

**BOROUGH OF GARWOOD
UNION COUNTY, NEW JERSEY
MUNICIPAL BUILDING
403 SOUTH AVENUE
GARWOOD, NJ 07027**

ORDINANCE NO. 25-09

ORDINANCE TO AMEND CHAPTER 106 “LAND USE REGULATIONS” WITHIN ARTICLE VIII “ZONE REGULATIONS” OF THE BOROUGH’S CODE

WHEREAS, the Borough of Garwood (the “Borough”) seeks to amend the Borough’s Ordinance as based on the recommendations of the adopted Master Plan Reexamination in 2023;

WHEREAS, the Borough adopted a Master Plan Reexamination in 2023, and set forth in the Master Plan Reexamination were a series of recommendations to amend Garwood’s Land Use Regulations; and

WHEREAS, the Borough seeks to amend Chapter 106 “Land Use” within Article VIII “Zone Regulations”.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough that Chapter 106 “Land Use” Article VIII “Zone Regulations” is hereby created as follows (additions - underscored, deletions - strike through):

1) FIRST AMENDMENT TO CHAPTER 106: REMOVE § 106-97 INDUSTRIAL/COMMERCIAL DISTRICT – I ZONE (Section is Reserved)

~~§ 106-97 Industrial/Commercial District – I Zone.~~

~~[Amended 9-14-1993 by Ord. No. 93-28; 2-25-1997 by Ord. No. 97-03]~~

~~**A. Purpose.** This zone is designed for industrial and heavy commercial uses that are not appropriately located adjacent to residential zones due to truck traffic, environmental considerations or utilitarian or operational requirements.~~

~~**B. Permitted uses.** The Borough has utilized the Standard Industrial Code (SIC) to develop categories of uses which are permitted in the I Zone. All uses within these categories are permitted unless specifically excluded. A copy of this manual is available in the Construction Office for review. These uses are only permitted when located inside permitted structures.~~

~~**(1)** Industrial/heavy commercial uses as follows: Major Group 50, wholesale trade durable goods, including 5041, sporting and recreational goods and supplies except ammunition and firearms; Major Group 51, wholesale trade non-durable goods, except industry number 5161 (chemical and allied products), group number 517 (petroleum and petroleum products), and industry number 5198 (paints, varnishes and supplies); Major Group 75, automotive repair, services and garages, including group number 753 (automotive repair shops) only, Major Group 54, food stores, provided that the area shall be between 4,001 and 60,000 square feet.~~

~~**(2)** Light industrial and light manufacturing uses.~~

~~**(3)** Child care centers.~~

~~**C. Required bulk conditions:**~~

~~**(1)** Lot area: 30,000 square feet minimum.~~

~~**(2)** Yards:~~

~~**(a)** Front: 25 feet minimum.~~

~~**(b)** Rear: 10 feet, unless additional width is required for emergency access.~~

~~**(c)** Side: 10 feet minimum.~~

~~(3) Lot depth: 200 feet minimum.~~

~~(4) Lot width: 100 feet minimum.~~

~~(5) Height: 40 feet maximum.~~

~~(6) Open space: 15% minimum of total lot area.~~

~~(7) Building coverage. The minimum lot coverage of the principal structure shall be 40% of the total lot area.~~

2) SECOND AMENDMENT TO CHAPTER 106: AMEND § 106-93 TWO FAMILY RESIDENTIAL ZONE – RB ZONE

§ 106-93 Two Family Residential Zone - RB Zone. [Amended 2-25-1997 by Ord. No. 97-02]

A. [1]Purpose. This zone is designed to accommodate single- and two-family dwelling units. The zone is also designed to act as a transition zone between the single-family residential zones and the commercial districts of the Borough.

[1] Editor's Note: Former Subsection A, Purpose, was repealed 7-27-2004 by Ord. No. 04-11.

B. Permitted uses:

(1) Single-family detached dwelling units.

(2) Two-family dwelling units when the dwelling units are separated by unpierced ceilings, walls and/or floors. ~~not walls.~~

(3) Accessory uses that are customary and incidental to single- and two-family dwelling units as described in § 106-107.

(4) Community residences for the developmentally disabled, community shelters for victims of domestic violence and community residences for persons with head injuries.

