H. Administration

1. Application. Applications for Sign Permits shall be made to the Zoning Officer by the owner of the premises and the person responsible for the erection of the sign, and both shall be responsible for compliance with the terms as herein set forth. Application shall be made on forms available from the Zoning Officer and shall be accompanied by a fee in the amount of thirty-five dollars ($35.00). A sign permit may also be required from the Construction Official.
2. Issuance of Sign Permit. It shall be the duty of the Zoning Officer to examine the application, plot plan or site plan and other data regarding the sign which is proposed to be erected, and if the proposed sign is in compliance with all of the requirements of this Ordinance and all other laws and ordinances of the Borough of High Bridge, and receives approval of the Construction Official, if required, the Zoning Officer shall then issue the Sign Permit. The Sign Permit shall be issued or denied within thirty (30) days of the date of application.
3. The Zoning Officer may, on an individual basis and after the applicant has proven a substantial need, allow more than the permitted number of garage sale or real estate signs for a single sale. Upon submission of an application for a Sign Permit (no fee will be required), the Officer shall approve the locations of these additional signs and specify the limited time period that these signs may remain installed.
4. Duration of Sign Permit. If the work authorized under a Sign Permit has not been completed within four (4) months after the date of issuance, the permit shall become null and void, except as noted in '4' below.
5. Temporary Signs. In a non-residential zone, a business may apply for a Sign Permit that will permit the display of different temporary signs (banner or flag, portable sign, window sign) for up to a twelve (12)-month period. For this purpose, a temporary sign is one that is intended for display for a defined period of time with intermittent periods of at least four (4) days when the sign is not displayed. An individual business or commercial establishment shall be permitted to display no more than two (2) different types of temporary signs at a time. In order for the Zoning Officer to issue a Sign Permit for multiple temporary signs, the following information must be submitted with the application for the Sign Permit:
   a. A list of the types of temporary signs to be displayed over the year, or shorter time period as desired by the applicant.
   b. A schedule indicating the length of time each sign will be displayed consecutively and cumulatively over the year or other time period.
   c. The general content/purpose of each sign.
   d. The proposed location where each sign will be displayed.
   e. The proposed size of each sign.
   f. All other information required on the application for a Sign Permit for the types of signs for which approval is sought.

   Failure of the business owner to follow the schedule and other information submitted with the application for each sign without prior approval of the Zoning Officer shall result in revocation of the Sign Permit and possible issuance of a summons. After the time period for which the Permit was issued ends, the applicant must apply for a new Sign Permit in order for the display of temporary signs to continue or for the sign to be used as a permanent sign.
6. Unsafe Signs. Unsafe signs shall be subject to the provisions of N.J.A.C. 5:23-2.32 (Unsafe Structures), and other applicable laws.
7. Obsolete and Illegal Signs. Any signs now or hereafter existing which no longer advertises a bona fide business conducted on the premises, a product sold on the premises or a use lawfully existing on the premises shall be taken down and removed by the permittee, owner, agent or person having the beneficial use of the building or structure or land on which such sign is located. If the responsible party fails to remove such sign, the Zoning Officer may notify the party in writing directing removal of the sign. Upon failure

to comply with such notice within ten (10) days, the Zoning Officer is hereby authorized to cause removal of the sign, and any expense incidental thereto shall be paid by the permittee or owner of the building or structure or land on which the sign is located.

8. If a sign is erected without obtaining the required permits, then the Zoning Officer shall notify the owner of the sign or the owner, agent or person having the beneficial use of the building or structure or land on which such sign is located, that the sign is illegal and a permit must be obtained. The required, complete application must be submitted within two (2) weeks of notification by the Zoning Officer. If the permit is denied or the owner fails to file the application within the specified period, then the Zoning Officer shall require removal of the sign within ten (10) days of his/her written notification. Upon failure to comply with such notice, the Zoning Officer is hereby authorized to cause removal of the sign, and any expense incidental thereto shall be paid by the permittee or owner of the building or structure or land on which the sign is located.

9. Responsibility for Damages. Any person or organization posting a sign in the Borough of High Bridge shall be responsible for any damage to person(s) or property caused by its placement or movement. Permitted temporary signs shall be removed by the party erecting them prior to the expiration of the time period for display. Exemption from the requirement for a Sign Permit does not imply exemption from the sign regulations of this Ordinance.

Section 303. Accessory Structures.

A. Types of Accessory Structures.

Any accessory structure having a common wall, roof or foundation with the principal building shall be considered part of the principal building and the total structure shall adhere to the yard requirements for the principal building. Open decks that do not have walls or a roof and are held off the ground by means of posts or cantilevered must have a minimum setback of ten (10) feet, whether or not the deck is attached to the principal building. Temporary structures, those without a permanent foundation or footing and that are designed to be easily taken apart (e.g., a tent), that are erected to meet the use normally provided by a permanent type of accessory structure are prohibited.

B. Accessory Structures Not to be Constructed Prior to Principal Building.

No Construction Permit shall be issued for the construction of an accessory building or structure, other than construction trailers, storage sheds or farm accessory buildings prior to the issuance of a Construction Permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building or structure, the Construction Official shall revoke the Construction Permit for the accessory building or structure until the construction of the main building has proceeded substantially toward completion.

C. Distance Between Adjacent Buildings.

The minimum distance between an accessory building and any other building(s) on the same lot shall be at least fifteen (15) feet unless a greater distance is specified elsewhere in this Ordinance, except in the R-4 Zone, ten (10) feet shall be required between an accessory building and any other building(s).

D. Height of Accessory Structures.

The height of accessory structures shall not exceed twenty (20) feet in height, except that this limitation shall not apply to farm structures (see Section 301.F)

E. Location.

An accessory structure may not be erected closer to the street right-of-way than the building line and shall meet the setbacks from side and rear lot lines the distances specified in Section 203 (Schedule of Area, Yard and Building Requirements) except for the following:

1. Storage sheds measuring one hundred (100) square feet or less in size and located in an R-1, R-2, R-3, or R-4 residential zone must have a minimum setback of five (5) feet from a side or rear lot line;
2. If erected on a corner lot, the accessory structure shall not be located closer to either street than the building line facing each street;
3. No poultry or livestock shelter (excluding dog runs or other shelters for household pets) shall be erected, used or located closer than fifteen (15) feet to any property line; and
4. Refer to Section 404.E for setback requirements for accessory structures in the Solitude Village Development (R-4 Zone).

F. Percentage of Rear Yard and Total Lot Area to be Occupied.

The following table presents, for certain zones, the maximum percentage of the rear yard area of the lot and the total area in square feet which may be occupied by accessory structures, regardless of whether said accessory structures are located in the rear or side yards of the lot:

Zone	Maximum %of Rear Yard	Maximum Area on Lot
R-1	5%	2000 sq. ft.
R-2	10%	900 sq. ft.
R-3	20%	750 sq. ft.
R-4	20%	750 sq. ft.

G. Number of Accessory Buildings.

Not more than two (2) accessory buildings shall be located on any lot other than a lot containing a farm or a lot in the R-O-M Zone.

Section 304. Fences and Walls.

A. A fence shall be defined as a structure functioning as a boundary or barrier, usually made of posts, boards, wire or rails but may consist of vegetation such as hedges. A wall shall be defined as an upright structure of building material, such as masonry, stone, wood, or plaster, serving to enclose, divide, or protect an area including walls designed to hold back earth (i.e., retaining wall).

B. No fence or wall, except for retaining walls, hereafter erected, altered or reconstructed in any residential zone, or on any lot containing a residential building in any other zone, shall exceed four (4) feet in height when located in a front yard and six (6) feet in height when located in a side or rear yard. Vegetation such as hedges shall have no height restriction. A fence may exceed the above height restrictions only if the entire fence, or the part of the fence above four (4) feet in height, is made of "invisible" plastic mesh with a mesh opening of no larger than 2"x4" and no smaller than 1"x1" and when the fence is erected for the purpose of protecting landscaping or gardens from deer damage.

C. No fence or wall hereafter erected or reconstructed in any non-residential zone shall exceed a height of six (6) feet. The foregoing shall not apply to a retaining wall or sound barrier erected as part of an approved site plan.

D. An open wire fence may be erected to a height greater than six (6) feet but not to exceed eight (8) feet within a public park, public playground, a public school property or around a commercial recreational use, where such fence is for the purpose of containing an implement or missile necessary for the conduct of recreational activities, or in the Commercial or R-O-M zone, around

an outdoor storage area conforming to all requirements of this Ordinance, where such fence is required for security purposes.

E. Electric fences capable of administering an electric shock to humans are prohibited. Barbed wire fencing is prohibited in residential zones, but may be used as an adjunct to open wire fencing in the Commercial or R-O-M zones at a height of not less than six (6) feet or greater than ten (10) feet. Barbed wire or electric fencing may be used at any height to a maximum height of eight (8) feet on properties containing livestock. Razor wire or concertina wire is prohibited in all zones.

F. Nothing herein shall be construed to restrict the erection of suitable windbreaks for the winter protection of trees, shrubs, and other vegetation or for the erection of protective fences around permitted public utility uses in excess of the height limitations specified herein.

G. A Zoning Permit is required for the erection of any hedge (mature size), wall or fence two (2) feet in height or taller. However, fences or hedges erected around gardens that are entirely located outside of the yard setbacks for the zone shall not require a permit, and shall not be subject to height restrictions. Every fence and wall shall be maintained in safe, sound and upright condition and shall be subject to the inspection of the Zoning Officer and/or the Borough Engineer. A repair to a fence shall not include a change from an open-sight fence (e.g., split rail) to a closed-sight fence (e.g., stockade) or vice versa.

H. All fences, hedges and walls must be erected with the finished side facing outward from the property. A closed-sight fence must be located a minimum of two (2) feet off the property line, regardless of the presence of critical areas. An open-sight fence may be located no closer than six (6) inches to the property line (as measured from the outermost face of the fence). A hedge must be located at least half of the predicted width of the plant at maturity (as measured from the center of the plant) off the property line. A wall must meet a setback of two (2) feet from a property line or critical area boundary.

I. No fence, hedge or wall shall be permitted within a sight triangle except as allowed by Section 301.Q.

J. Temporary fences shall require a Zoning Permit (but no fee shall be paid) unless the fence was included on development plans approved by the Planning Board or as part of an approved Soil Erosion and Sediment Control Plan or Grading Permit (see Section 813 of this Ordinance). For construction projects, the fence will be permitted for the duration of the project. For other uses, the length of time the fence will be permitted will be based on the intended use of the fence.

K. No retaining wall higher than four (4) feet shall be erected unless engineering drawings are submitted to the Zoning Officer for approval along with the application for a Zoning Permit. The Zoning Officer shall submit such drawings to the Borough Engineer for review and approval. A fence may be required at the top of a retaining wall, depending on its height. See Section 813 for additional requirements for retaining walls.

Section 305. Nonconforming Buildings, Structures, Uses and Lots.

A. A building, structure or use lawfully in existence as of the effective date of this Ordinance which shall be made nonconforming by the passage of this Ordinance or an amendment thereto may be continued, except as otherwise provided in this Section.

B. No nonconforming building or structure, or building or structure devoted to a nonconforming use, shall be enlarged, extended, constructed, reconstructed, substituted, relocated, erected, converted to another use or structurally altered except in conformity with the regulations of this Ordinance for the zone in which such building or structure is located.

C. A lot on which a nonconforming building, structure or use is located shall not be reduced in size. A lot which is already nonconforming shall not be made more nonconforming in any manner.

D. Any nonconforming building or structure which has been partially destroyed or damaged may be repaired or rebuilt provided:

1. Said nonconforming building or structure does not exceed the height, floor area and/or volume of the original building or structure; and
2. The reconstruction work shall be commenced within one (1) year from the date the original building or structure was damaged and carried out without interruption; and
3. Any such building or structure, which has been destroyed by more than seventy-five percent (75%) or has been declared structurally unsafe, shall be rebuilt in accordance with the requirements of this Ordinance. Any such building or structure on which reconstruction is commenced after one (1) year from the date of damage shall be rebuilt in accordance with the requirements of this Ordinance.

E. The applicant must obtain a Zoning Permit and Construction Permit prior to repairing or rebuilding the structure. If the building or structure that was partially destroyed was the subject of a previous variance application, then the applicant must reapply to the Board of Adjustment if any modifications to the structure or use are proposed.

F. Repairs and maintenance work required to keep the building or structure in sound condition may be made to a nonconforming building or structure or to a building or structure containing a nonconforming use, provided that said repairs and maintenance work do not extend the floor area or volume of space occupied by a nonconforming use or the footprint of a non-conforming structure or building.

G. A building containing a nonconforming residential use may be altered in any way to improve interior livability but no structural alterations shall be made which would increase the number of dwelling units.

H. Any nonconforming building, structure, use or lot may change ownership and continue to function as the same nonconforming building, structure, use or lot provided all of the other provisions of this Ordinance are met.

I. Whenever the owner of a lot existing at the time of adoption of this Ordinance has dedicated or conveyed land to the Borough in order to meet the minimum street width requirements of this Ordinance, and the area or depth of the lot has been rendered substandard only by virtue of such dedication or conveyance, and the owner has no other adjacent lands with which to satisfy the lot area or lot depth requirements of the zone in which the lot is located, the Zoning Officer shall issue Zoning Permits and the Construction Official shall issue Construction Permits and Certificates of Occupancy for said lot as if these requirements were met, and no variance shall be required for the substandard lot area and/or lot depth, as applicable.

