

City Clerk File No. Ord. 13-041
Agenda No. 3.0 1st Reading
Agenda No. 4.C. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-041

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MARTIN LUTHER KING DRIVE REDEVELOPMENT PLAN INCREASING HEIGHT LIMITS AT THE HUB

WHEREAS, the Municipal Council of the City of Jersey City adopted the Martin Luther King Drive Redevelopment Plan in 1995 and has amended the plan several times since; and

WHEREAS, the Municipal Council seeks to advance and promote high quality new construction on un-built lots within the Redevelopment Plan and to promote higher densities near mass transit facilities, as is recommended by the Jersey City Master Plan; and

WHEREAS, a copy of the amended text is attached hereto and made a part hereof, and is available for public inspection at the Offices of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ; and

WHEREAS, the following amendments to the Martin Luther King Drive Redevelopment Plan have been reviewed by the Jersey City Planning Board at its meeting of March 19, 2013; and

WHEREAS, the Planning Board voted to recommend adoption of these amendments by the Municipal Council; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the recommended amendments to the Martin Luther King Drive Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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

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

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:
Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET

1. Full Title of Ordinance/Resolution/Cooperation Agreement:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE MARTIN LUTHER KING REDEVELOPMENT PLAN INCREASING HEIGHT
LIMITS AT THE HUB**

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

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

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

The amendment increases the allowable building height within subdistricts of the MLK Hub project to six or eight stories.

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

This will allow for an increase in permitted density within walking distance to the MLK light rail station and support retail activity along MLK Drive.

5. Anticipated Benefits to the Community:

Development of attractive new construction in a transit accessible location supporting nearby retail.

6. Cost of Proposed Program, Project, etc.:

No expense to the city. All work done by in house staff.

7. Date Proposed Program or Project will commence:

Upon approval of the redevelopment plan amendment.

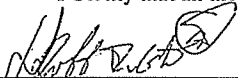
8. Anticipated Completion Date: N/A

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

Robert D. Cotter, Director, City Planning 547-5050
Jeff Wenger, City Planning 547-5453

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.



Division Director

3/18/13.

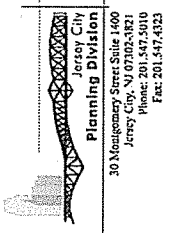
Date



Department Director Signature

MARCH 19, 2013

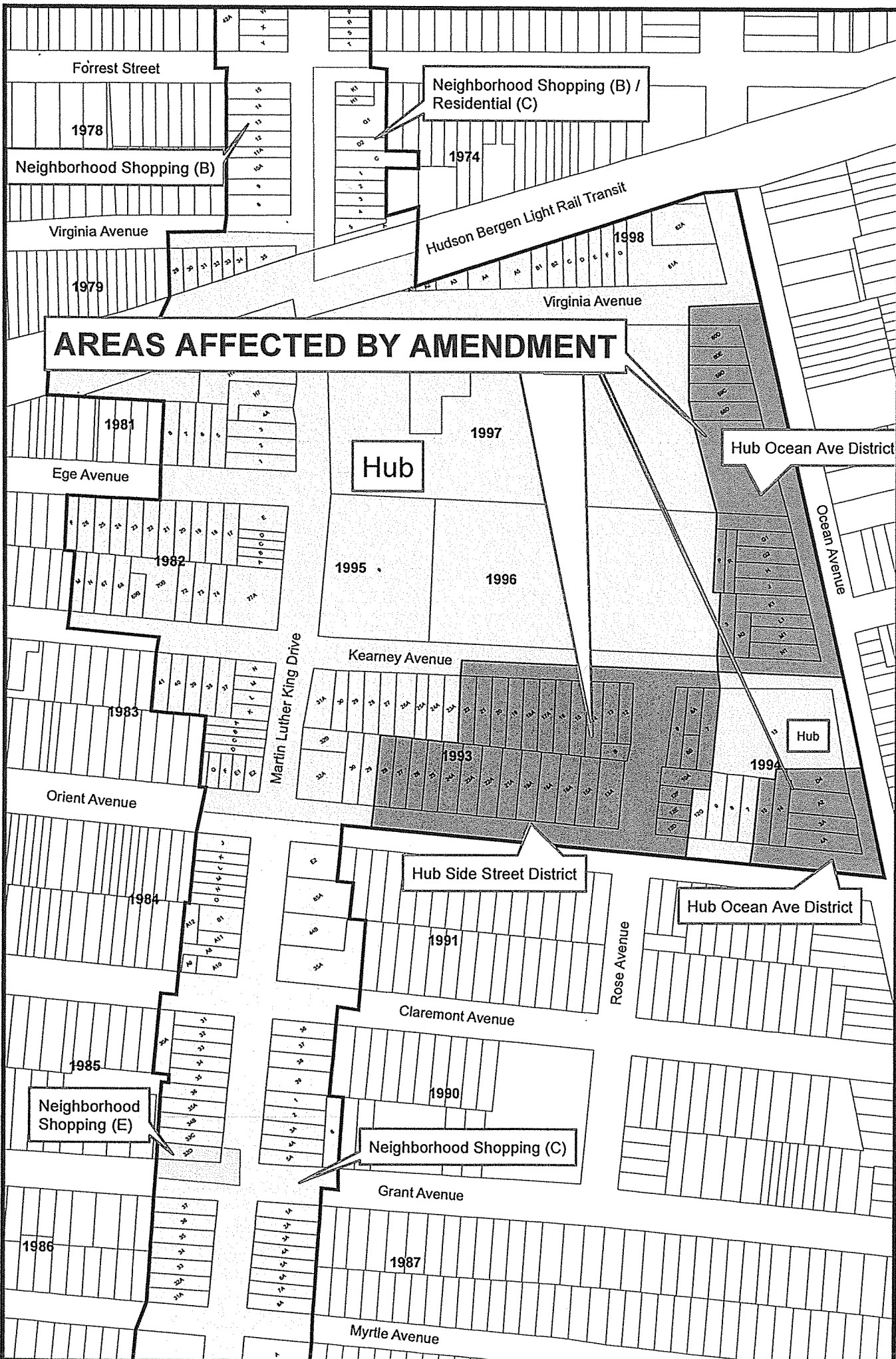
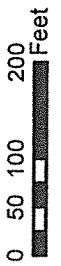
Date



