

**City of Hoboken
Ordinance No.: Z-196**

AN ORDINANCE ESTABLISHING A NEW HISTORIC PRESERVATION CHAPTER 42 AND AMENDING EXISTING CHAPTER 36 (HISTORIC DISTRICT COMMISSION), CHAPTER 44 (LAND USE PROCEDURES), CHAPTER 168 (STREETS AND SIDEWALKS), AND CHAPTER 196 (ZONING) FOR CONSISTENCY

WHEREAS, the Historic Preservation Commission (“Commission”), was established by the Mayor and the Council of the City of Hoboken by Ordinance P-136 on March 20, 1991; and

WHEREAS, the Commission wishes to consolidate the operating and administrative provisions in the municipal Code of the City of Hoboken (“Code”) from various locations into a single chapter; and

WHEREAS, the new chapter will set forth, in a comprehensive way, the procedures, and standards for preservation of historic districts, sites, buildings, and structures of historic, cultural, and architectural value within the City of Hoboken.

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

SECTION ONE: ADDITION

The following new chapter shall be added to the Municipal Code of the City of Hoboken.

Chapter 42. HISTORIC PRESERVATION

§ 42-101 ESTABLISHMENT

There is hereby established this Historic Preservation Ordinance for the protection, enhancement and preservation of districts, sites, buildings and structures of historic, cultural or architectural value of interest within the City of Hoboken. It is the intent of this Ordinance that the City of Hoboken will continue its support of historic preservation efforts that have helped to improve the quality of life of the City of Hoboken. This Ordinance also seeks to expand the role that historic preservation plays in the preservation, development and redevelopment of the City of Hoboken.

§ 42-102 DEFINITIONS

As used in this Chapter, the following terms shall have the meanings indicated:

ADDITION -- shall mean the construction or placement of a new improvement as part of an existing improvement when such new improvement changes the exterior architectural appearance of any building or structure within a designated historic district.

ADMINISTRATIVE OFFICER -- shall mean the Hoboken official who also serves as the Zoning Officer.

ALTERATION -- shall mean any addition, change, modification or removal, requiring a permit, for a building, structure, object, site or landscape feature or the service equipment thereof that affects safety, health or structure and whose addition, change or modification is not classified as a minor alteration or minor repair as those terms are defined in this section.

ALTERATION, MINOR -- shall mean any replacement or renewal of existing work, that requires a permit, pertaining to a building, structure, object, site or landscape feature or of parts of the service equipment thereof, with the same or equivalent materials or equipment parts, that are made in the ordinary course of maintenance and that do not in any way affect health, fire or the structural safety of that building, structure, object, site or landscape feature and which does not in any material way affect the overall appearance of that building, structure, object, site or landscape feature.

APPURTENANCE -- shall mean any accessory or subordinate building, object or structure or landscape feature located on the site of a historic landmark or in a historic district.

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

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

CERTIFICATE OF APPROPRIATENESS -- shall mean the Certificate issued by the Administrative Officer that is required prior to undertaking rehabilitation, restoration, renovation, alteration, ordinary and non-ordinary repair work, or necessary demolition work undertaken within a historic district or on an individually designated historic structure and accessory buildings or structures on the property pursuant to this section of the Code.

CERTIFICATE OF NO EFFECT -- shall mean the Certificate issued by the Administrative Officer attesting that a proposed alteration or minor alteration within a historic district or affecting a historic site or permanent signs proposed, for placement within a historic district or on a designated historic site has been reviewed and found not detrimental to the historic district or site on which the work is to be done.

CERTIFIED LOCAL GOVERNMENT PROGRAM -- shall mean a program authorized by the National Historic Preservation Act Amendments of 1980 that is designed to provide formal participation by communities in federal and state historic preservation programs.

CITY COUNCIL -- shall mean the City Council of the City of Hoboken.

CLUSTER -- shall mean a group of cultural resources, as defined in this section, with compatible buildings, objects or structures geographically or thematically relating to and reinforcing one another through design, setting, materials, congruency, association and quality and type of construction, engineering, work or craft.

COMPATIBLE PROPERTY -- shall mean a resource in a historic district or cluster distinguished by its scale, material, compositional treatment and other features that provide the setting for more important resources and add to the quality or character of the district or cluster.

CONSTRUCTION CODE OFFICIAL -- shall mean the official, appointed by the State of New Jersey, who is responsible for enforcing the Uniform Construction Code (UCC) within Hoboken, and also enforcing the Rehabilitation Subcode to the UCC that permits alternate standards for the construction and alteration of existing structures.

CONTRIBUTING PROPERTY -- shall mean a resource in a historic district or cluster distinguished by its scale, material, composition, treatment and other features that provide the setting for more important resources and add to the character of the scene, district or resource.

CORPORATION COUNSEL -- shall mean Corporation Counsel of the City of Hoboken.

CRITERIA FOR EVALUATING HISTORIC PROPERTY -- shall mean the significance in American history, architecture, archeology, engineering, and culture that is present in districts, sites, buildings, structures, and resources that possess integrity of location, design, setting, material, workmanship, feeling and association, and: (a) that are associated with events that have made a significant contribution to the broad patterns of our history; (b) that are associated with the lives of persons of historic significance or note; (c) that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or (d) that have yielded, or may be likely to yield, information important in prehistory or history.

CULTURAL -- shall mean activities or acts related to the past or present social and material traits of a group or groups of people.

DEMOLITION -- shall mean the complete or partial razing, dismantling or destruction of any building, structure, object, site or landscape feature.

EFFECT -- shall mean a change in the quality of the historical, architectural, archaeological or cultural significance of a resource or change in the characteristics that qualify the resource as historically important.

EFFECT, ADVERSE -- shall mean a change in the quality of the historical, architectural, archaeological or cultural significance of a resource or change in the characteristics which qualify the resource as historically important.

FAÇADE -- shall mean, generally, the building wall facing the street, i.e., front wall; in the case of a corner building, in which more than one wall faces the public, the term "façade" applies to all building walls facing the public way.

HISTORIC DISTRICT -- shall mean one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites and officially designated as a historic district by ordinance.

HISTORIC PRESERVATION COMMISSION -- shall mean a commission of the City of Hoboken as duly established by municipal ordinance and as such ordinance may be amended to conform to state enabling legislation.

HISTORIC SITE -- shall mean any real property, human-made structure, natural object, vista or configuration, or any portion or group of the foregoing, which has been formally designated by the Mayor and City Council as being of historical, archaeological, cultural, scenic or architectural significance by ordinance, resolution or proclamation. A historic site may also be called a landmark or historic landmark.

INTRUSION -- shall mean a building, object, site, structure or landscape feature that detracts from a building, historic district, resource or cluster of historical significance because of (a) the incompatibility of the building, object, site, structure or landscape feature with the historic district's, resource's or cluster's sense of time, place and historical development, or (b) the incompatibility of the building, object, site, structure or landscape feature in terms of scale, materials, texture or color, or (c) a building, object, site, structure or landscape feature whose cultural and/or historical integrity has been irretrievably lost.

INVENTORY -- shall mean a systematic listing of cultural, historical, architectural or archaeological resources prepared by the City of Hoboken, State of New Jersey, or federal government or a recognized local historic authority, following standards set forth by federal, state and/or city laws, ordinances and/or regulations for evaluation of cultural, historical, architectural or archaeological resources.

LANDSCAPE FEATURE -- shall mean any grade, body of water, stream, rock, plant, shrub, tree, path, walkway, road, plaza, fountain, sculpture or other form of natural or artificial landscaping.

MASTER PLAN -- shall mean the Master Plan adopted by the Planning Board on April 28, 2004 pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and all duly adopted amendments, modification, reexaminations of the Master Plan, including but not limited to, the City of Hoboken Reexamination Report adopted by the Planning Board on March 16, 2010.

MAYOR -- shall mean the duly elected Mayor of the City of Hoboken

MUNICIPAL LAND USE LAW ("MLUL") -- shall mean the Municipal Land Use Law of the State of New Jersey, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1. et seq.), as amended from time to time.

NON-CONTRIBUTING -- shall mean a building, object, site or structure that neither adds to nor detracts from a historic district's or cluster's sense of time and place and historical development.

OBJECT -- shall mean a material thing of functional, aesthetic, cultural, historical, archaeological or scientific value that, by nature or design, may be moveable yet related to a special setting or environment.

PLANNING BOARD -- shall mean the Planning Board of the City of Hoboken.

PRESERVATION -- shall mean the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property, historic site or resource. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment and are prohibited; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation activity.

RECONSTRUCTION -- shall mean the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving resource, site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION -- shall mean the act or process of the act or process of making possible a compatible use for a historic site, resource or property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.

RELOCATION -- shall mean any change of the location of a building, object, site, structure or landscape feature in its present setting or to another setting.

REPAIR, MINOR -- shall mean improvements to correct deficiencies resulting from normal wear and tear that do not in any material way affect the overall appearance of the building, structure, object, site or landscape feature.

RESOURCES -- shall mean 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 United States of America, the Northeast Region, the State of New Jersey, and/or the City of Hoboken.

RESTORATION -- shall mean the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and the reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES -- shall mean those standards promulgated by the United States Department of the Interior for the preservation, rehabilitation, restoration and reconstruction of historic buildings, sites, structures, objects and districts that the Historic Preservation Commission shall apply in performing its responsibilities.

SIGN -- shall mean 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 City of Hoboken Zoning Code § 196-31 Signs and Signage.*

SITE -- shall mean the location of a significant event, a prehistoric or historic occupation or activity, or the location of a building, structure, object, or landscape feature, whether standing, ruined or vanished, where the location itself maintains historical, cultural, architectural or archaeological value, regardless of the value of any existing structure.

STABILIZATION -- shall mean 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 the time of commencement of the stabilization.

SUBSTANTIAL ALTERATION -- shall mean alterations or repairs made to a residential structure in order to increase its number of dwelling units to ten (10) or more.

SURVEY -- shall mean a systematic description of the contributing and non-contributing cultural, historical, architectural or archaeological resources within a historic district or proposed historic district that is prepared by the City of Hoboken, New Jersey or United States government or a recognized local historic authority, following standards set forth by United States, New Jersey,

and/or City of Hoboken, laws, ordinances and/or regulations for evaluation of cultural, historical, architectural or archaeological resources.

THEMATIC GROUP -- shall mean a finite group of resources related to one another in a clearly distinguishable way by association with a single historic person, event or development force, as one (1) building type or use, as designed by a single architect, as a single archaeological site form, or as a particular set of archaeological research.

VISTA -- shall mean a view through or along an avenue, street or opening that, as a view corridor, acts to frame, highlight or accentuate a prominent building, object, site, structure scene or panorama, or patterns of rhythms of building, structures, objects, sites or landscape features, to include views of areas at a distance.

ZONING BOARD OF ADJUSTMENT -- shall mean the Zoning Board of Adjustment for the City of Hoboken.

ZONING OFFICER -- shall mean the City official who also shall serve as Administrative Officer of the Historic Preservation Commission.

§ 42-103 PURPOSE

- A. Safeguard the cultural and historical heritage of the City of Hoboken by preserving resources that reflect elements of its archaeological, cultural, social, economic, architectural, and historical heritage;
- B. Encourage the continued use of historic sites and to facilitate their appropriate reuse;
- C. Maintain and develop a harmonious setting for the historically significant resources, buildings, structures, sites, objects, and districts;
- D. Prevent the unnecessary demolition of historic resources;
- E. Encourage appropriate alterations of historic sites and improvements within historic districts;
- F. Prevent alterations and new construction which are not in keeping with the Secretary of the Interior's Standards;
- G. Protect and enhance property values;
- H. Promote civic pride in, and appreciation of, Hoboken's historic resources for the education, pleasure and welfare of its citizens; and
- I. Foster beautification and private re-investment.

§ 42-104 HISTORIC PRESERVATION COMMISSION

§ 42-104.1 Membership; Qualifications; Continuing Education

- A. There is hereby established a Hoboken Historic Preservation Commission ("Commission"), which shall consist of nine (9) regular members and two (2) alternate

members. At least one (1) regular member shall be from Class A and one (1) regular member shall be from Class B. All members of the Commission shall serve in a strictly voluntary capacity without any compensation, salary, wages or emoluments.

