

City Clerk File No. Ord. 11-019

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 11-019

**TITLE:**

**ORDINANCE AMENDING CITY ORDINANCE 01-109 AUTHORIZING THE LEASING OF VACANT LAND AND OPEN SPACE LAND SHOWN TO BE IN NEED OF IMPROVEMENTS TO NON-PROFIT CORPORATIONS OR ASSOCIATIONS FOR PUBLIC PURPOSES IN CONNECTION WITH THE CITY OF JERSEY CITY "ADOPT A LOT" PROGRAM**

**WHEREAS**, the City of Jersey City ("the City") is authorized to enter into lease agreements for nominal consideration with non-profit corporations or associations for the cultivation or use of vacant lots *and open spaces shown to be in need of improvements* for gardening or recreational purposes pursuant to NJSA 40A:12-14(c) and NJSA 40:A12-15(I); and

**WHEREAS**, the City is the owner of vacant lots *and open spaces shown to be in need of improvement* located throughout the City; and

**WHEREAS**, *the City adopted Ordinance 96-123, which was subsequently amended with Ordinance 01-109, authorizing the establishment of an "Adopt A Lot" program,*

**WHEREAS**, the City desires to ~~create~~ *amend Ordinance 01-109 to update* the "Adopt a Lot" program for the purpose of leasing *vacant lots and open space land shown to be in need of improvements* for gardening and recreational purposes which benefit the public; and

**WHEREAS**, various non-profit corporations and associations ("Lessees") have expressed interest in participating in the "Adopt a Lot" programs; and

**WHEREAS**, the City desires to execute leases with Lessees desiring to participate in the City's "Adopt a Lot" program; and

**WHEREAS**, the Lessees shall conform with the material terms and conditions of the sample lease attached hereto; and

**WHEREAS**, parties interested in participating in the "Adopt a Lot" program shall contact the Directors of the Department of Public Works *and the Division of City Planning*; and

**WHEREAS**, the Directors of the Department of Public Works *and the Division of City Planning* shall be *jointly* authorized to approve leases with parties who agree to and are able to comply with the terms and conditions of the form of lease agreement for the "Adopt a Lot" programs; and

**WHEREAS**, the consideration for each lease shall be one dollar (\$1.00) a year and other good and valuable consideration; and

**WHEREAS**, the lease term shall be for ~~one~~ *two* years subject to the City's right to terminate the lease at its convenience without cause by providing 90 days prior notice; and

**WHEREAS**, as a condition of granting these leases the Lessees shall comply with all of the terms and conditions of the form of lease agreement attached hereto. ~~a condition of granting these leases the Lessees shall submit reports to the Director at the time Lessees submit applications to participate in the Adopt a Lot Program, setting out the use to which the leasehold will be put; the activities of the Lessee will undertake in furtherance of the public purpose for which the leasehold is granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and if Lessee is a corporation an affirmation of its tax exempt status as a non-profit corporation or association pursuant to both State and Federal laws.~~

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

- 1) *All parties desiring to participate in the "Adopt a Lot" program shall complete and submit an "Adopt a Lot" application, in writing or electronically, to the Director, Department of Public Works with a copy to the Division of City Planning.*
- 2) *The Directors of the Department of Public Works and the Division of City Planning are authorized to jointly approve the application and issue the "Adopt a Lot" lease, and the Division of City Planning is authorized to administer the "Adopt a Lot" program.*
  - 1) ~~All parties desiring to participate in the "Adopt a Lot" program shall make a written request to do so and file with the Director, Department of Public Works ("Director?")~~
  - 2) ~~The Director is authorized to approve the participation in the "Adopt a Lot" program of Lessees able to comply with the terms and conditions of the "Adopt a Lot" lease agreement. The Director shall notify the Manager of the City Office of Real Estate of all parties approved for participation in the program.~~
  - 3) ~~For all parties approved for the program, the Mayor of Business Administrator shall be authorized to execute lease agreements that are in substantial compliance with the form of lease agreement attached hereto which contains the terms and conditions of the City's "Adopt a Lot" program. At the discretion of the Business Administrator and Corporation Counsel, the lease may include a provision requiring the City to indemnify and hold harmless a Lessee from any and all claims of personal injury, and property damage arising out of the Lessee's occupancy and use of the property.~~
  - 4) ~~Before entering and taking possession of leased premises, Lessee shall notify the Director and then a representative of the Lessee and an employee of the Department of Public Works shall inspect the premises together for the purposes of locating and, if feasible, removing from the premises any dangerous materials. If the Director determines that a dangerous condition exists on the premises that cannot be remedied at a reasonable cost, then the City shall have the right to terminate the lease immediately.~~
  - 5) ~~The lease term shall begin on the execution date of the lease by the appropriate City officials and shall end one year thereafter with the exception that the City shall have the right to terminate the lease at its convenience without cause by providing 90 days' prior notice.~~
  - 6) ~~The consideration for the lease shall be \$1.00 per annum and such other good and valuable consideration benefitting the public at large.~~
  - 7) ~~The award of lease shall be subject to submission of reports to the Director at the time Lessees submit applications to participate in the Adopt a Lot Program setting out the use to which the leasehold will be put the activities that the Lessee will undertake in furtherance of a public purpose for which the leasehold is granted and the approximate value or cost, if any, of such activities in furtherance of such purpose and if Lessee is a corporation said report shall contain an affirmation of the Lessee's tax exempt status as a non-profit corporation pursuant to the both State and Federal Laws.~~
  - 8) ~~The Department of Public Works shall be responsible for enforcement of all terms and conditions of the lease.~~
  - 9) ~~If corporate charter of a non-profit corporation is revoked during the term of the lease, or if a non-profit corporation or an association ceases to use the property for gardening or recreational purposes which benefit the public, then the lease agreement may be cancelled by the City by providing 10 days written notice.~~
  - 10) ~~Lessee shall construct no permanent improvements on the property. This prohibition includes but is not limited to paving the property with concrete, asphalt or other materials. In the event that the lease must be terminated, Lessee must remove all temporary improvements installed on the property by the Lessee at its own cost and expense. The City shall not be responsible for the cost of removing Lessee's temporary improvements.~~

NOTE:

Material indicated by strikethrough like this is existing material that is intended to be deleted.

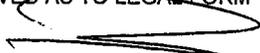
Material indicated by bold italic *like this* is new material intended to be enacted.

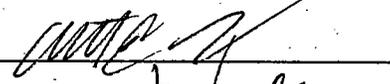
**BE IT FURTHER ORDAINED THAT:**

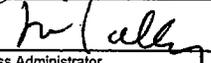
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City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

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

APPROVED AS TO LEGAL FORM

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

APPROVED: 

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

Certification Required   
 Not Required

**ORDINANCE FACT SHEET**

**1. Full Title of Ordinance:**

**ORDINANCE AMENDING CITY ORDINANCE 01-109 AUTHORIZING THE LEASING OF VACANT LAND AND OPEN SPACE LAND SHOWN TO BE IN NEED OF IMPROVEMENTS TO NON-PROFIT CORPORATIONS OR ASSOCIATIONS FOR PUBLIC PURPOSES IN CONNECTION WITH THE CITY OF JERSEY CITY "ADOPT A LOT" PROGRAM**

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

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

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

Amends the current city ordinance authorizing the lease of vacant city land, to also include open space shown to be in need of improvements, amendments also include the revised "Adopt a Lot" lease and revised standards for administration.

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

The amendments will better facilitate the implementation of the "Adopt a Lot" program and promote community gardening.

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

The amendments will facilitate urban agriculture, community building, food security, environmental education, and healthier residents.

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

None

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

Upon approval

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

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

Robert D. Cotter, City Planning Director

**10. Additional Comments: None**

I Certify that all the Facts Presented Herein are Accurate.

