

The following is provided for informational purposes only. Please be sure to check with the Zoning Officer where an interpretation is needed.

Commonly Used Definitions

"Accessory Use or Building" means a subordinate use or building, the purpose of which is incidental to that of a main use or building on the same lot, except that any structure with a floor area in excess of six hundred (600") square feet or a building containing living space shall be subject to the setback requirements for principal buildings (see Section -5.8).

"Alterations" as applied to a building or structure, means a change or rearrangement in the structural supports; or a change in the exterior appearance; or a change in height, width or depth; or moving a building or structure from one location or position to another; or changing, adding to or removing from or otherwise affecting the exterior appearance of a building or structure.

"Basement" means a story partly underground and having more than one-half (1/2) of its height above the average level of the finished grade at the front of the building.

"Building Height" means the vertical distance measured from the average elevation of the existing grade at all corners of the building, to the highest point of the roof. Non-commercial, residential, roof top radio or television antennas with an overall height of less than ten feet (10') and an attached surface to the principal structure of less than two square feet (2') are excluded from this calculation.

"Building, Principal" means a structure in which is conducted the principal use of the site on which it is situated. In an district, any dwelling shall be deemed to be a principal building on the lot on which it is located.

"Cellar" means a story wholly or partly underground and having more than one-half (1/2) of its clear height below the average level of the adjoining ground.

"Certificate of Occupancy" means a certificate issued upon completion of construction and/or alteration of any building, or change in occupancy of any non-residential building. Said certificate shall acknowledge compliance with all requirements of this Chapter, such adjustments thereto granted by the Planning Board and/or all other applicable requirements.

"Circulation" means systems, structures and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment-points.

"Common Open Space" means an open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

"Conditional Use" means 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 therefore by the Planning Board.

"Corner Lot" means a lot on the junction of and abutting two (2) or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. Designation of the common lot line with the adjoining lots is described in Article V, Section 5.5.D & E.

"Deck" means a patio-like structure located more than one foot above the finished grade.

"Fence, Open" means a fence in which two-thirds (2/3) of the area, between grade level and the top cross members (wire, wood or other material), is open.

"Impervious Surface" means the ratio of any surface impenetrable by water including but not limited to all paved or developed areas, the area covered by the roof of a structure, walkways, driveways, whether paved or gravel, patios, decks, tennis courts, swimming pools and any other improved portion of the property, to the total lot area. Any portion of a lot which is beyond the mean high water line, under a stream, river or inlet as well as streets, thoroughfares and public rights-of-way are excluded from the total lot area for the purpose of this calculation.

"Improved Street" means a street curbed and paved in accordance with the standards set forth in this Chapter for new streets or, alternately, a street which has been accepted and maintained by the Borough of Little Silver, Monmouth County or the State of New Jersey.

"Lot Area" means the acreage and/or square footage of a lot contained within the lot lines of the property. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area. Portions of lots encumbered by easements shall be included in calculating lot area except for easements to the public for right-of-way. The minimum lot area for residential zones shall be provided in a contiguous area located outside of floodways, wetlands, wetland buffer areas, stormwater detention basins, easements, related watercourses and natural or proposed slopes fifteen percent (15%) or greater.

"Lot Coverage" means the area of a lot covered by buildings and structures and expressed as a percentage of the total lot area. The minimum lot area for residential zones shall be provided in a contiguous area located outside of floodways, wetlands, wetland buffer areas, stormwater detention basins, easements, related watercourses and natural or proposed slopes fifteen percent (15%) or greater.

"Lot Depth" means the mean horizontal distance between the front lot line and the rear lot line as measured from the midpoint of the front and rear lot lines. The minimum lot depth for residential zones shall be provided in a contiguous area located outside of floodways, wetlands, wetland buffer areas, easements, stormwater detention basins, related watercourses and slopes fifteen (15%) or greater.

"Lot Frontage"-The minimum "lot frontage" shall be the same as the lot width except that on curved alignments with an outside radius of less than five hundred (500) feet, the "lot frontage" may be reduced to not be less than seventy-five percent (75%) of the required minimum lot width. In the case of a corner lot, or a lot with two (2) or more sides fronting on a street, only one (1) frontage may be used to meet the requirements of this Chapter, but the front yard setback shall be met from all streets. The minimum lot frontage for residential zones shall be provided in a contiguous area located outside of floodways, wetlands, wetland buffer areas, easements, stormwater detention basins, related watercourses and slopes of fifteen percent (15%) or greater.

