



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
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B U R G I S
ASSOCIATES, INC.

MUNICIPALITY OF PRINCETON, NEW
JERSEY ORDINANCE NO. 2019 -10

AN ORDINANCE TO AMEND CHAPTER 10B OF THE PRINCETON CODE, ENTITLED “LAND USE” AND THE PRINCETON ZONING MAP, TO CREATE A “AH-3 AFFORDABLE HOUSING 3 RESIDENTIAL ZONE” AND THE REGULATIONS ASSOCIATED THERETO IN THE MUNICIPALITY OF PRINCETON

Section 1. Chapter 10B, Article XI. ZONING, Section 10B-244 of the Princeton Code of entitled Division of township into zoning districts” is hereby amended to add the following new zone district to the list of zone districts:

AH-3 Affordable Housing 3 Residential District

Section 2. Chapter 10B, Article XI, Section 10B-242 of the Princeton Code entitled “Zoning Map.” shall be and is revised to rezone Block 901 Lot 21 from the S-2 Service District No. 2 to the AH-3 Affordable Housing-3 District.

Section 3. Chapter 10B, Article XI, Section 10B-246 of the Princeton Code entitled “Regulations included: Schedule.” is hereby supplemented and amended to include an additional column as set forth below.

District	AH-3 Affordable Housing Residential District
For Permitted Uses as provided in Section 4(b) herein.	
Required Lot Area (Min. Acre)	3
Required Lot Width (Min. Ft.)	200
Required Lot Depth (Min. Ft.)	200
Required Lot Frontage (Min. Ft.)	200
Required Building Setback	
Front Yard (Min. Ft.)	35
Side Yards (Min. Ft.)	50
Combined Side Yard (Min. Ft.)	N/A due to corner lot condition
Rear Yard (Min. Ft.)	N/A due to corner lot condition
Front Yard Parking Setback (Min. Ft.)	10
Parking Setback for all other yards (Min. Ft.)	5
Max. Uninterrupted Parking Spaces (#)	12
Max. Building Height (Ft./Sty.)	45ft /3-4 sty.**
Max. F.A.R. (%)	70
Max. Impervious Surface (%)*	65

* Impervious Coverage in the AH-3 District shall be regulated as set forth above, notwithstanding the table in Section 10B-246.1 which shall not be applicable to the AH-3 district.

**The building design shall be required to incorporate a three story component that will encompass the east wing of the building, along the south side of the site.

Section 4 Article XI Zoning is amended and supplemented by the insertion of a new Sec. 10B-256.2 which shall contain the following provisions.

- (a) Purpose. The purpose of the AH-3 Affordable Housing 3 Residential District is to create a realistic opportunity for the construction of low-and moderate-income housing in the Municipality of Princeton and thereby address the municipality’s fair share housing obligation pursuant to the New Jersey Fair Housing Act. The AH-3 District shall be additionally regulated by the Municipality of Princeton Affordable Housing Ordinance, applicable state regulations and all Orders of any Court of competent jurisdiction.
- (b) Permitted uses. The principal permitted uses in the AH-3 Residential District are as follows:

- (1) Multi-family affordable housing rental development; family units. All dwellings constructed in this District shall be credit-worthy pursuant to the applicable regulations of the New Jersey Council on Affordable Housing, and shall be deed restricted affordable housing units with rents established and restricted in accordance with N.J.A.C. 5:80-26.1 et seq., with the exception of one unit that may be occupied by an on-site manager/building superintendent and is not required to be a deed restricted affordable unit.
 - (2) No market-rate housing shall be constructed in this District, nor shall any dwelling in this District be occupied except by an income qualified household as regulated by the Council on Affordable Housing, and affirmatively marketed throughout the Princeton housing region, and income certified consistent with the requirements contained in N.J.A.C. 5:80-26.1 et seq., except as noted in (b)(1) above.
- (c) Permitted accessory uses. Permitted accessory uses shall include accessory uses that are customary and incidental to the permitted uses in the AH-3 Residential District, including but not limited to:
- (1) Off-street parking in accordance with Chapter 10B, Article XI Zoning, Subdivision V. Off-street Parking and Loading.
 - (2) Decks, balconies and porches.
 - (3) Fences and walls, in accordance with the Princeton Fence Ordinance, Chapter 10B, Article XI Zoning, Subdivision XIII. Fences and Garden Walls.
 - (4) Customary and incidental recreational elements, such as but not limited to, a swimming pool, tennis courts and other similar uses that serve the residents and guests of the development and as regulated by Chapter 10B, including but not necessarily limited to Chapter 10B, Article XI Zoning, Subdivision XI Sec. 10B-288, Screening, and Sec. 10B-290, Lighting.
 - (5) Trash enclosures.
 - (6) Signs, in accordance with the Princeton Sign Ordinance, Chapter 10B, Article XI Zoning, Subdivision VI. Signs. AH-3 Affordable Housing 3 Residential District shall be bound by the same restrictions as applicable to “R” zones.
 - (7) Outdoor lighting, in accordance with the Chapter 10B, Article XI Zoning, Subdivision V Off-street Parking and Loading and all other applicable provisions of Chapter 10B. including without limitation, Chapter 10B, Article XI Zoning, Subdivision XII, Performance Standards 10B-317.1.
 - (8) Active recreation uses.

(d) Affordable Housing.

(1) Multifamily residential developments constructed in the AH-3 Affordable Housing 3 Residential District shall be permitted with a maximum of 65 affordable family dwelling units, as this term is defined in N.J.A.C. 5:80-26.1 et seq., in a one hundred percent affordable housing development.

(2) All affordable units shall comply with Princeton’s Affordable Housing Ordinance as set forth in Chapter 10B, Article XII Affordable Housing of the Princeton Code, as may be amended and supplemented, the Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26.1 et seq.), or any successor regulation, and the Princeton Housing Element and Fair Share Plan, as may be amended from time to time. This includes, but is not limited to the following requirements:

[a] Low/Moderate Income Split: A maximum of 50% of the affordable units shall be moderate-income units, and a minimum of 50% of the affordable units shall be low-income units. At least 13% of all restricted rental units shall be very low-income units, which shall be counted as part of the required number of low-income units within the development.

[b] Bedroom Mix: The following bedroom mix shall apply:

[1] The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;

[2] Minimally 30% of all low- and moderate-income units shall be two-bedroom units;

[3] Minimally 20% of all 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.

[c] Deed Restriction Period: The affordability control period for restricted rental units shall commence on the first date that a certified household occupies a unit and shall terminate only at such time that the Municipality opts to release the unit from the requirements of N.J.A.C. 5:80-26.1 et seq. The affordability controls shall remain in effect until the date on which a rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80% of the applicable median income. If, at any time after the end of 30 years after the date of initial occupancy, a rental household’s income is found to exceed 80% of the

regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days. A restricted rental unit shall remain subject to the affordability controls despite the occurrence of any of the following events:

1. A sublease or assignment of the lease of the unit;
2. A sale or other voluntary transfer of the ownership of the unit; or
3. The entry and enforcement of any judgement of foreclosure.

[d] Administrative Agent: All affordable units shall be administered by a qualified Administrative Agent selected by the developer and agreed upon the Municipality and paid for by the developer.

[e] Other Affordable Housing Unit Requirements: Developers shall also comply with all the remaining requirements of the Princeton Affordable Housing Ordinance, including, but not limited to, (1) affirmative marketing requirements, and (2) candidate qualification and screening requirements pursuant to the Council on Affordable Housing and N.J.A.C. 5:80-26.1 et seq.

(e) Area and Bulk Requirements. The area and bulk requirements for the AH-3 Residential District are set forth in §19B-246.

(1) Development Standards.

[a] Building Requirements.

[1] Building Design. In order to encourage an attractive and aesthetically pleasing design, and to avoid a monotonous repetition of design elements and an undesirable visual impact, the following design standards shall be utilized:

[a] Consistency among building materials and colors with Princeton's existing residential, historical and architectural characteristics.

[b] Harmonious relationship with other onsite features and improvements.

[c] Varying architectural embellishments including such features as roof elements, dormers, belvederes, decorative chimneys, parapets brackets and similar elements, provided that such are architecturally compatible with the style, materials, colors and details of the building;

[d] Emphasis on architectural features at entrances, utilizing where appropriate, cornices, windows and articulation, provided that such

are architecturally compatible with the style, materials, colors and details of the building.

[e] Exterior-mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be painted the same color as the roof and, where possible, located to the center of the building, away from public view.

[f] Building construction shall utilize green building or sustainable building methods to the extent practicable to reduce the operating and maintenance cost burdens of low- and moderate-income households.

[g] The outside walls of a building shall be of fire resistant material, such as brick, stone or masonry, as approved by the Planning Board.

[b] Dwelling Unit Requirements.

[1] Minimum floor area. Each dwelling unit shall have a minimum floor area of 600 square feet.

[2] Floors and ceilings and partitions between dwelling units shall be constructed so as to have a minimum airborne sound transmission loss classification of 50 decibels. The Planning Board shall ascertain that reasonable measures are taken in floor and ceiling construction to avoid disturbing levels of sound impact.

(2) Off-street parking.

