

City Clerk File No. Ord. 13-038

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-038

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AND ARTICLE IX (PARKING FOR THE DISABLED) OF THE JERSEY CITY CODE DESIGNATING A RESERVED PARKING SPACE AT 9 BAYVIEW AVENUE; 33 CLENDENNY AVENUE; 61 DUNCAN AVENUE; 135 GREENVILLE AVENUE; 134 HANCOCK AVENUE; 435 LIBERTY AVENUE; 282 NEPTUNE AVENUE; 45-43 OAK STREET; 44 PIERCE AVENUE; 66 RESERVOIR AVENUE; 195 STEGMAN STREET; 375 THIRD STREET; 373 UNION STREET; 193A VAN NOSTRAND AVENUE; 160 VROOM STREET AND 373-377 WOODLAWN AVENUE AND AMEND THE RESERVED PARKING SPACE AT 92 BROWN PLACE; 216 FIFTH STREET; 29 LONG STREET; 20 NEW STREET; 280 NORTH STREET AND 83 TERRACE AVENUE AND REPEAL THE RESERVED PARKING SPACE AT 183 THORNE STREET AND 86 WALLIS AVENUE

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

1. Chapter 332 (Vehicles and Traffic) Article III (Parking, Standing and Stopping) and Article IX (Parking for the Disabled) of the Jersey City Code is hereby supplemented as follows:

Section 332-29 Disabled Parking Manual
Section 332-69 Restricted parking zones in front of or near residences of disabled drivers.

PARKING FOR THE DISABLED

Restricted parking spaces, (measuring approximately 22 feet in length) in front of residential building for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles and handicapped parking permits issued by the Traffic Division.

<u>Tyrone Chess</u>	<u>9 Bayview Av</u>
<u>[Frank Viggiano] Yolanda Collado</u>	<u>92 Brown Pl</u>
<u>Emma Williams</u>	<u>33 Clendenny Av</u>
<u>Helen Doyle</u>	<u>61 Duncan Av</u>
<u>[Maria] Susan Flores</u>	<u>216 Fifth St</u>
<u>Bryan Villa</u>	<u>135 Greenville Av</u>
<u>John Weiss</u>	<u>134 Hancock Av</u>
<u>Charles Flynn</u>	<u>435 Liberty Av [183Thorne St]</u>
<u>[Rebecca Bland] Eleanor Ferguson</u>	<u>29 Long St</u>
<u>Betty Bell</u>	<u>282 Neptune Av</u>
<u>[Ira] Eartha Butler</u>	<u>20 New St</u>
<u>[Nicholas] Nancy DelGiodice</u>	<u>280 North St</u>
<u>Mary Milligan</u>	<u>45-43 Oak St</u>
<u>Warren Lewis</u>	<u>44 Pierce Av</u>
<u>Segundo Brito</u>	<u>66 Reservoir Av</u>
<u>Marvis Chatmon</u>	<u>195 Stegman St</u>
<u>[Alfred] James Wachter</u>	<u>83 Terrace Av</u>

CONTINUED

CFL:PCL
(03.19.13)

Paul Maiellaro
Josephine DePasquale
Carmen Alcantara
Rafael Suarez
Beatrice Hernandez

375 Third St
373 Union St [86Wallis Av]
193A Van Nostrand Av
160 Vroom St
373-377 Woodlawn Av

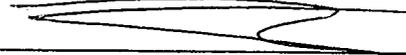
- 2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- 3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
- 4. This ordinance shall take effect at the time and in the manner as prescribed by law.
- 5. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: The new material to be inserted is underscored; the material to be repealed is in [*brackets*].

