

City Clerk File No. Ord. 10-052

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 10-052

TITLE: **ORDINANCE ESTABLISHING PUBLIC TELEVISION PROGRAMMING  
GUIDELINES AND COVERAGE OF PUBLIC MEETINGS**

COUNCIL AS A WHOLE OFFERED AND MOVED ADOPTION OF THE FOLLOWING  
ORDINANCE:

**WHEREAS**, the City of Jersey City creates a digital video recording of all Council Meetings;  
and

**WHEREAS**, the goal of JC1TV is to create greater awareness of local government and facilitate  
the community's participation in the local decision making process; and

**WHEREAS**, the goal is to make public proceedings and events more accessible to Jersey City  
residents by providing coverage of City Council meetings and other public meetings via cable  
television; and

**WHEREAS**, JC1TV can and will promote special events in the community sponsored by the  
City and other non-profit, community organizations; and

**WHEREAS**, JC1TV can supplement public safety and disaster preparedness activities and  
information pertaining to the City of Jersey City; and

**WHEREAS**, JC1TV is an invaluable tool to document and archive City events and activities.

**THEREFORE, BE IT ORDAINED**, that the Municipal Council of the City of Jersey City  
hereby enacts the following programming guidelines.

A. The following amendments to Chapter 116 (Cable Television) are hereby adopted:

**§ 116.1 through 116.3** No change

**§ 116.4** **Introduction**

JC1TV is a cable channel granted to the City for the purpose of cable casting government  
television programming, including but not limited to coverage of the City Council meetings and  
relevant public board meetings.

**§ 116.5** **Purpose**

JC1TV exists to provide citizens of Jersey City with local government information and  
community information and to assist the City departments with video production services.  
Specific objectives include:

(a) provide information about programs and services offered by City departments,  
agencies, boards, commissions and government supported agencies.

(b) expand citizens' awareness of government and its decision-making processes by exposing them to government meetings and civic events.

(c) enhance existing public information materials by using cable television as a public information tool.

(d) provide and distribute programming of interest to the residents that will inform, educate and enlighten, as well as encourage participation in government services, activities and decision making.

**§ 116.6 Channel Policies**

JC1TV shall be guided by the following policies:

A. **Non-editorial:** the channel shall provide direct, non-editorial information concerning the operations, services and deliberations of government to the citizens of Jersey City;

B. **Non-political:** the channel is not intended as a mechanism for building support for a particular ballot issue or candidate for public office. This provision does not preclude the cable casting of non-partisan programs sponsored by a neutral third party designed to inform the citizens of election issues and candidates. Declared candidates for any elective office and persons advocating any cause, viewpoint or proposed policy of a partisan nature will not be eligible to appear on the channel 90 days prior to an election, unless they appear in a forum in which all candidates or sides of an issue are given equal time. For purposes of policy, a person is considered to be a candidate from the time of announcing publicly for any public office until the election has been held. This policy does not apply to persons who receive incidental air time as part of a public meeting being televised, nor to officials acting as part of the regular duties when such actions do not involve partisan policies;

C. **Neutrality:** in any program concerning subjects that may be interpreted to be materially controversial, JC1TV will maintain a position of neutrality, providing unbiased information. Requests for presentation of an opposing viewpoint during a legislative meeting will be directed to the appropriate agency for action on their agenda;

D. **Non-commercial:** JC1TV will not televise any paid advertising or any program that depicts a product, business and/or service that has the purpose of benefitting a profit-making enterprise;

E. **Non-discriminatory:** JC1TV shall not discriminate in the delivery of its services on the basis of race, color, creed, national origination, sex, sexual orientation or mental or physical ability or any other protected category;

F. **Non-sectarian Programming:** JC1TV will not televise any program that exposes or promotes any particular religious group or belief;

**§ 116.7 Coverage of City Council Meetings and Caucus Meetings**

A. **Coverage of City Council Meetings:** City Council meetings shall be recorded using the digital recording system currently present in the City Council Chambers. The entire meeting shall be recorded and re-aired in its entirety at least four times before the next City Council meeting and with two showings beginning between the times of 6 p.m. and 9 p.m. Council meetings will take priority over other regular scheduled programming;

B. **Coverage of City Council Caucus Meetings:** In consultation with Comcast, which televises City Council meetings, City Council caucus coverage will be televised at least twice between the time of the caucus and time of the regularly scheduled subsequent Council meeting.

One caucus showing will be aired during the times of 9 a.m. to 5 p.m. and subsequent showing beginning between the times of 6 p.m. to 9 p.m.

**§ 116.8 Programming Restrictions:**

The following programming is restricted:

- A. any obscene or salacious material;
- B. any material which violates Federal, State or Local laws

**§ 116.9 Copyright of Programs**

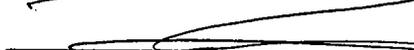
Programs containing copyrighted materials will be used only if copyright clearance has been obtained. The ownership and copyright for any program produced by the City of Jersey City shall be held by the City.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

4/7/10

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required

# CITY OF JERSEY CITY



JERRAMIAH T. HEALY  
MAYOR

CITY HALL  
JERSEY CITY, NJ 07302  
TEL:(201) 547-5200  
FAX:(201) 547-4288

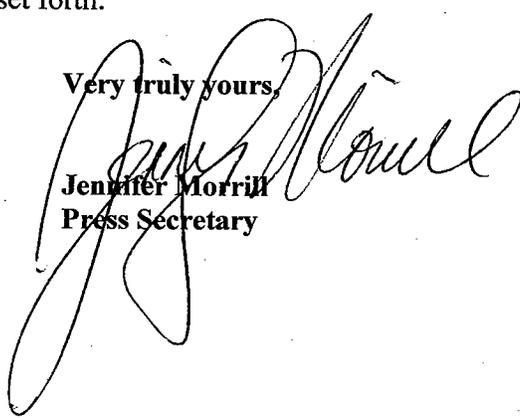
President and Members of the Municipal Council  
City Hall – 280 Grove Street  
Jersey City, NJ 07302

Re. JC1TV Ordinance

The City Council is currently considering an ordinance regarding the coverage of City Council meetings on Channel One. I have had a chance to review this ordinance with members of my staff who deal with the day-to-day operations of Channel One, and believe that changes need to be made prior to adoption of this ordinance.

I have amended the ordinance, which I respectfully ask you to review prior to adoption of the current ordinance in its present version. I believe that the compromise ordinance I have suggested will accomplish the goals that the City Council has set forth.

Very truly yours,

  
Jennifer Morrill  
Press Secretary

c: Mayor Jerramiah T. Healy  
Brian O'Reilly, Business Administrator  
Dominick Pandolfo, Chief of Staff  
Robert Byrne, City Clerk  
William Matsikoudis, Corporation Counsel

City Clerk File No. Ord. 10-053

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 10-053

TITLE:

## ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE TIDEWATER BASIN REDEVELOPMENT PLAN – GRAND AND MARIN SUBDISTRICT, FOR HEIGHT, BULK, AND USE

**WHEREAS**, the Municipal Council of the City of Jersey City adopted the Tidewater Basin Redevelopment Plan on November 10, 1999, amended the Plan in June 17, 2007, September 9, 2009, and again amended the Plan on March 24, 2010; and

**WHEREAS**, the Planning Board, at its meeting of March 23, 2010, determined that the Tidewater Basin Redevelopment Plan would benefit from amendments, specifically changes to the Grand and Marin Subdistrict to modify the bulk, height, and use standards in order to encourage development compatible with the character of the neighborhood; and

**WHEREAS**, a copy of the Planning Board's recommended amendments to the Tidewater Basin 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 Village Study Area 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 TIDEWATER BASIN REDEVELOPMENT PLAN – GRAND AND MARIN SUBDISTRICT, FOR HEIGHT, BULK, AND USE**

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

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

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

This ordinance adjusts the use and bulk standards of the Tidewater Basin Redevelopment Plan in order to permit buildings of 45'-57' in height and mixed uses in the Grand and Marin Subdistrict.

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

The existing Grand and Marin Subdistrict of the Plan permits a maximum of 15' building height. These amendments will allow more substantial development on the parcels in the subdistrict.

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

Will encourage development.

**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.

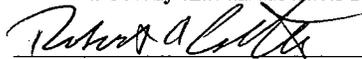
**8. Anticipated Completion Date: N/A**

**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

25 MARCH 2010  
Date

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

25/March 2010  
Date

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY  
CITY ADOPTING AMENDMENTS TO THE TIDEWATER BASIN  
REDEVELOPMENT PLAN – GRAND AND MARIN SUBDISTRICT, FOR  
HEIGHT, BULK, AND USE**

This ordinance adjusts the use and bulk standards of the Tidewater Basin Redevelopment Plan in order to permit buildings of 45'-57' in height and mixed uses in the Grand and Marin Subdistrict.



# TIDEWATER BASIN REDEVELOPMENT PLAN

**November 10, 1999**

Amended June 27, 2007 : Ord. 07-109

Amended Sept 9, 2009: Ord. 09-092

Amended March 24, 2010: Ord. 10-0136

*Proposed Amendment as Recommended by the Planning Board on March 23, 2010*

CITY OF JERSEY CITY  
DIVISION OF CITY PLANNING

## **I. Introduction**

The purpose of the Tidewater Basin Redevelopment Plan (hereinafter referred to as the “Plan”), is to provide for comprehensive redevelopment designed to ensure coordinated and harmonious growth within the Tidewater Basin Redevelopment Plan Area (hereinafter referred to as the “Area”).

The redevelopment plan takes into consideration the surrounding neighborhoods and takes into account the character and nature of current and proposed land-uses. Bordering the Tidewater Basin area to the east is the Colgate Redevelopment Area. Until recently the Colgate area was dominated by vacant lots and unused industrial buildings. It is planned to become a mixed use area with office, commercial and residential uses. This area is now active with construction as this project moves forward. The Paulus Hook Historic District, a quiet neighborhood of nineteenth century brownstones, borders the Tidewater Basin area to the north and to the east. The Liberty Harbor North Redevelopment Plan Area borders the Area to the west. Liberty Harbor North is planned as a predominantly residential, waterfront community.

A common element throughout all of these neighborhoods and the Area is the Hudson-Bergen Light Rail Transit System which will connect them all by means of a modern trolley service, and the Hudson River Waterfront Walkway, which connects these neighborhoods by means of a pedestrian ribbon park along the water’s edge.

## **II. Boundary Description**

See the Boundary Map for the boundary illustration.

## **III. Redevelopment Objectives and Minimum Standards**

All new development, rehabilitation, or adaptive re-use must conform to, and be consistent with the following objectives and minimum standards:

- A. At street level, human-scale development to compliment the neighboring Paulus Hook Historic District is required. New development, especially infill housing, shall be consistent in height, scale, material and design with the predominant form of housing – the brick rowhouse – of the neighborhood.
- B. Eliminate incongruous land uses by reinforcing, through acquisition and demolition, if necessary, the dominant residential pattern of the neighborhood.
- C. Encourage the elimination of obsolete and deleterious land uses and structures and the rehabilitation of deteriorated structures, including dilapidated piers and bulk-heading.
- D. Improve vehicular and pedestrian traffic through the re-establishment of a public

neighborhood street grid, while improving the circulation through the neighborhood by addressing traffic direction, R-O-W width, cartway width and sidewalk design to discourage vehicular through traffic while improving pedestrian and bicycle access and by incorporating into all waterfront projects the public pedestrian walkway system known as the Hudson River Waterfront Walkway.

- E. Provide for decorative streetscape and site improvements for the beautification of the redevelopment plan area and adjacent neighborhoods.
- F. Provide for the enhancement of the Paulus Hook Historic District through improvement of its waterfront access, redevelopment of industrial sites and historically sensitive treatment of vacant sites within and immediately contiguous to the historic district.
- G. Encourage the preservation and promotion of the buildings contributing to the area's historic and cultural fabric, and the protection and re-establishment of view corridors along existing and new public streets to accentuate views of Manhattan Island, the Statue of Liberty, Ellis Island and Liberty State Park.
- H. Develop a network of public open space nodes along the Hudson River Waterfront Walkway which shall be designed to improve pedestrian circulation, act as a catalyst for residential development and help to improve valuable and desirable vistas.

#### **IV. Types of Proposed Redevelopment Actions**

This plan will improve and upgrade the Tidewater Basin Redevelopment Area substantially through a combination of redevelopment actions. These include, but are not limited to:

- Clearance of dilapidated, deteriorated, obsolete or under-utilized structures.
- Assembly of vacant and/or underutilized land into developable parcels.
- Construction of new structures and complementary facilities.
- Provisions for public infrastructure necessary to service and support the new development, including separated storm and sanitary sewers, through special assessment, if necessary, so that the low-lying areas of the Redevelopment Area can experience improved drainage as a result of this Plan's implementation.
- Designation of pedestrian and vehicular Rights of Way to be improved in conjunction with project area development and dedicated to the City.

## V. **Redevelopment Regulations and Guidelines**

- A. The following guidelines apply to all development within the Redevelopment Area and are mandatory.
1. All structures that share a property line with a historic district or property must be compatible to the design of the historic district property design, including, but not limited to: building height, scale, setback, fenestration, window and door placement, construction material, roofline and shape, and colors.
  2. All infill housing, must compliment the existing indigenous housing on the street, especially with regard to height, scale, materials, rooflines and setbacks.
  3. All structures shall be designed to have an attractive and finished appearance from all vantage points and utilize the same high quality material on all facades of the building.
  4. Signage:
    - No billboards or junior billboards permitted.
    - No back lighted signs or flashing lights.
    - Signage shall be in proportion to the structure
    - Signage shall be of quality material
  5. Standard chain link fencing and/or barbed wire is prohibited, except that chain link fencing may be utilized during construction.
  6. View corridors along the existing street network and extended network made part of this redevelopment plan shall be preserved, to maximize sight lines to the Manhattan Skyline, the Statue of Liberty, Ellis Island and Liberty State Park.
  7. All utility distribution lines and utility service connections from such lines to the project area's individual uses shall be located underground. All meters for utility service shall be located inside the building they serve and shall not be visible from the street (remote readers are permitted, however, to be located on the exterior of structures).
  8. All mechanical equipment located on the roof of any building must be enclosed by the building's façade, which must be consistent in design with the rest of the building. Where roofs can be looked down upon from adjacent buildings, a "roofscape" plan must be developed and submitted for Planning Board approval. All electrical communications equipment shall be located in such a way that it does not adversely impact the appearance of the building or site, nor create objectionable views as seen from surrounding structures or public areas.
  9. All development containing commercial uses, and all residential apartment projects of more than 3 units, shall provide facilities to secure bicycles in the public sidewalk area. All residential developments shall provide bicycle lockers within the parking areas or common areas of the building at a ratio of one locker for every two units.

