

**City of Lambertville
County of Hunterdon
State of New Jersey**

Zoning Ordinances

This is an unofficial codification and includes:

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Revised April 16, 2001

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AN ORDINANCE TO LIMIT AND RESTRICT TO SPECIFIED DISTRICTS OR ZONES, AND TO REGULATE THEREIN, BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE, AND THE NATURE AND EXTENT OF THE USE OF LAND IN THE CITY OF LAMBERTVILLE IN THE COUNTY OF HUNTERDON AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS HEREIN CONTAINED AND FIXING PENALTIES FOR THE VIOLATIONS THEREOF.

ARTICLE I

TITLE AND PURPOSE

§ 101 Short Title.

This Ordinance shall be known and may be cited as the "City of Lambertville Zoning Ordinance."

§ 102 General Intent.

The intent of this Ordinance is to establish a precise and detailed plan for the use of land in the City of Lambertville based on the Master Plan for the City of Lambertville and enacted in order to promote and to protect the public health, safety, morals, comfort, convenience and the general welfare of the people. This Ordinance is intended to regulate the use of land within zoning districts, promote orderly development, preserve the character of certain districts, regulate intensity of use and the location of buildings, establish standards of development, prohibit incompatible uses, regulate the alteration of existing buildings, limit congestion in the street, protect against hazards and conserve the taxable value of land. In furtherance of the intentions of this ordinance the City has been divided into districts which implement the intentions stated above.

§ 103 Interpretation of Standards.

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the public health, safety, and welfare. Where this Ordinance imposes a greater restriction than is imposed and required by other provisions of the Code of the City of Lambertville,

county, state, or federal government, the provisions of this Ordinance shall control. Where such other laws, ordinances, rules, regulations, or resolutions require greater restrictions than are imposed by this Ordinance, the provisions of such other laws, ordinances, rules, regulations, or resolutions shall control.

§ 104 Prohibited Uses.

All uses not expressly permitted in this Ordinance are hereby prohibited.

§ 105 Time of Compliance.

All applicable requirements shall be met at the time of erection, enlargement, alteration, moving or change in use of the principal use and shall apply to the entire structure or structures whether or not the entire structure or structures were involved in the erection, enlargement, alteration, moving or change in use.

§ 106 Proposed Public Dedications.

Approval of final plans by the Planning Board or Zoning Board of Adjustment, as the case may be, shall constitute an acceptance of proposed dedications for streets, parks, and other public uses or purposes. Nonetheless, such approval shall not constitute an acceptance of physical improvements on such dedicated land and shall not impose on the City any obligation of jurisdiction or maintenance of such improvements. The acceptance of such physical improvements shall only be by action of the City Council in accordance with *N.J.S.A. 40:55D-53*.

§ 107 Public Notice for Variances.

Public notice shall be given for applications otherwise excepted from the requirements of public notice whenever variance relief is requested.

§ 108 Expiration of Variances.

In the event a variance is granted for an application exempt from the requirements of site plan or subdivision review, the applicant shall secure a building permit, or, in the case where no building permit is required,

a certificate of occupancy, within one year from the date of approval; otherwise the granting of the variance shall be deemed null and void. In the event a variance is granted for a bifurcated application for development, the applicant shall apply for site plan or subdivision approval within one year of the date of approval of the variance; otherwise the granting of the variance shall be deemed null and void. The Board of Jurisdiction may extend the grant of the variance for a period of up to one year if the applicant proves to the reasonable satisfaction of the Board that the applicant was barred or prevented, either directly or indirectly, from obtaining a building permit, or, in the case where no building permit is required, a certificate of occupancy within the one year time period from the date of approval.

§ 109 Date of Approval.

The time period for the effect of approval shall begin with the date of the adoption of the resolution memorializing such approval of the subject application by the Board of Jurisdiction.

§ 110 Conformance with Regulations.

No building shall be erected and no existing building shall be moved, altered, enlarged, or rebuilt, nor shall any land be designed, used or intended to be used for any purpose other than as permitted within the zoning districts so described by this Ordinance, nor shall any open space or yard area be encroached upon or reduced in any manner except in strict conformity with the regulations contained herein.

§ 111 Subdivision and Site Plan Approval Required.

Except as otherwise exempted (*see* §516), no building permit shall be issued for any building or use or enlargement of any building or use unless a site plan is first submitted and approved by the City of Lambertville Planning Board or Zoning Board of Adjustment as the law directs. No subdivision of land shall be valid unless a plat is first submitted and approved by the City of Lambertville Planning Board or Zoning Board of Adjustment and filed with the County Recorder of Deeds.

ARTICLE II

DEFINITIONS

§ 200 Word Usage.

Any word or term not defined herein shall be as defined in the Municipal Land Use Law, *N.J.S.A.*, 40:55D-1 et seq., or shall be utilized in standard usage for the context in which the word is used. For the purposes of this Ordinance certain terms and words are herein defined as follows: The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words used in the singular number include the plural number and vice versa; the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used"; the word "dwelling" includes the word "residence" or "unit"; the word "lot" includes the word "plot" or "parcel"; the word "shall" is mandatory and "may" is permissive.

§ 201 Definitions.

Definitions identified with the initials "MLUL" are taken from the Municipal Land Use Law (*N.J.S.A.* 40:55D-1 et seq.). "RSIS" means the definition was taken from the Residential Site Improvement Standards (*N.J.A.C.* 5:21 et seq.). The following definitions shall have the meanings indicated:

ACCESSORY APARTMENT: *See* DWELLING, ACCESSORY APARTMENT.

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building or structure on the same lot and serving a purpose customarily incidental to the use of the principal building.

ADDITION: The construction of a new improvement which changes the exterior appearance of a building or structure which comprises an existing improvement.

ADMINISTRATIVE OFFICER: The Zoning Officer of the City of Lambertville or designee for purposes of enforcing the provisions of this Ordinance; the Secretary of the Planning Board or Zoning Board of Adjustment for purposes of application to the respective Boards, who are responsible for administering the responsibilities and authorities specified for the Administrative Officer in *N.J.S.A. 40:55D-3*.

AGE-RESTRICTED DEVELOPMENT: A residential development including accessory buildings and required or permitted social, cultural, medical and recreational facilities limited to certain age groups conforming to 24 CFR Part 100 Subpart E, *Housing for Older Persons*, of the federal Fair Housing Amendments Act of 1988, as it may be amended or superseded.

AIR SAFETY AND HAZARD ZONE: Any such district delineated pursuant to *N.J.S.A. 16:62-6*.

ALTERATION, STRUCTURAL: Any change in the supporting members of a building such as walls, posts, piers, columns, beams or girders.

APARTMENT: See DWELLING UNIT.

APPLICANT: A developer submitting an application for development. [MLUL]

APPLICATION FOR DEVELOPMENT: The application or appeal forms, together with the required fees and all accompanying documents required by this ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction for issuance of a permit pursuant to *N.J.S.A. 40:55D-34* or *N.J.S.A. 40:55D-36*. [MLUL]

AS-BUILT PLAN: For the purpose of applications for development, a survey by a New Jersey licensed land surveyor that indicates improvements on, above, and below the ground after construction pursuant to a final site plan or subdivision approval and, for the purpose of building construction, a survey by a New Jersey registered architect which certifies the location of building components and their dimensions precedent to the issuance of a Certificate of Occupancy.

ASSISTED LIVING FACILITY: A facility which is licensed by the NJ Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available

when needed, for four or more adult persons unrelated to the proprietor. In the context of this definition, "apartment" shall mean a dwelling unit offering at a minimum, one unfurnished room, private bathroom, kitchenette, and a lockable door on the unit entrance.

AUTO BODY SHOP: An establishment that repairs and repaints motor vehicles after collision, fire damage, water damage, or other natural disaster or for the purpose of restoration.

AUTOMOBILE SALES: The use of any building, land or other property for the display and sale of new and used automobiles, light trucks and vans, trailers or recreational vehicles and including vehicle preparation, repair and auto body work as accessory uses.

AUTOMOBILE WRECKING: An establishment that recycles parts and other materials from motor vehicles or otherwise disposes of same.

AWNING: A roof-like cover that is temporary or movable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and that may be periodically retracted against the face of the building.

BAR: Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BASEMENT: A story having more than 25 percent of its clear height below the average finished grade.

BED AND BREAKFAST: A facility providing limited overnight accommodations with a morning meal to transients for compensation.

BILLBOARD: *See* SIGN, OFF-PREMISE COMMERCIAL.

BOARDING HOUSE: Any building, together with any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services, including meals, are provided to the

residents.

BUFFER: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to continuously limit view of and/or sound from the site to adjacent sites or properties; also termed a buffer yard.

BUILDING: A combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof. [MLUL]

BUILDING, COMMUNITY: A building for civic, social, educational, cultural and recreational activities of a neighborhood or community not operated primarily for monetary gain.

BUILDING COVERAGE: The horizontal square footage or other area measurement by which all buildings occupy a lot as measured by a vertical plane established by the outside edge of the roof or roofs.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the finished grade at a point five feet away from the front of the building to the top of the roof surface for flat and mansard roofs, and to the vertical midpoint between the base of the roof and its peak for gable, hip, and gambrel roofs.

CAMPER: Any of the following:

- A. A self-propelled, vehicular structure built as one unit on a chassis and designed for temporary living for travel, recreation, vacation or other short-term uses which may contain cooking, sleeping, and sanitary facilities.
- B. An immobile structure containing cooking and sleeping facilities for travel, recreation, vacation or other short-term uses and designed to be attached to the body of another vehicle for transporting from one location to another.
- C. A portable, vehicular structure built on a chassis, designed for camping, the body of which is basically rectangular with a flat top not more than

4 feet above the surface of the ground. The camper is designed to have a temporary tent erected above the body for camping activities.

- D. A portable structure built on a chassis designed for towing and as temporary dwelling for travel, recreation, vacation and other short-term uses and having an outside body width not exceeding 8 feet and a length not exceeding 30 feet, and which may contain cooking, sleeping and sanitary facilities.

CANOPY: A roof-like structure, open to the elements on four sides, which is used to protect outdoor equipment, such as motor fuel pumps or a pedestrian walkway.

CARPORT: An attached or detached accessory building designed for the storage of motor vehicles and constructed primarily as an open building with only a roof and the necessary supporting columns and of an area between the columns not to exceed 300 square feet.

CAR WASH: Any building or premises or portions thereof used for washing automobiles, light trucks and vans for compensation.

CELLAR: A story have more than 25 percent of its clear height below the average finished grade.

CLINIC: A place where patients are treated or studied by physicians specializing in various ailments and practicing as a group.

CLUB, SOCIAL OR FRATERNAL: A private organization for social purposes in which the principal use is in enclosed buildings and limited outdoor sports are involved.

COMMERCIAL MESSAGE: Any sign wording, logo, figure, symbol, color, illumination, fixture, projection, or other representation that, directly or indirectly, names, advertises, or calls attention to a business product, service, or other commercial activity.

COMMERCIAL VEHICLES: Vehicles used in the conduct of business, retail, service or industrial purposes.

COMMON OPEN SPACE: An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development. [MLUL]

CONVENIENCE STORE: A retail store which sells a limited variety of prepackaged sundries, dry goods and food, with hours of operation generally from 7:00 a.m. to 11:00 p.m. or longer and usually not larger than 4,000 square feet.

COOPERATIVE: A building or buildings divided into individually attended exhibit space or artisan's booths rented, leased, or in the form of shares in a cooperative enterprise, with shared common facilities.

DENSITY: The permitted number of dwelling units per gross area of land to be developed [MLUL]; gross density.

DESIGN GUIDELINES: Instructions that provide a general framework for sound planning and improvements to real property.

DESIGN STANDARDS: Regulations that set forth specific improvement requirements. [RSIS]

DISTRICT: The zoning districts per this Ordinance pertaining to any part of the territory of the City of Lambertville.

DRIVEWAY: A defined paved or unpaved surface providing vehicular access to a street. A driveway is not a road, street, boulevard, highway, or parkway. [RSIS]

DWELLING: A room or series of connected rooms designed for permanent human habitation containing living, cooking, sleeping and sanitary facilities for one housekeeping unit.

DWELLING, ACCESSORY APARTMENT: A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters, and a private entrance, which is created within an existing residence, or through the

conversion of an existing accessory structure on the same lot, or by an addition to an existing residence or accessory building.

DWELLING, APARTMENT: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling in a building comprising three or more such units.

DWELLING, DUPLEX: A building on a single lot containing two dwelling units each of which is totally separated from the other, one of which is wholly or partially above the other, with separate entrances at the ground level.

DWELLING, EFFICIENCY: A unit in an apartment house consisting of one room with additional bath and cooking facilities separated from such room by a permanent wall and folding or sliding doors respectively.

DWELLING, MULTI-FAMILY: A building containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other with their own cooking, sanitary and sleeping facilities.

DWELLING, ROW HOUSE: *See* TOWNHOUSE DWELLING.

DWELLING, SEMI-DETACHED: A single family unit attached to one other such unit on one side by a common unpierced vertical wall from ground to roof on its own separate lot.

DWELLING, SINGLE FAMILY DETACHED: A building physically separated from other buildings or portions of buildings which is occupied or intended to be occupied for residential purposes by one family. For the purposes of this Ordinance, the development of an accessory apartment as otherwise permitted shall be included in this definition.

DWELLING, TOWNHOUSE: A single family dwelling in a row of 3 or more such units separated from one another by an unpierced vertical wall from ground to roof.

ECHO (Elder Cottage Housing Opportunities) HOUSING: A small, removable modular cottage placed on a concrete slab or treated wood foundation in a rear or side yard of a single family detached house lot specifically designed to meet

the needs of older or disabled people, connected to the utilities of the primary dwelling, and designed to be removed when it is no longer necessary.

EXAMINATION ROOM: Any room wherein special equipment may be installed for use in the examination or treatment of a patient as distinguished from a waiting room, counseling room or offices of such practitioner.

FACADE AREA - The total area of the exterior face of a building including walls, windows, doors, and fixtures below the top of the parapet of a building with a flat roof, the cornice line of a building with a gambrel, gable, or hip roof, or the upper slope line of a building with a mansard roof, that faces a public street, pedestrian walkway, or mall.

FAMILY: One or more persons occupying a dwelling unit as a single household, who are living together as a stable and permanent living-unit, being a traditional family or the functional equivalent thereof.

FARM MARKET: A permanent enclosed building typically operated seasonally where products primarily grown or produced locally are sold.

FIRE LANE: Any right-of-way on private property to permit access by emergency vehicles. Fire lanes shall be kept open and clear of all vehicles or other objects.

FIRST FLOOR AREA: First floor area shall be measured by using the outside dimensions of the residential portion of a building excluding the area of an attached garage. For a split level or tri-level dwelling, the area shall be considered to be the sum of the areas of two adjoining levels, excluding cellars and garages.

FUTURE STREET RIGHT-OF-WAY: The right-of-way of a street as shown on the adopted Master Plan, or fifty feet, whichever is greater.

GARAGE, PRIVATE: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the main building to which the garage is accessory, and wherein not more than one space is either rented to persons not residents of the lot or not more than one commercial vehicle not to exceed two (2) tons in net weight.

GAS STATION: *See* SERVICE STATION

GROSS FLOOR AREA: Gross floor area shall be measured by using the outside dimensions of the building, excluding the area of an attached garage, open porch or patio and further excluding the area used as a basement. Only those floor areas which have a ceiling height of seven feet or more shall be eligible for inclusion in the gross floor area. The gross floor area of an apartment dwelling unit shall be measured from the center of interior walls and the outside of exterior walls and shall include closets, bathrooms and hallways within the dwelling unit in addition to the area of all other rooms within the dwelling unit.

GROUP HOME: A profit or nonprofit boarding home for the sheltered care of four or more adult persons, providing personal care or service in addition to food and shelter.

GUEST HOUSE: *See* ROOMING HOUSE.

HABITABLE ROOM AREA: The floor area within a residential structure to be used for habitation excluding cellars, attics, utility (heating and cooling) rooms and garages and open porches and, in apartment houses, excluding common hallways.

HEAVY INDUSTRIAL: Industry where the type of activities customarily produce nuisance or dangerous elements and where the type of work is oriented to the primary manufacturing of a product.

HOME OCCUPATION: An activity carried out for gain by a resident, conducted entirely within a dwelling unit, which occupation is clearly incidental and secondary to the use of the lot for residential purposes, pursuant to the criteria in §520.

HOSPITAL: An institution where the ill or injured may receive medical, surgical or psychiatric treatment, nursing, food, and lodging during illness.

HOTEL: A building which: a) contains guest rooms, each having its only access from a central interior corridor which is designed or intended to be used, let, or hired out for compensation, b) contains a public lobby serving the guest rooms, c) may contain one or more dining rooms or ancillary uses, and d) has full-time on-site management.

HOUSE OF WORSHIP: A building used for religious purposes.

HOUSEHOLD: A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water such that the rate of infiltration is less than one inch in 2 hours. For the purposes of this Ordinance, detention and retention basins and dry wells shall not be considered impervious surfaces; however graveled areas shall be considered impervious surfaces.

IMPERVIOUS SURFACE RATIO: The total area of impervious surfaces divided by the total site area.

JUNK YARD: Any area of land with or without buildings, regardless of size, devoted to the storage, keeping or abandonment of junk or debris, including by way of illustration but not of limitation; abandoned automobile tires, automobile parts, paper, rags, metal, glass, or plastic containers, old household appliances, wood, lumber, brush, and any stumps or any other debris of any material whatsoever.

LIGHT MANUFACTURING: Manufacturing or assembly of semi-finished products, not including chemical or physical change of raw materials into products.

LOADING SPACE: An off-street space or berth on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, according to criteria established in this Ordinance.

LOT: A designated parcel, tract, or area of land established by plat or otherwise permitted by law and to be used, developed, or built upon as a unit. [MLUL]

LOT AREA: The area contained within the lot lines of a lot but not including any portion of a street.

LOT, CORNER: A lot on the junction of and abutting on two or more

intersecting streets where the interior angle of intersection does not exceed 135 degrees. See §603.

LOT COVERAGE: The total area covered by impervious surfaces on a property, including but not limited to, buildings, surfaced or unsurfaced parking areas, driveways, sidewalks, patios, pools and decks.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, FLAG: A lot located to the rear of another lot, connected to the public street frontage common to both lots by a narrow strip of land.

LOT FRONTAGE: The horizontal distance between side lot lines measured along the street line.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: Any line forming a portion of the exterior boundary of a lot.

LOT LINE, FRONT: The lot line abutting a road right-of-way, the **STREETLINE**.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line or the point at which the two (2) side lot lines meet, as the case may be.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT WIDTH: The horizontal distance between the side lot lines measured along the front setback line.

MANUFACTURED HOME: A unit of housing which:

- A. Consists of one or more transportable sections which are substantially constructed off-site and, if more than one section, are joined together on site; or
- B. Is built on a permanent chassis; or

- C. Is designed to be used, when connected to utilities, as a dwelling on a permanent foundation; and
- D. Is manufactured in accordance with the standards promulgated for a manufactured home pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," P.L. 93-383 (43 U.S.C. and 5401 et seq.) and the standards promulgated for a manufactured mobile home pursuant to the "State Uniform Construction Code Act," N.J.S.A. 52:27D-119 et seq.

For purposes of this Ordinance, campers are not considered manufactured homes.

MOBILE HOME: *See* MANUFACTURED HOME.

MOTEL: A building or group of buildings which: a) provides for transient guest rooms with outside entrances, b) has a public lobby, and c) may contain one or more dining rooms.

NON-CONFORMING LOT: A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment. [MLUL]

NON-CONFORMING STRUCTURE: A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment. [MLUL]

NON-CONFORMING USE: A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment. [MLUL]

NUISANCE: Any practice which annoys, disturbs or interferes with one in the possession and enjoyment of his property, rendering its reasonable use or occupation physically uncomfortable, e.g.: excessive noise, noxious odors, electronic radiations, vibrations, smoke discharge, glare, improper drainage, etc.

NURSING HOME: An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

OFF-STREET PARKING SPACE: A temporary storage area for a motor vehicle that is directly accessible to an access aisle only and that is not located on a dedicated street right-of-way.

OFF-STREET LOADING SPACE: A temporary loading area for a truck or delivery van that is directly accessible to an access aisle, and that is not located on a dedicated street right-of-way.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land. [MLUL]

OPEN SPACE ORGANIZATION: An incorporated, non-profit organization operating in a planned development under recorded land agreement through which:

- A. Each owner is automatically a member;
- B. Each occupied dwelling unit is automatically subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance, including any maintenance costs levied against the organization by the Township; and
- C. Each owner and tenant has the right to use the common property.

OWNER: Any individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest in the land.

PARKING AREA AISLES: Unobstructed access to parking stalls.

PARKING LANE: A lane usually set on the sides of streets, designed to provide on-street parking. [RSIS]

PARKING SPACE: A storage area provided for the parking of a motor vehicle. [RSIS]

PATIO: A level, landscaped and/or surfaced area at grade directly adjacent to a principal building; an unroofed porch.

PAVEMENT: A surface created to facilitate passage of people and/or vehicles, usually constructed of brick, stone, concrete, or asphalt. [RSIS]

PERMITTED USE: Any use of the land or building as permitted by this Ordinance.

PERSONAL SERVICES: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

POOL: *See* SWIMMING POOL.

PROFESSIONAL OFFICE: Offices of a recognized profession maintained for such purpose.

RECREATION, ACTIVE: Leisure time activities, usually of a formal nature with a set of sanctioned rules and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields; including, but not limited to, court games, swimming, track and field events, golf, playground activities, and field sports.

RECREATION, PASSIVE: Leisure time activities not involving formal rules of play or action with lesser physical activity than active recreation; including, but not limited to, bird watching, walking, picnicking, and sunbathing.

RESTAURANT: Any establishment, however designated, at which food is sold for consumption on the premises excluding however, a snack bar or refreshment stand at a public or community swimming pool, playground, play field, or park operated in conjunction with and incidental to such recreational facility for the sole convenience of patrons of the facility.

RESTAURANT, DRIVE-IN: A restaurant at which any food or refreshment are customarily served to or consumed by any patrons seated in automobiles or otherwise off the premise whether or not, in addition thereto, seats or other accommodations are provided for patrons.

RESTAURANT, FAST-FOOD: A public eating facility where patrons purchase food while within the physical premises of the restaurant or from a drive-thru window, which is obtained by self-service or from an employee of the establishment over a counter, for consumption either within the establishment or away from the premises.

RETAIL SALES: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL SERVICES: Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement and recreation services, health, educational, and social services, museums and concert halls, except as otherwise prohibited by this Ordinance.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. [RSIS]

ROOMING HOUSE: Any building, together with any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents.

SERVICE STATION: Land and building designed and used for providing for the sale of fuel, lubricants, and automotive accessories and for providing maintenance and minor repairs for motor vehicles, but not including body repairs or, under any circumstances the storage of inoperable or wrecked vehicles.

SETBACK LINE: A line drawn parallel with a street line or lot line and drawn

through the point of a building nearest to the street line or lot line. The term "required setback" means a line that is established a minimum horizontal distance from the street line or lot line and beyond which a building or part of a building is not permitted to extend in order to provide the required yards.

SHOPPING CENTER: One or more buildings or parts thereof, to be occupied and used by more than one enterprise for the conduct of business as an integrated and comprehensively planned area.

SIDEWALK: A concrete way provided for pedestrian use and usually located at the side of a cartway within the right-of-way.

SIGHT TRIANGLE: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. [RSIS]

SIGN: Any object, device, display, mural or structure, or a part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design symbols, fixtures, colors, illumination or projected images. This definition shall specifically include any building or part of a building, including walls and facades used for such purposes and shall further include banners, pennants, flags and similar attention attracting devices.

SIGN AREA: The area of the sign, exclusive of the supporting structure, which is used in calculating the square footage of the sign.

SIGN, AWNING: Any sign which is attached to or part of an awning.

SIGN, CHANGEABLE COPY - A sign designed in such a fashion that the message on the sign can be easily and periodically altered, typically with moveable lettering, and whose message does not change more than once a day.

SIGN, EXTERNALLY ILLUMINATED: Any sign whose sole source of artificial illumination is outside the display portion of the sign.

SIGN, FACADE: A sign fastened to or painted on the facade of a building or structure in such manner that the facade becomes the supporting structure for,

or forms the background surface of the sign, and which does not extend more than 12 inches from the supporting facade.

SIGN, FREESTANDING: Any sign not attached to a building, erected, constructed or maintained on a post or pole, or other bracing or supporting device, being used to support a sign.

SIGN HEIGHT: The highest spot at any one point on the sign measured from the grade level surrounding the sign.

SIGN, INTERNALLY ILLUMINATED: Any sign whose sole source of artificial illumination is contained within the display portion of the sign.

SIGN, OFF-PREMISE COMMERCIAL: A sign containing a commercial message which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the property on which the sign is located.

SIGN, OFF-PREMISE NON-COMMERCIAL: A sign that does not contain a commercial message which directs attention to an institution, government, or non-profit corporation and their policies; or contains a message directed to the general public for health, safety and welfare purposes.

SIGN, PORTABLE: Any sign not permanently attached to the ground or other permanent structure; or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicles are used in the normal day-to-day operation of the business.

SIGN, PROJECTING: A sign perpendicular to a wall or facade which is attached to and extends more than 12 inches from the surface of a building.

SIGN, REAL ESTATE: A sign of an owner of real property or of a licensed real estate broker designating a property "for sale" or "for lease".

SIGN, RESIDENTIAL: A sign located in a district zoned for residential purposes that does not contain any commercial message except for goods or services

legally offered on the premises on which the sign is located.

SITE IMPROVEMENTS: Any construction work on, or improvement in connection with, residential development limited to streets, roads, parking facilities, sidewalks, drainage structures, and utilities. [RSIS]

SITE PLAN: A development plan of one or more lots on which is shown:

- A. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways; and
- B. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices; and
- C. Any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this ordinance. [MLUL]

SITE PLAN, MINOR: A development plan for one or more lots which:

- A. Proposes new development in accordance with the criteria established for minor site plans in this Ordinance;
- B. Does not involve planned development, any new street, or extension of any off-street improvement which is to be prorated pursuant to *N.J.S.A. 40:55D-42*; and
- C. Contains any other information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met. [MLUL]

SITE PLAN, MAJOR : Any site plan not classified as a minor site plan. [MLUL]

SITE PLAN REVIEW: The examination of the specific development plans for a lot including all pertinent data required in §516. Wherever the term site plan approval is used in this Ordinance, it shall be understood to mean a requirement

that the site plan be reviewed and approved by the Planning Board or Zoning Board of Adjustment.

STEEP SLOPES: Slopes over 15%.

STORY: That part of any building comprised between the level of one finished floor and the level of the next higher finished floor, or if there is no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams. The first story of any building shall be where more than 75% of the story is above the finished grade along the front of the building.

STREET: Any street, avenue, boulevard, road, parkway, viaduct, drive or other way meeting any of the following:

- A. Is an existing state, county or municipal roadway;
- B. Is shown upon a plat heretofore approved pursuant to law;
- C. Is approved by *N.J.S.A. 40:55D-1 et seq.*; or
- D. Is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street line. [MLUL]

STREET LINE: The edge of the existing or future street right-of-way, whichever would result in the widest right-of-way, as shown on the adopted master plan or official map, forming the dividing line between the street and a lot.

STREETSCAPE - All of the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marques, signs, and lighting.

STREET TREE: A tree in a public place, street, special easement or right-of-way adjoining a street constituting a large tree in size when mature.

STRUCTURE: A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land. [MLUL]

STRUCTURAL ALTERATION: Any change in the structural members of a building such as walls, columns, beams or girders.

SUBDIVISION: The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. Any of the following shall not be considered subdivisions within the meaning of this ordinance if no new streets are created:

- A. Divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are 5 acres or larger in size;
- B. Divisions of property by testamentary or intestate provisions;
- C. Divisions of property upon court order including but not limited to, judgements of foreclosure;
- D. Consolidation of existing lots by deed or other recorded instrument; and
- E. The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision". [MLUL]

SUBDIVISION, MINOR: Any division of land meeting all of the following criteria:

- A. Contains an aggregate of not more than three (3) lots (2 new lots and the remaining parcel);
- B. Does not involve a planned development.
- C. Does not involve any new street.

USE: Any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

USED CAR LOT: Any place out-of-doors where two or more used motor vehicles in operating condition are displayed or offered for sale.

VARIANCE: Permission granted to depart from the literal requirements of a zoning ordinance pursuant to *N.J.S.A. 40:55D-40b, -70c, and -70d*. [MLUL]

WAIVER: A deviation from a required submission item, performance standard, or design standard.

WATERFRONT COMMERCIAL: A specialized commercial use within the Central Business District on a minimum sized tract, planned as a single entity that may incorporate any use otherwise permitted, health and fitness facilities, conference facilities, banquet halls, night clubs, marinas or other water dependent uses, cultural facilities and similar uses into an integrated whole and with public access and orientation to the waterfront with significant amenities available to the general public.

YARD, FRONT: An open space, extending across the full width of the lot and lying between the street line and the building setback line. The depth of the front yard shall be measured horizontally at right angles from the street line, or radially on a curved street, to the building.

YARD, REAR: An open space extending the full width of the lot between the main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear line.

YARD, SIDE: An open space, extending from the front yard to the rear yard between the main building and each side lot line. The width of the required side yard shall be measured from the nearest point on the side lot line toward the nearest part of the main building.

ZONING OFFICER: The individual responsible for enforcement and interpretation of the zoning ordinance provisions of the City of Lambertville as designated by the City Council.

Zoning Ordinance

City of Lambertville • Hunterdon County

April 16, 2001


ZONING PERMIT: A document signed by the Zoning Officer: 1), which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building, and 2), which acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or variance therefrom duly authorized by a municipal agency. [MLUL]

ARTICLE III

ZONING DISTRICTS AND ZONING MAP

§ 300 Zoning Districts.

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

<u>Symbol</u>	<u>Zone</u>
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	Highway Commercial
C-3	General Commercial
	Residential Overlay Option 1 or 2

[Ord. 2001-15]

§ 301 Zoning Map.

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the City of Lambertville", dated February 20, 2001 and as it may be amended pursuant to law.

§ 302 Interpretation of Boundaries.

District boundary lines are intended to follow street center lines, water courses and lot or property lines as they exist at the time of enactment of this Ordinance unless otherwise indicated by dimensions on the Zoning Map. The exact location of any disputed district boundary line shall be determined by the Board of Adjustment.

§ 303 Vacation of Streets or Other Public Ways.

Where a vacated street is bounded on either side by different districts, the former center line of the vacated right-of-way shall be considered the new district line.

ARTICLE IV

ZONING

§ 400 General Regulations.

400.1 PRINCIPAL BUILDING; YARD AND LOT REGULATIONS. Unless otherwise specified in this Ordinance, not more than one principal dwelling or building shall be permitted on one lot. Where a lot is formed from part of a lot already occupied by a building, any subdivision shall be executed in such a manner so as to not create or exacerbate any violation of the requirements of this Ordinance with respect to the existing building and all yard, setback, buffers and open space in connection therewith. All resulting lots shall have dimensions consistent with the requirements of the zoning district in which they are located.

400.2 UNLAWFUL ENCROACHMENT. In the event of any unlawful encroachment or reduction of open space or yard area, the building or structure, as the case may be, shall be deemed in violation of the provisions of this Ordinance and the Certificate of Occupancy for such building or structure shall be null and void.

400.3 EXCEPTION FOR CERTAIN UTILITIES AND OTHER INFRASTRUCTURE. The provisions for review by a board of competent jurisdiction shall not apply to utility distribution or collection lines for water, sewerage, storm water, natural gas, and electric, nor telephone, and cable television or other telecommunications lines supplied by a public or local utility, or cable television company which are located in a public street providing service to private property. The location of substations, offices, service yards, or other similar uses shall require the review and approval of the Board of Jurisdiction.

400.4 FRONTAGE ON PUBLIC STREET. Every principal use shall be located on a lot with frontage upon a public street which has been improved in accordance with the applicable City standards or for which such improvement has been insured by the posting of a performance guaranty in accordance with this Ordinance.

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400.4 FRONTAGE ON PUBLIC STREET. Every principal use shall be located on a lot with frontage upon a public street which has been improved in accordance with the applicable City standards or for which such improvement has been insured by the posting of a performance guaranty in accordance with this Ordinance.

400.5 DEDICATION OF RIGHT-OF-WAY. No subdivision or site plan involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map and the street requirements of the City shall be approved unless such additional right-of-way, either along one or both sides of said street(s), as applicable, shall be deeded to the municipality or other appropriate governmental agency.

400.6 YARDS. No open space provided around any principal building for the purposes of complying with the front, side, or rear yard requirements of this Ordinance shall be considered as providing for the required yard areas of another principal building.

400.7 SPECIAL MINIMUM SETBACK REQUIREMENTS.

- A. Residential Lots. In order to maintain positive lot drainage, no detached dwelling, accessory building or structure (excluding fences and walls), or driveway otherwise permitted in this Ordinance shall be located within 5 feet of a side or rear lot line unless a lot grading plan is first submitted and approved by the City Engineer.
- B. Transmission Lines. No residential building shall be placed within 100 feet of the vertical plane established by the closest portion of a high voltage transmission line (excluding its support), or 150 feet from any underground petroleum or natural gas transmission pipeline.
- C. Limited Access Highways. No residential building shall be placed within 150 feet of the right-of-way line of a limited access highway.
- D. Delaware and Raritan Canal Buffer. Any required yard or required setback shall be measured from the closest edge of any buffer required by the Delaware and Raritan Canal Commission.

400.8 HEIGHT EXCEPTION. Penthouses or roof structures for the housing of elevators, stairways, ventilating fans, air conditioning equipment, or similar equipment required to operate and maintain

the building; roof towers, spires, steeples, flagpoles, chimneys, smokestacks, monuments, silos, or similar structures may be erected above the height limits prescribed by this Ordinance but in no case more than 25 percent higher than the maximum height permitted in the applicable district. Water towers, electricity transmission and telecommunications towers shall have no height restrictions except as may be required by the Airport Safety and Zoning Act of 1983 (*N.J.S.A. 6:1-80 et seq.*) as it may be amended or superseded.

400.9 EXCEPTION TO AREA REQUIREMENTS.

- A. Lot Consolidation. Whenever title to two or more contiguous unimproved lots is held by the same owner, regardless whether or not each lot may have been approved as portions of a major subdivision, or acquired by separate conveyance or by other operation of law, and one or more lot(s) should, by reason of exceptional narrowness, shallowness, topographical conditions, substandard area or yard space, not conform with the minimum lot area and dimension requirements for the zone in which it is located, the contiguous unimproved lots shall be considered as a single lot and the provisions of this Ordinance shall apply to the entire lot.
- B. Right-of-Way Dedication. Whenever land has been dedicated or conveyed to the City by a lot owner to meet the minimum street width requirement of the Land Subdivision Ordinance or to implement the Official Map or Master Plan of the City, the Administrative Officer shall issue the appropriate permits for the lot whose areas are rendered substandard in area only because of such dedication and where the owner has no other unimproved adjacent lands to provide the minimum requirements.
- C. Side Yard Exception. Undersized lots where §400.9.A is not applicable may be permitted a reduction in the side yard requirements in the same proportion as the width of the existing lot is to the minimum requirements of this Ordinance. However, in no case shall any side yard be less

than 5 feet.

400.10 TEMPORARY USES.

Application may be made to the City Council for a permit for a temporary use inconsistent with the provisions of this Ordinance for special events lasting for a period not to exceed two weeks in any one year. Such events may include, but not be limited to, festivals, circuses, bazaars, fairs, fund-raising events, and athletic contests. In the granting or denial of such temporary use permit the City Council may consider the following:

- A. The adequacy of provisions for public safety, including, but not limited to, fire prevention, crowd control, and emergency medical services.
- B. The adequacy of provisions for vehicular and pedestrian traffic control, including ingress and egress, parking, attendants and temporary traffic signage.
- C. The adequacy of provisions for food handling, solid waste, and sanitary sewerage.
- D. The sufficiency of insurance for the event.
- E. Any other measures necessary to protect the public health, safety, and welfare.
- F. The City Council may impose reasonable conditions on the issuance of any temporary use permit including, but not limited to, the posting of adequate surety and the reimbursement of expenses incurred by the municipality for the event.

§ 401 Residential - Conservation (R-C) District.

401.1 PURPOSE. The purpose of the Residential - Conservation (R-C) District is to allow very low density single family detached housing in areas with severe flooding potential, poor access, and a lack of public water and sewer. The large lots required in this district are to reduce the potential for destruction of property or endangerment of the public and to allow dwellings to be located on the land least constrained by environmental factors.

401.2 PERMITTED USES. In the Residential - Conservation zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- A. Single family detached dwelling.
- B. Parks and recreation.
- C. Conservation.
- D. Municipal use.

401.3 ACCESSORY USES. Any of the following accessory uses may be permitted when used in conjunction with a principal use:

- A. Private garage.
- B. Boat house and boat ramp.
- C. Residential tool shed.
- D. Residential swimming pool.
- E. Deck.
- F. Home occupations, pursuant to §520.
- G. Fences and walls, pursuant to §507.
- H. Signs, pursuant to §515.

I. Public recreation facility.

J. Community center.

401.4 AREA, YARD, HEIGHT AND COVERAGE REQUIREMENTS. The following regulations shall apply to each lot:

A. Minimum lot size: 3 acres

B. Minimum lot frontage: 15 feet or adequate legal means of access to the satisfaction of the approving authority.

1. Minimum lot width at building line: 100 feet

2. Minimum lot depth: 200 feet

3. Minimum setbacks:

a. From any lot line: 50 feet

b. From the mean high water level of the Delaware River: 100 feet

4. Maximum height: 35 feet

5. Maximum lot coverage: 10% of total lot area.

401.5 ADDITIONAL REQUIREMENTS. Any building excepting boat houses shall be so sited on the lot to minimize its observance from the Delaware River.

§ 402 Residential Low Density (R-L) District.

402.1 PURPOSE. The purpose of the Residential Low Density (R-L) District is to provide for single family detached dwellings at densities between 1.3 units per acre and three acres per unit. The R-L district is characterized by areas of steep slopes; freshwater wetlands; streams; shallow, stony soils; and shallow depth to bedrock that present difficult sites to develop. Because of these characteristics, clustering of residential units on the least constrained land is preferred over conventional development.

402.2 PERMITTED USES. In the Residential Low Density zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- A. Single family detached dwellings.
- B. Public, parochial and non-profit private schools for academic instruction.
- C. Parks and recreation.
- D. Conservation.
- E. Municipal use.
- F. Cemetery.
- G. Residential Option 1 Overlay District [Ord. 2001-15]. Within those lands marked as Residential Option 1 Overlay District on the Zoning Map, an application for development may be submitted under the regulations of this subsection. The intent of this optional district is to create an architecturally diverse urban neighborhood in an open space setting. Such development shall be subject only to the specific provisions set forth herein and shall not be subject to other provisions of this Ordinance except as specifically referenced herein:

1. 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.
2. Restriction on conditional uses. No development utilizing the provisions of the Residential Option 1 Overlay District shall include any conditional use permitted in §402.4.
3. General regulations. The following general regulations shall apply to any Residential Option 1 Overlay District. development:
 - a. Minimum tract size: 45 acres
 - b. Maximum density: 2.32 units per gross pre-development acre
 - c. Minimum tract frontage: 500 feet
 - d. Minimum open space: 45% of total tract area
 - e. Minimum tract perimeter setbacks for buildings, above-ground structures and parking areas from tract boundary line:
 - (1) Building and above ground structures: 50 feet side and rear property lines; 200 feet from existing streets
 - (2) Entrance structures: 10 feet
 - (3) Parking lot setback: 25 feet
 - f. Buildings shall be separated the following

minimum distances measured from their closest points:

- (1) Front of building to another building: 50 feet
- (2) Side of building to another building: 30 feet
- (3) Rear of building to another building: 40 feet
- (4) Accessory buildings shall not be located within 25 feet of another building, excepting private garages.

g. Units in structure. No more than six dwelling units shall be permitted in any one structure.

h. All development shall be served by public water and public sanitary sewer.

