopping mall at Newport will be the only mall in New Jersey with direct access to an extensive system of rapid transit facilities. This excellent transportation network makes this shopping center attractive to a market area ranging beyond Hudson County to include the greater Newark metropolitan area and sections of lower and Midtown Manhattan, while generating reduced automobile traffic normally attributed to a center of this size.

The shopping center will be comprised of three or four major department stores and a number of smaller retail stores on two levels. Grade lots and multi-level structured parking facilities will provide mall patrons with convenient vehicle

access. A retail bridge and aerial walkways will connect the center with parking structures, the PATH Station and the hotel and office complexes planned to the east of the center.

The development of the shopping mall will occur in stages with initial development consisting of two or three major department stores and approximately 250,000 square feet of smaller stores. Parking for the mall in the early stages may consist of grade lots and structured parking. In its final configuration, the shopping mall will feature up to four major department stores and 350,000 square feet of smaller stores. Additional structures will be built to accommodate the increased parking demands.

#### C. Community Commercial Development

A community commercial center planned in the vicinity of Marin boulevard and the Long Slip Canal will comprise from 100,000 to 200,000 square feet of commercial retail space. It will contain a supermarket and drug store as major tenants as well as smaller shops catering to the service needs of the adjoining neighborhoods. The smaller shops in such centers frequently include a cleaner, beauty parlor, bakery, shoe repair, laundry, delicatessen, variety shop and barber shop. The supermarket is expected to have a market area exceeding 1 ½ miles.

#### D. Hotel Development

The redevelopment area will provide an opportunity for development of hotel facilities without equal in the New York metropolitan area. Accordingly, a major hotel is planned in the vicinity of the PATH Station to complement the core of office and retail facilities concentrated in that area.

The hotel will be only minutes from the Wall Street and Midtown areas of Manhattan by PATH, yet will also have excellent highway access to both Manhattan and New Jersey. It is anticipated that the hotel facility will generate much of its business through the direct rapid transit link to Manhattan.

Initial development will be in the range of 600 rooms with expansion to 1200 rooms as the project develops. Additional facilities are permitted to be developed if demand for such amenities is sufficient.

Hotels have been a central theme in most successful multi-use redevelopment projects. This hotel along with the related development of waterfront commercial and marina facilities will lend a vitality and impetus to the project, a key to sustaining the redevelopment process.

E. Office Development

Mass transit utilization will be a central theme in office development at Newport. Therefore, the highest intensity of development in the initial phases and the highest density of development overall will be concentrated in the vicinity of the PATH Station. Lower density office development will serve as buffer areas to provide a transition between the industrial development to the west of Marin Boulevard and north of Boyle Plaza and the new residential neighborhoods to be built within the Area.

The size and character of the office buildings will be a product of the market needs existing at the time of construction. Parking may be provided either within the lower levels of the office buildings, in structures immediately adjacent to the office buildings or in remote mixed-use parking decks. Office parking within the development will be generally restrictive to encourage mass transit usage.

F. Waterfront Cultural/Commercial Development

Central to the objective of waterfront revitalization will be the development of retail, commercial and restaurant activities along the Hudson shoreline. This form of land use, with the New York skyline and marina areas as dramatic background, will become the nucleus for a lively entertainment and shopping environment to be created in conjunction with the building of hotel facilities. Utilization of existing pier areas will allow the development to be carried out over the water, intensifying the experience.

It is envisioned that 200,000 square feet of waterfront commercial and cultural space may ultimately be constructed upon and adjacent to the piers. Low profile buildings will house pedestrian oriented shops, restaurants and boutiques. Cultural facilities that may include theaters, libraries, museums and art galleries will complete the high quality mix, providing a special character to this area of the Newport project.

G. Residential Development

The goal of the residential development within the area is the creation of a series of neighborhoods providing a broad range of apartments, townhouses and condominiums, all with easy access to transportation, employment, shopping, entertainment and recreation. Regardless of the type or size, all will relate closely to the spectacular view of the Hudson River and Manhattan Island beyond.

The Area is strengthened by its urban location and unique character. The site's particular strengths will be used to develop a well-conceived and cohesive series of residential centers along a network of pedestrian routes. The residential

development will help to reverse past trends of outward migration from the Jersey City area and attract new families to the Project Area.

Residences will connect to landscaped areas, improved open spaces and courts, which may contain the major and minor pedestrian routes. These pedestrian routes will be separated from vehicular traffic. The improved open space areas may be expanded and developed for neighborhood recreational uses and community services. The pedestrian routes will all connect outward to the waterfront developing views and keeping close visual contact with the water.

The grouping of residential units will be greatest along the major north-south road with a decrease in scale and density as development moves toward the waterfront and pier areas. Variations in height and setback will be used to develop views between the residential blocks. In the initial stages of the project higher density housing will be developed. In subsequent phases lower density housing will be added to the residential mix.

#### H. Marine Recreation

Within the project site marina areas will be developed. These will provide moorings, slips, docks and other water related marina uses between the river's edge and the pier head line. Within these areas developments will be encouraged that are special to waterfronts and recreational activities. Housing and commercial recreation may be developed to enhance this marine character.

#### I. Community Facilities/Public and Semi-public Uses

Accessibility to community facilities is important to the concept of diversified residential neighborhoods. Community facilities and public services including postal and police facilities will be an integral part of the new neighborhoods and the entire redevelopment project.

A Jersey City Fire Department station is presently located adjacent to the project site on Marin Boulevard and it serves the Redevelopment Area as well as the surrounding neighborhoods.

As the residential neighborhoods within Newport develop the project will monitor the demand for school facilities.

#### J. Recreation and Open Space

Improved open space within the Area will be designed to introduce a range of functional and recreational elements into the project. Improved open space in conjunction with the orientation and massing of buildings will serve to provide

neighborhood identities to areas of residential development. Pedestrian walkways and parks will link the residential, waterfront, transit, office and retail elements of the project. Linear parks will carry the unique character of the Hudson shoreline and the Manhattan skyline throughout the development. Buffer areas will serve to provide a transition between differing land uses.

To encourage the development of neighborhood identities residential forms will be sited around improved open spaces, each a unique statement of its physical surroundings. The neighborhoods will be linked via pedestrian walkways and linear parks to the waterfront and other elements of the development.

In tandem with commercial/office land use landscaped open areas may be used in the areas surrounding the Holland Tunnel entrance and exit portals. A landscaped area along Marin Boulevard will act as a buffer between the existing residential neighborhood and the proposed new regional shopping mall. The Long Slip Canal along with landscaping will act as a visual and physical partition between proposed residential structures and the Hoboken Rail Terminal facilities. Buffer areas will be designed to provide a transition between commercial/office and residential land uses within the site.

Active recreational uses will be allowed on several of the smaller piers. These uses may include tennis courts, racquet clubs and similar activities. Bicycle routes and playgrounds will be designed throughout the Area. Neighborhood parks and pedestrian paths will connect a waterfront pedestrian way with the residential, commercial, recreational and cultural facilities on site.

#### K. Public Access to the Waterfront

In order for this waterfront multi-use project to realize its full potential it is necessary that the redevelopment plans incorporate public access to the waterfront while also preserving the privacy and security needs of the residents.

The waterfront access plan developed for the Area strikes this crucial balance by providing a waterfront pedestrian route from the Long Slip Canal south to 6th Street. This walkway will connect with segments of the New Jersey Department of Environmental Protection Waterfront Walkway planned north and south of the Area. Incorporated into the walkway will be certain design elements as required by the New Jersey Department of Environmental Protection, Division of Coastal Resources. Additional linear walkways will provide east-west access through the development to the waterfront along major thoroughfares and streets. A public fishing pier will be incorporated into the plan.

Access to those piers with residential development will be controlled to assure that

activities in these portions of the Area are compatible with the residential uses.

L. Public Access to Pavonia PATH Station

New pedestrian ways will be provided at 6th and 11th Streets to provide public access into the Area. Additionally covered and lighted pedestrian access through the mall parking facility and common areas of the mall will be provided to enable pedestrian uses of the Pavonia PATH Station.

VII. LAND USE PROVISIONS

Long-term redevelopment implementation is the basic given in a redevelopment project the scale of Newport. Necessarily land use controls for such a project must be structured so as to provide sufficient flexibility to cope with the uncertainties of time, (i.e. the marketplace) and still provide prudent, reasonable and quantifiable development regulations to protect the public interest. It is further understood that the redevelopment of the area is also regulated and controlled by redevelopment agreement between designated redevelopers and the Jersey City Redevelopment Agency executed pursuant to NJSA 40:55C-1 et seq.

The development regulations for the Area consist of two interrelated parts, land use district regulations and the Land Use District Map.

A. Land Use District Regulations - The Area has been divided into six Development Districts:

DISTRICT DESIGNATION	DESIGNATION CODE
RESIDENTIAL	RES
OFFICE COMMERCIAL	OC
REGIONAL COMMERCIAL	RC
COMMUNITY COMMERCIAL	CC
WATERFRONT COMMERCIAL	WC
RAILROAD	RR

1. Residential District

a. Permitted Principal Uses

- Residential
- *Hotel*
- Retail sales of goods and services
- *Restaurants, bars and nightclubs*
- Public and semi-public uses, *except that natural gas*

***transmission lines shall be prohibited***

- Open space and recreation both public and private
- Offices
- Transit facilities
- ***Cultural Center***
- ***Helistops***
- ***Satellite earth stations***
- ***Public Utilities, except that natural gas transmission lines shall be prohibited***
- Mixes of the above

b. Accessory Uses

- Parking facilities
- Bulkheads and piers

e. ~~Conditional Uses~~

- ~~- Helistops~~
- ~~- Satellite earth stations~~
- ~~- Commercial offices mixed with residential in the same structure~~
- ~~- Restaurants, bars and nightclubs~~
- ~~- Public Utilities~~
- ~~- Mixes of the Above~~

d. Intensity of Development ***Requirements and Regulations***

- (1) The maximum residential density within this district shall not exceed 200 units per acre of developable area. Individual development projects may exceed this limit provided that the overall density limit for the entire district is not exceeded.
- (2) Retail sales of goods and services shall be limited to a total maximum of 10% of the residentially developed floor area. Such limitation shall be based upon already developed residential floor areas or proposed residential floor areas which are a part of a site plan application for this paragraph's referenced uses.
- (3) Commercial offices and commercial offices mixed with residential in the same structure may ***shall*** be permitted to be developed up to a maximum of 20% of the residentially

developed floor area. Such limitation shall be based upon already developed residential floor areas or proposed floor areas, which are a part of a site plan application for this paragraph's referenced uses.

- (4) Restaurants, bars and nightclubs may be developed in conjunction with any of the other uses referenced above for this district. Such uses may also be established in freestanding structures. The floor areas of such uses shall be included in the maximum areas allowed under paragraph 2 of this subsection.
- (5) The overall maximum floor area ratio (FAR) for the Residential District shall be 10:1.
- (6) The percentage of improved open space within the Residential District shall be a minimum of 10% of the total district acreage. This percentage must be developed as improved open space.

