

ORDINANCE NO. 7, 2020

AN ORDINANCE AMENDING CHAPTER 277 ZONING, ARTICLE X USES AND SUPPLEMENTAL STANDARDS 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 is hereby amended to read as follows:

**§ 277-25 Dwelling R-20 Zone (single-family detached residential).**

- A. Within any Dwelling R-20 Zone, the following principal and accessory uses are permitted:
- (1) Private single-family dwellings, municipal uses, parks, playgrounds and other public recreation use, swimming pools, spas/hot tubs, fences/walls, sheds, flagpoles, gazebos/garden houses, and tennis courts.
  - (2) Private garages and/or accessory buildings for uses incidental to the main residence, provided that all are on the same lot.
  - (3) Professional home offices subject to the following:
    - (a) The home office use must be conducted by a member of the household residing in the dwelling unit and up to one (1) non-household employee.
    - (b) The maximum size of the home office is 400 square feet.
    - (c) The home office must be within the principal structure on the property.
    - (d) No signage identifying the home office shall be permitted.
    - (e) No customer, client, supplier or other patron of a retail business shall be served in person at the home office, except for customary residential deliveries.
    - (f) No change in the architecture which would change the residential nature of the structure is permitted.
    - (g) All home offices must be properly registered with the City.

B. Prohibited uses.

- (1) Within any Dwelling R-20 Zone, the following uses are prohibited:
  - (a) Any business or commercial activity other than as specified in Section A.
  - (b) Any structure or land used in whole or in part for any industrial, manufacturing, commercial or trade purposes.
- (2) These restrictions apply equally to rental units.
- (3) The enumeration of prohibited uses is by way of example and not limitation. Any use not expressly permitted shall be considered prohibited.

C. Lot size, coverage and setbacks.

- (1) A lot within the Dwelling R-20 Zone shall have a width of at least 100 feet and a depth of at least 125 feet, with a minimum area of 20,000 square feet. Only those portions of the lot actually situate within the Dwelling R-20 Zone shall be utilized for purposes of satisfying the aforesaid bulk criteria.
- (2) Coverage.
  - (a) In a lot within the Dwelling R-20 Zone, principal building coverage shall not exceed 25% and total lot coverage shall not exceed 35%.
  - (3) The main building or any permitted detached accessory buildings shall be set back at least 30 feet from the front property line. All accessory buildings must be set behind the building lines of the principal structure.
- (4) Setbacks.
  - (a) Minimum rear yard setback is 20 feet.
  - (b) Minimum side yard setback is 25 feet.

D. Street frontage. A lot within the Dwelling R-20 Zone shall have a minimum of 100 feet of frontage on an improved public street.

E. Height of structures.

- (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).

(2) Primary structures may not exceed 2 1/2 stories.

F. Landscaping.

(1) Front yard landscaping in the R-20 Zone shall be a minimum coverage of 60% pervious vegetation (grass, plants, shrubs, trees).

(2) No street trees in the right-of-way shall be removed for the construction of any driveway or curb cut without the approval of the City Engineer.

**§ 277-26 Dwelling R-15 Zone (single-family detached residential).**

A. Within any Dwelling R-15 Zone, the following principal and accessory uses are permitted:

(1) Private single-family dwellings, municipal uses, parks, playgrounds and other public recreation use, swimming pools, spas/hot tubs, fences/walls, sheds, flagpoles, gazebos/garden houses, and tennis courts.

(2) Private garages and/or accessory buildings for uses incidental to the main residence, provided that all are on the same lot.

(3) Professional home offices subject to the following:

(a) The home office use must be conducted by a member of the household residing in the dwelling unit and up to one (1) non-household employee.

(b) The maximum size of the home office is 400 square feet.

(c) The home office must be within the principal structure on the property.

(d) No signage identifying the home office shall be permitted.

(e) No customer, client, supplier or other patron of a retail business shall be served in person at the home office, except for customary residential deliveries.

(f) No change in the architecture which would change the residential nature of the structure is permitted.

(g) All home offices must be properly registered with the City

B. Prohibited uses.

(1) Within any Dwelling R-15 Zone, the following uses are prohibited:

- (a) Any business or commercial activity other than as specified in Section A.
    - (b) Any structure or land used in whole or in part for any industrial, manufacturing, commercial or trade purposes.
  - (2) These restrictions apply equally to rental units.
  - (3) The enumeration of prohibited uses is by way of example and not limitation. Any use not expressly permitted shall be considered prohibited.
- C. Lot size, coverage and setbacks.
- (1) A lot within the Dwelling R-15 Zone shall have a width of at least 100 feet and a depth of at least 100 feet, with a minimum area of 15,000 square feet. Only those portions of the lot actually situate within the Dwelling R-15 Zone shall be utilized for purposes of satisfying the aforesaid bulk criteria.
  - (2) Coverage.
    - (a) In a lot within the Dwelling R-15 Zone, principal building coverage shall not exceed 30% and total lot coverage shall not exceed 40%.
  - (3) The main building or any permitted detached accessory buildings shall be set back at least 25 feet from the front property line. All accessory buildings must be set behind the building lines of the principal structure.
  - (4) Setbacks.
    - (a) Minimum rear yard setback is 20 feet.
    - (b) Minimum side yard setback is 15 feet.
- D. Street frontage. A lot within the Dwelling R-15 Zone shall have a minimum of 100 feet of frontage on an improved public street.
- E. Height of structure.
- (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). The height of the structure may not exceed 25 feet with an area 20 feet from the side property line.
  - (2) Primary structures may not exceed 2 1/2 stories.
- F. Landscaping.

