

①

1st reading

2-6-13

Sponsored by:

David M...

Seconded by:

[Signature]

CITY OF HOBOKEN
ORDINANCE NO. 2-227

**AN ORDINANCE TO AMEND CHAPTER 179A ENTITLED
"TAXICABS" TO FURTHER CLARIFY THE MUNICIPALITY'S
INSURANCE REQUIREMENTS FOR TAXICAB LICENSES**

WHEREAS, the City has determined that inclusion of a code section providing for Combined Single Limit (CSL) insurance of taxicab licensees is in the best interest of the license holders for purposes of obtaining economically feasible insurance, and would not have a negative effect on the City's insurance and liability requirements, so long as the CSL amounts meet the City's minimum requirements.

NOW, THEREFORE, the City Council of the City of Hoboken does hereby ordain as follows (additions noted in double underline, ~~deletions noted in strikethrough~~):

SECTION ONE: AMENDMENTS TO THE SUBSTANCE OF HOBOKEN CODE § :

§ 179A-4 Indemnity bond or liability insurance required amount.

A.

No license shall be issued or continue in operation unless there is in force and effect for each vehicle authorized an insurance policy issued by a company duly licensed to transact business under the insurance laws of this state conditioned for the payment of a sum:

EITHER

(1)

Separate Liability Limit Policies of at least:

- (a.) Not less than \$50,000 to satisfy all claims for damages by reason of bodily injury to, or to the death of, any one person, resulting from an accident;
- (b.) Not less than \$100,000 to satisfy all claims for damages, by reason of the bodily injuries to, or the death of, all persons on account of any such accident, by reason of the ownership, operation, maintenance, or use of such taxicab upon any public street;
- (c.) Not less than \$15,000 to satisfy any claim for damages to property of any one person, resulting from an accident; and
- (d.) Not less than \$30,000 to satisfy all claims for damages to property of all persons, on account of any such accident, by reason of the ownership, operation, maintenance, or use of such taxicab on any public street.

OR.

(2)

A Combined Single Limit Policy of at least \$130,000.00 to satisfy all claims for damages by reason of bodily injury, and/or death to, and/or damages to property of all persons, on account of any such accident, by reason of the ownership, operation, maintenance, or use of such taxicab upon any public street.

B.

The insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance, or use of the taxicab or fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as a result of the ownership, operation, maintenance or use of a taxicab. A list of all covered drivers must be included in the policy.

C.

Any insurance policy obtained in furtherance of this Section shall include a Thirty (30) day cancellation notice in favor of the City of Hoboken. In the event that the aforementioned insurance is canceled, the license shall terminate on the date of the cancellation, unless the insurance has been reinstated and a withdrawal of the cancellation or a new policy of insurance has been submitted to the Clerk of the City and to the Division of Taxi and Limousine Licensing within two business days of any change. As a condition of obtaining a City of Hoboken taxicab license, the taxicab license holder agrees to provide the Division Head with the authority to communicate directly with the taxicab license holder's insurance companies.

D.

The bond or bonds shall be filed with the City Clerk and shall have as surety thereupon a surety company authorized to do such business in the State of New Jersey.

E.

This section shall not abrogate or relieve a license holder from any duty or requirement of the insurance laws of this state.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand

notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION FIVE: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: February 6, 2013

Introduction:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	/			
Theresa Castellano	/			
Jen Giattino	/			
Elizabeth Mason	/			
David Mello	/			
Tim Occhipinti	/			
Michael Russo	/			
President Peter Cunningham	/			

Final Reading:

Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla				
Theresa Castellano				
Jen Giattino				
Elizabeth Mason				
David Mello				
Tim Occhipinti				
Michael Russo				
President Peter Cunningham				

Approved as to Legal Form:

Vetoed by the Mayor for the following reasons: _____


Mellissa Longo, Interim Corporation Counsel

Adopted by the Hoboken City Council
By a Vote of ___ Yeas to ___ Nays
On the ___ day of ___, 2013

James Farina, City Clerk

-or-
 Approved by the Mayor
On the ___ day of ___, 2013

Dawn Zimmer, Mayor

(3) 1st reading

2-6-13

Sponsored by:

David Muro

Seconded by:

Rebecca

City of Hoboken
Ordinance No.: Z-228

AN ORDINANCE AMENDING CHAPTER §196 ZONING BY DELETING THE CURRENT ARTICLE II IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE II "DEFINITIONS"

WHEREAS, the word definitions of Chapter 196, as contained in Article II of the Code of the City of Hoboken no longer reflect the current meanings and up-to-date usages of those words; and

WHEREAS, the Hoboken Master Plan (2004), the Master Plan Re-examination (2010) and regular reports issued by the Planning Board and Zoning Board of Adjustment all called out the need to update the definitions cited in this chapter; and

WHEREAS, it is in the City's best interest to update the City Code to reflect modern usage and conditions.

Now **THEREFORE**, be it ordained by the City Council of the City of Hoboken, County of Hudson, State of New Jersey, as follows:

SECTION ONE: DELETION

The current Section; ARTICLE II "Definitions", **Chapter §196-6** of the City Code of the City of Hoboken is hereby deleted in its entirety.

SECTION TWO: ADDITION

The following Section is hereby added to the City Code of the City of Hoboken:

**ARTICLE II
Definitions**

§ 196-201. Word usage.

For purposes of this chapter, unless the context clearly requires a different meaning, the follow general terms shall be construed as follows:

- A. A term in the present, past or future tense includes either of the other two tenses.
- B. The singular shall include the plural.
- C. The word "shall" is always mandatory and directory; the word "may" is permissive.
- D. The word "zone" shall include the word "district."
- E. The word "use" and the word "used" refer to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use or any structure erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.

§ 196-202. Words not defined herein.