**MARTIN LUTHER KING JR. DRIVE REDEVELOPMENT PLAN AREA
LAND USE DISTRICTS**

February 23, 2010

1 inch equals 200 feet



SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MARTIN LUTHER KING REDEVELOPMENT PLAN INCREASING HEIGHT LIMITS AT THE HUB

The amendment will increase permitted height limits from 4 to 6 stories at the MLK Hub within the Hub Ocean Avenue subdistrict, which runs along Ocean Avenue behind the Extra Supermarket. The amendment will also increase height limits to 8 stories in the Hub Side Street Subdistrict which is bounded by Kearney Avenue, Rose Avenue, and Orient Avenue.

**PROPOSED AMENDMENTS TO THE MARTIN LUTHER KING DRIVE
REDEVELOPMENT PLAN**

PRESENTED TO THE JERSEY CITY PLANNING BOARD ON MARCH 19, 2013

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

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

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

Starting at section:

B. COMMUNITY "HUB" DISTRICT (HUB)

Page 55:

HUB – Ocean Avenue Sub-District: In the ~~Orient~~-Ocean Avenue Sub-District, signature buildings will be constructed along Ocean Avenue at the northwest corners with Orient Avenue, Kearney Avenue, and the former Ege Avenue, as well as at the southwest corner with Virginia Avenue. These structures will be between 35 and 50 **68** feet tall, ~~and contain two to four dwelling units~~. The existing residential structures between Virginia Avenue and the former Ege Avenue will remain.

Mid-block infill redevelopment in other places along Ocean Avenue may match the height and density of the corner signature buildings, or may be shorter townhouses or rowhouses. ~~All structures will have a façade that is predominantly brick.~~ The rear yard will be occupied by parking lot and/or rear alley; however, there will be a landscaping strip between the vehicular areas and the adjacent properties to the rear. A rear garage integrated into the rear of the structure will be a permitted option, however the parking ratio will not exceed 1.5 spaces per unit.

