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**ORDINANCE NUMBER XX-2024**

*An Ordinance to Amend the Lambertville Land Use Ordinances, Article IX Historic Preservation Commission, Land Development Review, Section 900*

WHEREAS, the City of Lambertville codified the Land Use Ordinances on May 17, 2016; and

WHEREAS, the Governing Body of the City of Lambertville is updating Article IX Historic Preservation Commission, Land Development Review, 900, to change the formation of the Commission from a weak to a strong Commission; and

WHEREAS, the City of Lambertville has been working with the State of New Jersey, Department of Environmental Protection’s Office of Historic Preservation to become certified, which will require the repeal and adoption of the new Ordinance.

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of New Jersey, that Article IX Historic Preservation Commission, Land Development Review, 900 through 903.3 is hereby repealed and replaced with the following language.

§ LDR-900 HISTORIC PRESERVATION COMMISSION.

§ LDR-900.1 General Provisions.

- A. **Purpose.** The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the City through the preservation of historic buildings, structures, sites, objects, and districts of historic interest, through the development and maintenance of appropriate settings for such places, and through collateral activities, to document and to promote the public enjoyment of such places, which impart to residents and visitors alike a distinct aspect of the City and which serve as visible reminders of the historical and cultural heritage of the City, the State and the Nation.
- B. **Definitions.** As used in this section:

ADMINISTRATIVE OFFICER

Shall mean the Municipal Clerk, or Mayor’s designee, appointed by the Mayor, who is responsible for various administrative duties set forth herein.

**ALTERATIONS**

Any change in the exterior features; rearrangement in the structural parts, or in the existing facilities; an addition; moving any building, structure, object, or improvement or combination of them from one location or position to another; changes to the appearance of an exterior surface other than paint except for new paint applied to historically unpainted surfaces; changes or modifications to its historic features; and addition of a sign or the enlargement of any existing sign. “Alterations” do NOT mean painting or cleaning except new paint applied to historically unpainted surfaces; ordinary maintenance and repairs; or repairs on an existing property, site, building, structure, or improvement, after a sudden disaster (such as a storm, flood, or fire), for

the limited purposes of: 1) protecting human life, human safety; and 2) to the extent then possible, protecting the historic resource from further damage.

#### **APPLICATION**

A request to the Historic Preservation Commission (HPC) made pursuant to this ordinance for the purposes of obtaining a certificate of appropriateness or other action by the historic preservation commission hereunder specified.

#### **BUILDING**

Any man-made structure created principally to shelter any form of human activity as well as its functionally related appurtenances or improvements such as a house and a barn. Human activity includes business, education, habitation, manufacture, religion, shelter, storage, trade, transportation, and the like.

#### **CERTIFICATE OF APPROPRIATENESS**

Written approval of a permit application issued by the Administrative Officer (Municipal Clerk Or Mayor's Designee) that approves of certain modifications to Historic Landmarks and properties within Historic Districts.

#### **COMMISSION**

Shall mean the City of Lambertville Historic Preservation Commission, hereafter referred to as HPC.

#### **DEMOLITION**

The partial or total razing, dismantling, "gutting", or destruction, whether entirely or in part, of any designated property, site, building, structure, object, or improvement, or the obliteration of any natural feature. Demolition includes the removal of a property, site, building, structure, object, or improvement, from its location, or the removal, or destruction, of its façade, surface, or cultural, historical, archaeological, or architectural elements.

#### **EMERGENCY REVIEW**

When a structure or improvement requires immediate repair to preserve the continued habitability of the structure and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with any applicable building code without first obtaining a certificate of approval. Under such circumstances, the repairs performed shall be only those necessary to protect the immediate health and safety of the occupants of the structure or others and/or to maintain the habitability of the structure. Where feasible, temporary measures to prevent further damage should be used, provided these measures are reversible without damage to the structure.

#### **EXISTING FACILITIES**

Any permanent installation or fixture presently included on or in any Building that is subject to the regulations set forth herein.

#### **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.

#### HISTORIC LANDMARK

Any buildings, structures, sites, objects, or improvements, or districts, which possess integrity of location, design, setting, materials, workmanship, and association, which have been determined, pursuant to the terms of this Ordinance

#### IMPROVEMENT

Any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction or installation for a period of time not less than one-hundred twenty (120) continuous days.

#### IN KIND

Same material, color, shape, quality, and appearance, based on historic research and physical evidence of essential form and detailing of historical materials, or features. All changes must maintain integrity. Historic components must be documented in place (“in situ”) as required by the Historic Preservation Commission (with photos, measurements, profiles, and drawings) prior to in kind treatment, repair or replacement.

#### INTEGRITY

Shall mean the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or precontact.

#### INVENTORY

Catalog of buildings, structures, objects, and sites within a specified area including those listed, eligible for listing, or non-eligible for listing in a historic register.

