



**2022
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN	✓			
HARVILLA	✓			
NOVOA	✓			
ROSSILLO	✓			
RUSSELL	✓			
STEWART	✓			
MAYOR LABRUNO				
TOTALS	6			

Ordinance No. 1602

Date: March 22, 2022

Page: 1 of 15

Subject: Chapter 455-5 – Definitions and Word Usage

Purpose: Amend Borough Code

Dollar Amount:

Prepared By: Jeanine E. Siek, RMC

Offered by: Stewart

Seconded by: Russell

Certified as a true copy of an Ordinance Introduced and Passed on 1st Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

**ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN,
STATE OF NEW JERSEY, AMENDING CHAPTER 455-5
OF THE BOROUGH CODE – DEFINITIONS AND WORD USAGE**

§ 455-5 Definitions and word usage.
[Amended by Ord. No. 1050]

- A. For purposes of this chapter, definitions or words used in this chapter shall have the same meanings as the definition of said words in the Municipal Land Use Law, unless the context clearly indicates a different meaning. Where a word is defined in this chapter and is defined

in the Municipal Land Use Law, the definition in this chapter shall prevail unless the context clearly indicates a different meaning. Where a word is not defined in this chapter, the definition in the Municipal Land Use Law shall be applicable as if set forth herein. Where no definition exists in the Municipal Land Use Law or herein the definitions contained in the most recent edition of The Complete Illustrated Book of Development Definitions shall apply. When not inconsistent with the context, words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "zone" includes the word "district"; the word "occupied" includes the words "designed or intended to be occupied"; the word "used" includes the words "arranged, designed or intended to be used"; and the word "shall" is always mandatory and not merely directory or permissive.

- B. In accordance with the within stated provisions, the following words and their derivations shall have the meanings herein given:

ADDITION

An extension or increase in floor area or height of a building or structure.

ADMINISTRATIVE OFFICER

The zoning officer who is designated pursuant to this chapter.

ALTERATION

At a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement or diminution in volume, whether horizontally or vertically; or to change the use or to move a building or structure from one location or position to another.

AMUSEMENT MACHINE COMPLEX

A group of more than five amusement games or amusement machines in the same place, location or premises constituting a principal or accessory use.

APPLICANT

The landowner or the agent, optionee, contract purchaser or other person authorized to act for and acting for the landowner submitting an application under this chapter.

APPROVING AUTHORITY

The Joint Land Use Board when acting pursuant to the authority of this chapter.

AUTOMATIC AMUSEMENT GAMES

A machine or device, whether automatic or coin-operated, whether mechanical, electrical or electronic, which shall be ready for play by insertion of a coin or may otherwise be operated

by the public for charge for use as a game, entertainment or amusement, including pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines to be representative of real games or activities, the object of playing of which is to achieve a score.

BUFFER

A strip of land for the purpose of separating uses by distance and which contains natural wood, land, vegetation, landscaping, berms, fences or similar devices to screen, shield or block noise, lights, glare and nuisances, and for a more desirable visual environment.

BUILDING

Any structure having a roof and intended for the housing, enclosure, shelter or protection of persons, animals, property, process equipment, goods or materials of any kind or nature.

BUILDING, ACCESSORY

A building subordinate to the principal building on a lot and used for the purposes customarily incidental to those of the principal building. Where an accessory building is attached to a principal building in a substantial manner by a wall or roof, such accessory building shall be considered part of the principal building.

BUILDING AREA

The total of areas, measured perpendicularly at the widest portion of the principal building and all accessory buildings, including all areas comprised of decks, porches or stoops, all of which must comply with §455-35, Limiting Schedule, adopted herein, along with any of its subsequent amendments or revisions.

BUILDING HEIGHT

[Amended 3-23-1993 by Ord. No. 1173]

- (1) The vertical distance measured from the average grade of the center line of the nearest abutting street where the abutting street center line is lower than the grade at 10 feet distance from the building face. The building height shall be measured from the elevation of the finished grade within 10 feet of each face of the building or structure to the highest point of the building in lieu of from the abutting street center line where the finished grade within 10 feet of the building is lower than the abutting street center line. When a building faces more than one street, the height shall be measured from the average of grades of the center lines of each street front. The building height is taken as the greatest vertical distance of any one face of the building.
- (2) Building heights exclude church spires and church cupolas, provided that such are less than 10% of the building area, are recessed from the principal facade and, except for church spires, are less than 10 feet in height. Rooftop appurtenances, chimneys and mechanical

structures are to be included within the building height.

