

ORDINANCE NO. 23-24

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 169 (LAND USE ADMINISTRATION AND PROCEDURES), CHAPTER 171 (LAND SUBDIVISION AND SITE PLAN REVIEW), AND CHAPTER 172 (ZONING) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROCKAWAY

WHEREAS, the Borough of Rockaway adopted its current Master Plan in 2018; and

WHEREAS, the Master Plan includes various recommendations for amendments to parking and loading standards; and

WHEREAS, such Master Plan recommendations include 1) promoting shared parking arrangements in the Borough Center where feasible 2) adding landscaping requirements for parking lots in business and commercial districts as well as residential districts that permit multi-family structures, 3) integrating landscaping requirements for industrial uses such as landscaping along parking lot perimeters, and 4) ensuring the Borough's Code is compliant with the Municipal Land Use Law; and

WHEREAS, the Master Plan considers limiting parking to the rear of the building in certain circumstances; and

WHEREAS, the Borough acknowledges that its standards for provision of off-street parking and loading spaces are largely unchanged over a long period of time and do not reflect contemporary best practices; and

WHEREAS, parking and loading quantity standards are located in §171 (Land Subdivision and Site Plan Review), which is inconsistent with their treatment as bulk standards requiring bulk variance relief pursuant to N.J.S.A. 40:55D-70(c); and

WHEREAS, the State of New Jersey pursues various goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, signed into law by Governor Murphy on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS on September 1, 2021, the New Jersey Department of Community Affairs published a Model Statewide Municipal Electric Vehicle Ordinance, which implemented P.L. 2021, c.171 and became effective in all municipalities upon its publication; and

WHEREAS, the model ordinance permits municipalities to modify certain design standards for Electric Vehicle Supply Equipment through adoption of a local ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Rockaway, in the County of Morris, State of New Jersey that as follows:

Section 1. The following definitions are hereby supplemented, amended, or removed as follows from Chapter 169 (Land Use Administration and Procedures), §169-4 (Definitions) of the Code of the Borough of Rockaway (**additions are underlined and deletions appear as strikethroughs**). Existing definitions that do not appear below are not amended:

Certificate of Occupancy:

The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level:

The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are

typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric Vehicle:

Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE):

The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space:

Means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Parking Space

~~Off-street space for the parking of one motor vehicle. Such a parking space shall be rectangular in shape and nine feet in width by 20 feet in length and shall have an area of not less than 180 square feet, exclusive of access drives or aisles. Such width shall be measured perpendicular to the axis of the length and shall have adequate provision for ingress and egress. Where a parking space fronts on a curb or planting island, such parking space may be 18 feet in length, provided that there is a two-foot clear area behind the curb or island. This shall not prohibit angle parking spaces, provided that the described rectangle can be completely enclosed within the parking space.~~

Parking Space, Off-street

An area designated for the temporary parking of one motor vehicle in a private or public area and designed to be readily-accessible.

Parking Space, On-street

An area designated for the temporary parking of one motor vehicle located within a public right-of-way and designed to be readily-accessible.

Private EVSE:

EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly accessible EVSE:

EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

Site Coverage

The total area of impervious surfaces on a lot expressed as a percentage of the total lot area. Where an unpaved driveway is approved by the Land Use Board or otherwise exists, such driveway shall be considered as improved coverage.

Payment-in-lieu of Parking (PILOP)

An arrangement whereby an Owner, Developer or Subdivider, as the case may be, pays money to the Borough in substitution of the provision of parking spaces required by the

zoning ordinance. The funds are deposited into a trust fund to be managed and disbursed for improvements to municipal parking infrastructure and associated professional services and procurement. Management of the PILOP program and trust fund are regulated and specified under § 172-117.

Shared Parking

A mechanism by whereby the parking requirements of multiple uses are determined by a calculation based on anticipated parking occupancy of those uses at certain times of the day, through which a maximum parking occupancy is determined.

Loading Berth

An off-street area providing the ability to transfer goods between a truck trailer and building area without grade separation.

Loading Space

Any off-street area located proximate to the principal building or use and readily accessible by motor vehicles intended to use it, designed and usable exclusively for loading and unloading of 1 such vehicle with safety and without impeding on- or off-site traffic.

Structured Parking

A structure in which vehicle parking is accommodated on multiple stories; or a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area underground. Structured Parking does not include surface parking, residential garages, or carports, including solar carports.

Surface Parking

A public or private at-grade area containing parking spaces and associated circulation infrastructure that is not enclosed nor otherwise meets the definition of structured parking.

Section 2. Chapter 169 (Land Use Administration and Procedures), Article IV (Administrative Procedures), § 169-30.1 (Development Checklist), § 169-30.1.A (Administrative Checklist) of the Code of the Borough of Rockaway is hereby amended and supplemented as follows (**additions are underlined and deletions appear as ~~striketroughs~~**):

[Sections A.1 and A.9 to remain unchanged.]

- 10) Parking submissions, as applicable:
 - a) Shared parking calculation per § 172-116.
 - b) Parking study in support of payment-in-lieu of parking, including calculation of required payment per § 172-117.

Section 3. Chapter 169 (Land Use Administration and Procedures) of the Code of the Borough of Rockaway is hereby amended and supplemented to establish a new Article VI (Electric Vehicle Supply Equipment), as follows (**additions are underlined and deletions appear as ~~striketroughs~~**):

Article VI, Electric Vehicle Supply Equipment:

§ 169-67: Approvals and Permits

- A. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
- B. EVSE and Make-Ready Parking Spaces installed pursuant to § 172-115.B in development applications that are subject to site plan approval are considered a permitted accessory use as described in A. above.
- C. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.

- D. The zoning officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Borough of Rockaway land use regulations.
- E. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
 - 1) the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - 2) all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - 3) the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
- F. An application pursuant to Section E. above shall be deemed complete if:
 - 1) the application, including the permit fee and all necessary documentation, is determined to be complete,
 - 2) a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - 3) a one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
- G. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
- H. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

Section 4. Chapter 171 (Land Subdivision and Site Plan Review), Article III (Requirements for Site Plan) of the Code of the Borough of Rockaway is hereby amended and supplemented as follows (**additions are underlined and deletions appear as strikethroughs**):

[Sections §171-14, §171-15, §171-16, and §171-19 to remain unchanged.]

