

City Clerk File No. Ord. 09-116

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 09-116

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE I (DEFINITIONS), ARTICLE III (PROCEDURES AND CHECKLISTS), AND ARTICLE V – CBD OF THE LAND DEVELOPMENT ORDINANCE

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

WHEREAS, there is a need to clarify and coordinate interdepartmental Site Plan review procedures; and

WHEREAS, it is necessary to regulate a minimum building height in the Central Business District (CBD) of the City in order to ensure appropriate development; and

WHEREAS, it is necessary to define and regulate stilted buildings in order to ensure that new development will be appropriate to the City's urban form; and

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

WHEREAS, the 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- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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.

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

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE I (DEFINITIONS), ARTICLE III (PROCEDURES AND CHECKLISTS), AND ARTICLE V – CBD OF THE LAND DEVELOPMENT ORDINANCE

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:

Defines and prohibits stilted buildings, amends the procedures for Site Plan review within City Planning and Engineering, amends the Site Plan application checklist to be consistent with revised procedures, and amends CBD (Central Business District) zoning to require a minimum of 4 stories.

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

Amendments are needed to regulate undesirable stilted buildings, to better coordinate Site Plan review efforts between departments, and to ensure that high-density and higher-volume development is required in the CBD.

5. Anticipated Benefits to the Community:

Greater clarity with respect to the procedures involved in Site Plan review, and greater assurance that development is appropriate for the zones in which it sits.

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

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.



Division Director

oct 28, 2009
Date



Department Director Signature

10/28/09
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE I (DEFINITIONS), ARTICLE III (PROCEDURES AND CHECKLISTS), AND ARTICLE V – CBD OF THE LAND DEVELOPMENT ORDINANCE

Defines and prohibits stilted buildings, amends the procedures for Site Plan review within City Planning and Engineering, amends the Site Plan application checklist to be consistent with revised procedures, and amends CBD (Central Business District) zoning to require a minimum of 4 stories.

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

§ 345-47. CBD Central Business District/Journal Square.

- A. Purpose.
1. The purpose of this district is to foster the development of a vibrant and accessible Citywide activity district that is a center of commerce and civic activity. It functions as a Local and regional destination for business, retail, education, government services, entertainment and transportation.
 2. The central business district contains numerous commercial, residential, institutional and government/public uses in a high intensity urban context.
- B. Permitted principal uses are as follows:
1. Government uses.
 2. Public and private colleges, universities and technical/vocational schools.
 3. Parking garages.
 4. Retail sales of goods and services.
 5. Offices.
 6. Hotels.
 7. Conference centers.
 8. Restaurants, category one and two.
 9. Financial institutions without drive-thru facilities.
 10. Theaters.
 11. Billboards on buildings.
 12. Mid-rise apartments.
 13. High-rise apartments.
 14. Medical offices.
 15. Child Day Care Centers.
 16. Any combination of the above.
- C. Uses incidental and accessory to the principal uses, such as:
1. Parking garages.
 2. Meeting rooms, conference facilities, gymnasiums and exercise rooms and pools.
 3. Signs.
- D. Bulk Standards for Central Business District.
1. Minimum Lot Size: Ten thousand (10,000) square feet.
 2. Minimum Lot Width: One hundred (100) feet.
 3. Minimum Lot Depth: One hundred (100) feet.
 4. Front Yard Setback: None if under eight stories; fifteen (15) feet if over eight stories.
 5. Rear Yard: None.
 6. Side Yard: None.
 7. Maximum Building Height: One hundred ten (110) feet.
 8. ***Minimum Building Height: 4 stories***
 9. Maximum Building Coverage: One hundred percent (100%).
- E. Standards for Billboards.
1. Maximum height: Sixty (60) feet above grade at their highest point when erected on the roof of a building.
 2. Setback from roof edge: Five feet.

3. Maximum area: Six hundred (600) square feet with maximum vertical dimension of twelve (12) feet for each sign. When billboard has more than one face, the maximum area shall be seven hundred fifty (750) square feet.

F. Parking Standards for Central Business District.

1. Offices (except medical offices), financial institutions, brokerage houses, governmental uses and colleges and universities: 0.7 space per one thousand (1,000) square feet of floor area.
1. Medical Offices: One space per five hundred (500) square feet, excluding the first two thousand (2,000) square feet of ground floor area.
2. Hotels: One space per one thousand (1,000) square feet of gross floor area including all-purpose rooms such as banquet, meeting and conference rooms.
3. Mid-rise and high-rise apartments: 0.7 spaces per unit.
4. Retail sales of goods and services, restaurants, bars, theaters and night clubs: One space per six hundred (600) square feet of gross floor area, excluding the first five thousand (5,000) square feet of gross floor area.

Proposed amendments prepared: 10/07/2009

Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted.
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345-62. Residential Design Standards

- A. Requirements Unchanged
- B. Requirements Unchanged
- C. Requirements Unchanged
- D. Requirements Unchanged
- E. Requirements Unchanged
- F. Requirements Unchanged
- G. Requirements Unchanged
- H. Requirements Unchanged

I. Stilted buildings are prohibited

- ~~I.~~ ***J.*** Requirements Unchanged
- ~~J.~~ ***K.*** Requirements Unchanged
- ~~K.~~ ***L.*** Requirements Unchanged
- ~~L.~~ ***M.*** Requirements Unchanged
- ~~M.~~ ***N.*** Requirements Unchanged
- ~~N.~~ ***O.*** Requirements Unchanged
- ~~O.~~ ***P.*** Requirements Unchanged

345-63. Non-Residential Design Standards

- A. Requirements Unchanged
- B. Requirements Unchanged
- C. Requirements Unchanged

D. Stilted buildings are prohibited

- ~~D.~~ ***E.*** Requirements Unchanged
- ~~E.~~ ***F.*** Requirements Unchanged
- ~~F.~~ ***G.*** Requirements Unchanged
- ~~G.~~ ***H.*** Requirements Unchanged
- ~~H.~~ ***I.*** Requirements Unchanged
- ~~I.~~ ***J.*** Requirements Unchanged
- ~~J.~~ ***K.*** Requirements Unchanged
- ~~K.~~ ***L.*** Requirements Unchanged
- ~~L.~~ ***M.*** Requirements Unchanged

Proposed amendments prepared: 10/07/2009

Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted.
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Amendment to Article I – Section 345-6 – Definitions