1. Principal Permitted Uses

- (a) Detached dwelling units.
- (b) Semi-Attached dwelling units.
- (c) Row houses.
- (d) Townhouses.
- (e) Parks and playgrounds.
- (f) Houses of worship.
- (g) Service access to supermarket and/or shopping center (Block 1997, lot 64 only).
- (h) Off-street parking lot for principal permitted uses.
- (i) **Multi-family Residential.**
- (j) **Retail sales of goods and services limited to ground floor on corner lot locations.**
- (k) **Offices limited to ground floor on corner lot locations.**
- (l) **Restaurants limited to ground floor on corner lot locations.**
- (m) **Live-work units.**
- (n) **Art gallery.**
- (o) **Mixed use buildings with any of the above uses.**

2. Accessory Permitted Uses

- (a) Rear Yard off-street parking.
- (b) Off-street parking lot for principal permitted uses.
- (c) Parking within a building.**
- (d) Public open space, plaza and/or park.
- (e) Fences and walls.
- (f) Rear Garages.

3. Prohibited Uses

Uses that are not permitted are prohibited.

4. Site Development Regulations

Site Development regulations shall be as listed in this HUB SUB-DISTRICTS DEVELOPMENT CONTROLS section. For all elements that are not specifically addressed therein, the HUB District Development Controls shall apply.

Floor Area Ratio requirements set forth in the HUB District above shall not apply within the HUB-side Street Sub-District or the HUB-Ocean Avenue subdistrict.

5. Area, Yard and Bulk Requirements

(a) HUB – Side-Street Sub-District

	Maximum Building Height	Minimum Building Height	Minimum Lot Width	Maximum Lot Width	Maximum Lot Depth	Minimum Dwelling Unit Density Per Lot / Maximum Dwelling Unit Density Per Lot	Maximum Setback of facade and side of primary structure or porch, (not stoop) from Public Right-of-way	Minimum Landscaped Rear Yard Area
Detached Structures	35 feet (40 feet on Kearney Avenue Only)	27 feet	25 feet	30 feet	120 feet	2 / 2	10 feet	540 sq. ft.
Semi-Attached Structures	35 feet (40 feet on Kearney Avenue Only)	27 feet	25 feet	30 feet	120 feet	2 / 2	10 feet	540 sq. ft.
Attached Structures (Row Houses and Town Houses)	45 feet	27 feet	20 feet	30 feet	120 feet	1 / 2 (on 20 feet wide lot) 2 / 2 (on wider than 20 feet wide lot)	10 feet	540 sq. ft.
Multi-family Residential	90 feet	40 feet	100 feet	None	None	None	Shall be contextual to the block or greater.**	20% of lot area*

*may be provided on top of a parking structure

(b) HUB – Ocean Avenue Sub-District

	Maximum Building Height	Minimum Building Height	Minimum Lot Width	Maximum Lot Width	Minimum Dwelling Unit Density Per Lot / Maximum Dwelling Unit Density Per Lot	Maximum Setback of Façade(s) of primary structure (not stoop) from Public Right-of-way
Detached Structures	50 foot	35 foot (corner buildings*) 27 foot (mid block only)	25 foot	30 foot (35 foot for corner lots)	2 / 4	5 foot** (7 foot for mid block)
Semi-Attached Structures	50 foot	35 foot (corner buildings*) 27 foot (mid block only)	25 foot	30 foot (35 foot for corner lots)	2 / 4	5 foot** (7 foot for mid block)
Attached Structures (Row Houses and Town Houses)	50 foot	35 foot (corner buildings*) 27 foot (mid block only)	20 foot	30 foot (35 foot for corner lots)	1 / 2 (on 20 foot wide lot) 2 / 4 (on wider than 20 foot wide lot)	5 foot** (7 foot for mid block)
Multi-Family Residential***	68 feet	35 feet	20 feet	None	None	Shall be contextual to the block or greater.**

Mid-block shall mean those buildings that are not corner buildings.

* Corner Buildings shall be considered as those buildings that are at the corner of Ocean Avenue and the following streets: Orient Avenue, Kearney Avenue, former Ege Avenue, and Virginia Avenue.

** Setback in Ocean Avenue Sub-District may also match that of existing adjacent Ocean Avenue Residential Structures.

***Building coverage and lot coverage may be 100%

6. Building Design and Materials

(a) Façade and exterior walls:

(1) All Sub-Districts

- i. The façade shall face the public street.
- ii. The **majority of the** façade shall be parallel to the public street.
- ~~iii. Facades shall consist of no more than three materials, textures or colors.~~
- ~~iv. All window sills in the façade (excluding basement windows) shall be at least six (6) foot above sidewalk grade level, and windows shall remain full size.~~
- v. Exterior Insulation Finishing Systems (EIFS), and other similar materials shall be prohibited from all exterior surfaces.
- vi. The **front** façade shall not be punctured by vents, pipes, wires, or mechanicals of any type. Punctures of the sides and rear shall be minimized wherever possible. Where punctures occur, they shall be screened. ~~by evergreen shrubbery.~~
- vii. Bay windows shall be a permitted option:
 - ~~• Windows shall be double hung.~~
 - ~~• Bay windows in the façade shall have a copper or metal roof, either standing seam or flat seam, except where the bay extends upward to the primary roofline.~~
 - ~~• The exterior of bay windows in the façade shall be clad with brick or wood, except where the bay extends down to the foundation, and except for raised panels or recessed panels below the window.~~
 - Trim that is applied to the surface material in order to create the illusion of a panel, where there is no recessed or raised panel, shall be prohibited because the trim will not create an appropriate shadow line.
 - Raised panels or recessed panels on the bay shall be constructed of wood, pre-finished aluminum or pre-finished copper, or a pre-molded polymer with a density that is similar to kiln dried white pine, with the pre-molded polymer properly primed and coated to prevent deterioration from ultra-violet rays.
 - ~~• Where the bay extends down to the foundation, the portion of the bay that is below the first floor level shall be clad with brick.~~

(2) Side Street Sub-District

- i. ~~Façade materials shall be predominantly brick for the first floor and below, except for bay windows.~~
- ii. ~~Exterior cladding materials shall be brick, or "clapboard style" siding with a four (4) inch reveal, except where optional bay window requirements apply. Metal siding shall be prohibited.~~

(3) Ocean Avenue Sub-District

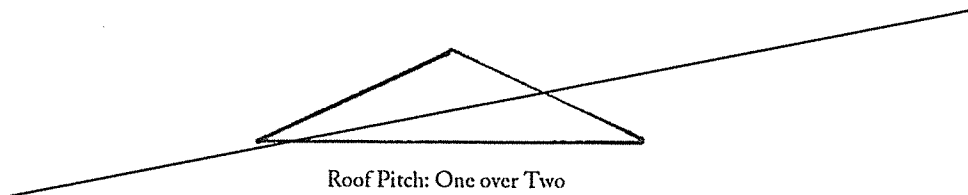
- i. ~~Façade design shall complement the character of the surrounding built environment on Ocean Avenue with respect to cornice line, window size and placement, and color of materials~~
- ii. On corner signature buildings, the structure shall have two (2) **primary** facades. One façade shall face Ocean Avenue, and one façade shall face the side street.
- iii. ~~Façade materials shall be predominantly brick, except for bay windows.~~
- iv. ~~Exterior cladding materials shall be brick, or "clapboard style" siding with a four (4) inch reveal, except where other façade requirements apply. Metal siding shall be prohibited.~~
- v. Corner buildings may utilize corner bay windows above the first floor that extend over the public right-of-way.

(b) Entry, stoop or porch, and stairs:

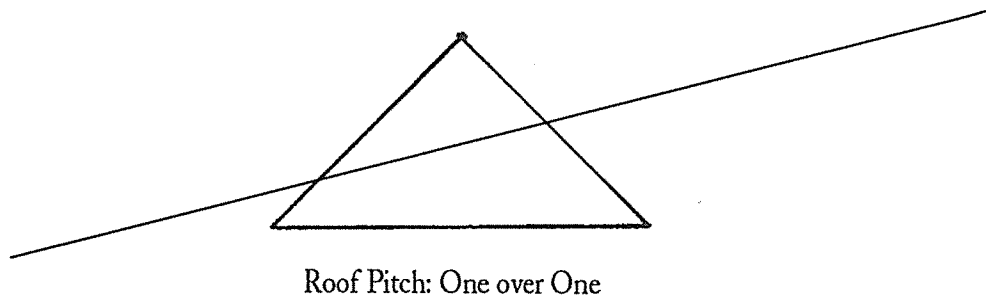
- (1) ~~All units shall be accessible through a main entry that faces the public street. (Corner signature buildings along Ocean Avenue shall have the main entry face Ocean Avenue.)~~
- (2) ~~All main entries in the HUB Side Street Sub-District shall open upon a stoop or porch, the floor of which between three (3) and six (6) foot above sidewalk grade level, and which shall have stairs to grade level, except where compliance with Americans with Disabilities Act (ADA) guidelines prohibits such stairs.~~
- (3) ~~All main entries in the HUB Ocean Avenue Sub-District shall open upon a stoop, the floor of which between three (3) and six (6) foot above sidewalk grade level, and which shall have stairs to grade level, except where compliance with Americans with Disabilities Act (ADA) guidelines prohibits such stairs. Porches shall be prohibited from the Ocean Avenue Sub-District.~~
- (4) ~~All porches shall be entirely covered by a roof that is attached to the primary façade. A stoop may be covered by a roof.~~
- (5) ~~A stoop shall be no wider than its steps.~~
- (6) ~~A stoop shall extend no further than four (4) foot in horizontal distance from the façade of the primary structure.~~
- (7) ~~All front stoops, stairs, porches, and columns shall be of brick or stone. Floors on porches may be of a tongue and groove wood flooring that allows no gaps between floorboards, and has cove edges. Floors on stoops shall be predominantly brick or stone.~~
- (8) ~~Railings and balustrade on porches and stoops shall be brick, stone or wrought iron.~~
- (9) ~~Stoops may be recessed into the façade.~~
- (10) ~~All front porches shall provide a minimum of four (4) foot by five (5) foot uninterrupted floor area, in addition to a four (4) foot wide unimpeded path from the stairs to the entry.~~
- (11) ~~Deadbolt locks shall be installed on all exterior doors, and brass strikeplates shall be properly screwed into the stud of the wall.~~
- (12) ~~All main entries shall be in a building façade that is on the short side of the lot.~~