CFL:pc1
(03.19.13)

APPROVED: 
Municipal Engineer

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED:  3/19/13
Director, Dept. of Public Works
APPROVED: 
Business Administrator

Certification Required
Not Required

FACTSHEET

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full title of ordinance:

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AND ARTICLE IX (PARKING FOR THE DISABLED) OF THE JERSEY CITY CODE DESIGNATING A RESERVED PARKING SPACE AT 9 BAYVIEW AVENUE; 33 CLENDENNY AVENUE; 61 DUNCAN AVENUE; 135 GREENVILLE AVENUE; 134 HANCOCK AVENUE; 435 LIBERTY AVENUE; 282 NEPTUNE AVENUE; 45-43 OAK STREET; 44 PIERCE AVENUE; 66 RESERVOIR AVENUE; 195 STEGMAN STREET; 375 THIRD STREET; 373 UNION STREET; 193A VAN NOSTRAND AVENUE; 160 VROOM STREET AND 373-377 WOODLAWN AVENUE AND AMEND THE RESERVED PARKING SPACE AT 92 BROWN PLACE; 216 FIFTH STREET; 29 LONG STREET; 20 NEW STREET; 280 NORTH STREET AND 83 TERRACE AVENUE AND REPEAL THE RESERVED PARKING SPACE AT 183 THORNE STREET AND 86 WALLIS AVENUE

2. Name and title of person initiating the ordinance:

Lee D. Klein, P.E., PTOE, Division of Engineering, Traffic and Transportation, Department of Public Works on behalf of the Municipal Council Committee for Disabled Parking

3. Concise description of program, project or plan proposed in the ordinance/resolution:

Designate a reserved parking space for the disabled at various locations throughout the City, for those disabled individuals whose applications have been reviewed and approved by The Municipal Council Committee for Disabled Parking. Remove from the Disabled Parking Manual reserved parking signs that are no longer warranted and the signs have been removed.

4. Reasons (need) for the proposed program, project, etc.:

To provide a reserved parking space for a disabled individual who has documented that his or her disability is severe enough to limit his mobility or so severe that he or she cannot be left unattended while the designated driver brings the vehicle to him or her or parks the vehicle.

5. Anticipated benefits to the community:

Allow those disabled individuals, whose application was approved by The Municipal Council Committee for Disabled Parking, to have a reserved parking space designated at his or her residence, therefore, improving the quality of his or her life.

6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, state, and Federal Funds to be used, as well as match and in-kind contribution:

Approximately 30 U-Posts @ a cost of \$100.00 each for a cost of \$3,000.00
40 reserved parking signs @ a cost of \$100.00 each for a cost of \$4,000.00
TOTAL: \$7,000.00

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

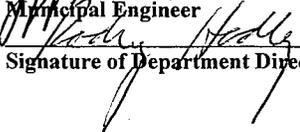
Twenty days after adoption by the Jersey City Municipal Council

9. Person responsible for coordinating proposed program, project, etc.:

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation, Department of Public Works ex. 4492

10. Additional comments:

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.


Municipal Engineer 3/19/13 Date

Signature of Department Director 3/14/13 Date

City Clerk File No. Ord. 13-039

Agenda No. 3.B 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-039

TITLE: **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AMENDING THE NINTH AND BRUNSWICK REDEVELOPMENT PLAN**

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Ninth & Brunswick Redevelopment Plan area ("Plan") on December 14, 2011; and

WHEREAS, the Planning Board of Jersey City, at a public hearing on March 5, 2013, heard proposed amendments to this Plan which would increase the density bonuses available and expand the green space contribution requirements for development; and

WHEREAS, the proposed amendments also clarify permitted uses and permit a penthouse story; and

WHEREAS, Planning Board determined that the proposed amendments would encourage development in this underutilized part of the City, further enhancing the area and the City as a whole, with the addition of a new park and an increase in residential activity; and

WHEREAS, the proposed Ninth & Brunswick Redevelopment Plan amendments, attached hereto and made a part hereof is available for public inspection in the Office of the City Clerk, City Hall, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the above referenced McGinley Square East Redevelopment Plan be, and hereby is, adopted as recommended by the Jersey City Planning Board.

