



City of Lambertville
Regularly Scheduled Voting Session
Thursday, December 16, 2021, 7:00 p.m.
All Purpose Room of the Lambertville Public School
200 North Main Street in the City
AGENDA

I. COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT

This meeting is being held in compliance with the Open Public Meetings Act with the meeting notice provided to the Hunterdon County Democrat, the Trenton Times, various individuals on the list serve, department heads and the City Engineer and City Attorney.

This meeting will be recorded.

The meeting agenda offers the planned action items of the Governing Body to the extent known at the time of publication.

II. ROLL CALL

Councilwoman Lambert, Councilman Sanders, Councilman Stegman, Council President Taylor, Mayor Fahl.

III. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

IV. MINUTES

- a. November 18, 2021 Session Minutes
- b. November 18, 2021 Closed Session Minutes
- c. November 30, 2021 Session Minutes
- d. November 30, 2021 Closed Session Minutes

V. PROCLAMATIONS

Aladar Komjathy

WHEREAS Aladar has dedicated his life to public service and volunteerism in the Lambertville community demonstrated by the fire commission, municipal utility authority board, and county tax board;

WHEREAS he is a valued member of the DJRB commission and works tirelessly to represent Lambertville within those matters ;

WHEREAS Aladar was instrumental in the consolidation of Lambertville's many historic fire departments;

WHEREAS Aladar's commitment to the youth of Lambertville has been unfailing, he has been long standing supporter of the Lambertville-West Amwell Youth Baseball Association and the LAEF;

WHEREAS he proudly serves as "Uncle" to many in our community and is always willing to lend a helping hand;

NOW BE IT RESOLVED that December 20th, 2022 is Aladar Komjathy day in the City of Lambertville in recognition of his tireless efforts in bettering our community.

ADOPTED: December 16, 2021

VI. RESOLUTIONS

Consent Agenda: *The following resolutions on a consent agenda are considered routine and shall be enacted by one motion. Should any member of City Council seek separate discussion of any item, that item shall be removed and discussed separately.*

RESOLUTION NUMBER 157-2021: *A Resolution Authorizing the Contract With All-Risk for the Clean-up and Repairs from Tropical Storm Ida Off State Contract Number #65MCESCCPS Bid ESCNJ 17/18-34, in an Amount Not to Exceed \$156,000.00*

WHEREAS, the Phillip L. Pittore Justice Center was damaged during Tropical Storm IDA; and

WHEREAS, the City of Lambertville contacted two vendors for the emergency clean-up and restoration of the site and they include: ServPro and All-Risk, LLC; and

WHEREAS, All-Risk LLC has a State Contract through ESCNJ 17/18-34, State Contract Number 65MCESCCPS.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the contract with All-Risk for the clean-up, mold remediation, and restoration of the Phillip L. Pittore Justice Center is hereby authorized in an Amount not to Exceed \$156,000.00.

BE IT FURTHER RESOLVED that the City's flood insurance carrier, Selective Insurance, will reimburse the City for all costs exceeding the \$5,000.00 deductible.

BE IT FURTHER RESOLVED that the clean-up will be funded through two Bond Ordinances and they include: 06-2018 and 31-2021.

RESOLUTION NUMBER 158-2021: *A Resolution Authorize the Refund of Bulk Trash Permits to Matthew Bondar in the Amount of \$15.00; Laura Segal in the Amount of \$25.00;*

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville in the County of Hunterdon that the following refunds of Bulk Trash Permits are hereby authorized:

Matthew Bondar in the Amount of \$30.00

Laura Segal in the amount of \$25.00

RESOLUTION NUMBER 159-2021: *A Resolution to Authorize the Refund of a Construction Permit Fee for a Conflict Permit in the Amount of \$5,737.00.*

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the conflict permit fee for a construction permit in the amount of \$5,737.00 to Adam Dewichter for XX York Street is hereby authorized.

RESOLUTION NUMBER 160-2021: A Resolution to Amend Resolution Numbers 17-2021 and 111-2021, Professional Services Contract Not to Exceed Amounts for the COAH Attorney, Redevelopment Attorney, Planning Board Attorney, and Resolution Numbers 19-2021 and 109-2021, City Engineer.

RESOLUTION NUMBER 160-2021

A Resolution to Amend Not to Exceed Amounts in Various Contracts for Services for 2021

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville in the County of Hunterdon in the State of New Jersey, that the following resolutions and contracts are amended:

RESOLUTION NUMBER: 17-2021 and 111-2021

City Attorney, Not to Exceed Amount of \$60,650.00

COAH Attorney, Not to Exceed Amount of \$6,000.00

Redevelopment Attorney, Not to Exceed Amount of \$20,000.00

Planning Board Attorney, Not to Exceed Amount of \$1,000.00

RESOLUTION NUMBER: 19-2021 and 109-2021

City Engineer, Not to Exceed Amount of \$17, 820.11

RESOLUTION NUMBER 47-2021

Budget Consultant, Not to Exceed Amount of \$18,500.00

RESOLUTION NUMBER xx-2021 and 111-2021

Colgate, Not to Exceed Amount of \$20,000.00

BE IT FURTHER RESOLVED that the following Resolutions are hereby cancelled:

RESOLUTION NUMBER 111-2021:

Gilmore & Associates - \$500.00; PO 21-00071;

RESOLUTION NUMBER 65-2020:

Wallace & Watson Assoc. PC. - \$1,000.00; PO 21-00476

ADOPTED: December 16, 2021

RESOLUTION NUMBER 161-2021: A Resolution to Authorize the Subordination of a Mortgage for Joseph Smith, 25 Cottage Street.

WHEREAS, Joseph Smith of 25 Cottage Street has a Small Communities Grant for 25 Cottage Street in the amount of \$15,825.00; and

WHEREAS, on January 19, 2016, and again on September 19, 2019, the City agreed to the Subordination Agreement, which did not change our position as number two on the list of lienholders; and

WHEREAS, this request will not change our position as number two on the list of lienholders.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey that the subordination agreement for Joseph Smith of 25 Cottage Street is hereby authorized.

RESOLUTION NUMBER 162-2021: Resolution to Authorize the Mayor, City Attorney, and City Clerk to Execute the Contract with Lt. Brown for One-Year.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that the one-year contract with Robert Brown to serve as Officer-in-Charge and Lieutenant for the Police Department.

RESOLUTION NUMBER 163-2021: A Resolution to Authorize the Hire of the Fire Official at an Hourly Rate Not to Exceed \$25 Per Hour, For Six Months, 16 Hours Per Week.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, that Susan Schliesinger is hereby hired to serve as the Fire Official for the City of Lambertville at an hourly rate of \$25 per hour with a not to exceed of 16 hours per week for an appointment expiring 06-30-2022.

RESOLUTION NUMBER 164-2021: A Resolution of the Governing Body of the City of Lambertville Authorizing the Adoption of the 2021 Hunterdon County, New Jersey Hazard Mitigation Plan Update

RESOLUTION NO. 164-2021

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF LAMBERTVILLE
AUTHORIZING THE ADOPTION OF THE
2021 HUNTERDON COUNTY, NEW JERSEY HAZARD MITIGATION PLAN UPDATE**

WHEREAS, all jurisdictions within Hunterdon County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Hunterdon County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Hunterdon County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the City of Lambertville:

- 1) Adopts in its entirety, the 2021 Hunterdon County Hazard Mitigation Plan Update (the "Plan") as the jurisdiction's Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.

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- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

End of Consent Agenda

RESOLUTION NUMBER 165-2021: a Resolution Authorizing Transfer of Budget Appropriations Pursuant to N.J.S.A. 40A:4-58.

RESOLUTION NUMBER 165-2021

RESOLUTION AUTHORIZING TRANSFER OF BUDGET APPROPRIATIONS PURSUANT TO N.J.S.A
401:4-58

WHEREAS, in accordance with N.J.S.A 40A:4-58, transfers may be made between appropriation accounts in the General Budget in the last two months of the fiscal year; and

WHEREAS, such transfers are made to cover expenses in accounts in excess of that anticipated and from accounts having expenses in less amounts than anticipated; now

THEREFORE BE IT RESOLVED by the Governing Body of the City of Lambertville, County of Hunterdon, New Jersey, in accordance with N.J.S.A 40A:4-58 that transfers between budget appropriation accounts on the attached report are authorized and that a certified copy of this resolution adopted by not less than a two-thirds (2/3) vote of the full membership of the governing body shall be transmitted to the Chief Financial Officer.

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<u>ACCOUNT NO.</u>	<u>ACCOUNT TITLE</u>	<u>FROM</u>	<u>TO</u>
1-01-20-100-200	Admin OE		\$23,300.00
1-01-20-110-100	Mayor & Council S&W	\$ 5,400.00	
1-01-20-110-200	Mayor & Council OE	\$ 3,600.00	
1-01-20-120-100	Clerk S&W		\$ 3,000.00
1-01-20-120-200	Clerk OE	\$ 3,000.00	
1-01-20-130-100	Finance S&W	\$ 2,500.00	
1-01-20-145-100	Tax Collector S&W	\$ 1,300.00	
1-01-20-145-259	Tax Collector OE	\$ 600.00	
1-01-20-145-299	Tax Liquidation TTL	\$ 500.00	
1-01-20-150-100	Tax Assessor S&W	\$ 1,200.00	
1-01-20-150-200	Tax Assessor OE	\$ 5,000.00	
1-01-20-155-200	Legal OE		\$ 12,000.00
1-01-21-180-228	Planning OE	\$ 1,000.00	
1-01-21-185-100	Zoning S&W	\$ 1,000.00	
1-01-21-185-228	Zoning OE		\$ 275.00
1-01-22-195-100	Construction S&W	\$ 3,500.00	
1-01-22-195-200	Construction OE	\$ 5,100.00	
1-01-22-196-100	Fire S&W	\$ 2,250.00	
1-01-22-196-200	Fire OE	\$ 1,500.00	
1-01-23-220-298	Group Insurance Medicare Part B	\$ 937.80	
1-01-23-220-299	Group Insurance Active Employees	\$10,500.00	
1-01-23-220-300	Group Insurance Retirees		\$ 1,086.50
1-01-23-220-301	Group Insurance Waivers		\$ 1,350.00
1-01-25-240-258	Police OE	\$ 5,000.00	
1-01-25-252-200	OEM OE		\$40,000.00
1-01-25-275-227	Prosecutor	\$ 500.00	
1-01-26-290-101	DPW S&W		\$ 1,200.00
1-01-26-290-200	DPW OE	\$ 7,000.00	
1-01-26-305-200	Solid Waste OE	\$ 8,000.00	
1-01-26-310-200	Building & Grounds OE	\$ 4,000.00	\$
1-01-27-345-236	Public Assistance OE	\$ 500.00	
1-01-27-350-100	Historical S&W		\$ 3.00
1-01-27-350-236	Historical OE	\$ 650.00	
1-01-27-360-299	Senior Citizens	\$ 500.00	
1-01-31-430-271	Electricity		\$ 5,250.00
1-01-31-445-272	Water	\$	
1-01-31-446-270	Natural Gas		
1-01-31-447-270	Fuel Oil	\$ 2,500.00	

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1-01-31-455-278	Sewer		\$ 850.00
1-01-31-460-274	Gas		\$ 3,000.00
1-01-31-461-274	Diesel		\$ 4,500.00
1-01-36-472-298	Social Security	\$11,776.70	
1-01-43-490-100	Court S&W	\$ 3,000.00	
1-01-43-490-200	Court OE	\$ 3,000.00	
1-01-43-495-100	Public Defender	\$ 500.00	
		\$95,814.50	\$95,814.50

ADOPTED: December 16, 2021

- VII. BILLS LIST
- VIII. ORDINANCE FIRST READING AND INTRODUCTION - none
- IX. ORDINANCE SECOND READING AND PUBLIC HEARING

ORDINANCE NUMBER 24-2021: An Ordinance Amending Article II “Definitions” and Article IV “Zoning” of the Zoning Ordinance to Encourage Economic Development and Investment in the Commercial Zones.

Ordinance # 24 - 2021

City of Lambertville

Hunterdon County, New Jersey

AN ORDINANCE AMENDING CHAPTER 5 GENERAL LICENSING, SECTION 5-8 OUTDOOR SEATING AND ARTICLE II “DEFINTIIONS” AND ARTICLE IV “ZONING” OF THE ZONING ORDINANCE TO ENCOURAGE ECONOMIC DEVELOPMENT AND INVESTMENT IN THE COMMERCIAL ZONES

WHEREAS, on May 5, 2020, the County Commissioners, pursuant to Resolution #2020-296, awarded the City an Economic Development Grant in the amount of \$11,700 for an ordinance and code review aimed at reducing burdens on business and expanding economic development; and

WHEREAS, due to the global pandemic, the project was put on hold in 2020 and restarted in 2021; and

WHEREAS, the City hosted two roundtables with the business community on May 18, 2021 and June 29, 2021 to obtain feedback regarding potential ordinance revisions; and

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WHEREAS, in an effort to reduce any concerns as to whether a proposed use within the City's three commercial districts is a permitted use, the recommendation is to broaden the list of permitted use to identify specific permitted uses; and

WHEREAS, the City should think about diversifying the permitted uses within its commercial districts so that consumers on all levels – residents, daytime employees and visitors – have a number of options to fulfil their needs; and

WHEREAS, parking requirements were also identified as a finite resource within the City and often the reason applications for new businesses end up in front of a Board; and

WHEREAS, the City Council wants to revise the parking requirements within the commercial zones to help promote economic development; and

WHEREAS, the City Council authorized the City Planner to prepare ordinance amendments based on the feedback received at the roundtables and information received from City officials; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Lambertville that the Zoning Ordinance of the City of Lambertville shall be amended as shown with new text underlined and text for deletion in ~~strikeout~~:

SECTION 1. Chapter 5 General Licensing, Section 5-8 Outdoor Seating shall be amended as shown with new text underlined and text for deletion in ~~strikeout~~:

Section 5-8 Outdoor ~~Seating~~ Dining.