- B. Classifications and Qualifications of Members. No more than four (4) of the regular members shall be of and designated as Classes A and B. The remaining regular members may be of and shall be designated as Class C. The two (2) alternates shall be designated "Alternate No. 1" and "Alternate No. 2." The classes are defined as:
 - (1) Class A: a person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality.
 - (2) Class B: a person who is knowledgeable in or with a demonstrated interest in local history and who may reside outside the municipality.
 - (3) Class C: any citizen of Hoboken who holds no municipal office, position or employment with the City of Hoboken except for membership on the Planning Board or Zoning Board of Adjustment.
- C. Alternate members shall meet the qualifications of Class C members.
- D. The Mayor shall appoint all members of the Historic Preservation Commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2."
- E. The Mayor shall fill vacancies on the Historic Preservation Commission within sixty (60) days following the creation of the vacancy.
- F. To the extent possible, the Mayor shall appoint to the Historic Preservation Commission professionals from the disciplines of planning, folklore, cultural anthropology, curation, conservation, landscape architecture, architecture, history, architectural history, pre-historic archaeology and historic archaeology who meet the requirements of National Park Service Professional Qualification Standards.
- G. All Historic Preservation Commission members, at least once annually, shall attend a conference or training workshop on historic preservation issues or a training workshop provided by a qualified expert in historic preservation during a special meeting of the Historic Preservation Commission.

§ 42-104.2 Terms of Appointment

- A. Regular members.
 - (1) The first appointment shall be as follows:
 - (a) Three (3) members shall be appointed for terms of one (1) year.
 - (b) Two (2) members shall be appointed for terms of two (2) years.
 - (c) Two (2) members shall be appointed for terms of three (3) years.
 - (d) Two (2) members shall be appointed for terms of four (4) years.

- (2) All subsequent appointments shall be for terms of four (4) years or until appointment of successors.
- B. Alternate members.
 - (1) The first appointments shall be as follows:
 - (a) Alternate No. 1 shall be appointed for a term of one (1) year.
 - (b) Alternate No. 2 shall be appointed for a term of two (2) years.
 - (2) All subsequent appointments shall be for terms of two (2) years or until appointment of successors.
- C. Initial terms shall commence on the date of appointment; successive terms shall commence on January 1 of each respective year.
- D. A vacancy occurring other than by expiration of term shall be filled for the unexpired term only by Alternate No. 1. If Alternate No. 1 is not available to fill the vacancy, then Alternate No. 2 shall fill the vacancy of the regular Member. Notwithstanding any other provision herein, the term of any members common to the Historic Preservation Commission and to the Planning Board shall not extend beyond the terms of membership on the Planning Board for that particular member; and the term of any member common to the Historic Preservation Commission and to the Zoning Board of Adjustment shall not extend beyond the term of membership on the Zoning Board of Adjustment. All vacancies for regular Members and Alternates shall be filled with qualified members within sixty (60) days.
- E. The Historic Preservation Commission shall elect a Chairperson and Vice Chairperson from its members and select a Secretary who may be a member of the Historic Preservation Commission or a municipal employee.
- F. Alternate members may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote. If Alternate No. 1 is unable to vote due to absence or any other basis for disqualification, Alternate No. 2 shall be permitted to vote in place of Alternate No. 1.
- G. No member of the Historic Preservation Commission shall be permitted to act on any matter in which the member has, either directly or indirectly, any personal or financial interest and shall adhere to and abide by the provisions of the Local Government Ethics Law of the State of New Jersey, P.L. 1991, c. 29 (N.J.S.A. 40a:9-22.5). Whenever any such member shall disqualify himself or herself from acting on a particular matter, he or she shall not continue to sit with the municipal agency on the hearing of such matter nor participate in any discussion or decisions relating thereto.
- H. A member of the Historic Preservation Commission may, after public hearing by the governing body, if another member requests such removal, be removed by the City Council for cause.

§ 42-105 EXPENSES, FEES AND ASSISTANCE PROVIDED

- A. The governing body may make provisions in its budget and appropriate funds for the expenses of the Historic Preservation Commission.
- B. The governing body may establish a schedule of fees to be paid by all applicants upon submission of an application for a Certificate of Appropriateness or Certificate of No Effect, or upon the submission of any other applications presented to the Historic Preservation Commission pursuant to this ordinance. The adopted Fee Schedule shall be made available in the office of the Historic Preservation Commission, and shall be attached hereto as Appendix A.
- C. The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Historic Preservation Commission shall obtain its legal counsel from Corporation Counsel at the rate of compensation determined by the governing body, unless the governing body, by appropriate action, provides for separate legal counsel for the Historic Preservation Commission. Corporation Counsel shall provide advice to the Historic Preservation Commission at the Historic Preservation Commission's request or upon Corporation Counsel's own initiative. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Historic Preservation Commission's use.

§ 42-106 ADMINISTRATIVE OFFICER

The Zoning Officer shall be the Administrative Officer for the Historic Preservation Commission.

§ 42-107 RESPONSIBILITIES

The Historic Preservation Commission shall have the following responsibilities:

- A. To prepare a survey of historic sites of Hoboken pursuant to criteria identified in the survey report, including but not limited to the United States Secretary of the Interior's Standards for the Treatment of Historic Properties.
- B. To make recommendations to the Planning Board on the Historic Preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements.
- C. To advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program.
- D. To advise the Planning Board or Zoning Board of Adjustment on any application for development, variance relief, and/or interpretation, with regard to historic districts, property, sites, or resources, designated herein, or on Hoboken's zoning or official map, or identified in any component element of the Master Plan.

- E. To provide the Administrative Officer with written reports on the application of the Zoning Ordinance provisions concerning historic preservation applications not under the jurisdiction of the Planning Board or Zoning Board of Adjustment.
- F. To carry out such other advisory, educational and informational functions as will promote historic preservation in Hoboken.
- G. Provide an annual report, not later than April 30 of each year, to the Planning Board, Zoning Board of Adjustment and the City Council on the state of historic preservation in the city and recommend measures to improve the same. Such a report shall address: any properties added to either the New Jersey or National Registers of Historic Places; areas in the community that the Commission feels may be experiencing development pressures that would impact historic landmarks or historic districts or resources; buildings or structures that the Commission may be considering for local designation; and any other such information the Commission deems relevant.
- H. Undertake an advisory review, at the request of the Mayor, City Council or Planning Board, of any application for a project within the city, or for projects outside of the city but which may have a physical or visual impact on the cultural resources of the city. The Commission shall develop, in a timely manner, a report on its findings and submit the same to the Mayor, City Council, Planning Board, and State Historic Preservation Office.

§ 42-108 CERTIFICATE OF APPROPRIATENESS; CERTIFICATE OF NO EFFECT

- A. No building permit or demolition permit or certificate of zoning compliance pertaining to a historic site or to a property within a historic district shall be issued or amended prior to review by the Historic Preservation Commission nor the issuance of either a Certificate of Appropriateness or Certificate of No Effect, unless approved by the Planning Board or Zoning Board of Adjustment.
- B. The Historic Preservation Commission shall issue Certificates of Appropriateness and Certificates of No Effect as to exterior architectural features for the erection, alteration, restoration, demolition or use of buildings and structures within historic districts and historical landmarks as the Historic Preservation Commission shall deem in the best interest of same. In determining appropriateness, the Historic Preservation Commission shall apply the standards of the United States Department of the Interior, i.e., the Secretary of the Interior's Standards for the Treatment of Historic Properties, as well as the historical and architectural value and significance, architectural style, general design, arrangement, texture and materials of the architectural style and pertinent features of other structures in the immediate neighborhood.
- C. For the purposes of this section, "exterior architectural features" shall include such portion of the exterior of a structure which may be visible or is open to view from a public street, way or place, including but not limited to the interior of buildings, structures, entire store fronts, and signage thereon.

§ 42-108.1 Application for Review

- A. Application for a Certificate of Appropriateness or a Certificate of No Effect shall be made on the standard form available in the office of the Historic Preservation Commission and shall be attached hereto as Appendix B. The application must include:

- (1) The name, street address and contact information (phone number or electronic mail address) of the property owner, business owner, and applicant;
 - (2) The address and tax block and lot of the subject property;
 - (3) Sketches, drawings, photographs, descriptions, product samples and other appropriate documentation and information to show the proposed work and materials;
 - (4) Photographs of the subject property's existing condition; and
 - (5) A certification signed by the property owner, business owner and applicant that each party has familiarized themselves with the requirements of this ordinance that pertain to the application.
- B. If the proposed changes are to be presented to the Planning Board or Zoning Board of Adjustment, the same documentation for submission required for those boards shall be submitted to the Historic Preservation Commission.
- C. All applications for review must be received by the Historic Preservation Commission no later than ten (10) business days prior to the date scheduled for the Historic Preservation Commission's review of the application.
- D. No application shall be docketed for consideration by the Historic Preservation Commission unless the Administrative Officer has deemed the application to be complete, i.e., has deemed that the application contains information sufficient for the Historic Preservation Commission to conduct an informed discussion and to render a decision on the merits of the application at the docketed time without extensive further negotiation during its meeting. Notwithstanding the foregoing prohibition on extensive negotiation during the Historic Preservation Commission meeting, an applicant may include within its application alternative proposals for the Historic Preservation Commission's review during the meeting for which the application has been docketed.
- E. The applicant shall provide the required number of copies of the application to ensure that each regular and alternate member of the Historic Preservation Commission plus the Secretary and the Administrative Officer has an identical copy of the application.

§ 42-108.2 Review Process

- A. All applications for a building or demolition permit or certificate of zoning compliance involving property which is a historic site or is in a historic district shall be referred to the Historic Preservation Commission for a written report on the application of the standards in § 42-115 for the proposed work.
- B. Within forty-five (45) days of the referral and delivery of an application to the Historic Preservation Commission ("Review Period"), the Historic Preservation Commission shall issue a Certificate of Appropriateness or a Certificate of No Effect, as the case may be, in addition to any required written report to the Zoning Officer and to the applicant. A Certificate of Appropriateness or a Certificate of No Effect may be issued subject to conditions the Commission deems appropriate under this Ordinance. Such conditions shall be memorialized in the Certificate of Appropriateness. To ensure compliance with its conditions, the Historic Preservation Commission may require, or, as the case may be, may recommend that the Planning Board of Zoning Board or Adjustment require, that the

applicant, its successors and assigns provide, in favor of the City of Hoboken, a performance guarantee, easement, deed restriction or other legal instrument.

- C. If, within the forty-five (45) day Review Period, the Historic Preservation Commission recommends to the Administrative Officer that a building permit or demolition permit not be issued or that the permit be issued subject to conditions, the Administrative Officer shall deny issuance of the permit or include the conditions in the permit, as the case may be, unless the application has already been approved by the Planning Board or Zoning Board of Adjustment.
- D. An applicant who disagrees with the Historic Preservation Commission's decision to not issue a Certificate of Appropriateness or a Certificate of No Effect, or who disagrees with conditions in the permit, shall have the right to appeal the Historic Preservation Commission's decision to the Planning Board or Zoning Board of Adjustment, as the case may be.
- E. Failure by the Historic Preservation Commission to report within the forty-five (45) day Review Period shall be deemed to constitute a report in favor of the issuance of the permit without conditions. Nothing herein shall prohibit an extension of time for hearing the application by agreement between the applicant and the Historic Preservation Commission.
- F. Where a historic site or property in a historic district requires Planning Board or Zoning Board of Adjustment review, the Zoning Officer, in rejecting the application for a certificate of zoning compliance, shall refer it concurrently to both the Historic Preservation Commission and the Board considering the application. If an application is made directly to either Board involving a historic site or property in a historic district, the Board shall refer a copy of the application to the Historic Preservation Commission. The above written report of the action taken by the Historic Preservation Commission shall also be submitted to the respective Board. The Historic Preservation Commission may provide its advice through one (1) of its members or staff or other designee testifying at the Board's hearing on the application and explaining any written report which may have been submitted.
- G. Failure by the Planning Board or Zoning Board of Adjustment to refer the application to the Historic Preservation Commission shall not invalidate any hearing or proceeding before the Planning Board or Zoning Board of Adjustment.
- H. The Historic Preservation Commission, directly or through the Administrative Officer, shall advise the Construction Code Official of the Historic Preservation Commission's actions on all applications for Certificates of Appropriateness and, as appropriate, may ask the Construction Code Official to apply those provisions of the Rehabilitation Subcode pertinent to historic structures.
- I. On the Chairperson's initiative, or at the request of two (2) members of the Historic Preservation Commission, or upon the recommendation of the Administrative Officer, the Chairperson shall convene a special meeting of the Historic Preservation Commission to address unusual and compelling circumstances that, in the opinion of the Chairperson or at least two (2) members of the Commission, require attention prior to the next regularly scheduled meeting of the Historic Preservation Commission, provided that public notice of such special meeting shall meet all statutory requirements.