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

APPLICATION FOR DEVELOPMENT

Procedures & Instructions

NOTE: ALL PLAN SETS MUST BE FOLDED BEFORE SUBMISSION

Revised: October 15, 2009

1. Submit one (1) completed Jersey City General Development Application and one full size, signed and clearly sealed, stapled and **FOLDED** set of development plans, along with all application fees and supporting documents as described within the General Development Application instructions. Applicant will receive a signed "Receipt of Application" which only certifies that materials were submitted on a specific date and accepted by a specific member of the City Planning Division staff. This "Receipt" is not an indication of the "completeness" of submitted materials.
2. The applicant will receive a "Completeness Evaluation" within 45 days of receipt of the materials listed in Paragraph 1. above from the Division of City Planning. This evaluation will contain a Jersey City Development Case Number and identify the Review Planner assigned to your application. Please address all future correspondence relating to this application to the Review Planner and include the Case Number, the property address, and the Block(s) and Lot(s).
3. Upon notification by the Review Planner that the application submittals are ready to be sent to the Review Agents, the applicant will promptly submit one (1) additional set per Review Agent, of full size, signed and clearly sealed, stapled and **FOLDED** development plans bundled with an additional set of the full application documents and all supplemental information to the Review Planner for distribution to the Review Agents listed below. Each set of plans and documentation will be submitted in individual, unsealed and unaddressed envelopes of sufficient size to completely and neatly contain each package of documents. These envelopes will be delivered in a cardboard box(es) as needed. City Planning will then distribute the packages to the review agents through the city's Messenger Service. The Messengers will be provided by City Planning with a Delivery Confirmation Signature Sheet for each particular application, which will be returned to City Planning by the Messenger Service upon completion of the delivery.
4. Each review agent may review and comment on the application and must respond within 14 days of receipt of plans and application documents delivered in Step 3 above. The review agents will be responsible for sending their individual comments to the following: 1.) the applicant; 2.) the applicant's professionals, such as the applicant's architects, engineers and attorneys; 3.) the Review Planner from the Division of City Planning assigned to the particular project.
5. The applicant may contact each Review Agent directly to address their individual comments. The applicant must contemporaneously provide the Review Planner with a copy of any and all correspondence sent to any Review Agent.

6. If any revisions are made to the development plans submitted under Step 3. as a result of comments from any Review Agent, the applicant must submit one (1) set per Review Agent of such revised plans, **bearing a clearly visible revision date**, full size, signed and clearly sealed, stapled and **FOLDED**, and placed in appropriately sized boxes, to the Review Planner for further distribution to the Review Agents by the Division of City Planning via the Messenger Service. Each time a revised plan is submitted to the Division of City Planning, it shall be accompanied by a cover letter listing all the changes and which review agent requested them, with all changes graphically called out by the use of "clouding" around the changed areas. **Drawings without revision dates will NOT be accepted and will be returned at the applicant's expense.**

7. The Review Planner will determine if the application is "complete" based upon the content of the Review Agents' comments, including those of the Review Planner. Once deemed complete, the applicant will be assigned a hearing date and a submission deadline by the Division of City Planning, and will be notified of such in writing and/or email. Upon notification, the applicant shall promptly submit the required number of signed and clearly sealed, stapled and **FOLDED** development plans to the Review Planner. The required number of sets of development plans to be submitted is as follows: a minimum of: fourteen (14) sets for a case before the Planning Board, or eleven (11) sets for a case before the Zoning Board of Adjustment.

8. The plans submitted in Number 7 above shall be the same plans that all Review Agents and the Review Planner had reviewed in their last round of review and comment letters. They shall be submitted to the Division of City Planning at least 10 days prior to the scheduled hearing date for a timely distribution.

9. If the plans submitted in Number 8 above are not submitted on time, your case will be carried to the next regular meeting of the Board, within the limits of the Municipal Land Use Law.

10. The Contact Information for the Review Agents is provided below.

Preliminary and Final Major Site Plan Checklist

CASE #: _____
 DATE: _____
 PROPERTY ADDRESS: _____
 APPLICANT: _____
 OWNER: _____

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

	Submitted			Waiver requested *	Remarks (for staff only)
	Yes	No	N/A		
<p>13. Map size: 8.5x13"; 15x21"; 24x36"; or 30x42".</p> <p>A) Tax block, lot numbers and street address of site</p> <p>B) Dates of drawings and revisions, if any</p> <p>C) Graphic Scale</p> <p>D) Project title</p> <p>E) North arrow</p> <p>F) Landscaping</p> <p>(1) Type</p> <p>(2) Caliper</p> <p>(3) Square Footage</p> <p>(4) Height</p> <p>(5) Planting Schedule</p> <p>(6) Maintenance procedures and guarantees</p> <p>G) Survey showing block and lot numbers with metes and bounds description; existing and proposed easements, and size and location of any existing or proposed structures with setbacks dimensions.</p> <p>H) Floor plans with all room dimensions including basement plan and roof plan.</p> <p>I) Locations of all mechanical and other equipment</p> <p>J) Materials used in paved areas and walks and all other surface treatments.</p> <p>K) Lighting; wattage, location, height, attachment details, areas of diffusion</p> <p>L) Fences/walls: height, materials, width of internal details (ie: steel pickets), spacing of internal details.</p> <p>M) Refuse: location of dumpster, etc., screening height, materials, details of removal path.</p> <p>N) Signage: Lettering, dimensions, location, materials equipment, and lighting.</p> <p>O) Recreation areas: location, square footage, materials, equipment and lighting</p> <p>P) Elevations of all façades indicating colors and materials.</p> <p>Q) Elevation of roof indicating heating, ventilation and air-conditioning equipment, communication equipment, and antennae specifying screening height, colors and materials.</p> <p>R) One illustrative site plan depicting details using the following color scheme:</p> <p>(1) Asphalt paved areas: gray concrete</p> <p>(2) Paved areas: beige</p> <p>(3) Buildings: dark brown</p> <p>(4) Landscaped areas: light green</p> <p>(5) Trees and shrubs: dark green</p> <p>(6) Water: light blue</p> <p>(7) Signs: red</p> <p>(8) Lighting fixtures: black</p> <p>S) Circulation: parking spaces, dimensions, aisle widths, location of accessible bike racks/storage, car sharing, sidewalk details, etc.</p> <p>14. Indication of review/approval (if applicable) by Environmental Commission, Department of Environmental Protection, Army Corps of Engineers</p>					

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

City Clerk File No. Ord. 09-117

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 09-117

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY TO ADOPT THE CAMBRIDGE AND NORTH REDEVELOPMENT PLAN

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

WHEREAS, the Municipal Council of the City of Jersey City directed the Planning Board to review a Resolution designating Block 792, Lot 242 as an “area in need of rehabilitation”; and

WHEREAS, the Planning Board, at its meeting of November 4, 2009, recommended that the Municipal Council designate Block 792, Lot 242 as “an area in need of rehabilitation;” and

WHEREAS, the Municipal Council of the City of Jersey City designated Block 792, Lot 242 as “an area in need of rehabilitation” by Resolution on November 10, 2009; and

WHEREAS, the Planning Board, at its meeting of November 4, 2009, recommended that the Municipal Council adopt the Cambridge and North Redevelopment Plan to guide and regulate future redevelopment within the redevelopment plan area; and

WHEREAS, said Redevelopment Plan is attached and made a part hereof and is available for public inspection at the Office of the City Clerk in 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 attached Cambridge and North Redevelopment Plan be, and hereby is, adopted.

