

ORDINANCE NO. 2009-31

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV,
PLANNING AND DEVELOPMENT REGULATIONS, SECTION 25-10.4, "REGULATIONS
CONTROLLING THE RA RESIDENTIAL ZONE DISTRICT", SECTION 25-10.5,
"REGULATIONS CONTROLLING THE RB RESIDENTIAL ZONE DISTRICT", SECTION 25-
10.6, "REGULATIONS CONTROLLING THE RB-1 RESIDENTIAL ZONE DISTRICT",
SECTION 25-10.7, "REGULATIONS CONTROLLING THE RB-2 RESIDENTIAL ZONE
DISTRICT", SECTION 25-10.8, "REGULATIONS CONTROLLING THE D RESIDENTIAL
ZONE DISTRICT", SECTION 25-10.15, "REGULATIONS CONTROLLING THE PO
PROFESSIONAL OFFICE ZONE DISTRICT" AMENDING THE SIDE YARD SETBACK
REQUIREMENTS WITH RESPECT TO AIR CONDITIONING UNITS**

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 25-10.4, "Regulations Controlling the RA Residential Zone District" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10.4 Regulations Controlling RA Residential Zone District.

[Subsection a. – "Permitted Uses" through subsection d. – "Conditional Uses", No Change...]

e. Area Yard and Structure Requirements.

[...]

5. Minimum Side Yard Setback:

(a) Principal structure -- twelve (12') feet except that the combination of both side yards must be at least thirty (30') feet.

(b) Accessory Structure -- eight (8') feet.

(c) Notwithstanding the foregoing requirements, air conditioning units may be no closer than three (3) feet to any lot line, provided that all screening and noise reduction requirements are met (See also, §§25-8.24 (screening) and 24-5.28 (noise standards)).

[All other provisions remain unchanged...]

SECTION TWO: Section 25-10.5, "Regulations Controlling the RB Residential Zone District" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10.5 Regulations Controlling RB Residential Zone District

[Subsection a. – "Permitted Uses" through subsection d. – "Conditional Uses", No Change...]

e. Area Yard and Structure Requirements.

[...]

5. Minimum Side Yard Setback:

(a) Principal Structure -- ten (10') feet except that the combination of both side yards must be at least twenty (20') feet.

(b) Accessory Structure -- five (5') feet.

(c) Notwithstanding the foregoing requirements, air conditioning units may be no closer than three (3) feet to any lot line, provided that all screening and noise reduction requirements are met (See also, §§25-8.24 (screening) and 24-5.28 (noise standards)).

[All other provisions remain unchanged...]

SECTION THREE: Section 25-10.6, "Regulations Controlling the RB-1 Residential Zone District" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

underlined text denote additions):

25-10.6 Regulations Controlling Class "RB-1" Residence Zone District.

[Subsection a. – "Permitted Uses" through subsection d. – "Conditional Uses", No Change...]

e. Area Yard and Structure Requirements.

[...]

5. Minimum Side Yard Setback:

- (a) Principal Structure -- ten (10') feet except that the combination of both side yards must be at least twenty (20') feet.
- (b) Accessory Structure -- five (5') feet.
- (c) Notwithstanding the foregoing requirements, air conditioning units may be no closer than three (3) feet to any lot line, provided that all screening and noise reduction requirements are met (See also, §§25-8.24 (screening) and 24-5.28 (noise standards)).

[All other provisions remain unchanged...]

SECTION FOUR: Section 25-10.7, "Regulations Controlling the RB-2 Residential Zone District" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10.7 Regulations Controlling RB-2 Residential Zone District.

[Subsection a. – "Permitted Uses" through subsection d. – "Conditional Uses", No Change...]

e. Area Yard and Structure Requirements.

[...]

5. Minimum Side Yard Setback:

- (a) Single family:
 - (1) Principal Structure -- ten (10') feet, except that the combination of both side yards must be at least twenty (20') feet.
 - (2) Accessory Structure -- five (5') feet.
 - (3) Notwithstanding the foregoing requirements, air conditioning units may be no closer than three (3) feet to any lot line, provided that all screening and noise reduction requirements are met (See also, §§25-8.24 (screening) and 24-5.28 (noise standards)).
- (b) Two (2) family:
 - (1) Principal Structure -- ten (10') feet except that the combination of both side yards must be at least twenty-five (25') feet.
 - (2) Accessory Structure -- five (5') feet.
 - (3) Notwithstanding the foregoing requirements, air conditioning units may be no closer than three (3) feet to any lot line, provided that all screening and noise reduction requirements are met (See also, §§25-8.24 (screening) and 24-5.28 (noise standards)).

SECTION FIVE: Section 25-10.8, "Regulations Controlling the D Residential Zone District" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10.8 Regulations Controlling D Residential District.

[Subsection a. – "Permitted Uses" through subsection d. – "Conditional Uses", No Change...]

e. Area Yard and Structure Requirements.

[...]

5. Minimum Side Yard Setback:

- (a) Principal structure:
 - (1) Detached single family -- four (4') feet except that the

combination of both side yards must be at least fifteen (15') feet except that properties with river frontage ten (10') feet and the combination of both side yards must be at least twenty (20') feet. However, air conditioning units may be no closer than three (3) feet to any lot line, provided that all screening and noise reduction requirements are met (See also, §§25-8.24 (screening) and 24-5.28 (noise standards)).

(2) Two (2) family – seven and one-half (7.5') feet except that the combination of both side yards must be at least twenty (20') feet. However, air conditioning units may be no closer than three (3) feet to any lot line, provided that all screening and noise reduction requirements are met (See also, §§25-8.24 (screening) and 24-5.28 (noise standards)).

SECTION SIX: Section 25-10.15, "Regulations Controlling the PO Professional Office Zone District" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10. 15 Regulations Controlling (P.O.) Professional Office Zone District.

[Subsection a. – "Permitted Uses" through subsection d. – "Conditional Uses", No Change...]

e. Area Yard and Structure Requirements.

Note: Area yard and structure requirements for detached single family dwellings shall conform to the RB Zone.

[...]

5. Minimum Side Yard Setback:

(a) For home professional offices professional offices with apartments and professional offices except medical and dental with three (3) or more practitioners:

(1) Principal Structure -- ten (10') feet except that the combination of both side yards must be at least twenty-five (25') feet.

(2) Accessory Structure -- five (5') feet.

(3) Notwithstanding the foregoing requirements, air conditioning units may be no closer than three (3) feet to any lot line, provided that all screening and noise reduction requirements are met (See also, §§25-8.24 (screening) and 24-5.28 (noise standards)).

SECTION SEVEN: 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 EIGHT: 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 NINE: This Ordinance shall take effect immediately upon its passage and adoption according to law.

First Reading: July 27, 2009

Final Reading: August 24, 2009