  
Division Director

31 JAN 2011  
Date

  
Deputy Department Director Signature

JAN 31, 2011  
Date

## **SUMMARY STATEMENT**

**ORDINANCE AMENDING CITY ORDINANCE 01-109 AUTHORIZING THE LEASING OF VACANT LAND AND OPEN SPACE LAND SHOWN TO BE IN NEED OF IMPROVEMENTS TO NON-PROFIT CORPORATIONS OR ASSOCIATIONS FOR PUBLIC PURPOSES IN CONNECTION WITH THE CITY OF JERSEY CITY "ADOPT A LOT" PROGRAM**

Amends the current city ordinance authorizing the lease of vacant city land, to also include open space shown to be in need of improvements, amendments also include the revised "Adopt a Lot" lease and revised standards for administration. The amendments will better facilitate the implementation of the "Adopt a Lot" program and promote community gardening.

## ADOPT-A-LOT LEASE

This Lease is issued by the City of Jersey City "City"/Department of Public Works "DPW" to \_\_\_\_\_ ("Lessee") for the operation of an Adopt-A-Lot Garden located at \_\_\_\_\_ (address) on Block \_\_\_\_\_ and Lot(s) \_\_\_\_\_ ("the Garden"). This Lease shall be administered by the Division of City Planning through the Adopt-A-Lot Program Officer ("Officer"), which is currently located at 30 Montgomery Street, Jersey City, NJ 07302.

### 1. Term

This Lease is issued to Lessee for a term (the "Term") of two years beginning \_\_\_\_\_ and ending \_\_\_\_\_ unless earlier terminated. The Lease may be renewed by the Director of the Department of Public Works ("Director") at his discretion if Lessee successfully completes the obligations set forth in this Lessee.

### 2. Notices and Contact Person

All correspondence, including notices of non-compliance, shall be sent to the person designated by Lessee as its "Contact Person."

**Current Contact Person for Lessee:** \_\_\_\_\_

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

**Telephone numbers:**

**Day:** \_\_\_\_\_

**Evening:** \_\_\_\_\_

**Weekend:** \_\_\_\_\_

Lessee shall promptly notify DPW and the Division of Planning of any change in contact person or of the address or telephone number(s) provided above. Notice to the listed Contact Person shall be deemed notice to the Lessee.

### 3. Obligations of Lessee/Use of Premises

- A. This Lease is specifically entered into for the purpose of Lessee's designing and installing a plant garden and thereafter maintaining such garden and all plants and structures contained therein (including, but not limited to, all fences, raised plant beds, planters, tables, benches, and other ornamental items) in a safe and orderly condition.
- B. Before taking possession of the leased premises, Lessee shall do the following:
  - a. Lessee shall notify the Director and then the Contact Person and the Officer shall inspect the premises together for the purpose of locating and, if feasible, removing

any dangerous debris, undergrowth, garbage, or other dangerous materials. If the Director determines that a dangerous condition exists on the premises that cannot be remedied at a cost deemed reasonable by the Director, then the City shall have the right to terminate the Lease immediately.

- C. Within two months of the issuance of this Lease, or sooner if applicable, Lessee agrees to the following:
- a. At least two representatives, one being the Contact Person, shall attend an educational workshop, and shall submit proof of such attendance to Division of City Planning.
  - b. Lessee shall post a sign approved and provided by DPW at the Garden explaining that the Garden is a part of the Adopt-A-Lot Program and the Department of Public Works.
  - c. Lessee shall register the Garden with the City's Adopt-A-Lot Jersey City online Green Map.
- D. Within six months of the issuance of this license, or sooner if applicable, Lessee agrees to the following:
- a. Lessee shall design and install a plant garden.
  - b. Lessee shall nurture and develop the plants in the Garden, including watering, fertilizing, pruning, weeding, and harvesting as required. Any spray or liquid fertilizers or herbicides must be approved by DPW, and notice given to DPW prior to application. DPW reserves the right to determine and prohibit an environmentally harmful fertilizer or herbicide.
  - c. Gardens are required to post signage listing open hours, a schedule of planned activities, and information on how to join the garden, along with the name and telephone number of the Lessee's contact person and/or the Officer.
  - d. Lessee shall open the Garden to the public, as required by Section 8.
  - e. Lessee shall make gardening plots available to the public on a first come first serve basis, through the use of a waiting list to be posted at the Garden.
- E. Upon execution of the Lease, the Lessee agrees to the following:
- a. Lessee shall maintain the Garden in a safe condition and take care of all plants and structures contained therein, including all fences, raised beds, tables, benches, and ornamental items.
  - b. Lessee shall keep sidewalks, passageways, and curbs adjacent to and within the Garden clean and free from snow, ice, garbage, debris, and other obstructions.
  - c. Lessee shall comply with all applicable laws, rules, and regulations of the United States, New Jersey State, and the City of Jersey City, and with other such rules, regulations, orders, terms and conditions as may be set or required by DPW to the extent that they relate to the gardening activities under this Lease or are otherwise applicable to the Lease.
  - d. Lessee shall arrange for the provision of, and pay for any utilities, with the exception of water, necessary for the performance of the activities described herein; provided

however that Lessee shall neither cause nor permit the installation of any such utilities without the prior written approval of DPW.

- e. Provide two reports each year, one in June and one in December, containing the current status of the Garden including, but not limited to, a current color photo, a list of current Garden members, and any current concerns or problems that the Lessee believes DPW should be made aware of or a problem fulfilling any of the requirements specified in this lease.
- f. Lessee shall continually update City's Adopt-A-Lot Jersey City online Green Map with all events, fundraisers, and public hours.
- g. Lessee shall participate in an annual "Green Your Block" program. Lessee shall notify the Division of City Planning with the date and time of the event, as well as post notice of the event at the Garden and on the City's Adopt-A-Lot Jersey City online Green Map.
- h. Lessee shall notify DPW of any administrative or operational matters constituting any loss, injury, damage or violation within the garden within three days of such occurrence by contacting the DPW and the Officer.

6. Restrictions on Lessee

Lessee agrees to the following restriction on the use of the Garden:

- A. No permanent improvements on the Garden. This prohibition includes but is not limited to paving the Garden concrete, asphalt or other materials.
- B. The Lessee shall make no alterations, additions, or improvements to the Garden without the prior written consent of the DPW.
- C. No permanent structures or murals or other permanent works of art may be built in the Garden without permission from DPW, and, where applicable, the Jersey City Building Department and the Jersey City Division of Cultural Affairs.
- D. No automobiles, trucks, or other motorized vehicles may be stored or parked at any time in the Garden.
- E. There shall be a minimum of 5 Garden members at all times.
- F. No persons shall be allowed to reside in the Garden.
- G. No animals shall reside in the Garden. Dogs may never reside in the Garden.
- H. No drugs or alcohol may be used, consumed, stored, sold, or distributed in the Garden.
- I. Garden shall not be used for any commercial purpose (including, but not limited to, the sale or advertisement of any goods or services): provided, however, that the City may allow, with prior notice to the Officer, Fundraising events at the Garden solely for the purposes of supporting the operation of the Garden. All agricultural produce cultivated at the Garden may be sold offsite at a designated Jersey City Farmer's Market.

- J. Lessee shall not create nor suffer to be created any nuisance or danger to public safety in or around the Garden. Lessee shall not cause nor permit the accumulation of garbage or debris in the Garden. Lessee shall not commit or cause any waste of or to the Garden.
- K. Lessee shall not sub-let the demised premises for gardening or recreational purposes pursuant to NJSA 40A12-15(l). Lessee shall not use or permit the premises to be used for any other purpose without the prior written consent of the City endorsed hereon.
- L. Lessee may not discriminate in any way against any person on grounds of race, creed, religion, color, sex, age, national origin, disability, marital status, or sexual orientation.
- M. Lessee may not cause or permit gambling or any activities related to gambling in the Garden, or the use of the Garden for any illegal purpose.
- N. If Lessee ceases to use the property for gardening or recreational purposes, the City shall have the right to terminate the lease upon giving 10 days written notice to Lessee prior to the effective date of termination.
- O. Lessee shall not use or permit the storage of any illuminating oils, oil lamps, turpentine, benzene, naphtha, or similar substances or explosives of any kind or any substances or items prohibited in the standard policies of insurance companies in the State of New Jersey.
- P. Lessee shall not abandon the Garden.