J. Certificate of Nonconformity.

1. Purpose. A Certificate of Nonconformity is a document that certifies that a nonconforming condition or use on a lot existed before the adoption of the ordinance which made the use or structure nonconforming. A prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of such certificate (N.J.S.A. C.40:55D-68). The advantage to obtaining such a certificate is to facilitate sale of the property to a purchaser who desires to continue the use or maintain a nonconforming structure and avoid any possible future prosecution for a violation of the ordinance, or litigation concerning the use or structures permitted on the tract.
2. Submittal of Application.
   a. An application for a Certificate of Nonconformity may be made to the Zoning Officer within one year of the adoption of this Ordinance. The Zoning Officer shall collect an application fee not in excess of those provided in R.S. 54:5-14 and R.S. 54:5-15 (see Article 7, Section 701.A). If an applicant has gone in a timely fashion to the Zoning Officer but has been denied a certificate, the

applicant must appeal first to the Board of Adjustment before taking the matter to a court.

b. After the one (1)-year time limit, an application for a Certificate of Nonconformity must be submitted to the Board of Adjustment. Applications for a Certificate to confirm that the previous version of the Land Use and Development Ordinance, adopted December 11, 1997, rendered a use or structure nonconforming must be made to the Board of Adjustment.

c. An applicant shall not rely on the issuance of a Certificate of Continuing Occupancy by the CCO Officer, along with a cover letter allegedly permitting the expansion of a nonconforming use, when the officer had no reasonable basis to permit such a use. In addition, a Certificate of Occupancy is not a determination as to the legality of a use or structure.

d. An applicant may first apply to the Zoning Officer for a Zoning Permit for a use or structure in order to confirm whether the use or structure in question conforms to the regulations in the current Ordinance.

3. Content of Application. The applicant shall have the burden of proof. It is important that the evidence presented to the Zoning Officer or to the Board establish exactly what the use or structure was at the time of adoption of the Ordinance, including its character, extent, intensity and any incidents. The application must include the following:

a. A completed application form.

b. The application fee (Fees for applications to the Zoning Officer or to the Board may be found in Section 701).

c. All certification proceedings before the Board, whether by direct application or appeal from a denial by the Zoning Officer, must include a public notice and notice by certified mail to property owners within two hundred (200) feet of the subject property. No notice is required for certification applications made directly to the Zoning Officer.

d. The application must include sufficient documentation to demonstrate that the use or structure was lawful under the land use regulations in effect when the use began or the structure was initially constructed. If a use is merely operating without a required license, the use can still be protected by nonconforming use status. Once the burden of establishing the existence of a valid nonconforming use or structure has been met, the issue of whether a nonconforming use or structure has been abandoned must be addressed. The applicant must demonstrate that the use was continuous, not sporadic or occasional. For a structure, the nonconforming structure must have been in continuous existence (i.e., not torn down and rebuilt) and in continuous use.

One exception to the general rule that the burden of proving the existence of a nonconforming use is on the applicant, is in tax cases involving farmland assessment. Where farms are not presently a permitted use, but the applicant asserts a valid, nonconforming use, the burden shifts to the municipality to show that there is not a valid nonconforming use.

4. Considerations for Reviewing Applications.

a. In determining the status of an alleged nonconforming use or structure, the Zoning Officer or Board of Adjustment must trace the nonconforming history of the use or structure back to the zoning ordinance in existence at the time the use in question commenced or the structure was built. Whether the use runs counter to the Master Plan shall be immaterial to the determination. The Zoning Officer or Board must base their determination exclusively on whether the use or structure predated the zoning ordinance or an amendment making it illegal and whether the use or structure was in conformity with zoning in place at its inception.

b. When an applicant appears before the Board for an application for development, as well as a Certificate of Nonconformity, the Board of Adjustment's determination that the certificate should be granted shall not be interpreted as giving any validity or approval to the improvements proposed in the application for development.

c. The Zoning Officer or Board shall consider whether both factors cited below were present when determining whether a nonconforming use or structure was abandoned:
   (1) Either an overt act or a failure to act which sufficiently implies that the owner neither claims nor retains any interest in the use or structure in question; and
   (2) An intent to abandon.
d. Use of the subject property for purposes other than the reported nonconforming use would indicate abandonment of the use or structure by the owner, unless it can be shown that such uses were only intended to be temporary.
e. When a structure has merely remained idle and there has been no significant changes made, or any change which would indicate intent to abandon the nonconforming use, the nonconforming status of the use or structure will still be protected provided the other conditions are met.

Section 306. Off-Street Parking and Loading.

A. Parking Space Size.

Each off-street parking space shall measure nine (9) feet in width by eighteen (18) feet in length. Parking spaces for people with disabilities shall be in accordance with the New Jersey Uniform Construction Code (N.J.A.C. 5:23-7) or the Americans with Disabilities Act, as applicable.

B. Required Number of Parking Spaces.

1. The development plan shall show the total number of off-street parking spaces required for the use or combination of uses proposed. Since a specific use may generate a parking demand different from those enumerated herein, documentation and testimony may be presented to the Board as to the anticipated parking demand. Based upon such documentation and testimony, the Board may:
   a. Allow construction of a lesser number of spaces, provided that adequate provision is made on the site plan for the construction of the required number of spaces in the future; or
   b. In the case of non-residential uses, require the construction of spaces in excess of those required herein below, to ensure that the actual parking demand will be accommodated off-street.
2. Residential Uses.
   a. For residential uses, the number of parking spaces shall be provided in accordance with the Residential Site Improvement Standards.
   b. In all other zones, two (2) parking spaces shall be provided for each dwelling unit.
3. Non-residential Uses.
   a. Assembly Halls, Dance Halls, Community Buildings – One (1) space per one hundred (100) square feet of gross floor area.
   b. Automobile Dealers – Ten (10) spaces of customer parking plus one (1) space per employee plus the area required for vehicle display and storage plus four (4) spaces per service bay separate from the bay itself.
   c. Banks – Five (5) spaces for each teller window, plus one (1) space per employee, plus ten (10) queuing spaces for each drive-up window situated so that no vehicle will obstruct or interfere with any entrance or exit to the property.
   d. Carpentry, Electrical, Masonry, Plumbing or Painting Contractors – one (1) space per two hundred (200) square feet of office floor area, plus one (1) space per five hundred (500) square feet of storage area.
   e. Churches, Auditoriums, Theaters – One (1) space for every three (3) seats, or one (1) space for every twenty-four (24) linear inches of seating space.
   f. Funeral Homes – Ten (10) spaces per slumber room.
   g. Garden Centers – Six (6) spaces per one thousand (1,000) square feet of net habitable floor area of buildings, plus five (5) spaces per one thousand (1,000) square feet of outside storage, sale or display.

