

2017-51 AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON CONCERNING CONDITIONAL USES IN RESIDENTIAL ZONING DISTRICTS AND AMENDING THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968” AND THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974”.

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, N.J.S.A. 40:43-66.35, consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton while a new Code for Princeton is prepared; and

WHEREAS, Section IV of the Princeton Community Master Plan 2007 Reexamination Report, entitled “The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared[,]” states in relevant part as follows:

Throughout this re-examination report we have discussed changes that have occurred in Princeton. Some of these changes are readily apparent, others less apparent, and some are just beginning to be felt. While there have been changes, many of the same issues continue to be in the forefront of our planning. The community continues to wrestle with the following: . . . Balancing institutional needs with neighborhood protection and protecting the community’s tax base”;

and

WHEREAS, Section IV of the 2007 Reexamination Report recommends with respect to nonresidential uses that “[t]he conditional use sections of both communities zoning ordinances should be reviewed to insure compatibility with the goals and objectives of the Master Plan.”; and

WHEREAS, the Princeton Community Master Plan Land use Element, revised December 3, 2009 (“LUP”), states that one of the goals in retaining and enhancing Princeton’s distinct character is to preserve and protect the character of established neighborhoods; and

WHEREAS, the LUP also provides the following guidance regarding educational and institutional uses:

- Providing a smooth, orderly transition at the edges between educational institutions and the community and the growth of educational institutions outside of educational zones has begun to disrupt the orderly transition between neighborhoods and educational uses
- The town should focus on how well the community’s zoning provides for an appropriate transition between established neighborhoods and educational uses
- The scale and mass of proposed structures of educational uses presents a concern for the surrounding neighborhood along with the amount of traffic generated or new traffic pattern created by this development
- The functional growth and requirements of the institutions must be balanced with the residential character of the community

and

WHEREAS, the LUP also sets forth fourteen general principles that should guide any new zoning for educational and institutional uses, including, among others, the following:

- A balance should be struck between an institution’s need for new facilities and its impact upon a neighborhood and the entire Princeton Community. Zoning regulations should take into account the impact from the scale, bulk and mass of educational or institutional buildings and insure that these buildings do not overwhelm neighborhoods. Consideration needs to be given to applying zoning standards or developing transitional zones that provide for a smooth and orderly transition between the institutional campus and other uses in the community. When there is expansion proposed into established neighborhoods it may be approved if it is done in a manner that benefits both the community and the institution and in compliance with the existing zoning.
- As land is purchased by tax-exempt institutions, the implications of this trend must be studied and responded to with great care. An eroding tax base undermines the

ability of the municipalities to provide services. When properties are removed from the tax rolls, off-setting economic benefits, additional tax revenues, or payments in-lieu of taxes should be considered.

- A review of the current zoning regulations is needed to better define permitted uses, ensure adequate buffering, provide appropriate parking facilities, assure that agreed upon traffic reductions have occurred, and delineate the limits of expansion in all E zones. If necessary, zoning amendments should be enacted to meet these needs. New buildings should be oriented to lessen traffic impacts on already congested roadways and be respectful of the surrounding residential communities.
- A review of conditional uses and standards is needed to determine whether changes or revisions to the conditional uses and standards in the zoning ordinances are needed to better regulate nonprofit institutions' use of commercial and residential buildings for office and other non-residential purposes.

and

WHEREAS, consistent with the above-referenced goals and recommendation of LUP and 2007 Reexamination Report, the Princeton Council has reviewed the list of conditional uses currently allowed in both the former Township and in the R-1 residential zoning district in the former Borough, and wishes to make adjustments to the same, both in furtherance of the above-referenced goals and recommendation of LUP and 2007 Reexamination Report, and in order to better harmonize same, where appropriate;

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

Section 1. Section 10B-320, "Conditional Uses Table", of the "Code of the Township of Princeton, New Jersey, 1968" ("Township Code"), is hereby amended to remove boarding schools as a conditionally permitted use in the former Township's R-A to R-M residential zoning districts, and to make changes to certain other conditional uses listed in section 10B-320 of the Township Code, and shall read as follows (deleted text is in [brackets]; new text is underlined):

Sec. 10B-320. Table of conditional uses allowed by approval of planning board.