- (1) Front yard landscaping in the R-15 Zone shall be a minimum coverage of 60% pervious vegetation (grass, plants, shrubs, trees).
- (2) No street trees in the right-of-way shall be removed for the construction of any driveway or curb cut without the approval of the City Engineer.

G. Conditional Uses.

- (1) Public utility buildings are permitted as conditional uses subject to the following conditions:
  - (a) The minimum lot area for the zone district in which the use is located shall be met.
  - (b) All yard and setback requirements of the zone district shall be met; provided, however, that no yard shall be less than the height of the facility.

**§ 277-27 Dwelling R-10 Zone (single-family detached residential).**

A. Within any Dwelling R-10 Zone, the following principal and accessory uses are permitted:

- (1) Private single-family dwellings, municipal uses, parks, playgrounds and other public recreation use, swimming pools, spas/hot tubs, fences/walls, sheds, flagpoles, gazebos/garden houses, and tennis courts.
- (2) Private garages and/or accessory buildings for uses incidental to the main residence, provided that all are on the same lot.
- (3) Professional home offices subject to the following:
  - (a) The home office use must be conducted by a member of the household residing in the dwelling unit and up to one (1) non-household employee.
  - (b) The maximum size of the home office is 400 square feet.
  - (c) The home office must be within the principal structure on the property.
  - (d) No signage identifying the home office shall be permitted.
  - (e) No customer, client, supplier or other patron of a retail business shall be served in person at the home office, except for customary residential deliveries.

- (f) No change in the architecture which would change the residential nature of the structure is permitted.
- (g) All home offices must be properly registered with the City.

B. Prohibited uses.

- (1) Within any Dwelling R-10 Zone, the following uses are prohibited:
  - (a) Any business or commercial activity other than as specified in Section A.
  - (b) Any structure or land used in whole or in part for any industrial, manufacturing, commercial or trade purposes.
- (2) These restrictions apply equally to rental units.
- (3) The enumeration of prohibited uses is by way of example and not limitation. Any use not expressly permitted shall be considered prohibited.

C. Lot size, coverage and setbacks.

- (1) A lot within the Dwelling R-10 Zone shall have a width of at least 100 feet and a depth of at least 100 feet, with a minimum area of 10,000 square feet. Only those portions of the lot actually situate within the Dwelling R-10 Zone shall be utilized for purposes of satisfying the aforesaid bulk criteria.
- (2) In a lot within the Dwelling R-10 Zone, principal building coverage shall not exceed 30% and total lot coverage shall not exceed 40%.
- (3) The main building or any permitted detached accessory buildings shall be set back at least 20 feet from the front property line. All accessory buildings must be set behind the building lines of the principal structure.
- (4) Setbacks.
  - (a) Minimum rear yard setback is 20 feet.
  - (b) Minimum side yard setback is 10 feet.

D. Street frontage. A lot within the Dwelling R-10 Zone shall have a minimum of 100 feet of frontage on an improved public street.

E. Height of structure.

- (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). The height of the structure may not exceed 25 feet with an area 20 feet from the side property line.

- (b) Primary structures may not exceed 2 1/2 stories.

F. Landscaping.

- (1) Front yard landscaping in the R-10 Zone shall be a minimum coverage of 60% pervious vegetation (grass, plants, shrubs, trees).
- (2) No street trees in the right-of-way shall be removed for the construction of any driveway or curb cut without the approval of the City Engineer.

G. Conditional Uses.

- (1) Public utility buildings are permitted as conditional uses subject to the following conditions:
  - (a) The minimum lot area for the zone district in which the use is located shall be met.
  - (b) All yard and setback requirements of the zone district shall be met; provided, however, that no yard shall be less than the height of the facility.
- (2) Professional offices are permitted as conditional uses in accordance with the following conditions:
  - (a) The lot must have direct frontage on Shore Road.
  - (b) All lots must conform to all bulk standards of the R-SR zone.
  - (c) All professional offices must demonstrate adequate off-street parking on the lot along with adequate space for vehicles to turn around. In no case shall professional offices be permitted if vehicles are forced to back into a public street.
  - (d) Provisions for access in accordance with all Americans with Disability (ADA) must be provided including within parking areas and ingress / egress to buildings.
  - (e) The architecture of all professional offices must match that of a single family dwelling which conforms to all bulk criteria for the zone.

(f) No professional office located at the intersection of Shore Road with a local public street shall be permitted to have direct access to Shore Road. All access for these lots must be from the local public street.

(g) The maximum impervious coverage for lots with professional offices is 50%.

