

ORDINANCE #2026-05

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-9 (AHO-9) 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 Overlay District-9 (“AHO-9”) 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:

- (9) AHO-9 Affordable Housing Overlay – 9.

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>
32.01	1, 173, 213 & 221-223	354-360 Nassau Street 11 N. Harrison Street	NB B, RO-B AHO-2	AHO-9

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-458. Affordable Housing Overlay-9 (AHO-9)

- A. Purpose. The purpose of the Affordable Housing Overlay-9 (AHO-9) zoning overlay 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 for low-and moderate-income households. Specifically, the AHO-9 zone is established to encourage redevelopment consisting of multiple dwellings with an affordable housing set-aside, along with ground-level retail, service, commercial and office uses.

- B. Permitted Uses. In AHO-9, 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 in street-fronting buildings; or, behind retail sales and services, offices and restaurants located on the ground floor in street-fronting locations.
 - (2) Retail sales and services, offices and restaurants located on the ground floor in street-fronting locations.

- 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, including parking garage and structured parking, and loading.
 - (7) Street/site furnishings.
 - (8) Home occupations.
 - (9) Off-street surface and/or structured parking .

- (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-9 district, at least twenty percent (20%) of the total number of 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).
- E. AHO-9 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:
- (1) Minimum lot size: 75,000 square feet.
 - (2) Minimum yard requirements:
 - (a) Front yard: fifteen (15) feet along Nassau Street, five (5) feet along North Harrison Street.
 - (b) Yards adjacent to Block 32.01, Lots 214, 215 and 171: five (5) feet except when adjacent to Block 32.01, Lot 215 where the side yard shall be not less than ten (10) feet.
 - (c) Yards adjacent to 32.01, Lot 167 and Block 32.12, Lot 1: fifteen (15) feet except where Block 32.01, Lot 222 abuts Lot 167 where the rear yard shall be not less than five (5) feet.
 - (3) Maximum impervious coverage: ninety percent (90%).
 - (4) Maximum building height:
 - (a) Building height within forty (40) feet of the Nassau Street property line shall not exceed three stories, not to exceed thirty-six (36) feet.

- (b) Building height within twenty-five (25) feet of the North Harrison Street property line shall not exceed three stories, not to exceed thirty-six (36) feet.
 - (c) Building height within thirty-five (35) feet of the property line of Block 32.12, Lot 1, shall not exceed three stories, not to exceed thirty-six (36) feet.
 - (d) Building height between forty (40) and seventy (70) feet of the Nassau Street property line shall not exceed four stories, not to exceed forty-eight (48) feet.
 - (e) Building height within twenty-five (25) feet from the side yard property line of Block 32.01, Lots 214 and 215 shall not exceed four stories, not to exceed forty-eight (48) feet.
 - (f) Building height between twenty-five (25) feet and one hundred fifty-four (154) feet from the North Harrison Street property line shall not exceed four stories, not to exceed forty-eight (48) feet.
 - (g) Building height within thirty (30) feet from the property line of Block 32.12, Lot 167 shall not exceed four stories, not to exceed forty-eight (48) feet.
 - (h) Building height between thirty-five (35) and fifty (50) feet from the property line of Block 32.12, Lot 1 shall not exceed four stories, not to exceed forty-eight (48) feet.
 - (i) Building height within twenty (20) feet from the property line of Block 32.01, Lot 171 shall not exceed four stories, not to exceed forty-eight (48) feet.
 - (j) Building height in the remainder of the parcel shall not exceed five stories, not to exceed sixty (60) feet in height.
- (5) Maximum number of buildings: Multiple buildings per lot are permitted.
 - (6) Maximum number of dwellings shall not exceed one hundred thirty (130) units in the AHO-9 district.

F. Off-street parking for vehicles and bicycles.

- (1) Vehicle parking for residential uses. 0.75 off-street parking spaces shall be provided for each dwelling.

- (2) Vehicle parking for non-residential uses. One (1) space for each four hundred (400) square feet of retail sales and services, office space or restaurant use
 - (3) Up to fifty percent (50%) of the non-residential parking requirement may be met by assuming shared use of residential parking spaces. Therefore, total parking requirement shall equal $(0.75 \times \text{number of dwelling units}) + (.5 \times (\text{total commercial square feet}/400))$.
 - (4) Bicycle parking shall be provided in accordance with §T10B-282.2.
- G. Minimum landscape buffers to residential zones: fifteen (15) feet in width except where Block 32.01, Lot 222 abuts Lot 167 where the buffer shall be not less than five (5) feet.
 - H. Lighting. Illumination of sites and buildings shall be regulated pursuant to §B17A-365.1 Lighting.
 - I. Signs. Signs shall be regulated pursuant to §B17A-368, Accessory Signs-Permitted in business districts.

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.