§ 42-109 DURATION OF CERTIFICATES

A Certificate of Appropriateness or a Certificate of No Effect shall be valid for a period of one (1) year from the date of issue unless reasonable extensions are granted by the Historic Preservation Commission. Requests for extensions shall be by written request at least three (3) months prior to expiration of the existing Certificate and shall require four (4) affirmative votes of the Commission. If a permit is also required and is obtained prior to expiration of the one-year period, then the certificate shall be valid for the life of the permit.

§ 42-110 INTERACTION WITH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

- A. The Historic Preservation Commission shall review all applications involving historic sites or property in a historic district and determine whether such applications are subject to Planning Board or Zoning Board of Adjustment review or not.
- B. Where an application is subject to Planning Board or Zoning Board of Adjustment review, the application shall be heard by the Historic Preservation Commission before being heard by the Planning Board or Zoning Board of Adjustment. The Historic Preservation Commission shall submit a copy of its written report to the Board for consideration on its hearing of the application under the MLUL.
- C. The Historic Preservation Commission, through its delegation of one (1) of its members or staff or other designee, may testify at hearings on applications to explain any written report which may have been submitted.
- D. The decision of the Planning Board or Zoning Board of Adjustment shall be the final decision on the application, including those aspects of the application contained in the report of the Historic Preservation Commission.
- E. No provision of this Ordinance shall be construed as permitting the Commission to grant a variance, exception or waiver from any provision of this Ordinance, whether concerning a historic site or property in a historic sub-district or not, although the Historic Preservation Commission may recommend the grant of a variance, exception or waiver if such relief would be consistent with the adopted standards.
- F. In furtherance of its advisory functions to promote historic preservation in Hoboken, the Historic Preservation Commission shall prepare for the Zoning Board of Adjustment, the Planning Board of Adjustment and the City Council an annual report on applications that the Historic Preservation Commission has heard during the previous calendar year that were the subject of matters the Zoning Board of Adjustment referred to the Historic Preservation Commission. The Historic Preservation Commission shall describe the effect of the Zoning Board of Adjustment's actions on any matters pertaining to historic sites. The Historic Preservation Commission shall schedule the preparation and issuance of its report so as to provide the Zoning Board of Adjustment sufficient time to include the Historic Preservation Commission's findings and recommendations in the annual report on variances that the Zoning Board of Adjustment is required to prepare.
- G. The Historic Preservation Commission's annual report pursuant to § 42-110.D above shall summarize the effect of the Planning Board's action on any matters pertaining to historic sites that the Planning Board referred to the Historic Preservation Commission.

Additionally, this report shall address: any properties added to either the New Jersey or National Registers of Historic Places; areas in Hoboken that the Commission believes may be experiencing development pressures that would impact historic landmarks or historic districts; buildings or structures that the Commission may be considering for local designation; and, other relevant matters.

§ 42-111 RECORDS

- A. In order to make available to the public information useful to the preservation and protection of historic resources, buildings, structures, objects, sites and landscape features, and to provide the basis for a consistent application of policy and the requirements of the Code of the City of Hoboken, the Historic Preservation Commission shall maintain complete files and records, including but not limited to Historic Preservation Commission by-laws, data used in the classification of buildings, structures, objects, sites and landscape features, minutes of Historic Preservation Commission meetings, applications for Certificates of Appropriateness and Certificates of No Effect along with collateral data, decisions and reasonings and appeals associated therewith, and information, documentation, materials and references submitted by the public related to historic preservation. An audio recording of the proceedings of each meeting shall be kept and available in accordance with the provisions of the New Jersey Open Public Records Act.
- B. Such records, materials and information set forth in section A of this Section shall be the property of the City of Hoboken and shall be held in the custody of the Historic Preservation Commission, which shall keep a complete file of all records in the offices of the Historic Preservation Commission, Hoboken's libraries or other suitable facilities for depositories and shall lend materials from time to time for public use and display.

§ 42-112 ORGANIZATIONAL RELATIONSHIP

The Mayor, through the Director of Community Development, shall provide clerical and technical assistance, materials, supplies and services to the Historic District Commission.

§ 42-113 HISTORIC SITES

§ 42-113.1 Establishment of Preservation Sites

The City of Hoboken may designate, modify the designation of, or de-designate historic districts or historic sites as follows:

- A. Applying the criteria for nominating a historic property for listing on the New Jersey Register of Historic Places and National Register of Historic Places, the Planning Board, upon the advice of the Historic Preservation Commission or upon its own initiative, may recommend to the Mayor and to the City Council the designation, modified designation or de-designation of historic sites and districts based on recommendations in the Master Plan.
- B. Alternatively, the Historic Preservation Commission, applying the criteria for nominating a historic property for listing on the New Jersey Register of Historic Places and National Register of Historic Places, may recommend to the Mayor and City Council the

designation, modified designation or de-designation of historic sites and districts based on recommendations in the Master Plan or based upon any studies that the Historic Preservation Commission may independently conduct in accordance with its responsibilities listed in § 42-107.

- C. Upon receiving recommendations from the Planning Board and/or Historic Preservation Commission as to the designation, modified designation or de-designation of historic sites and districts, the City Council shall hold public hearings and vote on the designation, modified designation or de-designation of historic sites and districts.

§ 42-113.2 Established Sites

Notwithstanding the provisions of § 42-113.1 above for the designation, modified designation or de-designation of historic sites and districts, the following sites shall be deemed historic sites for the purposes of this ordinance as a result of their current or past listing on the New Jersey Register of Historic Places and the National Register of Historic Places in the case of sites 1 through 19 and as a result of their having been or currently being designated locally in the case of sites 20, 21, 22 and 23:

- (1) Holy Innocents Church, Church Interiors, Rectory and Parish Hall
Sixth Street from Willow Avenue to Clinton Street
- (2) Erie-Lackawanna Railroad and Ferry Terminal
Hudson Plaza and bank of Hudson River
- (3) Hoboken City Hall
86-98 Washington Street
- (4) Hoboken Land and Improvement Company Building
1 Newark Street
- (5) Jefferson Trust Company
313-315 First Street
- (6) Keuffel and Esser Manufacturing Complex
(includes Clock Tower Apartments)
Third Street and Adams Street, Third Street and Grand Street
- (7) 1200, 1202, 1204 and 1206 Washington Street
- (8) Assembly of Exempt Firemen
213 Bloomfield Street
- (9) Engine Company No. 2
1313 Washington Street
- (10) Engine Company No. 3
201 Jefferson Street
- (11) Engine Company, No. 3, Truck No. 2
501 Observer Highway

- (12) Engine Company No. 4
212 Park Avenue
- (13) Engine Company No. 5
412 Grand Street
- (14) Engine Company No. 6
801 Clinton Street
- (15) Firemen's Monument, Church Square Park
Garden Street
- (16) Edwin A. Stevens Hall
Fifth Street between Hudson Street and River Street
- (17) Our Lady of Grace Church and Rectory
400 Willow Avenue
- (18) First Baptist Church
(also known as Spanish Seventh-day Adventist Church)
901-907 Bloomfield Street
- (19) United Synagogue of Hoboken
115 Park Avenue
- (20) Elysian Park
Hudson Street, Tenth Street to Eleventh Street
- (21) Christian Missionary Alliance
637 Garden Street
- (22) St. Ann's Church and Rectory
700-706 Jefferson Street
- (23) Sts. Peter and Paul Church and Rectory
400-404 Hudson Street
- (24) St. John Baptist Church
300 Bloomfield Street
- (25) Academy of the Sacred Heart (School)
713 Washington Street
- (26) St. Francis' Church and Rectory
308 Jefferson Street
- (27) St. Joseph's Church and Rectory
61-69 Monroe Street
- (28) Mt. Olive Baptist Church
721 Washington Street

- (29) St. Matthew's Church and Rectory
57 Eighth Street (corner of Hudson and Eighth Streets)
- (30) Hoboken Evangelical Free Church
833 Clinton Street
- (31) Community Church of God and Rectory
600-606 Garden Street
- (32) Society DM Santa Febronia
557 Fifth Street
- (33) First Church of Christ Scientist
829 Bloomfield Street
- (34) All Saints Episcopal Church and Rectory
707 Washington Street
- (35) Plymouth Brethren Gospel Hall
641 Bloomfield Street
- (36) Former St. Paul Episcopal Church (Abbey)
816-820 Hudson Street
- (37) (Formerly) St. Matthew's Baptist Church
131-133 Garden Street

- A. Recognizing that parties acting independently of the City of Hoboken may nominate properties for listing on the National Register of Historic Places and New Jersey Register of Historic Places, the Administrative Officer, upon notification to the Mayor or other City official by the New Jersey Historic Preservation Office or the Keeper of the National Register of Historic Places that a historic site has been added to the New Jersey Register of Historic Places and/or the National Register of Historic Places, the Administrative Officer shall notify the Historic Preservation Commission of such additional historic site and shall cause subsection § 42-113.2 to be amended to include such additional historic site.
- B. Not less than once annually the Administrative Officer shall contact the New Jersey Historic Preservation Office to verify the completeness of the list of historic sites in subsection § 42-113.2.

§ 42-114 HISTORIC DISTRICTS

§ 42-114.1 Establishment of Districts

The following districts are hereby established as historic districts for the purposes of this ordinance:

- A. **Central Business & Washington Street Historic District.** The Hoboken Central Business District Historic District is delineated by the following boundaries: from the intersection of Observer Highway and Bloomfield Street north along the east side of Bloomfield Street to the intersection of First Street and Bloomfield Street and then east

along the south side of First Street to a point fifty (50) feet west of the northwestern corner of First Street and Washington Street, then northward parallel to Washington Street (in such a manner as to include the facades of all buildings fronting on Washington Street and the street-facing facades perpendicular to Washington Street of all buildings that are located at cross-street intersections of Washington Street) to a point fifty (50) feet west of the southwestern corner of Washington Street and Fourteenth Street, east along the south side of Fourteenth Street to a point fifty (50) feet east of the southeastern corner of Washington Street and Fourteenth Street, then southward parallel to Washington Street (in such a manner as to include the facades of all buildings fronting on Washington Street and the street-facing facades perpendicular to Washington Street of all buildings that are located at cross-street intersections of Washington Street) to the intersection of Washington Street and Fourth Street, then east along the south side of Fourth Street to the intersection of Fourth Street and Hudson Street, then south along the west side of Hudson Street to the intersection of First Street and Hudson Street, then east along the south side of First Street to a point two hundred forty-five (245) feet east of the centerline of River Street (measured from its intersection with First Street), then south to the centerline of Newark Street, then east along the line of the south side of Newark Street extended to the Hudson River pierhead line, then south along the pierhead line to a point directly at the southeastern corner of the Erie-Lackawanna Terminal and the Ferry Building and returning westward along the southern edge of the terminal and ferry building and along the western edge of the train sheds to the intersection of Observer Highway and Hudson Street, then westward along the north side of Observer Highway to the point of beginning, i.e., the intersection of Observer Highway and Bloomfield Street, as delineated on the attached map, "Map of Historic Districts Established by the City of Hoboken," which is incorporated by reference into this ordinance.