7. Failure to Comply with Restriction and Termination

If Lessee violates any covenant or conditions of this lease or of the rules established by the City, and upon failure to discontinue such violation within ten days after notice to the Lessee, this lease shall, at the option of the City, become void. Notwithstanding the above, the DPW and/or City may terminate this Lease without advance notice for any of the following reasons: 1) Use of the Garden for any illegal purpose, including, but not limited to use of drugs, alcohol, gambling, or other illegal activity, or conspiracy to commit same; 2) Creation of danger to the neighborhood, whether through inadequate sanitation, including accumulation of garbage, existence of a fire hazard, or any other condition which may cause harm to the Garden or other persons or property in its vicinity; 3) the City ceases to be the fee owner of the Garden.

The City shall have the right to terminate the lease at its convenience without cause by giving written notice 90 days prior to the effective date of termination. The City shall have no liability of any nature whatsoever by reason of such termination.

8. Access

- A. Gardens are required to keep their gates open for a minimum of 20 hours per week from the first day of May through and including the thirtieth day of November. This can be achieved through posted open hours, community events, workdays, workshops, and all activities that keep gardens open and accessible to the public. Gardens are required to post signage listing open hours, a schedule of planned activities, information on how to join the garden, along with the name and telephone number of the Lessee's contact person and/or the Officer. DPW and the Officer may conduct spot checks to see that the required public access is maintained, and if the Garden is not open at the designated time, may terminate this Lease.
- B. The City, its representatives, the DPW, the City Police and Fire Departments, and other City agency representatives shall have access to the Site at all times for any purpose.

9. Return of City Property and Surrender of the Garden

Lessee shall surrender the premises at the end of the term in as good condition as reasonable use will permit. In the event that the lease is terminated or expires, the Lessee shall remove all temporary improvements installed on the property by the Lessee at its own cost or expense. Lessee shall also return all tools and other unused items provided by DPW to DPW within thirty days of receipt of a notice of termination. DPW retains the right to keep for its own use any items left in the Garden after this Lease expires or is terminated.

If the Lessee shall remain in the premises after the expiration of the term of this lease without having executed a new written lease with the City, such holding over shall not constitute a renewal or extension of this lease. The City may treat the Lessee as one who has not removed at the end of his term, and thereupon be entitled to all remedies against the Lessee provided by law in that situation, or the City may elect, at its option, to construe such holding over as a tenancy from month to month, subject to all the terms and conditions of this lease, except as to duration thereof.

10. Indemnification

The City shall indemnify and hold the Lessee and its officers, agents and employees harmless from any and all claims or personal injury, and property damage arising out of the Lessee occupancy and use of the leased premises. The City shall defend any suit against the Lessee, and its officers, agents and employees from any claims for damage and accident resulting in such bodily injury or property damage, even if the claims are groundless, false, or fraudulent.

11. Risk Upon Lessee

The expenditures for gardening activities to be undertaken at Garden are to be made solely and exclusively at the risk and sole cost and expense of Lessee, and no part thereof is, or shall be,

reimbursable by the City for any reason whatsoever. The gardening activities to be performed pursuant to this Lease were not and are not directed by DPW and the City, and the City and the DPW assume no obligation or responsibility nor shall have any liability, for any expenditure made hereunder.

**12. Modification**

This Lease shall not be modified or extended except in writing and when signed by both the City and Lessee. This instrument shall not be changed orally.

**13. Conflict of Interest**

Lessee warrants that no officer, agent, employee, or representative of the City of Jersey City has received any payment or other consideration for the making of this Lease and that no officer, agent, employee, or representative of the City has any personal financial interest, directly or indirectly, in this Lease.

**14. No Assignment**

Lessee shall not sell, assign, mortgage or otherwise transfer, or sublicense any interest or right provided for herein, nor shall this Lessee be transferred by operation of law, it being the purpose and spirit of this agreement to grant this Lessee a privilege solely to the Lessee named herein.

**15. Employees**

All experts, consultants, volunteers or employees of Lessee who are employed by or volunteer their services to Lessee to perform work under this Lease are neither employees of the City nor under contract to the City and Lessee alone is responsible for their work, direction, compensation and personal conduct while engaged under this Lease. Nothing in this Lease shall impose any liability or duty to the City for acts, omissions, liabilities or obligations of Lessee or any person, firm, company, agency, association, corporation or organization engaged by Lessee as expert, consultant, independent contractor, specialist, trainee, employee, servant, or agent of for taxes of any nature including but not limited to unemployment insurance, workers' compensation, disability benefits and social security.

**16. No Claim Against Officers, Agents, or Employees**

No claim whatsoever shall be made by Lessee against any officer, agent or employee of the City for, or on account of, anything done or omitted in connection with this agreement.

**17. Representation**

This lease contains the entire contract between the parties. No representative, agent, or employee of the City has been authorized to make any representations or promises with reference to the within letting or to vary, alter or modify the terms hereof. No additions, changes or modifications, renewals or extensions hereof shall be binding unless reduced to writing and signed by the Landlord and Tenant.

**18. Severability**

If any provision(s) of this Lease is held unenforceable for any reason, each and all other provision(s) shall nevertheless remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have cause this to be signed and sealed.

\_\_\_\_\_  
DPW Director

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Lessee (Garden or Group Name)

\_\_\_\_\_  
Officer

\_\_\_\_\_  
Division of City Planning Director

\_\_\_\_\_  
Approved as to Form

\_\_\_\_\_  
City Clerk

# City of Jersey City "Adopt-A-Lot" Program Fact Sheet

**JERRAMIAH HEALY, MAYOR**

Rodney Hadley, Department Director  
PARK MAINTENANCE  
575 ROUTE # 440  
JERSEY CITY, NJ 07305  
(201) 547-4449

Robert Cotter, Division Director  
City Planning  
30 Montgomery St, Suite 1400  
Jersey City, NJ 07302  
201-547-5010

1. Only City owned lots and parks may be adopted.
2. Lots may be used for community gardening or recreational purposes.
3. Non-profit corporations or Community associations may submit a written request with a completed application to:

**Rodney Hadley, Director**  
**Department of Public Works**  
**575 Route 440**  
**Jersey City, NJ 07305**

**With a copy to:**

**Tanya Marione-Stanton**  
**Division of City Planning**  
**30 Montgomery Street, Suite 1400**  
**Jersey City, NJ 07302**

**Or may send an electronic version to:**  
**[Tanyam@icnj.org](mailto:Tanyam@icnj.org) using the subject "Adopt-A-Lot Request"**

4. Applicants whose applications are approved will be sent four (4) original "Lease Agreements" to be completed and returned to:

**DPW / Div. of Park Maintenance  
575 Route 440  
Jersey City, NJ 07305  
Attn: Rodney Hadley, Director  
With a copy to:**

**Tanya Marione-Stanton  
Division of City Planning  
30 Montgomery Street, Suite 1400  
Jersey City, NJ 07302**

**Or may send an electronic version to:  
[Tanyam@icnj.org](mailto:Tanyam@icnj.org) using the subject "Adopt-A-Lot Request"**

5. Properly completed Lease Agreements will be forwarded to the Business Administrator (BA) to be executed. The Lease shall be valid for 2 years from the day Lease is executed by the BA.
6. After receiving the Tenant copy of the executed Lease the applicant must notify DPW and together a representative of the applicant and DPW will inspect the site to locate and remove, if feasible, hazardous conditions. If a dangerous condition exists that cannot be remedied at reasonable cost to the City the Lease may be terminated immediately.
7. There is a \$1.00 annual fee per lot.
8. Community groups will be required to abide by the rules and regulations listed in the Lease. This includes attending an educational workshop, registering your garden online, providing a minimum of 20 hours of public access, and participating in an annual Green Your Block program.

