

**CITY OF LAMBERTVILLE
ORDINANCE NO. 24-2018**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
THE “ZONING ORDINANCE”, OF THE
CODE OF THE CITY OF LAMBERTVILLE (2014)
COUNTY OF HUNTERDON, STATE OF NEW JERSEY
AND SPECIFICALLY SUBSECTIONS 300 ZONING DISTRICTS,
301 REGARDING THE ZONING MAP,
402 ENTITLED “RESIDENTIAL LOW DENSITY (R-L) DISTRICT” TO ESTABLISH
TWO NEW INCLUSIONARY OVERLAY ZONES, AND
406 ENTITLED “CENTRAL BUSINESS DISTRICT” TO ESTABLISH ONE NEW
INCLUSIONARY OVERLAY ZONE**

WHEREAS, the Planning Board of the City of Lambertville, Hunterdon County, State of New Jersey, adopted its current Housing Element and Fair Share Plan pursuant to N.J.S.A. 40:55D-28 on November 7, 2018; and

WHEREAS, the Governing Body endorsed the Housing Element and Fair Share Plan on November 26, 2018; and

WHEREAS, the Governing Body subsequently petitioned the Council on Affordable Housing (COAH) for substantive certification but said substantive certification was not received prior to COAH's rules being overturned in In The Matter of the Adoption of N.J.A.C. 5:96 and 5:97 By The Council On Affordable Housing; and

WHEREAS, as COAH failed to adopt new constitutionally compliant rules, the NJ Supreme Court entered an order of March 10, 2015 which transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges within the Superior Court; and

WHEREAS, the City filed for Declaratory Judgment with the New Jersey Superior Court on July 8, 2015; and

WHEREAS, the City executed a Settlement Agreement with Fair Share Housing Center (FSHC) on May 22, 2018 that identified the City's affordable housing obligation and a preliminary indication of how the City would satisfy the affordable housing obligation; and

WHEREAS, the Settlement Agreement was subject to a Fairness Hearing on September 13, 2018 during which the Court found that the Settlement Agreement was fair to the interests of low and moderate income households; and

WHEREAS, the Court's review and approval of the Settlement Agreement is reflected in an Order on Fairness and Preliminary Compliance Hearing signed by the Honorable Thomas C. Miller, P.J.Civ. and filed on October 11, 2018; and

WHEREAS, said Order requires the City to adopt Inclusionary Overlay Zone ordinances that are consistent with the Settlement by January 9, 2019; and

WHEREAS, the Governing Body introduced the Inclusionary Overlay Zone ordinances on November 5, 2018;

WHEREAS, the Planning Board has determined that the Inclusionary Overlay Zone ordinances are consistent with the goals and objectives of City of Lambertville's 2018 Housing Element and Fair Share Plan on November 7, 2018; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Governing Body held a public hearing(s) on the Inclusionary Overlay Zoning ordinances on November 26, 2018; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF LAMBERTVILLE, in the County of Hunterdon and the State of New Jersey, that the "Zoning Ordinance", of the Code of the City of Lambertville (2014) (hereinafter "Code") is hereby amended and supplemented as follows:

SECTION 1. Amend Subsection 300, "Zoning Districts", of the Code of the City of Lambertville (2014) to read as follows:

§300 Zoning Districts.

- A. For purposes of this Ordinance, the City of Lambertville is hereby divided into the following zoning districts:

| Symbol | Zone |
|--------|---|
| R-C | Residential - Conservation |
| R-L | Residential Low Density |
| R-1 | Residential 1 |
| R-2 | Residential 2 |
| R-3 | Townhouse Residential |
| CBD | Central Business District |
| C-2 | Service Commercial (Ord. No. 2014-28) |
| C-3 | General Commercial |
| | Residential Overlay Option 1 (Ord. No. 2001-15) |
| IO-1 | Inclusionary Overlay Zone 1 |
| IO-2 | Inclusionary Overlay Zone 2 |
| IO-3 | Inclusionary Overlay Zone 3 |
| LHSRA | Lambertville High School Redevelopment Area |

B. No change.

SECTION 2. Amend Subsection 301, “Zoning Map”, of the Code of the City of Lambertville (2014) to read as follows:

§301 ZONING MAP

A. The boundaries of these districts are hereby established as shown on the map entitled “Zoning Map of the City of Lambertville”, dated October 26, 2018 and as it may be amended pursuant to law.

Editor’s Note: The Zoning Map may be found at the end of this Zoning Ordinance.

