

ORDINANCE #2026-06

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 OVERLAY DISTRICT-11 (AHO-11) 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-11 (“AH-11”) 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:

(11) AHO-11 Affordable Housing Overlay – 11.
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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>Overlay District</u> |
|------------------------|----------------------|---|---------------------------------|--------------------------------|
| 27.02 | 47, 49 | 40-42 North Tulane Street 32 Spring Street | CB B, R-4 B | AHO-11 |

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 I “Affordable Housing Overlay (AHO) Zones” as follows:

§B17A-459. Affordable Housing Overlay-11 (AHO-11)

- A. Purpose. The purpose of the Affordable Housing Overlay–11 (AHO-11) zoning district is to redevelop commercial land for multi-family housing in furtherance of the Municipality’s goals and objectives for affordable housing as set forth in the Master Plan.
- B. Permitted Uses. In the AHO-11 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 street level.
 - (2) Retail sales and services, offices and restaurants located on the ground floor or street level, as required for buildings fronting Spring Street and permitted for buildings fronting North Tulane Street.
- 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 facility.
 - (5) Maintenance and storage.
 - (6) Off-street parking and loading.
 - (7) Street/site furnishings.
 - (8) Home occupations.
 - (9) Off-street surface parking and private residential garages.
 - (10) Fences and walls.
 - (11) Landscape amenities and open space.
 - (12) Signs.
 - (13) Storm water management facilities and other utilities

- (14) Other customary uses which are clearly incidental and subordinate to a permitted principal use on the same lot.
- D. Required Income Restriction. In any AHO-11 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 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. AHO-11 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:
- (1) Area and Yard Requirements.
 - (a) Minimum lot area. The minimum contiguous lot area shall be three-tenths (0.3) acre.
 - (b) The minimum front yard setback shall be zero (0) feet.
 - (c) Minimum side yard setback for buildings shall be zero (0) feet.
 - (d) Minimum rear yard setback for buildings shall be zero (0) feet.
 - (2) Maximum number of dwellings shall not exceed forty (40) dwellings in the AHO-11 district.
 - (3) Building height limitations:
 - (a) Within fifty (50) feet of Spring Street no building or portion thereof shall exceed a height of six stories and sixty-five (65) feet.
 - (b) Between fifty (50) and one hundred (100) feet from Spring Street no building or portion thereof shall exceed a height of five stories and fifty-five (55) feet.
 - (c) Between one hundred (100) and one hundred fifty (150) feet from Spring Street no building or portion thereof shall exceed a height of four stories and forty-five (45) feet, except that if located between one hundred (100) and one hundred twenty-five (125) feet of Spring Street and no closer than fifty (50) feet of N. Tulane Street, the building may be five stories and fifty-five (55) feet in

height.

- (4) Maximum number of buildings: Multiple buildings per lot are permitted.
- (5) Off-street vehicular and bicycle parking.
 - (a) Vehicle parking for residential uses: 0.5 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) Bicycle parking shall be as required pursuant to §T10B-282.2.
- F. Landscaping. Landscaping shall take the form of planters demarcating the entrance and street trees, minimum 2.5 inches in caliper at planting, with a columnar form, suitable for urban locations, spaced 35-40 feet apart.
- G. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.
- H. Signs. One facade sign is permitted per street frontage, no larger than 20 square feet in sign area, with a maximum height of five (5) feet, mounted no higher than nine (9) feet above grade, and may be illuminated.

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 overlay 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.