B. The following regulations apply to all development and are mandatory.

1. **Façade Materials:** *With the exception of Penthouses as outlined in §VII.E below*, the predominant building material for exterior cladding shall be brick, and the façade shall consist of no more than three materials, textures or colors.
2. **Façade Articulation:** Buildings shall consist of three horizontal elements: the base, a middle, and a top, which shall be achieved through the use of different materials, colors or surface treatments.
3. **Rooflines:** All roofs shall be flat, and may contain roof decks for recreation purposes. Access structures, such as staircase bulkheads or elevator rooms may be provided to allow access such rooftop areas. The bulk of such access structures shall be the minimum necessary to meet building codes and shall not be considered as part of the height of the structure. No habitable space is allowed in such access structures. Color and materials shall compliment that of the principal structure.
4. **Cornices:** All buildings shall incorporate a cornice feature at the roofline, which may not be constructed of lightweight material such as plastic, and which should be of natural materials such as wood, masonry or metal. Fiberglass reproduction cornices are acceptable provided they are well made and true to original form.
5. **Common Elements:** All projects, as part of the site plan approval process, shall identify and incorporate at least three (3) elements that are similar to adjacent structures, such as the type and color of brick, or the height and scale of the cornice, so that there is connectivity across time as the Area builds out.
6. **Stoops and Stairs:** All residential developments shall incorporate stoops and stairs along all frontages where stoops and stairs are the established mode on the same or opposite side of the street.
7. **Residential Heights Above Sidewalk:** All residential uses located on the first floor or story shall maintain visual separation to maintain a sense of privacy. The floor of such residences shall be at least two feet higher than the adjacent public sidewalk or walkway, and the window sills of all windows on such frontages shall be at least five feet higher than the adjacent public sidewalk or walkway. Wheelchair access may be provided by means of lifts or internal ramps.
8. **Story Height:** The maximum height for any story shall be fourteen feet and the minimum height shall be nine feet, except that the first story height shall be a minimum of ten feet, unless the floor is raised at least three feet above the sidewalk level. The first story height shall be taller than the stories above it, either by raising the first story from grade level with a stoop, or by raising the ceiling height. *Maximum height for penthouses, where permitted, is twelve (12) feet.*
9. **Shopfronts:** All shopfronts shall be a minimum of 75% glass or void, shall be individually designed, and shall have three distinct elements: the storefront, the entrance and the sign band. Each retail storefront shall be allowed one sign and one blade sign, which shall be located in a sign band

- area. If lighted, only direct lighting is permitted.
10. **Fencing:** All front yard fencing shall consist of mild steel “wrought iron” style fencing, painted black, and consisting of solid pickets a minimum 5/8 inch thick which fully penetrate all horizontal rails and are capped with decorative elements. Rear yards may be fenced with wooden fences, provided such fencing shows a “good” side on both sides.
  11. **Balconies:** Balconies shall be recessed into, rather than projecting out of, the façade. At least 25 percent of the units in developments of 4 units or more shall contain a balcony.
  12. **Sidewalks:** All sidewalks shall be tinted “French Gray” and contain an admixture of mica. All sidewalks shall be a minimum of 10 feet wide, which may include the planting strip, and may be located within the property line, if necessary, to achieve the required ten feet minimum. Minimum cross sections shall be as follows: Curb: 8 inches / Planting strip: 28 inches / Sidewalk: 7 feet. The planting strip, if not vegetative, will be constructed of bricks or cobblestone between the tree wells.
  13. **Landscaping:** All landscaped areas shall be irrigated. Street trees are required to be planted along all streets, within a planting strip, which is within the first 36 inches inboard of the curb face. All trees shall be a minimum 3.0 to 3.5 inches caliper. All trees shall be protected by a suspended tree grate which must be approximately 3 by 6 feet, and be of two halves, and be made so as to facilitate growth of the tree by having easily removed sections. A minimum of 10 percent of every lot shall be landscaped with living vegetative material, which shall provide more than 90 percent coverage after one growing season. Mulch is not considered “living vegetative material.”
  14. **Accessibility:** *All buildings three stories and higher must have an elevator.*
  15. **14. Development Parcels** are required as follows:  
**Parcel 1:** Block 130, Lots A, B, C, 84, G1, 77, 75, 73, H, J, K, L, M, N, 83, 85, 87, 89A;  
**Parcel 2:** Block 131, Lots 81, 79A, A, B, C, D, E, 78;  
**Parcel 3:** Block 131, Lots 95A, 95B, 92, 91, 93;  
**Parcel 4:** Block 130, Lot 90  
 Any redevelopment on these parcels shall include all properties within the designated development parcel.

## VI. Parking Standards and Requirements

1. ***Where not otherwise regulated or prohibited in Plan Subdistricts, all residential development must provide parking at a minimum ratio of one space for every unit containing up to two bedrooms, and two spaces for every unit containing more than two bedrooms. All such spaces must be tied to the residential lease or deed, unless otherwise authorized by the Planning Board pursuant to a Community Benefit Parking Plan and Developer’s Agreement referenced under Section VII herein. An additional number of spaces, equal to***

- 10% of the number required by the above calculations shall be required for guest and staff parking.
2. Parking garages must be either under the principal building(s) of an individual project and have an elevation above the average grade of the public sidewalk abutting the project of no more than one-half the floor to floor height of the garage/first occupied floor, or, if at ground level, be wrapped and completely surrounded by and be covered from view by the principal use building.
  3. Parking at grade level, *in Subdistricts where permitted*, must be screened and not appear readily visible from street level. The use of brick walls, landscaped berms and evergreen hedges (in combination or singularly) is the preferred means of achieving this requirement. The Planning Board may allow other, equally appropriate means of screening parking, at their complete discretion.
  4. Neither at-grade exposed parking, nor parking as a principal use are permitted.
  5. No unimproved lots may be used for off-street parking, even on an interim basis. All lots used for construction workers' parking shall be improved to the satisfaction of the Planning Board, and must, at a minimum, be covered with crushed stone and gravel to prevent mud from being tracked into the streets and sewers, and be fenced. Chain link is permitted in such cases where the parking area will only be used for the duration of the construction activity it serves.

## VII. Land Use District Standards

### A. Legacy District

1. This district contains all of Block 97 and Block 98. It is currently approved for 324 dwelling units in four story structures with an additional story of parking under the building and fifth floor mezzanine space provided on the interior courtyards. These buildings are approved not to exceed 65 feet in height, are predominantly comprised of brick cladding, have peaked roofs, some individual entries and stoops, and balconies. This Redevelopment Plan establishes the current zoning approval, as approved by the Zoning Board of Adjustment in their resolution of January 14, 1999, as the land use regulations and standards for this district. Nothing contained herein is intended to negate, modify nor amend that approval. However, the referenced approval shall be the maximum development allowed within this district
2. Minor alterations in site plan and façade characteristics may be permitted by the Planning Board provided such alterations are consistent with the redevelopment regulations and parking standards of this Plan. Any changes not consistent with this Plan are cognizable under a deviation application, and will be judged on their merits.

**B. Portside District**

1. This district contains Lot 34 of Block 60, an area of 5.35 Acres as per the City's Tax Assessor's maps. It has been approved and is partially developed as *Portside*, a mixed-use development consisting of a maximum of 527 dwelling units, a maximum of 753 parking spaces, and approximately 62,000 square feet of commercial space. Phases one and two of this three phase project have been completed. This Redevelopment Plan establishes the current zoning approval, as first approved by the Zoning Board of Adjustment in their resolution of March 3, 1986, which approvals were amended several times, as the land use regulations and standards for this district. Nothing contained herein is intended to negate, modify nor amend that approval. However, the referenced approval shall be the maximum development allowed within this district.
2. Minor alterations in site plan and façade characteristics may be permitted by the Planning Board provided such alterations are consistent with the redevelopment regulations and parking standards of this Plan. Any changes not consistent with this Plan are cognizable under a deviation application, and will be judged on their merits.

**C. Waterfront District**

1. This district lies between Warren Street and the extension of Van Vorst Street and runs from Morris Street to the Tidewater Basin. A significant portion of this district is located on the water's edge, where a marina is permitted and encouraged to be developed as part of a larger, predominantly residential development. The Hudson River Waterfront Walkway is required for all development located on property that abuts the water's edge. The minimum standards of the New Jersey Department of Environmental Protection (DEP) for the Hudson River Waterfront Walkway are adopted herein by reference, and are considered to be a part of this Redevelopment Plan.
2. Permitted Uses
  - a. Residential
  - b. mixed-uses consisting of residential uses mixed with retail sales and services, including child day care, restaurants, and offices
  - c. marina and related uses on the underwater parcels.
3. Accessory uses
  - a. off-street parking
  - b. recreation areas
  - c. day care facilities
  - d. access to the marina.
4. Maximum Heights
  - a. Heights shall not exceed six stories and 75 feet on Blocks 60 and 130.
  - b. Heights shall not exceed four stories and 50 feet on Block 131. However, a height bonus of up to an additional 30 feet and three stories, for a

maximum height of 80 feet and seven stories, may be permitted where the Planning Board approves a community benefit parking plan ("Community Benefit Parking Plan") and enters into an agreement with a developer outlining such Community Benefit Parking Plan ("Developer's Agreement"), providing for the development of accessory off-street parking on the site. Any such approved Community Benefit Parking Plan and Developer's Agreement must comply with the Parking Standards and Requirements set forth in Section VI herein, with the exception that a 10% additional number of spaces for guest and staff parking, referenced in Section VI(1), shall not be required. Any approved Community Benefit Parking Plan and Developer's Agreement must require that additional parking of at least 50 parking spaces above the minimum parking standard shall be provided and made available to residents of the Tidewater Basin Redevelopment Plan Area, which shall not include residents of the proposed development. The Community Benefit Parking Plan and Developer's Agreement may permit valet parking.

5. Setbacks

- a. All development will be setback a minimum of eight feet and a maximum of 15 feet of existing or proposed street lines, including Dudley Street as depicted on the Circulation Map. Development containing commercial space on the ground floor may locate up to the street line for the length of the entire development. Residential buildings fronting on the required waterfront walkway shall set back a least ten feet from the walkway easement, which setback area may be landscaped and fenced. All facades facing onto the waterfront walkway shall be designed to appear as front entrances and not back yards.

6. Densities

- a. 75 dwelling units per acre for developments that are 100 percent residential. Mixed use projects shall have their residential density reduced by the number of units that could have been built in the commercial space given the average square footage of a residential unit within the development not including any common areas. However, a density bonus of up to an additional 100 units per acre, for a maximum density of 175 units per acre, may be permitted where the following is achieved:
  - 1) The Planning Board approves a Community Benefit Parking Plan and enters into a Developer's Agreement, consistent with the requirements of Section VII C 4(b) above.
  - 2) The developer incorporates within the development at least one "green" building component, which shall consist of the installation of a solar panel array covering a minimum of 10% of the roof area above the highest residential floor or 5% of the footprint of any proposed building, whichever is greater, for the purpose of converting sunlight into useable electricity
  - 3) The developer agrees that through-the-wall heat pumps

will not be installed within any first or second floor residential units that front on a public street.

**D. Historic Buffer District**

1. This district is designed to compliment and maintain the historic district streetscape and pattern of land uses. Design standards are established to ensure development which is appropriate to be located adjacent to a National Register Historic District. The area includes portions of Block 132 and Block 166. (Please refer to the Land Use Map for identification of the Zoning Districts' boundaries.) Any development project that has legally valid approvals at the time this Plan is adopted by the Jersey City Municipal Council shall be considered to have established the Land Use Standards for such project, the following notwithstanding, provided, however, that such standards shall become the maximum development potential for such project sites unless the standards below provide greater development potential.
2. Principal permitted uses
  - a) One, two and three family attached dwellings
  - b) Recreation and open space
3. Accessory Uses
  - a. Off-street parking, conforming with plan standards
  - b. Fences and railings
  - c. Home occupations
4. Maximum Height
  - a. 4 stories, not to exceed 45 feet, provided that the maximum height shall not exceed the average height of the existing structures immediately adjacent and within the same block or across the street. All structures shall be of a scale and design that mirrors that of the historic structures across the street.
5. Minimum lot size
  - a.) Interior lot - 2000 square feet
  - b.) Corner lot - 2400 square feet
  - c.) Minimum lot sizes may be reduced by an equivalent amount of lot area dedicated to any rear alleyway.
6. Maximum Lot Coverage:
  - a.) 75%, except that under building parking garages shall not be considered as building coverage, provided that the area of such garages covered by a principal use building shall be bound by the 75% maximum coverage rule, and the remaining area shall be covered by landscaped areas, sidewalks, stairs, walls and/or recreation areas.
  - b.) 80% in the case of development that provides parking structures surrounded along all public rights-of-way by principal use buildings
  - c.) recreation and open space may cover 100% of the lot area
7. Setbacks:
  - a.) Front: 5 feet minimum, 15 feet maximum, or in the case of a block of continuous structures of more than 20 years old, the setback shall line

up with the contiguous existing properties on the block.

- b.) Rear Yards: Interior lots – 15 feet  
Corner lots – none

8. Parking:

- a.) Residential: a minimum of 1 space per dwelling unit and a maximum of 2 spaces per dwelling unit, accessed from the rear of the property, and which may be provided in free standing garage located at the rear.
- b.) All parking must be covered and under the building and at least four feet below average sidewalk grade adjacent to the principal structure or, if at grade or above, be located within and be wrapped by the principal structure so as to not be visible from the public view.
- c.) If rear access is not possible, or would severely compromise the architectural integrity and historic appropriateness of the development the parking requirements may be waived, at the sole discretion of the Planning Board.

9. Design Standards

- a.) Building design of this district shall be compatible with the Paulus Hook historic district structures. Building height, width, mass and proportion are important elements of the historic district. All building facades will feature decorative elements harmonious with the architecture of the historic district including, but not exclusive to lintels, decorative brickwork, cornices, railings, light fixtures, doors and doorways.
- b.) Buildings in the redevelopment area that also are part of the Paulus Hook historic district must follow the Jersey City Historic Preservation Commission Regulations for Alterations and Additions to buildings and New Construction in Historic Districts.
- c.) Openings on Frontal Facades: The width and height of windows, doors, and entries must harmonize in scale and proportion with the width and height of windows, doors, and entries of buildings and structures of historic significance in the surrounding environment.
- d.) Relationship of Unbroken Planes to Voids (i.e., Punctured Planes) in Front Facades: The relationship of unbroken planes (i.e. walls) to voids (i.e., windows and doors) on the facade of a building or structure should be aesthetically harmonious with that of buildings and structures of historic significance in the surrounding environment.
- e.) Roof forms must be honored. In new construction, designers must take care to paradigmatically honor the existing historic roof forms and slopes of the area so as not to violate the aesthetic harmony of the whole.
- f.) Building materials: All new structures must be constructed of high quality masonry materials.
- g.) Fences: Permitted are decorative tubular steel, wrought iron, wooden board on board, or board on baton.
- h.) Rehabilitation: The rehabilitation of historically significant structures (of 70 years or older) shall follow the historic district guidelines for rehabilitation to ensure compatibility within the neighborhood.

Required of rehabilitation are that: Historic store fronts be preserved; Historic features are not removed, covered or converted; Doorway and window size can not be diminished.

- i.) Additions: Building additions which add height shall not be visible from the street frontage of the structure and shall not exceed building coverage standards.
- j.) Landscaping: Front yards are to be attractively landscaped and at least one 3"-3.5" caliper tree shall be planted curbside for every 25 feet of frontage.
- k.) Signs may not exceed two square feet, and must be of natural materials.

## E. Grand and Marin District

This district is designed to provide space for athletic fields, open space, recreation and educational facilities at the corner of Marin and Grand Streets.

