

C. Permitted Conditional Uses.

Refer to Section 409 for special regulations for these uses.

1. Townhouse dwellings.
2. Two-family dwellings.
3. Churches and similar places of worship, parish houses and similar accessory uses.
4. 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.
5. Public, private, parochial and quasi-public schools and institutions of higher learning which are not conducted as a business.
6. Accessory apartments for low and moderate income households.

D. Permitted Accessory Uses.

1. A home occupation conducted on a residential lot. Refer to Section 301.K. for conditions for this use.
2. Private garage space for the storage of motor vehicles, incidental to the principal permitted use, but no more than four (4) such spaces.
3. Family day care homes.
4. Child-care programs which shall be exempt from all local zoning restrictions.
5. 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. Setaside For Affordable Housing, Growth Share and In-Lieu Fees.

1. New residential development of multi-family dwellings, townhouses and attached, single-family dwellings shall provide for low-income housing at the rate of twenty percent (20%) of the total proposed dwelling units and in full conformance with the COAH Rules. In the event that this ratio results in a fraction of a low-income unit being required, the developer shall, at its option, either provide a low-income unit or make a Payment in Lieu of Setaside. The Payment in Lieu of Setaside 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., 20% of all proposed dwellings), 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. New residential development of single-family, detached dwellings shall comply with Section 401.G instead of this subsection.
3. 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 also comply with this subsection. Any non-residential development authorized by use variance shall comply with paragraph "4" 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.

4. New non-residential development shall provide low-income housing at the rate of one low-income unit per twenty-five (25) new jobs created. In the event this ratio results in a fraction of a low-income unit being required, the developer shall, at its option, either provide a low-income unit or make a Payment in Lieu of Setaside in the following manner. The Payment in Lieu of Setaside 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 herein, the payment shall be: 0.5 times \$36,000 or \$18,000.
5. Any required Payment in Lieu of Setaside shall be made prior to the issuance of the first permit required under the Uniform Construction Code Act.
6. High Bridge Borough shall deposit all Payments in Lieu of Setaside 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 404. Regulations for R-4, High Density Residential.

A. Purpose.

To provide the high density, single-family residential development, 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. 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 Common 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.

C. Permitted Conditional Uses.

Refer to Section 409 for special regulations for these uses.

1. Multi-family dwellings.
2. Two-family dwellings.
3. Churches and similar places of worship, parish houses and similar accessory uses.
4. 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.
5. Public, private, parochial and quasi-public schools and institutions of higher learning which are not conducted as a business.
6. Accessory apartments for low and moderate income households.

D. Permitted Accessory Uses.

1. A home occupation conducted on a residential lot. Refer to Section 301.K. for conditions for this use.
2. Private garage space for the storage of motor vehicles, incidental to the principal permitted use, but not more than four (4) such spaces.
3. Family day care homes.
4. Child-care programs which shall be exempt from all local zoning restrictions.
5. 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.

Notwithstanding the distances specified in Section 203, each existing lot in the Solitude Village Development shall have the following setback requirements for accessory structures:

1. Each Side Yard – five (5) feet from the lot line or critical area boundary.
2. Rear Yard – five (5) feet from the lot line or critical area boundary.

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. Setaside For Affordable Housing, Growth Share and In-Lieu Fee.

The provisions of Section 403.G shall apply to all new development, including residential development authorized by a use variance, in the R-4 zone.

Section 405. Regulations for DB, Downtown Business.

A. Purpose.

To provide retail point-of-sale services in the central business district. These uses are intended to be oriented toward providing goods and services to local residential and business uses. This zone is intended to provide for small-scale retail uses and anticipate multiple uses within existing structures relying primarily on existing on-street and off-street parking.

B. Permitted Principal Uses.

1. Merchant shops and point-of-sale service establishments.
2. Restaurants and taverns.
3. Museums, art galleries, and libraries.
4. Child-care centers.
5. Municipal parks, playgrounds, municipal buildings and other public buildings of a governmental or cultural nature, deemed appropriate and necessary by the Mayor and Common Council.
6. The upper stories, but not the ground floor, of a business building may be used for incidental dwelling purposes to accommodate not more than two (2) families, provided that the entrance to said dwelling units shall be directly from a street and the doorway occurs on a street facade of the building. Units shall not have more than two (2) bedrooms.
7. Any combination of the above permitted uses in a unified complex utilizing common parking, storage, and similar services, commonly known as a shopping center.
8. Single-Family Conversion.

- a. Single-family conversion shall mean the restoration of a lawfully existing, prior, residential use which had been terminated by the approval of a Conversion Plan by the Planning Board, to create one or more retail/commercial uses in a structure originally designed, constructed and used as a residence prior to 1979.
- b. An existing single-family structure, or only the ground floor, in the DB Zone may be converted to a permitted use upon approval of a Conversion Plan by the Planning Board. The Planning Board's approval may contain a provision whereby a property owner can retain the legal use of the structure as a single-family residence (i.e., convert the structure back to a single-family residence) for a period of five (5) years from the date of the approved Conversion Plan, providing the original internal floor plan existing at the time the Conversion Plan was approved is re-established. The Conversion Plan must involve the conversion from residential use to commercial use of the entire ground floor of the structure. Residential use may only continue on the second or higher floors of a structure (see requirements at Subsection B.6 above).
- c. Nothing herein shall be construed to authorize, permit or legitimize the use of a structure in the DB Zone for residential purposes except as expressly set forth herein. Any structure or use, which does not comply with these provisions, may, nonetheless, in accordance with law, apply to the Board of Adjustment for relief.
- d. An application for a Conversion Plan must include drawings of the existing and proposed internal floor plans, and be accompanied by the fees indicated at Section 701.A.

9. Bed and breakfast lodging.

C. Permitted Conditional Uses.

Refer to Section 409 for special regulations for these uses, except for farm stands and farmer's markets.