## 2. Regional Commercial District

### a. Permitted Principal Uses

- Retail sales of goods and services
- Commercial recreational facilities
- Public and semi-public uses, *except that natural gas transmission lines shall be prohibited*
- Hotels and motels
- Offices
- Restaurants, bars and nightclubs
- Theaters
- Health facilities
- Transit facilities
- *Public Utilities, except that natural gas transmission lines shall be prohibited*
- *Satellite Earth Stations*

### b. Accessory Uses -

- Parking facilities
- Open space and recreational facilities
- Automotive service and parts dealers

### ~~e.~~ Conditional Uses

- ~~Public utilities~~
- ~~Helistops~~
- ~~Satellite earth stations~~

cd. Intensity of Development *Requirements and Regulations*

- (1) The overall maximum floor area ratio (FAR) for the Regional Commercial district shall be 7:1.
- (2) The percentage of improved open space within the Regional Commercial District shall be a minimum of 1%. This percentage may be developed as landscaped buffers and shall include such a buffer along any parking facility and Marin Boulevard.

(3) Commercial Office District

a. Permitted Principal Uses

- Offices
- Retail sales of goods and services
- Public and semi-public uses
- Restaurants, bars and nightclubs
- Residential
- Hotels and motels
- Theaters and meeting rooms
- Transit facilities
- Public Utilities, *except that natural gas transmission lines shall be prohibited*
- Satellite Earth Stations
- Marinas
- *Helistops*
- Mixes of the above

b. Accessory Uses

- Parking facilities
- Open space and recreational facilities
- Piers and bulkheads

~~e. Conditional Uses~~

- ~~Public utilities~~
- ~~Helistops~~
- ~~Satellite earth stations~~
- ~~Mixes of commercial and residential uses~~

—Marinas

cd. Intensity of Development *Requirements and Regulations*

- (1) Residential densities shall be as delineated for the Residential District. Residential development may be included with or may follow commercial development but may not exceed the gross floor area of commercial space so developed.
- (2) An overall maximum floor area ratio (FAR) of 12:1 shall be allowed for the commercial Office District.
- (3) A minimum of 5% of this District must be developed as improved open space.

4. Community Commercial District

a. Permitted Principal Uses

- Retail sales of goods and services
- Supermarkets
- Drugstores
- Package liquor stores
- Restaurants, bars and nightclubs
- Public and semi-public uses, *except that natural gas transmission lines shall be prohibited*
- Offices
- *Hotel*
- Theaters
- Residential
- Transit facilities
- Open space
- *Public Utilities, except that natural gas transmission lines shall be prohibited*
- *Satellite Earth Stations*
- *Automobile service, parts and repair facilities, and dealers*

b. Accessory Uses

- Parking facilities
- Automotive service and parts dealers

~~e. Conditional Uses~~

- ~~- Automobile service, parts and repair facilities~~
- ~~- Public utilities~~
- ~~- Satellite earth stations~~

cd. Intensity of Development *Requirements and Regulations*

- (1) Residential densities shall be as delineated for the Residential District. Residential development may be included with or may follow commercial development but may not be built to the exclusion of all other permitted uses.
- (2) An overall maximum FAR of 7:1 shall be allowed for the Community Commercial District.
- (3) A minimum of 5% of the Community Commercial District shall be developed as improved open space.

5. Waterfront Commercial District

a. Permitted Principal Uses

- Retail sale of goods and services
- Restaurants, bars and nightclubs
- Residential
- Theaters
- Commercial recreational facilities
- Offices
- *Hotel*
- Museums, galleries and other cultural facilities
- Transit facilities
- *Public and semi-public uses, except that natural gas transmission lines shall be prohibited*
- *Helistops*
- *Satellite earth stations*
- *Marinas and related sales and services*
- *Public utilities, except that natural gas transmission lines shall be prohibited*

b. Accessory Uses

- Parking facilities
- Bulkheads, piers and docks
- Open space and recreational facilities

~~c. Conditional Uses~~

- ~~- Public and semi-public uses~~
- ~~- Helistops~~
- ~~- Satellite earth stations~~

- ~~—Marinas and related sales and services~~
- ~~—Public utilities~~

cd. Intensity of Development *Requirements and Regulations*

- (1) Residential densities shall be as delineated for the Residential District. Residential development may be included with or may follow commercial development but may not exceed one-half of the gross floor area so developed.
- (2) The overall maximum floor area ratio (FAR) for the Waterfront Commercial District shall not exceed 4:1. For the purposes of computing FAR underwater acreage may not be used. Pier area, however, may be included in the calculations.
- (3) The district's proximity to the Hudson River shall satisfy all improved open space requirements within this district. A public fishing pier must be provided within this district.

6. Railroad District

Land uses within this district shall be dedicated solely to rail uses. Such uses must be necessary or ancillary to the Hoboken Terminal rail function.

B. Parking Requirements for all Districts

Off-street parking will be provided throughout the Area as required below. All parking will be provided through the use of *at-grade* lots and/or structured deck parking. The floor areas of multi-level parking structures shall not be included as square footage areas in any FAR computation. Remote and mix-use parking facilities will be an acceptable method of providing minimum off-street parking in all land use districts provided that adequate accessibility standards are maintained.

When more than one type of land use is planned or exists within any development project, 'major' and 'minor' land uses will be identified. This identification shall be based on the actual or anticipate generation of vehicular traffic from off-site due to each particular use. Those uses identified as 'minor' shall be relieved of the requirement to provide the number of parking spaces that the same use must provide when it is a 'major' permitted use (an example of such a 'minor' permitted use would be a convenience-type store located in a residential building. The primary market for the store is for the residents of the building, not from off-site). The final determination of 'major' and 'minor' use designations will be

subject to Planning Board approval.

The following standards shall be used to determine the potential peak off-street parking demand, which may be expected for each 'major' permitted use.

### **Parking Standards**

Enclosed Shopping  
Mall:

4.25 spaces per 1000 square feet of Gross  
Leasable area.

Offices:

One (1) stall per 1000 square feet of gross  
floor area for the first 50,000 gross square  
feet.

One (1) stall per each additional 2000 square  
feet up to 300,000 gross square feet.

One (1) stall per 4000 square feet of gross  
floor area thereafter.

Hotels And Motels:

½ space per room.

Residential:

½ space per residential unit.

Community Commercial:

One (1) stall per 333 square feet of Net  
Leaseable Area.

Waterfront Commercial

Uses:

One (1) stall per 1000 square feet of Gross  
Leasable Area.

The peak parking demand shall be calculated to make best use of the differing times and days of operation for the 'major' permitted land uses sharing the parking facilities. Changes in land use will require verification that required parking is still adequately provided. For development projects which do not produce the trip generation traditionally associated with the categories of land use listed above a parking needs analysis study may be submitted to the Planning Board in lieu of strict adherence to the above requirements. Upon presentation of such an analysis prepared by a Professional Engineer or Professional Planner the Planning Board may reduce the requirement for that specific project.

C. Signage

All signs within the Area will be subject to site Plan approval. Such signs shall be necessary, customary and incidental to the various land uses within the Area. Billboards are expressly prohibited. All such billboards are hereby considered nonconforming and shall be removed at the time of project development in those areas containing such uses.

A Uniform Signage Standard ~~will be~~ **has been** developed ~~subject to Planning Board approval~~ **and approved by the Planning Board, and any future amendments thereto shall be subject to the approval of the Planning Board.**

D. Site Plan Review

**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.**

~~Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1. et seq. Site plan review shall consist of a preliminary site plan application and a final site plan application. Applications may be submitted for the entire project or for any number of phases. Preliminary site plan approval shall entitle an applicant to apply for building permits for the particular phase or phases granted preliminary site plan approval. Final site plan approval for any phase or phases shall not be granted unless or until the phase(s) is (are) substantially completed or performance guarantees for site improvements for that (those) phase (phases) have been furnished by the redeveloper in accordance with NJSA 40:55D-53. No Certificate of Occupancy of any type shall be issued for any structure within the Redevelopment Area until the Planning Board of the City of Jersey City has given final site plan approval for the phase in which said~~

~~construction is located. Any performance guarantees required pursuant to NJSA 40:55D-53 shall be in favor of the City of Jersey City and in a form approved by either the Corporation Counsel of the City of Jersey City or the Jersey City Planning Board Attorney. The amount of any such performance guarantee(s) shall be determined by the City Engineer and shall be sufficient to assure completion of site improvements within one year of final site plan approval.~~

E. Subdivisions

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

F. Duration of Plan

The provisions and requirements of this Plan shall be in effect for a period of forty (40) years from the date of approval of this Plan by the City council of the City of Jersey City.

G. Refuse

All trash storage areas shall be enclosed and adequately screened and indicated on the site plan drawings. The method of trash removal shall also be indicated on said drawings.

H. Interim Uses

Interim uses may be allowed subject to Planning Board approval. The duration of such interim uses shall also be determined and approved by the Planning Board at the time of approval.

I. Multiple Uses

When more than one type of land use is planned or exists within any development project a 'major' and 'minor' land use will be identified pursuant to the parking requirements as specified in Section B, of this Article. More than one permitted principal use; accessory use or conditional use; or any combination, thereof, may exist on any given lot or in any given structure.

## VIII. 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 five hundred dollars (\$500) plus all costs of copying and of 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 40:55C-1 et seq. said developer shall pay these costs. If there is no developer the appropriate agency shall be responsible for any and all such costs.

**IX. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS**

A. The redevelopment agencies law, NJSA 40:55C-1 et seq. Specifically 40:55C-32, requires that redevelopment plan shall:

1. Conform to the general plan for the municipality as a whole; (and)
2. Shall be sufficiently complete to indicate such land acquisitions, demolition and removal of structures, redevelopment improvements, conservation or rehabilitation as may be proposed to be carried out in the area of the project, zoning and planning changes if any, land uses, maximum density, building requirements and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements.

B. In accordance with State requirements the following statements are made:

1. The proposals of this plan conform with the general plan for the City of Jersey City.
2. The redevelopment plan provides an outline for the development of the Area and is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements as proposed, planning changes, land uses, maximum densities, building requirements and its relationship to definite local objectives respecting appropriate land uses, improvement of traffic, public transportation, public utilities, community facilities and other public improvements to effectuate the public purposes of the redevelopment plan and appropriate state statutes.
3. Provisions for the temporary and permanent relocation of persons living in the redevelopment area shall be made through the Jersey City Redevelopment Agency Relocation Office. This Office shall be responsible for providing displaced persons with relocation assistance

necessitated by State and Federal law. This office will be staffed by qualified personnel who will actively assist displaced businesses and individuals in finding adequate accommodations. All businesses and individuals being displaced will be interviewed to determine their relocation requirements.

## X. DEFINITIONS

Developable Areas means upland areas or pier areas not dedicated to public rights-of-way.

Helistops means areas for landings and takeoffs of and takeoffs of helicopters but shall not include any servicing or parking functions for such crafts.