**§ 277-28 Dwelling R10-PL Zone (single-family detached residential on private lane or drive).**

A. Within any Dwelling R10-PL Zone, the following principal and accessory uses are permitted:

- (1) Private single-family dwellings, utilizing private lanes or drives to provide access to one or more lots.
- (2) Private garages and/or accessory buildings for uses incidental to the main residence, provided that all are on the same lot.

B. Prohibited uses.

- (1) Within any Dwelling R10-PL Zone, the following uses are prohibited:
  - (a) Any business or commercial activity.
  - (b) Any structure or land used in whole or in part for any industrial, manufacturing, commercial or trade purposes.
- (2) These restrictions apply equally to rental units.
- (3) The enumeration of prohibited uses is by way of example and not limitation. Any use not expressly permitted shall be considered prohibited.

C. Within the R10-PL Zone, the minimum lot size shall be 10,000 square feet.

D. Coverage and setbacks.

- (1) Maximum principal building coverage shall be 30%.
- (2) Maximum total lot coverage shall not exceed 40%.
- (3) Minimum front yard setback shall be 20 feet. All accessory structures must be located behind the building lines for the principal structure.
- (4) Minimum rear yard setback shall be 20 feet.
- (5) Minimum side yard setback shall be 10 feet.



- (6) Minimum lot depth shall be 100 feet.
- (7) Minimum road frontage shall be 75 feet.
- (8) Minimum width shall be 75 feet.
- (9) Maximum height of structure.
  - (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). The height of the structure may not exceed 25 feet with an area 20 feet from the side property line.
  - (c) Primary structures may not exceed 2 1/2 stories.
- (10) Lanes and/or private drives shall have a minimum width of 25 feet.
- (11) Not more than six residences or lots may be serviced by any single private lane.
  - (a) Private lanes and/or drives shall be constructed with a six-inch gravel base with two inches of FABC paving.
  - (b) Ownership of private lanes and/or drives shall be maintained jointly by those being serviced by the lane or private drive.
  - (c) Responsibility for the maintenance and/or improvements of the private lane or drive lays with the owners of said private lane or drive.
  - (d) Municipal services will be provided so long as there is adequate turnaround for City vehicles and so long as the lane or drive is properly maintained.
  - (e) All lanes and private drives (except those servicing one lot) shall have an adequate turnaround for emergency vehicles.
  - (f) Inspections.
    - [1] Periodic inspections of all private lanes and/or drives shall be conducted by the Engineer of the City of Linwood (or his/her designee) and recommendations shall be made by said Engineer to City Council regarding any necessary maintenance or improvements.

[2] The expense incurred by the City to perform any necessary maintenance, inspections, or improvements shall be assessed upon the owner(s) of the lane or private drive.

E. Landscaping.

- (1) Front yard landscaping in the R10-PL Zone shall be a minimum coverage of 60% pervious vegetation (grass, plants, shrubs, trees).
- (2) No street trees in the right-of-way shall be removed for the construction of any driveway or curb cut without the approval of the City Engineer.

**§ 277-29 Dwelling R-SR Zone (single-family detached - shore road residential).**

A. Within any Dwelling R-SR Zone, the following principal and accessory uses are permitted:

- (1) Private single-family dwellings, municipal uses, parks, playgrounds and other public recreation use, swimming pools, spas/hot tubs, fences/walls, sheds, flagpoles, gazebos/garden houses, and tennis courts.
- (2) Private garages and/or accessory buildings for uses incidental to the main residence, provided that all are on the same lot.

B. Prohibited uses.

- (1) Within any Dwelling R-SR Zone, the following uses are prohibited:
  - (a) Any business or commercial activity other than as specified in Section G.
  - (b) Any structure or land used in whole or in part for any industrial or manufacturing purposes.
- (2) These restrictions apply equally to rental units.
- (3) The enumeration of prohibited uses is by way of example and not limitation. Any use not expressly permitted shall be considered prohibited.

C. Lot size, coverage and setbacks.

- (1) A lot within the Dwelling R-SR Zone shall have a width of at least 100 feet and a depth of at least 125 feet, with a minimum area of 15,000 square feet. Only those portions of the lot actually situate within the Dwelling R-SR Zone shall be utilized for purposes of satisfying the aforesaid bulk criteria.
- (2) Coverage.

- (a) In a lot within the Dwelling R-SR Zone, principal building coverage shall not exceed 30% and total lot coverage shall not exceed 40% except as modified to account for additional impervious for professional home offices.
  - (3) The main building or any permitted detached accessory buildings shall be set back at least 30 feet from the front property line. All accessory buildings must be set behind the building lines of the principal structure.
  - (4) Setbacks.
    - (a) The main building shall have a minimum rear yard setback of 25 feet and the side yard setback shall be at least 15 feet.
    - (b) Nonconforming lots in the R-SR Zone of less than 10,500 square feet existing prior to the adoption of this subsection shall have a side yard setback of 10 feet on lots with a width of 100 feet or less and shall provide one foot of additional setback (on each side) for each four-foot increase in lot width up to a maximum requirement of a twenty-five-foot side yard setback.
- D. Street frontage. A lot within the Dwelling R-SR Zone shall have a minimum of 100 feet of frontage on an improved public street.
- E. Height of structure.
  - (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).
  - (2) Primary structures may not exceed 2 1/2 stories.
- F. Landscaping.
  - (1) Front yard landscaping in the R-SR Zone shall be a minimum coverage of 60% pervious vegetation (grass, plants, shrubs, trees).
  - (2) No street trees in the right-of-way shall be removed for the construction of any driveway or curb cut without the approval of the City Engineer.
- G. Conditional Uses.
  - (1) Schools and houses of worship are permitted as conditional uses subject to the following conditions:

- (a) The property on which the structure or building is to be constructed or the activities conducted must contain a minimum of 20,000 square feet.
  - (b) No building shall be closer than 30 feet to the side or rear line of any adjacent property. These 15 feet shall be considered as a buffer strip and shall be landscaped.
  - (c) No building or structure shall be closer than 30 feet to any front street property line nor less than 30 feet from any other structure. Except as permitted in this article, no building or structure shall be higher than 2 1/2 stories and 35 feet above average grade.
  - (d) No parking shall be permitted between the front building line and the street right-of-way.
  - (e) Parking must be provided on site as required by this chapter.
- (2) Public utility buildings are permitted as conditional uses subject to the following conditions:
- (a) The minimum lot area for the zone district in which the use is located shall be met.
  - (b) All yard and setback requirements of the zone district shall be met; provided, however, that no yard shall be less than the height of the facility.
- (3) Professional offices are permitted as conditional uses in accordance with the following conditions:
- (a) The lot must have direct frontage on Shore Road.
  - (b) All lots must conform to all bulk standards of the R-SR zone.
  - (c) All professional offices must demonstrate adequate off-street parking on the lot along with adequate space for vehicles to turn around. In no case shall professional offices be permitted if vehicles are forced to back into a public street.
  - (d) Provisions for access in accordance with all Americans with Disability (ADA) must be provided including within parking areas and ingress / egress to buildings.

- (e) The architecture of all professional offices must match that of a single family dwelling which conforms to all bulk criteria for the zone.
- (f) No professional office located at the intersection of Shore Road with a local public street shall be permitted to have direct access to Shore Road. All access for these lots must be from the local public street.
- (g) The maximum impervious coverage for lots with professional offices is 50%.

**§ 277-30 Dwelling RT Zone (multifamily residential).**

A. Within any Dwelling RT Zone, the following uses are permitted:

- (1) Private single-family dwellings, multifamily dwellings, municipal uses, parks, playgrounds and other public recreation use, swimming pools, spas/hot tubs, fences/walls, sheds, flagpoles, gazebos/garden houses, and tennis courts.
  - (a) Single-family residences in the RT Zone shall comply with all of the bulk requirements of the R-10 Zone.
- (2) Townhome and/or duplex family residences.
- (3) Private garages and/or accessory buildings for uses incidental to the main residence, provided that all are on the same lot.

B. Prohibited uses.

- (1) Within any Dwelling RT Zone, the following uses are prohibited:
  - (a) Any business or commercial activity.
  - (b) Any structure or land used in whole or in part for any industrial, manufacturing, commercial or trade purposes.
- (2) These restrictions apply equally to rental units.
- (3) The enumeration of prohibited uses is by way of example and not limitation. Any use not expressly permitted shall be considered prohibited.

C. Townhomes and/or duplex family residences within the RT Zone shall comply with the following bulk requirements:

- (1) Minimum lot area shall be no less than 15,000 square feet.
- (2) Minimum front yard setback shall be 25 feet.

- (3) Minimum rear yard setback shall be 25 feet.
- (4) Minimum side yard setbacks shall be 15 feet.
- (5) Minimum road frontage shall be 100 feet.
- (6) Minimum lot depth shall be 100 feet.
- (7) Minimum lot width shall be 100 feet.
- (8) Maximum building coverage shall be 30%.
- (9) Maximum total lot coverage shall be 40%.
- (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).  
[Amended 9-25-2013 by Ord. No. 18-2013]
- (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.  
[Amended 9-25-2013 by Ord. No. 18-2013]
- (12) Primary structures may not exceed 2 1/2 stories.
- (13) Front yard landscaping shall be a minimum coverage of 60% pervious vegetation (grass, plants, shrubs, trees).

D. Conditional Uses.

- (1) Public utility buildings are permitted as conditional uses subject to the following conditions:
  - (a) The minimum lot area for the zone district in which the use is located shall be met.
  - (b) All yard and setback requirements of the zone district shall be met; provided, however, that no yard shall be less than the height of the facility.