1. Churches and similar places of worship, parish houses and similar accessory uses.
2. Public utility uses.
3. Public, private, parochial and quasi-public schools and institutions of higher learning.
4. Farm stands and Farmer's Markets:
 - a. Requirement for minimum front yard is twenty (20) feet.
 - b. Requirement for minimum lot area is one-half (0.5) acres.
 - c. Sufficient off-street parking must be available so the flow of traffic in the street is not disrupted.
5. Wireless telecommunications equipment and facilities.
6. Affordable Age Restricted Housing

D. Permitted Accessory Uses.

1. Private garage space for the storage of commercial vehicles.
2. Off-street parking space for the use of patrons and employees and residents, where permitted.
3. Other uses and structures customarily incidental to the principal permitted use.
4. Child-care programs which shall be exempt from all local zoning restrictions.
5. Child-care centers (see Subsection F.7 below).

E. Area, Yard and Building Requirements.

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

F. Special Regulations.

1. Driveways shall be located at least fifty (50) feet from a street intersection and shall be spaced sufficiently to avoid any potential hazard. No curb cuts shall exceed thirty (30) feet in width.

2. No goods or materials shall be stored or displayed out-of-doors, except as provided in Section 301.O.
3. No ground floor commercial property shall be used or converted for residential purposes, except as approved under a single-family conversion plan.
4. A site plan is required only for any change of use defined as outside the principal permitted use of this section, notwithstanding the definition of "development".
5. Outdoor storage of construction vehicles and equipment is prohibited.
6. Special conditions for bed and breakfast lodging are the same as those stipulated in Section 409, except that there is no minimum lot size requirement.
7. Child-care centers.
 1. Child-care centers are permitted in all non-residential zones in the Borough of High Bridge.
 2. Where a child-care center is provided on the same lot as one or more other nonresidential uses in a nonresidential zone, it shall be treated as an accessory use, regardless of whether the child-care center is located in part of the principal building or in an accessory building. Furthermore, the area occupied by the accessory, child-care center use shall not be included in the computation of the gross floor area for the purpose of determining both the applicable floor area ratio and the number of parking spaces required per square foot of building floor area.
 3. Where a child-care center is provided as the sole and principal use of any lot, the following requirements shall apply:
 - (1) All child-care centers shall be located on the first floor of a building and may be extended to the second floor of a building; basements and cellars may only be used for ancillary storage of equipment and materials.
 - (2) A minimum of one hundred (100) square feet of outdoor play area shall be provided per each child over the age of two (2) cared for at the center. Such outdoor space shall be located immediately adjacent to an entrance to the building and shall be adequately fenced, walled or hedged for protection from the hazards of roads and driveways. Play areas shall not be located in a front yard.
 - (3) The hours of operation shall be limited to those between 6:00 a.m. and 7:30 p.m.
 - (4) Child-care centers shall provide one (1) parking space per employee plus one (1) additional parking space for every eight (8) children. A drop-off area shall be provided that shall be sufficient to accommodate the temporary parking of vehicles while children are being picked up and delivered, which is not in the public right-of-way.
 - (5) Locations of access driveways, landscaping, signage and the general site plan design shall be compatible with the neighborhood in which the center is located, and the child-care center shall be appropriately situated in relation to the uses or area it is intended to serve.
 - (6) The following area and yard requirements shall apply in the non-residential zones:

Principal Building (minimums)

Lot Area.....	1 acre (*)
Lot Frontage.....	150 ft. (**)
Lot Width.....	150 ft. (**)
Lot Depth.....	150 ft. (**)
Side Yard (each).....	35 ft. (**)
Front Yard.....	75 ft. (**)
Rear Yard.....	50 ft. (**)

Notes:

- (*) Unless a larger minimum lot area is generally applicable for the zone in which the property lies, in which case the larger minimum lot area shall apply.
- (**) Unless a greater minimum dimension is generally applicable for the zone in which the property lies, in which case the greater minimum dimension shall apply.
- (7) Screening shall be provided along lot lines common with residential uses or zoning districts, in accordance with Section 308.D.
- (8) The applicant shall demonstrate to the satisfaction of the Board that adequate water supply and sewage treatment facilities, as approved by the Borough Board of Health, will be available to accommodate the use.
- (9) Child-care centers shall comply with all applicable State standards and licensing requirements.
- (10) All other applicable requirements for the zone in which the center is located in this Ordinance shall apply.

G. Setaside For Affordable Housing, Growth Share and In-Lieu Fee.

The provisions of Section 403.G shall apply to all new development, including residential development authorized by a use variance, in the DB zone.

Section 406. Regulations for C, Commercial Zone.

A. Purpose.

It is the purpose of this zone to provide an area suitable for commercial businesses that are not detrimental, destructive or competitive with downtown retail businesses. Appropriate commerce includes business in which the point-of-sale is between two (2) or more companies, larger service businesses inappropriate to downtown and non-noxious industrial uses, with appropriate controls to protect adjacent residential areas and the community. Within this zone, no lot, structure or accessory structure shall be used in whole or in part unless it complies with the following:

B. Permitted Principal Uses.

1. Manufacturing, repair, processing, producing, service, assembly, or fabricating operations that meet the environmental performance standards contained in Section 311 of this Chapter.
2. Offices, including related workshops, warehouses, and garages, but not outdoor storage.
3. Banks, or other financial institutions.
4. Horticulture operations limited to commercial greenhouses.
5. Municipal parks, playgrounds, municipal buildings and other public buildings of a governmental or cultural nature, deemed appropriate and necessary by the Mayor and Common Council.
6. Child-care centers.

C. Permitted Conditional Uses.

Refer to Section 409 for special regulations for these uses except for uses #1 and 2 below.

1. Farm stands and Farmer's Markets:
 - a. Requirement for minimum front yard is twenty (20) feet.
 - b. Requirement for minimum lot area is one-half (0.5) acres.
 - c. Sufficient off-street parking must be available so the flow of traffic in the street is not disrupted.

