

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 2026-18

**AN ORDINANCE OF THE BOROUGH OF RED BANK TO AMEND THE BOROUGH'S
PLANNING AND DEVELOPMENT REGULATIONS TO REPEAL AND REPLACE
SECTIONS OF CHAPTER 490 PLANNING AND DEVELOPMENT REGULATIONS**

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Red Bank that Chapter 490, Planning and Development Regulations, of the Revised General Ordinances is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

SECTION 1. Amend as follows:

ARTICLE II: TERMINOLOGY

§490-6 Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

BOUTIQUE HOTEL

An attached or detached buildings having a minimum of 10 guest rooms and a maximum of 50 guest rooms offering rooms for rent on a nightly basis. A boutique hotel shall have at least one (1) full-time employee onsite and shall provide daily maid service. Retail shops and restaurants shall be located on the ground floor or rooftop. Such shall be a comprehensively planned, full-service retail, dining, and entertainment complex consisting of such combination and diversity of uses, attractions, and amenities as may be necessary or desirable to create a building functioning as a hotel complex.

CANNABIDOL (CBD) PRODUCTS

Any product containing "CBD," or "cannabidiol," as defined in N.J. Admin. Code § 2:25-1.2.

DATA CENTER

A facility whose primary services are the storage, management, and processing of data, including but not limited to, artificial intelligence applications; and that is used

to house computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; systems for monitoring and managing infrastructure performance; Internet-related equipment and services; data communications connections; environmental controls; fire protection systems; and security systems and services.

DWELLING UNIT, ACCESSORY

A residential living unit on the same parcel as a one-family dwelling with complete independent living facilities, including a kitchen and bathroom, for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling. An accessory dwelling unit ("ADU") shall be intended for permanent residency and shall not be permitted as a short-term rental, as defined in Chapter 559 of the Borough of Red Bank Code.

ELECTRONIC SMOKING DEVICE

An electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

ELECTRONIC SMOKING DEVICE PARAPHERNALIA

Cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device batteries, Electronic Smoking Device chargers, and any other item specifically designed for the preparation, charging, or use of Electronic Smoking Devices.

RETAIL SMOKE, VAPING, OR CBD SHOP

An establishment engaged in the sale of smoking, vaping, or CBD products and/or paraphernalia for the consumption of smoking-related products, and which may include a designated area for smoking or vaping. These products include, but are not limited to: Cigarettes, cigars, e-cigarettes, pipes, hookahs, bong, tobacco, vape cartridges, chewing tobacco, and CBD products. A business shall be classified as being within this use if more than 25% of the floor space, including displays and aisles, is based on the retail sale of the aforementioned products. This use shall not constitute a cannabis retailer, as defined in this chapter.

VAPING PRODUCTS

Any "liquid nicotine," "liquid nicotine container" or "vapor products," all as defined in N.J.S.A. 2A:170-51.9a; and any electronic or other device designed to permit individuals to inhale liquid nicotine or vapor products.

ARTICLE III: ADMINISTRATION AND ENFORCEMENT

§490-10 Fees and Escrows.

A. Application fees.

(2) Escrow funds required to be deposited with the Borough toward anticipated expenses for professional services to review applications for development, to review and prepare documents and to inspect developments under construction.

(b) Escrow amounts. Escrow funds in the amounts specified herein shall be required relative to the following applications:

[1] ~~All applications for development: \$500.~~ Single Family Dwelling: \$1,000. All Other Applications for Development: \$2,000

[10] Applications requiring grading plan review: ~~\$500:~~ \$1,000.

ARTICLE V: GENERAL REGULATIONS

§ 490-35. Accessory structures.

Unless otherwise specified in this chapter, accessory structures shall conform to the following regulations as to their locations on the lot:

E. No accessory structure shall contain living space, except when designated as an accessory dwelling unit (ADU). This provision applies to domestic employees of the property owner or tenant who are actively employed on the premises as their primary livelihood, other than for domestic employees of the owner or tenant, which domestic employees are actively employed on the premises as their primary livelihood.

G. For accessory structures that contain an accessory dwelling unit (ADU), the provisions of § 490-133.1 shall govern.

§ 490-56.3 Location of dwelling units within structures.

A. Residential dwelling units shall not be permitted in basements or cellars.

ARTICLE VIII. DESIGN STANDARDS AND IMPROVEMENTS SPECIFICATONS

§ 490-98. Off-street parking.