§5-8.1 Definitions [Ord. No. 2005-15]

As used in this section:

OUTDOOR DINING

Shall mean outdoor seating, parklet, sidewalk café or eatery as defined herein.

OUTDOOR SEATING

Shall mean a retail food establishment (as defined herein):

- a. Serving food to be consumed by the public at tables located adjacent to the primary building on private property and not within the public right-of-way.
- b. Containing readily movable tables, chairs, and/or planters; and
- c. Unenclosed by fixed walls or ceilings, except for retractable awnings, umbrellas or other non-permanent enclosures which in no way present a safety hazard to or implied pedestrian traffic.

PARKLET

Shall mean a platform or similar level surface extending into the public right-of-way with amenities such as but not limited to tables, chairs, benches, umbrellas, landscaping and other accessory components, designated as public space, located in or on the public right-of-way or resting on, or projecting into, the sidewalk and parking area, which is not physically or structurally attached to a building, retaining wall or fence.

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PERSON

Shall mean any individual, partnership, corporation, association or other entity.

PRIMARY BUILDING

Shall mean the building whose principal façade is adjacent to where the outdoor seating is or is proposed to be located.

PRINCIPAL FAÇADE

Shall mean that portion of the façade of a building which fronts on a public street.

RETAIL FOOD ESTABLISHMENT

Shall mean an establishment actually located within the primary building for which a current retail establishment inspection certificate has been issued by the Board of Health and shall include, by way of example, a restaurant, hotel, coffee shop, tea room, dining room, cafeteria, luncheonette, sandwich shop, delicatessen, and the like.

SIDEWALK

Shall mean the paved surface provided for the exclusive use of pedestrians and situated between and extending from any building to the curb of any street (excluding therefrom any unpaved area).

SIDEWALK CAFÉ

Shall mean a portion of an eating or drinking establishment located on a public sidewalk which functions as an extension of the use of the adjacent private property by an eating or drinking establishment. A sidewalk café is open to the sky except that it may have awnings or umbrellas. No portion of the sidewalk café shall be used for any purpose other than dining, drinking, and the associated circulation therein.

STREATERY

Shall mean a portion of an eating or drinking establishment located within any legal parking zone that is accessed with an ADA accessible ramp with amenities such as but not limited to tables, chairs, benches, umbrellas, landscaping and other accessory components that is surrounded by a protective barrier.

§ 5-8.2 License Required. [Ord. No. 2005-15]

a. Outdoor Seating

- a1. No person shall operate outdoor seating within the City without first having obtained an outdoor seating license in accordance with the requirements of this section. ~~The license shall be issued by the Mayor and City Council by resolution and may contain conditions.~~ The license shall not be transferable and shall be for the period of April 15th of the issuing year through April 14th of the following year. The license shall, however, be subject to future amendments to this section or other applicable regulations.

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62. A person who has received approval by resolution of the Planning Board or Board of Adjustment for outdoor seating is exempt from the above licensing requirement. This exemption applies only for the specified number of seats permitted in the approving resolution. A person seeking to use more outdoor seating that approved by the Planning Board or Board of Adjustment shall be required to obtain an outdoor seating license for the additional seats greater than approved by the Board of Jurisdiction or seek an amended approval from the Board of Jurisdiction for the additional seats.

b. Sidewalk Cafe

1. No person shall operate a sidewalk café within the City without first having obtained a sidewalk café license in accordance with the requirements of § 5-8.4.b.
2. The license shall not be transferable and shall be for the period of April 15th through November 15th.
3. The license shall, however, be subject to future amendments to this section or other applicable regulations.

c. Parklet and/or Streatery

1. No person shall operate a parklet or streatery within the City without first having obtained a parklet or streatery license in accordance with the requirements of § 5-8.4.c.
2. No parking space, parking lane or other portion of the public right-of-way shall be encumbered without prior approval by the Police Department. No parklet or streatery shall be installed without prior approval of the Zoning Officer. Use of the right-of-way along a State roadway may require consent, approval, or waiver by the New Jersey Department of Transportation.
3. The approval must be on premises and displayed in an unobstructed location.
4. The license shall not be transferable.
5. The license shall be valid for April 15th through November 15th.
6. The license shall, however, be subject to future amendments to this section or other applicable regulations.

§ 5-8.3 Fee [Ord. No. 2005-15]

The following fees shall be required for the various outdoor dining options:

a. Outdoor Seating

1. The annual fee for an outdoor seating license shall be \$50 per seat payable upon submission of an application for a license.
2. Exempt from the annual license are retail food establishments that have received approval by resolution of the Planning Board or Board of Adjustment for outdoor seating. This exemption applies only for the specified number of seats permitted in the approving resolution.

b. Sidewalk Café

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1. The application fee shall be \$100 payable upon submission of an application for sidewalk café license.

2. The annual fee shall be \$50 per seat payable upon submission of an application for a license.

c. Parklet/Streatery

1. The application fee shall be \$100 payable upon submission of an application for a parklet or streatery license.

2. The annual fee shall be \$1,000 per parking space (or for every 20-feet if a parking space is not marked) payable upon submission of an application for a license.

§ 5-8.4 Application. [Ord. No. 2005-15]

a. Outdoor Seating

~~a~~1. Each applicant for an outdoor seating license shall submit and file an application with the City Clerk together with three copies of an Outdoor Seating Plan (as defined below), and the appropriate fee. The application shall set forth:

~~i~~i. The name and address of the applicant;

~~ii~~ii. The name and address of the owner of the primary building (if other than the applicant); and

~~iii~~iii. The name and address of the person who has prepared the Outdoor Seating Plan; and shall be accompanied by the written authorization and approval of the owner of the primary building (if other than the applicant).

~~b~~2. The “Outdoor Seating Plan” shall include the following information (and such other additional information, if any as may be deemed necessary and subsequently requested by the City):

~~i~~i. Identification of the primary building and all properties immediately adjacent to such building, including names and addresses of the adjacent property owners; and

~~ii~~ii. The plan shall be drawn to scale but does not require professional seals. The scaled drawing of the proposed design and location of the outdoor seating shall include setbacks, all temporary structures, equipment and apparatus to be used in connection with its operation, including tables, chairs, planters, awnings, lighting and electrical outlets (if any), provisions for storage of such structures, equipment and apparatus, and the location of any fire hydrant, plug or standpipe, utility pole, parking meter, or other permanent fixture between the primary building and the curb, including a clear indication of the presence of the required pedestrian passageway. If the outdoor seating is located on private property adjacent to the sidewalk, the plan shall demonstrate that the pedestrian traffic will in no way be impeded.

~~iii~~iii. A statement of the seating capacity of the proposed outdoor seating and of the existing retail food establishment actually operated by the applicant in the primary building. The Zoning Officer in conjunction with the City Clerk shall approve or disapprove modification of the Outdoor Seating Plan within 15 business days following its submission.

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b. Sidewalk Café

1. Each applicant for a sidewalk cafe license shall submit and file an application with the City Clerk. The application shall set forth:
 - i. The name and address of the business that will be utilizing the sidewalk cafe;
 - ii. The name and address of the business operator/owner;
 - iii. The name and address of the property owner's name in which the business is located (if different from business operator/owner); and
 - iv. A signed Hold Harmless clause for use of a sidewalk café within the public right-of-way.
2. The application fee, as specified in § 5-3.b.
3. The applicant shall submit three (3) copies of a "Sidewalk Café Plan" and photographs of the storefront and the sidewalk. The "Sidewalk Café Plan" shall include the following information (and other such additional information, if any as may be deemed necessary and subsequently requested by the City):
 - i. All buildings, trees, street furniture, parking meters, utility poles, and other obstructions in front of the property within ten (10) feet of the proposed sidewalk café;
 - ii. The width of the sidewalk café along the building façade;
 - iii. The depth of the sidewalk café measured from the building façade to the outer partition or extent of tables, chairs, signs and accessories;
 - iv. The width of the sidewalk measured from the outer partition or extent of tables, chairs, signs and accessories to the curb;
 - v. The identification of building entrance(s), including the establishment's entrance and any residential entrances;
 - vi. All proposed partitions, tables, chairs, signs and accessories with the number of proposed seats identified;
 - vii. Photographs or renderings of the proposed partitions, as applicable.
4. The applicant shall submit a Certificate of Liability Insurance that identifies the following:
 - i. A copy of the establishment's certificate of liability insurance in a minimum amount of one million (\$1,000,000) dollars per occurrence and two million (\$2,000,000) dollars in aggregate, naming the City of Lambertville and its agents, servants, and employees as additional insured.
 - ii. The policy shall be kept in full force and effect during the license period.
 - iii. The policy insurance must be occurrence based coverage.
 - iv. Each Certificate of Insurance required hereunder shall include a thirty (30) day cancellation clause which shall provide notice to the Office of the City Clerk of the City of

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Lambertville. Any lapse in insurance coverage, for any reason, will result in the immediate suspension of the sidewalk café license.

5. The applicant shall submit an Insurance Certificate naming the City of Lambertville as additional insured and showing coverage for BYOB (Bring Your Own Bottle) and/or serving alcoholic beverages outside your premises.
6. A letter from the property owner (if different from the business operator/owner) authorizing a sidewalk café in front of the building.

c. Parklet or Streatery

1. Each applicant for a sidewalk cafe license shall submit and file an application with the City Clerk. The application shall set forth:
 - i. The name and address of the business that will be utilizing the sidewalk cafe;
 - ii. The name and address of the business operator/owner;
 - iii. The name and address of the property owner's name in which the business is located (if different from business operator/owner);
 - iv. The type of application the applicant is applying for (i.e. parklet or streatery);
 - v. The proposed days of the week and hours that the parklet or streatery will be utilized; and
 - iv. A signed Hold Harmless clause for use of a sidewalk café within the public right-of-way.
2. The application fee, as specified in § 5-3.c.
3. The applicant shall submit three (3) copies of a "Parklet or Streatery Plan" which shall include the following information (and other such additional information, if any as may be deemed necessary and subsequently requested by the City):
 - i. Length in feet and number of parking spaces (if not demarcated on the street, then a length of twenty (20) feet per parking space shall be used);
 - ii. Depth – the distance from the curb to the outer divider/barrier. Note this dimension will be limited by the parking lane width and required buffer/offset (if not demarcated on the street, then a width of seven (7) feet per parking space shall be used);
 - iii. The identification of hydrants, parking meters, as applicable, utility poles, street signs and any building entrances within the area;
 - iv. The identification of building entrance(s), including the establishment's entrance and any residential entrances;
 - v. The number and placement of tables, chairs, signs and any other equipment;
 - vi. For parklets, an architectural plan or rendering showing the proposed dimensions and materials of the parklet; and

- vii. For streateries, an architectural plan, sketch or rendering showing the proposed protective barriers and the location of the temporary ADA curb-ramp(s).
- 4. The applicant shall submit a Certificate of Liability Insurance that identifies the following:
 - i. A copy of the establishment's certificate of liability insurance in a minimum amount of one million (\$1,000,000) dollars per occurrence and two million (\$2,000,000) dollars in aggregate, naming the City of Lambertville and its agents, servants, and employees as additional insured.
 - ii. The policy shall be kept in full force and effect during the license period.
 - iii. The policy insurance must be occurrence based coverage.
 - iv. Each Certificate of Insurance required hereunder shall include a thirty (30) day cancellation clause which shall provide notice to the Office of the City Clerk of the City of Lambertville. Any lapse in insurance coverage, for any reason, will result in the immediate suspension of the sidewalk café license.
- 5. The applicant shall submit an Insurance Certificate naming the City of Lambertville as additional insured and showing coverage for BYOB (Bring Your Own Bottle) and/or serving alcoholic beverages outside your premises.
- 6. A letter from the property owner (if different from the business operator/owner) authorizing a parklet or streatory front of the building.

§ 5-8.5 Term of License; Renewals. {Ord. No. 2005-15]

- a. Outdoor Seating: All outdoor seating licenses shall be issued from April 15th and ending April 14th of the following year. Licenses may be renewed annually by filing of an application in accordance with the provisions of this section.
- b. Sidewalk Café: All sidewalk café licenses shall be issued from April 15th and ending November 15th of the same calendar year. Licenses may be renewed annually by filing of an application in accordance with the provisions of this section.
- c. Parlet or Streatory: All parklet and streatory licenses shall be issued from April 15th and ending November 15th of the same calendar year. Licenses may be renewed annually by filing of an application in accordance with the provisions of this section. Parklet or streatory structures must be removed from the parking zones outside of the permitted licenses timeframe.

§ 5-8.6 Rules, Regulations and Specifications. [Ord. No. 2005-15]

- a. Provisions applicable to all Outdoor Dining:
 - 1. All outdoor dining activity must obtain the proper permits or licenses from the City.
 - 2. Tents and Structures require separate approval. Obtaining an outdoor seating, sidewalk café, parklet or streatory license does not grant permission to erect a tent or structure.
 - 3. All heating equipment must comply with the City's Fire Code.

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4. Propane may not be stored in the right-of-way, including sidewalks).
5. Appropriate lighting is required at night.
6. Tables, chairs, accessories, and barriers must be provided by the licensee.
7. Outdoor dining operations can be shut down if found to be a nuisance to neighbors.

b. Outdoor Seating

Outdoor seating is authorized and operating pursuant to this section shall comply with all of the following rules and regulations, and such others as may be adopted by ordinance of the City Council.

