

ORDINANCE NO. 2009-52

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING THE
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS
SECTION 25-10.12, "REGULATIONS CONTROLLING
CENTRAL COMMERCIAL DISTRICT-2"**

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 25-10.12, "Regulations Controlling Central Commercial District-2" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10.12 Regulations Controlling Central Commercial-2 District.

- a. Permitted Uses.
 1. Professional office except on a street level of properties fronting on Broad Street, Monmouth Street, White Street, English Plaza, and East Front Street, however, professional offices may be located at street level on the north side of White Street between Maple Avenue and three hundred (300') feet east of Maple Avenue.
 2. Business office except on street level of properties fronting on Broad Street, Monmouth Street, White Street, English Plaza and East Front Street, however, business offices may be located at street level on the north side of White Street between Maple Avenue and three hundred (300') feet east of Maple Avenue, the easterly side of Broad Street between the lot fronting the southeast corner of Linden Place and the lot fronting the northeast corner of Wallace Street provided said business office occupies not less than five thousand (5,000) square feet on street level.
 3. Retail commercial uses except:
 - (a) Large food stores exceeding eight thousand (8,000) square feet commonly called supermarkets.
 - (b) Thrift stores second hand 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 of ground floor area 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 self service dry cleaning shops.
 5. Banks, trust companies and deposit institutions, but not in or upon properties fronting on Broad Street.
 6. Primary food services establishment.
 7. Dwelling apartment uses on floors above the street level floor, 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 nine hundred (900) square feet of habitable area and no more than two (2) bedrooms per unit.
- 8. Theaters.
- 9. Hotel / motels located north of Front Street.
- 10. Essential services.
- 11. Children's philanthropic uses, except on properties fronting on Broad and Front Streets or east of Broad Street.
- 12. Commercial Parking Facilities

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 (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:
 - (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

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 provision 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 PI 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. Public and quasi-public recreation areas.
4. ~~Commercial parking facilities.~~
5. 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, except for Commercial Parking Facilities, which shall be no less than 20,000 square feet.
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: no requirements.
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 where abutting a residential zone district or abutting an existing residential uses: ten (10') feet, and for Commercial Parking Facilities abutting a residential zone district, or an existing first floor residential use, twenty-five (25") feet.
6. Maximum Structure Height: 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 1.7.

f. Special Requirements.

1. Prior to determining an application for development on any property in The Historic District, the Administrative Officer shall make a positive finding that the development complies with the provisions of Subsection 25-5.30, Historic District Regulations. In making this determination the Administrative Officer may consult with the Borough Engineer and the Planning Board Site Plan Committee. If the Administrative Officer cannot make such a positive finding, the applicant shall be directed to apply for a variance pursuant to Subsection 25-3.1(j)(9).
2. For Commercial Parking Facilities:

- i) Artificial lighting that will provide a minimum lighting level of 0.5 horizontal foot candles throughout the parking area and access drives. Screening or shielding shall be required to prevent glare upon adjacent properties.
- ii) Attended parking facilities shall provide an accessory building with sanitary facilities, or alternative plans for sanitary facilities shall be submitted in writing for approval.

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: October 12, 2009

Final Reading: November 23, 2009