

**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.