BE IT FURTHER ORDAINED THAT:

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

Robert D. Cotter, PP, 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 TO ADOPT THE CAMBRIDGE AND NORTH REDEVELOPMENT PLAN

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

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

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

The Cambridge and North Redevelopment Plan is a plan to guide and regulate the future redevelopment for Block 792, Lot 242.

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

The proposed Plan regulates the future development for mixed income housing on a vacant lot.

5. Anticipated Benefits to the Community:

The Redevelopment Area consists of a single vacant lot, Block 792, Lot 242 across from Washington Park and within walking distance to a Light Rail Transit station. The plan provides for standards for the construction of a new mixed income residential building with a variety of green building standards.

6. Cost of Proposed Plan, etc.:

\$0.00. No Cost to the City. Financed through grant funds of JCRA.

7. Date Proposed Plan will commence:

Upon Adoption.

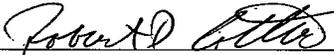
8. Anticipated Completion Date: N/A

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

Robert D. Cotter, Director, City Planning 547-5050
Jeff Wenger, Principal Planner 547-5010

10. Additional Comments:

I Certify that all the Facts Presented Herein are Accurate.


Division Director

11/4/09
Date


Department Director Signature

11/4/09
Date

SUMMARY

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY TO ADOPT THE CAMBRIDGE AND NORTH REDEVELOPMENT PLAN

The Cambridge and North Redevelopment Plan is a plan to provide for the construction of a single mixed income residential development with various green building standards to be constructed on a vacant lot across from Washington Park and within walking distance to the 9th Street Light Rail Transit station.

Cambridge and North Redevelopment Plan

**DIVISION OF CITY PLANNING
as presented to the Jersey City Planning Board: November 4, 2009**

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I. INTRODUCTION

The Cambridge and North Redevelopment Area (hereinafter the Redevelopment Area or the Area) was determined to be “an area in need of rehabilitation”, pursuant to the New Jersey Local Housing and Redevelopment Law (N.J.S.A. 40A:12A-1 et seq.) by resolution of the Jersey City Municipal Council following a recommendation by the Jersey City Planning Board.

The Cambridge and North Redevelopment Area consists of one tax lot, Block 792, Lot 242, at the corner of Cambridge and North streets in the Heights neighborhood of Jersey City. The lot is currently vacant. To the North of the Redevelopment Area is Washington Park. Surrounding the Redevelopment Area is the R-1 One and Two-Family residential zone as well as the Neighborhood Commercial zone along Central Avenue. The nearby housing stock is an eclectic mix of late 19th and 20th century homes with a range of architectural styles.

The Redevelopment Area is a vacant lot that is not properly graded. The slope is towards the center of the lot and therefore does not drain properly to the storm water system. The lot is strewn with building debris and a large mound of dirt sits on the South side of the lot. The center of the lot collects water runoff and pools of stagnant water remain on the site well after a rainfall creating a mosquito hazard for nearby residents.

It would now appear to be appropriate for the City to take a more pro-active approach to redevelopment in this Area, so as to bring the Area into greater compliance with the recommendations of the Master Plan and redevelop the Area in a manner that is consistent with the neighborhood and oriented to Washington Park.

II. BOUNDARIES

The Redevelopment Area consists of one Tax Lot in the Heights section of Jersey City. Block 792, Lot 242 is the only lot in the Redevelopment Area and measures approximately 70 by 100 feet.

The boundary of the Redevelopment Plan Area is also depicted on Map 1. In the event of a discrepancy between lots listed in the chart and the Map, the Map takes precedence.

III. REDEVELOPMENT OBJECTIVES AND REQUIREMENTS OF ANY DEVELOPMENT AND CONSTRUCTION WITHIN THE PLAN AREA

- A. The planning and development of the Redevelopment Area as a primarily residential area.
- C. To provide opportunities for existing property owners to redevelop their properties in a manner consistent with this Plan.

- D. Minimize on-site parking and maximize the use of mass transit in order to take advantage of local bus routes and the new Hudson-Bergen Light Rail station located within walking distance to the East.
- E. To integrate new development within the Area into the surrounding community by encouraging the creation of a viable residential community that will complement the existing development in adjacent areas.
- F. The improvement of the pedestrian environment and traffic circulation for the contemplated new development by curb cuts, and the provision of new sidewalks, street trees and other pedestrian amenities within the existing street rights-of-way.
- G. Develop vacant land and the other blighting influences.
- H. Provide for affordable housing to families with a range of incomes including; affordable, work-force, and market rate. Affordable housing is defined as such pursuant to the "New Jersey Housing Choice Program".

IV. PROPOSED REDEVELOPMENT ACTIONS

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

- A. The consolidation and re-subdivision of land within the Redevelopment Area into suitable parcels for development for the new residential and commercial land uses where necessary.
- B. Provision for a full range of public and/or private infrastructure necessary to service and support new development in the Area and adjacent areas.
- C. Construction of new structures and complementary facilities that are compatible with the land use patterns in the surrounding area.

V. GENERAL ADMINISTRATIVE REQUIREMENTS

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

- A. Prior to the commencement of any new construction, reconstruction, or rehabilitation: a site plan for such shall be submitted by the developer or property owner to the Planning Board for review and site plan approval. No temporary or permanent Building Permit shall be issued for any work associated with any of

the above actions, without prior site plan review and approval of such work by the Planning Board. Nothing in this section is intended to require site plan review and approval for minor modifications to the interior floor plan, such as the relocation or modification of non-bearing partition walls, which are commonly done to accommodate new tenancies or during lease renewals.

- B. The provisions of this Plan specifying the redevelopment of the Area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) years from the original date of approval of this Plan by the Jersey City Municipal Council. Subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such amendments.
- C. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Submission of a site plan and site plan application shall conform to the requirements of the Jersey City Zoning Ordinance and this Plan. Applications may be submitted for an entire project or in phases

As part of final site plan approval, the Planning Board may require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53. Such performance guarantees shall be in favor of the City of Jersey City, and be in a form approved by the Corporation Counsel or the Planning Board attorney. The amount of any such performance guarantees shall be determined by the City Engineer in conformance with applicable law, and shall be sufficient to assure completion of site improvements within one (1) year of final site plan approval, or such other time period as determined by the Planning Board if particular circumstances dictate a longer time frame.