**For other questions regarding the program please contact the Department. of  
Park Maintenance at (201) 547-4449,  
or the Division of City Planning at (201) 547-5488**



# City of Jersey City Adopt-A-Lot Application

*JERRAMIAH T. HEALY, MAYOR*

Rodney Hadley, Director  
Department of Public Works  
575 Route 440  
Jersey City, NJ 07305

Robert Cotter, Director  
Division of City Planning  
30 Montgomery Street,  
Suite 1400  
Jersey City, NJ 07302

**PLEASE TYPE OR PRINT ALL INFORMATION.**

Submit completed ORIGINAL application and plan to the Department of Public Works with a copy to the Division of City Planning at the above address. If applying for more than one lot and lots are not contiguous please fill out a separate application for each.

ORIGINAL applicant and witness signatures must appear on all four copies of the lease agreement (City Clerk, Law, DPW and Tenant).

THANK YOU!

=====  
Date: \_\_\_\_\_

Address of vacant lot(s) and/or Name of Park:  
\_\_\_\_\_

(If Known) Block: \_\_\_\_\_ Lot: \_\_\_\_\_

=====  
Name of Community Association:  
\_\_\_\_\_

Contact Name:  
\_\_\_\_\_

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

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

Phone: (     ) \_\_\_\_\_

Please list the name and titles of your associations officers:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email Address

---

Name

---

Address

---

Email Address

---

Title

---

Phone Number

**Please provide a brief history of your association:**

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**1. What public purpose will the adopted site be used for:**

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**2. Describe the activities you will undertake in furtherance of the above purpose:**

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**3. Estimate the approximate value or cost, if any, of the activities you will undertake:**

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**4. If your association is a corporation please attach documentation of nonprofit corporation status.**

**CERTIFICATION.**

**I certify that the information provided is true.**

---

**Date:**

---

**Signature**

---

**Printed Name**

City Clerk File No. Ord. 11-020

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 11-020

**TITLE:**  
**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE REVISING DEFINITIONS TO FACADES AND CORNER LOTS**

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

**WHEREAS**, corner lots provide at least two building facades with frontage visible from the street; and

**WHEREAS**, all sides of a building visible to the public should be constructed with quality materials and treatments in order to promote an attractive City; and

**WHEREAS**, the definition changes will clarify the building setback and façade requirements 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

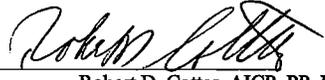
**WHEREAS**, the Planning Board at its meeting of January 11, 2011 did vote to recommend that the Municipal Council amend the Definitions of the Land Development Ordinance as they pertain to lots and facades; and

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

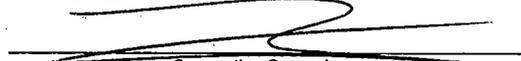
**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

**BE IT FURTHER ORDAINED THAT:**

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

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

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

APPROVED: 

APPROVED:   
Business Administrator

Certification Required

Not Required

**ORDINANCE FACT SHEET**

**1. Full Title of Ordinance:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE REVISING DEFINITIONS TO FACADES AND CORNER LOTS**

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

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

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

This Ordinance will amend Article I (Definitions) of the Land Development Ordinance (Zoning Ordinance) to clarify façade and corner lot definitions. This will ensure that setbacks are appropriate applied, and all building sides with visible street frontages will be required to be treated as "fronts" with quality building materials and treatments.

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

The proposed amendment will clarify that all building sides with visible street frontages are important and to be constructed with quality materials and treatments.

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

All buildings facades with street frontage, regardless of which side of the building, will be required to have attractive facades.

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

None

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

Upon approval

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

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

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

**10. Additional Comments: None**

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

  
Division Director

JAN 12, 2011  
Date

  
Department Director Signature

1/12/11  
Date

# **SUMMARY STATEMENT**

## **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE REVISING DEFINITIONS TO FACADES AND CORNER LOTS**

This Ordinance will amend Article I (Definitions) of the Land Development Ordinance (Zoning Ordinance) to clarify façade and corner lot definitions. This will ensure that setbacks are appropriate applied, and all building sides with visible street frontages will be required to be treated as “fronts” with quality building materials and treatments.



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

12/29/10

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

§ 345-6 Definitions

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

LOT LINE, FRONT – The lot line separating a lot from a street right-of-way, also referred to as a “street line.” In the case of corner lots, the front lot line shall be the street line with lesser frontage. In the case of through lots, ~~the front lot line shall be the line on which the primary entrance of the principal building faces~~ ***there shall be two front lot lines and no rear lot line.***

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

***Front Façade, Primary - the streetfront building façade which runs roughly parallel to the front lot line.***

***Front Façade, Secondary – in the case of a corner lot, the streetfront building façade which runs roughly parallel to the side lot line.***

***Side Façade – The building façade(s) which run roughly parallel to the side lot lines but does not face a street. In the case of two Primary Front Facades, there will be two side facades and no rear façade.***

***Rear Façade – The building façade which is opposite the primary façade and roughly faces the rear lot line. In the case of two Primary Front Facades, there will be no rear façade but rather two side facades.***

City Clerk File No. Ord. 11-021

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 11-021

**TITLE:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE APPLICATION FEES**

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

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

**WHEREAS**, Article IV of the Land Development Ordinance includes a section on Application Fees; and

**WHEREAS**, the existing Fee Schedule should be clarified without increasing any fees; and

**WHEREAS**, a deposit should be collected with all new applications in order to prevent frivolous applications and/or accidental overpayment of fees; and

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

**WHEREAS**, the Planning Board at its meeting of January 11, 2011 did vote to recommend that the Municipal Council adopt an amended the Fee section of the Land Development Ordinance; and

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

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

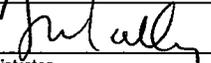
**BE IT FURTHER ORDAINED THAT:**

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

  
Robert D. Cotter, AICP, PP, Director  
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 APPLICATION FEES**

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

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

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

This Ordinance will amend the Land Development Ordinance (Zoning Ordinance) with regard to Application Fees, in order to clarify the fee schedule and to implement a required deposit with all new applications.

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

The fee schedule has been amended to clarify language; no fee increases are being proposed. New applications will require a deposit at the time of submission in order to prevent frivolous applications and accidental overpayments.

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

Reduction in accidental overpayments.

**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

JAN 12, 2011  
Date

  
Department Director Signature

1/12/11  
Date

# **SUMMARY STATEMENT**

## **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE APPLICATION FEES**

This Ordinance will amend the Land Development Ordinance (Zoning Ordinance) with regard to Application Fees, in order to clarify the fee schedule and to implement a required deposit with all new applications. No fee increases are being proposed.

## H. Schedule of Fees

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

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

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

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

PROPOSED 12/29/10

345-33 FEES

A. Applicable Fees

1. Every application for review or hearing before the Zoning Board of Adjustment, ~~or the Planning Board, or Historic Preservation Commission~~ shall be **initially** accompanied by a check for **\$150, and every application to the Historic Preservation Commission shall be initially accompanied by a check for \$10. Balance due will be determined upon City Planning Staff's review in accordance with** the amount(s) as provided in Fee Table I.
2. The applicant shall arrange to provide the Division of City Planning with two copies of the transcript for its files and shall pay the complete cost of the transcript of his or her application. Any balance due the transcription firm engaged by the Division for its services shall be payable immediately upon billing.
3. Copies of resolutions rendered by either the Board of Adjustment or the Planning Board shall be available to any person requesting them at their sole cost and expense. Any applicant shall receive a copy of the decision rendered at no additional cost. Minutes of either the Board of Adjustment or the Planning Board shall also be available on request to any person or applicant at their sole cost and expense. Amounts charged shall be as provided for in the City's ordinance regulating photocopy and documents fees.
4. Performance guarantees may be required by the Zoning Board of Adjustment or the Planning Board pursuant to N.J.S.A. 40:55D-53.