B. Zoning Map Amendments.

1. No change.
2. Overlay Zones.

An Ordinance to Amend the Zoning Map of the City of Lambertville to repeal the Residential Option 2 Overlay District and create three Inclusionary Overlay Zones that create realistic opportunities for housing that is affordable to very-low-, low-, and moderate-income households.

| | |
|----------------------------------|---|
| IO-1 Inclusionary Overlay Zone 1 | Block 1002, Lot 41 |
| IO-2 Inclusionary Overlay Zone 2 | Block 1072, Lot 3, 3.01 Block 1058, Lot 15 |
| IO-3 Inclusionary Overlay Zone 3 | Block 1022, Lot 8 |

3. Lambertville High School Redevelopment Area.

An Ordinance to Amend the Zoning Map of the City of Lambertville to create the Lambertville High School Redevelopment Area that creates a realistic opportunity for housing that is affordable to very-low, low-, and moderate-income households.

| | |
|---|--|
| LHSRA Lambertville High School Redevelopment Area | Block 1073, Lots 1, 3, 5, 6, 7, 8, 9, 10, 11, 32, 33, and 33.01 Block 1090, Lots 4 and 5 Block 1091, Lots 1 and 1.01 |
|---|--|

Editor’s Note: See §1600 for the Connaught Hill Redevelopment Plan. See the Appendix for the Zoning Map

SECTION 3. Amend Subsection 402.2.H. of Subsection 402.2 of the Code of the City of Lambertville (2014) containing the zoning requirements for “Residential Option 2 Overlay District” to read in its entirety as follows:

H. IO-1 Inclusionary Overlay Zone District.

1. Purpose and area of application.

To address its affordable housing unmet need obligation, the City through the implementation of an Inclusionary Overlay Zone Ordinance that creates a realistic opportunity for housing that is affordable to very-low, low-, and moderate-income households on Block 1002, Lot 41. This Ordinance establishes the Inclusionary Overlay Zone 1 – the IO-1 District – and permits the creation of multi-family development on the property identified above provided that such housing complies with a required inclusionary set-aside requirement for affordable housing and with the requirements of this ordinance. This ordinance shall not take effect until such time that the site ceases to be used for agriculture use or the site becomes available for residential development.

2. Special Rules.

(a) In any inclusionary development permitted by this ordinance, in the case of affordable rental units, at least 15% of the residential units must be affordable to very-low, low-, and moderate-income households and, in the case of owner-occupied affordable units, at least 20% of the residential units must be affordable to very-low, low-, and moderate-income households.

(b) Where this Ordinance contradicts §1200-6 of the City’s Affordable Housing Ordinance, the effects and requirements of this Ordinance shall supersede the requirements of §1200-6.

3. Additional permitted uses. In addition to the uses otherwise permitted in the R-L District, the following additional uses shall be permitted:

(a) Semi-detached dwellings.

(b) Townhouse dwellings.

(c) Apartment dwellings.

4. Restriction on conditional uses. No development utilizing the provisions of the IO-1 Inclusionary Overlay District shall include any conditional use permitted in §402.4.

5. Accessory Uses Permitted.

- (a) Common recreational facilities, as specifically approved by the Planning Board within the specified open space in order to satisfy the needs of the residential population within the development, including but not limited to tennis courts, tot lots, picnic tables and recreational paths.
- (b) Complimentary landscape structures and elements including benches, trellises, gazebos and other such features customarily associated with the permitted principal uses.
- (c) Underground sprinkler systems within the designated open space and within individual lots, provided that the water spray does not extend beyond the tract boundary line.
- (d) Fences and walls in accordance with the design provisions specified in §507.
- (e) Patios and balconies.
- (f) Off-street parking and private garages in accordance with §402.2H.10 and §509.
- (g) Signs in accordance with §402.2H.11 and §515.
- (h) Office space within an apartment building to be used for the operation and management of the affordable rental apartments.
- (i) Lighting in accordance with §511.
- (j) Stormwater management and other utilities.
- (k) Conservation areas, recreation, open space, and public purpose uses.
- (l) Temporary construction trailers and one (1) sign not exceeding thirty-two (32) square feet in area, either attached to the trailer or freestanding, which advertises the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and ending with the issuance of a Certificate of Occupancy or one (1) year, whichever time period is less. The temporary construction trailer(s) and temporary sign shall be located on the site where the construction is taking place and shall be set back at least thirty feet (30') from all lot lines and from the right-of-way lines of all existing and proposed streets. There shall be at least one (1) operating telephone within the trailer.
- (m) Other accessory uses customarily incidental to a principal use.

6. Maximum Building Height.

(a) No principal building shall exceed forty (40) feet in height and three (3) stories as measured from the proposed finished grade except as further allowed in §400.8, entitled “Height Exceptions”.

(b) No accessory building shall exceed twenty-five (25) feet in height and one and one-half (1 1/2) stories.