- ~~a~~1. The outdoor seating shall be operated and maintained in accordance with the Outdoor Seating Plan as finally approved, and by the same person who operates and maintains the abutting retail food establishment.
- ~~b~~2. The placement of furniture, apparatus, decoration or appurtenance used in connection with the operation of the outdoor seating in relation to any fire hydrant, plug or standpipe permanent fixture shall be approved by specific written authorization of the Fire Official based upon his review of the Outdoor Seating Plan.
- ~~c~~3. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the outdoor seating shall be located in such a way as to impede the safe and speedy ingress and egress to or from any building or structure.
- ~~d~~4. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the outdoor seating shall be located in or project or protrude into the required pedestrian passageway.
- ~~e~~5. Any table service provided at the outdoor seating shall be provided by persons engaged or employed for that purpose and shall be furnished to seated patrons only. Table service is not required, and retail food establishments that do not provide table service may operate outdoor seating in which patrons carry their food from inside the premises to tables located in the outdoor seating.
- ~~f~~6. The outdoor area utilized by the outdoor seating shall be kept clear and free of litter and shall be washed as required. Trash receptacles shall be provided as required and approved by the City. If no table service is provided, the trash receptacles shall include those needed for recycling.
- ~~g~~8. Noise shall be kept at such a level as to comply in all respects with the provisions of applicable ordinances of the City.
- ~~h~~9. Outdoor seating shall be permitted to operate only within a licensed facility and only from 7:00 a.m. until 10:00 p.m. Monday through Thursday and 7:00 a.m. until 11:00 p.m. Friday through Sunday during the months of license period, inclusive.
- ~~i~~10. Furniture, apparatus, decorations and appurtenances may be secured in accordance with an Outside Seating Plan which describes the method for securing same that is specifically

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approved by the Chief of Police and Fire Official, with particular attention being given to issues of ingress and egress and the possibility of the stored material being used to create a public hazard.

j11. No food may be prepared in the outside seating area or outside the primary building without the approval of the Fire Official.

k12. The licensee shall comply with all other ordinances of the City.

h13. Outdoor seating is prohibited on the public sidewalk.

c. Sidewalk Cafe

A sidewalk café is authorized and operating pursuant to this section shall comply with all of the following rules and regulations, and such others as may be adopted by ordinance of the City Council.

1. Sidewalk cafes are permitted so long as a minimum of four (4) of pedestrian walkway is maintained on the sidewalk and provided for the general public subject to applicable ADA requirements, such as providing passing spaces at intervals of 200 feet maximum, that are five (5) foot by five (5) foot in dimension or, an intersection of two walking surfaces providing a T-shaped space with a five (5) foot square minimum with arms and base a minimum of three (3) feet wide.
2. Where an operating establishment is located on a corner, all of the sidewalks fronting the establishment may be used for the sidewalk café.
3. Seating and tables must be up against the wall of the business or as close as possible unless an alternative design is approved by the Zoning Officer.
4. The sidewalk café area shall be separated from the public portion of the sidewalk, by a partition that is between 30 and 42 inches in height. The partition shall not obstruct, in any way, patrons, pedestrians, or public safety personnel from entering or exiting the establishment. Sidewalk cafés shall be exempt from the partition requirements provided the projection into the sidewalk is less than three (3) feet and the Sidewalk Café Plan has been approved.
5. At no time shall the sidewalk café patrician, tables, chairs and any other café furniture or accessory block any residential entrance. A clear straight path from door to curb shall be provided and maintained for public safety reasons.
6. String lights, cafe lights, and similar temporary lights are permitted. While electrical cords running across the sidewalk are discouraged, if necessary, the cord shall be covered and secured to the sidewalk.
7. Any overhead covering shall be appropriate in style to the facade of the building and a permit application for the use of a tent shall be submitted as may be required. Advertising is not permitted on any overhead covering.
8. The sidewalk cafe shall be at the same elevation as the sidewalk. Paint, carpet, platforms or any other surface cover or treatment of any kind shall not be permitted in the area of the sidewalk cafe, unless expressly permitted by the governing body.

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9. Outside speakers or other sound reproduction devices shall not be operated or used within a sidewalk cafe for any reason.
10. Smoking shall not be permitted within a sidewalk café.
11. The entire sidewalk area in front of the premises, including eighteen (18) inches into the street, must be maintained by sweeping or washing daily or more frequently, as needed, by the license.
12. No preparation of food or beverages shall take place outdoors but shall be restricted to the inside of the establishment.
13. No persons, other than those being served and personnel, shall be within the sidewalk cafe area except for those persons passing through the sidewalk cafe to enter or exit the premises. Patrons shall not be served outside of the partition.
14. Holes drilled into the sidewalk for the support of partitions or overhead coverings shall not be permitted.
15. Establishments that do not have table service, shall provide waste receptacle(s) for all used containers, wrappers, bottles, cans and other waste materials. The waste receptacles shall be located within the sidewalk cafe partition area, and shall be removed from the sidewalk each day.

d. Parklet or Streatery

A parklet or streatery is authorized and operating pursuant to this section shall comply with all of the following rules and regulations, and such others as may be adopted by ordinance of the City Council.

1. Provisions applicable to parklets and streateries:
 - i. Hours of operation shall be between 8:00 am and 9:00 pm daily in residential (R) zones and between the hours of 8:00 am and 11:00 pm in commercial (C) and nonresidential zones.
 - ii. Parklets and streateries shall not be located within 25 feet of a crosswalk, 10 feet of hydrants or in handicap spaces, fire zones or loading zones.
 - iii. The parklet and streatery design shall include a protective safety barrier, 36-42 inches in height (excluding plantings), around three sides adjacent to parking spaces and the drive aisle to preserve visibility for motorists and provide protection for patrons.
 - iv. The protective safety barrier may be water-filled barriers, concrete barriers, heavy planters, self-built planters weighted with sand bags, or objects of similar size and weight, to visible separate seating from the travel lane and parking areas. These barriers must be at-least 18" wide at the base and at least 36" high. Barriers may not penetrate the surface of the public way.
 - v. The protective safety barriers shall also comply with design standards to be created and provided by the City.

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- vi. Place the protective barriers directly adjacent to each other and no more than seven (7) feet from the curb.
 - vii. Do not place seating or barriers within eight (8) feet of a crosswalk to provide for safe vehicle turns and avoid crowding.
 - viii. Ensure visibility of patrons and protective barriers at night by clearly marking all barriers with yellow high intensity retro-reflective tape or reflectors.
 - ix. Shade coverings, such as umbrellas or pop-up canopies, may be included as long as no part of the shade canopy extends into the travel lane or over the sidewalk; the shade covering must be anchored securely against wind; and all coverings are closed or removed overnight. Shade covering shall not contain advertising. Any shade covering shall be appropriate in style to the facade of the building and an application for the use of a tent shall be submitted as may be required.
 - x. No preparation of food or beverages shall take place outdoors but shall be restricted to the inside of the establishment.
 - xi. No persons, other than those being served and personnel, shall be within the parklet or streaterly area. Patrons shall not be served outside of the protective barrier.
 - xii. Holes drilled into the sidewalk and/or roadway for the support of partitions or overhead coverings shall not be permitted.
 - xiii. If being used for non-table service use, refuse containers for trash and recycling shall be built into the design or provided and shall be emptied daily by the abutting retail food establishment. The abutting retail food establishment shall be responsible for cleaning in and around the parklet or streaterly. The City of Lambertville shall not be responsible for cleaning or maintenance.
 - xiv. String lights, cafe lights, and similar temporary lights are permitted. While electrical cords running across the sidewalk are discouraged, if necessary, the cord shall be covered and secured to the sidewalk.
 - xv. Outside speakers or other sound reproduction devices shall not be operated or used within a parklet or streaterly for any reason.
 - xvi. Smoking shall not be permitted within a parklet or streaterly.
 - xvii. The City reserves the right to require the removal or temporary relocation of any parklet or streaterly within 14 days of written notice to the licensee for purposes of street repairs or other municipal work in or around the location of the parklet or streaterly. The City further reserves the right to remove or have removed or relocated any parklet or streaterly, upon order of the Police Lieutenant or Office of Emergency Management, in the case of an emergency or imminent hazard, or for reasons of public safety.
2. Provisions applicable to a parklet only.
- i. The parklet shall consist of a platform design to be level with the top of the curb line and the adjacent sidewalk.

- ii. The platform shall be designed in such a way as to not impede rainwater sheet-flow of curbside drainage.
 - iii. The platform shall not have more than a two (2) inch gap between planks of the platform.
 - iv. The platform shall not obstruct access to or ventilation of utility covers.
 - v. The parklet platform shall also be anchored in such a way as to prevent floatation displacement.
 - vi. One (1) permanent sign identifying the abutting retail food establishment sponsor(s) of the parklet may be installed or painted on the protective safety barrier. The sign shall not exceed six (6) square feet in size unless incorporated as an integral part of the design and approved by the zoning officer.
 - vii. Lighting, if any, incorporated into the design of the parklet shall be low voltage, low-lumen and indirect with screening to prevent light shed onto adjacent properties and the vehicular travel lane. Any overhead lighting shall be turned off when the parklet is not in use. An exception may be made for security lighting at floor and bench height, such an exception may be approved by the Zoning Officer on a case by case basis.
 - vii. Upon expiration or termination of the license, the licensee, at his/her/their own expense, shall remove the parklet platform and any accessory or appurtenances associated with it from the public right-of-way and shall restore the right-of-way as nearly as practicable to a condition consistent with the surrounding pavement. If the licensee fails to remove the parklet in full, the City may remove such improvements and make any repairs as may be necessary to restore the public right-of-way, at the sole cost and expense of the property owner; the cost of such removal, repair and/or replacement shall be a municipal lien against the licensee.
3. Provisions applicable to a streatory only.
- i. Temporary ADA curb-ramps must be provided. For streateries up to two parking spaces or forty (40) feet in length, one (1) ADA curb-ramp shall be required centrally located within the streatory. For streateries more than two parking spaces or greater than forty (40) feet in length, two (2) ADA curb-ramps shall be required.
 - ii. One sign, up to six (6) square feet in size, shall be included for a streatory up to 280 square feet in size (i.e. seven (7) feet by forty (40) feet in size or two parking spaces). For streateries larger than 280 square feet, two (2) signs, up to six (6) square feet in size, shall be located at either end of the streatory. Signs shall be positioned on the pavement within the boundaries of the streatory and not on the adjacent sidewalk. Signs shall:
 - a. The sign(s) shall clearly state whether the streatory is for table service only or open to the public, whichever the case may be; and
 - b. The sign(s) may identify the licensee of the streatory.
 - iii. Upon expiration or termination of the license, the licensee, at his/her/their own expense, shall remove the streatory and any accessory or appurtenances associated with it from the public right-of-way and shall restore the right-of-way as nearly as practicable to a condition

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consistent with the surrounding pavement. If the licensee fails to remove the streateries in full, the City may remove such improvements and make any repairs as may be necessary to restore the public right-of-way, at the sole cost and expense of the property owner; the cost of such removal, repair and/or replacement shall be a municipal lien against the licensee.

§ 5-8.7 Alcoholic Beverages. [Ord. No. 2005-15]

The outside area upon which outside seating has been authorized to operate may permit the consumption of alcoholic beverages as follows:

- a. A retail food establishment that does not possess a liquor license may permit its patrons to consume only beer or wine, which is brought to the premises, by its patrons.
- b. A retail food establishment that possesses a plenary retail consumption license must amend their liquor license to include the outdoor ~~seating~~ dining area in order to permit the consumption of alcoholic beverages by its patrons.
- c. Sidewalk cafes, parklets and streateries that permit patrons to bring their own alcohol shall adhere to all laws governing B.Y.O.B. as set forth in N.J.S.A. Title 33, N.J.A.C. 13:2.
- d. Alcoholic beverages, when permitted under these requirements, shall not be served or consumed on any sidewalk or other public area which is outside the partitioned area of the sidewalk café, parklet, streateries or beyond the tables and chairs where no partition exists.
- e. No alcoholic beverages, where permitted, shall be served in a sidewalk café, parklet or strEATERY before 11:00 am or when restricted by State or Local Alcoholic Beverage Control (ABC) laws.

§ 5-8.8 Notice of Violation; Failure to Comply. [Ord. No. 2005-15]

Upon a determination by the Zoning Officer in conjunction with the City Clerk that a license has violated one or more of such provisions, the Zoning Officer shall give written notice to the licensee to correct such violation within 24 hours of the receipt of such notice by the licensee. In the event that the licensee fails or refuses to correct such violation within such period, the licensee's outside seating license thereupon will be revoked.

§ 5-8.9 Appeals. [Ord. No. 2005-15]

Any person aggrieved by any action of the Zoning Officer, in the denial or revocation of an existing outside seating license, shall have the right to appeal to the Mayor and City Council. The appeal shall be taken by filing with the City Clerk, within 30 days after the notice of the action complained of has been served personally upon the licensee, or mailed, postage prepared, to the licensee at the address given by the licensee in making application under subsection 5-8.4, a written statement setting forth fully the grounds for appeal. The City Clerk shall set a time and place of hearing for the appeal, at which time the Mayor and City Council shall conduct a hearing and affirm, modify or reverse the action appealed from.

§ 5-8.10 Penalties {Ord. No. 2005-15]

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Any person convicted of a violation of any of the provisions of this section shall be subject to a fine of at least \$200 and not exceeding \$500 for each and every offense for each day in which the violation has not been abated. In addition to the penalty the person shall be responsible for the cost of conviction.

SECTION 2. Article II “Definitions”, Section Z-201 “Definitions” of the Zoning Ordinance is hereby amended as follows, with new definitions inserted alphabetically:

ARTISAN FOOD AND BEVERAGE PRODUCTION means a facility with on-site production of food or beverage products, involving small batch processing. Typical uses include, but are not limited to: coffee roasting, ice cream, baker, candy, and other foodstuffs; or alcoholic beverage manufacturing. This shall include on-site sales and consumption (i.e. tasting room).

ACTION HOUSE means a building area, or areas within a building, used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

BAKERY means an establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service. A bakery shall be considered a general retail use.

BEAUTY SHOP means any establishment where cosmetology services are provided including hair care, nail care and skin care on a regular basis for compensation.

CHILD CARE CENTER means any facility which is maintained for the care, development or supervision of six or more children under six years of age who attend for less than 24 hours per day and which is licensed by the New Jersey Department of Human Services.

COFFEE SHOP means a type of restaurant that sells coffee, tea and other beverages. A coffee shop may also serve baked goods and dessert-type fare. No goods are sold to customers from a drive-up or drive-through window.