- (3) Any existing structure that is made nonconforming as a result of this definition shall not require a variance to alter or expand, provided that said alteration or expansion does not create any new nonconformity or enlarge any existing nonconformity.

BUILDING LINE

A line parallel to the front line and removed from it by the depth of the required front yard. The "building line" for the purposes of this chapter shall be the same as the setback line.

CLEANERS

A service cleaning establishment with machines to be used by an operator on the premises.

CONDITIONAL STANDARDS

The definite specifications and standards which are to be used by the approving authority in the review of a conditional use application.

CONDITIONAL USE

A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter, and upon the issuance of an authorization therefor by the Joint Land Use Board.

CONSTRUCTION OFFICIAL

The person appointed pursuant to that section of the Code of the Borough of Dumont establishing a State Uniform Construction Code agency.

DRIVE-IN FACILITY

An establishment designed or operated to serve a patron while seated in an automobile. A drive-in facility shall also include such similar terms as drive-up or drive-through.

DWELLING

Any building or structure which in whole or in part is designed, intended, occupied or used for exclusive human habitation, including cooking, sleeping, eating and sanitary facilities.

DWELLING, MULTIFAMILY

Three or more dwelling units which are attached vertically or horizontally, and which combined units are surrounded by open space or yards.

DWELLING, ONE-FAMILY

One dwelling unit on a lot which is surrounded by open space or yards and which is not connected or attached to any other dwelling unit or building or structure, which is not associated with the unit by wall, roof, floor, passage, hall, porch or other means.

DWELLING, TOWNHOUSE

A multifamily dwelling where the dwelling units are attached in a row of at least three such units, in which each unit has its own front and, where possible, rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire-resistant walls.

DWELLING, TWO-FAMILY

Two dwelling units on a lot which are attached vertically or horizontally, which combined units are surrounded by open space or yards and which are not connected or attached to any other dwelling units or buildings or structures which are not associated with the two units by a wall, roof, floor, passage, hall, porch or other means.

DWELLING UNIT

A separate dwelling comprised of one or more rooms, areas or spaces for the exclusive use of a single family maintaining a household, such as a living quarter, a house, a home, an apartment, a residence or a sleeping place. The dwelling unit's common spaces, such as the eating area, cooking area, living room, dining room, family room, great room and kitchen, are to be connected with the other spacings in the unit to allow general family use. Each dwelling unit shall not have more than one kitchen or cooking area. There shall be at least one access doorway to the outside public hall from a common use space within the unit which is accessible for general use.

EFFICIENCY APARTMENT

An apartment unit where there is no bedroom but within a room, within the minimum living floor area, there is a convertible bed or screened area with a bed.

FAMILY

One or more persons related by blood, adoption or marriage, including foster children living and cooking together as a single housekeeping unit; or a number of persons, but not exceeding five adults, living and cooking together as a single housekeeping unit where one or more of such persons are not related by blood, adoption or marriage to others shall also be deemed to constitute a family.

FENCE or FENCE WALL

An enclosing or dividing framework for land, yard, property or garden, composed generally of materials to form a vertical plane perpendicular to the ground.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles or any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA RATIO (FAR)

The gross floor area of all buildings or structures on a lot divided by the total lot area, excluding pools, decks, patios, HVAC, generators, and sheds of less than 100 square feet.

GARAGE

The building or part thereof where motor vehicles are kept without any provisions for the general maintenance or repairing of such vehicles.

GARAGE, DETACHED

An enclosed standalone structure where motor vehicles are kept without the provisions for the general maintenance or repairing of such vehicles. Such garages may not be occupied as living space nor contain any cooking facility or bathroom.

GARAGE, REPAIR

Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

GREEN AREA

The percentage of area of the lot not devoted to buildings, structures, paving, driveways, ingress and egress, sheds, open storage and similar uses, and is landscaped or left to remain in a wooded or natural state.

HABITABLE ROOM

The habitable area of a home or apartment customarily used for living, including but not limited to kitchen, dining room, living room, game room, bathroom, but excluding basement, attic, garage (attached or detached) storage areas, halls and foyers.

HABITABLE FLOOR AREA

The total floor area of all of the Habitable Rooms in a dwelling unit. Also referred to as Minimum Living Floor Area.