h. Motor Vehicle Service Stations – One (1) space per maximum number of employees per shift, plus four (4) spaces per service bay separate from the bay itself.
i. Hospitals, Nursing Homes, Other Medical Institutions – One (1) space for every two (2) beds.
j. Lounges/Taverns – One (1) space for every two (2) seats.
k. Medical Laboratories – One (1) space per two hundred (200) square feet of gross floor area.
l. Medical Offices and Clinics – One (1) space per two hundred (200) square feet of gross floor area, plus one (1) space for each physician on duty.
m. Offices, Except Medical Offices – One (1) space per two-hundred and fifty (250) square feet of gross floor area.
n. Repair or Machine Shops, Except Automotive Repair – One (1) space per four hundred (400) square feet of gross floor area, or one (1) space per employee, whichever is greater.
o. Restaurants – One (1) space for every three (3) seats, or one (l) space for every fifty (50) square feet of gross floor area, whichever is greater.
p. Retail Stores and Service Businesses Unless Otherwise Specified – One (1) space per two hundred (200) square feet of gross floor area.
q. Schools – One (1) space per employee for preschools and for grades K-10 and/or two and one half (2.5) spaces per employee for grades 11 and 12 plus sufficient space for school bus loading and unloading, and individual student pick-up and drop-off, and school bus storage.
r. Shopping Centers – Five (5) spaces per one thousand (1,000) square feet of gross floor area.
s. Warehouses, Research Laboratories – One (1) space per five hundred (500) square feet of gross floor area.
t. Wholesale Building Materials, Appliance and Furniture Stores – One (1) space per three hundred (300) square feet of gross floor area.
u. Woodworking, Fabrication, Processing and Assembly – One (1) space per five hundred (500) square feet of gross floor area, or one (1) space per employee, whichever is greater.
v. Unspecified Uses – One (1) space per two-hundred and fifty (250) square feet of gross floor.

4. Any building containing more than one (1) use shall meet the combined parking space requirements for all uses in the building.
5. No change in use within a building shall be permitted unless it can be shown that sufficient parking is available for the new use.
6. All parking spaces shall be located on the same tract as the use for which the parking is required and shall not thereafter be encroached upon or reduced in any manner. Parking areas shall be designed and constructed in accordance with the specifications and standards of Section 807 of this Ordinance and with the requirements of C.5:23-7 et seq. (the Barrier Free Subcode). Parking areas shall have a setback requirement of twenty-five (25) feet from a property line or buffer area, if present.
7. Notwithstanding the provisions of this Section, all properties containing structures in the DB Zone that pre-exist the adoption of this Ordinance shall be exempt from minimum parking requirements in order to permit re-development of the downtown business area.

C. Required Number of Loading Spaces.

1. Each non-residential use shall provide for off-tract loading and unloading with adequate ingress and egress from streets and with adequate space for maneuvering and shall provide such area at the side or rear of the building which does not face an existing or proposed street. Each loading space shall be at least fifteen (15) feet wide by forty (40) feet long, unless a use is proposed that requires tractor-trailers then the loading space shall be fifteen (15) feet by sixty (60) feet and fifteen (15) feet of vertical clearance. A minimum of one (1) space shall be provided for each building. Additional spaces may be

necessary and may be required by the Board dependent upon the specific activity. There shall be no loading or unloading from the street.

2. There shall be at least one (1) facility for storage and removal of garbage and recyclable materials provided for each non-residential building or use which facility shall either be within the building or be located outside the building and separated from the parking spaces. If outdoors, such storage facility shall consist of steel-like, totally enclosed containers situated so as to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by fences, walls, plantings or a combination of all three (3). If located within the building, the access doorway may serve both the loading and garbage/recycling functions. If located outside the building, the facility may be located adjacent to or within the general loading area(s), provided it in no way interferes with or restricts loading and unloading functions.
3. Loading areas shall be designed and constructed in accordance with the specifications and standards of Section 807 of this Ordinance. Loading areas shall have a setback requirement of twenty-five (25) feet from a property line or buffer area, if present.

Section 307. Driveways.

A. Approval Required Prior To Construction.

No new driveway or entrance to a private home, business or commercial or industrial use shall be constructed in the Borough of High Bridge without filing an application for a Driveway Permit for approval by the Zoning Officer for such construction. The Zoning Officer shall forward said application to the Borough Engineer for review and approval. Said application shall be accompanied by an escrow to cover the cost of engineering review.

B. Approval Required Prior To Modification of Existing Driveway.

No existing driveway or entrance to a private home, business or commercial or industrial use shall be modified in any way, including but not limited to paving, change of width, length, elevation or drainage, without filing an application for review and approval by the Zoning Officer. Applicants wishing to repave an existing paved driveway must obtain a Driveway Permit but do not need to pay a fee, provided no changes to the driveway are made. If the Zoning Officer determines that the application also requires review by the Borough Engineer, the cost of said professional services shall be borne by the applicant through establishment of an escrow of one-hundred and fifty ($150.00) dollars.

C. Driveway Limitations.

1. No driveway shall be placed in any yard space in the Borough of High Bridge when such a location is within forty (40) feet of any street intersection or within twenty (20) feet of another driveway, the distance being determined by measurement from the nearest side line of the driveway to the nearest street parallel to said driveway or to the next driveway which is parallel to the driveway in question.
2. Any portion of a driveway for a single-family detached residential lot located within twenty-five (25) feet of the right-of-way line or fifty (50) feet of the centerline of the street, whichever is greater, shall not exceed a slope of five percent (5%).
3. Residential properties shall not have more than one (1) driveway opening onto any single street or public right-of-way. Vehicles can not be parked in a front yard unless they are parked within an approved driveway.
4. All new driveways for single-family residential lots with direct access to a street other than a minor street shall have an on-site turnaround to permit vehicular access to the road in a head-on direction.
5. All driveways shall be a minimum of ten (10) feet in width and a maximum of thirty (30) feet in width.

6. Refer also to Section 312 for requirements concerning construction of a driveway on steep slopes.

D. Sight Areas.

Sight areas on each side of single-family driveways shall be cleared and graded to provide unimpeded sight of vehicles approaching on the public roadway for a distance of two hundred (200) feet in both directions. Sight areas for each side of non-residential or multi-family residential development shall be in accordance with Section 803. Sight distance shall be measured from a point on the driveway fifteen (15) feet from the street line and from a height of eye at forty-two (42") inches on the driveway to a height of object four feet three inches (4' 3") on the street.

E. Construction Material.

Those portions of driveways constructed or altered within public road rights-of-way or within twenty-five (25) feet of the centerline of the public roadway, whichever is greater, shall be constructed of the following materials:

1. Base Course – Soil aggregate I-5, or equivalent, four inches (4") thoroughly rolled and compacted.
2. Surface Course – Bituminous concrete, Mix I-5, two inches (2") compacted thickness.
3. Driveways that cross a street curb shall be constructed or reconstructed to provide depression with a two-inch (2") curb height relative to the edge of roadway pavement. The top of the depressed curb shall be sloped down toward the roadway to provide a one and one-half inch (1 ½") curb face.
4. The total depth of curb shall be maintained across the depression.
5. Transitions from the depressed curb to the full-faced curb shall be over a maximum length of eighteen (18) inches.
6. Curb shall conform to the standards detailed in the Article 8, Section 811. Curbing is not required along driveways for single-family residences.