- D. Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with this Plan's requirements and the Jersey City Land Development Ordinance.
- E. No development or redevelopment of any parcel in the Redevelopment Area that will result in an increase in wastewater from that parcel shall be permitted unless and until the planned project wastewater piping and systems for the removal of effluent and storm water are approved by the City of Jersey City Division of Engineering and the Municipal Utilities Authority; and the municipal wastewater piping and systems for the removal of effluent and storm water are certified by the City of Jersey City Division of Engineering and the Municipal Utilities Authority as being of sufficient capacity and good condition to accommodate uses that will occupy said parcel. Such approval may be contingent upon requisite improvements to the drainage system in the street, as determined by the Division of Engineering.
- F. The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions,

pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted which will result in permitting a use that is not a permitted use within this Plan. An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

- G. The regulations and controls in this section may be implemented where applicable by appropriate covenants, or other provisions, or agreements for land disposition and conveyance executed pursuant thereto.
- H. No covenant, lease, conveyance or other instrument shall be effected or executed by the Jersey City Redevelopment Agency or by a redeveloper or any successors or assignees, whereby land within the Redevelopment Area is restricted by the Jersey City Redevelopment Agency or the redeveloper upon the basis of race, creed, color or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments.
- I. This Plan shall supersede all provisions of the Jersey City Land Development Ordinance (hereinafter referred to as the "LDO") on matters that are specifically addressed herein. Any zoning related question that is not addressed herein shall refer to the LDO for clarification. No variance/deviation from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant development decisions and /or deviations from the requirements of this Plan, as provided herein. Upon final adoption of this Plan by the Jersey City Council ("City Council"), the City's Zoning Map shall be amended to show the boundary of the Redevelopment Area.

- J. No building shall be constructed over an easement in the Redevelopment Area without site plan review and approval of the Jersey City Planning Board and prior written approval of the Division of Engineering.
- K. If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect.

VI. GENERAL DESIGN REQUIREMENTS AND RESTRICTIONS

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

- A. All utility distribution lines; utility service connections from such lines to the Redevelopment Area's individual uses; and utility appliances, regulators and metering devices shall be located underground or within the building. No utility boxes or structure shall be permitted in sidewalk areas or exterior to the building. Remote readers are required for all utilities, in lieu of external location of the actual metering devices. Developers are required to arrange for connections to public and private utilities.
- B. Chain link fencing shall be prohibited within the Redevelopment Area, except during construction. Chain link fencing for construction shall be dismantled and removed prior to the issuance of a Certificate of Occupancy.
- C. No Billboards shall be permitted on any property contained within the Redevelopment Area.
- D. No signage shall be permitted within the Redevelopment Area that includes flashing, blinking or otherwise animated lights and/or parts, spinners, pennants, reflective materials, which sparkle or twinkle and/or similar materials; except for seasonal holiday decorations.
- E. No advertising shall be permitted on parking meters, light poles, or on benches or other street furniture.
- F. Upon demolition of any existing structures, the site shall be graded, planted, sodded, and/or developed, as applicable, in accordance with this Plan.
- G. All trash dumpsters and/or compactors shall be located within the buildings. All outdoor storage shall be prohibited.
- H. All buildings within the Redevelopment Area must display the street address of the building such that it is clearly visible from the adjoining street right of way.

- I. No junked motor vehicles, or parts thereof shall be permitted to be stored on any lot within the Area. Outdoor parking of vehicles that are inoperable or unregistered shall be prohibited.

VII. URBAN DESIGN REQUIREMENTS

A. Building Design Requirements

1. All structures within the Redevelopment Area shall be situated with proper consideration of their relationship to other buildings, both existing and in terms of light, air and usable open space, access to public rights of way and off-street parking, height and bulk. Buildings shall be designed to be attractive from all vantage points, with each street façade being of equal importance. A building's finish materials and details on facades may be similar or may change in order to create appropriate, interesting and contemporary facades that clearly indicate that the buildings are a product of their own time and location. Buildings with multiple street frontages must be designed so that each façade has windows, cornices, bays, or other architectural elements and avoid blank walls visible from any public right-of-way.
2. Buildings shall be oriented toward the street so as to contribute to the overall liveliness of the pedestrian environment, particularly where building lots front on multiple street. Main-building entries shall be prominent and easily identifiable, and shall not occur simply as voids within or between buildings. Canopies may be provided at main entrances and must be constructed of materials similar to or compatible with the overall building design.
3. The base of all buildings shall meet the pedestrian level in a human scale and manner. The height of the base must relate to other buildings as well as existing historic architecture and design developed within this Area and must be proportional with the building's overall height.
4. Tops of buildings shall be designed to create architectural interest through the use of a cornice element.
5. The windows and glazing of a building are a major element of style that gives character to the building. If security gates are used on any part of the building or window, they shall be installed on the interior side of the window, within the building, hidden from view when closed, and be of the open grate style. Similarly, windows and doors into residential lobby areas should be broad and expansive allowing views to and from the adjoining streets.
6. Street facades shall be articulated in a contemporary manner utilizing materials such as masonry, glass curtain walls, composite metal panel systems etc. Walls

shall not be left blank. Frontages shall have at least one window appropriately proportioned per structural bay. Buildings may utilize various types of materials and material changes for façade articulation, as long as the differentiating materials and details are well thought-out and integrated. The intent of this required articulation and modern design approach is to create appropriate, interesting and varied building façades such that the building facades do not read as uniform or continuous slabs along the streetscape.

7. Balconies and terraces may extend from the building when facing into rear yards. However, all balconies facing onto streets shall extend from the façade by no more than 12 inches and may be semi-recessed into the building.
8. EIFS (Exterior Insulating Finishing Systems), artificial stone and artificial brick veneer (“Permastone” & “Brickface”) materials vinyl siding, aluminum siding, may not be used on a street façade material within this Redevelopment Area.
9. All mechanical equipment, generators, HVAC equipment and similar equipment shall be acoustically buffered such that any noise generated by the equipment shall be within the applicable standards as defined by the State of New Jersey.
10. All mechanical equipment shall be screened from view, both from the street and existing or planned neighboring buildings. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same materials used in the construction of the building, such that the screening appears to be an integral part of the building. The screening shall not impair the functioning of the equipment. Interior locations must be utilized where mechanically possible.
11. Wherever possible, ventilation equipment required for commercial uses shall be vented through the roof of the building and within the building, especially in new construction. All such equipment ventilated through the roof shall be screened. The necessary incorporation of ventilation grillwork within the storefront façade system shall be limited to no more than 15% of the possible glazing area. Such grillwork shall be architecturally incorporated within the storefront design so as to compliment and add to the overall aesthetic affect of the commercial façade. Exposed ventilation pipes and risers are prohibited.
12. Sidewalk areas must be provided along the street rights of way and shall be properly sized for the safe and convenient movement of pedestrians through and around the Redevelopment Area.
13. Sidewalk areas shall be attractively landscaped and durably paved in conformance with Municipal standards and shall be provided with adequate lighting. Sidewalk concrete must be tinted an appropriate color. White concrete is not permitted.