**§ 277-31 Business Zone.**

The following shall apply to the Business Zone:

A. Permitted uses.

- (1) Within any Business Zone, no building, structure or land shall be used, and no building or structure shall be erected which is arranged, intended or designed for any use other than the following:
  - (a) Restaurants.
  - (b) A professional, business, bank, financial or brokerage office.
  - (c) Retail sale of goods and services, but not including the sale of motor fuels or auto service station.
  - (d) A personal service establishment, such as, but not limited to, a tailor shop, barbershop or beauty or nail salon.
  - (e) A medical or dental clinic.
  - (f) A studio, such as, but not limited to, art, dance, gymnastic, music; an art gallery.
  - (g) A theater or auditorium.
  - (h) A repair shop for common household and office items.
  - (i) A library; a church; a public service facility related to the function of a local, state or federal government.
  - (j) A day nursery.
  - (k) A pet shop, veterinary hospital or grooming establishment, provided that the entire facility is located within a fully enclosed air-conditioned and soundproof building and further provided that said use does not include boarding kennels.
  - (l) Nursing homes:
    - [1] Congregate care.
    - [2] Assisted living.
  - (m) Funeral homes.
- (2) Specifically excluded from any Business Zone is any residential use; any use for storage, industrial or manufacturing purposes, except as set forth herein; any gasoline filling station, garage or automotive repair shop.

- (3) Up to 50% of the floor area of any permitted building in the Business Zone may be used for storage of merchandise to be sold at retail.
- (4) A buffer area of not less than 30 feet in width shall be required within the front, rear and side yard setbacks. The front buffer area shall be used exclusively for landscaping, signs and access. Side and rear buffer areas shall be used exclusively for landscaping and screening.
- (5) Any principal building shall have a first floor area of at least 4,000 square feet, exclusive of related accessory structures.

B. Lot size, coverage and setbacks.

- (1) Minimum tract size: 40,000 square feet.
- (2) Minimum perimeter buffer: 30 feet to any residential zone or use.
- (3) Maximum building height: 40 feet.
- (4) Minimum setbacks: 30 feet.
- (5) Maximum building coverage: 35%.
- (6) Maximum total coverage: 70%.
- (7) Minimum Lot Width: 100 feet
- (8) Minimum Lot Depth: 100 feet

C. Within any Business Zone, no building structure or land shall be used, and no building or structure shall be erected which is arranged, intended or designed for the following:

- (1) All residential uses.
- (2) Tattoo sales and services.
- (3) Laundromat.

**§ 277-32 Dwelling PRD Zone - planned residential development.**

- A. Consistent with sound planning principles for larger planned residential developments, higher density, small lot development is permitted in the Planned Residential Development Zone only if the proposed development meets specific criteria dealing with site size, buffers and other standards.



- B. Specific objectives of the Planned Residential Development Zone are the following:
- (1) To conserve larger parcels of land for future use.
  - (2) To allow a wide range of uses and even a mixture of uses within the same development.
  - (3) To encourage cohesive design of planned developments.
  - (4) To assure quality development which respects the community environment, character and scale.
- C. Principal permitted uses.
- (1) Private single-family dwellings, multifamily dwellings, municipal uses, parks, playgrounds and other public recreation use, swimming pools, spas/hot tubs, fences/walls, sheds, flagpoles, gazebos/garden houses, and tennis courts.
  - (2) Townhome and/or duplex family residences.
  - (3) Private garages and/or accessory buildings for uses incidental to the main residence, provided that all are on the same lot.
- D. Lot size, coverage and setbacks.
- (1) Single family detached dwellings. All single family detached dwellings shall conform to the bulk standards for the R-10 Zone Regulations as specified in § 277-27.
  - (2) Townhouse or duplex dwellings. All townhouse or duplex dwellings shall conform to the bulk standards for the RT Zone Regulations as specified in as specified in § 277-30.
- E. Conditional Uses.
- (1) Public utility buildings are permitted as conditional uses subject to the following conditions:
    - (a) The minimum lot area for the zone district in which the use is located shall be met.
    - (b) All yard and setback requirements of the zone district shall be met; provided, however, that no yard shall be less than the height of the facility.

**§ 277-33 Conservation Zone.**

- A. In any zone in which there is application for development with respect to a lot partially located in the Conservation Zone, notwithstanding any other provision in the municipal land use ordinances to the contrary, for purposes of compliance with bulk requirements and setbacks, all calculations shall be based entirely upon portion of the lot which constitutes uplands, inclusive of redevelopment areas.
- B. This determination of the conservation line shall be as established by the Department of Environmental Protection of the State of New Jersey, to be confirmed by the Municipal Engineer.
- C. Permitted Uses.
  - (1) Government and publicly maintained recreational open space.
- D. Accessory Uses. All accessory uses must be utilized on the same lot as a principal use or a permitted residential use in an adjacent zoning district.
  - (1) Private Docks and Piers.
  - (2) Sheds.
- E. The maximum height of any structure in the Conservation Zone is 15 feet.

**§ 277-34 Recreation ROP Zone — recreation open space.**

The following shall apply in the Recreation ROP Zone:

- A. Use regulations. No building or structure shall be erected and no building, structure or land shall be used for any purpose other than the following:
  - (1) All those uses specifically permitted in the Conservation Zone.
  - (2) Publicly or privately maintained recreational open space facilities, such as golf courses, tennis, basketball and hockey courts, swimming pools, ball fields, woodland trails, bicycle trails, playgrounds and picnic areas.
- B. Objectives. It is the intention of this chapter to restrict the development of the Recreation Open Space Zone so as to prevent further deterioration, marring and/or destruction of these lands and to ensure the preservation of the recreational open space resources of the City of Linwood for the benefit and enjoyment of its citizens.
- C. Lot size, coverage and setbacks.
  - (1) Minimum tract size: 4 acres.
  - (2) Minimum perimeter buffer: 25 feet.