- 1. Principal Permitted Uses
  - a. Outdoor recreation and improved open space
  - b. Athletic facilities
  - c. Educational facilities
  - d. ~~Mixed uses of the above~~ **Residential above the ground floor**
  - e. **Ground floor retail on corner properties**
  - f. **Ground floor restaurant, categories one and two as defined by the Land Development Ordinance, on corner properties**
  - g. **Mixed uses of the above**
- 2. Accessory Uses
  - a. Off-street parking conforming with plan standards
  - b. Fences and railings
  - c. Signs, not to exceed 12 square feet, and not to be internally illuminated
- 3. Maximum Height:
  - a. ~~15 feet~~ **4 stories and forty-five (45) feet**
  - b. **One additional penthouse story, not to exceed 12 (twelve) feet for a total of fifty-seven (57) feet, and compliant with the standards outlined in §VII.E(7) below, is permitted on corner lots.**
- 4. **Maximum Lot Coverage**
  - a. **Seventy percent (70%)**
- 5. **Setbacks:**
  - a. **Maximum Front yard – Zero (0) feet**
  - b. **Maximum Corner Side yard – Zero (0) feet**
  - c. **Minimum Side yard – Six (6) feet, except where side windows are proposed to be located, in which case zero (0) feet**
  - d. **Minimum Rear yard – Thirty (30) feet**
- 6. **Parking & Loading**
  - a. **Parking is prohibited**

- b. *One garaged loading space per building is permitted, provided that access to this garage is not from Grand Street.*
- 7. *Penthouses (as permitted in §E(3.a) above) on corner lots*
  - a. *Penthouses must be set back five (5) feet from all streetfront facades*
  - b. *Penthouses may not exceed twelve (12) feet in height*
  - c. *Penthouses must be constructed primarily of glass, with metal or other modern elements permitted as details.*
  - d. *Penthouses must have a flat roof*
- 8. ~~4.~~ Buffering
  - a. ~~5.~~ All permitted principal uses must be adequately buffered from adjoining residential uses, through the use of a five feet wide evergreen hedge-row, of a species that will grow tall and can be trained (clipped) into a dense evergreen hedge, and contain fencing, which must be located on the non-residential side of the landscaped buffer.
- 9. ~~6.~~ All other requirements shall be as regulated in Sub-Section D. Historic Buffer District

**F. Office/Residential District**

This district fronts on Van Vorst Street, and contains several sites that were predominantly historically used for industrial purposes. Re-use of these sites for commercial purposes is favored for feasibility reasons, although residential uses are permitted because of the strong demand for such uses.

- 1. Permitted Principal Uses
  - a. Office
  - b. Residential
  - c. Parks, pedestrian and bicycle paths, open space
- 2. Accessory Uses
  - a. Off-street parking conforming with plan standards
  - b. Health clubs serving units
  - c. Fences and railings
  - d. Home occupations
  - e. Signs
- 3. Maximum Height
  - a. The maximum height shall be six stories and 75 feet.
- 4. Signs
  - a. Offices uses may have one sign, not to exceed 16 square feet for corporate identification, and/or to list tenants at the main entrance
  - b. Home occupations may have one sign, not to exceed 2 square feet, and to be comprised of natural materials.
- 5. All other requirements shall be as regulated in Sub-Section D. Historic Buffer

District

## **VIII. PROCEDURAL REQUIREMENTS**

### **A. Submission of Redevelopment Proposals**

Site plan review shall be conducted by the Jersey City Planning Board pursuant to NJSA 40:55D-1 et seq.

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

### **B. Duration of Plan's Effect**

The provisions of this plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) years from the date of approval of this plan by the City Council of the City of Jersey City.

### **C. Deviation Requests**

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

### **D. Procedure for Amending this Plan**

This Redevelopment Plan may be amended from time-to-time upon compliance with the requirements of law. A fee of \$500 plus all costs of copying and transcripts shall be payable to the City of Jersey City for any request to amend this plan. If there is a

designated developer, as provided for under NJSA 40:55 C-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.

#### **E. Interim Uses**

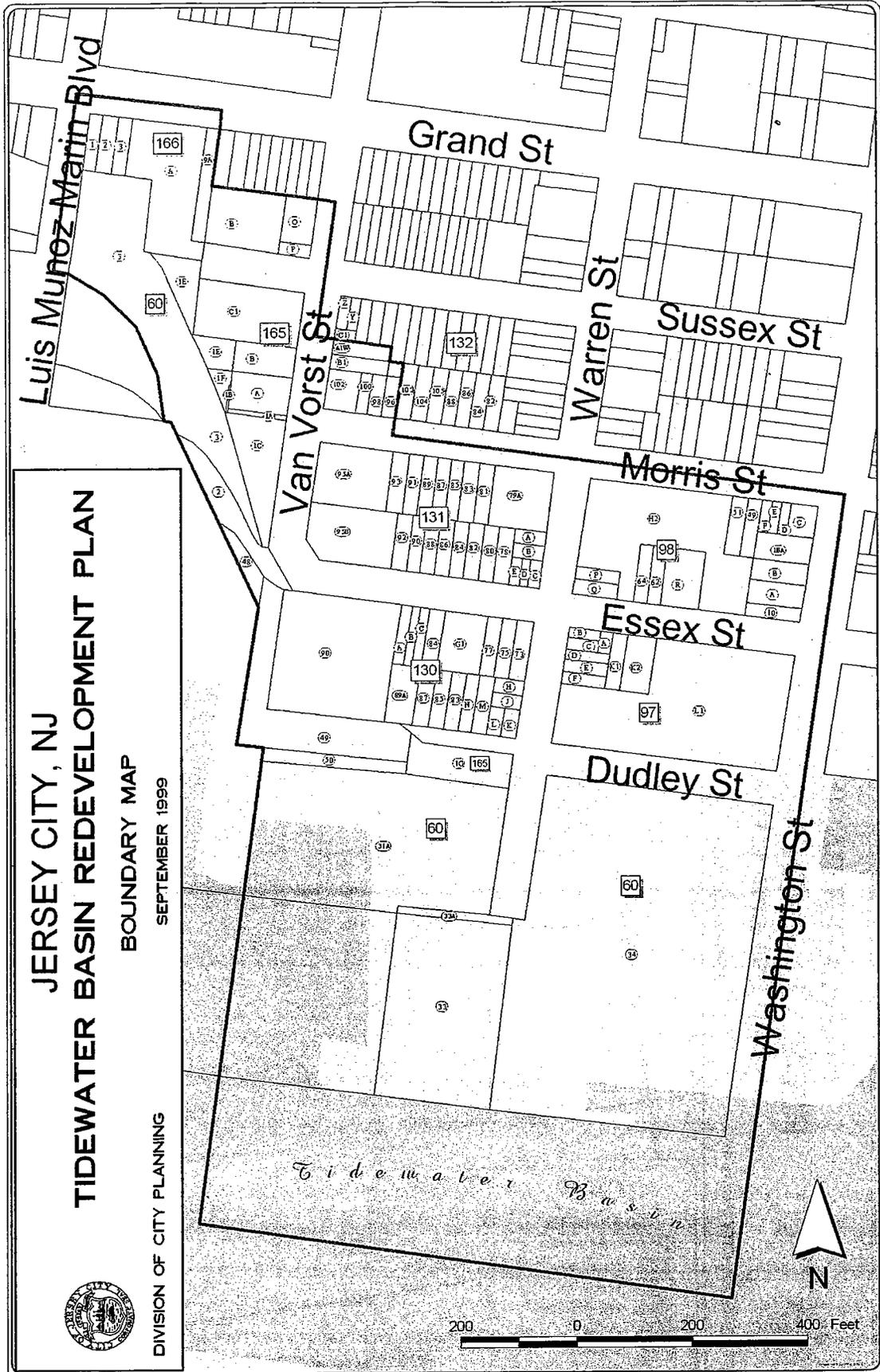
Interim uses may be established, subject to site plan approval and agreement between the developers and the Planning Board that such use will not have an adverse effect upon existing or contemplated development during the interim use period. Interim uses may be granted for a period of up to three (3) years, and may be renewed at the discretion of the board. Commuter parking that does not serve employees of this redevelopment plan area is specifically prohibited and does not qualify as an interim use.

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

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

- A. The Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements.
- B. The Plan has laid out various strategies needed to be implemented in order to carry out the objectives of this Plan.
- C. The Plan has given proposed land uses and building requirements for the redevelopment area.
- D. The **Acquisition Maps** which are a part of this Plan lists all property to be acquired as a result of this Plan. Jersey City shall ensure that any residents displaced by this Redevelopment Plan are afforded all reasonable and lawfully required efforts to secure adequate replacement housing. It is estimated that sufficient relocation housing is available, including subsidized housing, if necessary. All commercial enterprises to be acquired under this Plan will be given relocation assistance in compliance with all applicable laws.
- E. The Plan is in compliance with the Jersey City Master Plan. The Master Plan of the County of Hudson is not contrary to the goals and objectives of the Jersey City Master Plan. The Plan complies with the goals and objectives of the New Jersey Development and Redevelopment Plan is that this Plan and the State's Plan both recognize the need to redevelop urban land.
- F. This Redevelopment Plan shall supersede all provisions of the Jersey City Zoning Ordinance that are specifically addressed herein. Any zoning related question that is not addressed herein shall refer to the Jersey City Zoning Ordinance for clarification. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this

Plan, as provided herein. Upon final adoption of this Plan by the Municipal Council of Jersey City, the Jersey City Zoning Map shall be amended to rezone the area covered by this Plan as the Tidewater Basin Redevelopment Area, and all underlying zoning will be voided.





**TIDEWATER BASIN  
REDEVELOPMENT PLAN  
LAND USE DISTRICTS MAP**

SEPTEMBER 1999

DIVISION OF CITY PLANNING



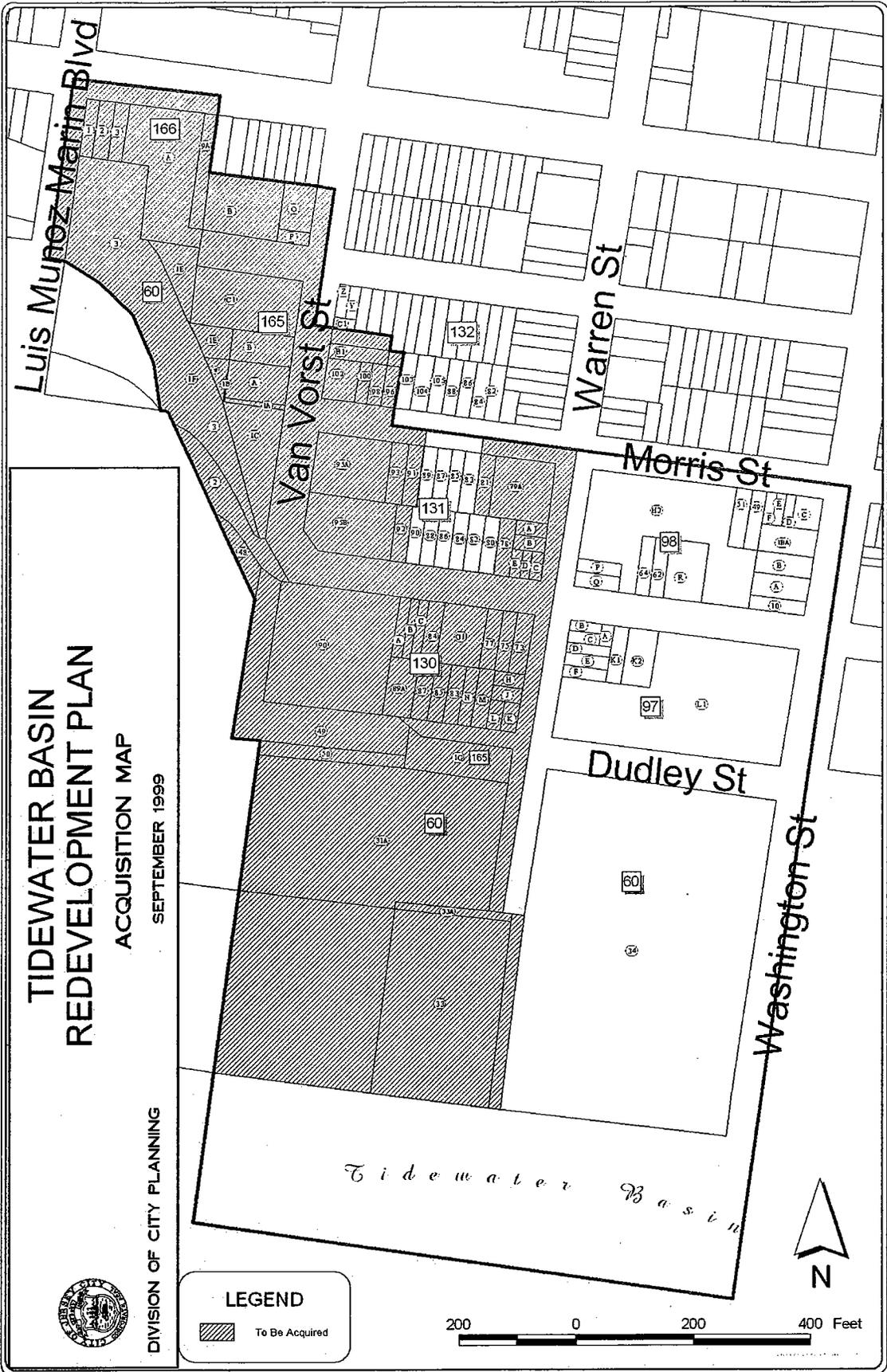
**LEGEND**

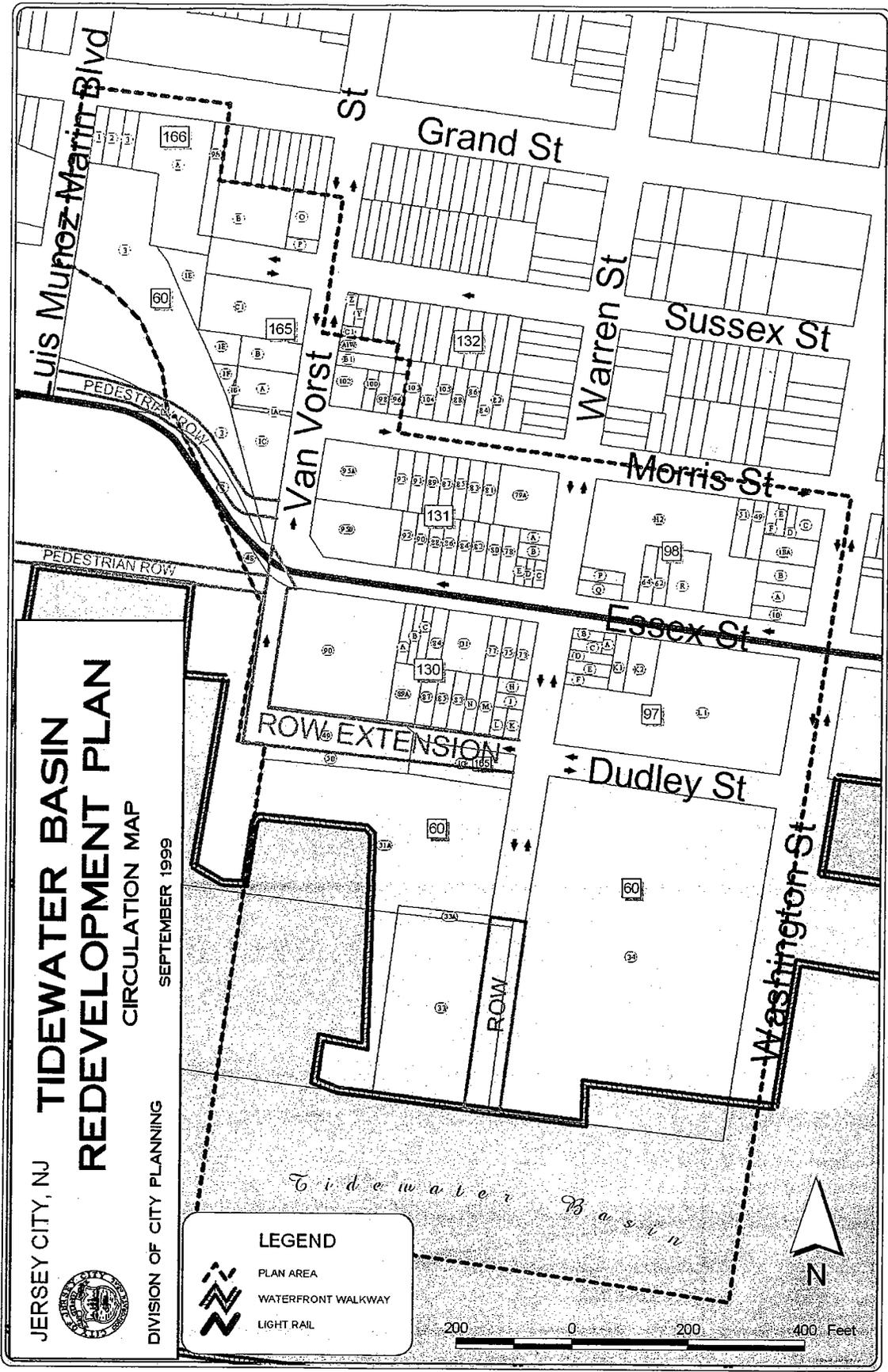
Land Use Districts

- Grand and Marin
- Historic Buffer
- Legacy
- Office / Residential
- Portside
- Waterfront

