

**AN ORDINANCE SETTING FORTH
REGULATIONS RELATING TO
HISTORIC PRESERVATION AND
AMENDING THE “CODE OF THE
TOWNSHIP OF PRINCETON, NEW
JERSEY, 1968.”**

WHEREAS, the Municipality of Princeton was created on January 1, 2013 pursuant to the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35; and

WHEREAS, Princeton has established the Historic Preservation Commission; and

WHEREAS, said Commission and the Princeton Planning Board have recommended merging and modifying the Historic Preservation Ordinances of the former Borough and Township set forth in various sections of the Princeton Borough Code and Princeton Township Code.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

1. Section 2-102 of the “Code of the Township of Princeton, New Jersey, 1968” is hereby deleted.
2. Section 10B-2 of said Code, which remains in effect pursuant to *N.J.S.A.* 40:43-66.64 until said Code is replaced by a new code for Princeton, is amended by deleting the following definitions: Alter, Demolish, Historic features, Historic protection area, Historic site, Historic structures, Preservation area, Preservation plan, and Undue Hardship.
3. The following sections of said Code shall be deleted: Article IIIA, consisting of Sections 10B-27.1 through 27.6; Article IV, Division 3A, consisting of Sections 10B-41.1 through -41.4; Article X, Division 7, Section 10B-230(a)11; Article XA, consisting of Sections 10B-240.1 through 240.3; Article XI, Division 2, Subdivision XII, consisting of Section 10B-272.4; and Article XI, Division 2, Subdivision XIII, consisting of Section 10B-272.5.
4. Section 17A-2 of the “Code of the Borough of Princeton, New Jersey” is hereby amended by deleting the following definitions: Alter, Demolish, Historic Buffer District, Historic district, Historic site, Preservation plan, and Undue Hardship.
5. The following sections are hereby deleted from said Code: Article IIIA, consisting of Sections 17A-27.1 through 27.4; Article IV, Division 15, consisting of Sections 17A-118.6 through 118.8; Article IX, Division 5, Section 162(a)(11); Article X, Division 1, Section 17A-174.1; Article X, Division 2, Section 177.1 and -178.1; and Article 10, Division 6, Section 17A-193A.

6. Section 17A-201 of Article XI, Division 1 is hereby amended by deleting the definition of “Preservation structure.”

7. The Code of the Township of Princeton, New Jersey, 1968 is hereby amended by adding the following NEW Article IA, which shall apply to all land in Princeton, including all lands in the former Borough and Township.

ARTICLE IA. Definitions.

For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Sec. 10B-2.1. Definitions.

Alter. To change the appearance of exterior elements of a structure, including changing the materials used and removing paint and cleaning by means of abrasives or chemicals or pressurized liquids. A change in the exterior color of a structure shall be considered an alteration if the change in color entails application of paint or other surface coloring to a surface which has not been painted before or if pre-primed or prefinished material is added to the exterior. In addition, the repainting shall be considered an alteration in Historic Preservation Districts Type 1 if it is substantially out of character with the historic preservation district within which the structure is located. Such repainting, however, shall not be considered an alteration in Historic Preservation Districts Type 2. Ordinary maintenance and repainting in the same color shall not be considered an alteration within this definition. The Type 1 and Type 2 Historic Preservation Districts are shown on the “Overlay Zoning Map of Historic Preservation Districts and Historic Preservation Buffer Districts, Princeton, Mercer County, New Jersey on file in the office of the Clerk of Princeton, prepared by the Princeton Engineering Department, as revised through _____, 2014, attached hereto and adopted hereby.

Demolish. To partially or completely take down a structure or a part thereof.

Financial hardship. (a) With respect to commercial property, including property rented for residential uses, the inability of the applicant to realize a reasonable return on the property without the proposed work; (b) with respect to property which is devoted to a charitable non-profit purpose and is exempt from local property taxes, the inability of the applicant to carry out such purpose without the proposed work; and (c) with respect to owner-occupied residential property, the inability of the applicant to continue owner-occupied residential use without the proposed work.

Historic preservation buffer district. The intervening or surrounding property that significantly affects or is affected by the quality and character of a historic site or historic preservation district and as set forth on such Zoning Map.

Historic preservation district. One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites and as set forth on such Zoning Map.

Historic preservation districts types 1 and 2. Historic preservation districts as shown on the Zoning Map. The Type 1 districts are: Maybury Hill; Kingston Mill Historic District; Tusculum; Princeton Battlefield – Stony Brook Settlement Historic District; Mansgrove; Castle Howard; Drumthwacket; Drumthwacket outbuildings, consisting of Coach House/Stables, Greenhouse Potting Shed, Garden Building, Gardener’s House, Farmer’s House and Dairy, Cow Barn; Princeton Basin; Delaware & Raritan Canal Historic District; Joline – Gulick House, Constitution Hill; Edgerstoune; Olden Manor; and Donald G. Herring Estate – Old Arretton Road Historic District. The Type 2 Districts are: the Jugtown district; Bank Street district; Mercer Hill district; and Central Historic district. The Type 1 and Type 2 districts are subject to the review, procedural, and substantive requirements of this Article; the only differences in the requirements that apply to them concern visibility parameters and changes in color as outlined below:

Type 1	Type 2
Painting or adding other surface coloring to an unpainted surface or adding pre-primed and prefinished material within the Type 1 district requires preservation plan review.	Painting or adding other surface coloring to an unpainted surface or adding pre-primed and prefinished material within the Type 2 district requires preservation plan review.
Painting or other surface coloring that is substantially out of character with the Type 1 district within which the structure is located is subject to preservation plan review.	Changing paint color or other surface coloring within the Type 2 district does not require review.
Proposed work that would be visible from anywhere within the Type 1 district or from the public right-of-way is subject to preservation plan review.	Proposed work within the Type 2 district that would be visible from a public right-of-way is subject to preservation plan review.

Historic features. Fences, principal structures, accessory structures, outbuildings, gates, gate posts, walls, gateways, wells, windmills, cemeteries, hedgerows and field rows, landscaping of historic significance, ponds, bridges, dams, sculptures, walkways, driveways, historic boundary markers, and archaeological sites and as otherwise defined in the standards established by the United States Secretary of the Interior, provided that such features that are not located within a historic preservation district shall be treated as historic features only if so listed in the Princeton Master Plan or have been so designated by the Council pursuant to *N.J.S.A. 40:55D-65.1*.

Historic Preservation Officer. The administrative Officer for processing preservation plans, for planning, developing, coordinating, and implementing historic, architectural and archaeological preservation projects and activities, and for executing and furthering the purposes of Article XIII.

Historic site. Any real property, human-made structure, natural object or configuration, or any portion or group of the foregoing having historical, archaeological, cultural, scenic or architectural significance so identified in the Master Plan or designated by the Council pursuant to *N.J.S.A. 40:55D-65.1*.

Historic structure. Any functional construction or the elements or remains of such construction associated with human activities, including an archaeologist site, having historical, archaeological, cultural, scenic or architectural significance, provided that such structure that is not located with a historic preservation district shall be treated as an historic structure only if so listed in the Princeton Master Plan or has been designated by the Council pursuant to *N.J.S.A. 40:55D-65.1*.

Ordinary maintenance. The repair of any deterioration, wear, or damage to a structure, or any part thereof, in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear, or damage. Ordinary maintenance shall further include replacement of exterior elements or accessory hardware, including signs, using the same materials and having the same appearance and painting which is not an alteration

Preservation area. The portion of a property in an historic preservation district pre-mapped by ordinance or, if not pre-mapped, established during preservation plan review and designed to preserve the historic features of the property in their historic setting.

