

MASON, GRIFFIN & PIERSON

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

MEMORANDUM

To: Mayor & Council of the Municipality of Princeton

From: Kevin A. Van Hise 

Date: February 20, 2026

Re: Amendment on Second Reading
Ordinance 2026-08 (Affordable Housing District-16 (AH-16))

As part of Princeton's fourth round affordable housing compliance requirements, on February 9, 2026, you introduced Ordinance No. 2026-08, entitled "*An Ordinance of the Municipality of Princeton Amending Chapter B17A Entitled "Land Use and Zoning" of the Municipality of Princeton to Create the Affordable Housing District-16 (AH-16) In Furtherance of the Fair Housing Act*". The proposed ordinance creates a new AH-16 zoning district to facilitate the development of a municipally-sponsored affordable housing development on the site of the Chestnut Street Firehouse as detailed in Princeton's adopted Housing Plan Element and Fair Share Plan ("HEFSP").

Subsequent to introduction, additional discussions with the developer determined that a few minor amendments be made to facilitate the development. Therefore, attached please find an amended version of the ordinance and a redlined version showing the changes from the ordinance introduced on February 9th. Specifically, the changes include the following changes to Section 3 of the ordinance:

- Paragraph D(9) is amended to remove a duplicative accessory (parking) use.
- Paragraph F(3)(b) is amended to clarify that piers and supports may extend into the side yard setback and projections shall not exceed 36' in length (rather than 30' as originally contemplated); and
- Paragraph F(5) is amended to permit a maximum building height of 48' (an increase from 45' as originally contemplated).
- Paragraph G is amended to allow for up to 50% of the provided parking spaces to be designed as compact spaces, and specify that the drive aisle shall be a minimum of 20' in width past the existing building.

If same meets with your approval, please announce this amendment at the February 23 meeting, with the public hearing now re-scheduled for the March 9 meeting.

ORDINANCE #2026-08

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER B17A ENTITLED “LAND USE AND ZONING” OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-16 (AH-16) IN FURTHERANCE OF THE FAIR HOUSING ACT

WHEREAS, the New Jersey Supreme Court, through its rulings in Southern Burlington County NAACP vs. Mount Laurel, 67 N.J. 151 (1975) (“Mount Laurel I”) and Southern Burlington County NAACP vs. Mount Laurel, 92 N.J. 158 (1983) (“Mount Laurel II”), has determined that every municipality in New Jersey has a constitutional obligation to provide, through its land use regulations, a realistic opportunity for its fair share of the regional need for housing for low- and moderate-income households and families; and

WHEREAS, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, amending the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, *et seq.*, to establish a new framework for determining and enforcing municipalities’ affordable housing obligations under the New Jersey Supreme Court’s Mount Laurel doctrine and the Act (the “FHA”), starting with fourth round (2025-2035) affordable housing obligations; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 (“Administrative Directive #14-24”), Princeton filed a Complaint for Declaratory Judgment entitled *In the Matter of the Application of the Municipality of Princeton in Mercer County*, Docket No. MER-L-000207-25 on January 28, 2025 (the “Fourth Round DJ Action”), identifying Princeton’s present and prospective fair share obligations for the Fourth Round, and committing to adopting and submitting a Fourth Round Housing Plan Element and Fair Share Plan (“HEFSP”) as required by the FHA; and

WHEREAS, on June 25, 2025, the Princeton Planning Board (“Board”) adopted a Fourth Round HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, *et seq.*, as required by and in conformance with the FHA; and

WHEREAS, on June 26, 2025, by Resolution No. 25-230, the Mayor and Council endorsed Princeton’s Fourth Round HEFSP, which was filed with the court in the Fourth Round DJ Action on June 27, 2025; and

WHEREAS, Princeton’s Fourth Round HEFSP addresses Princeton’s affordable housing obligations in a manner which will promote the public health and general welfare, and sets forth a plan which fully satisfies Princeton’s Fourth Round affordable housing obligations; and

