

ORDINANCE NO. 2017-19

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER 490, PLANNING AND DEVELOPMENT REGULATIONS,
RELATING TO RESTORATION OF NON-CONFORMING STRUCTURES**

Councilman Taylor offered the following ordinance and moved its adoption:

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter 490 of the Revised General Ordinances of the Borough of Red Bank, Monmouth County is hereby amended and supplemented as follows:

SECTION 1. §490-23A Planning and Development Regulations, is hereby replaced with:

A. If any non-conforming structure is more than partially destroyed by fire, flood, earthquake, wind or other natural occurrence, then said structure can only be rebuilt in conformance with this chapter, except where the rebuilding can meet all of the following:

- (1) Where the structure contained a permitted use at time of destruction, and will continue to do so after it is rebuilt, or where the structure is a non-permitted one or two family dwelling;
- (2) Where the structure would not require site plan approval pursuant to this chapter; and,
- (3) Where the structure will be rebuilt on or within the existing building footprint.

SECTION 2: A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION 3: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.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 4: 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 5: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Councilwoman Schwabenbauer and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Yngstrom	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Schwabenbauer	(x)	()	()	()
Councilman Taylor	(x)	()	()	()
Councilman Whelan	(x)	()	()	()

Dated: July 26, 2017

First Reading/Introduction: June 28, 2017

Public Hearing/Adoption: July 26, 2017

I hereby certify the above to be a true copy.

Pamela Borghi, Municipal Clerk