F. Driveways Entering Streets with Sidewalks.

Those portions of driveways constructed or altered along a public street with a sidewalk shall be constructed so as to include a concrete apron extending from the curb line to the far edge of the sidewalk. Concrete aprons and other passageways that might be used for vehicular traffic shall be constructed as prescribed in the Article 8, Section 811.

G. Inspections.

Upon notice to the Zoning Officer of the completion of the construction of the driveway, the Zoning Officer shall request that the Borough Engineer inspect the same and endorse the driveway permit to evidence compliance or non-compliance with the standards specified herein. The construction of the driveway shall not be deemed in accordance with the provisions of this chapter unless and until said permit has been so endorsed. Failure of the Borough Engineer to endorse the driveway permit within twenty-one (21) days after submission of said permit for endorsement shall be deemed as approval of the Borough.

No Certificate of Occupancy shall be issued unless all driveways on the lot or site have been completed in accordance with the approved plan. Inspection to assure compliance will be performed by the Borough Engineer or his/her designee.

H. Construction Involving Drainage Facilities.

No driveway apron shall extend beyond the curb line onto a road. The proposed driveway shall provide for the free flow of storm waters across the apron or driveway and shall not be allowed to interfere with the natural or artificial flow of water caused by erection of culverts or other existing diversionary methods or in any way interfere with clear access to existing or proposed manholes.

I. Application Forms.

The Zoning Officer shall promulgate forms for application of construction of driveways, which shall be filled out by the applicant for construction of a driveway in each case. Refer to Section 701 of this Ordinance for applicable fees.

J. Approval of Permits.

The Borough Zoning Officer shall approve such driveway construction permits with the consent of the Borough Engineer, and no driveway shall be altered or constructed until such time as the provisions of this Section have been complied with. If the work authorized by a Driveway Permit has not been completed within one (1) year of the date of issuance, then the permit shall become null and void.

Section 308. Buffer Areas and Screening.

A. Buffer areas are required along property and street lines of all non-residential and multi-family residential uses where said property lines or the centerlines of the streets are boundary lines for single-family residential uses or zones. The buffer areas shall be designed in accordance with the standards presented in Subsection C below. Minimum required buffer area widths shall be as follows:

1. Multi-family residential uses or developments –fifty (50) feet.
2. Non-residential uses or developments – fifty (50) feet.
3. Downtown Business Zone – five (5) feet.
4. Residential use proposed adjacent to a non-residential use – twenty-five (25) feet.

B. For uses permitted as conditional uses in the R-1, R-2, R-3 and R-4 residential zones, buffer areas shall be designed as specified in Subsection C below.

C. All buffer areas shall comply with the following standards:

1. The buffer area shall be measured from each property line or from the nearest street line in each case where the street centerline serves as a zoning district boundary line.
2. Buffer areas shall be maintained as approved and kept clean of all debris, rubbish, and invasive, non-native plants.
3. No structure (except for fences, provided no significant removal of vegetation is necessary), activity, storage of materials or parking of vehicles shall be permitted in any buffer area except that the buffer area may be pierced perpendicularly by one (1) or more access drives from a public street and by one (1) unlighted directional sign for each direction of traffic on each access drive and by permitted signs.
4. Except as provided in Section 308.D.6 below, each required buffer area as stipulated in Section 308.A, B or E shall include a landscaped screen according to the standards described in Section 308.D. The landscaped screen need only be of sufficient depth to achieve the desired screening. Existing native vegetation within the buffer area should be preserved to the maximum extent possible. The remainder of the buffer should consist of existing vegetation or, where sparse, new landscape plantings may serve to supplement the existing vegetation and should be consistent with the existing vegetative community. The buffer area should include a variety of native species including herbaceous plants, shrubs, understory trees, and canopy trees as appropriate for the vegetative community.
    a. Trees should be two (2) to two and one-half (2 ½)-inch caliper at time of planting. Shrubs should be at least four (4) feet in height.

b. At least three (3) species of native trees shall be used in wooded buffer areas.
c. In wooded buffer areas, the goal for the canopy coverage should be seventy-five percent (75%) at maturity but no less than twenty-five (25) trees per acre.

5. The preservation of natural wooded areas, rock outcroppings or topographic features as well as historically interesting man-made features such as stone walls or stone rows shall be an integral part of all site plans regardless of their proximity to required buffer areas, and the Board may waive the screening requirement where such features are sufficient to achieve the objectives of this Section.
6. See Sections 806 and 808 for additional requirements.
7. All buffer areas must be placed in non-public conservation easements that are recorded in the deed for the property on which they are located. No development activity shall be permitted within the buffer areas except as specifically allowed elsewhere in this Ordinance.
8. Buffer areas may include critical areas. In such a case, setbacks and yard areas shall be measured from the boundary of the buffer area or critical area, whichever extends further into the lot.

D. The landscaped screen shall comply with the following requirements:

1. Evergreen and deciduous trees and shrubs of such species and size shall be used as to provide a year-round visual screen of at least four (4) feet in height in the front yard and six (6) feet in height in all other yards. Trees should be two (2) to two and one-half (2½)-inch caliper at time of planting and all plants used should be native species in New Jersey to the maximum extent possible. At least three (3) species of native trees shall be used.
2. The screen shall be of such density as to obscure, throughout the course of the year, the glare of automobile headlights emitted from the premises.
3. Landscaped areas shall be maintained at the expense of the owner. The screen and buffer plantings shall be maintained permanently and any plant material, which does not live, shall be replaced within six (6) months.
4. The screen planting shall be so placed that at maturity it will be no closer than three (3) feet to any street right-of-way or property line.
5. A clear sight triangle as required by Section 803 of this Ordinance shall be maintained at all street intersections and at all points where private access drives intersect public streets.
6. The screen planting shall be broken only at points of vehicular and pedestrian ingress and egress.
7. Screening need not be provided within the buffer area along a street when existing vegetation, including trees, within the buffer is sufficient to achieve the desired level of screening or when both of the following conditions are met:
    a. The front of the building faces the street and no parking is located between the front of the building and the street.
    b. No outdoor activity of any kind or outdoor storage of materials will be visible from the street or from properties across the street.

E. A vegetated buffer of twenty-five (25) feet shall be required along all property lines that adjoin railroad tracks. The buffer shall consist of native vegetation; however, the Planning Board may require additional planting if the existing vegetation is too sparse to adequately screen or separate the properties.

