

ORDINANCE NO. 2012-20

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 490 PLANNING AND DEVELOPMENT REGULATIONS, ARTICLE II, DEFINITIONS AND ARTICLE X, ZONING, TO ESTABLISH THE MINIMUM SETBACK REQUIRED FROM T SIDE AND REAR LOT LINES FOR THE LOCATION OF STANDBY GENERATORS IN SPECIFIED ZONE DISTRICTS

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 490 of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Planning and Development Regulations", is hereby amended and supplemented to establish a minimum setback requirement for standby generators in specified zone districts:

SECTION ONE: Article II, Terminology, §490-6, Definitions, is revised to include the following definition for a standby generator (underlined text denotes additions):

Standby Generator

A standby generator is a back-up electrical system that automatically supplies power in the event of a utility outage. After utility power returns, the standby generator transfers the electrical load back to the utility, shuts itself off, and returns to a standby mode and awaits the next outage.

SECTION TWO: Article X, Zoning, §490-137, RA Residential Zone District, paragraph E, Area, yard, and structure requirements, subparagraph (5), Minimum side yard setback, is revised to read as follows (underlined text denotes additions):

(5) Minimum side yard setback:

(a) Principal structure: 12 feet, except that the combination of both side yards must be at least 30 feet.

(b) Accessory structure: eight feet.

(c) Notwithstanding the foregoing requirements, air-conditioning units may be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

(d) Notwithstanding the foregoing requirements, standby generators must be enclosed by a sound attenuated weatherproof box or cabinet and shall be no closer than three feet (3') to any lot line provided that all screening and noise-reduction requirements are met, Standby generators shall conform to the Uniform Construction Code Standards. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

SECTION THREE: Article X, Zoning, §490-138, RB Residential Zone District, paragraph E, Area, yard, and structure requirements, subparagraph (5), Minimum side yard setback, is revised to read as follows (underlined text denotes additions):

(5) Minimum side yard setback:

(a) Principal structure: 12 feet, except that the combination of both side yards must be at least 30 feet.

(b) Accessory structure: eight feet.

(c) Notwithstanding the foregoing requirements, air-conditioning units may be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met.

(See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

(d) Notwithstanding the foregoing requirements, standby generators must be enclosed by a sound attenuated weatherproof box or cabinet and shall be no closer than three feet (3') to any lot line provided that all screening and noise-reduction requirements are met, Standby generators shall conform to the Uniform Construction Code Standards. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

SECTION FOUR: Article X, §490-139, R-B1 Residential Zone District, paragraph E, Area, yard, and structure requirements, subparagraph (5), minimum side yard setback, is revised to read as follows (underlined text denotes additions):

(5) Minimum side yard setback:

(a) Principal structure: 10 feet, except that the combination of both side yards must be at least 20 feet.

(b) Accessory structure: five feet.

(c) Notwithstanding the foregoing requirements, air-conditioning units may be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

(d) Notwithstanding the foregoing requirements, standby generators must be enclosed by a sound attenuated weatherproof box or cabinet and shall be no closer than three feet (3') to any lot line provided that all screening and noise-reduction requirements are met, Standby generators shall conform to the Uniform Construction Code Standards. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

SECTION FIVE: Article X, Zoning, §490-140. R-B2 Residential Zone District, paragraph E, Area, yard, and structure requirements, subparagraph (5), Minimum side yard setback, is revised to read as follows (underlined text denotes additions):

(5) Minimum side yard setback:

(a) Single-family:

[1] Principal structure: 10 feet, except that the combination of both side yards must be at least 20 feet.

[2] Accessory structure: five feet.

[3] Notwithstanding the foregoing requirements, air-conditioning units may be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

[4] Notwithstanding the foregoing requirements, standby generators must be enclosed by a sound attenuated weatherproof box or cabinet and shall be no closer than three feet (3') to any lot line provided that all screening and noise-reduction requirements are met, Standby generators shall conform to the Uniform Construction Code Standards. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

(b) Two-family:

[1] Principal structure: 10 feet, except that the combination of both side yards must be at least 25 feet.

[2] Accessory structure: five feet.

