

CHAPTER 145
OF THE
CODE OF THE BOROUGH OF HIGH BRIDGE

THE LAND USE AND DEVELOPMENT
ORDINANCE
OF THE
BOROUGH OF HIGH BRIDGE
2005

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ARTICLE 1

TITLE, PURPOSE, ADMINISTRATION AND DEFINITIONS

Section 101. Title.

This Ordinance shall be known as "The Land Use and Development Ordinance of the Borough of High Bridge – 2005".

Section 102. Purpose.

The purpose of this Ordinance is to establish rules, regulations, standards and procedures for the nature and extent of the uses of land and of buildings and structures thereon and for the review of all developments in the Borough. It is enacted pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) in order to promote the public health, safety, morals and general welfare. This chapter is intended to:

- A. Further the purposes set forth in the Municipal Land Use Law, Chapter 291, Laws of New Jersey, 1975 (N.J.S.A. 40:55D-1 et seq.), as amended and supplemented.
- B. Preserve the existing natural resources and historical and aesthetic assets of the Borough and give proper consideration to the physical constraints of the land to ensure safety from fire, flood, panic and other natural disasters.
- C. Provide for safe and efficient vehicular, bicycle and pedestrian circulation.
- D. Provide for appropriate screening, landscaping, signage and lighting.
- E. Provide for appropriate design standards to ensure adequate light and air, proper building arrangements, a desirable visual environment, and minimum adverse impacts on surrounding properties and the environment.
- F. Ensure the provision of adequate water supply and water quality, drainage and stormwater management, sanitary facilities and other utilities and services.
- G. Provide for appropriate recreation, open space and public-use areas.
- H. Promote the public health, safety, morals, convenience and general welfare of the citizens of the Borough.
- I. Establish a pattern for the use of land and buildings in the Borough within zoning districts and regulate the uses of the land and the uses and locations of buildings within these zoning districts.
- J. Regulate the nature and extent of the use of land and structures for trade, industry, residency, open space and/or other purposes.
- K. Regulate the bulk, height, number of stories and size of buildings and other structures; the percentage of lot or development area that may be occupied by structures; lot sizes and dimensions.
- L. Avoid conflicts with the development and welfare of neighboring municipalities, the County and the State as a whole.

- M. Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions, and the preservation of the environment.
- N. Provide sufficient space in appropriate locations for agricultural, residential, recreational, commercial and industrial uses and open space.

Section 103. Approving Agency.

The provisions of this Ordinance shall be administered by the Borough Planning Board and, where applicable, by the Borough Planning Board acting as the Zoning Board of Adjustment, in accordance with the Municipal Land Use Law, Chapter 291, P.L., 1975, N.J.S.A. 40:55D-1 et seq., as amended and supplemented, and the provisions of Article 6 of this Ordinance.

Section 104. Definitions and Word Usage.

For the purposes of the interpretation and construction of this Ordinance, certain terms and words are herein defined and shall be used as defined, unless the context otherwise requires. Words used in the present tense shall include the future; words used in the singular shall include the plural; the word "used" shall include the words "arranged", "designed", "occupied", "constructed", "altered", "converted", "rented", "leased" or "intended to be used"; the word "lot" shall include the words "plot" or "parcel"; the word "shall" is mandatory and not discretionary; and the word "abut" shall include the words "directly across from", "adjacent to" and "next to". Any word or term not defined herein shall be used with a meaning of standard usage.

ACCESSORY BUILDING, STRUCTURE OR USE – A building, structure or use customarily associated with, and subordinate and incidental to the principal building, structure or use and located on the same lot as the principal use. An accessory building or structure attached to a principal building or structure shall be treated as part of and shall comply in all respects to the requirements for the principal building or structure, with the exception of open decks without walls and/or a roof.

ADMINISTRATIVE OFFICER – The Planning Board Secretary or the Zoning Officer, as designated in this Ordinance.

AFFORDABLE HOUSING – A dwelling unit with a sale price or rent within the means of a low or moderate income household as defined in Subchapter 12, Controls on Affordability, of the Substantive Rules of the New Jersey Council on Affordable Housing.

AGENT – One (1) or more persons designated to represent the applicant before the Board.

AGRICULTURE – The use of land for the growing and harvesting of crops and/or the raising and breeding of animals including: truck farms, livestock farms, dairy farms, poultry husbandry, fruit farms and nurseries; greenhouses, barns, silos, stables, storage buildings, buildings for the keeping of poultry and livestock; and garages for the keeping of equipment and trucks used in farm operations; and the packing but not processing of produce raised on the premises.