[a] The minimum number of off-street parking spaces for multifamily residential housing shall be 1.1 parking spaces per dwelling unit. All parking areas and pedestrian walkways between parking facilities and residential buildings shall be appropriately landscaped, screened and lighted consistent with adopted standards contained in §10B-288, §10B-289 and §19B-290.

[b] All vehicular access serving the AH-3 District shall be from Herrontown Road and no other road.

[c] All parking areas shall be designed in accordance with the applicable provisions of Article XI Zoning, Subdivision V, Off-street Parking and Loading.

[d] Adequate fire and emergency access must be provided, subject to the approval of the Princeton Fire Department.

- [e] On-site parking shall not be provided for any use or to any party other than a resident or visitor of the site, nor shall parking areas be used for any purpose other than parking.
 - [f] Adequate parking facilities for accessibility to people with mobility impairments shall be provided as required by the Americans with Disabilities Act (ADA).
- (3) Landscaping and open space.
- [a] At least 20% of the gross site area shall be devoted to open space for passive or active recreation, or conservation.
 - [b] There shall be a comprehensive landscape plan prepared by a New Jersey licensed landscape architect which shall detail the location, type, size and any planting note for the proposed landscape materials. This plan shall be subject to the approval of the Planning Board.
 - [c] A landscape buffer shall be provided where a multifamily development abuts an adjoining residential use. The buffer shall be a minimum of 25 feet in width, as measured from the property line. The buffer shall provide a year-round visual screen, to the extent practical, and minimize adverse impacts from the site on adjacent properties. Buffers shall consist of natural vegetation to the greatest extent practical, and may consist of fences, planting, berms, mounds, or combinations thereof to achieve the stated buffer objective.
 - [d] No use or structure, including parking or loading areas, shall be permitted within the required buffer area, but the Planning Board may, upon a finding of reasons thereof, permit a portion of a buffer area to be used for walkways, underground linear utilities and site access drives, and the Board may also permit a portion of a buffer area to be used for stormwater detention or retention basins, provided that the basin is designed as a landscaping feature, and further provided that the landscaping plan for the buffer area is determined by the Planning Board to meet the objective of the buffer area.
- (4) Recreation Area. A recreation amenity of minimally 1,500 square feet shall be provided to serve the needs of the residents. This recreation area shall consist of an active outdoor play space for children with appropriate playground equipment.
- (5) Lighting.
- [a] Adequate lighting shall be provided for all common areas and pedestrian walkways.
 - [b] All outdoor lighting, including street lamps and accent lighting, should comply with “dark sky” standards intended to reduce light pollution. Dark sky standards require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of starry night skies.

- [c] Lighting for the development must be contained on the property on which the development is located.
 - [d] LED lighting shall be permitted in addition to all of the conditions of the land use ordinance standards for lighting.
- (6) Miscellaneous.
- [a] Through-wall air-conditioning units that project beyond the building wall are not permitted.
 - [b] All trash and garbage shall be stored at all times in airtight covered containers which shall be kept in a centrally located, concealed area. If trash and rubbish is stored outside, it shall be kept in a permanent enclosure matching building design and color with a latching gate in a centrally located, concealed area buffered with landscaping as approved by the Planning Board.
 - [c] Amenities restricted to the use of the residents and their guests are permitted subject to all applicable local and state requirements.
 - [d] Swimming pools, restricted to the use of tenants, are permitted subject to all applicable local and state requirements.
 - [e] Internal walkways shall be provided to provide a pedestrian connection to any site development amenities, such as a clubhouse, recreational facilities, pools, parking spaces etc.
 - [f] Internal walkways shall be a minimum of four (4) feet wide and shall be designed to comply with the requirements of the Americans with Disabilities Act (ADA).
 - [g] Fences shall be permitted at a maximum height of 6 feet and shall be situated and designed in accordance with Chapter 10B, Article XI Zoning, Subdivision XIII. Fences and Garden Walls.

Section 5. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held 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.

Section 6 In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Municipality of Princeton, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Municipality of Princeton are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 7. The Municipal Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Mercer County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 8. After introduction, the Municipal Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Municipality of Princeton for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Municipal governing body, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 9. This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten (10) days after it has been presented to her, then this Ordinance shall be deemed approved.

Section 10. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Mercer County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Municipal Tax Assessor as required by N.J.S.A. 40:49-2.1.