BE IT FURTHER ORDAINED THAT:

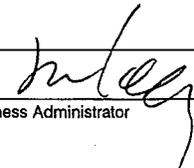
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City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


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

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: 
Business Administrator

Certification Required

Not Required

Summary Sheet

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AMENDING THE NINTH AND BRUNSWICK REDEVELOPMENT PLAN

This ordinance amends the Ninth and Brunswick Redevelopment Plan to expand green space contribution options and contribution amounts, clarify permitted uses, add a penthouse story, and increase the density bonus.

PROPOSED AMENDMENTS TO THE
NINTH & BRUNSWICK REDEVELOPMENT PLAN
(Last Amended February 13, 2013 by Ord. 13-009)

February 18, 2013

New text to be included is shown as Bold Italic, *Thusly*.
Text to be removed is shown as a Strikethrough, ~~Thusly~~.

Section I. through Section VII. – NO CHANGE.

VIII. RESIDENTIAL DENSITY BONUS

This provision is applicable to all residential development and permits construction of up to ~~30~~
80 additional dwelling units per acre.

- A. All residential projects are eligible to receive an additional bonus density not to exceed an additional ~~30~~ **80** DU/AC, if the developer agrees to contribute to green space located within the plan area, as set forth more specifically below.
- B. The green space development requirement may be satisfied by any one or combination of the following methods approved by the Planning board as part of the Preliminary Site Plan:
- Monetary contribution to the City of Jersey City to be established in a separate account for the exclusive purpose of acquiring, developing and enhancing green space within the plan area, or adjacent areas.
 - Developer donation of real property for green space development; such property to be *dedicated* ~~deeded~~ to the City in perpetuity *by deed or easement as required by the City*.
- C. The amount of monetary contribution or value of an equivalent in-kind contribution of land shall be calculated as follows:
- \$7,500 for each additional bonus residential dwelling unit constructed under this provision over the base density permitted without this bonus.
 - *The value of the in-kind contribution shall include the value of the land itself; the cost of any demolition, environmental remediation and other land preparation costs; the cost of any improvements to the proposed open space such as grading, drainage, landscaping, paving, lighting, fencing, benches, play equipment, etc.; and other similar improvements and costs as appropriate.*
- D. Development utilizing this bonus provision must comply with all applicable criteria of the area, yard, and bulk chart, or be granted the appropriate deviations pursuant to the requirements of this plan.
- E. Satisfaction of 50% of the green space contribution requirement is a required pre-condition for the issuance of any building permit associated with the project. The remaining 50% shall be paid to the City of Jersey City prior to the issuance of any Certificate of Occupancy. *In the alternative, if the green space contribution is in the form of an in-kind contribution of land and improvements, then the Planning Board may require the developer to furnish performance guarantees pursuant to NJSA 40:55D-53 et seq. Such performance guarantees shall be in favor of the City in a form approved by the Jersey City Corporation Counsel. The amount of any such performance guarantees shall be determined by the City Engineer and shall be sufficient to assure completion of the improvements.*

- F. The in-kind contribution of land within this Redevelopment Plan shall be located at the western end of Ninth Street so as to function as an extension of adjacent Enos Jones Park, and shall be designed to allow for the further extension of this greenspace to the north into the adjacent property and the Jersey Avenue Tenth Street Redevelopment Area.*

Section IX. – NO CHANGE.

Section X. SPECIFIC LAND USE PROVISIONS

Opening paragraphs - NO CHANGE

A. Permitted Uses

- Residential with ground floor retail *A minimum of 2% of all residential units shall be three-bedroom units.*
- *Retail Sale of Goods and Services (ground floor/first floor only)*
- *Offices (ground floor/first floor only)*
- *Restaurants, category one and two (ground floor/first floor only)*
- *Child Care Centers (ground floor/first floor only)*
- Parks/Public Open Space
- Public Utilities, except that natural gas transmission lines shall be prohibited
- Health clubs in residential buildings

B. Accessory Uses

- Garage on-Site/off-street Parking & Loading Facilities
- Fences & Walls
- Signs

Active Permitted and Accessory Uses are encouraged on parking levels adjacent to street lines, where feasible, in order to screen the parking use from pedestrian sidewalks within the street right-of-way.

