



**2018  
BOROUGH OF DUMONT  
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CORREA				✓
DI PAOLO	✓			
LaBRUNO		✓		
MANNA	✓			
RIQUELME	✓			
STEWART	✓			
MAYOR KELLY				
TOTALS	4	1		1

**Ordinance No.** 1533  
**Date:** February 6, 2018  
**Page:** 1 of 5  
**Subject:** Overlay Zone  
**Purpose:** Amend chapter 455, Article III  
**Prepared By:** John Szabo and Gregg Paster, Esq.

**Offered by:** Manna  
**Seconded by:** Riquelme

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

*Susan Connelly*

**Susan Connelly, RMC, Municipal Clerk  
Borough of Dumont, Bergen County, New Jersey**

**DOWNTOWN OVERLAY ZONE ORDINANCE  
BOROUGH OF DUMONT, BERGEN COUNTY**

**AN ORDINANCE TO AMEND CHAPTER 455, ARTICLE III, "GENERAL REGULATIONS AND RESTRICTIONS" OF THE BOROUGH OF DUMONT ZONING CODE TO INCLUDE A NEW SECTION 455-21.2, "DOWNTOWN OVERLAY ZONE DISTRICT"**

**WHEREAS,** the Governing Body of the Borough of Dumont seeks to create a realistic opportunity for the development of affordable housing in downtown Dumont; and

**WHEREAS**, in furtherance of this goal, the Borough proposes to create a new Downtown Overlay Zone District to encourage inclusionary mixed-use development in the majority of the B2 Business Zone, excluding those portions currently developed with single-family dwelling units.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Dumont, in the County of Bergen, and State of New Jersey, that:

**SECTION 1.** Chapter 455, Article II, Section 455-6A(1) related to classes of districts shall be amended to include a new Subsection (g), which shall read as follows:

(g) Downtown Overlay Zone District.

**SECTION 2.** Chapter 455, Article III, "General Regulations and Restrictions" shall be amended to include a new Section 455-21.2 "Downtown Overlay Zone District," which shall read as follows:

**§455-21.2 Downtown Overlay Zone District**

**A. Purpose.**

The purpose of the Downtown Overlay Zone District is to create a realistic opportunity for the construction of low- and moderate-income housing in suitable portions of the Borough of Dumont's B2 Business Zone, and thereby help to address the fair share housing obligation of the Borough of Dumont under the New Jersey Fair Housing Act. The Downtown Overlay Zone District encourages the development of low- and moderate-income housing by allowing for higher densities and building heights; however, developers shall also have the option of developing in accordance with the underlying B2 Zone standards.

**B. Permitted uses.**

The uses permitted and prohibited in the Downtown Overlay Zone District shall be identical to those uses permitted and prohibited in the B2 Business Zone as set forth at §455-9, provided, however, that any developer that elects to develop in accordance with the Downtown Overlay Zone District standards as set forth herein below shall be required to provide multi-family dwellings above the first floor of all buildings.

**C. Multi-family residential requirements.**

(1) Multi-family residential shall be permitted to be developed at a maximum gross density of twenty (20) dwelling units per acre, with the exception of the following parcels, whereon the maximum gross density shall be twenty-four (24) dwelling units per acre:

- (a) Dixon Avenue, Opposite West Shore Avenue: Block 822 Lots 5 and 6
  - (b) Intersection of Washington and Madison Avenues: Block 905 Lots 12, 13, 14, 15, 16, and 17; Block 909 Lots 13, 14, and 15; Block 1214 Lots 1 and 2; and Block 1216 Lot 1.
- (2) All multi-family development constructed within the Downtown Overlay Zone shall be required to set aside a minimum percentage of units for affordable housing. Where units will be for purchase, the minimum set aside shall be twenty percent (20%). Where units will be for rent, the minimum set aside shall be fifteen percent (15%). When calculating the required number of affordable units, any computation resulting in a fraction of a unit shall be rounded upwards to the next whole number.
  - (3) All affordable units to be produced pursuant to Subsection C(2) above shall strictly comply with the "Affordable Housing" chapter of the Borough Code and the applicable COAH regulations, as may be amended from time to time.
  - (4) The affordable units to be produced shall either be purchase or rental units, which shall be at the discretion of the developer.
  - (5) Any property within the Downtown Overlay Zone that is listed as historic on the National Register of Historic Places and/or the State Register of Historic Places shall be exempt from the requirement to provide multi-family dwellings above the first floor.

**D. Bulk requirements.**

The bulk requirements for the Downtown Overlay Zone District shall be those as set forth in the Limiting Schedule which is hereby adopted and made a part of this chapter.

**E. Buffer strips.**

The following buffer strip requirements shall apply to any use in the Downtown Overlay Zone District which adjoins or is adjacent to a single-family residential use or any land that is zoned for single-family residential use:

- (1) The use shall be screened along those portions of the property that are adjacent to or adjoin a single-family residential use or zone by a fence or fence wall of 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.

- (2) Such screening shall extend to the minimum setback line for the surrounding property.

**F. Construction of buildings in the Downtown Overlay Zone.**

Construction of buildings in the Downtown Overlay Zone District shall be consistent with the requirements for construction of buildings in the B2 Zone, as set forth at §455-9.H.

**SECTION 3.** Chapter 455, Article VII, Section 455-35 “Limiting Schedule” shall be amended to read as follows:

Limiting Schedule

Area	RA 1-Family Dwelling	RA 2-Family Dwelling	B2	LI	Downtown Overlay
Lot area (minimum square feet)	7,500	15,000	—	—	10,000
Lot width (minimum feet)	60	120	—	—	—
Lot depth (minimum feet)	100	100	—	—	—
Lot frontage (minimum feet)	75	150	—	—	—
Front yard setback (minimum feet)	25	25	—	—	—
Side yard setback (minimum feet)	5 <sup>1</sup>	15 <sup>2</sup>	— <sup>3</sup>	—	— <sup>3</sup>
Rear yard setback (minimum feet)	25	25	—	—	—
Lot coverage (maximum percent)	30	30	70	60	75
Green area (minimum percent)	50	50	—	—	—
Height (maximum feet)	28	28	28	36	36 <sup>4</sup>
Sidewalk area (minimum feet)	—	—	10	—	10

NOTES:

<sup>1</sup> In the RA District, one-family, aggregate side yards should be no less than 15 feet.

<sup>2</sup> In the RA District, two-family, aggregate side yards should be no less than 40 feet.

<sup>3</sup> A side yard of 10 feet is required only when a business building is constructed adjacent to an existing single-family structure or any lot zoned for single-family residential use.

<sup>4</sup> Except on those parcels within the Downtown Overlay Zone District that are permitted to be developed with densities up to 24 dwelling units per acre, on which parcels a maximum building height of 48 feet/4 stories shall apply.

**SECTION 4.** The Zoning Map annexed to Chapter 455, Zoning, of the Borough Code shall be amended to identify and include the Downtown Overlay Zone District, while retaining the underlying B2 Zone designation, as depicted on the accompanying map.

**SECTION 5.** All Ordinances of the Borough of Dumont, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 6.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 7.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

**BOROUGH OF DUMONT  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**ATTEST:**

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Susan Connelly, RMC  
Municipal Clerk

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James J. Kelly, Mayor

Introduced: February 6, 2018  
Public Hearing:  
Adopted: