

ORDINANCE NO. 2012-17

ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING THE
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS
SECTION 25-10.16, "USE REGULATIONS CONTROLLING THE WATERFRONT
DEVELOPMENT DISTRICT", Section a. "PERMITTED USES" and Section
e. "AREA, YARD AND STRUCTURE REQUIREMENTS", Sub-Paragraph 6. "MAXIMUM
STRUCTURE HEIGHT"

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

WHEREAS, the Waterfront Development District ("WD District) has been the subject of three recent interpretation requests to the Borough's Zoning Board of Adjustment ("ZBA"); and

WHEREAS, the ZBA has recommended that the Governing Body clarify the zoning issues raised by the interpretation requests, including issues regarding the maximum structure height requirements in the WD District; and

WHEREAS, the Borough's Planner has prepared a report dated June 21, 2012 for the Governing Body with Planning and Zoning Recommendations for revisions to the WD District, which report is incorporated herein by reference; and

WHEREAS, the proposed change in zoning in the WD District has been recommended by the Borough's Planner; and

WHEREAS, the proposed changes are consistent with the intent of the Borough's Master Plan; and

WHEREAS, these changes are made for zoning and planning purposes as described in relevant New Jersey Statutes.

NOW, THEREFORE, 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 25-10.16(a), "Use Regulations Controlling the Waterfront Development District", "Permitted Uses", is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10.16 Use Regulations Controlling the Waterfront Development District.

a. Permitted Uses.

1. ~~For the following properties that front exclusively on Rector Place, detached single family dwellings only:~~

Block 1, Lot 2:

Block 1, Lot 3:

Block 1, Block 4:

Block 1, Lot 4.01:

Block 1, Lot 5:

Block 1, Lot 5.01:

Block 1, Lot 6:

Block 1, Lot 7:

Block 1, Lot 8:

Block 1, Lot 9:

Block 1, Lot 10:

Block 1, Lot 10.01:

Block 1, Lot 11:

Block 1, Lot 12:

Block 1, Lot 13:

Block 1, Lot 14.

2. ~~For all other properties located within the zone:~~

1. Detached single family dwellings.
2. Multi-family dwellings known as garden apartments or apartment houses at a density not to exceed sixteen (16) units per gross acre; provided, however, that those properties adjoining the Navesink River and fronting on Riverside Avenue may have a density subject to all other provisions of this Chapter not to exceed forty (40) units per gross acre.
3. Multi-family dwellings known as townhouses at a density not to exceed ten (10) units per gross acre.
4. Professional offices;
5. Business offices;
6. Home professional offices.
7. Primary food service establishments.
8. Hotels, motels, and owner-occupied beds and breakfast.
9. Essential services.

SECTION TWO: Subsection 25-10.16 (e), subparagraph 6, "Use Regulations Controlling the Waterfront Development District", "Area, Yard, and Structure Requirements", "Maximum Structure Height" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

(6) Maximum structure height. The elevation of the highest point on any flat roof deck (parapet elevation to be used if parapets exceed 30 inches in height); of the mean height level between the eaves and ridge for gable or hipped roofs or of the deck line for mansard roofs shall not exceed:

(a) ~~Elevation 50 (USC & GS Datum MSL=0) between the Navesink River and a line halfway between the Navesink River and the nearest parallel roadway (Front Street, Riverside Avenue, Rector Place, or Shrewsbury Avenue).~~

(ab) ~~Elevation 75 (US & GS Datum MSL=0) in the remainder of the zone.~~

(c) ~~Further, and notwithstanding any other provisions of this subsection, any property within this zone may build to an elevation not to exceed 140 feet (USC & GS Datum MSL=0) inclusive of all chimneys, ventilators, skylights, tanks, stair towers, elevator and mechanical penthouses, noncommercial radio and television antennas, HVAC equipment and other similar rooftop appurtenances, and provided further that:~~

[1] ~~The property to be developed has buildings with a structure height of not less than elevation 100 feet (USC & GS Datum MSL=0) located within 600 feet of both sides of the property (as measured along the road right of way from the sidelines of the property to be developed); and~~

[2] ~~That the principal structure of any proposed building shall comply with the rear yard setback requirements of Subsection F(3) of this section; and~~

[3] ~~Any portion of a proposed principal building and use which extends more than three feet above the average street elevation measured along the center line of the right of way and between the sidelines of the property to be developed shall be set back at least 60 feet from the right of way.~~

SECTION THREE: 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 FOUR: 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 FIVE: 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 SIX: 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 25, 2012

I hereby certify this to be a true copy of Ordinance No. 2012-17
which was adopted on July 25, 2012.

Municipal Clerk