*Tidewater Basin*







**TIDEWATER BASIN**  
**REDEVELOPMENT PLAN**  
 CIRCULATION MAP

SEPTEMBER 1999

JERSEY CITY, NJ  
 DIVISION OF CITY PLANNING



**LEGEND**

- PLAN AREA
- WATERFRONT WALKWAY
- LIGHT RAIL







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



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**Inter-Office Memorandum**

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**DATE:** March 31, 2010

**TO:** City Council members

**FROM:** Kristin J. Russell, PP, AICP  
Robert D. Cotter, PP, AICP

**SUBJECT:** Tidewater Basin Redevelopment Plan Amendment

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The Tidewater Basin Redevelopment Plan was originally adopted in 1999 with several subsequent amendments. The plan area is bounded roughly by Warren Street to the east, Marin Blvd. to the west, the Tidewater Basin to the south, and an irregular zone line to the north ranging from Grand Street to Morris Street. (Please see attached map.)

Within the Tidewater Basin is a subdistrict known as "Grand and Marin" which encompasses the southeast corner of the Grand & Marin intersection as well as the ball fields belonging to St. Peter's Prep. Included in this Subdistrict is property owned by Cheng C. Tan, aka Terry Tan.

Mr. Tan has requested a re-zoning of his property. Current zoning in the Grand and Marin Subdistrict allows for recreation/athletic/education facilities at a maximum building height of 15 feet. At the Planning Board's meeting of February 23, 2010, Mr. Tan presented his case to change the zoning to allow for a 75 feet tall building for his property only. We felt that his request amounted to "spot zoning" and recommended that the Planning Board reject his request because "spot zoning" is not legal in New Jersey. However, we countered that the entire Subdistrict could be rezoned to allow more substantial development in the Subdistrict and avoid the charge of "spot zoning."

City Planning proposed an increased building height of 4 stories (45 feet) in the Subdistrict and presented our position to the Planning Board after Mr. Tan's presentation. The Board debated the issues and decided to table the Tan request pending further review by the planning staff and charged us to meet with him after our reconsiderations.

We reconsidered our position and Mr. Tan's request. We went to the site and observed his property from the new 15 story building across the street at 225 Grand. We photographed his site (and the adjacent neighborhoods) from the 5<sup>th</sup> thru 7<sup>th</sup> floors. It was clear to us that the adjacent neighborhoods of Paulus Hook and Van Vorst Park were predominantly 2 ½ to 3 ½



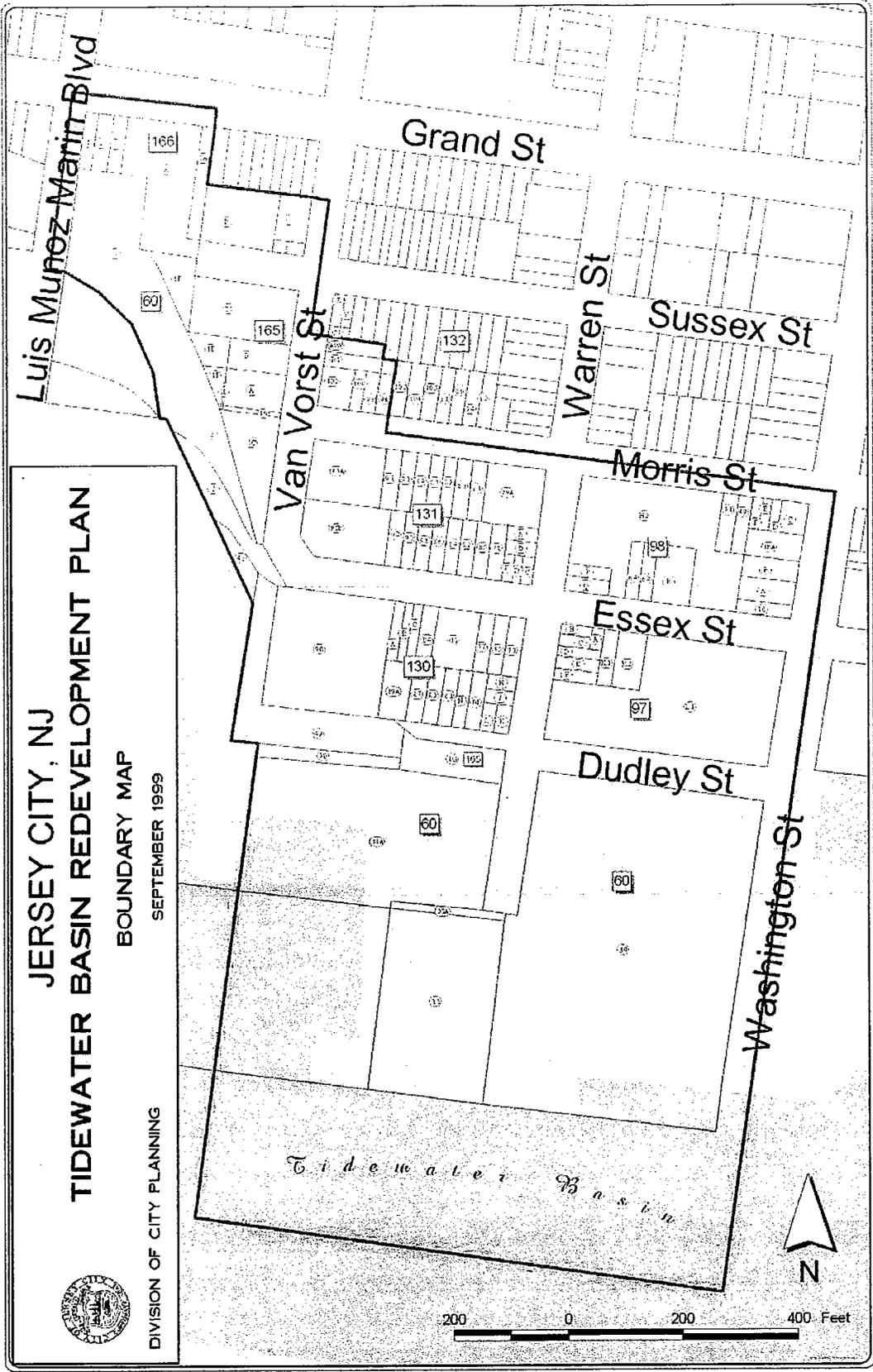
stories with an occasional 4 ½ or 5 story building. Even the new high-rise we were taking pictures from immediately stepped down on the west side of the tower to 5 stories to respect the predominant heights of the neighborhood across Grand Street.

Our decision to maximize height at 4 stories (plus penthouse on corner lots) is based on the existing area character:

- The northeast and northwest corners of this intersection are both Historic Districts (Paulus Hook and Van Vorst Park) with a maximum height of 4 stories and 40 feet. The buildings at this intersection as built are between 2 ½ and 3 stories.
- The Grand and Marin district extends east down Grand Street. Midblock, the subdistrict abuts the R-2 zone and Paulus Hook Historic District, both with a maximum height of 4 stories and 40 feet and an actual built height ranging from 2 to 3 ½ stories.
- The southwest corner of the Grand and Marin intersection falls within the Liberty Harbor North Redevelopment Plan Area. The 15 story building is on a 65,000 square foot lot (1.5 acres), which is 13 times larger than Mr. Tan's 5,000 square foot site and is able to carry the density and mass of a high-rise structure.

It is our professional opinion that the Grand and Marin Subdistrict lies in an area of transition between the Liberty Harbor North Redevelopment Plan area and the Paulus Hook Historic District. By allowing four stories, the character and scale of the Historic District on two of the four corners and on the subject block (which is Paulus Hook Historic District and Tidewater Redevelopment Plan) will be respected. The fifth floor glass penthouse at the corner (Mr. Tan's property) will provide a more substantial bookend at the corner and signal a transition towards the new development at Liberty Harbor North while still respecting the low-rise character typical to the area.







City Clerk File No. Ord. 10-054

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 10-054

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING  
AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE EXPANDING THE R-1A ZONING DISTRICT**

**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**, the Municipal Council, first adopted R-1A zoning on January 24, 2007 (Ordinance No. 06-163); and

**WHEREAS**, the Jersey City Master Plan makes reference to houses on larger lots Citywide; and

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

**WHEREAS**, the Planning Board at its meeting of March 2, 2010 did vote to recommend that the Municipal Council expand the "R-1A" zone in Ward B and revise the required yard setbacks; and

**WHEREAS**, the Jersey City Master Plan recommends a larger lot size minimum where such larger lots exist in the city; 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:**

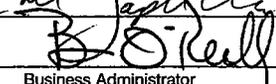
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City 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 EXPANDING THE R-1A ZONING DISTRICT**

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

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

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

Expands the R-1A One and Two Family Zoning District in Ward B

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

The expanded R-1A zoning district is needed to protect streets with larger houses on large lots from subdivision and infill of smaller houses out of character of the neighborhood.

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

Facilitation of more appropriate, compatible development.

**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  
Anthony J. Lambiase, Director, Division of Zoning

**10. Additional Comments: None**

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

Robert D. Cotter  
Division Director

MARCH 3, 2010  
Date

Carl Czaplicki  
Department Director Signature

3/3/2010  
Date

# **SUMMARY STATEMENT**

## **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE EXPANDING THE R-1A ZONING DISTRICT**

This Ordinance will amend Article V of the Land Development Ordinance (Zoning Ordinance) to expand the R-1A One and Two Family Housing Zone (similar to the existing R-1 zone) in Ward B, in order to protect the character of certain streets in Ward B where larger houses on large lots are common.



CITY OF JERSEY CITY

HOUSING, ECONOMIC DEVELOPMENT  
AND COMMERCE DEPARTMENT

CITY PLANNING DIVISION

30 MONTGOMERY STREET SUITE 1400  
JERSEY CITY, N.J. 07302-3821  
PHONE: 201.547.5010  
FAX: 201.547.4323

§ 345-40.1 R-1A One and Two Family Housing District.

A. Purpose.

The purpose of this district is to preserve the pattern, quality, and architectural individuality of the existing detached one- and two-family homes and to discourage subdivision and demolition. This district is similar to the R-1 zone except that it is intended to protect the character of streets where larger houses are typical and the predominant lot size is larger than the standard 25x100 lot size for Jersey City.

B. Permitted principal uses are as follows:

1. One family dwellings.
2. Dwellings with two dwelling units.

C. Uses incidental and accessory to the principal use, such as:

1. Private garages.
2. Off-street parking.
3. Fences and walls.
4. Home occupations.
5. Swimming pools.
6. Decks and patios.

E. Bulk Standards for One and Two Family Dwellings.

1. Minimum Lot Size: Four thousand (4,000) square feet.
2. Minimum Lot Width: Forty (40) feet.
3. Minimum Lot Depth: One hundred (100) feet.
4. Front Yard Setback: ~~Predominant setback shall apply.~~ **Front yard setback shall match the setback of the Primary Building Façade of the closest permitted use in the same zone on either side of the subject parcel, provided that the building setback to be matched shall be closest to the predominant (most frequently occurring) setback on the blockfront. A current signed and sealed survey of the subject property showing adjacent building setbacks on both sides along with photos showing the entire blockfront to the left and right of the subject property must be provided to the Zoning Officer as part of the application for a building permit. (see Article I for definition of Primary Building Façade)**
5. Side Yards: Minimum of five feet on both sides.
6. Minimum Rear Yard: ~~Thirty (30) feet.~~
  - a. **The rear yard setback shall be added to the front yard setback (as determined above) to produce a total of not less than thirty-five (35) feet, provided however, that in no case shall a rear yard be less than twenty (20) feet. The mathematical formula for this calculation is as follows.**

**X = required front yard setback**  
**Y = required rear yard setback**  
**X + Y = at least 35 feet**

**For example:**



CITY OF JERSEY CITY

HOUSING, ECONOMIC DEVELOPMENT  
AND COMMERCE DEPARTMENT

CITY PLANNING DIVISION

30 MONTGOMERY STREET SUITE 1400  
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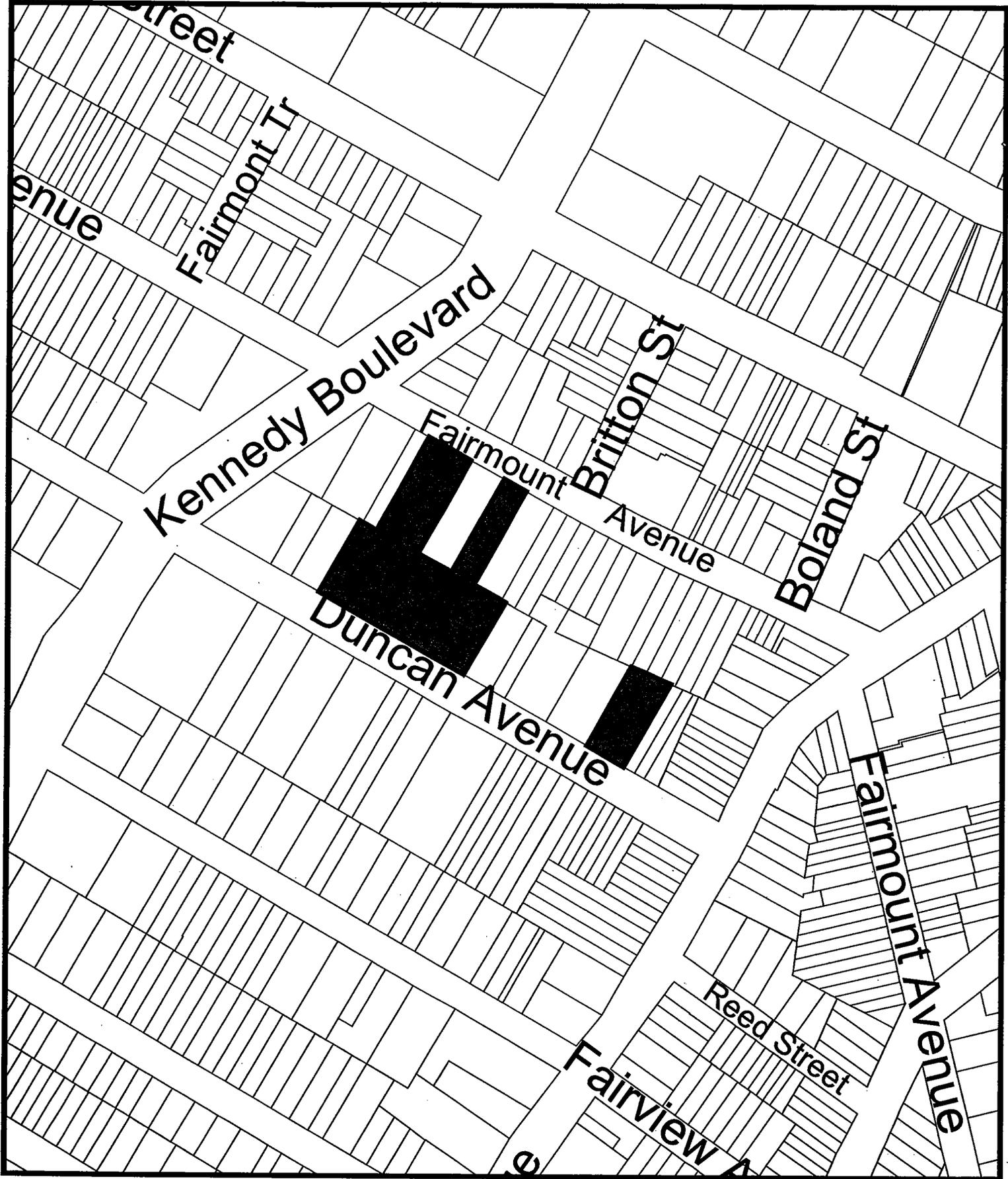
<i>Front Yard</i>	<i>Rear Yard</i>	<i>Total</i>
0	35	35
5	30	35
10	25	35
12	23	35
15 or more feet	20	35 or more feet
16	20	36
17	20	37
20	20	40
Etc.		

