

ORDINANCE NO. 2026-03

AN ORDINANCE AMENDING CHAPTER 12 LAND DEVELOPMENT DEFINITIONS OF THE BOROUGH CODE AND CHAPTER 26 ZONING OF THE BOROUGH CODE

WHEREAS, the Borough seeks to facilitate creative solutions to parking requirements as a method ease burdens of property owners and to support economic development;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Flemington, the County of Hunterdon, that Chapter 26 of the Code of the Borough of Flemington (the "Code"), entitled "Zoning," is hereby amended and supplemented as follows:

Section I. *Section 2629 of the Code, entitled "Parking: Number of Spaces," is hereby amended to read as follows (additions are shown as thus; deletions are shown as ~~thus~~);*

- F. ~~*When housing is included in mixed-use development, a shared parking approach to the provision of parking shall be permitted, provided however the applicant demonstrates the adequacy of parking for the development in accordance with best design practice.*~~

Excess parking spaces, defined as those which exceed the required parking pursuant to §2629, may be utilized by an off-site entity, subject to the following:

- 1. Use of the excess parking spaces shall not result in noncompliant parking for the uses at that location unless relief from the required parking is granted by the Planning Board.*
- 2. Use of the excess parking spaces by an off-site entity shall not satisfy any portion of the required parking unless relief from the required on-site parking is granted by the Planning Board.*
- 3. Allocation of one or more excess parking spaces to an off-site entity shall be subject to a zoning permit. The Zoning Officer shall verify that the identified parking spaces may be allocated to an off-site user without creating a noncompliant parking condition on the site. Relief from required parking may only be granted by the Planning Board.*
- 4. Any change in use of a site with excess parking spaces allocated to an off-site entity shall be subject to parking requirements pursuant to §2629. The allocated excess parking spaces may not satisfy any portion of the required parking.*
- 5. The excess parking spaces allocated to an off-site entity may be marked and designated as being available to the off-site users.*
- 6. An off-site entity may consist of, but is not limited to, customers of a use, employees of a use, or residents.*
- 7. The arrangement between the site with excess parking spaces and off-site entity is not subject to Borough approval.*

- G. When, in the judgment of the local approving authority, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided on site or in off-street parking facilities. A length of 23 feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.
- H. Shared Parking. Where an applicant persuasively demonstrates that 2 or more parking generators have complementary parking demand as demonstrated using accepted shared parking analyses, the approving authority may permit an appropriate reduction in the required total number of parking spaces.

Section II. Severability

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Flemington declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section III. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

I, Carla Conner, Borough Clerk, hereby certify that the Ordinance #2026-03 published herewith was introduced on first reading at a meeting of the governing body of the Borough of Flemington, County of Hunterdon, held January 26, 2026. The Ordinance will be further considered for final adoption after public hearing, at a meeting of the governing body to be held in the Flemington Borough Hall, 38 Park Avenue, Flemington, NJ 08822, on February 23, 2026 at 7:00 p.m. Copies of this ordinance shall be made available in the Municipal Clerk's office to members of the general public who shall request same.

Carla Conner
Borough Clerk