

ORDINANCE NO. 2009-35

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,  
NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND  
DEVELOPMENT REGULATIONS SECTION 25-10.16, "USE REGULATIONS CONTROLLING  
THE WATERFRONT DEVELOPMENT DISTRICT" RESTRICTING PERMITTED USES  
ALONG RECTOR PLACE TO DETACHED SINGLE FAMILY DWELLINGS AND MODIFYING  
SIDE SETBACK REQUIREMENTS WITH RESPECT TO AIR CONDITIONERS FOR  
DETACHED SINGLE FAMILY DWELLINGS

**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 25-10.16, "Use Regulations Controlling the Waterfront Development District" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

**25-10.16 Use Regulations Controlling the Waterfront Development District.**

- a. Permitted Uses.
  - 1. For properties fronting on Rector Place, detached single family dwellings only.
  - 2. For all other properties located within the zone:
    - (a) Detached single family dwellings;
    - (b) Multi-family dwellings known as garden apartments or apartment houses at a density not to exceed sixteen (16) units per gross acre; provided, however, that those properties adjoining the Navesink River and fronting on Riverside Avenue may have a density subject to all other provisions of this Chapter not to exceed forty (40) units per gross acre;
    - (c) Multi-family dwellings known as townhouses at a density not to exceed ten (10) units per gross acre;
    - (d) Professional offices;
    - (e) Business offices;
    - (f) Home professional offices;
    - (g) Primary food service establishments;
    - (h) Hotels, motels, and owner occupied beds and breakfast;
    - (i) Reserved;
    - (j) Essential services.
- b. Required Accessory Uses.  
*[No Change...]*
- c. Permitted Accessory Uses.  
*[No Change...]*
- d. Conditional Uses Subject to the Provisions of Section 25-9.  
*[No Change...]*
- e. Area Yard and Structure Requirements.
  - 1. Minimum Lot Area:  
*[No Change...]*
  - 2. Minimum Lot Frontage:  
*[No Change...]*
  - 3. Minimum Front Setback:  
*[No Change...]*
  - 4. Minimum Rear Yard Setback:  
*[No Change...]*
  - 5. Minimum Side Yard Setback:
    - (a) Detached single family -- ten (10') feet, except for air conditioning units, which 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) Garden apartments and apartment houses – fifteen (15') feet except that both side yards combined shall be not less than forty (40') feet.
  - (c) Townhouses – fifteen (15') feet.
  - (d) Home professional offices – ten (10') feet except that both side yards combined shall be not less than twenty (20') feet.
  - (e) Other uses – ten (10') feet except that both side yards combined shall not be less than twenty (20) feet.
  - (f) Exceptions:
    - (1) Minimum side yard for accessory structures four (4') feet.
    - (2) The minimum side yard setback for any structure from the Navesink River flood hazard area line shall be thirty-five (35') feet.
6. Maximum Structure Height:  
[No Change...]
7. Minimum Gross Habitable Floor Area:  
[No Change...]
8. Maximum Lot Coverage of Principal and Accessory Structures:  
[No Change...]
9. Minimum Unoccupied Open Space:  
[No Change...]
10. Maximum Floor Area Ratio (FAR) – 1.0. [No Change...]
11. Bonus Provisions.  
[No Change...]
- f. Special Requirements.  
[No Change...]

**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