(5) Home occupations conforming to § 106-108.

(6) Public parks and playgrounds.

(7) Accessory apartment for senior citizens conforming to § 106-105.

(8) The boarding of two persons per dwelling unit in rooms that do not constitute separate housekeeping units and where the outside entrance to the rented rooms is the same entrance to the remainder of the housekeeping unit. No cellar can be used as a dwelling unit for boarders.

C. Required bulk conditions (see also chart in § 106-93.1):

[Amended 7-27-2004 by Ord. No. 04-11; 4-26-2005 by Ord. No. 05-08; 2-11-2014 by Ord. No. 14-03; 5-27-2021 by Ord. No. 21-06]

(1) Lot size. Every lot within this zone shall meet the minimum lot size requirements for lots in the RA Zone.

(2) Yards:

(a) Front: 25 feet minimum and 35 feet maximum.

(b) Rear: 25% of the lot depth, except that in no case will a rear yard be less than 35 feet.

(c) Side: 10% of the lot width on both sides, except that in no case will a side yard be less than five feet. When the lot in question is a corner lot, the side yard shall conform to 50% of the required front yard setbacks on said side street as determined by the front yard requirement for the zoning district, but not less than 10 feet.

(3) Lot depth: 100 feet minimum.

- (4) Lot width: 50 feet minimum.
- (5) Height: for a single-family dwelling, 2 1/2 stories and 30 feet maximum; for a two-family dwelling, 2 1/2 stories and 32 feet maximum.
- (6) Open space: for a single-family dwelling or two-family dwelling, 50% minimum.
- (7) (Reserved)
- (8) Maximum dwelling size or floor area ratio (FAR):

Lot Size (square feet)	FAR	Maximum Dwelling Size (square feet)
0-5,000	0.54=54%	Use FAR
5,001-6,000		2,900
6,001-8,000		3,200
8,001 and above		3,500

Note: To obtain floor area ratio (FAR), multiply the lot area by the ratio. This yields the maximum square footage of the dwelling.

- (9) Impervious lot coverage: Impervious surfaces shall cover no more than 60% of the lot.
- (10) External front steps: Constructed of masonry or wood and no higher than five feet.

3) THIRD AMENDMENT TO CHAPTER 106: AMEND § 106-94 CENTRAL BUSINESS DISTRICT – CB ZONE.

§ 106-94 Central Business District - CB Zone.

[Amended 9-14-1993 by Ord. No. 93-28; 2-25-1997 by Ord. No. 97-03; 12-26-2017 by Ord. No. 17-29]

A. Purpose. This zone is designed to be the central retail shopping or trade area of the Borough. In order to create an active, mixed-use area, professional offices, as well as apartment units will be permitted on upper floors of structures. It is the intent of the standards of this zone to encourage design that will promote pedestrian activity and safety as well as a solid core of business uses.

B. Permitted uses. The Borough has utilized the Standard Industrial Code (SIC) to develop categories of uses which are permitted in the CB Zone. All uses within these categories are permitted unless specifically excluded. A copy of this manual is available in the Construction Office for review. These uses are only permitted when located inside permitted structures.

- (1) Retail trade uses when located on the first or ground floor of a structure as follows: Major Group 52, building materials, hardware, garden supply, and mobile home dealers, only the following industry numbers – 5131 (paint, glass and wallpaper stores), 5251 (hardware stores). Major Group 53, general merchandise stores; Major Group 54, food stores, provided that the maximum area does not exceed 4,000 square feet; Major Group 56, apparel and accessory stores; Major Group 57, furniture, home furnishings and equipment stores; Major Group 59, miscellaneous retail ~~excluding 5934 (used merchandise stores)~~, 596 (non-store retailers) and 598 (fuel oil and ice dealers) and including industry number 5999 (miscellaneous retail stores, not elsewhere classified) only those establishments specifically listed, ~~excluding the sale of fireworks~~; and in Major Group 72, personal services, ~~only the following industry numbers – 7221 (photographic studios, portraits), 7231 (beauty shops), 7241 (barber shops), 7251 (shoe repair shops, shoe shine parlors, and hat cleaning shops, excluding 7261 (funeral services and crematories), 7299-03 (escort services); 7299-04 (house sitting service), 7299-16 (single organizations), 7299-19 (baby sitters), 7299-26 (dating services), 7299-77 (philosophers), 7299-51 (coats of arms), 7299-~~

54 (vehicle & drivers licenses services); and Major Group 73, only 7352 medical rental and leasing; 7841 (video tape rental only).

