

ORDINANCE NO. 21-2016
AN ORDINANCE AMENDING
CHAPTER 130, LAND USE, ARTICLE VII, AREA, BULK and USE REQUIREMENTS
OF THE CODE OF THE BOROUGH OF SEA BRIGHT
SO AS TO ALLOW FOR PRIVATE PARKING ON VACANT LOTS DURING DAYLIGHT HOURS ONLY
AS A CONDITIONAL USE IN THE B-1 and BR ZONING DISTRICTS

WHEREAS, the Mayor and Borough Council of the Borough of Sea Bright recognize that there is a serious shortage of available parking in the Borough; and

WHEREAS, Section 49 of Chapter 130, Land Use, Article VII, Area, Bulk and Use Requirements, of the Code of the Borough of Sea Bright establishes certain Conditional Uses within the several zoning districts of the Borough; and

WHEREAS, the Mayor and Borough Council of the Borough of Sea Bright believe that in order alleviate some of the parking issues within the Borough, it would be appropriate to permit private parking during daylight hours only as a conditional use in the B-1 and BR Zoning Districts;

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Sea Bright that the Chapter 130 Land Use of the Code of the Borough of Sea Bright shall be amended as follows:

SECTION ONE: Section 49(C)(3)(b) (Conditional Uses in the B-1 Zone) and Section 49(C)(5.1)(b) Conditional Uses in the BR Zone) of Chapter 130, Land Use, Article VII, Area, Bulk and Use Requirements, are hereby amended to provide for the following additional conditional use:

Private Parking On Vacant Lots During Daylight Hours Only

The conditions for this use are as follows:

- (i) The parking lot must be located on a vacant lot which, in order to ensure proper ingress and egress in the event of an emergency, must have direct access to two different streets, one of which must be Ocean Avenue (State Route 36).
- (ii) The parking lot may operate during daylight hours only.
- (iii) The Mayor and Council specifically find that due to safety and public nuisance considerations, it would be inappropriate to permit a standalone parking lot on any property in the Borough which does not meet conditions (i) and (ii) above. Any application seeking to permit a parking lot which does not have direct access to at least two different streets, one of which must be Ocean Avenue (State Route 36), or seeks to operate prior to or after daylight hours, must obtain full site plan approval, with all setback regulations and other bulk standards being applied, from the Planning Board accompanied by the grant of a use variance pursuant to the provisions of N.J.S.A. 40:55D-70(d)(1).

- (iv) The parking lot must be located on a vacant lot which may not contain any temporary or permanent structures. In order to ensure proper vehicular movement, and avoid any line of sight considerations, any request to construct a temporary or permanent structure on such a parking lot will not be permitted absent a granting of site plan approval by the Planning Board.

SECTION TWO: Section 49(C)(3)(b) (Conditional Uses in the B-1 Zone) and Section 49(C)(5.1)(b) (Conditional Uses in the BR Zone) of Chapter 130, Land Use, Article VII, Area, Bulk and Use Requirements, are hereby further amended to recognize the following:

1. Any property meeting the specific conditions for "Private Parking On Vacant Lots During Daylight Hours Only" shall be exempt from all setback and other bulk requirements that would otherwise be required of a property seeking approval within the zoning district. Variances from the applicable setback and other bulk requirements will only be required if the applicant requires site plan approval pursuant to the ordinance.
2. Any owner of property meeting the specific conditions for "Private Parking On Vacant Lots During Daylight Hours Only" shall be entitled to charge for parking on said lot if the owner of said lot wishes to do so.

SECTION THREE: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies

SECTION FOUR: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FIVE: This Ordinance shall take effect immediately upon its passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on July 5, 2016 and will be further considered after a Public Hearing held on August 2, 2016 at the Municipal Building at 7:00 pm.

INTRODUCED: July 5, 2016
PUBLIC HEARING: August 2, 2016
ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, CLERK

DINA LONG, MAYOR