

**§ 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.

**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 2 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, typographical 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 §400.9A 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 Governing Body 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 Governing Body 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 Governing Body 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.**  
(Ord. No. 99-13)

**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**  
(Ord. No. 99-13)

**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 3 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. No. 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%
<b>Principal Building Minimum Yard Depths and Height Limitations</b>		
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
<b>Accessory Building Minimum Yard Depths and Height Limitations <sup>(1)</sup></b>		
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 §405.6E, 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 §510.7.

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:

Extent of Slope	Maximum Extent of Disturbance of Sloped Area
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.	

Slope disturbance calculations submitted by the applicant may exclude disturbance necessitated by the construction or reconstruction of minor collector streets.

- b. Notwithstanding the steep slope limitations set forth in §402G.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 §402G.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 §519.6. 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 §510.12B.

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.G., 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 2 acres and the maximum lot size shall not exceed 5 acres.
- C. Reserved. (Ord. No. 2006-16)

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 6 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.

F. 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 2 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 and the additional standards in §402.7.

**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 3 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. <sup>(1)</sup>	2 acres <sup>(3)</sup>	2 acres <sup>(2)</sup>	7,500 sf.	3 acres
Minimum lot frontage	75 ft.	100 ft. <sup>(3)</sup>	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	60%	30%	75%	N/A	15%

Coverage					
<b>Principal Building Minimum Yard Depths and Height Limitations</b>					
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 <sup>(4)</sup>	40 ft.	35 ft.
<b>Accessory Building Minimum Yard Depths and Height Limitations</b>					
Front Yard	N.P.	N.P.	N.P.	N.P.	N.P.
Side Yard	5 ft. <sup>(5)</sup>	10 ft.	20 ft.	10 ft.	20 ft.
Rear Yard	5 ft. <sup>(5)</sup>	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. 5:43 et seq.). (Ord. No. 18-2016)
  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 complements the facade of the primary residence on the property.
  5. The unit shall be removed from the premises within 6 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 3 months upon adequate documentation of marketing efforts to sell the unit during the initial 6 month period.
  6. The ECHO unit shall be separated from the principal dwelling a minimum of 5 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 2 flag lots shall be permitted to be created from the original tract.

**§ 403 RESIDENTIAL 1 (R-1) SINGLE FAMILY DISTRICT.**  
(Ord. No. 99-13)

**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 3 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.
- G. 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 2 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 and the additional standards in Section 403.6.

#### **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 2 acres.
  - 3. No such use shall exceed 15 residents.
- C. Reserved. (Ord. No. 2006-16)
- 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 6 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:

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%
<b>Principal Building Minimum Yard Depths and Height Limitations</b>					
Front Yard	25 ft. <sup>(1)</sup>	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 <sup>(2)</sup>	40 ft.	35 ft.
<b>Accessory Building Minimum Yard Depths and Height Limitations</b>					
Front Yard	N.P.	N.P.	N.P.	N.P.	N.P.
Side Yard	5 ft. <sup>(3)</sup>	20 ft.	20 ft.	10 ft.	20 ft.
Rear Yard	5 ft. <sup>(3)</sup>	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. 5.43 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 6 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 3 months upon adequate documentation of marketing efforts to sell the unit during the initial 6 month period.
6. The ECHO unit shall be separated from the principal dwelling a minimum of 5 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 6 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. 5.43 et seq.) (Ord. No. 18-2016)
  - a. Reserved.
  - b. Reserved.
  - c. Reserved.
  - 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. <sup>(1)</sup>	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. <sup>(2)</sup>
Accessory Building Minimum Yard Depths and Height Limitations					
Front Yard	N.P.	N.P.	N.P.	N.P.	N.P.
Side Yard	0 ft. <sup>(3)</sup>	0 ft. <sup>(3)</sup>	N/A	10 ft.	10 ft.
Rear Yard	3 ft. <sup>(3)</sup>	3 ft. <sup>(3)</sup>	3 ft. <sup>(3)</sup>	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 <sup>(1)</sup>	30%	30%
Maximum Lot Coverage	N/A <sup>(1)</sup>	60%	60%
<b>Principal Building Minimum Yard Depths and Height Limitations</b>			
Front Yard	0 ft. <sup>(1)</sup>	25 ft.	50 ft.
Side Yard	0 ft. <sup>(1)</sup>	10 ft.	15 ft.
Rear Yard	15 ft. <sup>(1)</sup>	20 ft.	20 ft.
Maximum Height	40 ft. or 3 stories	35 ft. or 2½ stories	35 ft.
<b>Accessory Building Minimum Yard Depths and Height Limitations</b>			
Front Yard	N.P.	N.P.	N.P.
Side Yard	N/A <sup>(2)</sup>	10 ft.	10 ft.