Improved Open Space means areas **containing** ~~including but not limited to~~ **such amenities as:** designed landscaping, architectural paving materials, passive or active recreational facilities, **lawns, parks,** and/or pedestrian walkways (**a.k.a. sidewalks**). For the purposes of calculating open space provisions, rooftop areas of parking structures which contain recreational facilities may have 50% of their actual area counted toward a project's improved open space requirement, subject to Planning Board Approval. In the event residential development occurs in the Community Commercial and Office Commercial districts, improved open space requirements shall be increased. Such increase shall be based on a weighted average calculation using an improved open space requirement of 10% of the land area dedicated to residential use.

City Clerk File No. \_\_\_\_\_ Ord. 10-132

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 10-132

**TITLE:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE CLARIFYING BUILDING HEIGHT AND GARAGES IN THE R-1 DISTRICT, OFF-STREET PARKING REGULATIONS, AND SIGNAGE IN THE WPD ZONE**

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

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

**WHEREAS**, existing standards for building height and garages in the R-1 (residential) district have caused confusion which could easily be clarified with these amendments; and

**WHEREAS**, there is an increase in the number of valet parking lots citywide and existing off-street parking regulations do not address their unique needs, and curb cuts need to be regulated and limited citywide; and

**WHEREAS**, signage regulations within the WPD (Waterfront Planned Development) zone are inappropriate and impractical to the point that all new signs request a variance, signaling the need to revise the zoning standards; and

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

**WHEREAS**, the Planning Board at its meeting of September 21, 2010 did vote to recommend that the Municipal Council amend the building height and garage standards in the R-1 zone, off-street parking regulations, and signage in the WPD zone; 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 Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the 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 further 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.

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 CLARIFYING BUILDING HEIGHT AND GARAGES IN THE R-1 DISTRICT, OFF-STREET PARKING REGULATIONS, AND SIGNAGE IN THE WPD ZONE**

**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 the Land Development Ordinance (Zoning Ordinance) to clarify permitted building heights and garages in the R-1 (residential) district, to amend off-street parking regulations, and to amend signage regulations in the WPD (Waterfront Planned Development) zone.

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

To relieve confusion about permitted building heights and garages in the R-1 zone, to better accommodate valet parking lots and limit curb cuts, and to allow for appropriate signage types and sizes in the WPD zone.

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

Clarification of zoning standards, more appropriate off-street parking and signage regulations.

**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

10/5/10  
\_\_\_\_\_  
Date

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

10/5/10  
\_\_\_\_\_  
Date

# SUMMARY STATEMENT

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING  
AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE CLARIFYING BUILDING HEIGHT  
AND GARAGES IN THE R-1 DISTRICT, OFF-STREET PARKING REGULATIONS,  
AND SIGNAGE IN THE WPD ZONE**

This Ordinance will amend the Land Development Ordinance (Zoning Ordinance) to clarify permitted building heights and garages in the R-1 (residential) district, to amend off-street parking regulations, and to amend signage regulations in the WPD (Waterfront Planned Development) zone.

**Amendments to Article V of the Jersey City Land Development Ordinance**

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

**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. No Change
- 2. No Change
- 3. No Change
- 4. No Change
- 5. No Change
- 6. No Change

7. Maximum Building Height:

3 stories with a minimum floor to ceiling height of 9 feet, a maximum floor to ceiling height of 12 feet, and a maximum of five additional feet between the top of the third floor and the topmost point of any peaked roof (where a peaked roof is deemed appropriate under the design standards), provided that a minimum of two (2) adjacent floors must be connected solely by means of a staircase internal to the unit, and provided that only one of the two internally connected floors may have a kitchen and/or a full bath.

For the purposes of calculating the maximum allowable building height an additional 12" (twelve inches) is assumed between the ceiling of each story and the floor above in accordance with the chart below:

Fl. to Ceiling ht	Fl. to fl. ht	Total bldg ht with flat roof	Total ht with peaked roof
9 ft	10 ft	30 ft	35 ft
10 ft	11 ft	33 ft	38 ft
11 ft	12 ft	36 ft	41 ft
12 ft	13 ft	39 ft	44 ft

***In the case of varied floor to ceiling heights, the total permitted building height with a flat roof shall be the sum of the floor to ceiling heights of each floor plus twelve inches per floor. The total permitted building height with a peaked roof is five feet higher than with a flat roof.***

- 8. Unchanged
- 9. Unchanged
- 10. Unchanged
- 11. Unchanged

F. Parking Standards for One and Two Family Dwellings:

1. Unchanged
2. Unchanged
3. Unchanged
4. Unchanged
5. Garages constructed as part of the ground floor of any new two family house shall comprise at least 50% of the ground floor interior space, shall be at least 13 feet wide and at least 44 feet deep except on corner lots where garage entrance(s) are located at the rear of the long side of the building, and shall accommodate at least two cars.
6. ***Garages constructed as part of the ground floor of any new single-family house are subject to area and dimensional requirements noted above if and when the subject building is converted into a two-family home. One-car garages approved as part of a single-family home are to be designed to enable expansion in depth to accommodate no less than a 13 foot wide by 44 foot deep garage.***
- ~~6.~~ 7. Conversions of 1<sup>st</sup> Floor Commercial to Residential: No on-site parking required.

8/30/10

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

### **345-70. OFF-STREET PARKING AND LOADING**

#### A. Zoning Standards:

1. Off-street parking shall not be located between the building and the street.
2. Parking lots with 10 or more spaces shall be planted with shade trees at a rate of one tree per 10 parking spaces in addition to required street trees and 5% landscaping.
3. Where parking structures front on a public right-of-way, the structure shall be "faced" with commercial or mixed uses on the ground floor.
4. All off-street parking lots, except those of one and two-family residences, shall be provided with curbing of poured-in-place concrete, so that vehicles cannot be driven onto required landscaped areas, buffer zones, interior roadways, internal walkways and street rights-of-way so that each parking lot has controlled entrances and exits and proper drainage control. Curbing of poured-in-place concrete shall be located to prevent any part of the vehicle from overhanging the street right-of-way, property line, interior roadways or internal walkways. Vehicular access to street from the parking lot shall be limited to driveways.
5. All parking spaces except those permitted for one and two family housing shall be located with access to each space from an aisle.
6. Required Residential parking shall be on site. Required parking for industrial, office and other employment uses may be on a separate lot as long as the parking spaces are within 500 feet of the use or portion of a complex served regardless of the number of spaces required by this Chapter. Such separate lots when used to meet the parking provision of this Chapter shall have the parking use added to the deed of the property.
7. Off-street loading facilities shall be located so that no vehicle being loaded or unloaded, maneuvering into a loading space or waiting to be parked into a loading space shall interfere with any traffic flow on a street, sidewalk, parking space, aisle, fire lane, driveway, railroad track or turning area nor shall they occupy any part of required lawn or buffer areas.
8. No parking space shall be less than eighteen (18) feet long and eight and one half (8.5) feet wide, ~~except that~~ *with the following exceptions:*
  - a. *valet parking lots, where approved by the Planning Board or the Zoning Board of Adjustment, may have reduced stall and aisle sizes. The project applicant is responsible for demonstrating to the Board that the lot can function and accommodate vehicles as proposed.*
  - b. compact car spaces, where approved by the Planning Board or the Zoning Board of Adjustment, shall not be less than sixteen (16) feet long and eight (8) feet wide. Aisles providing access to parking spaces shall have the following minimum

distances. Where the angle of parking is different on both sides of the aisle, the larger aisle width shall prevail.

(table remains unchanged)

**9. Except as otherwise regulated in this chapter, no more than a single 10 feet wide curb cut, driveway and/or garage door shall be permitted on any lot in the R-1, R-1A, R-1F, R-2, or R-3 zoning districts.**

**9. 10.** The number and design of off-street *parking and* loading spaces shall adhere to the following:

- a. Where more than one use is on a lot, the total number of spaces shall be the sum of the component requirements.

~~10.11.~~ No change

~~11. 12.~~ No change

Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted.  
 Material indicated by bold italic **like this** is new material that is intended to be enacted.  
 Amend: 8/30/10

Use	Type of Signage	Maximum Area (sq. feet)	Number	Max. Height of sign (feet)	Minimum Setbacks of freestanding signs (feet)	Notes
<b>WPD Waterfront Planned Development</b>						
Townhouses	Nameplate only	1	1	N/A	N/A	Nameplate must be attached to the building
Multi-Family Mid-Rise Apartments	Building only	12	1	N/A	N/A	
Retail, Offices, Mairnas, and Theatres	Primary façade (building only)	20 sq. ft. or 5% of the 1 story of that portion of the façade applicable to the non-residential use, whichever is smaller	1 per use			
	Window	300 sq. ft. or 8% of the first story of that portion of the façade applicable to the non-residential use, whichever is smaller				
	Secondary façade (building only)	No more than 25% of total glazed area of a storefront	1 per use			
		1/2 the width of the primary façade				
		1/2 the area of the primary façade sign				



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-133

**TITLE:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE GENERAL DEVELOPMENT APPLICATION, DEVELOPMENT APPLICATION CHECKLIST, AND FEE SCHEDULE**

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 III of the Land Development Ordinance includes a section on Applications and Checklists; and

WHEREAS, the existing General Development Application would benefit from being digitized as a computer form, including sections with information pertaining to various City review agencies; and

WHEREAS, items in the existing checklist should be clarified; and

WHEREAS, Article IV of the Land Development Ordinance pertains to Fees, with an existing Fee Schedule that should be revised for clarity and fees increased a reasonable amount; 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 September 21, 2010 did vote to recommend that the Municipal Council adopt an amended General Development Application, Development Application Checklist, and Fee Schedule; 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 Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the 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 further 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.

APPROVED AS TO LEGAL FORM

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

APPROVED:

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

APPROVED:

*Carl Gagliardi*  
Business Administrator

Certification Required

Not Required

# **SUMMARY STATEMENT**

## **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE GENERAL DEVELOPMENT APPLICATION, DEVELOPMENT APPLICATION CHECKLIST, AND FEE SCHEDULE**

This Ordinance will amend General Development Application, Development Application Checklist, and Fee Schedule as provided in the Land Development Ordinance (Zoning Ordinance).

**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 GENERAL DEVELOPMENT APPLICATION, DEVELOPMENT APPLICATION CHECKLIST, AND FEE SCHEDULE**

**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 General Development Application, Development Application Checklist, and Fee Schedule as provided in the Land Development Ordinance (Zoning Ordinance).

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

The revised General Development Application has been developed in a format which will enable the form to be downloaded and filled on the computer, rather than by hand. Categories have been added to both the General Development Application and Development Application Checklist that will address needs and data as required by other City agencies. The fee schedule has been amended to clarify language and to amend fees as deemed reasonable.

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

Simplify application process by making it computer-friendly, consolidation of information from various City agencies, and slight revenue increase on fees.

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

None

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

Upon approval

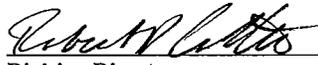
**8. Anticipated Completion Date: N/A**

**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

10/5/10  
\_\_\_\_\_  
Date

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

10/5/10  
\_\_\_\_\_  
Date



# CITY OF JERSEY CITY GENERAL DEVELOPMENT APPLICATION



THIS SECTION TO BE COMPLETED BY CITY STAFF ONLY

Date Filed: \_\_\_\_\_

Application No. \_\_\_\_\_

**GENERAL INSTRUCTIONS:** To the extent possible, Applicant shall complete every section below. When completed, this application shall be submitted to the Division of City Planning Secretary. The proper application fees must accompany the application. Do not advertise for a public hearing until you are advised, in writing, to do so by the Division of City Planning.

