

ORDINANCE NO. 2011-19

**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",
FOR PURPOSE OF CLARIFYING THOSE PROPERTIES TO BE
INCLUDED WITHIN THE RECTOR PLACE RESIDENTIAL ZONE**

WHEREAS, 2009 Re-Examination and Report of the Master Plan and Development Regulations of the Borough of Red Bank included a recommendation to "Limit the permitted uses along Rector Place in the WD Zone to detached single-family dwellings."; and

WHEREAS, the Governing Body of the Borough of Red Bank implemented the above planning recommendation with the adoption of Ordinance 2009-35, which revised the permitted uses of the Waterfront Development ("WD") District to allow: "For properties fronting on Rector Place, detached single-family dwellings."; and

WHEREAS, neither 2009 Re-Examination and Report of the Master Plan nor Ordinance No. 2009-35 identified the specific blocks and lots on Rector Place that would be included in the Rector Place detached single-family dwelling zone; and

WHEREAS, a question has arisen as to whether Ordinance 2009-35 intended to include Block 1, Lot 1 (the "Property") in the Borough of Red Bank within the Rector Place detached single-family dwelling zone; and

WHEREAS, the Property has frontage on the river and is located on the west side of Highway 35 at the signalized intersection of Rector Place, Bridge Avenue and NJ State Highway 35 where the Cooper Bridge enters into Red Bank; and

WHEREAS, the subject intersection, with high traffic volumes and an unusual geometry, is gateway location into the Borough; and

WHEREAS, the Property fronts on both Rector Place and NJ Highway 35; and

WHEREAS, the predominant road frontage of the Property is on Highway 35 (approximately 381'), with a lesser frontage on Rector Place (approximately 47'); and

WHEREAS, the Property has historically been a commercial use, most recently as gas station, and is not part of the continuous stretch of existing residential uses in the WD zone that creates the residential pattern that runs along Rector Place; and

WHEREAS, the gas station has been discontinued and the Property inactive for many years; and

WHEREAS, the Property has been subject to monitoring by the NJDEP and there are presently monitoring wells situated on the Property; and

WHEREAS, Rector Place runs from NJ State Highway 35 to West Front Street; and

WHEREAS, of the seventeen (17) lots in the WD Zone that front on Rector Place, the Property is the only lot that also fronts on Highway 35; and

WHEREAS, all of the lots that front on Rector Place, with the exception of the Property, are residential properties; and

WHEREAS, nearly all of the residential properties on Rector Place in the WD Zone were constructed in the nineteenth century or the very early part of the twentieth century; and

WHEREAS, it can be inferred from the Master Plan goals that the intent of the recommendation was to preserve the maintaining residential and historic character of the residential properties along Rector Place from intrusion or loss to the principal uses otherwise allowed in the WD Zone; and

WHEREAS, there is no single-family residential or historic use on the Property which needs to be preserved or maintained as part of Rector Place's existing residential pattern; and

WHEREAS, the goals and intent of the Master Plan would not be advanced by applying the detached single-family residential use restriction of Ordinance No. 2009-35 to the Property; and

WHEREAS, based on the foregoing and for other good causes shown, the Governing Body of the Borough of Red Bank has determined that it was not the intent of Ordinance No. 2009-35 to include the Property within the Rector Place detached single-family dwelling zone.

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) (1) (2), "Use Regulations Controlling the Waterfront Development District" 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 fronting 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:
 - (a) Detached single family dwellings;
 - (b) 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;
 - (c) Multi-family dwellings known as townhouses at a density not to exceed ten (10) units per gross acre;
 - (d) Professional offices;
 - (e) Business offices;
 - (f) Home professional offices;
 - (g) Primary food service establishments;
 - (h) Hotels, motels, and owner occupied beds and breakfast;
 - (i) Reserved;
 - (j) Essential services.

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.

First Reading: October 26, 2011

Final Reading: November 22, 2011

I hereby certify this to be a true copy of Ordinance No. 2011-19
which was adopted on November 22, 2011.

Municipal Clerk