Preservation plan. The application and accompanying documents required by this Article and by the rules of the Historic Preservation Commission for any action for which preservation plan approval is required.

Structure. A combination of materials to form a construction for occupancy, use, or ornamentation whether installed on, above, or below the surface of a parcel of land. The word for purposes of this Article shall not apply to service utilities entirely below the ground, nor shall it apply to tents used in connection with reunions of alumni of educational institutions or tents or fences used for private social affairs such as weddings and parties and in place for two weeks or less.

8. Section 10B-36 of said Code, is amended by deleting the following portion of Subsection (a):

Preservation plan which is part of an application for development	\$50.00	No amount other than what is required for the application for development.	None
Preservation plan which is not part of an application for development	\$50.00	No escrow for plans approved pursuant to Section 10B-41.2(b); \$150.00 for all others	None

9. Section 10B-36 of said Code is further amended by adding a NEW Subsection (b) to read as follows, the deleted introductory paragraph of which and the last three horizontal sections

below having been adopted by Ordinance 2013-5, and by relettering existing Subsection (b) as Subsection (c):

(b) Each application for preservation plan approval, whether or not part of an application for development shall be accompanied by payment of an application fee, escrow deposit and, to the extent otherwise provided, an inspection fee to the municipality.

<u><i>Type of Structure or application</i></u>	<u><i>Preservation Plan Application Fee</i></u>	<u><i>Escrow</i></u>	<u><i>Other Applicable Fees</i></u>
Residential Structure (no Variance)	\$75.00	No Escrow Fees Applicable	None
Residential Structure – variance, use, Conditional Use, etc.	\$75.00	All Applicable	All applicable fees
Commercial Structure	\$75.00	All Applicable	All applicable fees

10. Such Code is hereby amended by adding the following NEW Article, which shall apply to all land in Princeton, including all lands in the former Borough and Township.

ARTICLE XIII. Historic Preservation.

Division 1. Generally.

Sec. 10B-373 Legislative Findings and Purposes.

Princeton Council finds and declares that Princeton contains numerous buildings, archaeological sites, and areas of special character and special historic and architectural value; that these buildings, archaeological sites, and areas of Princeton reflect elements of the cultural, social, economic, and architectural history of the community; and that preservation and enhancement of such elements are required in the interest of the health, prosperity, and welfare of the municipality as well as the surrounding region. The purposes of the regulations set forth in this Article are to:

- (1) Preserve, enhance, and safeguard the heritage of Princeton by preserving the resources within the community that reflect elements of its historical significance;
- (2) Promote the conservation of historic sites and districts, open space, energy resources through the preservation of historic structures, features, and sites, and valuable natural resources and to facilitate their appropriate use or reuse in Princeton;
- (3) Maintain and develop harmonious settings within historic sites and historic preservation districts for structures and archaeological sites;
- (4) Foster civic pride in the history, architecture, cultural landscapes and resources, and landscape architecture of Princeton;
- (5) Identify, designate, regulate, and promote the appreciation of historic preservation districts and sites;
- (6) Encourage improvements and private investment in historic preservation districts and sites and surrounding properties;
- (7) Manage change of historic sites and historic preservation districts by encouraging sensitive alteration and/or new construction;
- (8) Discourage the unnecessary demolition of historic resources;
- (9) Protect and enhance the community's attractions to visitors;
- (10) Encourage the adaptive reuse of historic structures when appropriate.

Division 2. Organization and Powers of Historic Preservation Commission.

Sec. 10B-374. Historic Preservation Commission Established.

An agency to be known as the Historic Preservation Commission is hereby established. The Commission shall consist of seven regular members and two alternate members who shall be appointed by the mayor with the advice and consent of the Princeton Council. A majority of the Commission members shall be residents of Princeton.

- (1) At least one member of the Historic Preservation Commission shall belong to each of the following classes:
 - CLASS A: a person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality.

- CLASS B: at least one person who is knowledgeable about or with a demonstrated interest in local history and who may reside outside the municipality.
- CLASS C: Those regular members who are not designated as Class A or B. Class C members shall be citizens of the municipality who hold no other office, position, or employment in the municipality except for membership on the Planning Board or Board of Adjustment. If possible, Class C members shall be knowledgeable about local history, history of landscape design, archaeology, architectural history, or building design. At least one of the regular members shall, if possible, be an owner occupying his or her residence within a historic preservation district.

At least one of the Class A or B members shall, if possible, be a member of the Site Plan Review Advisory Board.

- (2) Alternate members shall meet the qualifications of Class C members. The mayor with the advice of the Princeton Council shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2." Of the regular members first appointed on January 1, 2013, one shall have a term of one year, one shall have a term of two years, one shall have a term of three years, and four shall have a term of four years. In the case of alternate members, Alternate No. 2 shall have a term of one year and Alternate No. 1 shall have a term of two years. Thereafter, the term of a regular member shall be four years, and the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of the member's term shall be filled only for the unexpired term in the same manner as the initial appointment subject to the continuing requirements concerning the appointment of members. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the terms of membership on the Planning Board, and the term of any member common to the Historic Preservation Commission and the Board of Adjustment shall be for the term of membership on the Board of Adjustment.
- (3) The Historic Preservation Commission shall elect a chair and vice chair from its members and select a municipal employee as secretary.
- (4) Alternate members may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
- (5) No member shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest.

- (6) A member may be removed by the Princeton Council for cause including but not limited to failure to attend regular Commission meetings. The member is entitled to a public hearing.
- (7) Members shall serve without compensation, but may, within budgetary limitations, be reimbursed for authorized expenses incurred.
- (8) The Princeton Council shall appoint annually one of its members as liaison to the Commission. Said liaison shall not be considered a member of the Commission and shall not vote on Commission matters.

Sec. 10B-375. Expenses and Costs.

The Historic Preservation Commission may employ, contract for, and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the municipal attorney at the rate of compensation determined by the Princeton Council, unless Council, by appropriation, provides for separate legal counsel for the Commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the Princeton Council for the Commission's use.

Sec. 10B-376. Historic Preservation Commission Powers and Functions.

(1) The Historic Preservation Commission shall:

- (a) Advise the Planning Board and Board of Adjustment on applications for development for which preservation plan approval is necessary. When advising and assisting the Planning Board and Board of Adjustment in reviewing such applications, the Historic Preservation Commission along with the Site Plan Review Advisory Board shall exercise their review functions pursuant to this section when the application being reviewed has been classified as a major application. When the application being reviewed has been classified as a minor application, the Historic Preservation Commission shall substitute for and exercise exclusively all of the functions of the Site Plan Review Advisory Board. When reviewing minor applications, the Historic Preservation Commission shall have the same powers and shall use and comply with the same procedures and its decisions shall have the same effect as prescribed for the Site Plan Review Advisory Board.
- (b) Provide written reports pursuant to *N.J.S.A. 40:55D-111* on the application of the zoning ordinance provisions concerning historic preservation.
- (c) Advise the board of jurisdiction in written form. Members or staff shall testify at the hearing on the application and explain the Commission's written report. The recommendations of the Commission shall not be disregarded by the board of jurisdiction except for reasons stated on the record.