14. All plant material used must be able to withstand the urban environment and shall be planted, balled and burlapped as established by the American Association of Nurserymen. A planting schedule shall be provided by the developer and approved by the Planning Board. All landscaping shall be guaranteed for a period of two (2) years. Any landscaping which is not resistant to the urban environment or that dies shall be replaced by the developer or property owner.
15. Street trees shall be planted along all curb lines of streets within the Redevelopment Area at a maximum of 35 feet on center. Each tree pit shall contain a decorative metal grate and/or decorative paving treatment. Tree species shall be selected which will achieve a mature height of 50 feet or above and a medium spread. Fast growing trees tend to be weak wooded and inappropriate for street planting. Therefore trees shall be selected that have a medium growth rate. The crown shape of the tree should be selected to compliment the architecture and setting of the buildings. Evergreen trees and fruit trees may not be used as street trees. Street trees along Grand Street are only required where the side walk width is adequate for pedestrian traffic.
16. Lighting shall sufficiently illuminate all areas to prevent "dark corners". All lighting sources must be shielded to prevent and eliminate any glare. The area of illumination shall have a uniform pattern of at least one-half (0.5) foot-candles.

B. Off-street Parking Design and Loading Requirements

1. All off-street parking shall be located within the building. Parking structures shall be incorporated into and be a part of the principal building. There shall be no separate parking structures. All parking levels are to be designed to disguise the parking use within.
2. All parking provided within the Redevelopment Area shall be for the sole use of the residents or tenants of the Redevelopment Area. Parking may not be leased to commuters or other non-residents or non-tenants of the Redevelopment Area.
3. In order to preserve the maximum number of on-street parking spaces possible, driveway widths and curb cuts shall be limited to the minimum width and number necessary. Driveway / curb cut widths leading to parking areas should be no more than twelve (12) feet for one way access and no more than sixteen (16) feet for two way access.
4. All required parking spaces must be a minimum of 8.5 feet wide by 18 feet deep. The placement of a curb up to two (2) feet within the required 18 foot depth of the parking space is permitted, provided that there is adequate area for an automobile occupying the parking space to over-hang said curb a like distance without infringing on required landscaping or pedestrian areas. All aisles shall be a minimum of 22 feet wide. Compact spaces may be provided only with the

approval of the Planning Board and shall be a minimum of 8 feet wide by 16 feet deep. Up to 25% of the total spaces may be compact.

5. Off-street parking and loading areas shall be coordinated with the public street system serving the Redevelopment Area in order to avoid conflicts with vehicular traffic and/or obstruction to pedestrian walkways and thoroughfares.
6. Light fixtures within any parking level shall be screened so as to not be visible from the exterior of the building either from the street or from other surrounding buildings and properties. Identification of the internal fixture and its location must be provided in order for any application to the Planning Board for site plan to be deemed complete.
7. Developers shall demonstrate to the Board's satisfaction that sufficient off-street loading is provided to meet the needs of the proposed uses.

C. Signage:

1. Permitted Signage:

- a. Each residential building shall display the street address of the building on the front facade or front door of the building such that it is visible from the adjoining street right-of-way.
- b. Each residential building may provide any necessary signage required for proper mail delivery indicating the name(s) of the resident(s) of the building on the mailbox or doorbell.
- c. Each residential building may have one (1) exterior sign flush mounted to the façade at the entrance to the building indicating the building's name, if any, not to exceed twenty (20) square feet.
- d. No other exterior signage is permitted.

2. Additional Signage Regulations and Requirements:

- a. All signs are subject to minor site plan review when not included as part of a major site plan application.
- b. All signs shall be flush mounted and project no more than twelve (12) inches.
- c. Permitted signage material includes: 1.) Painted wood; 2.) Painted metals including aluminum and steel; 3.) Brushed finished aluminum, stainless steel, brass, or bronze; 4.) Carved wood or wood substitute.
- d. Signs may be lit from gooseneck fixtures, backlit halo, up-lights. Internally lit signs and sign boxes are prohibited.
- e. Temporary construction and marketing signs shall be permitted subject to the following regulations: Temporary construction and marketing signs shall not exceed thirty-two (32) square feet; no person shall exhibit more than one (1) such sign per property, advertising the name of the building or project, general contractor, subcontractor, financing institution, public agencies and officials, and

professional personnel; and such signs shall only be permitted beginning with the issuance of a building permit and terminating with the issuance of a certificate of occupancy for the building or project.

3. Prohibited Signage:

The following signs and devices shall not be permitted within the Redevelopment Area: monument signs and internally or externally illuminated box signs, flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle, roof signs, billboards, signboards, window signs, posters, plastic or paper that appear to be attached to the window, pole signs, freestanding signs, fluorescent and/or glowing paint for any signage or building within the redevelopment area, waterfall style awnings, plastic awnings, product advertising signage of any kind. Product advertising signage is defined here to include, but not be limited to signage on: parking meters, signage in windows, on light poles, benches or other street furniture within the redevelopment area. Nothing in this paragraph shall be deemed to prohibit either lamppost mounted seasonal banners or traditional residential holiday decorations.

VIII. SPECIFIC LAND USE REGULATIONS

1. Principal Permitted Uses

- a. Multi-family mid rise apartments, consisting of mixed income (affordable, workforce and market) housing as defined by the "New Jersey Housing Choice Program."
- b. One and Two-Family housing pursuant to R-1 standards.

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

- a. In building, off street parking for building residents.
- b. Fences and walls.

3. Bulk and Density Standards

- a. Minimum lot size: the existing lot at the time of adoption shall be conforming and shall not be reduced in size.
- b. Minimum lot width: the existing lot at the time of adoption is conforming and shall not be reduced in size.
- c. Minimum lot depth: the existing lot at the time of adoption is conforming and shall not be reduced in size.
- d. Front and rear yard setbacks: 0 feet. Portions of a building façade may be set back up to 4 feet for entryways.
- e. Required side yard setback: 5 feet.
- f. Maximum building height: 5 stories and 65 feet.

- g. Maximum building coverage: 90%
- h. Maximum lot coverage: 90%
- i. Maximum residential density: 100 dwelling units per acre
- j. Parking requirement: Minimum: 0.625 stalls per unit.
Maximum: 1 stall per unit.
- k. Bike parking requirement: sufficient space for 1 bike per unit.

4. Design Standards:

- a. All security gates must be inside any glass windows.
- b. All appliances must be energy star rated.
- c. All windows and exterior doors must be energy star rated.
- d. Average unit size must be 1,000 square feet or larger.
- e. Exterior walls must achieve a whole wall R value of 30
- f. All new toilets must use an average of 1.28 gallons per flush or less to achieve the US EPA HET standard.
- g. All new shower heads must not exceed a flow rate of 2.5 gpm
- h. All new faucets must be equipped with aerators or other mechanisms to reduce water flow. Kitchen faucets must not exceed 2.2 gpm and bathroom faucets must not exceed 1.5 gpm.
- i. All paints must be "low VOC," generally defined as having less than 60g/L.

