

ORDINANCE NO. 2009-37

ORDINANCE OF THE BOROUGH OF RED BANK,  
COUNTY OF MONMOUTH, NEW JERSEY  
AMENDING AND SUPPLEMENTING THE  
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS  
SECTION 25-10.14, "REGULATIONS CONTROLLING BUSINESS RESIDENTIAL-1  
DISTRICT"

**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 25-10.14, "Regulations Controlling Business Residential-1 District" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

**25-10.14 Regulations Controlling Business Residential-1 District.**

- a. Permitted Uses.
  1. Detached single family dwellings—except for properties fronting on Monmouth Street.
  2. Dwelling uses on floors above street level where each dwelling has a minimum of one thousand (1,000) square feet of habitable floor area and no more than two (2) bedrooms at a maximum density of sixteen (16) units per acre. Except that the permitted maximum density may be increased to allow up to four (4) residential units per site when the rate of sixteen (16) units per acre results in less than 4 units. — No residential dwelling unit shall be permitted on the first floor for properties fronting on Monmouth Street.
  3. Multi-family dwellings known as garden apartment or apartment houses at a density not to exceed sixteen (16) fourteen (14) units per gross acre or townhouses at a density not to exceed fourteen (14) twelve (12) units per gross acre, subject to Subsection 25-8.19.
  4. Professional offices and home professional offices.
  5. Business offices.
  6. Retail commercial, except:
    - (a) Large food stores exceeding eight thousand (8,000) square feet, commonly called supermarkets.
    - (b) Shops which offer for sale firearms and/or ammunition.
  7. Personal service establishments, except:
    - (a) Massage services parlors.
    - (b) Tattoo services parlors and stores whose primary function is body piercing.
  8. Art studios and galleries.
  9. Banks, trust companies and deposit institutions.
  10. Primary food service establishment.
  11. Primary liquor service establishments.
  12. Motor vehicle diagnostic and service facilities.
  13. Hotel and motel.
  14. Theaters.
  15. Mortuary and funeral homes.
  16. Lodges, clubs and fraternal organizations.
  17. Government offices including Federal, State, County or municipal buildings and grounds but excluding schools and facilities such as maintenance or storage yards.
  18. Essential services.
- b. Required Accessory Uses.
  1. Off-street parking subject to the provisions of Subsection 25-8.21, however the Board in its discretion may consider shared parking when it can be demonstrated that:
    - (a) A contract with a minimum ten (10) year period is in place with the subject property, and
    - (b) The contract reflects that future changes to the property on which

parking is provided will be subject to review by the Board. In consideration of maintaining contractually obligated parking, and

- (c) That the contract is recorded with the County prior to issuance of a development permit.
- 2. Off-street loading subject to the provisions of Subsection 25-8.20.
- 3. Buffers and screening subject to the requirements of Subsection 25-8.4.
- 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:
    - (1) Contribute to the Red Bank Borough Municipal Parking Utility Capital Improvement Fund an amount in accordance with the "Parking Deficiency Schedule."

**PARKING DEFICIENCY SCHEDULE**

<b>Deficiency</b>	<b>Cost/space</b>
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.