Whenever in the administration of this chapter it shall be necessary or desirable to define a term that has not herein been defined, reference shall be made to the definition (if any) of such term in the following, as listed by precedence:

- A. The Municipal Land Use Law (N.J.S.A. 40:55d-1 et seq.).
- B. The International Building Code published by the International Code Council as amended from time to time.
- C. The Code of the City of Hoboken as amended from time to time.
- D. The State of New Jersey Statutes as amended from time to time.

§ 196-203. Words defined.

ACCESSORY APARTMENT -- A single dwelling unit located on the same lot as a principal dwelling or attached to an accessory structure located on the same lot and having an independent means of access.

ACCESSORY STRUCTURE -- A structure detached from or only partially supported by a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE -- A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ADAPTIVE REUSE -- The development of a new use for an older building or for a building originally designed for a special or specific purpose.

ADDITION -- A structure added to the original structure after the certificate of occupancy has been issued for the original structure; an extension or increase in floor area or height of a building or structure.

ADULT USE -- An establishment consisting of, including, or having the characteristics of any or all of the following: adult bookstore, newsstand, or video store; sex shop; video viewing booth; adult motion picture theatre; adult cabaret.

AFFORDABLE -- Housing with a sale price or rent within the means of a low-, middle-, or moderate-income household as defined by state or federal legislation.

AIR RIGHTS -- The right to use space above ground level.

ALTERATION -- Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

ALTERATION, INCIDENTAL -- Modifications to an existing structure that are of a cosmetic nature, replacement of utilities, or rearrangement of non-load-bearing partitions.

AMERICANS WITH DISABILITIES ACT (ADA) -- A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

ANIMAL CARE FACILITY -- Any structure or premises in which animals are boarded daily or over-night, groomed, or trained for commercial gain. *Note: housing of stray, homeless, abandoned, or unwanted animals such as in an animal shelter is not included.*

APARTMENT UNIT -- One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a multifamily dwelling.

APPURTENANCE -- The visible, functional, or ornamental objects accessory to, and part of, buildings or structures.

ARCHAEOLOGICAL -- The science or study of the material remains of past lives or activities and the physical site, location or context in which they are found, as delineated in the Department of the Interior's Archaeological Resources Protection Act of 1979.

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

ARTICULATION -- Variation in the façade of a structure to create visual interest through the addition of features such as: bay windows, balconies, stoops, and vertical and/or horizontal jointing.

ARTIST STUDIO -- A place of work for an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing. *See also* WORK-LIVE UNIT.

AUTOMATED TELLER MACHINE (ATM) -- An automated device that performs banking financial functions at a location that may be separate from the controlling financial institution.

AUTOMOBILE LAUNDRY -- *See* CAR WASH.

AUTOMOBILE SALES -- The use of any building, land area, or other premise principally for the display, sale, rental, or lease of new or used vehicles, and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

AUTOMOBILE SERVICE STATION OR FILLING STATION -- Any building, land area or other premises, or portion thereof, in or on which the principal use is the retail sale of gasoline, oil or other fuel for motor vehicles; servicing and repair of vehicles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

AWNING -- A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway, window or sidewalk café service area from the elements and is periodically retracted into the face of the building.

AWNING, FIXED -- An awning constructed with a rigid frame that cannot be retracted, folded or collapsed. *See also* SIGN, AWNING

BAR -- A place of business duly licensed by the Alcoholic Beverages Control Board, whose primary function is the on-premises sale and consumption of alcoholic beverages. Food may be prepared and consumed on site but is incidental to the purpose of the establishment.

BASE FLOOD ELEVATION (BFE) -- The highest point, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood as established by the Federal Emergency Management Agency (FEMA).

BASEMENT -- Any area of a building having its floor subgrade (below ground level) on all sides, but where the floor-to-ceiling height is one-half or more above the average adjoining ground, and where the floor to ceiling height is not less than 6.5 feet. A basement shall not be used as a dwelling unit unless the basement floor is at least two feet (2') above base flood elevation.

BIKEWAY -- Any road, path, or way that is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other modes of transportation. Bike lanes, bike paths, and bike routes are included forms of bikeways.

BILLBOARD -- *See* SIGN, BILLBOARD

BLOCK -- A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-ways, waterways, or any other barrier to the continuity of development.

BLOCK FRONTAGE -- All lots, including corner lots fronting along the street line on one side of a street between two intersecting streets, measured in feet.

BLOCK WIDTH -- On any rectangular block, "block width" shall be the lesser of the two dimensions. The widths of nonrectangular blocks shall be calculated individually by the Planning Board.

BOARD OF ADJUSTMENT -- An officially constituted body whose principle duties are to hear appeals and, where appropriate, grant variances from the strict application of the zoning ordinance. The Zoning Board of Adjustment of the City of Hoboken established pursuant to N.J.S.A. 40:55D-69 et seq., and Hoboken Municipal Code § 44-201 et seq.

BUFFER STRIP -- Open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

BUILDING -- Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, process, equipment, goods, or materials of any kind.

BUILDING, ACCESSORY -- A subordinate structure on the same lot as the principal or main building or use. See **ACCESSORY STRUCTURE**.

BUILDING, PRINCIPAL -- A building in which is conducted the principal use of the lot on which it is located.

BUILDING COVERAGE -- The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings on a lot to the total lot area.

BUILDING HEIGHT -- The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. See also **GRADE, FINISHED**.

BUILDING LINE -- A line parallel to the street right-of-way line touching that part of a building closest to the street

BUILDING PERMIT -- Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

BULK REGULATIONS -- Standards applying to individual lots that control the placement, intensity, and character of development and include the amount of open space on the lot, the height of structures, setbacks from property lines and public rights-of-way, impervious coverage, floor area ratio, and density.

BULKHEAD, ELEVATOR -- A roof structure enclosing an elevator and its machine room.

BULKHEAD, STAIR -- A roof structure enclosing a stairway providing access to the roof.

CAR WASH -- Any building or premises used for washing motor vehicles.

