

ORDINANCE NO. 2009-32

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER XXV,
PLANNING AND DEVELOPMENT REGULATIONS
SECTION 25-10.11, "REGULATIONS CONTROLLING
CENTRAL COMMERCIAL DISTRICT-1"**

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 25-10.11, "Regulations Controlling Central Commercial District-1" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10.11 Regulations Controlling Central Commercial District-1

- a. Permitted Uses.
 - 1. Professional office.
 - 2. Business office.
 - 3. Retail commercial uses, except:
 - (a) Large food stores exceeding eight thousand (8,000) square feet commonly called supermarkets.
 - (b) Thrift stores secondhand pawn and consignment shops.
 - (c) Shops which offer for sale firearm and/or ammunition.
 - (d) Antique sales will only be permitted on properties fronting on Broad Street with at least one thousand (1,000) square feet, but not to exceed four thousand (4,000) square feet of ground floor area.
 - 4. Personal service establishments except:
 - (a) Massage parlors.
 - (b) Tattoo parlors/body piercing.
 - (c) Self-service laundry or service dry cleaning shops.
 - (d) Tarot, palm readers, psychics.
 - 5. Banks trust companies and deposit institutions without vehicle drive up facilities.
 - 6. Primary food service establishment.
 - 7. Dwelling apartment uses on floors above the street level floor, ~~however that there shall not be more than two (2) such dwelling apartments on each floor or more than a total of four (4) such dwelling apartments in any building. Each dwelling apartment shall have a minimum of six hundred (600) square feet of habitable floor area and shall have no more than two (2) bedrooms, with the following conditions:~~
 - (a) That adequate parking is provided for the site when any new gross floor area is proposed and the density does not exceed twenty-five (25) dwelling units per acre.
 - (b) For structures in existence prior to September, 2009, twenty-five (25) dwelling units per acre density, except that the density can be increased to allow no more than four (4) size-conforming dwelling units.
 - (c) All dwelling units shall be at least one thousand (1,000) square feet of habitable area and no more than two (2) bedrooms per unit.
 - 8. Theaters.
 - 9. Government offices including Federal, State, County or municipal buildings and grounds but excluding schools.
 - 10. Essential services.
- b. Required Accessory Uses.
 - 1. Off-street parking subject to the provisions of Subsection 25-8.21, and provided further that this requirement may be met as set forth in paragraph b,3(d) below.
 - 2. Off-street loading subject to the provisions of Subsection 25-8.20,

- provided that no more than one (1) off-street loading space shall be required and provided further that this requirement may be met as set forth in paragraph b, 3(d) below.
3. Off-street parking and Off-street loading requirements may be met by:
 - (a) Providing the required spaces on site.
 - (b) Providing the required spaces on other properties owned by or under the control of the developer located within a zone which permits the proposed uses either contiguous with or within five hundred (500') feet walking distance of a primary pedestrian entrance to the site being developed.
 - (c) Providing evidence that a specific agreement exists with the Red Bank Borough Municipal Parking Utility which provides for the developer to lease sufficient spaces from the Parking Utility.
 - (d) A combination of alternates b, 3(a), (b), (c), acceptable to the Municipal Agency.
 4. If Off-street parking requirements are not met as provided above the developer must:
 - (a) Obtain approval of a parking space variance subject to the provisions of Subsection 25-8.21p, 6, and in the event a variance is granted:
 - (b) Contribute to the Red Bank Borough Municipal Parking Utility Capital Improvement Fund an amount in accordance with the "Parking Deficiency Schedule."

PARKING DEFICIENCY SCHEDULE

Deficiency	Cost/space
1 – 5	\$500.00 / space
6 – 10	\$1,000.00 / space
11 – 15	\$1,500.00 / space
16 – 20	\$2,000.00 / space
21 & above	\$2,500.00 / space

Example: A 22 space deficiency requires \$2,500.00 for space 1 – 5, plus \$5,000.00 for space 6 – 10 plus, \$7,500.00 for space 11 – 15, plus \$10,000.00 for space 16 – 20 plus, plus \$5,000.00 for space 21 – 22 for a total contribution of \$30,000.00.

5. Buffers and screening subject to the requirement of Subsection 25-8.4.
- c. Permitted Accessory Uses.
 1. Fences and hedges subject to the provisions of Subsection 25-8.14.
 2. Off-street loading within enclosed storage structures.
 3. Signs subject to the provisions of Subsection 25-8.27 as follows:
 - (a) Minor and type A and B signs.
 - (b) Type W2.
 - (c) One (1) from type W3 and P1 for each occupancy with direct exterior access.
 - (d) One (1) type R2 or R3 for each public entrance.
 4. Vertical parking garage subject to the provisions of Subsection 25-8.37.
 - d. Conditional Uses.
 1. Churches and places of worship.
 2. Public utilities.
 3. Commercial parking facilities.
 4. Signs which are Conditional Uses subject to the provisions of Subsection 25-8.27 as follows:
 - (a) Type W-C1.
 - (b) One (1) type P-C1 for each occupancy with direct exterior access.
 - e. Area Yard and Structure Requirements.
 1. Minimum Lot Area: no requirements.
 2. Minimum Lot Frontage: thirty-five (35') feet except for lots and uses in existence prior to April 23 1979, no requirements.

3. Minimum Front Setback: ~~for properties fronting on Broad Street, no requirements, except in no case shall any structure be less than forty (40') feet from the center line of a street. For all other properties, ten (10') feet.~~
4. Minimum Rear Yard Setback: ten (10') feet except abutting residential zone district or existing residential use twenty-five (25') feet.
5. Minimum Side Yard Setback: no requirements except abutting residential zone district or existing residential use: ten (10') feet.
6. Maximum Structure Height: ~~fifty (50')~~ forty (40') feet and not exceeding four (4) stories.
7. Minimum Gross Habitable Ground Floor Area: no requirements.
8. Maximum Lot Coverage of Principal and Accessory Structures: sixty-five (65%) percent plus that percentage of the site which is arranged finished and intended to be used and is useable by the general public including plaza widened sidewalks seating areas mini-parks and similar facilities.
9. Minimum Unoccupied Open Space: ten (10) percent.
10. Maximum Floor Area Ratio: ~~2.25~~ 1.7.

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: August 24, 2009

Final Reading: September 28, 2009