ALLEY – Minor ways that are non-public thoroughfares; are used primarily for vehicular access to the back or the side of multiple properties otherwise abutting on a street; and are shown on the Tax Map or the Official Map of the Borough. Alleys are not driveways.

ALTERATIONS OR ADDITIONS – As applied to a building or structure, any change or rearrangement in or enlargement of the supporting member(s) such as walls, columns, beams, girders, posts or piers, including an increase in height or removal from one (1) location or position to another, or a change in the use of the space to a more intensive use, such as a change of storage space to office, retail or manufacturing use, or change from residential to nonresidential use. As applied to a parking lot, the surfacing, curbing, resurfacing, redesigning, restriping or enlargement to accommodate additional parking spaces, a new traffic

pattern, a new drainage pattern, a different means of ingress and egress or similar changes requiring review by the Planning Board.

APARTMENT – A room or suite of connected rooms on a single floor designed or used for occupancy as a single dwelling unit by one (1) family in a building having a total of two (2) or more such dwelling units.

APPEAL – A request for a review of an administrative interpretation of any provision of this Ordinance or of a request for a variance.

APPLICANT – The legal or beneficial owner or owners of a lot or any land to be included in a proposed development, including the holder of an option, or contract to purchase, or other person having an enforceable proprietary interest in such land. The term “applicant” shall also mean “developer”.

APPLICATION FOR DEVELOPMENT – The application form and all accompanying documents required by this Ordinance for approval of a site plan, subdivision, zoning variance, conditional use, planned development or the issuance of a permit pursuant to N.J.S.A. 40:55D-34 and 35.

APPROVING AUTHORITY – The Borough Planning Board unless a different municipal agency is designated in the text of this chapter or has the power of review, approval, or other action, when acting pursuant to the authority of the Municipal Land Use Law, in which case it shall be that municipal agency.

AUTO BODY REPAIRS – The disassembly, reassembly, repair, replacement or painting of any component of a motor vehicle not directly related to the engine, power train, exhaust system, electrical system, interior passenger compartments, glass, mirrors, brakes, suspension or tires. These or similar activities shall only be permitted as an accessory use to a service station or automobile dealership.

AUTOMOBILE DEALERSHIP – Any business establishment whose primary activity is the sale of new or used cars, trucks, farm machinery, construction equipment and/or recreational vehicles. The sale of parts, the undertaking of mechanical repairs and/or body work, and the painting and/or washing of vehicles are permitted accessory uses to the sale of automobiles as a principal use.

BASEMENT – The area of a building with a floor that is below ground level where at least fifty percent (50%) of the floor-to-ceiling height on all sides is below ground level, and where the floor-to-ceiling height is not less than six and a half (6 ½) feet.

BILLBOARD – Any structure or portion thereof on which lettered or pictorial matter is displayed or is intended to be displayed for advertising purposes other than that placed on a building or its grounds for the purposes of indicating the name and occupation of the user of the premises, the nature of the business conducted therein or the products primarily sold or manufactured therein.

BLOCK – The area bounded by one (1) or more streets or a municipal boundary of sufficient size to accommodate a lot or lots of the minimum size required in this Ordinance and as further specified herein.

BOARD – Refers to the Planning Board of the Borough or the Planning Board when acting in the capacity of the Board of Adjustment.

BOROUGH – The Borough of High Bridge, in the County of Hunterdon, New Jersey.

BOROUGH ATTORNEY OR ENGINEER – The attorney or engineer appointed by the Mayor and approved by the Borough Council to advise on legal or engineering matters, respectively.

BREAKAWAY WALL – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral forces without causing damage to the elevated portion of the building or supporting foundation system.

BUFFER AREA – A strip of land providing a natural vegetative screen or a fence or other means that serves to continually restrict a clear view beyond the “buffer area”.

BUILDING – A structure with a roof supported by columns or walls intended for permanent, temporary, or continuous occupancy or shelter for any person, animal, equipment or materials.

BUILDING AREA – The total area encompassed by the outer boundary, at ground level, of the principal building and all accessory buildings.

BUILDING COVERAGE – The square footage or other area measurement of all buildings which occupy a lot as measured at the ground level around the foundation, and including the area covered by a permanent roof such as projections or overhangs greater than four (4) feet. Decks that are four (4) feet or less off the ground and do not have spaces between the floorboards shall also be included in the calculation of building coverage.