IX. ACQUISITION PLAN

No property in this redevelopment plan is to be acquired.

X. RELOCATION PLAN

It is anticipated that most acquisition within the Redevelopment Area will be conducted by private means, thereby reducing the amount of necessary relocation. However, should relocation of persons or businesses become necessary, the process of relocating the affected persons and businesses will receive the careful attention of local officials and the Jersey City Redevelopment Agency, and be conducted in accordance with the requirements of all applicable Federal, State and Local laws.

XI. 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:

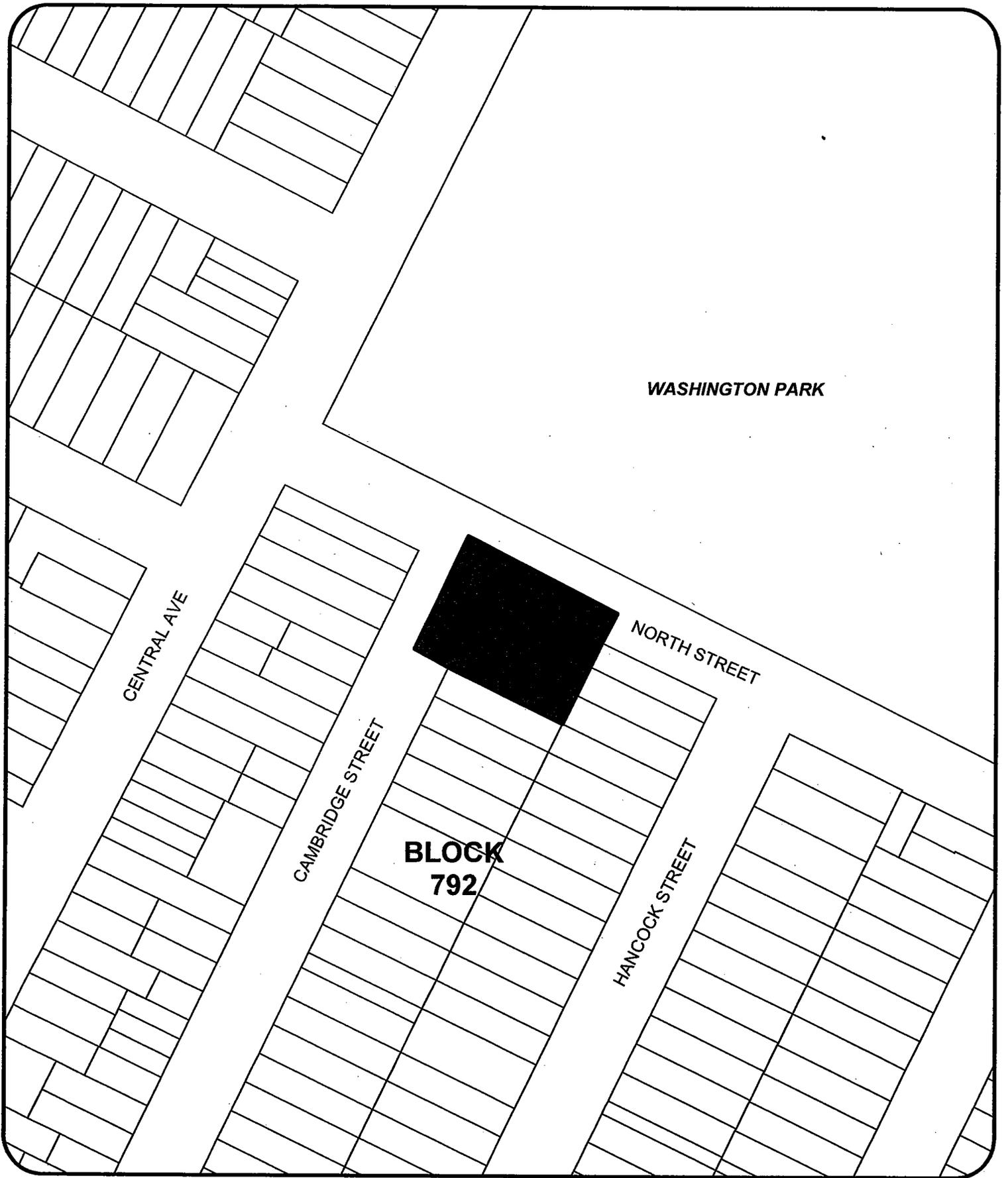
- A. The Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public

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 Plan which is a part of this Plan, indicate that no property is to be acquired as a result of this Plan.
- E. The Plan is in general compliance with the Master Plan of the County of Hudson. It is not contrary to the goals and objectives of the Jersey City Master Plan or the Zone Plan. The Zone Plan permits residential land uses but not ground floor commercial uses as this Redevelopment Plan does.
- 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 Redevelopment Area covered by this Plan as a Redevelopment Area, and all underlying zoning will be voided.

XII. PROCEDURE FOR AMENDING THE PLAN

- A. This Plan may be amended from time to time upon compliance with the requirements of law. A fee of five thousand dollars (\$5,000), plus all costs for copying and transcripts shall be payable to the City of Jersey City for any request to amend this Plan. If there is a designated developer, as provided for under NJSA 40A: 12A-1 et. seq., said developer shall pay these costs. If there is no developer the appropriate agency shall be responsible for any and all costs.
- B. No amendment to this Plan shall be approved without the review and recommendation of the Planning Board, and a public hearing and adoption by Municipal Council. A copy of any proposed change to the Plan shall be filed with the Office of the City Clerk.

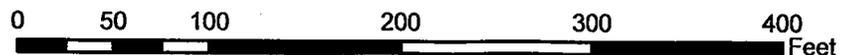


Cambridge and North Redevelopment Plan Area Boundary Map

November 4, 2009



1 inch = 100 feet



City Clerk File No. Ord. 09-118

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 09-118

TITLE:

ORDINANCE ESTABLISHING A CONSERVATION RESTRICTION AFFECTING PROPERTIES OWNED BY THE CITY OF JERSEY CITY KNOWN AS BLOCK 1627, LOTS 1.P, 2.A, 3.B, 5.1 AND BLOCK 1639.A, LOTS 1.C, 3, 4, 4.C, 6.A AND 7

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

WHEREAS, the City of Jersey City (City) is the owner in fee simple of certain real property located in the City of Jersey City and the County of Hudson, New Jersey, designated as Block 1627, Lots 1.P, 2.A, 3.B, 5.1 and Block 1639.A, Lots 1.C, 3, 4, 4.C, 6.A and 7 on the official Tax Map of the City of Jersey City (Property); and

WHEREAS, on September 27, 2006 the City adopted a redevelopment plan for the Hackensack River Edge Redevelopment Area; and

WHEREAS, the Property is a 32.52 acre track of land located at the intersection of Sip Avenue and Truck Route 1&9 within the redevelopment area; and

WHEREAS, the City desires to develop the Property as a waterfront park; and

WHEREAS, the Port Authority of New York & New Jersey (Port Authority) provided the City with a portion of the funds used to acquire the Property; and

WHEREAS, the funds provided to the City by the Port Authority were conditioned upon the City's recording of an approved Conservation Restriction; and

WHEREAS, the Hackensack Riverkeeper, Inc. is a non profit organization whose mission includes the protection of the environmental quality of the eco-system of the Hackensack River and its watershed; and

WHEREAS, the City intends to enter into a Conservation Restriction in order to grant the Hackensack Riverkeeper, Inc. a Conservation Restriction on the Property to restrict subsequent development of the Property consistent with the conditions imposed by the Port Authority.