CELLAR -- A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining exterior ground or with a floor-to-ceiling height of less than 6.5 feet.

CERTIFICATE OF APPROPRIATENESS -- A document attesting that proposed work within a historic district or affecting a historic site has been reviewed and deemed appropriate and consistent with the purpose of this chapter by the Hoboken Historic Preservation Commission.

CERTIFICATE OF COMPLIANCE -- A document issued by the Zoning Officer certifying that the plans for a proposed use meet all applicable codes and regulations.

CERTIFICATE OF NO EFFECT -- A document attesting that proposed work within a historic district or affecting a historic site has been reviewed by the Historic Preservation Commission and found not detrimental to the historic district or site on which the work is to be done.

CERTIFICATE OF OCCUPANCY (CO) -- A document issued by a local building or zoning authority to the owner of premises attesting that the premises have been built and maintained or that use of the premises is in accordance with the provisions of local building and zoning ordinances.

CHANGE OF USE -- Any use that substantially differs from the previous use of a building or land.

CHILD-CARE CENTER -- An establishment providing for the care, supervision, and protection of children including Day-Care and Nursery School facilities.

CITY -- The City of Hoboken, Hudson County, New Jersey.

CLINIC -- An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than 24 hours.

CLUB -- A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

CLUSTER -- A development design technique that concentrates building on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

CO-LOCATION -- Use of a common wireless telecommunication tower or a common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a wireless telecommunication tower on a structure owned or operated by a utility or other public entity.

COLLEGE or UNIVERSITY -- A public or private institution for higher learning, beyond grade twelve (12), providing courses of instruction as approved by the New Jersey Department of Higher Education.

COMMERCIAL USE -- Activity involving the sale of goods or services carried out for profit.

COMMON ELEMENTS -- Land amenities; certain areas of buildings, such as lobbies, corridors, and hallways; central services and utilities; and any other elements and facilities owned and used by all condominium unit owners or tenants and designated in the master deed or lease as common elements. A parcel or parcels of land, together with the improvements thereon; whereas the ownership, use and enjoyment of the same are shared by the owners and tenants of the individual dwelling units in the development.

COMMUNITY CENTER -- A facility used for recreational, social, educational, and cultural activities.

COMPACT CAR -- Any motor vehicle that does not exceed 15 feet in length, bumper to bumper, and 5 feet, 9 inches in width.

COMPATIBLE LAND USE -- A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

COMPOSTING -- A controlled process of degrading organic matter by microorganisms.

CONDITIONAL USE -- A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization by the approving authority.

CONDOMINIUM -- A building or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION PERMIT -- Legal authorization for the erection, alteration, or extension of a structure.

CONVERSION -- Change of use of an existing building or structure.

CORNICE -- Any horizontal member, structural or nonstructural, which projects outward from the exterior walls at the roofline, including eaves and other roof overhang.

COUNTY PLANNING BOARD -- The Planning Board of Hudson County, New Jersey.

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

CURTAIN WALL -- A nonstructural exterior building wall, usually window or window panel dominated and which may or may not be retractable.

CUSTOMER SERVICE AREA -- The floor area of a retail establishment in which customers assemble to receive the goods or services offered and in which goods are displayed and sales are transacted. Areas accessible only to employees such as kitchens or storage areas and restrooms whether public or not are excluded.

DECIBEL -- A unit of measurement of the intensity (loudness) of sound.

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

DEMOLITION -- The dismantling or razing of all or part of a building, structure, object, site or landscape feature, including interior spaces and all operations incidental thereto.

DENSITY -- The number of families, individuals, dwelling units, households, or housing structures per unit of land.

DENSITY BONUS -- The granting of additional floor area or dwelling units, beyond the zoned maximum, in exchange for providing or preserving an amenity at the same or a separate site.

DENSITY TRANSFER -- See TRANSFER OF DEVELOPMENT RIGHTS

DESIGN GUIDELINES -- Standards set forth in this chapter, or by the Historic Preservation Commission, or which are subsequently adopted by the Hoboken Council which aim to preserve and provide a continuity of the historic, cultural and architectural character of an area or of a building, object, site, structure or landscape feature.

DEVELOPMENT -- Construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, and any use or change in the use of any building or other structure, or land or extension of use of land for which permission may be required, as set forth in this chapter or the Municipal Land Use Law.

DEVELOPMENT, AS-OF-RIGHT -- Any development that complies with all applicable zoning regulations and does not require any discretionary action by Planning Board or Board of Appeals.

DEVELOPMENT REGULATION -- Any zoning, subdivision, site plan, official map, floodplain or wetlands regulation, or other governmental regulation that affects the use and intensity of land development.

DISTRICT -- A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply. See also **OVERLAY ZONE**.

DORMITORY -- A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, monastery or other institution.

DRIVEWAY -- A private roadway providing access to a street or highway.

DRY CLEANING ESTABLISHMENT -- A retail establishment for the cleaning of textiles using chemical solvents; one of two types.

- (1) **DROP-OFF** -- A retail dry cleaning establishment providing the ability to drop-off and pick-up dry cleaning with all dry cleaning being performed off premises.
- (2) **DRY CLEANING ESTABLISHMENT, ON PREMISES** -- A retail dry cleaning establishment where some or all dry cleaning is conducted on premises.

DUPLEX -- A single dwelling unit, within a multi-unit building consisting of two floors.

DWELLING -- Any building or portion thereof used exclusively for human habitation.

(1) **DWELLING, DETACHED** -- A dwelling that is not attached to any other dwelling by any means.

(2) **DWELLING, HIGH-RISE** -- An apartment building of eight (8) or more stories.

(3) **DWELLING, MID-RISE** -- An apartment building containing from four (4) to seven (7) stories.

(4) **DWELLING, MULTI-FAMILY** -- A building containing three (3) or more dwelling units, whether configured horizontally or vertically.

(5) **DWELLING, SINGLE-FAMILY** -- A building, attached or detached, that is the exclusive dwelling of one family.