Rear Yard	N/A <sup>(2)</sup>	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 6 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 5 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 6 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: 1,000 square feet.
- 2. Minimum lot frontage: 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: 10 feet, excepting corner lots.
- 5. Minimum side yard: zero (0) feet.
- 6. The minimum separation distance between buildings shall be governed by the fire separation distance requirements in the currently adopted Building Code as amended by the Uniform Construction Code in N.J.A.C. 5:23-1 et seq. (Ord. No. 18-2016)
- 7. Maximum building height: 40 feet.
- 8. Maximum building coverage: 80% of total lot area.

B. Waterfront Commercial Use.

- 1. Minimum tract size: 3 acres.
- 2. Minimum lot size: 1 acre.
- 3. Minimum lot frontage: 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: 20 feet.
- 6. Minimum side yard: zero (0) feet.
- 7. The minimum separation distance between buildings shall be governed by the fire separation distance requirements in the currently adopted Building Code as amended by the Uniform Construction Code in N.J.A.C. 5:23-1 et seq. (Ord. No. 18-2016)
- 8. Maximum building height: 40 feet above the deck elevation of the Lambertville-New Hope Bridge.
- 9. Minimum building distance from Delaware and Raritan Canal: 50 feet.
- 10. Minimum building distance from Lambertville-New Hope Bridge superstructure: 40 feet.
- 11. Maximum building coverage: 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 within a basement or a cellar as defined in Article II, §201. An apartment(s) shall be permitted on the first floor of a building however, the habitable room area, as defined in §201, for said unit(s) shall not occupy more than 50% of the first floor area as measured from the rear wall of the building, exclusive of common hallways providing access to said unit(s). No portion of the habitable room area shall be permitted within the front areas of the first floor as measured from the front wall of the building, that being the wall facing a public street within the CBD Zone. The minimum square footage standards contained in §406.8 paragraph E. shall continue to apply to any apartment within the CBD Zone.

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 2 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 3.

#### **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 3 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.**

(See §515 for other sign regulations.)

A. - G. Reserved. (Repealed by Ord. No. 2001-07 §14)

H. Waterfront Development. On planned waterfront commercial development there may be permitted one additional freestanding sign not exceeding 32 square feet identifying the entire complex.

**406.12 Design Standards for CBD Central Business District Signs.**  
(Repealed by Ord. 2001-07, §14)

See §515.5 for sign design standards.

**§ 407 C-2 SERVICE COMMERCIAL.**  
(Ord. No. 2014-28)

**407.1 Permitted Uses.**  
(Ord. No. 99-13)

In the C-2 Service 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. Reserved. (Signs added by Ord. No. 99-13, repealed by Ord. No. 2001-07)

**407.3 Conditional Use.**

The following conditional use may be permitted when authorized by the Planning Board:

A. Service Stations. (Ord. No. 99-13)

Service stations in accordance with the following criteria:

- 1. No service station shall have an entrance or exit for vehicles within 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 station shall be permitted where any oil draining pit or visible appliance for any purpose (other than filling pumps and air pumps) is located within 20 feet of any street line or within 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 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 3 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 6 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 C-2 Service 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. (Ord. No. 99-13)

#### **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 6 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. - C. Reserved. (Ord. No. 2001-07)
- 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 Non-Conforming Uses, Buildings or Lots.
- F. Light industry as defined under Article II, Definitions.

#### **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, Standards for Review of Applications.

**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 3,000 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 IV ZONING**

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