

Ordinance #2021-09

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON REGARDING OFF-STREET PARKING REQUIREMENTS FOR CHANGES IN USE AND AMENDING CHAPTER 10B (LAND USE) OF THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY 1968” AND CHAPTER 17A (LAND USE) OF THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY 1974”

BE IT ORDAINED by the Mayor and Council of Princeton as follows:

1. Exemption from off-street parking requirements for expansions or conversion of existing buildings to a new use classification established. As of the effective date of this ordinance, the off-street parking requirements in all Borough and Township zoning districts shall only apply to new construction. No additional off-street parking or loading spaces will be required for any change of use of an existing structure or for any expanded or new nonresidential use within an existing structure, but any on-site parking spaces or loading berths already provided shall not be removed or converted for any other purpose without site plan approval and/or the grant of variances.

2. Section 10B-282 of the Township Code amended. Consistent with the purpose of this ordinance, section 10B-282 in Chapter 10B, “Land Use” of the “Code of the Township of Princeton, New Jersey 1968” (“Township Code”) regarding off-street parking requirements is hereby amended to read as follows (deleted text is in brackets [thus]; new text is underlined thus):

Sec. 10B-282. Off-street parking required; schedule.

A. No building shall be erected[, enlarged by an increase of floor area or converted to a new use classification] in any district, unless off-street parking spaces are provided in amounts as set forth in the following schedule. In addition to the number of

parking spaces set forth in the schedule, there shall also be provided sufficient passageways and driveways giving access to the parking spaces to allow cars to enter and to leave the lot and to turn within it in a safe and orderly manner and without disrupting traffic in any public right-of-way.

B. No additional off-street parking or loading berths shall be required for any change of use, or for any expanded or new non-residential use, except that any existing on-site parking spaces or loading berths shall not be removed or converted for any other purpose without site plan approval and/or the grant of variances associated therewith.

3. Section 17A-277 of the Borough Code amended. Consistent with the purpose of this ordinance, section 17A-277 of the “Code of the Borough of Princeton, New Jersey 1974” (“Borough Code”) regarding off-street parking and loading requirements in the Borough RO Residential Office zoning district is hereby amended to read as follows (deleted text is in brackets [thus]; new text is underlined thus):

§17A-277. Off-street parking and loading requirements — Generally.

A. In RO districts, accessory off-street parking spaces, open or enclosed, shall be provided for all new construction [and for conversions], and accessory off-street loading berths, open or enclosed, shall be provided for new permitted nonresidential uses, in accordance with the regulations set forth and referred to in sections 17A-277 through 17A-280. All such parking spaces and loading berths shall be subject to the provisions of division 6, subdivision III of this chapter.

B. No additional off-street parking or loading berths shall be required for any change of use of an existing structure, or for any expanded or new non-residential use within an existing structure, except that any on-site parking spaces or loading berths already provided shall not be removed or converted for any other purpose without site plan approval and/or the grant of variances associated therewith.

4. Section 17A-289 of the Borough Code amended. Consistent with the purpose of this ordinance, section 17A-289 of the Borough Code regarding off-street parking and loading

requirements for conversions to certain non-residential uses in the Borough RB Residential Business zoning district is hereby amended to read as follows (deleted text is in brackets [thus]; new text is underlined thus):

[Requirements for off-street parking and loading in RB districts shall apply in the case of conversions to any of the following uses: Eating and drinking places; vocational and trade schools; and studios for dancing or musical instruction. These requirements are the same as in the NB districts.] No additional off-street parking or loading berths shall be required for any change of use of an existing structure, or for any expanded or new non-residential use within an existing structure, except that any on-site parking spaces or loading berths already provided shall not be removed or converted for any other purpose without site plan approval and/or the grant of variances associated therewith.

5. Section 17A-299 of the Borough Code amended. Consistent with the purpose of this ordinance, section 17A-299 of the Borough Code regarding off-street parking and loading requirements in the Borough NB Neighborhood Business zoning district is hereby amended to read as follows (deleted text is in brackets [thus]; new text is underlined thus):

§17A-299. Off-street parking and loading requirements — Generally.

- A. In NB districts, accessory off-street parking spaces, open or enclosed, shall be provided for all new construction [and for conversions], and accessory off-street loading berths, open or enclosed, shall be provided for all permitted nonresidential uses in accordance with the regulations set forth and referred to in sections 17A-299 through 17A-303. All such parking spaces and loading berths shall be subject to the provisions of division 6, subdivision III of this chapter.
- B. No additional off-street parking or loading berths shall be required for any change of use of an existing structure, or for any expanded or new non-residential use within an existing structure, except that any on-site parking spaces or loading berths already provided shall not be removed or converted for any other purpose without site plan approval and/or the grant of variances associated therewith.

6. Section 17A-302 of the Borough Code deleted. Consistent with the purpose of this ordinance, section 17A-302 of the Borough Code regarding off-street parking and loading requirements for conversions to certain non-residential uses in the Borough NB Neighborhood Business zoning district is hereby deleted in its entirety.

7. Section 17A-316A of the Borough Code amended. Consistent with the purpose of this ordinance, section 17A-316A of the Borough Code regarding exceptions from off-street parking and loading requirements in the Borough CB Central Business zoning district is hereby amended to read as follows (deleted text is in brackets [thus]; new text is underlined thus):

§17A-316A. Off-street parking exception.

[In the CB zone eating and drinking places that generate a calculated need for one parking space and for other use that generates a calculated need for two or fewer parking spaces shall be exempt from providing those parking spaces if the following conditions are met:

(a) The change in use does not include any new construction that adds additional new floor area, adds an additional story or expands a building foot print; and,

(b) Only one such exception shall be granted to any structure.]

The off-street parking requirements set forth in sections 17A-315 and 17A-316 above shall apply only to new construction. No additional off-street parking or loading berths shall be required for any change of use of an existing structure, or for any expanded or new non-residential use within an existing structure, except that any on-site parking spaces or loading berths already provided shall not be removed or converted for any other purpose without site plan approval and/or the grant of variances associated therewith.

8. Referral to Princeton Planning Board. A copy of this ordinance shall be referred to the Princeton Planning Board following its introduction for review pursuant to *N.J.S.A.* 40A:55D-26a.

9. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Princeton or the Code of the Borough of Princeton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

10. 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.

11. Effective date. This ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board, and as otherwise provided for by law.

12. Applicability. The provisions of this ordinance shall be applicable within the entire Municipality of Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

Delores A. Williams, Municipal Clerk

Hon. Mark Freda, Mayor

Ordinance Introduced: March 22, 2021
Referred to Planning Board: April 8, 2021
Ordinance Adopted: April 12, 2021

NEWSPAPER PUBLICATIONS:

First Insertion: March 26, 2021
Final Publication: April 16, 2021

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STATEMENT OF PURPOSE: The purpose of this ordinance is to amend the off-street parking requirements in all zoning districts in Princeton such that new or additional off-street parking would only be required for new construction. No additional off-street parking or loading spaces would be required for any change in use of an existing structure or for any expanded or new nonresidential use

within an existing structure, but any parking or loading spaces already provided would have to be retained.