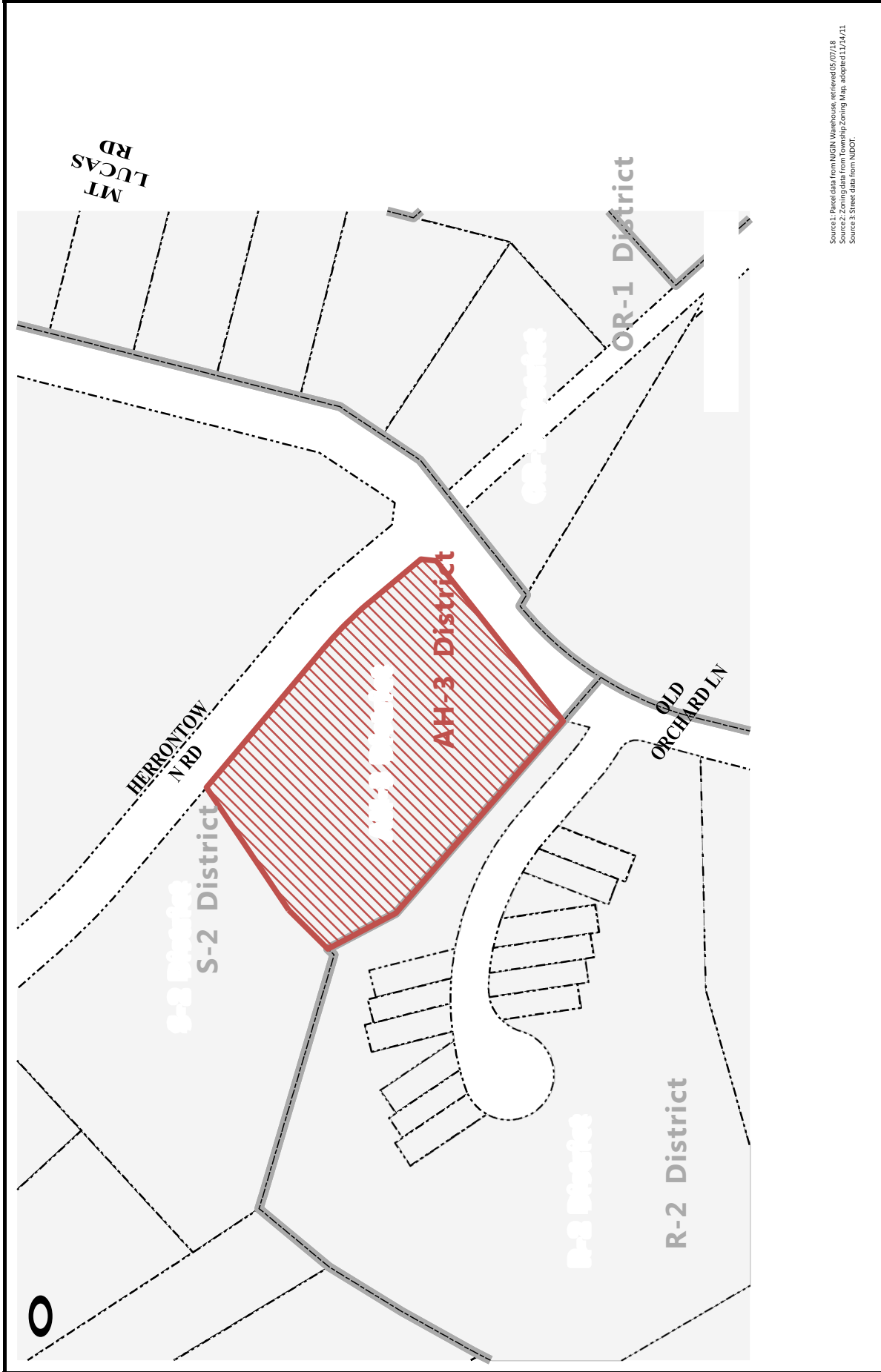
INTRODUCED the _____ day of _____, 2019.

ADOPTED the _____ day of _____, 2019.





ATTEST:

Delores Williams, RMC Municipal Clerk

Liz Lempert, Mayor



Source 1: Parcel data from NGM Warehouse, retrieved 05/07/18
 Source 2: Zoning data from Township Zoning Map, adopted 11/04/11
 Source 3: Street data from NJDOT.

 BURGIS ASSOCIATES, INC. COMMUNITY PLANNING LAND DEVELOPMENT AND DESIGN LANDSCAPE ARCHITECTURE P: 201.666.1811 F: 201.666.2393 Westwood, New Jersey 07675	Project Title Housing Plan <small>MUNICIPALITY OF PRINCETON MERCER COUNTY, NEW JERSEY</small>		Project No. 3507.01	Date 03.08.19	Drawn DN	Legend  Parcels  Existing Zoning  AH-3 District
	Scale 1" = 150'		Drawn No. rezone	Drawn No. rezone		
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