

**ORDINANCE NO. 2012-1**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VIII, "PARKING LOTS AND HANDICAPPED PARKING SPACES", SUBSECTION 8-2.8, "RESTRICTED PARKING", SCHEDULE IV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK**

Mr. Murphy offered the following ordinance and moved its adoption on final reading:

**WHEREAS**, by Resolution No. Z 2011-29, the Borough of Red Bank's Zoning Board of Adjustment conditionally approved the application of Juan Torres/Juanito's Market ( the "Applicant") for certain variance and site plan approval in connection with the establishment of a retail food market located at 197 Shrewsbury Avenue; and

**WHEREAS** one of the conditions of approval was that the Applicant petition the Borough Council to place one (1) ADA-handicapped accessible parking space on Catherine Street; and

**WHEREAS** the Applicant has petitioned the Borough Council to establish a handicapped parking space on Catherine Street pursuant the subject resolution of approval; and

**WHEREAS**, the Borough's Police Department has investigated this request and has recommended that the handicapped parking space be established at the location on Catherine Street as set forth below; and

**WHEREAS** the Mayor and Council agree with the Police Department's recommendation and conclude that the Applicant's petition for a handicapped parking space should be granted and that a handicapped parking space be established on Catherine Street pursuant to *N.J.S.A 39:4-197.5*

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Red Bank that Chapter VIII, "Parking Lots and Handicapped Parking Spaces", Subsection 8-2.8, "Restricted Parking", Schedule IV be amended and supplemented as follows:

**SECTION ONE:** Subsection 8-2.8, "Restricted Parking", Schedule IV is amended and supplemented to add the following parking space located on a public street:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Catherine Street	North	Starting at a point 67 feet east of Shrewsbury Avenue and extending 25 feet east

**SECTION TWO:** As required by the Zoning Board's condition of approval, the Applicant shall be responsible for all costs associated with the markings and signage required for a handicapped parking space in accordance with all applicable laws, rules and regulations associated therewith.

**SECTION THREE:** Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the "Parking Lots and Handicapped Parking Spaces" Ordinance are ratified and remain in full force and effect.

**SECTION FOUR:** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION FIVE:** This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Mr. Zipprich and adopted on final reading by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	( x )	(   )	(   )	(   )
Mr. Zipprich	( x )	(   )	(   )	(   )
Mr. DuPont	( x )	(   )	(   )	(   )
Ms. Horgan	( x )	(   )	(   )	(   )
Ms. Lee	( x )	(   )	(   )	(   )
Mr. Murphy	( x )	(   )	(   )	(   )

Dated: January 25, 2012