In the following table, the uses listed are permitted as conditional uses in those districts that are indicated by an asterisk, but only by approval granted by the planning board in accordance with the

provisions of this division, and only if all the regulations applicable to the district, except as hereinafter modified, are complied with. The conditional uses listed in the table are in addition to uses allowed as conditional uses elsewhere in this article. The absence of an asterisk (*) for any district in the table does not necessarily mean that the conditional use is prohibited in that district. Reference should be made to other parts of this article that are applicable.

CONDITIONAL USES TABLE

	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
S-2	*	*	*			*		*	*
S-1	*	*							
OR-1	*	*	*	*	*			*	
OR-2	*	*	*	*	*	*		*	
E-1 & 2	*	*	*	*	*	*		*	*
E-3									
E-4	*	*			*				
SC	*	*							
B-2	*	*							
B-1	*	*				*		*	
POR	*	*						*	
R-A to R-M	*	*	*	*	*	*		*	*
R-HF-W (Subzone A)				*					
R-T								*	
R-A/AH									

- (a) All facilities owned and operated by the [borough] municipality, the county, the state or the United States of America, including parks and playgrounds.
- (b) [All those uses required by privately owned public utilities which are needed to serve more than the local district in which they are located. The following is a partial list for purposes of illustration, but is not meant to be all inclusive: Pumping stations, electrical substations and high tension towers and wires.] Railroad and public utility buildings, installations and rights-of-way needed to serve the general welfare of all or a significant part of the community, including, but not limited to, pumping stations, electrical substations, transformers, and high tension towers and wires; provided, that the planning board determines that no other reasonable location in a less restricted district can be used for the purpose contemplated. PWTFs and PWTEFs shall not be deemed a public utility.
- (c) Farming on a lot of less than three acres.
- (d) Public [schools] and private day schools not for pecuniary profit which give instructions in any grades from pre-kindergarten to grade 12, both inclusive, and uses customarily accessory thereto; provided, that the school sites conform to the standards set forth in section 300 of the "Guide for School-house Planning and Construction, 1969," adopted by the State Board of Education.
- (e) Child day care [centers] facilities, adult day care facilities, and nursery schools, including pre-schools.

- (f) Nonprofit membership clubs for outdoor sports, including swim clubs, having no nuisance factors.
- (g) Places of worship permitted in all zones in accordance with section 10B-272.30 et seq.
- (h) Nursing homes and assisted living residences in accordance with section 10B-272.40 et seq. Nursing homes and assisted living facilities are not permitted as a conditional use in any portion of the R-A or R-B zoning districts or in any portion of the R-T zoning district which is designated as R-SMO.
- (i) Cemeteries.

CONDITIONAL USES TABLE—Continued

	(j)	(k)	(l)	(m)	[(n)]	[n(o)]	[o(p)]	[p(q)]	[q(r)]
S-2			*		[*]				
S-1			*	*					
OR-1						*			
OR-2						*			
E-1 & 2	*		*		[*]		*		
E-3									
E-4									
SC									
B-2			*						
B-1			*						
POR	*								
R-A to R-M			*			*	*		
R-HF-W (Subzone A)									
R-T						*			
R-A/AH						*	*		
R-2AH									*