§ 171-17: Off-street parking, traffic aisles and ~~driveways~~ bicycle design standards.

See §172-114, Off-Street Automobile Parking Requirements, for required parking space quantities, permitted locations, and required setbacks/buffers.

- A. ~~Required parking for residential land uses.~~ *[Entire Section Removed]* Reserved.
- B. ~~Required parking for nonresidential land uses.~~ *[Entire Section Removed]* Reserved.
- C. ~~Mixed Uses.~~ *[Entire Section Removed]* Reserved.
- D. ~~Fractional Spaces.~~ *[Entire Section Removed]* Reserved.
- E. Parking space size. Each parking space shall have a minimum length of 20 feet (18 feet where curb or planting island overhang is provided with at least 2 feet of clear area behind the curb or island) and a minimum width of 9 feet measured perpendicular to the axis of the length. The minimum required number of off-street parking spaces may be reduced at the discretion of the Board if the applicant can demonstrate adequate parking for the proposed use.

[Sections F through I to remain unchanged.]

J. ~~Location~~. *[Entire Section Removed]* Reserved.

K. ~~Joint parking facilities~~. *[Entire Section Removed]* Reserved.

[Section L to remain unchanged.]

M. Parking lot design and screening:

1. Surface parking:

a. Screening:

- 1) When the property of a nonresidential use, a multifamily housing development, or any combination thereof abuts a single- or two-family-only zone district or a single- or two-family property, surface parking lots shall be visually screened from surrounding properties and the public right-of-way through the use of a landscape buffer strip no less than 3 feet wide, a solid fence or wall at least 6 feet in height if permitted, and/or through their placement behind buildings and structures. Landscape buffering shall include evergreen plantings at least 6 feet in height at planting. Such screening requirements shall not apply between lots where vehicular cross-access is provided.
- 2) Where front yard parking is permitted or approved, all front yard parking areas must have year-round landscape screening between the parking lot and front right-of-way(s) consisting of a minimum of 3 feet wide strip, minimum 3 feet tall, and providing spacing and density to screen headlight glare.

b. Design

- 1) Pedestrian islands: parking lots with more than 100 cars shall provide one pedestrian access island for every 140 linear feet of parking lot width. The pedestrian access islands shall be 20 feet wide, with a minimum 6 feet wide pedestrian pathway, and vegetated buffers or rain gardens totaling at least 8 feet wide.
- 2) Crosswalks: Where a pedestrian pathway crosses vehicular traffic aisles or driveways, crosswalks shall be provided and indicated through signage and striping.
- 3) Shade Coverage: A minimum of 10% of parking areas shall be covered by shade trees. Surface parking lots with less than 10 spaces shall be exempt from this requirement. Shade coverage shall be measured by multiplying the two diameters of a single shade tree canopy to obtain square footage, summed by all shade trees square footages, and divided by the square footage of the parking area square footage.

2. Structured parking:

a. Screening: Structured parking shall be screened from public rights-of-way by a minimum of 30 linear feet of habitable building space.

b. The exterior of structured parking garages shall be designed with colors and materials consistent with other development on the site and should screen view of cars and equipment. Where special considerations are required for ventilation, complementary and architecturally-designed meshes, perforated metals, grilles, louvers, and similar screening materials may be used.

c. Entrance requirements:

- 1) Location: Parking entrances shall be located on the least intense street available.
- 2) If there is a gate, door, security house, or any other feature that would require a vehicle to pause before entering, there must be a minimum of 22 feet provided where a car can stand without overhanging into a sidewalk or restricting vehicle traffic. Additional standing area may be required dependent on garage size and use, subject to the approving authority.
- 3) Dedicated pedestrian/cyclist entrances or protected sidewalks must be provided from the garage to the primary street.

- 4) Architectural design: Parking entrances shall be identified through increased massing and detail, material change or signage, and shall safely and clearly be visible from the street.
- 5) Size: Parking entrances shall be no larger than 24 feet wide, except in cases where a median is occupied by equipment such as access gates, pay kiosks, or an attendant window, in which case a maximum width of 28 feet is permitted.

N. Bicycle parking design standards.

1. Dimensions

- a. Horizontal parking: a minimum area per parking space shall be 2 feet in width, 8 feet in length, and 4 feet in height.
- b. Vertical parking: a minimum area per parking space shall be 2 feet in width, 4 feet in length, and 8 feet in height.

2. Design

- a. Indoor Parking: Bicycle racks shall provide at least one point of contact to secure the bicycle when secured as designed.
- b. Outdoor Parking: Bicycle racks shall provide at least two points of contact to secure the bicycle when secured as designed. The two points of contact shall be at least 6 inches apart.
 - i. Bicycle parking shall be located so as not to conflict with or impede pedestrian or automobile traffic.
 - ii. Bicycle parking located within or adjacent to an automobile parking area or driveway shall be protected from automobile movements by a full height curb, wheel stops, or bollards.
 - iii. Outdoor bicycle racks must be securely attached to concrete footings and made to withstand severe weather and permanent exposure to the elements.

§ 171-18: Off-street loading design standards.

See § 172-114, Off-Street Loading Requirements, for required loading space quantities, permitted locations, and required setbacks/buffers.

~~In all zone districts, for every building, or part thereof, hereafter erected, which is to occupied for manufacturing, storage, display of goods, retail sales or services, wholesaling or warehouse, laundry, a dry cleaning establishment or for any other use similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such use not less than one off-street loading space which shall be not less than 12 feet wide and 60 feet long and shall have an overhead clearance of at least 14 feet. A loading space shall only be permitted in a side or rear yard. No part of such space shall be nearer than five feet to any side or rear property line, nor shall any loading space interfere with parking aisle traffic flow or required parking spaces. A loading space may be located in the required off-street parking area only upon the Land Use Board granting a design waiver for such location at the time of site plan approval. In addition, the following design criteria shall be evaluated by the Land Use Board in reviewing any site plan application where because of the nature of the proposed use or structure tractor trailer trucks would not need to be accommodated:~~

- A. Required loading space dimensions are specified in the below table. Where the type of loading vehicle is not specified, the standards for tractor-trailer trucks shall apply:

Minimal Design Criteria for Off-Street Loading Spaces

Design Criteria	Auto Pickup Panel	Single-Unit Truck	Tractor-Trailer Truck
Vertical clearance (feet)	10	13	14
Depth of space (feet)	25	35	60*
Width of space (feet)	11	12	12
Depth of loading dock (feet, when required)	15	15	15
Height of loading dock (inches, when required)	24 to 30	35 to 50	48 to 52

*This depth required if tractor is not separated from trailer after the truck is parked. If tractor is separated, a fifty-foot depth is permitted.