#### MAJOR APPLICATION

All activities not defined as “minor”.

#### MASTER PLAN

Shall mean the master plan of the City of Lambertville, as amended from time to time, compiled pursuant to the Municipal Land Use Law.

#### MINOR APPLICATION –

An application for a certificate of appropriateness that:

- A. Requests approval of fences, signs, lighting, doors, windows, roofs, paving, exterior sheathing, trim, shutters, gutters or streetscape work that strictly comply with the adopted design guidelines (Z-523, Ordinance Number 2009-28) for the proposed improvement. If the design guidelines contain a discretionary standard requiring in any way the exercise of judgement, the application shall be referred to the full commission; or
- B. Requests a field change for certificate of appropriateness that has already been issued if that change meets the criteria of the subparagraph above.

Any application that involves either the demolition, relocation or removal of a historic resource or new construction, including additions to property located within a historic district shall be classified as a major application.

## **MUNICIPAL LAND USE LAW**

The Municipal Land Use Law of the State of New Jersey, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1, et seq.), as amended from time to time.

## **NATIONAL REGISTER CRITERIA**

Shall mean the established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places, as set forth in 36 C.F.R 60.4, et seq

## **ORDINARY MAINTENANCE AND REPAIR**

Repair of any deterioration, wear or damage to a structure or any part thereof in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear, or damage with in-kind material and quality workmanship. Ordinary maintenance shall further include in-kind replacement of exterior elements or accessory hardware, including signs, using the same materials and workmanship and having the same appearance.

## **PRESERVATION**

Shall mean the act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

## **PROTECTION**

Shall mean the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, erosion, loss or attack, or to cover or shield the property from danger or injury.

## **RECONSTRUCTION**

Shall mean the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or any part thereof, as it appeared at a specified period of time.

## **REHABILITATION**

Shall mean the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

## **REPAIR**

Any physical work done on an improvement that is not an addition and does not change the exterior appearance, or historic or cultural features, of any improvement; provided, however, that any such repairs must be done with materials and workmanship of the same quality as the existing materials and workmanship of the improvement.

## **RESTORATION**

Shall mean the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

## **SIGN**

Shall mean any object, device, display, or structure, or part thereof, including a permanent image, graphic or text affixed to a window or door, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

#### SIGN APPLICATION

Any person seeking a construction permit to construct, alter, repair, move, install or demolish a Sign in the historic district or historic site outside of a district shall be required to receive a Certificate of Appropriateness from the HPC. All applications for a Certificate of Appropriateness for a Sign shall be classified as minor applications.

#### SURVEY

The process of identifying and gathering data on the City's resources for the ascertainment of their historical, architectural, archaeological, aesthetic, cultural, engineering, social, or other significance. It includes a field survey that is the physical search for and recording of historic resources on the ground, preliminary planning and background research before the field survey begins, organization and presentation of survey data as the survey proceeds, and the development of inventories.

#### § LDR-901 ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION.

[Ord. No. 2002-13]

- A. Establishment and Classes of Members. A Historic Preservation Commission (HPC) is hereby established consisting of five regular members and two alternate members, each of whom shall be appointed by the Mayor, of the following three classes:
1. Class A - A person knowledgeable in building design and construction or architectural history.
  2. Class B - Persons who are knowledgeable or have a demonstrated interest in local history;
  3. Class C - Persons who are residents of the municipality and who hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment.
  4. There shall be one member each from Classes A and B fulfilling the terms.
  5. Those regular members who are not designated as Class A or B shall be designated as Class C. Of the regular members a total at most one less from a majority shall be of Classes A and B.
  6. Alternate members shall meet the qualifications of Class C members and shall be designated "Alternate No. 1" and "Alternate No. 2" at the time of appointment.
  7. All members shall be residents of the municipality excepting Class A and Class B.
- B. Terms of Membership: The term of each regular member shall be four years, and the term of each alternate member shall be two years.

The term of any member in common with the Planning Board or Board of Adjustment shall be for the term of membership on such Board.

The terms of the members first appointed under this Ordinance shall be such that two members shall be appointed to a one-year term, two members shall be appointed to a two-year term, and one member shall be appointed to a three-year term. Alternate No. 1 shall be appointed to a two-year term and Alternate No. 2 shall be appointed to a one-year term. The first year of the terms of all initial appointments under this Ordinance shall expire on December 31 of that year. The term of a regular member subsequently appointed shall be three years; and the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only, within 60 days of said vacancy. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board or Board of Adjustment shall be for the term of the membership on the Planning Board or Board of Adjustment, as the case may be.