4. Area, Yard, Height and Coverage Requirements. The following regulations shall apply to each lot in the Residential Option 1 Overlay District:

Use	Single Family Semi-Detached Dwelling	Townhouse Dwelling
Minimum lot size	2,250 sf.	2,250 sf.
Minimum lot frontage	30 ft.	30 ft.
Minimum lot width at the building line	30 ft.	30 ft.
Maximum building coverage	55%	60%
Maximum lot coverage	75%	80%

Use	Single Family Semi-Detached Dwelling	Townhouse Dwelling
Principal Building Minimum Yard Depths and Height Limitations		
Front Yard	20 ft.	20 ft.
Side Yard	0 ft., common wall; 10 ft. otherwise	0 ft., common wall; 10 ft. otherwise
Rear Yard	15 ft.	15 ft.
Maximum Height	35 ft. or 2 ½ stories, whichever is less	35 ft. or 2 ½ stories, whichever is less
Accessory Building Minimum Yard Depths and Height Limitations ⁽¹⁾		
Front Yard	N.P.	N.P.
Side Yard	3 ft.	3 ft.
Rear Yard	3 ft.	3 ft.
Maximum Height	12 ft.	12 ft.

(1) - Applies to accessory buildings associated with individual dwellings on fee simple lots.

N.P. = Not a permitted location.

5. **Additional Requirements.** The following additional requirements shall apply to Residential Option 1 Overlay District developments:

- a. Each dwelling shall have a private rear yard of 200 square feet minimum.
- b. A minimum of 200 square feet of storage shall be provided in the basement, attic or other attached area for each dwelling exclusive of bedroom closet space.
- c. Decks shall conform to the requirements of §405.6.E, except that no privacy screen shall be required. No second floor or higher deck shall be permitted unless the rear yard abuts the tract perimeter or common open space.
- d. Landscaping design intent. Landscaping for

Residential Option 1 Overlay District developments is intended to create a transition between an urban streetscape and a natural, wooded landscape. To accomplish this, the following should be adhered to:

- (1) An urban streetscape shall include street tree plantings and a delineation between the public rights-of-way and private yards. Delineation may include landscaping, walls or fences consistent with this design intent. Additionally, foundation planting plans, ornamental trees for each individual unit, naturalized plantings of storm water management areas, and enhanced landscaping around any amenity features, such as entries or community-wide accessory structures, shall be included in the design of the overall landscape plan.
- (2) The landscaping plan shall also be sensitive to the woodland setting in which the new development occurs. The standards offered below shall therefore be followed to the extent reasonably possible:
 - (a) Landscaping shall be provided to soften the visual impact of the buildings. Landscape buffers, including evergreen trees, shall be planted to minimize views of rear yards from Route 29.
 - (b) All plants shall be tolerant of specific site conditions. The use of indigenous species is strongly encouraged. Exotic, non-native

invasive plant species are strongly discouraged.

- e. Additional landscaping requirements. No other Ordinance provisions relating to landscaping shall apply under Residential Option 1 Overlay District except for the recommended plants and plant material specifications of §510.3 through -.7.
- 6. Lighting shall conform to the requirements of §511.1 and §511.2.
- 7. Permitted increases in slope disturbance.
 - a. Given the increase in open space required for the Residential Option 1 Overlay District, and in consideration thereof, the maximum permitted disturbance of steep slopes shall be as follows:

<u>Extent of Slope</u>	<u>Maximum Extent of Disturbance of Sloped Area</u>
0 - 15%	No limit
15.1 - 20%	35% ⁽¹⁾
20.1 - 30%	25%
30.1%+	5%

(1) - May be increased to 40% as of right to permit conformance with the storm water management standards of the Residential Site Improvement Standards, N.J.A.C. 5:21-7.

- b. Slope disturbance calculations submitted by the applicant may exclude disturbance necessitated by the construction or reconstruction of minor collector streets.
- c. Notwithstanding the steep slope limitations set forth in §402.G.7.a above, to the extent that an application for development exceeds

the standards of the Residential Site Improvement Standards pursuant to *N.J.A.C.* 5:21-3.6 for storm water management (*N.J.A.C.* 5:21-7), the steep slope standards in §402.G.7.a above shall be relaxed to the minimum extent necessary to allow such exceedance from the storm water management standards of the Residential Site Improvement Standards.

8. Open space use. No recreation facilities or structures shall be required to be provided under the Residential Option 1 Overlay District, however nothing shall be construed as to prevent an application to the Board of Jurisdiction for use of common open space for conservation or passive recreation uses.

9. Limit of disturbance and tree protection. A limit of disturbance line shall be delineated on the steep slope analysis submitted in accordance with §519.3.A. Trees outside of the limit of disturbance shall be preserved. Trees to be retained within the limit of disturbance line shall be protected from injury in accordance with §510.12.B.

H. Residential Option 2 Overlay District [Ord. 2001-15]. Within those lands marked as Residential Option 2 Overlay District on the Zoning Map, an application for development may be submitted under the regulations of this subsection. The intent of this optional district is to create a clustered single family detached neighborhood in an open space setting.

1. General Regulations. The following general regulations shall apply to any Residential Option 2 Overlay District development.

- a. Minimum tract size: 20 acres
- b. Maximum density: 2.26 units per

gross acre

- c. Minimum tract frontage: 300 feet
 - d. Minimum open space: 30% of total tract area
 - e. Minimum open space street frontage: 100 feet
 - f. All development shall be served by public water and public sanitary sewer.
- 2. Restriction on conditional uses. Only those conditional uses allowed in §402.4.A. and §402.4.C, on lots at least 7,500 sf. in area, shall be permitted for any development utilizing the provisions of the Residential Option 2 Overlay District.
 - 3. Area, yard, height and coverage requirements. The area, yard, height and coverage requirements for single family detached residences in the R-1 district shall apply to each residential lot in the Residential Option 2 Overlay District.
 - 4. All other regulations not modified herein shall apply to any Residential Option 2 Overlay development.

402.3 ACCESSORY USES. Any of the following accessory uses may be permitted when used in conjunction with a principal use:

A. Residential Use:

- 1. Private garage.
- 2. Residential tool shed.
- 3. Residential swimming pool.
- 4. Deck.
- 5. Home occupations, pursuant to §520.

6. Family day care conforming to *N.J.S.A. 40:55D-66.5b*.

B. Nursing Home or Assisted Living Facility:

1. Medical and social services to residents.
2. Congregate dining.
3. Superintendent or caretaker's dwelling and office.
4. Maintenance building.

C. Cemetery:

1. Sales office.
2. Mausoleum.
3. Maintenance building and garage.

D. Fences and walls, pursuant to §507.

E. Signs, pursuant to §515.

402.4 **CONDITIONAL USES.** The following conditional uses may be permitted when authorized by the Planning Board:

- A. Residential uses on reduced area lots as otherwise permitted in areas characterized as steep slopes in accordance with §519.
- B. Nursing home or assisted living facility, provided the following criteria are met:
 1. Any such use shall be served by public sewer and water.
 2. The minimum lot size shall be two acres and the

maximum lot size shall not exceed five acres.

- C. ECHO unit, provided the following criteria are met:
 - 1. The ECHO housing unit shall be in conjunction with a primary single family residence existing on the lot.
 - 2. The occupants shall be restricted to one or two persons who are family members of the owner/occupant of the primary dwelling on the lot and at least one shall be either a senior citizen or a disabled person.
 - 3. The ECHO housing unit shall comply with the required setbacks for an accessory structure.
- D. House of Worship, subject to the following criteria:
 - 1. Houses of worship shall be connected to public sewer and water.
 - 2. Parking lots shall be properly screened and shall meet the following requirements:
 - a. No parking lot shall be permitted in a front yard; however this shall not exclude drop off and pick up lanes.
 - b. Parking lots shall be setback from any side property line 8 feet and any rear property line 10 feet.
 - 3. Accessory residential buildings shall comply with the yard requirements for dwellings in the respective zone.
- E. Farm Market, subject to the following criteria:
 - 1. No farm market shall exceed 3,000 square feet in gross floor area.

2. Access to a farm market shall be from a collector or arterial road.
 3. No farm market shall exceed one story in height.
 4. A farm market shall be set back from the right-of-way line a minimum of 30 feet.
 5. At least 50% of the number of products sold on an annual basis shall be fresh food or perishables.
- F. Bed and Breakfast accommodation, subject to the following criteria:
1. The minimum lot size shall be 15,000 sf. for lots served by public water and sewer, otherwise, the minimum lot size shall be 2 acres.
 2. No more than six guest rooms or suites shall be permitted.
 3. Off-street parking equal to one for each guest room or suite shall be required.
 4. No parking shall be permitted in the front yard. Parking lots shall be adequately screened from adjacent properties to obscure the view of parked vehicles.
 5. Only guests of the facility and their invitees shall be served food and drink on the premises.
 6. No cooking facilities shall be permitted in guest rooms or suites.
 7. There shall be a maximum residency limitation on all guests of 30 days.

402.5 DENSITY LIMITATIONS. The following maximum density limits shall be met for all uses within the R-L district:

- A. Single family detached dwellings with public sewer and water: 1.3 units per acre

The permitted number of units shall be determined by multiplying the gross acreage of the tract by 1.3 and rounding to the next highest whole number.

- B. Other single family detached dwellings: 1 unit per three acres

- C. Nursing home and assisted living facility: 25 beds per acre

402.6 R-L AREA, YARD, HEIGHT AND COVERAGE REQUIREMENTS. The following regulations shall apply to each lot:

Use	Single Family with water & sewer; B&B	Single Family w/o water & sewer	Nursing Home, Assisted Living Facility, House of Worship	Municipal Use	Other use
Minimum lot size	10,000 sf. ⁽¹⁾	2 acres ⁽³⁾	2 acres ⁽²⁾	7,500 sf.	3 acres
Minimum lot frontage	75 ft.	100 ft. ⁽³⁾	200 ft.	75 ft.	200 ft.
Minimum lot width at the building line	75 ft.	150 ft.	300 ft.	75 ft.	300 ft.
Maximum Building Coverage	40%	10%	50%	70%	5%
Maximum Lot Coverage	60%	30%	75%	N/A	15%

Use	Single Family with water & sewer; B&B	Single Family w/o water & sewer	Nursing Home, Assisted Living Facility, House of Worship	Municipal Use	Other use
Principal Building Minimum Yard Depths and Height Limitations					
Front Yard	25 ft.	50 ft.	50 ft.	25 ft.	75 ft.
Side Yard	10 ft.	25 ft.	50 ft.	10 ft.	30 ft.
Rear Yard	30 ft.	50 ft.	50 ft.	30 ft.	50 ft.
Maximum Height	35 ft.	35 ft.	40 ft., or 2 stories ⁽⁴⁾	40 ft.	35 ft.
Accessory Building Minimum Yard Depths and Height Limitations					
Front Yard	N.P.	N.P.	N.P.	N.P.	N.P.
Side Yard	5 ft. ⁽⁵⁾	10 ft.	20 ft.	10 ft.	20 ft.
Rear Yard	5 ft. ⁽⁵⁾	10 ft.	25 ft.	10 ft.	25 ft.
Max. Height	15 ft.	20 ft.	25 ft.	25 ft.	20 ft.

N.P. = Not a permitted location.

(1) - See also, density limits of § 402.5. Bed and Breakfast accommodation is only permitted on lots 15,000 sf. or larger.

(2) - See also § 402.4.B.

(3) - Excepting flag lots, see § 402.7 for additional regulations.

(4) - Houses of worship may extend to 45 feet in height.

(5) - ECHO units shall be a minimum of 10 feet from the side or rear property line.

402.7 ADDITIONAL STANDARDS. The following additional standards shall apply:

A. ECHO Housing.

1. The ECHO housing unit shall be positioned in such a way as to minimize its visibility from adjacent lots or public rights-of-way. To minimize this visibility, the Zoning Officer may require landscape buffering.
2. Each ECHO housing unit shall comply with the minimum unit size requirements for Neighborhood Preservation Balanced Housing Program (N.J.A.C. 5.14-1 et seq.) as follows:

- a. Efficiency - 500 sq. ft.
 - b. 1 bedroom - 600 sq. ft
 - c. 2 bedroom - 750 sq. ft.
 3. No ECHO housing unit shall exceed 900 square feet in area.
 4. The exterior of ECHO housing units shall be covered with a material and color that compliments the facade of the primary residence on the property.
 5. The unit shall be removed from the premises within six months of the end of the term of occupancy of the approved applicant and the lot restored to its status prior to the installation of the unit. The Zoning Officer may extend the time period for removal up to an additional three months upon adequate documentation of marketing efforts to sell the unit during the initial six month period.
 6. The ECHO unit shall be separated from the principal dwelling a minimum of five feet.
- B. Flag Lots. Flag lots for single family detached dwellings shall be permitted in accordance with the following requirements:
1. Flag lots shall only be permitted where either public water or sewer or both is not available.
 2. The minimum lot size shall be met without including the area of the access "pole" and shall be a minimum of 3 acres in area. All other yard, area and coverage requirements shall be as for conventional single family detached residences without water and sewer.
 3. The minimum width of the access strip shall be 25 feet.

4. Flag lots shall not be permitted in major subdivisions. No more than two flag lots shall be permitted to be created from the original tract.

§ 403 Residential 1 (R-1) Single Family District.

403.1 PURPOSE. The purpose of the Residential 1 (R-1) Single Family district is to provide for single family detached dwellings, limited institutional uses, and municipal purposes in the three hills area of the municipality. These areas are largely developed and mostly served with public water and sewer.

403.2 PERMITTED USES. In the Residential 1 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- A. Single family detached dwelling.
- B. Emergency services facilities.
- C. Public, parochial and private schools for academic instruction.
- D. Parks and recreation.
- E. Conservation.
- F. Municipal use.
- G. Cemetery.

403.3 ACCESSORY USES. Any of the following accessory uses may be permitted when used in conjunction with a principal use:

- A. Residential Use:
 1. Private garage.

2. Residential tool shed.
 3. Residential swimming pool.
 4. Deck.
 5. Home occupations, pursuant to §520.
 6. Family day care conforming to *N.J.S.A. 40:55D-66.5b*.
- B. Boarding Home for the Elderly:
1. Medical and social services to residents.
 2. Congregate dining.
 3. Superintendent or caretaker's apartment and office.
 4. Maintenance building.
- C. Cemetery:
1. Sales office.
 2. Mausoleum.
 3. Maintenance building and garage.
- D. Schools:
1. Athletic fields and facilities.
 2. Maintenance buildings and garages.
 3. Accessory uses customarily incidental to such uses.
- E. Fences and walls, pursuant to §507.
- F. Signs, pursuant to §515.

403.4 CONDITIONAL USES. The following conditional uses may be permitted when authorized by the Planning Board:

A. Residential uses on reduced area lots as otherwise permitted in areas characterized as steep slopes in accordance with §519.

B. Boarding home for the elderly, provided the following criteria are met:

1. Any such use shall be served by public sewer and water.
2. The minimum lot size shall be 30,000 sf. and the maximum lot size shall not exceed two acres.
3. No such use shall exceed 15 residents.

C. ECHO unit, provided the following criteria are met:

1. The ECHO housing unit shall be in conjunction with a primary single family residence existing on the lot.
2. The occupants shall be restricted to one or two persons who are family members of the owner/occupant of the primary dwelling on the lot and at least one shall be either a senior citizen or a disabled person.
3. The ECHO housing unit shall comply with the required setbacks for an accessory structure.

D. Clinics and Houses of Worship, subject to the following criteria:

1. Such uses shall be connected to public sewer and water.
2. Parking lots shall be properly screened and shall meet the following requirements:

- a. No parking lot shall be permitted in a front yard; however this shall not exclude drop off and pick up lanes.
 - b. Parking lots shall be setback from any side property line 8 feet and any rear property line 10 feet.
 3. Accessory residential buildings for Houses of Worship shall comply with the yard requirements for dwellings in the respective zone.
- E. Bed and Breakfast accommodation, subject to the following criteria:
1. The minimum lot size shall be 15,000 sf. and shall be served by public water and sewer.
 2. No more than six guest rooms or suites shall be permitted.
 3. Off-street parking equal to one for each guest room or suite shall be required.
 4. No parking shall be permitted in the front yard. Parking lots shall be adequately screened from adjacent properties to obscure the view of parked vehicles.
 5. Only guests of the facility and their invitees shall be served food and drink on the premises.
 6. No cooking facilities shall be permitted in guest rooms or suites.
 7. There shall be a maximum residency limitation on all guests of 30 days.

403.5 R-1 AREA, YARD, HEIGHT AND COVERAGE REQUIREMENTS. The following regulations shall apply to each lot:

Zoning Ordinance

City of Lambertville • Hunterdon County

April 16, 2001

Use	Single Family	Elderly Boarding Home	Clinic & House of Worship	Municipal Use	Other use
Minimum lot size	7,500 sf.	30,000 sf.	1 acre	7,500 sf.	3 acres
Minimum lot frontage	75 ft.	150 ft.	150 ft.	75 ft.	200 ft.
Minimum lot width at the building line	75 ft.	150 ft.	150 ft.	75 ft.	300 ft.
Maximum Building Coverage	40%	25%	25%	70%	20%
Maximum Lot Coverage	60%	60%	75%	N/A	50%
Principal Building Minimum Yard Depths and Height Limitations					
Front Yard	25 ft. ⁽¹⁾	25 ft.	30 ft.	25 ft.	30 ft.
Side Yard	10 ft.	20 ft.	20 ft.	10 ft.	30 ft.
Rear Yard	30 ft.	40 ft.	40 ft.	30 ft.	50 ft.
Maximum Height	35 ft.	35 ft., or 2½ stories	35 ft., or 2 stories ⁽²⁾	40 ft.	35 ft.
Accessory Building Minimum Yard Depths and Height Limitations					
Front Yard	N.P.	N.P.	N.P.	N.P.	N.P.
Side Yard	5 ft. ⁽³⁾	20 ft.	20 ft.	10 ft.	20 ft.
Rear Yard	5 ft. ⁽³⁾	25 ft.	25 ft.	10 ft.	25 ft.
Max. Height	15 ft.	25 ft.	25 ft.	25 ft.	20 ft.

N.P. = Not a permitted location.

(1) - In blocks where more than 50 percent of the properties abutting a common street line are developed, the front yard of the principal building may be the average of all the existing setbacks on the same side of the street of the block.

(2) - Houses of worship may extend to 45 feet in height.

(3) - ECHO units shall be a minimum of 10 feet from the side or rear property line.

403.6 ADDITIONAL STANDARDS. The following additional standards shall apply:

A. ECHO Housing.

1. The ECHO housing unit shall be positioned in such a way as to minimize its visibility from adjacent lots or public rights-of-way. To minimize this visibility, the Zoning Officer may require landscape buffering.
2. Each ECHO housing unit shall comply with the minimum unit size requirements for Neighborhood Preservation Balanced Housing Program (*N.J.A.C. 5.14-1 et seq.*) as follows:
 - a. Efficiency - 500 sq. ft.
 - b. 1 bedroom - 600 sq. ft
 - c. 2 bedroom - 750 sq. ft.
3. No ECHO housing unit shall exceed 900 square feet in area.
4. The exterior of ECHO housing units shall be covered with a material and color that compliments the facade of the primary residence on the property.
5. The unit shall be removed from the premises within six months of the end of the term of occupancy of the approved applicant and the lot restored to its status prior to the installation of the unit. The Zoning Officer may extend the time period for removal up to an additional three months upon adequate documentation of marketing efforts to sell the unit during the initial six month period.
6. The ECHO unit shall be separated from the principal dwelling a minimum of five feet.

- B. Bed and Breakfast Accommodation. Bed and breakfast accommodation shall conform to the area, yard and lot coverage requirements of §402.6 that have not been modified herein.

§ 404 Residential 2 (R-2), Downtown Residential District.

404.1 PURPOSE. The purpose of the Residential 2 (R-2), Downtown Residential, district is to allow for several types of residences, limited institutional, lodging or social uses, and municipal purposes in the lowland area of the municipality. These areas are fully developed and served with public water and sewer.

404.2 PERMITTED USES. In the Residential 2 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- A. Single family detached dwelling.
- B. Semi-detached dwelling.
- C. Townhouse.
- D. Emergency services facilities.
- E. Public, parochial and private schools for academic instruction.
- F. Parks and recreation.
- G. Conservation.
- H. Municipal use.
- I. Funeral homes.
- J. Clubs, lodges or other social and fraternal organizations.

404.3 ACCESSORY USES. Any of the following accessory uses may be

permitted when used in conjunction with a principal use:

A. Residential Use:

1. Private garage.
2. Residential tool shed.
3. Residential swimming pool.
4. Deck.
5. Home occupations, pursuant to §520.
6. Family day care conforming to *N.J.S.A. 40:55D-66.5b*.

B. Funeral Home Use:

1. Chapel.
2. Commercial garage for the housing of vehicles used in the business.

C. Schools:

1. Athletic fields and facilities.
2. Maintenance buildings and garages.
3. Accessory uses customarily incidental to such uses.

D. Fences and walls, pursuant to §507.

E. Signs, pursuant to §515.

404.4 **CONDITIONAL USES.** The following conditional uses may be permitted when authorized by the Planning Board:

A. Bed and Breakfast accommodation, subject to the following

criteria:

1. The minimum lot size shall be 10,000 sf. and the use shall be served by public water and sewer.
2. No more than six guest rooms or suites shall be permitted.
3. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty that establishes a right to the use of the off-tract parking is secured.
4. No parking shall be permitted in the front yard. Parking lots shall be adequately screened from adjacent properties to obscure the view of parked vehicles.
5. Only guests of the facility and their invitees shall be served food and drink on the premises.
6. No cooking facilities shall be permitted in guest rooms or suites.
7. There shall be a maximum residency limitation on all guests of 30 days.

B. Accessory apartment, subject to the following criteria:

1. The apartment shall be occupied only by a low and moderate income household as defined by *N.J.A.C. 5:93-1.3*.
2. The apartment shall conform to the requirements for maximum rent level in *N.J.A.C. 5:93-5.9(a)3*.
3. The apartment shall be affirmatively marketed in accordance with *N.J.A.C. 5:93-11*.

4. Controls on the affordability of the accessory apartment shall remain in effect for a minimum of 10 years in accordance with *N.J.A.C. 5:93-5.9(e)*, as it may be amended or superseded.
 5. Accessory apartments shall only be permitted within single family detached dwellings or their accessory structures. Only one such apartment per lot shall be permitted.
 6. Each accessory unit shall comply with the minimum unit size requirements for Neighborhood Preservation Balanced Housing Program (*N.J.A.C. 5.14-1 et seq.*) as follows:
 - a. Efficiency - 500 sq. ft.
 - b. 1 bedroom - 600 sq. ft
 - c. 2 bedroom - 750 sq. ft.
 - d. No accessory apartment shall exceed 900 square feet in area.
 7. Each accessory apartment shall have direct access to the side or rear exterior of the building.
- C. Age-Restricted Development. Senior citizen apartments shall be permitted subject to the following criteria:
1. Maximum density shall not exceed 50 units per acre.
 2. Apartment types shall be limited to efficiencies or one-bedroom apartments and shall meet the size minimums as noted in paragraph -C.6 above.
 3. The maximum lot size shall be 3 acres.

404.5 R-2 AREA, YARD, HEIGHT AND COVERAGE REQUIREMENTS. The following regulations shall apply to each lot:

Use	Single Family & Municipal	Semi-detached Residence	Townhouse	Funeral Home, Club & Office	Senior Apartments, Other use
Minimum lot size	2,800 sf.	1,875 sf.	1,350 sf.	10,000 sf.	30,000 sf.
Minimum lot frontage	40 ft.	25 ft.	18 ft.	75 ft.	150 ft.
Minimum lot width at the building line	40 ft.	25 ft.	18 ft.	75 ft.	150 ft.
Maximum Building Coverage	60%	65%	70%	30%	30%
Maximum Lot Coverage	80%	80%	80%	60%	60%
Principal Building Minimum Yard Depths and Height Limitations					
Front Yard	0 ft.	0 ft.	0 ft.	10 ft.	10 ft.
Side Yard	5 ft.	0 ft. one side 5 ft. other side	0 ft. ⁽¹⁾	10 ft.	15 ft.
Rear Yard	15 ft.	15 ft.	15 ft.	20 ft.	20 ft.
Maximum Height	40 ft. or 3 stories	40 ft. or 3 stories	40 ft. or 3 stories	35 ft. or 2½ stories	40 ft. ⁽²⁾
Accessory Building Minimum Yard Depths and Height Limitations					
Front Yard	N.P.	N.P.	N.P.	N.P.	N.P.
Side Yard	0 ft. ⁽³⁾	0 ft. ⁽³⁾	N/A	10 ft.	10 ft.
Rear Yard	3 ft. ⁽³⁾	3 ft. ⁽³⁾	3 ft. ⁽³⁾	5 ft.	10 ft.
Max. Height	15 ft.	12 ft.	12 ft.	15 ft.	15 ft.

N.P. = Not a permitted location.

(1) - The end wall of a building not attached to another unit shall be a minimum of 10 feet from any other building.

(2) - Houses of worship may extend to 60 feet in height.

(3) - Unless modified by §400.7.A.

404.6 ADDITIONAL STANDARDS FOR BED AND BREAKFAST ACCOMMODATION. Bed and breakfast accommodation shall conform to the area, yard and lot coverage requirements of §402.6 that have not been modified herein.

§ 405 Residential 3 (R-3) Townhouse District.

405.1 PURPOSE. The purpose of the Residential 3 (R-3) Townhouse district is to provide for low density, modern, townhouse development which incorporates significant common open space.

405.2 PERMITTED USES. In the Residential 3 zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- A. Townhouse Dwelling.
- B. Parks and recreation.
- C. Conservation.
- D. Municipal use.

405.3 ACCESSORY USES. Any of the following accessory uses may be permitted when used in conjunction with a principal use:

- A. Private garage.
- B. Deck.
- C. Swimming pool for the common use of residents.
- D. Tennis courts and other usual recreational facilities.
- E. Home occupations, pursuant to §520.
- F. Family day care conforming to *N.J.S.A. 40:55D-66.5b*.
- G. Fences, walls, gazebos, mail kiosks and other street

furniture.

H. Maintenance building.

I. Signs, pursuant to §515.

405.4 R-3 GENERAL DISTRICT REGULATIONS. The following general regulations shall apply to any R-3 district development.

A. Minimum tract size: 10 acres

B. Maximum density: 3 units per acre

C. Minimum tract frontage: 200 feet

D. Minimum open space: 40% of total tract area

E. Maximum building coverage: 20% of total tract area

F. Maximum impervious surface coverage: 60% of total tract area

G. Minimum tract perimeter setbacks for buildings, above-ground structures and parking areas from tract boundary line:

1. Building and above ground structures: 50 feet

2. Entrance structures: 10 feet

3. Parking area setback: 25 feet

H. Building separation requirements shall be as follows:

1. Front of building to another building: 50 feet

2. Side of building to another building: 30 feet

3. Rear of building to another building: 40 feet
4. Accessory buildings shall not be located within 25 feet of another building, excepting private garages.

405.5 R-3 AREA, YARD, HEIGHT AND COVERAGE REQUIREMENTS. The following regulations shall apply to each lot:

Use	Townhouse	Municipal Use	Other use
Minimum lot size	1,350 sf.	10,000 sf.	30,000 sf.
Minimum lot frontage	18 ft.	75 ft.	150 ft.
Minimum lot width at the building line	18 ft.	75 ft.	150 ft.
Maximum Building Coverage	N/A ⁽¹⁾	30%	30%
Maximum Lot Coverage	N/A ⁽¹⁾	60%	60%
Principal Building Minimum Yard Depths and Height Limitations			
Front Yard	0 ft. ⁽¹⁾	25 ft.	50 ft.
Side Yard	0 ft. ⁽¹⁾	10 ft.	15 ft.
Rear Yard	15 ft. ⁽¹⁾	20 ft.	20 ft.
Maximum Height	40 ft. or 3 stories	35 ft. or 2½ stories	35 ft.
Accessory Building Minimum Yard Depths and Height Limitations			
Front Yard	N.P.	N.P.	N.P.
Side Yard	N/A ⁽²⁾	10 ft.	10 ft.
Rear Yard	N/A ⁽²⁾	5 ft.	20 ft.
Maximum Height	15 ft.	15 ft.	15 ft.

N.P. = Not a permitted location.

(1) - Applies to fee simple townhouse lots only

(2) - Accessory buildings shall adhere to the building separation and tract boundary setback requirements.

405.6 R-3 ADDITIONAL REQUIREMENTS. The following additional requirements shall apply to townhouse developments:

- A. Townhouse units attached on a single linear plane shall not exceed six units in a row.
- B. Each townhouse shall have a private rear yard of 200 square feet minimum.
- C. A minimum of 200 square feet of storage shall be provided in the basement, attic or other attached area for each unit exclusive of bedroom closet space.
- D. Recreational facilities shall be set back from the perimeter of the tract a minimum of 75 feet and shall not be located closer than 25 feet to a dwelling. Such facilities shall be screened from adjacent residences and public rights-of-way with a minimum buffer of 15 feet consisting of landscaping materials, and/or fencing and walls.
- E. Decks shall be attached to the rear elevation of a townhouse, only. Decks may extend across the full width of the dwelling, however, any deck within five feet of the common wall of another dwelling unit shall be constructed with a privacy screen attached to the edge of the deck perpendicular to the vertical plane of the rear elevation. Such privacy screen shall be six feet in height and shall be a minimum of 75% opaque. The privacy screen shall extend the depth of the deck or a distance of at least 10 feet from the vertical plane of the rear elevation, whichever is greater. No deck may be greater than 14 feet in depth measured perpendicularly from the rear elevation.

§ 406 Central Business District (CBD).

406.1 PERMITTED USES. The following uses shall be permitted in the CBD zone:

- A. Single family semi-detached residential.
- B. Townhouse.
- C. Retail sales including retail services incidental to such sales.
- D. Personal services.
- E. Restaurants and luncheonettes.
- F. Hotels.
- G. Galleries and antique stores.
- H. Public utilities except maintenance yards, power generation, or similar industrial functions.
- I. General and professional offices.
- J. Commercial recreational uses, including but not limited to theatres, bowling alleys, bike and boat rental, sporting goods, skating rinks, and similar uses.
- K. Municipal and school district uses.
- L. Parks, playgrounds, and conservation.
- M. Waterfront commercial use shall be permitted as an optional development overlay provided the tract is located between the Delaware River and Delaware and Raritan Canal, and between the extensions of Delaware Street and Swan Street, excluding any part of Holcombe Island.
- N. Religious use, including house of worship, parish house,

rectory, parochial school, convent, or similar such use.

O. Senior citizen residential apartments.

406.2 ACCESSORY USES. The following accessory uses shall be permitted in conjunction with a principal use:

- A. Fences and walls in accordance with §507.
- B. Signs in accordance with §406.11 and §515.
- C. Surface parking lots.
- D. Outdoor seating, provided that the following conditions are met:
 - 1. Seating must comply with the handicapped accessibility requirements of *N.J.A.C. 5:23-7*.
 - 2. Services shall not be extended to patrons utilizing such seating, unless the following conditions are met:
 - a. Such seating shall be screened from adjacent properties by fencing and/or landscaping.
 - b. No glare from exterior lighting of the outdoor seating shall be created.
 - c. The number of seats outdoors shall not exceed the number of seats indoors.
 - 3. No such seating shall be permitted within the right-of-way.
- E. Other accessory uses customarily incidental to a principal use.

406.3 CONDITIONAL USES. The following conditional uses may be permitted in the central business district:

- A. Conversion of existing buildings for apartment use conforming to the criteria of §406.8 and §517.
- B. Structured parking conforming to the criteria of §406.9 and §517.
- C. Taverns and bars conforming to the criteria of §406.10 and §517.
- D. Conversion of second floor and higher floors to non-residential use provided that the gross floor area of the building shall not be less than 1,800 square feet and the criteria of §517 are met.

406.4 AREA, YARD, AND BUILDING COVERAGE REQUIREMENTS.

- A. Residential and Non-Residential Uses, excepting Waterfront Commercial Uses.
 - 1. Minimum lot size: One thousand (1,000) square feet.
 - 2. Minimum lot frontage: Fourteen (14) feet.
 - 3. Front Build to Line: The front wall of a building shall be located on the front property line, unless modified by §602.
 - 4. Minimum rear yard: Ten (10) feet, excepting corner lots.
 - 5. Minimum side yard: Zero (0) feet.
 - 6. Minimum side to side distance between buildings.
 - a. Wall with windows adjacent to existing building with side windows: Ten (10) feet.
 - b. Blank wall adjacent to existing building with side windows: Five (5) feet.

c. Blank wall to blank wall: Zero (0) feet.

7. Maximum building height: Forty (40) feet.

8. Maximum building coverage: Eighty percent (80%) of total lot area.

B. Waterfront Commercial Use.

1. Minimum tract size: Three (3) acres.

2. Minimum lot size: One (1) acre.

3. Minimum lot frontage: Forty (40) feet.

4. Front build to line: The front wall of a waterfront commercial building may be located on the front property line, unless modified by §602.

5. Minimum rear yard: Twenty (20) feet.

6. Minimum side yard: Zero (0) feet.

7. Minimum distance between buildings.

a. Wall with windows adjacent to existing building with windows: Fifteen (15) feet.

b. Blank wall adjacent to existing building with windows: Ten (10) feet.

c. Blank wall to blank wall: Zero (0) feet.

8. Maximum building height: Forty (40) feet above the deck elevation of the Lambertville-New Hope Bridge.

9. Minimum building distance from Delaware and Raritan Canal: Fifty (50) feet.

10. Minimum building distance from Lambertville-New

Hope Bridge superstructure: Forty (40) feet.

11. Maximum building coverage: Fifty percent (50%) of total lot area.

406.5 ADDITIONAL WATERFRONT COMMERCIAL DEVELOPMENT REQUIREMENTS.

- A. Conformance to Community Development Goals. Any waterfront commercial development shall conform to the goals and objectives as set forth in the Master Plan and associated documents of the City of Lambertville for the Delaware River in order to create a consistent architectural scheme among its buildings and a streetscape well connected to the central business district, providing for the preservation of natural features including environmentally sensitive lands, with integrated recreation and public amenities.
- B. Public Access. Any waterfront commercial development shall provide a visible public access to the Delaware River or Island Creek, as the case may be. The continuity of public access along the waterfront shall be encouraged. Pedestrian connections to existing public open space, including the Delaware and Raritan Canal, shall be encouraged.
- C. Views. Existing or important views of the Delaware River and Island Creek are a valuable public resource and shall be maintained to the greatest feasible extent within the context of the overall planning of any waterfront commercial development. The approving authority may require such additional information on existing viewsheds as it deems reasonably necessary in order to determine compliance with this requirement.
- D. Traffic Impact. A traffic impact study shall be submitted indicating no unreasonably adverse impact on public streets in the same or adjacent zone, including signalized intersections. In the event that a traffic impact study

indicates a lowering of the level of service at a signalized intersection due to such proposed facility, the applicant proposing such development shall be responsible for improvements to retain the existing level of service.

406.6 DESIGN STANDARDS FOR THE CENTRAL BUSINESS DISTRICT.

Lambertville occupies a unique place in New Jersey by virtue of its placement on the National and State Registers of Historic Places, proximity to the Delaware River, association with the Delaware and Raritan Canal, and its long history of settlement that has resulted in the rich and diverse architectural character of a riverfront town. Design standards are necessary to preserve this rich history by providing guidance to property owners in the renovation of existing structures and the development of new buildings. The following guidelines and standards shall be used to prepare and review the physical, visual, and spatial character and overall appearance of site plan and subdivision applications for development in relation to the specific streetscape, adjacent buildings, and the central business district in general. In this section, guidelines are overall principles to be used in the design of sites. Standards are to be followed in the placement and design of buildings unless specifically waived by the approving authority.

A. Design Guidelines.

1. Consideration of context. The design of a building or structure shall be undertaken with clear and reasonable regard for adjacent and nearby buildings, setbacks, streetscape, open spaces and site improvements.
2. Continuation of design elements. Existing architectural and urban design elements shall be used as guidelines in the overall design of a building or structure. The physical, visual, and spatial characteristics of immediate and nearby buildings or structures shall be reinforced through the use of architectural and urban design elements to achieve a coherent, organized, development pattern within a block's area.

3. Retention of historical context. The distinguishing original qualities or character of the streetscape should not be altered by the removal or alteration of historic buildings or their architectural features. Buildings and structures should be recognized as products of a particular time or era and not altered to appear like another period.

B. Design Standards.

1. Building mass. The massing and height of the building should be similar to the ones that make up the rest of the streetscape.

Example: A one story ranch house would be incompatible with 2 ½ story houses.

2. Building proportion. The relationship of the building's height to width in the front facade should be proportioned to be the same as nearby buildings.

Example: A low and wide Prairie style house would be incompatible with narrow and tall Federal or Greek Revival proportions characteristic of Lambertville.

3. Architectural elements. The elements in the facade, such as windows, doors, sidelights, and projections from it, such as porches, balconies, or porte-cocheres should be proportional in height and width both within themselves and in relationship to the supporting wall as other structures in the streetscape.

Example: Wide picture windows are incompatible with Queen Anne style windows which feature tall and narrow profiles.

4. Element spacing. The spacing and size of exterior wall to the elements in the facade should be

compatible with adjacent and nearby buildings.

Examples: Modern windows which wrap corners are incompatible with pre-WWII buildings which lack this technological advantage. A pent roof should not be larger than the roof of an addition or main roof.

5. Streetscape rhythm. The relationship of the new building to side yards and the setback from the street should be similar to the existing pattern of development.

Examples: Buildings should be set in line with the front edge of existing buildings. Side yards should be narrower than the width of the lot on which the building sits.

6. Building materials. The use of building materials, their texture, and color should be visually compatible with existing buildings in the district.

Example: Vinyl siding with an embossed wood grain is incompatible with wooden clapboard siding, which is planed smooth.

7. Roof Lines. The shape, roof line, and slope of roofs, including dormers, chimneys, and other projections should be compatible with nearby structures. Roof lines are a particularly important design feature because they strongly convey the mass of the building.

Example: A low pitched gable roof is incompatible with the mansard roof of the Second Empire style.

8. Landscape Elements. Landscape elements such as individual trees and tree masses, walls, fencing, and other materials should be compatible with the existing views from the street.

Example: A wooden stockade fence would not be

compatible with wrought iron. Chain link fencing should not be used at all.

9. Ornamental Features. The exterior features of a building, including ornamentation, should be visually compatible with the architectural era of nearby buildings.

Examples: Shutters should be fitted to the window size and be designed to work rather than attached flat to a building's facade. Ornamental cornices should not be boxed with aluminum or vinyl.