- (3) Maximum building height: 35 feet.
  - (4) Minimum building setbacks: 40 feet.
  - (5) Maximum building coverage: 35%.
  - (6) Maximum total coverage: 70%.
  - (7) Minimum Lot Width: 200 feet.
  - (8) Minimum Lot Depth: 200 feet.
  - (9) Minimum Street Frontage: 200 feet.
- D. Site plan review required. Before a construction permit or certificate of occupancy can be issued for any use, site plans for such use shall be submitted to the Linwood Land use Board, pursuant to N.J.S.A. 40:55D-76, for its approval in the same manner and according to the same requirements as contained in this chapter.

**§ 277-35 Institutional I Zone.**

The following shall apply to the Institutional I Zone:

- A. No building or structure shall be erected and no building, structure or land shall be used for any purpose other than the following:
- (1) All those uses specifically permitted in the Conservation Zone.
  - (2) All those uses specifically permitted in the Recreation Open Space Zone.
  - (3) Places of worship, parish houses, convents and cemeteries.
  - (4) Schools and institutions of higher learning.
  - (5) Public buildings of a governmental or cultural nature.
- B. Conditional Uses.
- (1) Assisted Living Facilities are permitted as conditional uses subject to the following conditions:
    - (a) Minimum lot size 3 acres.
    - (b) Minimum lot width 250 feet.

- (c) Minimum front yard setback 65 feet.
- (d) Minimum side and rear buffers 30 feet.
- (e) Maximum density is 1 unit (bed) per 1,500 square feet of net usable lot area exclusive of any area encumbered by environmental constraints or other factors.

C. Lot size, coverage and setbacks. The lot size, coverage and setback provisions of § 277-31 shall apply to any building or structure in the Institutional Zone.

**§ 277-36 Redevelopment Zone.**

Pursuant to the local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented, Linwood has undertaken a program for the redevelopment of certain property. The City has designated certain parcels as areas in need of redevelopment through the adoption of Resolution No. 197 of 2002 on August 14, 2002. Pursuant to a recommendation duly made by the Planning Board on September 15, 2003, the governing body adopted Resolution No. 260 of 2003, declaring the parcels areas in need of redevelopment. On October 27, 2004, the governing body adopted Ordinance No. 20 of 2004, adopting the Redevelopment Plan, and thereafter on November 21, 2005, the governing body approved a Redevelopment Agreement by Ordinance No. 18 of 2005. The land use controls for the Redevelopment Zone are embodied in the Redevelopment Plan, the Redevelopment Agreement and the various ordinances pertaining to same as amended and supplemented from time to time.

**§ 277-37 Off-street parking.**

- A. Minimum required off-street parking schedule for nonresidential uses. The number of off-street parking spaces required for any nonresidential use shall be determined by reference to Parking Schedule I below.
  - (1) **Unscheduled uses.** Off-street parking requirements for uses not listed in Parking Schedule I shall be established by the Board, based upon accepted industry standards.
  - (2) **Combined uses.** In the case of a combination of uses, the off-street parking requirement shall consist of the sum of the spaces required for each individual use unless it can be demonstrated that staggered hours would permit modification.
  - (3) **Fractional spaces.** Whenever the application of Parking Schedule I standards results in the requirements of a major fraction of a space in excess of 0.5, a full space shall be required.

**Parking Schedule I**

**Parking Requirements for Nonresidential Uses**

<b>Use</b>	<b>Required Parking Spaces</b>
------------	--------------------------------

## **Parking Schedule I**

### **Parking Requirements for Nonresidential Uses**

<b>Use</b>	<b>Required Parking Spaces</b>
Banks and financial institutions	1 for each 300 square feet of building area or 5 per teller, whichever is greater
Offices	1 per 200 square feet of building area
Medical offices	1 per 150 square feet of building area
Outdoor recreation:	
Court games	4 per court
Other	1 per 150 square feet of assemblage space
Houses of worship, community buildings, social halls and places of indoor public assembly	1 for each 3 seats (60-inch pew). Where the specific amount of seating is undetermined, then 1 parking space shall be required for each 75 square feet of assemblage area.
Restaurant (Note: Take-out components of restaurants shall add one additional space for each 25 square feet of take-out service area.)	1 for each 2.5 seats
Retail uses not separately listed (Note: Retail uses such as delis, bakeries and coffee shops with on-site seating shall add one additional space for every three seats.)	5 per 1,000 square feet of building area
Educational facility:	
Elementary and intermediate school	1 per employee
Secondary school	1 per employee plus 1 per each 5 students in grades 11 and 12
Post-secondary and other educational facility	1 per employee plus 2 per each 3 full-time students and 1 for each 5 part-time students
Nursing homes	1 per bed

- B. Minimum required off-street parking schedule for residential uses. The number of off-street parking spaces required for residential uses shall be determined pursuant to N.J.A.C. 5:21, as amended, and by reference to Parking Schedule II below. Alternative parking standards to those shown in the schedule below shall be accepted if the applicant demonstrates these standards better reflect local conditions. Factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location and available off-site parking sources.

