

## **ORDINANCE NO. 2006-1038**

AN ORDINANCE AMENDING SUBSECTION 406.1 OF "THE ZONING ORDINANCE OF THE BOROUGH OF MANVILLE (1987)" BY ESTABLISHING CERTAIN STANDARDS FOR DRIVEWAYS AND PARKING ON RESIDENTIAL LOTS.

BE IT ORDAINED by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

### **SECTION 1. AMENDMENT OF SUBSECTION 406.1**

Subsection 406.1 of "THE ZONING ORDINANCE OF THE BOROUGH OF MANVILLE (1987)" is hereby amended to read as follows:

#### **"406.1 OFF-STREET PARKING AND DRIVEWAYS.**

- a. There shall be provided upon every lot in every Residential District, and upon every lot in any other District upon which a dwelling house may now or hereafter be permitted, off-street parking space for at least two vehicles, including a driveway for the same, all of which shall be paved or covered by material such as asphalt, concrete or brick pavers providing an impervious surface so as to adequately withstand and not be affected adversely by changes in temperature or weather in the extremes of heat and cold experienced in the Borough, damage from the elements such as, but not limited to, erosion, and the wear and tear brought about by the use of such areas by motor vehicles. Materials such as stone or gravel shall not be permitted. In any case in which any part of said parking area or driveway shall be below grade of the street providing access thereto, the design of said area and the adequacy of the type of material used therein and curbing along the same, shall be subject to approval by the Borough Engineer who shall give consideration to the topography, the grade of the street, the effect of the drainage system upon said proposed area, and other principles of sound engineering practice. Expansion of existing driveways shall be required to meet the standards of this subsection. Wherever a garage is provided upon any such lot, the areas within said garage used for motor vehicles may be counted toward the off-street parking spaces required under this subsection.
- b. The curb opening for a driveway shall be no more than twenty-two (22) feet.
- c. The width of a driveway shall be no more than twenty-two (22) feet extending from the side of the dwelling nearest to the driveway to the nearest side line of the lot.
- d. There shall be no parking in the front yard of any dwelling except on the driveway thereof, provided, however, in the event of an emergency, parking shall be permitted on any portion of the front yard for a period of time not to exceed twenty-four (24) hours."
- e. No curb opening shall be constructed or enlarged and no driveway shall be constructed or enlarged without the owner of the premises obtaining a permit therefor. Application for a permit shall be made to the zoning officer along with a survey upon which the proposed curb opening and/or driveway is superimposed and a non-refundable permit fee of \$10.00 paid. The zoning officer shall refer the matter to the Borough Engineer for a determination that the proposed improvement conforms to principles of sound

engineering practice. Upon the approval of the Borough Engineer and a determination by the zoning officer that the proposed improvement meets all zoning requirements, a permit shall be issued by the zoning officer.

## **SECTION 2. CONSTRUCTION**

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

## **SECTION 3. INCONSISTENCY**

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

## **SECTION 4. SEVERABILITY**

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

## **SECTION 5. PENALTY**

Upon conviction for violation of any provision of this ordinance the maximum penalty shall be one (1) or more of the following: a fine not to exceed Two Thousand (\$2000.00) Dollars, imprisonment in the County Jail for a period not to exceed ninety (90) days, and/or a period of community service not to exceed ninety (90) days. Each and every day upon which a violation of any provision of this ordinance exists shall constitute a separate violation.

## **SECTION 6. PURPOSE OF CAPTIONS**

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

**SECTION 7. EFFECTIVE DATE**

This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

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Philip E. Petrone, Borough Clerk

**STATEMENT OF PURPOSE**

The purpose of this Ordinance is to establish certain standards for driveways on residential properties and to regulate parking in the front yards thereof.

**ORDINANCE #2006-1038**

**FIRST READING:**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		<b>ASHER</b>	√			
		<b>OTRIMSKI</b>				√
√		<b>PETROCK</b>	√			
		<b>PETRONE</b>	√			
	√	<b>QUICK</b>	√			
		<b>SZABO</b>	√			
		<b>MAYOR CORRADINO</b>				

**PASSED** this 22<sup>nd</sup> day of May, 2006.

Attest:

Philip E. Petrone, Borough Clerk

**SECOND READING:**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		<b>ASHER</b>	√			
√		<b>OTRIMSKI</b>	√			
		<b>PETROCK</b>				√
		<b>PETRONE</b>	√			
		<b>QUICK</b>	√			
	√	<b>SZABO</b>	√			
		<b>MAYOR CORRADINO</b>				

**PASSED** this 26<sup>th</sup> day of June, 2006.

Attest:

Philip E. Petrone, Clerk