

**§ 490-146. BR-1 Business/Residential-1 District. [Amended by Ord. No. 1998-33; Ord. No. 2000-35; Ord. No. 2003-26; Ord. No. 2005-9]**

A. Permitted uses:

- (1) Detached single-family dwellings.
- (2) Dwelling uses on floors above street level where each dwelling has a minimum of 1,000 square feet of habitable floor area and no more than two bedrooms at a maximum density of 16 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 16 units per acre results in less than four units. **[Amended 10-12-2009 by Ord. No. 2009-37]**
- (3) Multifamily dwellings, known as "garden apartments" or "apartment houses," at a density not to exceed 16 units per gross acre; or townhouses at a density not to exceed 14 units per gross acre, subject to § 490-96 of this chapter. **[Amended 10-12-2009 by Ord. No. 2009-37]**
- (4) Professional offices and home professional offices.
- (5) Business offices.
- (6) Retail commercial, except:
  - (a) Large food stores exceeding 8,000 square feet, commonly called "supermarkets."
  - (b) Shops which offer for sale firearms and/or ammunition.
- (7) Personal service establishments, except: **[Amended 10-12-2009 by Ord. No. 2009-37]**
  - (a) Massage services.<sup>1</sup>
- (8) Art studios and galleries.
- (9) Banks, trust companies and deposit institutions without drive-up facilities. **[Amended 9-25-2019 by Ord. No. 2019-61]**
- (10) Primary food-service establishments.
- (11) Primary liquor-service establishments.
- (12) (Reserved)<sup>2</sup>
- (13) Hotel and motel.
- (14) Theaters.
- (15) Mortuary and funeral homes.

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1. Editor's Note: Former Subsection A(7)(b), which prohibited tattoo services and stores whose primary function is body piercing, which immediately followed this subsection, was repealed 10-10-2018 by Ord. No. 2018-24.

2. Editor's Note: Former Subsection A(12), listing motor vehicle diagnostic and service facilities as a permitted use, was repealed 9-25-2019 by Ord. No. 2019-61.

- (16) Lodges, clubs and fraternal organizations.
- (17) Government offices, including federal, state, county or municipal buildings and grounds, but excluding schools and facilities such as maintenance or storage yards.
- (18) Essential services.
- (19) Commercial recreational uses. **[Added 11-7-2018 by Ord. No. 2018-30]**
- (20) Cannabis delivery services. **[Added 8-18-2021 by Ord. No. 2021-17]**

B. Required accessory uses:

- (1) Off-street parking, subject to the provisions of § 490-98, except that, in applications for nonresidential changes of occupancy between retail, personal service, business or professional offices, 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 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)(d) below. **[Amended 4-12-2010 by Ord. No. 2010-15]**
- (2) Off-street loading, subject to the provisions of § 490-97, provided that no more than one off-street loading space shall be required, and provided further that this requirement may be met as set forth in Subsection B(3)(d) below. **[Amended 4-12-2010 by Ord. No. 2010-15]**
- (3) Off-street parking and off-street loading requirements may be met by: **[Amended 4-12-2010 by Ord. No. 2010-15]**
  - (a) Providing the required spaces on site.
  - (b) Providing the required spaces on other properties owned by or under the control of the developer located within a zone which permits the proposed uses either contiguous with or within 500 feet walking distance of a primary pedestrian entrance to the site being developed.
  - (c) Providing evidence that a specific agreement exists with the Red Bank Borough Municipal Parking Utility which provides for the developer to lease sufficient spaces from the Parking Utility.
  - (d) A combination of Subsection B(3)(a), (b) and (c) acceptable to the municipal agency.<sup>3</sup>

C. Permitted accessory uses:

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

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3. Editor's Note: Former Subsection B(4), regarding contribution to the Red Bank Borough Municipal Parking Utility Capital Improvement Fund, which immediately followed this subsection, was repealed 4-12-2017 by Ord. No. 2017-13.

