

**ORDINANCE NO. 2012-14**

**ORDINANCE OF THE BOROUGH OF RED BANK,  
COUNTY OF MONMOUTH, NEW JERSEY  
AMENDING AND SUPPLEMENTING CHAPTER XXV,  
PLANNING AND DEVELOPMENT REGULATIONS  
SECTION 25-9.3, "CONDITIONAL USES", "PUBLIC UTILITIES".**

Mr. DuPont 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:** Subsection 25-9.3, "Conditional Uses", "Public Utilities" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

Public utilities include water towers, pumping stations, electric substations, radios, towers, transmission and distribution lines, switching stations and similar facilities, as well as structures or appurtenances that may impact a public sidewalk or right of way, which must be provided above ground.

- A. A statement is submitted setting forth the reasons that the proposed installation must be provided above ground in a specific location and why it is necessary and convenient for the efficiency of the public utility system or for the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
- B. The design of any building in connection with such facility or any separate structure or appurtenance conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located.
- C. Adequate and attractive fences and other safety devices will be provided.
- D. Sufficient landscaping including shrubs, trees and lawn or other attractive screening are provided and will be periodically maintained.
- E. The public utility use and lot meet all the applicable minimum requirements of the district in which it is located, except that it need not have the minimum required lot area. Only one principal building will be permitted on the lot and a paved parking area under the provisions of subsection 25-8.21 of this chapter is required.
- F. These signs shall be permitted:
  - (1) Minor and Type A.
  - (2) One from Types G3, G4 or W3.
- G. Any structure or appurtenance related to or separate from the installation shall not encroach upon or unreasonably interfere with the use of public sidewalks or rights of way.

**SECTION TWO:** 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 THREE:** 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 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 its passage and adoption according to law.

Seconded by Mr. Murphy and adopted on roll call 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: July 11, 2012