(e) ~~Roofline:~~

- ~~(1) Roofs that are pitched, and have the eave end facing the street, shall have a minimum pitch of one (1) over two (2).~~



- ~~(2) Roofs that are pitched, and have the gable end facing the street, shall have a minimum pitch of one (1) over one (1).~~



(3) HUB – Side Street Sub-District:

- i. Kearney Avenue: Buildings on properties that front Kearney Avenue shall utilize one of the following options:
 - All structures may have a flat roof.
 - All structures may have a pitched roof with the eave end facing the street.
 - Where there is a single project with at least six (6) buildings of varying heights and architectural styles in a row, an aesthetically pleasing mix of flat roofs and eave ends and gable ends may be utilized.
- ii. Orient Avenue and Rose Avenue: Buildings on properties that front Orient Avenue and Rose Avenue shall utilize one of the following options:
 - All structures may have a pitched roof, with the gable end facing the street.
 - Attached townhouses may have a pitched roof with a mix of gables and eaves facing the street.

- Where there is a single project with at least six (6) buildings of varying heights and architectural styles in a row, an aesthetically pleasing mix of flat roofs and eave ends and gable ends may be utilized.

~~(4) HUB—Ocean Avenue Sub-District: Buildings shall have a roof line that matches the prevailing roof line in the surrounding built environment.~~

~~(d) Additional Details:~~

- ~~(1) All windows shall be double hung, including bay windows.~~
- ~~(2) Each unit shall have a central air conditioning system. Heating may be provided by HVAC or hydronic heat. Zoned systems are strongly encouraged for energy efficiency.~~
- ~~(3) Each unit shall have a burglar alarm, with a sensor mounted on each exterior door and window. Small window stickers announcing the existence of the burglar alarm, not to exceed three (3) inches in height, width, or diameter, shall be posted on windows and exterior doors.~~
- ~~(4) Each dwelling unit shall be wired for cable television, with at least one cable wall outlet installed in a wall in each level of the unit.~~
- ~~(5) All rooftop exhaust vents for gas and oil fired appliances shall be contained within a chimney that is clad on the exterior with materials to match the façade.~~
- ~~(6) Bars and/or grillwork of any type shall be prohibited from all porches, doors and windows, except as follows. Emergency release child safety bars may be installed on the interior of windows.~~
- ~~(7) Roll down doors and gates shall be prohibited.~~
- ~~(8) All exterior mechanicals shall be prohibited from the front and sides of the dwelling.~~
- ~~(9) Utility meters shall be located to the rear or side of the structure, or located internal to the structure utilizing a remote reader.~~
- ~~(10) Satellite dishes shall be prohibited from the façade, the rooftop, and any building side that faces the public right-of-way.~~

