

ORDINANCE #2026-01

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-10 (AH-10) 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-10 (“AH-10”) 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:

- (10) AH-10 Affordable Housing – 10.

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>
48.01	5	245-247 Nassau Street	SB B	AH-10

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-490. Affordable Housing - 10 (AH-10)

- A. Purpose. The purpose of the AH-10 zoning district is to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Municipality's constitutional obligation to provide such housing to low-and moderate-income households. Specifically, the AH-10 zone is established to encourage redevelopment consisting of upper-story multiple dwellings with an affordable housing set-aside, along with ground-level retail, service, commercial and office uses.
- B. Permitted Uses. In Affordable Housing – 10 district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
- (1) Multiple dwellings above the ground floor, or behind retail sales and service businesses and restaurants located on the ground floor or street level.
 - (2) Retail sales and service businesses and restaurants located on the ground floor or street level, not to exceed, in total, 3,300 sf. of net leasable floor area.
- 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. Outdoor dining / courtyard is allowable within the front yard setback.
 - (7) Home occupations.
 - (8) Fences and walls.
 - (9) Landscape amenities and open space.
 - (10) Signs.
 - (11) Storm water management facilities and other utilities.

(12) 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-10 district, at least twenty percent (20%) of the total number of dwellings shall be affordable to very low, low and moderate income households, but in no instance shall the number of such affordable dwellings be less than eighteen (18). 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-10 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:

(1) Minimum yard requirements:

a. Front yard:

i. To Lot 18: five (5) feet.

ii. All others: zero (0) feet.

iii. Outdoor dining courtyard(s) shall be allowable within the front yard setback.

b. Side yard: zero (0) feet.

c. Rear yard: ten (10) feet.

i. Stormwater management measures and emergency generator(s) shall be permitted within the rear yard setback.

d. Maximum front yard setback: fifteen (15) feet.

(2) Maximum impervious coverage: 90%.

(3) Building height shall not exceed five (5) stories, not to exceed sixty-five (65) feet in height.

(4) Maximum number of dwelling units shall not exceed 95 units in the AH-10 district.

(5) Maximum number of buildings: Multiple buildings per lot are permitted.

(6) Off-street vehicular and bicycle parking.

- a. Vehicle parking for residential uses: 0.75 off-street parking spaces shall be provided for each dwelling.
 - b. Vehicle parking for non-residential uses. No off-street parking spaces shall be required.
 - c. The allowable number of compact size parking spaces shall be as follows: In parking areas and parking structures of less than 100 spaces, a maximum of 25% of such spaces may be designed as compact spaces.
 - d. Bicycle parking shall be provided in accordance with §T10B-282.2.
- F. Landscaping. No landscape buffers shall be required.
- G. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.
- H. Signs.
- (1) One building-mounted identification sign shall be permitted. Such sign shall not exceed 15' x 4' (height x width) and sixty (60) square feet in size. If the sign is illuminated, it shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.
 - (2) One freestanding, two-sided, monument sign shall be permitted. Such sign shall not exceed one (1) foot in width, with each sign face not exceeding 5' x 4' (height x width) and twenty (20) square feet in size. The sign may be installed in the front and side yard setbacks up to the property boundaries. If the sign is illuminated, it shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.
 - (3) One building-mounted retail sign shall be permitted. Such sign shall not exceed 1' x 9' (height x width) and nine (9) square feet in size. If the sign is illuminated, it shall be either externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content) or halo-lit with shielded back glow illumination.
 - (4) One building-mounted parking sign shall be permitted. Such sign shall not exceed 1' x 9' (height x width) and nine (9) square feet in size. If the sign is illuminated, it shall be externally lit with directional lights that are shielded (so as to sufficiently illuminate the sign content).

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 January 27, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for February 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.