C. Area, Yard and Bulk Requirements (See Chart)

AREA, YARD & BULK CHART

	RESIDENTIAL
MAX. HEIGHT	65' and 5 6 stories ³ of residential + 1 story of parking
MAX. LOT COVERAGE ¹	95%
MIN. LOT AREA IN SQ. FT ⁴ .	2,000 sq. ft.
MAX. DENSITY ²	55 DU/AC
MIN. FRONT YARD	5'
MAX. FRONT YARD	10'
MIN. EACH SIDE YARD	0'
MIN. REAR YARD	0'

1. Total percentage, buildings and impervious surfaces
2. Dwelling units per acre.
3. ~~Floor Area Ratio~~ *The 6th story must be setback a min. of 15 ft. from adjacent street right-of-way lines.*
4. Not including Park & Recreation Area space

Paragraphs D. through G. – NO CHANGE

Section XI. and Section XII. – NO CHANGE

Section XIV. MAPS

Revise maps to reflect current block number (i.e. Block # 6902) and current lot number (i.e. lot # 29) to reflect the new numbering system.

City Clerk File No. Ord. 13-040

Agenda No. 3.C 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13-040

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT EXCEPTIONS FOR FLOOD ZONES

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

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

WHEREAS, recently adopted FEMA standards require that buildings in flood zones be raised from grade; and

WHEREAS, clarifying the height exceptions in the Land Development Ordinance will preserve the amount of buildable floor area in these buildings by permitting a equivalent height increase so that height is measured from the Base Flood Elevation where applicable; and

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

WHEREAS, the Planning Board at its meeting of March 5, 2013 did vote to recommend that the Municipal Council adopt these amendments to the Supplementary Zoning section of the Land Development Ordinance; and

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

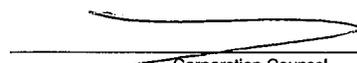
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

BE IT FURTHER ORDAINED THAT:

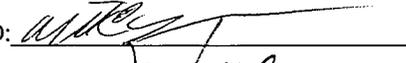
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City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

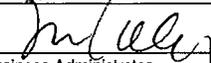

Robert D. Cotter, FAICP, PP, Director
Division of City Planning

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: 

APPROVED: 

Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT EXCEPTIONS FOR FLOOD ZONES

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

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

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

This Ordinance will amend the Supplementary Zoning section of the Land Development Ordinance (Zoning Ordinance) to clarify height exceptions for flood zones in accordance with FEMA standards.

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

New FEMA standards have been adopted and the ordinance should be revised accordingly.

5. Anticipated Benefits to the Community:

This amendment will allow buildings to reach increased height in proportion to flood zone elevations. Therefore, property owners will not lose height as a result of the flood zones.

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

8. Anticipated Completion Date: N/A

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

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

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.


Division Director

MARCH 13, 2013
Date


Deputy Department Director Signature

MARCH 13, 2013
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – SUPPLEMENTARY ZONING AS IT PERTAINS TO HEIGHT EXCEPTIONS FOR FLOOD ZONES

This Ordinance will amend the Supplementary Zoning section of the Land Development Ordinance (Zoning Ordinance) to clarify height exceptions for flood zones in accordance with FEMA standards.