WHEREAS, as contemplated by and in conformity with P.L.2024, c.2, Princeton now looks forward to implementing the goals, objectives and housing opportunities contemplated by its HEFSP by creating a new Affordable Housing District-16 (“AH-16”) zoning district; and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-1 (“MLUL”) at N.J.S.A. 40:55D-62.a requires that the provisions of a zoning ordinance be substantially consistent with the land use plan element and the housing plan element of the master plan or designed to effectuate such plan elements; and

WHEREAS, Princeton finds and declares that, pursuant to the purposes of the MLUL, the within ordinance promotes the public health, safety, morals, and general welfare and advances the municipality’s efforts to meet its constitutional obligation to provide for its fair share of very low, low and moderate income housing; and

WHEREAS, the Mayor and Council formally refers this Ordinance to the Board for review, examination, discussion and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to the requirements of the MLUL.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Municipality of Princeton as follows:

Section 1. Affordable Housing Districts. Section §B17A-202(i), “Affordable Housing Districts”, of Chapter B17A of the “Code of the Borough of Princeton, New Jersey, 1974” (the “Code”), entitled “Land Use and Zoning”, is amended to add the following new zoning district:

- (16) AH-16 Affordable Housing – 16.

Section 2. Zoning Map. Section §B17A-203, “District Map”, of Chapter B17A of the Code, is hereby supplemented and amended to modify the “Official Zoning Map of Princeton, Mercer County, New Jersey” by designating the following lands identified by block(s) and lot(s) on the official Tax Map of Princeton as follows:

<u>Block(s)</u>	<u>Lot(s)</u>	<u>Street Address</u>	<u>Existing District</u>	<u>New District</u>
30.02	39.01, 39.02	13 Chestnut Street	R-4B	AH-16

Section 3. Affordable Housing District Provisions. Division 10 “Affordable Housing Zones” of Chapter B17A of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision II “Affordable Housing (AH) Zones” as follows:

§B17A-496. Affordable Housing - 16 (AH-16)

- A. Purpose. The purpose of the Affordable Housing-16 (AH-16) zoning district is to redevelop land no longer necessary for a public use for fully affordable housing in furtherance of the housing policies expressed in the Fourth Round of the Housing Element and Fair Share Plan while retaining the existing two-and-a-half story firehouse structure.
- B. Comprehensive Development Required. The AH-16 zone shall be constructed in accordance with a single, unified development plan in one phase.
- C. Permitted Uses. In AH-16, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
 - (1) Multiple dwellings.
 - (2) Municipal use.
- D. Accessory Uses Permitted. Any of the following uses shall be permitted when used in conjunction with a principal use:
 - (1) Residential management office.
 - (2) Common rooms/areas, including for meetings, recreation, laundry and storage.
 - (3) Community room accessible to the public.
 - (4) Communications infrastructure.
 - (5) Maintenance and storage.
 - (6) Off-street parking and loading.
 - (7) Street/site furnishings.
 - (8) Home occupations.
 - ~~(9) Off-street surface parking.~~
 - ~~(10)~~(9) Fences and walls.
 - ~~(11)~~(10) Landscape amenities and open space.
 - ~~(12)~~(11) Signs.
 - ~~(13)~~(12) Storm water management facilities and other utilities
 - ~~(14)~~(13) Other customary uses which are clearly incidental and subordinate

to a permitted principal use on the same lot.

