

ORDINANCE NO. 5743

AN ORDINANCE AMENDING TITLE 17, ENTITLED "LAND DEVELOPMENT CODE", SECTION 17.40.010 ENTITLED "OFF-STREET PARKING REGULATIONS" WITHIN SECTIONS 17.40.010.A and 17.40.010.B OF THE CITY OF ELIZABETH LAND DEVELOPMENT CODE, TO AMMEND THE OFF-STREET PARKING REGULATIONS FOR SECTION 17.40.040 ENTITLED "NUMBER OF PARKING AND LOADING SPACES REQUIRED" OF THE CITY OF ELIZABETH LAND DEVELOPMENT CODE AND TO AMMEND SECTION 17.36.030 ENTITLED "SUPPLEMENTARY REGULATIONS" OF THE CITY OF ELIZABETH LAND DEVELOPMENT CODE.

WHEREAS, the intent and purpose of adopting this ordinance is to provide all the required off-street parking on the subject property for a new residential development application, new residential building, or residential structure that is erected or is enlarged or increased in capacity or change of use. Currently there is a provision within the zoning code for residential uses that curbside on-street parking shall be permitted to be credited toward the required parking at the discretion of the planning board, zoning board of adjustment or the administrative authority. Curbside parking which exists only along the frontage of the property in question may be counted. Resulting from this provision to credit on-street parking requirements for residential uses within the Land Development Code has created an influx of on-street parking generating, issues of overflow parking, double parking, overcrowding of vehicles, non-availability of on-street parking for visitors due to housing density and creating quality-of-life issues for the City's residents; and

WHEREAS, the intent and purpose of adopting this ordinance is to provide all the required off-street parking for all non-residential uses within the City Code on their subject property. By amending the ordinance to enable this requirement that all required parking for non-residential uses are to be on their subject property, this will deter overflow parking, double parking, overcrowding of vehicles, provide availability of parking if necessary for visitors and reduce the impacts on the quality-of-life issues for the City's residents; and

WHEREAS, the intent and purpose of adopting this ordinance is to provide access for all emergency vehicles responding to calls within the City of Elizabeth. By having overflow parking, double parking, and lack of availability of on-street parking spaces this could result in delayed response times for emergency calls; and

WHEREAS, the 2008 City's Master Plan Re-Examination Report identified the issue of off-street parking regulations and requirements, stating It is a recommendation of the Re-Examination Report that the issue of traffic congestions, off-street parking regulations and requirements as well as the review of other development controls related to traffic calming measures and traffic circulation patters are addressed in a separate, city-wide traffic study; and

WHEREAS, the 2015 City's Partial Master Plan Re-Examination Report and 2020 Master Plan Re-Examination Report identified issues of on street parking availability impacting the quality of life of the City's residents, stating The lack of on street parking spaces caused in part by a wave of new residential apartment buildings has resulted in a real negative impact on the quality of life of City's residents; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH THAT THE FOLLOWING SECTIONS OF CHAPTER 17 BE AMENDED BY DELETING THE WORDS WITH STRIKEOUTS THROUGH THEM AND ADDING THE WORDS STATED IN BOLD:

SECTION 1. Section 17.040.010 of the Code of the City of Elizabeth entitled "Off-street parking regulations" is hereby amended to read as follows:

17.40.010 – Off-street parking regulations.

PRESENTED to the Mayor for
APPROVAL or DISAPPROVAL on
DEC 14 2012

City Clerk

Off-street parking shall be regulated as follows:

- A. General Requirements. In all districts, in connection with every manufacturing, business, institutional, recreational or other use, there shall be provided, at the time that any building or structure is erected or is enlarged or increased in capacity or changed in use, parking spaces, in accordance with the requirements set forth in Section 17.40.040 of this chapter, except that residential uses shall conform to the requirements of the residential site improvement standards, N.J.A.C. 5:21 ~~except N.J.A.C. 5:21 (f) of the residential site improvement standards~~ and parking in the C-3 and C-5 zones shall not be required for commercial uses less than two thousand two hundred (2,200) square feet.
- B. Proximity of Parking to Principal Use. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, ~~except that such spaces may be provided within a radius of two hundred fifty (250) feet from the lot boundary, and provided further that required spaces are provided off the site in accordance with Table I in Section 17.40.040.~~ Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed with the register of Union County binding the owner and his or her heirs, successors and assigns to maintain the required number of spaces available throughout the life of such use.
- C. Location of Exits and Entrances. No commercial parking area or garage for twenty-five (25) or more motor vehicles shall have an entrance or exit for vehicles within one thousand five hundred (1,500) feet along the same side of a street on which is located a school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street on which the zone lot does not abut. Such access shall not be closer to the intersections of any two streets than fifty (50) feet. No access drive or driveway shall be located in any R district to provide access to uses other than those permitted in such R district.