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

(7) **DWELLING, UNIT** -- One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT -- A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ELEVATION -- (a) A vertical distance above or below a fixed reference level; (b) a fully dimensional drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

ENCROACHMENT -- Any obstruction or intrusion, whether legal or illegal, into a delineated floodway, right-of-way, or onto adjacent land.

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

FAA APPLICATION -- Any application, or other request, to the Federal Aviation Administration for a license, certificate, waiver, special temporary authorization, or any other instrument of authorization issued by the Federal Aviation Administration regarding an applicant's telecommunications structures, antennas and equipment.

FAA FILINGS -- Any application with all attachments, exhibits, appendices, memoranda, amendments, supplements and comments; all correspondence addressed to the Federal Aviation Administration, individual comments or objections of other parties, including but not limited to, informal objections, petitions to deny proposed findings of fact, conclusions of law, and briefs on appeal; the initial decision of the Federal Aviation Administration; notices of appeal; all briefs and other documents on appeal; and all other related matters.

FAÇADE -- The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY -- Any number of individuals, related by blood, marriage or adoption [or not more than five (5) individuals who are not so related], living together as a single housekeeping unit. For purposes of this ordinance, "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or group of individuals who are in a group living arrangement as a result of criminal offenses."

FARMER'S MARKET -- The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in a designated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FCC APPLICATION -- Any application, or other request, to the Federal Communications Commission for a license, certificate, waiver, special temporary authorization, or any other instrument of authorization issued by the Federal Communications Commission under the Telecommunications Act of 1934 or the Telecommunications Act of 1996.

FCC FILINGS -- Any application with all attachments, exhibits, appendices, memoranda, amendments, supplements and comments; all correspondence addressed to the Federal Communications Commission, individual comments or objections of other parties, including but not limited to, informal objections, petitions to deny proposed findings of fact, conclusions of law, and briefs on appeal; the initial decision of the Federal Communications Commission; notices of appeal; all briefs and other documents on appeal; and all other related matters.

FENCE -- An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FENESTRATION -- Windows and other openings on a building façade.

FLEA MARKET -- An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOR AREA, GROSS (GFA) -- The sum of the gross horizontal areas of all enclosed floors of a building, including basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6.5 feet.

FLOOR AREA, NET (NFA) -- The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when these are used or intended to be used for human habitation or service to the public.

FLOOR AREA RATIO (FAR) -- The gross floor area (GFA) of all buildings or structures on a lot divided by the total lot area.

FOOTCANDLE -- (a) A unit of illumination when the foot is the unit of length; (b) A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

FRATERNITY/SORORITY HOUSE -- A rooming house, with or without provision for general meals, which is open only to students of a college or university, is owned and/or operated under the auspices of a sorority or fraternity officially recognized by a college or university and which is under the supervision of a resident manager.

FRONTAGE -- That side of a lot abutting on a street; the front lot line. On corner and through lots, the frontage shall be designated based on the orientation of the structure and assigned postal address.

FUNERAL HOME -- A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARAGE, ACCESSORY -- A structure that is accessory to a single or two-family dwelling, located on the same lot, used for the parking and storage of vehicles owned and operated by the residents thereof. An accessory garage, in some zoning districts, may also contain one accessory apartment.

GARAGE, PRIVATE -- A structure that is accessory to a commercial, or residential building or use and is primarily for the parking and storage of vehicles operated by the employees, residents, and visitors of such building and that is not available to the general public.

GARAGE, PUBLIC -- A structure or portion thereof, used primarily for the parking and storage of vehicles and available to the general public.

GENERAL DEVELOPMENT PLAN (GDP) -- A plan showing general land use, circulation, open space, utilities, storm water management, environmental factors, community facilities, housing, and phasing for parcels of land proposed to be constructed as a planned development.

GOVERNING BODY -- The City Council of the City of Hoboken, New Jersey.

GRADE -- (a) The average elevation of the land around a building; (b) the percent of rise or descent of a sloping surface.

GRADE, FINISHED -- The final elevation of the average ground level adjoining a building at all exterior walls after development.

GREYWATER -- Wastewater from domestic sinks and tubs, but excluding that part of the plumbing waste stream that includes human wastes.

GROSS FLOOR AREA -- See FLOOR AREA, GROSS.

HARDSCAPE -- Non-living components of a landscape design, such as walls, sculpture, paved walkways, patios, stone and gravel areas, benches, fountains, and similar hard-surface areas and objects.

HEALTH CARE FACILITY -- See CLINIC.

HEALTH CLUB -- An establishment that provides facilities for aerobic exercises, running and jogging, exercise and weight lifting equipment, game courts, swimming facilities, and similar activities, and which may provide showers, saunas, message rooms and/or lockers.

HEIGHT -- The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

HELISTOP or HELIPAD -- A landing pad for a helicopter, which pad is duly licensed by the State of New Jersey.

HISTORIC DISTRICT OR AREA -- A district, zone, or area designated by a local, state, or federal authority within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color,

proportion, form, and architectural detail; or because of their being a part of or related to a square, park or area, the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

HISTORIC PRESERVATION COMMISSION -- A commission of the City of Hoboken as established by City of Hoboken Municipal Code Chapter 42 with the purpose of identification, evaluation, protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in history, architecture, archaeology, or culture.

HISTORIC SITE -- Any real property, manmade structure, natural object or configuration or any portion or group of the foregoing which has been formally designated of historical, archaeological, cultural, scenic or architectural significance and designated as such by federal, state, county, or municipal government.

HOME OCCUPATION -- A commercial use (e.g., retail sales, personal care services, office), accessory to a primary residential use, which is conducted entirely within a dwelling unit, or in a detached structure accessory to such dwelling unit, which is carried on by the occupants thereof, and which is clearly incidental and secondary to the primary use of the dwelling unit for residential occupancy.

