

ORDINANCE #2023-02

AN ORDINANCE OF THE MUNICIPALITY OF PRINCETON ESTABLISHING A NEW AFFORDABLE HOUSING OVERLAY ZONE (THE “AHO-7 ZONE”) ALONG PORTIONS OF WITHERSPOON STREET AND AMENDING CHAPTER 10B OF THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968” AND CHAPTER 17A OF THE “CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974”

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

Section 1. New affordable housing overlay district established. There is hereby established a new affordable housing overlay zoning district to be known as the Affordable Housing Overlay-7 District (the “AHO-7 zone”) along portions of Witherspoon Street located in the former borough and former township, the boundaries of which are generally delineated on the map attached hereto as Exhibit “A” and which shall comprise the below-listed properties as shown on Princeton’s tax maps:

- Block 15.01 Lots 24, 25.01, 27, 28, and 82
- Block 15.02 Lots 60, 61, 62, 84, and 85
- Block 15.03 Lots 56, 57, 58, 87, and 90
- Block 17.02 Lots 52, 53, and 54
- Block 17.03 Lots 80.01, 85.01, 85.02, 85.0201-85.0205, 86, 87.01-87.05, 104, 112, 117, and 118
- Block 21.01 Lots 11, 12, 13, 15, 16, 17, 18, and 21
- Block 21.04 Lot 3
- Block 24.01 Lots 3, 7, 11, and 16
- Block 6902 Lots 5-10
- Block 6905 Lots 16-21
- Block 6907, Lot 17

The properties identified herein are entitled to be developed pursuant to the underlying zoning districts regulations, or may be developed pursuant to the AHO-7 zone regulations established by this ordinance.

Section 2. List of zoning districts in Chapter 10B, Article XI of the Township Code supplemented. Section 10B-244 of the “Code of the Township of Princeton, New Jersey, 1968” (“Township Code”), “Division of township into zoning districts,” is hereby amended and supplemented by adding to the list of zoning districts set forth therein the following new designation:

Affordable Housing Overlay-7 (AHO-7) District

Section 3. List of zoning districts in Chapter 17A, Article XI of the Borough Code supplemented. Subsection 17A-202(i), “Affordable Housing Districts” in section 17A-202 “Districts Generally – Established; Enumerated,” of the “Code of the Borough of Princeton, New Jersey, 1974”) (“Borough Code”) is hereby amended and supplemented by adding to the list of zoning districts set forth therein the following new designation:

AHO-7 Affordable Housing Overlay-7 District

Section 4. Regulations applicable to the AHO-7 overlay zoning district added to Chapter 10B, Article XI, Division 2, Subdivision 2.28 of the Township Code. Subdivision 2.28, “Affordable Housing Overlay (AHO) Zones” in Division 2, “Zoning Districts,” of Chapter 10B, Article XI of the Township Code is hereby amended and supplemented by adding thereto the regulations set forth in Exhibit “B” attached hereto and made a part hereof.

Section 5. Regulations applicable to the AHO-7 overlay zoning district added to Chapter 17A, Article XI, Division 10, Subdivision 1 of the Borough Code. Subdivision 1, “Affordable Housing Overlay (AHO) Zones,” in Division 10, “Affordable Housing Zones,” in Chapter 17A, Article XI of the Borough Code is hereby amended and supplemented by adding thereto the regulations set forth in Exhibit “B” attached hereto and made a part hereof.

Section 6. Princeton zoning map amended. The map entitled “Official Zoning Map of Princeton, Mercer County, New Jersey” is hereby amended by showing thereon the new AHO-7 overlay zoning district consistent with section 1 of this ordinance.

Section 7. Definition of “attic” modified and definition of “half story” created. Section 17A-201 of the Borough Code and section 10B-242 of the Township Code are hereby amended by modifying the definition of “attic” set forth therein and by adding thereto a new definition of “half story,” as set forth below (new text is underlined thus; deleted text is in brackets [thus]):

ATTIC

The part of a building that is immediately below and wholly or partly within the roof framing of a pitched roof. The spring point of such pitched roof shall be no greater than five feet above the finished floor level of the attic (Fig. 1).

