

**2017-46 AN ORDINANCE REVISING
THE CODE OF PRINCETON
REGARDING RESIDENTIAL
CLUSTERS AND AMENDING THE
“CODE OF THE TOWNSHIP OF
PRINCETON, NEW JERSEY, 1968”**

WHEREAS, the Princeton Community Master Plan Land Use Element encourages the preservation, protection and enhancement of natural resources such as steep slopes, floodplains and open space areas; and

WHEREAS, the Princeton Community Master Plan Land Use Element encourages the development of land with regard to its impact upon future taxes, as well as other costs that might adversely affect residents and diminish the opportunity for low and moderate income persons to continue to reside within the community; and

WHEREAS, the Princeton Community Master Plan Land Use Element recommends that new residential development should respect and enhance the existing natural and man-made environment by clustering, where appropriate, to preserve identified environmentally sensitive areas.

WHEREAS, the Princeton Community Master Plan Land Use Element recommends that the residential cluster option be used where appropriate in the R-A and R-B zones to provide protection of environmental resources; and

WHEREAS, the Princeton Community Master Plan Open Space Element recommends cluster development as a way to preserve environmentally sensitive areas; and

WHEREAS, the Princeton Community Master Plan Open Space Element specifically recommends that new development on the 90 acre Lanwin tract off Mount Lucas Road and Herrontown Road be clustered in order to obtain a conservation easement over the environmentally sensitive portions of the site; and

WHEREAS, the Princeton Community Master Plan Conservation Element encourages the use of the residential cluster provisions to limit disturbance of environmentally sensitive lands such as steep slopes, wetlands, woodlands, and waterway corridors; and

WHEREAS, Princeton has been and remains fully committed to providing its fair share of the regional need for affordable housing, and in a manner consistent with the recommendations contained in the Princeton Community Master Plan Future Housing Policies; and

WHEREAS, the Princeton Mayor and Council find that providing a density bonus for affordable housing within the cluster standards is an appropriate way to achieve many of the goals in the Princeton Master Plan and to foster the provision of affordable housing.

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

Section 1. Residential cluster provisions amended. Chapter 10B, “Land Use,” Article IX, “Subdivisions,” Division 9, “Residential Clusters” of the “Code of the Township of Princeton, New Jersey, 1968” is hereby amended to read as follows (additions are underlined thus; deletions are struck through ~~thus~~):

DIVISION 9. RESIDENTIAL CLUSTERS.

Sec. 10B-189. Statement of purposes.

The ~~township committee~~municipal council to implement the goals and objectives of the Princeton Community Master Plan has determined that the residential cluster development technique should be allowed and encouraged in particular zoning districts as an alternative to conventional development, in order:

(a) To allow for innovation in residential development to meet the demands of the citizens for a variety of housing types, sizes, designs and forms of ownership and affordable housing opportunities.

(b) To provide a flexible design method which can relate the type and layout of residential developments to the particular site constraints and to the particular demands for housing and related facilities.

(c) To protect environmentally sensitive lands, such as stream corridors, steep slopes and other critical site features and natural resources by requiring that the more fragile areas of the site remain in preserved open space.

(d) To allow the most developable areas of the site to be more intensely developed in return for retaining other portions of the site in common open space.

(e) To allow residential developments to be designed and constructed at a lower cost per dwelling unit for streets, utilities, and other site improvements.

(f) To reduce the amount of blasting and other subsurface disturbances required for street and utility installations.

(g) To provide for recreation facilities which are appropriate to the needs and convenient to the residents of the development.

(h) To allow for the installation of pedestrian and bicycle circulation networks to serve the residents of the development and which are integrated with the other community facilities.

(i) To provide a desirable visual environment through creative development techniques and design arrangements related to the particular site.

(j) To provide substantive and administrative regulations which can control development pressures so that the flexibility and innovation allowed is channeled into developments which accomplish the purposes herein stated.

Sec. 10B-189.1. Required findings.

The planning board shall grant preliminary subdivision and/or site plan approval for proposed residential cluster applications only if it finds and reduces to writing the following facts and conclusions:

(a) That departures by the proposed development from zoning regulations, if any, otherwise applicable to the tract conform to the applicable standards of this division;

(b) That the proposals for maintenance and conservation of the common open space are reliable and such common open space is consistent with the requirements for same as hereinafter set forth in this division.