7. Area, Yard, Height and Coverage Requirements.

(a) The following regulations, area, bulk, setback and intensity requirements for the principal dwelling and permitted accessory structures applies for the IO-1 District:

| IO-1 Area, Yard, Height and Coverage Requirements §402.2H.7 | | | |
|---|---|--------------------------------------|--------------------------------|
| Requirements | | | |
| Tract | | | |
| Min. Tract Size | 8 acres | | |
| Max. Density | 6 dwelling units per acre | | |
| Min. Open Space | 20% | | |
| Lots | Single-Family Semi-Detached Dwelling | Townhouse Dwelling | Multi-Family Apartments |
| Min. Lot Size | 2,250 SF | 2,000 SF | 30,000 SF |
| Min. Lot Frontage | 30 FT | 20 FT | 150 FT |
| Min. Lot Depth | 75 FT | 100 FT | 200 FT |
| Max. Building Coverage | 65% | 70% | 35% |
| Max. Lot Coverage | 80% | 80% | 60% |
| Principal Building | | | |
| Min. Front Yard | 10 FT | 10 FT | 20 FT |
| Min. Side Yard | 0 FT common wall; 10 FT otherwise | 0 FT common wall; 10 FT otherwise | 30 FT |
| Min. Rear Yard | 15 FT | 15 FT | 50 FT |
| Max. Garage Height | 1 story | 1 story | N/A |
| Distance between buildings | | | |
| Side-to-Side | 20 FT | 20 FT | 30 FT |
| Rear-to-Rear | 50 FT | 50 FT | 50 FT |
| Side-to-Rear | 50 FT | 50 FT | 50 FT |
| Accessory Buildings or Structures | | | |
| Min. Front Yard | N.P. | N.P. | N.P. |
| Min. Side Yard | 0 FT | N/A | 10 FT |
| Min. Rear Yard | 3 FT | 3 FT | 10 FT |

| | | | |
|---|-----|-----|-------|
| Distance to another building | N/A | N/A | 20 FT |
| Notes: | | | |
| 1. Patios and Decks on end units may not project more than three (3) feet beyond the Principal Building wall. | | | |
| 2. Balconies may encroach into a required minimum setback up to three (3) feet. | | | |
| 3. Unless modified by §400.7.A. | | | |
| N.P. = Not a permitted location | | | |

(b) No parking area, loading area, driveway or other structure (except for approved access ways, signs and fencing) shall be permitted within ten feet (10') of any tract boundary line, and such areas shall be planted and maintained in lawn area or ground cover and shall be landscaped with trees and shrubbery as approved by the Board.

8. Requirements for Buildings.

(a) General Architectural Requirements.

- (1) Multiple detached principal buildings shall be permitted on the tract.
- (2) The exteriors of all building in the development, including accessory buildings, shall be architecturally compatible and shall be constructed of complimentary materials.
- (3) All building elevations shall exhibit classical proportions. The characteristics of classicism include symmetry, repetition of elements, expressions of hierarchy to reflect the building uses, and tripartite compositions (base, middle, top).
- (4) Sub-elements within the facades and individual architectural components (i.e., railings, awnings, columns) shall also conform to the overall classical proportions of the facade.
- (5) All entrances to a building shall be articulated utilizing architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches or overhangs.
- (6) Balconies and patios shall be designed as integral subcomponents of the building facade. Cantilevered balconies are not permitted.
- (7) The building shall be provided with both heat and smoke alarms as well as fire suppression sprinkler system where required by code.

(b) Façade Treatments.

- (1) Any façade exceeding thirty feet or more in length shall include at least one change in wall plane (projection or recess) having a depth of at least 3% of the entire length of the facade and extending for a minimum of 20% of the entire length of the facade.
- (2) The architectural treatment of the front façade(s) shall be continued in its major features around all sides of each building.

(c) Roof Treatments.

- (1) Principal roof eaves shall project at least two (2) feet beyond the building facade or a supporting column. Secondary roof eaves (i.e., balconies, porches and patios) shall project at least one foot.
- (2) Primary roofs shall have a minimum pitch of 6/12. Secondary roofs may have a pitch below 6/12.
- (3) The transition between a facade and a roof shall have a cornice or frieze that is designed to fit the overall composition of the facade.

(d) Windows and Fenestration.

- (1) Windows and other openings in the facade shall exhibit a vertical emphasis, in harmony with the overall facade composition. Windows shall be single hung with simulated divided lights.
- (2) Within each building elevation, the maximum ratio of windows to wall shall be 50% window to 50% wall. The minimum ratio of window to wall shall be 25% window to 75% wall.

9. Off-Street Parking and Driveways.

- (a) No off-street parking area or internal roadway or drive aisle shall be located within forty (40) feet of any existing public road.

(b) Single-family Semi-detached dwellings and Townhouse dwellings.

- (1) Single-family semi-detached dwellings and townhouse dwellings shall be accessed from rear lanes/alleys.