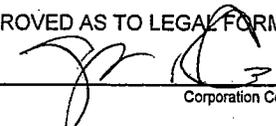
NOW, THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Jersey City that the Mayor or Business Administrator is authorized to execute a Grant of Conservation Restriction in substantially the form attached hereto and any other documents necessary or appropriate to effectuate the intent of this ordinance. The final form of all documents including any modifications thereto shall be subject to approval of the Corporation Council.

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

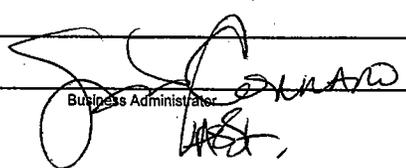
D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

RR
11-4-09

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: _____
APPROVED: 

Business Administrator

Certification Required
Not Required

GRANT OF CONSERVATION RESTRICTION

This Grant of Conservation Restriction is made this _____ day of November, 2009, by the City of Jersey City, New Jersey, whose address is 280 Grove Street, Jersey City, County of Hudson, State of New Jersey, hereinafter referred to as "Grantor", in favor of the Hackensack Riverkeeper, Inc. hereinafter referred to as the "Grantee".

WITNESSETH:

WHEREAS, the Grantor is the owner in fee simple of certain real property located in the City of Jersey City, County of Hudson, New Jersey, designated as Block 1627, Lots 1.P, 2.A, 3.B, 5.1 and Block 1639.A, Lots 1.C, 3, 4, 4.C, 6.A and 7 on the official Tax Map of the City of Jersey City, (hereinafter "the Property"); and

WHEREAS, Jersey City on September 27, 2006 adopted a redevelopment plan for the Hackensack River Edge Redevelopment Area; and

WHEREAS, the Property is a 32.52 acre tract of land located at the intersection of Sip Avenue and Truck Route 1 & 9 within the Redevelopment Area and a metes and bounds description of the Property is attached hereto as Exhibit A; and

WHEREAS, Jersey City has developed a specific plan for the development of the Property as a Waterfront Park; and

WHEREAS, the Property has been included on the list of priority acquisition property in need of preservation, to enhance access to the Hackensack River waterfront, due to the danger of development, as identified by the United States Environmental Protection Agency's Harbor Estuary Public Access Workgroup, and concurred with the New Jersey Department of Environmental Protection; and

WHEREAS, the Grantor has acquired the Property partially with funds from the Port Authority of New York and New Jersey ("Port Authority") pursuant to a Memorandum of Agreement between the Port Authority and Jersey City dated June 12, 2009 ("MOA"); and

WHEREAS, pursuant to the MOA the funds issued to the Grantor by the Port Authority are conditioned upon the Grantor's recording of an approved conservation restriction; and

WHEREAS, nothing in this grant of conservation restriction shall affect the rights of the Port Authority as set forth in the MOA and any rights granted to Grantee shall be subordinate to that of the Port Authority; and

WHEREAS, the Grantor, having the authority to do so, intends to enter into this Conservation Restriction in order to grant to the Grantee a Conservation Restriction on the Property to restrict subsequent development of the Property consistent with the conditions imposed by the Port Authority.

NOW THEREFORE for the valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the facts recited above and the terms, conditions and restrictions contained herein, the Grantor hereby agrees that the Property shall be subject in perpetuity to the following conveyances, covenants and restrictions in favor of the Grantee:

1. Grantor hereby conveys, transfers, assigns and grants to the Grantee a Conservation Restriction with respect to the Property.
2. The Property shall not be used for any purpose other than as or for parkland, open space, wildlife habitat, natural resource area, public recreation, public access area, ecologically sensitive resource, buffer area, environmental enhancement, conservation, ancillary economic redevelopment, environmental mitigation, or other similar uses consistent with and in all cases in support of the capital programs of the Port Authority, hereinafter collectively referred to as the "Restriction"; the Property shall not be used for purposes inconsistent with the Restriction without the express written consent of the Port Authority. In the event any portion of the Property is used in violation of the Restriction, the fair market value of said portion of the Property at the time of such violation shall be paid to the Port Authority for reimbursement of the funding assistance with interest of 5.25% from the Port Authority used to acquire said portion of the Property.
3. The forbearance, delay or omission in the exercise of any rights or remedies against any violation of the restriction shall not be deemed or construed as a waiver of such rights or remedies.
4. This Conservation Restriction shall be a burden upon and shall run with the Property, and shall bind Grantor, its successors and assigns, in perpetuity. The Grantor shall give notice of this deed restriction to all holders of any easements on the Property within 30 days of recording by the County Clerk.
5. The Restriction is deemed a negative easement, easement in gross, equitable servitude or such other interest as shall be necessary for the same to run with the land and be binding upon Jersey City and any subsequent Grantees in perpetuity until amended/modified or extinguished in whole or in part by the Port Authority.

6. Jersey City acknowledges and agrees neither the Port Authority nor the Grantee shall have no obligation to whatsoever to provide funds for environmental clean-up or improvement/restoration for the Property and shall have no obligation to comply with Environmental law.
7. All references to the Port Authority or to the City shall be deemed to include, where appropriate, their respective successors and/or assigns.
8. It is the purpose of the Conservation Restriction to assure that the Property will be maintained as such and to prevent any disturbance or development of that portion of the Property. To carry out this purpose, the following rights are granted to the Grantee by this Conservation Restriction:
 - (a) To enter upon the Property in a reasonable manner and at reasonable times so as to assure compliance with the provisions of this Conservation Restriction; and
 - (b) In addition to the exercise of any other statutory or common law right, to enjoin any activity on, or use of, the Property that is inconsistent with the purpose of this Conservation Restriction and to enforce the restoration of such areas or features of the Property that may be damaged by inconsistent activity or use.
9. Grantor shall provide the Grantee telephonic and written notice of any transfer or change in ownership of any portion of the Property, including but not limited to the name and address of the new owner, , at least one month prior to the day of the signing of those documents accomplishing the actual transfer or change in ownership.
10. In addition to, and not in limitation of, any other rights of the Grantee hereunder or at law or in equity, if the Grantee determines that a breach, default or violation ("Violation") of this Conservation Restriction has occurred or that a Violation is threatened, the Grantee shall give written notice to Grantor of such Violation, setting forth the specifics thereof, and demand corrective action sufficient to cure the Violation. If the Grantor fails to cure the Violation after receipt of notice thereof from the Grantee, or under circumstances where the Violation cannot reasonably be cured within a time period dictated by the Grantee, fails to begin curing such Violation within the time period dictated by the Grantee, or fails to continue diligently to cure such Violation until finally cured, the Grantee may bring an action at law or in equity in a court of competent jurisdiction:
 - (a) to enjoin and/or cure such Violation,

