

## ARTICLE VI

### STANDARDS FOR REVIEW OF APPLICATIONS

[Ord. 2001-07]

#### § 600        Standards for Review of Applications.

Development plans shall be so designed as to enhance the general appearance of the City of Lambertville and to promote the harmonious use of land; to lessen congestion in the streets; to secure safety from fire, panic, or other dangers; to promote the general health, safety, and welfare; to provide adequate light and air; to prevent the overcrowding of land, buildings and roadways by an undue concentration of population; to encourage development which would facilitate pedestrian access and the use of mass transit; to encourage creative development and design consistent with the policies of the Master Plan of the City of Lambertville, and the regulations promulgated herein. Applications for development shall be reviewed for meeting the standards for development contained within this Ordinance and other land development regulations of the City and more particularly the following specific objectives:

- 600.1        DEVELOPMENT COMPATIBILITY. All development shall permit and encourage only those uses of the land which, through the standards adopted in this Ordinance, provide for flexibility in planning and development and that respect the natural character of the land, the drainage system, soil capabilities, groundwater and aquifer recharge quality, and to include only those uses that are compatible with allowed uses in the zoning district and existing uses on adjacent lands. Such compatibility shall be determined on the basis of inventories of the natural features of the site, plans indicating the physical relationship among types of uses and any natural or man-made barriers, existing or planned, between different uses both within and adjacent to the proposed development, and sufficient information to determine the effect of such development upon the quality of life of the City of Lambertville.

- 600.2 RELATIONSHIP TO LAMBERTVILLE MASTER PLAN. All development shall be planned and designed to achieve the goals and objectives for land development as are or may be set forth in the Lambertville Master Plan duly adopted by the Planning Board with regard to conservation, historic preservation, community facilities, recreation, open space, recycling, affordable housing, utility distribution, circulation, community design standards and guidelines, land use, fiscal impact, economic development, and the goals for development of adjacent municipalities, Hunterdon County and the State.
- 600.3 RELATIONSHIP TO LAMBERTVILLE DEVELOPMENT PATTERNS. All development shall be planned and designed to achieve the City's goals of permitting and encouraging a population density and a development pattern in the municipality that facilitates the provision of public utilities and services, including public water and public sewerage, storm drainage systems, recreation areas, public schools, state, county, and local roads, in an orderly, functional and economical manner.
- 600.4 CONSERVATION OF OPEN SPACE. Common open space and adequate recreation areas shall be set aside in suitable locations to provide for the recreation needs of the residents and the owners of the development and those portions of the project that, because of their natural features, constitute important visual amenities and environmental resources. Development is intended to create after completion a continuity of open space resulting from the integration of upland, wetland, floodplain and surface water areas in accordance with the goals and objectives of the Master Plan.
- 600.5 APPEARANCE AND AESTHETIC CONTROL. All development shall be planned and designed to promote and achieve aesthetically pleasing views from and to various land uses. The creation and promotion of such aesthetic conditions shall strengthen and preserve the municipality's unique environmental heritage and promote the civic pride, prosperity, and general welfare of the residents of the development, the municipality, and visitors thereto.

600.6 REVIEW GUIDELINES. The following guidelines shall be used in the review of any application for development or conditional use:

- A. **Regard for Natural Features.** All residential and non-residential uses shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of sunlight on the physical layout and form of the proposed buildings shall be taken into account. Special consideration shall be given to the preservation of natural features, including large trees, stands of specimen vegetation, groves, waterways, aquifer recharge areas, scenic, paleontological, archaeological, cultural, and historic sites and other community assets within the site area, and the reduction of impacts on wildlife. The development shall be designed and programmed so as to minimize tree clearance and the destruction of natural amenities associated with the same.
- B. **Siting of Buildings.** All housing and supporting uses shall be sited so as to enhance privacy for residential uses, ensure natural light for all principal residential rooms, and to the greatest extent possible be designed to promote passive solar energy technology. Buildings layout shall be reviewed for arrangement, efficiency and aesthetic quality.
- C. **Fiscal Impact.** The fiscal costs to the City and Board of Education from providing services to the development shall be considered in relation to the gain of revenue and its impact upon the municipal and school board tax rates.
- D. **Relationship to Community Facilities.** Housing shall be conveniently served by community facilities and open space.
- E. **Circulation.** The pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, the movement of people, goods and vehicles from access roads within the site, between buildings and between buildings and vehicles. In particular the Board of

jurisdiction shall ensure compliance in site design with the Americans with Disabilities Act, as it may be amended or superseded. The Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to the site. The circulation shall be consistent with City, county, and state requirements.