2. Clubs, Lodges, and Fraternal Organizations:
 - a. Requirement for minimum lot area is one-half (0.5) acres.
 - b. Parking facilities must be provided at a rate of one (1) space per one hundred (100) square feet of gross floor area.
 3. Service stations.
 4. Automobile dealerships.
 5. Public, private, parochial and quasi-public schools and institutions of higher learning.
 6. Public utility uses.
 7. Wireless telecommunications equipment and facilities.
- D. Permitted Accessory Uses.
1. Off-street parking in accordance with Article 3, Section 306.
 2. Buildings for the servicing or storage of goods, materials, equipment, or vehicles customarily needed for the principal use.
 3. Other uses and structures customarily incidental to the principal permitted use.
 4. Child-care programs which shall be exempt from all local zoning restrictions.
 5. Child-care centers.
 6. The sale of parts, the undertaking of mechanical repairs and/or bodywork, and/or washing of vehicles are permitted accessory uses to automobile dealerships.
- E. Area, Yard and Building Requirements.
- As specified for this zone in Section 203 of this Ordinance.
- F. Special Regulations.
1. Special conditions for child-care centers are the same as stipulated in the DB zone (Section 405.F.7).
 2. The storage, assembly or disassembly, repair or manufacture of goods, materials, equipment, or vehicles outdoors is prohibited. No open waste material shall be dumped upon or permitted to remain upon any part of the lot outside of any building. Refer to Section 301.O for further storage requirements.
 3. For any of the permitted uses in the Commercial Zone, all areas not devoted to structures, parking areas or other required uses shall be appropriately landscaped and maintained in accordance with Sections 308 and 808.
 4. Prohibited uses include production or storage of explosives; residential or commercial sanitation collection; medical, chemical or radioactive waste storage, and operations such as the parking, storage, maintenance, or repair of vehicles usually and customarily associated with such businesses.
- G. Setaside For Affordable Housing, Growth Share and In-Lieu Fee.
- The provisions of Section 403.G shall apply to all new development, including residential development authorized by a use variance, in the C zone.

Section 407. Regulations For R-O-M, Research/Office/Manufacturing.

- A. Purpose.
- To provide for other types of non-residential uses not specifically provided for in the DB or C Zone. The uses in this zone are intended to be large, regional uses.
- B. Permitted Principal Uses.
1. Manufacturing of light machinery.

2. Fabrication of metal products including foundry.
3. Food and associated industries.
4. Laboratories comprising any of the following, biological, chemical, dental, electronic, pharmaceutical and general.
5. Warehousing of goods and materials.
6. Office complexes.
7. Child-care centers.
8. Any combination of the above permitted uses in a unified complex utilizing common parking, storage and similar services.

C. Permitted Conditional Uses.

Refer to Section 409 for special regulations for these uses.

1. Planned industrial parks.
2. Public utility uses.
3. Wireless telecommunications equipment and facilities.

D. Permitted Accessory Uses.

1. Off-street parking pursuant to Article 3, Section 306.
2. Other uses and structures customarily incidental to the principal permitted use.
3. Buildings for the servicing or storage of goods, materials, equipment, or vehicles customarily needed for the principal use.
4. Child-care programs which shall be exempt from all local zoning restrictions.
5. Child-care centers.

E. Area, Yard and Building Requirements.

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

F. Special Regulations.

1. Special conditions for child-care centers are the same as those stipulated in the DB zone (Section 405.F.7).
2. The storage, assembly or disassembly, repair or manufacture of goods, materials, equipment, or vehicles outdoors is prohibited. No open waste material shall be dumped upon or permitted to remain upon any part of the lot outside of any building. Refer to Section 301.O for further storage requirements.
3. For any of the permitted uses in the R-O-M Zone, all areas not devoted to structures, parking areas or other required uses shall be appropriately landscaped and maintained in accordance with Sections 308 and 808.
4. Prohibited uses include production or storage of explosives; residential or commercial sanitation collection; medical, chemical or radioactive waste storage, and operations such as the parking, storage, maintenance, or repair of vehicles usually and customarily associated with such businesses.

G. Setaside For Affordable Housing, Growth Share and In-Lieu Fee.

The provisions of Section 403.G shall apply to all new development, including residential development authorized by a use variance, in the ROM zone.

Section 408. Regulations for G, Permanently Dedicated Open Space.

A. Purpose.

To provide areas owned by Municipal, County or State agencies that are free of residential or business development and subject to permanent restrictions against development. This zone is intended to provide green areas wherein members of the public may seek peace and tranquility and repose from the rigors of daily life. This zone is intended to provide places of undisturbed nature as well as governmentally organized recreational facilities.

B. Permitted Principal Uses.

1. Municipal parks, playgrounds and municipal buildings and uses as are deemed appropriate and necessary by the Mayor and Common Council.
2. Other public buildings of a governmental or cultural nature.
3. Golf course, pools, tennis courts, basketball courts, ballfields or other recreational facilities approved by the Mayor and Common Council.

C. Permitted Conditional Uses. Reserved.

D. Permitted Accessory Uses.

1. Off-street parking.
2. Other uses and structures customarily incidental to the principal permitted use.

E. Area, Yard and Building Requirements as determined by the Mayor and Common Council.

F. Special Regulations. Reserved.

Section 409. Special Regulations for Conditional Uses.

Before a Construction Permit or Certificate of Occupancy is issued for any conditional use permitted by this Ordinance, application shall be made to the Planning Board. The review by the Board of a conditional use shall include any required site plan review pursuant to this Ordinance. Public notice and a hearing shall be required as stipulated in this Ordinance.

Specific conditions applicable to permitted conditional uses are as follows:

A. Public Utility Uses.

1. The proposed installation in a specified location must be reasonably necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is located.
2. The design of any building in connection with such facilities must not adversely affect the safe and comfortable enjoyment of property in the surrounding area.
3. Adequate fences and other safety devices shall be provided if required by the Board. Fences, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the New Jersey Board of Public Utility Commissioners and the National Electrical Code in effect at the time of construction.
4. Landscaping, including shrubs and trees, shall be provided so as to fully screen any such installation from public view and shall be maintained.
5. Off-street parking shall be provided as necessary and as determined by the Board during site plan review.