BUILDING LINE – A line parallel to the street line touching that part of a building closest to the street, except for projections or overhangs for stairs, decks, bay windows or roof overhangs of less than four (4) feet. In the case of a cantilevered or projected section of a building other than described above, the building line will coincide with the most projected surface.

BUILDING OFFICIAL – The Construction Official or designee or subcode official who is responsible for the administration and enforcement of the Building Code.

BUILDING PERMIT – The permit required by the State statute and regulation thereunder prior to building construction or alteration.

BUILDING, PRINCIPAL – The structure in which the principal use of the site is conducted. In any residential district, any dwelling shall be deemed to be the “principal building” of the lot on which it is located.

CAPITAL IMPROVEMENT – A governmental acquisition of real property or major construction project.

CELLAR – A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than six and a half (6 ½) feet.

CERTIFICATE OF OCCUPANCY – A certificate issued by the Construction Official upon completion of the construction, alteration or change in occupancy of a building. The Certificate of Occupancy shall acknowledge compliance with all requirements of this Ordinance and such variances therefrom as may have been granted pursuant to N.J.S.A. 40:55D-70c or d.

CHANGE OF USE – The change from one permitted use to another on a lot or within a building or structure. A change of use shall require site plan approval.

CHILD CARE CENTER – Any child care facility regulated and licensed by the Department of Human Services pursuant to P.L. 1983, c. 492 (C.30:5B-1 et seq.)

CHILD CARE PROGRAM – A program to care for children approved by the local Board of Education and operated by the Board or by an approved sponsor in a public school, before or after regular school hours.

CHURCH – Any house of worship, regardless of religion, which may also include accessory parish halls and meeting rooms and a clergy’s residence on the same lot.

COAH – The New Jersey Council on Affordable Housing.

COMMON OPEN SPACE – 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, and

containing such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

COMMUNITY RESIDENCE – A supervised residence providing food, shelter and guidance for the developmentally disabled, terminally ill, persons with head injuries, or victims of domestic violence, as defined at N.J.S.A. 40:55D-66.2, and housing not more than fifteen (15) persons, excluding staff.

COMPLETE APPLICATION – A submission by an applicant that fully complies with and includes all of the information required by this Ordinance for the application for development.

CONDITIONAL USE – A use permitted in a particular zoning district only upon a showing that such a use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this Ordinance and upon the issuance of authorization by the Planning Board.

CONSTRUCTION OFFICIAL – The official designated by the governing body to enforce the provisions of the Building Code and coordinate the work of the subcode officials. The Construction Official must be licensed by the NJ Department of Community Affairs.

CONSTRUCTION VEHICLE or EQUIPMENT – A machine or vehicle designed for earthmoving or the building of structures, roads or utilities that is not typically made or licensed to run on public roads, and vehicles such as dump trucks with a minimum of eight (8) tons gross vehicle weight. Pickup trucks of less than six (6) tons gross vehicle weight are not included in this definition.

CONSTRUCTION PERMIT – An authorization for the erection, alteration, or extension of a structure issued by the Construction Official after a determination that all applicable Borough requirements have been met.

CRITICAL AREAS – All lands within the floodway and flood hazard area, or otherwise the 100-year floodplain, and wetlands and transition areas as defined by the New Jersey Department of Environmental Protection at N.J.A.C. 7:13 and N.J.A.C. 7:7A, respectively; and steep slopes exceeding fifteen percent (15%) and four (4) feet in height, as determined by field-verified, topographic mapping with two (2)-foot contours.

CUL-DE-SAC or DEAD END STREET – A street with a single means of ingress and egress and having a turn-around.

DAYS – Calendar days, including weekend days and holidays.

DENSITY – The permitted number of dwelling units per gross acre of land including streets, easements and open space portions of a development.

DEVELOPER – See “Applicant”

DEVELOPMENT – The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any man-made change to improved or unimproved real estate, including mining, dredging, filling, grading, paving, excavation, drilling, timber harvesting, silviculture or storage of equipment or materials; any use or change in the use of any building or other structure or land; or any extension of the use of land for which permission may be required pursuant to this Ordinance.

DEVELOPMENT FEES – Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted by N.J.A.C. 5:93-8 et seq.

DRAINAGE – The removal of surface water or groundwater from land by drains, grading or other means, including control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water

recharge into the ground where practical, to lessen nonpoint source pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE MAINTENANCE EASEMENT – The land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen nonpoint source pollution.