- (2) Single-family semi-detached dwellings and townhouse dwellings shall provide at least one (1) off-street parking space within an enclosed garage located in the rear yard with access from a lane/alley.
 - (3) Garages, driveways and parking areas shall have a minimum setback of three (3) feet from any side property line or side of dwelling unit. An exception to the three-foot setback from the side property lines shall exist for townhouse lots to permit garages, driveways and parking areas that share a common wall on the common property line.
- (c) Multi-family dwellings.
- (1) Parking shall not be located in the front yard between buildings and public streets. Individual building driveways shall not have direct access to a public street, but may have direct access to an internal street, roadway, etc.
 - (2) Parking areas shall not be located between buildings and internal streets, roadways, etc.
 - (1) Parking areas shall be set back at least seven (7) feet from building walls.
- (d) Each dwelling unit shall be provided a minimum number of parking spaces according to the provisions of the Residential Site Improvement Standards (RSIS), *N.J.A.C. 5:21*, or based upon historical data provided subject to City review.
- (e) See §509 for additional standards.

10. Trash and Recycling Requirements.

- (a) The trash and recyclable material collection and pickup locations shall be provided either within the building being served or in nearby locations outside the building.
- (b) If located outside the building, the trash and recyclable materials area shall be totally enclosed, finished with materials used to construct the building(s) being served, up to a maximum of eight (8) feet in height, and located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence or wall. Landscaping, at least six (6) feet in height, shall be provided around any outdoor trash and recycling area.
- (c) The area provided for the collection and pickup of trash and recyclable materials shall be well lit and shall be safely and easily accessible by trash and recycling

personnel and vehicles. Collection vehicles shall be able to access the trash and recycling area without interference from parked cars or other obstacles.

Reasonable measures shall be taken to protect the trash and recycling area and the bins or containers placed therein against theft of trash and recyclable materials, bins or containers.

- (d) Any bins or containers which are used for the collection of trash and recyclable material, and which are located in an outdoor trash and recycling area, shall be equipped with a lid.
- (e) Individual bins or containers for the collection and pickup of recyclable materials shall be equipped with signs indicating the materials to be placed therein.
- (f) See §512 for additional standards.

11. Permitted Signs.

- (a) Community Sign. One (1) ground mounted freestanding sign identifying the name of the development no larger than twenty-five (25) square feet shall be permitted at the entrance to the development from an existing public street.
 - (1) The sign shall not exceed six (6) feet in height and shall be set back at least ten (10) feet from all street lines and fifty (50) feet from all other property lines.
 - (2) Any sign illumination shall be external to the sign and shall be designed and oriented to prevent any sight of the lamp from any street or neighboring properties.
- (b) Residential Building Identification: Each residential building may have up to two attached identification signs. The maximum sign area of each shall not exceed six (6) square feet. Such signs shall be appropriately integrated within the architecture of the buildings.
- (c) See §515 of this chapter for permitted temporary signs, additional standards and the design requirements for signs.

12. Community Design.

- (a) Only semi-detached single-family units or townhouse units shall be permitted along North Main Street. The fronts of the units shall face North Main Street.

- (b) Parking is not permitted between the buildings on North Main Street and shall be located internal to the development tract.
- (c) A minimum of 1,000 square feet of area shall be provided as community open space for the residential development.
- (d) Plantings. All portions of a lot not covered by buildings or structures (e.g. parking lots, parking spaces, loading areas, access aisles, driveways, sidewalks, walkways, curbs, trash enclosures, children play areas, dog walks, etc.) shall be suitably planted with grass, shrubs, and trees and shall be maintained in good condition. In any case, no less than twenty (20%) of the area of the lot shall be so planted, and the planted area may include approved detention and/or retention basins.
- (e) Other design features.
 - (1) Wherever reasonably feasible, sustainable construction techniques shall be utilized to minimize the impact upon the environment, including energy efficient building designs, recycled materials, water conservation devices, permeable pavement, native plantings, low chemical usage to maintain the landscaping, and similar measures which are sensitive to the environment.
 - (2) The stormwater management plan shall include stormwater management facilities that are designed to enhance the aesthetic attributes of the proposed development.

13. Affordable Housing Standards.

- (a) A Developer's Agreement is required to establish low/moderate apportionment, very low income requirement per *N.J.S.A. 52:27D-329.1*, bedroom distribution, unit size, etc.
- (b) At least 13% of the units shall be affordable to very-low-income households, 37% of the units shall be affordable to low-income households, and 50% may be affordable to moderate-income households.
- (c) The affordable units shall be developed in accordance with COAH's regulations at *N.J.A.C. 5:93* and the Uniform Housing Affordability Controls (UHAC), *N.J.A.C. 5:80-26.1 et seq.*, which govern the administration and affordability controls of affordable units in New Jersey, with one exception. The exception is for 13% very-low income housing at 30% of the regional median income instead of the UHAC requirement of 10% very-low income housing at 35% of the regional median income.

