

ORDINANCE NO. 18, 2013

AN ORDINANCE AMENDING CHAPTER 277 ZONING, ARTICLE X, USES AND SUPPLEMENTAL STANDARDS, HEIGHT OF STRUCTURES OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 277 Zoning, Article X, Uses and Supplemental Standards, Section 277-25, Dwelling R-20 Zone (single-family detached residential), Section E. Height of structures (1) is hereby amended to read as follows:

- (1)** The height of the primary structure may not exceed 35 feet from average grade along the foundation to the highest point or 33 feet from the base flood elevation if the structure is located in a flood hazard area (chimneys are excluded).

SECTION 2: Chapter 277 Zoning, Article X, Uses and Supplemental Standards, Section 277-26, Dwelling R-15 Zone (single-family detached residential), Section E. Height of structures (1) is hereby amended to read as follows:

- (1)** The height of the primary structure may not exceed 35 feet from average grade along the foundation to the highest point or 33 feet from the base flood elevation if the structure is located in a flood hazard area (chimneys are excluded).

SECTION 3: Chapter 277 Zoning, Article X, Uses and Supplemental Standards, Section 277-27, Dwelling R-10 Zone (single-family detached residential), Section C. Lot size, coverage and setbacks, (6) Height of structure (a) and (b) are hereby amended to read as follows:

- (a)** The height of the primary structure may not exceed 35 feet from average grade along the foundation to the highest point or 33 feet from the base flood elevation if the structure is located in a flood hazard area (chimneys are excluded).
- (b)** In the area between the minimum side yard setback and 20 feet from the side yard line, the maximum permissible height of the structure shall be 25 feet or 23 feet from the base flood elevation if the structure is located in a flood hazard area.

SECTION 4: Chapter 277 Zoning, Article X, Uses and Supplemental Standards, Section 277-28, Dwelling R-10 – PL Zone (single-family detached residential on private lane or drive), Section D. Coverage and setbacks, (9) Maximum height of structure (a) and (b) are hereby amended to read as follows:

- (a)** The height of the primary structure may not exceed 35 feet from average grade along the foundation to the highest point or 33 feet from the base flood elevation if the structure is located in a flood hazard area (chimneys are excluded).
- (b)** In the area between the minimum side yard setback and 20 feet from the side yard line, the maximum permissible height of the structure shall be 25 feet or 23 feet from the base flood elevation if the structure is located in a flood hazard area.

SECTION 5: Chapter 277 Zoning, Article X, Uses and Supplemental Standards, Section 277-29, Dwelling R-SR Zone (single-family detached – Shore Road residential), Section E. Height of structure, (1) is hereby amended to read as follows:

- (1)** The height of the primary structure may not exceed 35 feet from average grade along the foundation to the peak of the roof or 33 feet from the base flood elevation if the structure is located in a flood hazard area (chimneys are excluded).

SECTION 6: Chapter 277 Zoning, Article X, Uses and Supplemental Standards, Section 277-30, Dwelling RT Zone (multifamily residential), Section C. Townhomes and/or duplex family residences within the RT Zone shall comply with the following bulk requirements, (10) and (11) are hereby amended to read as follows:

- (10)** The height of the primary structure may not exceed 35 feet from average grade along the foundation to the peak of the roof or 33 feet from the base flood elevation if the structure is located in a flood hazard area (chimneys are excluded).
- (11)** In the area between the minimum side yard setback and 20 feet from the side yard line, the maximum permissible height of the structure shall be 25 feet or 23 feet from the base flood elevation if the structure is located in a flood hazard area.

SECTION 7: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 8: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 9: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

*FIRST READING: September 11, 2013*

*PUBLICATION: September 16, 2013*

*PASSAGE: September 25, 2013*

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, September 11, 2013 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on September 25, 2013.

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LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

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RICHARD L. DEPAMPHILIS, III, MAYOR