(2) Professional offices, as defined in § 106-4 of this chapter. ~~when located on upper floors of a structure.~~

(3) Apartment units as defined in § 106-4 of this chapter, when located above the first floor, provided that a minimum of 15% of the apartments shall be set aside for occupancy by, and shall be deed-restricted as to their affordability to, qualified low-, very-low- and moderate-income households in accordance with all requirements of the Borough's adopted Affordable Housing Ordinance, Chapter 106, Article XIV, of the Borough Code.

(4) Child-care centers.

C. Required bulk conditions:

(1) Lot area: 2,000 square feet minimum.

(2) Yards:

(a) Front. No front yard setback is required.

(b) Rear. Where the rear property zone is adjacent to a residential zone, a rear yard of not less than one foot for every two feet of height of the principal structure is required. Where the rear property line is not adjacent to a residential zone, a rear yard of five feet is required.

(c) Side. No side yard will be required unless the side property line is adjacent to a residential zone, where a minimum side yard of five feet, which is to be heavily landscaped, is required.

(3) Lot depth: 100 feet minimum.

(4) Lot width: 20 feet minimum.

(5) Height: 40 feet maximum.

(6) Open space: none.

(7) Building coverage. The minimum lot coverage of the principal structure shall be 60% of the total lot area.

§106-95. Community Commercial Zone (CC).

[added 7-12-1994 by Ord. No. 94-14]

B. Permitted uses. The Borough has utilized the Standard Industrial Code (SIC) to develop categories of uses which are permitted in the CC Zone. The codes used are contained in the 1987 edition of the Executive Office of the President-Office of Managements and Budget's Standard Industrial Classification Manual, a copy of which is available in the Construction Office for review. All uses within these categories are permitted unless specifically excluded. These uses are only permitted when located inside permitted structures.

- (1) Retail trade uses, limited to a maximum unit size of 17,000 square feet, unless specifically noted otherwise, as follows: Major Group 52, building materials, hardware, garden supply and mobile home dealers, only the following industry numbers – 5231 (paint, glass and wallpaper stores), 5251 (hardware stores); Major Group 53, general merchandise stores; Major Group 54, food stores of a maximum size of 60,000 square feet; Major Group 56, apparel and accessory stores; Major Group 57, furniture, home furnishings and equipment stores; Major Group 59, miscellaneous retail excluding 5932 (used merchandise stores), 596 (non-store retailers) and 598 (fuel oil dealers) and including in industry number 5941 (sporting goods and bicycle shops) only those establishments specifically listed excluding ammunition-retail, and firearms retail, and including in industry number

5999 (miscellaneous retail stores, not elsewhere classified), only those establishments specifically listed, ~~excluding the sale of fireworks~~; Major Group 72, personal services, ~~Group 72, personal services, only the following industry numbers~~ 7221 (photographic studios, portraits), 7231 (beauty shops), 7241 (barber shops), 7251 (shoe repair shops, shoe shine parlors, and hat cleaning shops), 7841 (video tape rental only), excluding 7261 (funeral services and crematories), 7299-03 (escort services), 7299-04 (house sitting service), 7299-16 (single organizations), 7299-19 (baby sitters), 7299-26 (dating services), 7299-77 (philosophers), 7299-51 (coats of arms), 7299-54 (vehicle & drivers licenses services); Major Group 73 only 7352 (medical equipment rental and leasing); 7844 (video tape rental only).

