

ORDINANCE NO. 2019-62

ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER 490, PLANNING AND DEVELOPMENT REGULATIONS,
RELATING TO THE TRAIN STATION ZONING DISTRICT

WHEREAS, the Borough of Red Bank has applied for Transit Village Designation from the NJDOT; and,

WHEREAS, one of the NJDOT comments on the application was for the Train Station Zone reflect as of right zoning; and,

WHEREAS, the following revisions to the Train Station Zone are meant to clarify that the Train Station Zone parameters are as of right.

NOW THEREFORE, 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 is hereby amended and supplemented as follows:

SECTION 1. § 490-154 TS Train Station Overlay District.

A.

Purpose. The purpose of the Train Station Overlay District is to encourage a mix of retail/commercial uses at street level with increased residential density on floors above street level to create a mixed residential and commercial neighborhood that relies predominantly on public transportation as the primary means of travel. In general, applications under the overlay standards are intended:

(1)

To provide for land uses and facilities beneficial to both the community and to transit users;

(2)

To concentrate a mix of retail, office, residential, public and open space uses within walking distance of each other and the rail station, in order to increase convenience for residents, shoppers, commuters and employees and to reduce auto traffic by providing an environment conducive to pedestrians, bicyclists, and transit users;

(3)

To revitalize the train station area and enhance economic vitality and encourage economic development through zoning incentives;

(4)

To provide for the safe and efficient flow of pedestrian and vehicular traffic, emphasizing a pedestrian-oriented environment;

(5)

To preserve established residential neighborhoods in and adjacent to the train station area;

(6)

To provide for visual amenities and to reinforce a sense of center; and

(7)

To promote the development of affordable housing in Red Bank.

B.

Applicability. The Train Station Overlay District shall be applied to Blocks 35, 36, 37, 37.01, 37.02, 38, 41 and 63 in their entirety; and Block 40, Lots 8, 9, 10, 11, 12, 13, 13.01, 14, 15, 16 and 17; Block 42, Lots 1, 2, 2.01, 3, 4, 19, 20 and 21; and Block 64, Lots 5, 6, 7, 8, 9, 10, 11 and 11.01. The Official Zoning Map of the Borough of Red Bank is hereby amended in accordance with the foregoing and is incorporated by reference. Applications which meet the standards set forth in this section and provide the mix of uses required will be considered under this section.

C.

Principal permitted uses: a mix of any uses permitted in the underlying BR-1 and BR-2 zones, with all nonresidential uses permitted on the ground level only, and further provided that all parking requirements are met.

D.

Required accessory uses. The following shall be required:

(1)

Off-street parking, subject to the provisions of Subsection [H](#) of this section below. However, the Board, in its discretion, may consider shared parking when it can be demonstrated that:

(a)

A contract with a minimum ten-year period is in place with the subject property; and

(b)

The contract reflects that, in consideration of maintaining contractually obligated parking, future changes to the property on which parking is provided will be subject to review by the Board; and

(c)

That the contract is recorded with the county prior to issuance of a development permit.

(2)

Off-street loading, subject to the provisions of § [490-97](#) of this chapter.

(3)

(Reserved)[11](#)

(4)

Provision for unoccupied open space as further described in Subsection [E](#) of this section relating to area, yard and structure requirements.

(5)

Refuse storage, subject to the provisions of §§ [490-105](#), [490-116](#) and [490-117](#) of this chapter.

E.

Permitted accessory uses:

(1)

Fences and hedges, subject to the provisions of § [490-91](#) of this chapter.

(2)

Vertical and commercial parking garages.

(3)

Signs, subject to the provisions of § [490-104](#) of this chapter, as follows:

(a)

Minor and Type A and B signs;

(b)

Type W2 or W3;

(c)

One Type R2 or Type R3 per public entrance; and

(d)

One Type P1.

F.

Area, yard and structure requirements:

(1)

Minimum lot area: no requirements.

(2)

Minimum lot frontage: no requirements.

(3)

Maximum structure height: 50 feet.

(4)

Minimum unoccupied open space: 15%. A percentage of the site which is arranged, finished and intended to be used and is usable by the general public, including plazas, widened sidewalks, seating areas, mini parks and similar facilities, shall be included as unoccupied open space. Parking lots shall not be included in this percentage.