## **Parking Schedule II (Note a)**

### **Parking Requirements for Residential Land Uses**

<b>Housing Type/Size</b>	<b>Unit</b>	<b>Required Parking Spaces</b>
Single-family		

**Parking Schedule II (Note a)**

**Parking Requirements for Residential Land Uses**

<b>Housing Type/Size</b>	<b>Unit</b>	<b>Required Parking Spaces</b>
--------------------------	-------------	--------------------------------

detached:

2-bedroom	1.5
3-bedroom	2.0
4-bedroom	2.5 (Note c)
5-bedroom	3.0

Garden apartment  
(Note b):

1-bedroom	1.8
2-bedroom	2.0 (Note c)
3-bedroom	2.1

Townhouse (Note  
b):

1-bedroom	1.8
2-bedroom	2.3 (Note c)
3-bedroom	2.4

Retirement community      Values shall be commensurate with the most appropriate housing type and size noted above that the retirement community resembles

Assisted living      0.5 (Note d)

**Notes:**

- a. As amended from time to time.
- b. Requirements for attached units (apartment/condominium/townhouse) include provisions for guest parking.
- c. If applicant does not specify the number of bedrooms per unit, this parking requirement shall apply.
- d. The Board may grant waivers and exceptions where appropriate.

(1) A one-car garage and driveway combination shall count as two off-street parking spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way. A two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking area width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination.

(2) When housing is included in mixed-use development, a shared parking approach to the provision of parking may be permitted.

- (3) When, in the judgment of the Board, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided in off-street parking facilities. A length of 23 feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.
- (4) For projects containing dwelling units required by the New Jersey Uniform Construction Code's Barrier Free Subcode (N.J.A.C. 5:23-7), to be accessible, parking spaces for people with disabilities shall be provided in accordance with the requirements of the Barrier Free Subcode and shall be considered part of the total number of required spaces.

**§ 277-38 Nonconforming uses, structures and lots.**

- A. Continuance of existing nonconforming uses and structures. Any nonconforming use or structure which lawfully existed at the time of the passage of this article may be continued, and any existing legally nonconforming building or structure may be reconstructed or structurally altered, but only in accordance with the requirements of this article.
- B. Alteration, extension or enlargement of nonconforming use or structure.
  - (1) A nonconforming use of any building, structure or land shall not be increased, enlarged, extended or changed in any manner whatsoever.
  - (2) No building in which a nonconforming use exists shall be enlarged, extended or structurally altered in any manner; provided, however, that:
    - (a) Nothing herein shall prevent the repair and maintenance of any building wherein there exists a nonconforming use, provided that such maintenance and repair does not in any way constitute or result in a further extension of a nonconforming use.
    - (b) Minor alterations and improvements which do not constitute or require structural changes may be made in or to a building wherein a nonconforming use exists, provided that such nonconforming use will not be increased, extended or enlarged thereby.
    - (c) Nothing herein shall prevent the strengthening or restoration to a safe and lawful condition of any part of any building which is nonconforming.
  - (3) Structural alterations, internal rearrangements and renovations may be made in a building or structure which is nonconforming because it fails to comply with height, area, yard, off-street parking or other like requirements of this article, other than use, so long as the structural alteration or increase, internal

rearrangement or renovation does not extend or enlarge the nonconformance of said building or structure.

- (4) A nonconforming use changed or altered to a conforming use may not thereafter be changed back to a nonconforming use.
- C. Any nonconforming use, building or structure, other than a single-family detached dwelling on an undersized lot, which shall be more than 50% damaged by reason of windstorm, fire, explosion or other act of God or man shall be deemed completely destroyed and the use, building or structure may not be reestablished, rebuilt, restored or repaired except in conformity with this chapter. For single-family homes on undersized lots which shall be destroyed as described above, said structures may be reconstructed, provided that no aspect of the new or rebuilt structure increases any nonconformity of the original structure or causes any new nonconformity with this chapter.
- D. Restoration of existing buildings or structures nonconforming for reasons other than use. Whenever a building is nonconforming because it fails to comply with any height, area, yard, off-street parking or requirements of this article, other than use, and such building is partially destroyed, such building may be restored to its prior condition; provided, however, that such restoration shall not enlarge the previously existing nonconformance.
- E. Nonconforming improved lot. When an improved lot in a residential zone exists as a separate isolated lot under separate ownership and does not adjoin any vacant land or vacant lot of the same owner, and which said improved lot is nonconforming due to size, shape, area or setback, any existing residential building or structure on the lot may be further improved, provided that:
- (1) The number of dwelling units shall not be increased even if such increased number of dwelling units are allowed in the zone, unless approved by the Board of Adjustment.
  - (2) Any existing nonconforming setbacks from streets, side lot lines or rear lot lines shall not be made more nonconforming including any vertical additions of any type.
  - (3) Any existing and proposed improvement on the nonconforming improved lot shall not exceed the percentage of maximum building coverage set forth in Schedule B.[1]  
[1] Editor's Note: Schedule B is included at the end of this chapter.
  - (4) Any existing and proposed improvement on the nonconforming improved lot shall conform to all other zone standards, including off-street parking.
- F. No nonconforming lot shall be made more nonconforming through subdivision, resubdivision or any such other action. Where two or more contiguous, nonconforming lots are in common ownership, these lots shall be considered combined for the purposes