406.7 OFF-STREET PARKING AND LOADING REQUIREMENTS.

- A. Required Parking. The following parking schedule shall be used to calculate the required number of parking spaces per use. Unless otherwise noted, the calculation shall be based upon the gross square footage of the floor area of the use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded to the next highest whole number. Where more than one permitted use is allowed within the district, the requirement for parking spaces shall be the sum of the individual uses computed separately.

1. Apartment Uses, per unit:

- a. Efficiency: 1 parking space
- b. One Bedroom: 1½ parking spaces
- c. Two Bedroom: 1¾ parking spaces
- d. Three Bedrooms or More: 2 parking spaces
- e. Senior Citizen: ½ parking space

2. Residential, excepting apartment use: 2 spaces per unit

3. Retail and personal sales and services: 1 space per 300 square feet.
4. General and professional offices, excepting medical and dental offices: 1 space per 300 square feet.
5. Medical and dental offices: 1 space per 250 square feet.
6. Restaurants and luncheonettes: 1 space per 3 seats.
7. Taverns and bars: 1 space per 2 seats. Where individual seats are not provided, each 24 inches of counter shall constitute one seat.
8. Hotels: 1 space per room.
9. Galleries and antique stores, excepting cooperatives: 1 space per 600 square feet.
10. Cooperatives: 3 spaces per exhibit area.
11. Religious use, excepting residential: 1 space for each 5 seats. Where individual seats are not provided, each 21 inches of bench or pew shall be considered one seat.
12. Public Assembly: 1 space for each 5 seats.
13. Theatre: 1 space for each 3 seats.
14. Recreation, indoor: 1 space for each 400 square feet, excepting bowling alleys which shall provide 4 spaces per lane.
15. Recreation, outdoor. Sufficient space shall be provided to prevent parking in fire lanes or parking aisles as reasonably determined by the approving authority.

16. Other uses not specifically identified: 1 space per 300 square feet.

- B. Required Loading. Each business or service establishment shall have access to a loading and unloading space within 300 feet of the premises. An adequate guarantee shall be provided that establishes a right to the loading and unloading use, unless such space is provided by a public entity.

Business or service establishments occupying a lot of 15,000 square feet or larger shall provide off-street loading and unloading space on the premises. Each off-street loading area shall be a minimum of 12 feet by 35 feet. The loading area shall be so arranged to avoid impairment to the circulation system of parking spaces, parking aisles, points of ingress and egress, and streets.

- C. The design standards of §509 shall apply to all off-street parking and loading areas.

- D. Location of Parking. Required off-street parking may be supplied off-tract provided the following criteria are met:

1. The off-tract parking shall not provide required parking for any other use.
2. An adequate guaranty that establishes a right to the use of the off-tract parking shall be provided.
3. The off-tract parking is located within the following distances from the premises in question:
 - a. Senior citizen residential use: 150 feet.
 - b. Other residential use: 300 feet.
 - c. Non-residential use: 600 feet.

406.8 CONDITIONS FOR CONVERSION TO APARTMENT USE.

- A. No apartment shall be permitted on the first or lower floor of a building.
- B. Public notice shall be given in the same manner as required for applications for development.
- C. Access to each apartment shall be by means of an entrance to the exterior of the building or by common hallway.
- D. Each apartment shall have a minimum of two means of ingress and egress.
- E. No apartment shall be less than the square footage minimum required as follows:
 - 1. Efficiency: 450 square feet.
 - 2. One Bedroom: 600 square feet.
 - 3. Two Bedroom: 800 square feet.
 - 4. Three Bedrooms or More: 900 square feet plus 100 square feet additional for each bedroom in excess of three.

406.9 CONDITIONS FOR STRUCTURED PARKING.

- A. No structured parking facility shall exceed a capacity for 250 passenger vehicles.
- B. Parking structures shall be limited to three levels of parking, including the roof deck as one level.
- C. The exterior surface of the structure shall be faced in brick or other approved durable material.
- D. A traffic impact study shall be submitted indicating no unreasonably adverse impact on public streets in the same

or adjacent zone, including signalized intersections. In the event that a traffic impact study indicates a lowering of the level of service at a signalized intersection due to such proposed facility, the applicant proposing such structured parking shall be responsible for improvements to retain the existing level of service.

406.10 CONDITIONS FOR TAVERNS AND BARS.

- A. No tavern or bar shall be located within 500 feet of a public or private school.
- B. No tavern or bar shall be located within 300 feet of another such use.
- C. No outdoor seating shall be located within 15 feet of a side or rear property line.
- D. Outdoor seating shall be screened with a combination of landscaping and fencing a minimum width of 10 feet along any side or rear property line.

406.11 SIGNS. [A through G, repealed Ord. 2001-07, Section 14. *See* §515 for other sign regulations]

- H. Waterfront Development. A planned waterfront commercial development may be permitted one additional freestanding sign not exceeding thirty-two (32) square feet identifying the entire complex.

406.12 DESIGN STANDARDS FOR CBD CENTRAL BUSINESS DISTRICT SIGNS.
[Repealed Ord. 2001-07, Section 14. *See* §515.6 for sign design standards]

§ 407 C-2 Highway Commercial.

407.1 PERMITTED USES. In the C-2 Highway Commercial zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

- A. Automobile sales, both new and used, and auto repairs except auto wrecking yards and junk yards.
- B. Automobile parts and accessories, including tire and battery sales, but not to include tire recapping or recycling.
- C. General business and professional offices.
- D. Grocery, convenience, drug, liquor, and dry goods stores, card and flower shops.
- E. Clothing and clothing accessory stores, dry cleaning and tailoring services, excepting stores primarily devoted to the sale of T-shirts.
- F. Galleries and antique stores.
- G. Hardware, paint, plumbing, and electrical supply stores, but not to include lumberyards or masonry supply stores.
- H. Lighting, carpet, furniture and musical instrument stores.
- I. Restaurants and coffee shops, excepting fast-food restaurants and drive-thru facilities.
- J. Appliance, electronics sales and service shops, video sales and rentals, recorded music and computer software sales.
- K. Funeral homes.
- L. Parks and playgrounds.
- M. Buildings used exclusively by federal, state, county and local governments.

N. Motels and hotels.

407.2 ACCESSORY USES AND BUILDINGS PERMITTED.

- A. Garages to house delivery trucks or other commercial vehicles.
- B. Fences and walls in accordance with §507.
- C. [Repealed Ord. 2001-07, Section 14]

407.3 CONDITIONAL USE. The following conditional use may be permitted when authorized by the Planning Board:

A. Service stations in accordance with the following criteria:

- 1. No service station shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street as any school, public playground, church, hospital, public building or institution, except where such property is in another block or on another street which the lot in question does not abut.
- 2. No service stations shall be permitted where any oil draining pit or visible appliance for any purpose (other than filling pumps and air pumps) is located within twenty (20) feet of any street line or within fifty (50) feet of any residential district, unless such appliance or pit is within a building. Gasoline pumps and air pumps within the required front yard space shall be no closer than fifteen (15) feet to the street line.
- 3. No junked motor vehicle or part thereof, scrap metal, or motor vehicles incapable of normal operation upon the highways shall be permitted on the premises of any service station. It shall be deemed prima facie evidence of violation of this Ordinance if more than

three motor vehicles incapable of operation are located at any time upon any premises not within a closed and roofed building and if any scrap metal or other junk is stored upon and premises not within a closed and roofed building excepting, however, that a number not exceeding six motor vehicles may be located upon any service station premises outside of a closed or roofed building for a period of time not to exceed 48 hours and providing that said motor vehicles are awaiting repair by the owners thereof.

4. Any service station shall be located within the Bridge Street Highway Commercial district.

407.4 AREA AND YARD REQUIREMENTS.

- A. An attached or abutting group of commercial buildings may be considered as one building in applying the yard space requirements, which are the same as those in the CBD District.
- B. All buildings in the C-2 District shall be set back from the street line a minimum of 10 feet.
- C. Motels shall meet the following minimum requirements: lot width 100 feet; lot depth 100 feet; building set back from any side or rear property line 20 feet. Motels shall be permitted up to 50 percent building coverage.
- D. No building or structure shall exceed 40 feet in height except as permitted by §400.8.

407.5 MINIMUM RESIDENTIAL FLOOR AREA. Motel units shall have a minimum gross floor area of 400 square feet per unit.

407.6 MINIMUM OFF-STREET PARKING REQUIREMENTS.

- A. See §509.
- B. Funeral homes shall provide at least six spaces for each

viewing room.

- C. Professional building shall provide 2 spaces for each room in the building but in no case less than 5 spaces.
- D. Television and radio appliance stores, tire sales, automobile and hardware stores shall provide one space for each 800 square feet of gross floor area or fraction thereof.
- E. Automobile agencies and lumber yards shall provide one space for each 800 square feet of office and retail gross floor area plus one space for each 2,000 square feet devoted to warehouse and storage facilities.
- F. Motels shall provide 3/4 space for each room, plus 1 space for each 3 seats in an associated restaurant, plus 5 spaces for employees.
- G. Restaurants and diners shall provide 1 space for each 3 seats.
- H. Other offices and government buildings shall provide one space for each vehicle owned and/or operated by the use plus 1 space for each 3,000 square feet or gross floor area used for warehousing, shipping or receiving plus 1 space for every 700 square feet of gross floor area used for other purposes.

407.7 SIGNS. [A through C, repealed Ord. 2001-07, Section 14]

D. See §515.

407.8 MINIMUM OFF-STREET LOADING. Each business, office, or retail outlet shall provide off-street loading and unloading space with adequate ingress and egress. There shall be no loading or unloading from the street in any C-3 zone. Each off-street loading and unloading space shall measure 15 feet by 45 feet and be so located that any vehicles being loaded or maneuvering into a loading space do not interfere with any other parking or loading areas, driveway, fire lane, or street right-of-way.

§ 408 C-3 General Commercial.

408.1 PRINCIPAL PERMITTED USES ON THE LAND AND IN BUILDINGS.

- A. Offices.
- B. Parks and playgrounds.
- C. Buildings used exclusively by federal, state, county and local governments.
- D. The wholesaling and retailing of goods or services including the warehousing or storage of goods provided such activities and inventories are conducted entirely within an enclosed structure or are conducted in open yard areas which are adequately screened from view from adjacent lots or roads.
- E. See §508.
- F. Light industry as defined under Article II.

408.2 ACCESSORY USES AND BUILDINGS PERMITTED. Those uses customarily incidental to the principal uses.

408.3 HEIGHT LIMITS. No structure shall exceed 40 feet in height except as provided in Article VI.

408.4 AREA AND YARD REQUIREMENTS.

- A. The minimum lot size shall be 40,000 square feet. The minimum lot width shall be 150 feet and a minimum lot depth of 200 feet.
- B. No building or structure shall be located closer than 25 feet to any street right-of-way.
- C. The minimum side yard shall be 20 feet, but in no event shall either side yard be less than the height of the building or structure. The minimum rear yard shall be 20 feet

which may include parking spaces.

- D. Total building or structure coverage shall not exceed 50 percent of the lot coverage provided all parking and other yard requirements are met.
- E. A transition or buffer strip not less than 10 feet wide consisting of conifers shall be provided along all lot lines which form a common boundary with any residential district. The conifers shall be a minimum of 5 feet in height when newly planted and shall be planted at intervals of 10 feet or less.

408.5 MINIMUM RESIDENTIAL FLOOR AREA. Not applicable in this district.

408.6 MINIMUM OFF-STREET PARKING REQUIREMENTS.

- A. See §509.
- B. Off-street parking space shall be located within 200 feet of the use it is intended to serve.
- C. One space shall be provided for each 700 square feet of General Commercial or office use and one space for each 3000 square feet of wholesale use.

408.7 SIGNS.

- A. Same as C-2 district.

408.8 MINIMUM OFF-STREET LOADING.

- A. Same as C-2 district.

ARTICLE V

ADDITIONAL REQUIREMENTS AND PERFORMANCE STANDARDS

§ 500 Deviations from Article V Standards and Guidelines.

Deviations from the performance and design standards of Article V shall be considered as exceptions within the meaning of *N.J.S.A. 40:55D-51*; provided however, that any deviation from Article V that is within the enumerated categories of §400.11 shall be considered as variances pursuant to *N.J.S.A. 40:55D-60a and -70*. [Ord. 2001-07]

§501 Accessory Buildings.

- 501.1 LOCATION OF PARKING. An accessory building or a private parking area shall not be located in any required front yard space, except that nothing shall prohibit an owner of a home from counting his driveway as one parking space per dwelling unit and except further that any driveway in excess of 10 percent slope shall not be considered as off-street parking. If erected on a corner lot, it shall be set back from the side street to comply with the setback line applying to the principal building for that side street.
- 501.2 DISTANCE FROM ADJACENT BUILDING AND PROPERTY LINE. The minimum distance of any accessory building from a property line or adjacent building on the same lot shall be five feet.
- 501.3 ACCESSORY BUILDINGS AS PART OF PRINCIPAL BUILDINGS. Accessory buildings may be erected as part of a principal building provided that all yard requirements of this Ordinance for the principal building including the attached accessory building are complied with.
- 501.4 ACCESSORY BUILDINGS NOT TO BE CONSTRUCTED PRIOR TO PRINCIPAL BUILDINGS. Notwithstanding any other provisions of this Ordinance, no building permit shall be issued for the construction of an accessory building prior to the issuance of a building permit for the construction of the main building to which the accessory building is accessory. If construction of the main building does not precede or take place at the same time with the construction

of the accessory building the Building Inspector shall have cause to revoke the building permit for the principal and accessory buildings.

501.5 [Reserved]

501.6 CAMPERS AND BOATS. Campers and boats may be stored in rear or side yards provided their locations meet the yard setback requirements for accessory buildings in their respective zoning districts. Campers and boats may not be occupied when stored and may be used only for temporary shelter for recreational or leisure purposes. [section renumbered - Ord. 2001-07]

§ 502 Appearance of Buildings.

Within any residential district, no building shall be constructed or altered in a manner so that its exterior design and appearance is not compatible and harmonious with a normal exterior residential appearance. Typical commercial and store front designs are prohibited.

§ 503 Building Identification.

All principal building in all districts shall be clearly identified as to building number, house number, street number, or name, by means of a small unobstructed sign clearly visible and legible from the main abutting street attached to either the outer most door, porch column, or lamppost. The house number, street number, or name shall be as assigned by the building inspector upon approval of the building plans.

§ 504 Conformity to Area Regulations.

Except as previously or hereinafter provided, it shall be unlawful to relocate, erect, construct, reconstruct, enlarge, structurally alter, or use any buildings, structure, or land except in conformity with the regulations of the district in which such building or structure is located in accordance with §§ 600, 601, 602, 603 and 604 of this Ordinance. See also § 508.

§ 505 Continuing Existing Uses.

Except as hereinafter specified, any use, building or structure, existing at the time of the enactment of this Ordinance may be continued, even though such use, building or structure may not conform with the provisions of this Ordinance for the district in which it is located. See §508.

§ 506 Conversion of Dwellings.

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which the new building or similar occupancy would be permitted under this Ordinance providing all requirements for that zoning district are also met and only when the resulting occupancy will comply with the requirements governing new construction in such district.

§ 507 Fences and Walls.

507.1 GENERAL PROVISIONS. The following regulations shall apply to any fences and walls:

- A. Clear Sight Distance. In any district on any corner lot, no fence, wall, or other structure or continuous planting shall be erected or maintained at a height exceeding 3 feet above road grade at the gutter line for a distance of 30 from the intersection of curblines or edge of pavement in the absence of such curbs.
- B. Finished Side. All permitted fences shall be situated on a lot in such a manner that the finished or non-structural side shall face abutting properties.
- C. Prohibited Materials. No fence or wall shall be erected of barbed wire, topped with metal spikes, broken bottles and glass, nor constructed of any material or in any manner which may be dangerous to persons or animals.
- D. Location of Fencing. Fences and walls may be placed with

the outer face located on the property line.

- E. Stormwater Flow. Fences and walls shall be erected to avoid damming or diverting the natural flow of water and shall be integrated into a grading plan, where appropriate, that provides for the adequate flow of storm water.

507.2 RESIDENTIAL DISTRICTS. The following additional regulations shall apply to fences and walls in residential districts:

- A. On any lot in any district, no wall or fence shall be erected or altered so that said wall or fence shall be over 3 feet in height in front yard areas and 6 feet in height in side and rear yard areas except:
 - 1. A dog run may have fencing a maximum of 7 feet in height provided such area is located in rear yard areas only and is set back from any lot line at least 5 feet.
 - 2. A deer protection fence consisting of wooden poles with horizontal stretched wire a maximum height of 8 feet in R-C and R-L districts shall be permitted.
 - 3. A tennis court area, located in rear yard areas only, may be surrounded by a fence a maximum of 12 feet in height; said fence to be set back from any lot line the distances required for accessory buildings in the zoning district as stipulated in Article IV.
- B. A private residential swimming pool area shall be surrounded by a fence at least 4 feet, but no more than 6 feet, in height, with no opening that permits the passage of a 4 inch sphere. Any passage through the fence shall be equipped with a self-closing, self-latching gate.

507.3 NON-RESIDENTIAL DISTRICTS. The following additional regulations shall apply to fences and walls in non-residential districts:

- A. Height. Fences shall be limited to 6 feet in height except

that they may be increased to 8 feet when adjacent to another non-residential use. Walls shall be limited to 6 feet in height.

- B. Landscape Plan. Fencing and walls for all uses requiring site plan approval shall be considered within the overall context of a landscape plan that considers the function and aesthetic quality of the fencing or wall.

§ 508 Non-conforming Uses, Buildings or Lots.

Except as otherwise provided in this Article, the lawful use of land existing at the date of the adoption of this Ordinance may be continued although such use does not conform to the regulations specified by this Ordinance for the zone in which such land, building or structures are located, provided, however, that no existing land, buildings or structures are devoted to a use not permitted by this Ordinance in the district in which such lands, buildings or structures are located, shall be enlarged, extended, constructed, reconstructed, substituted, relocated, erected, converted to another use, or structurally altered except in conformity with the regulations of this Ordinance for the district in which such land, building or structures are located except as allowed in §§ 601, 602, 603, and 604. Also, land on which a non-conforming building is located shall not be reduced in size, nor shall any lot already non-conforming be made more non-conforming in any manner.

508.1 ABANDONMENT. A non-conforming use as defined in the preceding section shall be considered abandoned if such non-conforming use is terminated by the owner or tenant or if the owner or tenant shall fail to use the property for the non-conforming use for a period of 12 consecutive months this shall be presumptive evidence of such abandonment and thereafter such building, structure and/or land shall not be used in a non-conforming manner.

508.2 CONVERSION TO PERMITTED USE. Any non-conforming building or use which has been changed to a conforming use shall not be changed back again to a non-conforming building or use.

508.3 RESTORATION. Any non-conforming building or use which has

been destroyed by fire, explosion, flood, windstorm, or other act of God shall be examined by the following three people to determine whether the building is more than 90 percent destroyed: 1) Building Inspector; 2) the owner or an architect or engineer selected by the owner; and 3) a third person agreed to by the Building Inspector and the owner. If in the opinion of a majority of these three people the damage is greater than 90 percent, the building or use shall be considered completely destroyed, and shall not be rebuilt, restored, or repaired unless in conformity to the building and use requirements of this Ordinance.

508.4 REPAIRS AND ALTERATIONS. Such repairs and maintenance work as required to keep a building in sound condition may be made to a non-conforming building or structure, provided no structural alterations shall be made except such as are required by law.

508.5 SALE OF NON-CONFORMING USE. Any non-conforming use may change ownership and continue to function as the same non-conforming use provided the other provisions of this section are met.

508.6 Any lot existing prior to November 15, 1971 which does not meet the minimum lot size, or a building which does not meet all the yard requirements, may be utilized or may have additions to the principal building and/or construct an accessory use without an appeal to the Board of Adjustment provided: 1) the total permitted building coverage for the existing or new structure(s) and the accessory building and/or addition is not exceeded; and 2) the new or accessory building and/or addition do not violate any other requirements of this Ordinance.

§ 509 Off-Street Parking and Loading.

509.1 REQUIREMENTS. All sites within the municipality shall be provided with adequate parking facilities for residents, visitors, employees and customers, including but not limited to access ways, driveways, drive aisles, internal parking lot collectors, loading areas, parking bays, parking garages and pedestrian walkways sufficient to ensure the safe and efficient movement of

people, vehicles, and goods. All parking facilities shall be adequately drained, screened from the public right-of-way and adequately landscaped as required in this section. All minimum requirements for off-street parking shall be met at the time of erection or enlargement of any building or structure. [Ord. 2001-07]

509.2 PROHIBITED PRINCIPAL USE. No parking lot or structure shall be permitted as the principal use of a lot unless owned by a governmental entity or agency. [Ord. 2001-07]

509.3 SETBACKS. Parking areas for more than three (3) vehicles shall be separated from the street right-of-way or other property line by a setback of sufficient distance to prevent any part of a vehicle from overhanging the street right-of-way or property line or internal sidewalks. Parking areas shall not be an extension of any street right-of-way.

509.4 [Reserved]

509.5 ACCESS TO PARKING LOTS FOR FOUR OR MORE VEHICLES. Entrance and exit drives crossing a street line shall be limited to 2 along the frontage of any one street and their center lines shall be spaced at least 75 feet apart and at least 150 feet from the street line of any intersecting street. Continuous open driveways in excess of 16 feet resulting in the elimination of curbing along streets shall be prohibited except that for commercial and industrial uses driveways of more than 16 feet may be permitted with the approval of the Planning Board but in no case shall a driveway more than 16 feet in width be permitted without provision for a 5 foot island. Curbing at the driveway shall be depressed.

509.6 LOCATION OF PARKING. Off-street parking area for 4 or more vehicles may occupy front, side and rear yard areas subject to site plan approval by the Planning Board. No parking of vehicles shall be permitted in the driveways, aisles, fire lanes, or turning areas. Nothing shall prohibit driveways for one and two-family dwellings from being considered one off-street parking space per family except that any driveway in excess of 10 percent slope

~~shall not be considered as of street parking.~~

509.7 PARKING LOT INTERCONNECTION. Parking areas for individual non-residential uses shall be designed to be interconnected with adjacent properties and shall utilize common entrance(s) and exit(s) where feasible, to minimize access points to the street. Such interconnection shall be established through an appropriate cross-access easement either unilaterally established by one party or by mutual agreement. The cross-access easement shall be approved by the attorney for the Board of Jurisdiction. [Ord. 2001-07]

509.8 PARKING LOT DESIGN. Parking lots shall be designed to control access to public streets in appropriate locations, minimize conflict points between vehicles and vehicles and pedestrians, minimize direct access to parking spaces from access driveways, provide adequate landscaping for the screening of parked vehicles from public view and shade over the lot, and control storm water runoff. [Ord. 2001-07]

A. Vehicle Overhang. Where sidewalks occur in parking areas, parked vehicles shall not overhang or extend over the sidewalk unless an additional 2 feet in width is provided in order to accommodate such overhang. Parking areas or driveways shall be designed with sufficient depth such that no vehicle overhang shall occur over the streetline by passenger vehicles.

B. Parking areas shall not be an extension of any street right-of-way.

C. Parking areas shall not exceed a 10% slope.

D. Tree Retention. Parking facilities shall be designed to minimize the removal of any tree 8 inches in caliper or larger.

E. Markings and Signage. All off-street parking lots shall have adequate pavement markings and signage to indicate traffic flow and parking spaces subject to the Board of

jurisdiction.

- F. Landscaping. Landscaping shall be required pursuant to §510.

509.9 REQUIRED LOADING. Each business or service establishment shall have access to a loading and unloading space within 300 feet of the premises. An adequate guarantee shall be provided that establishes a right to the loading and unloading use, unless such space is provided by a public entity.

- A. Business or service establishments occupying a lot of 15,000 square feet or larger shall provide off-street loading and unloading space on the premises.
- B. Each off-street loading area shall be a minimum of 12 feet by 35 feet.
- C. The loading area shall be so arranged to avoid impairment to the circulation system of parking spaces, parking aisles, points of ingress and egress, and streets.

509.10 [Reserved]

509.11 DRIVEWAY STANDARDS. Driveways providing access to parking spaces and the interior of lots shall meet the requirements as indicated in Table 5.2.

Table 5.2 Driveway Standards.

Driveway Requirement	Single and Two-Family Residential Use	Multi-family, Mixed or Non-Residential Use	
		One-Way	Two-Way
Minimum Width	9 feet	12 feet	18 feet
Maximum Width	12 feet	18 feet	25 feet
Maximum Slope	15 %	12 %	12 %
Minimum Distance from Street Intersection ⁽¹⁾	25 feet	20 feet ingress, 25 feet egress	25 feet
Minimum Distance from Side Lot Line ⁽²⁾	3 feet	5 feet	5 feet

(1) - Measured from the edge of paving to right-of-way line.

(2) - Measured from long side of driveway to lot line. Does not apply to shared driveways.

[Ord. 2001-07]

509.12 SURFACING AND CURBING.

- A. **All-Weather Surface.** All driveways and off-street parking spaces shall be surfaced with a bituminous concrete or portland cement concrete so as to provide an all-weather surface, drained, and dust free in accordance with the street specifications of the Subdivision Ordinance of the City of Lambertville. For parking lots of ten spaces or less serving non-retail sales uses, the approving authority may approve parking utilizing alternative porous materials.
- B. **Curbing.** All off-street parking lots, traffic islands, and other traffic channelization devices shall be curbed with portland cement concrete or Belgian Block with a minimum reveal of 6 inches or as directed by the City Engineer. A full length depressed curb shall be installed along the gutterline of all non-residential driveways at their intersection with a public cartway. Such depressed curb shall have a minimum reveal of 1½ inches or as directed by the City Engineer.

[Ord. 2001-07]

§ 510 Landscaping.

510.1 GENERAL PROVISIONS. The following general provisions shall apply to the installation and design of landscapes:

- A. All land areas not covered with buildings, parking, or other impervious surfaces shall be landscaped with suitable materials. Landscaping shall consist of trees, shrubs, ground cover, perennials, and annuals singly or in common as well as inanimate materials such as rocks, water, sculpture, art, walls, fences, and paving materials.
- B. A landscape design shall be provided as part of site plan and subdivision submissions. Every applicant for subdivision or site plan approval shall comply with the minimum standards as set forth in this section.
- C. The Board of jurisdiction may require additional landscaping to create an appropriate landscaping scheme for the site given the nature of the site and the proposed development.
- D. Where subdivisions only are applied for, the minimum standards shall apply only to street trees and to common open space and areas proposed to be dedicated to the public.
- E. All landscape plants shall be typical in size and weight for their species and shall conform to the standards of the American Association of Nurserymen for quality and installation.
- F. Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities and storm water management facilities and should generally be no closer than 10 feet measured horizontally.
- G. All plants shall be tolerant of specific site conditions. The use of indigenous species is strongly encouraged. Exotic, non-native invasive plant species are strongly discouraged.

510.2 LANDSCAPE DESIGN GUIDELINES.

- A. Landscaping shall be conceived holistically and be designed to achieve a thorough integration of the various elements of site design, including building and parking placement, the natural features of the site and the preservation of pleasing or aesthetic views. Landscaping shall be used to accent and complement the form and type of building proposed.
- B. In the landscape design of sites, areas shall be designated for retaining existing trees and the replacement of trees cleared from the site.
- C. Landscaping shall be located to provide effective climatic control. The east and west walls of a building should be the most heavily vegetated to shade for summer sun and the north to northwest area for winter prevailing winds. The southerly facing side of a building should be shaded from summer sun but open for solar gain during the winter.
- D. Plant's susceptibility to disease, their colors, textures, shapes, blossoms, and foliage characteristics shall be considered in the overall design of a landscape plan.
- E. Local soil conditions and water availability shall be considered in the choice of landscaping.
- F. In the design process, the eventual maturity of the plant shall be considered for its effect on circulation patterns, solar access, site lighting, drainage, emergency access and relationship to buildings and the streetscape.

510.3 STREET TREES.

- A. Location. Street trees shall be installed on both sides of all streets in accordance with an approved landscape plan. Trees shall be spaced evenly along the street between the curb and sidewalk. Where the distance between the curb

and sidewalk is less than 5 feet, sidewalks should be placed in a public access easement outside of the right-of-way to create a planting strip at least 5 feet wide to facilitate street tree growth. In areas with wider sidewalks that extend to the curb, trees shall be placed in tree wells with root guard systems. Such tree wells shall have sufficient soil volume to support tree growth as follows:

<u>Tree Size at Maturity</u> <u>(Height in feet)</u>	<u>Soil Volume</u> <u>(in cubic feet)</u>
Large trees (45'+)	200
Medium-sized trees (30'-45')	150
Small trees (to 30')	100

Areas under sidewalks may be used to meet the soil volume requirement provided no more than 50% of the volume is located under such hard paving.

- B. Spacing. When trees are planted at predetermined intervals along streets, spacing shall depend on tree size.

<u>Tree Size at Maturity</u> <u>(Height in feet)</u>	<u>Planting Interval</u> <u>(in feet)</u>
Large trees (45'+)	40
Medium-sized trees (30'-45')	30
Small trees (to 30')	20

Trees may be planted closer together in order to avoid interference with utilities, roadways, sidewalks, sight easements, and street lights.

- C. Street Tree Type. Tree type may vary depending on overall effect desired but as a general rule, all street trees shall be large deciduous trees except as needed to achieve special effects. Tree selection shall be approved by the Board in accordance with Tables 5.3, 5.4 and 5.5. Native species are marked with an asterisk. Alternate selections may be approved at the discretion of the Board with input from the

Shade Tree Commission.

Table 5.3 Recommended Small Street Trees.

Botanical Name	Common Name	Minimum Planting Size
<i>Acer campestre</i>	Hedge Maple	2½"-3" cal.
<i>Acer ginnala</i>	Amur Maple	2½"-3" cal.
<i>Amelanchier x hydrida 'Cumulus'</i>	Shadblow 'Cumulus'	2"-2½" cal.
<i>Acer buergeranum</i>	Trident Maple	2½"-3" cal.
<i>Crataegus phaenopyrum x. fastigiata</i> *	Washington Hawthorne	2½"-3" cal.
<i>Crataegus viridis</i> *	Green Hawthorne	2½"-3" cal.
<i>Magnolia x lobneri 'Merrill' *</i>	Merrill Magnolia	10'-12'
<i>Malus baccata</i>	Siberian Crabapple	3"-3½" cal.
<i>Malus x zumi 'Calocarpa'</i>	Zumi Crabapple	3"-3½" cal.
<i>Syringa reticulata</i>	Japanese Tree Lilac	10'-12'

* Native species

Table 5.4 Recommended Medium Street Trees.

Botanical Name	Common Name	Minimum Planting Size
<i>Acer rubrum 'Northwood' *</i>	Northwood Red Maple	2½"-3" cal.
<i>Acer rubrum 'Scanlon' *</i>	Scanlon Red Maple	3"-3½" cal.
<i>Acer saccharum 'Goldspire' *</i>	Goldspire Sugar Maple	3"-3½" cal.
<i>Celtis bungeana *</i>	Bunge Hackberry	2½"-3" cal.
<i>Cladratis lutea *</i>	Yellowwood	2"-2½" cal.
<i>Carpinus caroliniana *</i>	American Hornbeam	2½"-3" cal.
<i>Malus baccata 'Manchurian'</i>	Manchurian Crabapple	3"-3½" cal.
<i>Phellodendron amurense</i>	Amur Corktree	2½"-3" cal.

Botanical Name	Common Name	Minimum Planting Size
<i>Tilia cordata</i> x. 'Whitehouse' *	Whitehouse Linden	3"-3½" cal.

* Native species

Table 5.5 Recommended Large Street Trees.

Botanical Name	Common Name	Minimum Planting Size
<i>Acer rubrum</i> 'October Glory' *	October Glory red maple	3"-3½" cal.
<i>Acer rubrum</i> 'Red Sunset' *	Red Sunset red maple	3"-3½" cal.
<i>Celtis occidentalis</i> 'Magnifica' *	Hackberry	3"-3½" cal.
<i>Fraxinus americana</i> 'Autumn Purple'*	Autumn purple ash	3"-3½" cal.
<i>Ginkgo biloba</i> (male only)	Ginkgo	3"-3½" cal.
<i>Platanus acerifolia</i>	London Planetree	3"-3½" cal.
<i>Platanus occidentalis</i> *	Sycamore	3"-3½" cal.
<i>Quercus coccinea</i> *	Scarlet Oak	2"-2½" cal.
<i>Quercus marcocarpa</i> *	Bur Oak	3"-3½" cal.
<i>Quercus phellos</i> *	Willow Oak	3"-3½" cal.
<i>Quercus rubra</i> *	Red Oak	3"-3½" cal.
<i>Sophora japonica</i> 'Regent'	Scholar tree	3"-3½" cal.
<i>Tilia americana</i> 'Redmond' *	Redmond Linden	3"-3½" cal.
<i>Tilia x euchlora</i>	Crimean linden	3"-3½" cal.
<i>Tilia tomentosa</i> 'Green Mountain'	Silver linden	3"-3½" cal.
<i>Zelkova serrata</i> 'Village Green'	Japanese zelkova	3"-3½" cal.

* Native species

- D. Planting Specifications. All trees shall have a minimum caliper as noted in the appropriate table in this section unless otherwise exempted. Street trees shall be substantially uniform in size and shape, and have straight

trunks. Trees shall be properly planted and staked in accordance with standards promulgated by the American Nurserymen's Association. Provision shall be made by the developer for regular watering and maintenance until trees are established. Dead or dying trees shall be replaced by the developer during the next suitable planting season.

510.4 ADDITIONAL RECOMMENDED TREES. Any of the trees noted in Tables 5.3, 5.4 and 5.5 may be used in the design of landscapes as well as their use as street trees. The trees in Table 5.6 are recommended for site development purposes:

Table 5.6. Additional Recommended Trees.

Botanical Name	Common Name	Minimum Planting Size
<i>Acer palmatum</i>	Japanese Maple	6'-7'
<i>Acer saccharum</i> *	Sugar Maple	3"-3½" cal.
<i>Betula pendula</i>	Weeping Birch	12'-14'
<i>Cedrus atlantica glauca</i>	Blue Atlas Cedar	6'-8'
<i>Cercidiphyllum japonicum</i>	Katsura-tree	3"-3½" cal.
<i>Cercis canadensis</i> *	Eastern Redbud	6'-8'
<i>Cornus kousa</i>	Chinese Dogwood	2"-2½" cal.
<i>Crataegus crusgalli inermis</i> *	Thornless Cockspur Hawthorn	2"-2½" cal.
<i>Cryptomeria japonica</i>	Cryptomeria	5'-6'
<i>Diospyros virginiana</i>	Common Persimmon	1½" - 2" cal.
<i>Fagus grandifolia</i> *	American Beech	3"-3½" cal.
<i>Fagus atropinicea</i>	Copper Beech	3"-3½" cal.
<i>Gleditsia triacanthos inermis</i> *	Thornless Honeylocust	3"-3½" cal.
<i>Ilex opaca</i> *	American Holly	6'-7'
<i>Koelreuteria paniculata</i>	Golden Rain Tree	2"-2½" cal.

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Botanical Name	Common Name	Minimum Planting Size
<i>Liquidambar styraciflua</i> *	Sweetgum	3"-3½" cal.
<i>Liriodendron tulipifera</i> *	Tulip Poplar	2"-2½" cal.
<i>Metasequoia glyptostroboides</i>	Dawn Redwood	8'-10'
<i>Ostrya virginiana</i> *	Hop hornbeam	1½"-2" cal.
<i>Oxydendrum arboreum</i> *	Sourwood	6'-8'
<i>Picea abies (excelsa)</i>	Norway Spruce	5'-6'
<i>Picea omorika</i>	Serbian Spruce	5'-6'
<i>Pinus strobus</i> *	White Pine	5'-6'
<i>Pinus thunbergiana</i>	Japanese Black Pine	5'-6'
<i>Pinus virginiana</i> *	Virginia Pine	5'-6'
<i>Populus balsamifera</i>	Balsam Poplar	2½"-3" cal.
<i>Prunus cerasifera</i>	Flowering Plum	2½"-3" cal.
<i>Prunus serrulata</i>	White Cherry	2½"-3" cal.
<i>Pseudolarix kaempferi</i>	Golden Larch	8'-10'
<i>Pseudotsuga menziesii</i> *	Douglas Fir	5'-6'
<i>Quercus acutissima</i>	Sawtooth Oak	3"-3½" cal.
<i>Quercus alba</i> *	White Oak	2½"-3" cal.
<i>Quercus palustris</i> *	Pin Oak	3"-3½" cal.
<i>Tilia cordata</i> 'Greenspire'	Greenspire Linden	3"-3½" cal.
<i>Tilia tomentosa</i> 'Green Mountain'	Silver Linden	3"-3½" cal.
<i>Tsuga canadensis</i> *	Canadian Hemlock	5'-6'
<i>Ulmus americana</i> 'Delaware' *	American Elm, 'Delaware'	3"-3½" cal.

* Native species

510.5 FALL PLANTING HAZARD. Certain trees have been identified as having a high degree of transplantation failure if installed during the Fall season. These should be noted on landscape plans as "Spring planting season only". The Fall planting hazard trees

include the following genus and/or species:

<i>Betula</i>	<i>Pyrus</i>
<i>Carpinus</i>	<i>Quercus</i> , excluding <i>Q. palustris</i>
<i>Crataegus</i>	<i>Salix babylonica</i>
<i>Ilex opaca</i>	<i>Tilia tomentosa</i>
<i>Liquidambar styraciflua</i>	<i>Zelkova</i>
<i>Liriodendron tulipifera</i>	

510.6 RECOMMENDED SHRUBS. The following shrubs are recommended for site development use:

Table 5.7 Recommended Shrubs.