7. Streetscape:

- (a) All sidewalks in the public right-of-way shall maintain a minimum five (5) foot passageway that is uninterrupted by utility boxes, street furniture, or other objects. Along Ocean Avenue, the sidewalk shall extend from the curb line to the edge of the right-of-way. Along the side-streets, the sidewalk may be setback from the curb line to allow a landscaping strip.
- (b) All sidewalks shall be of concrete or superior materials such as brick pavers.
- (c) All concrete sidewalks shall be tinted French Grey in color, or a color that is compatible to nearby existing sidewalks.
- (d) Street trees shall be evenly spaced and set at a rate of at least one (1) tree every twenty-five (25) foot, in a straight line that is located within four (4) foot of the curb, and shall be installed at a minimum caliper of three and one-half (3½) inches. Tree wells shall be a minimum of fifteen (15) square foot, and rectangular in shape with the long end parallel to the curb. Tree well shall be fitted with a decorative brick walking surface set in sand or dust, or where the sidewalk extends to the curb line, decorative iron grates that are fitted with removable or expandable centers to allow for tree growth. Tree grates shall sit on a shelf of metal or masonry.
- (e) Lamppost style shall complement the overall lighting design scheme of the HUB and shall conform with this plan's Lighting Design Guidelines.

8. Landscaping:

(a) Side Street Sub-District

(1) Front yard:

- i. The front yard shall consist of all land between the façade and the edge of the public right-of-way, including walkway areas.
- ii. Landscaping shall be in the ground or in permanent planters constructed of mortar and brick or stone. Where planters are used, they shall be constructed of mortar and brick or stone, be between one (1) and three (3) foot above sidewalk grade level, and may have a decorative wrought iron picket fence along the top, not to exceed twelve (12) inches in height.
- iii. The front yard shall contain 100% landscaping coverage, except where allowances for walkways and planters are made.
- iv. Front yard landscaping coverage shall consist of evergreen shrubs, which at full maturity do not typically grow higher than the bottom of the first floor window sill.

(2) Side yard that abuts the public right-of-way:

- i. Landscaping shall be in the ground or in permanent planters constructed of mortar and brick or stone.
- ii. The side yard shall contain 100% landscaping coverage.
- iii. Side yard landscaping coverage shall consist entirely of evergreen shrubs or trees, which at full maturity typically grow higher than the shrubs used in the front yard.

(3) Rear yard:

- i. Minimum landscaping area shall be in accordance with area, yard and bulk requirements above.
- ii. ~~In addition, there shall be a minimum of two trees per lot, a minimum of three (3) inches in caliper, planted in the rear yard of each unit.~~

(b) Ocean Avenue Sub-District

(1) Front yard:

- i. The front yard shall consist of all land between the façades (including both facades of corner signature buildings) and the edge of the public right-of-way, including walkway areas.
- ii. Landscaping shall be in permanent planters constructed of mortar and brick or stone, that are between one (1) and three (3) foot above sidewalk grade level, and which may have a decorative wrought iron picket fence along the top, not to exceed twelve (12) inches in height.
- iii. The front yard shall contain 100% landscaping coverage, except where allowances for walkways and planters are made.
- iv. Front yard landscaping coverage shall consist of evergreen shrubs, which at full maturity do not typically grow higher than the bottom of the first floor window sill.

~~(2) Rear yard:~~

~~The rear yard shall be a common area parking lot and/or driveway access to rear garages that are integral to the primary structure. Within the common area, a continuous~~

landscaping strip that is at least five (5) feet wide shall be provided along the edge of the adjacent lot line to the rear. Poured in place concrete curbing shall be placed between the landscaping strip and the parking lot and/or driveway. A dense mix of evergreen and deciduous trees and shrubs shall be planted so as to provide a varied screening barrier.

9. Landscaping Replacement:

All landscaping that is not resistant to the urban environment, or that dies within two (2) years of planting, shall be replaced by the developer.

10. Fencing:

(a) General Requirements:

- (1) All fence posts shall be set in a poured concrete base that is at least three (3) feet deep
- (2) All fence posts for board on board fences shall be located such that the center of the post is equidistant from the surface of both sides of the fence.