B. Service Stations.

1. The minimum lot area required for a service station shall be one (1) acre and the minimum frontage shall be two hundred (200) feet.
2. All appliances, pits, storage areas and trash facilities other than gasoline-filling pumps or air pumps shall be within a building. Gasoline-filling pumps and air pumps may be placed within the required front yard of the service station, but shall be no closer than thirty-five (35) feet to any existing or future street line. A canopy may be provided over the gasoline-filling pumps provided said canopy should be no closer to any street line than twenty (20) feet. All lubrication, repair or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be stored or displayed anywhere outside of an enclosed building.
3. No junked motor vehicle(s) or part(s) thereof shall be permitted on the premises of any service station. No parts from junked vehicle may be sold directly to the public. Moreover, no more than six (6) motor vehicles shall be parked overnight outside of a building at any service station, and no vehicle shall be permitted to remain on the premises for longer than fourteen (14) days.
4. Minor body repair or painting of vehicles shall be permitted as an accessory use to a service station.
5. Landscaping shall be provided in the front yard equal to at least twenty percent (20%) of the front yard and such landscaping shall be reasonably distributed throughout the entire front yard unless the landscaping would occur within a critical area. During site plan review, the Board may determine whether supplemental landscaping is necessary within the critical area, depending on the existing vegetative condition of the area.
6. The exterior display and parking of motor vehicles, recreational vehicles, trailers, boats or other similar equipment for sale shall not be permitted as part of a service station.
7. Parking spaces for customer vehicles awaiting repair and for employees shall be separated from the driveway and general apron areas which give access to the gasoline and air pumps and service bays. No designated parking space shall obstruct access to such facilities. No parking shall be permitted on unpaved areas.
8. All of the other area, yard, and general requirements for the zone and other applicable requirements of this Ordinance shall be met.

C. Single-Family Cluster.

In order to preserve and protect natural woodlands, areas with shallow depth to seasonal high water table or bedrock, and critical areas, and to provide open space area(s) to future residents concurrent with development, modifications to conventional zoning requirements may be reduced for single-family residential developments provided all of the following requirements are met:

1. There is minimum tract area of nine (9) acres.
2. The density shall not exceed one (1) dwelling unit per 2.41 acres.
3. Each lot permitted under this section shall meet all of the following minimum area and bulk requirements:
 - a. Minimum lot area – one (1) acre.
 - b. Frontage – fifty (50) feet.
 - c. Lot circle diameter – one-hundred and fifty (150) feet.
 - d. Front yard – forty (40) feet.
 - e. Any one side yard – thirty (30) feet.
 - f. Total of two side yards – sixty (60) feet.
 - g. Accessory structures – fifteen (15) feet setbacks from side and rear yards.
 - h. Maximum percentage of lot coverage – twenty percent (20%).
 - i. Maximum height – two and one-half (2½) stories and thirty-five (35) feet.
4. The developer shall further establish:
 - a. The adequacy of the septic system to service the development. In the event that the applicant proposes to construct a common septic system or sewerage

- treatment facility to service two (2) or more units, the plans for same must be reviewed and approved by the Borough Health Officer and the Borough Engineer.
- b. That recharge to the groundwater will be the same in the pre-and post-development conditions.
 - c. There is sufficient potable water available both as to quality and quantity.
 - d. That the potential for flooding, excess run-off and surface erosion has been considered and resolved to avoid adverse effects on the development and on surrounding areas.
 - e. That cluster development will cause less destruction to wooded or natural areas than would conventional development. This finding must be documented in an Environmental Impact Statement for the project (see Section 604).
 - f. That all other engineering standards of the Land Use Development Ordinance consistent with this clustering alternative shall be complied with (e.g., critical area restrictions, Section 312).
 - g. All the findings necessitated by N.J.S.A. 40:55D-45 have been met.
5. An area for open space shall be created at such locations and of such shape as approved by the Planning Board.
 6. The deed creating any lot under this Residential Cluster Option shall contain reference to the filed subdivision map and a deed restriction incorporating the zoning requirement that the total number of building lots permitted on the original development parcel (gross land area) is limited to the number which will not exceed one (1) unit per 2.41 acres and that future development of designated open space is prohibited. This deed restriction shall be enforceable by the Borough of High Bridge.

D. Multi-family Developments.

1. Application for a multi-family development, including townhouses, shall be subject to all aspects of site plan review not inconsistent with the specific requirements of this Section. Subject to compliance with the conditions and standards in this subsection, townhouses shall be permitted as a conditional use in the R-3 residential zone and multi-family dwellings and townhouses shall be permitted as a conditional use in the R-4 residential zone.
2. For the purpose of this Section, the following definitions shall apply (refer also to applicable definitions in Article 1):

APARTMENT BUILDING – A building that contains at least four (4) dwelling units accessed from a common hallway where a unit is located above another unit, but the building may be no more than two (2) units high.

BEDROOM – A room within a dwelling unit which is separated from all other rooms within the unit by walls and doors, contains at least one (1) closet, and is used solely for sleeping, and no other use such as cooking or sanitary purposes.

DEN – A space or room within a dwelling unit which has at least one-half (0.5) of a wall separating the den from one or more other spaces or rooms within the unit and which contains no closet.

GROSS AREA – Means the area of a tract measured inclusive of streets, drainage and utility rights-of-way, and required buffers, and includes land within the tract located outside the Borough but contiguous with the land to be developed, although such land shall not constitute more than ten percent (10%) of the tract.

CONDOMINIUM – A building or group of buildings in which dwelling units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

MULTI-FAMILY DWELLING – Shall have the same meaning as given in Article 1 and when used generally here shall be inclusive of townhouses, apartment buildings and other such multi-family dwellings. Standards provided herein shall apply to all types of multi-family dwellings unless otherwise indicated.

