**ORDINANCE 9-2015**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, to amend chapter 92, “zoning,” article v, “regulations governing certain uses,” section 92-22, “parking, loading and automative services” of the code of the borough of bloomingdale**

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

**SECTION 1**. Chapter 92, “Zoning,” Article V, “Regulations Governing Certain Uses,” Section 92-22, “Parking, loading and automotive services,” of the Code of the Borough of Bloomingdale is hereby amended to read as follows:

**§ 92-22. Parking, loading and automotive services.**

A. Off-street parking. In all districts in connection with every manufacturing, business, institutional, recreational, and residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces open to the users at no charge in accordance with the requirements set forth herein.

(1) Size and access. Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet measuring nine feet by eighteen (9 x 18) feet in an area exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than three (3) spaces. There shall be adequate provisions for ingress and egress to all parking spaces. The grade of residential driveways shall not be over fifteen percent (15%), and for all other parking areas the grade shall be ten percent (10%).

Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts. Permits shall be required for curb cuts except for new residential subdivisions.

(2) Number of parking spaces required. The number of off-street parking spaces required shall be as set forth in the Schedule of Regulations in accordance with the definition of "floor area" as set forth in Article XI hereof, provided that any residential district, on any lot having an area of one (1) acre or less, private garage space may be provided for not more than five (5) motor vehicles. Space for one (1) additional motor vehicle may be provided for each one-fifth (1/5) acre by which the area of the lot exceeds one (1) acre; and in any residential district, not more than one-half (1/2) of the garage space provided on any lot shall be used for the housing of commercial motor vehicles. In the case of any building structure or premises the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Board of Adjustment, shall apply.

(3) Off-site facilities. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than fifteen hundred (1500) feet from that zone lot. For utilization of spaces on property not in the same ownership as the use to which they are accessory, a copy of a lease/license agreement between the user and the property owner allowing the utilization of the spaces must be submitted to the Zoning Officer within ten (10) days of execution of the agreement. If the agreement is terminated for any reason, the user must immediately notify the Zoning Officer of same and terminate all use.

B. Off-street loading.

(1) Size and location. Loading spaces shall be not less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height and may occupy all or any part of any required yard; except that where located adjacent to any residential district, they shall be set back a minimum of six (6) feet from such property line.

C. Joint facilities for parking or loading. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one (1) use unless otherwise approved by the appropriate Board in accordance with the purposes and procedure set forth herein and provided by State statute.

D. Development and maintenance of parking and loading areas. Every parcel of land hereafter used as a public or private parking area or loading area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

(1) Screening and landscaping. Off-street parking areas for more than five (5) vehicles and off-street loading areas shall be effectively screened by a fence or hedge on each side which adjoins or faces another premises. Such fence or hedge shall not be less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. Any space between such fence or hedge and the side lot line adjoining a premises or the front lot line facing a premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

(a) No gasoline filling station, parking garage, motor vehicle repair, paint or body shop or any vehicular access thereto shall be located within three hundred (300) feet of the following uses if the property owned or dedicated to such uses is located along the same street and on the same block: schools, playgrounds, churches, hospitals, public libraries and institutions for dependents or for children.

 (2) Minimum distances and setbacks. No off-street loading area or parking area or part thereof for more than five (5) vehicles shall be closer than three (3) feet to the adjoining lot line upon which adjoining lot is located any dwelling, school, hospital or other institution for human care. If not in a residential district but adjoining such district, the parking area shall not be located within five (5) feet from the established street right-of-way line within fifty (50) feet of any residential district.

(3) Surfacing. All off-street parking or loading areas shall be surfaced with an asphaltic or Portland cement binder pavement or similar durable and dustless surface which shall be so graded and drained as to dispose of all surface water accumulated within the area and shall be so arranged and marked as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.

(4) Lighting. Any lighting used to illuminate any off-street parking or loading areas shall be so arranged as to reflect away from the adjoining premises in any residential district.

(5) Modification of requirements. The Board of Adjustment may, on appeal, authorize a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed, the peculiar nature of the use or the exceptional situation or condition must justify such action.

E. Service stations and parking garages.

(1) Location of exits and entrances.

(a) Vehicular access to the above automotive uses shall not be closer to the intersection of any two (2) streets' lot lines than fifty (50) feet, nor shall any such use be located within twenty-five (25) feet of any boundary line of any residential district.

(2) Location of appliances or pits. No gasoline filling station or parking garage shall be permitted where any gasoline oil pump or oil-draining pit or visible appliance for any such purpose is located within ten (10) feet of any street lot line, except where such appliance or pit is within a building.

F. Commercial vehicles in residence districts. The garaging, storing or parking of any commercial vehicle in excess 12,000 pounds gross vehicle weight registered (GVWR) on any premises within a residential district is prohibited; provided, however, that nothing herein shall prohibit the parking of a commercial vehicle for such reasonable time as may be required for pickup, delivery, maintenance or installation in the regular course of business to residents of such districts. Only one (1) commercial vehicle not to exceed 12,000 pounds GVWR shall be permitted per residential dwelling, other than garaged vehicles.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3**. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4**. This law shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Work Session Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 7th day of April 2015, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on the 19th day of May 2015, at 7:00 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.

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Jane McCarthy, RMC

Municipal Clerk