**1.  
BOARD  
DESIGNATION**

Planning Board

Zoning Board of Adjustment

**2.  
APPROVALS  
BEING SOUGHT**

<input type="checkbox"/> Conceptual Plan/Informal Review	<input type="checkbox"/> "c" variance(s)/Deviation	<input type="checkbox"/> "A" appeal
<input type="checkbox"/> Minor Site Plan	<input type="checkbox"/> (d) variance(s): use, density, etc.	<input type="checkbox"/> Waiver of Site Plan Requirements
<input type="checkbox"/> Preliminary Major Site Plan	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Interpretation ("B" appeal)
<input type="checkbox"/> Final Major Site Plan	<input type="checkbox"/> Prelim. Major Subdivision	<input type="checkbox"/> Site Plan Amendment
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final Major Subdivision	<input type="checkbox"/> Other (fill in) _____

**3.  
VARIANCE/  
DEVIATION  
NOTES**

Sections of the Land Development Ordinance from which relief is requested (List Variances/Deviations):

Applicant's reasons for the Planning Board or Board of Adjustment to grant relief:

**4.  
SUBJECT  
PROPERTY**

Address: \_\_\_\_\_

Block & Lots: \_\_\_\_\_

**5.  
APPLICANT**

Applicant's Name \_\_\_\_\_

Street Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

e-Mail address \_\_\_\_\_

**6.  
OWNER**

Owner's Name \_\_\_\_\_

Street Address \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**7.  
APPLICANT'S  
ATTORNEY**

Attorney's Name	Street Address
Firm's Name	City State Zip
Phone Fax	e-mail address

**8.  
PLAN  
PREPARERS**

Engineer's Name	Street Address
Firm's Name	City State Zip
Phone Fax	e-mail address

Surveyor's Name	Street Address
Firm's Name	City State Zip
Phone Fax	e-mail address

Planner's Name	Street Address
Firm's Name	City State Zip
Phone Fax	e-mail address

**9. SUBJECT PROPERTY DESCRIPTION**

Site Acreage (square footage and dimensions):

\_\_\_\_\_ sf \_\_\_\_\_ (dimensions)

Zone District(s): \_\_\_\_\_

Present Use: \_\_\_\_\_

Redevelopment Area: \_\_\_\_\_

Conforming       Non-Conforming

Historic District: \_\_\_\_\_

Vacant Lot

Proposed Development, Name, and Nature of Use:

Check all that Apply:

Application for a new building on undeveloped tract

Application for new use of existing building

Application for use of a portion of a building

Number of New Buildings: \_\_\_\_\_

Height table:

	Existing		Proposed	
	Stories	Feet	Stories	Feet
Building				
Addition/Extension				
Rooftop Appurtenances				
Accessory Structures				

Square Footage of applicable building(s) for this project by use:		
Residential		sf
Retail		sf
Office		sf
Industrial		sf
Parking Garage		sf
Other		sf
<b>TOTAL:</b>		<b>sf</b>

Number of dwelling units (if applicable):		
Studio		units
1 bedroom		units
2 bedroom		units
3 bedroom		units
4+ bedroom		units
<b>TOTAL:</b>		<b>units</b>

Number of lots before subdivision:	
Number of lots after subdivision:	

% of lot to be covered by buildings:	%
% of lot to be covered by buildings & pavement:	%
Gross floor area (GFA):	sf
Floor Area Ratio (FAR):	

**10.  
PARKING &  
SIGNAGE**

Number of parking spaces & dimensions: number: \_\_\_\_\_ / Dimensions: \_\_\_\_\_  
 Number of loading spaces & dimensions: number: \_\_\_\_\_ / Dimensions: \_\_\_\_\_

Number of Signs: \_\_\_\_\_  
 Height of monument and/or pylon signs: \_\_\_\_\_

**11.  
INFRA-  
STRUCTURE**

<b>WATER</b>		
Is public water being extended to the tract and/or reused? If yes, specify size and material.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Size Material		
Does the existing water service have a curb stop?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is there existing combined fire/domestic service?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is there existing domestic service only?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is new water service being proposed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is there new combined fire/domestic service?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is there new domestic service only?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>SEWER</b>		
Is existing sewer service proposed to be reused? If yes, specify size and material.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Size Material		
Will there be sewer curb cleanout?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are minimum slope requirements satisfied as per National Standard Plumbing Code?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is new sewer service proposed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are storm drains proposed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are any new streets or utility extensions proposed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>MISC</b>		
Are existing streets being widened	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are utilities underground	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is site in a flood plain?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is soil removal or fill proposed? If yes, specify total in cubic yards.	<input type="checkbox"/> Yes	<input type="checkbox"/> No _____
Are any structures being removed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the application for additional buildings and/or improvements to a tract having existing buildings and/or improvements?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the property within 200 feet of an adjacent municipality? If yes, which?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Municipalities:		
Is the property on a County Road?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there deed restrictions, covenants, and/or easements affecting the tract? If yes, attach 2 copies.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there any performance guarantees and/or maintenance agreements with the City Council? If yes, attach 2 copies.	<input type="checkbox"/> Yes	<input type="checkbox"/> No

12.  
TYPE OF  
DEVELOPMENT

<b>REQUIRED FOR ALL DEVELOPMENT APPLICATIONS</b>	<b>Total number of new residential units created</b>	<b>Total number of affordable housing units* created</b>	<b>Total number of residential units demolished</b>
<b>New structure containing residential units</b>			
<b>Conversion from a non-residential structure to a structure containing residential units</b>			
<b>Conversion from market rate housing units to NJ COAH defined affordable housing units</b>			

\*According to NJ COAH definitions at *N.J.A.C. 5:94 et seq.*

	<b>Moderate Income</b>	<b>Low Income</b>	<b>Very Low Income</b>	<b>Age Restricted</b>	<b>Rental Units</b>
<b>Number of affordable housing units created*</b>					

\*According to NJ COAH definitions at *N.J.A.C. 5:94 et seq.*

<b>Use Group Description</b>	<b>Gross Floor Area of New Construction</b>	<b>Gross Floor Area of Demolition</b>
(These descriptions are pursuant to NJ Council on Affordable Housing N.J.A.C. 5:94 Appendix E, and are for the sole purpose of calculating affordable housing obligation.)		
<b>B:</b> Office buildings. Places where business transactions of all kinds occur. Includes banks, corporate offices, government offices, professional offices, car showrooms and outpatient clinics.		
<b>M:</b> Mercantile uses. Buildings used to display and sell products. Includes retail stores, strip malls, shops and gas stations.		
<b>F:</b> Factories where people make, process, or assemble products. F use group includes F1 and F2.		
<b>S:</b> Storage uses. Includes warehouses, <u>parking garages</u> , and lumberyards. S group includes S1 and S2.		
<b>H:</b> High Hazard manufacturing, processing, generation and storage uses. H group includes H1, H2, H3, H4 and H5.		
<b>A1:</b> Assembly uses including concert halls and TV studios.		
<b>A2:</b> Assembly uses including casinos, night clubs, restaurants and taverns.		
<b>A3:</b> Assembly uses including libraries, lecture halls, arcades, galleries, bowling alleys, funeral parlors, gymnasiums and museums, but excluding houses of worship		
<b>A4:</b> Assembly uses including arenas, skating rinks and pools.		
<b>A5:</b> Assembly uses including bleachers, grandstands, amusement park structures and stadiums		
<b>E:</b> Schools K – 12		
<b>I:</b> Institutional uses such as hospitals, nursing homes, assisted living facilities and jails. I group includes I1, I2, I3 and I4.		
<b>R1:</b> Hotels, motels and dormitories		
<b>U:</b> Miscellaneous uses. Fences, tanks, sheds, greenhouses, etc.		

**13. APPROVAL HISTORY**

List all past approvals, denials, appeals, or other activity for the subject property.  Check here if none  
 If there are previous approvals, attach 2 copies of the approving resolution.

	CITY JOB/CASE NUMBER	APPROVED	DENIED	DATE
Subdivision		<input type="checkbox"/>	<input type="checkbox"/>	
Site Plan		<input type="checkbox"/>	<input type="checkbox"/>	
Variance(s)		<input type="checkbox"/>	<input type="checkbox"/>	
Building Permit		<input type="checkbox"/>	<input type="checkbox"/>	

**14. FEES**  
 (see attached fee schedule)

STAFF CALCULATIONS ONLY	
Subdivision	\$
Site Plan	\$
Variance(s)	\$
<b>TOTAL DUE</b>	<b>\$</b>
Amount Paid	\$
<b>BALANCE DUE</b>	<b>\$</b>

**15. ATTACHMENTS**

Please Attach the required additional forms and information, if applicable (see attached FORMS and CHECKLISTS)

**16. CERTIFICATION**

I certify that the foregoing statements and the attached materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate Applicant and that I am authorized to sign the application for the Corporation or that I am a General Partner of the Partnership Applicant. I hereby permit authorized City official to inspect my property in conjunction with this application.

Sworn to and subscribed before me this date \_\_\_\_\_

\_\_\_\_\_  
 Signature of Applicant

\_\_\_\_\_  
 Property Owner Authorizing Application if other than Applicant

\_\_\_\_\_  
 Notary Public

Minor Subdivision Checklist

CASE #: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 PROPERTY ADDRESS: \_\_\_\_\_  
 APPLICANT: \_\_\_\_\_  
 OWNER: \_\_\_\_\_

	Submitted		N/A	Waiver requested *	Remarks (for staff only)
	Yes	No			
1. Completed General Development Application (applicable sections).					
2. Originally signed and sealed maps as described: A) One when initial application is filed. B) Review agent sets (when instructed by Staff) C) Fourteen for planning Board (when complete) D) Eleven for Zoning Board (when complete) (1) Signature and seal of map preparer; Licensed Engineer, Architect or Land Surveyor in New Jersey on all pages. (2) A key map at a scale not less than 1" to 600' depicting a 1000' radius clearly identifying zoning district, streets and lots involved in the application. <b>To be located on the first numbered drawing sheet.</b> (3) The scale shall be a minimum of 1"=20' for tracts up to 40 acres and 1"=50' for tracts over 40 (4) The subdivision plat size shall be one of the following: 8.5x13"; 15x21"; 24x36"; or 30x42". (5) Plat Details (a) A definite point of beginning, referenced by adjacent lines. (b) Each boundary of the survey, shown by metes, bounds and bearings, indicated by magnetic, true north or relative bearing. (c) The area(s) of both the original and proposed lots. (d) Any right-of-way or other permanent easement existing on the property. (e) Any building line restrictions of record. (f) All property lines not to change shall be indicated by heavy solid lines. (g) All property lines to be changed shall be indicated by broken lines. (h) All new property lines shall be shown in heavy broken lines. (i) Tax block, lot number(s) and street addresses (j) Dates of drawings and revisions, if any. (k) Graphic scale (l) Project title (m) North arrow: to be designed so that the north is facing the top of the page.					