- C. Role of Alternate Members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any Class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, "Alternate No. 1" shall vote.
- D. Vacancies. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term only, within sixty (60) days of the date of the vacancy.
- E. Compensation. Members of the HPC shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.
- F. Removal. The City Governing Body may remove a member of the historic preservation commission for cause, after public hearing.
- G. Conflict of Interest. No member of the historic preservation commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Unless a member resides or owns property within two hundred (200) feet of property that is the subject of an application, mere ownership or residence in a designated historic district and/or ownership of a designated historic landmark or a non-designated property shall not be deemed a personal or financial interest.
- H. Organization. The HPC shall elect from its membership a Chairman and Vice Chairman whose terms of office shall be for one year. The Chairman shall preside over the Commission and shall have the right to vote. The Vice Chairman shall, in case of absence or disability of the Chairman, perform the duties of the Chairman. A Secretary shall be appointed by the Commission and may or may not be a member of the Commission or a municipal employee. The Commission shall be governed by Roberts Rules of Order.

- I. Funding. The Governing Body shall make provisions in its budget and appropriate funds for the expenses of the HPC. The Commission shall have the authority to contract for the services of qualified persons to direct, advise and assist the Commission, and may acquire equipment and supplies necessary to its effective operation.
- J. Advice. The Commission is empowered to seek advisory opinions and technical assistance from appropriate municipal officers and employees on any matter within the Commission's jurisdiction.
- K. Rules and Procedures. The HPC shall adopt and may amend internal rules and procedures for the transaction of its business subject to the following:
1. A quorum for any action by the HPC shall be three members.
  2. All HPC minutes and records shall be public records, in compliance with the Open Public Records Act (N.J.S.A. 47:1A-1, et seq.) and shall be filed with the Municipal Clerk within 10 days of adoption by the HPC.
  3. All HPC meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).
  4. At its annual reorganization, the Commission shall adopt rules for the transaction of its business, which shall provide for the time and place of meetings.
  5. Within forty-five (45) days of the municipality receiving an application for review that requires a hearing, the Commission shall hold such a hearing, and the report shall include findings and conclusions which are based on evidence in the record.
  6. HPC meetings shall be scheduled no less than four times a year as required by the MLUL, or monthly as required to fulfill its obligations to advise the Planning Board, Board of Adjustment, Governing Body, or Administrative Official, unless there is no business before the Commission.
- L. Responsibilities of the Historic Preservation Commission.

The duties and responsibilities of the historic preservation commission shall be as follows:

1. To prepare, record, and maintain a system for the survey and inventory of historic resources within the municipality using criteria that is compatible with National Park Service Bulletin Number 24, Guidelines for Architectural Survey, and coordinated with the State of New Jersey Historic Preservation Office's statewide inventory;
2. To make recommendations to the municipality's governing body, planning board, and zoning board of adjustment, for the designation of local landmarks and historic districts. The recommendations shall be based on criteria established for inclusion on the national register;
3. To make recommendations to the planning board on the historic preservation plan element of the master plan, capital improvement program, and on the implications for preservation of historic resources on any other master plan elements;
4. To advise the planning board and zoning board of adjustment on applications referred to the historic preservation commission for development, alterations, demolition, and

- new construction affecting designated landmarks and historic districts by recommending the denial or grant of an application;
5. Review and render determinations regarding applications for Certificate of Appropriateness as set forth in this Ordinance, including those that are not referred from either the zoning or planning boards;
  6. To act in an advisory role to other officials and departments of the City government, county planning board, and other agencies as appropriate for preservation of historic resources, design, and protection of cultural resources regarding the designation and protection of cultural resources;
  7. To act as a liaison on behalf of the municipality to individuals and organizations concerned with historical preservation;
  8. To work toward the continuing education of citizens within the municipality regarding historic preservation issues and concerns;
  9. To ensure that when a discipline is not represented on the historic preservation commission and the Commission considers an action (e.g., development application, national register nominations) which is normally evaluated by a professional in that specific discipline, the historic preservation commission shall obtain professional expertise before rendering a decision. All professional experts, whether paid or volunteer, must meet the applicable federal professional qualifications;
  10. To ensure that all historic preservation commission members annually attend either a conference or training workshop on historical preservation issues, land use, or related issues;
  11. To review, monitor, and recommend, to the governing body, any properties or districts for inclusion in the New Jersey or national register of historic places;
  12. To monitor and recommend to the municipal governing body the submission of any grants related to historic preservation;
  13. To carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality;
  14. To report annually to the planning board and the municipality's governing body on the state of historic preservation in the municipality and recommend measures to improve same; and
  15. To collect and disseminate material on the importance of historic preservation and techniques for achieving the same.