City Clerk File No. Ord. 11-022

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 11-022

### ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ~~THE~~ LAND DEVELOPMENT ORDINANCE REVISING THE RESIDENTIAL DESIGN STANDARDS AND SUPPLEMENTARY ZONING REGULATIONS AS THEY PERTAIN TO ELECTRICAL TRANSFORMERS AND FAÇADE TREATMENTS

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, Article V of the Land Development Ordinance includes subsections on Supplementary Zoning Regulations and Design Standards; and

WHEREAS, corner lots provide at least two building facades with frontage visible from the street and should be designed to be attractive from all streetfront vantage points; and

WHEREAS, a prior amendment was proposed to define primary and secondary facades, which this proposal follows and relies upon in order to implement the standards set forth herein; and

WHEREAS, unsightly electrical transformers are increasingly being installed in front yards and right-of-ways, and these amendments will prohibit such placements; 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 January 11, 2011 did vote to recommend that the Municipal Council amend the Definitions of the Land Development Ordinance as they pertain to aesthetic considerations of façade treatments and electrical transformer locations; and

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

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

#### BE IT FURTHER ORDAINED THAT:

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

APPROVED AS TO LEGAL FORM

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

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

APPROVED: Paul G. [Signature]  
Business Administrator

Certification Required

Not Required



# **SUMMARY STATEMENT**

## **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE REVISING THE RESIDENTIAL DESIGN STANDARDS AND SUPPLEMENTARY ZONING REGULATIONS AS THEY PERTAIN TO ELECTRICAL TRANSFORMERS AND FAÇADE TREATMENTS**

This Ordinance will amend Article V (Zoning and Design Standards; Supplementary Zoning Regulations and Design Standards) of the Land Development Ordinance (Zoning Ordinance) to regulate the placement of electrical transformers on a lot in order to limit their visibility, and to require that both Primary and Secondary Front Facades and corner lots are treated with appropriate setbacks and quality materials.

12/07/10

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

### 345-62 RESIDENTIAL DESIGN STANDARDS

- A. No Change
- B. No Change
- C. No Change
- D. No Change
- E. No Change
- F. No Change
- G. No Change
- H. No Change
- I. No Change
- J. Mechanical equipment, whether mounted on the roof, ***within the building***, or ***on the ground*** shall be screened from view. All screening devices shall be compatible with the material, architecture, and color of the adjacent structures. ***Electrical transformers shall be underground or housed within the building.***
- K. No Change
- L. No Change
- M. No Change
- N. No Change
- O. No Change
- P. No Change
- Q. ***All sidewalks shall be tinted Scofield Charcoal Grey or equivalent***
- R. ***Both primary and secondary front facades shall be designed with quality materials and details, such as masonry.***
- S. ***Front yard regulations for landscaping and fencing shall apply to both primary and secondary front facades.***

## 345-63 NON-RESIDENTIAL DESIGN STANDARDS

- A. No Change
- B. No Change
- C. No Change
- D. No Change
- E. No Change
- F. No Change
- G. No Change
- H. No Change
- I. No Change
- J. No Change
- K. ***Electrical transformers shall be underground or housed within the building.***
- L. ~~K.~~ Recycling and solid waste disposal areas shall be enclosed. These enclosures shall be screened with landscaping where feasible. Locations shall be conveniently accessible for trash collection and maintenance and shall not block access drives during loading operations.
- M. ~~L.~~ Sight Triangles. On a corner lot in any district, sight triangles shall be required in which no grading, planting, or structure shall be erected or maintained more than three feet above the street centerline or lower than twelve (12) feet above the street centerline except that intersections controlled by a traffic signal and intersections having either a stop sign or flashing light or where the structure is set back at least twelve (12) feet from the curblines shall not require a sight triangle. Traffic control devices, street name poles, and utility poles shall be exempt.
- N. ***All sidewalks shall be tinted Scofield Charcoal Grey or equivalent***
- O. ***Both primary and secondary front facades shall be designed with quality materials and details, such as masonry.***
- P. ***Front yard regulations for landscaping and fencing shall apply to both primary and secondary front facades.***

12/29/10

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

### 345-60 SUPPLEMENTARY ZONING REGULATIONS

- A. No Change
- B. No Change
- C. Lot Regulations
  - 1. Every lot shall include front, side, and rear yards having the areas and dimensions required within the particular zone in which such lot is located, ***excepting through lots which shall have no rear yard.***
  - 2. No yard or other open space provided for any building or structure for the purpose of complying with the provisions of this Chapter shall be considered as providing a yard or other open space for any other building or structure.
  - 3. No land in a residential zone shall be used to fulfill open space, minimum area, minimum yard and/or setback requirements, parking, or other similar requirements for any nonresidential use in a nonresidential zone.
  - 4. Whenever title to two or more contiguous lots is held by the same owner, regardless of whether or not each of said lots may have been approved as portions of a subdivision or acquired by separate conveyance or other operation of law, and one or more of the said individual lots shall not conform with the minimum lot area and/or dimension requirements for the zone in which it is located, the contiguous lots of said owner shall be considered as a single lot and the provisions of this Chapter shall apply.
  - 5. Whenever land has been dedicated or conveyed to the City by the owner of a lot existing at the time of adoption of this Chapter in order to meet the minimum street width requirements of the City, the zoning officer shall not withhold a building and/or occupancy permit for the building or use on the lot whose depth and/or areas are rendered substandard in area only because of such dedications and where owner has no other adjacent land to provide the minimum requirements.
  - 6. ***In the case of corner lots, side yard setback regulations shall apply to the secondary front façade.***
- D. No Change
- E. No Change
- F. No Change
- G. No Change
- H. No Change
- I. No Change
- J. No Change
- K. No Change
- L. Essential Services. Public utility lines for the transportation, distribution and/or control of water, electricity, gas, oil, steam and telegraph and telephone communications, and their

supporting members, other than buildings and structures, including pipes, shall not be required to be located on a lot, nor shall this Chapter be interpreted to prohibit the use of a property in any way zone for the above uses. Essential services shall not include wireless communications facilities. All new construction shall require lines for essential services to be underground, *and transformers to be underground or housed within the building.*

- M. No Change
- N. No Change
- O. No Change
- P. No Change
- Q. No Change
- R. No Change
- S. No Change

City Clerk File No. Ord. 11-023

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 11-023

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO  
THE LAND DEVELOPMENT ORDINANCE PERTAINING TO APPLICATIONS FOR DEVELOPMENT AND REVIEW  
PROCEDURES**

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

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

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

**WHEREAS**, the existing definition of Application for Development should be revised and clarified in anticipation of forthcoming "Time of Submission" state law;

**WHEREAS**, Article III of the Land Development Ordinance contains Application Requirements, Development Procedures, and Checklists; and

**WHEREAS**, the existing procedures and application paperwork should be updated to reflect the new definition and specific submission requirements, as recommended by the New Jersey Planning Officials;

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

**WHEREAS**, the Planning Board at its meeting of January 11, 2011 did vote to recommend that the Municipal Council amend the Land Development Ordinance Sections I and III; and

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

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

**BE IT FURTHER ORDAINED THAT:**

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

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

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

APPROVED:

APPROVED:   
Business Administrator

Certification Required

Not Required

**ORDINANCE FACT SHEET**

**1. Full Title of Ordinance:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE PERTAINING TO APPLICATIONS FOR DEVELOPMENT AND REVIEW PROCEDURES**

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

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

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

This Ordinance will amend Article I (Definitions) and Article III (Application Requirements, Development Procedures and Checklists) of the Land Development Ordinance (Zoning Ordinance) to clarify the definition of a valid Application for Development and to revise existing procedures and application paperwork to reflect the new definition.