(d) Affordable Housing Standards. In addition to addressing the requirements of COAH and noted above, the affordable units shall be developed in accordance with the following:

- (1) The affordable units cannot be age-restricted units;
- (2) The bedroom distribution requirements pursuant to *N.J.A.C. 5:93-7.3* and *N.J.A.C. 5:80-26.3(b)*.
- (3) The unit distribution requirements pursuant to *N.J.A.C. 5:80-26.3*.
- (4) The length of controls requirement and deed restrictions pursuant to *N.J.A.C. 5:80-26.11*.
- (5) The accessibility and adaptability requirements pursuant to *N.J.A.C. 5:97-3.14*.

SECTION 4. Create Subsection 402.2I of Subsection 402.2 of the Code of the City of Lambertville (2014) containing the zoning requirements for “Residential Low Density (R-L) District” to read in its entirety as follows:

I. IO-2 Inclusionary Overlay Zone District.

1. Purpose and area of application.

To address its affordable housing unmet need obligation, the City through the implementation of an Inclusionary Overlay Zone Ordinance that creates a realistic opportunity for housing that is affordable to very-low, low-, and moderate-income households on Block 1022, Lot 3 and Block 1058, Lot 15. This Ordinance establishes the Inclusionary Overlay Zone 2 – the IO-2 District – and permits the creation of multi-family development on the property identified above provided that such housing complies with a required inclusionary set-aside requirement for affordable housing and with the requirements of this ordinance. This ordinance shall not take effect until such time that the site has access to public water and sewer.

2. Special Rules.

- (a) In any inclusionary development permitted by this ordinance, in the case of affordable rental units, at least 15% of the residential units must be affordable to very-low, low-, and moderate-income households and, in the case of owner-occupied affordable units, at least 20% of the residential units must be affordable to very-low, low-, and moderate-income households.

- (b) Where this Ordinance contradicts §1200-6 of the City's Affordable Housing Ordinance, the effects and requirements of this Ordinance shall supersede the requirements of §1200-6.
- 3. Additional permitted uses. In addition to the uses otherwise permitted in the R-L District, the following additional uses shall be permitted:
 - (a) Townhouse dwellings.
 - (b) Apartment dwellings.
- 4. Restriction on conditional uses. No development utilizing the provisions of the IO-2 Inclusionary Overlay District shall include any conditional use permitted in §402.4.
- 5. Accessory Uses Permitted.
 - (a) Common recreational facilities, as specifically approved by the Planning Board within the specified open space in order to satisfy the needs of the residential population within the development, including but not limited to tennis courts, tot lots, picnic tables and recreational paths.
 - (b) Complimentary landscape structures and elements including benches, trellises, gazebos and other such features customarily associated with the permitted principal uses.
 - (c) Underground sprinkler systems within the designated open space and within individual lots, provided that the water spray does not extend beyond the tract boundary line.
 - (d) Fences and walls in accordance with the design provisions specified in §507.
 - (e) Patios and balconies.
 - (f) Off-street parking and private garages in accordance with §402.2I.10 and §509.
 - (g) Signs in accordance with §402.2I.11 and §515.
 - (h) Office space within an apartment building to be used for the operation and management of the affordable rental apartments.
 - (i) Lighting in accordance with §511.

- (j) Stormwater management and other utilities.
- (k) Conservation areas, recreation, open space, and public purpose uses.
- (l) Temporary construction trailers and one (1) sign not exceeding thirty-two (32) square feet in area, either attached to the trailer or freestanding, which advertises the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and ending with the issuance of a Certificate of Occupancy or one (1) year, whichever time period is less. The temporary construction trailer(s) and temporary sign shall be located on the site where the construction is taking place and shall be set back at least thirty feet (30') from all lot lines and from the right-of-way lines of all existing and proposed streets. There shall be at least one (1) operating telephone within the trailer.
- (m) Other accessory uses customarily incidental to a principal use.

6. Maximum Building Height.

- (a) No principal building shall exceed forty (40) feet in height and three (3) stories as measured from the proposed finished grade except as further allowed in §400.8, entitled "Height Exceptions".
- (b) No accessory building shall exceed twenty-five (25) feet in height and one and one-half (1 1/2) stories.

7. Area, Yard, Height and Coverage Requirements.

- (a) The following regulations, area, bulk, setback and intensity requirements for the principal dwelling and permitted accessory structures applies for the IO-2 District:

| IO-2 Area, Yard, Height and Coverage Requirements §402.2I.7 | | |
|---|---------------------------|-------------------------|
| | Requirements | |
| Tract | | |
| Min. Tract Size | 2.2 acres | |
| Max. Density | 6 dwelling units per acre | |
| Min. Open Space | 20% | |
| Min. Buffer to existing single-family detached dwellings | 20 FT | |
| Lots | Townhouse Dwelling | Multi-Family Apartments |
| Min. Lot Size | 2,000 SF | 30,000 SF |
| Min. Lot Frontage | 20 FT | 150 FT |

