

**ARTICLE V**

**ADDITIONAL REQUIREMENTS AND PERFORMANCE STANDARDS**

**§ 500      Deviations from Article V Standards and Guidelines.**

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

**§501      Accessory Buildings.**

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

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

501.5 [Reserved]

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

**§ 502 Appearance of Buildings.**

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

**§ 503 Building Identification.**

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

**§ 504 Conformity to Area Regulations.**

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

**§ 505 Continuing Existing Uses.**

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

**§ 506 Conversion of Dwellings.**

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

**§ 507 Fences and Walls.**

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

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

the outer face located on the property line.

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

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

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

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

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

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

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

**§ 508 Non-conforming Uses, Buildings or Lots.**

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

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

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

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

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

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

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

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

**§ 509 Off-Street Parking and Loading.**

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

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

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

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

509.4 [Reserved]

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

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

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

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

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

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

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

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

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

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



jurisdiction.

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

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

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

509.10 [Reserved]

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

**Table 5.2 Driveway Standards.**

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

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

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

[Ord. 2001-07]

#### **509.12 SURFACING AND CURBING.**

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

[Ord. 2001-07]

**§ 510        Landscaping.**

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

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

**510.2 LANDSCAPE DESIGN GUIDELINES.**

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

**510.3 STREET TREES.**

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

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

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

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

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

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

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

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

Shade Tree Commission.

Table 5.3 Recommended Small Street Trees.

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

\* Native species

Table 5.4 Recommended Medium Street Trees.

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

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

\* Native species

Table 5.5 Recommended Large Street Trees.

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

\* Native species

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

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

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

Table 5.6. Additional Recommended Trees.

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



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

\* Native species

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

include the following genus and/or species:

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

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

Table 5.7 Recommended Shrubs.

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

# Zoning Ordinance

City of Lambertville • Hunterdon County

April 16, 2001

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

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

\* Native species

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

Table 5.8. Trees and Shrubs Recommended for Wet Conditions.

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

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

\* Native species

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

A. General requirements.

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

B. The minimum width of a landscape buffer shall be

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

Table 5.9. Required Minimum Buffer Widths.

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

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

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

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

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

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

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

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



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

510.11 SITE PROTECTION AND GENERAL PLANTING REQUIREMENTS.

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

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

510.12 TREE PROTECTION STANDARDS.

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

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

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

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

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

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

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

[Ord. 2001-07]

**§ 511        Lighting.**

**511.1 GENERAL REQUIREMENTS.**

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

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

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



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

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

Table 5.10. Minimum Illumination for Surface Parking.

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

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

[Ord. 2001-07]

**§ 512        Solid Waste.**

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

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

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

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

**§ 513        Subdivision Layout.**

513.1 GENERAL REQUIREMENTS. Subdivision layout shall be designed to encourage the development of the land which, through the standards adopted in this Ordinance, provide for flexibility in planning and development and that respect the natural character of the land, its drainage system, soil capabilities, groundwater and aquifer recharge quality, and existing uses on adjacent lands. Compliance with this section shall be determined on the basis of inventories of the natural features of the site, plans indicating the physical relationship among types of uses and any natural or man made barriers, existing or planned, between different uses both within and adjacent to the proposed development. Subdivision

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

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

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

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

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

residential lots.

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

[Ord. 2001-07]

**§ 514 Performance Standards.**

514.1 Reserved.

514.2 Reserved.

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

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

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

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

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

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

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

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

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

514.7 VIBRATIONS.

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

Frequency of Ground  
Motion in  
Cycles Per Second

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

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

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

**§ 515 Signs.**

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

515.2 GENERAL REGULATIONS.

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

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

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



rocks or other natural features.

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

of the sign's message or otherwise conveys meaning;

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

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

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

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

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

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

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

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

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

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

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

N. Non-conforming Signs.

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

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

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

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

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

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

515.3 REGULATIONS PERTAINING TO SPECIFIC SIGN TYPES.

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



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

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

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

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

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

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

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

3. Directional signs shall contain no commercial message.

G. Directory Signs. Directory signs shall comply with the following requirements:

1. The sign shall be located within the site or complex so as to allow motorists to leave the flow of traffic and safely read the directory; or, shall be placed at the main entrance to a building.
2. The sign may contain a map or floor plan diagram, as the case may be, indicating the location of the buildings or offices listed on the directory.
3. Any such sign shall not exceed eight (8) square feet in sign area.
4. A freestanding directory sign shall not exceed five (5) feet in height.

