

ORDINANCE #2026-07

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-12 (AH-12) 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-12 (“AH-12”) 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:

(12) AH-12 Affordable Housing – 12.

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>
30.03	64, 100	86-88, 92-94 Spruce Street	R-4B	AH-12

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-492. Affordable Housing - 12 (AH-12)

- A. Purpose. The purpose of the AH-12 zoning district is to provide an additional opportunity for underutilized land where affordable multi-family housing may be developed in furtherance of the Municipality's goals and objectives for affordable housing as set forth in the Master Plan.
- B. Permitted Uses. In Affordable Housing District-12, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following (these uses may be in combination with each other on the same tract):
 - (1) Multiple dwellings.
 - (2) Townhouses.
 - (3) At most, one single family detached dwelling.
 - (4) Supportive housing.
 - (5) The existing 2-unit residential structure.
- C. 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) Communications infrastructure.
 - (4) Maintenance and storage.
 - (5) Off-street parking and loading.
 - (6) Street/site furnishings.
 - (7) Home occupations.
 - (8) Fences and walls.
 - (9) Signs.
 - (10) Storm water management facilities and other utilities.

- (11) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.
- D. Required Income Restriction. In any AH-12 district, at least twenty percent (20%) of the total number of new dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings or affordable housing credited units be less than eight (8). 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).
- E. AH-12 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:
- (1) Minimum yard requirements:
 - (a) Front yard: Any building constructed between the two existing buildings fronting on Spruce Street shall have a front yard depth that is the average of the two other buildings' setbacks from the right-of-way line, as measured from the mid-point of the front facade.
 - (b) Side yard: ten (10) feet for the new construction of a building; otherwise the existing yards of existing buildings. This requirement shall apply to the tract perimeter only.
 - (c) Rear yard: five (5) feet.
 - (2) Maximum impervious coverage: 75%.
 - (3) Minimum building separation: five (5) feet.
 - (4) Building height: Maximum building height shall not exceed forty-five (45) feet.
 - (5) Maximum density. No more than thirty (30) new dwelling units shall be permitted within the AH-12 district as of the date of adoption of this ordinance.
- F. Maximum number of buildings: Multiple buildings per lot are permitted.
- G. Off-street parking.
- (1) 0.425 off-street parking spaces shall be provided for each dwelling.

- (2) Parking garage drive aisle shall be a minimum of 22 feet in width.
 - (3) Up to 25% of spaces may be compact spaces.
- H. Landscaping. A landscaped buffer of not less than five (5) feet in width shall be provided along any common property line in a side yard where a side yard is required. Buffers may be comprised of fences and landscaping, which shall be of a sufficient quantity and size to provide a visual separation from adjacent property.
- I. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.
- J. Signs. Signs shall be regulated pursuant to §B17A-367, Accessory Signs-Permitted in all districts. In addition, the following signs are also permitted:
 - (1) Pathway wayfinding signs: signs are required to mark both entries to the new publicly accessible pathway described in Section K below. Each of the two signs shall be no more than ten (10) square feet in area. These signs shall provide wayfinding and shall not be commercial in nature.
 - (2) Two façade signs are permitted on a multi-family building of over 20 units for building identification. Each shall be no more than six (6) square feet in area.
 - (3) Address numbers are permitted for each entrance on multi-unit buildings.
- K. Additional development requirement. Any property with a designation of AH-12 shall provide a public access easement for a pathway utilized by the general public through the property from the right-of-way to any municipal open space. The public access easement shall be improved with an all-weather path a minimum width of six (6) feet. The second floor of a building shall be permitted to encroach upon the easement provided that a vertical height of nine (9) feet is available.

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 and will be considered for final passage and adoption at the Council Meeting scheduled for February 23, 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.