ORDINANCE #06-06
BOROUGH OF DUNELLEN

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, THAT:

BOROUGH OF DUNELLEN, Ordinance #06-06, AN ORDINANCE AMENDING IN PART THE ZONING ORDINANCE OF THE BOROUGH OF DUNELLEN, was Approved on May 15, 2006, and is hereby set forth for Adoption as follows:

a. "Building Height," Determining Height of a Structure, Chapter 115-7

BUILDING HEIGHT – The vertical distance measured from the top of the curb to the highest point of the structure. The building height in all residential districts shall not be greater than thirty-five feet (35ft.). The building height in all Commercial Zones shall not be greater than forty feet (40ft.). All exceptions as set forth in Chapter 115-27 remain in full force and effect.

b. Corner Lot Setbacks amendment to Zoning Ordinance, Chapter 115-18

On a corner lot, two (2) frontages shall be designated as the front yard, and the front entrance shall be oriented to the street address. The setback on the secondary street shall be equal to a minimum of the average front setbacks of structures on the same side of the street, for 200 feet. At no time shall the setback be less than 25 feet. An applicant must certify that said calculations have been established and provide proof of the measurements taken.

The rear yard shall have a setback of 20 feet minimum. Side yard setbacks shall be a minimum of 6 feet.

On a corner lot, accessory buildings are required to meet the principal building side yard setback requirements.

c. "Abandonment of Use," Chapter 115-32B

B. Abandonment of Use. An abandonment of a non-conforming use shall terminate the right to its further use. In determining whether an abandonment of such use shall have occurred, there shall be the concurrence of two factors: (1) an intention to continue the use and (2) some overt act or failure to act which carries a sufficient implication that the owner neither claims nor retains any interest in the subject matter of the use. The mere passage of time during a cessation of such use shall not constitute an abandonment, but shall be a factor to be considered. The owner bears the burden of proof by a preponderance of the evidence.