DELICATESSEN means a store selling cold cuts, cheeses and a variety of salads, as well as selection of prepared foods and other related items sold in varying quantities for consumption primarily off-premises. However, there may be on-site consumption of food as an accessory use. A delicatessen may also be referred to as a sandwich shop.

DIGITAL MAKERSPACE means a facility for digital design and fabrication utilizing hardware and software tools. There shall be no emission of any smoke, fumes, gas, dust, odors or any other atmospheric pollutant, which will disseminate beyond the boundaries of the lot occupied by a digital makerspace.

ENTERTAINMENT USES means any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Includes, but not limited to, theatres, bike and boat rentals, sporting goods, skating rinks, arcades, bowling alleys, billiard halls, movie theaters, escape rooms and similar entertainment uses.

FOOD PANTRY means a building or location where an organization or group sorts and packages donated foodstuffs for distribution directly to people in need.

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FUNERAL HOME means a building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

GOURMET FOOD SHOP means a store selling specialty foods (such as a chocolate store, candy shop, ice cream parlor, fishmonger, and the like) where prepared food is sold in varying quantities for consumption primarily off-premises, but which may also provide for on-site consumption of food as an accessory use.

HEADSTONE STORE means a store that sells a headstone, grave marker or tombstone, usually inscribed with a dead person's name. This term does not include an establishment that creates or manufactures headstones.

HEALTH CLUB means an establishment that provides exercise facilities such as running, jogging, aerobics, weight lifting, court sports, yoga, and Pilates, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

HOME FURNISHINGS STORE means an establishment engaged in the retail sale of products used for decorating the home, such as furniture, wall and floor coverings, curtains and draperies, lighting fixtures, electrical appliances, and household decorative items.

HOME IMPROVEMENT CENTER means an establishment providing the sale or rental of building supplies, construction equipment, or home decorating fixtures and accessories. This term includes a lumber yard, masonry supply stores or a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental. This term also includes an establishment devoted exclusively to the retail sale of paint, wallpaper, or hardware and plumbing or electric supply services. This term does not include an establishment or activities classified under vehicle/equipment sales and services, including vehicle towing services.

INCUBATOR SPACE means an office space-type environment that is flexibly designed that accommodates administrative, research and development and/or limited manufacturing activities. The space can be shared by multiple entities that share services. There shall be no emission of any smoke, fumes, gas, dust, odors or any other atmospheric pollutant, which will disseminate beyond the boundaries of the lot occupied by an incubator space. There shall be no vibration that is discernible to the human sense of feeling beyond the boundaries of the subject site.

INSTRUCTIONAL USE means uses for the teaching and practice of dance, drama, art, language, martial arts, music, aerobics, sports, fitness, photography and the like. Such activities may be conducted either partially or entirely within the confines of a building or partially to entirely outdoors. These uses may, from time to time, hold group events, such as birthday parties.

MAKER STUDIO means a studio of a carver, candle maker, painter, sculptor, potter, weaver, jeweler, photographer, 3D printer or the like.

OFFICE means a room or group of rooms used for the conducting of affairs of a business, profession, industry or government and generally furnished with desks, tables, files and communication equipment.

OFFICE, MEDICAL means the office of a licensed medical or health care practitioner providing health care services to a person for the purpose of maintaining or restoring a person's physical or mental health. The term "licensed" is defined in the New Jersey Administrative Code.

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OFFICE, PROFESSIONAL means the office of a member of a recognized profession maintained for the conduct of business in any of the following related categories: architecture, engineering, planning, law, interior design, accounting, insurance, and real estate.

PHARMACY means a place where drugs and medicines are prepared and dispensed.

POSTAL AND SHIPPING CENTERS means a facility that handles packaging and shipping. The facility may also provide small business support including but not limited to full service copy and printing, notary, faxing, mailbox rental, digital services, office supplies and certified shredding.

RESTAURANT, FAST FOOD means an eating establishment primarily serving wrapped individual servings of food or refreshments at a counter in bags or on trays for consumption on or off premises, with or without table seating and with or without a drive-up or drive-through window. A fast food restaurant is distinguished and different from a coffee shop, restaurant, delicatessen and gourmet food shop, which are defined in the ordinance a public eating facility where patrons purchase food while within the physical premises of the restaurant or from a drive thru window, which is obtained by self service or from an employee of the establishment over a counter, for consumption either within the establishment or away from the premises.

TASTING ROOM means a facility that offers samples of beer, spirits or wine as well as sales of said product. However, there is no on-site production.

SECTION 3. Article IV “Zoning”, Section Z-406.1 “Permitted Uses” within the Central Business District (CBD) of the Zoning Ordinance is hereby repealed and replaced as follows:

§ Z-406.1 Permitted Uses.

The following uses shall be permitted in the CBD Zone:

- A. Single family semi-detached residential.
- B. Townhouse.
- C. Age-restricted residential apartments.
- D. Antique Store.
- E. Appliance, electronic sales and service shops, video sales and rentals, recorded music and computer software sales.
- F. Artisan food and beverage production.
- G. Artist gallery.
- H. Artist or maker studio.
- I. Bakery.

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- J. Bank, savings and loan.
- K. Barber shop, beauty salon or hair salon.
- L. Beauty store.
- M. Bed and breakfast.
- N. Bicycle sales or repairs.
- O. Book store.
- P. Clothing and clothing accessory stores, except stores primarily devoted to the sale of T-shirts.
- Q. Club, social or fraternal club.
- R. Coffee shop.
- S. Consignment shop.
- T. Dance school or studio.
- U. Delicatessen.
- V. Digital makerspace.
- W. Dry cleaning and tailoring
- X. Entertainment Uses.
- Y. Funeral home.
- Z. Gallery frame shop.
- AA. Garden or floral shop.
- BB. Gourmet food shop.
- CC. Grocery, convenience or dry goods store.
- DD. Gift shop or novelty store.
- EE. Government uses.
- FF. Home furnishings store.
- GG. Home improvement center.

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- HH. Hotels, motels and inns.
- II. Incubator space.
- JJ. Instructional use.
- KK. Jewelry store.
- LL. Laundromat.
- MM. Light manufacturing.
- NN. Lighting, carpet and furniture stores.
- OO. Liquor store.
- PP. Music store.
- QQ. Non-conforming uses, buildings and lots pursuant to § Z-508.
- RR. Office.
- SS. Office, medical.
- TT. Office, professional.
- UU. Parks, playgrounds and conservation.
- VV. Pharmacy or drug store.
- WW. Public assembly space.
- XX. Public utilities except maintenance yards, power generation or similar industrial functions.
- YY. Religious uses, including houses of worship, parish houses, rectory, parochial school, convent or similar such uses.
- ZZ. Restaurants and luncheonettes excepting fast-food restaurants and drive-through facilities.
- AAA. School district uses.
- BBB. Tasting room.
- CCC. Veterinary clinic.

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DDD. Waterfront commercial use shall be permitted as an optional development overlay provided the tract is located between the Delaware River and Delaware and Raritan Canal, and between the extensions of Delaware Street and Swan Street, excluding any part of Holcombe Island.

EEE. IO-2 Inclusionary Overlay Zone District
[Added 4-18-2019 by Ord. No. 05-2019]

1. Purpose and Area of Application: to address its affordable housing unmet need obligation, the City through the implementation of an Inclusionary Overlay Zone Ordinance that creates a realistic opportunity for housing that is affordable to very-low-, low-, and moderate-income households on Block 1022, Lot 8. This subsection establishes the Inclusionary Overlay Zone 2 — the IO-2 District - and permits the adaptive reuse of the existing nonresidential building into non-age-restricted (family) apartments on the property identified above provided that such housing complies with a required inclusionary set-aside requirement for affordable housing and with the requirements of this subsection.
2. Special Rules.
 - a. In any inclusionary development permitted by this subsection, in the case of affordable rental units, at least 15% of the residential units must be affordable to very-low-, low-, and moderate-income households and, in the case of owner-occupied affordable units, at least 20% of the residential units must be affordable to very-low-, low-, and moderate-income households.
 - b. Where this subsection contradicts § LDR-1200.6 of the City's Affordable Housing Ordinance, the effects and requirements of this subsection shall supersede the requirements of § LDR-1200.6.
3. Permitted Uses.
 - a. Apartment Dwellings.
4. Restriction on Conditional Uses. No development utilizing the provisions of the IO-2 Inclusionary Overlay District shall include any conditional use permitted in § Z-406.3.
5. Accessory Uses Permitted.
 - a. Common recreational facilities, as specifically approved by the Planning Board within the specified open space in order to satisfy the needs of the residential population within the development, including but not limited to tennis courts, tot lots, picnic tables and recreational paths.
 - b. Landscaping features including benches, trellises, gazebos and other such features customarily associated with the permitted principal uses.

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- c. Fences and walls in accordance with the design provisions specified in § Z-507.
 - d. Patios and balconies.
 - e. Off-street parking in accordance with § Z-406.1P7 and Z-509.
 - f. Signs in accordance with § Z-515.
 - g. Office space within an apartment building to be used for the operation and management of the affordable rental apartments.
 - h. Lighting in accordance with § Z-511.
 - i. Stormwater management and other utilities.
 - j. Conservation areas, recreation, open space, and public purpose uses.
 - k. Temporary construction trailers and one sign not exceeding 32 square feet in area, either attached to the trailer or freestanding, which advertises the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and ending with the issuance of a certificate of occupancy or one year, whichever time period is less. The temporary construction trailer(s) and temporary sign shall be located on the site where the construction is taking place and shall be set back at least 30 feet from all lot lines and from the right-of-way lines of all existing and proposed streets. There shall be at least one operating telephone within the trailer.
 - l. Other accessory uses customarily incidental to a principal use.
6. Maximum Density. The maximum density of housing units shall be 10 units per acre.
7. Off-Street Parking.
- a. Each dwelling unit shall be provided a minimum number of parking spaces according to the provisions of the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21.
 - b. See § Z-509 for additional standards.
8. Affordable Housing Standards.
- a. A developer's agreement is required to establish low/moderate apportionment, very-low-income requirement per N.J.S.A. 52:27D-329.1, bedroom distribution, unit size, etc.

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- b. At least 13% of the units shall be affordable to very-low-income households, 37% of the units shall be affordable to low-income households, and 50% may be affordable to moderate-income households.
- c. The affordable units shall be developed in accordance with COAH's regulations at N.J.A.C. 5:93~~L1~~ and the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which govern the administration and affordability controls of affordable units in New Jersey, with one exception. The exception is for 13% very-low-income housing at 30% of the regional median income instead of the UHAC requirement of 10% very-low-income housing at 35% of the regional median income.

^[1] Editor's Note: In accordance with N.J.S.A. 52:14B — 5.1b, Chapter 93, Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning June 6, 1994, expired on 10-16-2016.

- d. Affordable Housing Standards. In addition to addressing the requirements of COAH and noted above, the affordable units shall be developed in accordance with the following:
 - (1) The affordable units cannot be age-restricted units;
 - (2) The bedroom distribution requirements pursuant to N.J.A.C. 5:93-7.3^[2] and N.J.A.C. 5:80-26.3(b).

^[2] Editor's Note: In accordance with N.J.S.A. 52:14B — 5.1b, Chapter 93, Substantive Rules of the New Jersey Council on Affordable Housing for the Period Beginning June 6, 1994, expired on 10-16-2016.
 - (3) The unit distribution requirements pursuant to N.J.A.C. 5:80-26.3.
 - (4) The length of controls requirement and deed restrictions pursuant to N.J.A.C. 5:80-26.11.
 - (5) The accessibility and adaptability requirements pursuant to N.J.A.C. 5:97-3.14.^[3]

^[3] Editor's Note: The provisions of N.J.A.C. 5:97 expired 6-2-2015.

SECTION 4. Article IV “Zoning”, Section Z-406.3 “Conditional Uses” within the Central Business District (CBD) of the Zoning Ordinance is hereby amended to read as follows (new text is underlined thus; deleted text is ~~strikeout~~):

§ Z-406.3 Conditional Uses.

The following conditional uses may be permitted in the Central Business District:

- A. ~~Conversion of existing buildings for a~~ Apartment use conforming to the criteria of §406.8 and §517.

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- B. Structured parking conforming to the criteria of §406.9 and §517.
- C. Taverns and bars conforming to the criteria of §406.10 and §517.
- D. Conversion of second floor and higher floors to non-residential use provided that the gross floor area of the building shall be not less than 1,800 square feet and the criteria of §517 are met.
- E. Cannabis retailer conforming to the criteria of §406.13 and §517.

[Added 7/22/21, Ordinance # 16-2021].

SECTION 5. Article IV “Zoning”, Section Z-406.7 “Off-Street Parking and Loading Requirements” within the Central Business District (CBD) of the Zoning Ordinance is hereby repealed and replaced as follows:

§ Z-406.7 Off Street Parking and Loading Requirements.

- A. Residential Uses. Each dwelling unit shall be provided a minimum number of parking spaces according to the provisions of the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21.
- B. Non-residential Uses. New non-residential use shall be required to provide off-street parking spaces in accordance with the Schedule of Required Off-Street Parking Facilities, § Z-406.7C, when the following occurs:
 - 1. The proposed use involves the construction of new buildings or additions exceeding one-third of the gross square footage of the existing building.
 - 2. Public assembly spaces exceeding 75 seats.
 - 3. The change of use results in a net increase of fifteen (15) or more parking spaces.
- C. Schedule of Required Off-Street Parking Facilities. The following parking schedule shall be used to calculate the required number of parking spaces per use, as necessary. Unless otherwise noted, the calculation shall be based upon the gross square footage of the floor area of the use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded to the next highest whole number. Where more than one permitted use is allowed within the district, the requirement for parking spaces shall be the sum of the individual uses computed separately.
 - 1. Retail and personal sales and service: one space per 300 square feet.
 - 2. General and professional offices, excepting medical and dental offices: one space per 300 square feet.