Botanical Name	Common Name	Minimum Planting Size
<i>Abelia grandiflora</i>	Glossy Abelia	18"-24"
<i>Aronia arbutifolia brilliantissima</i> *	Red Chokeberry	2'-3'
<i>Azalea delaware valley</i> *	Delaware Valley Azalea	18"-24"
<i>Azalea exbury</i>	Exbury Azalea	18"-24"
<i>Azalea hino-crimson</i>	Hino-Crimson Azalea	18"-24"
<i>Azalea stewartsonia</i>	Stewartson Azalea	18"-24"
<i>Berberis julianae</i>	Wintergreen Barberry	18"-24"
<i>Berberis thunbergii</i>	Japanese Barberry	18"-24"
<i>Clethra alnifolia</i> *	Summersweet	15"-18"
<i>Cornus alba sibirica</i>	Siberian Dogwood	3'-4'
<i>Cornus stolonifera lutea</i>	Yellowtwig	3'-4'
<i>Cotoneaster apiculata</i>	Cranberry Cotoneaster	12"-18"
<i>Cotoneaster salicifolia repens</i>	Park Carpet Cotoneaster	12"-18"
<i>Deutzia gracilis</i>	Slender Deutzia	18"-24"
<i>Euonymus alata</i>	Dwarf Winged Euonymus	4'-5'
<i>Euonymus alatus compactus</i>	Winged Euonymus	3'-4'

Zoning Ordinance

City of Lambertville • Hunterdon County

April 16, 2001

Botanical Name	Common Name	Minimum Planting Size
<i>Euonymus fortunei vegetus</i>	Bigleaf Wintercreeper	18"-24"
<i>Fothergilla gardenii</i>	Dwarf Fothergilla	12"-18"
<i>Fothergilla major</i> *	Large Fothergilla	12"-18"
<i>Hamamelis virginiana</i> *	Witch Hazel	4'-5'
<i>Hibiscus syriacus</i>	Rose of Sharon	18"-24"
<i>Hydrangea paniculata grandiflora</i> *	PeeGee Hydrangea	18"-24"
<i>Ilex crenata hellerei</i>	Dwarf Japanese Holly	18"-24"
<i>Ilex glabra</i> *	Inkberry	18"-24"
<i>Ilex glabra compacta</i> *	Compact Inkberry	18"-24"
<i>Juniperus chinensis glauca hetzi</i>	Hetz Juniper	2½'-3'
<i>Juniperus chinensis pfitzeriana compacta</i>	Compact Pfitzer Juniper	18"-24"
<i>Juniperus chinensis torulosa</i>	Torulosa Juniper	4'-5'
<i>Juniperus horizontalis bar harbor</i>	Bar Harbor Juniper	18"-24"
<i>Juniperus horizontalis plumosa</i>	Andorra Juniper	18"-24"
<i>Juniperus horizontalis wiltoni</i>	Blue Rug Juniper	18"-24"
<i>Juniperus sargentii</i>	Sargent Juniper	15"-18"
<i>Kalmia latiflora</i> *	Mountain Laurel	15"-18"
<i>Leucothoe axillaris</i> *	Coast Leucothoe	18"-24"
<i>Ligustrum ibolium</i>	Ibolium Privet	2'-3'
<i>Lonicera fragrantissima</i>	Winter Honeysuckle	2'-3'
<i>Magnolia soulangiana</i>	Saucer Magnolia	8'-10'
<i>Magnolia stellata</i>	Star Magnolia	6'-8'
<i>Magnolia virginiana</i> *	Sweetbay Magnolia	6'-8'
<i>Myrica pensylvanica</i> *	Northern Bayberry	4'-5'
<i>Philadelphus virginalis</i>	Virginal Mockorange	2'-3'

Botanical Name	Common Name	Minimum Planting Size
<i>Picea excelsa nidiformis</i>	Birdnest spruce	#1 can
<i>Pieris japonica</i>	Japanese Andromeda	15"-18"
<i>Pinus montana mughus</i>	Mugho Pine	18"-24"
<i>Potentilla fruticosa</i> *	Bush Cinquefoil	12"-18"
<i>Pyracantha fiery cascade</i>	Fiery Cascade Firethorn	18"-24"
<i>Rhododendron catawbiense</i> *	Catawba Rhododendron	2'-3'
<i>Rhododendron maximum roseum</i> *	Rosebay Rhododendron	2'-3'
<i>Spirea vanhouttei</i>	Vanhoutte Spirea	3'-4'
<i>Spirea bumalda 'anthony waterer'</i>	Anthony Waterer Spirea	18"-24"
<i>Spirea nipponica 'Snowmound'</i>	Snowmound Spirea	18"-24"
<i>Syringa vulgaris</i> *	Common Purple Lilac	5'-6'
<i>Taxus baccata repandens</i>	English Yew	18"-24"
<i>Taxus cuspidata densiformis</i>	Dense Yew	3½'-4'
<i>Taxus media hicksi</i>	Hicks Yew	18"-24"
<i>Thuja occidentalis nigra</i> *	Dark American Arborvitae	5'-6'
<i>Viburnum burkwoodi</i>	Burkwood Viburnum	18"-24"
<i>Viburnum carlesi</i>	Fragrant Viburnum	3'-3½'
<i>Viburnum dentatum</i> *	Arrowwood	2'-3'
<i>Viburnum rhytidophyllum</i>	Leatherleaf Viburnum	5'-6'
<i>Viburnum tomentosum</i>	Doublefile Viburnum	5'-6'

* Native species

510.7 RECOMMENDED PLANTS FOR WET CONDITIONS. The following plants in Table 5.8 are recommended for wetlands, flood plains, and stormwater management facilities:

Table 5.8. Trees and Shrubs Recommended for Wet Conditions.

Botanical Name	Common Name	Minimum Planting Size
<i>Acer negundo</i> *	Boxelder	2"-2½" cal.
<i>Acer rubrum</i> *	Red Maple	3"-3½" cal.
<i>Acer saccharinum</i> *	Silver Maple	3"-3½" cal.
<i>Alnus serrulata</i> *	Smooth Alder	2"-2½" cal.
<i>Amelanchier alleghiensis</i> *	Allegheny Serviceberry	2½"-3" cal.
<i>Amelanchier canadensis</i> *	Shadblow (Downy Serviceberry)	2½"-3" cal.
<i>Aronia arbutifolia</i> *	Red Chokeberry	2'-3'
<i>Aronia melanocarpa</i> *	Black Chokeberry	2'-3'
<i>Betula nigra</i> *	River Birch	10'-12'
<i>Betula populifolia</i> *	Gray Birch	10'-12'
<i>Cephalanthus occidentalis</i> *	Buttonbush	2'-3'
<i>Clethra alnifolia</i> *	Summersweet	18"-24"
<i>Cornus amomum</i> *	Silky Dogwood	3'-4'
<i>Cornus sericea</i> *	Red Osier Dogwood	3'-4'
<i>Fraxinus pennsylvanicum</i> *	Green Ash	3"-3½" cal.
<i>Ilex glabra</i> *	Inkberry Holly	18"-24"
<i>Ilex verticillata</i> *	Winterberry Holly	18"-24"
<i>Itea virginica</i> *	Virginia Sweetspire	12"-15"
<i>Lindera benzoin</i> *	Spicebush	18"-24"
<i>Liquidambar styraciflora</i> *	Sweetgum	3-3½" cal.
<i>Magnolia virginiana</i> *	Sweetbay magnolia	6'-8'
<i>Nyssa sylvatica</i> *	Black Gum	2"-2½" cal.
<i>Platanus occidentalis</i> *	Sycamore	3"-3½" cal.
<i>Quercus bicolor</i> *	Swamp White Oak	2½"-3" cal.

Botanical Name	Common Name	Minimum Planting Size
<i>Quercus palustris</i> *	Pin Oak	3"-3½" cal.
<i>Rhododendron viscosum</i> *	Swamp Azalea	18"-24"
<i>Rosa palustris</i> *	Swamp Rose	18"-24"
<i>Salix discolor</i> *	Pussy Willow	3'-4'
<i>Salix babylonica</i> *	Weeping Willow	3"-3½" cal.
<i>Salix nigra</i> *	Black Willow	2"-2½" cal.
<i>Sambucus canadensis</i> *	Elderberry	2'-3'
<i>Vaccinium corymbosum</i> *	Highbush Blueberry	2'-3'
<i>Viburnum dentatum</i> *	Arrowwood Viburnum	2'-3'

* Native species

510.8 BUFFERS. Landscaping buffers are areas required to minimize and visually screen any adverse impacts or nuisances on a site or from any adjacent area.

A. General requirements.

1. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, and if appropriate, fences or walls in sufficient quantities and sizes to perform their necessary screening function.
2. Buffers may be installed in required yard areas except for reverse frontage buffers where they shall be in addition to the required yard area.
3. Buffers shall be continuous except for access drives as approved by the Board of jurisdiction. Storm water management facilities, parking, dumpster enclosures, accessory building or above ground structures, and similar encroachments shall not be permitted in the required buffer area.

B. The minimum width of a landscape buffer shall be

dependent on the proposed use of a property and the land uses adjacent to it in accordance with Table 5.9.

Table 5.9. Required Minimum Buffer Widths.

Proposed Land Use	Adjacent Land Use					
	Residential Type A ⁽¹⁾	Residential Type B ⁽²⁾	CBD Retail/Office	Other Retail/Office	Institutional/Quasi-public	Industrial
Residential Type A ⁽¹⁾	None	None	10 ft.	15 ft.	None	25 ft.
Residential Type B ⁽²⁾	None	None	5 ft.	10 ft.	None.	25 ft.
CBD Retail/Office	10 ft.	5 ft.	None	None	None	15 ft.
Other Retail/Office	15 ft.	10 ft.	None	None	None	15 ft.
Institutional/Quasi-public	15 ft.	10 ft.	None	None	None	25 ft.
Industrial	25 ft.	25 ft.	15 ft.	15 ft.	25 ft.	None

(1) - Residential Type A equals single family detached, duplex and semi-detached dwellings.

(2) - Residential Type B equals all other dwellings except those in institutional settings, i.e. residential health care facilities, skilled nursing facilities and assisted living facilities. The Institutional category shall apply to these exceptions.

C. Required buffer widths may be reduced by 5 feet in width if an opaque fence or wall is used in conjunction with plantings and is sufficiently high to visually obstruct the view of persons at ground level. See §507 for fence and wall regulations.

510.9 PARKING AND LOADING AREA LANDSCAPING. The objectives of the landscape architectural treatment of all parking areas shall be to provide for safe and convenient movement of vehicles, to limit pedestrian/vehicular conflicts, to limit paved areas, to provide for screening from the public right-of-way and adjacent buildings, to reduce the overall visual impact of parking lots, and to provide

shade and reduce heat island effects. All non-residential parking lots and residential parking lots in excess of 5 spaces shall conform to the following requirements:

- A. The minimum width of landscape islands shall be 8 feet on the side of parking spaces and 10 feet between parking bays. If sidewalks are incorporated through the long axis of the landscape islands, their width shall be added to these requirements. Where the parking lot design will result in pedestrians cutting perpendicularly through landscape islands, sidewalks shall be installed at regular intervals through its short axis.
- B. Landscape islands within parking lots shall be planted with a combination of deciduous trees, evergreen and deciduous shrubs, and ground cover at the rate of 6 large or medium trees, 4 small or ornamental trees and 60 shrubs per 100 lineal feet along the long axis of the island.
- C. Parking and loading areas shall be screened by a combination of hedges, fences and/or walls. The minimum screening height at planting shall be 2½ feet and shall have a height of at least 4 feet within three years of installation. Loading dock areas shall be screened with a minimum height of 6 feet at planting and shall achieve a height of at least 10 feet five years after installation. Land use mitigation buffers pursuant to Table 5.11 may be used to meet these requirements.
- D. Parking lot lighting should be sited within landscape islands, however, without hindering necessary lighting coverage. *See also* §511 for lighting requirements.
- E. No more than 20 parking spaces shall be placed in one row of parking without an intervening landscape island.

510.10 HISTORIC DISTRICT LANDSCAPING. Landscape design within the Lambertville Historic District and historic sites outside of the district shall encourage the preservation of historic resources and natural amenities and areas of unique character within the

landscape. This may include, but is not limited to, bodies of water, streams, windbreaks, groves of trees, hedge rows, orchards, unique vistas, historic structures and landmarks. Redevelopment in the Lambertville Historic District shall be designed to preserve and utilize cultural resources of the historic landscape.

510.11 SITE PROTECTION AND GENERAL PLANTING REQUIREMENTS.

- A. Topsoil Preservation. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least 4 inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
- B. Removal of Debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and disposed of in accordance with New Jersey Department of Environmental Protection regulations. No tree stumps, portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may, subject to approval of the City Engineer, be used as mulch in landscaped areas, provided they have been properly composted.
- C. Slope Plantings. Landscaping of the area of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than 3:1 shall be planted with ground covers appropriate for the purpose and soil conditions, water availability, and environment.
- D. Additional Landscaping. In residential developments, besides the screening and street trees required, additional plantings or landscaping elements shall be required throughout the subdivision where necessary for climate control, privacy, or for aesthetic reasons in accordance with a typical planting plan approved by the Board of jurisdiction.

- E. Planting Details. Planting details shall be consistent with the American Nurserymen's Association recommendations as they may be amended or superseded.

510.12 TREE PROTECTION STANDARDS.

- A. Standards for Tree Retention. The following standards shall apply to all trees regardless of location:
1. Existing trees on a site contemplated for development shall be retained to the greatest feasible extent.
 2. In off-street parking areas and storm water management facilities, islands of trees shall be retained. These requirements shall not pertain to individual single family detached and two-family dwellings.
 3. No paving of any impervious nature shall be placed within the dripline of any tree, and the grade shall be such that drainage of rainwater will water the root area without pooling or exceeding the requirements of the species. Excess water shall be admitted to storm sewers in the parking lot or drained by other means acceptable to the City Engineer.
 4. Any live tree which is substantially damaged as a result of grading or general construction shall be replaced with another tree. A tree shall be substantially damaged when one-half (½) or more of the tree bark is destroyed below 4 feet or the trunk is girdled.
 5. Any tree used in a required planting, or to replace a damaged tree, shall have a trunk or main stem which is at least 2.5 inches in caliper in accordance with the specifications herein, unless the tree is used for storm water management facility plantings, and shall meet the specifications of the American Nurserymen's Association standards.

6. Existing trees are encouraged to be used for the required buffer zone of trees and shrubs to be established in accordance with §510.8.
 7. Trees in the area between the street line and the setback line of the building shall be preserved to the greatest extent possible.
 8. Specimen trees in excess of 24 inches in diameter, measured 4½ feet above grade, shall not be removed unless diseased or constitute a hazard to the general public.
 9. No trees on public rights-of-way, parks, or public areas are to be removed by private individuals except as approved by the Administrative Officer or other officer designated by the governing body. The removal of trees shall not be permitted from a Master Plan right-of-way unless trees are dead, diseased, or endanger life or property, or a letter of approval is obtained from the governing body or Administrative Officer. Conversely, no trees are to be planted on public rights-of-way without express approval granted as part of a site plan or subdivision application or by the Administrative Officer.
- B. **Methods of Tree Protection.** All persons shall exercise due care to protect trees which are to be retained from damage during construction. Critical root zones shall be protected by the use of fencing located at the dripline in accordance with the City of Lambertville engineering standards. The procedures in this subsection shall be observed in order to protect retained trees, as follows:
1. **Protection from mechanical injury.**
 - a. Prior to any grubbing or clearing, all trees in the tree protection zone from its edge to a depth of 25 feet into the zone shall be

protected from equipment damage by enclosing the area at the dripline. Individual trees to be retained shall be completely encircled as required herein. All exposed roots, trunks, and low lying branches shall be equally protected. Groups of trees in an area to be retained after construction may be protected by fencing the entire area where they are located. Compaction of the ground by mechanical, vehicular, storage of materials, or other means within the dripline shall not be permitted.

- b. Feeder roots shall not be cut within the dripline; however, if feeder root cutting is waived in order to further other objectives of this section, such cuts shall be made by hand with pruning shears to produce sharp, clean cuts. Removal of feeder roots by mechanized equipment shall not be permitted.
- c. Tree trunks and exposed roots shall not be damaged. However, accidental damage shall be addressed and action taken to avoid further injury to the tree. Damaged branches shall be sawed off at the branch collar. No shellac or pruning paint shall be used. When the portion of the tree that is damaged is diseased, pruning equipment shall be dipped in alcohol to prevent further spread of disease.
- d. Deciduous trees shall be given a liquid, slow-release, low-nitrogen, all-purpose fertilizer to aid in their recovery from potential damage from construction activities. Such application shall be made at a distance of 1 foot from the trunk extending out in concentric circles to the dripline. The fertilizer shall be injected into the ground at the time of the cease of construction and one year thereafter.

- e. Trees shall not be used for roping, cabling, signs, or fencing. Nails and other fastening devices shall not be driven or attached to the tree.
 - f. The area in the critical root zone under the dripline shall be left open to provide access for water and nutrients. No impervious cover, storage of equipment, materials, debris or fill shall be allowed within this area except as specifically approved by the Board of jurisdiction.
 - g. Trees being removed under the allowances in this section shall not be felled, pushed, or pulled into a tree protection or tree save area.
2. Protection from grade change.
- a. Increase in grade. If an increase in the grade of the land is proposed, the applicant shall install either:
 - (1) A system of gravel and drains at the old soil level which opens into a dry well built around the trunk and individually designed for the contour of the land to provide aeration and drainage.
 - (2) A retaining wall between the existing grade and higher grade to the satisfaction of the City Engineer.
 - b. Lowering the grade. If a lowering of the grade is proposed one of the following methods to protect the tree shall be followed:
 - (1) Terracing the grade at the dripline and out from the tree.

- (2) A retaining wall between the existing grade and lower grade to the satisfaction of the City Engineer.
- 3. Protection from excavation. Trenches for utility lines or other similar uses shall adhere to the following, listed in descending order of preference:
 - a. Trenches shall bypass the critical root area unless the approving authority determines that no other practical alternative exists; in which case
 - b. Trenches should be tunneled under the feeder roots a minimum of two feet from existing grade, unless the approving authority determines that no other practical alternative exists; in which case
 - c. Trenches may be dug within the dripline of the tree, provided that the following provisions shall be observed:
 - (1) Trenches shall be no closer to the trunk than half the distance to the dripline.
 - (2) Roots shall be cut with sharp hand tools to reduce feeder root damage.
 - (3) The trench shall be backfilled within the shortest amount of time possible and the soil shall not be compacted.
 - d. Protection during cleanup.
 - (1) All construction debris shall be hauled to an approved landfill or recycling facility and shall not be buried or burned.

- (2) Snow fences, barriers or other tree protection devices shall be the final item to be removed from the site prior to occupancy.

[Ord. 2001-07]

§ 511 Lighting.

511.1 GENERAL REQUIREMENTS.

- A. Sufficient lighting shall be provided on each site or along roadways to ensure the security of property and to protect the safety of persons during the hours of sunset and sunrise when the establishment or facility is in use.
- B. Lighting shall be so designed to avoid the creation of hazards to motorists and pedestrians or nuisance to adjoining property owners or residents. Lighting directed towards the sky shall be designed to prevent interference with commercial aviation routes.
- C. Lighting levels, lamp color, and fixture type shall be consistent throughout the parcel in question and shall complement building architecture and landscaping.
- D. Lighting shall be designed to minimize energy and maintenance requirements and shall comply with the U.S. Energy Policy Act of 1992 as it may be amended or superseded.
- E. Exterior lighting not building mounted shall be supplied by electricity from underground cabling.
- F. Lighting proposed for public streets shall be designed to be integrated into the City's existing street lighting system.

511.2 STREET LIGHTING. All public and private streets shall be sufficiently illuminated to ensure traffic and pedestrian safety under all weather conditions.

- A. Design Criteria. The design of street lighting shall take into consideration:
 - 1. The brightness of the abutting uses in comparison to pavement brightness as seen by both motorists and pedestrians;
 - 2. The ability to discern objects on the street or its edge in comparison to abutting uses; its brightness contrast;
 - 3. The time available to the motorist and pedestrian to view such objects;
 - 4. The amount of direct glare from the luminaire or lamp and reflected glare from the pavement.
- B. Lighting Standard Placement. Lighting standards shall be located at the following places:
 - 1. At every street intersection.
 - 2. At the end of each cul-de-sac.
 - 3. At curves with an inside radius of less than 300 feet, unless the standard is within 300 feet of another.
 - 4. A maximum of every 600 feet on straight road segments.
- C. Staggering. Light standards shall be staggered on both sides of the roadway.
- D. Fixture Type. In general, any street lamp type installed by the electric service provider shall be permitted, subject to the approval of the Department of Public Works taking into account the existing lighting standards and cost of maintenance and operation, provided that the illumination provided is greater than or equal to the following:

1. A 100 watt lamp at each intersection and cul-de-sac; or, as directed by the City Engineer for special circumstances; and
2. A 50 watt lamp at all other locations.

511.3 ILLUMINATION FOR SURFACE PARKING. Parking lots shall be adequately lighted for both motorists and pedestrians in accordance with Table 5.10.

Table 5.10. Minimum Illumination for Surface Parking.

Activity Type	Vehicular Traffic Footcandles	Pedestrian Walkway Footcandles
Low activity	0.5	0.2
Medium activity	1.0	0.6
High activity and intersections	2.0	0.9

- A. Lighting shall be provided by fixtures with a mounting height not more than 25 feet or the height of the building, whichever is less, measured from the ground level to the centerline of the light source.
- B. Any other outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow. The objectives of these specifications is to minimize undesirable off-premises effects. No light shall shine into building windows, nor onto streets and driveways so as to interfere with or distract driver vision. To achieve these requirements, the intensity of such light sources, the light shielding and similar characteristics shall be subject to site plan approval. Wall mounted fixtures are only permitted if directed into a site and not positioned towards neighboring properties or public streets.

[Ord. 2001-07]

§ 512 Solid Waste.

512.1 GENERAL PROVISIONS. All developments shall provide for adequate solid waste disposal, including provisions for recycled materials.

512.2 REQUIREMENTS. There shall be at least one trash and recycling pick-up location provided for each multi-family or non-residential building which shall be separated from parking spaces either inside or outside the building. All trash and recycling locations shall be enclosed and located in a manner which is obscured from view from parking areas, streets and adjacent residential; and non-residential uses or zoning districts by a fence, wall, planting or combination of the three.

512.3 MATERIALS. All exterior solid waste enclosures shall be constructed of materials compatible with the architectural materials of the building.

512.4 LOCATION. If located within the building, one door may serve both the loading and trash/garbage functions and if located outside the building, it may be located adjacent to or within the general loading area(s) provided the container in no way interferes with or restricts loading and unloading functions. Moreover, if located outside the building, the container shall be situated on the same horizontal plane as the driveway providing access to the container.
[Ord. 2001-07]

§ 513 Subdivision Layout.

513.1 GENERAL REQUIREMENTS. Subdivision layout shall be designed to encourage the development 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, its drainage system, soil capabilities, groundwater and aquifer recharge quality, and existing uses on adjacent lands. Compliance with this section 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. Subdivision

plans shall be designed to meet these objectives and the following design standards:

A. Lot Configuration. Lots shall be configured to meet the following requirements:

1. Side lot lines shall be either at right angles or radial to street lines.
2. Lots shall be regular in shape, with rectangular-shaped lots preferred. The Board of jurisdiction shall have the right to reject irregularly shaped lots with unusual geometric configurations.
3. Pie slice-shaped lots are to be avoided except on a radius of less than 100 feet.
4. Where extra width has been dedicated, or proposed for dedication or reservation, for the widening of existing streets, lots shall begin at such new street line and all setbacks shall be measured from such line, unless modified by §400.9.
5. Where there is a question as to the suitability of a lot or lots for their intended use due to factors, including but not limited to, steep slopes, poor drainage, flood prone lands and wetlands, the Board of jurisdiction may withhold approval of such lots. If approval is withheld, the Board shall give reasons for such withholding on the record.

B. Blocks. Blocks shall be configured to meet the following requirements.

1. Blocks shall be wide enough for two tiers of lots and shall not be less than 200 feet in width. This requirement shall not preclude the appropriate design of alleys through blocks.
2. Blocks shall be designed to include no more than 24

residential lots.

3. Blocks shall generally be not less than 300 feet long nor more than 600 feet long. Where for unusual reasons blocks in excess of 600 feet are approved by the Board of jurisdiction, the block shall incorporate a mid-block pedestrian right-of-way at least 10 feet wide connecting through the block to the right-of-ways. Pedestrian rights-of-way shall be improved with sidewalk in accordance with the RSIS (N.J.A.C. 5:21 et seq.).

[Ord. 2001-07]

§ 514 Performance Standards.

514.1 Reserved.

514.2 Reserved.

514.3 **GLARE.** No use shall produce a strong dazzling light or a reflection of a strong dazzling light beyond its lot lines. Exterior lighting shall be buffered so that glare will not become a nuisance to adjoining properties or adjoining districts.

514.4 **HEAT.** No use shall produce head perceptible beyond its lot lines. Further, no process shall be permitted which would cause the temperature to rise or fall in any part of ponds, streams, or other water courses.

514.5 **NOISE.** The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands as stated below. The sound-pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published by the American Standards Association, New York, New York.

The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows (all of the decibel levels stated

below shall apply in each case) between the hours of 10:00 p.m. and 7:00 a.m.:

<u>Frequency Band (Cycles Per Second)</u>	<u>Maximum Permitted Sound-Pressure Level (Decibels)</u>
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1200	37
1200 - 2400	34
2400 - 4800	31
Above 4800	28

If the noise is not smooth and continuous (if the variation of the noise level involves maxima at intervals of one second or less, it is to be considered as continuous noise) or it is not radiated at nighttime, one or more of the corrections below shall be added or subtracted from each of the decibel levels given above.

<u>Type of Operations or Character of Noise</u>	<u>Correction in Decibels</u>
Daytime Operation Only (7:00 A.M. to 10:00 P.M.)	+5
Noise occurs less than 5% in any one-hour period.	+5
Noise is of peculiar character (hum, scream, etc.) or is of impulsive character (hammering, etc.), (in the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic standards given above.)	-5

- A. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices, heating or appliances located and operated on the same lot as the tanks or drums of fuel.
- B. All outdoor storage facilities for fuel, raw materials and products and all fuel, raw materials and products stored outdoors shall be enclosed by an approved safety fence.
- C. No materials or waste shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or water course or otherwise render such stream or water course undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or water course.
- D. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

514.7 VIBRATIONS.

No use shall cause earth vibrations or concussions in excess of the standards outlines below, with the exception of that vibration produced as a result of construction activity. The standards below are as set forth in the Table of Frequency Amplitude Relations. Vibrations shall be expressed as displacement in inches and shall be measured with a standard three-component measuring system, which is a device for recording the intensity of any vibration in three mutually perpendicular directions.

Frequency of Ground
Motion in
Cycles Per Second

Maximum Amplitude
of Ground Motion in
Inches (Not More Than)

Up to 10	0.0305
20	0.0153
30	0.0102
40	0.0076
50	0.0061
60	0.0051

514.8 DUST AND SMOKE. All regulations of the State of New Jersey shall be complied with regarding dust and smoke.

§ 515 Signs.

515.1 PURPOSE. The purpose of this section is to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic environment and the City's ability to attract economic development and growth, to improve pedestrian and vehicular safety and the circulation thereof, to minimize the adverse effects of uncontrolled signs on public and private property, and to enable the fair and consistent enforcement of sign regulations.

515.2 GENERAL REGULATIONS.

- A. Accessory Uses. Signs shall be permitted as accessory uses in all zoning districts provided that any sign hereafter erected in the City of Lambertville conforms with the provisions of this section and any other ordinance or regulation of the municipality, or the State or Federal government relating to the erection, alteration, or maintenance of signs. In the event of conflicting regulations, the most restrictive shall apply.
- B. Sign Permit. A permit shall be required for the installation of all signs, unless exempted from such requirements under §515.2.M. The structural safety requirements governing construction and erection of all signs and the issuance of permits shall be controlled by the Uniform Construction Code (UCC) of the City of Lambertville, but this section

shall supersede the UCC with respect to areas wherein signs are erected, their location, size, design, illumination, and all such characteristics which relate to zoning regulation.

- C. Maintenance. All signs shall be kept in a proper state of repair, in accordance with pertinent regulations. Signs which fall into such a state of disrepair as to become unsightly or to pose a threat to public safety may be removed by the City thirty (30) days following notice by certified mail to the owner of record and the City shall have the right to recover from said owner the full costs of the removal and disposal of such signs.
- D. Rights-of-Way. No sign other than traffic control or official governmental signs shall be erected within or project over the right-of-way of any public street or sidewalk, except as hereinafter provided.
- E. Imitation of Official Signs. No sign shall be erected that is of such character, form, shape or color that it imitates or resembles any official traffic sign, signal or device, or that has any characteristics which are likely to confuse or dangerously distract the attention of the operator of a motor vehicle on a public street.
- F. Sight Triangles. No sign shall be erected at the intersection of any streets improved for vehicular traffic within the triangular area formed by the right of way lines, and a line connecting them at points thirty (30) feet from their intersection, unless the topmost portion of said sign is less than two and one half (2.5) feet high or attached to a building. In no case shall any sign be so erected that it dangerously impedes the vision of motorists or pedestrians, or otherwise endangers their safety.
- G. Prohibited Placement. No sign shall be placed on any tree, telephone pole, electric light, public utility pole, wall, fence, or vacant building (excepting for sale or rent signs), or upon

rocks or other natural features.

- H. Permitted Uses. No sign shall be erected containing a message that states or implies that a property may be used for any purpose not permitted in the zoning district in which said sign is located under the provisions of this Ordinance.
- I. Public Property. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies that may be imposed under this Ordinance, the City shall have the right to recover from the owner or person placing such sign the full costs, including legal costs, of removal and disposal of such sign.
- J. Illumination. Signs exempt from permits in accordance with §515.2.M shall not be illuminated, unless otherwise excepted. Any other sign may be illuminated, unless otherwise prohibited.
- K. Computation of Sign Area. For the purposes of this section, "sign area" shall mean the area expressed in square feet, within a rectangle enclosing the extreme limits of writing, symbols, logos, letters, figures, emblems, or other representations plus all material or color forming an integral part of the sign or used to differentiate the sign from the background against which it is placed, provided that:
 - 1. In the event a sign is designed with more than one (1) face, the area shall be computed by including only the maximum message display area visible from any one point, provided that the message is the same on each face;
 - 2. The supports, uprights, or other structure on which any sign is attached shall not be included in the calculation of sign area unless such structure is designed in such a manner as to form an integral part

of the sign's message or otherwise conveys meaning;

3. The area of lamps, neon tubing, or other artificial illumination visible on a sign shall be counted as part of the total allowable sign area.

L. Prohibited Signs. Any sign that is not permitted by the provisions of this section is hereby prohibited, with the following signs specifically prohibited:

1. Flashing, blinking, twinkling, animated, moving, or projected signs of any type, with the exception of time and temperature displays as otherwise permitted.
2. Banners, pennants, streamers, or similar devices constructed of cloth, fabric, cardboard or other like material; vehicle signs; portable signs; balloon signs, or other inflated signs; and searchlights, displayed for the purpose of attracting the attention of pedestrians and motorists; unless otherwise excepted.
3. Any sign so erected, constructed, or maintained as to obstruct any fire escape, window, door, or other opening used as a means of ingress and egress.
4. Any message or advertisement which uses a series of two (2) or more signs placed in a line parallel to a street each of which contains part of such message or advertisement.
5. Any signs that emit smoke, vapor, vibration, or noise. Any sign that emits electromagnetic radiation outside the wavelengths of visible light discernible beyond the property boundary.
6. Any sign which, when applying contemporary community standards, has a dominant theme or purpose which appeals to prurient interests.
7. Any sign attached to the roof of a building, or a facade

sign that projects above the lowest level of a roof or beyond the corner of a wall.

8. Off-premise signs, except as specifically permitted.
- M. Signs Exempt From Permits. The following signs are exempt from the need to secure permits:
1. Official governmental signs. Such signs may be illuminated.
 2. Historical markers. Building markers that may contain the building name, date of construction, restoration award, historical data, or other pertinent information provided that such marker does not exceed two (2) square feet and is made of cast, cut or etched masonry, metal, or similar durable material.
 3. Trespassing and hunting. Signs that relate to the control of trespassing and hunting on property, provided they do not exceed two (2) square feet in area nor are spaced closer than fifty (50) feet to each other.
 4. Emergency. Emergency warning signs erected by a governmental agency, public utility, pipeline company, or contractor doing such work authorized or permitted by such agency, utility, or company. Such signs may be illuminated.
 5. Public notice. Any public notice required by a valid and applicable federal, state, or local law, regulation, or ordinance.
 6. Interior signs. Any sign within a building, not attached to a window or door, that is not legible from the lot line on which is located said building.
 7. Incidental. Incidental signs shall be permitted provided they do not exceed one (1) square foot in area.

8. Residential. Residential facade signs shall be permitted provided that the size of the sign does not exceed four (4) square feet in area.
9. Project development. Project development signs shall be permitted where final approval of a site plan or subdivision has been granted by the Board of jurisdiction and which may indicate the name of the development, developer, financier, architect, or contractors. Such signs shall not exceed thirty-two (32) square feet in sign area or eight (8) feet in height. No more than one (1) sign per street frontage shall be permitted up to two (2) such signs per project. All such signs shall be removed within fourteen (14) days of the issuance of a conditional Certificate of Occupancy that permits the occupation of a building, in the case of a non-residential development, or when seventy-five percent (75%) of the dwelling units in a residential development have been issued Certificates of Occupancy.
10. Change in the copy of a changeable copy sign, once a permit for that sign has been issued.
11. Traffic control. Traffic control devices on private property, such as "stop", "yield" and other such signs, provided that the face of the sign meets the standards of the New Jersey Department of Transportation for such signs, do not contain a commercial message of any type, and provided that their location has been approved by the Planning Board or the Zoning Board of Adjustment, as the case may be.
12. Flags. Flags of the United States, the States, county, or municipality, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed one hundred twenty (120) square feet in area and shall not be flown from a pole that exceeds

forty (40) feet in height. Other flags shall be considered freestanding signs and shall be governed by such regulations that may apply in the applicable zoning district in which such flag is located. Flags may be illuminated.

13. Name and address. Name and address signs attached to the facade of a building or on a mailbox, provided that the size of the sign does not exceed one (1) square foot. Address lettering shall be a minimum of three (3) inches in height in order to be legible to emergency personnel.
14. Temporary signs. The following temporary signs only shall be permitted:
 - a. Banners. Banners, provided they are erected by a governmental authority or have been approved by such authority for non-profit or charitable organizations. No banner with the same message may be displayed for more than thirty (30) consecutive days. Banners may project over a right-of-way.
 - b. Election signs. Such signs may not exceed thirty-two (32) square feet in area; may not be erected more than forty-five (45) days prior to the day of the election, referendum, or other plebiscite; and shall be removed within seven (7) days after such election, referendum, or other plebiscite. No more than one (1) sign shall be permitted on any one (1) property, however, different messages may be combined on one sign provided the area limitation is not exceeded.
 - c. Grand opening and business relocation signs. Grand opening and business relocation signs shall be permitted for a period of time not to exceed thirty (30) days from the initial opening of a business or a change in the ownership of the

premises on which the sign is located. Grand opening signs may be facade signs, freestanding signs, or banners. Business relocation signs may be facade or window signs. Grand opening and business relocation signs shall not exceed the total sign area permitted on the premises for permanent facade signs. Grand opening signs shall be permitted in addition to any permanent signage allowed.

- d. Real estate and contracting. Temporary real estate signs and signs of contractors, mechanics, painters, paperhangers and/or artisans, on the lot on which the real estate for rent or sale is located, or the lot on which the contracting work is being performed shall be permitted. Said signs shall not be larger than six (6) square feet in area nor more than four (4) feet high for residential uses and twenty-four (24) square feet in area nor more than six (6) feet high for institutional, commercial or industrial uses. They shall be removed within seven (7) days of the completion of the sale or rental of the premise; or, completion of the work to which the sign relates.
- e. Window signs. The total area of all window signs shall not exceed twenty-five percent (25%) of the glass area of the window in which placed. No window sign with the same message shall be displayed for more than thirty (30) days. Signs of a permanent nature in windows, such as gilded name or neon signs, shall be considered facade signs within the meaning of this section and shall require a sign permit. Incidental signs in windows shall not be included in the area calculation.
- f. Yard or garage sales. Such signs shall not exceed four (4) square feet; shall not be erected more than seven (7) days prior to such sale; and shall

be removed within forty-eight (48) hours after the sale. No premise shall be permitted to erect such signs more than four (4) times in any calendar year.

N. Non-conforming Signs.

1. All signs erected prior to the enactment of this section or subsequent amendments, which are not in conformity with the provisions thereof, shall be deemed non-conforming signs. Non-conforming signs may continue provided that such signs comply with the maintenance standards of §515.2.C.
2. Any change in a non-conforming sign or a conforming sign installed prior to the enactment of this section shall be made in strict compliance with its provisions.

O. Abandoned Signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him or her, a sign which has been abandoned. An abandoned sign for the purpose of this section is a sign located on, and/or related to the use of a property which becomes vacant and unoccupied; any sign which was erected for an occupant or business unrelated to the present occupant in business; or any sign which related to a time, event, or purpose which is past. Any such sign shall be abated by the owner or person controlling the property within (30) days of the date of abandonment as herein defined. Any sign identifying an abandoned use, as provided for by this Ordinance, shall itself be considered to be abandoned.

P. Sign Permit Procedures. The following procedures shall apply to the issuance of sign permits:

1. Application for a sign permit shall be made to the Zoning Officer on the forms provided by the City.
2. The application shall be accompanied by an accurate plot plan of the lot, scaled not greater than 1" = 10' nor

less than 1" = 50', that indicates the location of buildings, parking lots, driveways, landscaped areas, and other pertinent data if a freestanding sign is proposed. On the plot plan shall be drawn the location of each existing or proposed sign. A color photograph, not less than 3" x 5" nor larger than 8" x 10" shall be submitted for each sign presently existing on the site and/or the facade of any sign proposed to be attached thereof. A drawing to scale of each proposed sign, including the dimensions, colors, materials, and method of attachment shall be submitted.

3. Applications for signs in the CBD Central Business District zone shall be reviewed by the Planning Board and shall be considered minor site plans for the purposes of this section; however, the submission requirements shall be limited to the information in subparagraph -2 above. Applications for signs in other districts shall be reviewed by the Zoning Officer. If the sign applied for complies with the requirements of this section, the Zoning Officer shall issue such permit within fourteen (14) days of application.

515.3 REGULATIONS PERTAINING TO SPECIFIC SIGN TYPES.

- A. Freestanding Signs. Freestanding signs, except for directional signs, shall comply with the following requirements:
 1. Freestanding signs shall be permitted only in the front yard.
 2. No freestanding sign shall be erected closer to the curb line or edge of paving than ten (10) feet or five (5) feet from a public sidewalk, whichever is more, except as otherwise provided herein.
 3. A freestanding sign shall not be used in conjunction with a canopy sign.

4. No freestanding sign shall exceed six (6) feet in height in a residential district.
- B. Facade signs. Facade signs shall comply with the following requirements:
1. No facade sign shall extend more than twelve (12) inches from the surface upon which it is attached.
 2. Facade signs attached to the lower slope of a mansard roof or to a pent roof shall be attached flat to the roof or within an architecturally compatible dormer.
- C. Awning signs. Awning signs shall comply with the following requirements:
1. Signs on awnings shall be limited to the lower vertical fringe of the awning; or, on curved awnings, the lower one-third.
 2. Lettering on awnings shall not exceed six (6) inches in height.
 3. Awning signs shall be permitted in lieu of facade signs and shall comply with the size limitations of facade signage.
- D. Canopy Signs. Canopy signs shall comply with the following requirements:
1. Canopy signs are only permitted in conjunction with gasoline service stations and similar commercial uses where the canopy is required to provide cover and protection for outdoor equipment and service areas.
 2. No more than one canopy sign shall be allowed per canopy fascia, and no more than two (2) such signs per canopy shall be permitted.
 3. No part of the canopy sign shall be less than twelve

(12) feet nor more than eighteen (18) feet above ground level.

4. The area of a canopy sign shall not exceed fifty percent (50%) of the area of the canopy fascia or thirty (30) square feet, whichever is less.

E. Changeable Copy Signs. Changeable copy signs shall comply with the following requirements:

1. All such signs shall be permanently affixed to the ground or to a structure.
2. Copy shall be changed electronically or by means of moveable lettering and shall not be changed more than once every twenty-four (24) hours. Changeable copy signs that are changed more frequently shall be considered animated signs.
3. Changeable copy signs may not be located in any residential zoning district, excepting institutional uses.
4. Changeable copy signs may be either freestanding, canopy, or facade signs.
5. Changeable copy signs for commercial uses shall be limited to the advertising of live performances and motor fuel prices.