(c) That adequate provision has been made through the physical design of the residential cluster for public services, control over vehicular and pedestrian traffic, the amenities of light and air, and recreation and visual enjoyment.

(d) That the residential cluster will not have an unreasonably adverse impact upon the area in which it is proposed to be established. This evaluation shall include reference to the Natural Resources Inventory.

(e) In the case of a residential cluster which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

(f) That the residential cluster complies with all applicable requirements of this division and chapter.

Sec. 10B-190. Application for approval generally.

An applicant when submitting a development application for major subdivision or site plan approval, may at the same time seek approval of a residential cluster if the development is located in a zoning district in which residential clusters are permitted uses. All applications for residential clusters shall include sufficient information to enable the planning board to determine whether the requirements of this division have been met. In addition, all provisions of this chapter relating to subdivision and site plan approval shall apply, except as modified by the provisions of this division. The design standards and plat details of the subdivision article shall apply even if only site plan approval is required. All applicants seeking approval of a residential cluster development are encouraged to utilize the concept review procedure pursuant to section 10B-9 before applying for preliminary approval.

Sec. 10B-190.1. Applications for preliminary approval.

In addition to the requirements for preliminary subdivision and site plan approval, the following information shall be shown on or shall accompany the application for preliminary approval:

(a) Data on or accompanying the preliminary plat showing the location and extent of common open space, and a statement of the nature of the owning entity, such as a homeowner's association, and a description of the documentation which will provide for the retention and maintenance of the common open space for open spaces uses in perpetuity.

(b) An outline of the covenants and restrictions describing the rights, limitations and obligations of the owners and occupants of the dwelling units relative to the common open space and its appurtenant facilities and to the dwelling units and their appurtenant land and facilities, and in the entity which will own or control the common open space.

(c) If all or a portion of the development will involve zero lot line units or structures, a plat shall be submitted showing imaginary lot lines superimposed to show compliance with the required lot line standards of this division.

(d) Schematic plans and elevation drawings for all buildings whether or not the applicant plans to be responsible for the construction, except that elevations for single family structures need not be submitted if the applicant proposes to sell such house lots as vacant land to individual purchasers.

Sec. 10B-190.2. Applications for final approval.

In addition to the requirements for final subdivision and site plan approval, the following information shall be shown on or shall accompany the application for final approval:

(a) The location and extent of common open space, with accurate dimensions, bearings and acreage.

(b) Documentation of title to common open space, and the documentation establishing the owning entity, in final and recordable form, subject to and accompanied by the approval of the ~~township~~municipal attorney all in accordance with the preliminary approval. The documentation of title shall be recorded in the office of the county clerk, and a copy of such recorded documentation certified by the county clerk shall be furnished to the ~~township~~municipality by and at the cost and expense of the applicant after the approval of the final plat. The documentation establishing the owning entity shall, if necessary, be filed with the Secretary of State and a certified copy shall be furnished to the ~~township~~municipality by and at the cost and expense of the applicant after the approval of the final plat.

(c) The declaration of covenants and restrictions, in final and recordable form, subject to and accompanied by the approval of the ~~township~~municipal attorney, all in accordance with the terms of the preliminary approval including documentation to insure the retention and maintenance of the common open space for open space use in perpetuity. Such documentation shall be recorded in the office of the county clerk and a copy of such recorded documentation certified by the county clerk shall be furnished to the ~~township~~municipality by and at the cost and expense of the applicant after the approval of the final plat.

(d) A deed in recordable form which provides that any local property taxes that would otherwise be assessed against common open space shall instead be assessed against the residential units within the development that have a right of enjoyment of said common open space in proportion to the assessed values of said units, and said deed shall further provide that any amounts so assessed against the residential units shall thereupon become a lien and tax on said units and be added to and be part of the taxes to be levied and assessed thereon and enforced and collected with interest by the same officers and in the same manner as other taxes.

(e) Building drawings as required by section 10B-230 for all buildings for which plans and elevation drawings are required by subsection (d) of section 10B-190.1.

Sec. 10B-191. Permitted uses and definitions.

The following uses or any combination thereof are permitted in a residential cluster:

(a) *Single family structures*: Defined as freestanding buildings containing only one dwelling unit. Conversion of single family structures to two family structures shall be prohibited.

(b) *Two family structures*: Defined as freestanding buildings containing two dwelling units sharing one or more vertical or horizontal common walls and with each unit having a separate exterior entrance.