- F. **Open Space.** Open space within all planned unit developments shall be planned and designed to achieve the City goal of insuring that adequate recreation areas are set aside in suitable locations to provide for the recreation needs of the residents and owners of the planned unit development; and that those portions of the City that, because of their natural features, constitute important visual amenities and environmental resources are maintained in accordance with sound conservation practice.
- G. **Landscaping.** Landscaping shall be reviewed for the ability to integrate the site elements of topography, water, buildings, parking and loading areas, and the buffering of incompatible uses. Landscaping shall be reviewed for diversity, including species, function, sculpture, fencing, walls, and other landscaping elements.
- H. **Lighting.** Adequate lighting for the function of the site shall be reviewed for the safe movement and security of persons and vehicles. Particular attention shall be made to the minimization of glare and impact upon adjacent property.
- I. **Signs.** Signs shall be evaluated for the aesthetics of their design and their harmony with other signs on- and off-site, the architectural design of the building or buildings to which they relate and the type of development or pattern of the built environment surrounding the location of the sign or signs. The location of signs shall be reviewed for the purpose of removing any hazard to pedestrians or motorists.

- J. Utilities, Solid Waste Management and Recycling. Storm drainage, sanitary and solid waste disposal including recycling, water supply, electricity supply, telephone and cable television service shall be reviewed and considered. Emphasis shall be given on the adequacy of existing systems and the need for improvements, both on- and off-site to adequately provide for the development's needs.
- K. Compatibility of Residential and Non-residential Development. Applications for development and conditional uses shall be designed to assure the compatibility of residential and non-residential uses by:
  - 1. Providing commercial uses with appropriate space and, in particular, sufficient depth from a street to satisfy the needs of contemporary uses including the provision of adequately landscaped off-street parking, buffer areas between commercial and residential use areas, pedestrian and bicycle circulation systems connecting the commercial uses to office, residential and open space uses;
  - 2. Protecting non-residential development and nearby residences against fire, explosions, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare and other objectionable influences;
  - 3. Protect residential and non-residential development from the noise, exhaust emissions, and other negative aspects of congestion of vehicular traffic.

**§ 601 Standards for Grant of Variance.**

- 601.1 LACK OF DETRIMENT. No variance or other relief may be granted under the terms of this Article unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance.

601.2 EXPIRATION OF VARIANCES. Any variance from the terms of this Article hereafter granted by the Planning Board or Zoning Board of Adjustment, as the case may be, permitting the erection or alteration of any structure or structures, or permitting a specified use of any premises, shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance; or unless such permitted use has actually been commenced, within 12 months from the date of entry of the judgment or determination of the Zoning Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing and appeal from the decision of the Zoning Board of Adjustment to the City Council, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

§ 602        **Reserved.**

§ 603        **Reserved.**

§ 604        **Reserved.**

## **ARTICLE VII**

### **RELIEF AND SUPERVISION**

#### **§ 701        Establishment and Jurisdiction of the Board of Adjustment.**

A Zoning Board of Adjustment to consist of five members and two alternate members is hereby established as authorized by Revised Statutes 40:55-36 with powers and duties as prescribed in R.S. 40:55-37 through 45 as amended and 40:55-1.38, as amended, together with further powers, duties and jurisdiction which may hereafter be delegated to it by the Legislature. Alternate members shall be designated Alternate No. 1 and Alternate No. 2 and shall serve in rotation during the absence or disqualification of any regular member or members.

#### **§ 702        Action by the Board of Adjustment.**

In the granting of special use permits, hardship variances or land use variances under R.S. 40:55-39, a time limit of one year from the date of approval shall be set within which time the owner shall secure a building permit from the Building Inspector and must commence construction which shall be diligently pursued or become void.