*b. Where lot depth exceeds one hundred (100) feet, the minimum rear yard as determined by the above standard shall be increased by fifty percent (50%) of the portion of the lot depth in excess of one hundred (100) feet.*

7. Maximum Building Height: three stories and thirty-five (35) feet;
8. Maximum Building Coverage: Fifty-five percent (55%).
9. Maximum Lot Coverage: Seventy-five percent (75%).
10. Maximum Accessory Building Height: Fifteen (15) feet.
11. Minimum Accessory Building Setbacks:
  - Rear Yard: Three (3) feet;
  - Side Yard: Two (2) feet.

**F. Parking Standards for One and Two Family Dwellings.**

1. Minimum required parking: one space per dwelling unit.
2. No parking shall be permitted between the building line and the street line. Garages are required to be located within the rear yard setback.
3. Maximum width of driveway: Ten (10) feet.



**ZONING MAP AMENDMENT  
 PROPOSED R-1A ZONE EXPANSION  
 FEBRUARY 19, 2010**

 **CITY OF JERSEY CITY  
 DIVISION OF CITY PLANNING**

MAP NO.: 506

1 inch = 200 feet

0 100 200 400 600 Feet

 **Legend**  
 R-1A

City Clerk File No. Ord. 10-055

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 10-055  
ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN PROPERTIES TO THE  
TITLE: JERSEY CITY REDEVELOPMENT AGENCY AND RESCINDING ORDINANCE 08-018

COUNCIL offered and moved adoption of the following  
Ordinance:

WHEREAS, the City of Jersey City is the owner of certain properties located within the following Blocks, Lots and street addresses:

<u>Block</u>	<u>Lot(s)</u>	<u>Street Address(es)</u>
1332	20.99 & 18.99	451-457 Ocean Avenue/79-81 Dwight Street
1337	1A.99; 38 & 39	115-121 MLK Dr; 186 & 188 Woodward
1978	11.A & 12.DUP	421 & 423 Martin Luther King
1492	2.A, 3.C, 3.D	Chapel Avenue
704.5	B.1	100 Hoboken Avenue
2006.A	2	824 Garfield Avenue
1931	3A, 3B, 4A	642-646 Communipaw Avenue
2042	6, 7, 8	373-377 Communipaw Avenue
235	175	28 Bright Street

WHEREAS, it has been determined that the Properties are no longer needed for any municipal public purpose or use; and

WHEREAS, the Jersey City Redevelopment Agency desires to acquire the Properties from the City of Jersey City in order to implement the redevelopment plans within which boundaries the Properties are located; and

WHEREAS, the Jersey City Redevelopment Agency has agreed to pay the City a price to be determined by an appraiser for the Properties, based on currently proposed plans but which the parties estimate will be a minimum of \$4,270,000; and

WHEREAS, this consideration shall be paid on or before June 30, 2010; and

**ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN PROPERTIES TO THE JERSEY CITY REDEVELOPMENT AGENCY AND RESCINDING ORDINANCE 08-018**

**WHEREAS**, in addition to compensating the City of Jersey City consideration for the conveyance to the Jersey City to the Jersey City Redevelopment Agency, the conveyance will also effectuate the redevelopment of the Properties in accordance with the terms of the applicable Redevelopment Plans and its return to the real estate tax rolls of the City of Jersey City; and

**WHEREAS**, the Jersey City Redevelopment Agency is authorized to acquire the Properties from the City of Jersey City, pursuant to N.J.S.A. 40A:12A-8 and 22; and

**WHEREAS**, the City of Jersey City authorized to transfer the Properties to the Jersey City Redevelopment Agency with or without consideration pursuant to N.J.S.A. 40A:12A-39(a) and N.J.S.A. 40A:12-13(b)(1).

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

The conveyance to the Jersey City Redevelopment Agency of certain lands and buildings designed on Jersey City's Official Tax Assessment Map as:

<u>Block</u>	<u>Lot(s)</u>	<u>Street Address(es)</u>
1332	20.99 & 18.99	451-457 Ocean Avenue/79-81 Dwight Street
1337	1A.99; 38 & 39	115-121 MLK Dr; 186 & 188 Woodward
1978	11.A & 12.DUP	421 & 423 Martin Luther King
1492	2.A, 3.C, 3.D	Chapel Avenue
704.5	B.1	100 Hoboken Avenue
2006.A	2	824 Garfield Avenue
1931	3A, 3B, 4A	642-646 Communipaw Avenue
2042	6, 7, 8	373-377 Communipaw Avenue
235	175	28 Bright Street

for the purpose of implementing the purposes of the applicable Redevelopment Plan, based upon currently proposed plans for an amount to be determined by an appraiser but which the parties estimate to be a minimum of \$4,270,000, is hereby approved.

2. The Mayor or Business Administrator is directed to execute an Agreement(s) with the Jersey City Redevelopment Agency, and any other documents, including a deed(s), that are deemed legally necessary or appropriate by the Corporation Counsel to effectuate the transfer of the Properties to the Jersey City Redevelopment Agency on or before June 30, 2010, in accordance with the above terms.

3. The Cooperation Agreement shall be substantially the form attached, subject to such modification as the Corporation Counsel deems appropriate or necessary.

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.

**ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN PROPERTIES TO THE  
JERSEY CITY REDEVELOPMENT AGENCY AND RESCINDING ORDINANCE 08-018**

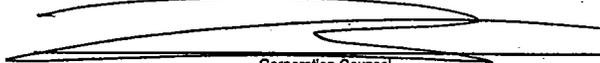
- C. This Ordinance shall take effect at the time and in the manner as provided by law but in no event prior to the adoption of the Ordinance approving the Morris Canal Redevelopment Plan.
- D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter 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*.

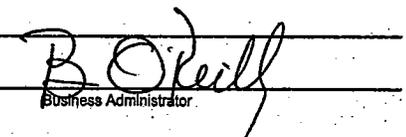
MS  
03/31/10

APPROVED AS TO LEGAL FORM

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

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

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

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

Certification Required

Not Required

City Clerk File No. Ord. 10-056

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 10-056

**TITLE:**  
**AN ORDINANCE SUPPLEMENTING CHAPTER 26(VEHICLES AND TRAFFIC) ARTICLE X(SCHEDULES) OF THE JERSEY CITY CODE AMENDING SCHEDULE 13A(MULTI WAY STOP INTERSECTIONS) DESIGNATING ERIE STREET AND TENTH STREET AS A MULTI WAY STOP INTERSECTION AND AMENDING SCHEDULE 13(STOP INTERSECTIONS) REPEALING ERIE AND TENTH STREET AS A STOP INTERSECTION**

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

1. Chapter 26 (Vehicles and Traffic) Article X (Schedules) of the Jersey City Code is hereby supplemented as follows:

Section 26-95

### SCHEDULE 13A

#### MULTI WAY STOP INTERSECTION

The following described intersection is hereby designated as a "MULTI WAY STOP INTERSECTION". Stop signs shall be installed on the approaches listed.

INTERSECTION:

STOP SIGNS ON:

Erie Street and  
Third Street

The right side of each approach

Erie Street and  
Tenth Street

The right side of each approach

### SCHEDULE 13

#### STOP INTERSECTIONS

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as "STOP INTERSECTIONS". Stop signs shall be installed as provided therein.

INTERSECTION:

STOP SIGNS ON:

Erie Street and Bay Street  
Erie Street and First Street  
Erie Street and Second Street  
Erie Street and Fourth Street  
Erie Street and Fifth Street  
Erie Street and Seventh Street  
Erie Street and Pavonia Avenue  
*[Erie Street and Tenth Street*  
Erie Street and Fifteenth Street  
Erie Street and Sixteenth Street

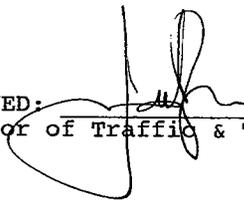
Bay Street  
First Street  
Second Street  
Fourth Street  
Fifth Street  
Seventh Street  
Pavonia Avenue  
*Tenth Street]*  
Fifteenth Street  
Erie Street

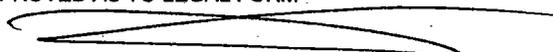
continued.....

- 2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- 3. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.
- 4. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

**NOTE:** New material to be inserted is underscored; material to be repealed is in [*brackets*].

JDS:pcl  
(03.29.10)

APPROVED:   
 Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM  
  
 Corporation Counsel

APPROVED:   
 Municipal Engineer  
 APPROVED:   
 Business Administrator

Certification Required   
 Not Required

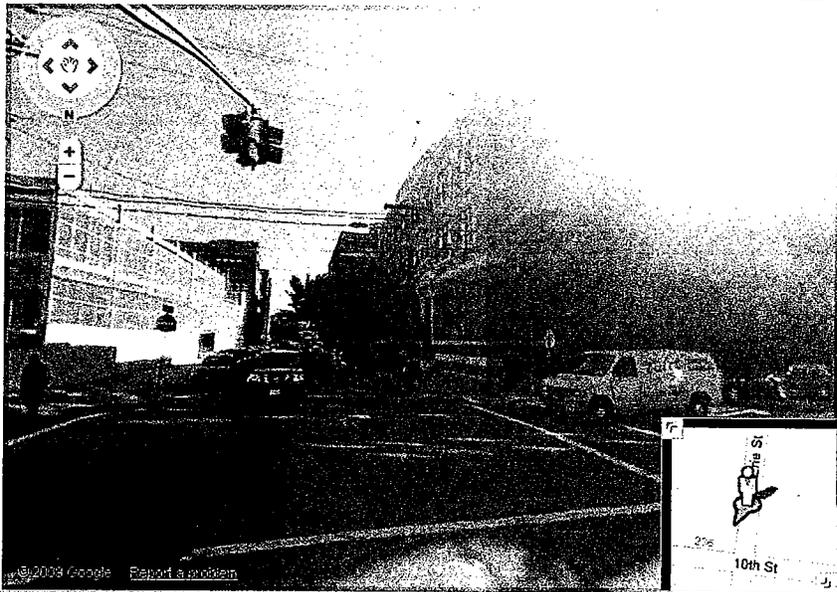


# Google maps

[Get Directions](#) [My Maps](#)

To see all the details that are visible on the screen, use the "Print" link next to the map.

[Print](#) [Send](#) [Link](#)



[Retail Pharmacy Software](#) - [www.speedscript.com](http://www.speedscript.com) - Flexible, Adaptable, Dependable Rx Software for your pharmacy

Sponsored Link < >

Your search for Erie Street @ around this map area did not match any locations.

Suggestions:

- Make sure all words are spelled correctly.
- Try different keywords.
- Try more general keywords.
- Search the web for [Erie Street @](#)
- Know about this place and want everyone to find it? [Add it to Google Maps!](#)

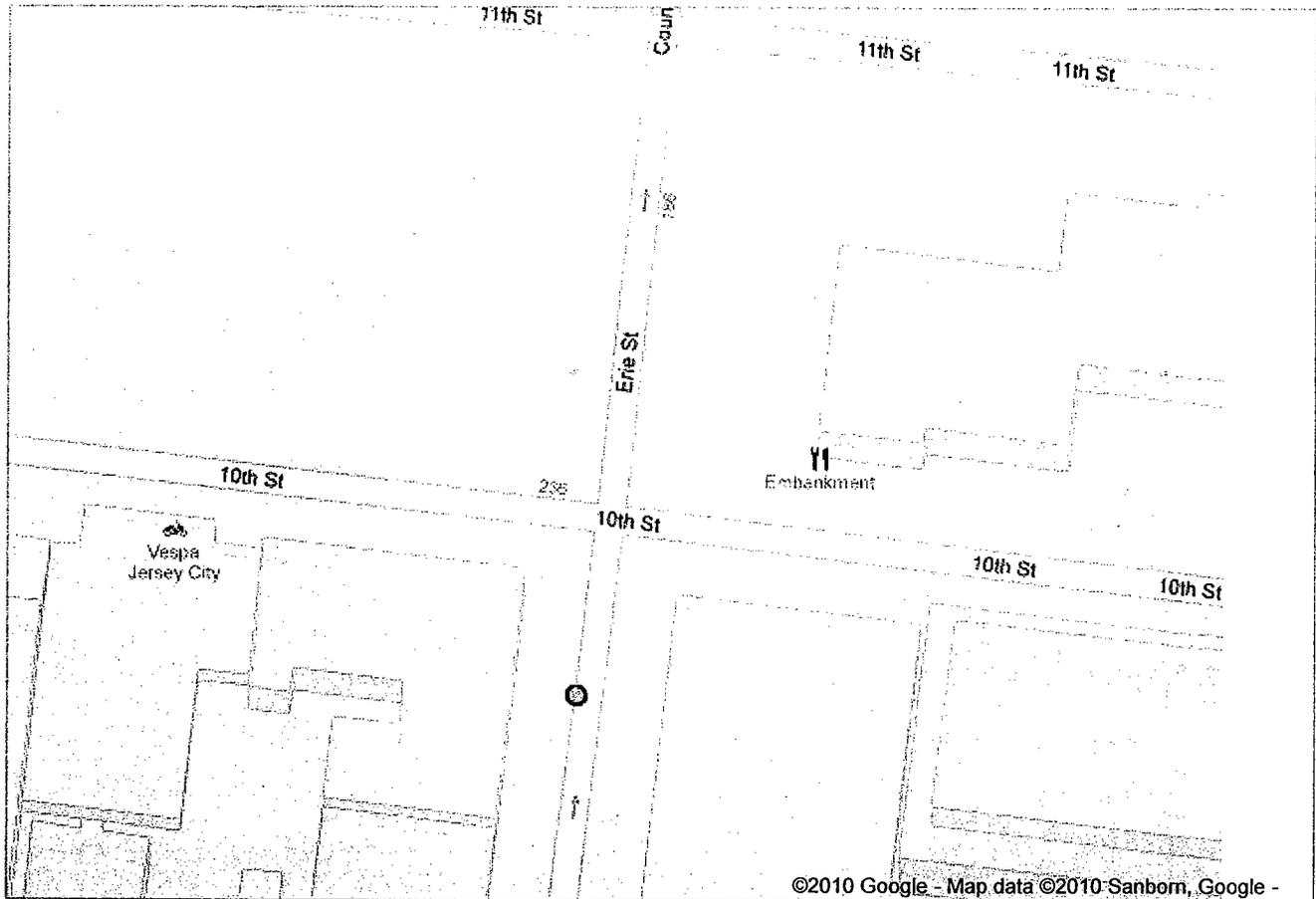
415 Montgomery Street, Jersey Ci...