F. Directional Signs. Directional signs shall comply with the following requirements:

1. Directional signs that are freestanding shall not exceed two and a half (2.5) feet in height and may be located at the streetline, provided that such signs do not obscure the vision of motorists.
2. Directional signs shall not exceed three (3) square feet in area.

3. Directional signs shall contain no commercial message.
- G. Directory Signs. Directory signs shall comply with the following requirements:
1. The sign shall be located within the site or complex so as to allow motorists to leave the flow of traffic and safely read the directory; or, shall be placed at the main entrance to a building.
 2. The sign may contain a map or floor plan diagram, as the case may be, indicating the location of the buildings or offices listed on the directory.
 3. Any such sign shall not exceed eight (8) square feet in sign area.
 4. A freestanding directory sign shall not exceed five (5) feet in height.
- H. Projecting Signs. Projecting signs shall comply with the following requirements:
1. Projecting signs may extend over the right-of-way line.
 2. The plane of the sign's message shall be perpendicular to the surface of the building to which it is attached.
 3. No portion of the sign may be lower than nine (9) feet when located above a street, sidewalk, or other pedestrian way.
- I. Time and Temperature Signs. Time and temperature signs shall comply with the following requirements:
1. Time and temperature signs shall be permitted in any district in which commercial uses are permitted, provided that they do not encompass more than 20% of the allowable sign area for the type of sign upon which they are placed.

2. Time and temperature signs shall be permitted in addition to any other allowable signage for the property.
3. The time and temperature display may alternate, provided that the period of time that one display is shown is not less than one (1) second.

515.4 SIGNS IN THE R-C, R-L, R-1, R-2, AND R-3 RESIDENTIAL DISTRICTS. In the R-C, R-L, R-1, R-2 and R-3 Residential Districts the following signs only shall be permitted:

A. Signs for Residential and Institutional Uses.

1. One (1) residential facade sign shall be permitted per premise.
2. One (1) freestanding sign identifying a multi-family housing development shall be permitted on each street frontage that provides direct access to the property, provided that such sign does not exceed thirty-two (32) square feet in sign area.
3. One (1) freestanding sign identifying an institutional use shall be permitted on each street frontage that provides direct access to the property, provided that such sign does not exceed thirty-two (32) square feet in sign area. The freestanding sign may contain a changeable copy portion not to exceed twenty-four (24) square feet in area, provided that the total sign area does not exceed thirty-two (32) square feet.

B. Signs in accordance with §515.2.M of this section, excepting window signs.

C. Signs for non-residential uses. Non-residential uses in residential districts, excepting institutional uses hereinabove, shall be permitted signs in accordance with §515.5.

515.5 SIGNS IN THE CBD CENTRAL BUSINESS DISTRICT. In addition to those signs otherwise allowed in residential districts, the following signs shall be permitted for non-residential uses in the CBD Central Business district:

- A. Freestanding Sign. One (1) freestanding sign may be erected not to exceed twelve (12) square feet in area nor six (6) feet in height.
- B. Facade or Projecting Sign. One (1) facade or one (1) projecting sign may be erected facing each street frontage. The permitted sign area shall be five percent (5%) of the total facade area, or a maximum of sixteen (16) square feet, whichever is less.
- C. Changeable Copy. Changeable copy signs shall be permitted for institutional uses, establishments booking live performances, and for service stations selling motor fuel. Such signs shall not exceed twelve (12) square feet in area and shall be integrated with permanent copy freestanding or facade signs as otherwise permitted.
- D. Directory Signs. One (1) directory sign shall be permitted attached to the facade at a main entrance, rear entrance, or stair access to upper floors. One (1) additional directory sign shall be permitted at the entrance to a main driveway for any lot exceeding one (acre) in size.
- E. Menu Signs. Restaurants or other eating establishments may erect one (1) additional facade sign for the placement of a menu or other bill of fare, provided the sign does not exceed four (4) square feet in area.
- F. Awning Signs. Signs on awnings shall be permitted; however, any such sign shall be considered a facade sign for the purposes of this section and shall adhere to the sign limitations thereof.
- G. Signs in accordance with §515.2.M.

H. Time and Temperature. One (1) time and temperature sign shall be permitted per commercial premises.

515.6 SIGNS IN C-2, SERVICE COMMERCIAL, C-3, GENERAL COMMERCIAL AND O OFFICE DISTRICTS. In the C-2, C-3, and O districts the following signs only shall be permitted:

- A. Freestanding Sign. One (1) freestanding sign may be erected on each street frontage that contains a minimum of one hundred (100) feet of lot frontage and with direct vehicular access from that street. The permitted sign area shall be one-half ($\frac{1}{2}$) square foot of sign area for each linear foot of building frontage, or a maximum of forty (40) square feet, whichever is less. No such freestanding sign shall exceed twelve (12) feet in height. Freestanding signs shall contain only one commercial message.
- B. Facade Sign. One (1) facade sign may be erected facing each street frontage with direct vehicular access from that street. The permitted sign area shall be five percent (5%) of the total facade area, or a maximum of twenty (20) square feet, whichever is less. For retail centers with multiple tenants, each individual store shall be permitted one (1) facade sign not to exceed one-half ($\frac{1}{2}$) square feet of sign area per linear front foot of store or sixteen (16) square feet, whichever is less.
- C. Canopy Sign. One (1) sign each on opposite ends of a canopy fascia may be permitted as otherwise allowed under §515.3.D.
- D. Changeable copy signs shall be permitted only for institutional uses.
- E. Directional signs shall be permitted provided each sign does not exceed three (3) square feet in area.
- F. Directory Signs. One (1) directory sign not to exceed six (6) square feet shall be permitted at a main entrance.

G. ~~Menu Signs.~~ Restaurants or other eating establishments may erect one (1) additional facade sign for the placement of a menu or other bill of fare, provided the sign does not exceed four (4) square feet in area.

H. Signs in accordance with §515.2.M.

I. Time and Temperature. One (1) time and temperature sign shall be permitted per commercial premises.

515.7 ~~SIGNS IN P&R PARKS AND RECREATION DISTRICT.~~ In the P&R district the following signs only shall be permitted:

A. Freestanding Sign. One (1) freestanding sign may be erected on each street frontage not to exceed thirty-two (32) sf. in area.

B. Changeable copy signs shall be permitted only for institutional uses.

C. Directional signs shall be permitted provided each sign does not exceed three (3) square feet in area.

D. Directory Signs. One (1) directory sign not to exceed six (6) square feet shall be permitted at a main entrance.

E. Signs in accordance with §515.2.M.

515.8 DESIGN STANDARDS FOR SIGNS.

Signs erected in the City of Lambertville shall conform to the following design guidelines and standards. In this section, guidelines are overall principles to be used in the design of signs. Standards are to be followed in the placement and design of signs unless specifically waived by the Planning Board.

A. Design Guidelines.

1. Signs should strengthen the architectural diversity of

the City's buildings. Signs which obscure or ignore a building's architecture should be avoided.

2. Signs should be appropriate for the era in which the building was constructed.
3. Signs should not alter the way in which a building functions. Signs should not block light into a building.
4. Signs should be integrated with a building's architecture in terms of form, materials, and size.
5. Designers should strive for creativity in the form and variety of signage within the size limitations set forth herein.
6. Designers should include symbols, images, and other objects to convey the type of establishment using the sign.
7. The typeface used to represent words should convey the character of the establishment and the era of the building.

B. Design Standards.

1. Facade sign locations. The following facade sign locations are recommended.
 - a. Single story commercial buildings. The parapet wall above the glass storefront.
 - b. Two or more story commercial buildings. The wall above the glass storefront but below the window sills of the second floor. If there are projecting cornices or beltlines separating the first and second stories, the facade sign should be placed below them.
 - c. Commercial buildings converted from residences.

Next to the first floor doorway or window, below any porch or added mansard or pent roof between the first and second floors.

2. Freestanding sign location. Freestanding signs should be set back from the sidewalk five feet, or ten feet from the curbline if there is no sidewalk.
3. Projecting sign locations. Projecting signs for first floor establishments should be just below the second floor windows. Projecting signs for second floor or higher establishments should be located above the second story windows.
4. Contrast. The contrast of a sign's lettering and symbols with its background should be sharp to convey legibility.
5. Sign complexity. Facade and freestanding signs oriented towards motorists should convey no more than seven items of information. More complex signage should be limited to projecting signs oriented towards pedestrians.
6. Sign materials. Sign materials should relate to the architectural style of the building. Where modern buildings are designed to evoke an earlier era, signage should reflect that age. The following standards are recommended:
 - a. Pre World War I: Painted or carved, smooth surfaced wood; carved stone; cast brass; tinned and forged metal; and gold-leafed lettering.
 - b. World War I to 1940: Any of the above, plus individual wood or metal letters on building facade.
 - c. 1940 to 1960: Any of the above, plus neon signs.

- d. 1960 to present: Any of the above, plus internally illuminated plastic faced signs, internally illuminated individual letters, and sandblasted wooden signs.

Consideration will be given to other sign materials or to more modern signage materials for older buildings provided that the purposes of the design guidelines are maintained.

- 7. Illumination. In general, unless the building belongs to the present era, internally illuminated signs are discouraged. Illumination should be accomplished through external floodlights trained on the sign face.
[Ord. 2001-07]

§ 516 Site Plan Review.

516.1 **SITE PLAN APPROVAL REQUIRED.** Except as hereinafter provided, no building permit shall be issued for any building or use or enlargement of any building or use or development unless a site plan is first submitted and approved by the City of Lambertville Planning Board or Zoning Board of Adjustment as the law permits, and no certificates of occupancy shall be issued unless all construction conforms to the approved plan.

516.2 **EXEMPTIONS FROM SITE PLAN REVIEW.** Site plan review and approval shall not be required for:

- A. Building permits for individual lot applications involving only a detached one- or two-dwelling unit building.
- B. Accessory buildings as otherwise permitted for subsection 516.2.A. uses.
- C. Other buildings incidental to residential uses.
- D. The alteration or repair of an existing building which is not either a detached one- or two-dwelling unit building upon determination by the Zoning Officer that the alterations or

repair:

1. Will not result in additional lot coverage whether by buildings or site improvements.
2. Will not increase the number of required off-street parking or loading spaces.
3. Will conform to the maximum and minimum zoning standards as set forth herein.
4. Is not proposed in conjunction with a use requiring a conditional use permit.

E. The provisions of this section shall not limit the requirements for submission and approval of subdivisions as otherwise required by Code of the City of Lambertville.

516.3 SITE PLAN REVIEW WAIVER. The Board of Jurisdiction may waive the requirement for site plan approval whenever it determines that the proposed development, alteration, repair, or change of use or occupancy does not affect the existing conditions of the lot or premises, including: topography; vegetation; drainage; floodplains; marshes and waterways; open space; walkways, means of ingress and egress; utility services; landscaping; structures; signs; lighting and screening devices; and other considerations of site plan review. Any applicant desiring a waiver under this section shall present sufficient credible evidence to allow the Board to reach such conclusions as would permit a waiver. Such evidence shall consist of sketches, property descriptions, methods of operation, photographs, testimony, or other documentation or information as the Board may require. The reviewing Board shall render a decision based on such evidence and may attach conditions to any waiver so granted.

516.4 The owner or applicant shall submit four black line prints to the planning board at least three weeks before the meeting at which discussion is desired. One copy shall be forwarded to the County

Planning Board. The Planning Board shall either approve or disapprove the site plan within 90 days of the date of proper filing or upon such further time as agreed to by the applying parties but not before the expiration of the 30 day period within which the County Planning Board may submit a report on said site plan.

516.5 Each site plan submitted shall be at a scale of one inch equaling fifty feet (1" - 50'), prepared by a licensed architect, or engineer, including accurate lot lines certified by a licensed engineer or land surveyor, submitted on one of four of the following standard sheet sizes (8 ½" x 13"; 30" x 42"; 24" x 36"; or 15" x 21") and including the following data:

- A. North arrow;
- B. Scale;
- C. Existing and proposed street names if any;
- D. Contour lines at two foot intervals;
- E. Title of plan; streams;
- F. Total acreage to one hundredth of an acre;
- G. Total building coverage in acres and percent of lot;
- H. Total number of parking spaces;
- I. All dimensions needed to confirm conformity to the Zoning Ordinance such as but not limited to buildings, lot lines and yard areas;
- J. A small key map giving the general location of the parcel to the remainder of the municipality; and
- K. A separate map showing the site in relation to all remaining lands in the applicant's ownership.

516.6 Each site plan submitted to the Planning Board for approval shall have the following information shown thereon or be annexed thereto:

- A. Size, height, location and arrangement of all proposed buildings and structures, in accordance with the requirements of this Ordinance, including a rendering of such building or a typical building showing front, side and rear elevations.
- B. Proposed circulation plans including access streets, aisles and lanes, driveways, parking spaces, loading areas, loading berths or docks, pedestrian walks, and all related facilities for the movement and storage of goods, vehicles and persons on the site and for access and egress to and from all parts of the site. Such plans shall be accompanied by cross-sections of streets, aisles lanes and driveways and shall adhere to the following provisions:
 - 1. §509, Schedule of Limitations and other requirements of this ordinance.
 - 2. §§ 600 and 700 of the Subdivision Ordinance.
 - 3. Sidewalks shall be provided from each building entrance/exit along expected paths of pedestrian travel such as, but not limited to, access to parking lots, driveways, other buildings and across common yard spaces between buildings where pedestrian traffic can be expected to be concentrated.
- C. Landscaping plan including seeded and/or sodded areas, grading, fencing, signs, recreation areas, shrubbery, trees and buffer areas in accordance with the following standards:
 - 1. §§ 600 and 700 of the Subdivision Ordinance.
 - 2. §§ 501, 507, 509, 515, 517, 518, Schedule of Limitations and other requirements of this Ordinance.

3. Existing and proposed wooded areas and the location of new shrubs and trees.
 - D. The proposed location of all drainage, sewage and water facilities with proposed grades, capacities and materials to be used. Such plans shall be reviewed by the City Engineer with recommendations to the planning board. Proposed lighting facilities shall be included showing the direction and reflection of the lighting.
 - E. A written description of the proposed operations of the building(s) including the number of employees or members of non-residential buildings; the proposed number of shifts to be worked and the maximum number of employees on each shift; expected truck and tractor-trailer traffic; emission of noise, glare, air and water pollution; safety hazards, and anticipated expansion plans incorporated in the building design.
 - F. For proposals in the CBD zone a written description of the use and conformity to provisions and requirements of the CBD zone regarding preservation of appearance and character of the CBD zone shall be submitted.
- 516.7 REVIEW OF CBD ZONE PROPOSALS. The following shall apply to review of CBD proposals:
- A. Purpose. The purpose of CBD Review is to:
 1. Safeguard the heritage of the City of Lambertville and to promote a sound long-range economy by preserving a substantial part of the city which reflects elements of its cultural, social, economic and architectural history;
 2. Stabilize and improve property values;
 3. Foster civic beauty; and
 4. Promote the use of the historic CBD for the education, pleasure and welfare of both the citizens of the City

and its visitors.

B. Basis for Review. In reviewing the plans, the Planning Board shall give consideration to:

1. The historical or architectural value and significance of the structure and its relationship to the historical or architectural value of the surrounding area;
2. The general compatibility of exterior design, arrangement, texture and materials proposed to be used; and
3. Other factors, including aesthetics, which are pertinent.

The Planning Board shall pass only on exterior features of a structure and shall not consider interior arrangements, nor shall it disapprove applications except in regard to considerations as set forth in the previous paragraph.

516.8 In any event, the standards noted above and elsewhere in this Ordinance shall be for the general purposes of:

- A. Enhancing the neighborhood.
- B. Providing adequate access and off-street parking and loading facilities for employees and visitors.
- C. Providing fencing and/or landscaping where reasonably necessary for safety and/or aesthetic purposes.
- D. Preventing uses which may or may not tend to endanger life or property or create hazards from fire, explosion, radiation or produce objectionable smoke, heat, glare, vibration, or noise whether or not any of such hazards are confined to the property shown on the site plan.
- E. Requiring that all raw materials, fuel, goods in process, finished goods, machinery, equipment, trucks and other

motor vehicles shall be confined within areas which are either housed or screened from public view from abutting streets or adjoining residential properties.

- F. Prohibiting the emission of noxious, toxic or corrosive fuels, gases or odors or the exhaust of waste into air of dust or other substances.
- G. Providing off-street parking areas which shall meet the construction standards set forth in the Subdivision Ordinance for street.
- H. Preserving the appearance and character of the CBD.

§ 517 Conditional Use Performance Standards.

517.1 EVALUATION CRITERIA. The Planning Board, in the evaluation of an application for a conditional use, shall make the following findings in any approval of such use:

- A. The use for which an application is submitted is specifically permitted as a conditional use in the zoning district in which the proposed use would be located.
- B. The design, arrangement, and nature of the proposed use will not increase the danger of fire, or panic, or otherwise endanger the public.
- C. Reasonable consideration shall be made as to the compatibility of the proposed use within the existing neighborhood or community including the number of employees or users of the property, the potential effect upon adjacent property values, the need for the proposed use in the community, and the mitigation of potentially adverse environmental effects.
- D. The proposed use shall not impair an adequate amount of light or air to adjacent properties.

- E. The proposed use shall not overcrowd the land or create an undue concentration of population.

517.2 SITE PLAN REVIEW REQUIRED. All conditional uses shall also be required to obtain site plan approval, unless the Planning Board shall grant a waiver from such requirement.

- A. Conformance to Standards. Conditional uses shall conform to any additional standards specified for the use in question in the applicable zoning district.
- B. Burden of Proof. The applicant for a conditional use shall have the burden of proof in establishing that the criteria for so granting such use shall have been met. In all cases the applicant's burden of proof shall contain sufficient and credible evidence to fully support the assertions made by the applicant.
- C. Effect of Approval. In the granting of an approval for a conditional use, the applicant shall secure a building permit or, in the case where no building permit is required, a certificate of occupancy, within one (1) year from the date of approval, otherwise the granting of the conditional use shall be deemed null and void.

§ 518 Swimming Pools.

All pools shall require a building permit prior to installation.

518.1 Private swimming pools shall adhere to the standards of the NJ Uniform Construction Code.

518.2 Public swimming pools or clubs intended for open use of the public or to club members shall adhere to the following standards:

- A. Said pools shall be located within a lot area of a minimum of one acre within such area may also be located terraces, change house, refreshment stand and similar accessory uses.

- B. The pool shall occupy no more than 20 percent of the lot area. Said area shall include total water surface including separate wading pools, swimming tanks, and diving tanks.
- C. No edge of any pool or separate swimming tank shall be closer to any property line than 20 feet.
- D. The pool shall be enclosed with a fence or, in lieu thereof, located on a terrace, or landscaped, or surrounded by structures or any combination of the above or similar techniques in order to control access to the immediate pool area.
- E. The pool shall be lighted both internally and externally but in no case shall any light be directed in a direct or indirect fashion upon any adjacent property. All standards used for exterior lighting shall not exceed 25 feet in height and shall be no closer than 25 feet to the edge of any pool. All lighting shall be in compliance with the applicable National Electrical Code.
- F. All pools shall be constructed below the surface of the ground except that for a period not to exceed one swimming season, any public pool may be erected above ground after which such pool shall be located below ground if it remains on the same tract.
- G. All pools shall be landscaped to effectively screen the view and noise of the pool from neighboring properties.
- H. All loud speakers or public address systems shall be located on or in the immediate area of the pool and be directed so that said speakers are not directly aimed at any adjacent residential buildings.
- I. One off-street parking space shall be provided for every 30 square feet of water surface.

518.3 Pools included as part of the overall development of high rise or

garden apartments or townhouses, whether open to the public or used as a private facility for the apartment residents, shall adhere to the following standards:

- A. Pools shall be located within an area no less than 4,000 square feet that is devoted to the use of the pool.
- B. The total area of the surface of the water including separate wading pools, swimming tanks and diving tanks shall be no more than 40 percent of the land area devoted to the use of the pool.
- C. No edge of any pool or separate swimming tank shall be closer to any building or property line than 20 feet.
- D. The total land devoted to the use of the pool shall be enclosed with a fence no less than 8 feet in height nor more than 10 feet in height.
- E. The pool shall be lighted both internally and externally but in no case shall any light be directed in a direct or indirect fashion upon any apartment house or adjacent property. All lighting shall be in compliance with the applicable National Electrical Code.
- F. All pools shall be constructed below the surface of the ground.
- G. If any portion of the pool, part of the land devoted to the use of the pool, light standard or loud speakers are located closer to any residential building or other property line of another lot than 50 feet, adequate buffers of trees and shrubs shall be provided.

518.4 All pools referred to in §§ 518.1, 518.2, and 518.3 shall have all the areas surrounding the pool made and kept neat and attractive so as to be in conformity with surrounding property and no rubbish, debris, or litter shall be permitted to remain or accumulate in or about the pool.

§ 519 Steep Slopes.

519.1 PURPOSE. A significant percentage of the undeveloped land within the City of Lambertville and particularly that acreage which is east of NJ Route 29 is characterized by slopes in excess of 15% (hereinafter referred to as steep slopes). The Environmental Resources Inventory, which was adopted as part of the Lambertville Master Plan on January 15, 1992 includes a description of the environmental impacts associated with development on steep slopes and includes a map, entitled "Slopes", which depicts the areas of steep slope and their relative gradients.

Lands which slope greater than 15% are widely recognized to warrant special development standards in order to protect properties below the steep slopes from stormwater flooding to minimize the cost of public services and facilities related to new development to preserve significant woodlands and wildlife habitat and to preserve natural visual amenities such as ridgelines and scenic vistas. The special requirements of steep slopes have been recognized by the NJ State Planning Commission, the NJ Department of Environmental Protection and Energy (Coastal Resources Regulations), the NJ Council on Affordable Housing , the NJ Department of Community Affairs (Model Subdivision and Site Plan Ordinance), the Regional Plan Association and many municipalities through local land use regulations.

It is the purpose of this section to protect the health, safety and welfare of people and property within the City of Lambertville from improper construction and site development on steep slopes and hillside areas within the City. More particularly, but without limitation, this § is intended to establish performance standards and design guidelines for development to address the peculiar hazards which exist in hillside areas by reason to erosion, siltation, flooding, soil slippage, surface water runoff, pollution of potable water supplies from nonpoint sources, elimination of mature woodlands and wildlife habitat and destruction of unique and predominant views.

It is a further purpose of this section to encourage the appropriate planning design and development of sites within hillside areas to

permit reasonable utility of the land for its zoned use while achieving the legitimate public purposes of preservation of significant natural resources, protection of private property and efficiency of governmental operation.

519.2 APPLICABILITY. The provisions of this ordinance shall apply to all lots in any zone to all applications for development and improvement including subdivisions, site plans, building permits, zoning permits, conditional uses, and variances and to all site disturbance unless specifically exempted under other sections of this ordinance. For purposes of this section site disturbance shall constitute any removal of vegetative cover, clearing, grading, excavation, filling or other disruption of the natural terrain and/or vegetation on steep slopes except for activities which qualify as normal property maintenance which shall be exempt from the requirements of this section.

For purposes of this section normal property maintenance means activities which are typically associated with routine maintenance of the open lot areas surrounding existing houses. These activities include lawn mowing, pruning of trees and shrubs and removal of dead or diseased plant material, planting and maintenance of foundation landscaping, cultivation of existing gardens and the development of new gardens not exceeding 150 square feet in area.

519.3 APPLICATIONS WHICH REQUIRE PLANNING BOARD AND/OR ZONING BOARD APPROVAL.

- A. Applications for development of any lot containing slopes in excess of 15% shall be accompanied by a steep slope analysis showing slope classes of 0% to 15%, 15.1% to 20%, 20.1% to 30% and greater than 30% (see Steep Slope Illustrations diagram at 519.7). Any application pertaining to a lot depicted with steep slopes on the Master Plan map entitled "Slopes" shall include a steep slope analysis. The analysis shall be based upon a topographic survey prepared by an appropriately - licensed NJ professional which shows elevations at 2 foot intervals with slopes measured between adjacent contour lines.

The applicant may apply to the City Engineer for permission to limit the extent of the topographic survey to be submitted if, for instance, only a small portion of the lot will be impacted by the proposed improvements/site disturbance. Alternatively, the Applicant's Engineer may certify that the proposed improvements/site disturbance is of such a *de minimis* extent that the existing City-wide topographic map is sufficient to provide adequate information for the City Engineer to review such proposed improvements/site disturbance.

- B. Disturbance on areas of steep slope shall be limited according to the following schedule:

<u>Extent of Slope</u>	<u>Maximum Extent Of Disturbance of Sloped Area</u>
0-15%	No limit, but adhere to design guidelines to extent possible
15.1-20%	30%
20.1-30%	10%
30.1%+	No disturbance permitted

- C. The Planning Board may grant exceptions pursuant to N.J.S.A. 40:55D-51 to the standards set forth in §519.3b based upon written documentation as follows:

1. For applications to exceed the limits on disturbance on slopes of 15-20% and 20-30% the applicant must demonstrate that:
 - a. The site cannot be reasonably utilized for its zoned use without the requested relief;
 - b. The extent of relief is the minimum needed to permit reasonable utilization of the site;
 - c. All applicable standards regarding stormwater management will be satisfactorily addressed including the proper protection and stabilization

of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee; and

d. The proposed development adheres to the design guidelines for steep slopes to the greatest practicable extent.

2. For application to disturb slopes greater than 30% the applicant must demonstrate that:

a. All utility of the site for its zoned use would be effectively foreclosed without the requested relief;

b. -c and -d as above.

D. Applications for development of any lot containing slopes in excess of 15% shall conform to the design guidelines in this section to the greatest practicable extent.

519.4 EXISTING LOTS THAT DO NOT REQUIRE PLANNING BOARD OR ZONING BOARD APPROVAL AND CONTAIN SLOPES GREATER THAN 15%.

A. Applications for building permits or for site disturbance on pre-existing lots containing slopes in excess of 15% shall be accompanied by a steep slope analysis showing slope classes of 0% to 15%, 15.1% to 20%, 20.1% to 30% and greater than 30% (see Steep Slope Illustrations diagram at 519.7) Any application pertaining to a lot depicted with steep slopes on the Master Plan map entitled "Slopes" shall include a steep slope analysis. The analysis shall be based upon a topographic survey prepared by an appropriately - licensed NJ professional which shows elevations at 2 foot intervals with slopes measured between adjacent contour lines.

B. The applicant may apply to the City Engineer for permission to limit the extent of the topographic survey to

be submitted if, for instance, only a small portion of the lot will be impacted by the proposed improvements/site disturbance. Alternatively, the Applicant's Engineer may certify that the proposed improvements/site disturbance is of such a *de minimis* extent that the existing City-wide topographic map is sufficient to provide adequate information for the City Engineer to review such proposed improvements/site disturbance.

- C. Any application for a building improvement, either free-standing (such as a shed) or an addition to an existing structure (including decks), which involves combined building coverage and site disturbance of not more than 150 square feet in area shall be exempt from the requirements of this section, provided that the applicant has not previously applied for such exemption within one year of the date of application.
- D. Disturbance on areas of steep slope shall be limited according to the following schedule:

<u>Extent of Slope</u>	<u>Disturbance of Sloped Area</u>
0-15%	No limit, but adhere to design guidelines to extent possible
15.1-20%	30%
20.1-30%	10%
30.1%+	No disturbance permitted

- E. The Zoning Officer shall review and have the authority to approve applications for disturbance of slopes in connection with building permits or for site disturbance on pre-existing lots which conform to the requirements of § 519.4d.
- F. Exceptions to the standards may be granted by the Zoning Board of Adjustment if the applicant has satisfied the criteria set forth in §519.3C1(a)-(d) and §519.3c2(a)-(d). In evaluating the criteria for an exception, the Zoning Board shall consider whether and to what extent the disturbance on steep slopes could be reduced if the boundary lines of the

subject lot were reconfigured with those of adjacent lot(s) in common ownership.

- G. In the case of a plan for improvements which does not comply with the standards set forth in §519.4d, a lot grading plan which indicates the proposed driveway plan and profile, location of the residence, and any site grading necessary for the property shall be submitted for review and approval by the applicant to the City Engineer. Such plan shall provide for the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards, adopted and amended by the New Jersey State Soil Conservation Committee.
- H. The City Engineer shall verify that the proposed residential driveway design is capable of providing access for emergency vehicles and equipment under all weather conditions.
- I. Applications for site disturbance which are limited solely to removal of trees and/or vegetative cover need not include a grading plan in the submission as specified in §519.4g.

519.5 CLUSTER DEVELOPMENT FOR PARCELS WITH STEEP SLOPES. Where permitted as a conditional use in the underlying zoning district, development of a lot or lots affected by steep slopes as defined herein may be approved by the Planning Board, provided the following criteria are met:

- A. The conditions for cluster residential housing shall be as follows:
 - 1. The site shall be served by public water and sewer.
 - 2. A minimum of 25% of the total site area shall be constrained by steep slopes.
 - 3. The applicant shall submit an alternative subdivision plan meeting the design requirements of the Residential Site Improvement Standards (N.J.A.C.

5:21-1 et seq.) which demonstrates that the site cannot reasonably be developed with the same number of lots permitted under the conventional development of the underlying district.

- B. The maximum gross density of the development shall be based on the limitations of the underlying district.
- C. Allowable uses and housing types shall be the same as the limitations of the underlying district.
- D. The following minimum residential lot standards shall apply:
 - 1. Minimum Lot Area: 5,000 sf.
 - 2. Minimum Lot Width: 50 feet measured along the road frontage unless a curve or cul-de-sac in which case is shall be measured at the setback line
 - 3. Minimum Front Setback: 25 feet measured from the front property line
 - 4. Minimum Side Yard: 10 feet for detached; 15 feet for ends of attached unit buildings
 - 5. Minimum Rear Yard: 25 feet
- E. The land area that would otherwise be required for house lots but is not used by the permitted lot size reduction shall be devoted to common open space.

The cluster residential development shall be arranged to create a connected system of common open space. The open

space shall be owned and maintained by a Homeowner's Association in accordance with N.J.S.A. 40:55D-43 or dedicated to the City of Lambertville if accepted by the City Council. The open space shall be maintained and preserved in perpetuity for conservation, open space, agriculture and/or recreational uses as directed by the Planning Board. Covenants, deed restrictions or other legal arrangements shall specify ownership of the open space; method of maintenance; responsibility for maintenance; maintenance of taxes and insurance; compulsory assessment provisions; guarantees that any homeowners association formed to own and maintain open space will not be dissolved without the consent of the Planning Board; and any other specifications deemed necessary by the Planning Board.

F. The open space shall be maintained in accordance with a land management plan prepared by the developer and approved by the Planning Board. The developer shall provide copies of deed covenants with prospective purchases or conservation easements with the City describing land management practices to be followed by the party or parties that are responsible for open space. Further subdivision of open space land, or its use other than agriculture, conservation and recreation shall be prohibited.

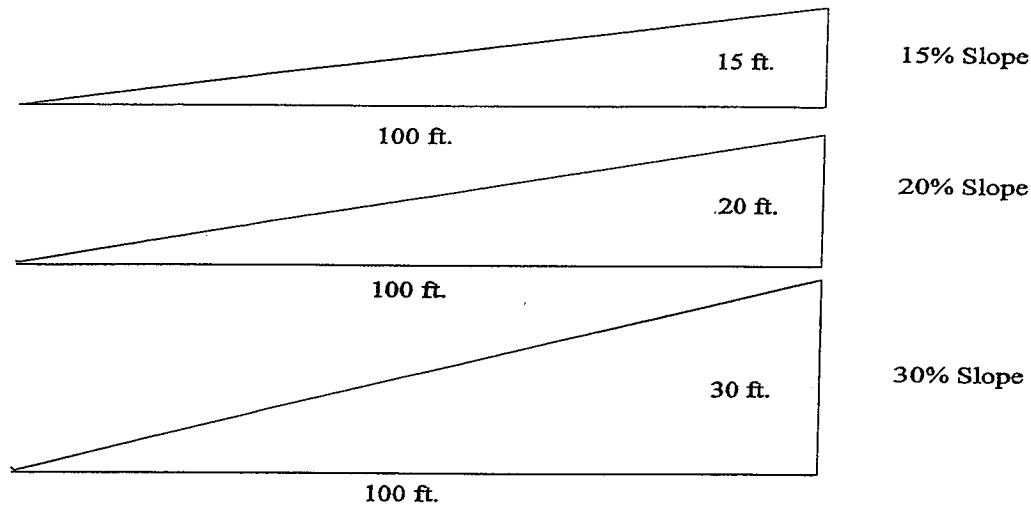
G. All other steep slope provisions set forth in §519 shall apply.

519.6 DESIGN GUIDELINES FOR DEVELOPMENT ON STEEP SLOPES. Due to the environmental sensitivity of steep slopes, development of properties which contain steep slopes should be carefully designed to minimize adverse environmental impacts. Applicants proposing development on steep slopes shall conform their site design to the following guidelines to the greatest practicable extent.

A. Development on steep slopes should produce the minimum feasible site disturbance in areas of steep slope. Site improvements should be clustered on lands of relatively low slope;

- B. The development should be consistent with the natural contour of the site, and minimize grading and alterations of natural landforms;
- C. Padding or terracing of building sites should be minimized;
- D. The development should retain natural topographic features such as drainage swales, stream beds and banks, ridge line vistas, rock outcrops and mature plant formations;
- E. The development should minimize the extent to which it impairs the visual integrity of the slopes when viewed from publicly accessible vantage points including but not limited to the developed area of Lambertville generally west of NJ Route 29;
- F. The development should provide for the maximum feasible vegetation of the steep slope; and
- G. Mature trees should be retained and integrated into new hillside residential development. Existing live trees with a trunk diameter of at least 12 inches measured 4 feet above grade which are located within the area of the proposed site disturbance or within any portion of the site under 30% slope within 50 feet thereof shall be located on the site survey. The removal of any such trees is prohibited unless it is specifically permitted by the Planning Board.

519.7 STEEP SLOPE ILLUSTRATION.



§ 520 Home Occupations.

Home occupations are divided into minor and major types depending on the intensity of the use. Home occupations meeting the criteria for minor home occupations shall be classified as such. Home occupations not meeting the criteria for a minor home occupation shall be considered major home occupations. Uses not meeting either category shall not be permitted as home occupations.

520.1 MINOR HOME OCCUPATION. A minor home occupation shall meet the criteria within this subsection. A zoning permit shall be issued by the Zoning Officer precedent to the commencement of the minor home occupation. The criteria for a minor home occupation are as follows:

- A. The use shall be conducted entirely within the primary dwelling or accessory building associated with it.
- B. No more than 50% of the first floor or basement area or 250 square feet, whichever is less, of the dwelling unit or accessory structure on the same lot may be used for the minor home occupation.

- C. No display of products shall be visible from the street, nor shall any article be sold or offered for sale on the premises.
- D. No more than two clients, patrons, or customers may be on the premises for business or professional purposes at any one time.
- E. The residential character of the lot and building shall not be changed.
- F. No sounds emanating from the minor home occupation use shall be audible outside the residence.
- G. No equipment shall be used which will cause interference with radio and television reception in neighboring dwellings nor create other nuisances by its operation.
- H. The minor home occupation shall not employ any person not resident on the premises in the performance of the occupation.
- I. No sign identifying or advertising the minor home occupation shall be permitted.
- J. Deliveries shall be limited to package (e.g., United Parcel Service) services or utilization of the owner's passenger vehicle.
- K. No additional off-street parking to accommodate the minor home occupation shall be allowed.
- L. The major home occupation shall not be open for customers, clients or patrons before 8:00 am on weekdays and 9:00 am on weekends nor after 8:30 pm on any day of the week.

520.2 MAJOR HOME OCCUPATION. A major home occupation shall meet the criteria within this subsection. A conditional use permit shall be obtained from the Planning Board precedent to the commencement of any major home occupation. The criteria for

a major home occupation are as follows:

- A. The use shall be conducted entirely within the primary dwelling or accessory building associated with it.
- B. No more than 50% of the first floor or basement area or 450 square feet, whichever is less, of the dwelling unit may be used for the home occupation.
- C. No display of products shall be visible from the street, nor shall any article be sold or offered for sale on the premises.
- D. The residential character of the lot and building shall not be changed.
- E. No sounds emanating from the home occupation use shall be audible outside the residence.
- F. No equipment shall be used which will cause interference with radio and television reception in neighboring dwellings nor create other nuisances by its operation.
- G. No major home occupation shall employ more than one non-resident.
- H. One non-illuminated sign attached to a facade of the building, or, fence or wall, not to exceed two square feet, may be permitted identifying the major home occupation.
- I. The home occupation shall not reduce the parking or yard requirements of the dwelling.
- J. Where parking is provided, no more than 3 parking spaces per property, including required residential parking, shall be allowed. All parking associated with the home occupation shall be screened from view of any public street behind a combination of hedging, landscaping or fencing.
- K. Deliveries shall be limited to package (e.g., United Parcel Service) services or utilization of the owner's passenger

vehicle.

- L. The major home occupation shall not be open for customers, clients or patrons before 8:00 am on weekdays and 9:00 am on weekends nor after 8:30 pm on any day of the week.

520.3 PROHIBITED HOME OCCUPATIONS. The following uses shall not be considered home occupations:

- A. Automobile repair, refurbishing or servicing.
- B. Barber shops and beauty salons.
- C. Bed and breakfast accommodation.
- D. Body piercing and tattooing.
- E. Medical and dental offices.
- F. Real estate office.
- G. Spray painting and refinishing operations.
- H. Taxi and limousine service.
- I. Home occupations primarily involving public assembly.

§ 521 Flood Plain Regulations.

Any development within the municipality shall comply with the provisions of Chapter 19, *Flood Damage Prevention*, of the Code of the City of Lambertville.

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
VARIANCES		
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
OTHER ACTIONS BY BOARD		
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

Zoning Ordinance

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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]

SECTION 100

TITLE

"An ordinance establishing rules, regulations and standards governing the subdivision of land within the City of Lambertville pursuant to the authority set forth in Chapter 433 of the laws of 1953, and amendments and supplements thereto, setting forth the procedure to be followed by the Planning Board and governing body in applying and administering these rules, regulations and standards and providing penalties for the violation thereof."

The Board of Commissioners of the City of Lambertville, do ordain, as follows:

101

SHORT TITLE

This ordinance shall be known and may be cited as: The Land Subdivision Ordinance of the City of Lambertville.

SECTION 200

PURPOSE

201

The purpose of this ordinance shall be to provide rules, regulations and standards to guide land subdivision in the City of Lambertville in order to provide for the orderly growth and development of the City and to promote the comfort, health, safety, convenience and general welfare of the City in conformance with the City's Master Plan, Zoning Ordinance, and Official Map.

SECTION 300

APPROVING AGENCY

301

The Provisions of this ordinance shall be administered by the City Planning Board in accordance with 40:55-1.14 of the Municipal Planning Act (1953) and amendments and supplements thereto.

301.1 The City of Lambertville Planning Board when acting upon applications for the approval of subdivisions or a planned unit development plan shall have the power to grant such exceptions and variances from the requirements of "The Land Subdivision Ordinance of the City of Lambertville" and "Zoning Ordinance of the City of Lambertville" as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by both ordinances. In order for such exceptions and variances to be granted, the subdivider or his agent or the planned unit developer or his agent must clearly demonstrate to the satisfaction of the Planning Board that the literal enforcement of one or more of the provisions of either or both said ordinances is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

SECTION 400

DEFINITIONS

401

APPLICANT: Any owner or authorized representative of the owner, submitting plans for review and approval of a land subdivision in accordance with this ordinance.

402

CROSSWALK OR WALKWAY: A right-of-way, dedicated for public use, to facilitate pedestrian access through a subdivision.

403

CUL-DE-SAC: (See street)

ADOPTED MARCH 1, 1971

2/17/76

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the regulations governing zoning and land use development with the adopted Master Plan; and

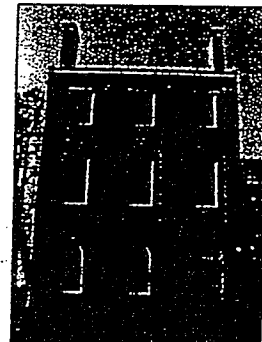
WHEREAS, the Planning Board has determined that these regulations are consistent with said Master Plan and favorably recommends to the City Council pursuant to Resolution No. __-__, dated December 1, 1999 that the regulations be so adopted.

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the City Council of the City of Lambertville, in the County of Hunterdon as follows:

Section 1. Section 400, DEFINITIONS, of the Land Subdivision Ordinance of the City of Lambertville is hereby **AMENDED** to **ADD** the following definitions:

401.1 COMMUNITY DESIGN :(1) The process of organizing the contextual elements of the built environment such that the end result will be a place with its own character or identity or will maintain an existing character or identity; (2) planning the development of the built environment in a comprehensive manner to achieve a unified, functional, efficient, and aesthetically pleasing physical setting.

407.1 FEDERAL STYLE: This is one of the architectural styles built during the Colonial Period between 1780- 1820. Its characteristics are an elaborated entrance, with sidelights (windows) centered in a symmetrical façade of a large box-shaped (simple) mass. Federal style is also known as Adam style.



407.2 FENESTRATION: An opening in a building facade, such as a window or door.

408.1 MASSING: The three dimensional bulk of a building, often referred to as either simple or complex massing. A simple massing has a box like appearance. A complex massing is achieved through the use of various building projections such as bay windows, turrets, and setbacks.

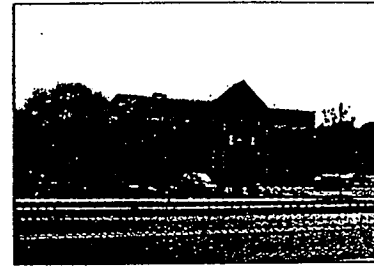
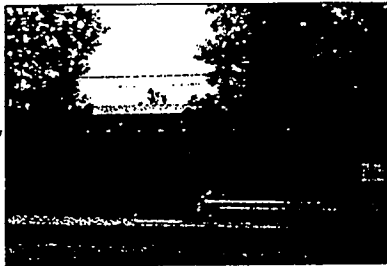


The building on the left has a complex massing as a result of its varying setbacks and projections. The building on the right has a simple massing – the facade is a single plane.



417.1 PROPORTION: The relationship or ratio between two dimensions, such as the height and width of windows, doors and a building.

418.1 RHYTHM OF OPENINGS: The number and spacing of windows and doors in a facade.



The first two buildings share a similar rhythm or spacing between windows and doors. The third building is different because there are fewer windows and the spacing between them is entirely different.

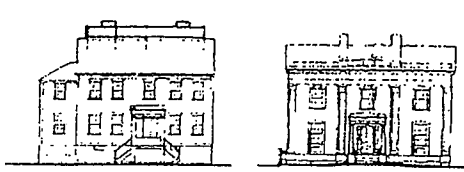


418.2 ROOF, GABLE: A roof with a central ridge line and one slope on each side. A gable is the triangular section of wall under the roof edge.



418.3 ROOF, MANSARD: A roof that is double pitched on all four sides, the lower slope being much steeper.

418.4 SCALE: The degree of relatedness to the size and proportions of a known unit of measurement, typically the human body. The size of the exterior wall planes (or architectural features) is one of the most important measurements of scale. If the wall plane is the approximate dimensions of the human body, it is of a human scale. If the size of the wall plane greatly exceeds the human body, it is referred to as a monumental scale. Most Greek Revival buildings are of a monumental scale because the large pillars usually extend to the roof line of the building.

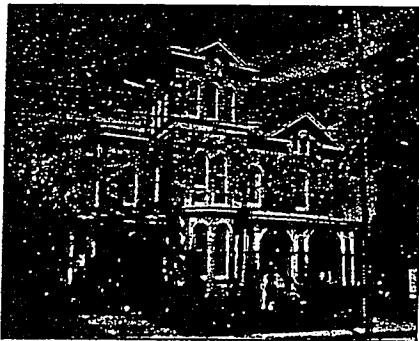


Two buildings of a similar size can have different scales. The building on the right may have a lower roof line, but the tall columns and the long windows give it a larger appearance and scale.



Human scale means that the openings and architectural features of a building are similar to that of a human body. Likewise, humans can readily relate to the building and are not dwarfed by it.

- 426 VERNACULAR STYLE: A building form native to a particular area based on tradition, but without regard for formal or precise styles.
- 427 VICTORIAN, STYLE: A variety of architectural styles imported from Europe during the reign of Queen Victoria. The styles are characteristically romantic and include bargeboard, turrets, elongated windows and doors, brackets and other ornamentation. Examples of Victorian styles include Italianate, Second Empire and Queen Anne.



Italianate



Second Empire



Queen Anne

404

DRAINAGE RIGHT-OF-WAY: The lands or interest in lands required for the installation of storm water sewers or drainage ditches, or land or interests therein required along a natural stream or water course for preserving the channel and providing for the flow of water therein so as to safe guard the public against flood damage in accordance with Chapter one of Title 58 of the Revised Statutes.

405

DWELLING UNIT: Any room or combination of rooms containing sleeping, cooking and sanitary facilities intended to provide living accommodations for a family or an individual.

406

EASEMENT: A use or burden imposed on real estate by deed or other local means to permit the use of land by the public, a corporation, or particular persons for specified uses.

407

FAMILY: One or more persons customarily living together as a single house-keeping unit related to each other by birth or marriage.

408

LOT: Any parcel, plot, site or portion of land separated or divided from other parcels or portions on any filed map in the register's office, by description on a subdivision plat, deed, record of survey or by metes and bounds.

409

PLANNING BOARD OR BOARD: The Planning Board, City of Lambertville, New Jersey

410

MASTER PLAN: A comprehensive plan consisting of mapped and written proposals for the future growth, protection and development of the City of Lambertville, recommending standards for the promotion of the comfort, convenience, public health, safety and general welfare of the community, and which shall have been duly adopted by the Planning Board.

411

OFFICIAL MAP: A map adopted by the City of Lambertville in accordance with the Official Map and Building Permit Act (1935) (R.S. 40:55-1.30 et seq.) Such a map shall be deemed conclusive with respect to the location and width of streets, drainage rights-of-way, and flood control basins, and the location and extent of public parks and playgrounds, and scenic and historic sites shown thereon.

412

OFFICIAL NOTICE: Notification of all property owners affected by a proposed subdivision within the limits defined in this ordinance by either a personal visit or registered mail, and the requirement to have a notice of the public hearing published in a newspaper of general circulation within the City at least 10 days prior to the hearing.

413

OWNER: Any individual, firm, association, syndicate, co-partnership, corporation or legal entity having legal title to the land.

414

PERFORMANCE GUARANTEE: The security which may be accepted to guarantee the completion of the required improvements before the Planning Board approves the plat

and shall include performance bonds with responsible surety authorized to do business in the State of New Jersey, or escrow agreements secured by cash, certified check or cashier's check.

415

PLAT, SKETCH: The sketch map of a proposed subdivision of sufficient accuracy to be used for the purpose of discussion and classification, meeting the requirements of Section 501 of this ordinance.

416

PLAT, PRELIMINARY: The preliminary map indicating the proposed layout of the subdivision which is submitted to the Secretary of the Planning Board for consideration and tentative approval and meeting the requirements of Section 502 of this ordinance.

417

PLAT, FINAL: The final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with the regulations of section 503 of this ordinance, and which, if approved, shall be filed with the proper County Recording Officer.

418

RIGHT-OF-WAY: The land and space required on the surface, subsurface, and overhead for the construction and installation of materials necessary to provide passage-way for vehicular traffic, pedestrians, utility lines, poles, conduits and mains, signs, trees, and shrubbery and the proper amount of light and air as established by local authorities. Street rights-of-way shall be measured from lot line to lot line.

419

STREET: Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way which is an existing state, county, or city road-way or a street or right-of-way shown upon a plat approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the County Clerk prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between street lines, whether improved or unimproved, and may comprise pavements, shoulders, gutters, sidewalks, parking areas and other areas within the street lines. For the purpose of this ordinance, streets shall be classified as follows:

419.1

STREET, ARTERIAL: Used primarily for fast or heavy volumes of traffic and are those used generally to proceed between large areas of development such as commercial centers, industrial areas, and concentrated residential communities through or around the locality of the city.

419.2

STREET, COLLECTOR: Those which carry traffic from local streets to the arterial streets and designed to have considerable continuity and traffic capacity.

419.3

STREET, CUL-DE-SAC: A local dead-end street terminating in a circular, or other turn around area.

419.4

STREET, MINOR: Those streets which need be entered only for stopping at a destination on that street and which need not be used for general traffic circulation through the City.

420

SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this ordinance to effect a subdivision of land hereunder for himself or for another.

421

SUBDIVISION: The division of a lot, tract, or parcel of land into two or more lots, sites or other divisions of land or the combination of two or more lots into one or more lots, for the purpose, whether immediate or future, of sale or building development; except that the following divisions shall not be considered subdivisions, provided, however, that no new streets, or roads are involved; divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order. Subdivision also includes re-subdivision and, where appropriate to the context relates to the process of subdividing or to the lands or territory divided.

422

SUBDIVISION COMMITTEE: A committee of at least three Planning Board members appointed by the Chairman of the Board with the consent of a majority of the Board for the purpose of classifying subdivisions in accordance with the provisions of this ordinance and of performing such other duties relating to land subdivision as may be conferred on this Committee by the Board.

423

SUBDIVISION MAJOR: All subdivisions not classified as minor subdivisions.

424

SUBDIVISION, MINOR: Any subdivision containing not more than three lots fronting on an existing street, or City maintained street, not involving any new street or road or the extension of municipal facilities or the installation of any street improvements, and not adversely affecting the development of the remainder of the parcel of adjoining property and not in conflict with any provision or portion of the master plan, official map, the City of Lambertville Zoning Ordinance or this ordinance. Any subdivision which involves a lot which was previously approved as a minor subdivision within a 3 year period prior to the application for another minor subdivision shall be classified as a major subdivision.

425

11/6/17
CONDITIONAL USE: A use which may be permitted in a district through the granting by the Planning Board of a special exception upon a finding by the Board that it meets specified conditions and is capable of existing in harmony with other uses situated in its immediate vicinity.

SECTION 500 PROCEDURES AND DETAILS

501

SUBMISSION OF SKETCH PLAT

501.1

PURPOSE FOR SUBMISSION OF SKETCH PLAT: A sketch plat is required of all owners, as herein defined, seeking a subdivision for the purpose of classification and preliminary discussion so that they may obtain the advice of the Planning Board, its Subdivision Committee, and other City Officials in the formative stages of the design, and for the purpose of assuring coordination with the Master Plan.

501.2

PROCEDURES FOR SUBMITTING SKETCH PLAT:

11/6/17
(a) Submit to the Secretary of the Planning Board at least thirty-five (35) days prior to the regular meeting of the Board, two (2) copies of the sketch plat application and eleven (11) copies of the sketch plat of the proposed subdivision for the purposes of classification, preliminary discussion and appropriate action.

S7

4/16/23
(b) Immediately upon receipt of the copies of the sketch plat, the Secretary of the Planning Board shall forward one (1) copy each to the County Planning Board, The Subdivision Committee, the City Engineer, the City Planning Consultant, and Building Inspector for their review and comments, with the remaining copies retained by the Planning Board. If within thirty (30) days after receiving said sketch plats, the County Planning Board, the City Engineer, the City Planning Consultant, and the Building Inspector do not return their copies and any comments to the Secretary of the Planning Board, said sketch plats shall be deemed to have been approved by them.

c. Whenever a sketch plat of a minor subdivision is submitted for review which fronts on an existing street, three (3) copies of deeds of dedication shall be included in the application to provide sufficient right-of-way where the existing street right-of-way is less than the minimum requirements of this ordinance or the adopted Master Plan. Whenever such land is dedicated in accordance with this section, the minimum required lot depth and lot area as required by this ordinance or the Zoning Ordinance of the City shall be reduced by the same dimension and area as dedicated to the City if the developer has no other adjacent lands to provide the minimum requirements.

d. If the sketch plat is classified as a Major Subdivision, a notation to that effect shall be made on the plat together with any recommendations and comments from the Planning Board and returned to the subdivider for compliance with Sections 502 and 503 of this ordinance.

e. If classified and approved as a minor subdivision by unanimous action of the Subdivision Committee, a notation to that effect will be made on the sketch plat which will be signed by the Chairman of the Subdivision Committee and, which will then be forwarded to the Chairman and Secretary of the Planning Board for their signatures.

f. The Subdivision Committee shall report its actions at the next regular meeting of the Planning Board.

g. Seven (7) copies of the approved sketch plat of a Minor Subdivision shall be prepared and distributed by the City Clerk as follows:

1. City Clerk.....1 Copy
2. City Planning Board.....1 Copy
3. City Engineer.....1 Copy
4. Building Inspector.....1 Copy
5. Tax Assessor.....1 Copy
6. County Planning Board.....1 Copy
7. Applicant.....1 Copy

h. The approved sketch plat of a minor subdivision shall be signed by the Chairman and Secretary of the Planning Board and be returned to the subdivider within one (1) week following the next regular meeting of the Planning Board.

i. The approval of a sketch plat of a minor subdivision shall expire ninety (90) days from the date of approval unless within such period either a deed description or plat map drawn in compliance with Chapter 358 of the Laws of 1953, as amended, is filed by the subdivider with the County Recording Officer and a copy of such deed or plat map together with the date and index reference of the filing with the

County Recording Officer is filed with the Secretary of the Planning Board and the City Clerk.

2/7/76
(j) At the time of submission of a sketch plat to the Secretary of the Planning Board a filing fee shall be paid to the Secretary of the Planning Board of \$50.00 to cover the cost of review.

501.3

DETAILS OF SKETCH PLAT: The sketch plat shall be based on tax map information or some other similarly accurate base at a scale preferably not smaller than 100 feet to the inch to enable the entire tract to be shown on one (1) sheet and shall show or include the following information:

a. A Key Map showing the location and approximate area of the subdivision in relation to the City.

b. A map of the entire tract(s) of land being subdivided showing all existing and proposed property lines, tax map sheet number, block number and lot numbers, easements, rights-of-way, street names, power lines, structures, streams, drainage facilities, and wooded areas within the area of the entire tract, and within 500 feet thereof.

c. A title block giving the name of the subdivision, the present owner of the land present owner of all adjacent properties, name and license number of the person who prepared the map, scale of the map, north arrow, proposed number of dwelling units and type, if any, and space for the signatures of the Chairman and Secretary of the Planning Board.

d. All plats shall conform to the requirements of the City Zoning Ordinance.

502

SUBMISSION OF PRELIMINARY PLAT

502.1

PURPOSE FOR SUBMISSION OF PRELIMINARY PLAT: The preliminary plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Board. They show the general design of the subdivision and its public improvements so that the Planning Board can indicate its approval or disapproval of the subdivision prior to the time that the final plat, including the design and detailing of the public improvements and utilities, is completed.

502.2

PROCEDURES FOR SUBMITTING PRELIMINARY PLAT:

A. A Preliminary Plat shall be submitted to the Secretary of the Planning Board at least three (3) weeks prior to the Planning Board meeting at which consideration is desired. It shall be submitted in at least eleven (11) blue or black on white prints and shall be accompanied by three (3) completed copies of the application for preliminary approval as well as three (3) copies of any protective covenants or deed restrictions applying to the land being subdivided. In addition, the subdivider shall make applications to the County Planning Board for approval of the plat in accordance with the procedures established by the County.

b. At the time of submission, a fee of \$25.00 plus \$35.00 for each lot proposed in the subdivision shall be paid to the City to cover costs. If upon tentative approval the number of lots is less than originally proposed, a refund of \$35.00 for each lot eliminated will be made to the subdivider.

c. The Subdivider shall mail a notice at least ten (10) days prior to the public hearing to all property owners within two hundred (200) feet of the extreme limits of the subdivision as their names appear on the City tax record and shall furnish

the Planning Board with proof of such service. The subdivider shall cause notice of the hearing to be published in the official newspaper or a newspaper of general circulation in the City at least ten (10) days prior to the hearing. Such notice shall state the time and place of the hearing, a brief description of the property involved, a statement as to its location, a list of the maps and other documents to be considered, a summary statement of the matters to be heard and that a copy of said subdivision has been filed with the City Clerk for public inspection. (R.S. 40:55-1.7). The subdivider shall furnish the Planning Board with proof of publication.

d. Submission of the preliminary plat shall include a letter directed to the Chairman of the Planning Board signed by a responsible official of: (1) the State and/or County Highway Department, approving proposed construction on State and/or County rights-of-way and (2) the State and local agency approving of the method of waste disposal and water distribution.

e. If the preliminary plat lies within 200 feet of another municipal boundary, a copy of the plat shall be sent by the Planning Board Secretary to the Secretary of the Planning Board of the adjoining municipality. A written statement shall be requested from the adjoining municipality indicating whether the proposed subdivision is in reasonable harmony with its plans for development. The Secretary of the Planning Board of the adjoining community shall be informed of the date of the public hearing and any communications received prior to this date will be considered in relation to the approval or disapproval of the plat.

f. A letter directed to the Chairman of the Planning Board signed by the Secretary or a responsible official as designated by the Board of Education shall be requested by the Planning Board acknowledging the number of residential units and indicating the availability of school sites and facilities which relate to the subdivision area.

g. The Secretary shall retain one complete set of maps and application forms of the preliminary submission for the Planning Board and one complete set of plans shall be forwarded by the Secretary immediately upon receipt of the plans to the following:

1. City Clerk
2. County Planning Board
3. City Engineer
4. Building Inspector
5. Secretary of the Board of Health
6. Planning Board of adjoining municipality where applicable according to Section 502.2(e).
7. Such other Municipal, County or State officials as directed by the Planning Board.

h. The Planning Board shall take formal action either approving or disapproving the preliminary plat within ninety (90) days after its submission to the Secretary of the Planning Board, but in no case before a public hearing is held or before the expiration of the thirty (30) day period within which the County Planning Board may submit a report on said subdivision. The recommendations of the County Planning Board shall be given due consideration in the final decision on the plat.

i. If the plat is disapproved, by either the City or the County, the reasons for disapproval shall be given in writing to the subdivider within the ninety (90)

day period, and, in appropriate cases, shall be remedied by the subdivider prior to further consideration of the plan.

j. If the Planning Board acts favorably on a preliminary plat, the Chairman and Secretary shall affix their signature to the plat with the notation that it has received tentative approval and the plat shall be returned to the subdivider for compliance with final approval requirements.

k. Tentative approval shall confer upon the applicant the following rights for a three (3) year period from the date of tentative approval:

1. That the general terms and conditions upon which the tentative approval was granted will not be changed.
2. That the said applicant may submit on or before the expiration date, the whole, or part or parts of said plat for final approval.

502.3

DETAILS OF PRELIMINARY PLAT

A. The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not smaller than one (1) inch equals One hundred (100) feet and shall be designed by a licensed (N.J.) land surveyor, or a licensed (N.J.) professional engineer. The plat shall be designed in compliance with the provisions of Section 600 of this ordinance and shall show or be accompanied by the information required in Section 502.3,b.

b. The preliminary plat shall include the following information and shall show the location of the proposed site and approximate area of the subdivision in relation to the City.

1. TITLE BLOCK

- (a) Name of subdivision
- (b) Name and address of subdivider.
- (c) Name and address of the owner of record.
- (d) Name and address of all property owners within two hundred (200) feet of the extreme limits of the subdivision.
- (e) Name, address and profession of the person who prepared the drawing together with his license number and seal.
- (f) Acreage of tract to be subdivided to nearest tenth of an acre.
- (g) Proposed number of dwelling units and type.
- (h) Scale.
- (i) Date of submission of each plat and of each subsequent revised subdivision.

2. Sufficient elevation or contours to determine the general slope and natural drainage of the land to points extending two hundred (200) feet beyond the subdivision boundary.

3. North Arrow

4. Subdivision boundary line (heavy solid line)
5. The location of existing water courses and any natural features such as wooded area and rock formations to the proper scales both within the proposed site and within two hundred (200) feet of its boundary.
6. (a) Street rights-of-way of subdivision and within two hundred (200) feet of its boundaries.
 - 1/ Name of each street
 - 2/ Location and width
 - 3/ Centerline elevation at intersections and other critical points
 - 4/ Typical cross sections and centerline profiles for all proposed new streets
- (b) Other rights-of-way and easements on the subdivision and within two hundred (200) feet of its boundaries.
 - 1/ Identification and description
 - 2/ Location and width
 - 3/ Restrictions of use, if any
- (c) Drainage structures on the subdivision and within two hundred (200) feet of its boundaries.
 - 1/ Type of structure
 - 2/ Location, invert elevations, gradients, and sizes of all pipe and of all other structures where applicable.
- (d) Other utility structures such as water, sewer and gas mains and power lines on the subdivision and within two hundred (200) feet of its boundaries.
 - 1/ Location and size or capacity
- (e) Marshes, ponds, streams and land subject to periodic flooding on the subdivision and within two hundred (200) feet of its boundaries showing the location and area covered and indicating apparent high water level.
- (f) Lot Layout
 - 1/ Lot lines and dimensions of each lot to the nearest foot
 - 2/ Building setback lines (dashed) and its dimensions from the street line
 - 3/ Existing zoning and the boundaries thereof
 - 4/ Identification of lots or parcels for land use and land to be reserved or dedicated to public use, if any
 - 5/ Easements and restricted areas with notation as to purpose of restrictions
- (g) Buildings and other structures located on the subdivision and within two hundred (200) feet of its boundaries

- (h) All plats shall conform to the requirements of the City Zoning Ordinance.

502.4

IMPROVEMENTS OR GUARANTEES PRIOR TO FINAL APPROVAL

Before consideration of a final subdivision plat, the subdivider shall have install or shall have posted adequate performance guarantees to assure the installation of the required improvements in accordance with Section 700.

503

SUBMISSION OF FINAL PLAT

503.1

PURPOSE FOR SUBMISSION OF FINAL PLAT: A final plat and supporting drawings and documents for a proposed subdivision constitute the complete development of the subdivision proposal and include the recommendations resulting from the Planning Board review of the preliminary plat as well as the detailed layout drawings for the public improvements and utilities. After public hearing and approval by the Planning Board, this complete submission accompanied by the performance guarantee according to Section 700 and the provision of the liability insurance policy as approved by the governing body according to Section 800 of this ordinance, becomes the basis for the construction of the subdivision and inspection service by the City and Planning Board. The plat itself must be recorded at the County Recorder's Office to have legal status. An unrecorded plat is not a valid basis for site improvements or other commitments which depend on its design characteristics.

503.2

PROCEDURES FOR SUBMITTING FINAL PLAT:

- a. A final plat shall be submitted by the subdivider or his agent to the Secretary of the Planning Board within three (3) years from the date of approval of the preliminary plat. The final plat and all supporting drawings and documents shall be submitted to the Secretary of the Planning Board at least fifteen (15) days prior to a meeting date in order to be heard at that particular meeting. The Planning Board shall act upon the final plat within forty-five (45) days after the regular meeting at which it is presented for final approval or within such further time as the applying party may agree to.
- b. Before making application to the Planning Board for final approval, the subdivider shall carry out the following steps:
 1. Make all required corrections requested subject to preliminary plat approval.
 2. Complete three (3) copies of an application for final approval.
 3. Pay the required application and inspection fee at the City Clerk's Office. (See Section 503.2,1)
 4. Obtain a general liability insurance policy and submit a copy to the City Clerk for submission to the City Attorney for approval as to form. (See Section 800.)

5. Prepare prints for distribution and filing with the following:

- (a) County Planning Board (1 copy)
 - (b) City Clerk (1 copy)
 - (c) Planning Board (3 copies)
 - (d) City Engineer (1 copy)
 - (e) Building Inspector (1 copy)
 - (f) Applicant (1 copy)
- c. The final plat shall be accompanied by a statement by the City Engineer certifying the accuracy of the details of the plat, and that he is in receipt of a map or maps showing in exact location and elevation, the water, sanitary and storm sewer mains and streets identifying those portions already installed and those to be installed and that the subdivider has posted the performance guarantee required in accordance with Section 700 of this ordinance.
- d. The final plat shall be accompanied by letters directed to the Chairman of the Planning Board and signed by a responsible official of the water company, government authority or district which provides water, sanitary or storm sewer service that has jurisdiction in the area approving each proposed utility installation design and stating who will construct the facility so that service will be available when required in conformity with the provisions of the filed rate schedule.
- e. Submission of the final plat shall include of three (3) copies each Deeds of Dedication for all properties including any streets rights-of-way to be offered to the City for dedication.
- f. If the Planning Board approves a final plat a notation to that effect shall be made on three (3) copies of the plat and shall be signed by the Chairman and Secretary of the Planning Board.
- g. Failure of the Planning Board to act within forty-five (45) days or a mutually agreed upon extension shall be deemed to be favorable approval and the secretary of the Planning Board shall issue a certificate to that effect.
- h. The final plat, after final approval shall be filed by the Subdivider with the County Recording Officer within ninety (90) days from the date of such approval. No plat shall be accepted for filing by the County Recording Officer unless it has been duly approved by the Planning Board and signed by the Chairman and Secretary. If any final plat is not filed within this period, the approval shall expire.
- i. Expiration of approval shall mean the previous approval by the Planning Board is null and void and, in order to obtain a reapproval a new filing fee as well as a review of all previous findings must be conducted.
- j. Upon application by the subdivider showing good cause, the Planning Board may make a reasonable extension of the time within which the subdivider must file with the County Recording Officer provided, however, that the plat be revised according to any change in regulations or ordinances applicable to the plat subsequent to the original time period of ninety (90) days or the extended period of time granted by the Board.
- k. If any person shall be aggrieved by the action of the Planning Board, appeal

in writing to the governing body may be taken within ten (10) days after the date of the action of the Planning Board. A hearing thereon shall be had on notice to all parties in interest who shall be afforded an opportunity to be heard. After such hearing the governing body may affirm or reverse the action of the Planning Board by a recorded vote of a majority of the total members thereof. The findings and reasons for the disposition of the appeal shall be stated on the records of the governing body, and the applying party shall be given a copy.

1. Each application submitted for final approval of final plat shall be accompanied by a fee payable to the City of Lambertville of \$25.00 plus \$5.00 for each lot or dwelling unit shown on the final plat to cover costs. An additional fee amounting to 5 percent of the amount of the performance guarantee estimate shall be paid to the City upon approval of plans for improvements and cost estimates by the City Engineer to cover the cost of engineering inspections of construction work. If the inspection costs exceed such fund, the subdivider shall deposit with the City additional sums upon notice from the City Engineer. The City Treasurer shall return any balance of the inspection deposit to the subdivider upon expiration of the maintenance bond.

503.3

DETAILS OF FINAL PLAT:

- a. The final plat for all, part, or parts of the subdivision shall be drawn in ink on tracing cloth with 12 copies at a scale of not less than one (1) inch equals one hundred (100) feet and in compliance with all the requirements for filing a map with the County Recording Office and shall be designed in compliance with the provisions of Section 600 of this ordinance. The final plat shall show or be accompanied by the same information required for preliminary approval in addition to the following:
 1. Each block and lot shall be numbered in conformity to existing tax map procedures.
 2. Bearing or deflection angles and radii, arcs and center angles of all curves.
 3. Contours at two (2) foot intervals extending two hundred (200) feet beyond the boundary of the subdivision.
 4. Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement for the dedication of streets, alleys, easements and other rights of-way and any lands for public uses.
 5. Certification from the tax collector that all taxes are paid to date.
 6. At least one (1) corner of the subdivision shall be tied to a U.S.G.S. benchmark or benchmarks with date on the plat as to how the bearings were determined. Monuments, lots, corners and other survey points shall be located and described. (See Section 607)

7. When approval of the plat is required by any officer or body of the City, County, or State, approval shall be certified on that plat.
 8. Public Improvement and Utility plans and profiles are declared an integral part of the final plat submission and compliance therewith and with the final plat itself, this subdivision ordinance and the City's specifications for public improvements and utilities as mentioned in Section 600 shall be secured by the performance guarantee. The plans of the basic improvements and utilities shall include:
 - (a) The same area with the same scale and title block as required on the preliminary plat.
(See Section 502.3, b(1))
 - (b) Other details as specified in Section 608 and 609.
- b. All plats shall conform to the requirements of the city Zoning Ordinance.

503.4

DISTRIBUTION OF APPROVED PLATS

The Secretary of the Planning Board shall file copies of the final approved plat with:

1. City Clerk
2. City Engineer
3. Building Inspector
4. Board of Tax Assessors
5. County Planning Board
6. Sanitary Inspector
7. Planning Board
8. Police Department
9. Official issuing certificate for approved lots.

504

CERTIFICATE SHOWING APPROVAL

504.1

The prospective purchaser, prospective mortgagee, or any other person interested in any land which forms part of a subdivision, or which, since the thirteenth day of June, one thousand nine hundred and fifty-one, formed part of such a subdivision, may apply in writing to the Secretary of the Planning Board, for the issuance of a certificate certifying whether or not such subdivision has been approved by the planning board. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate, and the name of the owner thereof.

The Secretary of the Planning Board shall issue such certificate within fifteen days after the receipt of such written application and the fees therefor and shall keep a duplicate copy of each certificate, consecutively numbered in a binder as a permanent record of his office.

504.2

Each such certificate shall be designated a "certificate as to approval of subdivision of land," and shall certify:

- a. That there exists in said municipality a duly established planning board which meets regularly on a monthly or more frequent basis and that there is an ordinance controlling subdivisions of land, adopted under the authority of state law.
- b. Whether the subdivision or resubdivision, as it relates to the land shown in said application, has been approved by the planning board, and, if so, the date of such approval.
- c. Whether such subdivision or resubdivision, if the same has not been approved, is exempt from the requirement of approval as provided in the subdivision ordinance.

SECTION 600 IMPROVEMENTS AND DESIGN STANDARDS

The subdivider shall regard the following requirements and principles of land subdivision in the design of each subdivision or portion thereof. Prior to the granting of final approval, the subdivider shall have furnished performance guarantees for the ultimate installation or install, the following items. The subdivision shall conform to the proposals and conditions shown on the Official Map and the Master Plan of the City.

601

STREETS AND HIGHWAYS

~~601.1~~

Subdivisions shall be served by paved public streets and all new streets shall be graded and provided with an all weather base and pavement with an adequate crown in keeping with City specifications and standards.

601.2

The arrangements of new streets constructed or to be constructed in subdivisions shall be such as to provide for the continuous extension of existing, mapped, or potential streets.

601.3

No subdivision showing reserve strips controlling access to another area, either developed or undeveloped, shall be approved except where the control and disposal of land comprising such strips has been given to the governing body after recommendation by the Planning Board.

601.4

Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan, Official Map, or the street width requirements of this ordinance, shall dedicate additional width along one or both sides of said road. If the subdivision is along one side only, one-half of the required extra width shall be dedicated.

601.5 width

The right-of-way shall be measured from lot line to lot line and shall not be less than the following:

- a. Arterial streets 80 feet

- b. Collector streets 60 feet
- c. Minor streets 50 feet
- d. The right-of-way width for internal roads and alleys in multi-family commercial and industrial development shall be determined on an individual basis and shall in all cases be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs and maximum access for fire fighting equipment.
- e. Subdivisions abutting or containing existing or proposed arterial streets should provide a marginal service road or service frontage with a buffer strip for screen planting or some other means, such as reserve strips, to separate through and local traffic and to provide for protection of residential properties.

601.6

Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty (60) degrees. No more than two streets shall meet or intersect at any one point and centerlines of both intersecting streets shall pass through a common point. Measuring from this common point, two intersections shall be spaced at a minimum of one hundred twenty-five (125) feet. The block corners at intersections shall be rounded at the curb line with a curve having a radius of not less than twenty (20) feet. No shrubbery, signs, trees, monuments or other visual obstruction to signs or line of sight over three (3) feet in height shall be permitted along or within the street right-of-way line within twenty-five (25) feet of any intersection.

601.7

Where streets have a reserve curve, a tangent of at least one hundred (100) feet in length shall be required.

601.8

6/16/75 Grades of arterial streets shall not exceed 6% and grades of collector streets shall not exceed 10%. Grades of other streets shall not exceed 10%. No street shall have a minimum grade of less than one-half of 1%.

601.9

All changes in grade where algebraic difference in grade is one percent or greater shall be connected by vertical curves of sufficient radius to provide a smooth transition and proper sight distance, but not so great as to create drainage problems. Sight distance shall be at least three hundred fifty (350) feet for local streets.

601.10

When connecting street lines deflect from each other at any one point by more than ten (10) degrees and not more than forty-five (45) degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet.

601.11

6/16/75 Cul-de-sac streets may be used to discourage through traffic. Where cul-de-sac streets are used, they shall be designed so that adequate surface drainage is provided and should be no longer than 600 feet. However, the maximum length may be extended by the reviewing agency where cartway capacity is not exceeded and site conditions dictate such extensions. A cul-de-sac shall provide a turnaround at the end and the minimum right-of-way at the turnaround shall be a radius of at least fifty (50) feet and tangent, whenever practicable, to the right side of the street.

601.12

All driveways or other off-street parking areas shall have driveway aprons extending from the curb line to the front property line. The driveway aprons shall be at least twelve (12) feet wide at the curb and a minimum of ten (10) feet at the property line and meeting the same construction specifications as the street. Continuous open driveways in excess of fifteen (15) feet resulting in the elimination of curbing along city streets shall be prohibited.

601.13

No street shall have a name which will duplicate or so nearly duplicate the name of an existing street that confusion results. The continuation of an existing street shall have the same name. Curvilinear streets shall change their names only at street intersections or in accordance with Section 602 of this ordinance.

601.14

The length, width or acreage of blocks shall be determined with due regard to the limitations and opportunities of topography and shall be such as to be sufficient to meet all the area, yard, and parking requirements for such particular uses as expressed in the zoning ordinance as well as providing for convenient access, circulation control and safety of street traffic.

(601.15) Lot dimensions and area shall not be less than 50 feet in width at the street line by 100 feet in depth and 5000 square feet or the requirements of the zoning ordinance of the City and, in so far as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

601.16

Where extra width has been dedicated for widening of existing streets, lots shall begin at such new line and all setbacks shall be measured from such new line.

601.17

Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold favorable referral of such lots.

601.18

Where the property to be subdivided is next to or includes a railroad right-of-way, suitable provisions shall be made for such things as road crossings, screening or buffers, freight access, warning signals and signs in recognition of the relationship between the railroad and the subdivision.

602

STREET NAME SIGNS

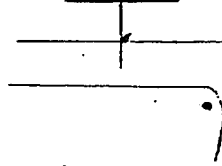
602.1

Street name signs meeting City specifications as to size, material and location shall be installed at the intersection of all streets and at such places on curvilinear streets as noted below:

AMENDED
9/20/01

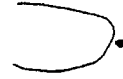
Description
a. At right intersections

Example



b. When two (2) roads intersecting at right angles are connected by a curve.

c. At the peak of the curve connecting two parallel streets when the length of the streets exceeds the length of a loop.



602.2

Where traffic control signs are deemed necessary by the Planning Board and City Engineer to city, county or state highways, the proper city, county or state official shall be informed of the proposed installation in order that the proper agency may consider the necessity of the installation at its own expense.

602.3

All street name and traffic control signs shall be installed free of visual obstruction.

603

CURBS AND GUTTERS

603.1

6/16/75
Curbing and gutters shall normally be required along all public streets within the subdivision. However, curbs and gutters may be eliminated along private streets where an acceptable comprehensive drainage system is provided. This system may include a system of swales, retention, detention and recharge structures.

603.2

The minimum standards in regards to width of gutters, height of curbing, base material, surface material, slope, depth of gutters crossing intersections, and the installation of catch basins, shall be according to the requirements of this ordinance (Section 608) and the specifications of the City approved by the City Engineer or, in the case of county or state highways, the proper County or State Official.

603.3

Curbs and gutters shall be adequate to handle the maximum water run-off from tributary lands.

604 SIDEWALKS

604.1

6/16/75
Minimum four (4) foot wide sidewalks shall be provided along all streets in residential, commercial and industrial area. However, sidewalks adjacent to circulation and collection streets may be eliminated where an alternate pedestrian circulation system is provided to the satisfaction of the Planning Board.

604.2

In blocks over 1000 feet long pedestrian cross-walks may be required in locations deemed necessary by the planning board. Such walkway shall be ten (10) feet wide and be straight from street to street.

604.3

Continuous paving shall also be available from the sidewalk to the main entrance or entrances of the building.

604.4

All sidewalks shall be located a minimum of one (1) foot within the street right-of-way.

604.5

All sidewalks shall have a slope of 1/4 inch per foot toward the gutter.

605

SHADE TREES AND PLANTING STRIPS

605.1

Shade trees shall be provided in all major residential subdivisions and in subdivisions of other kinds where deemed appropriate by the Planning Board. Trees shall be planted within the subdivision along each side of the street at proper intervals and in types, sizes and locations conducive to healthy growth with graded and seeded or sodded planting strips within street rights-of-way and according to any standards adopted by the governing body so as not to interfere with street paving, sidewalks or utilities.

605.2

All trees should be of nursery stock of no less than 2-1/2 inches in diameter and of an approved species grown under the same climatic conditions as at the location of the development. They shall be of symmetrical growth, free of insect pests and disease, suitable for street use, durable under the maintenance contemplated, and approved by the governing body.

606

TOP SOIL PROTECTION

No top soil shall be removed from areas intended for lawn or open space. Top soil moved during the course of construction shall be redistributed within the subdivision so as to provide at least six (6) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.

607

MONUMENTS

Monuments shall be of hard durable material, constructed in accordance with City specifications and be firmly set in the ground in the required locations so as to be visible at the points as required in Section 4 of Chapter 358 of the Laws of 1953.

608

DRAINAGE SYSTEM

608.1

A preliminary grading and drainage system plan shall be a part of the preliminary plat. It shall indicate in general terms a proposal for an adequate system of drainage structures to carry off and store or discharge the storm water run-off and natural drainage water which originates not only within the property boundaries, but also that which originates beyond the property boundaries.

608.2

The public improvement and utilities plan and profiles shall show the final drainage plan and street profiles. They shall be prepared and submitted with the final plat after the approval of the preliminary plat and drainage plan. (See Section 503.3, a, 8)

608.3

No storm water run-off or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.

608.4

An existing ditch or brook right-of-way shall be offered for dedication to the City for drainage purposes. Such right-of-way shall be shown on the drainage plan and on the final plat and shall be of sufficient width to include a ten (10) access strip in addition to the width of the ditch or brook as measured from bank top to bank top.

608.5

Drainage structures which are located on state or county highway rights-of-way shall be approved by the state or county highway departments and a letter from that office indicating such approval shall be directed to the Chairman of the Planning Board and shall be received prior to favorably referring the final plat.

608.6

Where a subdivision is traversed by a watercourse, drainageway channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.