As of 2/22/13

§345-60 Supplementary Zoning Regulations

A. No Change

B. No change

C. No change

D. No change

E. No change

F. No Change

G. Height Exceptions.

1. No change

2. No Change

3. No change

4. *Where a property is located within the “One Percent (1%) Annual Chance Flood Hazard Area,” the number of feet required to reach the base flood elevation plus one foot shall be added to the maximum permitted height of the building. This provision shall apply to all property within any regular zone district or within any duly adopted Redevelopment Plan Area. Where property is located within an Historic District, or where an Historic District and Redevelopment Plan overlap, this exception shall not apply.*

~~Where a property in any zone except the Historic District is located within the one hundred (100)-year Flood Plain, the number of feet required to reach the base flood elevation plus one shall be added to the maximum permitted height of the building.~~

City Clerk File No. Ord. 13-041

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 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

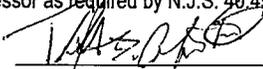
WHEREAS, the following amendments to the Martin Luther King Drive Redevelopment Plan have been reviewed by the Jersey City Planning Board at its meeting of March 19, 2013; and

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.

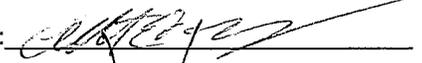
BE IT FURTHER ORDAINED THAT:

- 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.

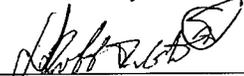
8. Anticipated Completion Date: N/A

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

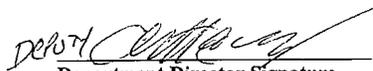
I Certify that all the Facts Presented Herein are Accurate.



Division Director

3/19/13.

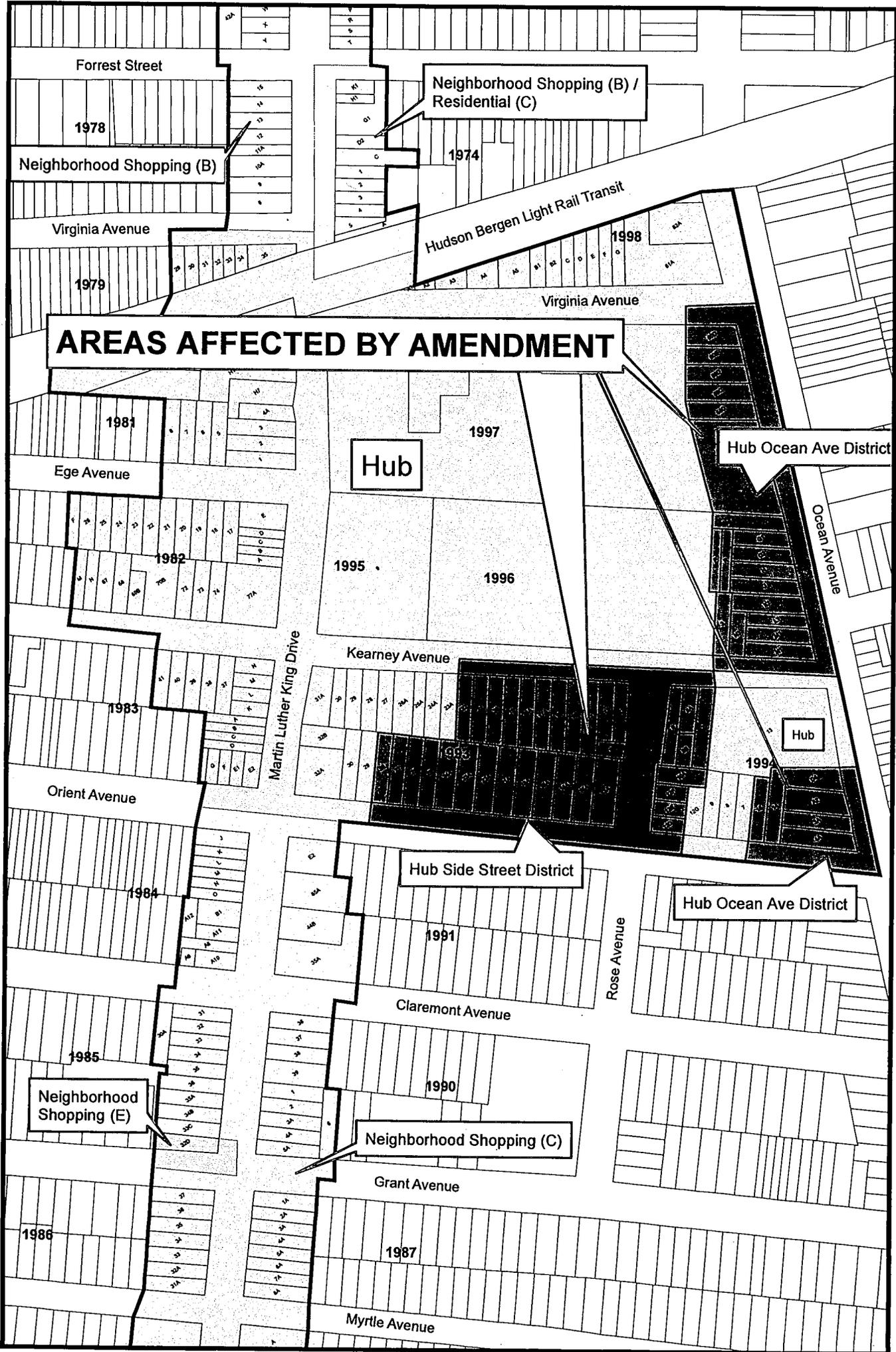
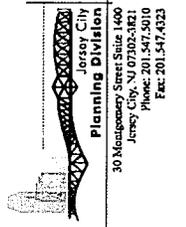
Date