HOSPITAL -- An institution, public or private, which is primarily engaged in providing diagnostic, therapeutic and rehabilitation services to patients, both on an inpatient and an outpatient basis, by or under the supervision of nurses, physicians, technicians or other healthcare personnel and which also furnishes items or services ancillary to such services.

HOTEL -- Any facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

HOUSE/PLACE OF WORSHIP -- (a) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; (b) a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

HOUSING UNIT -- See DWELLING UNIT.

IMPACT FEE -- A fee imposed on a development to help finance the cost of improvements or services, usually based on an impact analysis study done to determine the potential direct or indirect effects of a proposed development on activities, utilities, storm water runoff, circulation, surrounding land uses, community facilities, environment, and other factors.

IMPERVIOUS SURFACE -- A surface that has been covered with a layer of inorganic material; such as a structure or pavement, so that it is highly resistant to infiltration by water.

INCENTIVE ZONING -- The granting by the approving authority of additional development capacity in exchange for the developer's provision of a public benefit or amenity.

INCIDENTAL -- Subordinate and minor in significance and bearing a reasonable relationship to the primary use.

INDUSTRY, LIGHT -- Industrial uses that meet the performance standards, bulk controls, and other requirements contained in this ordinance.

INFRASTRUCTURE -- Facilities and services needed to sustain all land-use activities, including water and sewer lines, other utilities, streets and roads, communications, and public facilities, such as firehouses, parks, and schools.

INHERENTLY BENEFICIAL USES -- (a) Uses that are essential to society and/or clearly promote the public good; (b) use of land or buildings having well-recognized value or benefit to a community and that therefore deserve special consideration in the administration of local zoning.

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

KENNEL -- See ANIMAL CARE FACILITY.

LAND USE -- A description of how land is occupied or used.

LANDMARK -- The word "landmark" may substitute, in any ordinance, resolution, determination or official action pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) for "historic," "historic preservation" and "historic site."

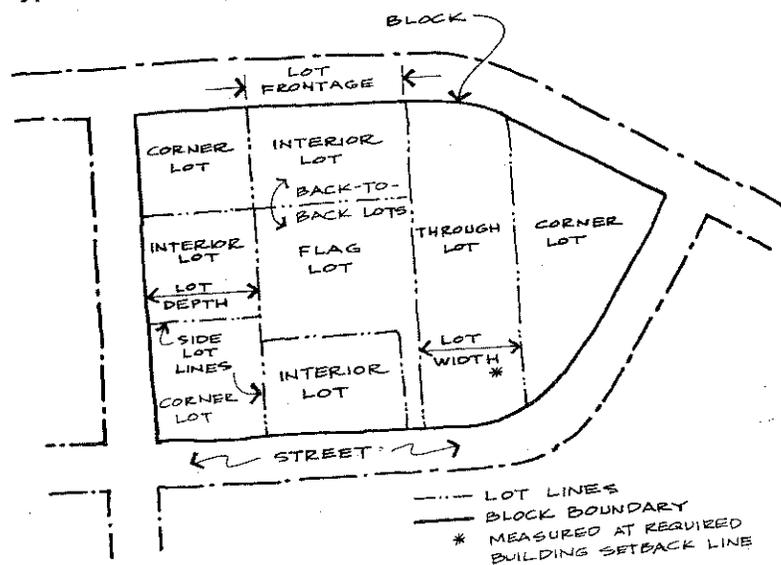
LANDSCAPE -- (a) An expanse of natural scenery; (b) lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

LOADING SPACE -- An off-street space or berth for the temporary parking of a vehicle while loading or unloading.

LOT or ZONE LOT -- A designated parcel, tract or area of land as shown on the Tax Map, established by a plat or otherwise as permitted by law having frontage on a public street or, in the case of a planned development, on a public or private street approved pursuant to Chapter 44, Land Use Procedures, and this chapter, and to be used, developed or built upon for a principal use and/or uses accessory or incidental to the operation thereof.

- (1) **LOT, CORNER** -- A lot abutting upon two or more streets at their intersection or upon two parts of the same street, forming an interior angle of less than one hundred thirty-five degrees (135°). The point of intersection of two lot lines that each front on a street is the "corner."
- (2) **LOT, FLAG** -- A lot not meeting minimum frontage requirements and where access to the street is by a private right-of-way or driveway.
- (3) **LOT, INTERIOR** -- A lot other than a corner lot.
- (4) **LOT, THROUGH** -- A lot that fronts on two parallel streets or on two streets that do not intersect at the boundaries of the lot.

Lot Types:



LOT AREA -- The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT COVERAGE -- That part of the lot that is covered by impervious surfaces. See **BUILDING COVERAGE**; **IMPERVIOUS SURFACE**.

LOT DEPTH -- The average distance measured from the front lot line to the rear lot line.

LOT LINE -- A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

LOT WIDTH -- The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

LUMEN -- A unit of measure of the quantity of light that falls on an area of one square foot.

MANUFACTURING -- Establishments engaged in the assemblage of materials, substances, or component parts into new products for either the wholesale or retail market. This term shall cover all mechanical or chemical transformations, whether the new products are finished or semi-finished as raw material in some other process. Processing of food by a restaurant, bakery or other such facility shall not be considered manufacturing.

MARINA -- A boat basin with facilities for berthing, servicing and securing all types of recreational watercraft, as well as providing adequate supplies, provisions, storage and fueling facilities. The following facilities may be provided: boat slips, boat-handling equipment, repair and maintenance facilities; marine and hardware supplies, launching facilities; fuel station; locker and sanitary facilities; and auto parking.

MASTER PLAN -- A comprehensive, long-range plan intended to guide the growth and development of a community or region for a set period of time and which typically includes inventory and analytic sections leading to recommendations for the community's land use, future economic development, housing, recreation and open space, transportation, community facilities and community design, all related to the community's goals and objectives for these elements.