SECTION 2. Section 17.040.040.010 of the Code of the City of Elizabeth entitled "Number of parking and loading spaces required" is hereby amended to read as follows:

Table I

Uses	Minimum Required Off-Street Parking Spaces
Automobile major repair shop	3 per each 300 square feet of floor area ¹
Automobile minor repair shop	2 per each 300 square feet of floor area ¹
Automobile service stations	1 for each employee ¹
Bowling alleys	5 for each alley ¹
Churches, synagogues, and houses of worship	1 for each 5 permanent seats. When individual seats are not provided, each 20 inches of bench shall be considered 1 seat. The number of required off-street parking spaces may be eliminated or reduced if there exists within 500 feet of the church, synagogue or house of worship, public or private parking lots

	containing a sufficient number of off-street parking spaces to satisfy the requirements. The church, synagogue or house of worship must provide the difference if the number of parking spaces in the private or public lots is below the number required. Any spaces provided in public or private lots must be shown to be available for worshipers on the day or days of greatest use. ¹
Community buildings, country clubs, social halls, lodges, fraternal and accessory organizations, and similar uses	1 for each 200 square feet of floor area occupied by all principal structures. ¹
Doctors in other than office buildings	3 for patients' use for each doctor's office. ¹
Dentist in other than office buildings	2 for patients' use for each dentist's office. ¹
Funeral homes and mortuaries	15 for visitors. ¹
Hospitals, nursing, and convalescent homes	1 for each 3 beds. ¹
Hotels, motels and rooming houses	1 for each rentable unit. ¹
Industrial, manufacturing, warehousing, wholesale, distribution and selected commercial (use groups X-CC)	1 ground level space per each 1,400 square feet of site area. The number of spaces to be installed at any time is to be based on a current and valid parking management plan approved by the zoning administrator and a final site plan approved by the approving authority. ¹
Offices	1 for every 400 square feet of rentable floor area. ¹
Quick-service eating and drinking establishments	10 plus 1 for every 2 employees on the maximum shift, plus 1 for every 2 seats. ¹
Residential	All residential developments shall comply with the requirements of the Residential Site Improvement Standards (RSIS Table 4.4), except N.J.A.C. 5:21-4.14(f) within RSIS. Tandem parking may be permitted for dwelling structures containing no more than 2 units. No more than 2 parking spaces will be permitted to be in tandem configuration. Curbside parking shall be permitted to be credited toward the required parking at the discretion of the planning board, zoning board of adjustment or the administrative authority. Curbside parking which exists only along the frontage of the property in question may be counted. ¹
	No obstructions are permitted within proposed parking spaces. If the parking spaces are internally located within a structure no columns shall be permitted within the space. A clearance distance of 18 inches must be adhered to from all columns to all parking spaces. The column must also be protected from being contacted by vehicles via concrete curbing. ¹
	No parking lots or driveways for residential uses greater than 2 units are permitted within

	25 feet of rear property line and 10 feet from side property line. ¹
Restaurants without live entertainment, bars and nightclubs	1 for every 2 employees on the maximum shift, plus 1 for every 4 seats. ¹
Retail shops, store groups, shops, etc.	1 for each 300 square feet of floor area where the floor area shall exceed 1,000 square feet. ¹
Schools	
Senior high schools	1 for every 10 classroom seats. ¹
Elementary and junior high schools	1 for every 15 classroom seats. ¹
¹ All parking requirements for off-street parking are to be on the subject property. No on-street parking shall be credited for the required off-street parking for such use.	

SECTION 3. Section 17.36.030 of the Code of the City of Elizabeth entitled "Supplementary regulations" is hereby amended to read as follows:


F. Use and occupancy of any structure containing three or more dwelling units is subject to and conditioned upon an equitable distribution of accessory parking spaces, ~~whether on-site or off-site~~, among tenants occupying the structure. Where a ratio of one parking space to each dwelling unit is equaled or exceeded, use and occupancy is further conditioned upon the tenants of each dwelling unit having included in their leasehold sufficient parking for at least one automobile. Parking spaces required for a residential structure shall not be leased to any party other than a resident of the structure.

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 5. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.


SECTION 6. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

PASSED: 12/13/22


 NELSON GONZALEZ
 President of City Council

APPROVED: 12/14/22


 J. CHRISTIAN BOLLWAGE
 Mayor

ATTEST:

 YOLANDA M. ROBERTS, R.M.C.
 Municipal Clerk