

ORDINANCE NO. 2012-6

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS,
SECTION 25-5.15 "RIGHTS-OF-WAY AND EASEMENTS"**

Mr. Murphy offered the following ordinance and moved its adoption on final reading:

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: Section 25-5.15 of the Borough's "Planning and Development Regulations" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-5.15 Rights-of- Way and Easements:

Where applicable, the Municipal Agency shall require as a condition of site plan or subdivision approval, that the owner convey to the Borough, rights-of-way, road widenings, drainage easements, conservation easements, sight easements and/or shade tree and utility easements which may be shown on the Master Plan, official map, or otherwise be required.

Required setbacks shall be measured from new right-of-way lines after such conveyance. Nonconforming setbacks will require application for variances.

No lot area variance will be required if such right-of-way conveyance or dedication reduces lot area below minimum requirements.

For the purpose of calculating floor area ratio (FAR) and dwelling unit density, the right-of-way area conveyed or dedicated will be included in lot area, provided that the total floor area and/or the number of units permitted may not exceed one hundred ten (110%)) of that permitted utilizing the lot area after conveyance and/or dedication.

For the purpose of creating public access to the water and unoccupied open space, any easement dedicated to the Borough that shall remain public access in perpetuity will be included in lot area and will not alter floor area calculations, dwelling unit density or setback requirements. This provision shall apply to waterfront access easements or other public access easements where appropriate passive or active enjoyment is made available to the general public.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.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.

Seconded by Ms. Horgan and adopted on final reading by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	(x)	()	()	()
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	(x)	()	()	()
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: April 11, 2012