

ORDINANCE #2020-37

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 10B- \_\_\_\_\_ OF THE PRINCETON CODE, ENTITLED “LAND USE” AND THE PRINCETON ZONING MAP, TO CREATE THE “AFFORDABLE HOUSING 7 (AH-7) ZONE AND THE REGULATIONS ASSOCIATED THERETO IN THE MUNICIPALITY OF PRINCETON.

**Section 1.** Chapter 10B- \_\_\_\_\_ of the Princeton Code entitled “Districts Generally Established Enumerated” is hereby supplemented and amended to add the following new zone district to the list of zone districts:

Section 10B - \_\_\_\_\_ Affordable Housing - 7 (AH-7) Zone

**Section 2.** Chapter 10B- \_\_\_\_\_ District Map is hereby supplemented and amended to delineate the Affordable Housing 7 (AH- 7) zone district on the “Zoning Map, Township of Princeton”, as amended. The following property shall be removed from the R-5 zone and included in the AH-7 Zone:

Block 7401, Lots 4.01 and 4.02

**Section 3.** Chapter 10B- \_\_\_\_\_ is hereby supplemented to create a new “Affordable Housing - 7 (AH-7) Zone”.

**Section 4.** Chapter 10B- \_\_\_\_\_ Purpose. The Affordable Housing 7 (AH-7) Zone 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 Affordable Housing - 7 Zone permits residential dwellings as established herein, with an affordable housing set-aside.

**Section 5.** Chapter 10B- \_\_\_\_\_ Mandatory Affordable Housing Set-Aside. Within the Affordable Housing - 7 (AH-7) Zone, 20 percent of all dwellings, rounded up to the next whole unit, shall be deed-restricted for occupancy by low- and moderate-income households and shall comply with the following:

- (a) Minimum required affordable housing set aside: 20% of the total number of dwelling units.
- (b) Affordable units shall not be age-restricted.
- (c) Affordable dwelling units shall be subject to the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et. seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq.

- (d) Affordable dwelling unit household income breakdown shall comply with the following:
- (1) At least 13% of the affordable units shall be affordable to very low-income (VLI) households at 30% of the median income.
  - (2) At least 50% of the affordable units shall be made affordable to low-income households (the 50% requirement is inclusive of the 13% VLI requirement).
  - (3) A maximum of 50% of the affordable units shall be affordable to moderate-income households.
- (e) Affordable dwelling bedroom distribution. Bedroom distribution shall be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et. seq., the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et. seq., the Fair Housing Act (FHA) and all other applicable law.
- (f) The range of affordability, pricing and/or rent of units, affirmative marketing, minimum affordability controls and construction phasing with the market rate units developed on the tract shall also be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq., the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq., the Fair Housing Act (FHA) and all other applicable law.
- (g) The Municipal Housing Liaison shall be responsible to affirmatively market, administer and certify the occupant of each affordable dwelling unit, with all administrative costs to be paid by the Developer.

**Section 6.** Chapter 10B-\_\_\_\_\_ Affordable Housing – 7 (AH-7) Zone Regulations

**Section 7.** Chapter 10B-\_\_\_\_\_ Affordable Housing- 7 (AH-7) Zone Permitted Principal Uses. Within the AH-7 zoning district the following principal uses shall be permitted:

- (a) Townhouses.
- (b) Multi-family apartment dwellings.

**Section 8.** Chapter 10B-\_\_\_\_\_ Affordable Housing – 7 (AH-7) Zone Permitted Accessory Uses. Within the AH- 7 zoning district the following accessory uses are permitted:

- (a) Off-street parking.
- (b) Street/site furnishings.
- (c) Fences and walls.
- (d) Landscape amenities and open space.
- (e) Pedestrian circulation elements.

- (f) Storm water management facilities and other utilities.
- (g) Home occupations.
- (h) Other customary uses which are incidental and subordinate to a principal permitted use.

**Section 9.** Chapter 10B-\_\_\_\_\_ Affordable Housing -7 (AH- 7) Zone Site Development Regulations. Development within the AH- 7 zoning district shall comply with the following regulations:

- (a) Maximum number of dwelling units: 24 townhouse units and 6 multi-family apartment units.
- (b) Maximum number of multi-family apartments per building: 3.
- (c) Maximum number of townhouse buildings: 4.
- (d) Minimum building setback requirements:
  - (1) From Terhune Road right of way: 26 feet to a porch; 34 feet to a façade.
  - (2) From other municipal street rights-of-way (i.e., westerly lot line): 8 feet.
  - (3) From Block 7401, Lots 5, 6, 7 and 8: 35 feet.
  - (4) From Block 7401, Lot 3: 75 feet.
- (e) Maximum building height:
  - (1) Townhouses: 3 stories and 45 feet.
  - (2) Multi-family apartments: 2.5 stories and 35 feet.
- (f) Minimum number of off-street parking spaces: 1.5 per dwelling unit.
- (g) Comprehensive development required. The AH- 7 Zone shall be developed in accordance with single, unified development plan. Subdivision for the purposes of segregating the zone into smaller development tracts is not permitted.
- (h) Access from the municipal right-of-way. There shall be no direct vehicular access to dwellings from Terhune Road. A 50-foot municipal right-of-way that directly abuts the westerly lot line of Block 7401, Lots 4.01 and 4.02 shall be made available for roadway access purposes and grading easements, if required. The roadway shall comply with the following requirements:
  - (1) The road shall have a minimum cartway width of 27 feet.
  - (2) On-street, parallel parking shall be provided on the east side of the roadway.
  - (3) The travelway shall have a minimum width of 20 feet.
  - (4) A multi-use path with a minimum width of 10 feet wide shall be provided on the west side of the roadway.

- (5) A walking path with a minimum width of five (5) feet shall be provided on the east side of the roadway.
- (i) Internal vehicular access to townhouses and multi-family dwellings shall be from rear alleys that shall comply with the following:
  - (1) Alleys shall have a minimum paved width of 30 feet that is clear of any obstructions.
  - (2) No off-street parking spaces shall be located within the alleys to serve townhouses.
  - (3) Perpendicular parking spaces are permitted as part of an alley to serve multi-family dwellings, provided such spaces are located outside of the minimum paved area of 30 feet.
  - (4) Alleys shall connect directly to the new roadway.
- (j) Planted buffer. A planted, vegetative buffer shall be provided within the required setback area adjacent to Block 7401, Lots 3, 5, 6, 7 and 8 to serve as an effective visual screen, in accordance with Section 10B, Subdivision XI, except as follows:
  - (1) The minimum width of the buffer shall be 15 feet and shall be recorded as a buffer easement within the property deed(s)/recorded plat. The buffer easement shall be restricted to use for visual screening (including buffer plantings/fence/walls) and stormwater management elements.
  - (2) The buffer shall include an opaque fence/wall along the entire length of the buffer adjacent to Block 7401, Lots 5, 6, 7, and 8 and shall conform to the following requirements:
    - (a) The fence/wall shall be located along the common property line between the AH-7 Zone and Block 7401, Lots 5, 6, 7, and 8, on the outside edge of the buffer.
    - (b) The end of the fence/wall shall be set back from the Terhune Road right-of-way 30 feet.
    - (c) The fence/wall shall have a minimum height of six (6) feet and a maximum height of eight (8) feet.
    - (d) The design, materials and finish of the fence/wall shall be subject to Planning Board approval.
  - (3) Stormwater management facilities are permitted within the buffer and required setback area, provided that the efficacy of the buffer as a visual screen is not diminished.
  - (4) The specifications and details of plant material in terms of the type, species, height and quantities shall be subject to Planning Board approval.
  - (5) The integrity and function of the buffer as a visual screen, including plant material, fencing/wall, landform and vegetative cover shall be maintained.
- (k) Front - to - front facing townhouse buildings shall be spaced a minimum of 60 feet apart, as measured between façades. Porches may project no more than eight (8) feet from the facades.

- (l) Courtyards shall be developed between pairs of front-to-front facing townhouse buildings. Courtyards shall be predominantly “green” (planted/vegetated) and shall include walking paths that connect to individual townhouse dwelling units and adjacent sidewalk. Pedestrian-scale site lighting may also be permitted in the courtyards.
- (m) Townhouse Façade Fenestration. The fenestration of the elevation of townhouse buildings that face the new municipal road (western facing elevation) shall be equal in terms of the ratio of solids to voids (openings to walls) as that of the elevation of the townhouse building elevation that faces the internal courtyard.
- (n) Street Trees. In lieu of any other requirement with regard to the planting of trees, street trees are required along all street frontages. Due to anticipated restrictions in the horizontal area (and resultant planting medium volume) available for tree plantings along the new municipal street on the west side of the tract, alternative planting methods may be required by the Planning Board to provide sufficient soil volume to promote healthy tree growth and survival. Such methods may include the use of a suspended pavement system that would allow the construction of a sidewalk while also providing for sufficient and unrestricted planting medium within the root zone. An example of such a system is the “Silva Cell” system.
- (o) Bicycle parking. Outdoor bicycle parking shall be provided for the multi-family dwellings according to the following requirements:
  - (1) Bike parking shall be weather-protected and provide the ability for individual users to secure their bicycle(s).
  - (2) Buildings or structures used for outdoor bicycle parking shall be designed to be architecturally compatible with the principal building(s) in terms of materials, colors and finishes.
- (p) Trash and recyclables storage: Each townhouse unit shall be designed to provide an individual storage area for trash and recyclables within the unit adjacent to the rear alley. Trash and recyclables for the multi-family dwellings shall be stored within a dedicated area inside each building.
- (q) Multi-family Standards Exemption: Multi-family dwellings developed pursuant to the AH-7 district regulations shall be exempt from the minimum floor area size requirements of section 10B-278 and the minimum bedroom size requirements of 10B-279.
- (r) Development pursuant to the AH-7 district regulations shall be exempt from the requirements of Division 9 Residential Clusters.

**Section 10.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

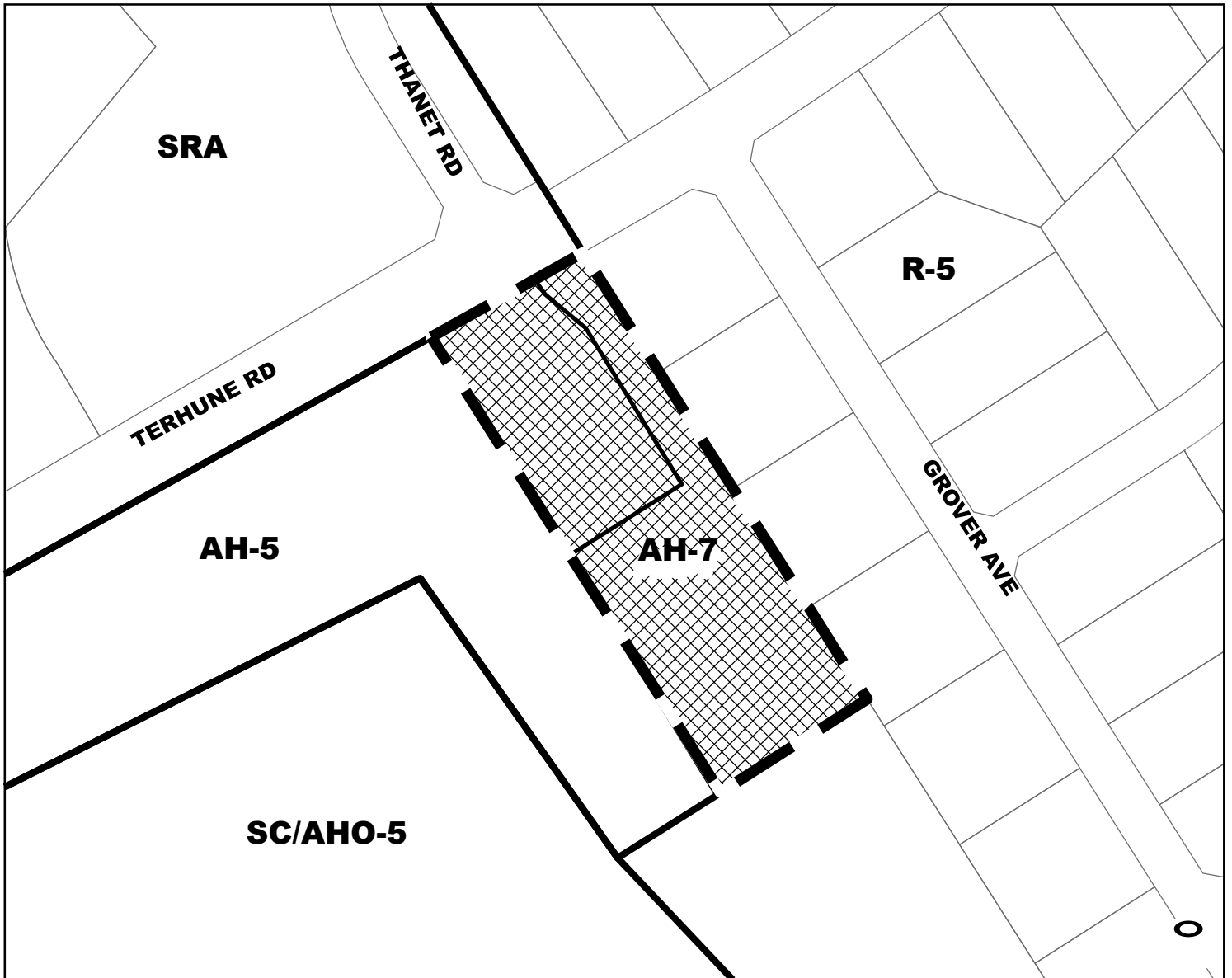
**Section 11.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the general ordinances are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 12.** The Municipal Clerk is directed to give notice at least ten (10) days prior to a 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-15, and N.J.S.A. 40:55D-63 (if required).



**Section 13.** After introduction, the Municipal Clerk is hereby directed to submit a copy of the within Ordinance to the planning board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The planning board is directed to make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the board deems appropriate.

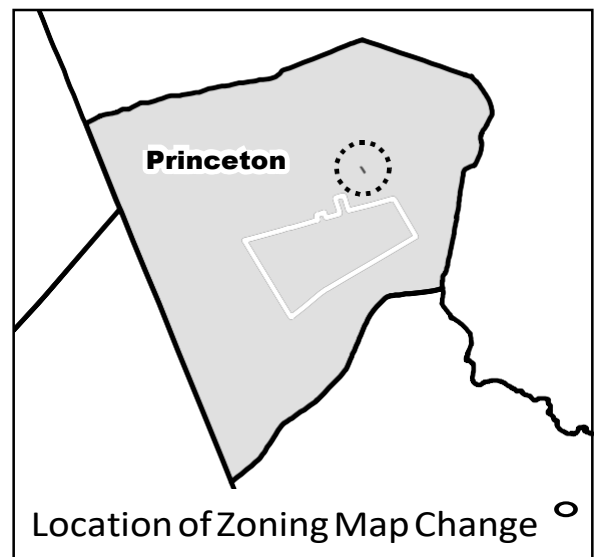
**Section 14.** This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten (10) days after it has been presented to her, then this Ordinance shall be deemed approved.

**Section 15.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Mercer County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Municipal Tax Assessor as required by N.J.S.A. 40:49-2.1.



**Legend**

-  Affordable Housing - 7 Zone (AH-7)
-  Existing Zone Boundaries



**Zoning Map Amendment**  
**Affordable Housing - 7 Zone (AH-7)**

Block 7401 Lots 4.01 & 4.02

Princeton, Mercer County, NJ

November 2020

**Clarke Caton Hintz**

Architecture

Planning

Landscape Architecture