#### **§ 703        Use Variance Applications to the Board of Adjustment.**

Any applicant whose application for permit for a use not permitted by this Ordinance has been denied by the Building Inspector, may appeal to the Board of Adjustment for a variance to permit such proposed non-conforming use. Any application to the Board of Adjustment for a hearing shall be filed with the Secretary of the Board of Adjustment at least three (3) weeks prior to the next meeting of the Board of Adjustment. At the same time as the applicant files for a hearing with the Board of Adjustment, he shall serve a copy of such application upon the Secretary of the Planning Board. The Planning Board shall thereupon review the application and make such recommendations to the Board of Adjustment at or before the public hearing on the application. Such recommendations may contain the Planning Board's opinion as to whether or not the proposed non-conforming use is

compatible with the Master Plan and its effect on the overall Zoning Plan.

**§ 704            Planning Board - Site Plan Approval.**

No building permit shall be issued for any residential, commercial, public or quasi-public structure until the site plan has been reviewed and approved by the Planning Board except that the approval of a site plan for a single family and two family dwelling or minor repairs and alterations shall not be necessary. All site plans in the CBD zone, however, shall be reviewed. The board shall review the proposal, determine whether or not the applicable standards provided by this Ordinance have been observed, note objections to such parts of the plans as do not meet the standards, make corrections and recommendations for desired changes to effect compliance with the Ordinance, be satisfied that the site plan represents the most desirable alternative for development of the site in compliance with the Ordinance, and when satisfied that the site plan complies with the requirements of this Ordinance, shall approve the site plan.



## ARTICLE VIII

### §800      Application and Escrow Fees.

Every application for development shall be accompanied by a check payable to the municipality in accordance with the following fee schedule:

Subdivisions		
Application Type	Application Fee	Escrow Fee
Informal Plan (All fees for informal review shall be a credit toward fees for review of the same application for development.)	\$250.00	\$1,000.00
Minor Subdivision or Sketch Plat	\$400.00	\$1,000.00 + \$50.00 per new lot
Preliminary Major Subdivision Plat	\$1,000.00	\$1,500.00 + \$100.00 per lot or unit
Final Major Subdivision Plat	\$200.00	\$500.00 + \$50.00 per lot or unit

Site Plans		
Application Type	Application Fee	Escrow Fee
Informal Site Plan (All fees for informal review shall be a credit toward fee for review of the same application for development.)	\$400.00	\$1,000.00
Minor Site Plan	\$200.00	\$1,000.00
Sign Review	\$50.00	
Preliminary Site Plan	\$1,000.00	\$2,000.00 + \$.01 per sf. of gross floor area + \$10.00 per acre or part thereof
Final Site Plan	\$400.00	\$2,000.00

Other Application and Escrow Fees		
Application Type	Application Fee	Escrow Fee
<b>VARIANCES</b>		
Hardship (N.J.S.A. 40:55D-70c)		
• Residential One & Two Family	\$200.00	\$1,000.00
• Others	\$300.00	\$1,000.00
Use (N.J.S.A. 40:55D-70d)	\$1,000.00	\$1,000.00
<b>OTHER ACTIONS BY BOARD</b>		
Appeals (N.J.S.A. 40:55D-70a)	\$200.00	\$1,000.00
Interpretation (N.J.S.A. 40:55D-70b)	\$200.00	\$1,000.00
Non-Conforming Use Certificate (N.J.S.A. 40:55D-68)	\$200.00	\$1,500.00
Issuance of Permit for a Building in Certain Locations (N.J.S.A. 40:55D-34b and 35)	\$200.00	\$1,000.00
Appeals to City Council (N.J.S.A. 40:55D-17)	\$400.00	None
Request for Rezoning	\$2,000.00	\$3,000.00
Conditional Use Permit	\$400.00	\$1,000.00
Boundary Line Amendment	\$200.00	\$1,000.00
Certified List of Property Owners	\$.25 per name or \$10.00, whichever is greater	None

**§ 801 Purpose of Fees.**

The application charge is a flat fee to cover direct administrative expenses and is non-refundable. The escrow account is established to cover the costs of professional services including engineering, legal, planning and other expenses connected with the review of the submitted materials. In accordance with N.J.S.A. 40:55D-53 and N.J.S.A. 40:55D-53.1, sums not utilized in the review process shall be returned to the applicant upon written request. If additional sums are deemed necessary, the applicant shall be notified by certified mail or personal service of the required additional amount and shall add such sum to the escrow. Payment shall be due from the applicant within 15 days of receipt of the notice. If payment is not received within 15 days, the

applicant shall be considered to be in default, and such default may be grounds for denial of the application.