To see all the details that are visible on the screen, use the "Print" link next to the map.

[Get Directions](#) [My Maps](#)

[Print](#) [Send](#) [Link](#)



Your search for **Erie Street @** around this map area did not match any locations.

Suggestions:

- Make sure all words are spelled correctly.
- Try different keywords.
- Try more general keywords.
- Search the web for [Erie Street @](#)
- Know about this place and want everyone to find it? [Add it to Google Maps!](#)

📍 [415 Montgomery Street, Jersey Ci...](#)



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-057

TITLE: **ORDINANCE AMENDING CHAPTER 26 (VEHICLES AND TRAFFIC)  
ARTICLE VII (TRAFFIC) SUB-ARTICLE IX (PROHIBITED OR  
RESTRICTED STREET PARKING) OF THE MUNICIPAL CODE OF  
JERSEY CITY**

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

- A. The following amendments to Chapter 26 (Vehicles and Traffic) Article VII (Traffic) Sub-Article IX (Prohibited or Restricted Street Parking) are hereby adopted:

**VEHICLES AND TRAFFIC  
ARTICLE VII  
Traffic  
SUB-ARTICLE IX  
Prohibited or Restricted Street Parking**

**§ 26-70.1. Parking restrictions in residential zones.**

(a) No person shall park a vehicle in excess of two (2) hours between the hours between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, without a valid permit upon any of the streets designated in Schedule 26 hereby made a part of this Article.

(b) The Jersey City Parking Authority is hereby authorized to issue upon written application thereof, a parking permit. Each such permit shall be designated by the Parking Authority to state or reflect thereon the particular residential permit parking zone as well as the license number of the motor vehicle for which application is made. The Parking Authority is authorized to issue such rules and regulations not inconsistent with this Article governing the manner in which persons shall qualify for parking permits.

(c) Parking permits shall be issued to motor vehicles only upon application by the following persons:

(1) A legal resident of the residential permit parking zone who has a motor vehicle registered in his/her name or who has a motor vehicle for his/her exclusive use and under his/her control.

(2) Except in Zone 7 a person who owns or leases commercial property and actively engages in business activity within a residential permit parking area or employee thereof. However, no more than one parking permit may be issued for each employee for a motor vehicle registered to or under the control of such a person. In Zone 7, no such permits shall be issued to any commercial property owners or tenants, or employees thereof.

(d) Proof of residency or ownership shall be demonstrated in a manner determined by the Parking Authority. School attendance within a zone by a non-resident of Jersey City shall not qualify as residency or employment for purposes of this section.

**ORDINANCE AMENDING CHAPTER 26 (VEHICLES AND TRAFFIC) ARTICLE VII (TRAFFIC) SUB-ARTICLE IX (PROHIBITED OR RESTRICTED STREET PARKING) OF THE MUNICIPAL CODE OF JERSEY CITY**

(e) Proof of motor vehicle ownership or vehicle use and control shall be demonstrated in a manner determined by the Parking Authority.

(f) Temporary residential parking permits may be issued for vehicles which are: (1) owned, rented or under the operational control of any person who owns or leases property in the residential permit zone, or (2) used in providing services to persons or property in the residential permit zone. Temporary residential parking permits may also be issued to vehicles owned by temporary visitors who are residing in the residential permit parking area. Such temporary residential parking permits shall have all of the rights and privileges of a regular permit. A temporary parking permit shall be valid for no more than (90) days from the date of issuance. No resident of a residential permit parking zone shall be issued more than tow (2) temporary parking permits at any one time. A temporary residential parking permit issued to a vehicle providing services or to a vehicle owned by temporary visitors shall be considered to be a temporary permit issued to the resident of the property where the services are provided or the temporary visitors are residing.

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

C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

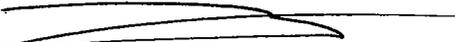
D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

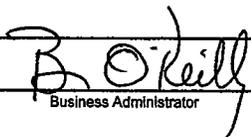
Note: All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

*JM/he*  
*4/01/10*

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required

City Clerk File No. Ord. 10-058

Agenda No. 3.6 1st Reading

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



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-058

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 26 (VEHICLES AND TRAFFIC) AMENDING ARTICLE V (PARKING METERS) DESIGNATING AN ON-STREET PERMIT PARKING ZONE ON BOTH SIDES OF DOUGLAS AND ARTHUR SKINNER MEMORIAL DRIVE (FKA: JERSEY AVENUE) BETWEEN GRAND STREET AND THE SOUTHERN TERMINUS FROM 7:00 A.M. TO 3:00 P.M., MONDAY THROUGH FRIDAY; DESIGNATE METERED PARKING ON BOTH SIDES OF DOUGLAS AND ARTHUR SKINNER MEMORIAL DRIVE BETWEEN GRAND STREET AND THE SOUTHERN TERMINUS FROM 3:00 P.M. TO 8:00 P.M., MONDAY THROUGH FRIDAY AND 9:00 A.M. TO 8:00 P.M. ON SATURDAY, EXCEPT HOLIDAYS; AMENDING ARTICLE X(SCHEDULES) SCHEDULE 2(ANGLE PARKING) DESIGNATING THIRTY-SEVEN (37) PARKING SPACES ON THE EAST SIDE OF DOUGLAS AND ARTHUR SKINNER MEMORIAL DRIVE BETWEEN GRAND STREET AND THE SOUTHERN TERMINUS AT 60 DEGREE ANGLE PARKING; AMENDING SCHEDULE 3(NO PARKING ANY TIME) DESIGNATING FOUR HUNDRED TWO (402) FEET ON THE EAST SIDE OF DOUGLAS AND ARTHUR SKINNER MEMORIAL DRIVE BETWEEN GRAND STREET AND THE SOUTHERN TERMINUS AS NO PARKING ANY TIME; AMENDING SCHEDULE 6(PARKING RESTRICTIONS FOR STREET CLEANING PURPOSES) DESIGNATE BOTH SIDES OF DOUGLAS AND ARTHUR SKINNER MEMORIAL DRIVE BETWEEN GRAND STREET AND THE SOUTHERN TERMINUS AS NO PARKING FOR STREET CLEANING PURPOSES, MONDAY AND THURSDAY, 6:00 A.M. TO 7:00 A.M. AND AMEND CHAPTER 160(FEES AND CHARGES) OF THE JERSEY CITY CODE, DESIGNATING THE FEE FOR THE ON-STREET PERMIT PARKING ZONE AND THE FEE FOR THE PARKING METER ZONES ON DOUGLAS AND ARTHUR SKINNER MEMORIAL DRIVE BETWEEN GRAND STREET AND THE SOUTHERN TERMINUS

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

1. Chapter 26(Vehicles and Traffic) Article V (Metered Parking) of the Jersey City Code is hereby supplemented as follows:

Sec. 26-28 Parking Meter Zones

Sec. 26.28.1 On-Street Permit Parking Zones

The following public streets are established as on-street permit parking zones

The monthly permit parking zone will be in effect from 7:00 a.m. to 3:00 p.m., Monday through Friday, except holidays, for the following street:

Name of Street	Location
<u>Douglas and Arthur Skinner Memorial Drive</u> (FKA: Jersey Avenue)	<u>Between Grand Street and the southern terminus.</u>

continued.....

JDS:pc1  
(03.29.10)

**Sec. 26-30 Parking Time Limits**

- (a) Street Parking Meter Zones
  - (1) No Change
  - (2) No Change
  - (2.1) No Change
  - (2.2) The following parking meter zone(s) shall be in force from 3:00 p.m. to 8:00 p.m., Monday through Friday and 9:00 a.m. to 8:00 p.m., Saturday, except holidays
    - (A) Douglas and Arthur Skinner Memorial Drive (FKA: Jersey Avenue), both sides Grand Street to the southern terminus
- (b) (2.1) No Change
  - (2.2) Parking or standing a vehicle in a designated space in the parking meter zone within the area of the east and west side of Douglas and Arthur Skinner Memorial Drive (FKA: Jersey Avenue) between Grand Street and the southern terminus shall be lawful for two (2) hours upon the deposit of twenty-five cents (\$0.25) per one-half (1/2) hour in the multi-space machine for those hours specified in this section

**2. Chapter 26(Vehicles and Traffic) Article X(Schedules) of the Jersey City Code is hereby supplemented as follows:**

**Sec. 26-95 Schedules**

**Sec. 26-65 Schedule 2  
Angle Parking**

No person shall park a vehicle upon any of the streets or parts thereof described below except at the angle designated

<u>Name of Street</u>	<u>Sides</u>	<u>Angle</u>	<u>Location</u>
<u>Douglas and Arthur Skinner Memorial Drive (FKA: Jersey Avenue)</u>	<u>East</u>	<u>60 degree</u>	<u>Beginning at a point approximately 532 feet south of Grand Street and extending to a point 906 feet southerly therefrom.</u>

**Sec. 26-69 Schedule 3  
Parking Prohibited on Designated Streets**

No person shall park a vehicle on any of the street or parts thereof described.

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
<u>Douglas and Arthur Skinner Memorial Drive (FKA: Jersey Avenue)</u>	<u>East</u>	<u>Beginning 130 feet south of Grand Street and extending to a point 532 feet southerly therefrom</u>

**Sec. 26-72 Schedule 6  
Parking Restrictions for Street Cleaning Purposes**

<u>DOUGLAS AND ARTHUR SKINNER MEMORIAL DRIVE (FKA: JERSEY AVENUE)</u>		
<u>Grand Street to Southern Terminus</u>		
<u>Mon. &amp; Thurs.</u>	<u>6:00 a.m. to 7:00 a.m.</u>	<u>Both Sides</u>

continued.....

**3. Chapter 160(Fees and Charges) is hereby supplemented as follows:**

A. The following amendment to Chapter 160(Fees and Charges) of the Jersey City Code are hereby ordained.

Y1. No Change

Y2. The fee for a vehicle to park in the On-Street Permit Parking Zone designated on Douglas and Arthur Skinner Memorial Drive (FKA: Jersey Avenue) via said Ordinance shall be \$200.00 per year

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

3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

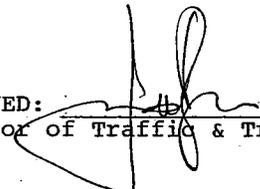
4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

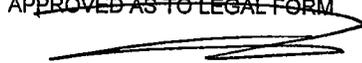
5. This ordinance shall take effect at the time and in the manner as provided by Law.

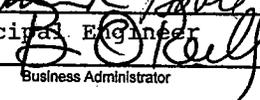
6. This ordinance shall expire two (2) years from the date this Ordinance takes effect.

NOTE: All new material to be inserted is underscored.

JDS:pcl  
(03.29.10)

APPROVED:   
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM  
  
Corporation Counsel

APPROVED:   
Municipal Engineer  
APPROVED:   
Business Administrator

Certification Required   
Not Required

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

**1. Full title of ordinance/resolution/cooperation agreement:**

An ordinance supplementing Chapter 26 (Vehicles and Traffic) amending Article V (Parking Meters) designating an On-Street Permit Parking Zone on both sides of Douglas and Arthur Skinner Memorial Drive (FKA: Jersey Avenue) between Grand Street and the southern terminus from 7:00 a.m. to 3:00 p.m., Monday through Friday; designate metered parking on both sides of Douglas and Arthur Skinner Memorial Drive between Grand Street and the southern terminus from 3:00 p.m. to 8:00 p.m., Monday through Friday and 9:00 a.m. to 8:00 p.m. on Saturday, except holidays; amending Article X(Schedules) Schedule 2(Angle Parking) designating thirty-seven (37) parking spaces on the east side of Douglas and Arthur Skinner Memorial Drive between Grand Street and the southern terminus as angle parking at 60 degrees; amending Schedule 3(No Parking Any Time) designating four hundred two (402) feet on the east side of Douglas and Arthur Skinner Memorial Drive between Grand Street and the southern terminus as no parking any time; amending Schedule 6(Parking Restrictions for Street Cleaning Purposes) designating both sides of Douglas and Arthur Skinner Memorial Drive between Grand Street and the southern terminus as no parking for street cleaning purposes, Monday and Thursday, 6:00 a.m. to 7:00 a.m. and amend Chapter 160(Fees and Charges) of the Jersey City Code, designating the fee for the On-Street Permit Parking Zone and the fee for the parking metered zones on Douglas and Arthur Skinner Memorial Drive between Grand Street and the southern terminus

**2. Name and title of person initiating the ordinance/resolution, etc.:**

Joao D'Souza, Director of Traffic & Transportation, Division of Engineering, Traffic and Transportation at the request of the Mayor's Office

**3. Concise description of program, project or plan proposed in the ordinance/resolution:**

Create the following parking restrictions on Douglas and Arthur Skinner Memorial Drive (FKA: Jersey Avenue) between Grand Street and the southern terminus:

1. On-Street Permit Parking Zone - from 7:00 a.m. to 3:00 p.m., Monday through Friday
2. Parking Meter Zones - from 3:00 p.m. to 8:00 p.m., Monday through Friday and 9:00 a.m. to 8:00 p.m. on Saturday, except holidays - park for two (2) hours upon deposit of twenty-five (\$.25) per one-half (1/2) hour in the multi-space machine
3. Angle Parking -thirty-seven (37) parking spaces on the east side of Douglas and Arthur Skinner Memorial Drive at a 60 degree angle
4. No Parking Any Time - designate 402 feet on the east side of Douglas and Arthur Skinner Memorial Drive as NPAT
5. Parking Restrictions for Street Cleaning Purposes - parking restricted on both sides of Douglas and Arthur Skinner Memorial Drive on Monday and Thursday from 6:00 a.m. to 7:00 a.m. for street cleaning purposes

Amend Chapter 160(Fees and Charges) establishing a \$200.00 fee for a vehicle to park in the On-Street Permit Parking zone and establish the fee for parking in the metered zones: twenty-five cents (\$.25) per one-half (1/2) hour for a maximum of two (2) hours on Douglas and Arthur Skinner Memorial Drive between Grand Street and the southern terminus

**4. Reasons (need) for the proposed program, project, etc.:**

Create parking spaces on both sides of Douglas and Arthur Skinner Memorial Drive between Grand Street and the southern terminus

**5. Anticipated benefits to the community:**

Increase parking

**6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, state, and Federal Funds to be used, as well as match and in-kind contribution:**

Approximately \$200 for the channel/sign installation  
Approximately 27 signs @ \$100.00 for a total cost of \$12,700.00  
Approximately 19 channels @ 100.00 for a total cost of 1,900.00

The pavement markings will be the responsibility of the Jersey City Parking Authority and at no cost to the City. The parking meters and the multi-space payment machine will be installed by Jersey City Parking Authority.