- B. Loading spaces shall be located within 50 feet of the freight entrance or, where a freight entrance is not provided/designated, within 50 feet of the primary entrance.
- C. Loading spaces shall be striped and/or signed to delineate them from parking spaces.
- D. Loading dock screening:
 - 1) All loading docks shall be screened from the street and adjacent properties through the incorporation of planting buffers, walls, and gates.
 - 2) Walls and gates shall be designed to match the architectural character of the primary building. Concrete masonry unit/cinder block wall veneers are not permitted where visible from the public right-of-way.
 - 3) Planting buffers shall be a minimum of 3 feet wide between any right-of-way or property line. Plantings shall consist of evergreen trees and shall not be less than 6 feet high when planted and not less than 12 feet high at maturity, and the lowest branches shall not be more than 1 foot above the ground.

§ 171-20: Driveway design standards.

[Section A to remain unchanged.]

B. Grade, width, surface and location.

- 1) Driveways shall be so constructed that there be a grade of 2% starting at the curbline and running for a distance of not less than 20 feet. There shall be a standing area in front of a garage a minimum of 25 feet in length with a grade not to exceed 5%. That portion of the driveway connecting the standing area of a garage and the two-percent grade from the curbline shall be constructed with smooth transitional curves and shall not exceed a grade of 15%. Nonresidential driveways shall not exceed a grade of 10%.
- 2) ~~Residential one-way 1-to-4-dwelling unit(s) driveways shall be a minimum maximum of 12 10 feet in width in the front yard, a maximum of 20 feet in side or rear yards.~~ Nonresidential driveways and driveways for 5 or more dwelling units shall be a maximum of 12 feet when one-way and multifamily two-way driveways shall be a minimum maximum of 24 feet in width when two-way.
- 3) All driveways shall be paved with hard surfaces such as asphalt, concrete, or masonry pavers; however, the Land Use Board may grant relief to permit a gravel driveway for residential uses where the length is excessive, it is in character with the surrounding area and will be paved a minimum of 20 feet from the cartway. Where an unpaved driveway is approved by the Land Use Board or otherwise exists, such driveway shall be considered as improved coverage.
- 4) No residential driveway shall be located within 50 feet of the curb or pavement return of a street intersection.

[Sections C through F to remain unchanged.]

- G. Access: Where a lot has multiple frontages, driveways shall provide parking access from the least intense of its frontages as defined by average daily trips (ADT), unless the lesser frontage primarily serves residential uses and residential zones.
- H. Screening: When the property of a nonresidential use, a multifamily housing development, or any combination thereof abuts a single- or two-family-only zone district or a single- or two-family property, driveways shall be screened from such single- or two-family zone or property. Where no parking, building, or structure is located in between a driveway and a lot line to act as a screen, landscape screening shall be provided. Such screening shall be at least 3 feet in width and consist of plantings and/or a solid fence or wall at least 6 feet in height, except where such screening would conflict with required sight lines. Where a fence is not provided, plantings must include evergreen plantings at least 6 feet in height at planting. Such screening requirements shall not apply where a driveway is shared between two adjacent lots on the common lot line.

§ 171-21: Design Standards for All New EVSE and Make-Ready Parking Spaces

See § 172-115, Electric Vehicle Supply Equipment, for required loading electric vehicle parking quantities.

- A. Design Waiver Relief Required: Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. When an applicant proposes to provide EVSE in a manner not in compliance with the below standards, design waiver relief shall be required by the Land Use Board.
- B. Installation:
 - 1) Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
 - 2) Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall comply with dimensional standards contained in § 171-17. EVSE mounted to the ground, either directly or on a pedestal, pole, or other apparatus, shall not be located within these minimum dimensions and shall provide an area 3 feet wide by 3 feet long for installation and operation of the EVSE. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - 3) To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - 4) Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- C. Equipment
 - 1) Publicly accessible EVSE providing AC Level 2 charging shall provide the SAE J1772 plug type, and publicly accessible EVSE providing DC fast charging shall provide CCS and ChaDeMO plugs. To the satisfaction of the Board, other charger(s) may be employed provided that such charger or combination thereof are compatible with all electric vehicles commonly available for consumer purchase.
 - 2) All EVSE shall not have permanent advertising. Any advertising shall be limited to advertisements located on an electronic operational or payment screen that is only activated when triggered by customer interaction with the operational or payment system.
- D. Location
 - 1) No EVSE shall be permitted within 20 feet of the property line, unless contained within a parking garage or similar structure.
 - 2) EVSE located within 20 feet of an adjacent property shall be screened by walls, fencing or evergreen landscaping at least 5 feet in height.
 - 3) Publicly accessible EVSE shall be located within 100 feet of a building entrance.
- E. Operations
 - 1) Publicly accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE when parked in the EVSE space.
 - 2) Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
 - 3) Public Parking. Pursuant to NJSA 40:48-2, publicly accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is

subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of §241. Signage indicating the penalties for violations shall comply with Section G. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

- 4) Private Parking. The use of EVSE shall be monitored by the property owner or designee.

F. Safety

- 1) Each publicly accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section G. below.
- 2) Where EVSE is installed, adequate site lighting shall be provided in accordance with §171 and §172.
- 3) Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- 4) EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted and shall contain a cord management system as described in e. below. In the case of ceiling-mounted EVSE, outlets and connector devices may retract to a height above 48 inches, but the height of the outlets and connector devices when deployed and such deploying mechanism shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface.
- 5) All EVSE shall be mounted at a height above the base flood elevation, and EVSE shall be designed to be rainproof, floodproof, and fail-safe when not in use.
- 6) Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- 7) Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- 8) Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- 9) Publicly accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Borough of Rockaway shall require the owners/designee of publicly accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

G. Signs

- 1) Publicly accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.

