

ORDINANCE NO. 2009-30

ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING THE
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS
SECTION 25-2.3, "DEFINITIONS", AND
SECTION 25-8.21(o), "OFF STREET PARKING, MINIMUM OFF STREET PARKING SPACES
REQUIRED"

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: Section 25-2.3, "Definitions" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-2 DEFINITIONS.

[...]

25-2.3 Definitions. As used in this Chapter:

[...]

Drive In Restaurant shall mean the same as Fast Food Service Establishment auto oriented.

[...]

Fast Food Service Establishment shall mean a building in which food and drink is served to patrons for consumption either inside or outside the building. An auto oriented fast food service establishment shall include facilities for serving food and drink to patrons in automobiles and/or shall normally anticipate that the majority of its customers shall arrive in automobiles. A pedestrian oriented fast food establishment shall serve patrons for consumption inside or outside the building and the majority of its patrons shall normally arrive on foot.

[...]

Lounge shall mean a business establishment whether or not offering liquor to its customers which includes an area in which patrons may dance occupying five (5%) percent, or more, of gross floor area and live entertainment, ~~not including entertainment by three (3) or fewer instrumental musicians but including entertainment by~~ ~~what is commonly termed a disc-jockey~~ including entertainment by dancers.

[...]

Nightclub shall mean a business establishment whether or not offering liquor to its customers which includes (a) an area in which patrons may dance occupying five (5%) percent or more of gross floor area, ~~and/or (b) live entertainment not including entertainment by three (3) or fewer instrumental musicians but including entertainment by~~ ~~what is commonly termed a disc-jockey~~ Entertainment by dancers is not permitted in nightclubs.

[...]

Primary Food Service Establishment shall mean a business which utilizes a majority of its gross floor area for the purpose of serving patrons food. It may offer alcoholic beverages as a secondary service. ~~This includes most restaurants however designated Live entertainment by three (3) or fewer instrumental musicians and an area in which patrons may dance occupying less than five (5) percent of gross floor area is permitted. Entertainment by dancers is not permitted in Primary Food Service Establishments.~~

Primary Liquor Service Establishment shall mean a business which utilizes a majority of its gross floor area for the purpose of serving patrons alcoholic beverages and may also offer food as a secondary service. ~~Live entertainment is not permitted. Entertainment by dancers is not permitted in Primary Liquor Service Establishments.~~

[...]

Retail Food Establishment shall mean a business where food and/or beverages are sold in a form ready for consumption, where all of the consumption takes place off premises. No seating is permitted.

[...]

[All other provisions remain unchanged...]

SECTION TWO: Section 25-8.21(o), "Off Street Parking, Minimum Off Street Parking Spaces Required" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-8.21 Off Street Parking. In all zones and in connection with every industrial commercial, institutional, professional, recreational, residential or any other use there shall be provided off-street parking spaces in accordance with the following requirements and parking lot standards:

[...]

o. **Minimum Off Street Parking Spaces Required.**

Use	Spaces Required
[...]	
20. Nightclubs	20 per 1,000 s.f. GFA
[...]	
24. Primary Food Service Establishments (with seating)	
Less than 1,000s.f. GFA	<u>6 spaces per 1,000s.f. GFA</u>
1,000s.f. to 5,000s.f. GFA	<u>10 spaces per 1,000s.f. GFA</u>
Greater than 5,000s.f. GFA	<u>14 spaces per 1,000s.f. GFA</u>
(a) Catering service facilities	1 per 3 seats rated occupancy capacity based upon the design occupant load as determined by the Construction Official in accordance with the provisions of the Uniform Construction Code and the Fire Codes.
(b) Delicatessens with table service	1 per 10 seats rated occupancy capacity based upon the design occupant load as determined by the Construction Official in accordance with the provisions of the Uniform Construction Code and the Fire Codes.
(c) ice cream shops, frozen dessert stores, bakeries or pastry shops with table service	1 per 10 seats of rated occupancy capacity based upon the design occupant load as determined by the Construction Official in accordance with the provisions of the Uniform Construction Code and the Fire Codes.

Use	Spaces Required
(d) Fast food service establishments	25 per 1,000 s.f. GFA
(e) Restaurant sit down with or without entertainment and/or liquor service	1 per 3 seats rated occupancy capacity based upon the design occupant load as determined by the Construction Official in accordance with the provisions of the Uniform Construction Code and the Fire Codes.
25. Primary Liquor Service Establishments	15 per 1,000 s.f. GFA
<u>25a. <u>Retail Food Establishment</u></u>	<u>4 per 1,000 s.f. GFA</u>
[...]	

[All other provisions remain unchanged...]

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 Revised General Ordinances 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.

First Reading: August 24, 2009

Final Reading: September 28, 2009