3. Standards and regulations applicable to the tract.
 - a. The gross area of the tract with required buffers shall be:
 - (1) A minimum of fifteen (15) acres in the R-3 zone.
 - (2) A minimum of five (5) acres in the R-4 zone.
 - b. Dwelling-unit density shall be measured inclusive of streets and drainage or utility rights-of-way and shall not exceed:
 - (1) Six (6) units per acre of the gross area of the tract in the R-3 zone.
 - (2) Ten (10) units per gross area of the tract in the R-4 zone.
 - c. The tract upon which the multi-family dwellings are located shall abut an existing public road which is rated as being no less than a minor collector in the Master Plan of the Borough.
 - d. No more than twenty percent (20%) of the tract shall be in any of the following areas:
 - (1) Existing grade of more than fifteen percent (15%) as shown on a field-verified, topographic map with two (2)-foot contours.
 - (2) Flood hazard areas as defined in N.J.S.A. 48:15A-51.
 - (3) Freshwater wetlands or transition areas as defined in the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A).
 - (1) When existing single-family dwellings are adjacent to or directly across the street from the tract, the project shall be buffered either by single-family dwellings subject to requirements otherwise applicable for the zoning district, or a buffer area at least fifty (50) feet deep in accordance with the requirements in Section 308.
 - f. At least one hundred (100) feet of street frontage is necessary to suitably accommodate at least two (2) means of ingress and egress that can be constructed to the standards required for streets to be accepted by the Borough and to give access to the development from the abutting public street.
 - g. Lot coverage shall be no more than thirty-five percent (35%) of the tract. The minimum lot depth for multi-family dwellings, other than townhouses, shall be one hundred (100) feet.
 - h. At the time of site plan approval, the Board, if it finds necessary, may require the developer to provide for an interior pedestrian path system.
 - i. Ponds, lakes, wetlands, flood hazard areas and any other critical area shall be left undeveloped and should be used within the site as open space and to separate, with adequate setbacks to protect the critical areas, multi-family dwellings where feasible. Slopes in excess of fifteen percent (15%) shall be developed only in accordance with the requirements found in Article 3, Section 312.
 - j. Development in mature woodlands should be avoided to the extent practical. Such woodlands, where possible, should be used within the site as open space and to separate multi-family dwellings. Where such areas must be developed, units shall be fitted into the area removing only a minimum number of trees, including understory trees, and shrubs. Prior to final approval, the wooded area may be required to be protected by a conservation easement.
 - k. Landscaping, in combination with existing natural features, shall be provided along the streets, parking areas, in the yards of each multi-family dwelling, and in the buffer area around the perimeter of the tract where it adjoins other residential or non-residential uses. Refer to Section 808 for landscaping requirements and Section 308 for buffer areas.

- l. Parking spaces shall be provided in designated parking areas at a ratio of at least one and one-half (1.5) parking spaces per dwelling unit.
4. Standards and regulations for multi-family development.
- a. Building height shall be a maximum of two and one-half (2 ½) stories or thirty-five (35) feet, whichever is lower.
 - b. There shall be no more than two (2) habitable floors in any building with each floor having full height ceilings on interior and exterior walls, except that finished attics and basements shall be permitted but cannot be used as bedrooms.
 - c. Floor plans for each typical unit shall be required.
 - d. All individual dwelling units in a multi-family building shall be separated from each other by partitions and floor and ceiling assemblies having the appropriate fire-resistance rating of not less than one (1) hour according to the most recent BOCA Code or NJ Building Code.
 - e. No less than eighty percent (80%) of townhouses shall be one (1) or two (2) bedroom units and no more than twenty percent (20%) shall be three (3) bedroom units. No townhouse shall contain more than three (3) bedrooms. The townhouses may have dens as defined above. Not more than fifteen percent (15%) of multi-family dwelling units shall be three (3) bedrooms or larger.
 - f. The length of any one (1) building shall not exceed two hundred (200) feet or eight (8) units, whichever is less.
 - g. All multi-family dwellings shall provide not less than two (2) exterior exposures for each dwelling unit. Each unit must also have sufficient windows or other openings to provide through or cross ventilation for the unit.
 - h. Each structure shall have ingress and egress from the outside by a minimum of two (2) means via either common hallways or separate doorways for each dwelling unit.
 - i. Adequate facilities shall be provided for handling garbage and trash. In a multi-family dwelling with no garage, a raised platform shall be installed a minimum of three (3) inches from ground level, for each multi-family dwelling or each dwelling unit. Said platform shall be enclosed or walled in with the same material as used on the main building. All garbage and waste receptacles shall be stored and maintained on said platform and there shall be a minimum capacity of twenty (20) gallons per dwelling unit. The height of said wall or enclosure shall be at least the height of the garbage or waste receptacle.
 - j. No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each multi-family dwelling for the laundering and artificial drying of laundry by occupants of the dwelling.
 - k. Multi-family dwellings shall be separated from any other multi-family dwelling by a landscaped area (see Subsection D.5 below) no less than twenty-five (25) feet wide and shall average thirty (30) feet for the tract.
 - l. Minimum yard, lot area, lot circle and coverage requirements shall not apply to subdivisions of tracts involving conveyances of individual dwelling units in a multi-family dwelling or to land conveyed with each such unit.
 - m. Each multi-family dwelling shall have the following yard area requirements:
 - (1) Front Yard – A minimum setback of twenty-five (25) feet from the edge of the pavement of interior streets in the front yard; however, no garage either attached to or detached from such building shall have a setback of less than thirty (30) feet from the edge of such pavement measured along the shorter edge of the driveway.
 - (2) Side Yard – twenty-five (25) feet in the R-3 zone and twenty (20) feet in the R-4 zone.
 - (3) Rear yard – thirty-five (35) feet.
 - n. Accessory structures associated with each multi-family dwelling shall have the following setbacks:
 - (1) Side Yard – five (5)-foot setback for each side yard.

