

ORDINANCE NO. 2009-36

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS SECTION 25-2.3, "DEFINITIONS"; SECTION 25-10.9, "REGULATIONS CONTROLLING NEIGHBORHOOD BUSINESS DISTRICT" RELATING TO CERTAIN COMMERCIAL CHANGES OF USE

WHEREAS, the Mayor and Council of the Borough of Red Bank believe that certain changes are required to the Borough's Planning and Zoning Regulations in order to streamline and facilitate minor changes of occupancy of commercial structures;

NOW, THEREFORE, 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:

- a. Section 25-2.3, "Definitions, *Change in Use*" is hereby amended and supplemented as follows (stricken text denotes deletions, underlined text denote additions):

25-2.3 Definitions. As used in this Chapter:

[...]

Change in Use shall mean:

- a. Any change from an industrial use to any other industrial use.
- b. Any increase in the number of dwelling units in a structure which would result in two (2) or more total units.
- c. Any change from any nonresidential use to any other use for which any standard set forth in this Chapter is greater or more restrictive.
- d. Any change from a residential use to any nonresidential use.
- e. Any change in use from any existing or permitted use to any conditional use.
- f. Any change from any existing or permitted use to any permitted use which can be classified as being in a category lower on the following list than was the original use, except that in the CCD-1, and CCD-2 and NB zones, any non-residential use other than Primary Food or Liquor uses will not be considered a change in use if the new use causes an increase in parking of less than five spaces, no new gross floor area is proposed, and the applicant agrees to post all applicable parking, utility, COAH and other fees:
 1. Single Family Residential
 2. Two Family Residential
 3. Multi-family Residential
 4. Retail Business
 5. Professional Office, Business Office
 6. Other Business and Commercial, except Industrial
 7. Medical
 8. Industrial.

b. Section 25-10.9, "Regulations Controlling Neighborhood Business District" is hereby amended and supplemented as follows

25-10.9 Regulations Controlling Neighborhood Business District

[...]

- b. Required Accessory Uses.
 1. Off-street parking subject to the provisions of Subsection 25-8.21, except that in applications for non-residential changes of occupancy between retail, personal service, business or professional offices, where there is no new gross floor area proposed and the proposed change results in a deficiency of less

than five (5) parking spaces, and no other variances or design waivers are required; then no variance shall be required for the parking space deficiency and the administrative officer may grant administrative approval provided the applicant pays all applicable contributions to the Municipal Parking Utility Capital Improvement Fund in accordance with the applicable parking deficiency schedule.

2. Off-street loading with enclosed storage structures.
3. Buffers and screening subject to the requirements of Subsection 25-8.4.

[...]

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