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3. Medical and dental offices: one space per 250 square feet.
4. Restaurants and luncheonettes: one space per three seats.
5. Taverns and bars: one space per two seats. Where individual seats are not provided, each 24 inches of counter shall constitute one seat.
6. Funeral homes shall provide at least six spaces for each viewing room.
7. Hotels, motels and inns: one space per room.
8. Artist galleries and antique stores, excepting cooperative spaces: one space per 600 square feet.
9. Cooperatives: three spaces per exhibit area.
10. Religious use, excepting residential: one space for each five seats. Where individual seats are not provided, each 21 inches of bench or pew shall be considered one seat.
11. Public Assembly: one space for each five seats.
12. Theatre: one space for each three seats.
13. Commercial recreation, indoor: one space for each 400 square feet, excepting bowling alleys which shall provide four spaces per lane.
14. Commercial recreation, outdoor: Sufficient space shall be provided to prevent parking in fire lanes or parking aisles as reasonably determined by the approving authority.
15. Other uses not specifically identified: one space per 300 square feet.

D. Required Loading.

1. 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.
2. Business or service establishments occupying a lot of 15,000 square feet or larger shall provide off-street loading and unloading space on the premises. Each off-street loading area shall be a minimum of 12 feet by 35 feet. The loading area shall be so arranged to avoid impairment to the circulation system of parking spaces, parking aisles, points of ingress and egress, and streets.

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

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

SECTION 6. Article IV “Zoning”, Section Z-406.8 “Conditions for Conversion to Apartment Use” within the Central Business District (CBD) of the Zoning Ordinance shall be amended as shown with new text underlined and text for deletion in ~~strikeout~~:

§ Z-406.8 Conditions for ~~Conversion to~~ Apartment Use.

- A. No apartment shall be permitted within a basement or a cellar as defined in Article II, § 201. An apartment(s) shall be permitted on the first floor of a building; however, the habitable room area, as defined in § 201, for said unit(s) shall not occupy more than 50% of the first floor area as measured from the rear wall of the building, exclusive of common hallways providing access to said unit(s). No portion of the habitable room area shall be permitted within the front areas of the first floor as measured from the front wall of the building, that being the wall facing a public street within the CBD Zone. The minimum square footage standards contained in § 406.8 paragraph E shall continue to apply to any apartment within the CBD Zone.
- B. Public notice shall be given in the same manner as required for applications for development.
- C. Access to each apartment shall be by means of an entrance to the exterior of the building or be common hallway.
- D. Each apartment shall have a minimum of two means of ~~ingress and egress~~ and one means of ingress.
- E. No apartment shall be less than the square footage minimum required as follows:
1. Efficiency: 450 square feet.

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2. One Bedroom: 600 square feet.
3. Two Bedroom: 800 square feet.
4. Three Bedrooms or More: 900 square feet plus 100 square feet additional for each bedroom in excess of three.

SECTION 7. Article IV “Zoning”, Section Z-407.1 “Permitted Uses” within the C-2 Service Commercial District of the Zoning Ordinance is hereby repealed and replaced as follows:

§ Z-407.1 Permitted Uses.

In the C-2 Service Commercial Zone, no lot shall be used and not structure shall be erected, altered or occupied for any purpose except the following:

- A. Appliance, electronics sales and service shops, video sales and rentals, recorded music and computer software sales.
- B. Artisan food and beverage production.
- C. Artist galleries and antique stores.
- D. Artist or maker studio.
- E. Auction house.
- F. Automobile sales, both new and used, and auto body shop except auto wrecking yards and junk yards.
- G. Automobile parts and accessories, including tire and battery sales, but not to include tire recapping or recycling.
- H. Bakery.
- I. Bank, savings and loan.
- J. Clothing and clothing accessory stores, excepting stores primarily devoted to the sale of T-shirts.
- K. Delicatessen.
- L. Digital makerspace.
- M. Dry cleaning and tailoring services.
- N. Entertainment Uses.

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- O. Food pantry.
- P. Funeral home.
- Q. Gourmet food shop.
- R. Government uses.
- S. Grocery, convenience, dry goods stores, card and flower shops.
- T. Headstone store.
- U. Home Improvement Centers.
- V. Incubator space.
- W. Instructional use.
- X. Liquor store.
- Y. Non-conforming uses, buildings and lots pursuant to § Z-508.
- Z. Office.
- AA. Office, Professional.
- BB. Office, Medical.
- CC. Pet washing, self-service and full-service, and pet grooming.
- DD. Postal and shipping center.
- EE. Pharmacy or drug store.
- FF. Public assembly space.
- GG. Restaurants and coffee shops, excepting fast-food restaurants and drive-thru facilities.
- HH. Shoe cobbler.
- II. Tasting room.
- JJ. Travel agency.

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SECTION 8. Article IV “Zoning”, Section Z-407.3 “Conditional Uses” within the C-2 Commercial District of the Zoning Ordinance shall be amended as shown with new text underlined and text for deletion in ~~strikeout~~:

§ Z-407.3 Conditional Use.

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

A. Service Stations.

Service stations in accordance with the following criteria:

1. No service station shall have an entrance or exit for vehicles within 200 feet along the same side of a street as any school, public playground, church, hospital, public building or institution, except where such property is in another block or on another street which the lot in question does not abut.
2. No service stations shall be permitted where any oil draining pit or visible appliance for any purpose (other than filling pumps and air pumps) is located within 20 feet of any street line or within 50 feet of any residential district, unless such appliance or pit is within a building. Gasoline pumps and air pumps within the required front yard space shall be no closer than 15 feet to the street line.
3. No junked motor vehicle or part thereof, scrap metal, or motor vehicles incapable of normal operation upon the highways shall be permitted on the premises of any service station. It shall be deemed prima facie evidence of violation of this Ordinance if more than three motor vehicles incapable of operation are located at any time upon any premises not within a closed and roofed building and if any scrap metal or other junk is stored upon and premises not within a closed and roofed building excepting, however, that a number not exceeding six motor vehicles may be located upon any service station premises outside of a closed or roofed building for a period of time not to exceed 48 hours and providing that said motor vehicles are awaiting repair by the owners thereof.
4. Any service station shall be located within the C-2 Service Commercial District.

B. Cannabis Retailer.

Cannabis Retailers in accordance with the following criteria:

1. The regulations of this Section are subject to the enabling authority of the State of New Jersey, by and through the Cannabis Regulatory Commission, and are subject

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- to compliance with all statutes and/or regulations promulgated and adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
2. A cannabis retailer shall be located at least five hundred (500) feet from a school or comply with a greater distance buffer from a school as may be required by State or Federal Law.
 3. A cannabis retailer shall not be located within six hundred (600) feet to any other Class 5 Cannabis Retailer.
 4. A cannabis retailer may operate between the hours of 9:00 A.M. and 7:00 P.M. Monday through Saturday and between the hours of 10:00 A.M. and 5:00 P.M. on Sunday.
 5. No more than six (6) ounces of cannabis or cannabis product may be sold to a specific customer at a given time.
 6. Use or consumption of cannabis or cannabis products in any manner shall not be permitted within the Cannabis Retailer's facility, whether in the building or on its grounds or parking lots. Cannabis Consumption Areas are not permitted.
 7. All Cannabis Retailers shall be enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.
 8. Any Cannabis Retailer shall only have one (1) primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
 9. Drive-through facilities are not permitted.
 10. All cannabis retailers shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year; and shall have trained security personnel onsite within the facility at all times during operating hours.
 11. Police must have full access to the video surveillance system.
 12. Video surveillance shall be retained a minimum of seven (7) days or pursuant to State and Federal law, whichever is greater.
 13. Cannabis Retailers' interiors shall provide a secure location for storage of products with minimum products in any customer service area.

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14. People shall not be permitted to congregate outside of a Cannabis Retailer, loiter or wait in line to access the Cannabis Retailer. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
15. Signs shall be limited to location identification/name of business. Signs shall not promote consumption of any cannabis product. Signage design shall not include artistic or photographic renderings of cannabis plants or paraphernalia. Neon signs shall be prohibited.

C. Apartments.

1. No apartment shall be permitted within a basement or a cellar as defined in Article II, § 201. An apartment(s) shall be permitted on the first floor of a building; however, the habitable room area, as defined in § 201, for said unit(s) shall not occupy more than 50% of the first floor area as measured from the rear wall of the building, exclusive of common hallways providing access to said unit(s). No portion of the habitable room area shall be permitted within the front areas of the first floor as measured from the front wall of the building, that being the wall facing a public street within the C-2 Zone. The minimum square footage standards contained in § 407.3.C.5 shall continue to apply to any apartment within the C-2 Zone.
2. Public notice shall be given in the same manner as required for applications for development.
3. Access to each apartment shall be by means of an entrance to the exterior of the building or be common hallway.
4. Each apartment shall have a minimum of two means of egress and one means of ingress.
5. No apartment shall be less than the square footage minimum required as follows:
 - a. Efficiency: 450 square feet.
 - b. One Bedroom: 600 square feet.
 - c. Two Bedroom: 800 square feet.
 - d. Three Bedrooms or More: 900 square feet plus 100 square feet additional for each bedroom in excess of three.

SECTION 9. Article IV “Zoning”, Section Z-407.6 “Minimum Off-Street Parking” within the C-2 Service Commercial District of the Zoning Ordinance is hereby repealed and replaced as follows:

§ Z-407.6 Minimum Off Street Parking.

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- A. Residential Uses. Each dwelling unit shall be provided a minimum number of parking spaces according to the provisions of the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21.
- B. Non-residential Uses. New non-residential use shall be required to provide off-street parking spaces in accordance with the Schedule of Required Off-Street Parking Facilities, § Z-407.6C, when the following occurs:
 - 1. The proposed use involves the construction of new buildings or additions exceeding one-third of the gross square footage of the existing building.
 - 2. Public assembly spaces exceeding 75 seats.
 - 3. The change of use results in a net increase of fifteen (15) or more parking spaces.
- C. Schedule of Required Off-Street Parking Facilities. The following parking schedule shall be used to calculate the required number of parking spaces per use, as necessary. Unless otherwise noted, the calculation shall be based upon the gross square footage of the floor area of the use. Where the calculation results in a fraction of a space, the required number off parking spaces shall be rounded to the next highest whole number. Where more than one permitted use is allowed within the district, the requirement for parking spaces shall be the sum of the individual uses computed separately.
 - 1. Funeral homes shall provide at least six spaces for each viewing room.
 - 2. Retail and personal sales and service: one space per 300 square feet.
 - 3. Professional building shall provide two spaces for each room in the building but in no case less than five spaces.
 - 4. Restaurants and luncheonettes: one space per three seats.
 - 5. Artist galleries and antique stores, excepting cooperative spaces: one space per 600 square feet.
 - 6. Cooperatives: three spaces per exhibit area.
 - 7. Public Assembly: one space for each five seats.
 - 8. Television and radio appliance stores, tire sales, automobile parts and accessory stores and home improvement centers shall provide one space for each 80 square feet of gross floor area or fraction thereof.
 - 9. Automobile sales shall provide one space for each 800 square feet of office and retail gross floor area plus one space for each 2,000 square feet devoted to storage facilities.
 - 10. Offices not located within a professional building: one space per 300 square feet.

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11. Government buildings shall provide one space for each vehicle owned and/or operated by the use plus one space for each 3,000 square feet or gross floor area used for warehousing, shipping or receiving plus one space for every 700 square feet of gross floor area used for other purposes.
 12. Cannabis retailer: one space for each 300 square feet.
- D. The design standards of § 509 shall apply to all off-street parking.
- E. Location of Parking. Required off-street parking may be supplied off-tract provided the following criteria are met:
1. The off-tract parking shall not provide required parking for any other use.
 2. An adequate guaranty that establishes a right to the use of the off-tract parking shall be provided.
 3. The off-tract parking is located within the following distances from the premises in question:
 - a. Senior citizen residential use: 150 feet.
 - b. Other residential use: 300 feet.
 - c. Non-residential use: 600 feet.

SECTION 10. Article IV “Zoning”, Section Z-408.1 “Principal Permitted Uses on the Land and In Buildings” within the C-3 General Commercial District of the Zoning Ordinance is hereby repealed and replaced as follows:

§ Z-408.1 Principal Permitted Uses on the Land and In Buildings.

- A. Artisan food and beverage production.
- B. Artist galleries and antique stores.
- C. Artist or maker studio.
- D. Auction house.
- E. Bakery.
- F. Barber shop, beauty salon or hair salon.
- G. Coffee shop.

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- H. Dance school or studio.
- I. Delicatessen.
- J. Digital makerspace.
- K. Gourmet food shop.
- L. Government uses.
- M. Grocery, convenience, dry goods stores, card and flower shops.
- N. Health club.
- O. Home Improvement Centers.
- P. Incubator space.
- Q. Instructional use.
- R. Light manufacturing.
- S. Music stores.
- T. Non-conforming uses, buildings and lots pursuant to § Z-508.
- U. Office.
- V. Office, Professional.
- W. Office, Medical.
- X. Parks, playgrounds and conservation.
- Y. Pet Washington, self-service and full-service, and pet grooming.
- Z. Restaurants and coffee shops, excepting fast-food restaurants and drive-thru facilities.
- AA. Tattoo studio or permanent makeup studio.
- BB. Warehousing or storage of goods provided such activities and inventories are conducted entirely within an enclosed structure.

SECTION 11. Article IV “Zoning”, Section Z-408.6 “Minimum Off-Street Parking” within the C-3 General Commercial District of the Zoning Ordinance is hereby repealed and replaced as follows:

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§ Z-408.6 Minimum Off Street Parking Requirements.

- A. Non-residential Uses. New non-residential use shall be required to provide off-street parking spaces in accordance with the Schedule of Required Off-Street Parking Facilities, § Z-408.6B, when the following occurs:
1. The proposed use involves the construction of new buildings or additions exceeding one-third of the gross square footage of the existing building
 2. The change of use results in a net increase of 15 or more parking spaces.
- B. Schedule of Required Off-Street Parking Facilities. The following parking schedule shall be used to calculate the required number of parking spaces per use, as necessary. Unless otherwise noted, the calculation shall be based upon the gross square footage of the floor area of the use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded to the next highest whole number. Where more than one permitted use is allowed within the district, the requirement for parking spaces shall be the sum of the individual uses computed separately.
1. General commercial: one space for each 700 square feet.
 2. Wholesale use: one space for each 3,000 square feet.
 3. Cannabis retailer: one space for each 300 feet.
- C. The design standards of § Z-509 shall apply to all off-street parking.
- D. Location of Parking. Off-street parking spaces shall be located within 200 feet of the use it is intended to serve.