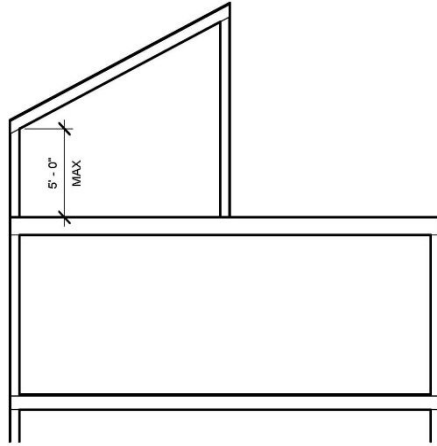


Figure 1

HALF STORY

An attic with a floor area no greater than fifty percent of the floor below.

Section 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.

Section 9. 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 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.

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

Delores A. Williams, RMC, CMC, Clerk

Hon. Mark Freda, Mayor

Ordinance Introduced: January 9, 2023
Reviewed by Planning Board: January 19, 2023
Ordinance Adopted: January 23, 2023

NEWSPAPER PUBLICATIONS:

First Insertion: January 13, 2023
Final Insertion: January 27, 2023

STATEMENT OF PURPOSE: This ordinance, if adopted, would create a new affordable housing overlay zoning district entitled the “Affordable Housing Overlay-7 (AHO-7) District” along portions of Witherspoon Street generally lying between Green Street to just north of Henry Avenue, in order to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with Princeton’s constitutional obligation to provide such housing to for low-and moderate-income households. Specifically, the AHO-7 zone is being established to incentivize redevelopment consisting of upper-story multi-family residential uses, with an affordable housing set- aside, along with ground-level retail, service, commercial and office uses. The properties located within the overlay zone can be developed either pursuant to the underlying zoning districts regulations already in place, or pursuant to the new AHO-7 overlay zone regulations established by the ordinance.

EXHIBIT B

AFFORDABLE HOUSING OVERLAY-7 (AHO-7)

§ ____. **Purpose.** The purpose of the AHO-7 zoning district is to provide a realistic opportunity for the construction of affordable housing pursuant to the New Jersey Fair Housing Act and thereby comply with the Municipality's constitutional obligation to provide such housing to for low-and moderate-income households. Specifically, the AHO-7 zone is established to incentivize redevelopment consisting of upper-story multi-family residential uses, with an affordable housing set- aside, along with ground-level retail, service, commercial and office uses.

§ ____. **Mandatory Affordable Housing Set-Aside.** Within the AHO-7 zoning district, A minimum of 20 percent of all dwellings, rounded up to the next whole dwelling unit, shall be deed restricted for occupancy by low- and moderate-income households and shall comply with the following:

- (a) Affordable dwelling units shall be constructed and sold or rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 *et seq.* and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 *et seq.*
- (b) Affordable dwelling unit household income breakdown shall comply with the following:
 - (1) At least 13% of the affordable units shall be affordable to very low income (VLI) households at 30% of the median income;
 - (2) At least 50% of the affordable units shall be made affordable to low-income units (the 50% requirement is inclusive of the 13% VLI requirement); and
 - (3) The balance of units permitted at moderate income up shall not exceed maximum of 50% of all affordable units.
- (c) Affordable dwelling bedroom distribution: Bedroom distribution shall be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 *et seq.* the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 *et seq.*, the Fair Housing Act (FHA) and all other applicable law.
- (d) The range of affordability, pricing and rent of units, affirmative marketing, 30-year minimum affordability controls and construction phasing with the market rate units developed on the tract shall also be in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 *et seq.* the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 *et seq.*, the Fair Housing Act (FHA) and all other applicable law.
- (e) The Municipal Housing Liaison shall be responsible to affirmatively market, administer and certify the occupant of each affordable unit, with all administrative costs to be paid by the Developer.