METES AND BOUNDS -- A method of describing the boundaries of land by directions (bounds) and distance (metes) from a known point of reference.

MEZZANINE -- An intermediate level between the floor and ceiling of any story and covering not more than one third of the floor area of the room in which it is located. Mezzanines shall be counted as part of the gross floor area but shall not be counted as a floor or story.

MICRO CELL -- A small patch antenna which is generally surface-mounted to a building facade.

MIXED USE -- A combination of different uses within a single building, development, or zone.

NEWSRACK -- One or more self-service or coin-operated boxes, containers, storage units, or other dispensers installed, used or maintained for the display and sale or distribution of newspapers, periodicals, or other written material.

NIGHTCLUB or DISCOTHEQUE -- An establishment dispensing liquor and in which music, dancing, or entertainment is conducted. Food may or may not be served but is incidental to the purpose of the establishment.

NONCONFORMING LOT, STRUCTURE OR USE -- A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment. "Nonconforming structure" means a structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the

zoning district in which it is located by reasons of such adoption, revision or amendment. "Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NONCONTRIBUTING -- A building, object, site or structure which neither adds to or detracts from a historic district's or cluster's sense of time and place and historical development.

NURSERY SCHOOL -- See CHILD-CARE CENTER.

NURSING HOME -- Any premises meeting the standards of the New Jersey State Department of Institutions and Agencies to operate as a nursing home.

OFFICE -- A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

OFFICE BUILDING -- A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity; it may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child-care facilities.

OPEN SPACE, PRIVATE -- Common open space, the use of which is limited to the occupants of a single dwelling, building, or property.

OPEN SPACE, PUBLIC -- Any parcel or area of land or water set aside, dedicated, designated or reserved for use by the general public.

OPEN SPACE RATIO -- Total area of open space divided by the total site area in which the open space is located.

OVERLAY ZONE -- A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

PARKING AREA/STRUCTURE -- See GARAGE et al.

PARKING LOT, SURFACE -- An off-street, ground level open area that provides temporary storage of motor vehicles.

PARKING, SHARED -- Joint utilization of a parking area or space at different times by different uses. Examples of shared parking would be a public or private garage that services office uses during the day and residential uses over night, or a parking lot that services multiple businesses or services.

PARTIAL DESTRUCTION -- A building or structure that, because of fire, flood, explosion, or other calamity, requires the rebuilding of less than half of the original floor area.

PATIO -- A level, landscaped, and/or surface area, also referred to as a terrace, adjacent to or on the same lot as a principal building, at or within 18 inches of the finished grade and not covered by a permanent roof.

PEDESTRIAN BRIDGE -- A pedestrian bridge is an elevated, continuous enclosed bridge which spans a street and is permitted only for the purpose of connecting two buildings.

PENTHOUSE -- An enclosed structure on the roof of a building.

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

PERFORMANCE STANDARD -- A set of criteria or limits relating to certain characteristics that a particular use or process must either meet, or may not exceed.

PERIMETER -- The boundaries or borders of a lot, tract, or parcel of land.

PERMIT -- Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

PERMITTED USE -- Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERVIOUS SURFACE -- Any material that permits full or partial absorption of storm water into the underlying land.

PLANNED DEVELOPMENT -- An area of a minimum contiguous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office and residential uses or a combination of such uses, and appurtenant common areas and accessory uses, customary and incidental to the predominant uses.

PLANNED UNIT DEVELOPMENT -- An area of at least five contiguous or noncontiguous acres in size to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters, which may include appropriate commercial, public, or quasi-public uses primarily for the benefit of the residential development.

PLANNING BOARD -- The Planning Board of the City of Hoboken as established by the local governing body in accordance with the requirements of the New Jersey Municipal Land Use Law.

PLAT -- (a) A map representing a tract of land, showing the boundaries and location of individual properties and streets; (b) A map of a subdivision or site plan.

PRINCIPAL USE -- The primary or predominant use of any lot or parcel.

PROCESSING -- A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

PROFESSIONAL OFFICE -- The office of a member of a recognized profession for the conduct of that profession.

PUBLIC NOTICE -- The advertisement of a public hearing in a paper of general circulation, and through other media sources, indicating the time, place, and nature of the public hearing and where the application and pertinent documents may be inspected.

QUASI-PUBLIC USE -- A use owned or operated by a nonprofit, religious, or other charitable institution and providing educational, cultural, recreational, religious, or similar types of programs.

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

RECREATION FACILITY -- A place designed and equipped for the conduct of sports and leisure-time activities.

- (1) RECREATION, COMMERCIAL -- Recreation facilities operated as a business and open to the general public for a fee.
- (2) RECREATION, PRIVATE, NONCOMMERCIAL -- Recreation facilities operated by a private organization and open only to bona fide members and guests.
- (3) RECREATION, PUBLIC -- Recreation facilities open to the general public.

RECYCLABLE -- A waste product capable of being reused or transformed into a new product.

REDEVELOPMENT -- The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which previous improvements have been removed.

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

RELOCATE -- To move an individual, household, use, or building from its original place to another location.

REMEDICATION -- The action or measures taken, or to be taken, to lessen, clean up, remove, or mitigate the existence of hazardous materials present on a property to such standards or requirements as may be established by federal, state, or local statute or regulation.

RESEARCH FACILITY -- A facility for investigation into the natural, physical, or social sciences, which may include engineering and product development.

RESOURCES -- A source or collection of buildings, objects, sites, structures, landscape features or areas that exemplify the cultural, social, economic, political, archaeological or architectural history of the nation, state or city.

RESTAURANT -- A physical establishment whose principal purpose is the preparations, sale and service of food and beverages to the public. An establishment serving alcoholic beverages without a kitchen shall not be considered a restaurant.