- (d) Make recommendations to the Planning Board on the historic preservation element of the Princeton Master Plan and on the implications for preservation of historic sites of any other master plan elements.
- (e) Advise the Planning Board and Princeton Council on the inclusion of historic sites or districts in the recommended capital improvements program.
- (f) Adopt or amend guidelines pertaining to the substantive standards set forth in section 10B-386 to -388 and -390 and to determinations pursuant to section 10B-380 as to whether work pursuant to a preservation plan will have a significant impact.
- (g) Prepare a survey of historic sites of Princeton pursuant to criteria identified in the survey report and to identify and maintain a survey of all buildings, structures, sites, objects, improvements, and districts of historical significance.
- (h) Carry out such other advisory, educational, and informational functions as will promote historic preservation in Princeton.
- (i) Hold regular meetings at least four times annually.

Sec. 10B-377. Rules and Procedures.

The Historic Preservation Commission shall adopt rules governing the form and content of preservation plans and related applications and more detailed procedures for review of the plans and applications. Such rules shall to the extent practicable expedite and simplify the review process and minimize cost and inconvenience to property owners and shall be otherwise consistent with the provisions of this article.

Division 3. Covered Acts.

Sec. 10B-378. Acts for which Preservation Plan Approval is Required.

No person within a historic preservation zoning district or historic preservation buffer zoning district shall construct, alter, move, demolish, or elevate a structure, or take any action requiring site plan review, or subdivide land, or make any other improvements to land including landscaping other than landscaping that in the judgment of the Historic Preservation Officer is not subject to the standards set forth in Sec. 10B-386(4) if the results thereof or, in the case of a subdivision, the new lots are, in a Historic District Type 1, visible from a public way or place or another property in the historic preservation zoning district or, in a Historic District Type 2, visible from a public way except in conformance with a preservation plan approved pursuant to Secs. 10B-379 or -380.

Division 4. Applications Seeking Preservation Plan Approval and Review Thereof.

Sec. 10B-379. Applications for Development.

- (1) Every application for development in a historic preservation zoning district or historic preservation buffer zoning district for which a preservation plan is required pursuant to Sec. 10B-378 shall upon filing be forwarded to the Historic Preservation Commission for action as follows. The application for preservation plan approval shall be on such forms as the Historic Preservation Commission adopts. The documentation must be sufficient to demonstrate how the proposed improvement will appear in context. The submission shall include at least the following:
 - (a) photographs of the property in question and surrounding properties
 - (b) product specifications, where appropriate
 - (c) elevations and details to propose new construction
 - (d) floor plans
 - (e) documentation sufficient to demonstrate how the proposed improvements appear in context
 - (f) delineated historic preservation area or pre-mapped historic preservation area
 - (g) when available, historic photographs, maps, plot plans, and other historic site documentation
- (2) The Historic Preservation Commission shall review the preservation plan and provide its recommendations to the board of jurisdiction, including the Subdivision Committee of the Planning Board, in writing and through one or more of its members or staff who shall testify at the hearing on the application and explain the historic preservation Commission's written report. The advice of the Historic Preservation Commission shall not be disregarded by the board of jurisdiction except for reasons stated on the record.
- (3) If the application for development involves a historic structure and the applicant intends to produce testimony either before the Commission or Board of jurisdiction alleging structural unsoundness of any portion of said structure as a reason for the demolition or alteration of the structure or any part thereof, the Commission or board of jurisdiction may employ at the applicant's expense pursuant to Sec. 10B-36 a structural engineer or other professionals to examine independently said structure or part thereof and to report their findings to the Commission or board of jurisdiction before any final action is taken by the board of jurisdiction. The applicant shall be required to provide reasonable access for the structural engineer and other professionals to conduct an examination of said structure or any part thereof, as well as to provide to the structural engineer or other professionals any material that the applicant intends to rely upon in support of its

arguments as to the structural unsoundness of the structure in support of its request to alter or to demolish same.

- (4) For major site plans and subdivisions, an archaeological and historic sites protocol made up of at least the following shall be included:
- (a) An archaeological and historic sites survey giving a history of the site and identifying all known historic features. Sites identified in such survey shall be registered by the archaeologist in the New Jersey State Museum Site Registration Program; and
 - (b) A proposal as to how archaeological sites and historical sites shall be preserved, recorded, or a combination of both and who during construction shall be responsible therefor.

Sec. 10B-380. Applications for Preservation Plan Approval which are not Part of Applications for Development.

- (1) Determination of completeness and significant impact. Every application for preservation plan approval which is not part of an application for development shall be deemed complete or incomplete by the Historic Preservation Officer within fifteen days of filing. If the application is deemed incomplete, the applicant shall be advised in writing within such period. If it is deemed complete, the application shall be forwarded forthwith to the Historic Preservation Commission, unless the Officer determines pursuant to paragraph (2) that the application will not have a significant impact. If the Historic Preservation Officer fails to act within the required time, the application shall be deemed complete. The application shall be on such form as the Historic Preservation Commission adopts. The documentation must be sufficient to demonstrate how the proposed improvement will appear in context. The submission shall include at least the following:
- (a) photographs of the property in question and surrounding properties
 - (b) product specifications, where appropriate
 - (c) elevations and details for propose new construction
 - (d) floor plans
 - (e) delineated historic preservation area or pre-mapped historic preservation area
 - (f) when available, historic photographs, maps, plot plans, and other historic site documentation
- (2) Decision by Chair of no significant impact. If the Historic Preservation Officer or the designee thereof determines that the preservation plan conforms to the requirements of section 10B-386 to -388 and -390 and will not have a significant impact, the Officer or

designee shall forward such plan and application to the chair of the Historic Preservation Commission or the chair's designee on the Commission, who shall approve such application without further review if the chair or his or her designee concurs with the Historic Preservation Officer's determination. However, if the Historic Preservation Officer or chair or chair's designee finds lack of such conformity or that there is a significant impact, the Historic Preservation Officer shall prepare a report on the plan and application and shall forward same to the Historic Preservation Commission.

- (3) Notice of significant impact determination to applicant. The Historic Preservation Officer shall make the determination required by paragraph (2) of this section and shall communicate such determination in writing to the applicant within thirty days of receipt of a complete preservation plan. For purposes of this paragraph, the date of written communication with the applicant shall be the date on which the writing, addressed to the applicant, is deposited in the mail or is hand delivered to the applicant or left at his or her residence or place of business.
- (4) Hearings on applications. The Historic Preservation Commission shall (a) conduct a hearing on all preservation plans not approved pursuant to paragraph (2) within forty-five days of the Historic Preservation Officer's referral of the application to the Historic Preservation Commission.
- (5) Notice of hearings.
 - (a) Generally. At least ten days before the date set for hearing, the secretary of the Historic Preservation Commission shall give the applicant written notice of the hearing date and shall post in a prominent place in the Princeton Municipal Building notice of the application and date, time, and place of the hearing.
 - (b) Notice by applicant when demolition proposed. In the case of demolition or moving of a structure, the applicant shall at least ten days prior to the hearing date notify, by personal service or ordinary mail, all owners of property located within two hundred feet of the lot that is the subject of the hearing of the application and of the date, time and place of the hearing with a brief description of the work for which approval is sought.
- (6) Availability of materials for inspection; timing and form of hearing and decisions. The application and accompanying materials shall be on file and available for public inspection at the board of jurisdiction at least ten days before the date set for the hearing. The hearing shall be conducted in accordance with the applicable procedures for applications for development. At the conclusion of the hearing, the Historic Preservation Commission shall recommend to the Historic Preservation Officer approval, approval with conditions, or denial of the application and shall report such decision to the Historic Preservation Officer, who shall approve, approve with conditions, or deny the application in accordance with the Historic Preservation Commission's recommendations. The Historic Preservation Officer shall notify the applicant and any interested party who requested notification of the decision in writing within five days after the hearing. In no event shall the Historic Preservation Commission report to the Historic Preservation Officer be made more than forty-five days after the

Historic Preservation Officer's referral of the application to the Historic Preservation Commission except as such time may be extended with the consent of the applicant. If the Historic Preservation Commission fails to act within the prescribed time period, the applicant shall be treated as having been granted approval without conditions.

- (7) Appeals to Planning Board. Any interested party may appeal the decision of the Historic Preservation Commission to the Planning Board. Each appeal shall be made by filing a notice thereof with the secretary of the Board within ten days of receiving notice of the decision from the Historic Preservation Officer. At least ten days before the date set for the hearing, the secretary of the Board shall give the party who filed the appeal and the applicant if the applicant is not the party who filed the appeal written notice of the hearing date and shall post in a prominent place in the Princeton Municipal Building notice of the appeal and the date, time, and place of the hearing thereon. In the case of an appeal from a decision involving the demolition or moving of a structure, the party who filed the appeal shall at least ten days prior to the hearing date notify, by personal service or ordinary mail, all owners of property located within two hundred feet of the lot that is the subject of the appeal and the date, time, and place of the appeal. The hearing shall be conducted in accordance with the applicable procedures for applications for development. At such hearing, the party who filed the appeal and any other interested party may provide such testimony and exhibits as he or she deems appropriate, and one or more members or staff of the Historic Preservation Commission shall testify on its report to the Historic Preservation Officer, which report shall be forwarded to and be part of the record of the Planning Board, and its reasons therefor. The Board decision shall be based upon the record before it. All appeals from decisions of the Board shall be made to a court of competent jurisdiction.

Sec. 10B-381. Emergency Review.

If the Historic Preservation Officer determines that an application for which a preservation plan approval is required and that the application requires an emergency review and adjudication by the Commission on an accelerated basis, the Historic Preservation Officer shall contact the chairperson or vice chairperson of the Commission and schedule a special meeting of the Commission to consider the application. If a special meeting is scheduled for an emergency review, then the time frame for the review as provided for in section 10B-379 and -380, the time frame to authorize emergency repairs as a part of a stabilization plan under section 10B-389, and the time frame to consider a demolition permit pursuant to section 10B-390 shall be accelerated in accordance with a schedule to be established by said chairperson.

Sec. 10B-382. Enforcement.

- (1) Generally. The Historic Preservation Officer shall be authorized to enforce any provision of this article. Enforcement shall include, but not be limited to, the institution of any appropriate action or proceeding to prevent the unlawful alteration, demolition, moving, or elevating of a structure or unlawful or new construction requiring approval by the Historic Preservation Commission as is more fully set forth in subsection (3) hereof.

(2) Inspections; cease and desist orders. All work performed pursuant to an approved preservation plan shall conform to the application and accompanying documents except as otherwise conditioned by the approval. The Historic Preservation Officer shall from time to time inspect any work performed to assure such compliance and shall have the right to enter upon the premises at any reasonable time and upon reasonable notice for the purpose of making inspections. In the event work is not being performed in accordance with the approval or that work for which preservation plan approval is required is being performed without such approval, the Historic Preservation Officer shall issue a cease and desist order and serve it forthwith upon the owner of the property or the person performing such work. Upon receipt of such order the owner of the property or the person performing such work shall forthwith cease from performing any further work. The Historic Preservation Officer's authority to inspect and to issue cease and desist orders shall terminate upon the issuance of a certificate of occupancy for the work.

(3) Injunctive relief. In case any work is undertaken in violation of this section or in case such violation is threatened or in case a property owner or the person performing such work fails to obey a cease and desist order, the Historic Preservation Officer or the Princeton Council in addition to the other remedies set forth in this section may institute an action in a court of competent jurisdiction to restrain correct or abate such violation or to prevent any illegal act conduct or work. Any interested party may also bring such an action.

Sec. 10B-383. Informal Concept Review of Proposed Preservation Plans.

Parties who intend to apply for preservation plan approval are strongly encouraged to secure informal concept review of the proposed work by the Commission as early in the design of the project as is possible. The purpose of such review is to minimize design fees for the applicant, to facilitate discussion between the potential applicant and Commission at a public meeting about the potential applicant's proposed work, and to secure the Commission's comments early in the design process. The potential applicant may secure informal concept review by filing a request with the Historic Preservation Officer on such forms as shall be provided for this purpose, together with whatever documentation the potential applicant deems would best illustrate his or her concept of the proposed work. As part of the informal concept review, the Commission may determine that the proposed work is not a covered act and shall advise the applicant that preservation plan approval is not required. Except when such a determination is made, the potential applicant shall not be bound by the documentation submitted, and the Commission shall not be bound by any comments made thereon. The Commission meeting on the application for informal concept review shall be held within sixty days after the request for such review is filed.

Sec. 10B-384. Exemption for Previously Approved Improvements.

No preservation plan need be approved for any improvements for which a development application was approved or building permit issued prior to December 7, 1987 in Type 1 Districts and April 23, 1985 in Type 2 Districts.

Sec. 10B-385. Effective Life of Approved Preservation Plan.

Work pursuant to an approved preservation plan for which a development application was not required shall commence within twenty four months of the date of approval thereof unless the time is extended by the approving authority.

Division 5. Standards Governing Preservation Plans.

Sec. 10B-386. Criteria for Preservation Plan Approval.

It is not the intent of this ordinance to discourage contemporary architectural expression or to encourage new construction that emulates existing buildings of historic or architectural interest or of a certain period or architectural style, but to preserve the integrity and authenticity of the historic preservation districts and to insure the compatibility of new structures therein.

- (1) Criteria applicable to all preservation plan applications. A preservation plan shall be approved only if the proposed action, as may be modified by conditions imposed by the reviewing municipal agency:
 - (a) Is appropriate to and compatible with the existing structures and landscape of the historic preservation district;
 - (b) Would not adversely affect the ambiance, character, and appearance of the historic preservation district and the relationships among structures and between structures and public ways in the district;
 - (c) Would not adversely affect the exterior architectural features and setting of the structure and its historical and architectural character; and
 - (d) Is consistent with the additional criteria of this section.
- (2) Additional criteria applicable to new structures and additions and alterations to structures not considered historic structures. A preservation plan for the construction of new structures, additions to existing structures, or alterations of structures not considered historic structures shall be granted only if the proposed action, as may be modified by the reviewing municipal agency, is visually compatible with the structures and places within the district to which it is visually related, and acts as a backdrop to and does not visually intrude upon such structures and places.
 - (a) The height of the proposed structure shall be visually compatible with structures within the district;
 - (b) The relationship of the width of the structure to the height of the front elevation shall be visually compatible with the structures within the district to which it is visually related;

- (c) The relationship of the width of windows to the height of windows in a structure shall be visually compatible with the structures within the district to which it is visually related.
 - (d) The relationship of solids to voids in the front facade of a structure shall be visually compatible with the structures within the district to which it is visually related;
 - (e) The relationship of the structure to the open space between it and adjoining structures shall be visually compatible with the structures and places within the district to which it is visually related;
 - (f) The relationship of entrance and porch projections shall be visually compatible with the structures and places within the district to which it is visually related;
 - (g) The relationship of materials, texture, and color of the facade and roof of a structure shall be visually compatible with the predominant materials used in the structures within the district to which it is visually related, and such materials, texture, and color shall act as a backdrop to and shall not intrude visually upon the structures and places within the district to which the structure is related.
 - (h) The roof shape of a structure shall be visually compatible with structures within the district to which it is visually related;
 - (i) Appurtenances such as walls and fencing shall be visually compatible with the historic walls and fencing within the district to which they are visually related;
 - (j) The size of the structure, the mass of a structure in relation to open spaces, and the windows, door openings, porches, and balconies shall be visually compatible with the structures and places within the district to which they are visually related;
 - (k) A structure shall be visually compatible with structures and places within the district to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character;
 - (l) The pattern and variety of plantings shall be visually compatible with the historic landscape and streetscape within the district to which they are visually related;
 - (m) Parking areas shall be screened from the view from the public right-of-way and from the structures within the district; and
 - (n) To the extent possible, views from structures or places within the district shall not be blocked or impeded.
- (3) Additional criteria applicable to historic structures. A preservation plan for the alteration of or additions to historic structures shall be granted only if the proposed action, as may be modified by the reviewing municipal agency:

(a) Preserves or enhances the historical or architectural value and character of the structure; and

(b) Seeks to restore the structure, or the part covered by the application, to the known or reasonably conceived appearance (including design elements, architectural details, and textures) it had when it was first constructed or when it was remodeled, except that modifications necessary or beneficial to contemporary living, including improvements for accessibility, consistent with the architectural design and character of the structure may be considered. In determining whether the applicant is proposing work which will restore the authenticity of the structure, as hereby required, the following principles, among other appropriate factors, shall when feasible be followed:

- (i) Existing materials, if they are the original materials of the original structure or remodeling which is being restored, should be maintained and repaired rather than replaced.
- (ii) Architectural details of the original construction or remodeling which is being restored or altered should be retained. This includes, but is not limited to, cornices and their brackets, window trim such as molded lintels, porch elements such as posts, balustrades, and spindles, shutters, and windows, particularly the number and size of the individual panes.
- (iii) If an element must be replaced rather than repaired, a copy of the original is preferable to a similar or conjectural piece.
- (iv) If a copy of a missing piece cannot be obtained, similar items are preferable to none at all.
- (v) The original siding and roofing material should be maintained or repaired, and, if replacement is needed, it should be of the same material and size. If the same material is not available, a substitute material should be of the same shape and size.
- (vi) Storm windows and doors are not prohibited, but should be as unobtrusive as possible.

(4) Landscape, fencing, and walls criteria.

(a) Plant materials shall not be installed in yards fronting on public rights-of-way when such materials at maturity would change the open character of the streetscape or obstruct the view of structures. Re-creation of historic landscapes is permitted and encouraged.

(b) Fencing and walls that diminish the open streetscape or obstruct the view of structures shall not be permitted. Any fencing that is permitted shall be appropriate for the historic preservation district and principal structure on the lot.

(c) No human-made or natural objects of any other kind shall change the open streetscape or obstruct the view of structures.

(d) The historic and natural character of the landscape shall be preserved, insofar as practicable and environmentally desirable, by minimizing tree and soil removal. If development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. In historic preservation districts and historic preservation buffer districts, landscaping shall be in keeping with the historic character of the district.

(e) Landscaping, including trees, may be modified to restore the landscape to its known or reasonably conceived appearance, when it was originally installed or modified as part of a building remodeling or to protect the structure.

(5) Sign criteria.

(a) Signs shall comply with the following standards:

(i) Size, placement and illumination shall conform to the municipal sign requirements.

(ii) Colors of backgrounds and letters shall be appropriate to and visually compatible with colors used on the building and in the surrounding context.

(iii) General design, lettering, and scale shall be appropriate to and visually compatible with the building to which it is affixed and with neighboring structures.

(iv) Lettering may be flat, raised, or incised.

(v) Placement shall be appropriate to and visually compatible with architectural elements.

(vi) Logos shall not be more than one hundred fifty percent of the height of the lettering or thirty-five percent of the width of the lettering.

(vii) In the area bounded by John Street on the west, Hulfish Street on the north, Palmer Square West on the east and Nassau Street on the south, any sign on the fascia board or its equivalent above a shop window shall use black or white letters and the style of lettering on any such sign or on any awning or canopy shall be restricted to the particular variant of Caslon old style italic upper case as historically used in this block of Palmer Square, subject to minor variations approved by the municipal agency.

(b) Upon a finding that the style of lettering used on any existing sign on a property in the historic preservation district is of unique historic or architectural significance, consistent with the purposes of historic preservation set forth in section 10B-373 the

reviewing municipal agency may require preservation of such style lettering in any proposed new or modified sign.

(6) Additional criteria for site plan applications and new dwelling units in historic preservation buffer zoning districts. Any improvement in a historic preservation buffer zoning district for which an application for development must be approved or which otherwise involves the construction of new dwelling units shall comply with the following.

(a) As to the location and orientation of dwelling units and other improvements:

(i) Section 10B-387(1)(a) and (b) shall apply;

(ii) Such improvements shall

(a) Respect the historic pattern of use of the historic property;

(b) Respect the interrelationship of historic features of the property;

(c) Provide for an adequate visual buffer for the principal structure or structures and, where appropriate, for an adequate visual buffer for the other historic features of the site;

(d) As to the design of dwelling units, outbuildings or non-residential construction, sections 10B-387(1)(a) and (b) and (2) shall apply;

(e) Landscaping shall be sufficient to provide an adequate visual screen between the new construction and the historic preservation district with which the historic preservation buffer district is contiguous.

(7) Sustainability. All improvements shall address sustainability best practices and shall address the principles set forth in the Green Practices Checklist retained on file with the Office of Planning. The Commission shall formulate sustainability guidelines that include sustainability elements for use by property owners required to secure preservation plan approval.

Sec. 10B-387. Preservation Areas.

Development applications shall:

(a) Preservation plans for properties located in historic preservation zoning districts that include a "Preservation Area" as delineated on the "Map of Preservation Areas" shall be designed so that the preservation area is not disturbed (except for minimal provision for essential utility corridors)

(b) Preservation plans for properties located in historic preservation districts that do not include preservation areas shall establish a preservation area in which the land is not disturbed (except for minimal provision for essential utility corridors). The preservation area shall be delineated so that improvements respect the historic pattern of use of the

historic property; respect the interrelationship of historic features of the property; and provide for an adequate visual buffer for the principal structure or structures and, where appropriate, for an adequate visual buffer for the other historic features of the site by use of open areas and appropriate plantings and, in implementation of these standards, create protection areas around the historic features on the property. Proposed preservation areas shall be specified in any approved development application. The area shall include the principal structure and all of the other historic features on the property except when the distance of an historic feature from the principal structure and other features makes it impracticable to be included in the proposed preservation area. The area shall also be of a size and configuration sufficient to maintain the historic setting and historic character of the property. When it is not feasible to include an historic feature in the preservation area which includes the principal structure, such historic feature shall be included in a separate historic preservation area, which shall also include the intrinsic links between such feature and the other historic features on the site. Such links shall be visually preserved in order to maintain the sense of the historic setting.

(c) Preservation areas shown on the approved plans shall be included in one or more lots that do not include any proposed improvements other than those accessory to the principal use or uses in the preservation areas. Such lots shall:

- (i) Not be further subdivided so as to create additional building lots and be deed restricted in a manner acceptable to the attorney of the board of jurisdiction so as to prohibit further development on vacant land within such areas except for uses accessory to the principal uses within the areas. The board of jurisdiction may require such additional deed restrictions as it deems desirable to protect the historic features of the property. All development applications shall show all proposed improvements within the historic preservation district, which shall be developed in accordance with a comprehensive plan, except that, in the case of historic preservation districts containing tracts in different ownership, tracts therein under common ownership shall be developed in accordance with a comprehensive plan.

Sec. 10B-388. Archaeological and Historic Sites Protocol.

The board of jurisdiction may approve a major site plan or subdivision only if the plan as proposed or conditioned adequately specifies how historic sites, structures, and features and archaeological sites on the parcel are to be treated and if the plan is appropriate given the nature of such sites, structures, or features. The applicant shall monitor construction to assure that all provisions of the approved plan as to the identification, preservation, or removal of historic features and historic or archaeological artifacts are complied with and shall appoint an individual in the field with the responsibility therefor and retain a person with the necessary expertise in connection therewith. In the case of accidental finds, the applicant shall report the same forthwith to the Historic Preservation Officer and cease all construction activity at that location for two working days (Monday through Friday excluding holidays). The Commission or, in the absence

of a quorum, the chair or, in the chair's absence, the vice-chair, may within such time order that the artifacts discovered be documented and removed under the supervision of the expert identified in the approval and at the expense of the applicant. In the case of extraordinary finds, the Council, Commission, chair, or vice-chair may order that the work cease and that the plans be modified to reflect the find. Such order shall remain in effect only until the next meeting of Princeton Council unless the Princeton Council at such meeting continues the order, with or without modifications.

Sec. 10B-389. Stabilization Plans.

(a) The board of jurisdiction when approving a development application in an historic preservation district or the Historic Preservation Commission when approving a preservation plan may require a stabilization plan that satisfies the following when the record before the board or the Commission demonstrates that the stability or protection of the historic structure is at risk:

- (i) Any historic structure on the property be made secure against theft and vandalism;
- (ii) No inflammable materials be stored therein except in a manner approved by the fire marshal;
- (iii) Emergency repairs sufficient to protect against deterioration of the structure be undertaken and proof of inspection for insect and vermin infestations and of appropriate remedial work be submitted;
- (iv) The structure be made structurally sound and its basic electrical, plumbing, and heating systems be in adequate working order and free of hazards to ensure structural and architectural integrity or the winterization of the historic structure so as to protect against damage be done.
- (v) Existing landscaping be documented by photographs and preserved when appropriate and further landscaping, as installed, shall be historically appropriate.

(b) The board of jurisdiction when approving a development application in an historic preservation zoning district or the Historic Preservation Commission when approving a preservation plan may, when circumstances warrant for historic structures, require that the following additional requirements be included in the stabilization plan. Such requirements may be imposed only if the record before the board or the Commission demonstrates that the matters set forth below should be addressed.

- (i) Interior features of historic significance such as moldings, fireplace mantels, doors, and fixtures not be removed except for preservation purposes and that any such features that are removed be put back in place;

- (ii) The interior not be damaged and any damage be repaired;
- (iii) The exterior of the structure be restored in a manner consistent with the criteria set forth in section 10B-386.

The board of jurisdiction may condition the filing of a subdivision plat upon the above obligations being met. The board of jurisdiction or Commission may establish a phasing plan setting forth when any repair work shall be completed and when the other obligations set forth herein are to be met and may require that the repair and restoration work be subject to the approval of the Historic Preservation Officer.

Sec. 10B-390. Demolition and Moving of Structures.

(1) Demolition or moving of a structure in an historic preservation zoning district shall be approved only if the structure cannot be put to a reasonable use and its preservation will impose a financial hardship on the applicant. Structures may be moved only within Princeton unless doing so is not feasible. The structure shall be moved only to an appropriate setting. Any demolition or moving, if approved, shall be undertaken only upon receipt of a demolition or moving permit which shall be issued by the Historic Preservation Officer and by the construction code official after:

- (a) conclusion of all appeals opposing the approval or expiration of the time provided for the filing of such appeals without an appeal being filed; and
- (b) the applicant has demonstrated compliance with the procedures set forth herein. For the entire period beginning with the filing of a completed application for approval of demolition or moving and ending with the issuance of a demolition or moving permit, or with denial of the application, notice of the proposed demolition or moving shall be posted on the lot or structure in a location making it clearly readable from the street. In addition, the applicant shall publish notice in an official newspaper of the municipality as follows:
 - (i) Within ten days of the filing of an application for approval of demolition or moving and once a week for the next three weeks thereafter.
 - (ii) Unless covered by the above publications, no less than ten nor more than fifteen days prior to the meeting of the Historic Preservation Commission on which the application has been placed on its agenda for action.
 - (iii) The applicant shall at least ten days prior to the hearing date notify, by personal service or ordinary mail, all owners of property located within two hundred feet of the lot that is the subject of the hearing of the date, time and place of the hearing with a brief

description of the work for which approval is sought. The accompanying materials shall be on file and available for public inspection at least ten days before the date set for the hearing.

Sec. 10B-391. Elevation of Structures.

(1) A structure in a historic preservation zoning district may be elevated only if necessary to prevent significant damage to the structure caused by flooding or unstable soil conditions and only to the extent necessary to protect it from further significant damage. The elevation shall be undertaken in a manner that maximizes to the extent practicable a harmonious relationship with the other structures and features in the district.

(2) If a structure must be elevated to such an extent that it is substantially out of character with the historic preservation district within which it is located and will have a substantial negative impact upon the district, the Historic Preservation Commission may deny a preservation plan application seeking approval for elevating the structure and recommend that the structure instead be moved.

Division 6. Recommendations by Members of Public for Historic Sites, Structures, and Features, Preservation Districts, and Buffer Districts; Criteria for Designating Historic Sites, Structures, and Features and Historic Preservation Districts or Buffer Districts.

Sec. 10B-392. Procedures for Recommending Designation of a Historic Site, Structure, or Feature, Historic Preservation District, or Historic Preservation Buffer District.

The purpose of the historic designation is to preserve the unique historic character of Princeton for the enjoyment of members of the public. Therefore, wherever possible, boundaries of historic preservation districts will be configured to provide views of the major historic features of the district from the public way. The land within a historic preservation district or historic preservation buffer district need not be contiguous.

(1) Procedures for designation. The party proposing a property for designation under this section shall prepare and submit to the Historic Preservation Commission a nomination report for each proposed structure, site, feature, or historic preservation district or historic preservation buffer district. The report shall include the following:

- (a) photographs of the building or buildings,
- (b) the tax lot and block number of the property or properties as designated on the official tax map of the municipality
- (c) a site plan of the property delineating the proposed district
- (d) the present zoning of the proposed district
- (e) a recommendation of whether the proposed districts should be designated Type 1 or 2 or other type enacted subsequent to the adoption of this ordinance.
- (f) nomination report and physical description and statement addressing the following:

- (i) The significance in American history, architecture, archaeology, culture, and engineering that is present in the proposed district, site, feature, or structure and

objects within them that possess integrity of design, setting, materials, workmanship, and association and that:

[a] are associated with events that have made a significant contribution to the broad patterns of our past, or

[b] are associated with the lives of persons significant in our past, or

[c] embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction, or

[d] have yielded or may be likely to yield information important in prehistory or history.

- (2) For districts, sites, structures, or features already listed on the State and National Registers of Historic Places, the Statement of Significance on the National Register Inventory-Nomination Form shall be considered in addition to such other documentation as is required. A New Jersey State Historic Preservation Office declaration of eligibility for the State and National Register shall also be considered. While it contains basic information, such declaration must, however, be supplemental by a more thorough evaluation of the documentary evidence. If the application for such a district, site, structure, or feature is denied, the Commission shall indicate on the record in a manner it deems appropriate why such district, site, structure, or feature is not recommended to be designated.
- (3) When the Historic Preservation Commission chooses for study a potential historic preservation district, historic buffer district, historic structure, historic feature, or historic site either as reflected in the Princeton Master Plan or as otherwise recommended for study, it shall mail a letter by regular mail to the property owners in the area that is being studied or, in the case of a proposed historic structure or site, the owners thereof and all property owners within 200 feet of the potential historic preservation district or buffer district or the lot on which the historic site or structure is located. The letter shall outline the following information:
 - (a) The Commission is researching the area for historic data, the land is being considered for such designation, and the reasons thereof.
 - (b) An architectural survey will be performed by the Commission or a Commission consultant who may make an on-site reconnaissance study of the area.
 - (c) A request to the property owner soliciting information about any historical facts pertaining to the proposed district or the names and addresses of any individuals who may have information concerning the historical background of the proposed district.

(d) Notice to the owner of record of the ordinance regulations governing such designation and of the rights of the owner of record to contest such designation under the provisions of this division.

(4) The Commission or its consultant will thereafter perform a survey of the proposed historic preservation district. The boundaries of the district will be delineated. After the survey is completed, the Commission shall provide a reasonable opportunity for public comment on the Commission's proposed recommendation for the designation of an historic preservation district. The Commission shall:

(a) cause to be published a notice in a newspaper of general circulation within the municipality setting forth the date, time, and place of a public hearing on the Commission's proposed recommendations for an historic preservation district, buffer district, site, or structure. Said publication shall take place at least ten days prior to the Commission's public hearing on the proposed recommendation to same. A copy of the nomination report shall also be made available for public inspection in the office of the Princeton clerk at least ten days prior to the hearing.

(b) Send via regular mail to each owner of property within the proposed district as set forth on a certified owners' list prepared by the municipality a letter stating:

(i) the date, time and location of the hearing concerning the proposed designation of the site, structure, or district; and

At said public hearing, the Commission shall review the nomination report and accompanying documents and receive comments from all interested parties on the proposed nomination for designation. Following the conclusion of said public hearing, the Commission shall deliberate and shall, after review of the proposed site, structure, feature, or district, prepare a concise report, including a list and map of its recommendations with respect to the sites or districts to be nominated and make its final recommendations to the Planning Board for designation of sites, structures, and features to be formally listed as such in the Master Plan and to Princeton Council as to historic preservation districts and historic preservation buffer districts. The Princeton Council shall hold a hearing before acting on the designation of an historic site or structure, historic preservation district, or historic buffer district. Notice of such hearing shall be given by the municipal clerk as per *N.J.S.A. 40:55D-62.1*. The Planning Board shall hold a meeting on any recommended sites, structures, and features and, if it thereafter deems advisable, hold a noticed Master Plan hearing thereon.

Sec. 10B-393. Informal Concept Review of Proposed Historic Preservation Districts, Historic Preservation Buffer Districts, and Historic Sites, Structures, and Features.

Parties who intend to apply for a new historic preservation district or buffer district designation or a designation of an historic site, structure or feature are strongly encouraged to secure informal concept review of the proposal by the Commission. The purpose of such review is to facilitate discussion between the potential applicant and Commission at a public meeting and

secure the Commission's comments with respect thereto. The potential applicant may secure informal concept review by filing a request with the Historic Preservation Officer on such forms as shall be provided for this purpose, together with whatever documentation the potential applicant deems would best demonstrate why a district or structure, site, or feature should be designated. The potential applicant shall not be bound by the documentation submitted, and the Commission shall not be bound by any comments made thereon. The Commission meeting on the application for informal concept review shall be held within 60 days after the request for such review is filed.

Sec. 10B-394. Criteria for Designating Historic Sites, Structures, and Features and Historic Preservation Districts or Buffer Districts.

(1) The Historic Preservation Commission may make recommendations to the Planning Board and Princeton Council concerning the designation of individual historic sites, structures, features, historic preservation districts, and historic preservation buffer districts. Such recommendation shall be based upon the following:

(a) The designated site, structure, feature or district must be significant on the national, state, or local level in terms of history, architecture, archaeology, culture, or engineering. It must possess integrity of location, design, setting, materials, workmanship, and association (i.e., a high degree of character-defining features) from the period during which it earned its significance. Recommended districts, sites, structures, or features must be:

A. Associated with events that have made a significant contribution to the broad patterns of the cultural, political, economic, architectural, or social history of the locality, region, state, or nation; or

B. Associated with the lives of persons significant to our past; or

C. Embody the distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

D. Have yielded or may be likely to yield information important in prehistory or history.

(2) The following factors shall also be considered when delineating historic preservation district boundaries:

(a) The relationship of the physical aspects of the site, structure, features, or district to the significance for which it was designated. This should include:

(i) The extent of the resource at the time it achieved significance.

- (ii) The amount of the resource surviving in relatively unaltered condition.
- (iii) The amount of the resource needed to convey a sense of the past.
- (b) Visual qualities of the site, structure, or area, including the surroundings of the property or district and the view from it.
- (c) Natural boundaries and features such as rivers or other bodies of water, changes in contour, and distinctive changes in soils or vegetation.
- (d) Human-made boundaries, such as highways, walls and fences, tree lines, and hedgerows.
- (e) Political divisions and property lines.
- (f) Difference in land use.
- (g) Multiple resources and thematic combinations.

(3) In recommending the designation of historic preservation districts and their boundaries, property achieving significance within the past fifty years may be designated if it is of exceptional importance.

(4) In recommending the establishment of a historic buffer district, the Commission shall include intervening or surrounding properties significantly affected by the quality and character of existing or potential historic site or sites. An historic preservation buffer district serves as a buffer zone to historic preservation districts. By virtue of their location, historic preservation buffer districts serve as gateway for transitions to existing historic preservation districts and changes to its streetscape, landscape, or buildings visually affect the historic preservation district to which it connects. Additionally, current property boundaries often do not encompass land historically related to designated sites. As a consequence, development on adjacent properties could have an adverse impact on the setting of historic sites and buildings.

Division 7. Overlay District Designation of Historic Preservation Districts and Historic Preservation Buffer Districts.

Sec. 10B-395. Historic Preservation Districts and Historic Preservation Buffer Districts as Overlay Districts.

The historic preservation districts and the historic preservation buffer districts shall be overlay districts, and for any land located within them the regulations that pertain to them shall be in addition to the regulations of the zoning district or districts within which such land is located.

11. This Ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board as provided for by law.

I, Kathleen K. Brzezynski, Deputy Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held December 8, 2014.



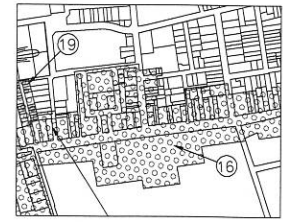
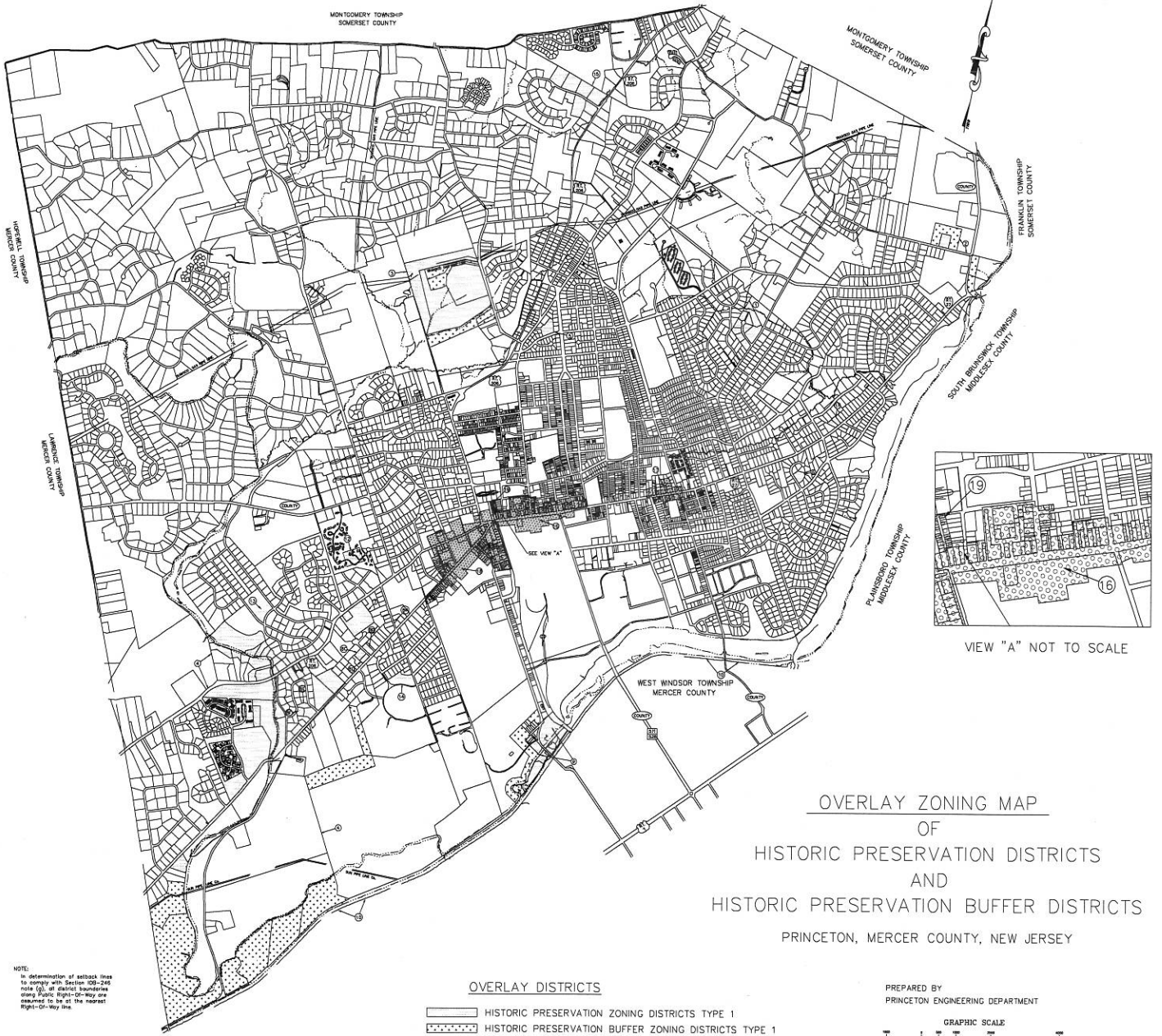
Kathleen K. Brzezynski
Deputy Clerk

STATEMENT OF PURPOSE AND SUMMARY OF ORDINANCE

The purpose of Ordinance 2014-44 is to merge the historic preservation ordinances of the former Township and Borough into one ordinance that applies to the entirety of Princeton. The structure of preservation plan review for development applications and other work that necessitates such review has not been changed. This review is required only when a structure within a historic preservation district is proposed to be constructed, altered, moved, demolished or elevated or when site plan or subdivision review is otherwise required. In addition, in the former Borough districts the work must be visible from a public right-of-way, and in the former Township districts it must be visible from the public right-of-way or anywhere in the district. The Township and Borough historic preservation districts are now denominated Type 1 and Type 2 districts respectively, but their boundaries have not been changed, and no new districts are proposed. The jurisdiction over preservation plan review remains the same as between the Historic Preservation Commission and Planning Board, as does the review process, although there are language changes that have been put into place as part of the merger of the two ordinances. The criteria for determining whether preservation plan approval should be granted remain the same, except that criteria for landscaping, fencing and walls have been added and signage criteria in the Borough Code have now been applied to the Township. Other changes include reformulated definitions; applying sections on archaeological protocols and stabilization plans that were in the Township Code to the former Borough; modifying criteria on the demolition and moving of structures; and adding a new section on the elevation of structures. Procedures with respect to recommendation by members of the public for historic sites, preservation districts, and buffer districts have also been added.

LOCALLY DESIGNATED HISTORIC SITES AND DISTRICTS

- | | | | |
|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 1. MAYBURY HILL, BLOCK 5703, LOTS 23 TO 31 | 8. DRUMTHWACKET OUTBUILDINGS
A. COACH HOUSE/STABLE
B. GREENHOUSE/POTTING SHED
C. GARDEN BUILDING
D. GARDENER'S HOUSE
E. FARMER'S HOUSE AND DAIRY
F. COW BARN | 10. DELAWARE AND RARITAN CANAL
HISTORIC DISTRICT
11. JOLINE-GULICK HOUSE, BLOCK 5904, LOT 29
30.01 and 30.02 | 15. DONALD G. HERRING ESTATE-OLD
ARRETON ROAD HISTORIC DISTRICT |
| 2. KINGSTON MILL HISTORIC DISTRICT | | 12. CONSTITUTION HILL | 16. CENTRAL HISTORIC DISTRICT |
| 3. TUSCULUMA, BLOCK 5210, LOT 4.02 | | 13. EDGERSTOUNE | 17. JUCTOWN HISTORIC DISTRICT |
| 4. PRINCETON BATTLEFIELD AND STONY BROOK
SETTLEMENT HISTORIC DISTRICT | | 14. OLDEN MANOR | 18. MERCER HILL HISTORIC DISTRICT |
| 5. MANSROVE, BLOCK 7006, LOT 8 | | | 19. BANK STREET HISTORIC DISTRICT |
| 6. CASTLE HOWARD, BLOCK 7701, LOT 40 | 9. PRINCETON BASIN HISTORIC DISTRICT | | |



OVERLAY ZONING MAP
OF
HISTORIC PRESERVATION DISTRICTS
AND
HISTORIC PRESERVATION BUFFER DISTRICTS
PRINCETON, MERCER COUNTY, NEW JERSEY

NOTE:
In determination of setback lines
to comply with Section 109-246
note (g), all district boundaries
along Public Right-Of-Way are
assumed to be at the nearest
Right-Of-Way line.

- OVERLAY DISTRICTS
- HISTORIC PRESERVATION ZONING DISTRICTS TYPE 1
 - HISTORIC PRESERVATION BUFFER ZONING DISTRICTS TYPE 1
 - HISTORIC PRESERVATION ZONING DISTRICTS TYPE 2

PREPARED BY
PRINCETON ENGINEERING DEPARTMENT

GRAPHIC SCALE

1 inch = 500 feet