## **§ LDR-902 Review of Alterations, Demolition, or New Construction Affecting Designated Landmarks and Historic Districts**

### **Section 1. Actions requiring review.**

- A. **General.** All permits and development applications involving the development activities that affect a historic landmark or an improvement within a historic district shall be reviewed by the Commission. Such review shall be required for the following actions:
  1. Demolition of a historic landmark or an improvement within a historic district.
  2. Relocation of any structure within a historic district or of any historic landmark.
  3. All changes in any historic features or the exterior architectural appearance of any improvement within a historic district or of any historic landmark by addition, alteration, or replacement.

4. Any new construction of an improvement in a historic district.
5. Site plans or subdivisions affecting a historic landmark or an improvement within a historic district.
6. Zoning variances affecting a historic landmark or an improvement within a historic district.
7. New paint that is being applied to historically unpainted surfaces.
8. Any work concerning fences, signs, lighting, paving, exterior sheathing, trim, shutters, gutters, or streetscape work, by Minor Application.
9. Any request for a field change for a certificate of appropriateness which has already been issued.

**B. Actions not requiring review.**

1. When a historic landmark requires immediate emergency repair to preserve the continued habitability of the landmark, the health and safety of its occupants or others, or its historic features from further damage arising from sudden disaster. These cases will fall under Emergency Review Procedures, which are outlined in Section 7 – “Emergency Review Procedures”
2. Changes to the interior of structures.
3. In kind repair of existing windows and doors.
4. Installation of storm windows which are compatible with the architectural period or design of the subject structure, to be used with the existing windows.
5. In kind maintenance and repair of existing roof material.
6. In kind repair of existing roof structures such as dormers and chimneys.
7. In kind replacement of existing shingles, clapboards, or other siding.
8. In kind maintenance and repair of existing shingles, clapboards or other siding.
9. In kind repairs to existing signs, shutters, outdoor displays, fences, hedges, street furniture, awnings, off-street driveway and parking material and sidewalks.
10. Painting or cleaning, except where it is proposed that new paint be applied to historically unpainted surfaces

**C. Informal review of concept plan for proposed undertakings.**

At the request of the applicants considering action that may require Commission review, the Commission shall grant an informal review of a concept plan for the proposed undertaking. Neither the applicant nor the Commission shall be bound by any informal review.

**Section 2. Standards for review.**

**A. General criteria for review.**

In reviewing an application, or reviewing whether proposed activity or work is affecting a landmark or historic district, the Historic Preservation Commission, the Planning Board, the Zoning Board of Adjustment, the City Governing Body, and all other officials and agencies of the City responsible for the administration of this Ordinance shall conduct their review based on the purposes and provisions of this Ordinance, the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and:

1. The impact of the proposed change on the historic, architectural, and/or cultural significance of the landmark or landmark district;
2. The importance of the landmark or the building, structure, object, or site to the nation, state, region, or municipality, and the extent to which its historic or architectural interest would be adversely affected to the detriment of public interest;
3. The extent to which the proposed action would adversely affect the public's view from the street of a landmark, building, structure, object, or site located within a landmark district;
4. The impact that the proposed change would have on the architectural or historic significance of the landmark or landmark district and the visual compatibility of the proposed change with adjacent buildings, structures, objects and sites in accordance with the requirements for design compatibility set forth herein.

#### **B. Rehabilitation of existing buildings, structures, objects, and sites.**

In reviewing all applications, the Commission shall make its determination as to whether the application should be approved, approved with conditions, or denied on the basis of the purposes and the provisions of this Ordinance and the following standards for review, which are identical to the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" as hereafter may be amended:

1. Every reasonable effort shall be made by the applicant to provide a legal compatible use for a property which requires minimal alteration of the building, structure, object, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, objects and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical,

architectural or cultural material, or integrity, and such design is compatible with the proportions, size, scale, color, material, and character of the property, neighborhood or environment.

9. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

### C. Design criteria-new construction.

A. In assessing the design of any proposed addition or new construction, the Commission shall consider the following design criteria in conjunction with the general review standards, standards of rehabilitation and review criteria set forth above. These design criteria shall be used to analyze the appropriateness of new construction in the form of additions and alterations to the landmarks or new construction, additions, or alterations to buildings, structures, objects, or sites located within landmark districts.