- (2) Retail business services uses, limited to a maximum unit size of 6,000 square feet, as follows: Major Group 60, banking, excluding industry number 6059 (establishments performing functions closely related to deposit banking not elsewhere classified); Major Group 61 credit agencies other than banks; Major Group 62, security and commodity brokers, dealers, exchanges and services; Major Group 64 insurance agents, brokers, and service; Major Group 65 real estate, ~~only the following industry numbers~~ 6531 (real estate agents and managers) and 6541 (title abstract offices); Major Group 72, personal services, ~~excluding 7299 (miscellaneous personal services);~~, excluding 7261 (funeral services and crematories), 7299-03 (escort services); 7299-04 (house sitting service), 7299-16 (single organizations), 7299-19 (baby sitters), 7299-26 (dating services), 7299-77 (philosophers), 7299-51 (coats of arms), 7299-54 (vehicle & drivers licenses services); Major Group 73, business services excluding industry number 7399 (business services, not elsewhere classified); Major Group 76, miscellaneous repair services, including within 7699 (repair shops and related services, not elsewhere classified) only those establishments specifically listed except agricultural equipment repair, fire control equipment repair, gunsmith shops, industrial truck repair, motorcycle service repair, and tractor repair; Major Group 79, industry number 7911 (including dance studios and schools, but excluding dance halls) and 7933 (bowling alleys); Major Group 86, membership organizations, industry number 8611 (business associations), 8621 (professional membership organizations); 8631 (labor union and similar labor organizations); 8641 (civic, social and fraternal associations) and 8651 (political organizations only, and Major Group 87 (engineering, accounting, research, management, and related services, excluding industry number 8731 (commercial physical and biological research); 8733 noncommercial research organizations), and 8734 (testing laboratories).

§106-96. General Business District – GB Zone

- (3) Retail/business service uses as follows. Major Group 60, banking, excluding industry number 6059 (establishments performing functions closely related to deposit banking, not elsewhere classified); Major Group 61, credit agencies other than banks; Major Group 62, security and commodity brokers, dealers, exchanges and services; Major Group 63, insurance; Major Group 64, insurance agents, brokers and service; Major Group 65, real estate, only the following industry numbers, 6531 (real estate agents and managers) and 6541 (title abstract offices); Major Group 72, personal services, ~~excluding 7299 (miscellaneous personal services)~~, excluding 7261 (funeral services and crematories), 7299-03 (escort services); 7299-04 (house sitting service), 7299-16 (single organizations), 7299-19 (baby sitters), 7299-26 (dating services), 7299-77 (philosophers), 7299-51 (coats of arms), 7299-54 (vehicle & drivers licenses services); Major Group 73, business services, ~~excluding industry number 7399 (business services, not elsewhere classified)~~; Major Group 76, miscellaneous repair services, ~~excluding 7699 (repair shops and related services, not elsewhere classified)~~; Major Group 79, industry number 7911 (including dance studios and schools, but excluding dance halls), and 7933 (bowling alleys) only; Major Group 86 (membership organizations), 8611 (business associations), 8621 (professional membership organizations) and 8651 (political organizations) only.

§106-98. Mixed Use District.

(1) Permitted land uses.

(b) Limitations placed on retail/commercial uses.

[5] The following uses shall be prohibited: pharmacy over 3,000 square feet, nail salons, beauty parlors, tattoo/body piercing, mobile home sales, hardware stores, barber shops; hat cleaning, video stores, motorcycle/auto/truck repairs, 7261 (funeral services and crematories), 7299-03 (escort services); 7299-04 (house sitting service), 7299-16 (single organizations), 7299-19 (baby sitters), 7299-26 (dating services), 7299-77 (philosophers), 7299-51 (coats of arms), 7299-54 (vehicle & drivers licenses services).

Rejected Approved

Jen Blumenstock, Mayor

Date

Reconsidered by Council _____

Override Vote Yes ___ No ___

DATE OF INTRODUCTION: MARCH 13, 2025

RECORDED VOTE OF COUNCIL															
Council Member	Date:					Date:					Date:				
	First Reading Introduction					Final Reading - Adoption					Tabled				
	M	S	Yay	Nay	N V	Ab	M	S	Yay	Nay	N V	Ab	M	S	Yay
Boto															
Foley															
Kearney															
Lazarow															
Padusniak															
Nolde															
✓ - Indicates Vote NV – Not Voting/Abstain AB – Absent M – Motion S - Seconded															

This is to certify that this is a true and compared copy of an Ordinance adopted by the Council of the Borough of Garwood on March 13, 2025.

NENNETTE PERRY, R.M.C.
Municipal Clerk