608.7

Land subject to periodic or occasional flooding shall not be plotted for residential occupancy nor for any other use which may endanger life or property or aggravate the flood hazard. Such land within a plat shall be considered for park purposes. However, nothing in this ordinance shall be construed to prevent a developer from adequately filling the land or constructing bulkheads, provided the bulkheads meet the requirements of the City of Lambertville, the City Engineer, and that the finished grade shall be a minimum of five (5) feet above mean high tide or the water surface, in order to develop the land.

609

PUBLIC UTILITIES

609.1

In large scale developments, easements along rear property lines or elsewhere, for utility installation, may be required. Such easements shall be at least fifteen (15) feet wide and located in consultation with the companies and City departments concerned.

609.2

All public water, fire hydrants, storm sewer and sanitary sewer mains shall be installed in accordance with the specifications of the governmental authority, or utility company which has jurisdiction in the area.

609.3

A letter approving such a proposed installation and a statement as to who will carry out the construction, signed by a responsible official of the governmental authority or utility company which has jurisdiction in the area, shall be directed to the Chairman of the Planning Board and shall be received prior to favorably referring the final plat.

609.4

All utilities, where economically feasible shall be placed underground. The burden of proof to show that such placement is uneconomical shall be on the applicant.

610

NATURAL FEATURES

610.1

Natural features such as trees, views, natural terrain and brooks shall be preserved whenever possible in designing any subdivision containing such features. On individual lots or parcels, care shall be taken to preserve selected trees to enhance the landscape treatment of the development.

610.2

Natural fertility of the soil shall be preserved by disturbing it as little as possible. The protection of top soil shall be enhanced by adhering to the requirements of Section 606 of this ordinance.

611

LAND USE

611.1

Proposed land uses shall conform to the City Zoning Ordinance, the Master Plan, the Official Map and the provisions of this ordinance.

611.2

Subdivision designs shall be related in a compatible fashion to adjacent land uses indicating the location of buffer zones, where deemed necessary by the board, and the design and relationship of vehicular and pedestrian traffic.

Section 2. Section 612, COMMUNITY DESIGN GUIDELINES FOR COMMERCIAL DISTRICTS of the Land Subdivision Ordinance of the City of Lambertville is hereby ADDED as follows.

§ 612 Community Design Guidelines for Commercial Districts.

612.1 PURPOSE AND APPLICATION.

- A. This section shall apply to all commercial and office zoning districts in Lambertville: Highway Commercial, Office, General Commercial, and Central Business District.
- B. The purpose of the community design guidelines is to ensure that new and redeveloped sites are compatible with existing sites in terms of objective and measurable design concepts. Lambertville is a 19th century historic town with many of its original buildings still intact. These historic buildings and the scenic attractions of the hillsides, forests and water bodies make Lambertville a unique and charming place to live and work. The design guidelines in this section are intended to guide new development and alterations to existing buildings so that it complements and enhances the City's visual environment.
- C. It is intended that this section provide builders, landowners and developers with clear and articulate advice for developing and building in Lambertville. This predictable and objective process should not be a hurdle in the planning review process, but provide direction to an applicant before significant resources are committed to an application.

612.2 GOALS. The following goals and the Lambertville Master Plan provide the basis for the community design guidelines.

- A. To maintain and/or increase property values;
- B. To maintain the visual interest and diversity of the City;
- C. To provide for social activities, such as places to walk, sit, and socialize;
- D. To protect the character of the City by minimizing contrasting styles of development.

612.3 HISTORICAL BACKGROUND.

There are many buildings in Lambertville's commercial and office districts dating back to the 19th and early 20th century. These buildings noticeably reflect the architectural elements and styles of the Victorian and colonial revival period, such as the long arched or segmented windows, articulated cornices and architectural details such as dentils and brackets. The buildings were typically constructed of natural building materials, such as brick, stucco or clapboard. Many of the buildings also have landscaping, street trees, and planter boxes. The use of flagstone and brick pathways and wrought iron and wooden fences significantly adds a textural richness to the building sites and the City landscape. This combination of architectural detail and site design has made the buildings in the commercial and office districts compatible with their residential neighbors and attractive sites in their own right.

It is hoped that new buildings in the City be designed sensitively to respect the City's context: a historic and natural landscape that is enjoyed by both City residents and visitors. While it is not the intention of this ordinance to inhibit architectural creativity or individuality, incorporating similar architectural and site features in new and redeveloped sites will weave a common thread throughout the City and protect the cohesive landscape that gives Lambertville its unique and charming character.

612.4 SITE PLANNING AND ARCHITECTURAL STANDARDS.

- A. New development shall resemble existing buildings in the district in terms of roof shape, massing, orientation, proportion, scale, and rhythm of openings.
- B. The exterior walls of buildings shall be made of traditional building materials such as stone, brick, wood, or stucco. Pole barns or prefabricated metal buildings should be avoided. Modular structures should only be permitted if their architecture follows all other recommended guidelines and standards in this section.
- C. The exterior walls of buildings, as seen from a public right-of-way, shall be designed to provide a visual diversity that is consistent with architecture found throughout the City. Blank exterior walls are discouraged. Exterior walls shall include

windows, doors, porches, pilasters, horizontal/vertical building elements and/or other similar architectural features to relieve the monotony of a blank wall.

- D. Awnings/canopies should be made of canvas or modern materials that mimic canvas with traditionally dyed colors in solids or stripes.
- E. Street and site furnishings shall be incorporated into developments within the central business district, such as flower boxes, arbors, planters, benches, and waste receptacles.
- F. The central business district shall include highly visible public spaces within commercial areas for people to gather, rest and socialize.
- G. All utility boxes and HVAC exterior equipment shall be screened by architectural elements or landscape plantings.

612.5 LANDSCAPING.

- A. Landscaped buffers between non-residential and residential uses shall be provided.
- B. Landscaping, planters, and hedges shall be incorporated in to new development proposals using native plant material.
- C. Street trees shall be provided at the recommendation of the Shade Tree Commission.
- D. Existing natural vegetation, hedgerows, tree lines, and stone rows shall be incorporated into the landscape plan of the new development.
- E. New development shall follow the existing grade of the land to the greatest extent possible to minimize cut, fill and general alterations to the landscapes. Limits of clearing should be shown on plans and no soil or vegetation shall be disturbed beyond those limits.
- F. Landscaping shall be used to soften the corners and edges of buildings.

- G. A landscape design shall be provided as part of site plan and subdivision submissions in accordance with Article VIII. Every applicant for subdivision or site plan approval shall comply with the minimum standards as set forth in this section.
- H. All plants shall be tolerant of specific site conditions. The use of indigenous species is strongly encouraged. Exotic, non-native invasive plant species shall not be permitted.

612.6 VEHICLE/PEDESTRIAN CIRCULATION

- A. Edge of parking areas shall be landscaped to soften the view of the cars and the asphalt.
- B. Pedestrian walkways shall be provided between all commercial buildings. Sidewalks may be brick, edged in brick, edged in Belgian block, concrete, patterned concrete, or a combination of these. The color of concrete sidewalks should match the color of the closest existing sidewalk.
- C. Parking lots and pedestrian walkways shall be designed as attractive elements of the site by their own right with the use of trees, landscaping, pedestrian walkways, and various building materials and textures.
- D. Sidewalks shall be connected where there are gaps or missing links.
- E. Locations for the parking of bicycles shall be clearly delineated.

612.7 EXISTING BUILDING GUIDELINES. Existing buildings in Lambertville that conform to design guidelines in this section:



Note the gabled roof line, the traditional dormers, the architectural style of the windows and doors, and traditional building materials.



The left side of this structure is a recent addition to this former mill building. Notice the similar rhythm and size of window openings and the continued use of brick. The canvas awnings and window boxes are an added attraction to the building.

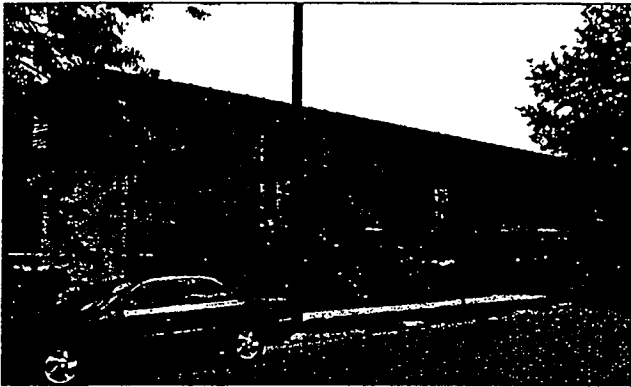
612.8 NEW BUILDING GUIDELINES. Examples of new development in the regional area that conform to commercial design guidelines in this section:



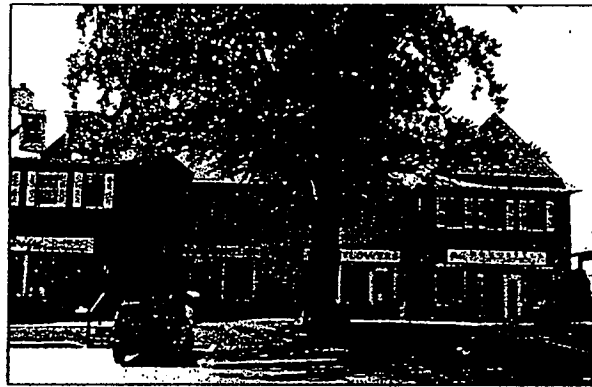
Note the natural building materials, modest scale, multi-paned windows, brick walkways, public benches, and the abundance of landscaping.



This new retail building mimics a colonial style with a gabled roof line, natural building materials, and traditionally styled windows and shutters.



This industrial building is located directly across from a row of townhouses. Its small scale, brick facade and original multi-paned windows make it compatible with its residential neighbors.



This strip shopping center has a variety of building materials and projections which breaks up what would otherwise be a large box. The mature tree was successfully preserved during construction and softens the impact of the new buildings.



This new bank building fits well into the surrounding residential neighborhood of similarly styled homes. The combination of brick and wood with the cupola, street trees and gabled roof is visually interesting.

SECTION 700
PERFORMANCE GUARANTEE AND INSPECTIONS

701

PERFORMANCE GUARANTEE

701.1

A performance guarantee estimate shall be prepared by the City Engineer setting forth all requirements, as fixed by the Planning Board, and the estimated cost of providing same. Prior to the establishment of a performance guarantee the subdivider shall submit construction or working drawings and specifications to be used as a basis for establishment of the performance guarantee and for inspection of the installed improvements. The governing body shall pass a resolution either approving or adjusting this Performance Guarantee Estimate and resolution to the subdivider for use in obtaining and posting a Performance Guarantee.

701.2

The subdivider shall present two (2) copies of the Performance Guarantee in an amount equal to the amount of the approved Performance Guarantee Estimate for approval as to form and execution by the Planning Board Attorney, or the City Attorney if there be no Planning Board Attorney.

701.3

- a. The Performance Guarantee shall be the approved Performance Guarantee Estimate and a performance bond in which the subdivider shall be principal

and an acceptable surety company licensed to do business in the State of New Jersey, or cash which shall be deposited with the City of Lambertville by payment to the City Treasurer, shall be surety. The City Treasurer shall issue his receipt for such cash deposits and shall cause the same to be deposited in a bank named by and at the risk of the subdivider in the name of the City of Lambertville to be retained as security for completion of all requirements and to be returned to the subdivider on the completion of all required work and expiration of the period of maintenance guarantee, or in the event of default on the part of the subdivider, to be used by the City of Lambertville to pay the cost and expense of obtaining completion of all requirements. Every bond, whether cash or surety, shall contain a clause to the effect that a determination by the City Engineer that the principal has defaulted in the performance of his obligation shall be binding and conclusive upon the surety and the principal.

- b. In addition to the performance bond whether with surety company or cash surety, the subdivider shall deposit with the City of Lambertville in cash an amount equal to twenty (20) percent of the amount of the approved Performance Guarantee Estimate for contingencies and, also in addition to the Performance Guarantee, 15 percent for legal, engineering and other costs and the same shall be paid and deposited in like manner and under the same conditions as the cash security aforesaid. In the event of default, the total 35 percent fund herein mentioned shall be first applied to the completion of the requirements and the cash of surety bond shall thereafter be resorted to, if necessary, for the completion of the requirements. The cash or surety bond may recite the foregoing provision. The Engineer's determination that the principal has defaulted in his obligation shall be binding and conclusive upon the principal.
- c. The approved Performance Guarantee Estimate shall fix the requirements or maintenance of the utilities and improvements to be installed and completed by the subdivider. A surety company or cash bond meeting the requirements herein above set forth may be furnished to secure the maintenance guarantee or the performance bond may be styled or amended to provide such security in reduced amount in keeping with the requirements.

701.4

The Planning Board Attorney, or the City Attorney if there be no Planning Board Attorney, shall notify the Secretary of the Planning Board prior to the Planning Board meeting that the Performance Guarantee is properly executed and can be added to the agenda.

701.5

All improvements and utility installations shall be inspected during the time of their installations under the supervision of the City Engineer to insure satisfactory completion. The cost of said inspection shall be the responsibility of the subdivider as stated in Section 503.2,1.

701.6

A final inspection of all improvements and utilities will be made to determine whether the work is satisfactory and in agreement with the approved final plat drawings and the City specifications. The general condition of the site shall also be considered. Upon satisfactory final inspection report, action will be taken to release the performance guarantee covering such improvements and utilities.

701.7

Inspection by the City of Lambertville of the installation of improvements and utilities by the subdivider shall not operate to subject the City of Lambertville to liability for claims, suits or liability of any kind that may at any time arise because of defects or negligence, during construction, or at any time thereafter; it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide proper utilities and improvements is upon the subdivider and his contractors, if any.

701.8

After completing the construction of the public improvements covered by the performance guarantee, the subdivider shall prepare a set of the approved Public Improvement and Utility Plans and the Profiles amended to read "as constructed" and apply to the City Engineer for final inspection of the work. The City Engineer shall report to the governing body on the condition of the work and recommend that the Performance Guarantee be released, extended or declared in default.

701.9

The governing body shall, by resolution, release or declare in default, each performance guarantee. Such performance guarantee shall run for a period to be fixed by the governing body, but in no case for a term of more than two (2) years. However, on the request of the owner and accompanying consent of the surety, if there be one, the governing body may by resolution extend the term of such performance guarantee for an additional period not to exceed two years. The amount of the performance guarantee may be reduced by the governing body by resolution when portions of the required improvements have been installed and have been inspected and approved by the City Engineer. If any improvements have not been installed in accordance with the performance guarantee, the obligor and surety shall be liable thereon to the City for the reasonable cost of the improvements not installed and upon receipt of the proceeds thereof, the City shall install such improvements. The City shall also have all other remedies as may be lawfully available.

701.10

MAINTENANCE GUARANTEE

A maintenance guarantee the amount to be determined by the City Engineer and approved by the City, shall be posted for a maximum of 2 years upon acceptance of installed improvements by the City for maintenance and upkeep of installed improvements.

SECTION 800

GENERAL LIABILITY INSURANCE

800.1

PROCEDURE

The subdivider shall file with the governing body a general liability insurance policy at the same time as he files his performance guarantee covering all operations in the development including contractual liability with limits of not less than \$100,000.00 for bodily injury to each person and \$500,000.00 liability on the aggregate, for each accident and \$100,000.00 aggregate property damage liability. The City Attorney shall approve the policy for form and execution. The policy shall be of the same term in conformance with any extension of the performance guarantee. The policy shall name the City of Lambertville as an assured and provide that the City of Lambertville may nevertheless assert claims against the other assured.

SECTION 900

PENALTY

900.1

If before final approval has been obtained, any person transfers or sells, or agrees to sell, as owner or agent, any land which forms a part of a subdivision which, by ordinance, the Planning Board, or the Planning Board and the governing body, or either of them are required to act, such person shall be subject to a fine not to exceed two hundred (\$200.00) dollars or to imprisonment for not more than thirty (30) days, and each parcel, plot or lot so disposed of shall be deemed a separate violation.

900.2

In addition to the foregoing, if the streets in the subdivision are not such that a structure on said land in the subdivision would meet requirement for a building permit under Section 10 R.S. 40:55-1.39 of the Official Map and Building Permit Act, Chapter 434 of the Laws of 1953, as amended, the City may institute and maintain a civil action:

a. For injunctive relief.

b. To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with R.S. 40:55-1.24, of the Municipal Planning Act, but only if the City has a Planning Board or a Committee thereof with power to act and which:

1. Meets regularly on a monthly or more frequent basis and
2. Whose governing body has adopted standards and procedures in accordance with R.S. 40:55-1.20.

900.3

In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense, and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument or transfer, sale or conveyance of said land or within six (6) years if unrecorded.

SECTION 1000

VALIDITY AND SEVERABILITY

If any section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect the remaining portions of this ordinance.

SECTION 1100

REPEALER

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such

ADOPTED
JAN 17, 1977

CITY OF LAMBERTVILLE

Ordinance Establishing a Planning Board and a Board of Adjustment

Public Notice

AN ORDINANCE ESTABLISHING A PLANNING BOARD AND A BOARD OF ADJUSTMENT PURSUANT TO THE PROVISIONS OF THE "MUNICIPAL LAND USE LAW" (Chapter 291, Laws of New Jersey, 1975; New Jersey Revised Statutes Title 40, Chapter 55D, Section 1 et seq.); PROVIDING FOR THE POWERS OF SAID BOARDS, FIXING THE PROCEDURES GOVERNING APPLICATION TO SAID BOARDS AND APPEALS THEREFROM, AND PROVIDING FOR THE CONTINUANCE OF EXISTING ORDINANCES.

The Board of Commissioners of the City of Lambertville do ordain, pursuant to the authority conferred by the Revised Statutes 40:55D-1 to 40:55D-92 inclusive, of the State of New Jersey, and the amendments thereof and supplements thereto, as follows:

ARTICLE I GENERAL PROVISIONS

Section 101, SHORT TITLE

This ordinance shall be known and may be cited as the "Land Development Review Ordinance of the City of Lambertville, New Jersey."

Section 102, PURPOSES

This ordinance is hereby ordained to carry out the purposes set forth in New Jersey Revised Statutes 40:55D-2.

Section 103, DEFINITIONS

Whenever a term is used in this ordinance which is defined in Revised Statutes 40:55D-3; 40:55D-4; 40:55D-5; 40:55D-6; and 40:55D-7 inclusive, such term shall have the meaning set forth in the definition of such term set forth in the above listed sections of the Statute, unless a contrary intention is clearly expressed from the context of this ordinance.

Section 104, ADMINISTRATIVE PROCEDURE

The Board of Commissioners, planning board and zoning board of adjustment shall adopt, and may amend reasonable rules and regulations, not inconsistent with the Municipal Land Use Law or this ordinance for the administration of their functions, powers and duties, and shall furnish a copy thereof to any person upon request and may charge a reasonable fee, as established by section 118 of this ordinance, for such copy. Copies of all such rules and regulations and amendments thereto shall be maintained in the office of the City clerk.

Section 105, MEETINGS QUORUMS

Every City agency shall by its rules fix the time and place for holding its regular meetings for business authorized to be conducted by such agency. Regular meetings of the City agency shall be scheduled not less than once a month and shall be held as scheduled unless canceled for lack of applications for development to process. The City agency may provide for special meetings, at the call of the chairman, or on request of any two of its members and the public in accordance with the provisions of the "Open Public Meetings Act," P.L. 1975, c. 231, and agency regulations. No action shall be taken at any meeting without a quorum being present. All sections shall be taken by a

majority vote of a quorum except as otherwise required by subsections 114e and 207a, of this ordinance. Nothing herein shall be construed to contravene any statute providing for procedures for governing bodies.

Section 106, PUBLIC MEETINGS AND MINUTES

a. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the provisions of the "Open Public Meetings Act," P.L. 1975, c. 231, and agency regulations.

b. Minutes of every regular or special meetings shall be kept and shall include the names of the persons appearing and addressing the City agency and of the persons appearing by attorney, the action taken by the City agency, the findings, if any, made by it and reasons therefore. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the City clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes. Such interested party may be charged a fee as established by section 118 of this ordinance for reproduction of the minutes for his use.

Section 107, HEARINGS

a. The City agency shall hold a hearing on each application for development, or adoption, revision or amendment of the master plan.

b. The City agency shall make the rules governing such hearings. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at 10 days before the date of the hearing during normal business hours in the office of the City clerk. The applicant may produce other documents, records, or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

c. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law," P.L. 1953, c. 38 shall apply.

d. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right to cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

e. Technical rules of evidence shall not be applicable to the hearing, but the chairman of the agency may exclude irrelevant, immaterial or unduly repetitious evidence.

f. The City agency shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The City agency shall furnish a transcript, or duplicate recordings in lieu thereof, on request to any interested party at his expense.

g. Each decision on any application for development shall be in writing and shall include findings of fact and conclusions based thereon.

h. A copy of the decision shall be mailed by the secretary of the City agency within 10 days of the date of decision to the applicant, or if represented then to his attorney, without separate charge, and to all who request a copy of the decision for a fee as specified by section 118 of this ordinance. A copy of the decision shall also be filed by the City agency in the office of the City clerk. The City clerk shall make a copy of such filed decision available to any interested party for a fee as specified in section 118 of this ordinance and available for public inspection at his or her office during City business hours.

i. A brief notice of the decision shall be published in the official newspaper of the City, if there be one, or in a newspaper of general circulation in the City. Such publication shall be arranged by the City clerk; provided that the applicant may in any case provide for publication of the decision. The applicant shall pay a fee as designated by section 118 for publication of said notice, unless applicant submits proof acceptable to the City clerk within 10 days of the decision that he has provided for the required publication. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the City or the applicant.

Section 108, CONTENTS OF NOTICE OF HEARING ON APPLICATION FOR DEVELOPMENT OR ADOPTION OF MASTER PLAN

Notices pursuant to sections 109 and 110 of this ordinance shall state the date, time and place of the hearing, the nature of the matters to be considered, and, in the case of notices pursuant to section 109 of this ordinance, an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the City tax assessor's office, and the location and times at which any maps and documents for which approval is sought are available pursuant to sub-section 107 b. of this ordinance.

Section 109, NOTICE OF APPLICATIONS

Notice pursuant to subsections a., b., c., f. and g. of this section shall be given by the applicant and shall be given at least 10 days prior to the date of the hearing.

a. Public notice of a hearing on an application for development shall be given except for (1) conventional site plan review pursuant to section 601a of this ordinance, except as otherwise required by section 606 of this ordinance; (2) minor subdivisions pursuant to section 612 of this ordinance; or (3) final approval pursuant to section 608 of this ordinance; provided that public notice shall be given in the event that relief is requested pursuant to section 206 of this ordinance as part of an application for development otherwise excepted herein from public notice. Public notice shall be given by publication in the official newspaper of the City, if there be one, or in a newspaper of general circulation in the City.

b. Notice of a hearing requiring public

notice pursuant to sub-section a. of this section shall be given to the owners of all real property as shown on the current tax duplicate, located within 200 feet in all directions of the property which is the subject of such hearing. Notice shall be given by: (1) serving a copy thereof on the property owner as shown on the aid current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

c. Upon the written request of an applicant, the City clerk shall, within 7 days, make and certify a list from said current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to subsection b. of this section. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A fee of \$10.00 shall be charged for such list.

d. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality.

e. Notice shall be given by personal service or certified mail to the county planning board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situated within 200 feet of a municipal boundary.

f. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.

g. Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning, New Jersey Department of Community Affairs, of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the City clerk pursuant to subsection 107 b. of this ordinance.

h. The applicant shall file an affidavit of proof of service with the City agency holding the hearing on the application for development in the event that the applicant is required to give notice pursuant to this section.

Section 110, NOTICE CONCERNING MASTER PLAN

The planning board shall give:

(1) Public notice of a hearing on adoption, revision or amendment of the master plan; such notice shall be given by publication in the official newspaper of the City, if there be one, or in a newspaper of general circulation in the City at least 10 days prior to the date of the hearing;

(2) Notice by personal service or certified mail to the clerk of an adjoining municipality of all hearings on adoptions, revision or amendment of a master plan involving property situated within 200 feet to such adjoining municipality at least 10 days prior to the date of any hearing;

(3) Notice by personal service or certified mail to the county planning

board of (a) all hearings on adoption, revision or amendment of the City master plan at least 10 days prior to the date of the hearing; such notice shall include a copy of the master plan or revision or amendment thereto.

Section 111, EFFECT OF MAILING NOTICE

Any notice made by certified mail pursuant to sections 109 and 110 of this ordinance shall be deemed complete upon mailing.

Section 112, NOTICE OF HEARING ON ORDINANCE OR CAPITAL IMPROVEMENT PROGRAM: NOTICE OF ACTION ON CAPITAL IMPROVEMENT OR OFFICIAL MAP

a. Notice by personal service or certified mail shall be made to the clerk of an adjoining municipality of all hearings on the adoption, revision or amendment of a development regulation involving property situated within 200 feet of such adjoining municipality at least 10 days prior to the date of any such hearing.

b. Notice by personal service or certified mail shall be made to the county planning board of (1) all hearings on the adoption, revision or amendment of any development regulation at least 10 days prior to the date of the hearings, and (2) the adoption, revision or amendment of the City capital improvement program or City official map not more than 30 days after the date of such adoption, revision or amendment. Any notice provided hereunder shall include a copy of the proposed development regulation, the municipal official map or the City capital program, or any proposed revision or amendment thereto, as the case may be.

Notice of hearings to be held pursuant to this section shall state the date, time and place of the hearing and the nature of the matters to be considered. Any notice by certified mail pursuant to this section shall be deemed complete upon mailing.

Section 113, FILING OF DEVELOPMENT REGULATIONS

The City clerk shall file, with the county planning board as soon after passage as possible, all development regulations, including this one and any amendments or revisions thereto, and file and maintain for public inspection copies of said regulations in his or her office.

Section 114, APPEAL TO THE GOVERNING BODY: TIME, NOTICE MODIFICATION, STAY OF PROCEEDINGS

a. Any interested party may appeal to the Board of Commissioners any final decision of the board of adjustment approving an application for development pursuant to section 802 d of this ordinance. Such appeal shall be made within 10 days of the date of publication of such final decision pursuant to section 107 i. of this ordinance. The appeal to the Board of Commissioners shall be made by serving the City clerk in person or by certified mail with a notice of appeal specifying the grounds therefore and the name and address of the appellant and name and address of his attorney, if represented. Such appeal shall be decided by the Board of Commissioners only upon the record established before the board of adjustment.

b. Notice of the meeting to review the record below shall be given by the Board of Commissioners by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to section 107 h. and to the board from which the appeal is taken at least 10 days prior to the date of the meeting. The parties may submit oral and written

argument on the record at such meeting, and the Board of Commissioners shall provide for verbatim recording and transcripts of such meeting pursuant to section 107 f.

c. The Board of Commissioners shall conclude a review of the record below not later than 45 days from the date of receipt of the transcript of the hearing unless the appellant, together with the applicant, consents in writing to an extension of such period. The appellant shall arrange for a transcript pursuant to section 107 f., or otherwise, for use by the Board of Commissioners. Failure of the Board of Commissioners to hold a hearing and conclude a review of the record below and to render a decision within specified period, without such written consent, shall constitute a decision affirming the action of the board.

d. The Board of Commissioners may reverse, remand or affirm, wholly or in part, or may modify the final decision of the board of adjustment.

e. The affirmative vote of a majority of the full authorized membership of the Board of Commissioners shall be necessary to reverse, remand or modify any final action of either board.

f. An appeal to the Board of Commissioners shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the board of adjustment certifies to the Board of Commissioners, after the notice of appeal shall have been filed with such board, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the board of adjustment and on good cause shown.

g. The Board of Commissioners shall mail a copy of the decision to the appellant or if represented then to his attorney, without separate charge, and for a fee as designated by section 118 of this ordinance to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the City, if there be one, or in a newspaper of general circulation in the City. Such publication shall be arranged by the City; provided that the applicant may arrange such publication if he so desires.

h. Nothing herein shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

Section 115, ENFORCEMENT

The board of Commissioners shall enforce this ordinance. In case any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the Board of Commissioners and its agents or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 116, TOLLING OF RUNNING OF PERIOD OF APPROVAL

In the event that, during the period of approval heretofore or hereafter granted to an application for development, the developer is barred or

prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any State agency, political subdivision or other party to protect the public health or welfare and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this ordinance shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

Section 117. CONDITIONAL APPROVALS

a. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any State agency, political subdivision or any other party to protect the public health and welfare or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the municipal agency shall process such application for development in accordance with this ordinance, and if such applicant for development complies with the requirements of this ordinance, the approving authority shall approve such application conditioned on removal of such legal barrier to development.

b. In the event that development requires an approval by a governmental agency other than the approving authority, the approving authority shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency; provided that the approving authority shall make a decision on any application for development within the time period provided in this ordinance or within an extension of such period as has been agreed to by the applicant unless the approving authority is prevented or relieved from so acting by the operation of law.

Section 118. FEES IN MATTERS PERTAINING TO THIS ORDINANCE

A. Rules and regulations adopted pursuant to section 104 of this ordinance:

- (1) Board of Commissioners \$10.00
- (2) Planning Board \$10.00
- (3) Board of Adjustment \$10.00

b. Minutes of regular or special meetings pursuant to section 106 b. of this ordinance:

- (1) Board of Commissioners \$10.00
- (2) Planning Board \$10.00
- (3) Board of Adjustment \$10.00

c. Transcript of proceedings pursuant to section 107 f. of this ordinance:

- (1) Board of Commissioners \$5.00 per page
- (2) Planning Board \$5.00 per page
- (3) Board of Adjustment \$5.00 per page

d. Copy of decisions pursuant to section 107 h. of this ordinance:

- (1) Board of Commissioners \$10.00
- (2) Planning Board \$10.00
- (3) Board of Adjustment \$10.00

e. Publication of notice of decisions pursuant to 107 i. of this ordinance:

- (1) City Clerk \$25.00

f. List of adjoining owners required under section 109 c. of this ordinance:

- (1) City Clerk \$10.00

g. Notice of decisions of Board of Commissioners on appeal from Board of Adjustment pursuant to section 114 g. of this ordinance:

- (1) City Clerk \$10.00

h. Subdivision application fees pursuant to Section 602 b. 2 of this ordinance: Planning Board Fees —

- (1) Minor subdivision, one lot \$50.00
- (2) Minor subdivision, more than one lot plus \$35.00 for each lot \$50.00
- (3) Major subdivision preliminary application plus \$35.00 for each lot \$50.00
- (4) Site plan review

(a) For first \$5,000 of estimated cost of improvements \$200.00

(b) For each additional \$5,000, or any part thereof, of estimated cost of improvements \$200.00

(5) Final approval of site plans and major subdivision pursuant to Section 606 c. 2 of this ordinance plus \$5.00 for each lot \$50.00

(6) Conditional Uses & Permits \$50.00

1. Board of Adjustment Fees —

(1) Zoning variance application pursuant to 602 d of this ordinance \$200.00

(2) Zoning variance plus application for development pursuant to 604 a. 2 of this ordinance:

(a) Less than 3 lots \$200.00

(b) More than 3 lots plus \$35.00 per lot \$200.00

(3) If site plan review required:

(a) For first \$5,000 of estimated cost of improvements \$200.00

(b) For each additional \$5,000, or part thereof, of estimated cost of improvements \$200.00

ARTICLE II PLANNING BOARD

Section 201. ESTABLISHMENT

The planning board heretofore established is hereby continued pursuant to the provisions of P.L. 1975, c. 291.

Section 202. MEMBERSHIP

a. The planning board shall consist of seven (7) members. For convenience in designating the manner of appointment, the membership shall consist of and be divided into the following four classes:

CLASS I—The Mayor

CLASS II—One of the officials of the City, other than a member of the Board of Commissioners, to be appointed by the Mayor

CLASS III—None, because the Board of Commissioners of the City of Lamberville consists of only three members. Member of the City body.

CLASS IV—Five other citizens of the City of Lamberville to be appointed by the Mayor.

The members of Class IV shall hold no other City office.

Section 203. TERMS OF OFFICE; REMOVAL

The term of the member composing Class I shall correspond to his or her official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. The terms of all Class IV members first appointed under this ordinance shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment; provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years. If a vacancy in any class shall occur otherwise than by expiration of the planning board term, it shall be filled by

appointment, as above provided, for the unexpired term.

b. No member of the planning board shall be permitted to act on any matter which he has, either directly or indirectly any personal or financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the Board of Commissioners for cause.

c. When any hearing before a planning board shall carry over two or more meetings, a member of the board who was absent for one or more of the meetings, shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such board member has available to him a transcript or recording of the meeting from which he was absent, and certifies in writing to the board that he has read such transcript or listened to such recording.

Section 205. POWERS OF THE PLANNING BOARD

a. The planning board shall follow the provisions of this ordinance and shall accordingly exercise its power in regard to:

1. The master plan pursuant to Article III
2. Subdivision control and site plan review pursuant to Article VI and VII
3. The official map pursuant to Article V

4. The zoning ordinance (including conditional uses) pursuant to Article IX

5. Variances and certain building permits in conjunction with subdivision, site plan (and conditional use) approval pursuant to section 206.

b. The planning board may:

1. Participate in the preparation and review of programs or plans required by State or Federal law or regulation;
2. Assemble data on a continuing basis as part of a continuous planning process; and
3. Perform such other advisory duties as are assigned to it by ordinance or resolution of the Board of Commissioners for the aid and assistance of the Board of Commissioners or other agencies or officers.

Section 206. ANCILLARY POWERS

The planning board when reviewing applications for approval of subdivision plats, site plans or conditional uses shall have the power to grant to the same extent and subject to the same restrictions as the board of adjustment.

a. Variances pursuant to subsection 606 c. of this ordinance from lot area, lot dimensional, setback and yard requirements; provided that relief pursuant to this subsection from lot area requirements shall not be granted for more than one lot;

b. Direction pursuant to section 502 of this ordinance for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to section 501 of this ordinance;

c. Direction pursuant to section 504 of this ordinance for issuance of a permit for a building or structure not related to a street.

Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for a variance, or direction for issuance of a permit, as the case may be.

Section 207. REFERRAL POWERS

Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the Board of Commissioners, within 35 days after referral

a report including recommendations concerning the proposed development regulation, revision or amendment. The Board of Commissioners, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations. Failure of the planning board to transmit its report within the 35 day period provided herein shall relieve the Board of Commissioners from the requirements of this subsection in regard to the proposed development regulation, revision or amendment thereto referred to the planning board.

ARTICLE III MASTER PLAN

Section 301, PREPARATION; CONTENTS; MODIFICATION

a. The Board of Commissioners and the planning board of the City of Lambertville hereby declare that they have reviewed the master plan adopted in 1970 and hereby further declare that the master plan meets the requirements of the New Jersey Revised Statutes 40:55D-28b, c and d and the same is hereby re-adopted as part of this ordinance.

ARTICLE IV CAPITAL IMPROVEMENTS PROGRAM

AND PROJECT REVIEW

Inasmuch as the Board of Commissioners of the City of Lambertville do not deem that a capital improvements program is needed for the City of Lambertville at this time, the same will not be authorized under this ordinance.

ARTICLE V OFFICIAL MAP

Section 501, ESTABLISHMENT OF AN OFFICIAL MAP

a. There is hereby re-adopted, pursuant to the provisions of New Jersey Revised Statutes 40:55D-32, the document known as "The Official Map of the City of Lambertville" which was adopted by the Board of Commissioners of the City of Lambertville on November 15th, 1971.

b. Said official map shall be deemed conclusive with respect to the location and width of streets and public drainage ways and the location and extent of flood control basins and public areas; whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence. Upon receiving an application for development, the City may reserve for future use, the aforesaid streets, ways, basins, and areas in the manner provided in section 603 of this ordinance.

Section 502, ISSUANCE OF PERMITS FOR BUILDINGS OR STRUCTURES

For purposes of preserving the integrity of the official map, no permit shall be issued for any building or structure in the bed of any street or public drainage way, flood control basin or public area reserved pursuant to section 501 of this ordinance as shown on the official map, or shown on a plat filed pursuant to this ordinance before adoption of the official map, except as provided herein. Whenever one or more parcels of land, upon which is located the bed of such mapped street or public drainage way, flood control basin or public area reserved pursuant to section 501 hereof, cannot yield a reasonable return to the owner unless a building permit is granted, the board of adjustment may, in a specific case, by an affirmative vote of a majority of the full

authorized membership of the board, direct the issuance of a permit for a building or structure in the bed of such mapped or public drainage way or flood control basin or public area reserved pursuant to section 501 hereof, which will as little as practicable increase the cost of opening such street, or tend to cause a minimum change of the official map and the board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public. Sections 804 through 808 of this ordinance shall apply to applications or appeals pursuant to this section.

Section 503, BUILDING LOT TO ABUT STREET

No permit for the erection of a building or structure shall be issued unless the lots abuts a street giving access to such proposed building or structure. Such street shall have been duly placed on the official map or shall be (1) an existing State, county or municipal street or highway, or (2) a street shown upon a plat approved by the planning board, or (3) a street on a plat duly filed in the office of the county recording officer prior to the passage of this ordinance or its predecessor or any prior law which required prior approval of plats by the governing body or other authorized body. Before any such permit shall be issued, such street shall have been certified to be suitably improved to the satisfaction of the Board of Commissioners, or such suitable improvement shall have been assured by means of a performance guarantee, in accordance with standards and specifications for road improvements approved by the Board of Commissioners, as adequate in respect to the public health, safety and general welfare of the special circumstances of the particular street.

Section 504, APPEALS

Where the enforcement of section 503 hereof would entail practical difficulty or unnecessary hardship, or where the circumstances or the case do not require the building or structure to be related to a street the board of adjustment may upon application or appeal vary the application of section 503 hereof and direct the issuance of a permit subject to conditions that will provide adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and that will protect any future street layout shown on the official map or a general circulation plan element of the municipal master plan.

Sections 804 through 808 of this ordinance shall apply to applications or appeals pursuant to this section.

ARTICLE VI SUBDIVISION AND SITE PLAN REVIEW AND APPROVAL

Section 601

a. Pursuant to the provisions of section 28, P.L. 1975, c. 291 approval of subdivision plats by resolution of the planning board shall be required as a condition for the filing of such plats with the county recording officer. Approval of site plans by resolution of the planning board shall be required as a condition for the issuance of a building permit or certificate of occupancy for any development, except that subdivision or individual lot applications for detached one or two dwelling-unit buildings shall be exempt from such site plan review and approval; provided that the resolution of the board of adjustment shall substitute for that of the planning board whenever the board of adjustment has jurisdiction over a subdivision or

site plan pursuant to subsection 808 b. of this ordinance.

b. Each application for subdivision approval, where required pursuant to section 5 of P.L. 1968, c. 285, and each application for site plan approval, where required pursuant to section 8 of P.L. 1968, c. 285, shall be submitted by the applicant to the county planning board for review or approval, as required by the aforesaid sections, and the municipal planning board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.

Section 602, SUBMITTAL PROCEDURE

a. The applicant shall submit (10) copies of his complete application for subdivision, site plan, or conditional use approval to the secretary of the planning board. The time for the board's review shall not begin to run until the submission of a complete application with the required fee. Unless the applicant is informed in writing by the secretary of the planning board within 45 days of the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted.

b. A complete application for preliminary approval shall consist of the following:

1. A properly completed site plan, subdivision and/or conditional use information form.

2. the required fee, as per section 118 of this ordinance

3. a site plan or subdivision plot plan on which the following is set out:

(a) scale, not to exceed 1" = 100'

(b) locator map showing all road intersections within 500' or the nearest intersection, whichever is greatest.