F. A vegetated buffer area of twenty-five (25) feet on both sides of minor waterways (defined as a path of surface water runoff with a drainage area of less than fifty (50) acres and without defined bed and banks) and fifty (50) feet on both sides of a watercourse (as defined at N.J.A.C. 7:13-1.2) is required for all new development projects, except on residential developments the required yard area or setback will apply if greater than the buffer area designated herein. If the slope within the buffer area exceeds fifteen percent (15%), then the horizontal width (plan view) of the buffer must be increased by fifty percent (50%). The Planning Board may, on a case-by-case basis, require supplemental planting with native species to forest the buffer area or otherwise enhance the existing vegetation in order to reduce erosion or shade the stream. Non-native, invasive vegetation should be removed and replaced with native species where warranted. Fences and decks may be

allowed in such buffer areas provided no removal of trees greater than four inches (4") diameter at breast height (dbh) is required.

G. On existing developed lots, no additional clearing of existing native vegetation or creation of lawns is permitted within said stream buffers. If an area of lawn exists within the buffer area, then the erection of an above-ground structure less than three-hundred and fifty (350) square feet in size (including a deck); below-ground pool; at grade tennis court (provided runoff is not discharged directly to the stream); garden; or at-grade, non-paved parking area less than two hundred (200) square feet in size is permitted with the existing lawn area, but in no case may the buffer be reduced to less than ten (10) feet on a minor waterway or twenty-five (25) feet on a watercourse except as provided in the floodplain management regulations.

H. Notwithstanding any of the above, all development activities must comply with the buffer areas and restrictions on development in floodplains, setbacks from watercourses, wetlands, and wetland transition areas described in the Flood Hazard Area Control Act (N.J.A.C. 7:13), Freshwater Wetlands Protection Act (N.J.A.C. 7:7A), and Chapter 111 of the Code of the Borough of High Bridge.

Section 309. Tree Removal.

Chapter 23 in Code

A. The removal, destruction or harvesting of any eight (8") inch or greater caliper tree is regulated pursuant to Chapter 183, Tree Protection, of the Code of the Borough of High Bridge.

B. The Zoning Officer may, at the discretion of the Mayor and Council, serve as the Officer in charge of issuing permits for removal of trees pursuant to Section 309.A above.

Section 310. Swimming Pools.

A. No private residential swimming pool or portable pool shall be constructed or installed on any lot unless the lot contains a residential building. Ornamental pools are not subject to the setback requirements for swimming pools and do not require a Zoning Permit.

B. A private residential swimming pool is considered an accessory structure, shall be located in a rear or side yard, and shall meet all requirements of Section 303, Accessory Buildings and Structures, except that: no pool shall be located a distance of less than fifteen (15) feet from any lot line; there shall be no minimum distance requirement between the pool and principal structure; a minimum separation of ten (10) feet shall be maintained between a swimming pool and a septic tank; and a minimum of twenty (20) feet shall be maintained between a swimming pool and a disposal field.

C. A Zoning Permit is required for all private residential swimming pools. All private residential swimming pools and portable swimming pools greater than forty-two (42) inches deep shall comply with the State Uniform Construction Code.

D. No public or private club swimming pool shall be constructed or installed unless approved by the Board as part of a site plan approval. Public or private club swimming pools shall be classified into types in accordance with their particular uses and shall meet the appropriate design standards as set forth by the National Swimming Pool Institute or the Swimming Pool Code of New Jersey, latest edition, whichever is more stringent.

Section 311. Environmental Performance Standards.

The standards noted below are established for the general purpose of preventing uses which may tend to endanger life or property or create hazards from fire, explosion or radiation or produce objectionable smoke, heat, glare, vibration, odor or noise, whether or not such hazards will or will not be confined to the property from which they originate. All existing uses in the Borough, proposed uses and development applications are subject to these conditions as well as those found in Chapters 78, 119 and 155 of the Code

of the Borough of High Bridge. All development applications and/or applications for Zoning or Construction Permits for non-residential uses shall provide documentation that the intended use will comply with the performance standards enumerated below. In the case of a structure being built when the future use is not known, a Construction Permit may be issued upon the condition that no Certificate of Occupancy or Zoning Permit for use shall be issued until such time as this documentation is submitted with respect to the particular occupant. These provisions shall not apply to any sewage treatment plant which has received approval from the NJDEP.

No noxious, offensive, hazardous trade or activity shall be carried on and no building shall be erected or altered which may be, or become by reason of excessive emission of dust, smoke, odors, fumes, gases, noise, industrial or residential wastes or vibration, a nuisance or detrimental or hazardous to the health or safety of residents or workers in the Borough.

A. Electrical and/or Electronic Devices.

All electric or electronic devices shall be subject to the provisions of Public Law 90-602, 90th Congress, HR 10790, dated October 18, 1968, entitled "An Act for the Protection of Public Health and Safety from the Dangers of Electronic Product Radiation", or latest revision. Radiation products, as defined in DHEW Publication No. (FDA) 75-8003, shall be limited and controlled so that no measurable energy can be recorded at any point beyond the property boundaries. The applicant, upon request, shall produce certified data wherein measurements made in accordance with the procedures and standards set forth in the DHEW Publication No. (FDA) 75-8003 adequately demonstrate compliance with the minimum standards established by the Act. All other forms of electromagnetic radiation above 100KHz shall be restricted to the technical limits established in the Federal Communication Commission's Rules and Regulations. Additionally, electric or electronic equipment shall be shielded so that there is no interference with any radio or television reception at the lot line (or beyond the operator's dwelling unit in the case of multi-family dwellings) as the result of the operation of such equipment.

B. Glare.

No use shall produce strong light or reflection of a strong light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered and directed so that glare, direct light or reflection will not become a nuisance to adjoining properties, adjoining zoning districts, or streets or result in excessive sky glow. Unless required by law, no lighting shall be rotating, pulsating or of other intermittent frequency.

C. Heat.

No use shall produce heat perceptible beyond its lot lines. Further, no use or process shall be permitted which could cause the temperature to rise or fall in any natural body of water or watercourse.

D. Liquid Waste.

No liquid waste or by-product of operations shall be discharged into any watercourse unless said discharge meets the water quality standards established by the State of New Jersey for the watercourse. If the applicant proposes to construct facilities for the treatment of waste, he/she shall supply:

1. Statement by the New Jersey Department of Health that such proposed facilities are in compliance with the applicable State laws and regulations.
2. Approval by the appropriate State, county or local officials of the installation of such facilities. No liquid waste shall be discharged unless the appropriate officials shall have first investigated the character and volume of such wastes, control of pH, the installation of processing methods, separation or screening of such wastes and other methods of improving

such wastes prior to discharge of the improvement to the watercourse expected to receive such wastes.

3. Liquid wastes shall be tested at the building walls and discharge points of the buildings in question.

E. Odor.

Odors due to any non-agricultural and non-residential uses shall not be discernible at the lot line or beyond.

F. Storage and Waste Disposal.

No materials or waste shall be deposited on a lot in any form or manner such that they may be transferred off the lot by natural causes or forces, or may contaminate any body of water or watercourse or underground aquifer, or otherwise render such body of water or watercourse or underground aquifer undesirable as a source of water supply or recreation, or may destroy aquatic life. Provision shall be made for all materials or wastes which might cause fumes or dust or which constitute a fire or explosion hazard or which may be edible or otherwise attractive to rodents and insects to be stored indoors in appropriate containers to eliminate such hazards.