- (2) Rear Yard – ten (10) feet.
- o. To prevent visual monotony, multi-family buildings shall have variable building lines, ridgelines and roof pitches.
- p. At the front of any individual townhouse, the front of a garage shall be limited as follows:
 - (1) If the front of the garage is on the same vertical plane and on the same ground level as the front of the townhouse, the garage door shall comprise no more than fifty percent (50%) of the front of the townhouse.
 - (2) If the front of the garage is not on the same vertical plane or is not the same ground level as the front of the townhouse, the visible portion of the structure containing the garage shall comprise no more than fifty percent (50%) of the front of the townhouse.
- q. If garages are provided for multi-family dwellings, they shall have a floor area of not less than two-hundred and forty (240) square feet. No garage or other accessory building is permitted between the street line and the building line. Each group of attached garages shall have a joint capacity of no more than ten (10) vehicles arranged in a row and there shall be a minimum distance of twelve (12) feet between such structures. Garages and other accessory buildings shall be no more than one (1) story in height, and of the same architectural design and materials used in the construction of the multi-family dwellings. No part of any garage or other accessory building shall be used for living purposes. Garages and parking areas shall be used as vehicular parking units only, with no sales, dead storage, dismantling or servicing of any kind permitted.
- r. A screened, rear, private, outdoor area extending not less than twenty (20) feet from the rear-most face of each dwelling unit shall be provided for each townhouse. Screening shall be permanent with a surface requiring little maintenance and shall be no less than six (6) feet in height.
- s. Either exterior entry landings shall be no less than ten (10) feet from other such landings of other dwellings or entry faces shall be offset by no less than three (3) feet. Such landings shall be screened from view by neighboring units by such measures as extending the common walls, garages, landscaped areas or grade changes.
- t. Design standards shall be in accordance with the Residential Site Improvement Standards.
- 5. Lighting for multi-family development.
 - a. Street lighting shall be provided along each street at adequate intervals. No street light shall be more than twenty-six (26) feet in height.
 - b. All street lights shall be located on the island between the sidewalk and the curb and along all major interior pedestrian routes, and in locations where the Board finds lighting to be necessary for public safety. The Board may require lighting in parking areas and other public portions of the townhouse development.
 - c. Sufficient lighting shall be provided to maintain an average of two-tenths (0.2) foot candles at any point along sidewalks. All lights shall be oriented towards the ground in order to keep illumination of the sky at a minimum.
 - d. Refer to Section 804 for additional requirements.
 - e. All parking lots in multi-family developments shall be adequately lighted, either with wall-mounted or post-mounted ornamental fixtures. Lights shall be adequately shielded from adjacent residences.
- 6. Recreational facilities. Each tract shall contain recreational areas appropriate for the development.
- 7. Homeowners agreement. The Planning Board, as part of its review, shall require a Homeowners' Agreement in which the developer shall require all purchasers of condominium units to enter into. Said agreement shall provide for the maintenance of all open and common areas by the persons purchasing the dwelling units and shall contain restrictions against bedrooms in the basement or attic and bind the heirs, personal

representatives, successors and assigns of any purchaser of a dwelling unit in any such development. The form of said agreement shall be approved by the Borough Attorney after review by the Board, and upon such approval, must be filed with the individual deed filed in connection with the sale of each dwelling unit within any such project.

E. Public, Private, Parochial, and Quasi-Public Schools and Institutions of Higher Learning.

1. The minimum lot area required for a school shall conform to the zone, and the minimum lot frontage shall be four hundred (400) feet.
2. The lot shall have frontage on and direct access to a primary municipal or county road.
3. Conditional use approval shall not be granted for a school unless the Borough Board of Health has approved the adequacy of the water supply and sewage treatment facilities which will serve the use.
4. The maximum permitted floor area ratio shall be twenty-five percent (25%).
5. The maximum permitted impervious surface coverage shall be sixty percent (60%).
6. Buildings shall have yard setbacks of at least seventy-five (75) feet from a street line (front yard) and fifty (50) feet on a side or rear yard.
7. No active recreational area shall be located within twenty-five (25) feet of a property line nor within the front yard. Parking areas shall have a setback at least twenty-five (25) feet from a street line or property line, whichever is closer.
8. All recreation and parking areas shall be screened from view from all property lines by landscaping in accordance with Section 308.D. The amount of parking shall be as provided in Section 306.B.3.
9. All exterior lighting, except that required for security purposes shall be turned off between 11 p.m. and 6 a.m. Monday through Saturday and between 6 p.m. and 8 a.m. on Sunday.
10. The school shall not be run as a for-profit business.
11. All of the other area, yard, and general requirements for the zone and other applicable requirements of this Ordinance shall be met.

F. Churches.

1. The minimum lot area required for a church shall conform to the zone, and the minimum lot frontage shall be two hundred (200) feet.
2. The lot shall have frontage on and direct access to a primary municipal or County Road.
3. Conditional use approval shall not be granted for a church unless the Borough Board of Health has approved the adequacy of the water supply and sewage treatment facilities which will serve the use.
4. The maximum permitted floor area ratio shall be fifteen percent (15%).
5. The maximum permitted impervious surface (lot) coverage shall be forty (40%) percent.
6. A church shall have yard setbacks of at least seventy-five (75) feet from a street line (front yard) and twenty-five (25) feet on a side or rear yard.
7. No parking shall be located within twenty-five (25) feet of any property line nor within the front yard and the number of parking spaces provided shall be as stipulated in Section 306.B.3.
8. Parking areas shall be screened from view from all property lines by landscaping in accordance with Section 308.
9. Accessory buildings, such as a parish house, and a clergyman's residence, if provided, shall be located within the required setback lines for the principal building and, if not connected, shall be located a minimum distance from one another of thirty (30) feet.
10. If a residence for the pastor/clergyman is located on a separate lot from the church, the lot shall conform to the residential zone in which it is located. If the lot is located in the DB Zone, then the bulk requirements that apply are the ones required for the R-4 Zone.
11. All of the other area, yard, and general requirements for the zone and other applicable requirements of this Ordinance shall be met.

G. Museums, Art Galleries, and Libraries.

1. The minimum lot area required for a museum, art gallery or library shall conform to the zone, and the minimum lot frontage shall be two hundred (200) feet.
2. The lot shall have frontage on and direct access to a primary street.
3. Conditional use approval shall not be granted for a museum, art gallery or library unless the Borough Board of Health has approved the adequacy of the water supply and sewage treatment facilities which will serve the use.
4. The maximum permitted floor area ratio shall be fifteen percent (15%).
5. The maximum permitted impervious surface (lot) coverage shall be forty percent (40%).
6. Buildings shall have yard setbacks of at least fifty (50) feet from a street line (front yard) and twenty-five (25) feet on a side or rear yard.
7. No parking shall be located within twenty-five (25) feet of any property line nor within the front yard.
8. Parking areas shall be screened from view from all property lines by landscaping in accordance with Section 308.D.
9. The applicant shall offer documentation and/or testimony at the public hearing as to the anticipated parking demand associated with the proposed use, so that the Board may make a determination as to the appropriate number of parking spaces to be provided on the site, or else parking shall be provided at the rate required for unspecified uses in Section 306.B.
10. All of the other area, yard, and general requirements for the zone and other applicable requirements of this Ordinance shall be met.