- B. **Castle Point Historic District.** The Castle Point Historic District is delineated by the following boundaries: beginning at a point at the southwest corner of Block 237 at Eighth Street, proceeding northward along the east side of Hudson Street to the northernmost tip of Elysian Park on Block 239.1 at the intersection with Hudson Street and Sinatra Drive, then moving along the northern boundary of Elysian Park to its easternmost point, then proceeding westerly along the southern boundary of Block 239.1 until it reaches the rear of Lot 14 on Block 239 whereupon the boundary continues southward along the rear lot lines of those lots fronting on the east side of Castle Point Terrace until it meets the mid-point of Ninth Street, then westward to a point approximately midpoint along the northern boundary of Block 237, then southward along the rear lot lines of those lots fronting on Hudson Street until it reaches Eighth Street, then westward back to the beginning at Hudson Street, as delineated on the attached map, "Map of Historic Districts Established by the City of Hoboken," which is incorporated by reference into this Ordinance.

§ 42-114.2 Historic District Map

- A. The City Council shall adopt and cause to be prepared and made available to the public the "Map of Historic Districts Established by the City of Hoboken" indicating the locations and boundaries of each of the historic districts designated in this Ordinance ("Historic District Map"). The Historic District Map shall be updated upon the enactment of any changes to historic districts. The Historic District Map shall delineate the boundary or each historic district by street name and by the tax block and tax lot numbers, including full lots and partial lots that each historic district encompasses. The Historic District Map shall show all individually listed historic sites listed in subsection § 42-113.2. The Administrator shall make printed copies of the Historic District Map available at cost to the public and electronic copies available to the public via the City of Hoboken's website.

- B. The Administrative Officer shall cause the Historic District Map to be posted for public view in the Construction Office and Zoning Office of the City of Hoboken.

§ 42-115 STANDARDS FOR REVIEW

§ 42-115.1 General Standards

- A. In performing its responsibilities as set forth in this Ordinance, the Historic Preservation Commission shall apply the United States' Secretary of the Interior's Standards for the Treatment of Historic Properties, as stated in § 42-113.
- B. To ensure compliance with § 42-115.1A, not less frequently than once annually the Administrative Officer shall inform the Historic Preservation Commission of any changes that the Secretary of the Interior has made to the Standards for the Treatment of Historic Properties and shall recommend any changes to § 42-115 that the Historic Preservation Commission may wish to recommend to City Council as amendments to § 42-115.

§ 42-115.2 Standards for Preservation

Preservation shall be considered the most appropriate treatment of a historical property when (a) the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; (b) depiction of a particular period of time is not appropriate; and (c) when a continuing or new use does not require additions or extensive alterations. Consistent with § 42-115.1, the following preservation standards shall apply:

- A. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
- B. The historical character of a property will be retained and preserved. The replacement of intact or repairable historical materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.
- C. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historical materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
- D. Changes to a property that have acquired historical significance in their own right will be retained and preserved.
- E. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- F. The existing condition of historical features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the feature being replaced in original composition, design, color, and texture.

- G. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historical materials will not be used.
- H. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

§ 42-115.3 Standards for Rehabilitation

Rehabilitation shall be considered the most appropriate treatment of a historical property when (a) repair and replacement of deteriorated features are necessary; (b) alterations or additions to the property are planned for a new or continued use; and (c) its depiction of a particular period of time is not appropriate. Consistent with § 42-115.1, the following rehabilitation standards shall apply:

- A. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive material, features, spaces, and spatial relationships.
- B. The historical character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, space and spatial relationships that characterize a property will be avoided.
- C. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historical properties, will not be undertaken.
- D. Changes to a property that have acquired historical significance in their own right will be retained and preserved.
- E. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- F. Deteriorated historical features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the feature being replaced will match the feature in original design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- G. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historical materials will not be used.
- H. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- I. New additions, exterior alterations, or related new construction will not destroy historical materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historical materials, features, size, scale and proportion and massing to protect the integrity of the property and its environment.
- J. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historical property and its environment would be unimpaired.

§ 42-115.4 Standards for Restoration

Restoration shall be considered the most appropriate treatment of a historical property (a) when the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; (b) where there is substantial physical and documentary evidence for the work; and (c) when contemporary alterations and additions are not planned. Prior to undertaking restoration, a particular period time, i.e., the restoration period, should be selected and justified, and a documentation plan for restoration developed. Consistent with § 42-115.1, the following standards for restoration shall apply:

- A. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
- B. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
- C. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
- D. Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.
- E. Distinctive material, features finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
- F. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the feature being replaced will match the feature in original design, color, texture, and, where possible, materials.
- G. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by commingling features that never existed together historically.
- H. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historical materials will not be used.
- I. Archaeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken in accordance with a plan reviewed and approved by the Historic Preservation Commission.
- J. Designs that were never executed historically will not be permitted to be constructed.

§ 42-115.5 Standards for Reconstruction

Reconstruction shall be considered the most appropriate treatment of a historical site when (a) a contemporary depiction is required to understand and interpret a historical site's historic value

(including the re-creation of missing components in a historic district or site); (b) no other property with the same associative value has survived; and (c) sufficient historical documentation exists to ensure an accurate reproduction. Consistent with § 42-115.1, the following standards for reconstruction shall apply:

- A. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
- B. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archaeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
- C. Reconstruction will include measures to preserve any remaining materials, features, and spatial relationships.
- D. Reconstruction will be based on the accurate duplication of historical features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historical properties. A reconstructed property will re-create the original historical appearance of the non-surviving historical property in materials, design, color, and texture.
- E. A reconstruction will be clearly identified as a contemporary re-creation.
- F. Designs that were never executed historically will not be permitted to be constructed.

§ 42-115.6 Standards for New Construction

In addition to the general standards in § 42-115.1, the following standards shall apply:

- A. New construction need not replicate historical older buildings or structures but may reflect contemporary design standards while using contemporary design elements that relate to the existing historical structures that surround the new structure. Building height, width, mass and proportion affect the degree of compatibility between the old and the new.
- B. Site and setting. A developer intending to utilize a historical resource as a part of a development must consider the context of the resource's original site by honoring the original historical intention of said resource and integrating it respectfully into the new development.
- C. Building height. Height should be visually compatible with adjacent buildings. The apparent physical size, scale and height should relate to existing resources.
- D. Openings on frontal facades. The width and height of windows, doors and entries must be visually compatible with the buildings and structures of historical significance in the surrounding environment and to which the new building is visually related.
- E. Relationship of unbroken planes to voids (i.e., punctured planes) in front facades. The relationship of unbroken planes (i.e., walls) to voids (i.e., windows and doors) on the facade of a building or structure should be aesthetically harmonious with that of buildings and structures of historical significance in the surrounding environment.

- F. Relationship of vacant land to buildings/structures. The relationship of a building or structure to the vacant land of an adjoining building or structure should not violate the existing pattern of spatial relationships of historically significant structures to the vacant land between said structures and adjoining buildings. The building mass in large architectural projects can be varied in form by using setbacks to create open spaces and landscaping when desirable to provide harmonious visual transitions between new construction and the adjacent historical properties.
- G. Relationship of exterior projections to the street. The relationship of exterior projections to the street in new construction should be visually compatible with the exterior projections to the street in the surrounding existing buildings of historical significance.
- H. Relationship of major exterior building materials. The major exterior building materials on the facade of a building or on a structure should reflect the predominant major building materials existent on the facades of historically significant buildings and on structures in the surrounding environment.
- I. Roof forms. The roof form and slope of a building or structure is a major element in the visual appearance of the building. Designers must take into consideration, when designing for new construction, the existing historical roof forms and slopes of buildings and structures that the new building will be visually related to.
- J. Continuity in visual imagery of appurtenances. Appurtenances of a building or structure such as walls, fences and landscape masses shall honor the relationship of appurtenances to buildings of historical significance in the surrounding environment.
- K. Scale of buildings. The scale of buildings and structures shall be in scale with the buildings and structures to which it is visually related.
- L. Signage. Permanent signs which are out of keeping with the character of the built environment in question should not be used. Excessive size, inappropriate placement on buildings and inappropriate materials will result in visual clutter.
- M. Site planning. The site planning of landscaping, parking facilities, utility and service areas, walkways and appurtenances must reflect the site planning of landscaping, parking facilities, utility and service areas, walkways and landscape features that form a network of buildings or structures of historical significance.

§ 42-115.7 Relocation of a Landmark or Property Located in a Historic District

In considering whether to recommend, approve or disapprove an application for a permit to relocate a building, object or structure designated a historical landmark or located in a historic district, the Historic Preservation Commission shall be guided by the following considerations:

- A. The historical character and aesthetic interest the building, structure or object contributes to its setting at the time of the application;
- B. Whether there are definite plans for the area to be vacated and what will be the effect of implementing those plans on the character of the surrounding area;
- C. Whether the building, structure or object can be moved without significant damage to its physical integrity; and

- D. Whether the proposed area of relocation is compatible with the historical and architectural character of the building, object or structure.

§ 42-115.8 Demolition

- A. The following shall be considered by the Historic Preservation Commission in regard to an application to demolish a historical building, structure, site or object:
- (1) Its historical, architectural and aesthetic significance;
 - (2) Its use, as permitted by Hoboken's Zoning Ordinance (Hoboken Municipal Code, Ch. 196-1 *et seq.*);
 - (3) Its importance to the City of Hoboken and the extent to which its historical and/or architectural value is such that its removal would be detrimental to the historical district and the public interest;
 - (4) The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty;
 - (5) The extent to which its retention would promote business; create new and/or more highly-compensated employment; attract tourists, students, writers, historians, artists or artisans; encourage interest in the study of history; stimulate interest in the study of architecture and design; educate citizens about American culture and heritage; or make the City of Hoboken a more attractive and desirable place in which to live, work, shop and engage in cultural activities;
 - (6) The probable impact of its removal upon the ambience of the historical district;
 - (7) A report shall be prepared by a qualified structural engineer, experienced in the construction of nineteenth-century buildings, setting forth information concerning the structural soundness and integrity of the building so as to comply with the requirements of the Uniform Construction Code, including the Rehabilitation Subcode;
 - (8) The economic feasibility of restoring or rehabilitating the structure so as to allow for a reasonable use of the structure and land pertaining to it;
 - (9) Whether there is any threat to the public health and safety as a result of deterioration or disrepair of the building that cannot reasonably be cured;
 - (10) The technological feasibility of rehabilitating the structure;
 - (11) The intended use of the property;
 - (12) The use for which the building was designed and the feasibility of utilizing it for its designed use; and,
 - (13) In cases of partial demolition, the effect on the remaining portion of the building, structure, site, object or landscape feature.

- B. In the event that a structure appears to be unsafe or unsound so as to pose an immediate danger to health or safety, the power and authority of the City of Hoboken to demolish the structure, as otherwise provided by law, shall not be impaired or altered in any way by the provisions of this Ordinance, and the City of Hoboken shall be exempt from making an application to the Historic Preservation Commission but shall notify the Historic Preservation Commission prior to the demolition. Notwithstanding the immediately foregoing sentence, in the event that a historical structure appears to be unsafe or unsound but in the professional opinion of the City Engineer or other qualified, third-party professional expert the condition of the historical structure does not pose an immediate danger to health or safety, the Administrative Officer shall engage, or the Historic Preservation Commission may engage, the services of an objective professional expert or team of professional experts to advise the Historic Preservation Commission on reasonable steps that the property owner could take to preserve the structure from demolition. In furtherance of its advisory, educational and informational functions, the Historic Preservation Commission itself or through the Administrative Officer shall advise the property owner and relevant City officials, including the Construction Code Official, of any feasible alternatives to demolition.
- C. If an application to demolish is denied, the applicant shall follow the appeal process detailed herein at § 42-119.
- D. In the event the Historic Preservation Commission requires the Construction Code Official to deny a demolition permit for a historical site, the Historic Preservation Commission may recommend to the Planning Board that the historical site be reserved for a period of one (1) year or within such further time as the owner of the historical site may agree to grant to the City of Hoboken, for the acquisition of the historical site, by purchase or condemnation pursuant to the provisions of the MLUL regarding reservation of public areas (N.J.S.A. 40:55D-44). The one-year period shall be measured from the date on which the Historic Preservation Commission has directed the Construction Code Official to deny the demolition permit or the date on which the applicant notifies the Historic Preservation Commission that it has exhausted all appeals, whichever date is later.
- E. In the event the Historic Preservation Commission grants an application for demolition, or in the event an appeal is taken to the Zoning Board of Adjustment whose decision is to grant an application for demolition, no demolition permit shall be issued for a period of ten (10) days following the later date of the decision by the Historic Preservation Commission or the Zoning Board of Adjustment, if an appeal is taken to the Zoning Board of Adjustment.
- F. In the event that the Historic Preservation Commission disapproves an application for a permit to demolish a historical building, place or structure, the owner shall, nevertheless, as a matter of right, be entitled to raze or demolish such building, place or structure provided that all of the following requirements have been fully met:
- (1) The owner has applied for the necessary permit and has received notice of denial of same from the Historic Preservation Commission and has appealed said denial to the Zoning Board of Adjustment, which has affirmed the denial.
 - (2) The owner has met the following notice requirements:
 - (a) Notice of the proposed demolition has been posted on the premises of the building, place or structure throughout the Notice Period, as defined in this section, in a location such that it is clearly readable from the street.