HOME OCCUPATION

- (1) The professional office studio or service of a resident physician, surgeon, dentist, lawyer, real estate agent, architect, artist, accountant, musician, teacher, psychologist or other related professional field or home contractor so long as such contractor has no manufacturing work involved on the premises, provided that any of the professional services, office work or contracting work mentioned herein complies with the following:
 - (a) No person other than members of the family residing on the premises shall be engaged in such occupation, and an occupant shall have a proprietary interest in the occupation;

- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and provided further that such professional service or office is located on the first floor of said dwelling, and not more than 25% of the floor area of the dwelling unit, including basement, shall be used in the conduct of the home occupation;
 - (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign which shall be erected in compliance with the relevant provisions of Chapter 350, Signs, of the Code of the Borough of Dumont;
 - (d) The professional service or office shall be carried on wholly within the principal building and shall not be conducted in any accessory building;
 - (e) There shall be no on-site sales of goods in connection with such professional service or office;
 - (f) No overnight hospital facilities shall be provided for animals or persons in connection with such professional service or office;
 - (g) No such professional service or office shall generate traffic in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard; and
 - (h) No equipment or process shall be used in such professional service or office which creates noise, vibration, glare, fumes, odors or electrical interference, and no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (2) A "home occupation," as defined herein, does not include a veterinarian, an animal hospital or kennel, an auto repairman, a restaurant, tearoom, coffee shop, tavern, mortuary, beauty parlor, barbershop or similar use.

HOUSE TRAILER

Any portable or mobile structure or vehicle on a permanent chassis used as a dwelling unit or for sleeping purposes or for the conduct of business, whether or not such vehicle or structure is attached to a foundation. The term "house trailer" also includes mobile home or trailer.

IMPERVIOUS SURFACE

A surface covered with a layer of material that is highly resistant to water infiltration.

[Added 2-21-2017 by Ord. No. 1514; amended 6-13-2017 by Ord. No. 1522]

- (1) Examples of impervious surfaces include asphalt, macadam, concrete, brick pavers, and compacted surfaces.
- (2) Examples of surfaces that are specifically not classified as impervious surfaces include dirt, earth, grass, gravel, rock, sand, wood chips, nor any other loose, noncompacted surface covering.

KITCHEN

That area of a dwelling that consists of cooking apparatus of any type and either plumbing fixtures and/or refrigeration of any type.

LAUNDROMAT

A service cleaning establishment with washing, drying or dry-cleaning machines for hire to be used by customers on the premises for family laundering or dry-cleaning purposes.

LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, and to be used, developed or built upon as a unit. One or more contiguous parcels of land united by a common interest or use considered as a unit occupied by a principal building or zoning use and its accessory buildings and uses, if any, including the open spaces of such unit of land. It may or may not coincide with the deed description thereof or the boundaries of the same as shown on the Tax Assessment Map of the Borough of Dumont or a map filed for record or otherwise.

LOT AREA

The area of a horizontal plane bounded by the front, side and rear lot lines; provided, however, that any easement area, brook or waterway area shall not be utilized in computing overall square footage.

LOT, CORNER

A lot or parcel of land abutting on two or more streets at their intersection forming an interior angle of less than 135 degrees. A corner lot shall have one front yard directly adjacent to the primary entrance facing a street. The second frontage shall be considered side yard.

LOT COVERAGE

The percentage of area of a lot devoted to the principal or accessory building or structure; provided, however, that roof eaves shall be included in the computation of lot coverage.

LOT, DEPTH OF

The mean horizontal distance between the front and rear lot lines.

LOT FRONTAGE

The horizontal distance measured along the full length of the front lot line and drawn at right angles from the shortest lot line.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE

A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT

A boundary of a lot which is along an existing or dedicated public street or, where no such existing or dedicated public streets exist, is along a public way. In the case of a corner lot there shall be one front yard directly adjacent to the primary entrance facing a street. The second frontage shall be considered side yard.

LOT LINE, REAR

The lot line which is more distant from and most nearly parallel to the front lot line. If a rear lot line is less than 15 feet in length, or if a lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet in length, lying wholly within the lot and parallel with the front lot line.

LOT LINE, SIDE

Any boundary of a lot which is not a front lot line or a rear lot line.

LOT, WIDTH OF

The straight-line distance between points on opposite side lot lines where the boundary between the front yard and the side yards meet at the front setback line.