1. **Height.** The height of the proposed structure shall be visually compatible with adjacent buildings.
2. **Proportion of facade.** The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.
3. **Proportion of the openings.** The relationship of the width of windows to the height of windows in a building shall be visually compatible with buildings and places to which it is visually related.
4. **Rhythm of solids.** The relationship of solids to voids in the facade of a building shall be visually compatible with buildings and places to which it is visually related.
5. **Rhythm of spacing.** The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with buildings and places to which it is visually related.
6. **Rhythm of entrances.** The relationship of entrances and porches to the street shall be visually compatible to buildings and places to which it is visually related.
7. **Relationship of materials.** The relationship of materials, texture, and tone to the facade and roof of a building shall be visually compatible with the predominant materials used in buildings to which it is visually related.
8. **Roof.** The roof shape of a building shall be visually compatible with buildings to which it is visually related.
9. **Continuity of walls.** Walls and open fencing shall maintain visual compatibility with buildings and places to which it is visually related.
10. **Scale.** The size of a building mass in relation to open spaces, window and door openings, porches and balconies shall be visually compatible with buildings and places to which it is visually related and shall be in conformance with the City of Lambertville's Zoning Ordinances, including but not limited to Z-400.7, Z-401.4, Z-400.1, Z-501.1, Z-402.4, and LS-601.6.
11. **Exterior features.** A structure's related exterior features, such as lighting, fences, sidewalks, driveways and parking areas, shall be compatible with the features of those structures to which it is visually related and shall be appropriate for the historic period for which the structure is significant. New signage shall also abide by any supplemental historic design or graphic standards that may be developed by the Commission for the district.

- B. It is not the intent of this article to discourage contemporary architectural expression or to encourage new construction which emulates existing buildings or historical architectural interest or of a certain period architectural style, but rather to preserve the integrity and authenticity of a historic preservation district and to ensure the compatibility of new structures therein.

**Review criteria for demolition.**

With regard to applications to demolish a landmark or any building, structure, object or site located within a landmark district, the Historic Preservation Commission or any other City agency shall consider the following criteria in conjunction with the general review standards (above), and the Secretary of the Interior's Standards for the Treatment of Historic Properties Standards and Guidelines:

1. Its historical, architectural, cultural, and aesthetic significance in relation to the criteria set forth in this Ordinance.
2. Its importance to the City and the extent to which its historical or architectural value is such that its removal would be detrimental to the landmark district and/or to the public interest.
3. The extent to which it is of such old, unusual, or uncommon design, craftsmanship, texture, or material that it could not be reproduced or could be reproduced only with great difficulty.
4. The extent to which its retention would promote business, create new positions, attract tourists, students, writers, historians, artists, or artisans, encourage study and interest in American history, stimulate interest and study in architecture and design, educate citizens in American culture and heritage or make the City a more attractive and desirable place in which to live.
5. The probable visual impact of its removal upon the ambience of the landmark district.
6. The structural soundness and integrity of the building, structure, object, or site and the economic feasibility for its restoration or rehabilitation so as to allow for its reasonable use.
7. The threat to the public health and safety as a result of deterioration or disrepair of the building, structure, object, or site.
8. The technological feasibility of structural rehabilitation.

**Criteria regarding the relocation of historic buildings or structures.**

With regard to applications to move to a new location or site any landmark or any building, structure, object or site located within a landmark district, the Historic Preservation Commission or any other City agency shall consider the following criteria in conjunction with the general review standards (above), and the Secretary of the Interior's Standards for the Treatment of Historic Properties' Standards and Guidelines:

1. The impact of the loss of integrity suffered as a result of the removal from the original and/or historic location; and, if located within a historic district, the impact of that loss integrity upon the district as a whole.
2. The reasons for not retaining the landmark or structure at its present site.
3. The compatibility, nature, and character of the areas adjacent to both the present site and the proposed site as it relates to the protection of historic properties and districts as regulated by this article.

4. In the event that a proposed new location is in a historic district, the impact on the visual compatibility of adjacent buildings, structures, objects or sites as set forth herein.
5. The likelihood of significant damage to the physical integrity of the building, structure or object itself.

### **Criteria Regarding Signs**

#### **A. General provisions.**

1. All signage within a historic district or on a designated historic landmark shall conform to all Zoning Code sign requirements as set forth in Zoning Code Z-515 Signs and shall require a Certificate of Appropriateness or Certificate of No Effect issued by the Historic Preservation Commission upon application to, review and approval by the Historic Preservation Commission.
2. All signage shall reflect the historical character of the area of the proposed sign placement and shall respect the size, scale and mass of the façade, building height and rhythms and sizes of windows and door openings.

#### **B. Prohibited signs.**

The following signs shall not be approved for construction or installation in historic districts:

1. Those signs prohibited by the Zoning Code Z-515 Signs
2. Any sign, whether permanent or temporary, placed upon any historical building, structure, object or site in any manner that disfigures, damages or conceals any window, door, architectural feature or detail.
3. Neon signs, whether attached to the exterior or to any part of the interior when positioned in such a way as to be visible from the pedestrian way, must be demonstrated as an historical element that was used in the original design and use of the building.
4. Any attachment to an already affixed sign.
5. Roof-mounted signs, except for existing signs that have been identified by the Historic Preservation Commission as having historical significance and value.

#### **C. Regulations and Guidelines.**

All signs, awnings, and Logo or lettering Affixed to an Awning within historic districts shall comply with the regulations outlined in the Lambertville Design Guidelines, Ordinance Number 2009-28, including but not limited to Chapter 6, Historic District Guidelines and the Secretary of Interior's Standards for the Rehabilitation of Historic Structures.