DRIFTWAY – Any primary means of vehicular access to residential properties other than a public street or alley, including, but not limited to, a private road or right-of-way.

DRIVEWAY – A way providing vehicular access to or on a lot from a public street, easement or alley.

DUAL ROAD – A street, as defined by this chapter, in which the lanes for traffic in opposing directions are separated by a median strip, center island or other form of barrier, the crossing of which is prevented other than at designated locations.

DWELLING UNIT – A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for a person or number of persons in a single housekeeping unit, who are living together as a stable and permanent living unit, being a traditional family unit or the functional equivalency thereof.

DWELLING, MULTI-FAMILY – A building containing three (3) or more dwelling units and occupied or intended for occupancy by three (3) or more families living independently of one another, each with its own separate living, sleeping, cooking and sanitary facilities.

DWELLING, PATIO HOUSE – A one (1) family dwelling on a separate lot with open space setbacks on three (3) sides.

DWELLING, SINGLE-FAMILY – A building containing one (1) dwelling unit only and occupied or intended for occupancy by one (1) family.

DWELLING, TOWNHOUSE – A dwelling unit in a building containing three (3) or more dwelling units located adjacent to one another in a side-to-side or back-to-back configuration, but not one unit above another, each separated by vertical, common, fire-resistant walls and each unit has direct access without use of a common hallway.

DWELLING, TWO-FAMILY – A building containing two (2) dwelling units and occupied or intended for occupancy by two (2) families living independently of one another, each with its own separate living, sleeping, cooking, and sanitary facilities.

EROSION – The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

ENVIRONMENTAL COMMISSION – A municipal advisory body created pursuant to P.L. 1968, c. 245 (C. 40:56A-1 et seq.).

EQUALIZED ASSESSED VALUE – The value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the tax assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal tax assessor.

EXCAVATION – A portion of land surface or an area from which earth has been or shall be removed or the depth below the surface of the original ground level to the level of the excavated surface.

EXISTING GRADE – The vertical location of the ground surface prior to excavation or filling.

FAMILY – One or more persons customarily living together as a single housekeeping unit. A family is the same as a household.

FAMILY DAY CARE HOME – Any private residence of a family day care provider which is registered as a family day care home pursuant to the “Family Day Care Provider Registration Act”, 1987 and any amendments thereto, and in which child care services are regularly provided to no less than three (3) and no more than five (5) children for no less than fifteen (15) hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child-care services:

1. The child being cared for is legally related to the provider; or
2. The child is being cared for as part of a cooperative agreement between parents for the care of their children by one (1) or more of the parents, where no payment for the care is being provided.

FARM – A lot with at least five (5) acres used solely for agriculture.

FARM STAND – A building for the purpose of displaying and selling the produce raised on a farm owned or cultivated by the farm-stand operator and other related goods so long as the other related goods constitute less than fifty percent (50%) of the produce displayed and/or sold at the farm stand.

FARM STRUCTURE – Any structure used for the storage of agricultural equipment or farm produce, or housing livestock or poultry. All farm structures shall be considered accessory structures, whether or not a principal structure exists on the same lot.

FILL – Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by any person.

FINAL APPROVAL – The official action of the Planning Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantee.

FLOOD OR FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD AREA – The land on either side of a waterway that is subject to a one percent (1%) or greater chance of flooding in any given year. For regulatory purposes, the NJ Department of Environmental Protection identifies the flood hazard area as the flood resulting from a 100-year flood discharge plus twenty-five percent (25%).

FLOODPLAIN – The flood hazard area resulting from the 100-year flood and the watercourse that creates it.

FLOODPLAIN MANAGEMENT REGULATIONS – The “Flood Hazard Area Control Act” rules of the NJ Department of Environmental Protection (N.J.A.C. 7:13) or local regulations, in any combination thereof, which provide standards for the purpose of flood-damage prevention and reduction. The local regulations may include the Land Use and Development Ordinance, building codes, health regulations, any special purpose ordinances (such as Chapter 111, Flood Damage Prevention), and other applications of police power in the Borough.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than two-tenths (0.2) of a foot.

FLOOR AREA – The total enclosed floor area of a structure used for residential purposes or for business or commercial activities. In the case of the latter, includes customer facilities, showcase facilities, and storage and sales facilities.

FLOOR AREA RATIO – The sum of the area of all floors of buildings or structures compared to the total area of the site.