No open waste material shall be dumped upon or permitted to remain upon any part of the lot outside any building with the exception of compost piles made for private use in landscaping on said lot by the resident of the building. Compost piles shall be kept and maintained according to accepted practices and shall be screened from view from adjacent properties and set back a minimum of five (5) feet from a side or rear property line.

With respect to solid waste, each property owner shall comply with the requirements of Chapter 119 of the Code of the Borough of High Bridge.

G. Ventilation.

No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no air conditioners or exhaust fans shall be permitted to discharge exhausted air unless they comply with the minimum building setback requirements of this Ordinance and are equipped with baffles to deflect the discharged air away from adjacent properties.

H. Vibration.

There shall be no vibration that is discernible to the human sense of feeling beyond the building wall (or dwelling unit in the case of multi-family dwellings).

I. Dust.

Dust due to non-agricultural operations shall not be permitted to escape beyond the immediate lot (or dwelling unit in the case of multi-family dwellings). Any area designed for the movement of commercial vehicles or equipment will be paved in accordance with applicable Borough ordinances in order to prevent the generation of dust from the movement of such vehicles or equipment.

J. Radiation.

There shall be no activity that emits dangerous or harmful radioactivity. All use of materials, equipment or facilities which may be sources of radiation shall comply with all controls, standards and requirements of the Atomic Energy Act of 1954, as amended, and any codes, rules or regulations promulgated under such act as well as the Radiation Protection Act, L.1958, N.J.S.A.

26:2D-1 et seq., as amended and standards promulgated pursuant thereto by the NJDEP, whichever is more stringent.

K. Air, Water and Environmental Pollution.

No use shall emit any pollutant into the ground, water or air that exceeds the most stringent applicable federal, State or local statute, regulation or ordinance.

Section 312. Restrictions on Development in Critical Areas.

A. The following requirements for development in critical areas shall apply equally to all zoning districts:

1. Development or construction activity of any nature whatsoever, on any critical area, is prohibited except in floodplains, wetlands and transition areas as may be permitted by regulations of the New Jersey Department of Environmental Protection, on steep slopes as allowed under Subsection A.2 below or, if necessary, to avoid depriving a landowner of all beneficial use of the entire parcel of land on which the critical areas are located.
2. In areas with slopes of fifteen percent (15%) to twenty-five percent (25%), no more than fifteen percent (15%) of such areas shall be developed and/or regraded or stripped of vegetation, and a drainage plan shall be submitted indicating that the development, regrading or stripping of vegetation in such areas will not increase runoff from the site over predevelopment conditions. A Soil Erosion and Sediment Control Plan shall also be required and submitted for approval in accordance with Article 8, Section 813.
3. In areas with slopes of greater than twenty-five percent (25%), no development, regrading or stripping of vegetation shall be permitted.
4. A steep slope analysis showing slope classes zero to fourteen and ninety-nine hundredths percent (0-14.99%), fifteen to twenty-five percent (15%-25%) and greater than twenty-five percent (25%) shall be delineated on any plans submitted for subdivision, site plan, or permit approval. Portions of land with slopes exceeding fifteen percent (15%) but less than four (4) feet in height, are not included in the steep-slope critical area. The slope classifications shall be calculated utilizing a field-verified, topographic map with two (2)-foot contours. When the adequacy of any interpolated topographic information is in doubt, the Board reserves the right to request additional on-site topographic information which may include, but is not limited to, an on-site topographic survey utilizing a five (5)-foot contour interval, the use of spot elevations to document critical areas, and any other topographic information as deemed appropriate by the Borough Engineer.

*Footnote: the required yards in certain zones shall be measured from the boundary of a critical area in accordance with Section 203

ARTICLE 4

DISTRICT REGULATIONS

Section 401. Regulations for R-1, Low Density Residential.

A. Purpose.

To provide for low density, single-family residential development, farm uses and quasi-public and public uses consistent with existing patterns of development and to minimize negative impacts on critical areas. Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with the following requirements:

B. Principal Permitted Uses.

1. All farm and agricultural activities including the sale of produce raised thereon, nurseries, small animals, livestock with the exception of the keeping of swine and commercial poultry raising which are specifically excluded in this zone, provided, however, that grounds are properly fenced for the containment of livestock and further that areas for their quartering, other than pasturing, be at least seventy-five (75) feet from any street or property line.
2. Single-family detached dwellings.
3. Municipal parks, playgrounds, and other such recreational and cultural uses deemed appropriate and necessary by the Mayor and Common Council.
4. Other public buildings of a governmental or cultural nature.
5. Quasi-public outdoor recreation areas such as camps, swim clubs, and similar recreation uses.
6. Community residences and group homes (see Subsection F below).
7. Former single-family detached dwellings that have, as of the original adoption date of this Ordinance (December 11, 1997), been converted to multi-family or two-family dwelling units. Such buildings may be further altered to reduce the number of dwelling units, but not to increase the number unless a variance is obtained.

C. Permitted Conditional Uses.

Refer to Section 409 for special regulations for these uses.

1. Single-family cluster.
2. Public utility uses limited to sewer, electrical, telephone and cable television lines and associated structures, except for power substations, and other utilities that may necessarily be located in a residential area.
3. Churches and similar places of worship, parish houses and similar accessory uses.
4. Public, private, parochial, and quasi-public schools and institutions of higher learning which are not conducted as a business.
5. Bed and breakfast lodging.
6. Accessory apartments for low and moderate-income households.

D. Permitted Accessory Uses.

1. Customary farm buildings for the storage of products or equipment or for the processing of farm products and which are located on the same parcel as the principal use.
2. Roadside stands, in connection with a farm operation, for the purpose of display and sale of farm products by the owner of the premises.
3. A home occupation conducted on a residential lot. Refer to Section 301.K. for conditions for this use.
4. Private garage space for the storage of motor vehicles incidental to the principal permitted use, but not more than four (4) such spaces, except on a farm.

5. Family day care homes.
6. Child-care programs which shall be exempt from all local zoning restrictions.
7. Other customary accessory uses and buildings provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any such building or use shall be located on the same lot as the principal building.

E. Area, Yard and Building Requirements.

As specified for this zone in Section 203 of this Ordinance.