(c) *Multi-family structures - nontownhouse*: Defined as freestanding buildings containing three, four, five or six dwelling units, with each unit sharing with another unit or units one or more vertical or horizontal common walls and with each unit having a separate exterior entrance. If a multi-family structure also meets the definition of a townhouse structure, it shall be considered a townhouse structure. No more than twenty percent of the units in the development shall be in multi-family structures. Multi-family structures shall only be permitted in residential clusters on tracts of more than twenty-five acres.

(d) *Townhouse structures*: Defined as free-standing buildings containing two, three, four, five or six townhouse units.

(e) *Townhouse unit*: Defined as one section of a townhouse structure containing only one dwelling unit which has free-standing walls on two sides (or, if at the end of the townhouse structure, three sides) and shares party walls with units on both sides (or, if it is at the end of a townhouse structure, shares a party wall on one side), with the unit having a separate exterior entrance.

(f) *Accessory structures* and uses customarily incidental to a residential cluster development.

(g) Affordable housing means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12.

Sec. 10B-191.1. Minimum tract size; contiguous lands.

(a) Each residential cluster shall consist of at least six contiguous acres except that at least eight contiguous acres shall be required in the R-A district.

(b) An application for approval of a residential cluster shall include all undeveloped contiguous land in the same ownership unless this requirement is waived by the board. Undeveloped land includes the portion of a developed lot which is in excess of the minimum lot sizes for the zoning district. The standard for granting a waiver from this requirement is whether the contiguous undeveloped land sought to be excluded can be separately developed with no greater adverse environmental impact than if developed as part of the proposed cluster. For this purpose conceptual plans shall be submitted showing how the contiguous undeveloped land could be separately developed.

(c) Public streets shall not be deemed to make land non-contiguous for purposes of this section.

Sec. 10B-191.2. Permitted gross density.

(a) *Maximum gross density.* The maximum number of dwelling units permitted in a residential cluster is the number of dwelling units which could be constructed on the tract (excluding the area of existing and proposed streets) if the tract were being developed as a conventional development in conformance with the zoning regulations set forth in section 10B-246 and related provisions for the zoning district in which the tract is located. In determining the number of dwelling units, lots which are precluded because of unusable areas shall not be counted. For purposes of this section "unusable areas" shall be determined with reference to section 10B-254.1 (steep slopes), section 10B-238 (flood hazard areas), section 10B-233(h) (wetlands) and section 10B-185 (other unusual suitability conditions). In applications in which it is proposed that the maximum gross density is to be computed under subsections (b) or (c) of this section, the applicant may submit a schematic test subdivision for a conventional development for purposes of demonstrating that the alternative computation under subsection (b) will not exceed by more than fifty percent the number of units which could be produced under a conventional development, unless the ~~township~~municipal engineer determines that a more detailed submission is required.

(b) *Cluster density bonus.* A density bonus, computed as hereinafter stated, is hereby authorized for residential clusters which in addition to meeting the basic requirements of this division (residential clusters) achieves one or more of the following design objectives:

(1) Residential clusters designed with walking paths of at least one thousand lineal feet at locations through the common open space approved by the board of jurisdiction, with the use of those walking paths being dedicated by easement to the municipality for the use of the general public;

(2) Residential clusters designed with more than fifty percent common open space; or

(3) Residential clusters designed with an active recreation area of at least one-half acre, dedicated and conveniently accessible to the public, provided that the ~~township committee~~municipal council has agreed to accept said dedication. This area may also be counted toward the developer's obligation to provide on-site active recreation areas for the residents of the development.

(4) Residential clusters which dedicate suitable land for affordable housing provided the municipal council has agreed to accept said dedication. The dedicated land must have:

- 1) sewer service or be in an area that permits sewer service; and
- 2) frontage on an existing road or proposed roadway which is part of a development; and
- 3) no more than 20% in steep slopes, defined as slopes greater than 15%, wetlands, wetland buffers and wetland transition areas, as shown on an approved letter of interpretation, and flood hazard areas and riparian areas,
- 4) all structures removed and be free of any environmental hazards.

The density bonus units shall be in addition to the number of units which may be constructed under the calculation in section 191.2(a). The bonus units in a residential cluster shall be subject to the same requirements as apply to the units permitted under section 10B-191.2(a). The housing units to be constructed in the dedicated affordable housing site are not subject to the provisions of the residential cluster but shall be subject to the standards adopted by the municipal council.

