

ORDINANCE NO. 2009-39

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING THE
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS
SECTION 25-10.2, "DESCRIPTION OF DISTRICTS"
SECTION 10.22, "REGULATIONS CONTROLLING THE TRAIN STATION OVERLAY
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 25-10.2, "Description of Districts" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10.2 Description of Districts.

a. The Borough of Red Bank is hereby divided into districts as follows:

Name of Zone District	Map Designation	Regulations in Section
<i>[“Class A Residence” through “Affordable Housing” Zones ... No Change]</i>		
<u>Train Station Overlay</u>	<u>TS</u>	<u>25-10.22</u>

SECTION TWO: New Subsection 25-10-22, "Regulations Controlling Train station Overlay District" is hereby established as follows (*This section consists of entirely new material, therefore use of underlined text is omitted for ease of reading*):

25-10.22 Regulations Controlling Train Station Overlay District.

a. *Purpose.* The purpose of the "Train Station Overlay District" is to encourage a mix of retail/commercial uses at street level with increased residential density on floors above street level to create a mixed residential and commercial neighborhood that relies predominantly on public transportation as the primary means of travel. In general, applications under the overlay standards are intended:

1. To provide for land uses and facilities beneficial to both the community and to transit users;
2. To increase use of the rail station and mass transit ridership;
3. To concentrate a mix of retail, office, residential, public and open space uses within walking distance of each other and the rail station, in order to increase convenience for residents, shoppers, commuters and employees and to reduce auto traffic by providing an environment conducive to pedestrians, bicyclists, and transit users;
4. To revitalize the Train Station Area and enhance economic vitality and encourage economic development through zoning incentives;
5. To provide for the safe and efficient flow of pedestrian and vehicular traffic, emphasizing a pedestrian-oriented environment;
6. To preserve established residential neighborhoods in and adjacent to the Train Station Area;
7. To provide for visual amenities, and to reinforce a sense of center; and
8. To promote the development of affordable housing in Red Bank.

b. *Applicability.* The Train station Overlay District shall be applied to Blocks 35, 36, 37, 37.01, 37.02, 38, 41 and 63 in their entirety and Block 40, Lots 8, 9, 10, 11, 12, 13, 13.01, 14, 15, 16 and 17; Block 42, Lots 1, 2, 2.01, 3, 4, 19, 20 and 21; and Block 64, Lots 5, 6, 7, 8, 9, 10, 11 and 11.01. The Official Zoning Map of the Borough of Red Bank is hereby amended in accordance with the foregoing and is incorporated by reference. Applications which meet the standards set forth in this Section and provide the mix of uses required will be considered under these Train Station Overlay standards. Applications which do not have at least a 25-unit/AC density will be reviewed under the standard for the BR-1 or BR-2 zone district, as applicable based on site location.

c. *Principal Permitted Uses.*

1. A mix of any uses permitted in the underlying zones; with all non-residential uses permitted on the ground level only and further provided that all parking requirements are met.

d. *Required Accessory Uses.* The following shall be required:

1. Off-street parking subject to the provisions of Subsection (f), below.
 - (a) However the Board in its discretion may consider shared parking when it can be demonstrated that:
 - (1) A contract with a minimum ten (10) year period is in place with the subject property, and
 - (2) The contract reflects that, in consideration of maintaining contractually obligated parking, future changes to the property on which parking is provided will be subject to review by the Board; and
 - (3) That the contract is recorded with the County prior to issuance of a development permit.
 - (b) Off-street loading subject to the provisions of Subsection 25-8.20.
 - (c) If off-street parking requirements are not met as provided above, the developer must:
 - (1) Obtain approval of a parking space variance subject to the provisions of Subsection 25-8.21, and in the event a variance is granted,
 - (2) 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.

2. Provision for Unoccupied Open Space as further described in Subsection (c), below, relating to Area, Yard and Structure Requirements;
3. Refuse Storage, subject to the provisions of §§25-8.28; 25-8.38; and 25-8.39.

e. *Permitted Accessory Uses.*

1. Fences and hedges subject to the provisions of Subsection 25-8.14.
2. Vertical and commercial parking garages.
3. Signs subject to the provisions of Subsection 25-8.27 as follows:
 - (a) Minor and type A and B signs;
 - (b) Type W2 or W3;
 - (c) One (1) type R2 or type R3 per public entrance; and
 - (d) One (1) type P1.

