

ORDINANCE NO. 2009-28

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING CHAPTER XXV,
PLANNING AND DEVELOPMENT REGULATIONS
SECTION 25-9.12, "COMMERCIAL RECREATION FACILITIES"**

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 25-9.12, "Commercial Recreation Facilities" is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

25-9.12 Commercial Recreation Facilities. Commercial recreation facilities include theaters, drive-in theaters, bowling alleys, tennis clubs, racquetball clubs, health clubs, skating rinks, miniature golf courses, driving ranges, amusement centers, dance halls, commercial swimming pools and similar uses. For the purposes of this subsection, a facility's status as a Commercial Recreation Facility shall not be dependent upon whether the facility, or its owner, is a for-profit, or a not-for-profit entity.

1. The proposed use shall be screened from adjacent residential zones and existing adjacent residences in accordance with the provisions of Subsection 25-8.4b of this Chapter.
2. The applicant shall submit a written report setting forth the full particulars of the proposed use including hours of operation anticipated customer volume parking facilities necessary to service such customer volume and measures to be taken to avoid nuisance effects upon adjacent and nearby residential areas.
3. No building structure active recreation use or parking areas shall be located closer than twenty-five (25') feet to any residential property line.
4. Off-street parking requirements shall be determined by the Planning Board based upon evidence submitted by the applicant and requirements of similar type uses presently in operation.
5. Commercial swimming pools shall be subject to the provisions of Subsection 25-8.8.
6. No commercial recreation facilities shall be located within two hundred (200') feet of an existing school or church.
7. Maximum Lot Coverage by Buildings and Structures (including Swimming Pools); forty (40%) percent.
8. Minimum Unoccupied Open Space ten (10%) percent.
9. Signs shall be permitted as specified for the zone in which the use is proposed.

SECTION TWO: 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 THREE: 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 FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

First Reading: July 27, 2009

Final Reading: August 24, 2009