- (b) The applicant has published a notice in the official newspaper of the City of Hoboken within the first ten (10) days of the Notice Period, within not less than ten (10) nor more than fifteen (15) days prior to the expiration of the notice, and at least once each ninety (90) days between the above first and last notifications, if the Notice Period is six (6) months or longer.
- (3) The period of time during which notice must be given in the manner set forth herein shall be known as the Notice Period. The Notice Period shall commence on the tenth (10th) day following the date the Zoning Board of Adjustment mails to the owner the notice of its denial of the owner's appeal. The Notice Period shall run for six (6) months from that date.
- (4) The owner, during the Notice Period, and at a price reasonably related to its fair market value, has made a bona fide offer to sell the building, place or structure and the land pertaining thereto to any person or organization, the United States, New Jersey or agencies thereof or political subdivisions or agencies thereof, that gives reasonable assurance to the City Council, supported by the owner's commitment to enter into an easement or deed restriction in favor of the City of Hoboken, that the owner, its successors and assigns will preserve the building, place or structure and the land pertaining thereto.
- (5) The owner shall not have been a party to any bona fide contract binding upon all parties thereto for the sale of any such building, place or structure and the land pertaining thereto executed prior to the expiration of the notice period except a contract made in accordance with paragraph (4) of this Section.
- (6) The Historic Preservation Commission may, at any time, during such Notice Period, if a significant change in circumstances occurs, approve a permit for demolition, in which event the permit shall be issued within ten (10) days thereafter. During the Notice Period, the Historic Preservation Commission shall consult with the City Council, the New Jersey Department of Environmental Protection or other similarly qualified organizations to ascertain how the City of Hoboken may preserve the building, place or structure to be demolished. The Historic Preservation Commission shall be empowered to assist the owner in developing plans to preserve the building, place or structure when moving or demolition thereof would be a loss to the City. The Historic Preservation Commission shall be empowered to negotiate with the applicant to see if an alternative to demolition can be found and may require any or all of the following:
 - (a) The amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person purchasing the property;
 - (b) The assessed value of the land and improvements thereon according to the most recent assessment;
 - (c) All appraisals obtained by the owner in connection with the owner's purchase or financing of the property, or during that owner's ownership of the property;
 - (d) Bona fide offers for the property for sale or rent, price asked, and offers received, if any; and,

- (e) Any consideration given by the owner as to profitable, adaptive uses for the property.
- (f) The Historic Preservation Commission shall study the question of whether the site or the property in the historical district can be put to reasonable beneficial and appropriate use without the approval of the demolition application.

§ 42-116 APPLICATION OF STANDARDS FOR REVIEW IN HISTORIC DISTRICTS

The designation of a historic district establishes, in addition to review by other governmental entities, the following review function to be performed by the Historic Preservation Commission:

- A. Any application for a building permit to erect a new building, or to demolish or to alter the height, bulk, setback, location, facade or exterior appearance of an existing building or site within a historic district shall be subject to review by the Historic Preservation Commission whether or not proposals for new construction or substantial alteration are subject to review and approval by either the Planning Board or Zoning Board of Adjustment for site plan or variance requests. The Historic Preservation Commission's review and recommendations shall not supersede the powers and responsibilities of the Planning Board, the Zoning Board of Adjustment or other legislative or regulatory bodies, but, the Planning Board and Zoning Board of Adjustment shall take into consideration the recommendations of the Historic Preservation Commission in performing their respective duties.
- B. The Historic Preservation Commission shall be responsible to review an application pursuant to the application requirements and standards for review set forth in this Ordinance and, based on its findings, shall be responsible to issue a Certificate of Appropriateness or a Certificate of No Effect or to not issue any certificate.
- C. Any application for a permit to install, upgrade, replace, relocate or remove a wireless communication tower, antennae and equipment within a historic district or visible from a public space within a historic district shall be subject to review by the Historic Preservation Commission, which shall apply the design criteria set forth in §196-35(I) through §196-35(K) in making its recommendation to the Planning Board prior to the Planning Board's hearing on the application.
- D. Any application for a permit to install, upgrade, replace, relocate or remove a solar-powered electricity-generating system within a historic district or visible from a public space within a historic district shall be subject to review by the Historic Preservation Commission, which shall recommend an appropriate balance between the goals of energy conservation and historic preservation in making its recommendation to the Planning Board prior to the Planning Board's hearing on the application.

§ 42-117 SIGNS IN HISTORIC DISTRICTS

- A. General provisions.
 - (1) All signage within a historic district or on a designated historic landmark shall conform to all Zoning Code sign requirements as set forth in Chapter § 196-31 and shall require a Certificate of Appropriateness or Certificate of No Effect issued by

the Historic Preservation Commission upon application to, review and approval by the Historic Preservation Commission.

- (2) All signage shall reflect the historical character of the area of the proposed sign placement and shall respect the size, scale and mass of the façade, building height and rhythms and sizes of windows and door openings.

B. Prohibited signs.

The following signs shall not be approved for construction or installation in historic districts:

- (1) Those signs prohibited by the Zoning Code § 196-31.3.B.
- (2) Any sign, whether permanent or temporary, placed upon any historical building, structure, object or site in any manner that disfigures, damages or conceals any window, door, architectural feature or detail.
- (3) Neon signs, whether attached to the exterior or to any part of the interior when positioned in such a way as to be visible from the pedestrian way, unless expressly permitted by the Historic Preservation Commission.
- (4) Any attachment to an already affixed sign.
- (5) Roof-mounted signs, except for existing signs that have been identified by the Historic Preservation Commission as having historical significance and value. A list of protected signs may be obtained from the Administrative Officer or the Commission Secretary.

C. Regulations and Guidelines.

All signs and awnings within historic districts shall comply with the following regulations:

- (1) Wall signs must be constructed of quality materials, such as but not limited to, wood, wood composite, brass, copper, steel, cast iron, and/or glass. Use of plastic or vinyl, except for temporary banners, will be discouraged.
- (2) Fabric shall only be used for awnings. Fabric shall not be used for any permanent wall sign.
- (3) Any identification, logos and/or lettering affixed to an awning should be painted or printed; heat-seal transfers will not be permitted.
- (4) Sign, wall and awning colors should be selected from a historical palette. For additional guidance, see the *Design Guidelines and Recommended Colors List* available in the office of the Historic Preservation Commission or from the Administrative Officer.

§ 42-118 ENFORCEMENT

- A. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to the penalties herein. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person who shall

undertake any activity without approval required by this Ordinance, shall be deemed to be in violation of this Ordinance.

- B. Upon learning of the violation, the Administrative Officer shall personally serve upon the owner of the property whereon the violation is occurring a notice describing the violation in detail and giving the owner ten (10) days to abate the violation by restoring the site or improvement to the condition it was in prior to the violation. If the owner cannot be personally served notice within the City of Hoboken, a copy shall be posted on the site and a copy sent to the owner at his or her last known mailing address.
- C. In the event the owner does not begin to abate the violation as set forth in this section, the Administrative Officer shall cause to be instituted any appropriate action or proceeding to prevent such unlawful activity, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, to prevent any illegal act, conduct, business or use in or about such premises, to recover damages (actual, liquidated and consequential damages), that the City may suffer; and to seek other appropriate forms of equitable relief.
- D. If any person shall undertake any activity requiring a permit and report of the Commission without first having obtained approval, he or she shall be required to immediately stop the activity, apply for approval, and take any necessary measures to preserve the affected historic site or improvement pending a decision. If the permit application is denied, he or she shall immediately restore the affected historic site or improvement to its pre-activity status. The Administrative Officer is hereby authorized to seek injunctive relief regarding a stop action or restoration in the Superior Court, not less than ten (10) days after the delivery of notice pursuant to this section.
- E. In the event that any action which would permanently and adversely change a historical site or historic district, or a demolition or removal of a historic site or improvement is about to occur without approval having been issued, the Administrative Officer is empowered and authorized to apply to the Superior Court of New Jersey for injunctive relief as is necessary to prevent such actions.
- F. In addition to the remedies provided above, a person convicted of a violation of this Ordinance before a court of competent jurisdiction shall be subject to penalties as follows:
 - (1) For each day up to ten (10) days, not more than two hundred dollars (\$200.00) per day.
 - (2) For each day between eleven (11) to twenty-five (25) days, not more than three hundred dollars (\$300.00) per day.
 - (3) For each day beyond twenty-five (25) days, not more than five hundred dollars (\$500.00) per day.
 - (4) For each day beyond twenty-five (25) days, a jail term, not to exceed ninety (90) days may be imposed in addition to the fines set forth above.

§ 42-119 APPEALS OF DECISIONS

- A. Appeals of the decisions of the Zoning Officer (or other designated administrative officer) based on the recommendations of the Historic Preservation Commission shall be made to

the Zoning Board of Adjustment in accordance with the MLUL and the City of Hoboken Land Use Ordinance.

- B. Appeals of the decisions of the Zoning Board of Adjustment or Planning Board based on the recommendations of the Historic Preservation Commission may be made as provided by law.

§ 42-120 PENDING APPLICATIONS

All applications filed prior to the effective date of this Ordinance may be continued, but any appeals arising out of decisions made on any such application shall be governed by the relevant provisions of this Ordinance.

§ 42-123 COPY OF ORDINANCE TO COUNTY PLANNING BOARD, STATE HISTORIC PRESERVATION OFFICE

Within 30 days of adoption of this Ordinance by the City of Hoboken, the Clerk of the City of Hoboken shall file a copy of this Ordinance with the Hudson County Planning Board and New Jersey's Historic Preservation Office.

§ 42-124 INTERPRETATION

This ordinance shall be read and interpreted *in pari materia* with the MLUL, as amended, and the Zoning Ordinance of the City of Hoboken, as amended.

SECTION TWO: DELETION

Chapter 36 (Historic District Commission) is hereby deleted in its entirety, as noted below in strikethrough:

~~Chapter 36. HISTORIC DISTRICT COMMISSION~~

~~[HISTORY: Adopted by the Mayor and Council of the City of Hoboken 6-21-1978 by Ord. No. C99. Amendments noted where applicable.]~~

~~§ 36-1. Historic District Commission created.~~

~~There is hereby created a Commission, to be called the "Historic District Commission of the City of Hoboken," in order to execute the intent of this chapter.~~

~~§ 36-2. Definitions.~~

~~As used in this chapter, the following terms shall have the meanings indicated:~~

~~HISTORIC DISTRICT~~

~~Constitutes an area which, in the opinion of the Historic District Commission, contains buildings or structures that possess qualities of historical and architectural value for the City of Hoboken and the preservation of which will therefore promote the educational, cultural, social and general welfare of the citizenry of the City of Hoboken.~~

§ 36-3. Historic District created.