(c) The number of bonus units shall be calculated as follows:

(1) For public access to the approved walking paths in the common open space the bonus shall be five percent but this bonus may be increased by an additional five percent if the lineal feet of dedicated paths exceeds one thousand lineal feet and is equal to the lesser of (i) five thousand or (ii) that number which is one percent of the area of the preserved open space. The total bonus for this category shall not exceed ten percent.

(2) For common open space in excess of fifty percent, the bonus shall be five percent for each additional ten percent of common open space but the total bonus for this category shall not exceed ten percent.

(3) For a dedicated public active recreation area meeting the above stated design objectives, the bonus shall be five percent with an additional bonus of five percent for each additional one acre of dedicated area, but the total bonus for this category shall not exceed fifteen percent. With the approval of the board this area may be located off-site.

(4) To be eligible for the affordable housing land dedication bonus the residential cluster must have:

- a. A tract size of at least 75 acres.
- b. At least 70% of the tract must be common open space of which at least 60% shall be in preserved open space either dedicated to the municipality or maintained and owned by a homeowners association.
- c. A minimum setback of 100 feet from off tract property lines. This area shall be planted with appropriate planting and screening material in areas that are not currently wooded. Such landscaping shall consist of a mixture of evergreen and deciduous trees and shrubs so as to produce a screen at least eight feet in height within two growing seasons. The plantings shall not be arranged in a straight row but rather staggered to create a more natural appearance.

The bonus for dedicating land for affordable housing shall be calculated as follows: for every one (1) acre of land dedicated to the municipality for affordable housing in excess of one acre, the developer shall receive a 15% bonus for housing units in a conventional development. This land dedication shall not relieve the developer from any other applicable affordable housing fee. The total bonus for this category shall not exceed thirty percent.

~~If the developer qualifies for a bonus in more than one category, the bonuses shall be cumulated but shall not exceed thirty five percent.~~ If the developer exceeds the

minimum requirements for a bonus in a category, there shall be an additional bonus interpolated from the above numbers, e.g., a seven percent bonus for sixty-four percent common open space, or twelve percent bonus for a 1.9 acre public service recreation area. If the developer qualifies for a bonus in more than one category, the bonuses shall be cumulative but shall not exceed fifty percent. A fractional bonus for fractional units of 0.5 or more shall be rounded up.

By way of example, if the number of dwelling units authorized under section 10B-191.2(a) is fifty units and if the residential cluster is designed with sixty-four percent open space and if a one and nine-tenths acre active recreation area is dedicated as a public active recreation area, the bonus for these two categories will be nineteen percent or ten additional units. In addition to the above, if the residential cluster is designed with eight acres of preserved open space and with public access of two thousand seven hundred ninety lineal feet of walking paths, then the bonus for this category will be nine percent, and the total bonus will be twenty-eight percent or fourteen additional units.

Sec. 10B-191.3. Form of ownership; zero lot lines.

It is not the intent of this division to prescribe the form of ownership for the dwelling units in a residential cluster and the ownership may be fee simple, condominium, or cooperative or any combination thereof. However for purposes of regulating the location of buildings within the cluster development it is necessary to prescribe lot sizes, dimensions and setbacks standards. (See section 10B-192.) In zero lot line developments (i.e., where the dwelling units are not to be located on individually owned separate fee simple title lots) each dwelling unit or structure shall be located so that it would comply with the prescribed lot standards if imaginary lot lines were superimposed on the development.

Sec. 10B-192. Lot standards for clusters in which less than eighty percent of the tract is devoted to open space.

The following standards shall apply to clusters in which less than eighty percent of the tract is devoted to open space.

(a) *Single-family structures.* Single-family structures shall have the following lot area, dimensions and yard setback requirements.

(1) *Minimum width and frontage.* No lot shall have a width of less than seventy-five feet, nor a lot frontage of less than thirty-seven and one-half feet.

(2) *Maximum depth.* No lot shall have a depth of more than three times its width.

(3) *Minimum area.* No lot shall have an area of less than ten thousand square feet.

(4) *Front and rear yard setbacks.* The front yard setback shall be not less than fifteen feet, and the rear yard setback shall not be less than twenty-five feet.

