

**ARTICLE 5**  
**GENERAL PROVISIONS**

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**Section 5.1 Intent.**

The intent of this Article is to provide for those regulations, which generally apply regardless of the particular zoning district and to those special uses, which may be permitted in certain zoning districts.

**Section 5.2 Accessory Buildings and Structures.**

**5.2.1. Requirements Applicable to Accessory Buildings and Structures within Residential Districts.**

1. No accessory building or structure shall be built upon a lot or parcel prior to the establishment of a principal building.
2. A building or structure not attached to a principal building shall be considered an accessory building or structure.
3. The sum total floor area of all accessory buildings and structures shall not exceed fifty (50%) percent of the total floor area of all stories of the principal building. See Section 4.5 for maximum lot coverage allowances.
4. No accessory building or structure shall exceed fifteen (15) feet in height measured from finished grade to the highest point of flat roofs, to the coping line of mansard roofs, and the average height between eaves and the ridge of gable, hip and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall.
5. In no instance shall an accessory structure be located within a dedicated easement or right-of-way. The applicant shall be responsible for determination of the location of all applicable rights-of-way or easements.
6. Accessory structures shall be erected only in a rear yard. If the lot is a corner lot, accessory structures shall remain behind all building lines adjacent to streets.
7. No accessory building or structure shall be constructed within ten (10) feet of any other building located on the same lot or parcel.

8. Detached accessory buildings and structures shall have a minimum side and rear yard setback of five (5) feet. The setback for detached accessory buildings and structures which exceed twenty-five (25%) percent of the total floor area of the principal building and fifteen (15%) percent of the total lot area shall be increased to ten (10) feet.

5.2.2. Private swimming pools shall be subject to the following:

1. No portion of the swimming pool or associated structures shall be permitted to encroach upon any right-of-way.
2. Front yard and side yard setbacks shall comply with required setbacks specified for the zoning district wherein the pool is located. Rear yard setbacks shall be a minimum of fifteen (15) feet.
3. All swimming pools shall be enclosed in accordance with applicable Building Codes.

5.2.3. Requirements Applicable to Accessory Buildings within All Other Districts: Accessory buildings shall be subject to the same placement and height requirements as principal structures in the District in which located.

5.2.4 Amateur Radio Antennas, Satellite Dish Antenna and Other Similar Structures. It is the intent of this Section to regulate placement, size, height, and installation of satellite dish antennas in order to preserve the character, scale, and aesthetics of the City.

Amateur radio antennas, satellite dish antenna and other similar structures are allowed in the City of Linden, subject to the following:

1. These regulations shall apply to all satellite antenna systems used for home-earth stations by private users and also to short wave and other mass antenna arrays erected on poles and towers, irrespective of whether the same utilize supporting cables or other reinforcement.
2. It is hereby determined that such antenna systems and structures are of such character that their construction, installation and use requires the review and approval of the City Planning Commission prior to the installation thereof.
3. Applications for a permit to install an antenna system and/or structure shall be submitted to the City Zoning Administrator. Each application for such permit shall include the following:
  - a. Plot plan showing the location of all elements of the antenna system and of all other buildings, structures, and accessory uses on the same lot and on all lots that are abutting the proposed location.

- b. Sketch or actual pictures of the elements included in the proposed antenna system.
  - c. Detail to indicate parts of the proposed antenna system.
  - d. Statement of the visual or environmental impact on the abutting properties at the proposed location and a description of proposed screening or other measures that will minimize these impacts on abutting properties and the residents thereof.
- 4. The Zoning Administrator shall submit the application, together with his report and recommendations thereon, to the City Planning Commission. The Planning Commission shall notify the owners of all abutting properties of the application and of the date on which the request for the permit will be considered by the Planning Commission. After a hearing thereon, the Planning Commission may grant, deny or approve said request with conditions. Denial of such a request shall be based upon a finding that the proposed installation would have a substantial detrimental effect upon one or more adjoining public or private properties or would otherwise be contrary to the public safety, health or welfare of the residents of the City of Linden.
  - 5. Satellite antennas mounted on buildings, structures or other accessories cannot exceed two (2) feet in diameter or extend more than three (3) feet above the highest point on the building, structure or accessory.
  - 6. Ground-mounted antenna systems are permitted only in rear yards and are required to be set back at least five (5) feet from any side yard line and at least ten (10) feet from any rear yard line.

**Section 5.3                      Emergency Temporary Dwellings.**

5.3.1. When permitted. Emergency temporary dwellings may be permitted upon a finding by the City that the principal residential structure has been destroyed in whole or in part by fire, explosion or natural disaster and therefore is uninhabitable and the standards set forth herein have been met.

5.3.2. Permit application and review.

- 1. An application for a permit for the emergency temporary use and installation of a mobile home, modular, or prefabricated dwelling unit shall be made to the Zoning Administrator. The application shall be accompanied by a plot plan showing the location of the proposed structure.