MANUFACTURE

The converting of raw, unfinished materials or products, or any or either of them, into an article or articles or substance of a different character or for use for a different purpose. The term "manufacture" shall also include the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials, such as lubricating oils, plastics, resins or liquors.

MASTER PLAN

A composite of the mapped and written proposals recommending the natural, physical and

economic development capacities and goals of the Borough which has been adopted by the Dumont Joint Land Use Board.

MUNICIPAL LAND USE LAW

P.L. 1975, c. 291, N.J.S.A. 40:55D-1 et seq. and all the subsequent amendments thereto.

NONCONFORMING LOT

A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING STRUCTURE

A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NONCONFORMING USE

A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

OFF-STREET PARKING

The on-site parking of motor vehicles.

PATIO

A level, landscaped, and/or surfaced area, also referred to as a terrace, directly adjacent to a principal building at or within six inches of the finished grade and not covered with a permanent roof.

PARKING SPACE

The on-site parking on a temporary basis of motor vehicles which are directly accessible to an access aisle. Such parking area is not to be used for the sale, display or repair of motor vehicles or the storage of motor vehicles before or after the sale, display or repair of the same.

PERVIOUS DRIVEWAY SURFACE

A surface that will permit surface water to pass through the surface and provide a durable driveway surface. (See § 455-17, Off-street parking, Subsection T, Driveways, Residential, for more information.)

[Added 4-17-2018 by Ord. No. 1543]

PERVIOUS SURFACE

A surface that will permit surface water to pass through the surface, resulting in minimal runoff to abutting streets, sidewalks, swales, and ditches.

[Added 4-17-2018 by Ord. No. 1543]

PREMISES

The lot and any structures thereon, on or in which a subject use is situated.

PROPERTY LINE

The same as a lot line for the purposes of this chapter.

RESIDENTIAL AGRICULTURE

The on-site growing, harvesting or keeping of plants for the consumption and enjoyment of residents of the property, and not for commercial purposes.

RESTAURANT

A public eating and drinking establishment in which the primary function is the preparation and serving of food and drink on the premises and for on-site consumption. Excluded from this definition for the purposes of this article are drive-in restaurants. Retail establishments which may serve food and drink, as an accessorial use, such as delicatessens or supermarkets, are also excluded from this definition for the purposes of this chapter.

- (1) In order to assure compliance with the requirements that a restaurant have as its primary function the preparation and serving of food and drink on the premises and for on-site consumption, the following requirements are hereby imposed:
 - (a) All food and drink are to be ordered by a customer while he is seated at a table or counter where it is to be consumed.
 - (b) The restaurant shall not be designed in such a manner as to allow the ordering of food and drink in any location other than at the table or counter where it is to be consumed.
 - (c) All consumption of food and drink is to be within the building area designed for restaurant use. No food or drink shall be consumed in any other portion of the building or lot.
 - (d) Food and drink may be taken from the premises only when such take-out service is incidental to the primary restaurant use.
- (2) In the event that a restaurant use abuts a residential use or zone, or institutional premises, the restaurant use shall be screened along those portions that are adjacent to such residential zone or institutional premises by a fence or fence wall not less than five feet in height or with a four-foot planting strip consisting of shrubs or trees which are at least four feet high

at the time of planting. Such screening shall extend to an equidistant point between the minimum setback line for the district to the public right-of-way.

- (3) The developer, as a condition for approval, shall present evidence to the approving authority that there will be provisions for the disposal of all solid, liquid and gaseous wastes and that there will be no air pollution or unreasonable odors.
- (4) The restaurant use shall not depreciate the value of contiguous properties or create instances of discomfort or annoyance to the neighborhood residential uses and zones.

RESTAURANT, DRIVE-IN

An establishment serving food to persons outside the building in which the food is prepared and/or providing tables, benches or automobile parking spaces where food may be eaten outside such building.

SERVICE CLEANING ESTABLISHMENT

A retail business, with attendant(s) present at all times, that uses washing, drying, dry-cleaning, pressing, ironing and similar machines for the care and cleaning of customers' clothes and household dry goods. Excluded from this definition for the purposes of this chapter are laundry areas which serve as an accessorial use to apartments for the exclusive use by tenants and owner.

SERVICE STATION

Any building, place or location designed to supply motor vehicles with gasoline and fuel for propulsion, oils, greases, automobile sundries or for the inspection, testing, examination and cleaning of motor vehicles or for the minor repair or replacement of parts and shall include fuel pumps and fuel storage tanks. "Service stations," for the purpose of this chapter, are what may be commonly referred to as "filling, gas or gasoline stations."