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

Pending "time of submission" law, as adopted by the State of New Jersey, will take effect on May 5, 2011. As per the recommendation of the New Jersey Planning Officials, the proposed changes will clarify precisely what an Application for Development entails and when that application can be considered valid.

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

Prepares Jersey City Land Development Ordinance for impending State law.

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

None

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

Upon approval

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

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

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

**10. Additional Comments: None**

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

  
\_\_\_\_\_  
Division Director

JAN 12, 2011  
\_\_\_\_\_  
Date

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

1/12/11  
\_\_\_\_\_  
Date

# **SUMMARY STATEMENT**

## **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE PERTAINING TO APPLICATIONS FOR DEVELOPMENT AND REVIEW PROCEDURES**

This Ordinance will amend Article I (Definitions) and Article III (Application Requirements, Development Procedures and Checklists) of the Land Development Ordinance (Zoning Ordinance) to clarify the definition of a valid Application for Development and to revise existing procedures and application paperwork to reflect the new definition.

1/18/11

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.

§ 345-6      Definitions

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

## AMENDMENTS TO ARTICLE III (APPLICATION REQUIREMENTS & PROCEDURES)

### 345-22 MINOR SUBDIVISION AND MINOR SITE PLAN REVIEW PROCEDURES

#### A. Submission Requirements

1. Submission requirements for minor subdivision and minor site plan approval are provided in the Minor Subdivision and Minor Site Plan Checklist in this article
- ~~2. The applicant shall forward copies of the application to the following for review and comment, where appropriate:~~
  - ~~a. Division of City Planning~~
  - ~~b. Construction Code Official~~
  - ~~c. Division of Engineering~~
  - ~~d. Department of Fire and Emergency Services~~
  - ~~e. Historic Preservation Commission~~
  - ~~f. Police Department~~
  - ~~g. Municipal Utilities Authority~~
  - ~~h. Division of Traffic and Street Maintenance~~
  - ~~i. Environmental Commission~~
  - ~~j. United Water Company~~
- ~~3.~~ **2.** The Division of City Planning **Staff** shall have the authority to refer any application to other agencies or individuals for comments or recommendations.

B. Review by other city Agencies and Officials. The officials and agencies cited above shall forward their comments and recommendations in writing to the Division of City Planning and the applicant's contact person as listed in the application form within fourteen (14) days after receipt of the application.

#### C. Action

1. Applications for minor subdivision shall be acted upon by the minor-subdivision Subcommittee **Planning Board**.
- 2. Upon submission of application documents, City Planning Staff will review the contents of the submission package to verify that it is a valid Application for Development. Upon verification, the application will be formally confirmed as "submitted" and development review will commence.**

3. ~~2.~~ Except for applications governed by the time limits in this Chapter, the ~~Subcommittee or~~ Planning Board shall approve, conditionally approve, or deny a minor subdivision or minor site plan as the case may be within forty five (45) days of the submission of a complete application, unless the applicant shall extend the period of time within which the ~~Subcommittee or~~ Planning Board may act.
4. ***Applicants who request extensions to the period of time within which the Planning Board may act are permitted to do so for one-month intervals, not to exceed three (3) months total. There shall be no limit to extensions requested by Planning Staff, so long as the applicant agrees to said extensions.***
5. ~~3.~~ Failure of the ~~Subcommittee or~~ Planning Board to act within the period prescribed shall constitute minor subdivision or site plan approval, as the case may be. A certificate of the Board Secretary as to the failure of the ~~Subcommittee or~~ Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Register for purposes of filing subdivision plats or deeds.

D. no change

E. no change

F. Extensions of Minor Subdivision Approval

1. The ~~Subcommittee~~ ***Planning Board*** may extend the one hundred ninety (190) day period for filing a minor subdivision plat or deed pursuant to this Chapter if the developer proves to the reasonable satisfaction of the ***Board Subcommittee***:
  - a. That the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities; and
  - b. That the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the ~~subcommittee~~ ***Board***. The developer may apply for the extension either before or after what would otherwise be the expiration date.
2. The ***Planning Board Subcommittee*** shall grant an extension of minor subdivision approval for a period determined by the ***Board Subcommittee***, but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the ***Board Subcommittee*** that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental agencies and the developer applied promptly for and diligently pursued the required approvals. The developer shall apply for the extension before (a) what would otherwise be the expiration date of the minor subdivision approval; or (b) the 91<sup>st</sup> day after the developer receives the first legally required approval from other governmental entities, whichever occurs later.

G. ***Inactive Applications***

1. **Any application for minor subdivision or minor site plan which has remained inactive and incomplete for six consecutive months shall be subject to dismissal by City Planning Staff.**
2. **In order to be dismissed for inactivity, City Planning Staff must first provide a written warning to project applicant. A thirty (30) day time period must be provided for the applicant's response demonstrating diligence towards obtaining Board approval, including but not necessarily limited to fee payment in full and plan revisions.**
3. **If after thirty (30) days from the date of contact for inactivity pursuant to G.2 above, the applicant has not responded to City Planning Staff, has not submitted application fees, and/or has not demonstrated diligence towards obtaining Board approval, the application may be permanently dismissed by City Planning Staff.**

### 345-23 PRELIMINARY MAOJR SUBDIVISION AND SITE PLAN REVIEW PROCEDURES

#### A. Submission Requirements

1. Submission requirements for preliminary major subdivision and preliminary major site plan approval are provided in the Preliminary Major Subdivision and Site Plan Checklist.
2. The applicant shall forward copies of the application ~~to the following~~ **and plans to review agents as listed in the General Development Application Package** for review and comment, **when instructed by City Planning Staff** and where appropriate.
  - a. ~~Division of City Planning~~
  - b. ~~Construction Code Official~~
  - c. ~~Division of Engineering~~
  - d. ~~Department of Fire and Emergency Services~~
  - e. ~~Historic Preservation Commission~~
  - f. ~~Police Department~~
  - g. ~~Municipal Utilities Authority~~
  - h. ~~Division of Traffic and Street Maintenance~~
  - i. ~~Environmental Commission~~
  - j. ~~United Water Company~~
3. The Division of City Planning shall have the authority to refer any application to other agencies or individuals for comments or recommendations.

B. Reviews by Other City Agencies and Officials. The officials and agencies cited in this article above shall forward their comments and recommendations in writing to the Division of City Planning within fourteen (14) days after the receipt of the application.

#### C. Board Action

1. Subdivisions

- a. ***Upon submission of application documents, City Planning Staff will review the contents of the submission package to verify that it is a valid Application for Development. Upon verification, the application will be formally confirmed as "submitted" and development review will commence.***
- b. a. The Board shall approve, conditionally approve, or deny a preliminary major subdivision application of ten (10) or fewer lots within forty five (45) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
- c. b. The Board shall approve, conditionally approve, or deny a preliminary major subdivision application of more than ten (10) lots within ninety five (95) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
- d. ***Applicants who request extensions to the period of time within which the Planning Board may act are permitted to do so for one-month intervals, not to exceed three (3) months total. There shall be no limit to extensions requested by City Planning Staff, so long as the applicant agrees to said extensions.***
- e. e. Failure of the Board to act within the time prescribed shall constitute preliminary major subdivision approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the Applicant. Said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required, and shall be accepted by the County Register for purposes of filing subdivision plats.

## 2. Site Plans

- a. ***Upon submission of application documents, City Planning Staff will review the contents of the submission package to verify that it is a valid Application for Development. Upon verification, the application will be formally confirmed as "submitted" and development review will commence.***
- b. a. The Board shall approve, conditionally approve, or deny a preliminary major subdivision application of ten (10) acres of land or less, and ten (10) dwelling units or less, within forty five (45) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
- c. b. The Board shall approve, conditionally approve, or deny a preliminary major subdivision application of more than ten (10) acres or more than ten (10) dwelling units within ninety five (95) days after the submission of a complete application, unless the applicant shall extend the period of time within which the Board may act.
- d. ***Applicants who request extensions to the period of time within which the Planning Board may act are permitted to do so for one-month intervals, not to exceed three (3) months total. There shall be no limit to extensions requested by City Planning Staff, so long as the applicant agrees to said extensions.***

- e. e. Failure of the Board to act within the time prescribed shall constitute preliminary major subdivision approval and a certificate of the Board Secretary as to the failure of the Board to act shall be issued on request of the Applicant. Said certificate shall be sufficient in lieu of the written endorsement or other evidence of approval herein required, and shall be accepted by the County Register for purposes of filing subdivision plats.

D. No Change

E. No Change

F. No Change

**G. Inactive Applications**

1. **Any application for Preliminary Major subdivision or Preliminary Major site plan which has remained inactive and incomplete for six consecutive months shall be subject to dismissal by City Planning Staff.**
2. **In order to be dismissed for inactivity, City Planning Staff must first provide a written warning to project applicant. A thirty (30) day time period must be provided for the applicant's response demonstrating diligence towards obtaining Board approval, including but not necessarily limited to fee payment in full and plan revisions.**
3. **If after thirty (30) days from the date of contact for inactivity pursuant to G.2 above, the applicant has not responded to City Planning Staff, has not submitted application fees, and/or has not demonstrated diligence towards obtaining Board approval, the application may be permanently dismissed by City Planning Staff.**

**345-24 FINAL APPROVAL OF MAJOR SUBDIVISION AND SITE PLAN REVIEW PROCEDURES**

**A. Submission Requirements**

1. Submission requirements for Final Major subdivision and site plan approval are provided in the Final Major Subdivision and Final Site Plan Checklist
2. The applicant shall forward copies of the application **and plans to review agents as listed in the General Development Application Package** to the following officials for review and comment where **if deemed appropriate and necessary by City Planning Staff.**
  - a. ~~Division of City Planning~~
  - b. ~~Construction Code Official~~
  - c. ~~Division of Engineering~~
  - d. ~~Department of Fire and Emergency Services~~
  - e. ~~Historic Preservation Commission~~
  - f. ~~Police Department~~
  - g. ~~Municipal Utilities Authority~~
  - h. ~~Division of Traffic and Street Maintenance~~

i. ~~Environmental Commission~~

j. ~~United Water Company~~

3. The Division of City Planning shall also have the authority to refer any application to other agencies or individuals for comments or recommendations.

- B. No Change
- C. No Change
- D. Board Action

1. ***Upon submission of application documents, City Planning Staff will review the contents of the submission package to verify that it is a valid Application for Development. Upon verification, the application will be formally confirmed as "submitted" and development review will commence.***

2. 4. The Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions of preliminary approval, and, in the case of a major subdivision, the standards prescribed in the "Map Filing Law" P.L. 1960, c. 141. In the case of a planned unit development, planned unit residential development or residential cluster, the Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.

3. 2. Final approval shall be granted or denied within forty five (45) days after submission of a complete application or within such further time as may be consented to by the applicant. Failure of the board to act within the period prescribed shall constitute final approval and a certificate of the board Secretary as to the failure of the Board to act shall be issued on request of the applicant. The certificate shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and, in the case of subdivision plans, shall be so accepted by the County Register for the purposes of filing.

4. ***Applicants who request extensions to the period of time within which the Planning Board may act are permitted to do so for one-month intervals, not to exceed three (3) months total. There shall be no limit to extensions requested by City Planning Staff, so long as the applicant agrees to said extensions.***

5. 3. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.1 or 40:27-6.6, the Board shall condition its approval upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning board by its failure to report thereon within the required time period.

- E. No Change
- F. No Change
- G. No Change

H. ***Inactive Applications***

- 1. Any application for Final Major subdivision or Final Major site plan which has remained inactive and incomplete for six consecutive months shall be subject to dismissal by City Planning Staff.**
- 2. In order to be dismissed for inactivity, City Planning Staff must first provide a written warning to project applicant. A thirty (30) day time period must be provided for the applicant's response demonstrating diligence towards obtaining Board approval, including but not necessarily limited to fee payment in full and plan revisions.**
- 3. If after thirty (30) days from the date of contact for inactivity pursuant to H.2 above, the applicant has not responded to City Planning Staff, has not submitted application fees, and/or has not demonstrated diligence towards obtaining Board approval, the application may be permanently dismissed by City Planning Staff.**

#### **345-25 AMENDED SITE PLAN OR SUBDIVISION REVIEW**

Applications for amended site plan or subdivision review shall be governed by the same requirements as all other applications for **Preliminary Major** Subdivision or site plan approval. **Amendments shall be necessary for any application with minor changes. Projects with changes involving substantial redesign, a change of twenty percent (20%) or more (either increasing or decreasing) in the number of units, or a change of twenty percent (20%) or more (either increasing or decreasing) in the number of stories, shall not be considered amendments but will require a new Application for Development.**



# CITY OF JERSEY CITY GENERAL DEVELOPMENT APPLICATION



THIS SECTION TO BE COMPLETED BY CITY STAFF ONLY

Intake Date: \_\_\_\_\_ Application No. \_\_\_\_\_

**Date Validated as an Application for Development:** \_\_\_\_\_

**Date Deemed Complete:** \_\_\_\_\_

**1. SUBJECT PROPERTY**

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

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

**2. BOARD DESIGNATION**

Planning Board

Zoning Board of Adjustment

**3. APPROVALS BEING SOUGHT**

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

**4. VARIANCE/ DEVIATION NOTES**

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

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

**5. APPLICANT**

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

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

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

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

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

**6. OWNER**

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

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

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

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

**7.  
APPLICANT'S  
ATTORNEY**

\_\_\_\_\_  
Attorney's Name

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

\_\_\_\_\_  
Firm's Name

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

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

\_\_\_\_\_  
e-mail address

**8.  
PLAN  
PREPARERS**

\_\_\_\_\_  
Engineer's Name

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

\_\_\_\_\_  
Firm's Name

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

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

\_\_\_\_\_  
e-mail address

\_\_\_\_\_  
Surveyor's Name

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

\_\_\_\_\_  
Firm's Name

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

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

\_\_\_\_\_  
e-mail address

\_\_\_\_\_  
Planner's Name

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

\_\_\_\_\_  
Firm's Name

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

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

\_\_\_\_\_  
e-mail address

\_\_\_\_\_  
Architect's Name

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

\_\_\_\_\_  
Firm's Name

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

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

\_\_\_\_\_  
e-mail address

**9. SUBJECT PROPERTY DESCRIPTION**

Site Acreage (square footage and dimensions):

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

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

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

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

Conforming       Non-Conforming

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

Vacant Lot

Proposed Development, Name, and Nature of Use:

Check all that Apply:

Application for a new building on undeveloped tract

Application for new use of existing building

Application for use of a portion of a building

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

Height table:

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

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

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

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

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

**10. PARKING & SIGNAGE**

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

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

**11. INFRA-STRUCTURE**

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

**12.  
TYPE OF  
DEVELOPMENT**

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

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

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

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

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

**13. APPROVAL HISTORY**

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

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

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

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

**15. ATTACHMENTS**

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

**16. CERTIFICATION**

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

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

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

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

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

City Clerk File No. Ord. 11-024

Agenda No. 3.F 1st Reading

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



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-024

TITLE: **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AMENDMENTS TO THE MORRIS CANAL REDEVELOPMENT PLAN TO  
AMEND STANDARDS FOR GROUND FLOOR RESIDENTIAL USES IN THE MIXED USE A  
SUBDISTRICT**

**WHEREAS**, the Municipal Council of the City of Jersey City adopted the Morris Canal Redevelopment Plan in March of 1999, and amended the Plan numerous times subsequently, most recently on May 29, 2010; and

**WHEREAS**, the Planning Board, at its meeting of April 27, 2010, determined that the Morris Canal Redevelopment Plan would benefit from amendments to change the requirements for ground floor residential uses in the Mixed Use A sub-district of the Plan; and

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

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

**BE IT FURTHER ORDAINED THAT:**

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

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

APPROVED AS TO LEGAL FORM

Corporation Council

APPROVED:

APPROVED:

Business Administrator

Certification Required

Not Required



**Summary Sheet:**

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY  
ADOPTING AMENDMENTS TO THE MORRIS CANAL REDEVELOPMENT PLAN TO  
AMEND STANDARDS FOR GROUND FLOOR RESIDENTIAL USES IN THE MIXED USE  
'A' SUBDISTRICT**

**This ordinance will amend ground floor residential use requirements in the Mixed use 'A' subdistrict to permit ground floor residential use if located behind retail uses at the front of the building which are more than 30 feet deep and where the building is more than 80 feet deep.**

**PROPOSED AMENDMENTS TO THE MORRIS CANAL REDEVELOPMENT PLAN**

**PRESENTED TO THE JERSEY CITY PLANNING BOARD ON APRIL 27, 2010**

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

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

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

Page 31:

**D. Mixed Use – A**

*Residential and Neighborhood Retail*

*(Communipaw and Pacific Avenues Area)*

Page 32:

**1. Permitted Principal Use**

a. Artist studio workspace

b. Community Facility

c. Day Care Center

d. Funeral Parlor

e. Health Care Facility. Prohibited: Health Care Facility that provides any type of residential accommodation

f. House of Worship

g. Neighborhood Retail

h. Office

i. Public Parking

j. Residential (above the first floor)

k. Residential (on the first floor, on a parcel that was occupied by a structure with a first floor residential use at the time of adoption of this Plan.)

l. Residential (on the first floor, within a structure that exists at the time of adoption of this Plan.)

m. Restaurants/Cafés: sit-down only. Drive through pick-up windows shall be prohibited

n. Combination of any of the above

o. Park

~~p. Residential on the ground floor in the rear of the building, provided the lot depth is 120 feet or greater, the lot area is 10,000 square feet or greater, and that retail is maintained along all street frontages at least 30 feet deep into the building.~~

**p. Residential on the ground floor in the rear of the building, provided the building depth is 80 feet or greater, and that retail is maintained along all street frontages averaging 30 feet deep into the building.**

q. Public Utilities, except that natural gas transmission lines shall be prohibited

(Block: 2058 Lot 8 shall not be permitted neighborhood retail, restaurant /café, community facility, or house of worship)

City Clerk File No. Ord. 11-025

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 11-025

TITLE:

## ORDINANCE AMENDING CHAPTER 319 (TOWERS AND TOWING) OF THE JERSEY CITY CODE

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

- A. The following amendments to Chapter 319 (Towers and Towing) of the Jersey City Code are hereby adopted:

### Section 319-1 No Change

### Sec. 319-2 License required; issuance; application.

- A. No person shall operate a vehicle towing business within this city unless such person has obtained a towing license issued by the Division of Commerce except with permission of the Office of Emergency Management in the event of an emergency.
- B. No such license shall be issued except on the approval of the Division Director or designee.
- C. Each license issued shall be assigned a license number, and the same number shall be assigned to every subsequent renewal of that particular license.
- D. Application for a tower license shall be made to the Division Director on a form to be supplied by the Division Director for that purpose.

### Sections 319-3 through 319-14 No Change

### Sec. 319-15 Rotating system of summoning towers.

A. The Director of the Jersey City Police Department is hereby authorized and directed to establish a just and equitable rotating system of licensees to be summoned to tow away and store a disabled vehicle. The rotating system shall be established so as to give as nearly as is practicable an equal share of the towing business to each licensee and to furnish protection to the owners of disabled vehicles. There shall be a separate list for light-duty and heavy-duty towers with specific equipment requirements for each list to be promulgated by the Police Director; however, at minimum, a tower on the light-duty list shall have two tow trucks and a flatbed, and a tower on the heavy-duty list shall have two heavy-duty tow trucks. The Director of the Police Department shall be guided by the following minimum requirements for the rotating system:

- (1) Only a Class A licensee may be in the rotation system and shall not have more than one position on the rotating list regardless of how many supplemental licenses the licensee shall hold.

(2) A licensee tower on the rotating list shall not be removed therefrom before he or she is accorded an opportunity to be heard after receiving written charges preferred against the licensee. No licensee shall lose his or her turn in the rotating system until the licensee is accorded this opportunity to be heard; provided, however, that the Police Director may immediately suspend any licensee if it is determined to be in the best interests of the citizens or the rotation system. A licensee may request in writing to be removed from the rotating list. When so removed, the licensee shall not be eligible to be placed on the rotating list for a period of one year from the date removed.

(3) Each licensee in the rotating system shall be given equal time and opportunity as all other licensees in the rotating system, and there shall be no discrimination for any reason whatsoever.

(4) No police officer or other official of the city shall have any authority to remove or skip over any licensee in the rotating system. If any licensee commits any violation of the motor vehicle laws of the State of New Jersey, the proper action taken against such licensee shall be by way of summons for the motor vehicle violation. If the infraction involves a violation of this chapter or any provision of the Jersey City Code, charges specifying the offense shall be presented to the Director of the Jersey City Police Department, who shall thereupon cause a hearing to be held in accordance with the provisions of this chapter.

(5) No licensee shall be allowed to take a turn at the top of the rotating list unless the licensee first submits proof to the Division of Commerce that the licensee has a sufficient number of empty and available storage spaces upon the storage area designated in the application of the licensee for said license.

- B. Whenever it is necessary to have a disabled vehicle towed away, the police who arrive at the scene shall forthwith notify police headquarters to summon a licensed tower from the rotating list in accordance with the procedure established by the Director of the Police Department, except when an emergency has been declared by the Office of Emergency Management.
- C. The owner or driver of a disabled vehicle shall use the services of the licensed tower summoned by the police unless the owner is a member of an organization which supplies towing services for its members and the owner or driver requests the use of such organization's tower. If the request is made to the police at the scene, the police shall forthwith notify police headquarters to call the organization and relay the request and all necessary information supplied by the owner's membership card to the organization.
- D. In the event that the tower summoned by the police is delayed and it is necessary to remove the disabled vehicle out of the line of traffic or for other safety reasons, then the police emergency tower may remove the vehicle to the nearest point out of the way of the free flow of traffic allowing the vehicle to remain there until towed away by the tower summoned by the police.
- E. In the event that a disabled vehicle is towed away and stored by a licensee pursuant to this chapter and the owner of the vehicle or such owner's agent or next of kin does not authorize a further disposition of the vehicle within three days after it is towed to the storage place, the licensee may, upon giving written notice by certified mail to the owner or the owner's authorized agent, pursue any and all remedies he or she may have in law for the disposition of the vehicle and the collection of the fees.
- F. In the event that the owner or driver of the disabled vehicle is incapacitated by reason of injuries or otherwise and is unable to authorize the further disposition of the vehicle after it is towed away by the licensee, then the licensee shall forthwith ascertain from the police the name and address of the owner's agent or next of kin and contact him or her to ascertain the further disposition of the vehicle. The licensee shall also send to said agent or next of kin the bill for services and a copy of the schedule of prices as is required by this chapter.

**Sec. 319-16 through 319-18 No Change**

- 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; deleted matter in ~~brackets~~. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

APPROVED: \_\_\_\_\_  
APPROVED: *[Signature]*  
Business Administrator  
ARST.

APPROVED AS TO LEGAL FORM  
\_\_\_\_\_  
Corporation Counsel

Certification Required   
Not Required