

**ORDINANCE #2026-11**

**AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER T10B ENTITLED “LAND USE” OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-13 (AH-13) 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-13 (“AH-13”) 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. Zoning Map.** Section §T10B-242, “Zoning Map”, of Chapter T10B 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:

<b><u>Block(s)</u></b>	<b><u>Lot(s)</u></b>	<b><u>Street Address</u></b>	<b><u>Existing District</u></b>	<b><u>New District</u></b>
7004	1, 2	11-33 State Road, 60 Mt. Lucas Road	B-2T	AH-13

**Section 2. Division of Township into Zoning Districts.** §T10B-244, “Division of Township into Zoning Districts”, of Chapter T10B of the Code is hereby supplemented and amended to add the following zoning district:

Affordable Housing-13 (AH-13) Zone.

**Section 3. Affordable Housing District Provisions.** Division 2, “Zoning Districts”, of Chapter T10B of the Code is hereby supplemented and amended to add the following new Affordable Housing Zone to Subdivision 2.27 “Affordable Housing (AH) Zones” as follows:

**§T10B-272.119. Affordable Housing - 13 (AH-13)**

- A. Purpose. The purpose of the Affordable Housing-13 (AH-13) 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 for low-and moderate-income households. Specifically, the AH-13 zone is established to encourage redevelopment consisting of multiple dwellings and townhouses with an affordable housing set- aside, along with ground-level retail, service, commercial and ground-level and second-story office uses facing a higher order street.
- B. Comprehensive Development Required. The AH-13 zone shall be constructed in accordance with a single, unified development plan in one phase. This shall not preclude, however, any landowner from subdividing the property into fee simple or condominium ownership of the property.
- C. Permitted Uses. In the AH-13 Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except a comprehensive development including the following:
- (1) Townhouses facing Mount Lucas Road.
  - (2) Multiple dwellings above the ground floor or street level.
  - (3) Retail sales and services and restaurants located on the street level facing State Road (Rt. 206).
  - (4) Offices, inclusive of medical offices and urgent care facilities, except that such use shall be restricted to the ground floor and second story only.
- 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) Indoor and outdoor amenity space for residents.
  - (4) Communications infrastructure.
  - (5) Maintenance facilities.
  - (6) Storage facilities.
  - (7) Off-street parking, inclusive of structured parking, and off-street loading.
  - (8) Street/site furnishings.
  - (9) Home occupations.
  - (10) Fences and walls.
  - (11) Landscape amenities and open space.

- (12) Signs.
  - (13) Storm water management facilities and other utilities.
  - (14) Emergency generators and ancillary enclosures.
  - (15) 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-13 zone, 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 sixteen (16). 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-13 Site Development Regulations. The following site development regulations shall apply to all lots and buildings:
- (1) Minimum setback requirements:
    - (a) From State Road 206: ten (10) feet.
    - (b) From Mount Lucas Road: zero (0) feet.
    - (c) From Cherry Hill Road: ten (10) feet.
    - (d) From any other property line: zero (0) feet.
  - (2) Maximum impervious coverage: 95%.
  - (3) Building height: The maximum building height shall be five (5) stories, not to exceed sixty-five (65) feet, measured from the average elevation of the curblin along the State Road (Rt. 206) frontage. An enclosed penthouse level shall be permitted and shall be exempt from the maximum building height requirement provided that it is used solely for resident amenities and provided further that it occupy no more than 10% of the roof area of the building; not exceed 11 feet in height; and be set back a minimum of 15 feet from the edge of the roof from street facing facades. For townhouses facing Mount Lucas Road the maximum height shall be two and a half (2.5) stories from the level of the street, not to exceed 35 feet, measured from the average elevation of the curblin along the frontage for each individual unit.
  - (4) Maximum number of dwelling units shall not exceed eighty-two (82) dwellings in the AH-13 zone.
  - (5) Maximum number of buildings: Multiple buildings per lot are permitted.

- (6) Minimum floor area devoted to retail sales and services and restaurants: 2,500 square feet.
- (7) Minimum floor area devoted to offices, inclusive of medical offices and urgent care facilities: 9,000 square feet.

G. Off-street parking.

- (1) Residential uses. Eight tenths (0.8) off-street parking spaces shall be provided for each dwelling.
- (2) Non-residential uses. One (1) space for each 400 square feet of retail sales and services; one space for each 300 square feet of office space; and one space for each five (5) seats in a restaurant.
- (3) Shared parking. The above parking standards may be reduced if a shared parking study is submitted to and approved by the Planning Board demonstrating that the mix of land uses have different parking demands and are therefore able to use the same space throughout the day.
- (4) Compact spaces. A maximum of 25% of spaces within parking structures may be designed as compact spaces.
- (5) Bicycle parking shall be provided in accordance with § T10B-282.2.

H. Lighting. Illumination of sites and buildings shall be regulated pursuant to §T10B-317.1, Lighting.

I. Signs.

- (1) No more than two multi-family building mounted identification facade signs shall be permitted on the fifth story but not to exceed the top of the roof parapet and not to exceed eighty (80) square feet in size combined in total. If illuminated, such signs 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) Four office building identification signs shall be permitted: one building identification façade sign above the second story, not to exceed twenty-four (24) square feet in size, and three canopy-mounted signs above the first story not to exceed sixteen (16) square feet in size each. Canopy signs may encroach into the required setbacks. If illuminated, signs 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 single-sided façade sign shall be permitted identifying the multi-family building lobby entrance along Mount Lucas Road not to exceed twenty (20) square feet in size. The sign shall be located on the south-facing wall of the lobby building. If illuminated, the sign 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 canopy-mounted retail identification sign per tenant shall be permitted above the first story of the building not to exceed sixteen (16) square feet in size. If illuminated, such sign 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. One projecting sign shall be allowed per retail tenant in accordance with §B17A-368(5).
- (5) One canopy-mounted building sign facing Mount Lucas Road shall be permitted above the first story not to exceed twenty (20) square feet in size. If illuminated, such sign 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.
- (6) Two building mounted parking garage entrance signs shall be permitted above the first story of the building, one facing State Road (Rt. 206) and the other facing Mount Lucas Road. Neither sign shall exceed thirteen (13) square feet in size. If illuminated, such signs 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.
- (7) Address numbers shall be permitted at each entrance to a townhouse unit.

**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.

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Dawn M. Mount, Clerk

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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 23, 2026 and will be considered for final passage and adoption at the Council Meeting scheduled for March 9, 2026 at 7:30 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.