

**City of Lambertville**  
**ORDINANCE NUMBER 18-2017**  
**An Ordinance to Amend the Land Use Ordinance of the City of Lambertville,**  
**ARTICLE I- TITLE AND PURPOSE**  
**ARTICLE V - ADDITIONAL REQUIREMENTS AND PERFORMANCE STANDARDS**  
**ARTICLE VI – SUBDIVISION AND SITE PLAN REVIEW AND APPROVAL**

The Zoning Ordinance of the City of Lambertville, Articles 100, 500 and 600, are hereby amended as follows:

**Sec. 111: Subdivision and Site Plan Approval Required**

Except as otherwise exempted or waived as provided in Sec. 516...

[remainder of section unchanged]

**Sec. 516.2 Exemptions from Site Plan Review**

[Introduction and subsections A. through C. unchanged]

D. The alteration or repair of an existing building which is not either a detached one- or two-dwelling unit building, or change in authorized use, upon recommendation by the Zoning Officer and ratification by the Board having jurisdiction that the alterations or repair:

[Sub-subsections 1. through 4. unchanged]

**Sec. 516.3: Site Plan Review Waiver – Recommendation and Approval**

- A. The Board of Jurisdiction, on its own authority or with the recommendation of the Zoning Officer as set forth herein, may waive the requirement for site plan approval whenever there is a determination that the proposed development, alteration, repair, or change of use or occupancy does not affect the existing conditions of the lot or premises, including: topography, vegetation; drainage; floodplains; marshes and waterways; open space; walkways; means of ingress and egress, utility services, landscaping; structures; signs; lighting and screening devices; intensity of use; changes in seating or floor space requirements; changes in parking allocations, and other considerations of site plan review.
- B. The Zoning Officer shall have the authority, in the first instance, of reviewing initially an application seeking waiver of formal site plan review for compliance with the standards set forth herein for granting of the waiver, if such initial review is sought by the applicant. If the conditions for a waiver have been presented, the Zoning Officer shall recommend in writing that the Board having jurisdiction formally ratify the recommendation and grant the requested waiver, with or without conditions, by itself or in connection with any other action to be taken or

relief to be granted with respect to the application. The submission of escrows for professional review shall not be required for this initial review and recommendation of the waiver application by the Zoning Officer and ratification and approval thereof by the Board having jurisdiction. If the Zoning Officer or Board having jurisdiction determine that the waiver cannot be granted without the submission of additional information requiring professional review for its proper evaluation, the deposit and escrow provisions of this Ordinance shall apply to the application.

- C. Any applicant desiring a waiver under this section shall present sufficient credible evidence to allow the Zoning Officer and the Board to reach such conclusions as would permit the grant of the waiver. Such evidence shall consist of sketches, property descriptions, methods of operation, photographs, testimony, or other documentation or information as the Zoning Officer and the Board may require. The reviewing Board, on its own authority or in reviewing a recommendation for granting the waiver, shall render its decision based on such evidence and may attach conditions to any waiver so granted. The waiver shall only be deemed to have been granted formally upon the affirmative vote of the Board to do so.

#### **Sec. 609: Exception to Application of Site Plan Regulations**

**[Sections a. and b. unchanged. New subsection c. and d.]**

c. In accordance with the procedure set forth in section 516 of the Zoning Ordinance, upon submission of the applicant, the Zoning Officer shall be authorized to perform an initial review of an application seeking waiver of formal site plan review for compliance with the standards set forth in these ordinances for granting of the waiver. If appropriate, as set forth in section 516 of the Zoning Ordinance, the Zoning Officer may recommend in writing that the Board having jurisdiction formally ratify the recommendation and grant the requested waiver, with or without conditions, by itself or in connection with any other action to be taken or relief to be granted with respect to the application.

d. Nothing herein shall otherwise limit the power of the Board having jurisdiction to grant appropriate waivers, including waivers for submissions in other contexts, as provided in the Municipal Land Use Law and the City's Ordinances, such as waivers coupled with requests for bulk variances or other appropriate relief.

INTRODUCTION AND FIRST READING: June 20, 2017

PUBLIC HEARING AND SECOND READING: July 18-2017