- c. Permitted Accessory Uses.
  - 1. Fences and hedges subject to the provisions of Subsection 25-8.14.
  - 2. Private garage space for the storage of motor vehicles provided that the garage whether attached or detached shall be arranged to open to the side or rear of the lot unless detached and located entirely to the rear of the principal structure.
  - 3. Signs subject to the provisions of Subsection 25-8.27 as follows:
    - (a) For Multi-family dwellings – minor and type A signs and one (1) type G3 or G4 sign.
    - (b) For all other permitted uses:
      - (1) Minor and type A and B signs.
      - (2) Type G3 and G4.
      - (3) Type W2 or W3.
      - (4) One (1) type R2 or type R3 per public entrance.
      - (5) One (1) type P1.
  - 4. Off-street loading within enclosed storage structures.
  - 5. Other customary residential accessory uses and buildings subject to Subsection Section 25-5.8 of this Chapter provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any such accessory building or use shall be located at the same lot as the principal structure.
  - 6. ~~Personal earth terminal subject to the provisions of Subsection 25-8.36.~~
  - 7. Commercial Parking Facilities
- d. Conditional Uses.
  - 1. Churches and places of worship.
  - 2. Public utilities.
  - 3. Shopping centers.
  - 4. Educational uses.
  - 5. Nursery schools.
  - 6. Reserved Commercial Parking Facilities.
  - 7. Signs which are Conditional Uses, subject to the provisions of Subsection 25-8.27 as follows:
    - (a) One (1) from types G-C3 or G-C2.
    - (b) Type W-C1.
    - (c) One (1) type R-C1 per property.
- e. Area Yard and Structure Requirements.
  - 1. Minimum Lot Area:
    - (a) Detached single family and home professional offices – four

2. thousand five hundred (4,500) square feet.

(b) Garden apartments and apartment houses – forty five thousand (45,000) square feet.

(c) Townhouses – twenty five thousand (25,000) square feet.

(d) Other uses – no requirement.

2. Minimum Lot Frontage:

(a) Detached single family and home professional offices – fifty (50') feet.

(b) Garden apartments and apartment houses – one hundred fifty (150') feet.

(c) Townhouses – one hundred (100') feet.

(d) Other uses – one hundred (100') feet.

3. Minimum Front Yard Setbacks:

(a) ~~Detached single family homes, townhouses, and home professional offices All uses twenty-five (25') feet- except properties fronting on Monmouth Street, the setback shall be ten (10') feet provided a ten (10') foot unobstructed sidewalk is provided.~~

(b) Garden apartments and apartment houses ~~ten (10)~~ forty (40') feet.

(c) Other uses – twenty-five (25') feet.

(d) ~~In no case shall any structure be less than forty (40') feet from the center line of a street.~~

4. Minimum Rear Yard Setback:

(a) Principal Structure -- twenty-five (25') feet.

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

5. Minimum Side Yard Requirement:

(a) Detached single family and home professional office – 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) Other uses – ten (10') feet.

(e) Exception – minimum side yard for accessory buildings – four (4') feet.

6. Maximum Structure Height:

(a) ~~Detached single family dwellings – thirty-five (35') feet and not to exceed two and one-half (2 1/2) stories;~~

(b) ~~Other uses – fifty (50') forty (40') feet.~~

7. Minimum Gross Habitable Floor Area:

(a) Efficiency Units – 750 sq. ft.

(b) One (1) story ~~bedroom unit~~ – nine hundred (900) square feet per unit.

(c) Two (2) story ~~bedroom unit~~ – one thousand, ~~one hundred (1,000 1,100)~~ square feet per unit with at least seven hundred (700) square feet of ground floor area.

(d) Three (3) bedroom unit – one thousand, two hundred and fifty square feet per unit.

(e) Garden apartments and apartment houses – one thousand (1,000) square feet per unit with at least five hundred (500) square feet per unit of ground floor area.

(f) Townhouses – one thousand (1,000) square feet per unit with at least seven hundred (700) square feet per unit of ground floor area.

(g) Other uses – no requirements.

8. Maximum Lot Coverage of Principal and Accessory Structures:

(a) Detached single family -- thirty-five (35%) percent.

(b) Garden apartments and apartment houses – forty-five (45%) percent.

(c) Townhouses – forty-five (45%) percent.

(d) Other uses – fifty (50%) percent.

9. Minimum Unoccupied Open Space:

(a) Detached single family -- no requirements.

(b) Garden apartments and apartment houses – twenty-five (25%) percent.

- (c) Townhouses – twenty (20%) percent.
- (d) Other uses – fifteen (15%) percent.

10. Maximum Floor Area Ratio: 2.1.

- (a) ~~Nonresidential All uses~~ 2.1.
- (b) ~~Mixed uses~~ 1.75.

**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: September 28, 2009

Final Reading: October 12, 2009