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

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Starting at section:

B. COMMUNITY "HUB" DISTRICT (HUB)

Page 55:

HUB – Ocean Avenue Sub-District: In the ~~Orient–Ocean~~ 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 / Maximum Dwelling Unit Density Per Lot	Maximum Setback of façade 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. Façades 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) feet 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

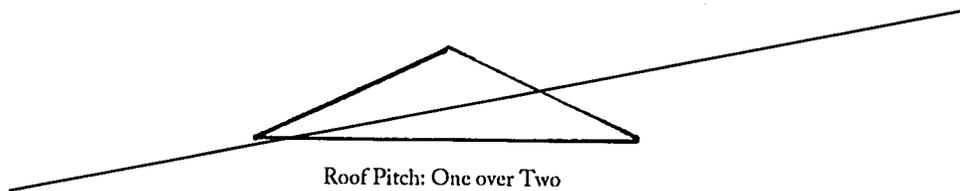
- i. ~~Façade design shall complement the character of the surrounding built environment on Ocean Avenue with respect to cornice line, window size and placement, and color of materials~~
- ii. On corner signature buildings, the structure shall have two (2) **primary** facades. One façade shall face Ocean 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:~~

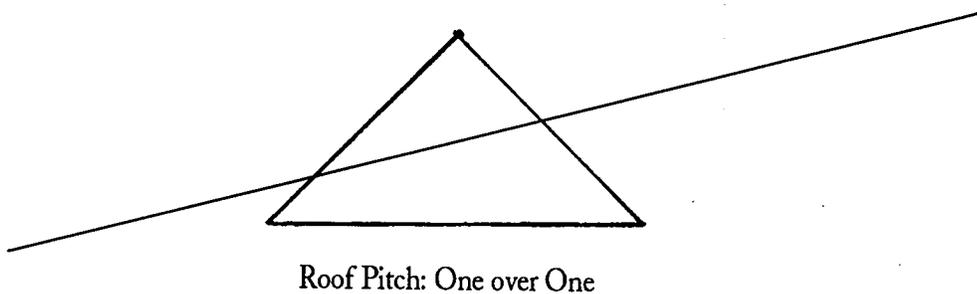
- (1) ~~All units shall be accessible through a main entry that faces the public street. (Corner signature buildings along Ocean Avenue shall have the main entry face Ocean Avenue.)~~
- (2) ~~All main entries in the HUB Side Street Sub-District shall open upon a stoop or porch, the floor of which between 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.~~