SECTION 12: Referral to Planning Board. Following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the City of Lambertville Planning Board for review pursuant to *N.J.S.A. 40:55D-26*.

SECTION 13: Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

SECTION 14: Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be valid and enforceable.

SECTION 15: Effective Date. This ordinance shall take effect twenty days from the date of its adoption and upon filing with the Hunterdon County Planning Board, as required pursuant to *N.J.S.A. 40:69A-181* and *N.J.S.A. 40:55D-16*.

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Introduced: November 18, 2021

Referred to Planning Board: December 1, 2021

Second Reading and Adoption: December 16, 2021

ORDINANCE NUMBER 25-2021: An Ordinance to Amend the Lambertville City Code, 2014, Chapter 8, Municipal Parking Areas and Metered Parking, Article III, Residential Parking Permits.

**City of Lambertville
ORDINANCE NUMBER 25-2021**

An Ordinance to Amend the Lambertville City Code, 2014, Chapter 8, Municipal Parking Areas and Metered Parking, Article III, Residential Parking Permits

Whereas, the governing body of the City of Lambertville has reviewed the requirements of Article III of Chapter 8 of the Lambertville City Code, 2014 and

Whereas, a discussion regarding current rates was held at the November 4, 2021 work session; and

Whereas, the last time the code was updated and residential parking permit fees were increased was in 2011.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville that the following sections of the Lambertville City Code, 2014 be amended through Ordinance Number 25-2021 which was introduced at a public meeting held on Thursday, November 18 with a public hearing scheduled for December 16, 2021.

§ 8-28 PERMITS INSTITUTED; ENTITLEMENT.

There is hereby instituted a resident parking permit program, to be instituted as follows:

a. Each licensed driver who resides in the City shall be entitled to a resident parking permit for one registered vehicle **if their primary residence is located on a street with a parking meter**. No household shall receive more permits than licensed drivers residing therein.

b. The City Clerk is hereby empowered to issue said permits upon the compliance with this article's regulations.

8-29 RULES AND REGULATIONS

II. TERM FOR PERMIT:

ANNUAL PERMIT: Each residential parking permit shall be valid from January 1 to December 31 and shall be renewable upon expiration provided the conditions for issuance continue to exist.

SIX-MONTH OR LESS PERMITS will be available after July 1 of each year and will expire December 31.

III. DISPLAYING OF PERMIT:

PARKING STICKERS: Each permit shall be issued a corresponding sticker to be affixed on the rear windshield, on the passenger side bottom corner (right side).

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TEMPORARY PERMITS: Each permit holder shall be issued a temporary permit by the Clerk's Office.

V. EXEMPT FROM METER FEES: All vehicles properly displaying a valid residential parking permit shall be exempt from paying any meter fee and from the time limits imposed by signage on the street on which their residence is located. ~~The permit shall not be valid in any City owned lot.~~

1. PERMANENT RESIDENT: A completed application with the following information is required for a permanent Lambertville resident. If you are a licensed driver relocating to New Jersey from another state, you need to change titles and registration for all vehicles currently titled and registered in another state. You must register your vehicles within 60 days or before your out-of-state registration expires (whichever is first).

REMOVE (a) and amend (b):

(a) ~~A valid, current State of New Jersey driver's license.~~

(b) A valid State of New Jersey motor vehicle registration for the vehicle for which the permit is sought, ~~which must include the applicant's Lambertville address.~~

(c) The resident parking permit ("permit") shall be issued under the following regulations and rules:

(d) A valid vehicle insurance card.

(e) Lease or deed for the residence, which proves residency and reflects off-street parking is not available.

(f) RESIDENT PARKING PERMIT TYPES AND FEES: There are two types of resident parking permits and they include: a permanent fixable Single Car Permit, and a Transferable Multi-Car Permit.

(i) Permanent Single Car Permit: are not transferable and shall automatically be revoked in the event a holder ceases to be a resident of the City of Lambertville.

(ii) Transferable Multi-Car Permits: may be transferred between a personal vehicle and a company vehicle and may be issued upon documentation presented to the City Clerk.

The fee for beginning with the issuance of the 2022 residential parking permits shall be \$120.00 for the full year permit and \$90 beginning July 1 of the calendar year for the six-month permit.

The fee shall increase by \$12.00 for the full year permit and by \$9.00 for the six-month permit for each calendar year.

REMOVE NUMBER 2

2. ~~PART TIME RESIDENT: A completed application with the following information is required for a part time Lambertville resident who is not eligible to hold a New Jersey driver's license:~~

~~(a) A valid, current driver's license for the permanent residence.~~

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~~(b) A valid motor vehicle registration for the vehicle for which the permit is sought for the permanent residence.~~

~~(c) A valid vehicle insurance card in the name of the homeowner or lease with the address of the permanent residence.~~

~~(d) Lease or deed for the Lambertville residence, which proves ownership or a lease holding interest in the property and reflects off street parking is not available.~~

~~(e) A certification of the following:~~

~~(i) That the applicant has established permanent residency in another state,~~

~~(ii) That the vehicle is not principally garaged in Lambertville for more than six months a year.~~

3. TEMPORARY NON-RESIDENT PARKING PERMITS: Temporary Permits may be issued for a period not to exceed two weeks or 14 days for a fee of \$25. Temporary permits are available for the following:

ADD:

Temporary Permits shall not be issued to Air BnB or short-term rental units. Please see number 6. BED AND BREAKFAST BUSINESSES (B&B'S).

FIRST READING AND INTRODUCTION: November 18, 2021

SECOND READING AND PUBLIC HEARING: December 16, 2021

ORDINANCE NUMBER 26-2021: *An Ordinance Authorizing the Execution of a Lease Agreement Between the City of Lambertville and Fisherman's Mark for use of Certain Portions of the Property Owned by the City and Located at 260 N. Main Street (Block 1002, Lot 41).*

City of Lambertville

ORDINANCE NUMBER 26-2021

An Ordinance Authorizing the Execution of a Lease Agreement Between the City of Lambertville and Fisherman's Mark for use of Certain Portions of the Property Owned by the City and Located at 260 N. Main Street (Block 1002, Lot 41).

WHEREAS, the City of Lambertville (the "City"), a municipal corporation of the State of New Jersey, with offices located at 18 York Street, Lambertville New Jersey 08530, owns the property shown on the City Tax Maps as Block 1002, Lot 41, commonly known as 260 N. Main Street (the "Property"); and

WHEREAS, Fisherman's Mark ("Fisherman's Mark") has requested to lease certain portions of the Property for food pantry and administrative uses (the "Leased Premises"); and

WHEREAS, Fisherman's Mark is a New Jersey nonprofit corporation organization based in the City, and in accordance with its mission statement, provides programs to vulnerable populations that

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promote stability, health and education, while also providing responsive services such as food and affordable childcare services; and

WHEREAS, Fisherman's Mark wishes to provide a store-like environment to give City residents food to prepare meals that are affordable and healthy choices; and

WHEREAS, the Leased Premises at the Property are not currently being used by the City; and

WHEREAS, the use of the Leased Premises at the Property will allow Fisherman's Mark to continue to provide essential services for City residents in need; and

WHEREAS, the City may lease the Leased Premises to Fisherman's Mark by ordinance, pursuant to N.J.S.A. 40A:12-1 et. seq. of the Local Lands and Buildings Law; and

WHEREAS, there is a desire to approve a lease agreement with Fisherman's Mark for use of the Leased Premises, for a term of one (1) year, in the form set forth in the attached hereto as Exhibit A (the "Lease Agreement").

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lambertville, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council approves the execution of the Lease Agreement with Fisherman's Mark for use of the Leased Premises, as more fully described in the Lease Agreement.
3. The Mayor is authorized to execute the Lease Agreement in substantially the same form attached hereto as Exhibit A, and subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in her discretion in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. The City Clerk is hereby directed to publish this Ordinance as required by applicable law and make the same available for public inspection.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

FIRST READING AND INTRODUCTION: November 18, 2021

SECOND READING AND PUBLIC HEARING: December 16, 2021

ORDINANCE NUMBER 27-2021: *An Ordinance Amending Certain Sections, As Specified Below, of the City of Lambertville Land Development Review Ordinance, Article XII Affordable Housing, Section LDR-1200, "Affordable Housing Ordinance," to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the City's Affordable Housing Obligations.*

Ordinance No. 27-2021

Amendments to the Affordable Housing Ordinance

City of Lambertville, Hunterdon County

AN ORDINANCE AMENDING CERTAIN SECTIONS, AS SPECIFIED BELOW, OF THE CITY OF LAMBERTVILLE LAND DEVELOPMENT REVIEW ORDINANCE, ARTICLE XII AFFORDABLE HOUSING, SECTION LDR-1200, "AFFORDABLE HOUSING ORDINANCE," TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE CITY'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS the State of New Jersey has a longstanding and well-established commitment to maximizing the opportunities for the development of housing affordable for very-low-, low-, and moderate-income households; and

WHEREAS the provision of "safe, decent and attractive housing that [very-low-, low-, and moderate-income households] can afford serves the community's interest in achieving an integrated, just and free society and promotes the general welfare of all citizens." De Simone v. Greater Englewood Hous. Corp., 56 N.J. 428, 441 (1970); and

WHEREAS notably, in the Mount Laurel decisions, the New Jersey Supreme Court held that the State's Constitution makes it "plain beyond dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare required in all local land use regulations." S. Burlington Cty. NAACP v. Mount Laurel, 67 N.J. 151, 179 (1975) (Mount Laurel I); and

WHEREAS the Court thus found that "each ... municipality [must] affirmatively ... plan and provide, by its land use regulations, the reasonable opportunity for an appropriate variety and choice of housing, including, of course, low and moderate cost housing, to meet the needs, desires and resources of all categories of people who may desire to live within its boundaries." Ibid.; and

WHEREAS since then, New Jersey's courts have consistently recognized that "[t]he public policy of this State has long been that persons with low and moderate incomes are entitled to affordable housing ... 'There cannot be the slightest doubt that shelter, along with food, are the most basic human needs.'" Homes of Hope, Inc. v. Eastampton Tp. Land Use Planning Bd., 409 N.J. Super. 330, 337 (App. Div. 2009) (quoting Mount Laurel I, 67 N.J. at 178); and

WHEREAS the New Jersey Legislature itself affirmed this commitment when it enacted the Fair Housing Act of 1985, which established that it is in the State's interest "to maximize the number of low and moderate units by creating new affordable housing and by rehabilitating existing, but substandard, housing in the State." N.J.S.A. 52:27D-302; and

WHEREAS accordingly, the New Jersey Supreme Court has determined that "[a]ffordable housing is a goal that is no longer merely implicit in the notion of the general welfare. It has been expressly

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recognized as a governmental end and codified under the FHA.” Holmdel Builders Ass’n v. Holmdel, 121 N.J. 550, 567 (1990).

NOW THEREFORE BE IT ORDAINED by the Council of the City of Lambertville, Hunterdon County, New Jersey, that the following Sections of Chapter LDR Land Development Review, Article XII Affordable Housing, Section LDR-1200 Affordable Housing Ordinance are hereby amended as specified below, in order to address the City of Lambertville’s constitutional obligation to provide for its fair share of very low-, low- and moderate-income housing, as directed by the Superior Court and consistent with *N.J.A.C. 5:93-1, et seq.*, as amended and supplemented, *N.J.A.C. 5:80-26.1, et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy those units.

SECTION 1: SECTION LDR-1200.6. shall be repealed and replaced as follows:

Section LDR-1200.6 City-wide Mandatory Set-Aside

1. Purpose. The purpose of this mandatory affordable housing set-aside ordinance is two-fold:
 - a. One, ensure that multi-family residential development or combined multi-family residential/non-residential development, providing a minimum of five (5) new housing units at a density of six (6) or more units per acre that results from a rezoning, variance, redevelopment plan, rehabilitation plan, or other zoning or land use incentive produces affordable housing at an appropriate set-aside rate of twenty percent (20%), consistent with applicable law; and
 - b. Two, ensure consistent with the New Jersey Supreme Court’s directives in Mount Laurel II, that opportunities for affordable housing are captured as land becomes available for development and redevelopment (including as a result of private acquisition or assembly of a tract, fires and the resulting demolition of structures, and redevelopment, either public or private) within the boundaries of the City, which has an unmet need obligation, see S. Burlington Cty. NAACP v. Mount Laurel, 92 N.J. 158, 248 n.21 (1983) (Mount Laurel II) and the Court’s decision with regards to the initial Fairness and Compliance Hearing held before the Court on September 13, 2018 and the Consent Order Approving Amended Settlement and Agreement and Conditional Judgment of Mount Laurel Compliance and Repose entered June 23, 2020, in In the Matter of the City of Lambertville, County of Hunterdon, Docket No. HNT-L-311-15.
2. Applicability of Mandatory Affordable Housing Set-Aside. This mandatory affordable housing set-aside ordinance shall apply as follows:
 - a. A minimum affordable housing set-aside of 20% shall be required to be included within a development, except as noted herein, throughout the entirety of the municipality when a multi-family residential, or combined multi-family residential/non-residential development, providing a minimum of five (5) new housing units at a density of six (6) or more units per acre, is created through:
 - (i) a municipal rezoning permitting multi-family housing where not previously permitted; or

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- (ii) the granting of a “D” variance pursuant to NJS 40:55D-70.d (e.g., use variance, density variance); or
 - (iii) a new or amended redevelopment plan or rehabilitation plan.
 - b. Within the lands between the Delaware River and N.J.S.H. Route 29, any residential development, except as noted herein, providing a minimum of five (5) new housing units at a density of six (6) or more units per acre that requires site plan or subdivision approval shall provide a minimum affordable housing set-aside of 20%, to be included within the development.
 - (i) A developer subject to this mandatory affordable housing set-aside ordinance may request, and the approving authority at its discretion may grant, additional incentives for the production of affordable housing, including but not limited to increased density, an increase in the maximum permitted number of dwelling units within a building, and/or a reduction in the off-street parking spaces otherwise required.
- 3. Exemptions. This mandatory affordable housing set-aside ordinance shall not apply to sites already zoned for inclusionary residential development with an affordable housing set-aside or for which an inclusionary residential redevelopment plan has been adopted consistent with the City’s Court-approved Housing Plan Element and Fair Share Plan, adopted in accordance with the settlement agreement with Fair Share Housing Center, which sites shall comply with the applicable adopted zoning.
- 4. Other Terms Applicable. The following terms shall apply to Lambertville’s mandatory affordable housing set-aside ordinance:
 - a. All subdivision and site plan approvals of qualifying developments identified in §1200-6.2.a and §1200-6.2.b shall be conditioned upon compliance with the provisions of this mandatory affordable housing set-aside ordinance.
 - ~~5.b.~~ No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. A developer may not, for example, subdivide a project into two lots and then plan each of them to produce a number of units just below the threshold.
 - c. In the event the number of affordable housing units to be provided includes a fraction, the number shall be rounded up if the fractional amount is 0.5 or greater and rounded down if the fractional amount is less than 0.5. The developer shall provide a payment in lieu of constructing affordable units for the fraction of a unit less than 0.5.
 - d. All affordable units created shall fully comply with Chapter LDR Land Development Review, Article XII Affordable Housing, Sections LDR-1200.7 through LDR-1200.25.
 - e. This requirement shall not give any developer the right to any such rezoning, variance, redevelopment designation or redevelopment or rehabilitation plan approval, or any other such relief, or establish any obligation on the part of the City to grant such rezoning, variance, redevelopment designation, redevelopment or rehabilitation plan approval, or other such or further relief.

