

**CITY OF LAMBERTVILLE  
ORDINANCE NO. 22-2019**

**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,  
404 ENTITLED “RESIDENTIAL 2 (R-2) DOWNTOWN RESIDENTIAL 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 December 3, 2008; and

**WHEREAS**, the Governing Body endorsed the Housing Element and Fair Share Plan on December 29, 2008; 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; and

**WHEREAS**, the Governing Body can no longer adopt an Inclusionary Overlay Zone on the Closson Farmstead property and is required to adopt alternative Inclusionary Overlay Zones to satisfy the Settlement Agreement; and

**WHEREAS**, the Governing Body introduced the Inclusionary Overlay Zone ordinances on August 22, 2019;

**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 September 4, 2019; 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 September 19, 2019; 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 September 19, 2019 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 two 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 1072, Lot 3 and 3.01 Block 1058, Lot 15
IO-2 Inclusionary Overlay Zone 2	Block 1022, Lot 8
IO-4 Inclusionary Overlay Zone 3	Block 1028, Lot 20

3. No Change.
4. No Change.

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

**SECTION 3.** Create Subsection 404.2K of Subsection 404.2 of the Code of the City of Lambertville (2014) containing the zoning requirements for “Residential 2 (R-2), Downtown Residential District” to read in its entirety as follows:

K. 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 1028, Lot 20 This Ordinance establishes the Inclusionary Overlay Zone 3 – the IO-3 District – and permits non-residential uses on the first floor and a maximum of eight (8) 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 such that access to each apartment shall be by means of an entrance to the exterior of the building or by common hallway.
- (b) Retail sales including retail services incidental to such sales.
- (c) Personal services.
- (d) General and professional offices.

4. Restriction on conditional uses. No development utilizing the provisions of the IO-3 Inclusionary Overlay District shall include any conditional use permitted in §404.4.

5. Accessory Uses Permitted.

- (a) Landscaping features including benches, trellises, gazebos and other such features customarily associated with the permitted principal uses.
- (b) Fences and walls in accordance with the design provisions specified in §507.

- (c) Patios and balconies.
  - (d) Off-street parking in accordance with §404.2K.10 and §509.
  - (e) Signs in accordance with §515.
  - (f) Lighting in accordance with §511.
  - (g) Stormwater management and other utilities.
  - (h) Conservation areas, recreation, open space, and public purpose uses.
  - (i) 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.
  - (j) Other accessory uses customarily incidental to a principal use.
6. Maximum Number of Residential Units. The maximum number of residential units permitted shall be eight (8) residential units.
7. Maximum Non-Residential Floor Area Ratio. The maximum non-residential floor area shall be 0.35.
8. 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 twelve (12) feet in height.
9. Area, Yard, 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-3 District:

IO-3 Area, Yard and Coverage Requirements, §404.2K.8	
Min. Lot Size	0.15 acres
Min. Lot Frontage	75 feet
Min. Lot Depth	75 feet
Max. Building Coverage	40%
Max. Lot Coverage	80%
Principal Building	
Min. Front Yard Setback	0 feet
Min. Side Yard Setback	5 feet
Min. Rear Yard Setback	N/A
Accessory Buildings or Structures	
Min. Front Yard	N.P.
Min. Side Yard	5 feet
Min. Rear Yard	N/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 five feet (5') 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.

#### 10. 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) Each non-residential unit shall be provided a minimum number of parking spaces in accordance with the off-street parking provisions identified for the Central Business District (CBD), §406.7A.
- (c) See §509 for additional standards.

#### 11. Affordable Housing Standards.

- (a) The affordable housing unit shall be a two-bedroom unit.
- (b) The affordable housing shall be affordable to a moderate-income household.
- (c) The affordable housing unit cannot be age-restricted.

- (d) The affordable housing unit shall be developed in accordance with the length of controls required and deed restriction pursuant to N.J.A.C. 5:80-26.11.
- (e) The affordable housing unit shall be developed in accordance with the accessibility and adaptability requirements pursuant to N.J.A.C. 5:97-3.14 and N.J.S.A. 52:27D-123.15.

**SECTION 5.** 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 6.** 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.

INTRODUCED: August 22, 2019

PUBLIC HEARING AND FINAL ADOPTION: September 19, 2019

## 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, August 22, 2019 and finally adopted by the governing body on September 19, 2019.
3. On August 23, 2019, 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 \_\_\_\_\_ in the Trenton Times. 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 19 day of September, 2019.

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Cynthia L. Ege, CMR, RMC, City Clerk

(Seal)