[3] Notwithstanding the foregoing requirements, air-conditioning units may be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

[4] Notwithstanding the foregoing requirements, standby generators must be enclosed by a sound attenuated weatherproof box or cabinet and shall be no closer than three feet (3') to any lot line provided that all screening and noise-reduction requirements are met, Standby generators shall conform to the Uniform Construction Code Standards. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

SECTION SIX: Article X, Zoning, §490-146. BR-1 Business/Residential-1 District, paragraph E, Area, yard, and structure requirements, subparagraph (5), Minimum side yard requirement, is revised to read as follows (underlined text denotes additions) :

(5) Minimum side yard requirement:

(a) Detached single-family and home professional office: 10 feet, except for the following:

[1] Air-conditioning units, which may be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

[2] Standby generators must be enclosed by a sound attenuated weatherproof box or cabinet and shall be no closer than three feet (3') to any lot line provided that all screening and noise-reduction requirements are met, Standby generators shall conform to the Uniform Construction Code Standards. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

(b) Garden apartments and apartment houses: 15 feet, except that both side yards combined shall be not less than 40 feet.

(c) Townhouses: 15 feet.

(d) Other uses: 10 feet.

(e) Exception: minimum side yard for accessory buildings: four feet.

SECTION SEVEN: Article X, Zoning, §490-147, PO Professional Office Zone District, paragraph E, Area, yard, and structure requirements, subparagraph (5), Minimum side yard setback, is revised to read as follows (underlined text denotes additions) :

(5) Minimum side yard setback:

(a) For home professional offices, professional offices with apartments and professional offices except medical and dental with three or more practitioners:

[1] Principal structure: 10 feet, except that the combination of both side yards must be at least 25 feet.

[2] Accessory structure: five feet.

[3] Notwithstanding the foregoing requirements, air-conditioning units may be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

[4] Notwithstanding the foregoing requirements, standby generators must be enclosed by a sound attenuated weatherproof box or cabinet and shall be no closer than three feet (3') to any lot line provided that all screening and noise-reduction requirements are met, Standby generators shall conform to the Uniform Construction Code Standards. (See also § 490-101,

Screening of equipment or machinery, and § 490-54, regarding noise standards.)

(b) For all other uses:

[1] Principal structure: 20 feet, except that the combination of both side yards must be 50 feet.

[2] Accessory structure: 10 feet or two feet for every four feet of height, whichever is greater.

SECTION EIGHT: Article X, Zoning, §490-148. WD Waterfront Development District, paragraph E, Area, yard, and structure requirements, subparagraph (5), Minimum side yard setback, is revised to read as follows (underlined text denotes additions):

(5) Minimum side yard setback:

(a) Detached single-family: 10 feet, except for the following:

[1] Air-conditioning units, which may be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

[2] Standby generators must be enclosed by a sound attenuated weatherproof box or cabinet and shall be no closer than three feet (3') to any lot line provided that all screening and noise-reduction requirements are met, Standby generators shall conform to the Uniform Construction Code Standards. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

(b) Garden apartments and apartment houses: 15 feet, except that both side yards combined shall be not less than 40 feet.

(c) Townhouses: 15 feet.

(d) Home professional offices: 10 feet, except that both side yards combined shall be not less than 20 feet.

(e) Other uses: 10 feet, except that both side yards combined shall not be less than 20 feet.

(f) Exceptions:

[1] Minimum side yard for accessory structures: four feet.

[2] The minimum side yard setback for any structure from the Navesink River flood hazard area line shall be 35 feet.

SECTION NINE: Article X, Zoning, §490-151, BR-2 Business/Residential-2 District, paragraph E, Area, yard, and structure requirements, subparagraph (5), Minimum side yard requirement, is revised to read as follows (underlined text denotes additions):

(5) Minimum side yard requirement:

(a) Detached single-family and home professional office: 10 feet, except for the following:

[1] Air-conditioning units, which may be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

[2] Standby generators must be enclosed by a sound attenuated weatherproof box or cabinet and shall be no closer than three feet (3') to any lot line provided that all screening and noise-reduction requirements are met, Standby generators shall conform to the Uniform Construction Code Standards. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

(b) Garden apartments and apartment houses: 15 feet, except that both side yards combined shall be not less than 40 feet.

(c) Townhouses: 15 feet.

(d) Other uses: 10 feet.

(e) Exception: minimum side yard for accessory buildings: four feet.

SECTION TEN: 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 ELEVEN: 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 TWELVE: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Ms. Lee 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: December 5, 2012

Pasquale Menna, Mayor

Pamela Borghi, Municipal Clerk

First Reading: November 20, 2012

Final Reading: December 5, 2012