In all zones and in connection with every industrial, commercial, institutional, professional, recreational, residential or any other use, there shall be provided off-street parking spaces in accordance with the following requirements and parking lot standards:

O. Minimum off-street parking spaces required.

Use	Spaces Required
11. Dwellings:	
(a) Single-family	2 per dwelling unit
(b) Two-family	2 per dwelling unit
(c) Multifamily:	
(1) Efficiency units	1 per dwelling unit
(2) Restricted adult units, age 52 or older	1.5 per dwelling unit
(3) Three-bedroom or more	2.5 per dwelling unit
(4) Other	2 per dwelling unit
<u>NOTE: In the event of any conflict with the Residential Site Improvement Standards (RSIS), as codified at N.J.A.C. 5:21, the RSIS standard shall govern.</u>	
25. Retail food establishment	4 per 1,000 square feet GFA

ARTICLE IX. CONDITIONAL USES

§ 490-122. Cannabis retailers.

G. No cannabis retailer shall be permitted to operate within 500 feet of either another existing cannabis retailer or a site that has received a cannabis retail license.

§ 490-126 Educational uses.

Educational uses include public, parochial or private elementary or secondary schools duly licensed by the State of New Jersey, attendance at which is sufficient compliance with the compulsory education requirements of the state.

F. Educational uses shall be screened from adjacent residential zones or existing residences adjacent to the site in accordance with the provisions of § 490-81B of this chapter and/or shall provide fencing along such property lines as may be deemed adequate by the Planning Board. In addition to these screening requirements, any recreational area associated with an educational use, including but not limited to playgrounds, ballfields, or tennis courts, shall be set back at least 30 feet from any property line.

J. Building height shall be 35 feet and 2 ½ stories, unless the educational use is contained within a mixed-use building, in which case building height shall be as allowed in the relevant zoning district.

K. Educational uses shall be required to have frontage on at least two (2) streets, such that driveways with appropriate site distances shall be provided on more than one (1) street.

§ 490-133.1 Accessory dwelling units.

Accessory dwelling units (ADUs) shall be allowed in their permitted zones per this chapter subject to the following:

A. General provisions

(1) No more than one ADU shall be permitted on a lot.

(2) Either the ADU or the primary dwelling unit shall be the domicile of the person(s) who owns the lot. The ADU shall not be permitted to be sold separately from the primary residence, nor shall a subdivision of the lot be permitted in order to facilitate creation of the ADU.

(3) The ADU shall be occupied as a one-family residence for no more than four persons.

(4) No ADU shall be situated in, nor shall contain, a basement, cellar, or attic.

(5) Where an ADU is within the principal structure, no new or separate utility connection shall be required, nor shall the applicant impose a related connection fee upon the ADU occupant(s), unless the ADU was constructed together with a new single-family dwelling. For an ADU within an accessory structure, the ADU must be

served with a separate utility connection from the principal structure, and the connection fee shall be no more than half of that charged for a new principal dwelling.

(6) All condensers, generators, or similar utility equipment associated with the ADU shall conform with applicable setback requirements.

(7) Where an ADU is created within an existing accessory structure, the property shall be allowed to have a second accessory structure of up to 100 square feet, assuming all applicable area and bulk provisions are met.

(8) The ADU must conform to all applicable building codes. Where the lot contains a swimming pool, the ADU must conform to the same setback requirements as for the principal structure (the pool shall not be located less than eight feet from a residence).

(9) Creation of the ADU shall not cause an increase to any pre-existing nonconformity.

(10) If the ADU is contained within the principal structure, it shall use the same exterior materials, colors, and finishes as the principal dwelling. If the ADU is contained within an accessory structure, its architecture shall be consistent with the character of the surrounding neighborhood. No balconies or decks shall be permitted on any ADU.

(11) The ADU shall have facilities for cooking, preparing food, and sanitation that are independent of any other dwelling unit.

(12) The ADU shall have its own entrance, which is not shared with any other dwelling unit, and all rooms within the ADU shall be accessible from within the unit.

(13) No additional parking shall be required for the ADU. However, no additional and/or separate curb cut shall be permitted to serve the ADU.

(14) For an ADU in a newly constructed building, the external entrance to the ADU shall not face the same street as the external entrance of the principal dwelling, if such external entrance to the ADU is visible from the street.

(15) Refuse in connection with the ADU shall not be stored in the front yard.

(16) The sanitary disposal system for the lot, either existing or as modified to accommodate the ADU, shall be inspected and approved by the Construction Official.

(17) The ADU shall comply with all existing Borough ordinances, zoning ordinances, and the New Jersey Uniform Construction Code (UCC).

B. Permitted zones

ADUs shall be permitted in zoning districts per this chapter, on lots that contain a one-family home, so that the total number of units on a lot with an ADU cannot exceed two. Within historic districts, ADUs shall only be permitted within detached accessory structures, subject to applicable design guidelines.