(1) RESTAURANT, CLASS I -- A restaurant which is designed for and whose primary function and operation is the preparation and service by employees of food and drink to a customer or customers seated at the counter, bar or table at which the meal is consumed. A class one restaurant operates without substantial carry-out service and/or delivery service. A Class I restaurant may, on occasion, feature live music entertainment provided there is no interruption of food service to patrons and dancing is not permitted.

(2) RESTAURANT, CLASS II -- A restaurant whose primary function is the preparation and service by employees of food and drink to customers as part of an operation designed to include substantial carry-out service; delivery service; self-service, and which may also include on-premises consumption.

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

RETAIL BUSINESS OR SERVICE -- (a) An establishment engaged in the selling or rental of goods or merchandise and in rendering services incidental to the sale of such goods, including but not limited to bakeries and retail food establishments; book, card and stationary stores; clothing, dry goods, house wares, and variety stores; florists; hardware stores; newsstands; office and photographic supplies and services; tailors and dressmakers; and similar uses; (b) An establishment providing services or entertainment, as opposed to products, to the general public for personal or household use, including but not limited to banks; finance, real estate, and insurance offices; personal services; drop-off dry cleaning and laundry services; theatres; amusement and recreation services; pharmacy, health, educational and social services; museums; and galleries. package liquor stores; This definition shall not include such retail and personal service establishments as are otherwise specifically defined in this chapter or specifically mentioned for any district and shall not include such uses as may generate noise, traffic, fumes, glare or maintenance and storage problems different in kind or degree from the commonly experienced impact of above-included users.

RETAIL FOOD ESTABLISHMENT -- A grocery store, convenience store, deli or market in which food or drink is sold for off-premises preparation and/or consumption.

RETAIL FOOD ESTABLISHMENT, MOBILE -- A vehicle, usually a van, truck, towed trailer, or push-cart, from which food and beverages are sold.

RIVER BORNE PUBLIC TRANSPORTATION -- Boats licensed to carry passengers for a fee from one riverfront terminal to another, whether interstate or intrastate.

ROOF -- The exterior covering of a building which bridges the space between the topmost plates or spandrel beams of exterior walls and protects the interior spaces beneath it from external natural elements such as sun, wind, rain and snow.

ROOF DECK -- An accessory structure or platform, either freestanding or attached, located on any roof surface of a building.

ROW HOUSE -- An attached dwelling separated from others in a row by a vertical unpierced wall extending from basement to roof.

RUNOFF -- The portion of rainfall, melted snow, irrigation water, and other liquids that flows across ground surface and eventually is returned to streams.

SCHOOL -- Any building or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge; this shall include all types of schools, such as public, private, business, trade and vocational schools; art, dance, theatre, and cultural institutions; yoga, personal training and martial arts instruction; and similar uses.

SELF-STORAGE FACILITY -- A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

SETBACK -- The distance between the building and any lot line.

SHADE STRUCTURE -- Any in a group of open sided structures consisting of a frame supporting a roof for the purpose of providing shade; including but not limited to pergolas, trellises, gazebos, shade sails, and umbrellas. The roof of a shade structure may be replaced by solar panels creating a solar shade structure, also referred to as a solar trellis.

SIDEWALK -- That portion of the public easement which lies between the building line and the curb.

SIDEWALK CAFE -- Sidewalk space beyond the building line used to accommodate tables, chairs, and the serving of food and drink to patrons of a restaurant fronting on that space.

SIGN -- Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. See Chapter § 196-31 for detailed descriptions and applications.

SITE -- Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN -- The development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that may reasonably be required in order for an informed decision to be made by the approving authority.

SITE PLAN REVIEW -- The review of a site plan for any public or private project by the designated review agency for the local jurisdiction.

SOLAR ENERGY SYSTEM -- A complete design or assembly consisting of a solar energy collector, and energy storage facility (where used), and components for the distribution of transformed energy.

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

STORMWATER -- Water that originates from a precipitation event such as rain or snow.

STORMWATER DETENTION -- Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot or rooftop detention, porous pavement, dry wells or any combination thereof.

STORMWATER MANAGEMENT -- The control and management of stormwater to minimize the detrimental effects of surface water runoff.

STORY -- That portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Basements, as defined herein shall not be considered a story.

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

STREET -- Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway; or which is shown upon a plat heretofore approved pursuant to law; or which is approved by official action as provided by the New Jersey Municipal Land Use Law; or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board, and the grant to such Board of the power to review plats. It includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STREET FURNITURE -- Constructed, above-ground objects, such as outdoor seating, kiosks, bus shelters, sculpture, trash receptacles, planters, bollards, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to and used by the public.

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

STREETSCAPE -- A design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage; street paving; street furniture; landscaping, including trees and other plantings; awnings and marquees; signs; and lighting.

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

SUBDIVISION -- The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

SUBSTANTIAL IMPROVEMENT -- Any extension, repair, reconstruction, or other improvements of a property, the cost of which equals or exceeds fifty percent (50%) of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

TAVERN / PUB -- An establishment in which alcoholic beverages are served, primarily by the drink, and where food is also prepared and served, but where tables and chairs utilize less than half of the customer service area. *See also* BAR.

TEMPORARY USE -- A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

TOWER -- See WIRELESS TELECOMMUNICATIONS ANTENNAS.

TOWN HOUSE -- See ROW HOUSE.

TRACT -- An area consisting of one or more parcels, sites, pieces of land or property that are the subject of a development application.

TRANSFER OF DEVELOPMENT RIGHTS -- The removal of the right to develop or build, expressed in dwelling units per acre or floor area, from land in one zoning district, and the transfer of that right, to land in another district where such transfer is permitted.

TRANSIT-ORIENTED DEVELOPMENT -- The concentration of development at nodes along public transit corridors.

TRIPLEX -- A single dwelling unit, within a multi-unit building, consisting of three floors.

USE -- The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

UTILITY -- (a) Water, sewerage, telephone, gas or electric service from a private or public utility company under the regulations of the New Jersey Public Utility Commission; (b) A closely regulated enterprise with a franchise for providing a needed service.