**7. Date proposed program, or project will commence:**

The date the Ordinance takes affect after adoption by the Jersey City Municipal Council

**8. Anticipated completion date:**

The Ordinance shall expire two (2) years from the date this Ordinance takes effect.

**9. Person responsible for coordinating proposed program, project, etc.:**

The Division of Engineering, Traffic and Transportation for the installation of the channels and signs. The Jersey City Parking Authority for administering the parking permits and the installation of the parking meters and the pavement markings.

**10. Additional comments:**

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.

  
Municipal Engineer

3.30.10  
Date

Signature of Department Director

Date



City Clerk File No. Ord. 10-059

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 10-059

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 26 (VEHICLES AND TRAFFIC) ARTICLE X(SCHEDULES) OF THE JERSEY CITY CODE AMENDING SCHEDULE 1(ONE-WAY STREETS) REPEALING THE ONE WAY SOUTHBOUND ON COLGATE STREET BETWEEN MONTGOMERY STREET AND THE BRUNSWICK ESTATES DRIVEWAY; AMENDING SCHEDULE 3(NO PARKING ANY TIME) DESIGNATING BOTH SIDES OF COLGATE STREET BETWEEN MONTGOMERY STREET AND YORK STREET AS NO PARKING ANY TIME AND AMENDING SCHEDULE 8B(RIGHT-TURN PROHIBITED) PROHIBITING THE RIGHT TURN FOR TRAFFIC EXITING WESTBOUND AT THE BRUNSWICK ESTATES DRIVEWAY TO NORTHBOUND ON COLGATE STREET

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

1. Chapter (Vehicles and Traffic) Article X(Schedules) of the Jersey City Code is hereby supplemented as follows:

Section 26-95

### SCHEDULE 1

#### ONE-WAY STREETS

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated. Parking on these streets will be permitted on the sides indicated below.

Name of Street	Direction	Limits	Parking Permitted
1. Colgate Street	South	<u>[Mercer Street]</u> <u>Brunswick Estates Driveway to</u> <u>York Street</u>	Prohibited-Both Sides

### SCHEDULE 3

#### NO PARKING ANY TIME

No person shall park a vehicle at any time upon any streets or parts thereof described.

Name of Street	Sides	Limits
<u>Colgate Street</u>	<u>Both</u>	<u>Montgomery Street to York Street</u>

### SCHEDULE 8B

#### RIGHT TURN PROHIBITED

No person shall make a turn at any location listed and only in the manner described.

Intersection	Turn Prohibition	Movement Prohibited
1. <u>Brunswick Estates Driveway and</u> <u>Colgate Street</u>	<u>Right</u>	a) <u>Exiting westbound at the Brunswick</u> <u>Estates Driveway to northbound on</u> <u>Colgate Street</u>

JDS:pc1  
(03.29.10)

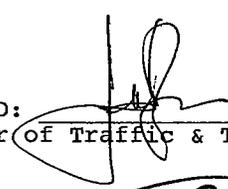
2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

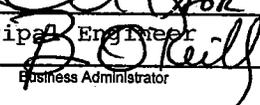
NOTE: New material to be inserted is underscored; material to be repealed is in [brackets].

JDS:pcl  
(03.29.10)

APPROVED:   
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

APPROVED:  for 3-30-10  
Municipal Engineer

APPROVED:   
Business Administrator

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

Certification Required   
Not Required

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

**1. Full title of ordinance/resolution/cooperation agreement:**

An ordinance supplementing Chapter 26 (Vehicles and Traffic) Article X(Schedules) of the Jersey City Code amending Schedule 1(One Way Streets) repealing the one way southbound on Colgate Street between Montgomery Street and the Brunswick Estates Driveway; amending Schedule 3(No Parking Any Time) designating both sides of Colgate Street between Montgomery Street and York Street as no parking any time and amending Schedule 8B(Right-Turn Prohibited) prohibiting the right turn for traffic exiting westbound at the Brunswick Estates Driveway to northbound on Colgate Street

**2. Name and title of person initiating the ordinance/resolution, etc.:**

Joao D'Souza, Director of Traffic & Transportation, Division of Engineering, Traffic and Transportation at the request of the Mayor's Office on behalf of Christopher Rinn, Executive Director of EMS & Government Services for Liberty Health, 355 Grand Street, JCNJ 201.915.2000

**3. Concise description of program, project or plan proposed in the ordinance/resolution:**

Designate Colgate Street a two-way roadway between the Brunswick Estates Driveway and Montgomery Street

Designate both sides of Colgate Street between Montgomery Street and York Street as no parking any time

Prohibit the right turn for traffic exiting westbound at the Brunswick Estates Driveway to northbound on Colgate Street

**4. Reasons (need) for the proposed program, project, etc.:**

The Jersey City Medical Center Emergency Medical Services will be relocating its headquarters to 415 Montgomery Street. Emergency vehicles and OEM vehicles will enter and exit from one of the five (5) ambulance bay doors located on Colgate Street.

Also, at times, either side of Colgate Street from the Brunswick Estates Driveway to York Street may serve as a staging area for the emergency vehicle.

**5. Anticipated benefits to the community:**

EMS vehicles exiting the garage may turn north on to Colgate Street to Montgomery Street greatly reducing the response time to an emergency.

The emergency vehicles will have better access to and from the EMS garage.

Prohibiting the right turn for vehicles exiting the Brunswick Estates to north on Colgate Street eliminates the risk of accidents between those vehicles and EMS vehicles.

**6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, state, and Federal Funds to be used, as well as match and in-kind contribution:**

Approximately \$200.00 per channel/sign post installation.

Approximately 12 signs @ \$1,200.00

Approximately 8 channels @ 800.00

**7. Date proposed program, or project will commence:**

Upon adoption by the Jersey City Municipal Council

**8. Anticipated completion date:**

Twenty days after adoption by the Jersey City Municipal Council

**9. Person responsible for coordinating proposed program, project, etc.:**

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation, @ ex. 4492

**10. Additional comments:**

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.

  
Municipal Engineer \_\_\_\_\_ Date 3-30-10

Signature of Department Director \_\_\_\_\_ Date \_\_\_\_\_

# Google maps

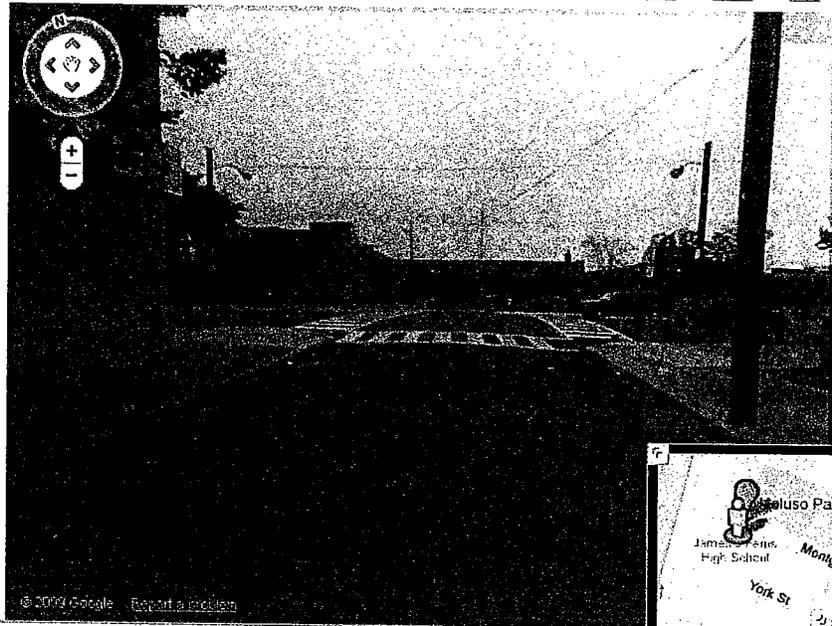
[Get Directions](#) [My Maps](#)

To see all the details that are visible on the screen, use the "Print" link next to the map.

[Print](#) [Send](#) [Link](#)

Colgate Street @  
Montgomery Street

Looking North



# Google maps

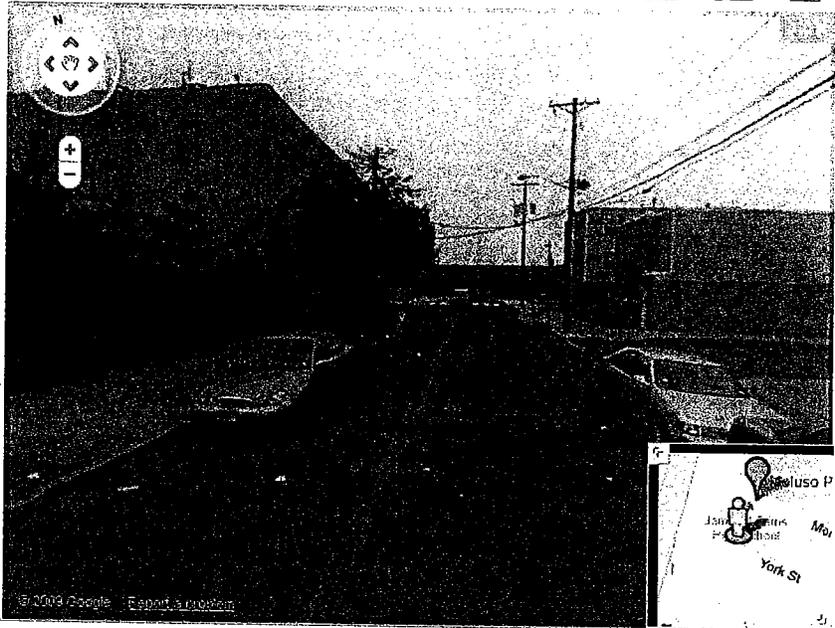
[Get Directions](#) [My Maps](#)

To see all the details that are visible on the screen, use the "Print" link next to the map.

[Print](#) [Send](#) [Link](#)

Colgate Street @  
Brunswick Estates Driveway

Looking North



# Google maps

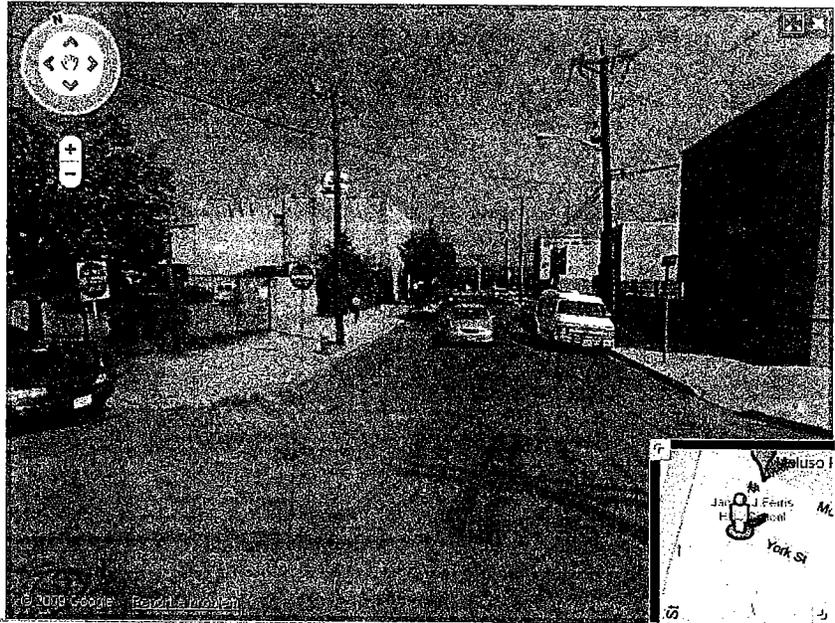
[Get Directions](#) [My Maps](#)

To see all the details that are visible on the screen, use the "Print" link next to the map.

[Print](#) [Send](#) [Link](#)

Colgate Street @  
York Street

Looking North

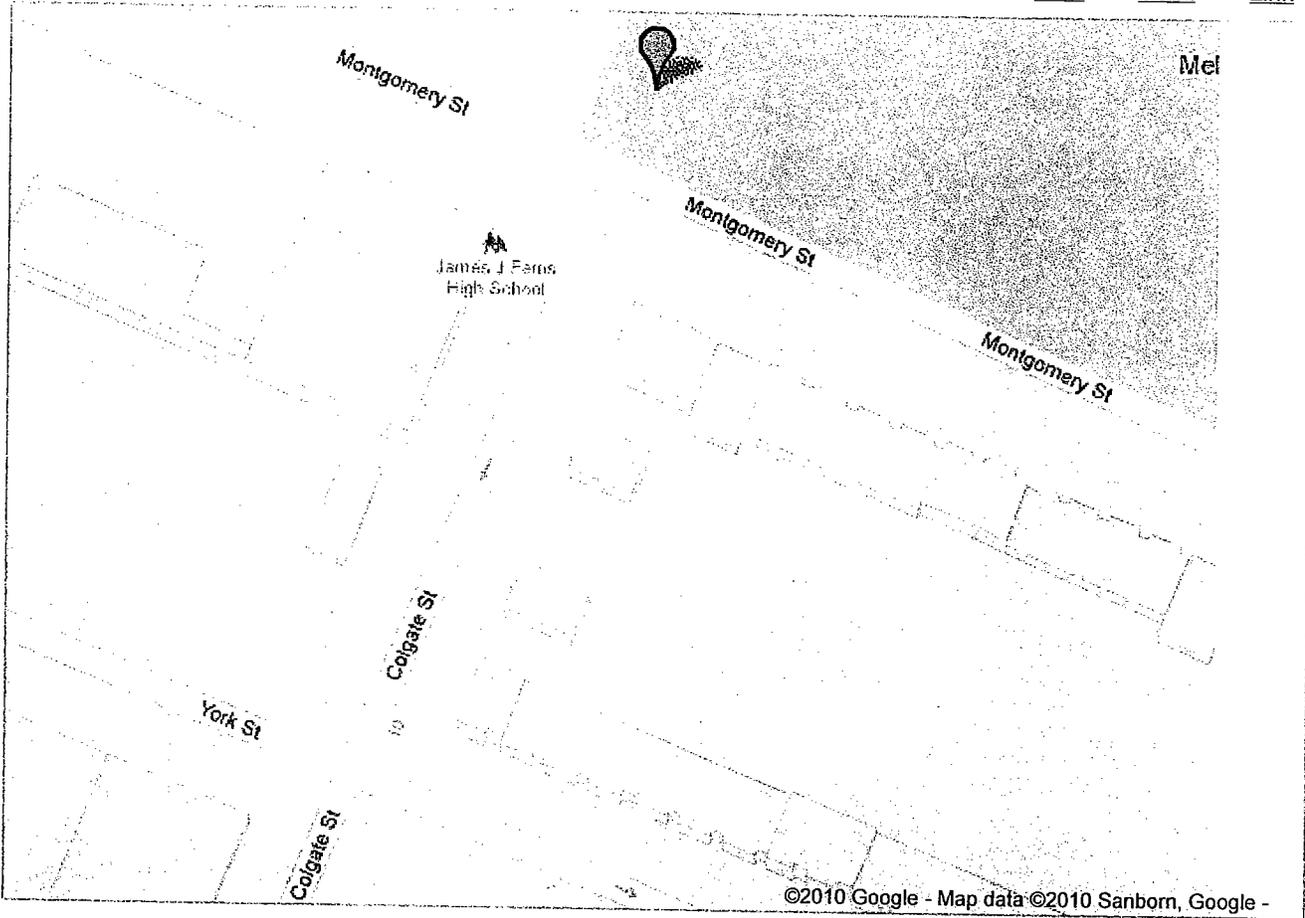


# Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.