§ 802            Multiple Fees.

Where one application for development includes several approval requests, the sum of the individual required fees in accordance with §800 shall be paid.

§ 803            Costs of Review and Inspection.

Each applicant for subdivision or site plan approval shall agree in writing to pay all reasonable costs for professional review of the application, including costs incurred with any informal review of a concept plan which may have preceded the submission of a preliminary application. Additionally, each applicant shall agree in writing to pay all reasonable costs for the municipal inspection of the constructed improvements. All such costs for review and inspection must be paid before any construction permit is issued and all remaining costs must be paid in full before any occupancy issued or bonding is released.

§ 804            Court Reporter.

If an applicant desires a court reporter for the purposes of recording testimony, the sole cost of taking such testimony and transcribing it shall be at the expense of the applicant. The applicant shall arrange for the reporter's attendance. Any transcription made shall also be provided to the municipality at the cost of the applicant. The municipality provides for the tape recording of the proceedings before the Board.

**ARTICLE IX**

**ADMINISTRATION AND ENFORCEMENT**

**§ 900 Zoning Officer and Zoning Permits.**

900.1 ZONING OFFICER DUTIES. The Zoning Officer shall have the general duty and authority to administer and enforce the provisions of this Ordinance. The Zoning Officer shall review and maintain a file of all applications for zoning permits; issue permits precedent to construction, the use of property and occupancy thereof as are in accordance with the terms and provisions of this Ordinance or lawful order of the Zoning Board of Adjustment; collect all fees that may be payable to the City under this Article and render an account to the Chief Financial Officer or designated recipient at the end of each calendar month and pay over the total amount of such fees collected; make such reports to City Council, Planning Board and Zoning Board of Adjustment with respect to his or her work as requested by the municipal agency; and institute and conduct lawful proceedings to prevent threatened violations of this Ordinance and/or to correct conditions resulting from the violations thereof; and prosecute persons who shall have violated or who shall be engaged in violating any of the terms or provisions of this Ordinance.

[Ord. 2000-06]

§900.2 ZONING PERMITS REQUIRED. No person shall hereafter erect, locate, or later any building or portion thereof or begin or change the use of any building or land without first obtaining a zoning permit from the Zoning Officer. All applications for zoning permits shall be in writing and shall be addressed to the Zoning Officer, shall be signed by the owner of record of the land, shall be made on such forms as may be prescribed and furnished by the City of Lambertville and shall contain all information called for by such forms and be accompanied by such plans as may be required, together with any additional information that may be requested by the zoning Officer, in order that he or she may determine whether the proposed erection, location or alteration of a building or the proposed use or change of use of land will comply with the terms and provisions of this Ordinance or lawful order of the Planning Board or Zoning Board of

Adjustment for a development or variance application, as the case may be. No zoning permit shall be issued unless and until all outstanding real estate property taxes and/or municipal liens or judgments have been paid in full. A zoning permit shall be granted or refused by the Zoning Officer within ten (10) business days next after the date on which a complete application has been received. All applications filed, together with the accompanying plans and documents, shall be public records. Any zoning permits issued hereunder shall be subject to the fulfillment of all conditions imposed by the Zoning Board of Adjustment or the Planning Board provisions of the land development regulations of the City of Lambertville.

[Ord. 2000-06]

**§ 901      Building Permits.**

No building permit for new construction shall be issued unless a zoning permit pursuant to §900.2 has first been issued by the Zoning Officer. Every application for a building permit shall be accompanied by duplicate plans, drawn in ink, or blueprint, having final approval of the Planning Board or Zoning Board of Adjustment as required under *N.J.S.A. 40:55D-1 et seq.* and as required by the land development regulations of the City of Lambertville showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the structures and accessory structures existing and proposed, and the lines within which the building or structure is to be erected or altered, the existing or intended use of each structure or part of a structure, the number of families or dwelling units the structure is designed to accommodate, the number and location of off-street parking spaces and off-street loading areas and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Construction Code Official together with such permit as may be granted.