Preliminary and Final Major Subdivision Checklist

CASE #: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 PROPERTY ADDRESS: \_\_\_\_\_  
 APPLICANT: \_\_\_\_\_  
 OWNER: \_\_\_\_\_

	Submitted			Waiver requested *	Remarks (for staff only)
	Yes	No	N/A		
1. Completed General Development Application (applicable sections).					
2. Affidavit of Ownership					
3. Affidavit of Performance					
4. The following number of maps as described, and metes and bounds description bearing original signature and seal of the New Jersey licensed surveyor preparing them, shall be submitted: A) One when initial application is filed. B) Review agent sets (when instructed by Staff) C) Fourteen for planning Board (when complete) D) Eleven for Zoning Board (when complete) (1) Signature and seal of map preparer; Licensed Engineer, Architect or Land Surveyor in New Jersey on all pages. (2) A key map at a scale not less than 1" to 600' depicting a 1000' radius clearly identifying zoning district, streets and lots involved in the application. <b>To be located on the first numbered drawing sheet.</b> (3) The scale shall be a minimum of 1"=20' for tracts up to 40 acres and 1"=50' for tracts over 40 acres. (4) The subdivision plat size shall be one of the following: 8.5x13"; 15x21"; 24x36"; or 30x42". (5) Plat Details (a) A definite point of beginning, referenced by adjacent lines. (b) Each boundary of the survey, shown by metes, bounds and bearings, indicated by magnetic, true north or relative bearing. (c) The area(s) of both the original and proposed lots. (d) Any right-of-way or other permanent easement existing on the property. (e) Any building line restrictions of record. (f) All property lines not to change shall be indicated by heavy solid lines. (g) All property lines to be changed shall be indicated by broken lines. (h) All new property lines shall be shown in heavy broken lines. (i) Tax block, lot number(s) and street addresses address: (j) Dates of drawings and revisions, if any. (k) Graphic scale (l) Project title (m) North arrow: to be designed so that the north is facing the top of the page.					



Minor Site Plan Checklist

CASE #: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 PROPERTY ADDRESS: \_\_\_\_\_  
 APPLICANT: \_\_\_\_\_  
 OWNER: \_\_\_\_\_

	Submitted			Waiver requested *	Remarks (for staff only)
	Yes	No	N/A		
1. Completed General Development Application (applicable sections).					
2. Plan drawn, signed, and sealed by a P.E., L.S., P.P., or R.A. as permitted by law and based on a current survey.					
3. The scale shall be a minimum of 1"=20' or as required by the planning staff.					
4. The plan size shall be one of the following: 8.5x13"; 15x21"; 24x36"; or 30x42".					
5. Current survey upon which plan is based.					
6. A key map at a scale not less than 1" to 600' depicting a 1000' radius clearly identifying zoning district, streets and lots involved in the application. <b>To be located on the first numbered drawing sheet.</b>					
7. Title block and basic information: A) Project Title B) Date of Original Preparation and Date(s) of revision C) North arrow to be designed so that north is facing the top of the page. D) Graphic Scale E) Tax block, lot numbers and street addresses F) Name, address and license number of person preparing plan					
8. <b>Site plan, including all proposed structures and building footprints, paved areas, curb cuts, and egress points. Site plans shall not include existing conditions to be removed.</b>					
9. Affidavit of Performance					
10. Affidavit of Ownership					
11. 10% disclosure, if applicable					
12. Letter of Rejection from Zoning Officer, if available					
13. Application Fee					
14. Certificate of tax and water bills paid					
15. Current color photo of site/façade					
16. Comprehensive plan (if cell antenna application)					
17. Elevations of all applicable façades					
18. Roof plan, if applicable					

\* If a waiver is requested, please supply detailed reasons for the request. Attach additional sheets if necessary.

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Preliminary and Final Major Site Plan Checklist

CASE #: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 PROPERTY ADDRESS: \_\_\_\_\_  
 APPLICANT: \_\_\_\_\_  
 OWNER: \_\_\_\_\_

Planning Completeness	Submitted			Waiver requested *	Remarks (for staff only)
	Yes	No	N/A		
1. Completed General Development Application (applicable sections).					
2. Affidavit of Ownership					
3. Affidavit of Performance					
4. 10% disclosure, if applicable					
5. Letter of Rejection from Zoning Officer, if available					
6. Current color site photo					
7. Application Fee					
8. Certificate of tax and water bills paid					
9. The following number of plans shall be submitted: A) One when initial application is filed. B) Review agent sets (when instructed by Staff) C) Fourteen for planning Board (when complete) D) Eleven for Zoning Board (when complete)					
10. All plans shall include: A) A key map at a scale not less than 1" to 600' depicting a 1000' radius clearly identifying zoning district, streets and lots involved in the application. <b>To be located on the first numbered drawing sheet.</b>  B) Signature and seal of map preparer, Licensed Engineer, Architect or Land Surveyor in New Jersey on all pages. C) Zoning comparison chart (contrasting existing standards in the use zone or general zoning requirements with proposed site details as listed below with variance or design standard waiver request, if any, clearly noted). <b>One table per plan set, to be located on the first numbered drawing sheet.</b>  (1) Density (2) Height (3) Floor Area Ratio (4) Setbacks (5) Parking (# of spaces, stall dimensions) (6) Loading (# of berths, dimensions) (7) Access (circulation, driveway width, curbcut dimensions) (8) Signage (9) Landscaping (10) Bonus provisions (11) Building coverage for each structure, if more than one is part of the development parcel. (12) Lot Dimensions (13) Lot size in square feet (14) Buffer areas (15) Gross floor area (16) lot coverage (17) Design standards (list all for which a waiver is requested)					
11. The scale shall be a minimum of 1"=20' for tracts up to 40 acres or 1"=50' for tracts over 40 acres.					

	Submitted		N/A	Waiver requested *	Remarks (for staff only)
	Yes	No			
<p>12. Map size: 8.5x13"; 15x21"; 24x36"; or 30x42".</p> <p>A) Tax block, lot numbers and street address of site</p> <p>B) Dates of drawings and revisions, if any</p> <p>C) Graphic Scale</p> <p>D) Project title</p> <p>E) North arrow</p> <p>F) Landscaping</p> <p>(1) Type</p> <p>(2) Caliper</p> <p>(3) Square Footage</p> <p>(4) Height</p> <p>(5) Planting Schedule</p> <p>(6) Maintenance procedures and guarantees</p> <p>G) Survey showing block and lot numbers with metes and bounds description; existing and proposed easements, and size and location of any existing or proposed structures with setbacks dimensions.</p> <p>H) <b>Site plan, including all proposed structures and building footprints, paved areas, curb cuts, and egress points. Site plans shall not include existing conditions to be removed.</b></p> <p>I) Floor plans with all room dimensions including basement plan and roof plan.</p> <p>J) Locations of all mechanical and other equipment</p> <p>K) Materials used in paved areas and walks and all other surface treatments.</p> <p>L) Lighting; wattage, location, height, attachment details, areas of diffusion</p> <p>M) Fences/walls: height, materials, width of internal details (ie: steel pickets), spacing of internal details.</p> <p>N) Refuse: location of dumpster, etc., screening height, materials, details of removal path.</p> <p>O) Signage: Lettering, dimensions, location, materials equipment, and lighting.</p> <p>P) Recreation areas: location, square footage, materials, equipment and lighting</p> <p>Q) Elevations of all façades indicating colors and materials.</p> <p>R) Elevation of roof indicating heating, ventilation and air-conditioning equipment, communication equipment, and antennae specifying screening height, colors and materials.</p> <p>S) <b>Utility connection points into proposed structures (ie: façade conduits, transformers) to be detailed on site plans and façade elevations.</b></p> <p>T) One illustrative site plan depicting details using the following color scheme:</p> <p>(1) Asphalt paved areas: gray concrete</p> <p>(2) Paved areas: beige</p> <p>(3) Buildings: dark brown</p> <p>(4) Landscaped areas: light green</p> <p>(5) Trees and shrubs: dark green</p> <p>(6) Water: light blue</p> <p>(7) Signs: red</p> <p>(8) Lighting fixtures: black</p> <p>U) Circulation: parking spaces, dimensions, aisle widths, location of accessible bike racks/storage, car sharing, sidewalk details, etc.</p> <p>V) <b>Shadow study, if applicable</b></p> <p>W) Visual assessment, if required</p>					
13. Indication of review/approval (if applicable) by Environmental Commission, Department of Environmental Protection, Army Corps of Engineers					
14. Indication if property contains a right-of-way preservation area, per map 4.4-1 of the Jersey City Master Plan Circulation Element.					

\* If a waiver is requested, please supply detailed reasons for the request. Attach additional sheets if necessary.



"C" & "D" Variance Checklist

CASE #: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 PROPERTY ADDRESS: \_\_\_\_\_  
 APPLICANT: \_\_\_\_\_  
 OWNER: \_\_\_\_\_

	Submitted			Waiver requested *	Remarks (for staff only)
	Yes	No	N/A		
1. Completed General Development Application (applicable sections).					
2. Affidavit of Performance.					
3. Affidavit of Ownership					
4. One copy of the application for Building Permits, or Certificate of Occupancy, if available.					
5. Current survey upon which plan is based.					
6. A statement of Principal Points relative to the Variance as per NJSA-40:55D-70(c) and (d)					
7. Original certified list and block diagram of all property owners within 200 feet.					
8. Notice to property owners (Must be submitted at least 14 days prior to the hearing for staff review)					
9. Affidavit of Vacant and Nonconforming Use indicating length of time property has been vacant, if applicable.					
10. Fourteen sets of folded plans (once complete) of proposed buildings or alterations with the following information: A) All pages must bear an original signature and seal of an engineer or architect licensed in New Jersey.  B) A Key Map at a scale not less than 1" to 600' depicting a 1000' radius clearly identifying zoning districts, streets and lots involved in the application. <b>To be located on the first numbered drawing sheet.</b>  C) Zoning comparison chart (contrasting existing standards in the use zone or general zoning requirements with proposed site details as listed below with variances, deviations, or design standard waiver requests. If any, clearly noted. <b>One table per plan set, to be located on the first numbered drawing sheet.</b> (1) Density (2) Height (3) Floor Area Ratio (4) Setbacks (5) Parking (# of spaces, stall dimensions) (6) Loading (# of berths, dimensions) (7) Access (circulation, driveway width, curbcut dimensions) (8) Signage (9) Landscaping (10) Bonus provisions (11) Building coverage for each structure, if more than one is part of the development parcel.					