C. Required minimum lot size

To accommodate an ADU, a lot must be conforming to all applicable area and bulk standards, including coastal setback requirements. The required minimum lot size shall be as follows:

- (1) RA district: 7,500 square feet.
- (2) RB district: 4,500 square feet.
- (3) R-B1 district: 5,200 square feet.
- (4) R-B2 district: 4,500 square feet.
- (5) RD district: 4,500 square feet.
- (6) BR-1 and BR-2 districts: 5,200 square feet.
- (7) WD district: 30,000 square feet.

D. Size and minimum requirements.

(1) In no case shall the ADU be more than 40% of the living area of the principal dwelling unit, nor more than 800 square feet, nor less than 300 square feet, nor have more than two bedrooms. The ADU shall have at least two rooms, one of which shall be a bathroom.

(2) Floor area bonuses

(a) A property containing an ADU shall be granted an increase of 5% in the total maximum floor area allowed, which can be applied either to the principal dwelling unit or to the ADU, or both, in exchange for meeting one (1) of the following bonus incentives. Only one (1) incentive may be used, for a total potential floor area bonus of 5%. The bonus may be granted if:

- (i) The ADU is fully handicapped-accessible under the New Jersey Barrier Free Sub Code (N.J.A.C. 5:23-7).

(ii) The ADU is deed-restricted as an affordable housing unit, pursuant to Chapter 205 of the Borough Code. In addition to the floor area bonus, development fees for the deed-restricted unit shall be waived.

(iii) The lots that front either the Navesink or Swimming River, an access easement is provided to the Borough, providing at least 25 feet in width along the river frontage, with appropriate provisions for public passive enjoyment of river views.

(iv) The ADU, whether contained within an accessory building or within a principal structure, incorporates one or more actions from the Green Development Checklist (§490 Attachment 5), as follows, with satisfaction to be determined by the Borough of Red Bank Environmental Commission:

[a] Tier 1: inclusion of at least one (1) of these elements: green roof; LEED or equivalent certification; use of solar or wind power or a fully electrified ADU; or a comprehensive stormwater management component (e.g., a cistern). An ADU that satisfies the Tier 1 requirements may be granted the full floor area bonus of 5%.

[b] Tier 2: inclusion of at least two (2) of these elements: reduction in light pollution (e.g. Dark Sky lighting measures); onsite management of vegetative waste (e.g. composting system); addition of native plant species from the Borough's adopted list; use of a bioswale or rain garden to address a significant portion of onsite stormwater management; or the addition of at least three (3) native trees. An ADU that satisfies the Tier 2 requirements may be granted a floor area bonus of 2.5%.

(b) The determination of whether the proposed ADU meets the above requirements for granting of a floor area bonus shall be made by the administrative officer, pursuant to the procedure for development permits in §490-12A.

E. Permitted height.

For an ADU within an accessory structure, the maximum permitted height shall be 16 feet. For an ADU within the principal dwelling structure, the ADU shall conform with the permitted maximum height for a principal dwelling structure.

F. Required setbacks.

For an ADU within an accessory structure, the required setback shall be eight feet from the rear or side lot lines and five feet from the principal structure. No ADU within an accessory structure shall be permitted within a front yard.

G. Procedure.

Approval of an ADU shall require a development permit, pursuant to § 490-12A, assuming all conditions in this chapter and the applicable bulk requirements in the zoning district are met.

ARTICLE X. ZONING

§ 490-137. RA Residential Zone District.

D. Conditional uses, subject to the provisions of Article IX of this chapter:

(6) Accessory dwelling units (ADUs).

§ 490-138. RB Residential Zone District.

D. Conditional uses, subject to the provisions of Article IX of this chapter:

(6) Accessory dwelling units (ADUs).

E. Area, yard and structure requirements:

(3) Minimum front setback: ~~30 feet, except in no case shall any structure be less than 40 feet from the center line of a street.~~ 25 feet. Principal structures may be placed closer to the street, but in no case less than 20 feet, if the resulting front yard would be within 5 feet of the average back of lots within 200 feet.

(5) Minimum side yard setback:

(a) Principal structure: ~~10~~ 8 feet, except that the combination of both side yards must be at least 20 feet.

(8) Maximum lot coverage of principal and accessory structures: ~~40%~~ 30%.

§ 490-139. R-B1 Residential Zone District.

D. Conditional uses, subject to the provisions of Article IX of this chapter:

(6) Accessory dwelling units (ADUs).