#### **A. Application procedures.**

It shall be the duty of all municipality officials reviewing all permit applications involving any real property or improvements thereon to determine whether such application involve any

**Section 3. Certificate of Appropriateness - Applications.**

1. activity which should also be the subject of an application for a permit, and if it should be, to inform the Secretary of the Commission, the administrative officer, and the applicant of the same.
2. The administrative officer shall refer all applications for permits pertaining to regulated activities involving landmarks or any buildings, structures, objects, and sites located within landmark districts to the Historic Preservation Commission, in addition to its referral to any other municipal agencies. A Certificate of Appropriateness (hereinafter "COA") issued by the administrative officer is required prior to the commencement of any activities involving landmarks or properties within landmark districts which are governed by the provisions of this article.
3. Appeals from determinations of the Administrative Official may be made by the applicant to the Zoning Board of Adjustment, according to N.J.S.A. 40:55D-70a. Nothing herein shall be deemed to limit the right of judicial review of the action after an appeal is concluded by the Zoning Board of Adjustment. The appellant shall pay all costs for copies of any transcript(s) required for appeal.
4. Minor applications may be filed by the owner directly with the Secretary of the Historic Preservation Commission.
5. Applications shall be made on forms available in the offices of the administrative officer and the Commission Secretary. Completed applications shall be delivered or mailed to the same office at Historic Preservation Commission Secretary, City of Lambertville, 18 York Street, Lambertville, NJ 08530.
6. Within 30 days of receipt of a technically complete application for a Certificate of Appropriateness that is not a minor application, the Commission shall schedule a hearing for the purpose of reviewing said application and shall advise the applicant(s) in writing of the time, date, and place of said hearing.

**B. Contents of Application Form:**

Applications shall include a precise written description of the proposed work or activity. The Commission may require the submission of additional information reasonably necessary to reach an informed decision on the application, including but not limited to any of the following:

1. Photographs of the existing structure or lot;
2. Scaled drawings showing site plan layout, facade elevations, and specifications for materials;
3. For new construction applications, a streetscape elevation drawn to scale, showing the new structure in the context of neighboring buildings, structures and sites;
4. For major applications , working drawings;
5. For minor applications: photos, measurements, profiles, and drawings of existing historic components in place ("in situ").

**Section 4. Certificate of Appropriateness – Review.**

**A. General Procedures**

1. An application shall be considered technically complete when determined by the Historic Preservation Commission at the next public meeting following submission.
  2. The Historic Preservation Commission shall review applications for a Certificate of Appropriateness, other than for minor applications, at a public hearing. The applicant(s) shall not be required to appear or to be represented at any meeting of the Commission at which the Commission will consider his application for a Certificate of Appropriateness, regardless of the ultimate findings and a report of the Commission.
  3. Within thirty (30) days of receiving a technically complete application for review that requires a hearing, the Commission will hold such a hearing. The report shall include findings and conclusions which are based on evidence in the record.
  4. The Historic Preservation Commission shall take one of the following actions concerning an application for a Certificate of Appropriateness that is under its jurisdiction:
    - a. Grant the Certificate of Appropriateness
    - b. Grant the Certificate of Appropriateness with conditions
    - c. Deny the Certificate of Appropriateness
  5. The Historic Preservation Commission shall notify the Administrative Officer of its decision as soon as practicable after making it, so that the Administrative Officer may issue appropriate permits within 45 days of receipt of the technically complete application.
  6. Issuance of an approval of a permit shall be deemed to be final approval pursuant to this article. Such approval shall neither cause nor prevent the filing of any collateral application.
  7. The denial of a permit shall be deemed to preclude the applicant from undertaking the activity applied for.
- B. Minor Applications**
1. The Chairman of the historic preservation commission, or sub-committee of historic preservation commissioners appointed by him/her, not representing a quorum, and acting on his/her behalf, may review applications for minor work, without holding a public hearing.
  2. If the Chairman or subcommittee finds the application appropriate, he/she/they may act in place of the full Commission and direct the Administrative Officer to issue a Certificate of Appropriateness for such minor work.
  3. If the Commission approves a Certificate of Appropriateness, the Secretary shall notify municipality agencies through the Administrative Officer of such issuance of the Certificate of Appropriateness for minor work; the municipality agencies may then issue any other applicable permits.
  4. If the Chairman or the subcommittee do not find the application appropriate, the application shall be scheduled for a public hearing before the full Commission.
    - a. Final determination of the appropriateness of the application shall be made by the Commission, which decision shall be binding on the administrative officer.