"C" "D" Variance Checklist

	Submitted			Waiver requested *	Remarks (for staff only)
	Yes	No	N/A		
(12) Lot Dimensions (13) Lot size in square feet (14) Buffer areas (15) Gross floor area (16) lot coverage (17) Design standards (list all for which a waiver is requested) D) The scale shall be a minimum of: 1"=20' for tracts up to 40 acres or 1"=50" for tracts over 40 acres. E) <b>Site plan, including all proposed structures and building footprints, paved areas, curb cuts, and egress points. Site plans shall not include existing conditions to be removed.</b> F) Floor plans with all room dimensions G) Elevations, with details of materials and colors, for all applicable facades. H) Sign details, if applicable I) North arrow, designated so that the north arrow is facing the top of the page. J) Street addresses and block number(s) K) Dates of drawings and revisions, if any L) Graphic Scale M) Project title					
11. Notice of Rejection which has been signed by the Zoning Officer, if available					
12. Current color photo of site/façade					
13. Application Fee					
14. Certificate of tax and water bills paid					
15. 10% disclosure statement, if applicable					
16. The following must be submitted at least 2 days prior to the hearing: A) Certified Mail Receipts (1) <b>Mounted on 8.5x11 bound paper</b> (2) <b>Six to a page</b> (3) <b>Arranged in the same order as indicated on the certified list of property owners (a properly certified US Postal from 3877 will be accepted in lieu of the mounted receipts, provided that the addresses are arranged in the same order as indicated on the certified list). RETURN RECEIPT POSTCARDS WILL NOT BE ACCEPTED</b> B) Affidavit of Proof of Service C) Affidavit of Publication					

\* If a waiver is requested, please supply detailed reasons for the request. Attach additional sheets if necessary.

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"A" and "B" appeals Checklist

CASE #: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 PROPERTY ADDRESS: \_\_\_\_\_  
 APPLICANT: \_\_\_\_\_  
 OWNER: \_\_\_\_\_

	Submitted			Waiver requested *	Remarks (for staff only)
	Yes	No	N/A		
1. Completed General Development Application (applicable sections).					
2. Affidavit of Performance.					
3. Affidavit of Ownership.					
4. One copy of the application for Building Permits or Certificate of Occupancy, if available.					
5. Notice of Rejection which has been signed by the Zoning Officer, if available					
6. Notice of Appeal from the opinion of the zoning officer if applicable.					
7. Application Fee					
8. A Statement of Principal Points relative to the appeal as per N.J.S.A. 40:55D-70(a) or (b).					
9. Certified list and block diagram of all property owners within 200 feet.					
10. Notice to property owners. (Must be submitted at least 14 days prior to the hearing for staff review.)					
11. The following must be submitted at least 2 days prior to the hearing: A) Certified Mail Receipts (1) Mounted on 8.5x11 bound paper (2) Six to a page (3) Arranged in the same order as indicated on the certified list of property owners (a properly certified US Postal form 3877 will be accepted in lieu of the mounted receipts, provided that the addresses are arranged in the same order as indicated on the certified list). RETURN RECEIPT POSTCARDS WILL NOT BE ACCEPTED  B) Affidavit of Proof of Service C) Affidavit of Publication					

\* If a waiver is requested, please supply detailed reasons for the request. Attached additional sheets if necessary.

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## H. Schedule of Fees

<i>Application Type</i>	<i>Application Fees</i>
<b>Planning Board and Board of Adjustment Applications</b>	<b>Non-Refundable</b>
Minor Site Plan – Cell Antenna Application	<del>\$2,000</del> <b>\$2,500</b>
<b>Minor Site Plan – Signage and Storefronts</b>	<b>\$200</b>
Minor Site Plan – Other	<b>\$350</b>
Preliminary Major Site Plan Residential	\$50 per Dwelling Unit or a Minimum of \$500
Preliminary Major Site Plan Non Residential	With principal buildings over 1,000 sq. ft. GFA: \$50 per 1000 sq. ft. GFA or part thereof or a minimum of \$500
Preliminary Major Site Plan Non Residential	Without principal building over 1,000 sq. ft. GFA: \$50 per 1,000 sq. ft. lot area or part thereof or a minimum of \$500
Final Major Site Plan	50% of Preliminary Major Site Plan Fee
Site Plan Amendment	50% of the total original application fee or a minimum of \$1,000
Conceptual Site Plan	\$500 (to be deducted from Fees for formal Application for Development)
Extension of Site Plan Approval	<b>\$300</b>
Minor Subdivision	<b>\$500</b>
Preliminary Major Subdivision	<b>\$1,000 plus \$100 per lot</b>
Final Major Subdivision	<b>50% of Preliminary Major Subdivision fee</b>
<b>SPECIAL MEETING REQUESTED BY APPLICANT</b>	<b>\$1,000</b>
<b>REZONING OR REDEVELOPMENT PLAN AMENDMENT REQUESTED BY DEVELOPER</b>	Fee as specified in applicable redevelopment plan or \$1,000, if no fee specified in plan.
<b>APPEALS, INTERPRETATIONS AND VARIANCES</b>	

"a" & "b" Appeals and Interpretations as per NJSA 40:55D-70 a & b	\$150
<b>Application Type</b>	<b>Application Fees</b>
<b>Planning Board and Board of Adjustment Applications</b>	<b>Non-Refundable</b>
"c" Variance as per NJSA 40:55D-70(c) & deviation from redevelopment plan	\$500 for the first variance or deviation when not accompanied by a Major or Minor Site Plan \$300 for the first variance or deviation for variance application only <b>when accompanied by a Major or Minor Site Plan</b> \$150 for each additional
"d" Variance as per NJSA 40:55D-70 (d)	\$1,000 for the first variance \$250 for each additional
Extension of Variance Approval	\$300 (when not filed concurrently with extension of Site Plan)

<b>Application Type</b>	<b>Application Fees</b>
<b>Historic Preservation Commission Applications</b>	<b>Non-Refundable</b>
<b>CERTIFICATE OF NO EFFECT</b>	
<b>Non-Residential</b>	
With Principal Building	\$40 per 1,000 square feet GFA or part thereof
Without Principal Building	\$40 per 1,000 square feet of lot area or part thereof
Unlit Interior window sign only	\$40
Sidewalk repair/replacement when not filed concurrently with other work	\$40 for first 25 linear feet of frontage, additional \$20 for each 25 feet of frontage over 25 or part thereof
<b>Residential</b>	
Interior work only	\$10 per affected dwelling unit to a Maximum of \$60
Exterior work only or Interior & exterior work filed concurrently	\$20 per dwelling unit to a maximum of \$750
Sidewalk repair/replacement when not filed concurrently with other work	\$20 per dwelling unit to a maximum of \$60
<b>CERTIFICATE OF APPROPRIATENESS (COA)</b>	

<u>Residential</u>  New Construction on Vacant Land All Others: 1-4 Dwelling Units 5 Dwelling Units or over	\$500  \$100 \$20 per dwelling unit to a maximum of \$1,000
<u>Non-Residential</u>  With Principal Building Without Principal Building Exterior Sign application only Outdoor Café only	\$100 per 1,000 square feet of GFA or part thereof \$100 per 1,000 square feet lot area or part thereof \$100 \$100
Extension of COA Approval	\$200

City Clerk File No. Ord. 10-134

Agenda No. 3.G 1st Reading

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



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-134

TITLE: **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AMENDMENTS TO THE OCEAN/BAYVIEW REDEVELOPMENT  
PLAN TO PERMIT MEDICAL OFFICES**

**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 Ocean/Bayview Redevelopment Plan in April of 1977; and

**WHEREAS**, the Ocean/Bayview Redevelopment Plan has been amended several times since its original adoption; and

**WHEREAS**, the Jersey City Planning Board, at its meeting of October 26, 2010 held a hearing on the proposed amendments and recommended adoption to the Municipal Council; and

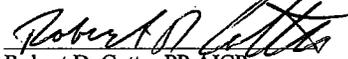
**WHEREAS**, the Municipal Council has accepted the Planning Board's recommendation; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the proposed Amendment to the Ocean/Bayview Redevelopment Plan be, and hereby is, adopted.

**BE IT FURTHER ORDAINED THAT:**

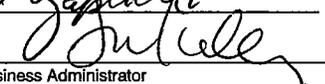
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City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

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AMENDMENTS TO THE OCEAN/BAYVIEW REDEVELOPMENT PLAN  
TO PERMIT MEDICAL OFFICES**

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

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

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

The amendment will permit small medical offices of less than 3000 square feet in existing mixed use buildings.

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

Provide for small community medical services.

5. Anticipated Benefits to the Community:

Provide for small community medical services.

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

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.

  
Division Director

10/19/10  
Date

  
Department Director Signature

10/19/10  
Date

## **SUMMARY STATEMENT**

The amendment will permit small medical offices of less than 3000 square feet in existing mixed use buildings.

# PROPOSED AMENDMENTS TO THE OCEAN/BAYVIEW REDEVELOPMENT PLAN

PRESENTED TO THE JERSEY CITY PLANNING BOARD ON OCTOBER 26, 2010

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

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

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

Page 8:

## VII. GENERAL LAND USE PLAN

### 1. Land Use Map

Proposed Land Uses shall be shown on Map C "Land Use Map".

### 2. Land Use Provisions and Building Requirements

#### A) Permitted Principal Uses

- Detached dwelling units
- Dwelling units with two dwelling units
- One and two family townhouses and rowhouses
- Public and quasi-public uses
- Duplex townhouses
- Multi-family Residential Buildings
- Multi-purpose Community Center, providing such service as housing management, meeting rooms, day care, social support and counseling library, healthcare/first aid, (limited to immediate and minor first aid, visiting nursing and doctor's care, and health education) security and indoor and outdoor recreation.
- Retail sales limited to Ocean Avenue street frontage as determined by the Planning Board
- Professional offices as a home occupation
- Public utilities
- Parking areas as an off-site accessory uses
- Nursing Homes
- Housing Management Facility; provided that:
  1. The facility shall be similar to style and bulk to the housing it is intended to serve.
  2. No overnight storage of vehicles are permitted.
- Senior Housing
- **Medical Offices; provided that:**
  - 1. The facility is located in an existing mixed use building.**
  - 2. The facility does not exceed 3000 square feet.**

City Clerk File No. Ord. 10-135

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 10-135

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE PERTAINING TO AUTOMATIC AMUSEMENT DEVICE ARCADE**

**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 definition of Automatic Amusement Device Arcade is outdated and unnecessary;

**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 September 21, 2010 did vote to recommend that the Municipal Council amend the Land Development Ordinance Section I; 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;

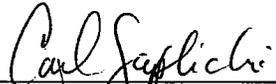
**BE IT FURTHER ORDAINED THAT:**

- 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 Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the 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 further 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.

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 PERTAINING TO AUTOMATIC AMUSEMENT DEVICE ARCADE**

**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 eliminate Automatic Amusement Device Arcades as a defined use.

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

The current definition for Automatic Amusement Device Arcades defines any building with four or more automatic amusement devices (video game machines, jukeboxes, et al) as an Arcade. Not all buildings with such devices should be defined as Arcades. Moreover, Arcades are not a permitted use anywhere in Jersey City.

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

Clarifies permitted uses for stores and zoning officials.

**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

13 OCT 2010  
\_\_\_\_\_  
Date

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

10/13/10  
\_\_\_\_\_  
Date

# **SUMMARY STATEMENT**

## **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE PERTAINING TO AUTOMATIC AMUSEMENT DEVICE ARCADE**

This Ordinance will amend Article I (Definitions) of the Land Development Ordinance (Zoning Ordinance) to eliminate Automatic Amusement Device Arcades as a defined use.