(5) *Setbacks for corner lots.* Corner lots shall observe a setback of at least fifteen feet from each street right-of-way line.

(6) *Side yard setback.* Each lot shall have combined side yard setbacks of at least thirty feet, but neither side yard setback shall be less than ten feet, except that

one of the side yards may be reduced to zero feet; provided that the sill of the window in a building abutting a lot line shall be no less than seven feet above the elevation of the ground and shall contain no windows if it is a common or abutting wall with a building on the adjacent lot.

(7) *Floor area ratio.* The maximum floor area ratio shall be as follows:

Lot size	F.A.R. (Max %)
10,000 to 10,890 sq. ft.	25
10,891 to 21,780 sq. ft.	20
21,781 to 43,560 sq. ft.	15
43,561 to 65,340 sq. ft.	12.5
65,341 sq. ft. or more	10

(b) *Two-family structures.* Two-family structures shall have the following lot area, dimensions and yard setback requirements:

(1) *Minimum width and frontage.* No lot shall have a width of less than one hundred feet, nor a lot frontage of less than fifty feet.

(2) *Maximum depth.* No lot shall have a depth of more than three times its width.

(3) *Minimum area.* No lot shall have an area of less than twelve thousand square feet.

(4) *Front and rear yard setbacks.* The front yard setback shall be not less than fifteen feet, and the rear yard setback shall be not less than twenty-five feet.

(5) *Setbacks of corner lots.* Corner lots shall observe a setback of at least fifteen feet from each street right-of-way line.

(6) *Side yard setback.* Each side yard setback shall be at least twenty feet.

(7) *Floor area ratio.* The maximum floor area shall be the same as is set forth in section 10B-192(a) (7).

(c) *Townhouse units.* Townhouse units shall have the following lot area, dimensions, yard setback, and outdoor living space requirements:

(1) *Minimum width and frontage, lot and building.* No lot shall have a width of less than twenty feet, nor a lot frontage of less than twenty feet. No townhouse unit shall have a width of less than twenty feet.

(2) *Maximum depth.* No lot shall have a depth of more than five times its width.

(3) *Minimum area.* No lot shall have an area of less than two thousand square feet.

(4) *Front and rear yard setbacks.* Each lot shall have a combined front and rear yard setback of at least thirty-five feet, but neither the front nor rear yard setback shall be less than fifteen feet.

(5) *Setbacks for corner lots.* Corner lots shall observe a setback of at least fifteen feet from each street right-of-way line or common parking area, whichever is greater.

(6) *Side yard.* There shall be a side yard of not less than fifteen feet for each end townhouse unit.

(7) *Outdoor living space.* There should be direct access from each townhouse unit to outdoor living space having an area of not less than three hundred square

feet in size, having no single dimension of less than fifteen feet, which shall be clear of structures and shall be designed for the recreational use of the occupants of the townhouse unit. The space may be at ground level or elevated and may be composed of any materials designed to create a patio surface or may be a wood deck area, lawn, or other surface or structure or combination thereof, in whole or in part. Adequate visual screening from neighboring dwelling units and their outdoor living space, adjacent parking areas and roadways shall be provided which may consist of plantings, masonry structures or wood fencing. Architectural elements, such as masonry walls and fences, shall be compatible in both style and materials with the dwelling unit of which it is a part.

(d) *Multi-family structures.* Since the dwelling units in multi-family structures may contain a variety of configurations no specific lot dimensions are prescribed for the individual units. Each multi-family structure shall conform to the following requirements:

(1) *Minimum area.* Each multi-family structure shall be on a lot having an area of two thousand eight hundred square feet per dwelling unit in the structure.

(2) *Front and rear yard setbacks.* Each multi-family structure shall have a combined front and rear yard setback of at least thirty-five feet, but neither the front nor rear yard setback shall be less than fifteen feet.

(3) *Setbacks from corners.* The portion of a multi-family structure at a corner shall observe a setback of at least fifteen feet from each street right-of-way line or common parking area, whichever is greater.

(4) *Side yard.* Each multi-family structure shall have a side yard of not less than fifteen feet.

(5) *Outdoor living space.* Each unit in a multi-family structure shall have outdoor living space comparable to that required from each townhouse unit, but the planning board may allow those requirements to be adjusted as may be necessary to accommodate the different arrangements of units.