GARAGE AND YARD SALES – A sale conducted by the owner or occupier of a residential dwelling of goods or materials owned by the owner or occupier, which goods and materials are regularly associated with the principal use; or a sale conducted by a bona fide, not-for-profit, religious, charitable or civic organization and only if the sale is conducted on property owned or occupied by said group. All such sales shall be limited to two (2) consecutive days and not more than one (1) sale during any three (3) month period.

GARAGE, PRIVATE – An accessory building or portion of a principal building used for the parking of vehicles owned or rented by the occupants or users of the principal use on the lot.

GARAGE, PUBLIC – Any garage other than a private garage which is open to the public and/or used commercially for the storage of motor vehicles.

GOVERNING BODY – The chief legislative body of the municipality. In High Bridge, this is the Mayor and Common Council.

GRADE – The inclination of a sloping surface, usually expressed in percentage terms or the average elevation of land around a building.

GRADE, FINISHED – The final elevation of all surfaces, including lawns, walks, and roads, at ground level after development as shown on official plans or designs relating thereto.

GRASSED WATERWAY – A natural or constructed path, usually broad and shallow and covered with erosion-resistant grasses, used to conduct surface water.

GROUP HOME – Any single-family dwelling used in the placement of children pursuant to law and recognized as a group home by the Department of Institutions and Agencies provided, however, that no group home shall contain more than twelve (12) children.

HABITABLE FLOOR – Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A cellar or other floor used only for storage purposes is not a “habitable floor”.

HEIGHT – The vertical distance from the average elevation of the finished grade around the perimeter of the structure to the highest point of the structure.

HISTORIC STRUCTURE – Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on the State’s inventory of historic places; or
4. Individually listed on the Borough’s inventory of historic places.

HOME OCCUPATION – A business conducted wholly or in part in a residence or on a residential lot.

HOMEOWNERS' ASSOCIATION – An incorporated non-profit organization operating in a development under recorded land agreements through which each lot owner is automatically a member, each dwelling unit is automatically subjected to a charge for a proportionate share of the expenses for the organization's activities and maintenance, including any maintenance costs levied against the Association by the Borough, and each owner and tenant has an equal right to use the common property.

HOUSEHOLD – One (1) or more persons living as a single nonprofit housekeeping unit, whether or not they are related by blood, marriage or otherwise (see also 'Family').

HOUSING TRUST FUND – The interest bearing account in which all development fees will be deposited pursuant to N.J.A.C. 5:93-8.15.

IMPERVIOUS SURFACE COVERAGE – The percentage of a lot which is covered by buildings and other improvements including, but not limited to, decks, parking areas, driveways, walkways and bikeways, whether said areas or ways are paved or graveled, and, with respect to required parking areas, whether said areas are or will be constructed or merely shown and reserved on the site plan. The term "impervious surface coverage" is synonymous with the term "lot coverage". Impervious surface coverage shall be calculated by measuring, in a horizontal plane, the outer limits of all impervious surfaces on a lot and comparing the total square footage thereof with the total lot area exclusive of critical areas. For the purpose of determining impervious surface coverage, areas designed to allow the infiltration of stormwater such as grass pavers, pervious pavement, specially designed graveled areas, and other such innovative methods, shall not be included.

IMPROVEMENT – Any utility, road, drainage facility or similar type of installation required as part of a subdivision or site plan or required by the Planning Board or other approving authority as permitted by law, but not including any buildings or structures other than those constructed for the purpose of providing access, utility services, drainage and the like.

INCLUSIONARY DEVELOPMENT – A development containing low and moderate income units. The term includes, but is not necessarily limited to, new construction, the conversion of a non-residential structure to a residential structure, and the creation of new low and moderate income units through the substantial rehabilitation of a vacant residential structure.

INTERESTED PARTY –

1. In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and
2. In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or outside of the Borough, whose right to use, acquire, or enjoy property is or may be affected by any action taken under the provisions of this Ordinance, or whose rights to use, acquire or enjoy property under this Ordinance or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under this Ordinance.

INVASIVE PLANT – An introduced species that has become established, grows aggressively and tends to displace existing, native species, sometimes forming monocultures, including, but not limited to, those species on the New Jersey or Pennsylvania Noxious Weed Lists.

KENNEL – The maintaining, raising, feeding, boarding or harboring of dogs over the age of sixteen (16) weeks as a business or commercial enterprise, or a building or enclosure for same. Kennels are a prohibited use in all zones in the Borough.

