

**ORDINANCE NO. 2009-29**

**ORDINANCE OF THE BOROUGH OF RED BANK,  
COUNTY OF MONMOUTH, NEW JERSEY  
AMENDING AND SUPPLEMENTING CHAPTER XXV,  
PLANNING AND DEVELOPMENT REGULATIONS  
SECTION 25-10.3, "USES PERMITTED AND PROHIBITED"**

**BE IT ORDAINED** by the Governing Body of the Borough of Red Bank that Chapter XXV of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Planning and Development Regulations" is hereby amended and supplemented as follows:

**SECTION ONE:** Subsection 25-10.3, "Uses Permitted and Prohibited" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

**25-10.3 Uses Permitted and Prohibited.**

- a. Any use not specifically listed as a permitted use an accessory use or a conditional use shall be deemed a prohibited use. This prohibition shall be liberally construed as protective of the zoning scheme and any doubt shall be resolved in interpreting the doubtful use as prohibited.
- b. Mixed use developments, which combine those uses that are permitted individually in a particular zone district in a single development, are permitted subject to:
  1. The greatest or most restrictive area, yard, and structure requirements, as set forth for any individual use, shall apply to the reused use development.
  2. All design standards, particularly the provisions of Subsection 25-8.21(p) shall apply.
  3. These combinations of uses are not permitted (and will require Zoning Board of Adjustment approval pursuant to Subsection 25-3.2(j)(1)(d):
    - (a) Uses permitted only in the Industrial (I) Zone with any other use.
    - (b) Mortuary and funeral homes with any other use.
    - (c) Except in the Train Station Overlay Zone described in Subsection 25-10.22, ~~D~~etached or single family dwellings or detached two (2) family dwellings with any nonresidential use.
    - (d) Except in the Train Station Overlay Zone described in Subsection 25-10.22, ~~M~~ulti-family dwellings with:
      - (1) Primary food service establishments.
      - (2) Banks and financial institutions offering driveup service.
      - (3) Primary liquor service establishments.

**SECTION TWO:** Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.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 Revised General Ordinances are ratified and remain in full force and effect.

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

First Reading: July 27, 2009

Final Reading: August 24, 2009