- 2) All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- 3) Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, vehicle exit, or pedestrian walkway and shall comply with b. above.
- 4) In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly accessible EVSE parking spaces:
 - a) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - b) Usage fees and parking fees, if applicable; and
 - c) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

H. Usage Fees

- 1) Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

Section 5. Chapter 172, Article I (Zoning Districts and Map), Section 3 (Zone Districts) of the Code of the Borough of Rockaway is hereby amended and supplemented as follows (**additions are underlined and deletions appear as ~~strikethroughs~~**):

§ 172-3: Zone Districts

For the purpose of this chapter, the Borough of Rockaway is hereby divided into 12 standard zone districts, ~~and three overlay zone districts,~~ and one redevelopment area known as:

R-1A	Single-Family Residence District
R-1	Single-Family Residence District
R-2	Single-Family Residence District
R-3	Single-Family Residence District
R-4	Multiple-Family Residence District
R-5	Garden Apartment/Townhouse Residence District
B-C	Borough Center Commercial District
O-B	Office Business District
G-B <u>N-C</u>	General Business District <u>Neighborhood Commercial District</u>
H-C	Highway Commercial District
GLI	General Light Industrial District
HT/LI	High-Tech/Light Industrial District
RRC	Rockaway River Corridor Overlay District
AHO-6	Affordable Housing Overlay - 6
AHO-15	Affordable Housing Overlay - 15
AHO-S	Affordable Housing Overlay – Senior
<u>RDV</u>	<u>Borough of Rockaway Downtown Redevelopment Plan</u>

Section 6. Chapter 172, “Zoning”, of the Code of the Borough of Rockaway is hereby amended and supplemented to establish a new Article XVII (Zoning, Parking & Loading Standards) as follows:

§ 172-114: Off-Street Automobile Parking Requirements

A. Administration of Standards

- 1) Compliance with Site Plan: All parking areas shall comply with all site plan requirements contained in §169 to §172. Parking areas are for the temporary parking of registered and working vehicles only, and shall not be used as vehicle storage, equipment storage, or for any other purposes.
- 2) The number of required spaces for a single use property shall be determined by the table in §172-114.B below. See §172-116 for applicability and calculation of shared parking on a property with multiple uses.
- 3) When a use is not permitted in a district, the greatest minimum parking requirement for that use in any district shall apply. If a use is not permitted in any district, the minimum parking requirement shall be determined by the Land Use Board based on standards for similar uses, ITE standards, and testimony from the Applicant.
- 4) Fractional spaces. For the purpose of this section, whenever calculations result in a fractional number, fractions shall be carried forward in summation, and the total sum rounded to the nearest whole number.

B. The following tables determine the parking standards (minimum/maximum) applicable to a property based on use(s) on the property and the property’s zoning designation. Where only one numeric value is provided, such value shall be a minimum parking requirement.

- 1) B-C zone district and Downtown Redevelopment Area (adopted via Ordinance No. #19-22, which may be amended from time-to-time):

Use	Min. / Max. Requirement
Residential (per unit)	
<u>Redevelopment Plan Subdistrict I and B-C Zone</u>	<u>1/2</u>
<u>Redevelopment Plan Subdistrict II</u>	<u>1.5/2.5</u>
Government/Civic/Institutional (per 1,000 GFA)	<u>1/3</u>
Business/Office/Professional (per 1,000 GFA)	
<u>General and Professional Offices</u>	<u>3/5</u>
<u>Business Services</u>	<u>3/5</u>
<u>Medical Office</u>	<u>4/6</u>
<u>All other business/office/professional</u>	<u>3/5</u>
Commercial	
<u>Restaurants (Full Service), Bars, Taverns or Brewpubs (per 3 seats)</u>	<u>1 (Min.)</u>
<u>Restaurants (Cafe and Carry Out) (per 1,000 GFA)</u>	<u>10/20</u>
<u>Hotels (per room)</u>	<u>1.5/2</u>
<u>Grocery (per 1,000 GFA)</u>	<u>3/5</u>
<u>Theaters (per 1 seat)</u>	<u>0.5/1.5</u>
<u>All other commercial uses (per 1,000 GFA)</u>	<u>2.5/3.5</u>

- 2) All other zone districts: Except where otherwise specified, parking requirements below are minimum required parking spaces as measured in parking spaces per 1,000 square feet (SF) total floor area (TFA)
 - a. Artisan Industrial Spaces and Artist Studios: 2
 - b. Animal Hospitals: 4.5
 - c. Banks and Financial Offices: 3
 - d. Breweries and Distilleries: 25
 - e. Cannabis Retailers: 7
 - f. Clubs, lodges and fraternal, civic and charitable organizations: See Institutional Uses
 - g. Community residences and shelters: See Residential
 - h. Funeral Homes (per seat): 0.33
 - i. High-Tech Industrial, Scientific / Technological / Research facilities: 2.5

- j. Home Occupations: Residential Requirement + 1 space per non-resident employee
 - k. Hotels and Motor Inns: 1 per room + Requirement of square footage of associated ancillary use
 - l. Houses of Worship (per seat or 5 SF of sanctuary space if seating is not used in worship): 0.25, where the HC District shall be 0.33
 - m. Indoor Commercial Recreation: 5
 - n. Institutional Uses: 2, where the HC, GLI and HTLI Districts shall be 2.5
 - o. Light Manufacturing, Assembly, and Packaging: 1
 - p. Motor Vehicle Sales: 3
 - q. Nursery Schools and Child-Care Centers: 2.5, where the HC District shall be 3
 - r. Office Medical, Clinics, Laboratories: 4, where the HC District shall be 4.5
 - s. Office Professional: 3, where the HC and GLI Districts shall be 3.5
 - t. Pet Care Establishments: see Retail Sales and Service
 - u. Schools (per classroom)
 - i. Elementary: 2
 - ii. Intermediate: 2
 - iii. High School: 4.5
 - v. Public Garages and Gasoline Service Stations: 5
 - w. Residential (per unit): 1.5, where the R-1, R-1A, R-2, R-3 Districts shall be 2
 - i. See § 172-104.1.N for parking requirements for senior housing apartments.
 - ii. Any exceptions to §5:21-4.14 should be adjudicated under such process as relevant at the time of application.
 - x. Restaurants, Cafes, and Taverns (per seat): 0.33, where the HC District shall be 0.4
 - y. Retail Sales and Retail Service: 4, where the HC District shall be 5
 - z. Theaters and Cinemas (per seat): 0.25
 - aa. Vocational Schools and Instruction Studios (per student): 1
 - bb. Warehouses, Wholesale Distribution Centers, Data Processing Storage: 0.5
- C. Parking Exemption: In the case of commercial or mixed-use properties in the B-C, N-C, and O-B Districts, the parking requirements of this schedule shall not apply to a change of permitted use in any existing building or to any new building replacing an existing building and having a gross floor area equal to or smaller than the former building. This exemption shall not apply whatsoever in cases where the floor area of replacement building(s) exceeds the floor area of building(s) to be replaced, or where the new use requires more parking than the prior use, or where the proposed use is not permitted. Conditional uses shall comply with this schedule, and are not permitted to use the parking exemption. This exemption shall not apply in cases where any existing on-site parking is proposed to be removed or was removed within the preceding 5 years.
- D. Parking Location
- 1) Location of permitted parking areas is detailed in the below table.