- f. No developer may make a payment in lieu of constructing affordable units on site, except for fractional units as noted in Paragraph c, above.

SECTION 2: SECTION 1200-9 shall be amended to read as follows (additions in **bold** and deletions in ~~strike through~~):

Section LDR-1200-9 New Construction

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

- a. **All affordable units created shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units shall be required to be restricted for very-low-income households earning thirty percent (30%) or less of the median income pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA").**
- ab. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least ~~13 percent~~ **thirteen percent (13%)** of all restricted rental units shall be very low income units (affordable to a household earning ~~30 percent~~ **thirty percent (30%)** or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development.
- c. **At least 50% of the affordable units in each bedroom category (1BR, 2BR and 3 BR) within a development shall be affordable to low-income households, inclusive of at least thirteen percent (13%) of units affordable to very-low-income households.**
- bd. ~~In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low income units. In each development that includes affordable housing, thirteen percent (13%) of the restricted units overall shall be very low-income units, and these very low-income units shall be counted toward the fifty percent (50%) low-income requirement. The very low-income units shall be provided as follows: in developments that produce one (1) very low-income unit, the very low-income unit shall be a two- or three-bedroom unit; in developments that produce two (2) very low-income units, no more than one (1) of the very low-income units may be a one-bedroom unit; and in developments that produce three (3) or more very low-income units, an equal number of very low-income units shall be provided within each bedroom distribution, and any additional very-low-income units shall be two- or three-bedroom units.~~
- ee. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
- 1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total **very low-**, low- and moderate-income units;

- 2) At least 30 percent of all **very low-**, low- and moderate-income units shall be two bedroom units;
- 3) At least 20 percent of all **very low-**, low- and moderate-income units shall be three bedroom units; and
- 4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

4f. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted **very low-**, low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

2. Accessibility Requirements:

- a. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, *N.J.A.C. 5:23-7* and the following:
- b. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - 1) An adaptable toilet and bathing facility on the first floor; and
 - 2) An adaptable kitchen on the first floor; and
 - 3) An interior accessible route of travel on the first floor; and
 - 4) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - 5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - 6) An accessible entranceway as set forth at P.L. 2005, c. 350 (*N.J.S.A. 52:27D-311a, et seq.*) and the Barrier Free SubCode, *N.J.A.C. 5:23-7*, or evidence that the City has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - b) To this end, the builder of restricted units shall deposit funds within the City of Lambertville's Affordable Housing Trust Fund sufficient to

install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

- c) The funds deposited under paragraph 6)b) above shall be used by the City of Lambertville for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - d) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the City for the conversion of adaptable to accessible entrances.
 - e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, *N.J.A.C. 5:23-7*, and that the cost estimate of such conversion is reasonable, payment shall be made to the City's Affordable Housing Trust Fund in care of the City's Director of Finance, or their designee, who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- 7) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, *N.J.A.C. 5:23-7*.

3. Design:

- a. In inclusionary developments, to the **greatest** extent possible, **very low-**, low- and moderate-income units shall be integrated with the market units, **and the affordable units shall not be concentrated in separate building(s) or in separate area(s) from the market-rate units so they are not situated so as to be in less desirable locations than the other units in the development. In buildings with multi-family dwelling units, this shall mean that the affordable units shall be generally distributed within each building with market-rate units.**
- b. In inclusionary developments, **very low-**, low- and moderate-income units shall have **full and equal** access to all of the ~~same common elements and facilities~~ **amenities, common areas, recreation areas and facilities, public facilities, public transportation, and shopping facilities as do the residents of** as the market units.

4. Maximum Rents and Sales Prices:

- a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently

published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures as approved by the Court and detailed herein.

- 1) “Regional income units shall be established for the region that the City is located within (i.e. Region 3) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the City's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.²
- 2) **The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by Lambertville annually by taking the percentage increase of the income limits calculated pursuant to paragraph 1) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.**
 - b. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
 - c. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.
 - d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

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- e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - 1) A studio shall be affordable to a one-person household;
 - 2) A one-bedroom unit shall be affordable to a one and one-half person household;
 - 3) A two-bedroom unit shall be affordable to a three-person household;
 - 4) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - 5) A four-bedroom unit shall be affordable to a six-person household.
- f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - 1) A studio shall be affordable to a one-person household;
 - 2) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - 3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.
- h. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under *N.J.A.C. 5:80-26.4*, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of *N.J.A.C. 5:80-26.3*, as may be amended and supplemented.
- i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

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- j. The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

SECTION 3: SECTION 1200-21 shall be amended to read as follows (additions in **bold** and deletions in ~~strikethrough~~):

Section LDR-1200-21 Administrative Agent

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. *The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required.* The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

1. Affirmative Marketing:

- a. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the City and the provisions of *N.J.A.C. 5:80-26.15*; and **applicable law. The affirmative marketing shall include the community and regional organizations included in the City's approved Affirmative Marketing Plan and identified in the January 29, 2020 Settlement Agreement with Fair Share Housing Center, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law; and**
- b. Providing counseling or contracting to provide counseling services to **very low-**, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

SECTION 4: SECTION 1200-24.9 shall be amended to read as follows (additions in **bold** and deletions in ~~strikethrough~~):

9. Ongoing Collection **and Expenditure** of Fees:

- a. The ability for the City of Lambertville to impose, collect and expend development fees shall expire with its Court-issued Judgment of Compliance and Repose unless the City of Lambertville has filed an adopted Housing Element and Fair Share Plan with the Court or other appropriate jurisdiction, has filed a Declaratory Judgment Action, and has received the Court's approval of its development fee ordinance. If the City of Lambertville fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance and Repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The

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City of Lambertville shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its Judgment Compliance and Repose, nor shall the City of Lambertville retroactively impose a development fee on such a development. The City of Lambertville shall not expend development fees after the expiration of its Judgment Compliance and Repose.

b. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

SECTION 5: A copy of this ordinance shall be referred to the Lambertville Planning Board following its introduction for review pursuant to N.J.S.A. 40A:55D-26A.

SECTION 6: If any article, section, paragraph, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect and shall be deemed valid and effective.

SECTION 7: In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the City of Lambertville, the provisions hereof shall be determined to govern and those inconsistent provisions shall be repealed to the extent of such inconsistency.

SECTION 8: This ordinance shall take effect upon its passage and publication, filing with the Hunterdon County Planning Board, and as otherwise provided for by law.

SECTION 9. The provisions of this Ordinance shall be applicable within the entire City of Lambertville upon final adoption and shall become a part of the Lambertville Code once completed and adopted.

ORDINANCE NUMBER 31-2021: A Bond Ordinance Providing for Improvements to Various City Infrastructure and Buildings Damaged by Hurricane Ida in and by the City of Lambertville, in the County of Hunterdon, New Jersey, Appropriating \$430,000.00 Therefor and Authorizing the Issuance of \$409,500 Bonds or Notes of the Finance Part of the Cost Thereof.

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO
VARIOUS CITY INFRASTRUCTURE AND BUILDINGS
DAMAGED BY HURRICANE IDA IN AND BY THE CITY OF
LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW
JERSEY, APPROPRIATING \$430,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$409,500 BONDS OR NOTES
OF THE TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAMBERTVILLE, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Lambertville, in the County of Hunterdon, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby

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appropriated the sum of \$430,000, including the sum of \$20,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$409,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to various City infrastructure and buildings damaged by Hurricane Ida, as set forth in a list on file in the office of the City Clerk, which list includes, but is not limited to, improvements to water infrastructure, stream, roadway and sidewalk stabilization and improvements, inlet improvements and improvements to the Justice Center, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the

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State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$409,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE NUMBER 32-2021: *An Ordinance to Amend the City of Lambertville's Land Use Ordinance to Include Section 903, Designation of Historic Districts.*

ORDINANCE NUMBER 32-2021

An Ordinance to Amend the City of Lambertville's Land Use Ordinance to Include Section 903, Designation of Historic Landmarks and Historic Districts.

AS REVISED 11-23-2021

WHEREAS, the Historic Preservation Commission of the City of Lambertville has recommended the adoption of an ordinance of the City of Lambertville for landmark designation and historic district designation for any building, structures, objects, sites and districts within the City of Lambertville; and

WHEREAS, by designating historic districts and landmark designations, property owners and the City will be able to apply for grant funding to assist with maintenance of the designation.

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NOW THEREFORE BE IT RESOLVED by the governing body of the City of Lambertville in the County of Hunterdon in the State of New Jersey that section 903, Designation of historic landmarks and historic districts as introduced on December 2, 2021, sent to Planning Board for review as to consistency with the Master Plan, and will have a public hearing for adoption at the December 16, 2021 session of the governing body.

§ LDR-903 DESIGNATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS.

The Historic Preservation Commission (the "Commission") shall consider for landmark designation and historic district designation any property, building, structure, natural object or site and districts within the City of Lambertville which merit individual landmark and historic district designation and protection, possessing integrity of location, design, setting, materials, workmanship or association; and being:

- a. Of particular historic significance to the City of Lambertville by reflecting or exemplifying the broad cultural, political, economic, agricultural or social history of the nation, state, or community;
- b. Associated with historic personages important in national, state, or local history;
- c. The site of a historic event which had a significant effect on the development of the nation, state, or community;
- d. An embodiment of the distinctive characteristics of a type, period, or method of architecture or engineering;
- e. Representative of the work of an important builder, designer, artist or architect;
- f. Significant for containing elements of design, detail, materials, or craftsmanship which represent a significant innovation;
- g. Able or likely to yield information important in prehistory or history.

§ LDR-903.2 DEFINITIONS

Historic Landmark: A property, building, structure, natural object or site designated as a landmark by ordinance of the City Council, pursuant to procedures prescribed in this title, that is worthy of rehabilitation, restoration and preservation because of its historic or architectural significance to the City of Lambertville.

Historic District: An area designated as a historic district by ordinance of the City Council, and which may contain within definable geographic boundaries, one or more landmarks and which may have within its boundaries other or structures that, while not of such historic or architectural significance to be designated as landmarks, nevertheless contribute to the overall historic or architectural characteristics of the historic district.

§ LDR-903.3 PROCESS TO DESIGNATE HISTORIC LANDMARK AND HISTORIC DISTRICT

- 1) Based on its review, or upon the recommendation of other municipal bodies of the City or of concerned citizens, the Commission may make a list of additional individual buildings and structures and collections of buildings and structures recognized as a district recommended for designation as landmarks and historic districts. For each landmark and historic district, there shall be a brief description of the landmark and district, of the

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landmarks and district's significance pursuant to the criteria in §XXX-XX A. The Commission shall, by certified mail:

- a. Notify each owner that his/her/its property is being considered for Historic Landmark designation or inclusion in a Historic District and the reasons therefor.
 - i. If the owner objects to such consideration, the owner shall, within 30 days of receipt of such notice, provide such notice in writing to the Commission, for removal from consideration.
 - ii. If the Commission does not receive a response from the property owner within 30 days of the first notice, the Commission shall not proceed with the designation until such time that the property owner consents to the designation.
 - iii. In no case shall the Commission place a property on the list of landmark and/or Historic District designation without the property owner's consent.
 - b. Advise each owner of the significance and consequences of such designation;
 - c. Notify each owner of the public meeting to be held in accordance with *N.J.S.A. 10:4-6, et seq.*
- 2) Historic Preservation Commission Consideration of Recommendation
- a. The list of potential additional Historic Landmarks and Historic Districts as well as the description, significance, location, boundaries, and map siting of each shall be subject to review at a Commission public hearing.
 - b. At least 10 days before such a hearing, a preliminary list and a map showing proposed additional landmarks and district boundaries shall be published, together with notice of the hearing in an official newspaper of the municipality and posted on the City's website, at City Hall and distributed electronically via City communication.
 - c. At the hearing, interested persons shall be entitled to present their opinions, suggestions and objections on the proposed recommendations for designation.
 - d. The Commission shall then prepare a concise report, including a list and a map of its recommendations for sites to be designed as Historic Landmarks or Historic Districts.
 - e. Copies of the report shall be delivered to the City of Lambertville City Council, the Planning Board and the City Clerk, and a notice of the action published by the Commission secretary in an official newspaper of the municipality.
- 3) The published notice shall state the Commission's recommendations and also that final designation shall be made by the City Council at a public hearing specified on a date not less than 15 nor more than 45 days from the date of publication.
- 4) The City Council shall then consider the designation list and map and may approve, reject, or modify same by ordinance. Once adopted, the designation list and map shall also be incorporated by reference into the City's Master Plan and Zoning Ordinance, as required by the Municipal Land Use Law.
- 5) Copies of the designation list and Historic District map as adopted shall be made public and distributed to all City agencies reviewing development applications and construction permits. A certificate of designation shall be served by certified and regular mail upon

each owner included on the list, and a true copy thereof shall be filed with the County Clerk for recording in the same manner as a certificate of lien upon real property.