9/10/10

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

The following definition is to be removed from §345-6 of the Land Development Ordinance. No other definitions shall be affected.

§ 345-6        Definitions

~~AUTOMATIC AMUSEMENT DEVICE ARCADE — Any place or business except a bar, as defined in this section, having four or more automatic amusement devices, available for use or hire by the public regardless of any other business conducted within such place of business.~~

City Clerk File No. Ord. 10-136

Agenda No. 3.I 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE ~~10-136~~

**TITLE: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) OF THE JERSEY CITY MUNICIPAL CODE, IMPLEMENTING ARTICLE XIII (RETIREE HEALTH AND MEDICAL BENEFITS) CONFIRMING THE PROVISION OF HEALTH INSURANCE TO RETIRED EMPLOYEES PURSUANT TO N.J.S.A. 40A:10-23, AND LIMITING THE BENEFIT ONLY TO EMPLOYEES WHO RETIRE WITH AT LEAST 25 YEARS OF SERVICE WITH THE CITY OF JERSEY CITY**

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

**WHEREAS**, New Jersey statutes authorizes local governments such as the City of Jersey City, to pay the cost of medical and health insurance coverage for eligible retired employees as defined therein; and

**WHEREAS**, the statutory authorization to pay for such coverage extends both to municipalities which are members of the New Jersey State Health Benefits Commission, pursuant to N.J.S.A. 52:14-17.38 and to those that are not members, pursuant to N.J.S.A. 40A:10-23; and

**WHEREAS**, by resolution adopted in 1973 (as amended thereafter through 1986 to include the premium charges under Part B of the Federal Medicare Program), pursuant to N.J.S.A. 52:14-17.38, the City of Jersey City, then a member of the New Jersey State Health Benefits Commission, committed itself to paying the cost of such coverage for eligible retirees, their spouses and dependents; and

**WHEREAS**, in 1973, N.J.S.A. 52:14-17.38 stated that retiree health benefits were available upon "retirement from a State or locally administered retirement system . . . based on 25 or more years of service credited in such retirement system; and

**WHEREAS**, in 1999, N.J.S.A. 52:14-17.38 was amended to allow a municipality to provide such coverage for employees who had aggregated 25 years of service credit in one or more State or locally administered retirement systems, unless the municipality adopted a resolution requiring that all or a portion of up to 25 years of service, be with the City; and

**WHEREAS**, in 2001, N.J.S.A. 52:14-17.38 was amended to allow the aggregation of nonconcurrent service; and

**WHEREAS**, the City of Jersey City did not adopt a resolution restricting service to Jersey City, arguably allowing the nonconcurrent aggregation of service credit from one or more State or locally administered retirement systems in determining retiree's eligibility for such coverage; and

**WHEREAS**, the City of Jersey City withdrew from the New Jersey State Health Benefits Commission in 2007, and the City Council approved a contract to provide medical and health insurance coverage to both current employees and eligible retirees through Horizon Blue Cross/Blue Shield of New Jersey, pursuant to N.J.S.A. 40A:10-23; and

**WHEREAS**, N.J.S.A. 40A:10-23 authorizes retiree benefits similar to that permitted under N.J.S.A. 52:14-17.38; and

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) OF THE JERSEY CITY MUNICIPAL CODE, IMPLEMENTING ARTICLE XIII (RETIREE HEALTH AND MEDICAL BENEFITS) CONFIRMING THE PROVISION OF HEALTH INSURANCE TO RETIRED EMPLOYEES PURSUANT TO N.J.S.A. 40A:10-23, AND LIMITING THE BENEFIT ONLY TO EMPLOYEES WHO RETIRE WITH AT LEAST 25 YEARS OF SERVICE WITH THE CITY OF JERSEY CITY**

**WHEREAS**, the cost of providing medical and health care has become increasingly prohibitive; and

**WHEREAS**, pursuant to N.J.S.A. 40A:10-23, the City of Jersey City pay the cost of medical and health insurance coverage for employees, including their dependents and the premium charges under Part B of the Federal Medicare Program, who have "retired after 25 or more years of service...AND a period of up to 25 years with the [City] at the time of retirement, such period of service to be determined by the [City] at the time of retirement, such period of service to be determined by the [City], and set forth in an ordinance, or resolution, as appropriate"; and

**WHEREAS**, the City Council reaffirms its commitment to pay the cost of providing medical and health insurance coverage and the premium charges under Part B of the Federal Medicare Program but only to employees who retire after at least 25 years of credited service, *and* with 25 years of actual service with the City at the time of retirement for active employees, pursuant to N.J.S.A. 40A:10-23; and

**WHEREAS**, this Ordinance shall apply only to employees hired on or after the effective date of adoption of the within ordinance.

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

A. The following amendments and supplements to Chapter 53 (Personnel) and of the Jersey City Code are adopted.

**ARTICLE XIII**  
Retiree Medical and Health Benefits

**§53-84 Eligibility for Retiree Medical and Health Benefits.**

- A. The City will pay the cost of medical and health benefits for certain eligible employees, their spouse and dependents, including the premium charges for Part B of the Federal Medicare Program, as defined hereafter, who retire from the City, pursuant to N.J.S.A. 40A:10-23;
  - B. The amount of payment required, if any, shall be subject to collective bargaining or Executive Order of the Mayor, as appropriate;
  - C. "Eligible employee" is defined as an employee with at least 25 years in a state or local pension system at the time of retirement from the City *and* who has at least 25 years of actual service with the City of Jersey City; and
  - D. The requirement of at least 25 years of actual service with the City of Jersey City, will only apply to new employees, hired after the effective date of the ordinance.
- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) OF THE JERSEY CITY MUNICIPAL CODE, IMPLEMENTING ARTICLE XIII (RETIREE HEALTH AND MEDICAL BENEFITS) CONFIRMING THE PROVISION OF HEALTH INSURANCE TO RETIRED EMPLOYEES PURSUANT TO N.J.S.A. 40A:10-23, AND LIMITING THE BENEFIT ONLY TO EMPLOYEES WHO RETIRE WITH AT LEAST 25 YEARS OF SERVICE WITH THE CITY OF JERSEY CITY**

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

E. The City Clerk and the Corporation Counsel 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: New matter is underlined; deleted matter in ~~{brackets}~~ For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

10/20/10

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-137

TITLE: **An Ordinance Dedicating That Forrest Street Between  
Clerk Street and Ocean Avenue Be Also Known as  
"Christ the King Church Way"**

**WHEREAS**, throughout history, churches have played an important role in African American communities, providing leadership in social, political and economic arenas; and

**WHEREAS**, the cornerstone of Christ the King Church, the first African-American Catholic Church in the State of New Jersey and the Archdiocese of Newark was set at 768 Ocean Avenue on October 26, 1930; and

**WHEREAS**, Christ the King Church has been blessed with distinct and dedicated spiritual leaders during the past eight decades. The church has served its community spiritually while offering many commendable programs that enhance the quality of life of our elderly, youth, sick and the disenfranchised; and

**WHEREAS**, on November 19, 2010, Christ the King Church will celebrate its 80<sup>th</sup> anniversary at a banquet to be held at the Richfield Regency in Verona, New Jersey; and

**NOW, THEREFORE BE IT ORDAINED**, that the Municipal Council of the City of Jersey City offers best wishes to the Christ the King Church on the occasion and celebration of the 80<sup>th</sup> anniversary of the founding of the church and offers best wishes to the congregation and leadership of the church.

**BE IT FURTHER ORDAINED**, that the Municipal Council of the City of Jersey City deems it fitting and proper to honor Christ the King Church for its historic legacy, its service to its members and contributions to the greater community by dedicating that Forrest Street Between Clerk Street and Ocean Avenue be also known as "Christ the King Church Way"

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

G:\WPDOCS\TOLONDA\RESOS\RENAME\Christ the King Church Way.wpd

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required

City Clerk File No. Ord. 10-138

Agenda No. 3.K 1st Reading

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



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-138

TITLE: **AN ORDINANCE DEDICATING THAT BERGEN AVENUE BETWEEN  
FAIRMOUNT AVENUE AND JEWETT AVENUE ALSO BE KNOWN AS**

## **Bishop George M. Cutler Way**

**WHEREAS, George Mack Cutler**, was born June 30, 1926 in Whiteville, North Carolina. He was the third of eleven children born to Charles Mack Cutler and Annie Bell Glover; and

**WHEREAS, George M. Cutler** quit school after the fourth grade to work in the fields to tend to the crops for his parents; and

**WHEREAS, George M. Cutler** joined the U.S. Navy and worked in several hospitals in the operating room. His training also included time spent as a mortuary attendant; and

**WHEREAS, George M. Cutler** was called into the ministry in 1948. He has been a member of the United Pentecostal of America Churches for more than 60 years, where he presently serves as First Vice Bishop; and

**WHEREAS, Bishop Cutler** traveled all around the world preaching the gospel. He is a strong leader and a man of great wisdom. He cares for cancer patients, people with AIDS, diabetics, amputees who he assisted with physical rehabilitation; and

**WHEREAS, Bishop Cutler** was never afraid to touch, feed or pray for anyone. He has gone into burning buildings to save victims of fire and taught conflict resolution before it was a widely recognized problem; and

**WHEREAS, Bishop Cutler** is a retired foreman at Davey Company in Jersey City. Bishop Cutler has suffered many hardships but that hasn't dampened his spirit or determination to survive. He is the only pastor in the state that doesn't receive a paid salary. His endearing qualities and Christian leadership abilities serve as an example to all of the citizens of this community; and

**WHEREAS, Bishop Cutler** is the pastor of Trinity Gospel Haven Church. The church was founded on faith and love and is a refuge for everyone in the community. Trinity Gospel Haven Church has been in the community for more than 30 years. The members marched from their storefront church at 104 Monticello Avenue into their current church located at 651 Bergen Avenue in August 1974.

**NOW, THEREFORE BE IT ORDAINED**, by the Municipal Council of the City of Jersey City does honor **Bishop George M. Cutler** on the occasion of his twenty-fifth pastoral anniversary at Trinity Gospel Haven Church in Jersey City, New Jersey. He is a role model and inspiration to all.

**BE IT FURTHER ORDAINED**, that the Municipal Council of the City of Jersey City does hereby dedicate that Bergen Avenue between Fairmount Avenue and Jewett Avenue also be known as Bishop George M. Cutler Way

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

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required

City Clerk File No. Ord. 10-139

Agenda No. 3.L 1st Reading

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



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-139

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO MUNICIPAL CODE OF JERSEY CITY, CHAPTER 87, PERTAINING TO ARCADES**

**WHEREAS**, the Municipal Council adopted Chapter 87 of the Municipal Code of the City of Jersey City, on May 4, 1971 and numerous amendments were made subsequently; and

**WHEREAS**, Article I of Chapter 87 pertains to Automatic Amusement Devices, and includes a definition of "Arcade" which cross-references a definition in Chapter 345 which has been repealed; and

**WHEREAS**, Article 3 of Chapter 87 also pertains to Automatic Amusement Devices and cross-references the repealed "automatic amusement device arcade" definition from Chapter 345; and

**WHEREAS**, Arcades, as defined, are an obsolete use and not categorized as a permitted use anywhere within Jersey City; and

**WHEREAS**, the "arcade" definition and any mentions of this definition thereafter are unnecessary and should be deleted; and

**WHEREAS**, the amendments to Chapter 87 of the Municipal Code 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 Chapter 87 of the Municipal Code of the City of Jersey City, 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.

