

ORDINANCE NO. 2011-20

ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING THE
CHAPTER XXV, PLANNING AND DEVELOPMENT REGULATIONS
SECTION 25-2.3, "DEFINITIONS" AND 25-10.9(a)"REGULATIONS CONTROLLING
NEIGHBORHOOD BUSINESS DISTRICT (Permitted Uses)"

BE IT ORDAINED by the Mayor and Council 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: The following definitions contained within Subsection 25-2.3 of the Borough's "Planning and Development Regulations" are hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-2.3 Definitions. As used in this Chapter:

~~Corner Lot shall mean a lot on the junction of and abutting two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135°) degrees.~~

~~Fast Food Establishment shall mean a building in which food and drink is served to patrons for consumption either inside or outside the building. An auto-oriented fast food service establishment shall include facilities for serving food and drink to patrons in automobiles and/or shall normally anticipate that the majority of its customers shall arrive in automobiles. A pedestrian-oriented fast food establishment shall serve patrons for consumption inside or outside the building and the majority of its patrons normally arrive on foot.~~ food establishment, that are most commonly operated as franchise or chain restaurants, that typically serves food that is prepared in bulk and ready to serve for consumption on premises and/or ready to take away by customers, the majority of which will arrive by automobile, for consumption off-premises.

~~Floor Area shall mean the sum of the gross, horizontal areas of the floor or floors of a structure including enclosed parking levels, basements and cellars, measured between the inside faces of exterior walls or from the centerline of walls common to two (2) structures or uses. For the purposes of determining required parking, enclosed parking levels and unoccupied cellars/basements used only for storage will not be considered floor area.~~

~~Story, Half shall mean that portion of a building under a gable, hip or gambrel roof, the wall plates of which on at least (2) exterior walls are not more than two (2) feet above the floor of such half story. A basement shall also be included as a half story.~~ in which the ceiling area, at a height of seven (7) feet above the attic floor, is not more than one third (1/3) of the area of the next floor below.

SECTION TWO: Subsection 25-10.9 (a) "Regulations Controlling Neighborhood Business District, (Permitted Uses)" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-10.9 Regulations Controlling Neighborhood Business District.

a. *Permitted Uses*

1. Professional office.
2. Business office.

3. Retail commercial not exceeding two thousand (2,000) square feet of ground floor area except the following are not permitted:
 - (a) Thrift stores, secondhand stores, pawn and consignment shops.
 - (b) Shops which offer for sale firearms and/or ammunition.
4. Personal service establishments except:
 - (a) Massage establishments.
 - (b) Tattoo parlors and stores whose primary function is body piercing.
 - (c) Tarot, palm readers, psychics.
5. Primary food service establishment.
- ~~6. Fast food service establishment (pedestrian oriented).~~
6. Primary liquor service establishment.
7. Printing, publishing or bookbinding.
8. Government offices including Federal, State, County or municipal buildings and grounds, but excluding schools.
9. Lodges, clubs and fraternal organizations.
10. Dwelling apartment uses on floors above the street level floor; provided, however, that there shall not be more than two (2) such dwelling apartments on each floor, or more than a total of four (4) such dwelling apartments in any building. Each dwelling apartment shall have a minimum of six hundred (600) square feet of habitable floor area, and shall have no more than two (2) bedrooms.

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.

Pasquale Menna, Mayor

Pamela Borghi, Municipal Clerk

First Reading: November 9, 2011

Final Reading: November 22, 2011