All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the structure thereon shall be staked out on the grounds before construction is started. Every application for a building permit shall be submitted by the

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owner of the land as indicated on the City of Lambertville tax assessment records or by a person furnishing a certification from the land owner granting such permission to the applicant for filing the application. [Ord. 2000-06]

**§ 902 Certificate of Occupancy.**

- 902.1 It shall be unlawful for an owner to use or permit the use of any structure or part thereof, hereafter erected, altered, converted or enlarged, wholly or in part until a Certificate of Occupancy, applied for at the time of application for a Building Permit, shall have been issued by the Building Inspector. Such Certificate shall show that such structure or part of a structure and the proposed use thereof conform to the requirements of this Ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy only when he is satisfied that the structure, or part of a structure, and the proposed use thereof so conform.
- 902.2 Should the Building Inspector decline to issue a Certificate of Occupancy his reasons for doing so shall be so stated on one copy of the application and that copy returned to the applicant.
- 902.3 Upon written request from an owner or tenant, the Building Inspector shall issue a Certificate of Occupancy for any structure or use of land existing at the time of enactment of this Ordinance certifying, after inspection, the extent and kind of use made of the structure and whether such use conforms to the provisions of this Ordinance. Such Certificate shall be issued without charge within 6 months of the enactment of this Ordinance for any non-conforming use or structure.
- 902.4 A record of all Certificates shall be kept on file by the Building Inspector and copies shall be furnished to any person having a proprietary or tenancy interest in the structure in question. A monthly report of Certificates of Occupancy issued shall be filed with the Tax Assessor.
- 902.5 The Building Inspector may issue a temporary Certificate of Occupancy for a use of land or a structure which is related to the development of a permitted use or property. Such permit may be issued for a period of 6 months, and no more than one 6-month extension may be granted.

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902.6 FEES. A fee of \$5.00 shall be paid for each Certificate of Occupancy at the time application is made or duplicate Certificate issued, except as noted in 902.3 above.

**ARTICLE X VIOLATIONS**

**§ 1000 Penalties for Violation.**

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of the provisions of this Ordinance or any order, decisions or determination by the Board of Adjustment shall be subject to upon conviction thereof, a fine of not more than two hundred (\$200.00) for each offense. Each and every day that a violation continues shall constitute a separate offense.

**§ 1001 Action Instituted by City Attorney or Building Inspector.**

In case any building or structure is, or is intended to be erected, constructed, reconstructed, altered, or converted, or any building or structure is, or intended to be used in violation of, or contrary to the provisions of this Ordinance, the Building Inspector may issue a stop order or may issue a violation notice requiring appearance in answer to the notice in municipal court. In addition, the City attorney may, when authorized by the governing body and in addition to other remedies set forth in the Statutes of the State of New Jersey and in this Ordinance, institute an action to enjoin, or any other appropriate action or proceeding, to prevent such erection, construction, reconstruction, alteration, conversion to use.

**ARTICLE XI**

**DISTRICT CHANGES AND ORDINANCE AMENDMENTS**

**§ 1100**

The City of Lambertville may from time to time amend or change by Ordinance the number, shape or area of districts established on the Zoning Map and other regulations set forth in this Ordinance in accordance with Revised Statutes 40:55-34, 40:55-35 and 40:55-53, as amended.

## **ARTICLE XII**

### **VALIDITY**

#### **§ 1200**

If any section, paragraph, clause, sentence, or provision of this Ordinance shall be adjudged by the courts to be invalid, such judgement shall not affect, impair, invalidate or nullify this Ordinance as a whole or any part thereof, other than the part immediately involved in the controversy in which such judgement or decree shall be rendered.

## **ARTICLE XIII**

### **AUTOMATIC REPEAL OF CONFLICTING ORDINANCES**

#### **§ 1300**

Any and all Ordinances or parts thereof in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent, provided, however that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinances of the City of Lambertville.

## **ARTICLE XIV**

### **EFFECTIVE DATE**

#### **§ 1400**

This Ordinance shall take effect immediately upon passage and publication in the manner provided by law.

[Revised through April 16, 2001]