| | | |
|---|--------------------------------------|--------|
| Min. Lot Depth | 100 FT | 200 FT |
| Max. Building Coverage | 70% | 35% |
| Max. Lot Coverage | 80% | 60% |
| Principal Building | | |
| Min. Front Yard | 10 FT | 20 FT |
| Min. Side Yard | 0 FT common wall; 10 FT otherwise | 30 FT |
| Min. Rear Yard | 15 FT | 50 FT |
| Max. Garage Height | 1 story | N/A |
| Distance between buildings | | |
| Side-to-Side | 20 FT | 30 FT |
| Rear-to-Rear | 50 FT | 50 FT |
| Side-to-Rear | 50 FT | 50 FT |
| Accessory Buildings or Structures | | |
| Min. Front Yard | N.P. | N.P. |
| Min. Side Yard | N/A | 10 FT |
| Min. Rear Yard | 3 FT | 10 FT |
| Distance to another building | N/A | 20 FT |
| Notes: | | |
| 1. Patios and Decks on end units may not project more than three (3) feet beyond the Principal Building wall. | | |
| 2. Balconies may encroach into a required minimum setback up to three (3) feet. | | |
| 3. Unless modified by §400.7.A. | | |
| N.P. = Not a permitted location | | |

- (b) No parking area, loading area, driveway or other structure (except for approved access ways, signs and fencing) shall be permitted within twenty feet (20') of any tract boundary line, and such areas shall be planted and maintained in lawn area or ground cover and shall be landscaped with trees and shrubbery as approved by the Board.

8. Requirements for Buildings.

(a) General Architectural Requirements.

- (1) Multiple detached principal buildings shall be permitted on the tract.
- (2) The exteriors of all building in the development, including accessory buildings, shall be architecturally compatible and shall be constructed of complimentary materials.
- (3) All building elevations shall exhibit classical proportions. The characteristics of classicism include symmetry, repetition of elements, expressions of hierarchy to reflect the building uses, and tripartite compositions (base, middle, top).

- (4) Sub-elements within the facades and individual architectural components (i.e., railings, awnings, columns) shall also conform to the overall classical proportions of the facade.
- (5) All entrances to a building shall be articulated utilizing architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches or overhangs.
- (6) Balconies and patios shall be designed as integral subcomponents of the building facade. Cantilevered balconies are not permitted.
- (7) The building shall be provided with both heat and smoke alarms as well as fire suppression sprinkler system where required by code.

(b) Façade Treatments.

- (1) Any façade exceeding thirty feet or more in length shall include at least one change in wall plane (projection or recess) having a depth of at least 3% of the entire length of the facade and extending for a minimum of 20% of the entire length of the facade.
- (2) The architectural treatment of the front façade(s) shall be continued in its major features around all sides of each building.

(c) Roof Treatments.

- (1) Principal roof eaves shall project at least two (2) feet beyond the building facade or a supporting column. Secondary roof eaves (i.e., balconies, porches and patios) shall project at least one foot.
- (2) Primary roofs shall have a minimum pitch of 6/12. Secondary roofs may have a pitch below 6/12.
- (3) The transition between a facade and a roof shall have a cornice or frieze that is designed to fit the overall composition of the facade.

(d) Windows and Fenestration.

- (1) Windows and other openings in the facade shall exhibit a vertical emphasis, in harmony with the overall facade composition. Windows shall be single hung with simulated divided lights.

- (2) Within each building elevation, the maximum ratio of windows to wall shall be 50% window to 50% wall. The minimum ratio of window to wall shall be 25% window to 75% wall.

9. Off-Street Parking and Driveways.

- (a) Parking shall not be permitted between buildings and Brunswick Avenue (Route 518).

- (b) Townhouse dwellings.

- (1) Individual townhouse driveways shall not have direct access to a public street, but may have direct access to an internal street, roadway, etc.
- (2) Townhouse dwellings shall provide at least one (1) off-street parking space within an enclosed garage located in the rear yard with access from a lane/alley.
- (3) Garages, driveways and parking areas shall have a minimum setback of three (3) feet from any side property line or side of dwelling unit. An exception to the three-foot setback from the side property lines shall exist for townhouse lots to permit garages, driveways and parking areas that share a common wall on the common property line.

- (c) Multi-family dwellings.

- (1) Parking shall not be located in the front yard between buildings and public streets. Individual building driveways shall not have direct access to a public street, but may have direct access to an internal street, roadway, etc.
- (2) Parking areas shall not be located between buildings and internal streets, roadways, etc.
- (3) Parking areas shall be set back at least seven (7) feet from building walls.

- (d) Each dwelling unit shall be provided a minimum number of parking spaces according to the provisions of the Residential Site Improvement Standards (RSIS), *N.J.A.C. 5:21*, or based upon historical data provided subject to City review.

- (e) See §509 for additional standards.

