

ORDINANCE NO. 2013-18

ORDINANCE OF THE BOROUGH OF RED BANK,  
COUNTY OF MONMOUTH, NEW JERSEY  
AMENDING AND SUPPLEMENTING

CHAPTER 490, PLANNING AND DEVELOPMENT REGULATIONS, ARTICLE II  
("DEFINITIONS"), § 490-6; AND ARTICLE V ("GENERAL PROVISIONS") FOR DRIVE  
THROUGH FACILITIES

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

**WHEREAS**, drive-through facilities can cause problems with traffic, congestion, litter, and noise, which problems can be more acute when a drive through facility is located in close proximity to a residential neighborhood; and

**WHEREAS**, these proposed amendments to the Borough's Planning and Development Regulations are intended to mitigate the effects of noise, lighting, and visual impacts on abutting uses, particularly residential uses;

**WHEREAS**, the proposed changes are consistent with the intent of the Borough's Master Plan; and

**WHEREAS**, these changes are made for zoning and planning purposes as described in relevant New Jersey Statutes; and for good cause shown.

**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:** Article II, § 490-6 "Definitions", is hereby amended and supplemented to add the following definition:

DRIVE THROUGH FACILITY- An establishment that as part of its operation sells products or provides services to occupants in a vehicle. This use includes, but is not limited to, the operation of a drive-up or drive through service at a bank or other financial institution, the operation of fast food service establishment, and commercial retail sales (e.g. pharmacy).

**SECTION TWO:** Article V "General Provisions" §490 is hereby amended and supplemented to add the following new subsection 57A entitled "Drive- through/Drive-up Facilities".

**"57A. Drive- through/Drive-up facilities**

- A. Drive- through/drive-up facilities consisting of drive-up windows, drive- through aisles, and in the case of fast food service uses, associated menu boards shall be permitted for banks and other financial institutions, fast food service uses and pharmacy uses. The lot line of the parcel on which the drive- through/drive-up facility is located shall be a minimum of one hundred (100) feet from a residential zone.
- B. The minimum setback of the drive-through lane shall be fifteen (15) feet from the property line of any adjoining residential use on the side of the building with the drive-through/drive-up window. In addition the drive-through/drive-up facility shall be screened along the common property line of any adjoining residential use in accordance with the buffer and screening requirements of §490-81.B.4.
- C. Structures such as drive-through canopies and facilities for customer transactions, whether attached or detached to the principal building, shall comply with all yard setbacks of a principal building of the applicable zone district.

**SECTION THREE:** 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 FOUR:** 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 FIVE:** 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 SIX:** This Ordinance shall take effect immediately upon its passage and adoption 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: September 11, 2013