<u>Zone</u>	<u>Permitted Yard(s)</u>
<u>R-1, R-1A, R-2, and R-3</u>	<u>Front, Rear, Side</u>
<u>R-4</u>	<u>Front*, Rear, Side</u>
<u>R-5</u>	<u>Front*, Rear, Side</u>
<u>O-B</u>	<u>Rear</u>
<u>B-C</u>	<u>Rear</u>
<u>N-C</u>	<u>Rear</u>

<u>HC-1 and HC-2</u>	<u>Front, Rear, Side</u>
<u>GLI and HT/LI</u>	<u>Rear, Side</u>
<u>AH Overlay Zones</u>	<u>See underlying zone district</u>
<u>RDV</u>	<u>See Redevelopment Plan</u>
<u>*Single- and two-family properties only.</u>	

E. Parking Setbacks, Driveway Setbacks and Buffers

- 1) Measurement: Off-street parking facilities shall be located as hereinafter specified in this article. Where a distance is specified, it shall be the distance measured from the nearest point of the parking facility to the nearest point of the related building, structure, or property line.
- 2) Parking area minimum setbacks: one-half of required yard setback, but no less than 3 feet and no more than 15 feet. Such setback shall apply to surface parking and detached residential garages. Structured parking shall comply with principal structure setbacks within the zone district.
- 3) Where standards in this section conflict with parking/loading landscaping in §171, the standards in this section shall prevail.
- 4) Driveways shall be set back a minimum of 3 feet from side or rear lot lines, unless such a driveway is shared by buildings on two adjacent lots on the common lot line and is subject to a cross-access easement. Lots with existing single- and two-family dwellings shall be exempt from this provision.

§ 172-115: Electric Vehicle Supply Equipment

A. Purpose

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State’s transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

- 1) Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
- 2) Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
- 3) Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
- 4) Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

- 1) As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - a) prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - b) within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
 - c) within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.

- d) Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- 2) As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
- a) Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - b) Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - c) Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - d) Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - e) Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - f) In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - g) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
 - h) Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

C. Minimum Parking Requirements

- 1) All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to §172-114.
- 2) A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- 3) All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- 4) Additional installation of EVSE and Make-Ready parking spaces above what is required in Section B. above may be encouraged, but shall not be required in development projects.

§ 172-116: Shared Parking

A. Administration of Standards

- 1) When a property contains multiple uses, an applicant may elect to either:
 - a) Calculate the minimum requirements for each individual use as set forth in §172-114.B and add the values, where the sum is the required minimum parking quantity;
or
 - b) Conduct a shared parking calculation as outlined below in §172-116.B.
 - c) If a use or its associated use category is not included in the table below in §172-116.B, the use shall not be eligible for shared parking calculation.

B. Shared Parking Calculation

- 1) Establish Baseline: Determine the minimum and maximum amount of parking required for each individual use, as set forth in § 172-114.B.

- 2) Factor in Occupancy Rates: For each of the six time periods in the table below, multiply the minimum and maximum and parking required for each individual use by the appropriate percentage indicated in the table below.

<u>Use / Use Category</u>	<u>Monday-Friday</u>			<u>Saturday-Sunday</u>		
	<u>8am-6pm</u>	<u>6pm-12am</u>	<u>12am-8am</u>	<u>8am-6pm</u>	<u>6pm-12am</u>	<u>12am-8am</u>
<u>Education / Institutional / Day-Care</u>	<u>100%</u>	<u>20%</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>	<u>5%</u>
<u>Hotel / Motor Inn</u>	<u>70%</u>	<u>100%</u>	<u>100%</u>	<u>70%</u>	<u>100%</u>	<u>100%</u>
<u>Office</u>	<u>100%</u>	<u>20%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>	<u>5%</u>
<u>Residential</u>	<u>80%</u>	<u>100%</u>	<u>100%</u>	<u>80%</u>	<u>100%</u>	<u>100%</u>
<u>Restaurants, Cafés, and Taverns (including all uses serving alcohol)</u>	<u>70%</u>	<u>100%</u>	<u>10%</u>	<u>70%</u>	<u>100%</u>	<u>20%</u>
<u>Retail / Commercial</u>	<u>90%</u>	<u>80%</u>	<u>5%</u>	<u>100%</u>	<u>70%</u>	<u>5%</u>
<u>Theater and Cinema</u>	<u>40%</u>	<u>80%</u>	<u>10%</u>	<u>80%</u>	<u>100%</u>	<u>10%</u>

- 3) Add: Sum each of the six columns individually.
- 4) Determine minimum parking requirement, which is the column with the highest sum value.
- 5) Fractional spaces. For the purpose of administering this section, whenever the calculation results in a fractional number, fractions shall be carried forward in summation, and the total sum rounded to the nearest whole number.

C. Alternative Shared Parking Calculation

- 1) Instead of the methodology described above in §172-116.B, shared parking calculations may be based upon a widely accepted methodology, such as those published by the Urban Land Institute (ULI), the Institute of Traffic Engineers, or other widely accepted models. If such alternative shared parking models are utilized, shall be substantiated by a study prepared by a licensed Professional Engineer or recognized parking consultant. Approval of an alternative shared parking calculation shall be at the discretion of the Land Use Board.

§ 172-117: Payment-in-Lieu of Parking (PILOP)

A. Purpose:

To advance Rockaway Borough’s goals of encouraging collaborative and coordinated parking solutions including consolidating single-user parking facilities into larger, strategically-located shared facilities, promoting environmentally-friendly methods of reduced impervious coverage, supporting sustainable non-vehicle transportation options, and providing overall provide flexibility to overcome barriers to reinvestment and development.