Sec. 10B-192.1. Lot standards for clusters in which at least eighty percent of the tract is devoted to open space.

The following standards shall apply to clusters in which at least eighty percent of the tract is devoted to open space.

(a) *Single-family structures.* Single-family structures shall have the following lot area, dimensions and yard setback requirements:

(1) *Minimum width and frontage.* No lot shall have a width of less than fifty-five feet, nor a lot frontage of less than thirty-seven and one-half feet except for a flag lot, which shall have a minimum width and frontage of fifteen feet. The width of adjacent lots shall be varied in order to reduce the appearance of a uniform subdivision. A maximum of ten percent of all lots may be flag lots.

(2) *Minimum depth.* No lot shall have a depth of less than one hundred ten feet.

(3) *Minimum area.* No lot shall have an area of less than six thousand five hundred square feet.

(4) *Front and rear yard setbacks.* The front yard setback shall be not less than fifteen feet, and the rear yard setback shall not be less than twenty-five feet.

(5) *Setbacks for corner lots.* Corner lots shall observe a setback of at least fifteen feet from each street right-of-way line.

(6) *Side yard setback.* Each lot shall have combined side yard setbacks of at least twenty-five feet, but neither side yard setback shall be less than ten feet, except that one of the side yards may be reduced to zero feet; provided that the sill of any window in a building abutting a lot line shall be no less than seven feet above the elevation of the ground and shall contain no windows if it is a common or abutting wall with a building on the adjacent lot.

(7) *Floor area ratio.* The maximum floor area ratio shall be as follows:

Lot size	F.A.R. (Max %)
6,500 sq. ft. or less	35
6,501 to 8,500 sq. ft.	30
8,501 to 10,890 sq. ft.	25
10,891 to 21,780 sq. ft.	20
21,781 to 43,560 sq. ft.	15
43,561 to 65,340 sq. ft.	12.5
65,341 sq. ft. or more	10

For purposes of this subsection, gross floor area shall not include porches, garages, carports and basements.

(b) *Two-family structures.* Two-family structures shall have the following lot area, dimensions and yard setback requirements:

(1) *Minimum width and frontage.* No lot shall have a width of less than one hundred feet, nor a lot frontage of less than fifty feet.

(2) *Minimum depth.* No lot shall have a depth of less than one hundred ten feet.

(3) *Minimum area.* No lot shall have an area of less than eleven thousand square feet.

(4) *Front and rear yard setbacks.* The front yard setback shall be not less than fifteen feet, and the rear yard setback shall be not less than twenty-five feet.

(5) *Setbacks of corner lots.* Corner lots shall observe a setback of at least fifteen feet from each street right-of-way line.

(6) *Side yard setback.* Each side yard setback shall be at least twenty feet.

Sec. 10B-193. Arrangement of buildings; height.

(a) *Distances between buildings.* Multifamily and townhouse structures shall be no closer to each other or to single-family structures or two-family structures than sixty feet on the plane which describes the buildings as backing or fronting each other. An accessory structure related to a townhouse structure or multi-family shall be no closer than twenty feet to an accessory structure related to another townhouse structure or multi-family structure. Garages for adjacent townhouse units may be attached to each other.

(b) *Siting of buildings.* In addition to the other requirements of this division and the requirements of article X of this chapter, the following standards shall govern the location and arrangement of buildings.

(1) Structures shall be located on the least environmentally vulnerable land on the tract as determined with reference to the Natural Resources Inventory and shall be sited in one or more clusters in a manner most appropriate to the natural features of the tract.

(2) Each dwelling unit shall be located so that it is accessible by police, fire fighting and emergency vehicles.

(3) Each dwelling unit location shall be reasonably related to the appurtenant parking areas.

(4) Each dwelling unit shall have at least two exposures. All buildings shall be designated and sited in an energy-efficient manner.

(5) Each dwelling unit shall be provided reasonable visual and acoustical privacy and shall comply with the requirements of sections 10B-280 and 10B-281.

(c) *Internal setbacks from off-tract property lines.* A buffer area shall be required along the property lines of the tract as follows: along existing public streets -- a distance equal to the minimum front yard building setback requirement for the zoning district; and along other property lines of the tract -- a distance equal to at least forty feet or such greater setback as the planning board may determine to be necessary to be protective for the existing neighborhood or adjoining public open space. The board may require the buffer area to be landscaped pursuant to the provisions of sections 10B-305 to 10B-310. Structures in the residential cluster shall be located and sized so as to avoid abrupt changes from the existing neighborhood development pattern.

(d) *Length and offsets.* Townhouse structures and multi-family structures shall not have a length on a single plane in excess of one hundred eighty feet and shall be designed with offsets or other architectural features so as to provide breaks in the linear plane.

(e) *Height limitations.* No principal structure shall have a height greater than thirty feet to the building plate and no accessory structure shall have a height greater than twenty feet.

Sec. 10B-194. Common open space.

(a) *Amount; exclusions.* At least forty percent of the tract shall be devoted to common open space (usable and preserved for the benefit of the residents of the residential cluster and at least fifty percent of the required common open space shall be in preserved open space. The following, or the land under the following, shall not be considered common open space: streets, driveways and parking areas; sidewalks and bicycle paths not in or contiguous to the common open space; the lot areas of individual lots or assigned to dwelling units or structures in zero lot line developments; outdoor living space required for an individual dwelling unit; structures other than those permitted in paragraph (a) (1) of this section; and all other land which cannot reasonably be considered common open space. The land area on which detention basins are constructed, to the extent of four percent of the tract, may be counted as open space which is usable open space.

(1) *Usable open space.* Usable open space includes common open space devoted to or reserved for active and passive recreation uses. To the extent appropriate to the nature of the proposed residential cluster and to the needs of the

prospective residents, a portion of the common open space shall be designated and developed for active and passive recreation uses. In addition, the planning board may require the developer to designate areas as reserved for future active and passive recreation uses. Active recreation uses shall include areas devoted to swimming pools, lakes, tennis and other racquet sport courts, stables, organized sports, playgrounds, community gardens, and clubhouses. Passive recreation use shall include areas devoted to lawns, picnic areas, court yards, and other cleared areas which cannot reasonably be described as being retained in their natural state.

(2) *Preserved open space.* Preserved open space shall include that portion of the common open space not devoted to or reserved for active and passive recreation uses, except that unpaved paths for walking, bicycling, or horseback riding shall be permitted. Preserved open space otherwise shall be retained in its natural state; or in the general condition in which it existed prior to the proposed development of the remaining portions of the tract, with or without minimal periodic maintenance to prevent the natural progression of vegetative growth. Preserved open space may include existing farmland wherever feasible or agricultural uses, as permitted under section 10B-194(b) below, and shall include such environmentally sensitive areas as stream corridors, slopes of fifteen percent grade or greater, unique natural features or lands of historic significance as identified on the Natural Resources Inventory of Princeton Township Community Values Map, wetlands and areas of high water table, areas of high concentration of boulders, mature stands of native vegetation, and extraordinary wildlife, nesting, feeding, or breeding grounds. Wherever feasible, not less than eighty percent of the preserved open space shall be in two compact and contiguous parcels.

(b) *Agricultural uses.* Common open space may be devoted to agricultural uses but only if the land proposed for such use was actively devoted to the type of agricultural use proposed within the thirty year period prior to the date on which the agricultural use is to be resumed.

Sec. 10B-194.1. Location and configuration of the common open space.

The common open space shall be located and arranged in a manner consistent with the provisions of section 10B-188 and section 10B-226 and with the following:

- (a) The siting shall be appropriate for the topography and geology of the parcel;
- (b) The common open space shall be related to surrounding development and public roads so as to produce an open quality of the residential cluster when seen from such vantage points;
- (c) The common open space shall be accessible to all residents of the residential cluster. The maximum feasible number of dwelling units shall be adjacent to the common open space, and there shall be a close visual and physical relationship between the common open space and as many dwelling units as is reasonably possible.
- (d) Recreation facilities shall be reasonably accessible to the residents of the residential cluster. They shall be located in an area which will not be detrimental to adjacent property owners or residents by virtue of noise, light, glare and any other objectionable features emanating from such a facility.

(e) The configuration of common open space area should be so arranged that connections can be made to existing or future adjacent open spaces and to contiguous publicly owned open space.

(f) Not less than sixty percent of the common open space shall be in one compact and contiguous parcel and the remainder shall be in linear parks, having a minimum width of seventy-five feet, connecting sections of the development. Sections of common open space not connected to other sections of common open space shall be kept to the minimum required by particular site constraints.