- (2) Private garage space for the storage of motor vehicles, provided that the garage, whether attached or detached, shall be arranged to open to the side or rear of the lot, unless detached and located entirely to the rear of the principal structure.
- (3) Signs, subject to the provisions of § 490-104 of this chapter, as follows:
  - (a) For multifamily dwellings: minor and Type A signs and one Type G3 or G4 sign.
  - (b) For all other permitted uses:
    - [1] Minor and Type A and B signs.
    - [2] Types G3 and G4.
    - [3] Type W2 or W3.
    - [4] One Type R2 or Type R3 per public entrance.
    - [5] One Type P1.
- (4) Off-street loading within enclosed storage structures.
- (5) Other customary residential accessory uses and buildings, subject to § 490-35 of this chapter, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any such accessory building or use shall be located at the same lot as the principal structure.<sup>4</sup>
- (6) Commercial parking facilities. **[Added 10-12-2009 by Ord. No. 2009-37]**

D. Conditional uses:

- (1) Churches and places of worship.
- (2) Public utilities.
- (3) Shopping centers.
- (4) Educational uses.
- (5) Nursery schools.
- (6) Commercial parking facilities.<sup>5</sup> **[Added 10-12-2009 by Ord. No. 2009-37]**
- (7) Cannabis retailers. **[Added 8-18-2021 by Ord. No. 2021-17]**

E. Area, yard and structure requirements:

- (1) Minimum lot area:
  - (a) Detached single-family and home professional offices: 4,500 square feet.

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4. Editor's Note: Original § 25-10.14c6, regarding personal earth terminals, which immediately followed this subsection, was repealed 10-12-2009 by Ord. No. 2009-37.

5. Editor's Note: Former Subsection D(7), which immediately followed this subsection and pertained to signs which are conditional uses, subject to § 490-104, was repealed 12-12-2018 by Ord. No. 2018-38.

- (b) Garden apartments and apartment houses: 45,000 square feet.
  - (c) Townhouses: 25,000 square feet.
  - (d) Other uses: no requirement.
- (2) Minimum lot frontage:
- (a) Detached single-family and home professional offices: 50 feet.
  - (b) Garden apartments and apartment houses: 150 feet.
  - (c) Townhouses: 100 feet.
  - (d) Other uses: 100 feet.
- (3) Minimum front yard setbacks: all uses, 25 feet, except, for properties fronting on Monmouth Street, the setback shall be 10 feet, provided a ten-foot unobstructed sidewalk is provided. **[Amended 10-12-2009 by Ord. No. 2009-37]**
- (4) Minimum rear yard setback:
- (a) Principal structure: 25 feet.
  - (b) Accessory structure: five feet.
- (5) Minimum side yard requirement:
- (a) Detached single-family and home professional office: 10 feet, except for the following: **[Amended 10-12-2009 by Ord. No. 2009-37; 12-5-2012 by Ord. No. 2012-20]**
    - [1] Air-conditioning units, which 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] Standby generators must be enclosed by a sound-attenuated weatherproof box or cabinet and shall be no closer than three feet to any lot line, provided that all screening and noise-reduction requirements are met. Standby generators shall conform to the Uniform Construction Code Standards. (See also § 490-101, Screening of equipment or machinery, and § 490-54, regarding noise standards.)
  - (b) Garden apartments and apartment houses: 15 feet, except that both side yards combined shall be not less than 40 feet.
  - (c) Townhouses: 15 feet.
  - (d) Other uses: 10 feet.
  - (e) Exception: minimum side yard for accessory buildings: four feet.

- (6) Maximum structure height: **[Amended 10-12-2009 by Ord. No. 2009-37]**
- (a) Detached single-family dwellings: 35 feet and not to exceed 2 1/2 stories.
  - (b) Other uses: 40 feet.
- (7) Minimum gross habitable floor area: **[Amended 10-12-2009 by Ord. No. 2009-37]**
- (a) Efficiency units: 750 square feet.
  - (b) One-bedroom unit: 900 square feet per unit.
  - (c) Two-bedroom unit: 1,100 square feet per unit.
  - (d) Three-bedroom unit: 1,250 square feet per unit.
  - (e) Garden apartments and apartment houses: 1,000 square feet per unit with at least 500 square feet per unit of ground floor area.
  - (f) Townhouses: 1,000 square feet per unit with at least 700 square feet per unit of ground floor area.
  - (g) Other uses: no requirements.
- (8) Maximum lot coverage of principal and accessory structures:
- (a) Detached single-family: 35%.
  - (b) Garden apartments and apartment houses: 45%.
  - (c) Townhouses: 45%.
  - (d) Other uses: 50%.
- (9) Minimum unoccupied open space:
- (a) Detached single-family: no requirements.
  - (b) Garden apartments and apartment houses: 25%.
  - (c) Townhouses: 20%.
  - (d) Other uses: 15%.
- (10) Maximum floor area ratio: 2.1. **[Amended 10-12-2009 by Ord. No. 2009-37]**