VARIANCE -- Permission to depart from the literal requirements of a zoning ordinance.

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

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

WIRELESS TELECOMMUNICATION TOWER AND FACILITIES -- (a) A building, or parcel of land containing a tower, sending and receiving antennas attached to the tower, and a prefabricated or modular structure or cabinets containing electronic equipment; (b) a Federal Communications Commission (FCC) licensed facility, designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment. For purposes of this ordinance, receive-only antennas are not classified as wireless telecommunications towers and facilities.

WORK-LIVE UNIT -- A single, enclosed, private space of one thousand (1,000) square feet or more, within a building that is designed to accommodate the two distinct functions of the living and working environment of residents who are creative in their professional work. This accommodation shall occur through the provision of appropriate ceiling heights, spatial arrangement, ventilation, sound attenuation and other such design considerations appropriate to a shared living and working environment; and the unit must also meet all appropriate codes for residential occupancy. At least one-half of the volume of the total space must be devoted to the creation, display and sale of work product. The remaining area within the unit shall be used for living purposes. The professions and occupations shall include but are not limited to creative arts; graphic arts; design; culinary arts; light manufacturing; computer or information technology; computer graphics and computer aided design; architects, planners, lawyers, accountants and other professional offices; and other similar business occupations as determined by the Planning Board. Industrial uses, heavy commercial uses and other uses that may create or produce toxic or noxious fumes, smoke, odors, hazardous discharges, glare, electromagnetic disturbances, radiation, dust or waste, undue noise or vibration, or other objectionable features that are detrimental to the public health, safety or general welfare, or that are damaging to the physical environment are prohibited.

YARD -- An open portion of a lot, as may be required by this chapter, of uniform width or depth on the same lot with a building or a group of buildings, which open portion lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as herein permitted. Parking is not permitted in any required yard except as permitted herein.

- (1) YARD, FRONT -- An open unoccupied space on a lot between the street line and a line parallel thereto at such distance there from as may be specified herein for the district in which said lot is located.
- (2) YARD, REAR -- An open unoccupied space on a lot between the rear lot line and a line parallel thereto at such a distance there from as may be specified herein for the district in which said lot is located.
- (3) YARD, SIDE -- An open unoccupied space on a lot between the side lot line and a line parallel thereto at such distance there from as may be specified herein for the district in which said lot is located.

ZONING -- The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land buildings.

ZONING MAP -- The Zoning Map or maps of the City of Hoboken, New Jersey, that are a part of the zoning ordinance, together with all amendments subsequently adopted, and delineate the boundaries of zone districts.

ZONING OFFICER -- The administrative officer designated to administer the zoning ordinance, issue zoning permits, and such other duties related to zoning compliance as directed by municipal legislation.

ZONING PERMIT -- A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure, or building complies with the provisions of the municipal zoning ordinance or authorized variance there from.

SECTION THREE: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

SECTION SIX: CODIFICATION

This ordinance shall be a part of the Code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: **February 6, 2013**

Approved:

Quentin Wiest
 Quentin Wiest, Business Administrator

Approved as to Legal Form:

Melissa Longo
 Melissa Longo, Acting Corporation Counsel

RECORD OF COUNCIL VOTE ON INTRODUCTION			
Council Person	Aye	Nay	N.V.
Bhalla	/		
Castellano		/	
Giattino	/		
Mason	/		
Mello	/		
Occhipinti		/	
Russo		/	
Pres. Cunningham	/		

RECORD OF COUNCIL VOTE ON 1 ST READING			
Council Person	Aye	Nay	N.V.
Bhalla			
Castellano			
Giattino			
Mason			
Mello			
Occhipinti			
Russo			
Pres. Cunningham			

RECORD OF COUNCIL VOTE ON FINAL VOTE (2 ND READING)			
Council Person	Aye	Nay	N.V.
Bhalla			
Castellano			
Giattino			
Mason			
Mello			
Occhipinti			
Russo			
Pres. Cunningham			

I hereby certify the above vote on this ____ day of _____, 2013.

 James Farina, City Clerk

Approved by the Mayor on the ____ day of _____, 2013.

 Dawn Zimmer, Mayor

-or-

Vetoed by the Mayor for the following reasons:



**JAMES J. FARINA
HOBOKEN CITY CLERK**

Date: February 11, 2013

To: Chairman Furman
City of Hoboken Planning Board Chair

From: James J. Farina
Hoboken City Clerk

Re: An Ordinance that was introduced on February 6, 2013 City Council Meeting -
**AN ORDINANCE AMENDING CHAPTER §196 ZONING BY DELETING THE CURRENT ARTICLE II
IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE II "DEFINITIONS" (Z-228)**

Chairman Furman et al,

As you are aware, there was an ordinance introduced at the last City Council meeting February 6, 2013 in regards to **AN ORDINANCE AMENDING CHAPTER §196 ZONING BY DELETING THE CURRENT ARTICLE II IN ITS ENTIRETY AND REPLACING IT WITH A NEW ARTICLE II "DEFINITIONS" (Z-228)**

Pursuant to the Local Land Use Law, **N.J.S.A. 40:55D-1 et seq.**, on behalf of the Office of the City Clerk, this Ordinance is hereby being referred to you and the Planning Board for its review as required by statute. As per your report, the amendments were made and put on as an ordinance for first reading at the last City council meeting on Wed., February 6, 2013 & will be for second reading/public hearing and final vote for the next city council meeting which will be Wed., February 20, 2013.
Please do not hesitate to contact me if you have any questions with the foregoing.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. Farina".

James J. Farina
Hoboken Municipal Clerk

Cc: Mayor Dawn Zimmer
Dave Roberts, Planning Board Planner
Dennis Galvin, Esq.
Mellissa Longo, Corporation Counsel
Patricia Carcone, secretary Hoboken Planning Board
Brandy Forbes, Director of Community Development
Andy Hipolit, Engineer