

## **ORDINANCE #2026-03**

### **AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON AMENDING CHAPTER T10B ENTITLED “LAND USE” OF THE MUNICIPALITY OF PRINCETON TO CREATE THE AFFORDABLE HOUSING DISTRICT-15 (AH-15) 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-15* (“AH-15”) 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 §T10B-244, “Division of Township into Zoning Districts”, of Chapter T10B of the “Code of the Borough of Princeton, New Jersey, 1974” (the “Code”), entitled “Land Use”, is amended to add the following new zoning district:

(15) AH-15 Affordable Housing – 15.

**Section 2. 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>
5502	2	457 N. Harrison Street	OR-2	AH-15

**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-272.121. Affordable Housing - 15 (AH-15) Zone**

- (a) Purpose. The purpose of the Affordable Housing – 15 (“AH-15”) zoning district is to redevelop commercial land for multi-family housing in an appropriate location in furtherance of the Municipality's goals and objectives for affordable housing as set forth in the Master Plan.
- (b) Permitted Uses. In the AH-15 zone, no lot shall be used, and no structure shall be erected, altered or occupied, for any purpose except the following:
  - (1) Multifamily dwellings.
- (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 garages and parking structures, 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) Rooftop amenity space for residents and guests.
  - (13) Pedestrian circulation elements.
  - (14) Signs.
  - (15) Storm water management facilities and other utilities.

- (16) 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-15 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) AH-15 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 five acres (5) acres.
    - b. Minimum tract frontage. The minimum frontage shall be three hundred (300) lineal feet.
    - c. Minimum front yard setback for buildings shall be seventy-five (75) feet.
    - d. Minimum side yard setback for buildings shall be twenty-five (25) feet.
    - e. Minimum rear yard setback for buildings shall be thirty-five (35) feet.
  - (2) Setbacks for parking lots, aisles and public access. No parking or loading area, aisle, or driveway, excepting for access to and from a public street, shall be located closer than twenty-five (25) feet to a streetline and five (5) feet to any side lot boundary and a half (0.5) foot to the rear lot line.
  - (3) Density limitation. The maximum number of dwellings shall not exceed one hundred and ninety-one (191) units in the AH-15 district.
  - (4) Maximum impervious surface coverage. The maximum impervious surface coverage shall be eighty percent (80%) of the total gross acreage of the tract.
  - (5) Maximum building height: five stories and sixty-five (65) feet. Non-habitable building elements located above the roofline of the highest floor

that constitute, contain or screen mechanical equipment, including residential rooftop amenities, that, do not in the aggregate, exceed 20% of the roof area of the building shall be excluded from the calculation of building height.

- a. Building height shall be calculated consistent with the “height of the building” definition found in §T10B-241.
- b. Elevator penthouses, staircases and mechanical equipment located on the rooftop shall not be subject to any setback requirement.

(f) Off-Street Parking and Loading.

(1) For vehicles.

- a. Minimum number of spaces: 1.5 spaces per dwelling unit.
- b. Minimum setback from front yard: fifty (50) feet to the nearest point of any parking space.
- c. Minimum setback from other yards: twenty (20) feet to the nearest point of any parking space.
- d. Off-street loading. One space 15’ W x 25’ D by 14’ H.
- e. Minimum parking stall size: Stalls shall be a minimum of 9’ x 18’ in size, consistent with RSIS, and up to 10% of the total provided stalls may be compact stalls, a minimum of 8’ x 16’ in size.

(2) Bicycle parking and connectivity. Bicycle parking shall be as required in §T10B-282.2. A pedestrian walkway and a separate dual-use (i.e., pedestrian and bicycle) path shall be provided from the building to North Harrison Street. A dual-use path shall also be provided along North Harrison Street.

(3) Other dimensions and calculations shall be as required in Subdivision 3.5 of the Code of the Municipality of Princeton, to the extent applicable and not in direct conflict with the provisions of this Ordinance.

(g) Landscape Buffer Strips. The following requirements shall supersede the requirements of §T10B-304 in the AH-15 zone.

- (1) Buffers and Berms. Landscaping buffers are required to minimize and visually screen any adverse impacts or nuisances on the a site or from any adjacent area. Berms may be used to achieve buffering effects in

accordance with the regulations herein where the buffer width is greater than twenty (20) feet.

- (2) General requirements. Landscape buffers shall consist of a combination of deciduous trees, conifers, shrubs, berms, and if appropriate, fences, walls or retaining walls in sufficient quantities and sizes to perform their necessary screening function. Storm water management facilities, parking, dumpster enclosures, accessory buildings or above ground structures, and similar encroachments shall not be permitted in the required buffer area. Buffers shall be installed in the side yards.
- (3) The minimum width of landscape buffer shall be five (5) feet. For any buffer less than twenty (20) feet in width, a solid fence shall be incorporated into the buffer landscaping plan except when such fence is within twenty-five (25) feet of a streetline.
- (4) The front yard landscaping plan shall be designed to retain existing vegetation of high quality and shall introduce landscape elements to enhance street-facing buildings and the grounds along the streetline.
  - a. Street trees shall be required along all frontages, with a minimum caliper of two and one-half (2.5) inches at time of planting and be large shade trees at maturity. In general, street trees shall be planted at 40-foot intervals, but may be adjusted to account for utilities, driveways, bicycle paths and pedestrian paths.
  - b. Front yard landscaping shall be continuous except for access drives as approved by the board of jurisdiction.
- (h) Lighting. Illumination of sites and buildings shall be regulated pursuant to §T10B-317.1.
- (i) Signs.
  - a. One freestanding monument sign shall be permitted. Such sign shall be set back a minimum of five (5) feet from any property line and shall not exceed twenty-four (24) square feet in area. If the sign is illuminated, only exterior lighting shall be permitted.
  - b. A maximum of two façade signs shall be permitted identifying the building. Façade signs shall be placed either with a band extending across a section of the first level façade (preferably near or above a door or window) or mounted as individual channel-cut letters at the front edge of an entrance canopy. The area of a façade sign shall not exceed thirty (30) square feet. If a façade 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.

- (j) **Reciprocal Access.** Applicants for development in the AH-15 Zone should pursue, to the maximum extent practicable, reciprocal cross-access easements with adjoining properties to enhance vehicular, bicycle, and pedestrian circulation. In particular, applicants are encouraged to seek such easements with Block 5502, Lots 4.02 and/or 4.03 to provide access to the Thanet Road cul-de-sac that intersects Terhune Road. If Applicant is able to obtain such access easement(s), then any such driveway or aisle shall be exempt from the setback requirements set forth in section §T10B-272.121(e)(2) above. The owners of Block 5502, Lots 4.02 and 4.03 are outside of the AH-15 Zone and are not subject to this provision; accordingly, compliance is encouraged but not required. If consent from those owners cannot be obtained, no variance or waiver from this subsection is required.
- (k) **Exemption from Certain Requirements.** Any development or redevelopment within the AH-15 zone shall be exempt from complying with §T10B-278, §T10B-288, §T10B-297, §T10B-304 and §T10B-307 of the Code of the Municipality of Princeton.

**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 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.