(b) ~~Front yard in both Sub-Districts: a decorative wrought iron picket fence, not to exceed thirty-six (36) inches in height, shall be installed around the perimeter of the front yard along the lot line, except where planters are installed at the lot line. Additional sections shall be installed as necessary to meet with the edge or corner of the primary structure, or along the side yard edge to meet with the rear yard fence.~~

(c) Rear yards in the Side Street Sub-District that do not abut the public right-of-way:

- (1) A board-on-board wood fence, that is six (6) foot in height, shall be installed from the rear of the structure, along the rear yard lot line, to a point that is between eight (8) and twelve (12) foot from the primary structure. A matching transition section of fence, which reduces the height of the fence line at a rate of between one-half foot and one foot for every foot of horizontal run, shall be installed along the lot line at the intersection of the taller fence and the shorter fence. A matching board-on-board fence, not to exceed three (3) feet in height, shall be installed along the remainder of the perimeter of the rear lot line, except where there is a garage or parking pad at the rear lot line.
- (2) In all instances, a self closing gate (not to exceed three foot in height) shall be provided that provides direct pedestrian access from the rear yard to the parking area or alleyway.
- (3) Where a rear yard parking pad is utilized, the fence shall be installed around the perimeter of the parking pad, with driveway access unimpeded by a fence or gate.
- (4) Where a freestanding rear garage is utilized, there shall be no gaps between the fence and the garage.

(d) Rear yards in the Side Street Sub-District that abut the public right-of-way (along Kearney Avenue, Orient Avenue and/or Rose Avenue only): a brick wall that is an average height of between five (5) and six (6) foot, shall be installed along the lot line that abuts the public right-of-way, except along the portion of a lot line that borders a shared parking lot (wherein Shared Parking Lot screening requirements shall apply). Additional sections of decorative wrought iron picket fence shall be installed as necessary to meet with the edge or corner of the primary structure.

11. Off Street Parking Requirements

There shall be a minimum of one (1) off-street parking space provided ~~per~~ **for every three** dwelling units, and a maximum of one and one-half (1.5) off-street parking spaces provided per dwelling unit.

The following arrangements are permitted options for parking. Dwelling units and sets of dwelling units shall utilize one option only, except where otherwise indicated. Carports shall be prohibited. Front yard parking and ~~front yard curb cuts shall be prohibited.~~

- (a) ~~Shared rear parking lot~~ (Permitted option for both HUB – Side Street Sub-District and HUB – Ocean Avenue Sub-District):

(1) General Requirements

- i. May contain a sliding gate that is operated by remote control. ~~Gate shall be decorative iron picket style or an alternative decorative design approved by the planning board.~~
- ii. ~~There shall be a minimum of one assigned space per dwelling unit. If there is also a rear garage that is integral to the primary structure, then the garage parking space may be substituted for the assigned space in the shared lot. The maximum parking ratio of 1.5 off-street parking spaces per unit shall not be exceeded.~~
- iii. There shall be accessible parking spaces provided in accordance with the Americans with Disabilities Act (ADA) guidelines.
- iv. The short side of ~~the~~ **an outdoor** parking lot shall face the public right-of-way.
- v. ~~A concrete sidewalk that is tinted French Grey shall be installed around the perimeter of the parking area. The sidewalk shall have an uninterrupted width of five (5) feet.~~
- vi. Screening: Where ~~the~~ **an outdoor** parking lot abuts the public right-of-way, a brick wall that is three (3) foot in height ~~and that is topped with decorative wrought iron picket fence~~ shall be constructed along the edge of the right-of-way. The wall may be set back up to five (5) foot from the public right-of-way if a dense planting of evergreen trees is provided between the right-of-way and the wall. Total wall and fence height shall not exceed six (6) foot in height.
- vii. Landscaping: A minimum of one tree, that is a minimum of three and one-half (3½) inches in caliper, shall be planted for every five (5) parking spaces. Trees shall be placed in landscaped planting areas that are separated from the parking area by poured in place concrete curbing. The tree requirement may be met by placing multiple trees within a planting area, provided that proper planting distances between trees are achieved.

(2) Side Street Sub-District

- i. **All parking must be accessed from a single alley running through the block connecting Kearny Avenue to Orient Avenue.**
 - ii. **Parking may be provided inside a building**
-
- i. ~~Parking lot vehicular entry shall only be from Rose Avenue. Vehicular egress may be to Rose Avenue, or to Kearney Avenue as described below.~~
 - ii. ~~The parking area shall not abut the public right of way along Kearney Avenue nor Orient Avenue.~~

- iii. ~~If angled parking with a one-way aisle is used for the shared parking lot, the driveway from such lot may exit onto Kearney Avenue. Such driveway shall not exceed twelve (12) feet in width, and shall have poured in place concrete curbs along both sides. The sidewalk around the parking lot shall extend along one side of any such driveway, and may extend along both sides.~~