[Amended 6-1-1994 by Ord. No. R-47; 4-2-1997 by Ord. No. R-232]

A. Southern Hoboken Historic District. The Southern Hoboken Historic District is hereby created; and its boundaries are delineated as follows; from the intersection of Observer Highway and Bloomfield Street north along Bloomfield Street to the intersection of First Street and Bloomfield Street and then east along First Street to a point 50 feet west of the northwestern corner of First Street and Washington Street, then northward parallel to Washington Street (in such a manner as to include the facades of all buildings fronting on Washington Street) to a point 50 feet west of the southwestern corner of Washington Street and Fourteenth Street, east along Fourteenth Street to a point 50 feet east of the southeastern corner of Washington Street and Fourteenth Street, then southward parallel to Washington Street (in such a manner as to include the facades of all buildings fronting on Washington Street) to the intersection of Washington Street and Fourth Street, then east along Fourth Street to the intersection of Fourth Street and Hudson Street, then south along Hudson Street to the intersection of First Street and Hudson Street, then east along First Street to a point 245 feet east of the centerline of River Street (measured from its intersection with First Street), then south to the centerline of Newark Street, then east along the line of Newark Street extended to the Hudson River pierhead line, then south along the pierhead line to a point directly east of the southern edge of the Erie Lackawanna Terminal and the Ferry Building and returning westward along the southern edge of the terminal and ferry building and along the western edge of the train sheds to the intersection of Observer Highway and Hudson Street, then westward back to the intersection of Observer Highway and Bloomfield Street. See attached map, No. 1, which is incorporated into this chapter.

[Amended 11-14-2005 by Ord. No. DR-211]

B. Castle Point Historic District. The Castle Point Historic District is hereby created and its boundaries are delineated as follows: beginning at a point at the southwest corner of Block 237 at Eighth Street, proceeding northward along the east side of Hudson Street to the northernmost tip of Elysian Park on Block 239.1 at the intersection with Hudson Street and Sinatra Drive, then moving along the northern boundary of Elysian Park to its easternmost point, then proceeding westerly along the southern boundary of Block 239.1 until it reaches the rear of lot 14 on Block 239 whereupon the boundary continues southward along the rear lot lines of those lots fronting on the east side of Castle Point Terrace until it meets the mid-point of Ninth Street, then westward to a point approximately midpoint along the northern boundary of Block 237, then southward along the rear lot lines of those lots fronting on Hudson Street until it reaches Eighth Street, then westward back to the beginning at Hudson Street.

[Added 11-14-2005 by Ord. No. DR-211]

§ 36-4. Commission membership; terms and officers.

A. Within 30 days after the effective date of this chapter, the Mayor shall appoint the membership to the Historic District Commission, consisting of seven members, with the advice and consent of the City Council.

B. The Historic District Commission shall consist of seven members as follows:

- (1) A member of the City Council selected by the Mayor.
- (2) A member representing the city's Community Development Agency.
- (3) An architect.
- (4) Four members who, in the opinion of the Mayor, have demonstrated outstanding interest and knowledge in the historical and/or architectural development of the city.

C. Except for the member of the Community Development Agency, who shall serve at the pleasure of the Mayor, and the member of the City Council, who shall serve at the pleasure of the Council, one member shall be appointed for a term of one year, two members shall be appointed for a term of two years, and two members shall be appointed for a term of three years, commencing with the first appointments made by the Mayor.

D. In the event of a vacancy in the membership, the Mayor shall make the necessary appointment, with the new appointee possessing the same qualifications as those of the member he replaces. In the case of a vacancy in a fixed-term appointment, the new appointment shall be for the unexpired portion of the term. Term appointees may be reappointed for additional terms. The City Council shall advise and consent on the aforesaid appointments.

E. Members shall serve without compensation in carrying out their duties and responsibilities as members of the Historic District Commission. Term appointees may be reappointed for additional terms. The City Council shall advise and consent on the aforesaid appointments.

F. Members shall serve without compensation in carrying out their duties and responsibilities as members of the Historic District Commission.

G. No member shall vote or participate in any meeting of the Historic District Commission concerning any matter in which he has a direct or indirect personal interest, monetary or otherwise.

H. The Commission shall elect annually a Chairman, a Vice Chairman and a Secretary, from its own members.

§ 36-5. Rules of Commission.

Within 60 days after the Historic District Commission is appointed, it shall adopt rules of procedure and regulations which it deems necessary and appropriate to carry out the intent of this chapter. Such rules of procedure and regulations must be submitted to the governing body of the City of Hoboken for formal action or approval by resolution prior to adoption by the Historic District Commission.

§ 36-6. Functions to be exercised by Commission.

The Historic District Commission shall exercise the following functions:

A. Develop a plan and criteria for the establishment of historic districts and draw boundaries around such districts, which, in the opinion of the Commission, contain buildings or structures that possess qualities of a historical and architectural value.

B. Designate individual buildings that possess historical or architectural value, both inside and outside historic districts, as historical landmarks.

C. Establish reasonable rules and regulations for the erection, alteration, restoration, demolition or use of buildings or structures within historic districts and of historic landmarks.

D. Submit all recommendations to the City Council for appropriate action to be taken by resolution of the governing body.

E. Seek the voluntary cooperation for the preservation of buildings and structures within historic districts and historical landmarks by those owning, leasing, possessing or having an interest of record concerning the same.

F. Issue certificates of appropriateness as to exterior architectural features for the erection, alteration, restoration, demolition or use of buildings and structures within historic districts and historical landmarks,

as the Commission shall deem in the best interest of the same. In passing upon appropriateness, the Commission shall consider, but not be limited to, the historical and architectural value and significance, architectural style, general design, arrangement, texture and materials of the architectural style and pertinent features of other structures in the immediate neighborhood. For the purpose of this chapter, "exterior architectural features" shall include such portion of the exterior of a structure as is open to view from a public street, way or place.

G. Obtain the cooperation of all appropriate federal, state and local governmental authorities for the preservation of historic districts and historical landmarks and the enforcement of all laws relating to the same.

H. Seek financial assistance and, where necessary, the acquisition, by lease, purchase or otherwise, of properties by public or private sources for the preservation of historic districts and historical landmarks as a public purpose.

I. Modify rules and regulations established under this chapter where strict compliance would produce undue hardship.

J. Recommend to appropriate governmental authorities, when it is deemed necessary in the public interest, the institution of actions or proceedings to preserve historic districts and historical landmarks and to correct or abate all violations of laws relating to the same.

K. Establish rules, regulations and procedures for the exercise of its powers and duties under this chapter.

§ 36-7. Exempted acts.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature in the historic district or historical landmark which does not involve a change of design thereof; nor to control the interior arrangement of structures; nor to prevent the construction, reconstruction, alteration or demolition of any such feature which the Building Inspector certifies is required by the public safety because of an unsafe or dangerous condition; nor to prevent the construction, reconstruction, alteration or demolition of any such feature under a permit issued by the Building Inspector prior to the effective date of establishment of such historic district or historical landmark.

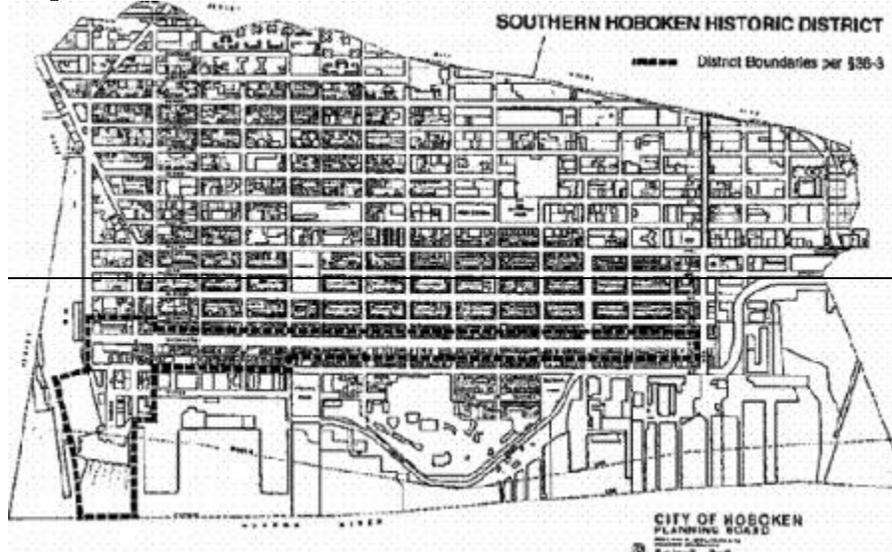
§ 36-8. Land use.

Nothing contained herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner of complying with the requirements of any other state statutes or municipal ordinances or regulations.

§ 36-9. Grants, aids, gifts, donations and loans.

For the purpose of providing clerical and technical assistance, materials and supplies, the Historic District Commission is established within the office of the Mayor and the Community Development Agency of the City of Hoboken, and for the purposes under this chapter, the Commission, or the Community Development Agency in its behalf, may seek and obtain grants, aids, gifts, donations and loans.

Map Southern Hoboken Historic Districts



SECTION THREE: AMENDMENT

Chapter 44 (Land Use Procedures) is amended as follows; deletions to the current ordinance are noted in ~~strike through~~, additions to the current ordinance are noted in underline. Those sections of the ordinance not listed below will be unchanged.

Chapter 44. LAND USE PROCEDURES

Article III. Provisions Applicable to Planning Board, and Zoning Board of Adjustment ~~and Historic Preservation Commission~~

§ 44-26. Applications.

On all applications involving a site plan, subdivision or conditional use, the applicant shall be provided with the checklist covering such application set forth in the appendix to this chapter. An application shall be deemed complete upon certification of such fact by the municipal agency or its designee. In the event that an application is not certified as complete within 45 days of its submission, it shall be deemed complete for purposes of commencing the applicable time period for action by the municipal agency, unless the application lacks information indicated on the checklist or application form and the municipal agency has notified the applicant, in writing, of such deficiency within 45 days of submission of the application. The applicant may request a waiver from one or more of the submission requirements, which waiver request shall be granted or denied within 45 days. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application. The municipal agency may subsequently require correction of any information found to be in error and submission of additional information not specified in this chapter or any revisions in the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency. ~~All applications in the Historic District shall be referred to the Historic Preservation Commission for its recommendation and report.~~ Any application for a property located within a historic district or one which is designated a Historic Site in Chapter 42 of the Code, shall be referred to the Historic Preservation Commission for its consideration

and recommendations, which shall be submitted in writing to the Planning Board or Zoning Board of Adjustment prior to the reviewing Board's hearing of the application.

§ 44-29. Notice requirements for hearing.

Whenever notice is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq. or pursuant to the determination of the municipal agency in question, the applicant shall give notice thereof as follows:

~~J. Applications before the Historic Preservation Commission shall not require notice unless requested by the Commission.~~

Article V. Historic Preservation Commission

§ 44-35. Membership.

~~A. There is hereby established an Historic Preservation Commission, which shall consist of seven regular members and two alternate members. Of the regular members, a total of at least one less than a majority shall be of Classes A and B.~~

~~B. Qualifications of members. At least three of the regular members shall be of and designated as Classes A and B. The remaining regular members may be of and shall be designated as Class C. The two alternates shall be designated "Alternate No. 1" and "Alternate No. 2." The classes are defined as:~~

~~(1) Class A: a person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality.~~

~~(2) Class B: a person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality.~~

~~(3) Class C: any citizen of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment.~~

~~C. Alternate members shall meet the qualifications of Class C members. The Mayor shall appoint all members of the Commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2."~~

~~D. All members and alternates of the Commission shall have a demonstrated interest, competence of knowledge in historic preservation.~~

§ 44-36. Terms of appointments.