H. Automobile Dealerships.

1. The minimum lot area required for an automobile dealership shall conform to the zone, and the minimum lot frontage shall be four hundred (400) feet.
2. Conditional use approval shall not be granted for an automobile dealership unless the Borough Board of Health has approved the adequacy of the water supply and sewage treatment facilities which will serve the use.
3. No more than twenty-five percent (25%) of the floor area and no more than twenty-five (25) percent of the lot coverage shall be devoted to the aggregate of permitted accessory uses, including any service bays.
4. A building shall be erected in conjunction with the use, which building shall contain not less than ten thousand (10,000) square feet of floor area.
5. The area devoted to the outside display of new and used vehicles, machinery or equipment shall not exceed the building area or twenty-five percent (25%) of the lot area, whichever is greater. All such display areas shall be paved.
6. No parking or display area shall be located closer to a street line or to a side or rear property line than twenty-five (25) feet. All parking areas and all vehicle display and storage areas shall be screened from view from side and rear property lines in accordance with Section 308.D.
7. Buffer areas and screening shall be provided in accordance with Section 308.
8. Service bay doors shall open toward the side property lines of the lot only and not toward a residential zone.
9. No motor vehicle awaiting repair shall be permitted to remain on the premises for longer than fourteen (14) days. No more than twenty (20) vehicles awaiting repair shall be permitted to remain overnight on the premises at any one time. No junked motor vehicle(s) or equipment or part(s) thereof shall be permitted on the premises. No parts from junked motor vehicles shall be sold directly to the public.
10. Landscaping shall be provided in the front yard area equal to at least fifty (50) percent of the front yard area and such landscaping shall be reasonably distributed throughout the entire front yard area (see Section 808).

11. Parking spaces for customer vehicles and for employees shall be separated from the display and service parking areas and the number provided shall be in accordance with Section 306.B.3. No parking shall be permitted on unpaved areas.
12. All of the other area, yard, and general requirements for the zone and other applicable requirements of this Ordinance shall be met.

I. Bed and Breakfast Lodging.

The purpose of this use is to provide temporary housing for visitors to the Borough that is in keeping with the residential nature of the community. Bed and breakfast lodging shall be permitted within the R-1, R-2, and DB zones provided all of the following conditions are met:

1. The minimum lot area in the R-1 and R-2 zones shall be 2.4 acres for the first two (2) guest rooms and an additional acre for every two (2) rooms thereafter.
2. There shall be no minimum lot area in the DB zone.
3. Only residences existing as of the date of adoption of this Ordinance can be converted to this use.
4. No conversions shall be permitted that would preclude the use of the residence as a single-family dwelling in the future, other than the addition of bathrooms and relocation of interior doorways.
5. There shall be no separate exterior entrance for guest rooms, unless one exists already due to the particular layout of the building, and no separate cooking facilities for each room.
6. Conditional use approval shall not be granted for a bed and breakfast unless the Borough Board of Health has approved the adequacy of the water supply and sewage treatment facilities which will serve the use.
7. Adequate parking must be available on the lot at the rate of one (1) space for each guest room.

J. Two-Family Dwellings.

Two-family dwellings, also known as duplexes, shall be permitted as a conditional use in the R-3 and R-4 zones, provided they meet all of the area, yard, and general requirements for single-family dwellings in the zone in which the duplex is proposed, and other applicable requirements of this Ordinance. Adequate parking as required by the RSIS must be provided. In addition, conditional use approval shall not be granted for a duplex unless the Borough Board of Health has approved the adequacy of the water supply and sewage treatment facilities which will serve the use. The future conversion of a duplex, which was approved as a conditional use, to increase the number of dwelling units shall not be permitted.

K. Accessory Apartments.

Accessory apartments for low and moderate income households shall be permitted in single-family homes and accessory buildings in all residential zones provided:

1. The owner of the lot resides on a year-round basis on the property in question.
2. The lot conforms to the area and dimensional requirements of the zoning district.
3. The location of the apartment conforms to the yard requirements of the zoning district.
4. There shall be no more than one (1) accessory apartment on any lot.
5. The accessory apartment shall be in full compliance with all applicable health and construction codes.
6. No accessory apartment may occupy more than thirty-five (35) percent of the total floor area of the applicant's house.
7. Each apartment shall be designed to be an independent living area with its own kitchen, bathroom and sleeping facilities. Each apartment shall have a minimum of two (2) rooms

(excluding bathrooms) and have direct access to the outside or a hall with direct access to the outside. The egress door shall not alter the character of the exterior façade of the structure containing the apartment.

8. The occupant of the apartment must meet the income limitations established by COAH for the Hunterdon, Somerset, Middlesex Region.
9. The rent must be affordable to a household earning no more than fifty-two percent (52%) of median income as determined by the procedures in the Article 5 of this Ordinance.
10. Affordability controls of at least ten (10) years are imposed on the accessory apartment via a deed restriction or other instrument acceptable to the Borough's attorney.
11. A condition of approving an accessory apartment shall be that the owner must submit an affidavit of continuing use every two (2) years.

The ability to create accessory apartments shall terminate when the Borough has addressed its 1987-1999 housing obligation as defined by N.J.A.C. 5:93-1 et seq.

