

**ORDINANCE NO. 2012-23**

**AN ORDINANCE CODIFYING THE PLANNING AND DEVELOPMENT REGULATIONS OF THE MAYOR AND COUNCIL OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, BY ADOPTING CHAPTER 490, PLANNING AND DEVELOPMENT REGULATIONS, OF THE CODE OF THE BOROUGH OF RED BANK**

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

**WHEREAS**, pursuant to N.J.S.A. 40:49-4, the Mayor and Council of the Borough of Red Bank intends to codify the ordinances of the Borough of Red Bank of a general and permanent nature adopted by the Mayor and Council of the Borough of Red Bank; and

**WHEREAS**, the Mayor and Council of the Borough of Red Bank, prior to codifying the ordinances of the Borough of Red Bank of a general and permanent nature adopted by the Mayor and Council, desires to codify the Borough's Planning and Development Regulations, originally adopted by Ord. No. 686, as amended, which were previously codified as Chapter XXV of the 1987 Revised General Ordinances, to become Chapter 490, Planning and Development Regulations, of the Code of the Borough of Red Bank; and

**WHEREAS**, N.J.S.A. 40:49-2.1 provides for summary publication of land use ordinances, codifications, amendments or revisions; and

**WHEREAS**, Chapter 490, Planning and Development Regulations, contains §§ 490-1 through 490-154, along with a Zoning Map and attachments; and

**WHEREAS**, this ordinance, upon enactment, will be included as Chapter 1, Article III, Codification of Planning and Development Regulations, of the Code of the Borough of Red Bank.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Red Bank, Monmouth County, New Jersey, as follows:

**SECTION I:** The following shall be adopted as Article III, Codification of Planning and Development Regulations, of Chapter 1, General Provisions, of the Code of the Borough of Red Bank:

**§ 1-23. Adoption of revised and renumbered legislation.**

The Planning and Development Regulations of the Borough of Red Bank, adopted by Ord. No. 686, as amended, which were previously codified as Chapter XXV of the 1987 Revised General Ordinances, and amendments thereto, as revised and codified and renumbered as Chapter 490, are hereby approved, adopted, ordained and enacted as the 2012 Planning and Development Regulations of the Borough of Red Bank.

**§ 1-24. Changes to planning and development legislation.**

A. In compiling and preparing the planning and development legislation for adoption and revision as part of the 2012 Planning and Development Regulations pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in said legislation. It is the intention of the Mayor and Council that all such changes be adopted as part of the 2012 Planning and Development Regulations as if the legislation so changed had been previously formally amended to read as such.

B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances

as they have been renumbered and appear in the 2012 Planning and Development Regulations.)

C. Throughout the 2012 Planning and Development Regulations, statutory references have been updated or revised to the current citation. Consolidated (N.J.S.A.) references have been added to unconsolidated (P.L.) references where appropriate.

**§ 1-25. Repealer.**

All ordinances or parts of ordinances which are inconsistent herewith are repealed to the extent of such inconsistencies.

**§ 1-26. Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

**§ 1-27. Copies available to public.**

Copies of the 2012 Planning and Development Regulations shall be placed on file for public examination and acquisition at the Borough Clerk’s office during regular business hours, and, upon final passage of the 2012 Planning and Development Regulations, copies shall be made available to the public.

**§ 1-28. Sale of Planning and Development Regulations Code book.**

Copies of the Code volume containing the Planning and Development Regulations may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Borough. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

**§ 1-29. When effective.**

This ordinance shall take effect immediately upon passage and publication 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

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Pasquale Menna, Mayor

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Pamela Borghi, Municipal Clerk

First Reading: November 20, 2012

Final Reading: December 5, 2012