- (b) to enter upon the Property and to take action to terminate and/or cure such Violation and or to cause the restoration of that portion of the Property affected by such Violation to the condition that existed prior thereto, or
 - (c) to seek or enforce such other legal and/or equitable relief or remedies as the Grantee deems necessary or desirable to ensure compliance with the terms, conditions, covenants, obligations and purpose of this Conservation Restriction.
11. Any notice, demand, request, consent, approval or communication under this Conservation Restriction shall be sent by certified mail, return receipt requested or reliable overnight courier, addressed as follows:

To Grantor:

City of Jersey City
280 Grove Street
Jersey City, New Jersey 07302
Attn: William Matsikoudis, Corporations Counsel

To the Grantee:

Hackensack Riverkeeper, Inc.
231 Main Street
Hackensack, New Jersey 07601-7304
Attention: Bill Sheehan, Riverkeeper

12. A party may change the address or person to whom notices to it are required to be given by notice given in the manner above provided.
13. The Grantor reserves to itself, its successors or assigns, all rights as owners of the Property, including the right to engage in all uses of the Property not inconsistent with the purpose of this Conservation Restriction.
14. This instrument conveys no additional right of access by the general public to any portion of the Property.
15. The Grantor agrees to bear all costs and liabilities of any kind related to the operation, upkeep and maintenance of the Property.
16. The Grantor agrees that the terms, conditions, restrictions and purposes of this Conservation Restriction will be inserted in any subsequent deed, subdivision

- deed, lease, sub-lease or other legal instrument by which the Grantor divests itself of any interest in any portion of the Property.
17. Notwithstanding the failure of the Grantor to include the terms and restrictions of this instrument, it shall run with the land and be binding on all heirs, successors and assigns.
18. Miscellaneous.
- a. The laws of the State of New Jersey shall govern the interpretation and performance of this Conservation Restriction.
 - b. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
 - c. This Conservation Restriction sets forth the entire agreement of the parties with respect to the Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the easement, all of which are merged herein. No alteration or variation of this Conservation Restriction shall be valid or binding unless contained in a writing executed by the parties hereto.
 - d. Should there be more than one Grantor, the obligations imposed by this Conservation Restriction upon each Grantor shall be joint and several.
 - e. The covenants, terms, conditions and restrictions of this Conservation Restriction shall be binding upon, and inure to the benefit of, the parties hereto and all parties having or acquiring any right, title or interest in any portion of the Property, including holders of subdivision deeds, and shall continue as a servitude running in perpetuity with the Property.
 - f. The captions in this Conservation Restriction have been inserted solely for convenience of reference and are not a part of this Conservation Restriction and shall have no effect upon construction or interpretation.
 - g. Execution of this Conservation Restriction does not constitute a waiver of the rights or ownership interest of the State of New Jersey in public trust property.
 - h. This Conservation Restriction may be executed in any number of counterparts, all of which, taken together, shall constitute one and the same instrument.

TO HAVE AND TO HOLD unto the Hackensack Riverkeeper, Inc., its successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Restriction shall not only be binding upon the Grantor but also upon its agents, personal representatives, assigns and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS WHEREOF, the Grantor has set its hand and seal on the day and year first above written, and directs that this instrument be recorded in the office of the Hudson County Clerk.

City of Jersey City
(Grantor)

By: _____ (signature names and title)

ATTEST:

, Secretary

(Seal)

STATE OF NEW JERSEY
COUNTY OF HUDSON

Be it remembered that on this ____ day of _____, 20 __, before me, the subscriber, a Notary Public of New Jersey, personally appeared: _____, and he thereupon acknowledged that he signed the foregoing instrument (*in such capacity, that the seal affixed to said instrument is the corporate seal of said corporation*), and that said instrument is the voluntary act of deed of said person (*or corporation, made by virtue of authority from its Board of Directors*).

A Notary Public of _____

My Commission Expires: _____

Attachments required: Metes and Bounds description schedule

City Clerk File No. Ord. 09-119

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 09-119

TITLE: ORDINANCE REDESIGNATING "GREGORY PARK PLAZA" TO "MARIN BOULEVARD" ALSO KNOWN AS "METROPOLIS TOWERS PLAZA"

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

WHEREAS, the Gregory Park Cooperative Corporation was established in 1982 by the residents of Gregory Park I and II for the purposes of purchasing the two apartment buildings cooperatively from the United States Department of Housing and Urban Development for the benefit of the tenants of Gregory Park; and

WHEREAS, with the hard work of dedicated volunteers and the help of local, state, and federal officials succeeded in arranging for the purchase of Gregory Park on a cooperative basis by its residents; and

WHEREAS, Gregory Park Cooperative Corporation acquired title to Gregory Park I and II on March 1, 1984, and has successfully owned and managed the property for the benefit of its residents; and

WHEREAS, in celebration of Gregory Park Cooperative Corporation's first anniversary as owners of Gregory Park I and II on March 1, 1985, the Municipal Council redesignated that portion of Marin Boulevard (formerly known as Henderson Street) located between Christopher Columbus Drive and Montgomery Street as "Gregory Park Plaza;" and

WHEREAS, in August of 1999, Gregory Park Cooperative Corp. changed its name to the Metropolis Towers Apt. Corp.; and

WHEREAS, the management of the cooperative complex, now known as Metropolis Towers, has requested that the Municipal Council redesignate "Gregory Park Plaza" to "Marin Boulevard" also known as "Metropolis Towers Plaza."

NOW, THEREFORE Be It Ordained by the Municipal Council of the City of Jersey City that:

- A. That portion of Marin Boulevard (formerly known as Henderson Street) located between Christopher Columbus Drive and Montgomery Street be and is hereby re-designated from "GREGORY PARK PLAZA" to "MARIN BOULEVARD" also known as "METROPOLIS TOWERS PLAZA."
- B. The City Clerk is hereby authorized and directed to notify all authorities such as the Postal Authority and the City Departments and Divisions of this redesignation.
- C. The appropriate City officials be and they are hereby authorized and directed to erect appropriate street signs and to arrange for proper ceremonies for said street

in accordance with this ordinance.

- D. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- E. 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.
- F. This ordinance shall take effect at the time and in the manner as provided by law.
- G. The City Clerk and the Corporation Counsel 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*.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required