(3) Ocean Avenue Sub-District

- i. Parking lot vehicular access shall only be from the side street.
- ii. ~~The parking area shall not abut the public right-of-way along Ocean Avenue.~~
- iii. **Parking is preferred to be enclosed within a building.**

(b) Accessory Rear Garage (Permitted option for HUB – Side Street Sub-District Only):

- (1) Accessory garages (detached, semi-attached to other garages or attached to other garages) shall be permitted in the rear yard, however, the garage may not be placed adjacent to the public right-of-way (unless the right-of-way is an alleyway) or used to screen the rear yard from the public right-of-way way (unless the right-of-way is an alleyway).
- (2) Exterior cladding materials shall be brick, or “clapboard style” siding with a four (4) inch reveal. Metal siding shall be prohibited.
- (3) Freestanding garages shall not exceed one (1) story, plus pitched roof, in height.
- (4) Freestanding garages shall be accessible to motor vehicles via a rear alley, which may be gated if owned by an association of residents and owners, or which may be dedicated to the municipality. Dedication of any alleyway to the municipality shall be contingent upon approval of roadway standards by the Division of Traffic Engineering.

(c) Rear Yard Parking Pad (Permitted option for HUB – Side Street Sub-District Only):

- (1) Parking pads shall be constructed of either concrete, brick, cobblestones, or a combination thereof, or other semi-permeable surface that is approved by the Planning Board.
- (2) The perimeter of all parking pads shall be encompassed by poured in place concrete curbing, except where the parking pad meets the alleyway. One curb cut for pedestrian access, not to exceed thirty-six (36) inches, shall be permitted for each parking pad.
- (3) Parking pads shall be accessible to motor vehicles via a rear alley, which may be gated if owned by an association of residents and owners, or which may be dedicated to the municipality. Dedication of any alleyway to the municipality shall be contingent upon approval of roadway standards by the Division of Traffic Engineering.

(d) Garage that is integral to the rear of the primary structure (Permitted option for HUB - Ocean Avenue Sub-District Only):

- (1) May be used in conjunction with shared rear parking lot above.
- (2) Shall be accessible to motor vehicles from either the shared parking lot or a rear alley **or a side street**. The rear alley may be gated if owned by an association of residents and owners, or which may be dedicated to the municipality. Dedication of any alleyway to the municipality shall be contingent upon approval of roadway standards by the Division of Traffic Engineering.

12. Maintenance of Common Areas

Prior to full occupancy of a site, the developer of that site shall establish an association of residents and homeowners of the site that will oversee short and long term maintenance of any common areas on the site. ~~The developer shall also enter into a contractual agreement, on behalf of the association, with the MLK NDC, a management company, or other such agency, to provide maintenance and administrative services.~~

~~14. Building and Lot Placement~~

~~Corner lots at the intersection of Kearney Avenue and Rose Avenue shall have the short side abutting Rose Avenue, such that the building facade faces Rose Avenue.~~

~~Corner lots at the intersection of Orient Avenue and Rose Avenue shall have the short side abutting Orient Avenue, such that the building facade faces Orient Avenue.~~

~~Corner lots along Ocean Avenue shall have the short side abutting Ocean Avenue, such that one of the building facades faces Ocean Avenue and one faces the side street.~~

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 13-041

TITLE: 3.D. MAR 13 2013 4.C. APR 24 2013

Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Martin Luther King Drive Redevelopment Plan increasing height limits at the HUB.



RECORD OF COUNCIL VOTE ON INTRODUCTION MAR 13 2013 7-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	ABSENT			LAVARRO	✓		
LOPEZ	ABSENT			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING APR 24 2013 7-0											
Councilperson BRENNAN moved, seconded by Councilperson SOTTOLANO to close PH.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	ABSENT			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	ABSENT			COLEMAN	✓		

✓ Indicates Vote JAYSON DURG N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson moved to amend* Ordinance, seconded by Councilperson & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				COLEMAN			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE APR 24 2013 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	ABSENT			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 13 2013

Adopted on second and final reading after hearing on APR 24 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on APR 24 2013

Robert Byrne
Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Peter M. Brennan

Peter M. Brennan, Council President

Date: APR 24 2013

APPROVED:

Jerramiah T. Healy
Jerramiah T. Healy, Mayor

Date: APR 26 2013

Date to Mayor APR 25 2013