~~A. Regular members.~~

~~(1) The first appointment shall be as follows:~~

~~(a) Two members shall be appointed for terms of one year.~~

~~(b) Two members shall be appointed for terms of two years.~~

~~(c) Three members shall be appointed for terms of three years.~~

~~(2) All subsequent appointments shall be for terms of three years or until appointment and qualification of successors.~~

~~B. Alternate members.~~

~~(1) The first appointments shall be as follows:~~

~~(a) Alternate No. 1 shall be appointed for a term of one year.~~

~~(b) Alternate No. 2 shall be appointed for a term of two years.~~

~~(2) All subsequent appointments shall be for terms of two years or until appointment and qualification of successors.~~

~~C. Initial terms shall commence on the date of appointment; successive terms shall commence on January 1 of each respective year.~~

~~D. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. Notwithstanding any other provision herein, the term of any members common to the Historic Preservation Commission and the Planning Board shall be for the terms of membership on the Planning Board; and the term of any member common to the Historic Preservation Commission and the Board of Adjustment shall be for the term of membership on the Board of Adjustment. All vacancies shall be filled with qualified members within 60 days.~~

~~E. The Historic Preservation Commission shall elect a Chairperson and Vice Chairperson from its members and select a Secretary who may or may not be a member of the Historic Preservation Commission or a municipal employee. Alternate members may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.~~

~~F. A member of the Historic Preservation Commission may, after public hearing if he requests it, be removed by the governing body for cause.~~

~~§ 44-37. Expenses, costs and assistance provided.~~

~~A. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Historic District Commission.~~

~~B. The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the Municipal Attorney. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Commission's use.~~

~~§ 44-38. Administrative officer.~~

~~The City's Zoning Officer shall act as the administrative officer of the Commission.~~

~~§ 44-39. Responsibilities.~~

~~The Historic Preservation Commission shall have the following responsibilities:~~

~~A. To identify and record all buildings, sites, structures, objects or landscape features of significant historical or architectural value based upon standards of the United States Department of the Interior and to aid the public in understanding their worth, methods of preservation, techniques of documentation and related matters. The Commission shall be guided by the standards of the United States Department of the Interior.~~

~~B. To make recommendations to the Planning Board on the Historic Preservation Plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements.~~

~~C. To advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program.~~

~~D. To provide the Planning Board or Board of Adjustment with written reports on the application of the Zoning Ordinance provisions concerning historic preservation on applications in the historic district under their respective jurisdiction.~~

~~E. To provide the administrative officer with written reports on the application of the Zoning Ordinance provisions concerning historic preservation applications not under the jurisdiction of the Planning Board or Board of Adjustment.~~

~~F. To carry out such other advisory, education and informational functions as will promote historic preservation in the municipality.~~

~~G. To review applications in the historic district(s) or involving an historic site for compliance with the design criteria and guidelines governing historic district(s) and sites.~~

~~H. To issue certificates of appropriateness and certificates of no effect as to the exterior architectural features of building and structures on an historic site or within an historic district.~~

[Added 2-7-1996 by Ord. No. R-170]

§ 44-40. Certificate of appropriateness; certificate of no effect.

A. No building or demolition permit or certificate of zoning compliance shall be issued or amended on an historic site or within an historic district prior to review by the Historic Preservation Commission and the issuance of either a certificate of appropriateness or certificate of no effect, unless approved by the Planning Board or Board of Adjustment.

B. The Historic Preservation Commission shall issue certificates of appropriateness and certificates of no effect as to exterior architectural features for the erection, alteration, restoration, demolition or use of buildings and structures within historic districts and historical landmarks as the Commission shall deem in the best interest of same. In passing upon appropriateness, the Commission shall consider the standards of the United States Department of the Interior as well as the historical and architectural value and significance, architectural style, general design, arrangement, texture and materials of the architectural style and pertinent features of other structures in the immediate neighborhood.

C. For the purposes of this section, "exterior architectural features" shall include such portion of the exterior of a structure as is open to view from a public street, way or place, including but not limited to the interior of windows, entire store fronts, and signage thereon.

§ 44-41. Application for review.

A. Application for a certificate of appropriateness or a certificate of no effect shall be made on forms available in the office of the Historic Preservation Commission. Completed applications shall be returned to the offices of the Historic Preservation Commission and shall be accompanied by appropriate sketches, drawings, photographs, descriptions and other appropriate documentation and information to show the proposed work.

B. If the proposed changes are to be presented to the Planning Board or Board of Adjustment, the same documentation for submission required for those Boards may be submitted to the Commission.

§ 44-42. Review process.

A. All applications for a building or demolition permit or certificate of zoning compliance involving property which is an historic site or is in an historic district shall be referred to the Historic Preservation Commission for a written report on the applications of the Zoning Ordinance historic preservation design criteria and guidelines to the proposed work.

B. Upon review of an application, the Historic Preservation Commission shall issue a certificate of appropriateness, a certificate of no effect or a certificate of disapproval, as the case may be, in addition to any required written report to the Zoning Officer and applicant within 45 days of the referral of the application to the Commission. A certificate of appropriateness or of no effect may be issued subject to conditions. If within the forty five day period the Commission recommends to the Zoning Officer that a permit not be issued or that the permit be issued subject to conditions, the Zoning Officer shall deny issuance of the permit or include the conditions in the permit, as the case may be, unless the application has been approved by the Planning Board or Board of Adjustment. Failure to report within the forty five day period shall be deemed to constitute a report in favor of the issuance of the permit without conditions. Nothing herein shall prohibit an extension of time by mutual agreement between the applicant and the Commission.

C. Where an historic site or property in an historic district requires Planning Board or Zoning Board of Adjustment review, the Zoning Officer, in rejecting the application for a certificate of zoning compliance, shall refer it to both the Commission and respective Board at the same time. If an application is made directly to either Board involving an historic site or property in an historic district, the Board shall refer a copy of the application to the commission. The above written report of the Commission shall also be submitted to the respective Board. The Commission may provide its advice through one of its members or staff testifying at the Board's hearing on the application and explaining any written report which may have been submitted.

§ 44-43. Duration of certificates.

A certificate of appropriateness or a certificate of no effect shall be valid for a period of one year from the date of issue unless reasonable extensions are granted by the Commission; requests for extensions shall be made by written request and shall require four affirmative votes. If a permit is also required and is obtained prior to expiration of the one year period, then the certificate shall be valid for the life of the permit.

§ 44-44. Criteria for designating historic districts and landmarks.

The criteria for designation of historic districts and sites are set forth in the Historic Preservation Plan element of the Master Plan pursuant to N.J.S.A. 40:55D-28b(10)(b).

§ 44-45. Interaction with Planning Board and Board of Adjustment.

The Historic Preservation Commission shall review all applications involving historic sites or property in an historic district, whether such applications are subject to Planning Board or Board of Adjustment review or not. Where applications are subject to Planning Board or Board of Adjustment review, the Commission shall submit a copy of its written report to the respective Board for consideration on its hearing of the application under the Municipal Land Use Law. The respective Board shall limit its consideration of such report to those aspects of the application not determined by the Board under the Municipal Land Use Law. The Commission may, through its delegation of one of its members or staff, testify orally at hearings on applications to explain any written report which may have been submitted. The decision of the Planning Board or Board of Adjustment shall be the final decision on the application, including those aspects of the application contained in the report of the Commission. No provision of this

chapter shall be construed as permitting the Commission to grant a variance or exception from any Zoning Ordinance, Land Use Procedures Ordinance, Subdivision Ordinance or other developmental ordinance provision, whether concerning an historic site or property in an historic subdistrict or not.

§ 44-46. Records.

A. Maintenance of records, archives and consistent policies.

(1) In order to make available to the public information useful to the preservation and protection of historic buildings, structures, objects, sites and landscape features to provide the basis for consistency of policy, the Commission shall maintain complete files and records, including but not limited to Commission bylaws, data used in the classification of buildings, structures, objects, sites and landscape features, minutes of Commission meetings, applications for certificates of appropriateness or certificates of no effect along with collateral data, decisions and reasonings and appeals associated therewith, and information, documentation, materials and references submitted by the public related to historic preservation. A verbatim record of the proceedings shall be kept and available in accordance with the provisions of the Municipal Land Use Law.

(2) Such materials shall be the property of the City but held in the custody of the Commission which shall keep a complete file of all records in the offices of the Historic Preservation Commission, the City libraries or other suitable facilities for depositories and shall lend materials from time to time for public use and display.

SECTION FOUR: AMENDMENT

Chapter 168 (Streets and Sidewalks) is amended as follows; deletions to the current ordinance are noted in ~~strikethrough~~, additions to the current ordinance are noted in underline. Those sections of the ordinance not listed below will be unchanged.

§ 168-35. Premises located in the Hoboken Historic District.

In the event that an application is made pursuant to the terms of this article, for premises that are located in ~~the Hoboken~~ a Historic District or for a Historic Site so designated in Chapter 42 of the Code, no license shall be issued without first obtaining the approval of the Hoboken Historic ~~District~~ Preservation Commission.

§ 168-43. Location in the Hoboken Historic District.

In the event that an application is made pursuant to the terms of this article for premises that are located in ~~the Hoboken~~ a Historic District or for a Historic Site so designated in Chapter 42 of the Code, no ~~license~~ permit shall ~~be~~ be issued without first obtaining the approval of the Hoboken Historic ~~District~~ Preservation Commission.

SECTION FIVE: AMENDMENT

Chapter 196 (Zoning) is amended as follows; deletions to the current ordinance are noted in ~~strikethrough~~, additions to the current ordinance are noted in underline. Those sections of the ordinance not listed below will be unchanged.

§ 196-6. Definitions.

B. Terms defined. As used in this chapter, the following terms shall have the meanings indicated:

HISTORIC DISTRICT

One or more historic sites, [resources](#) and intervening or surrounding property significantly affecting or affected by the quality and character of the [historical](#) site or sites [and officially designated as a historic district by ordinance](#).

~~**HISTORIC DISTRICT COMMISSION**~~

~~The Historic District Commission of the City of Hoboken as established by municipal ordinance and as such ordinance may be amended to conform to state enabling legislation or for other reason.~~

HISTORIC PRESERVATION COMMISSION

A commission of the City of Hoboken as established by municipal ordinance and as such ordinance may be amended to conform to state enabling legislation or for other reasons.

HISTORIC SITE

Any real property, man-made structure, natural object, [vista](#) or configuration or any portion or group of the foregoing which has been formally designated ~~in the Master Plan~~ [by the Mayor and City Council](#) as being of historical, archaeological, cultural, scenic or architectural significance. [A historical site may also be called a landmark or historical landmark.](#)

§ 196-7. Designation of districts and historic sites.

A. Zoning districts established in fulfillment of the purposes of this chapter are designated as follows:

R-1	Residence District (Conservation)
R-1(E)	Higher Education Subdistrict
R-1(CS)	Court Street Subdistrict
R-1(H)(CPT)	Castle Point Historic Subdistrict
R-2	Residence District (Stabilization)
R-3	Residence District (Redevelopment)
I-1	Industrial District (Light Manufacturing)
I-1(W)	Waterfront Subdistrict
I-2	Industrial District (Mixed Use)
CBD	Central Business District
CBD(H)	Historic Subdistrict
CBD(H)(CS)	Court Street Subdistrict
W(RDV)	Waterfront Redevelopment Subdistrict (Special Review)
W(H)	Historic Subdistrict (Waterfront)

W(N)

Castle Point Subdistrict

B. Historical sites established in fulfillment of the purposes of this chapter ~~are~~ shall be designated as follows: by the Historic Preservation Commission, Mayor and City Council and are so set forth in Chapter 42 of this Code.

- ~~(1) Church of the Holy Innocents, Willow Avenue and Sixth Street.~~
- ~~(2) Erie Lackawanna Railroad and Ferry Terminal, Hudson Plaza and bank of Hudson River.~~
- ~~(3) Hoboken City Hall, 86-98 Washington Street.~~
- ~~(4) Hoboken Land and Improvement Company Building, 1 Newark Street.~~
- ~~(5) Jefferson Trust Company, 313-315 First Street.~~
- ~~(6) Keuffel and Esser Manufacturing Complex (includes Clock Tower Apartments), Third Street and Adams Street, Third Street and Grand Street.~~
- ~~(7) 1200, 1202, 1204 and 1206 Washington Street.~~
- ~~(8) Assembly of Exempt Firemen, 213 Bloomfield Street.~~
- ~~(9) Engine Company No. 2, 1313 Washington Street.~~
- ~~(10) Engine Company No. 3, 201 Jefferson Street.~~
- ~~(11) Engine Company, No. 3, Truck No. 2, 501 Observer Highway.~~
- ~~(12) Engine Company No. 4, 212 Park Avenue.~~
- ~~(13) Engine Company No. 5, 412 Grand Street.~~
- ~~(14) Engine Company No. 6, 801 Clinton Street.~~
- ~~(15) Firemen's Monument, Church Square Park, Garden Street.~~
- ~~(16) Elysian Park, Hudson Street, Tenth Street to Eleventh Street.~~
- ~~(17) Christian Missionary Alliance, 637 Garden Street.~~

§ 196-13. General regulations.