Therefore, when the proposed construction and use of any new building or structure or the proposed enlargement or increase in the capacity of new use of any existing building or structure results in practical difficulty or undue hardship in complying with the off-street parking requirements of the Borough Zoning Ordinance, the Approving Authority, upon finding(s) that such difficulty or undue hardship exists, may permit the applicant to provide a Payment-in-Lieu of Parking (PILOP) to contribute to the Borough’s Parking Improvement Program Trust Fund in lieu of providing the total number of parking spaces required by Borough ordinance.

B. Eligibility and Approval

- 1) Areas eligible for participating in parking improvement program: properties within the following zone districts may be eligible for a payment-in-lieu of parking: B-C, N-C, O-B, and the Downtown Redevelopment Plan Area.
- 2) The contribution and payment of the PILOP, in lieu of providing the required off-street parking spaces, shall only be made at the formal written request of an Applicant, who would otherwise be required to install off-street parking based upon the Applicant's proposed use, and is unable to do so in accordance with the requirements of the zoning ordinance.

3) An Applicant, when submitting a zoning permit and/or building permit for change of use, building alternations or similar, or submitting an application for review and approval by the Land Use board, the Applicant shall determine the number of off-street parking spaces required to conform to the requirements of the municipal Zoning Ordinance, and then shall establish the number of parking spaces that exist or can be provided on the site. The Applicant shall either provide for the minimum number of required parking spaces prescribed in the ordinance, seek variance approval, seek PILOP, or a combination thereof as described below:

a) Minor Deviation:

i. The deviation is considered “minor” if it meets all the requirements below:

1. The parking deviation is less than 5 spaces;
2. The building is existing and will remain;
3. The existing and proposed use is a permitted use;
4. There is no expansion in the building area;
5. If no other site plan approvals or variance approvals are required as part of the change of use or alteration; and
6. If the new or expanded use requires parking that cannot be accommodated on site.

ii. Approval process: The Zoning Officer is authorized to permit some or all of the difference between the parking requirement and the proposed amount of parking to be off-set by a PILOP. The Applicant must submit a report identifying all conditions in the above section is met, with a property survey, floor plan, existing and proposed use information, and calculations for the required, existing, and proposed parking requirements.

b) Major Deviation:

- i. A deviation is considered “major” if it does not meet all the requirements above in §172-117.B.3.a.
- ii. The Land Use Board is authorized to permit at its discretion, as a condition of approval, some or all of the difference between the parking requirement and the proposed amount of parking to be off-set by a PILOP.
- iii. A request for a PILOP must be accompanied by a study from a professional engineer or other expert accepted by the Land Use Board demonstrating to the satisfaction of the Land Use Board that the proposed parking strategy will meet the demand of the proposed use or uses without negative impact on traffic or circulation. This should include an overview of existing and proposed traffic, off-site impacts, parking, available public transportation opportunities, non-vehicle modes of access and parking, proposed site traffic based on use, hours of operation, staffing, and customers.

C. General Requirements

- 1) Parking spaces that are not accounted for by provision of an actual parking space or a PILOP payment will require variance approval. Variances can only be granted pursuant to N.J.S.A. 40-55D-70.c.
- 2) The PILOP to be assessed by the Borough for each parking space subject to the PILOP shall be as specified in the Borough’s fee schedule.
- 3) In addition to the per parking space PILOP assessment, the applicant shall pay pursuant to N.J.S.A. 40:55-D-3.2 the reasonable fees assessed by the municipality or Land Use Board for review of the developer's application and supporting information as well as preparation of documents necessary to effectuate the purpose of this article, including but not limited to zoning reviews, permit processing, attorney review, parking consultant, engineering cost estimates and appraisal services.
- 4) The PILOP shall not relieve the Applicant or any users of the parking spaces covered under a PILOP agreement from paying any other required parking fees to the Borough.

D. Payment of PILOP: Payment by the applicant of the PILOP must be provided in accordance with below:

- 1) For Minor Deviations, upon the granting of the use permit and/or building permit, and not before the issuance of a CO.
 - 2) For Major Deviations, as part of the resolution compliance process, before submission for building permit or CO.
 - 3) The PILOP assessment shall be collected by the Borough's Chief Financial Officer for deposit into the Borough's Parking Improvement Program Trust Fund.
- E. Establishment of Parking Trust Fund. To the extent required by law, the Borough shall apply to the State of New Jersey, Department of Community Affairs, Local Finance Board pursuant to administrative rule, for its approval and establishment of a dedicated and restricted trust fund for deposit of the PILOP fees assessed by the authority pursuant to the parking space variance, as determined by the Land Use Board.
- F. Use of PILOP assessment. The assessed fees collected and deposited into the PIP Trust Fund shall be dedicated to provide for planning, engineering and design; traffic and other feasibility studies; acquisition through purchase or condemnation; erection, construction of or installation of off-street parking facilities, parking structures, or equipment; other associated parking project development costs, and other additional transportation facilities including but not limited to bus shelters, bicycle parking facilities, and alternative transportation facilities. The expenditure of such funds for said purposes shall be made by the Borough in the manner determined by Resolution of the Borough to be in the best interests of the Borough. The proceeds of such fund shall not be considered a part of the municipal general fund.
- G. Designation of other areas. The Mayor and Council reserves the right to supplement this article when it has deemed other areas of the Borough are in the need of off-street parking or alterations to the PILOP program are required.

§ 172-118: Off-Street Loading Requirements

A. Administration of Standards

- 1) Compliance with Site Plan: All parking areas shall comply with all site plan requirements §171. No required parking area shall be encroached upon by storage or any other use.
- 2) Fractional spaces. For the purpose of administering this section, whenever a fractional space is required, fractions shall be carried forward in summation, and the total sum rounded to the nearest whole number.
- 3) Loading Types:
 - a) When a site contains multiple uses within the same loading type, calculation of loading requirements may be aggregated for all uses in that group.
 - b) When a site contains uses within different loading types, minimum loading space requirements shall be calculated for each loading type.
- 4) When loading docks are required, a loading dock shall also count as a loading space for the purpose of satisfying off-street loading requirements.