INTRODUCTION AND FIRST READING: December 2, 2021

PUBLIC HEARING AND SECOND READING: December 16, 2021

POLICE SITE REDEVELOPMENT PROJECTS

NOTE:

Ordinance Number 29-2021: Approving the Pilot Agreement

Ordinance Number 30-2021: Lease Agreement with Lambertville Canal Properties/Fedway

Resolution Number 166-2021: Resolution to Approve the Redevelopment Agreement with Lambertville Urban Renewal, LLC.

ORDINANCE NUMBER 29-2021: *An Ordinance of the City of Lambertville, County of Hunterdon, New Jersey, Approving the Application for Long Term Tax Exemption and Authorizing the Execution of a Financial Agreement with Lambertville Urban Renewal, LLC, An affiliate of Kalian Management, LLC.*

ORDINANCE OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON, NEW JERSEY APPROVING THE APPLICATION FOR A LONG TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH LAMBERTVILLE URBAN RENEWAL, LLC, AN AFFILIATE OF KALIAN MANAGEMENT, LLC

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended from time to time (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment and/or rehabilitation; and

WHEREAS, on July 23, 2020, by Resolution No. 95-2020, the Governing Body (the “**Governing Body**”) of the City, pursuant to and in accordance with the requirements of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “**Redevelopment Law**”), designated the properties identified on the tax map of the City as Block 1003, Lot 3, as a Non-Condemnation Area In Need Of Redevelopment (the “**Redevelopment Area**”); and

WHEREAS, on December 17, 2020, the Governing Body adopted Ordinance 18-2020 enacting a redevelopment plan for the Redevelopment Area entitled the *Police Station Tract Redevelopment Plan* (the “**Redevelopment Plan**”); and

WHEREAS, Lambertville Urban Renewal, LLC, an affiliate of Kalian Management, LLC (the “**Redeveloper**”) is the contract purchaser of the Redevelopment Area, identified as Block 1003, Lot 3 on the official tax map of the City (hereinafter, the “**Property**”); and

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WHEREAS, in order to implement the development, financing, construction, operation and management of the Project as defined below, the City entered into a redevelopment agreement with the Redeveloper dated December __, 2021 (the "**Redevelopment Agreement**"), which Redevelopment Agreement specifies the rights and responsibilities of the City and Redeveloper with respect to certain aspects of the Project (as hereinafter defined); and

WHEREAS, the Redevelopment Agreement sets forth the terms and conditions by which the Redeveloper will purchase and thereafter redevelop the Property with a four (4) story residential building containing twenty-seven (27) residential units, five (5) of which shall be affordable housing units as well as certain other on-site improvements, including forty-six (46) parking spaces (collectively, together with any improvements and any other actions described in the Redevelopment Agreement related to such development, the "**Project**"); and

WHEREAS, the Redeveloper made an application to the Governing Body (the "**Application**") for a long-term tax exemption pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1, et seq.* (the "**Long Term Tax Exemption Law**"); and

WHEREAS, pursuant to and in accordance with the provisions of the Redevelopment Law and the Long Term Tax Exemption Law, the City is authorized to provide for a tax exemption within a redevelopment area and for payments in lieu of taxes ("**PILOTS**") in accordance with certain applicable provisions of the Long Term Tax Exemption Law; and

WHEREAS, the Governing Body has made the following findings:

A. **Benefits of Project v. Costs.**

i. The development and construction of the Project as set forth in the Redevelopment Agreement and Redevelopment Plan will be beneficial to the overall community; will achieve the goals and objectives of the Redevelopment Plan; will help revitalize the Property; will improve the quality of life for the community; will serve as a catalyst for further private investment in areas surrounding the Property and will enhance the economic development of the City.

ii. It is anticipated that the development of the Project will create approximately 80-100 construction jobs over the duration of the construction of the Project, as well as 1-2 full-time permanent jobs in connection with the Project.

iii. In 2021, the Property, which was municipally owned and therefore tax exempt, generated \$0 in total real estate taxes to all government units. Pursuant to this Financial Agreement, the Project is projected to generate municipal revenue of approximately \$64,886.00 in the first year and approximately \$4,532,457.00 over the term of this Agreement. The City has determined that the benefits to the City accruing as a result of the Project, including the revitalization of the Redevelopment Area, and the generation of jobs as described above, will substantially outweigh any costs to the City resulting from the long term tax exemption granted herein.

B. **Importance of Long Term Tax Exemption.**

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The Governing Body's approval of the Long Term Tax Exemption set forth herein is essential to the success of this Project because:

i. The relative stability and predictability of the Annual Service Charge (as defined herein) associated with the Project will make it more attractive to financial institutions whose participation is necessary in order to finance the Project.

ii. The relative stability and predictability of the Annual Service Charge will allow the Redeveloper to offer competitive market rents while providing a high level of maintenance for the Project.

WHEREAS, despite the Redeveloper's investment of equity and borrowed funds, such amounts are insufficient to pay for all of the costs associated with the Project; and

WHEREAS, the provisions of the Long Term Tax Exemption Law authorize the City to accept, in lieu of real property taxes, an Annual Service Charge (as hereinafter defined) paid by the Redeveloper to the City; and

WHEREAS, the Redeveloper has agreed to make payment of the Annual Service Charge and Administrative Fee to the City; and

WHEREAS, the Project will conform to all applicable municipal zoning ordinances as amended by the Redevelopment Plan and will be in conformance with the master plan of the City; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the City seeks to enter into the Financial Agreement, in the form attached hereto as **Exhibit A**, which shall govern the terms of the tax exemption for the Project and the Annual Service Charge to be paid to the City in lieu of conventional taxation; and

WHEREAS, the Governing Body has determined that the Project represents an undertaking permitted by the Long Term Tax Exemption Law, and has further determined that these are an improvement made for the purposes of clearance, replanning, development or redevelopment of an area in need of redevelopment within the City, as authorized by the Long Term Tax Exemption Law; and

WHEREAS, the Mayor has submitted the Application and Financial Agreement to the Governing Body with her recommendation for approval (the "**Mayor's Recommendation**"), a copy of which recommendation is on file with the City Clerk.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAMBERTVILLE, NEW JERSEY AS FOLLOWS:

1. An exemption from taxation as set forth in the Application is hereby granted to the Redeveloper, with respect to the Project at the Property for the term set forth in the Financial Agreement. The land underlying the Project shall also be exempt from Land Taxes (as defined in the Financial Agreement); provided that in no event shall the tax exemption exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement or (ii) to the extent permitted by N.J.S.A. 40A:20-12, thirty (30) years from the Redeveloper's receipt of a Certificate of Occupancy for the Project and only so long as the Redeveloper remains subject to and complies with the Financial Agreement and the Long Term Tax Exemption Law and any other agreement related to the Project or the Property; and provided further, that in no event shall the Annual Service Charge, for every year the property tax exemption is in effect, be less than the total taxes levied against the Property in the last full tax year it was subject to taxation.

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2. The Mayor, in consultation with counsel to the City, is hereby authorized to execute and/or amend, modify or make such necessary changes to the Application, the Mayor's Recommendation, the Financial Agreement and any other agreements or documents necessary to effectuate this ordinance and the Financial Agreement.

3. The executed copy of the Financial Agreement and this ordinance shall be certified by the City Clerk and filed with the Tax Assessor for the City and the Director of the Division of Local Government Services.

4. The Project shall conform to all federal and state law and ordinances and regulations of the City relating to its construction and use, including the Redevelopment Plan.

5. The Redeveloper shall comply with all laws so that no person because of race, religious principles, color, national origin or ancestry, will be subject to discrimination.

6. The Redeveloper shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the Financial Agreement.

7. The following occurrences are express conditions to the grant of this tax exemption, to be performed by the Redeveloper:

(a) The Redeveloper shall not, without prior consent of the City as set forth in the Financial Agreement, convey, mortgage or transfer all or any part of the Project which would sever, disconnect or divide the improvements being tax exempted under the Financial Agreement from the land underlying the exempted improvements.

(b) The Redeveloper shall complete the Project within the timeframes set forth in the Redevelopment Agreement.

8. This ordinance shall take effect in accordance with all applicable laws.

ORDINANCE NUMBER 30-2021: *An Ordinance Authorizing the Execution of a Lease Agreement Between the City of Lambertville and Lambertville Canal Properties, LLC/Fedway Associates for Use of a Portion of the Property Located at 89 Lambert Lane, First Floor, Unit C (Block 1022, Lot 8).*

ORDINANCE NUMBER 30-2021

An Ordinance Authorizing the Execution of a Lease Agreement Between the City of Lambertville and Lambertville Canal Properties, LLC/Fedway Associates for use of a Portion of the Property Located at 80 Lambert Lane, First Floor, Unit C (Block 1022, Lot 8).

WHEREAS, the City of Lambertville (the "**City**"), a municipal corporation of the State of New Jersey, with offices located at 18 York Street, Lambertville New Jersey 08530; and

WHEREAS, Fedway Associates is the owner of the property shown on the City Tax Maps as Block 1022, Lot 8, commonly known as 80 Lambert Lane (the "**Property**"); and

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WHEREAS, Lambertville Canal Properties, LLC, a subsidiary of Fedway Associates (the “**Landlord**”), operates that portion of the Property known as Unit C, located on the first floor of the Property, which space contains approximately 9,365 square feet (the “**Premises**”); and

WHEREAS, the City wishes to lease the Premises from Landlord for an initial term of five (5) years for use as a police station for the City Police Department, as set forth in the term sheet on file with the City Clerk (the “**Term Sheet**”); and

WHEREAS, Landlord has agreed to paint and install new floors in the Premises prior to commencement of the lease; and

WHEREAS, pursuant to the Term Sheet, the City shall pay to the Landlord base rent to be calculated at \$9.00 per square foot for years one through three, \$10.00 per square foot for year four and \$11.00 per square foot for year five of the initial term of the lease, and the City will have the option to extend the lease for five consecutive one year terms if it deems necessary; and

WHEREAS, the use of the Premises will allow the City to continue to provide essential municipal services for all City residents; and

WHEREAS, the City may lease the Premises from Landlord for a municipal purpose, subject to approval by ordinance, pursuant to N.J.S.A. 40A:12-1 et. seq. of the Local Lands and Buildings Law; and

WHEREAS, the City desires to lease the Premises from Landlord, in accordance with the lease terms set forth in the Term Sheet.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Lambertville, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Governing Body approves the lease of the Premises from Landlord, in accordance with the lease terms set forth in the Term Sheet.
3. The Mayor is authorized to execute a lease agreement which incorporates the terms set forth in the Term Sheet, and subject to such additions, deletions, modifications or amendments deemed necessary by the Mayor in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto as described in the Term Sheet.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. The City Clerk is hereby directed to publish this Ordinance as required by applicable law and make the same available for public inspection.
6. This Ordinance shall take effect after twenty (20) days of its final passage by the Governing Body, upon approval by the Mayor and publication as required by law.

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RESOLUTION NUMBER: 166-2021: A Resolution to Approve the Redevelopment Agreement with the Lambertville Urban Renewal, LLC (Kalian Companies).

- X. NEW BUSINESS
- XI. ANNOUNCEMENTS

DECEMBER HOLIDAY HOURS

All Offices will be closed for the holiday on the following dates:

Thursday, December 23, 2021 and Friday, December 24, 2021

Friday, December 31, 2021

Garbage and Recycling Pick-up for Friday, December 24 will be picked up on Monday, December 27.

Garbage and Recycling Pick-up for Friday, December 31 will be picked up on Monday, January 3.

CONVENIENCE CENTER HOURS:

Saturday, January 8, 2022 from 9 am to 12 noon.

Wednesday, January 19, 2022 from 3 – 5 p.m.

Saturday, January 22, 2022 from 9 am to 12 noon.

Reorganization Schedule

NOTICE OF REORGANIZATION MEETINGS

Please take notice that pursuant to NJSA 10:4-6, the following is a schedule of the 2022 Reorganization Meetings of Mayor and Council, Boards and Committees for the City of Lambertville.

Mayor and Council, January 4, 2022 at 6:00 PM

Planning Board, Wednesday, January 5, 2022, 7:00 PM

Historical Preservation, Tuesday, January 11, 2022, 7:30 PM

Lambertville Free Public Library, January 11, 2022, 7:00 PM at the Library, 6 Lilly St.

Recreation Commission, Wednesday, January 12, 2022, 7 PM

Shade Tree Commission, Monday, January 24, 2022, 7:30 PM

Human Rights Council, Monday, January 10, 2022, 7 PM

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Environmental Commission, Wednesday, January 26, 2022, 7:30 PM

Zoning Board of Adjustment, Thursday, January 27, 2022, 7:30 PM

All meetings are held at the Phillip L. Pittore Justice Center, located at 25 South Union Street in the City of Lambertville, unless otherwise noted.

CHRISTMAST TREE CHIPPING: Please note that the City of Lambertville will accept (live) Christmas Trees for chipping until Sunday, January 23, 2022. Residents may place their used Christmas trees at the North Franklin Street entrance of Ely Park for chipping. Anyone placing a tree at this site after January 23, 2022 will be subject to a fine.

XII. PUBLIC PARTICIPATION

XIII. ADJOURNMENT