**C. Development in historic zoning districts or sites; informational copies of applications from Planning Board or Zoning Board of Adjustment. (N.J.S.A. 40:55D-110)**

1. The Planning Board and Board of Adjustment shall refer to the Commission every application submitted to either Board for development in historic zoning districts or on historic sites designated on the Zoning or Official Map, or identified in any component element of the Master Plan.
2. The referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner.
3. Failure to refer to the application as required shall not invalidate any hearing or proceeding.
4. The Commission may provide its advice, which shall be conveyed through its delegated members or staff, who shall testify orally at the hearing and explain any written report which may have been submitted by the Commission regarding the application.
5. The Commission shall make available to the applicant a copy of its written report concerning said application for development.

**Section 5 Certificate of Appropriateness-After C/A Approval**

1. **Posting C/A Onsite.** The owner shall post the Certificate of Appropriateness on a conspicuous spot on the site visible to the public during the entire process of work.
2. **Periodic Inspection.** When a Certificate of Appropriateness has been issued, the administrative officer or his appointee shall, from time to time, inspect the work approved by such certificate and shall regularly report to the Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such certificate.
3. **Term of Validity.** Except as hereinafter provided, a Certificate of Appropriateness shall be valid for a period of two years from date of issue unless reasonable extensions are requested by the applicant or the Commission. In cases where demolition is permitted, the C/A shall be valid for one year from the date of the historic preservation commission approval of the application. The one-year period shall not be extended.
4. **Assignment.** No assignment of the rights granted by a Certificate of Appropriateness shall be permitted.

**ARTICLE VI.**

**VIOLATIONS AND PENALTIES; ENFORCEMENT. Section 1. General Provisions.**

**A. Violations defined.**

Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties herein. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person who shall undertake an activity without approvals required by this article shall be deemed to be in violation hereof.

**B. Notice of violations.**

Upon learning of the violation, the administrative officer shall personally serve upon the owner of the property whereon the violation is occurring a notice describing the violation in detail and

giving the owner 10 days to abate the violation by restoring the building, structure, or site to its condition prior to the violation. If the owner cannot personally be served within the City with said notice, a copy shall be posted on the property and a copy shall be sent to the owner at his or her last known address.

### **C. Injunctive relief.**

In the event that the violation is not abated within 10 days of service or posting on site, whichever is earlier, the administrative office shall cause to be instituted any appropriate action or proceeding to prevent such unlawful activity, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or site, or to prevent any illegal act, conduct, business, or use in or about such premises as follows:

1. If any person shall undertake any activity requiring permit and report of the Commission without first having obtained approval, he or she shall be required to immediately stop the activity, apply for approval, and take any necessary measures to preserve the affected premises pending such approval. If the work is denied, he or she shall immediately restore the building, structure, object, or site to its condition prior to any such activity. The administrative officer is hereby authorized to seek injunctive relief regarding a stop action or restoration in the Superior Court not less than 10 days after the delivery of notice pursuant to Subsection B hereof.
2. In the event of the threat of imminent action for which the necessary approvals have not been granted, and which action would permanently and adversely change a landmark, or any building, structure, object, or site located within a landmark district, the administrative office is empowered to apply to the Superior Court of New Jersey for injunctive relief as is necessary to prevent such actions.

### **D. Penalties.**

Any person found to be in violation of any section of this Ordinance shall be subject to the penalties as defined in the Land Use Ordinance, Section 900.1 through 900.3

### **Preventative maintenance; violations.**

- A. **Priority.** Recognizing the need for preventive maintenance to insure the continued useful life of historic buildings, structures, objects, and sites, the City Governing Body hereby declares that code enforcement for such designated properties is a high municipal priority.
- B. **Notice of violation.** In the event that any landmark or any building, structure, object, or site located within a landmark district deteriorates to the point that, in the best estimate of the administrative officer, the cost of correcting the outstanding code violations equals more than 10% of the cost of replacing the entire building, structure, object, or site on which the violation occurs, the administrative officer shall serve personally or by certified mail, return receipt requested, a notice on the owner of the property listing the violations, the estimate for their abatement, and the replacement costs of the improvements, and stating that if the owner does not take all necessary remedial action within sixty (60) days, or such extensions as the administrative officer shall grant for good cause, the City of Bordentown's designated official may, at the expiration of said sixty (60) days, enter upon the property and abate such violations and cause the cost thereof become a lien on the property.