LAND – Any ground, soil or earth, including wetlands, drainageways, and areas not permanently covered by water, and including the improvements and fixtures on, above or below the surface.

LOADING SPACE – An off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading.

LOT – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, to be used, developed or built upon as a unit.

LOT AREA – The area contained within the lot lines of a lot, excluding any existing or future street right-of-way or portions thereof. For residential lots, the minimum lot area required in the zone in which the lot is located shall be contiguous usable land area.

LOT CIRCLE – A circle of a stated diameter, which must be capable of being inscribed within the lot lines.

LOT, CORNER – A lot at the junction of and fronting upon two (2) or more intersecting streets or bounded on two or more sides by the same street, which streets or parts of the same street form an interior angle of less than one-hundred and thirty-five degrees (135) degrees. Such a lot has a front yard on each portion of the lot that fronts on a street.

LOT COVERAGE – The percentage of the lot area that is covered by buildings, and paved or graveled areas. See “Impervious Surface Coverage”. The maximum lot coverage for residential lots shall be measured using the usable land area.

LOT DEPTH – The horizontal distance between the front and rear lot lines, measured from the midpoint of the front lot line to the midpoint of the rear lot line. The minimum lot depth for residential lots shall be provided in a contiguous area located outside of critical areas.

LOT FRONTAGE – The distance between side lot lines measured along the street line as defined herein.

LOT, INTERIOR – Any lot that is not a corner lot.

LOT LINE – Any line forming a portion of the exterior boundary of a lot; the same line as the street line for that portion of a lot abutting a street. The term “lot line” is the same as “property line”.

LOT WIDTH – The distance between side lot lines as measured at the front yard setback or at the location of the nearest part of the principal building.

LOW INCOME HOUSEHOLD – A household with a gross aggregate household income which does not exceed fifty percent (50%) of the regional median income, with adjustments for household size.

LOW INCOME HOUSING – Housing that is economically feasible for families whose income level is categorized as low within the standards promulgated by the US Department of Housing and Urban Development.

MAINTENANCE GUARANTEE – Any security which may be accepted by the Borough for maintenance of any improvements required by this Ordinance for a specific period of time, including but not limited to surety bonds, letters of credit as specified in Section 702.D of this Ordinance, and cash.

MASTER PLAN – A composite of one or more written or graphic proposals for the development of the Borough as set forth in and adopted pursuant to N.J.S.A. 40:55D-28.

MODERATE INCOME HOUSEHOLD – A household with a gross aggregate household income which is greater than fifty percent (50%) of the regional median income, but which does not exceed eighty percent (80%) of said regional median income, with adjustments for household size.

MODERATE INCOME HOUSING – Housing that is economically feasible for families whose income level is categorized as moderate within the standards promulgated by the US Department of Housing and Urban Development.

MOTEL OR HOTEL – A building containing rooms used, rented or hired out to be occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or within an accessory building.

MUNICIPAL AGENCY – The Planning Board, or a governing body of a municipality when acting pursuant to this act and any agency which is created by or responsible to one or more municipalities, when such agency is acting pursuant to N.J.S.A. 40:55D-1 et seq.

NATIVE SPECIES – A plant that was commonly found in the northern half of New Jersey prior to the settlement by Europeans. A native plant or vegetative community is an ecological unit consisting of an assemblage of native species sharing the same habitat requirements.

NONCONFORMING BUILDING OR STRUCTURE – A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

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

NONCONFORMING USE – A use or activity which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

OFFICIAL MAP – A map adopted by the governing body by ordinance pursuant to N.J.S.A. 40:55D-32 et seq.

OFF-SITE – Located outside the lot lines of the lot in question, but within the property, which is the subject of a development application, or the closest half of the street or right-of-way abutting the property of which the lot is a part.

OFF-TRACT – Not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way.

ON-SITE – Located on the lot in question and excluding any abutting street or right-of-way.

ON-TRACT – Located on the property, which is the subject of a development application, or on the closest half of an abutting street or right-of-way.

OPEN SPACE – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved in perpetuity for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets, off-street parking, and other improvements that are designed to be incidental to the natural openness of the land.

PARKING LOT, COMMERCIAL – Any lot which is devoted to the parking of automobiles in return for a fee and which is not directly operated by a use permitted in the zone in which located.

PARKING SPACE – A storage area provided for the parking of a motor vehicle.

PARTIAL DESTRUCTION – A building or structure that because of fire, flood, explosion, or other calamity, requires the rebuilding of less than half of its floor area.