E. Area, yard and structure requirements:

(3) Minimum front setback: ~~30 feet, except in no case shall any structure be less than 40 feet from the center line of a street.~~ 25 feet. Principal structures may be placed closer to the street, but in no case less than 20 feet, if the resulting front yard would be within 5 feet of the average back of lots within 200 feet.

(5) Minimum side yard setback:

(a) Principal structure: ~~10~~ 8 feet, except that the combination of both side yards must be at least 20 feet.

(8) Maximum lot coverage of principal and accessory structures: 30%.

§ 490-140. R-B2 Residential Zone District.

D. Conditional uses, subject to the provisions of Article IX of this chapter:

(6) Accessory dwelling units (ADUs).

E. Area, yard and structure requirements:

(3) Minimum front setback: ~~30 feet, except in no case shall any structure be less than 40 feet from the center line of a street.~~ 25 feet. Principal structures may be placed closer to the street, but in no case less than 20 feet, if the resulting front yard would be within 5 feet of the average back of lots within 200 feet.

(5) Minimum side yard setback:

(a) Single-family:

[1] Principal structure: ~~10~~ 8 feet, except that the combination of both side yards must be at least 20 feet.

(b) Two-family:

[1] Principal structure: ~~10~~ 8 feet, except that the combination of both side yards must be at least ~~25~~ 20 feet.

(8) Maximum lot coverage of principal and accessory structures: ~~40%~~ 30%.

§ 490-141. RD Residential District.

D. Conditional uses, subject to the provisions of Article IX of this chapter:

(6) Accessory dwelling units (ADUs).

E. Area, yard and structure requirements:

(3) Minimum front setback: ~~30 feet, except in no case shall any structure be less than 40 feet from the center line of a street.~~ 25 feet. Principal structures may be placed closer to the street, but in no case less than 20 feet, if the resulting front yard would be within 5 feet of the average back of lots within 200 feet.

(5) Minimum side yard setback:

(a) Principal structure:

[1] Detached single-family: ~~four~~ 8 feet, except that the combination of both side yards must be at least ~~15~~ 20 feet; except that, for properties with river frontage, 10 feet, and the combination of both side yards must be at least 20 feet. However, air-conditioning units may be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

[2] Two-family: ~~7.5~~ 8 feet, except that the combination of both side yards must be at least 20 feet. However, air-conditioning units may be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)

(8) Maximum lot coverage of principal and accessory structures:

(a) Detached single-family: ~~40%~~ 30%.

(b) Two-family: ~~40%~~ 30%.

§ 490-142. NB Neighborhood Business District.

A. Permitted uses:

(3) Retail commercial not exceeding 2,000 square feet of ground floor area, except the following are not permitted:

(c) Retail smoke, vaping, or CBD shops.

(4) Personal service establishments, except:

(a) ~~Massage establishments.~~

(13) Boutique hotels and Owner-occupied bed & breakfasts

§ 490-143. HB Highway Business Zone District.

A. Permitted uses:

(3) Retail commercial uses, except retail smoke, vaping, or CBD shops.

(13) Hotels, motels, and boutique hotels.

§ 490-144. CCD-1 Central Commercial District-1.

A. Permitted uses:

(3) Retail commercial uses, except:

(e) Retail smoke, vaping, or CBD shops.

(4) Personal service establishments, except:

(a) ~~Massage establishments.~~

(13) Boutique hotels.

B. Required accessory uses:

(1) Off-street parking, subject to the provisions of § 490-98 of this chapter, except that, in applications for nonresidential changes of occupancy ~~between retail, personal service, business or professional offices,~~ to permitted uses on the ground floor where there is no new gross floor area proposed ~~and the proposed change results in a deficiency of less than five parking spaces,~~ and no other variances or design waivers are required, then no off-street parking shall be required, variance shall be required for the parking space deficiency, and the administrative officer may grant administrative approval, ~~provided the applicant pays all applicable contributions to the Municipal Parking Utility Capital Improvement Fund in accordance with the applicable Parking Deficiency Schedule,~~ and provided further that this requirement may be met as set forth in Subsection B(3) of this section.

§ 490-145. CCD-2 Central Commercial District-2.

A. Permitted uses:

(3) Retail commercial uses, except:

(e) Retail smoke, vaping, or CBD shops.

(4) Personal service establishments, except:

(a) Massage parlors.

(9) Hotel/motels/boutique hotels located north of Front Street.