- C. **Hearing.** Upon receipt of such notice, the owner may, within twenty (20) days after such receipt, notify the administrative officer of the owner's intention to have a hearing as to the allegations and estimates set forth in the notice. Such a hearing shall be conducted by the Planning Board in accordance with City Code, Municipal Land Use Law, and shall, so far as possible, be a formal adversary proceeding in which the administrative officer shall establish matters alleged in the notice by the preponderance of the evidence. If a hearing is requested, the administrative officer will, within 10 days following the hearing, serve on the owner an opinion in writing setting forth his or her conclusions and the reasons therefore.
- D. **Action without a hearing.** If the owner does not request a hearing, the findings of the Administrative Officer are set forth in the notice issued in Article VI, Section 2B. (Notice of Violations) shall be binding, and the administrative officer may take such necessary action as granted by the provisions of this article.
- E. **Right of abatement.** If the owner does not comply with the findings of the administrative officer, the administrative officer may enter onto the premises and, by use of municipal labor or outside contractors, or both, perform such work as is necessary to abate all violations.
- F. **Costs.** The administrative officer shall then certify to the City Governing Body the cost of such work performed, plus all administrative, clerical and legal costs and overhead attributable thereto and shall present the same to the City Governing Body.
- G. **Lien.** The City Governing Body may, by resolution, vote to cause the sum so certified to become a lien upon the property, payable with the next quarter's property taxes, and, if not then paid, bearing interest at the same rate as delinquent taxes.

### **Emergency Review Procedures**

- A. When a structure or improvement requires immediate repair to preserve the continued habitability of the structure and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with any applicable building code without first obtaining a certificate of approval. Under such circumstances, the repairs performed shall be only those necessary to protect the immediate health and safety of the occupants of the structure or others and/or to maintain the habitability of the structure. Where feasible, temporary measures to prevent further damage should be used, provided these measures are reversible without damage to the structure.
- B. The property owner shall make a request for the Commission's review simultaneously with the onset of emergency work. The request shall be made to the Administrative Officer. Such emergency work shall be permitted only if the Administrative Officer certifies the immediate necessity for such permit issuance. Upon notice to the full Commission by telephone, personal contact or other appropriate means of communication, at least three members of the Commission shall convene as soon as possible, and such convening members shall proceed to review the certificate of approval application as provided for in this chapter. The Commission shall conduct the emergency meeting in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-9. Subsequent to such review, a certificate of approval may be issued upon a majority vote of the members convened.
- C. No work other than emergency repairs shall be performed on the structure until an appropriate request for approval is made and approval is obtained from the Commission after referral of the request by the Administrative Officer.

**§ LDR-903 CRITERIA FOR DESIGNATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS.**

**§ LDR-903.1 Historic Landmarks and Historic Districts.**

[Added 12-16-2021 by Ord. No. 32-2021]

The HPC may 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, architectural style or method of architecture or engineering;
- E. Representative of the work of an important builder, designer, artist or architect; or
- F. Significant for containing elements of design, detail, materials, or craftsmanship which represent a significant innovation.

**§ LDR-903.2 Process to Designate Historic Landmark and Historic District.**

[Added 12-16-2021 by Ord. No. 32-2021]

INSERT LIST OF PROPERTIES

- A. 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 landmarks and district's significance pursuant to the criteria in § LDR-903.1. The Commission shall, by certified mail:

Notify each owner that their property is being considered for Historic Landmark designation or inclusion in a Historic District and the reasons therefor.

Advise each owner of the significance and consequences of such designation;

Notify each owner of the public meeting to be held in accordance with N.J.S.A. 10:4-6, et seq.

- B. Historic Preservation Commission Consideration of Recommendation.
  - 1. 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.
  - 2. 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.
3. At the hearing, interested persons shall be entitled to present their opinions, suggestions and objections on the proposed recommendations for designation.
  4. 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.
  5. Copies of the report shall be delivered to the City of Lambertville City Council, the Planning Board and the Municipal Clerk, and a notice of the action published by the Commission secretary in an official newspaper of the municipality.
- C. The published notice shall state the Commission's recommendations, review by the Planning Board before first reading, 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.
  - D. The City Council shall then consider the designation list and map and may approve, reject, or modify the 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.
  - E. 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.

### **Severability.**

1. If any section or provision hereof shall be adjudged invalid, such determination shall not affect the other provisions hereof, which shall remain in full force and effect.
2. All ordinances and all provisions thereof inconsistent or conflicting with the provisions of this Article are hereby repealed to the extent of such conflict or inconsistency provided not otherwise required by law.
3. Pursuant to the provisions of N.J.S.A. 40:55D-15, notice of this ordinance has been given by personal service or certified mail, to the Municipal Clerk of all adjoining municipalities and by personal service or certified mail to the (County) Planning Board at least ten (10) days prior to the date of final hearing.
4. Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.
5. The Municipal Clerk shall file this Ordinance with the (County) Planning Board and shall give notice of adoption to all adjoining municipalities as required by law.
6. This ordinance shall take effect after final passage and publication and as provided by law upon notice by personal service or certified mail to the Municipal Clerk of all adjoining municipalities and filing with the (County) Planning Board, which will be done within thirty (30) days following the adoption of this ordinance.

INTRODUCTION AND FIRST READING:

PUBLIC HEARING AND SECOND READING:

DRAFT