C. Historic site regulations. ~~Article IX~~ Chapter 42 of the Code sets forth the standards for review of historic sites or property in historic subdistricts by the Historic Preservation Commission.

§ 196-19. CBD District; CBD(H) Subdistrict; CBD(H)(CS) Subdistrict.

A. Purpose.

- (2) The purpose of the Historic Subdistrict is to preserve and enhance the best elements of this subdistrict's traditional character by architectural and other controls; to protect against destruction of or undesirable encroachment upon the area; and to ensure that new structures and uses within the district will be in keeping with the character to be preserved and enhanced. The Historic Subdistrict appears on the Zoning Map superimposed on the CBD Central Business District, and its requirements

as set forth ~~below and in § 196-30~~ [Chapter 42](#) supplement those of the district on which it is superimposed.

§ 196-26. Site plan review.

A. General conditions.

(4) Where review is required by the Historic Preservation Commission, such review shall precede that of the Planning Board/Zoning Board which shall be informed of the Commission's findings by way of a written report or testimony given by a Commission member or staffperson. See ~~§§ 36-1 et seq., and 44-35 et seq.,~~ [Chapter 42](#) of the Code of the City of Hoboken for establishment of ~~the~~ Historic Districts and [Sites](#), the Historic Preservation Commission, and its procedures.

§ 196-27. Overlay districts.

The R-1(E), R-1(CS), R-1(H)(CPT), CBD(H), CBD(H)(CS), W(RDV), W(H), W(N), and I-1(W) Subdistricts are designed to provide flexibility to district regulations. The subdistricts further the public interest by subtracting permitted district uses in the Higher Education Subdistrict and increasing district requirements in the Historic ~~Subdistrict~~ [Districts](#).

B. CBD(H) Historic Subdistrict. The CBD(H) Subdistrict provides an additional review function within the portion of the CBD designated as an historic district by incorporating the provisions of the local ordinance establishing an historic district and the Historic ~~District~~ [Preservation](#) Commission. Any application for a building permit to erect a new building, or to demolish or to alter the height, bulk, setback, location or exterior appearance of an existing building in the CBD(H) Subdistrict shall be subject to review by the Historic ~~District~~ [Preservation](#) Commission and such further action as may be authorized by local ordinances. Reviews and recommendations by the Historic ~~District~~ [Preservation](#) Commission shall not supersede the powers and responsibilities of other local legislative or regulatory bodies but shall be taken into consideration by the Planning Board and Zoning Board of Adjustment in issues of mutual concern.

C. Court Street (CS) Subdistrict. The Court Street Subdistrict is intended to preserve the distinctive scale and architecture of structures fronting on Court Street and to promote new development compatible with this unique service alley's limited accessibility to utilities and City services such as fire protection and sanitary services. Those portions within the CBD(H) Subdistrict are subject to review procedures by the Historic ~~District~~ [Preservation](#) Commission.

E. W(H) Subdistrict. The W(H) Subdistrict indicates the location of a segment of the City's historic district within W-District boundaries. That segment is subject to review procedures by the Historic ~~District~~ [Preservation](#) Commission.

§ 196-27.2. Historic site standards.

[See Chapter 42 of the Code of the City of Hoboken for Historic Preservation Site Standards.](#)

~~The Secretary of the Interior's Standards For Historic Preservation Projects, Appendix C of the Historic Preservation Plan Element of the Hoboken Master Plan, shall guide the Historic Preservation Commission's decision making recommendations concerning all applications involving an historic site or property in an historic subdistrict.~~

A. General standards. In addition to the Secretary of the Interior's standards, the following standards may be applied in review of applications before the Commission:

- (1) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building structure or site and its environment or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historical, physical or pictorial evidence rather than on conjectural design or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project.

B. Standards for protection. [The general standards in Subsection A(1) through (8) are inclusive.]

- (1) Before applying protective measures, which are generally of a temporary nature and imply future historic preservation work, an analysis of the actual or anticipated threats to the property shall be made.
- (2) Protection shall safeguard the physical condition or environment of a property or archaeological site from further deterioration or damage caused by weather or other natural, animal or human intrusions.
- (3) If any historic material or architectural features are removed, they shall be properly recorded and, if possible, stored for future study for reuse.

C. Standards for stabilization. [The general standards in Subsection A(1) through (8) are inclusive.]

- (1) Stabilization shall reestablish the structural stability of a property through the reinforcement of load-bearing members or by arresting material deterioration leading to structural failure. Stabilization shall also reestablish weather resistant conditions for a property.
- (2) Stabilization shall be accomplished in such a manner that it detracts as little as possible from the property's appearance. When reinforcement is required to reestablish structural stability, such work shall be concealed wherever possible so as not to intrude upon or detract from the aesthetic and

historical quality of the property, except where concealment would result in the alteration or destruction of historically significant material or spaces.

~~D. Standards for preservation. [The general standards in Subsection A(1) through (8) are inclusive.]~~

~~(1) Preservation shall maintain the existing form, integrity and materials of a building, structure or site. Substantial reconstruction or restoration of lost features generally are not included in a preservation undertaking.~~

~~(2) Preservation shall include techniques of arresting or retarding the deterioration of a property through a program of ongoing maintenance.~~

~~E. Standards for rehabilitation. [The general standards in Subsection A(1) through (8) are inclusive.]~~

~~(1) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.~~

~~(2) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.~~

~~F. Standards for restoration. [The general standards in Subsection A(1) through (8) are inclusive.]~~

~~(1) Every reasonable effort shall be made to use a property for its originally intended purpose or to provide a compatible use that will require minimum alteration to the property and its environment.~~

~~(2) Reinforcement required for structural stability or the installation of protective or code required mechanical systems shall be concealed whenever possible so as not to intrude or detract from the property's aesthetic and historical qualities, except where concealment would result in the alteration or destruction of historically significant materials or spaces.~~

~~(3) When archaeological resources must be disturbed by restoration work, recovery of archaeological material shall be undertaken in conformance with current professional practices.~~

~~G. Standards for reconstruction. [The general standards in Subsection A(1) and (8) are inclusive.]~~

~~(1) Reconstruction of a part or all of a property shall be undertaken only when such work is essential to reproduce a significant missing feature in an historic district or scene and when a contemporary solution is not acceptable.~~

~~(2) Reconstruction of all or a part of an historic property shall be appropriate when the reconstruction is essential for understanding and interpreting the value of an historic district or when no other building, structure, object or landscape feature with the same associative value has survived and sufficient historical documentation exists to ensure an accurate reproduction of the original.~~

~~(3) The reproduction of missing elements accomplished with new materials shall duplicate the composition, design, color, texture and other visual qualities of the missing element. Reconstruction of missing architectural features shall be based upon accurate duplication of original features, substantiated by historical, physical or pictorial evidence rather than upon conjectural designs or the availability of different architectural features from other buildings.~~

~~(4) Reconstruction of a building or structure on an original site shall be preceded by a thorough archaeological investigation to locate and identify all subsurface features and artifacts.~~

~~(5) Reconstruction shall include measures to preserve any remaining original fabric, including foundations, subsurface and ancillary elements. The reconstruction of missing elements and features shall be done in such a manner that the essential form and integrity of the original surviving features are unimpaired.~~

~~H. Standards for new construction. [The general standards in Subsection A(1) through (8) are inclusive.]~~

~~(1) In considering whether to approve or disapprove an application for a permit for new construction in an historic district, the Commission shall be guided by standards of the Secretary of the Interior and the following compatibility standards.~~

~~(2) New construction need not replicate historic older buildings or structures but may reflect contemporary design standards while using contemporary design elements that relate to the existing historic structures that surround the new structure. Building height, width, mass and proportion affect the degree of compatibility between the old and the new.~~

~~(a) Site and setting. A developer intending to utilize an historic resource as a part of a development must consider the context of the resource's original site by honoring the original historic intention of said resource and integrating it respectfully into the new development.~~

~~(b) Building height. Height should be visually compatible with adjacent buildings. The apparent physical size, scale and height should relate to existing resources.~~

~~(c) Openings on frontal facades. The width and height of windows, doors and entries must harmonize in scale and proportion with the width and height of windows, doors and entries of buildings and structures of historic significance in the surrounding environment.~~

~~(d) Relationship of unbroken planes to voids (i.e., punctured planes) in front facades. The relationship of unbroken planes (i.e., walls) to voids (i.e., windows and doors) on the facade of a building or structure should be aesthetically harmonious with that of buildings and structures of historic significance in the surrounding environment.~~

~~(e) Relationship of vacant land to buildings/structures. The relationship of a building or structure to the vacant land between an adjoining building or structure should not violate the existing paradigmatic spatial relationship of historically significant structures to the vacant land between said structures and adjoining buildings. The building mass in large architectural projects can be varied in form by using setbacks to create open spaces and landscaping when desirable to provide harmonious visual transitions between new construction and the adjacent historic properties.~~

~~(f) Relationship of exterior projections to the street. The relationship of exterior projections to the street in new construction should be aesthetically harmonious with the relationship of exterior projections to the street in the surrounding existing buildings of historic significance.~~

~~(g) Relationship of major exterior building materials. The major exterior building materials on the facade of a building or on a structure should reflect the predominant major building materials existent on the facades of historically significant buildings and on structures in the surrounding environment.~~

~~(h) Roof forms. The roof form and slope of a building or structure is a major element in the visual image of the building. Therefore, designers must take care to honor paradigmatically in new construction the existing historic roof forms and slopes so as not to violate the aesthetic harmony of the whole.~~

~~(i) Continuity in visual imagery of appurtenances. Appurtenances of a building or structure such as walls, fences and landscaping shall honor the relationship of appurtenances to buildings of historic significance in the surrounding environment.~~

~~(j) Scale of buildings. The scale of buildings and structures shall be in scale with the buildings and structures of historic significance.~~

~~(k) Signage. Permanent signs which are out of keeping with the character of the environment in question should not be used. Excessive size and inappropriate placement on buildings results in visual clutter.~~

~~(l) Site planning. The site planning of landscaping, parking facilities, utility and service areas, walk ways and appurtenances must reflect the site planning of landscaping, parking facilities, utility and service areas, walkways and landscape feature reticulate to buildings or structures of historic significance.~~

I. Relocation of a landmark or property located in an historic district. In considering whether to recommend, approve or disapprove an application for a permit to relocate a building, object or structure designated an historic landmark or located in an historic district, the Commission shall be guided by the following considerations:

~~(1) The historic character and aesthetic interest the building, structure or object contributes to its present setting.~~

~~(2) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.~~

~~(3) Whether the building, structure or object can be moved without significant damage to its physical integrity.~~

~~(4) Whether the proposed relocation area is compatible with the historical and architectural character of the building, object or structure.~~

J. Demolition.

(1) The following shall be considered in regard to an application to demolish an historic building, structure, site or object:

(a) Its historic, architectural and aesthetic significance.

(b) Its use.

(c) Its importance to the City and the extent to which its historic or architectural value is such that its removal would be detrimental to the public interest.

(d) The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty.

(e) The probable impact of its removal upon the ambience of the historic district.

(f) The structural soundness and integrity of the building so as to comply with the requirements of the State Uniform Code. *Editor's Note: See the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq.*

(g) The effect on the remaining portion of the building, structure, site, object or landscape feature in cases of partial demolition.

(2) In the event that a structure is unsafe or unsound so as to pose a danger to health or safety, the power and authority of the City of Hoboken to demolish the structure, as otherwise provided by law, shall not be impaired or altered in any way by the provisions of this chapter. The City shall be exempt from making an application to the Commission but shall notify the Commission prior to the demolition.

(3) If an application to demolish is denied, the applicant shall follow the appeal process detailed herein for denial of certificates of appropriateness.

§ 196-63. Application and escrow fees.

Action Requested	Project Type	Project Size	Application Fee	Escrow Fee
Historic Preservation Review – See Chapter 42 Historic Preservation				
	Residential	1-4 dwelling units	\$50 \$35/dwelling unit	None
	Residential	5+ dwelling units	\$50/1,000 square feet	None
	Nonresidential	All		None

SECTION SIX: 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 SEVEN: 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 EIGHT: EFFECTIVE DATE

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

SECTION NINE: 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 cause this Ordinance to be 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.