B. Required accessory uses:

(1) Off-street parking, subject to the provisions of § 490-98 of this chapter, except that, in applications for nonresidential changes of occupancy ~~between retail, personal service, business or professional offices,~~ to permitted uses on the ground floor where there is no new gross floor area proposed ~~and the proposed change results in a deficiency of less than five parking spaces,~~ and no other variances or design waivers are required, then no off-street parking shall be required, variance shall be required for the parking space deficiency, and the administrative officer may grant administrative approval, ~~provided the applicant pays all applicable contributions to the Municipal Parking Utility Capital Improvement Fund in accordance with the applicable Parking Deficiency Schedule,~~ and provided further that this requirement may be met as set forth in Subsection B(3) of this section.

§ 490-146. BR-1 Business/Residential-1 District.

A. Permitted uses:

(6) Retail commercial, except:

(c) Retail smoke, vaping, or CBD shops.

(4) Personal service establishments, except:

(a) Massage parlors.

(13) Hotel, motel and boutique hotel.

B. Required accessory uses:

(1) Off-street parking, subject to the provisions of § 490-98 of this chapter, except that, in applications for nonresidential changes of occupancy ~~between retail, personal service, business or professional offices, to permitted uses on the ground floor~~ where there is no new gross floor area proposed ~~and the proposed change results in a deficiency of less than five parking spaces,~~ and no other variances or design waivers are required, ~~then no off-street parking shall be required, variance shall be required for the parking space deficiency,~~ and the administrative officer may grant administrative approval, ~~provided the applicant pays all applicable contributions to the Municipal Parking Utility Capital Improvement Fund in accordance with the applicable Parking Deficiency Schedule,~~ and provided further that this requirement may be met as set forth in Subsection B(3) of this section.

D. Conditional uses, subject to the provisions of Article IX of this chapter:

(8) Accessory dwelling units (ADUs).

§ 490-147. PO Professional Office Zone District.

A. Permitted uses:

(3) The following shall be considered permitted uses, provided that the physical arrangement of the proposed use will not result in alteration of any existing buildings or property nor require any new construction which is not residential in character and appearance as provided in § 490-47 of this chapter:

(a) At any location in the district:

[2] Professional office and business offices with apartments providing residential density of no greater than ~~six units per acre~~ two (2) residential units per lot with a minimum of 600 square feet of habitable floor area for each apartment, except that first-floor apartments are a minimum of 1,000 square feet.

[3] Owner-occupied bed and breakfasts.

D. Conditional uses, subject to the provisions of Article IX of this chapter:

~~(2) Educational uses.~~

§ 490-148. WD Waterfront Development District.

A. Permitted uses:

(8) Hotels, motels, boutique hotels, and owner-occupied bed-and-breakfasts.

D. Conditional uses, subject to the provisions of Article IX of this chapter:

(5) Accessory dwelling units (ADUs).

§ 490-150. I Industrial Zone; LI Light Industrial Zone.

A. Permitted uses:

(2) In either the Industrial (I) or Light Industrial (LI) Zone:

(j) Mini warehouses, warehouses, or storage facilities, except that data centers shall not be permitted.

§ 490-151. BR-2 Business/Residential-2 District.

A. Permitted uses:

(8) Retail commercial uses, except:

(d) Retail smoke, vaping, or CBD shops.

(12) Hotels, motels, and boutique hotels.

B. Required accessory uses:

(1) Off-street parking, subject to the provisions of § 490-98 of this chapter, except that, in applications for nonresidential changes of occupancy ~~between retail, personal service, business or professional offices, to permitted uses on the ground floor~~ where there is no new gross floor area proposed ~~and the proposed change results in a deficiency of less than five parking spaces, and no other variances or design waivers are required, then no off-street parking shall be required, variance shall be required for the parking space deficiency,~~ and the administrative officer may grant administrative approval, ~~provided the applicant pays all applicable contributions to the Municipal Parking Utility Capital Improvement Fund in accordance with the applicable Parking Deficiency Schedule,~~ and provided further that this requirement may be met as set forth in Subsection B(3) of this section.

D. Conditional uses, subject to the provisions of Article IX of this chapter:

(8) Accessory dwelling units (ADUs).

* * *

SECTION 2. 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 3. 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 4. 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 upon its passage and publication according to law.

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KRISTINA BONATAKIS		X	X			
		X				NANCY FACEY-BLACKWOOD			X			
				X		BEN FOREST	X		X			
		X				LAURA JANNONE			X			
		X				BEN YURO			X			
X		X				KATE TRIGGIANO			X			
		X				MAYOR WILLIAM PORTMAN					X	
Introduced: May 28, 2026						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey on the aforementioned date.						
Final Adoption: June 11, 2026												
						 Mary Moss, RMC- Borough Clerk						


Mary Moss, RMC- Borough Clerk