f. *Area, Yard and Structure Requirements.*

1. Minimum Lot Area: no requirements.
2. Minimum Lot Frontage: no requirements.
3. Maximum Structure Height: 50 Ft., except that a height bonus to 60 ft. will be permitted provided that, 20% of the site is dedicated to Unoccupied Open Space as defined in this Section.
4. Minimum Unoccupied Open Space: 10 15%. A 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 shall be included as Unoccupied Open Space. Parking Lots shall not be included in this percentage.
5. Minimum Gross Habitable Floor Area:
 - (a) Efficiency Units: 750 Sq. Ft. per Unit
 - (b) 1 Bedroom Units 900 Sq. Ft. per Unit
 - (c) 2 Bedroom Units 1,100 Sq. Ft. per Unit

(d) 3 Bedroom Units 1,250 Sq. Ft. per Unit

6. Maximum Lot Coverage of Principal and Accessory Structures: seventy-five (75%) percent.

7. Setback from Public Right of Way: 5 Ft., so long that a minimum 10' foot wide unobstructed sidewalk is provided.

8. Setback from Other Property Lines 7.5 Ft.

g. *Density Requirements.* The minimum density for applications to be considered under the standards set forth in this Overlay District shall be no less than twenty-five (25) units per acre. The maximum permitted density shall be thirty-five (35) 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 35 units per acre results in less than 4 units.

h. *Parking Standards.* The number of required parking spaces shall be in accordance with the following:

Permitted Uses in Transit Overlay Zone	Red Bank Ordinance Parking Requirement¹	Parking Requirements for Transit Overlay Area
<i>Supermarkets, grocery store</i>	<i>4.5 per 1,000sf</i>	<i>2.5 per 1,000sf</i>
<i>Efficiency Unit (Residential)</i>	<i>1 per unit</i>	<i>.7 per unit</i>
<i>1 bedroom apartment</i>	<i>2 per unit</i>	<i>1.25 per unit</i>
<i>2 bedroom apartment</i>	<i>2 per unit</i>	<i>1.4 per unit</i>
<i>3 or more bedroom apartment</i>	<i>2.5 per unit</i>	<i>1.5 per unit</i>
<i>Professional, medical, business offices</i>	<i>5 per 1,000sf</i>	<i>3.5 per 1,000sf</i>
<i>Retail/Commercial</i>	<i>4 per 1,000sf</i>	<i>3 per 1,000sf</i>
<i>Personal Service</i>	<i>5 per 1,000sf</i>	<i>4.25 per 1,000sf</i>
<i>Banks, trust companies and deposit institutions</i>	<i>3.5 per 1,000sf</i>	<i>2.5 per 1,000sf</i>
<i>Primary Food Establishment (with seating)</i>		
<i>Less than 1,000sf GFA</i>	<i>6 per 1,000sf</i>	<i>4 per 1,000sf</i>
<i>1,000sf to 5,000sf GFA</i>	<i>10 per 1,000sf</i>	<i>9 per 1,000sf</i>
<i>Greater than 5,000sf GFA</i>	<i>14 per 1,000sf</i>	<i>11 per 1,000sf</i>
<i>Retail Food Establishment (no seating)</i>	<i>4 per 1,000sf</i>	<i>3.5 per 1,000sf</i>
<i>Primary Liquor Service Establishments</i>	<i>15 per 1,000sf</i>	<i>12 per 1,000sf</i>

i. *Affordable Housing Set Aside.* All developments shall be subject to the Borough's Affordable Housing Set Aside and Trust Fund ordinances and/or the regulations of the Council on Affordable Housing (COAH) obligation applicable to the development site, as those ordinances and/or regulations may provide from

¹ The Parking Requirements for the uses listed herein pertaining to any other zone district are included only for the reader's convenience to facilitate comparison between the new Train Station Overlay parking standards and the existing parking standards in effect at the time of the initial enactment of this Ordinance creating the Train Station Overlay Zone. In the event of any inconsistency between the parking standards identified in this Section with respect to any other zone and a standard listed elsewhere in this Code, the standard set forth in the regulations specifically pertaining to such other zone shall control.

time to time.

SECTION THREE: Any ordinance 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 FOUR: 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 FIVE: This Ordinance shall take effect immediately upon the amendment of Official Zoning Map of the Borough of Red Bank in accordance with §25-10.1(4) of the Revised General Ordinances of the Borough of Red Bank and its filing with the Monmouth County Planning Board.

First Reading: August 24, 2009

Final Reading: September 28, 2009