(g) No more than seventy percent of the common open space required by section 10B-194(a) or used for the computation of the additional bonus under section 10B-191.2(c) shall be satisfied by the areas devoted to existing or new lakes and/or agricultural uses.

(h) No more than seventy percent of the preserved open space required by section 10B-194(a) or used for the computation of the additional bonus under section 10B-191.2(c) shall be satisfied by areas devoted to existing lakes and/or agricultural uses.

Sec. 10B-194.2. Ownership and maintenance of the common open space.

(a) The developer shall establish an organization for the ownership and/or maintenance of the common open space for the benefit of owners or residents of the residential cluster. Such organization shall not be dissolved and shall not dispose of any common open space by sale or otherwise except to an organization established to own and maintain the common open space for the benefit of such residential cluster, and thereafter such organization shall not be dissolved or dispose of any of its common open space without first offering to dedicate such to the ~~township of Princeton~~ municipality. Any disposition of the common open space shall be subject to the requirement that the common open space will be retained and maintained for open space use in perpetuity.

(b) In the event that such organization shall fail to maintain the common open space in reasonable order and condition, the ~~township~~ municipal engineer or the governing body or its designee may utilize the procedures set forth in Section 31 of the Municipal Land Use Law (C.40:55D-43 b&c) to assure proper maintenance at the expense of the properties within the residential cluster.

Sec. 10B-195. Other site design standards.

(a) *Pedestrian and bicycle circulation.* In addition to complying with the requirements of paragraphs (i) and (j) of section 10B-160 and paragraph (g) of section 10B-226:

(1) Sidewalks and bicycle paths shall be provided so as to connect to pedestrian circulation systems already developed, or expected to be developed, adjacent to the tract; and

(2) Bicycle paths whether or not proposed by the master plan, shall be provided so as to connect to existing bicycle paths already developed, or for which the ~~township~~ municipality has developed plans, adjacent to the tract and to bicycle paths proposed on the master plan and otherwise when the standards set forth in

paragraphs (i)(1)-(3) of section 10B-160 (as applied to bicycle paths rather than sidewalks) have been met.

(b) *Landscaping and other improvements.* In addition to the requirements of paragraph (c) of section 10B-160, sections 10B-304 to 10B-310, all areas other than preserved open space shall be suitably landscaped. Shade trees shall be provided along walks, driveways, and parking areas. The planning board may require such grading, drainage, walkways, fencing, lights and such other improvements in the common open space as it shall deem appropriate to enhance the intended open space uses. Screening or buffers consisting of fencing or landscaping may be required around recreation, parking, utility and refuse disposal areas, and around other similar areas as determined by the planning board. All landscaping shall be maintained in good condition and shall be replaced where necessary by the organization established pursuant to section 10B-194.2(a) .

(c) *Parking requirements.* The parking spaces required by section 10B-282 shall be designed and located pursuant to sections 10B-287 to 10B-291.1.

Sec. 10B-196. Staged development.

If the residential cluster is to be developed in stages, the planning board shall permit the total area proposed for common open space to be divided among the sections submitted for final plat approval; provided that each stage contains an amount of open space sufficient to meet the needs of the residents of that section of the development, and provided further that this can be accomplished in a manner which is consistent with the requirements of sections 10B-194, 10B-194.1, and, if applicable, section 10B-192.2(c) .

Sec. 10B-197. Previously approved residential cluster subdivisions.

Any residential cluster subdivision for which preliminary subdivision and site plan approval has been granted prior to the effective date of this division, may be developed under the pre-existing cluster provisions.

Section 2. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Princeton and the Code of Borough of Princeton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 4. Effective date. This Ordinance shall take effect upon its passage, publication and filing with the Mercer County Planning Board, as provided for by law.

This ordinance amends Princeton's subdivision regulations to establish within the residential cluster provisions a density bonus for dedicating land to the municipality for one or more future affordable housing sites and to

create standards guiding the eligibility to receive such a density bonus. The ordinance also removes references to the former Township of Princeton and Township governing body.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on June 26, 2017 and will be further considered for final passage after a public hearing thereon at a meeting of said Mayor and Council to be held at the Princeton Municipal Complex, 400 Witherspoon Street on August 21, 2017 which begins at 7:00 p.m.

A handwritten signature in cursive script, reading "Kathleen K. Brzezynski".

Kathleen K. Brzezynski
Municipal Clerk