(c) All structures, wooded areas and topography with two foot intervals, except where the slope exceeds 15 percent, in which case contour intervals may be 5'

(d) all lot lines and owners of lots within 200' of the site

(e) streets, easements, watercourses and rights-of-way

(f) utility and drainage plans

(g) any extension of off-tract improvements necessitated by the proposed development

(h) a soil erosion and sedimentation control plan, pursuant to the requirements of R.S. 4:24-39 et seq.

(i) in the case of a site plan, preliminary plans for elevations and locations of structures, parking lighting, loading, signs and landscaping.

(c) The secretary of the planning board shall distribute the site plan, subdivision and/or conditional use application for review and report, and where required approval, as follows:

1. the municipal planner
2. the municipal engineer
3. the municipal utilities authority
4. the municipal health officer
5. the municipal fire officer
6. the planning board (planning consultant)

Section 603, RESERVATION OF PUBLIC AREAS

a. Before approving a subdivision or site plan, the approving authority may require that streets, public drainage ways, flood control basins and public areas, designated for reservation on the master plan or official map, must be shown on the plat in locations and sizes suitable to their intended uses. The approving authority may reserve the location and extent of such streets, ways, basins or areas shown on the plat

for a period of one year after the approval of the final plat or within such further time as may be agreed to by the developer. Unless during such period or extension thereof the City shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations. The provisions of this section shall not apply to streets and roads, flood control basins or public drainage ways necessitated by the subdivision or land development and required for final approval.

The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use. In such instance, unless a lesser amount has previously been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option to purchase the land reserved for the period of reservation; provided that determination of such fair market value shall include, but not be limited to, consideration of the real property taxes apportioned to the land reserved and prorated for the period of reservation. The developer shall be compensated for the reasonable increased cost of legal, engineering, or other professional services incurred in connection with obtaining subdivision approval or site plan approval, as the case may be, caused by the reservation.

Upon the submission to the approving authority of an application for development showing development proposed for an area reserved on the official map or master plan, the secretary of the approving authority shall notify the Board of Commissioners in writing of such application, and that the approving authority intends to grant approval for said development in the reserved area unless the Board of Commissioners notifies the approving authority prior to the date for final approval that it intends to reserve the area in question and will provide compensation to the developer for such reservation. Said notice of intent to reserve shall be in the form of a resolution by the Board of Commissioners. The Board of Commissioners shall thereupon proceed either to reach an agreement with the developer as to the amount of compensation to be paid for such reservation, or negotiate a purchase price for said reserved area. Upon the Board of Commissioners arriving at the amount to be paid the developer by way of compensation for reservation or purchase, said amount shall be deposited in escrow for the benefit of the developer.

Section 604. FINDINGS OF PLANNED DEVELOPMENTS:

Prior to approval of planned developments the planning board shall find the following facts and conclusions:

a. That departure by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to section VII of this ordinance;

b. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;

c. That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic,

and the amenities of light and air, recreation and visual enjoyment are adequate;

d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;

e. In the case of a proposed development which contemplates construction over a period of years; that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

Section 605. TIME FOR DECISION

a. (1) Upon the submission to the secretary of the planning board of a complete application for a site plan for 10 acres of land or less, the planning board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer, except that if the application for site plan approval also involves an application for a relief pursuant to C. 40-55D-60, the planning board shall grant or deny preliminary approval within 95 days of the date of the submission of a complete application to the secretary of the planning board, or within such further time as may be consented to by the applicant.

(2) Upon the submission of a complete application for a site plan of more than 10 acres, or for a conditional use approval, the planning board shall grant or deny preliminary approval of the site plan and/or approval at the conditional use within 95 days of the date of such submission or within such further time as may be consented to by the applicant.

b. (1) Upon the submission to the secretary of the planning board of a complete application for a submission of 10 or fewer lots, other than a minor subdivision as defined in section 612 of this ordinance, the planning board shall grant or deny preliminary approval within 45 days of the date of such submission or within 45 days of the date of such submission or within such further time as may be consented to by the developer.

(2) Upon the submission of a complete application for a subdivision of more than 10 lots, the planning board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer.

c. Failure of the reviewing board to reach a decision within the specified time periods or extensions thereof shall result in the approval of the subdivision and/or site plan and/or conditional use as submitted.

d. The planning board may waive site plan approval requirements if the construction or alteration or change of occupancy or use does not affect existing circulation, drainage, relationships of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review.

e. If the reviewing board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The reviewing board shall, if the proposed development complies with the ordinance and this act, grant preliminary subdivision or site plan approval.

f. Nothing herein shall be construed to limit the right of a developer to submit a

sketch plan to the reviewing board for informal review, and neither the reviewing board nor the developer shall be bound by any discussions or statements made during such review; provided that the right of the developer at any time to submit a complete application for subdivision or site plan approval shall not be limited by his submittal of a sketch plan and the time for the reviewing board's decision shall not begin to run until the submission of a complete application.

Section 606. PUBLIC HEARINGS

A public hearing shall be held on all applications for site plan approval involving uses which, on the submitted complete application for preliminary approval, show five or more off street parking spaces. A public hearing is not required for all other site plan applications.

Section 607. RIGHTS UNDER PRELIMINARY APPROVAL

Preliminary approval of a major subdivision or site plan except as provided in subsection D of this section, shall confer upon the applicant the following rights for a three year period from the date of the preliminary approval:

a. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout size; yard dimensions and off-tract improvements; and, in the case of a site plan, existing natural resources to be preserved on the site; vehicular and pedestrian circulation, parking and loading; screening, landscaping and location of structures; exterior lighting both for safety reasons and street lighting; except that nothing herein shall be construed to prevent the City from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.

b. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan; and

c. That the applicant may apply for and the reviewing board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

d. In the case of a subdivision or site plan for an area of 50 acres or more, the reviewing board may grant the rights referred to in subsections a., b. and c. above for such period of time, longer than three years, as shall be determined by the reviewing board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, (2) economic conditions, and (3) the comprehensiveness of the development. The applicant may apply for thereafter and the reviewing board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the reviewing board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, and (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, (3) economic conditions and (4) the comprehensiveness of the development;

provided that if the design standards may govern.

Section 608, FINAL APPROVAL OF SITE PLANS AND MAJOR SUBDIVISIONS.

a. The reviewing board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions of preliminary approval; and, in the case of a major subdivision, the standards prescribed by the "Map Filing Law," P.L. 1960, c. 141, provided that in the case of a planned development, the reviewing body may permit minimal deviations from the conditions of preliminary approval necessitated by change of condition beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.

b. Final approval shall be granted or denied within 45 days after submission of a complete application to the secretary of the reviewing board; or within such further time as may be consented to by the applicant. Failure of the reviewing board to act within the period prescribed shall constitute final approval of the application for final approval as submitted and a certificate of the secretary of the reviewing board as to failure of the reviewing board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other required evidence of approval.

c. A complete application for final approval shall consist of the following where applicable:

1. a properly completed final subdivision site plan approval form
 2. the required fee as per section 118 of this ordinance
 3. a site plan in final form, including all the information shown on the preliminary plan and conditions of preliminary approval
 4. a subdivision plat conforming with the "Map Filing Act," P.L. 196, c. 141.
- #### Section 609, EXCEPTION TO APPLICATION OF SITE PLAN REGULATIONS

a. The reviewing board when acting upon applications for preliminary or minor subdivision approval shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this ordinance, if the literal enforcement of one or more provisions of this ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

b. The reviewing board when acting upon application for preliminary site plan approval shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of this ordinance, if the literal enforcement of one or more provisions of this ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

Section 610, EFFECT OF FINAL APPROVAL

a. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to section 607 of this ordinance, whether conditionally or otherwise, shall not be changed for a period of 2 years after the date of final approval; provided that in

the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in section 613 of this ordinance. If the developer has followed the standards prescribed for final approval, and, in the case of a subdivision, has duly recorded the plat as required in section 613 of this ordinance, the planning board may extend such period of protection for extensions of 1 year but not to exceed three extensions, notwithstanding any other provisions of this ordinance, the granting of final approval terminated the time period of preliminary approval pursuant to section 607 of this ordinance for the section granted final approval.

b. In the case of a site plan for a planned development of 50 acres or more or conventional site plan for 150 acres or more, the reviewing board may grant the rights referred to in subsection a. in this section for such period of time, longer than two years, as shall be determined by the reviewing board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the reviewing board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the reviewing board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed, (3) economic conditions and (4) the comprehensiveness of the development.

Section 611, GUARANTEES REQUIRED

a. Before recording of final subdivision plats, or as a condition of final site plan approval, the approving authority may require and shall accept in accordance with the standards adopted by this ordinance for the purpose of assuring the installation and maintenance of on-tract improvements:

(1) The furnishing of a performance guarantee in favor of the City in an amount not to exceed 120 percent of the cost of the installation for improvements it may deem necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law," P.L. 1960, c. 141 (C. 46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers, or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping; provided that no more than 10 percent of the total performance guarantee shall be in cash, and the balance shall be in the form of a bond from a bonding company approved by the Board of Commissioners. The City engineer shall review the improvements required by the approving authority which are to be bonded and itemize their cost. Said itemization shall be the basis for determining the amount of performance guarantee and maintenance guarantee required by the approving authority. The City engineer shall forward his estimate of the cost of improvements to the applicant within 30 days of the date of receipt of a request sent by certified mail for said estimate.

(2) The furnishing of a maintenance guarantee to be posted with the Board of

Commissioners for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15 percent of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required for such utilities or improvements.

b. The amount of any performance guarantee may be reduced by the Board of Commissioners by resolution, when portions of the improvements have been certified by the City engineer to have been completed. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Board of Commissioners by resolution.

c. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the City for the reasonable cost of the improvements not completed or corrected and the City may either prior to or after the receipt of the proceeds thereof complete such improvements.

d. When all of the required improvements have been completed, the obligor shall notify the Board of Commissioners in writing, by certified mail addressed in care of the City clerk of the completion of said improvements and shall send a copy thereof to the City engineer. Thereupon the City engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the Board of Commissioners, indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.

e. The Board of Commissioners shall either approve, partially approve or reject the improvements, on the basis of the report of the City engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of said approving authority with relation thereof, not later than 65 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guarantee, except for the improvements not yet approved. Failure of the Board of Commissioners to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements and the obligor and surety, if any shall be released from all liability, pursuant to such performance guarantee.

f. If any portion of the required improvements are rejected, the approving authority may require the obligor to complete such improvements and, upon completion, the same procedure of notification, as set forth in this section shall be followed.

g. The obligor shall reimburse the City for all reasonable inspection fees paid the City engineer for the foregoing inspection of improvements.

Section 612, MINOR SUBDIVISION

a. The planning board shall waive notice and public hearing for an application for development if the subdivision committee of the planning board appointed by the chairman finds

that the application for development conforms to the definition of "minor subdivision" in section 102 of this ordinance. Minor subdivision approval shall be deemed to be final approval of the subdivision by the board; provided that the board or said subcommittee may condition such approval on terms ensuring the provision of improvements pursuant to Article VII of this ordinance.

b. Minor subdivision approval shall be granted or denied within 45 days of the date of submission of a complete application to the secretary of the planning board, or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the secretary of the planning board as to the failure of the planning board to act shall be issued on request of the applicant; and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

c. Approval of a minor subdivision shall expire 190 days from the date of municipal approval unless within such period a plat in conformity with such approval and the provisions of the "Map Filing Law," P.L. 1960, c. 141, or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the municipal engineer and the municipal tax assessor. Any such plat or deed accepted for such filing shall have been signed by the chairman and secretary of the planning board. In reviewing the application for development for a proposed minor subdivision the planning board may accept a plat not in conformity with the "Map Filing Act"; provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of said act.

d. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of 2 years after the date of minor subdivision approval; provided that the approved minor subdivision shall have been duly recorded as provided herein.

Section 613, FILING OF SUBDIVISION PLATS

a. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The planning board may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

b. Final approval of a major subdivision shall be evidenced by affixing to the plat the signature of the chairman and secretary of the reviewing board, or a copy of the certificate of the secretary of the reviewing board indicating that the reviewing board failed to reach a decision on the subdivision application within the prescribed time. The signatures of the chairman and secretary of the reviewing board shall not be affixed until the developer has posted the guarantees required pursuant to section 611 of this ordinance.

Section 614, SELLING BEFORE APPROVAL

a. If before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision

approval, as owner or agent, any land which forms a part of a subdivision for which City approval is required by this ordinance, such person shall be subject to a penalty not to exceed \$500.00, and each lot disposition so made may be deemed a separate violation.

b. In addition to the foregoing, the City may institute and maintain a civil action:

1. for injunctive relief; and
2. to set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with section 615 of this ordinance.

Section 615, CERTIFICATES SHOWING APPROVAL

A. The prospective purchaser, prospective mortgagee, or any other person interested in any land which forms part of a subdivision, or which formed part of such a subdivision 3 years preceding August 1, 1976, may apply in writing to the City clerk for the issuance of a certificate certifying whether or not such subdivision has been approved by the planning board. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

b. The City clerk shall make and issue such certificate within 15 days after the receipt of such written application and the fees therefor. Said officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his or her office.

c. Each such certificate shall be designated a "certificate as to approval of subdivision of land," and shall certify:

1. That there exists in the City of Lambertville a duly established planning board and that there is an ordinance controlling subdivision of land adopted under the authority of the "Municipal Land Use Law" of 1975, c. 291.

2. Whether the subdivision, as it relates to the land shown in said application, has been approved by the planning board, and if so, the date of such approval and any extensions and terms thereof, showing that subdivision of which the lands are a part is a validly existing subdivision.

d. The City clerk shall be entitled to demand and receive for such certificate issued by him a reasonable fee not in excess of those provided in R.S. 54:5-14 and 15. The fees so collected by the City clerk shall be paid by him or her to the City.

ARTICLE VII

Section 701, DESIGN STANDARDS
Standards of performance and design for subdivision and site plans, including planned developments, shall be those set forth in the "City of Lambertville Zoning Ordinance" and "The Land Subdivision Ordinance of the City of Lambertville" re-adopted by Article X of this ordinance.

ARTICLE VIII

ZONING BOARD OF ADJUSTMENT
Section 801, ESTABLISHMENT, MEMBERSHIP AND ORGANIZATION

a. Pursuant to the provisions of section 56 of the "Municipal Land Use Law of 1975", P.L. 1975, c. 291, the zoning board of adjustment, also known as the board of adjustment, heretofore established, is hereby continued, and shall consist of seven members.

b. The members of the board of adjustment shall be appointed by the Board of Commissioners. The terms of

the members first appointed under this ordinance shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed evenly over the first 4 years after their appointment. Thereafter, the term of each member shall be 4 years. No member may hold any elective office or position under the City. No member shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. A member may, after public hearing if he requests it, be removed by the Board of Commissioners for cause. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term only.

c. The board of adjustment shall elect a chairman and vice chairman from its members and select a secretary who may or may not be a member of the board of adjustment or a municipal employee.

Section 802, POWERS

The board of adjustment shall have the power to:

a. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the building inspector based on or made in the enforcement of Article IX of this ordinance.

b. Hear and decide in accordance with the provisions of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by the zoning or official map ordinance in accordance with this ordinance:

c. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or by reason of other extraordinary and exceptional situation or condition of such piece of property the strict application of any regulation pursuant to Article IX of this ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use; and provided further that the proposed development does not require approval by the planning board of a subdivision, site plan or conditional use in conjunction with which the planning board shall review a request for a variance pursuant to subsection 206 a. of this ordinance.

d. Grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by affirmative vote of at least two thirds of the full authorized membership of the board.

No variance or other relief may be granted under the terms of this section 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. An application under this section may be referred to any appropriate person or agency, including the planning board pursuant to subsection 207 b. of this ordinance, for its report; provided that such reference shall not extend the period of time within which the zoning board of adjustment shall act.

Section 803, EMPLOYEES

The board of adjustment may employ, or contract for, and fix the compensation of legal counsel; other than the municipal attorney, a licensed planning consultant, a licensed engineer and other staff and services as it shall deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the Board of Commissioners for its use.

Section 804, APPEALS AND APPLICATIONS

a. Appeals to the board of adjustment may be taken by an interested party affected by any decision of the building inspector of the City based on or made in the enforcement of the zoning ordinance or official map. Such appeal shall be taken within 65 days by filing a notice of appeal with the building inspector specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken.

b. A developer may file an application for development with the board of adjustment for action under any of its powers without prior application to the building inspector.

c. If an application for development is filed with the board of adjustment, whether or not an appeal from a decision of the building inspector is also taken, the applicant shall submit (ten) copies of his completed application to the secretary of the board of adjustment. The time for the board's review shall not begin to run until the submission of a complete application with the required fee. Unless the applicant is informed in writing by the secretary of the board of adjustment within 45 days of the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted.

d. A complete application for development under this Article shall consist of the following:

1. a properly completed variance information application form
2. the required fee, as per section 118 of this ordinance
3. if subdivision, and/or site plan and/or conditional use approval is also sought as part of an application for a variance pursuant to subsection 802 d. of this ordinance, the applicant shall also include the information and documents required pursuant to the provisions of subsection 602 b. of this ordinance.

e. The secretary of the board of adjustment shall distribute the application for review and report, and where required, approval as follows:

1. the board of adjustment
2. the planning board
3. the City engineer
4. the City utilities authority
5. the City planning consultant
6. the City health officer
7. the City police commissioner

Section 805, TIME FOR DECISION

a. The board of adjustment shall render a decision not later than 120 days after the date (1) an appeal is taken from the decision of the building inspector or (2) the submission of a complete application for development to the board of adjustment pursuant to section 804 b. of this ordinance.

b. Failure of the board to render a decision within such 120 day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

Section 806, MODIFICATION ON APPEAL

The board of adjustment may reverse or affirm, wholly or in part, or may

modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the building inspector from whom the appeal is taken.

Section 807, STAY OF PROCEEDINGS BY APPEAL

An appeal to the board of adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the building inspector from whose action the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and on due cause shown.

Section 808, OTHER POWERS OF THE BOARD OF ADJUSTMENT

a. Sections 804 through 808 of this ordinance shall apply to the power of the board of adjustment to:

(1) Direct issuance of a permit pursuant to section 802 of this ordinance for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved pursuant to section 501 of this ordinance; or

(2) Direct issuance of a permit pursuant to section 804 of this ordinance for a building or structure not related to a street.

b. The board of adjustment shall have the power to grant to the same extent and subject to the same restrictions as the planning board subdivision or site plan approval pursuant to Articles VII and VIII of this ordinance or conditional use approval pursuant to section IX of this ordinance whenever the board of adjustment is reviewing an application for approval of a variance pursuant to subsection 803 d. of this ordinance.

c. Whenever an application for development requests relief pursuant to subsection b. of this section, the board of adjustment shall grant or deny approval of the application within 120 days after submission by a developer of a complete application to the secretary of the board of adjustment or within such further time as may be consented to by the applicant. Failure of the board of adjustment to act within the period prescribed shall constitute approval of the application and a certificate of the secretary of the board of adjustment as to the failure of the board of adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement of other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

d. Whenever review or approval of the application by the county planning board is required by section 5 of P.L. 1968, c. 285, in the case of a subdivision, or section 8 of P.L. 1968, c. 285, in the case of a site plan, the board of adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the planning board by failure to report thereupon within the required time.

e. An application under this section may be referred to any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the zoning board of adjustment shall act.

**ARTICLE IX
ZONING DISTRICTS AND
PERMITTED USES**

Section 901. The boundary of the

various zoning districts and the uses permitted in each, together with conditional uses, are those set forth in the "City of Lambertville Zoning Ordinance" re-adopted by Article X of this ordinance.

ARTICLE X**MISCELLANEOUS PROVISIONS****Section 1001, REPEALS**

All sections of the Land Subdivision Ordinance, Zoning Ordinance, or any other ordinance of the City of Lambertville, or any subsequent amendments to said ordinances, which contain provisions contrary to the provisions of this ordinance shall be and are (to the extent of such inconsistency) hereby repealed.

Section 1002, ORDINANCES CONTINUED

Pursuant to Chapter 115, Laws of New Jersey 1976, all provisions of the ordinance known as the "City of Lambertville Zoning Ordinance" adopted November 15th, 1971, and the ordinance known as "The Land Subdivision Ordinance of the City of Lambertville" adopted March 1st, 1971, and all subsequent amendments to said ordinances, are re-adopted to the extent that said ordinances are not inconsistent with the provisions of this ordinance, and shall continue in full force and effect and shall be read in para materia with this ordinance. Three copies of the text of the to be re-adopted ordinances and accompanying maps are filed in the Office of the City Clerk of the City of Lambertville and are available for public inspection until final action upon and adoption of this ordinance and the re-adoption of said existing ordinances.

The governing body and planning board of the City of Lambertville hereby declare that they have reviewed the zoning ordinance and the subdivision ordinance and all subsequent amendments to said ordinances and hereby further declare that said ordinance meet the requirements of N.J.S.A. 40:55D-28 b. (2) and N.J.S.A. 40:55B-62 a.

Section 1003, EFFECTIVE DATE

This ordinance shall take effect on February 1st, 1977.

Section 1004, COPY TO BE FILED WITH COUNTY PLANNING BOARD

Immediately upon adoption of this ordinance, the City Clerk shall file a copy of this ordinance with the county planning board as required by law. The Clerk shall also file with said planning board copies of all other ordinances of the municipality relating to land use such as the subdivision and zoning ordinances.

Board of Commissioners
City of Lambertville
Phillip L. Pitore, Mayor
Anthony J. Nanni, Commissioner
Glenn Cowan, Commissioner

Attest:
Mary E. Sheridan, Clerk

NOTICE

Please take notice that the foregoing ordinance was introduced and passed on first reading by the Board of Commissioners of the City of Lambertville at its regular meeting held on Monday evening, January 3, 1977. It is published January 6, 1977, and will be considered for final adoption after public hearing at the next regular meeting of the Board of Commissioners of the City of Lambertville on January 17, 1977, at 8:30 P.M. (EST.) in the Commissioners Rooms, Municipal Building, 18 York Street, Lambertville, New Jersey.

Mary E. Sheridan
City Clerk

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AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING A PLANNING BOARD AND A BOARD OF ADJUSTMENT PURSUANT TO THE PROVISIONS OF THE 'MUNICIPAL LAND USE LAW' (Chapter 291, Laws of New Jersey 1975; New Jersey Revised Statutes Title 40, Chapter 55D, Section 1 et seq., and all subsequent amendments and supplements thereto); PROVIDING FOR THE POWERS OF SAID BOARDS, FIXING THE PROCEDURES GOVERNING APPLICATION TO SAID BOARDS AND APPEALS THEREFROM AND PROVIDING FOR THE CONTINUANCE OF EXISTING ORDINANCES". (Said Ordinance was adopted on January 17, 1977 and Section 202 thereof was amended by Ordinance adopted May 15, 1978.)

The Mayor and Council of the City of Lambertville do ordain:

Pursuant to the authority conferred by the Revised Statutes 40:55D-1 to 40:55D-92 inclusive, of the State of New Jersey, and the amendments thereof and supplements thereto, that Section 202 of the "Land Development Review Ordinance of the City of Lambertville, New Jersey," shall be further amended to provide as follows:

SECTION 202, MEMBERSHIP

- a. The Planning Board shall consist of nine (9) members. For convenience in designating the manner of appointment, the membership shall consist of and be divided into the following four classes:

CLASS I - The Mayor

CLASS II - One of the officials of the City, other than a member of the City Council to be appointed by the Mayor.

CLASS III - A member of the governing body to be appointed by it.

CLASS IV - Six (6) other citizens of the City of Lambertville to be appointed by the Mayor.

The members of Class IV shall hold no other City office, except that one such member may be a member of the Lambertville Zoning Board of Adjustment and one such member may be a member of the Lambertville Board of Education.

This Ordinance shall take effect immediately upon adoption.

INTRODUCED: January 3, 1983

ADOPTED: January 17, 1983

ATTEST:

Dorothy A. Bolmer
Dorothy A. Bolmer, City Clerk

GOVERNING BODY OF THE
CITY OF LAMBERTVILLE

Mary E. Sheridan
Mary E. Sheridan, Mayor

J. Alan Brewster
J. Alan Brewster, Council Member

Kenneth J. Harms
Kenneth J. Harms, Council Member

John McManus
John McManus, Council Member

James N. Rosso
James N. Rosso, Council Member

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Section 202 MEMBERSHIP

Section 202 is amended by the addition of the following subsection:

b. The Mayor may appoint to the Planning Board two (2) alternate members who shall meet the qualifications of Class IV members. Alternate members shall be designated at the time of appointment by the Mayor as "Alternate No. 1" and "Alternate No. 2".

The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member, may after public hearing, if he requests one, be removed by the governing body for cause.

Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of the regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

Section 801 MEMBERSHIP

Section 801 is amended by the addition of the following subsection:

d. The Mayor may appoint to the Board of Adjustment two (2) alternate members who shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2."

The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

No alternate member shall be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member, may after public hearing, if he requests one, be removed by the governing body for cause.

Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of the regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

All ordinances, or parts of ordinances, inconsistent with the provisions of this ordinance are hereby repealed.

This ordinance shall take effect upon publication and passage as provided by law.

ORDINANCE 94-24

AN ORDINANCE TO AMEND ORDINANCE 88-28 AS ADOPTED ON OCTOBER 17, 1988

BE IT ORDAINED by the Mayor and Council of the City of Lambertville, County of Hunterdon, State of New Jersey, as follows:

Section 1: Section 107 Hearings i shall be deleted and amended to read as follows:

"A brief notice of the decision shall be published in the official newspaper of the City, if there be one, or in a newspaper of general circulation in the City. Such publication shall be arranged by the Administrative Officer of the Approving Board. The applicant shall pay a fee as designated by Section 118 for publication of such notice."

Section 2: Section I: General Administrative Fees B. shall be deleted and amended to read as follows:

"Pursuant to Section 107f, a deposit fee of \$500.00 shall be charged for a transcript and a deposit of \$25.00 shall be charged for a duplicate recording."

Section 3: Section I: General Administrative Fees shall be amended by adding the following:

- D. A fee of \$15.00 shall be paid by all applicants at the time of submitting an application for the Planning Board or the Zoning Board of Adjustment for the publication of the Notice of Decision.

Section 4: Section II: Application Fees D. Schedule of Fees and Escrow shall be amended as follows:

1. (1)(b)2 and (1)(c)2 Escrow Fee shall be amended to read "Five hundred dollars (\$500.00) per new lot or unit created."
2. (4)(b)2, (4)(c)2, (4)(d)1b, (4)(d)2b, (4)(e)2 and (4)(f)2 Escrow Fee shall be amended to read "Five hundred dollars (\$500.00)."
3. 5 Special Meetings shall be amended to read "If requested by the applicant and approved by the Board, the fee for a special meeting shall be \$500.00."

~~the applicant and approved by the Board, the fee for a~~
special meeting shall be \$500.00."

Section 5: E. Replenishment of Escrow Balance shall be amended in the first two sentences to read as follows:

"The escrow assessed with each application shall be replenished whenever the original escrow is reduced by charges against the account to fifty percent (50%) or less of the original amount. The Administrative Officer of the Approving Board shall notify the applicant of the requirement to replenish the escrow and the applicant shall be requested to deposit up to fifty percent (50%) of the original escrow amount."

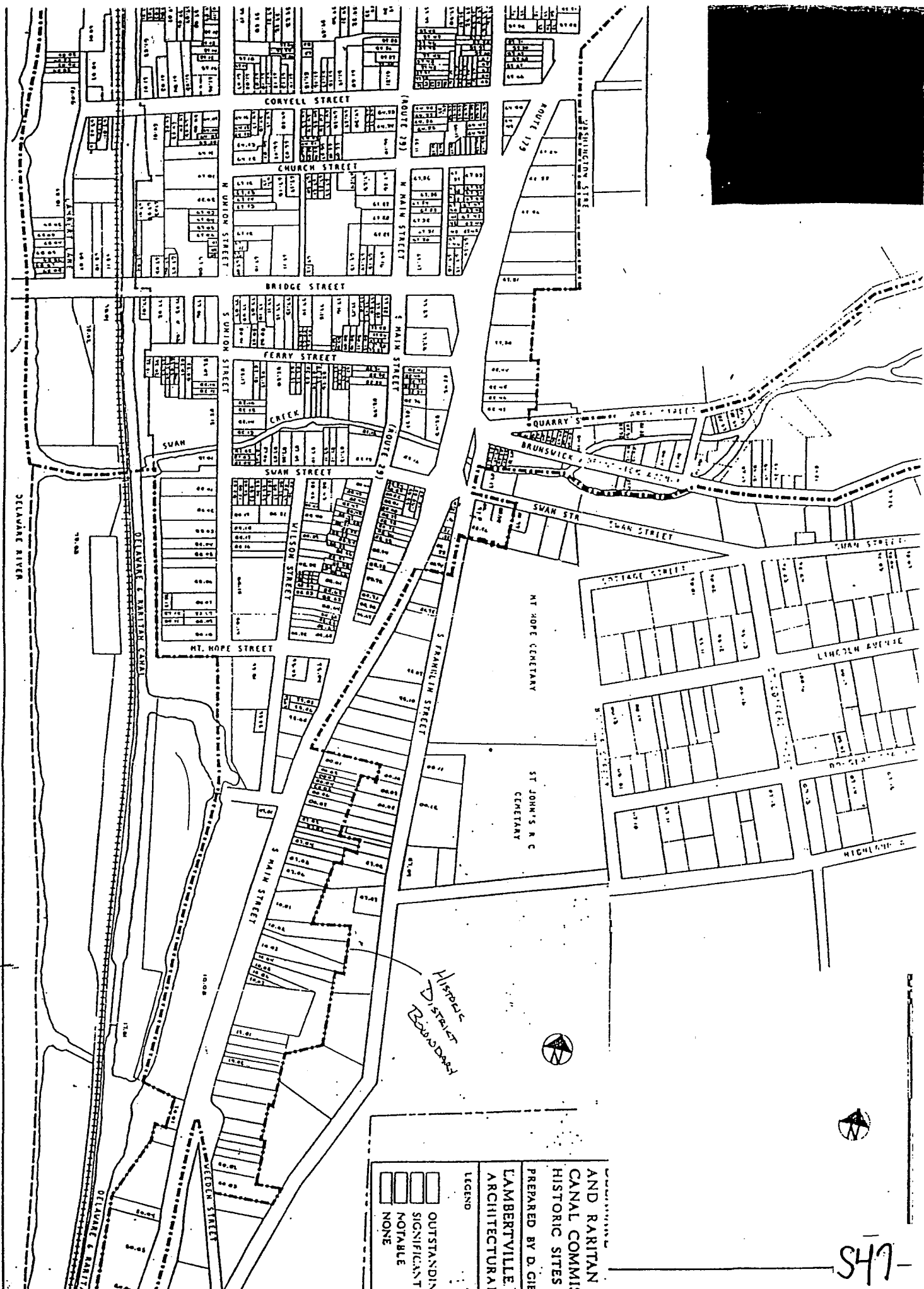
Section 6: Article VI: Subdivision and Site Plan Review and Approval Section 602: Submittal Procedure shall be amended to read "The applicant shall submit fifteen (15) copies of his complete application for..."

Section 7: All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 8: This ordinance shall take effect upon publication and filing with the Hunterdon County Planning Board as required by law.

Certified to be a true copy.

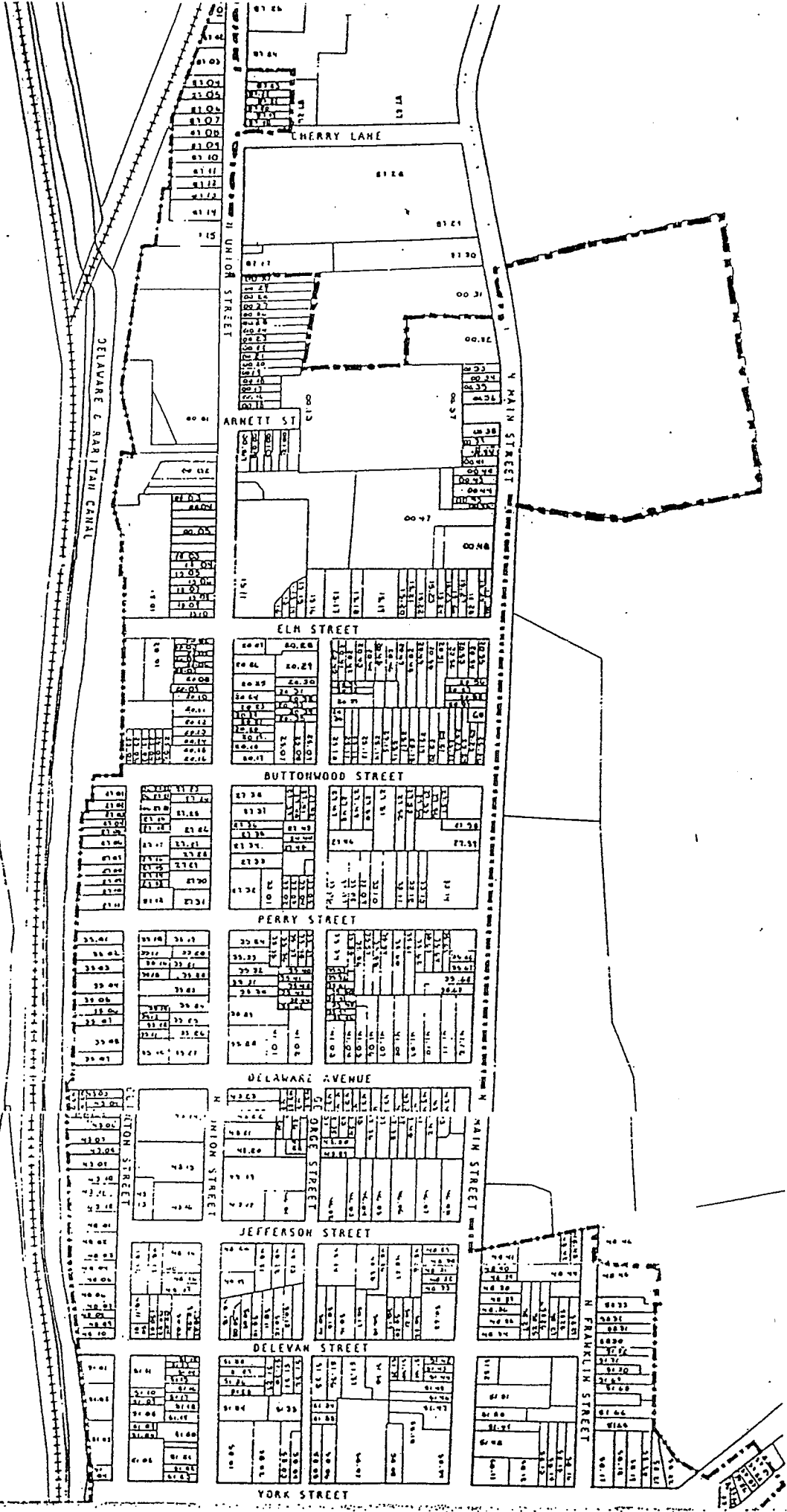
Mary Elizabeth Sheppard
City Clerk



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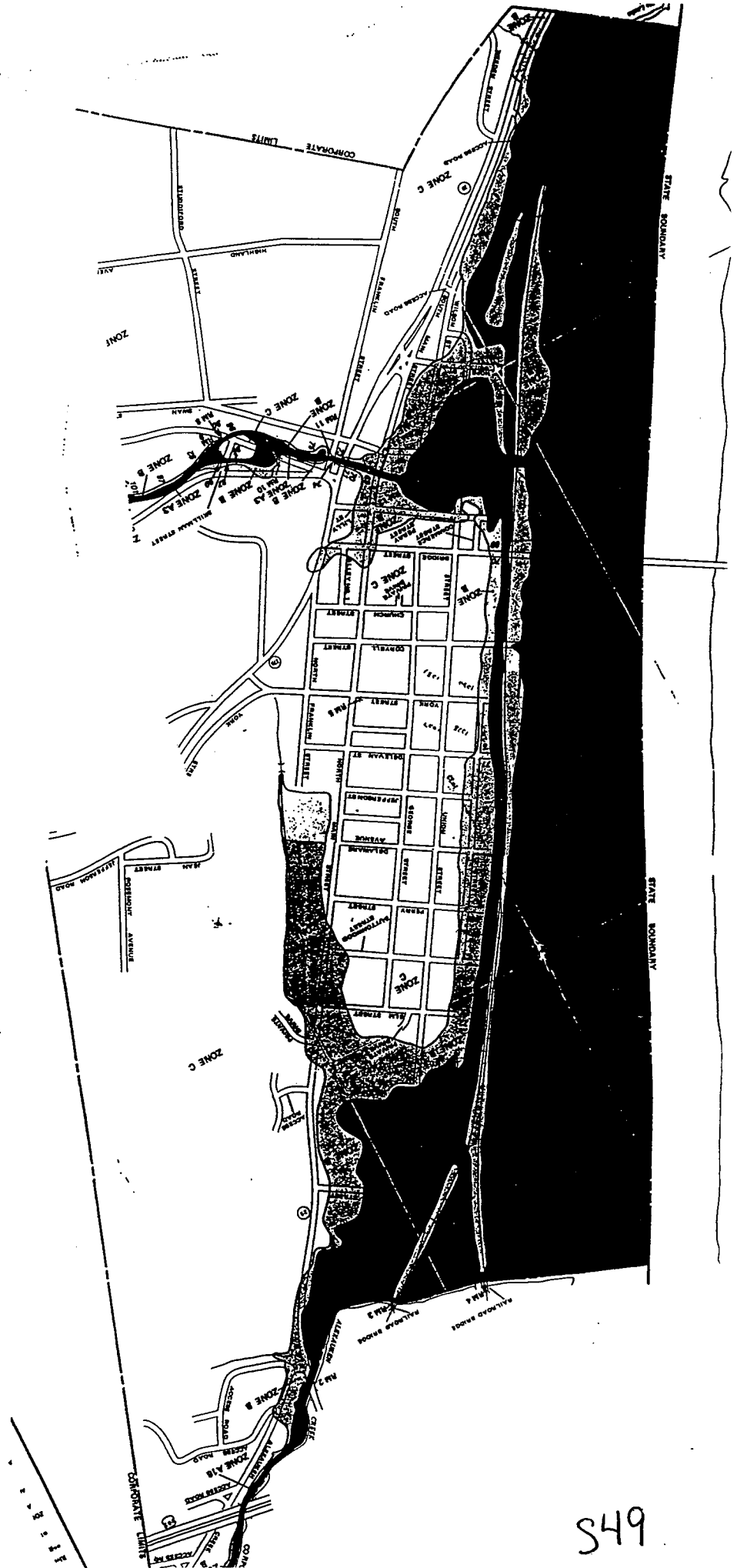
HISTORIC DISTRICT AS DESIGNATED BY DELAWARE AND RARITAN CANAL COMMISSION

HOLCROFT ISLAND



FLOOD INSURANCE MAP FOR THE CITY OF LAMBERTVILLE

COMMUNITY PANEL NUMBER 340237 0001 B Effective April 1, 1981



Zoning Districts

	Parks and Recreation
	Residential - Conservation
	Residential Low Density
	Residential 1
	Residential 2
	Townhouse Residential
	Central Business District
	Service Commercial
	General Commercial
	Residential Overlay Option