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required

**ORDINANCE FACT SHEET**

**1. Full Title of Ordinance:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO MUNICIPAL CODE OF JERSEY CITY, CHAPTER 87, PERTAINING TO ARCADES**

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

Paul Barna, Director, Division of Commerce

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

This Ordinance will amend Chapter 87 of the Municipal Code to eliminate Arcades as defined as well as cross-references to same in the Land Development Ordinance (Chapter 345).

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

The Jersey City Planning Board has recommended the removal of Automatic Amusement Device Arcades ("Arcades") from the Ordinance for the sake of clarifying enforcement and permitted uses, and removing obsolete uses. Chapter 87 cross-references Chapter 345, and deletions are necessary to coordinate both Chapters.

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

Clarifies permitted uses for stores for zoning purposes and brings Chapter 87 into consistency with Chapter 345.

**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  
Paul Barna, Director, Division of Commerce

**10. Additional Comments: None**

I Certify that all the Facts Presented Herein are Accurate.

Paul J. Barna  
Division Director

10/21/10  
Date

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

\_\_\_\_\_  
Date

§ 87-1. - Definitions.

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

~~ARCADE—An automatic amusement device arcade as defined in Chapter 345, Zoning.~~

**AUTOMATIC AMUSEMENT DEVICE** - Any device which, upon the insertion of a coin or any other object, may be operated as a game or amusement, whether or not registering a score. The term includes but is not limited to amusement devices commonly known as "electronic video games," "pinball," "skill ball," "mechanical grab machines," "marble machines," "baseball," "bagatelle" and all similar devices under whatever name they may be designated. The term "device," as used in this Article, refers to "automatic amusement devices." Jukeboxes and pool tables are specifically excluded from this term.

**BUSINESS PREMISES** - Any building, business, store, restaurant, tavern or other place to which the public is invited or may enter. The term "premises," as used in this Article, refers to "business premises" unless the context clearly indicates otherwise.

**DIRECTOR** - The Business Administrator.

**DISTRIBUTOR** - Any person who supplies or offers to supply by sale, lease or any other manner automatic amusement devices to any other person.

**HEARING OFFICER** - The Business Administrator or his or her designee.

**LICENSE SUPERVISOR** - The Supervisor in charge of processing applications for licenses, as provided for in this Article, and the collection of the license fee.

**OPERATOR** - Any person who owns, leases, rents or operates any premises on which any automatic amusement device is kept for use by the public.

**PERSON** - Any individual, firm, corporation, partnership, association or entity.

§ 87-2. - no change

§ 87-3. - no change

§ 87-4. - Investigation of applicant; approval or disapproval; hearing.

A.

The License Supervisor shall refer all applications for new licenses and thereafter, upon each fifth year of renewal, all renewal applications to the Director of the Department of Police, the Director of the Department of Fire and Emergency Services, the Superintendent of Buildings and the Health Officer, as provided in this section, for their review and recommendation.

B.

The Director of the Department of Police shall conduct an investigation of the applicant and shall submit a written recommendation to the License Supervisor based upon the applicant's business reputation and character, past business operations, convictions of any crime which may relate adversely to the conduct of the licensed premises and any other information the Director considers relevant to the operation of the licensed premises.

C.

The Director of the Department of Fire and Emergency Services shall review each application for compliance with the Fire Prevention Code of the City of Jersey City, shall inspect and test any automatic or other fire alarm system or fire extinguishing equipment and shall submit a written recommendation to the License Supervisor based upon his or her findings.



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-140

TITLE:

**ORDINANCE AMENDING THE JERSEY CITY CODE TO : 1) REQUIRE THE USE OF COMPOSTABLE PLASTIC, RECYCLABLE PAPER AND/OR REUSABLE CHECKOUT BAGS BY STORES LOCATED IN THE CITY OF JERSEY CITY; AND 2) PROVIDE PENALTIES FOR VIOLATIONS**

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

**WHEREAS**, there exists a need to discourage the use of single-use, disposable plastic and paper bags and encourage the use of reusable bags by consumers and retailers in order to minimize the impact of disposable bags on our environmental and waste management systems; and

**WHEREAS**, at an estimated 350 bags per person, per annum, Jersey City, NJ consumes an estimated gross total of approximately 84,836,150 million plastic bags every year. This legislation will have a significant, tangible effect on the city's total environmental impact; and

**WHEREAS**, plastic carryout bags create unsightly litter, clog sewer systems, and pose a risk to marine animals that ingest them or could become entangled in them along the Hudson River; and

**WHEREAS**, paper bags have a measurably higher production impact than plastic. The manufacturing of a paper bag requires 40% more energy, produces up to 80% more solid waste, 72% more atmospheric waste, and 90% more waterborne waste. Virgin paper bags contribute to deforestation; and

**WHEREAS**, when land-filled, plastic bags can remain in-tact for extended periods of time (often over hundreds of years). In addition, their low weight and high volume make them an unattractive, low-margin commodity in the recycling industry. Less than 3% of plastic bags are recycled; and

**WHEREAS**, the City of Jersey City has a moral duty to protect the natural environment, economy, and the health of its citizens; and

**WHEREAS**, plastic shopping bags have significant environmental impacts each year, including the felling of over 14 million trees, and use of over 12 million barrels of oil for bags in the United States, as well as the death of over 100,000 marine animals from plastic entanglement; and

**WHEREAS**, eliminating disposable bag usage sends a message to citizens of the City of Jersey City is committed to waste reduction and actively supports environmental initiatives.

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

A. The following amendments are hereby adopted:

**Definitions.**

For the purpose of this Ordinance, the following words shall have the following meanings:

**ASTM STANDARD:** means the American Society for Testing and Materials (ASTM)'s International standard D6400 for compostable plastic, as the standard may be amended from time to time.

**COMPOSTABLE PLASTIC BAG:** means a plastic bag that:

- (1) is certified and labeled as meeting the ASTM-Standard by a recognized verification entity such as the Biodegradable Product Institute;
- (2) displays the phrase "Green Cart Compostable" and the word "Reusable" in a highly visible manner on the outside of the bag.

**CHECK OUT BAG:** means a carryout bag that is provided by a store to a customer at the point of sale.

**DEPARTMENT:** means the Division of Health.

**DIRECTOR:** means the Health Officer.

**HIGHLY VISIBLE MANNER:** means:

- (1) for Compostable Plastic Bags, displaying both of the following in green lettering contrasting with the bag's background color that is at least two inches high:
  - (i) the phrase "Green Cart Compostable" either on the front and back of the bag together with a solid green band at least one-half inch thick circling the circumference of the bag, or repeatedly, as a band of text or text alternating with solid stripe, circling the circumference of the bag, and
  - (ii) the word "Reusable" displayed on the front and/or back of the bag; and
- (2) for recyclable paper bags, displaying the words "Reusable" and "Recyclable" on the front and/or back of the bag in blue lettering contrasting with the bag's background color that is at least two inches high; and

**PERSON:** means an individual, trust, firm, joint stock company, corporation, cooperative, partnership, or association.

**PHARMACY:** means a retail use where the profession of pharmacy by a pharmacist licensed by the State of New Jersey in accordance with the Business and Professions Code is practiced and where prescriptions (and possibly other merchandise) are offered for sale, excluding such retail uses located inside a hospital.

**RECYCLABLE:** means material that can be sorted, cleansed, and reconstituted using Jersey City's available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

**RECYCLABLE PAPER BAG:** means a paper bag that meets all of the following requirements:

- (1) contains no old growth fiber;
- (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; and
- (3) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

**REUSABLE BAG:** means a bag with handles that is specifically designed and manufactured for multiple reuse and is either:

- (1) made of cloth or other machine washable fabric, and/or
- (2) made of durable plastic that is at least 2.25 mils thick.

**STORE:** means a retail establishment located within the geographical limits of the City of Jersey City that meets either of the following requirements:

- (1) is a full-line, self-service supermarket with gross annual sales of two million dollars (\$2,000,000), or more; and which sells a line of dry grocery, canned goods, or non-food items and some perishable items. For purposes of determining which retail establishments are supermarkets, the City shall use the annual updates of the Progressive Grocer Marketing Guidebook and any computer printouts developed in conjunction with the guidebook; or
- (2) is a retail pharmacy with at least five locations under the same ownership within the geographical limits of Jersey City.

**Mandatory Use of Recyclable and Compostable Checkout Bags.**

- A. All Stores shall provide only the following as checkout bags to customers: recyclable paper bags, and/or compostable plastic bags, and/or reusable bags.
- B. Violations of the requirements set forth in subsection (A) shall subject a Store to penalties.
- C. Nothing in this section shall be read to preclude Stores from making reusable bags available for sale to customers.

**Implementation.**

The Director of the Division of Health shall implement this Ordinance.

requirements:

- (1) contains no old growth fiber;
- (2) is 100% recyclable overall and contains a minimum of 50% post-consumer recycled content; and
- (3) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

REUSABLE BAG: means a bag with handles that is specifically designed and manufactured for multiple reuse and is either:

- (1) made of cloth or other machine washable fabric, and/or
- (2) made of durable plastic that is at least 2.25 mils thick.

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**§ \_\_. Mandatory Use of Recyclable and Compostable Checkout Bags.**

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- C. Nothing in this section shall be read to preclude Stores from making reusable bags available for sale to customers.

**§ \_\_. Implementation.**

The Director of the Division of Health shall implement this Ordinance.

**§ \_\_. Enforcement and Penalties.**

- A. Any person who violates this Ordinance shall be guilty of an infraction. If charged as an infraction, upon conviction thereof, the person shall be punished by:
  - (1) a fine not exceeding \$100.00 for a first violation;
  - (2) a fine not exceeding \$200.00 for a second violation within the same year; and
  - (3) a fine not exceeding \$500.00 for each additional violation within the same year.
- B. The City Corporation Counsel may seek legal, injunctive, or other equitable relief to

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  - (3) a fine not exceeding \$500.00 for each additional violation within the same year.
- B. The City Corporation Counsel may seek legal, injunctive, or other equitable relief to enforce this Ordinance, including without limitation, civil penalties.

**Operative Date.**

All of the requirements set forth in this Ordinance shall become operative as to Stores that are supermarkets, six (6) months after its effective date. All of the requirements set forth in this Ordinance shall become operative as to Stores that are Pharmacies one (1) year after its effective date.

**Severability.**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Municipal Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

**No Conflict With Federal or State Law.**

Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power or duty in conflict with any federal or state law.

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

**NOTE:** All material is new; therefore, underlining has been omitted.

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

G:\WPDOCS\TOLONDA\Ordinances\Plastic Bags.wpd  
October 27, 2010

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required

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10/19/10

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required