10. Trash and Recycling Requirements.

- (a) The trash and recyclable material collection and pickup locations shall be provided either within the building being served or in nearby locations outside the building.
- (b) If located outside the building, the trash and recyclable materials area shall be totally enclosed, finished with materials used to construct the building(s) being served, up to a maximum of eight (8) feet in height, and located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence or wall. Landscaping, at least six (6) feet in height, shall be provided around any outdoor trash and recycling area.
- (c) The area provided for the collection and pickup of trash and recyclable materials shall be well lit and shall be safely and easily accessible by trash and recycling personnel and vehicles. Collection vehicles shall be able to access the trash and recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the trash and recycling area and the bins or containers placed therein against theft of trash and recyclable materials, bins or containers.
- (d) Any bins or containers which are used for the collection of trash and recyclable material, and which are located in an outdoor trash and recycling area, shall be equipped with a lid.
- (e) Individual bins or containers for the collection and pickup of recyclable materials shall be equipped with signs indicating the materials to be placed therein.
- (f) See §512 for additional standards.

11. Permitted Signage.

- (a) Community Sign. One (1) ground mounted freestanding sign identifying the name of the development no larger than twenty-five (25) square feet shall be permitted at the entrance to the development from an existing public street.
 - (1) The sign shall not exceed six (6) feet in height and shall be set back at least ten (10) feet from all street lines and fifty (50) feet from all other property lines.
 - (2) Any sign illumination shall be external to the sign and shall be designed and oriented to prevent any sight of the lamp from any street or neighboring properties.

- (b) Residential Building Identification: Each residential building may have up to two attached identification signs. The maximum sign area of each shall not exceed six (6) square feet. Such signs shall be appropriately integrated within the architecture of the buildings.
- (c) See §515 of this chapter for permitted temporary signs, additional standards and the design requirements for signs.

12. Community Design.

- (a) The front façade of buildings shall face Brunswick Avenue (Route 518).
- (b) A minimum of 750 square feet of area shall be provided as community open space for the residential development.
- (c) Plantings. All portions of a lot not covered by buildings or structures (e.g. parking lots, parking spaces, loading areas, access aisles, driveways, sidewalks, walkways, curbs, trash enclosures, children play areas, dog walks, etc.) shall be suitably planted with grass, shrubs, and trees and shall be maintained in good condition. In any case, no less than twenty (20%) of the area of the lot shall be so planted, and the planted area may include approved detention and/or retention basins.
- (d) Other design features.
 - (1) Wherever reasonably feasible, sustainable construction techniques shall be utilized to minimize the impact upon the environment, including energy efficient building designs, recycled materials, water conservation devices, permeable pavement, native plantings, low chemical usage to maintain the landscaping, and similar measures which are sensitive to the environment.
 - (2) The stormwater management plan shall include stormwater management facilities that are designed to enhance the aesthetic attributes of the proposed development.

13. Affordable Housing Standards.

- (a) A Developer's Agreement is required to establish low/moderate apportionment, very low income requirement per *N.J.S.A. 52:27D-329.1*, bedroom distribution, unit size, etc.

- (b) At least 13% of the units shall be affordable to very-low-income households, 37% of the units shall be affordable to low-income households, and 50% may be affordable to moderate-income households.
- (c) The affordable units shall be developed in accordance with COAH's regulations at *N.J.A.C. 5:93* and the Uniform Housing Affordability Controls (UHAC), *N.J.A.C. 5:80-26.1* et seq., which govern the administration and affordability controls of affordable units in New Jersey, with one exception. The exception is for 13% very-low income housing at 30% of the regional median income instead of the UHAC requirement of 10% very-low income housing at 35% of the regional median income.
- (d) Affordable Housing Standards. In addition to addressing the requirements of COAH and noted above, the affordable units shall be developed in accordance with the following:
 - (1) The affordable units cannot be age-restricted units;
 - (2) The bedroom distribution requirements pursuant to *N.J.A.C. 5:93-7.3* and *N.J.A.C. 5:80-26.3(b)*.
 - (3) The unit distribution requirements pursuant to *N.J.A.C. 5:80-26.3*.
 - (4) The length of controls requirement and deed restrictions pursuant to *N.J.A.C. 5:80-26.11*.
 - (5) The accessibility and adaptability requirements pursuant to *N.J.A.C. 5:97-3.14*.

SECTION 5. Create Subsection 406.1P of Subsection 406.1 of the Code of the City of Lambertville (2014) containing the zoning requirements for "Central Business District (CBD)" to read in its entirety as follows:

P. IO-3 Inclusionary Overlay Zone District.

1. Purpose and area of application.

To address its affordable housing unmet need obligation, the City through the implementation of an Inclusionary Overlay Zone Ordinance that creates a realistic opportunity for housing that is affordable to very-low, low-, and moderate-income households on Block 1022, Lot 8. This Ordinance establishes the Inclusionary Overlay Zone 3 – the IO-3 District – and permits the adaptive reuse of the nonresidential building

into non-age-restricted (family) apartments on the property identified above provided that such housing complies with a required inclusionary set-aside requirement for affordable housing and with the requirements of this ordinance.