(5)

Minimum gross habitable floor area:

(a)

Efficiency units: 750 square feet per unit.

(b)

One-bedroom units: 900 square feet per unit.

(c)

Two-bedroom units: 1,100 square feet per unit.

(d)

Three-bedroom units: 1,250 square feet per unit.

(6)

Maximum lot coverage of principal and accessory structures: 75%.

(7)

Setback from public right-of-way: five feet, so long as a minimum ten-foot-wide unobstructed sidewalk is provided.

(8)

Setback from other property lines: 7.5 feet.

G.

Density requirements. The maximum permitted density shall be 35 units per acre, except that the permitted maximum density may be increased to allow up to four residential units per site when the rate of 35 units per acre results in less than four units.

H.

Parking standards. The number of required parking spaces shall be in accordance with the following:

Permitted Uses in Transit Overlay Zone	Red Bank Ordinance Parking Requirement¹	Parking Requirements for Transit Overlay Area
Supermarkets, grocery store	4.5 per 1,000 square feet	2.5 per 1,000 square feet
Efficiency unit (residential)	1 per unit	0.7 per unit
1-bedroom apartment	2 per unit	1.25 per unit
2-bedroom apartment	2 per unit	1.4 per unit
3-bedroom or more apartment	2.5 per unit	1.5 per unit
Professional, medical, business offices	5 per 1,000 square feet	3.5 per 1,000 square feet
Retail/commercial	4 per 1,000 square feet	3 per 1,000 square feet
Personal service	5 per 1,000 square feet	4.25 per 1,000 square feet
Banks, trust companies and deposit institutions	3.5 per 1,000 square feet	2.5 per 1,000 square feet
Primary food establishment (with seating):		
Less than 1,000 square feet GFA	6 per 1,000 square feet	4 per 1,000 square feet
1,000 square feet to 5,000 square feet GFA	10 per 1,000 square feet	9 per 1,000 square feet
Greater than 5,000 square feet GFA	14 per 1,000 square feet	11 per 1,000 square feet
Retail food establishment (no seating)	4 per 1,000 square feet	3.5 per 1,000 square feet
Primary liquor-service establishments	15 per 1,000 square feet	12 per 1,000 square feet

NOTE:

¹ The parking requirements for the uses listed herein pertaining to any other zone district are included only for the reader's convenience to facilitate comparison between the new Train Station Overlay parking standards and the existing parking standards in effect at the time of the initial enactment of this chapter creating the Train Station Overlay Zone. In the event of any inconsistency between the parking standards identified in this section with respect to any other zone and a standard listed elsewhere in this Code, the standard set forth in the regulations specifically pertaining to such other zone shall control.

I.

Affordable housing set-aside. All developments shall be subject to the Borough's Affordable Housing Set-Aside and Trust Fund Ordinances and/or the regulations of the Council on Affordable Housing (COAH) obligation applicable to the development site, as those ordinances and/or regulations may provide from time to time.

Fees and Escrows Section B Nonrefundable Inspection Fees be deleted in its entirety and replaced as follows:

B. Inspection Fees.

- (1) Inspection fees as per procedures prescribed by the Department of Planning and Zoning consistent with the Municipal Land Use Law (40:55D-53).
- (2) Required Inspection fees shall be paid prior to the issuance of a Development Permit.

SECTION 2: The Borough's official zoning map shall be amended to eliminate the reference to "overlay" with the zoning districts being identified as "BR-1 Train Station Zone" and BR-2 Train Station Zone" respectively.

SECTION 3: 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 4: 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 5: 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 5: This Ordinance shall take effect immediately upon its passage and adoption according to law.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin	Motion	X			
Councilwoman Triggiano		X			
Councilman Ballard		X			
Councilman Yngstrom		X			
Councilman Zipprich		X			
Councilwoman Horgan	Second	X			

Introduction: September 11, 2019

Public Hearing/Adoption: September 25, 2019

I hereby certify the above to be a true copy.

Pamela Borghi

Pamela Borghi, Municipal Clerk