"Lot Line" means any line designating the extent or boundary of a lot which shall further be defined as follows:

1. Front Lot Line: A lot line or portion thereof which is coexistent with a street line and along which the lot frontage is calculated.
2. Rear Lot Line: The lot line most distant and generally opposite and parallel to the front lot line.
3. Side Lot Line: Any lot line other than a front or rear lot line

"Lot Width" means the shortest, straight, horizontal distance between side lot lines. The minimum lot width shall be met at the minimum front yard setback and shall be maintained throughout the depth of the lot at least as far as necessary to meet the minimum lot area. Except as set forth in the definition of "lot frontage", the lot's dimension at the street line shall be the same as the lot width. The minimum lot width for residential zones shall be provided in a contiguous area located outside of floodways, wetlands, wetland buffer areas, stormwater detention basins, related watercourses, easements, and slopes fifteen percent (15%) or greater.
mean horizontal distance between side lot lines.

"Nonconforming Lot" means a lot existing at the date of the passage of this Chapter, which does not meet the minimum dimensions or area requirements for the zone in which it is located.

"Nonconforming Use" means a use which occupied a building or land at the time of enactment, of this Chapter and which does not conform with the regulations of the district in which it is located according to this Chapter.

"Patio" means a level landscaped and/or surface area directly adjacent to a principal building, within one foot of the finished grade, and not covered by a roof.

"Porch" means an unenclosed platform, with or without a roof, attached to the outside of a building.

"Retaining Wall" means a structure more than eighteen (18") inches high erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

"Setback" means the horizontal distance between a building or structure and any front, side or rear lot line, measured perpendicular to such lot lines at the point where the building is closest to such lot lines.

"Setback Line (Building Line)" means a line drawn parallel to a street line or lot line and drawn to the point of the building nearest to the street line or lot line, beyond which a building does not project. The minimum yard requirements shall be the minimum required setbacks. All setbacks from public streets shall be measured from the proposed right-of-way width as shown on the adopted Master Plan. Where the right-of-way may be coterminous with the curblineline or edge of pavement, or where there may be less than ten (10) feet of additional right-of-way outside the curblineline or edge of pavement, the minimum setback measured from the curblineline or edge of pavement shall be ten (10) feet more than the minimum setback shown in the applicable zoning schedule.

"Sight Triangle" means a triangular area cleared of natural or man-made material capable of obstructing a driver's vision. The sight triangle is located outside the street right-of-way at the intersection of either two (2) intersecting streets, or a street and a driveway.

"Story" means that portion of a building included between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. No "story" shall be deemed to be a first story if its floor level is more than six feet (6') above the level from which the height of the building is measured. A mezzanine floor shall be counted as a "story" if it covers over one-third (1/3) of the area of the floor next below it. For the purpose of this ordinance, a bi-level or split-level dwelling shall be considered a one story structure.

"Story, Half" means that portion of a building under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet (2') above the floor of such half-story. A basement shall also be included as a half-story.

"Swimming Pool, Commercial" means a swimming pool that is operated for profit and

"Yard" means An open space extending outward from the closest point of any building or structure to a lot line, street line, or the edge of any environmental area as noted below. All yard dimensions shall be measured horizontally, in a straight line and at right angles to either a straight street line, lot line, or the façade of a building or structure, or

perpendicular to the point of tangent of curved lines and facades. The minimum yard requirements shall be provided in contiguous areas located outside of floodways, wetlands, wetland buffer area, easements, stormwater detention basins, related watercourses and slopes exceeding fifteen percent (15%).

"Yard, Front" means that the area extending across the full width of a lot located between the street line and the building or structure located on said lot. The front yard represents the actual distance between said street line, building or structure and may exceed the minimum front yard required by Ordinance. On corner lots, any yard abutting a street is defined as a front yard. For reverse frontage lots, see definition "Yard, Rear".

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"Yard, Minimum Front" means the area measured outward from the building or structure and shall be provided in a contiguous area located between the building or structure and the edge of any floodways, wetlands, wetland buffer areas, easements, drainage swales serving more than two (2) abutting lots, stormwater detention basins, related watercourses and slopes exceeding fifteen percent (15%).

"Yard, Rear" means The open space extending across the full width of the lot located between the rear lot line and the building or structure. The "rear" of a building shall be opposite the designated front" of the building. In addition, the minimum rear yard shall be measured outward from the building or structure and shall be provided in a contiguous area located between the building or structure and the edge of any floodways wetlands, wetland buffer areas, easements, drainage swales serving more than two (2) abutting lots, stormwater detention basins, related watercourses and slopes exceeding fifteen percent (15%). On reverse frontage lots the rear yard shall be the open space between the rear of the building or structure and the street to which there is no access, except the minimum setbacks from the street shall conform to the front yard setbacks as required in the definition of "Yard, Front".

"Yard, Side" means an open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the building or structure. The minimum side yard shall be measured outward from the building or structure and shall be provided in a contiguous area located between the building or structure and the edge of any floodways, wetlands, wetland buffer areas, easements, drainage swales serving more than two (2) abutting lots, stormwater detention basins, related watercourses, and slopes exceeding fifteen percent (15%).