[Get Directions](#) [My Maps](#)

[Print](#) [Send](#) [Link](#)



City Clerk File No. Ord. 10-060

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 10-060

**TITLE: ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND LIGHT TOWER FIBER LONG ISLAND, LLC, TO PERMIT THE INSTALLATION, USE AND MAINTENANCE OF TELECOMMUNICATIONS FACILITIES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATIONS SERVICES**

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

**WHEREAS**, Light Tower Fiber Long Island, LLC, d/b/a Lighttower Fiber Networks ("Lighttower"), is a telecommunications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

**WHEREAS**, Lighttower's predecessor-in-interest, Keyspan Communications Corporation, received, by a License Agreement dated February 2004, the City of Jersey City's (City) consent to place telecommunications facilities within certain public rights-of-way; and

**WHEREAS**, Lighttower has requested that the City, by the agreement attached hereto, ratify the aforementioned agreement and add to it the use of additional public rights-of-way within the City (as more particularly described in the exhibit annexed hereto) for a period of fifty (50) years for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

**WHEREAS**, Lighttower agrees to pay the City \$5,000.00 to cover the reasonable costs incurred by the City for review, analysis and preparation of documents related to Lighttower's request; and

**WHEREAS**, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for public utility lines in its rights-of-way; and

**WHEREAS**, it is deemed to be in the best interest of the City and its citizenry, particularly including the commercial and industrial citizens, for the City to grant municipal consent to Lighttower to occupy said public rights-of-way within the City for this purpose; and

**WHEREAS**, the granting of such consent is and shall be conditioned upon Lighttower's continued compliance with all existing and future ordinances of the City and its entering into the attached Use Agreement with the City; and

2010055

**WHEREAS**, Lighttower agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

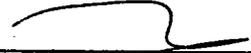
**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JERSEY CITY THAT:**

- 1. Non-exclusive consent is hereby granted to Lighttower to use certain public rights-of-way within the City for the purpose of construction, installation, operation, repair, maintenance and replacement of a telecommunications system for a period of fifty (50) years, subject to the mutual covenants and obligations as set forth in the Use Agreement attached.
  - 2. The License Agreement dated February 18, 2004, granted to Keyspan Communications Corporation, Lighttower's predecessor-in-interest, is hereby ratified based on the conditions set forth in the Use Agreement attached.
  - 3. The within granted permission is conditioned upon Lighttower entering into the annexed Use Agreement with the City and providing liability and property damage insurance.
  - 4. The Business Administrator and Municipal Clerk are hereby authorized to execute the attached use Agreement or such substantially similar agreement as approved by the City's Corporation Counsel.
- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

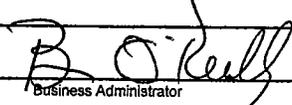
Note: New matter is underlined.

For purposes of advertising only, new matter is indicated by **boldface** and repealed

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required

## **RIGHTS-OF-WAY USE AGREEMENT**

THIS RIGHTS-OF-WAY USE AGREEMENT ("Use Agreement") is dated

(The "Effective Date"), and entered into by and between the City of Jersey City ("City"), a New Jersey municipal Corporation, having its address at 280 Grove Street, Jersey City, New Jersey 07302, and Light Tower Fiber Long Island, LLC, d/b/a Lighttower Fiber Networks ("Lighttower"), with offices located at 80 Central Street, Boxborough, Massachusetts 01719.

### **RECITALS**

**WHEREAS**, Light Tower Fiber Long Island, LLC, d/b/a Lighttower Fiber Networks ("Lighttower"), is a telecommunications carrier authorized to provide service by the New Jersey Board of Public utilities (BPU) and the Federal Communications Commission (FCC) ; and

**WHEREAS**, Lighttower's predecessor-in-interest, Keyspan Communications Corporation, received, by a License Agreement dated February 2004, the City of Jersey City's (City) consent to place telecommunications facilities within certain public rights-of-way; and

**WHEREAS**, Lighttower has requested that the City, by the agreement attached hereto, ratify the aforementioned agreement and add to it the use of additional public rights-of-way within the City (as more particularly described in the exhibit annexed hereto) for a period of fifty (50) years for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

**WHEREAS**, Lighttower agrees to pay the City \$5,000.00 to cover the reasonable costs incurred by the City for review, analysis and preparation of documents related to Lighttower's request; and

**WHEREAS**, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for public utility lines in its rights-of way; and

**WHEREAS**, it is deemed to be in the best interest of the City and its citizenry,

particularly including the commercial and industrial citizens, for the City to grant municipal consent to Lighttower to occupy said public rights-of-way within the City for this purpose; and

**WHEREAS**, the granting of such consent is and shall be conditioned upon Lighttower's continued compliance with all existing and future ordinances of the City and its entering into the attached Use Agreement with the City; and

**WHEREAS**, Lighttower agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

**NOW, THEREFORE**, in consideration of the mutual covenants and obligations hereinafter set forth, the City and Lighttower hereby agree to and with each other as follows:

**Section 1: Definitions**

- a. "BPU" is the New Jersey Board of Public Utilities.
- b. "Fibertech" is the grantee of rights under this Use Agreement and is known as Fiber Technologies Networks, LLC, its successors and assigns.
- c. "City" is the grantor of rights under this Use Agreement and is known as the City of Jersey City, County of Hudson, State of New Jersey.
- d. "Public Utility" means any public utility defined in N.J.S.A. 48:2-13.
- e. "Rights-of-Way" means the areas devoted to passing under, over on or through lands with public utility facilities.
- f. "Underground Conduit" means, in addition to its commonly accepted meaning, any wires or cable placed therein and any replacement thereof which are similar in construction and use.

**Section 2: Grant of Consent.**

The City hereby grants Lighttower its municipal consent for the non-exclusive use of the public rights-of-way within the City for the purpose of owning, constructing, installing, operating and maintaining a telecommunications system, subject to the mutual covenants and obligations as set forth in this Use Agreement.

**Section 3: Public Purpose.**

It is deemed to be in the best interests of the City and its citizenry, particularly including commercial and industrial citizens, for the City to grant consent to Lighttower to occupy said public rights-of-way within the City for this purpose.

**Section 4: Project Description and Notice to and Approval of City**

Any construction to be undertaken for the purposes described herein shall require prior notice by Lighttower to the City. Lighttower shall fully describe the construction to be undertaken in plans and specification submitted to the City, and shall obtain approval from, coordinate and work with the appropriate Municipal Department(s) before scheduling and commencing any construction.

**Section 5: Scope of Use Agreement.**

Any and all rights expressly granted to Lighttower under this Use Agreement, which shall be exercised at Lighttower's sole costs and expense, shall be subject to the prior and continuing right of the City under applicable laws to use any and all parts of the municipal rights-of-way exclusively or concurrently with any other person or persons, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such municipal rights-of-way. Nothing in this Use Agreement shall be deemed to grant, convey, create or vest in Lighttower a real property interest in land, including any fee, leasehold interest, easement or any other form of interest or ownership.

Subject to obtaining the permission of the owner(s) of Utility Poles and Underground Conduit, which shall be the sole responsibility of Lighttower to undertake and obtain, and subject to notice and approval of the City as described in section 4 herein, the City hereby authorizes and permits Lighttower to enter upon the municipal rights-of-way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace its telecommunications facilities, in or on Utility Poles or Underground Conduit owned by public utility companies or to be constructed

by Lighttower located within the municipal rights-of-way as may be permitted by the public utility company or property owner, as the case may be.

**Section 6: Compliance with Ordinances**

Lighttower shall comply with all existing ordinances of the City as may be amended from time to time and with all future ordinances as may be enacted.

**Section 7: Municipal Costs**

Lighttower agrees to pay to the City \$5,000.00 to cover the reasonable costs incurred by the City for review, analysis and preparation of documents related to Lighttower's request for municipal consent.

**Section 8: Duration of Consent and Termination of Agreement**

The non-exclusive municipal consent granted herein shall expire fifty (50) years from the Effective Date of this Use Agreement. Upon expiration of such consent, or at such earlier date that Lighttower ceases to maintain its facilities, it shall remove the facilities at its cost and expense.

The City may terminate this Use Agreement, or require modification hereof, upon notice and opportunity of Lighttower to be heard, where it is shown that the scope of use hereunder is compromising the health, safety and welfare of the citizenry.

**Section 9: Indemnification**

Lighttower, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the City, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suites, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Lighttower's actions under this Use Agreement and costs in connection therewith. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys fees, court costs and any other expenses that may be incurred by the City in connection with any and all claims, demands, suites, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Lighttower activities pursuant to the rights granted in this Use Agreement.

Other than in connection with the foregoing third-party claims indemnification, neither the City nor Lighttower shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to the consents granted hereby.

**Section 10. Notices**

All notices or other correspondence required or permitted to be given in connection with this Use Agreement shall be in writing and delivered personally, by telecopy, by overnight carrier service or by registered or certified mail to the parties at the following addresses:

To Lighttower at:

With a copy to:

To the  
Municipal Engineer  
City of Jersey City  
575 Route 440  
Jersey City, New Jersey 07305

**Section 11. Liability Insurance**

Lighttower shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or “umbrella”) policy in the amount of Five Million Dollars (\$5,000,000.00).

Prior to the commencement of any work pursuant to this Use Agreement, Lighttower shall file Certificates of Insurance with the City with endorsements evidencing the coverage provided by said liability and excess liability policies.

The City shall notify Lighttower within fifteen days (15) days after the presentation of any claim or demand to the City, either by suit or otherwise, made against the City on account of any of Lighttower’s or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Use Agreement.

**Section 12. Successors and Assigns.**

The terms and conditions herein contained shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

**Section 13. Governing Law.**

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey.

**Section 14. Incorporation of Prior Agreements.**

This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose, except that the License Agreement dated February 18, 2004 entered into between the City and Lighttower's predecessor-in-interest, Keyspan Communications Corporation, shall continue in full force and effect insofar as it does not conflict with any of the terms and conditions of this Use Agreement.

**Section 15. Modification of Agreement.**

This Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment, modification or waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

**Section 16. Invalidity.**

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible. The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

**Section 17. Counterparts.**

This Agreement may be executed and delivered in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

IN WITNESS WHEREOF, this Use Agreement has been executed as of the date set forth below.

**Light Tower Fiber Long Island, LLC**  
**d/b/a Lighttower Fiber Networks**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Print Name:

Dated: \_\_\_\_\_

**City of Jersey City**

\_\_\_\_\_  
Brian O'Reilly  
Business Administrator

\_\_\_\_\_  
Robert Byrne  
Municipal Clerk

Dated: \_\_\_\_\_

City Clerk File No. Ord. 10-061

Agenda No. 3.J 1st Reading

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



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 10-061

**TITLE: ORDINANCE AMENDING CHAPTER 160 (FEES AND CHARGES) ARTICLE I (FEE SCHEDULE ESTABLISHED) OF THE MUNICIPAL CODE OF JERSEY CITY**

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

A. The following amendments to Chapter 160 (Fees and Charges) Article I (Fee Schedule Established) are hereby adopted:

## FEES AND CHARGES ARTICLE I Fee Schedule Established

§ 160-1. Fee schedule established.

A Through X No Change.

Y. Chapter 233, Paint Stripping.

(1) Fee for paint cleaning/stripping permit: 1.5% of cost of project.

Y.1. Parking of vehicles permit fees. Beginning on July 1, 2005, the fee for a residential parking permit or temporary residential parking permit shall be ten dollars (\$10.00) per year for each vehicle for Jersey City residents except for Zone 7. Beginning on July 1, 2010, the fee for a residential parking permit or temporary residential parking permit in Zone 7 shall be \$50.00 per year for each vehicle for Jersey City residents. ~~and~~ The fee for a non-residential parking permit shall be three hundred dollars (\$300.00) per year and for a temporary non-residential parking permit shall be one hundred twenty-five dollars (\$125.00) per year, for each vehicle for non-Jersey City residents; provided, however, that no non-resident parking permit shall be issued for any parking zone in which parking is restricted to residents only. There shall be a one dollar transfer charge for those with permits in one residential permit parking zone who apply for a permit in the new area of residence. In such cases, the new permit shall expire at the same time as a permit for the new area would expire.

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

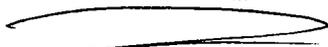
ORDINANCE AMENDING CHAPTER 160 (FEES AND CHARGES) ARTICLE I (FEE SCHEDULE ESTABLISHED) OF THE MUNICIPAL CODE OF JERSEY CITY

- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

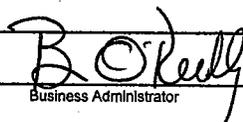
Note: All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

JM/he  
4/01/10

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required   
Not Required

City Clerk File No. Ord. 10-062

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 10-062

TITLE: **Ordinance Naming the Ice Skating Rink at Pershing Field  
The Charlie Heger Ice Skating Rink**

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

**WHEREAS, Charles (Charlie) Heger, a lifelong Jersey City resident, began coaching and teaching hockey with the Jersey City Recreation Department in the 1970s; and**

**WHEREAS, Charlie Heger's hockey experience began at Roosevelt Stadium on Rt. 440 and Danforth Avenue in Jersey City. In the early 1980s, when Roosevelt Stadium closed, he brought the Jersey City Capitals Organization to Pershing Field to start clinics and youth hockey. There were many cold nights spent at Pershing Field. There was no roof and lighting was limited; and**

**WHEREAS, Charlie Heger coached in Bayonne for a couple of years and continued his teaching of hockey to the youth of Hudson County while Pershing Field Ice Skating Rink was being rebuilt. The Capitals organization and clinics came to a stop. When the skating rink reopened, boys and girls came from all over to be coached by Coach Heger including Hudson, Bergen and Union Counties, and all parts of New York; and**

**WHEREAS, Charlie Heger recently coached the Jersey City Police Department (JCPD) Hockey team that played the NJ Devils Alumni in a charity event at the Prudential Center. There were several former players from the Jersey City Capitals Organization on the JCPD team; and**

**WHEREAS, Charlie Heger has coached numerous players that have played and are playing competitively at the high school varsity level, the collegiate level along with minor league hockey. Several former players are in coaching positions and referee positions throughout the State of New Jersey. All of this is because of the fine leadership, devotion and the teachings of a man who cares about children, young men and women of Jersey City and Hudson County; and**

**WHEREAS, Charlie Heger has been married to his wife Maria for many years. They are the proud parents of three sons who participated in the Capitals Organization Hockey Teams. They have one adorable granddaughter.**

**NOW, THEREFORE, BE IT ORDAINED, that the Municipal Council of the City of Jersey City does salute the life's work of Charles Heger and deems it fitting and most appropriate by naming the Pershing Field Ice Skating Rink the Charlie Heger Ice Skating Rink**

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

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

Not Required