of meeting the requirements of this chapter. Such combined lots shall not be subdivided or resubdivided except in conformance with this chapter.

**§ 277-39 Outside stairways.**

Within any residential zone, no outside steps or outside stairway extending above the first or ground floor of any building or structure shall be constructed or permitted.

**§ 277-40 Split-zoned lots.**

A Conservation Zone has been established within the municipality so as to prevent deterioration, marring and/or destruction of wetlands and to ensure the preservation of this environmentally vital, ecologically sensitive natural resource. Those properties situate in the municipality which are partially within and partially outside of the wetlands (i.e., split-zoned lots) present particular and unique problems which must be addressed in order that development thereof will minimize damage to the wetlands and impairment of the Comprehensive Zoning Plan of the City of Linwood. Accordingly, it is the purpose of these regulations to maintain the integrity of the Zone Plan by preventing the creation of substandard lots with an irregularly shaped and undersized effective building area, to minimize drainage problems and to prevent, as far as practicable and reasonable, damage to fragile wetlands. The municipality specifically recognizes and takes note of the fact that the wetlands are subject to comprehensive regulations by federal and state agencies and adopts this regulation to provide an appropriate transition from the uplands area by establishing additional standards and regulations applicable to lots presenting a split-zoned configuration. Therefore, in any zone in the City of Linwood in which there is application for development with respect to a lot partially situate in a Conservation Zone, notwithstanding any other provision in the municipal land use ordinances to the contrary, for purposes of compliance with bulk requirements and setbacks, all calculations shall be based entirely upon that portion of the lot which constitutes uplands.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: 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 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>July 8, 2020</i>
<i>PUBLICATION:</i>	<i>July 13, 2020</i>
<i>PASSAGE:</i>	<i>August 12, 2020</i>

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, July 8, 2020 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on August 12, 2020.

---

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

---

DARREN MATIK, MAYOR

**Zoning  
Schedule B  
Schedule of Standards**

	Minimum lot area (sq. ft.)	Minimum lot depth (ft.)	Minimum lot width (ft.)	Minimum Street Frontage (ft.)	Maximum principal building coverage	Maximum Lot coverage	Minimum front setback (ft.)	Minimum rear setback (ft.)	Minimum side setback (each) (ft.)	Maximum height (ft./stories)
<b>R-20</b>	20,000	125	100	100	25%	35%	30	20	25	35 2.5
<b>R-15</b>	15,000	100	100	100	30%	40%	25	20	15	35 2.5
<b>R-10</b>	10,000	100	100	100	30%	40% 50% (Prof Off)	20	20	10	35 2.5
<b>R10-PL Private Lanes</b>	10,000	100	75	75	30%	40%	20	20	10	35 2.5
<b>R-SR (Shore Road Residential)</b>	15,000	125	100	100	30%	40% 50% (Prof Off)	30	25	15	35 2.5
<b>RT Multifamily (townhomes)</b>	15,000 10,000 (SFD)	100	100	100	30%	40%	25 20 (SFD)	25 20 (SFD)	15 10 (SFD)	35 2.5
<b>B5 Business</b>	40,000	100	100	100	35%	70%	30	30	30	40
<b>ROP Recreation Open Space</b>	4 acres	200	200	200	35%	70%	40	40	40	35
<b>I Institutional (school, churches, government)</b>	40,000	100	100	100	35%	70%	30	30	30	40

Table Notes:

- (1) For convenient reference, the standards memorialized in chapter 277-1 et seq are summarized in tabular form in Schedule B. To the extent there is any discrepancy between the Schedule and the standards, the provisions of the standards shall prevail.
- (2) Only the portions of the lot actually situate within the zone shall be utilized for purposes of satisfying the aforesaid bulk criteria.

Front yard landscape requirements in residential zones: Not less than 65% of the front yard extending to the side property lines shall be landscaped with grass or other vegetative cover, shrubs and trees. This "landscaped" area shall not include parking, driveways, walkways, stones, wood, and any other non-vegetative cover or material.

Street trees: No street tree shall be removed for the construction of any driveway or curb cut without prior approval from the Linwood Shade Tree Commission.

Accessory Structures: Limited to three accessory buildings per lot, with a total aggregate square footage of all accessory buildings not to exceed 800 square feet.

Accessory building height limited to 17 1/2 feet high and the maximum square footage limited to 600 square feet.

Accessory buildings must be set behind the building lines for the principal structure.