F. Special Regulations.

Community Residences and Group Homes. Community residences for the developmen- tally disabled, terminally ill, persons with head injuries, or victims of domestic violence and group homes are a permitted use in all residential districts, and requirements shall be the same as for single-family dwelling units located within such districts except for the following special conditions:

1. In no case shall more than fifteen (15) persons, excluding resident staff, occupy a community residence or shelter. No more than twelve (12) children shall occupy a group home.
2. Community residences or community shelters shall resemble single-family detached dwellings in appearance. Where an existing single-family residence is proposed to be converted for use as a community residence, the residential character of the lot and buildings shall not be changed and there shall be no exterior evidence of the community residence. No signs shall be permitted except the signs permitted for single-family detached dwellings.
3. The Borough Board of Health must approve the adequacy of the water supply and sewage treatment facilities to serve the number of residents and employees proposed.
4. Community residences shall provide occupants with a van or equivalent transportation service(s).
5. All community residences shall provide one-half (0.5) parking spaces per resident on-site. The Board shall give due consideration to provisions for visitation and the number of resident staff in order to ensure that there are ample parking facilities. Therefore, the Board, may at its discretion, require more parking spaces than one-half (0.5) spaces per resident or may, if the evidence so warrants, waive strict adherence to this standard. Moreover, sufficient off-street area shall be provided for the pick-up and discharge of occupants by vans or other vehicles servicing the residents.
6. All other area, yard, building coverage, height and other requirements for the zone in which the property is located and other applicable requirements of this Ordinance shall be met.

G. Growth Share and In-Lieu Fee.

1. New residential development shall be subject to the provision of an Affordable Housing Growth Share or Payment in Lieu of Growth Share in the following manner: New residential development shall be required to provide one low-income unit, as said term is defined in the New Jersey Council on Affordable Housing (COAH) Regulations, for every eight (8) market-rate residential units. In the event that a fraction of a low-income unit is required by this formula, the applicant shall, at its option, either provide a low-income unit or make a Payment in Lieu of Growth Share for that fractional unit. The Payment in Lieu of Growth Share shall be made at the rate of $36,000 per low-income unit, and proportionately reduced. By way of example, if one-half (0.5) of a low-income unit is due under the formula set forth above (i.e., one low-income unit per eight market-rate residential units), the payment shall be: 0.5 times $36,000, or $18,000. The In-Lieu fee and formula must be adjusted to be in conformance to COAH rules and may change.
2. Any development where a use variance is granted to allow a non-residential use or a variance is granted for residential development to exceed the permitted density, to allow a smaller lot than the minimum lot size, or to exceed by ten percent (10%) or more the lot coverage or building coverage, shall comply with Section 403.G instead of this subsection. Any non-

residential development authorized by use variance shall comply with paragraph "3" below. Any non-residential development where a variance is granted to exceed by ten percent (10%) or more the lot coverage or building coverage shall contribute an additional growth share proportionate to the additional jobs that will occupy the building area allowed by variance.

3. New non-residential development, specifically including, but not limited to, Bed and Breakfast Lodging, shall be required to provide one low-income unit for every twenty-five (25) new jobs created in that non-residential development, with the employment calculation to be made pursuant to Appendix E of the COAH Substantive Rules. A non-residential developer required to provide a fraction of a low-income unit shall, at its option, either provide a low-income unit or make a Payment in Lieu of Growth Share in accordance with the provisions set forth in paragraph "1" above for residential development.
4. The Payment in Lieu of Growth Share shall be made prior to the issuance of the first permit required under the Uniform Construction Code Act.
5. High Bridge Borough shall deposit all Payments in Lieu of Growth Share to a dedicated escrow account and use such funds for the "buydown" of market units pursuant to N.J.A.C. 5:94-4.10, to produce rental units pursuant N.J.A.C. 5:94-4.11, to buydown prices to the thirty percent (30%) of median income level pursuant to N.J.A.C. 5:94-4.22 or for any other purpose permitted under the COAH rules.

Section 402. Regulations for R-2, Moderate Density Residential.

A. Purpose.

To provide for moderate density single-family residential development, farm uses and quasi-public and public uses consistent with existing patterns of development and to minimize negative impacts on critical areas. Within this zone, no lot, structure or accessory structure shall be used in whole or part unless it complies with the following requirements:

B. Permitted Principal Uses.

1. All farm and agricultural activities including the sale of produce raised thereon, nurseries, small animals, livestock with the exception of the keeping of swine and commercial poultry raising which are specifically excluded in this zone, provided, however, that grounds are properly fenced for the containment of livestock and further that areas for their quartering, other than pasturing, be at least seventy-five (75) feet from any street or property line.
2. The sale of farm products including dairy products which have been raised on the farm from which they are to be sold.
3. Single-family detached dwellings.
4. Municipal parks, playgrounds and other recreational and cultural uses as are deemed appropriate and necessary by the Mayor and Common Council.
5. Other public buildings of a governmental or cultural nature.
6. Community residences and group homes.
7. Former single-family detached dwellings that have, as of the original adoption date of this Ordinance (December 11, 1997), been converted to multi-family or two-family dwelling units. Such buildings may be further altered to reduce the number of dwelling units, but not to increase the number unless a variance is obtained.

C. Permitted Conditional Uses.

Refer to Section 409 for special regulations for these uses.

1. Churches and similar places of worship, parish houses and similar accessory uses.
2. Public utility uses limited to sewer, electrical, telephone and cable television lines and associated structures, except for power substations, and other utilities that may necessarily be located in a residential area.

3. Public, private, parochial and quasi-public schools and institutions of higher learning which are not conducted as a business.
4. Bed and breakfast lodging.
5. Accessory apartments for low and moderate income households.

D. Permitted Accessory Uses.

1. Customary farm buildings for the storage of products or equipment or for the processing of farm products and which are located on the same parcel as the principal use.
2. Roadside stands, in connection with a farm operation, for the purpose of display and sale of farm products by the owner of the premises.
3. A home occupation conducted on a residential lot. Refer to Section 301.K. for conditions for this use.
4. Private garage space for the storage of motor vehicles, incidental to the principal permitted use, but not more than four (4) such spaces, except on a farm.
5. Family day care homes.
6. Child-care programs which shall be exempt from all local zoning restrictions.
7. Other customary accessory uses and buildings provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any such building or use shall be located on the same lot as the principal building.

E. Area, Yard and Building Requirements.

As specified for this zone in Section 203 of this Ordinance.

F. Special Regulations.

1. Special conditions for community residences and group homes are the same as stipulated in the R-1 zone (Section 401.F).

G. Growth Share and In-Lieu Fee.

The provisions of Section 401.G shall apply to all new residential and non-residential development in the R-2 zone.

Section 403. Regulations for R-3, Medium Density Residential.

A. Purpose.

To provide for medium density, single-family residential development and public uses consistent with existing patterns of development and to minimize negative impacts on critical areas. Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with the following requirements:

B. Permitted Principal Uses.

1. Single-family detached dwellings.
2. Municipal parks, playgrounds and other municipal buildings and uses as are deemed appropriate and necessary by the Mayor and Council.
3. Other public buildings of a governmental or cultural nature.
4. Community residences and group homes.
5. Former single-family detached dwellings that have, as of the original adoption date of this Ordinance (December 11, 1997), been converted to multi-family or two-family dwelling units. Such buildings may be further altered to reduce the number of dwelling units, but not to increase the number unless a variance is obtained.