H. Projecting Signs. Projecting signs shall comply with the following requirements:

1. Projecting signs may extend over the right-of-way line.
2. The plane of the sign's message shall be perpendicular to the surface of the building to which it is attached.
3. No portion of the sign may be lower than nine (9) feet when located above a street, sidewalk, or other pedestrian way.

I. Time and Temperature Signs. Time and temperature signs shall comply with the following requirements:

1. Time and temperature signs shall be permitted in any district in which commercial uses are permitted, provided that they do not encompass more than 20% of the allowable sign area for the type of sign upon which they are placed.

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

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

A. Signs for Residential and Institutional Uses.

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

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

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

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

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

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

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

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

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

H. Signs in accordance with §515.2.M.

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

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

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

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

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

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

E. Signs in accordance with §515.2.M.

515.8 DESIGN STANDARDS FOR SIGNS.

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

A. Design Guidelines.

1. Signs should strengthen the architectural diversity of

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

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

**B. Design Standards.**

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



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

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

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

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

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

**§ 516      Site Plan Review.**

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

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

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

repair:

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

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

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

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

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

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

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

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

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

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

and its visitors.

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

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

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

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

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

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

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

**§ 517 Conditional Use Performance Standards.**

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

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



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

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

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

## **§ 518      Swimming Pools.**

All pools shall require a building permit prior to installation.

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

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

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

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

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

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

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

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

**§ 519 Steep Slopes.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. -c and -d as above.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

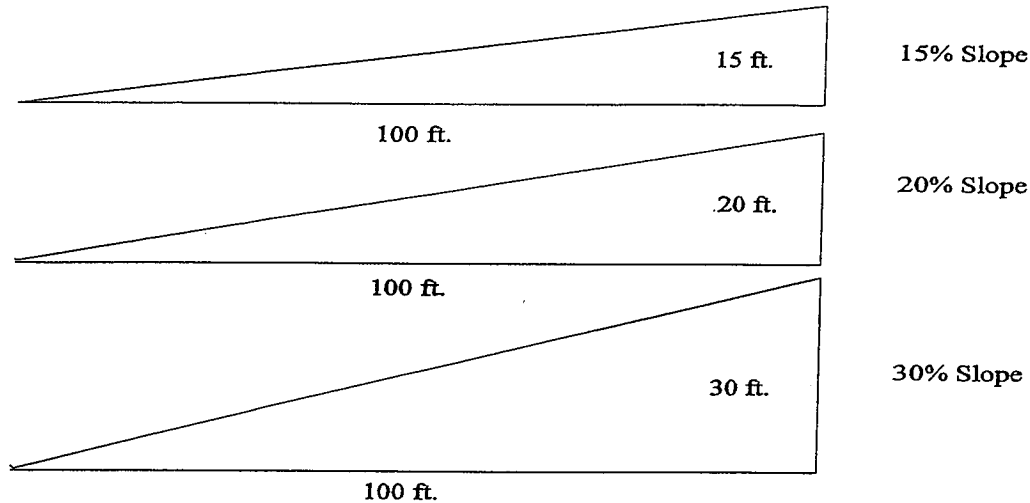
- F. The open space shall be maintained in accordance with a land management plan prepared by the developer and approved by the Planning Board. The developer shall provide copies of deed covenants with prospective purchases or conservation easements with the City describing land management practices to be followed by the party or parties that are responsible for open space. Further subdivision of open space land, or its use other than agriculture, conservation and recreation shall be prohibited.
- G. All other steep slope provisions set forth in §519 shall apply.

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

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

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

## 519.7 STEEP SLOPE ILLUSTRATION.



## § 520 Home Occupations.

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

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

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

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

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

a major home occupation are as follows:

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

vehicle.

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

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

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

**§ 521 Flood Plain Regulations.**

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