L. Wireless Telecommunications Equipment and Facilities.

1. Purpose. The purpose of this Section is to provide sound land use policies, procedures and regulations for the location and placement of wireless telecommunications structures, antennas and equipment within the Borough of High Bridge in order to protect the community from the visual and other adverse impacts of wireless telecommunications facilities and to preserve the scenic and historic character of the countryside that the Borough of High Bridge Master Plan seeks to protect. This Section seeks to meet the mandate of the Telecommunications Act of 1996, and at the same time, without limiting the generality of the foregoing to:
 - a. Protect residential areas and land uses from the potential adverse impacts of towers and antennas;
 - b. Encourage the location of towers in non-residential areas and along major transportation corridors;
 - c. Minimize the total number of towers throughout the community;
 - d. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - e. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - f. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape, screening, and innovative camouflaging techniques;
 - g. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
 - h. Consider the public health and safety of communications towers;
 - i. Avoid potential damage to adjacent properties from tower failure through proper engineering and careful siting of tower structures;
 - j. Ensure through proper siting and design that towers and antennas do not cause electromagnetic interference for surrounding property owners.
2. Visual compatibility requirements.
 - a. Wireless telecommunications antennas on existing structures or buildings and wireless telecommunications towers shall be designed, located and screened to blend with and into the existing natural or built surroundings so as to eliminate to the maximum extent practicable and without regard to cost, adverse visual impacts through the use of color and camouflaging, architectural treatment, landscaping, and other appropriate means which shall cause the visual impact of such antennas and towers to be compatible with neighboring residences and the character of the community as a whole.
 - b. Wireless telecommunications antennas on existing structures or buildings and wireless telecommunications towers shall be placed to ensure that historic

districts, historically significant public views, streetscapes, and landscapes are not visually impaired and are protected against any visual impairment from wireless telecommunications facilities. The views of and vistas from architecturally and/or significant structures shall not be impaired or diminished by the placement of telecommunications facilities.

- c. The wireless telecommunications equipment compound shall be located to avoid being visually solitary or prominent when viewed from residential areas and the public way.
- d. The wireless telecommunications equipment compound shall be enclosed within a fence at least seven (7) feet and no more than eight (8) feet high, of a type approved by the Borough Engineer, which shall include a locking security gate. The height of the equipment building shall not exceed twelve (12) feet.
- e. A wireless telecommunications equipment compound consisting of no more than fifteen hundred (1,500) square feet may be erected in support of wireless telecommunications antenna but only if:
 - (a) It is situated behind existing vegetation, tree cover, structures, buildings or terrain features which will shield completely the wireless telecommunications equipment compound from public view; or
 - (b) When a location completely out of public view is not possible, a landscape buffer of twenty (20) feet in width shall be provided outside the fence around the wireless telecommunications equipment compound to completely shield the facility from public view. Landscaping shall include native evergreen and deciduous trees at least eight (8) feet high at the time of planting, and the number of trees shall be based on the equivalent of staggered double rows at fifteen (15) feet on center; and
 - (c) Otherwise complies with the requirements of this Section.

3. Conditional use standards for the location of wireless telecommunications antennas or towers. An applicant desiring to construct wireless telecommunications antennas or towers shall demonstrate in an application for major site plan approval to the satisfaction of the Planning Board, through the presentation and introduction of documentary and parole evidence, each of the following:

- a. The need for wireless telecommunications antennas at the proposed location. The evidence presented and introduced to the Planning Board shall describe in detail: (i) the wireless telecommunications network layout and its coverage area requirements; and (ii) the need for new wireless telecommunications facilities at a specific location within the Borough. The applicant shall also provide evidence, within the Environmental Impact Statement required for the project and to the satisfaction of the Planning Board, of all alternate wireless network plan designs that would not require the applicant to construct a wireless telecommunications tower at the proposed location.
- b. That the applicant has exercised its best efforts to locate the wireless telecommunications antennas on existing buildings or structures within the applicant's search area. Without otherwise limiting the nature of the evidence to be provided by the applicant in order to meet its burden on this issue, the applicant shall provide to the Planning Board copies of all correspondence from and between the wireless telecommunications provider and the property owners of the existing buildings or structures. The failure of the applicant to present evidence of the foregoing shall constitute a rebuttable presumption that the applicant has not exercised its best efforts as required herein. Evidence demonstrating that no existing wireless telecommunications tower or building or structure can accommodate the provider's proposed antenna may consist of any one or more of the following:
 - (1) No existing towers or structures are located within the geographic area that is necessary to meet the provider's radio frequency engineering requirement to provide reliable coverage.

- (2) Existing towers or structures are not of sufficient height and cannot be made to be of sufficient height to meet the provider's radio frequency engineering requirements, or do not have sufficient structural strength to support the provider's proposed antenna and related equipment.
 - (3) The provider's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the provider's proposed antenna.
 - (4) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are patently unreasonable. Actual, direct costs exceeding new tower design, development, and construction are presumed to be patently unreasonable.
 - (5) The provider demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- c. The locations of all existing communications towers and other structures of not more than one-hundred and fifty (150) feet in height within the applicant's search area and provide competent testimony by a radio frequency engineer regarding the suitability of each location so identified by the applicant in light of the design of the wireless telecommunications network, and the alternate network designs identified pursuant to Subsection 4.a.1 above.
 - d. Where suitable location on an existing tower or other structure is found to exist, but the applicant is unable to secure an agreement to collocate its equipment on such tower or other structure, the applicant shall provide sufficient and credible written evidence of its attempt or attempts to collocate.
 - e. A full, complete description of all alternative technologies not requiring the use of towers or other structures to provide the services to be provided by the applicant through the use of the proposed tower shall be documented in the Environmental Impact Statement prepared for the project. No new wireless telecommunications tower shall be permitted unless the applicant demonstrates with convincing clarity to the Planning Board that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's need for a proposed antenna. Costs of alternative technology that exceed new wireless telecommunications tower or wireless telecommunications antenna development shall not be presumed to render any alternative technology unsuitable or unavailable.
 - f. That the applicant has exercised its best efforts to site new wireless antennas, equipment or towers within the applicant's search area according to the priority schedule below. Without otherwise limiting the nature of the evidence to be provided by the applicant in order to meet its burden on this issue, the applicant shall provide to the Planning Board the block and lot number of any parcel for which the wireless provider has attempted to secure a lease or purchase agreement and copies of all correspondence from and between the wireless provider and the property owner, the failure of the applicant to present evidence of the foregoing shall constitute a rebuttable presumption that the applicant has not exercised its best efforts as required herein.
 - g. Comply with the Borough standard that no wireless telecommunications towers shall be permitted which would require lighting affixed thereto under FCC, FAA or any other governmental agency regulations or requirements.