B. Off-street loading shall be provided according to the below table:

<u>Loading Type</u>	<u>L1</u>	<u>L2</u>	<u>L3</u>
<u>Uses</u>	<ul style="list-style-type: none"> • <u>5 or more residential units</u> • <u>Artisan Industrial Spaces and Artist Studios</u> • <u>Offices</u> • <u>Houses of Worship</u> • <u>Nursery Schools and Child-Care Centers</u> • <u>Vocational Schools and Instruction Studios</u> 	<ul style="list-style-type: none"> • <u>Breweries and Distilleries</u> • <u>Medical Offices, Clinics and Laboratories</u> • <u>Animal Hospitals</u> • <u>Funeral Homes</u> • <u>Banks and Financial</u> • <u>Theaters and Cinemas</u> • <u>Banks and Financial Offices</u> 	<ul style="list-style-type: none"> • <u>Warehouses, Wholesale Distribution Centers</u> • <u>Light Manufacturing, Assembly, and Packaging</u> • <u>High-Tech Industrial, Scientific / Technological / Research Facilities</u> • <u>Institutional Use (Hospital Only)</u>

	<ul style="list-style-type: none"> • <u>Institutional Uses (All Except Hospital)</u> 	<ul style="list-style-type: none"> • <u>Retail Sales, Retail Services, and Cannabis Retailers</u> • <u>Family Day-Care</u> • <u>Restaurants, Cafes, and Taverns</u> • <u>Hotels and Motor Inns</u> • <u>Indoor Commercial Recreation</u> • <u>Public Garages and Gasoline Service Stations</u> • <u>Pet Care Establishments</u> • <u>Data Processing and Storage</u> 	
<u>Loading Spaces* (Minimum)</u>	<u>1, plus 1 additional loading space per each 50,000 SF total floor area</u>	<u>1, plus 1 additional loading space per each 20,000 SF total floor area</u>	<u>1, plus 1 additional loading space per each 10,000 SF total floor area</u>
<u>Loading Docks* (Minimum)</u>	<u>None</u>	<u>0, plus 1 per each 100,000 SF total floor area</u>	<u>1, plus 1 per 25,000 SF total floor area</u>
<u>*The first two loading spaces shall be designed to be a tandem space in order to accommodate larger vehicles.</u>			

C. Location, buffer, and setbacks: location of off-street loading spaces and docks shall comply with standards for permitted yards, buffers, and setbacks as specified for off-street parking in §172-114, except where such requirements conflict with those specified below, which shall prevail:

- 1) In no zone district shall off-street loading be permitted in a front yard.
- 2) No loading space shall interfere with parking aisle traffic flow or required parking spaces.

§ 172-119: Off-Street Bicycle Parking Requirements

A. Administration of Standards

- 1) Compliance with Site Plan: All parking areas shall comply with all site plan requirements §171. No required parking area shall be encroached upon by storage or any other use.
- 2) Fractional spaces. For the purpose of administering this section, whenever a fractional space is required, fractions shall be carried forward in summation, and the total sum rounded to the nearest whole number.
- 3) Bicycle parking requirements shall be based on the sum of required spaces as specified below. No shared parking calculation pursuant to §172-116 may be applied to bicycle parking.

B. Off-street bicycle parking shall be provided as follows:

Minimum Bicycle Parking Requirements	
Use	Minimum
<u>Residential, 5 or more dwelling units</u>	<u>0.5 space per dwelling unit</u>
<u>Commercial and Office</u>	<u>1 space per 7,500 square feet, but no less than 2</u>
<u>All Other Uses</u>	<u>1 space per 10,000 square feet, but no less than 2</u>

C. Bicycle parking location:

- 1) Outdoor bicycle parking spaces shall be located within 50 feet of a primary entrance.
- 2) For nonresidential uses and multifamily uses with 5 or more dwelling units, indoor residential bicycle parking must be accessible from a building entrance via a step-free route, which may include use of an elevator. Stairways with a guide rail for bicycle wheels or similar ramp are also permitted.
- 3) Outdoor bicycle parking may be installed within the public right-of-way, subject to approval by the Borough and compliance with requirements of §171-17.K.

Section 7. Chapter 172 (Zoning) of the Code of the Borough of Rockaway is hereby amended and supplemented to establish a new Article XVIII (Downtown Redevelopment Plan District), and is amended and supplemented as follows (additions are underlined and deletions appear as ~~striketroughs~~):

Article XVII, Downtown Redevelopment Plan District

§ 172-121. Implementation.

A. There is hereby permitted and created a Downtown Redevelopment District as shown on the Official Zoning Map of the Borough of Rockaway. The Downtown Redevelopment District shall apply to the properties as identified in the Borough of Rockaway Downtown Redevelopment Plan.

§ 172-122. Permitted principal uses.

The permitted principal uses may be found in the Downtown Redevelopment Plan as requested by the Borough Clerk and attached to this zoning ordinance.

§ 172-123. Compliance with scheduled requirements.

The scheduled requirements may be found in the Downtown Redevelopment Plan as requested by the Borough Clerk and attached to this zoning ordinance.

Section 8. Citation Corrections. The below amendments hereby amend and supplement various clauses throughout Chapter 172 (Zoning) of the Code of the Borough of Rockaway to reflect the ordinance amendments enumerated in Sections 1 through 7 of this ordinance. No further amendments to ordinance sections or their provisions are specified other than those enumerated in this ordinance section (**additions are underlined and deletions appear as ~~striketroughs~~**):

§ 172-51.C.

Parking and parking facilities conforming to ~~Chapters 170, Land Use Design and Performance Standards, and 171, Land Subdivision and Site Plan Review~~ and §172-114, Off-Street Automobile Parking Requirements.

§ 172-54.H.

Parking. Each development shall meet the off-street parking provisions of ~~Chapter 171, Land Subdivision and Site Plan Review.~~ §172-114, Off-Street Automobile Parking Requirements.

§ 172-56.F.

Off-street parking. ~~Parking shall be in accordance with the Residential Site Improvement Standards (RSIS) in N.J.A.C. 5:21-1.1 et seq., and as may be amended from time to time. No parking space shall be located within 15 feet of any side or rear property line of the tract nor within 20 feet of the front property line of any tract. All parking areas shall be designed in conformity with the requirements of Chapters 170 and 171, Land Subdivision and Site Plan Review~~ and §172-114, Off-Street Automobile Parking Requirements.

§ 172-59.B.

Parking and parking facilities ~~conforming to Chapters 170 and 171.~~

§ 172-61.A(12).