2. Special Rules.

- (a) In any inclusionary development permitted by this ordinance, in the case of affordable rental units, at least 15% of the residential units must be affordable to very-low, low-, and moderate-income households and, in the case of owner-occupied affordable units, at least 20% of the residential units must be affordable to very-low, low-, and moderate-income households.
- (b) Where this Ordinance contradicts §1200-6 of the City's Affordable Housing Ordinance, the effects and requirements of this Ordinance shall supersede the requirements of §1200-6.

3. Permitted uses.

- (a) Apartment dwellings.

4. Restriction on conditional uses. No development utilizing the provisions of the IO-3 Inclusionary Overlay District shall include any conditional use permitted in §406.3.

5. Accessory Uses Permitted.

- (a) Common recreational facilities, as specifically approved by the Planning Board within the specified open space in order to satisfy the needs of the residential population within the development, including but not limited to tennis courts, tot lots, picnic tables and recreational paths.
- (b) Landscaping features including benches, trellises, gazebos and other such features customarily associated with the permitted principal uses.
- (c) Fences and walls in accordance with the design provisions specified in §507.
- (d) Patios and balconies.
- (e) Off-street parking in accordance with §406.1P.7 and §509.
- (f) Signs in accordance with §515.
- (g) Office space within an apartment building to be used for the operation and management of the affordable rental apartments.

- (h) Lighting in accordance with §511.
 - (i) Stormwater management and other utilities.
 - (j) Conservation areas, recreation, open space, and public purpose uses.
 - (k) Temporary construction trailers and one (1) sign not exceeding thirty-two (32) square feet in area, either attached to the trailer or freestanding, which advertises the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and ending with the issuance of a Certificate of Occupancy or one (1) year, whichever time period is less. The temporary construction trailer(s) and temporary sign shall be located on the site where the construction is taking place and shall be set back at least thirty feet (30') from all lot lines and from the right-of-way lines of all existing and proposed streets. There shall be at least one (1) operating telephone within the trailer.
 - (l) Other accessory uses customarily incidental to a principal use.
6. Maximum Density. The maximum density of housing units shall be ten (10) units per acre.
7. Off-Street Parking.
- (a) Each dwelling unit shall be provided a minimum number of parking spaces according to the provisions of the Residential Site Improvement Standards (RSIS), *N.J.A.C. 5:21*.
 - (b) See §509 for additional standards.
8. Affordable Housing Standards.
- (a) A Developer's Agreement is required to establish low/moderate apportionment, very low income requirement per *N.J.S.A. 52:27D-329.1*, bedroom distribution, unit size, etc.
 - (b) At least 13% of the units shall be affordable to very-low-income households, 37% of the units shall be affordable to low-income households, and 50% may be affordable to moderate-income households.
 - (c) The affordable units shall be developed in accordance with COAH's regulations at *N.J.A.C. 5:93* and the Uniform Housing Affordability Controls (UHAC),

N.J.A.C. 5:80-26.1 et seq., which govern the administration and affordability controls of affordable units in New Jersey, with one exception. The exception is for 13% very-low income housing at 30% of the regional median income instead of the UHAC requirement of 10% very-low income housing at 35% of the regional median income.

(d) Affordable Housing Standards. In addition to addressing the requirements of COAH and noted above, the affordable units shall be developed in accordance with the following:

- (1) The affordable units cannot be age-restricted units;
- (2) The bedroom distribution requirements pursuant to *N.J.A.C. 5:93-7.3* and *N.J.A.C. 5:80-26.3(b)*.
- (3) The unit distribution requirements pursuant to *N.J.A.C. 5:80-26.3*.
- (4) The length of controls requirement and deed restrictions pursuant to *N.J.A.C. 5:80-26.11*.
- (5) The accessibility and adaptability requirements pursuant to *N.J.A.C. 5:97-3.14*.

SECTION 6. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 7. This Ordinance shall take effect upon final adoption, publication and the filing of a copy of said Ordinance with the Hunterdon County Planning Board, all in accordance with the law.

CLERKS CERTIFICATE

I, Cynthia L. Ege, CMR, RMC, Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey (herein called the "City"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all ordinances and resolutions of the City. The representations made herein are based upon the records of the City.
2. Attached hereto is a true and complete copy of an ordinance passed by the governing body of the City on first reading, _____ and finally adopted by the governing body on _____.
3. On _____ a copy of the ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the municipality who requested copies, up to and including the time of further consideration of the ordinance by the governing body, was posted in the principal municipal building of the City at the place where public notices are customarily posted. Copies of the ordinance were made available to all who requested them.
4. After final passage, the ordinance, a copy of which is attached hereto, was duly published on _____. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within the 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of _____.

Cynthia L. Ege, CMR, RMC, City Clerk

(Seal)