- (j) Camps for children owned or operated by tax exempt eleemosynary organizations, such as the YMCA, YWCA and the Boy Scouts and Girl Scouts. Such camps shall be on lots of not less than ten acres.
- (k) Repealed by Ord. No. 2017-8.
- (l) Volunteer first aid and rescue squad units and volunteer fire companies. Nonprofit first aid and rescue squad facility with supportive housing for emergency service volunteers are permitted in the R-7 zone only in accordance with Section 10B-272.72 and volunteer fire companies are permitted in the other zones indicated by an * (asterisk). (Ord. 2012-20 § 2)
- (m) [Automobile laundries] Car washes.
- [(n) Nonprofit kennels designated by the township committee as small animal pounds for the township.]
- [n(o)] Continuing care retirement communities in accordance with section 10B-272.20, et seq. Continuing care retirement communities are designated as

conditional uses in the following zoning districts R-A, R-B, R-1, R-2, R-3, R-T, R-1/AH, OR-1, and OR-2, but not in an HP or HPB overlay district.

(p) Golf course/club in accordance with section 10B-272.26 et seq. Golf course/clubs are designated as conditional uses in the following: R-A, R-B, R-1, R-1/AH, and E-2.

(q) PWTFs and PWTEFs in accordance with sections 10B-272.50 et seq.

(r) Environmental education, land preservation and educational uses as permitted in section 10B-272.69.

Section 2. Section 17A-229, “Conditional uses” of the “Code of the Borough of Princeton, New Jersey, 1974” (“Borough Code”), is hereby amended to revise the list of conditionally permitted nonresidential uses in the former Borough of Princeton’s R-1 zoning district, and shall read as follows (deleted text is in [brackets]; new text is underlined):

Sec. 17A-229. Conditional uses.

The following additional uses may be authorized as conditional uses subject to the provisions of section 17A-208, and to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Nonresidential uses.

(1) Churches and other places of worship.

(2) [Public schools, and private schools not operated for profit.] Public and private day schools not for pecuniary profit which give instructions in any grades from pre-kindergarten to grade 12, both inclusive, and uses customarily accessory thereto; provided, that the school sites conform to the standards set forth in section 300 of the "Guide for School-house Planning and Construction, 1969," adopted by the State Board of Education.

(3) [Private parks and playgrounds.] All facilities owned and operated by the municipality, the county, the state or the United States of America, including parks and playgrounds.

(4) Public buildings, libraries, philanthropic institutions, nursing homes, and assisted living residences [buildings for the exclusive use of an educational institution or for the exclusive use of a nonprofit organization serving the interest of such educational institution].

(5) Clubhouses, except for clubs whose principal activity is usually carried on as a business.

(6) Railroad and public utility buildings, installations and rights-of-way needed to serve the general welfare of all or a significant part of the community, including, but not limited to, pumping stations, electrical

substations, transformers, and high tension towers and wires; provided, that the planning board determines that no other reasonable location in a less restricted district can be used for the purpose contemplated. PWTFs and PWTEFs shall not be deemed a public utility.

[(7) Amateur radio receiving and transmitting towers, over fifteen feet but less than fifty feet in height; provided, that such tower shall not be located closer to any lot line or street line than its height, and in no event within a front yard or side yard.]

(7[8]) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208.

~~(8) — All those uses required by privately owned public utilities which are needed to serve more than the local district in which they are located. The following is a partial list for purposes of illustration, but is not meant to be all inclusive: Pumping stations, electrical substations and high tension towers and wires. PWTFs and PWTEFs shall not be deemed a public utility.~~

(8) Child day care facilities, adult day care facilities, and nursery schools, including pre-schools.

Section 3. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. 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.

Section 6. This ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board, as required by law.

The purpose of the ordinance is to make changes to the conditionally permitted uses in the residential and non-residential zoning districts of the former Township of Princeton, and to make changes to the conditionally permitted uses in the R-1 residential zoning district of the former Borough of Princeton.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on September 25, 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 in the main meeting room at the Princeton Municipal Complex, 400 Witherspoon Street on October 23, 2017 beginning at 7:00 p.m., and during the week prior and up to and including the date of such meeting, a copy of said ordinance shall be made available free of charge at the Clerk's Office to the members of the general public who shall request the same.

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

Kathleen K. Brzezynski, Municipal Clerk