Off-street parking: ~~To the extent practical, off-street parking as required by Chapters 170 and 171 shall be provided in the rear yard of the use intended to be served; however, the~~ The Land Use Board, in its sole discretion, when reviewing applications for development in the B-C District, shall have the authority to grant exceptions from the parking requirements contained within § 172-114 through § 172-119 when the applicant demonstrates, and the Board specifically finds, that sufficient on-street or municipal parking and loading exists nearby to serve the proposed development.

§ 172-63.B.

Parking and parking facilities ~~conforming to Chapter 171, Land Subdivision and Site Plan Review.~~

§ 172-64.I(2).

Medical and dentistry offices shall comply with off-street parking requirements for offices pursuant to ~~§ 171-17B.~~ 172-114.

§ 172-68.B.

Parking and parking facilities ~~conforming to Chapters 170 and 171.~~

§ 172-73.B.

Parking and parking facilities ~~conforming to Chapters 170 and 171.~~

§ 172-77.B.

Parking and parking facilities ~~conforming to Chapter 171.~~

§ 172-82.B.

Parking and parking facilities ~~conforming to Chapter 171.~~

§ 172-87.C.

Off-street parking and loading shall be provided in accordance with ~~Chapter 171.~~ § 172-114 through §172-119.

§ 172-100.C.

Parking and parking facilities conforming to Chapters 170, Land Use Design and Performance Standards, and 171, Land Subdivision and Site Plan Review.

§ 172-103.H

Parking. Each development shall meet the off-street parking and loading provisions of ~~Chapter 171, Land Subdivision and Site Plan Review.~~ § 172-114 through §172-119.

§ 172-104.I

Parking. Each development shall meet the off-street parking and loading provisions of ~~Chapter 171, Land Subdivision and Site Plan Review.~~ § 172-114 through §172-119.

§ 172-113

Parking and parking facilities ~~conforming to Chapters 170 and 171.~~

Section 9. Repealer. All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 10. Severability. Each section, subsection, paragraph, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, preempted, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

Section 11. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

Section 12. Prior actions. All actions of the Borough of Rockaway taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

Section 13. Codification. This Ordinance may be renumbered for codification purposes.

Section 14: The Borough Clerk is hereby authorized and directed to forward this ordinance to the Land Use Board for its review and comment as authorized by the Law.

Section 15: The Borough Clerk is hereby authorized and directed to provide such notice and publication of this matter so as to permit the conduct of all public hearings as are required by the Law.

Section 16: The Borough Clerk is hereby authorized and directed to forward this ordinance to the Morris County Planning Board after final adoption, as provided by law.

DATE: December 14, 2023

BOROUGH OF ROCKAWAY

ATTEST: Kimberly Cuspilich, Borough Clerk

BY: Thomas Mulligan, Mayor

CERTIFICATION

I, Kimberly Cuspilich, Borough Clerk of the Borough of Rockaway, in the County of Morris, do hereby certify that the foregoing is a true and correct copy of an ordinance fully adopted by the Mayor and Council at a meeting held on December 14, 2023.

Kimberly Cuspilich, RMC
Borough Clerk

Attachment 1:

Amended Administrative Checklist (Schedule "A")

BOROUGH OF ROCKAWAY

1 East Main Street
Rockaway, NJ 07866

ADMINISTRATIVE CHECKLIST

NAME OF APPLICANT: _____
DATE SUBMITTED: _____

Applicant Responsibility: Check appropriate box. State reasons for any waivers requested.

ITEM NO.	PLAN REQUIREMENT	PROVIDED	NOT PROVIDED	NOT APPLICABLE	WAIVER REQUESTED	REASON FOR WAIVER REQUEST
1	Completed Application Forms (20 Copies)					
2	For preliminary site plan or preliminary subdivision applications: a. Six (6) full sets of the plan addressing all requirements of the preliminary checklist requirements. b. 6 copies of plans showing the site layout, existing and proposed topography, landscaping, lighting, zone data box. <i>(May be a sheet or miscellaneous sheets from the full plan submission.)</i> c. 6 copies of building plans showing elevations and floor plans of any proposed building (Site plans only) d. 20 copies when deemed complete or an additional 14 copies if there are no changes to original submission.					
3	For all other land use applications: 20 copies of the plans and maps as required by the applicable checklist.					
4	A listing of all variance requests, design waiver requests, RSIS waivers and checklist waiver requests. (20 copies)					
5	Completed and signed Administrative Checklist and Schedule "A" Checklist applicable to the application. (20 copies)					
6	Fees and escrow deposits paid. Provide Fee Calculation Form with Breakdown of Fees required. (One Copy)					
7	Site inspection authorization form. (20 copies)					
8	Corporation or Partnership Form. (20 copies)					
9	Affidavit of Ownership/Authorization Form. (20 copies)					

**SCHEDULE "A" CHECKLIST
BOROUGH OF ROCKAWAY, MORRIS COUNTY, N.J.**

10	Shared Parking Calculation Form per §172-116 (20 copies)					
11	Parking study in support of payment-in-lieu of parking, including calculation of required payment fees per §172-117 (20 copies)					
12	Certification of payment of taxes, liens and assessment by the tax collector. (20 copies)					
13	Copies of approvals from other governmental agencies as may be required or an affidavit indicating that Application has been made to such agencies, i.e. septic permits; Morris County Planning Board, Morris County Soil Conservation District, DEP (20 copies)					
14	Compliance with Legal notice requirements. (Must be submitted several days prior to scheduled hearing date.)					
15	Affidavit of Applicant					
16	Copy of Plot Plan, Indicating buildings, front, side and rear yard dimensions. Plans and elevations of proposed structure or sign including dimensions (20 copies)					
17	Key Map showing subject property. (20 copies)					

CORPORATION OR PARTNERSHIP FORM

Applications before the Land Use Board by a Corporation or Partnership for a subdivision of six (6) or more lots, or 25 or more family units, for approval of a site plan or approval of lands for commercial purposes, shall list below the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be, as required by N.J.S.A. 40:55D-48.1.

NAME _____ ADDRESS _____

NAME _____ ADDRESS _____

NAME _____ ADDRESS _____

NAME _____ ADDRESS _____

NAME _____ ADDRESS _____

PLEASE NOTE: "No Land Use Board or Municipal Governing Body shall approve the application of any Corporation or Partnership which does not comply with this Act" as per N.J.S.A. 40:55D-48.1 et seq., P.L. 1977, Chapter 335, Section 3.