- E. Required Income Restriction. In any AH-16 district, all dwellings shall be affordable to very low, low and moderate income households. Affordable units shall be restricted, regulated and administered consistent with the Municipality's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), including the Fair Housing Act's definition of very low-income households and all other provisions of the Municipality's Affordable Housing Ordinance (§T10B-332).
- F. AH-16 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:
- (1) The existing two-and-a-half story firehouse (without the rear addition) shall be retained and adaptively reused for residential use and accessory uses, including a community room on the first floor, unless specific elements need to be removed on good cause shown.
 - (2) All new external construction shall be behind the existing two-and-half-story firehouse, except for new construction to the rear of the ridgeline of the existing roof (such as the addition of dormers or replacement of that section of the roof) – which shall be permitted.
 - (3) Minimum yard requirements:
 - (a) Front yard: twelve (12) feet. Parking and a garden shall be permitted in the front yard setback.
 - (b) Side yard: five (5) feet, except that no more than sixty percent (60%) of the building, including piers/supports, shall be permitted to project up to the property line. Any such individual projection shall not exceed thirty-~~six~~ (~~30~~36) feet in length and shall be contiguous with sections of building meeting the five (5) foot requirement. The existing historic street facing building to remain shall count towards the sixty percent (60%) limitation.
 - (c) Rear yard: five (5) feet. An emergency generator shall be permitted in the rear yard setback.
 - (4) Maximum impervious coverage: ninety percent (90%).
 - (5) Building height: Maximum building height shall be four stories (4) stories, not to exceed forty-~~five~~-~~eight~~ (~~45~~48) feet.
 - (6) Minimum dwellings. At least sixteen (16) dwelling units shall be developed within the AH-16 district.

- G. Off-street parking.
 - (1) 0.5 parking space per dwelling.
 - ~~(2)~~ On-street parking credit. Off-street parking requirements shall be reduced by the number of new on-street parking spaces created.
 - ~~(3)~~ Compact spaces. A maximum of fifty percent (50%) of the provided spaces may be designed as compact spaces.
 - ~~(2)~~~~(4)~~ Parking drive aisle. Parking drive aisle shall be a minimum of twenty (20) feet in width past the existing building.
- H. Landscaping. A landscaped buffer of not less than three (3) feet in width shall be provided along any common property line in a side or rear yard where a side or rear yard is required and is not necessary for vehicular, bicycle or pedestrian circulation. In other areas, an opaque fence shall be required on the property line, six (6) feet in height, except in a front yard. Buffers may be comprised of landscaping with fencing, which shall be of a sufficient quantity and size to provide a visual separation from adjacent property. Front yard landscaping is required to reduce existing impervious cover by at least four hundred (400) square feet.
- I. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.
- J. Signs. Signs shall be as permitted by the municipal code. The existing firehouse signage and changeable copy sign on the front façade of the building shall be retained.
- K. Additional development requirements.
 - (1) Any new construction within the AH-16 district shall be subject to a municipal developer's agreement, or equivalent thereof, for the development of the site.

Section 4. Conflicts. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provisions of this Ordinance shall control.

Section 5. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction 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 deemed valid and effective.

Section 6. Referral. After introduction, the Municipal Clerk is hereby directed to submit a copy of this ordinance to the Princeton Planning Board for its review and report in accordance with N.J.S.A. 40:55D-64.

Section 7. Notice. The Municipal Clerk is directed to give notice at least ten (10) days prior to the 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-62.1.

Section 8. Effective Date. This ordinance shall take effect immediately upon final passage and publication, filing with the Mercer County Planning Board, and as otherwise provided for by law.

Dawn M. Mount, Clerk

Hon. Mark Freda, Mayor

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Princeton's zoning ordinance by creating a new affordable housing zoning district in furtherance of Princeton's Fourth Round Housing Plan Element and Fair Share Plan.

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Council Meeting of the Mayor and Council of the Municipality of Princeton in the County of Mercer, State of New Jersey, held on February 9, 2026, was amended on second reading held on February 23, 2026, and will be considered for final passage and adoption at the Council Meeting scheduled for March 9, 2026 at 7:00 p.m. at the Princeton Municipal Building, 400 Witherspoon Street, Princeton, New Jersey. Any person interested in this matter will be given an opportunity to be heard at that meeting. A copy of this Ordinance may be obtained at no cost by any member of the general public upon request at the Municipal Building during business hours.