SETBACK

The distance from the property line to a building or permanent structure at the shortest distance thereto, measured at right angles to the property line. The front, interior side, corner side and rear setbacks shall be measured from the front, interior side, corner side and rear lot lines, respectively.

Projections into Setbacks- general exceptions.

1. The projection of parapets, windowsills, doorposts, rainwater leaders, roof gutters, and similar ornamental or structural fixtures may project a maximum distance of not more than six inches into required yards.
2. Cornices, bay windows, window wells, chimneys, balconies, landings, and other similar architectural features may project a maximum distance of not more than two feet into

required yards provided same is no more than six feet wide and no more than one projection on each elevation. Front steps may project a distance of not more than four feet into a required front yard.

3. Wall mounted canopies or awnings may extend up to three feet over an entrance and shall not be counted towards the setback requirements.
4. Patios may be within any side and/or rear yard setback provided same is no closer than three feet to the property line.

SHOPPING CENTER DEVELOPMENT

A group of commercial establishments which provide for the sale of the daily living needs, such as food and drugs, as well as personal services, such as apparel and furniture, banking, professional services and recreation. Such a center should be developed as a unit. A shopping center development shall be comprised of no less than 15,000 contiguous square feet of ground space and shall comply with the following standards:

- (1) The developer shall present extensive evidence to the approving authority that there will be no traffic problems created by the proposed shopping center development. The approving authority's considerations in determining the existence or nonexistence of traffic problems are to include, but not be limited to, the following:
 - (a) The capacity of existing roadways to take any increased traffic flow.
 - (b) The need for left-hand turns in order to accommodate the ingress and egress of traffic from the proposed use.
 - (c) Sight lines.
 - (d) The effect the proposed shopping development will have on increasing traffic through the local residential streets.
 - (e) The location and design of the access driveways.
 - (f) Pedestrian and cyclist safety.
 - (g) The number, manner and design of all physical traffic control devices to be located in the interior parking lot and driveway.
- (2) The proposed shopping center development shall promote a desirable visual environment through creative development techniques and good civic design in arrangements in accordance with the Municipal Land Use Law. All masonry walls that serve as a facing shall be constructed of brick or a material of similar aesthetic appeal. Cement or cinder

blocks shall not be exposed to view on a visually finished masonry wall.

- (3) The developer shall comply with all provisions of Chapter **350**, Signs, of the Code of the Borough of Dumont.

STORE

A building structure devoted primarily to the retail sale of goods and services and where the service is performed or the goods to be sold are prepared in their finished form on the premises.

STREET LINE

The dividing line between the street and the lot.

STRUCTURAL PART

A principal member which is used to support live and/or dead loads, such as a bearing partition, bearing wall, beam, girder, column, pier or post; but, however, excluding such secondary elements as a joist, flooring, decking or lintel whose supporting area is no greater than 49 square feet and excluding nonbearing partition wall.

STRUCTURE

A combination of materials to form a construction for use, occupancy, HVAC, power generation or ornamentation, whether installed on, above or below the surface of land or water.

USE

The purpose or activity for which land, structures or buildings are designed, arranged or intended, or for which land, structures or buildings are occupied or maintained.

USE, ACCESSORIAL

A use clearly incidental and subordinate to the principal use and located on the same lot with such principal use.

USE, PRINCIPAL

The primary purpose for which a lot is used.

USE, PROHIBITED

A use not permitted within a district. Those uses not expressly permitted within this chapter are prohibited. The listing of certain uses as specifically prohibited reiterates the prohibition regarding those particular uses to avoid doubt or confusion.

YARD

The area on a lot extending along a lot line between such lot line and a building, structure or use occupying such lot.

YARD, FRONT

A yard extending the full width of a lot and situated between the street line and the line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the line of the building and the street line at its shortest point.

YARD, REAR

A yard extending the full width of the lot situated between the rear line of the building and the rear line of the lot measured at its shortest point.

YARD, SIDE

A yard situated between the building and the side line of the lot and extending from the front yard to the rear yard.

ZONING OFFICER

The Construction Official of the Borough of Dumont.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

Andrew LaBruno, Mayor

Attest:

Jeanine E. Siek, RMC
Municipal Clerk

Introduced: March 22, 2022

Adopted: