

ORDINANCE 2017-34

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 490, PLANNING AND DEVELOPMENT REGULATIONS, RELATING TO COMMERCIAL PARKING FACILITIES

offered the following ordinance and moved its introduction on first reading:

WHEREAS, the Borough of Red Bank has issues of inadequate parking; and,

WHEREAS, the Borough's Governing Body recently entered into a lease agreement with the Count Basie Theater allowing the theater to lease parking spaces at Borough Hall when not needed for Borough business; and,

WHEREAS, this lease has both provided needed parking for the Theater and has generated revenue to the Borough; and,

WHEREAS, the Borough is exempt from complying with the Borough's Land Development Ordinances; and,

WHEREAS, existing Borough development regulations prohibit private property owners from entering into similar mutually beneficial leases for unutilized parking spaces; and,

WHEREAS, the Governing Body finds that these regulations prohibiting the use of parking spaces by off-site uses hamper the efficient utilization of existing parking spaces in the Borough; and,

WHEREAS, the following amendments to the Land Development Ordinance would allow the owners of existing parking areas to lease unused spaces to off-site uses within the Borough.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Red Bank that Chapter 490 of the Revised General Ordinances is hereby amended as follows:

1. Borough Code 490-6 Definition of Commercial Parking Facility replaced with:
A parking facility created and/or used for the sole purpose of leasing spaces and not required to provide parking for other on site uses.
2. Borough Code 490-6 Definition of Exempt Development add:
J. Leasing of existing parking spaces to off-site uses within the Borough in accordance with the requirements of 490-98Q.
3. Borough Code 490-12A(1) add:
(k) Any leasing of parking spaces to off-site uses.
4. Borough Code 490-98 add:
Q. Leasing or Renting of Parking Spaces.
(1) Private property owners, meeting the following requirements, may lease or rent unutilized parking spaces on their property.
 - (a) A Development Permit is required.*
 - (b) A survey provided indicating the location and time of each parking space to be leased or rented.*
 - (c) A statement provided indicating the availability of parking spaces during the lease time.*
 - (d) No stacked parking allowed.*
 - (e) Identification of the lessee and lessor. Lessee must be a Red Bank retail, restaurant, office, or resident within 1,000 feet of the lessors parking.*

(f) Personal vehicles only. Commercial vehicles, vehicles for hire or unregistered or inoperable vehicles prohibited.

(g) Leased spaces must be a minimum 10' from the property line of an adjoining residential use.

BE IT FURTHER ORDAINED, that a copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by _____ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yngstrom	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilwoman Horgan	()	()	()	()
Councilwoman Schwabenbauer	()	()	()	()
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()

Dated: July 26, 2017