§ ____. Affordable Housing Overlay-7 (AHO-7) Regulations.

§ ____.1. Affordable Housing Overlay-7 (AHO-7) Historic Building Retention Required.

The AHO-7 zoning district is located almost entirely within the Witherspoon Jackson Historic District and contains properties with buildings that are eligible for designation as a historic building or as a contributing structure within a planned historic district. Furthermore, these buildings represent significant contributions to the existing desirable character of the Witherspoon Street corridor. The AHO-7 regulations are not intended to incentivize the removal of such buildings. Therefore, utilization of the AHO-7 regulations requires the retention of any street-fronting principal buildings, to the extent practicable, in existence at the time of the adoption of the ordinance establishing these regulations, on the following properties that are located within the AHO-7 zoning district. Only those proposals that comply with this requirement shall be permitted to develop pursuant to the AHO-7 regulations. Nothing in these regulations is intended to supersede the requirements for Historic Preservation Commission approval within the historic district.

AHO-7 Required Principal Building Retention		
Address	Block	Lot
3-5 Lytle Street	15.02	84
7 Leigh Avenue	6905	21
114-118 Witherspoon Street	17.02	54
120 Witherspoon Street	17.02	53
124 Witherspoon Street	17.02	52
136-142 Witherspoon Street/7 Quarry Street	17.03	87.01-87.05
144a Witherspoon Street	17.03	86
164 Witherspoon Street	17.03	117
158 Witherspoon Street	17.03	80.01, 118
165 Witherspoon Street	24.01	7
169 Witherspoon Street	21.01	18
173 Witherspoon Street	21.01	17
177 Witherspoon Street	21.01	16
181 Witherspoon Street	21.01	15
184 Witherspoon Street	15.01	28
188 Witherspoon Street	15.01	27
191 Witherspoon Street	21.01	21
193 Witherspoon Street	21.01	13
197 Witherspoon Street	21.01	12
201 Witherspoon Street	21.01	11
204-206 Witherspoon Street	15.01	24
212 Witherspoon Street	15.02	85

214 Witherspoon Street	15.02	61
216 Witherspoon Street	15.02	60
230 Witherspoon Street	15.03	90
232 Witherspoon Street	15.03	87
238 Witherspoon Street	15.03	58
244 Witherspoon Street	15.03	57
246 Witherspoon Street	15.03	56

§ __.2. Affordable Housing Overlay-7 (AHO-7) Permitted principal uses.

Within the AHO-7 zoning district the following principal uses shall be permitted:

- (a) Floors above the ground floor/street level floor: multi-family residences
- (b) Ground floor/street level floor:
 - (1) Retail sales and services
 - (2) Office
 - (3) Restaurants
- (c) Residences, if existing on the date of adoption of these AHO-7 regulations, or if located in a new ground-floor space constructed after the date of adoption of these regulations.

§ __.3. Affordable Housing Overlay-7 (AHO-7) Permitted accessory uses.

Within the AHO-7 zoning district the following accessory uses shall be permitted:

- (a) Residential management office
- (b) Common rooms/areas, including for meetings, recreation, laundry and storage
- (c) Communications infrastructure
- (d) Maintenance and storage
- (e) Off-street parking and loading
- (f) Street/ site furnishings
- (g) Home occupations

- (h) Fences and walls
- (i) Landscape amenities and open space
- (j) Pedestrian circulation elements
- (k) Signs
- (l) Storm water management facilities and other utilities
- (m) Other customary uses which are clearly incidental and subordinate to a permitted principal use

§ __.4. Affordable Housing Overlay-7 (AHO-7) Bulk Requirements:

- (a) Minimum yard requirements:
 - (1) Front yard: 0 feet
 - (2) Side yard: 0 feet
 - (3) Rear yard: 15 feet
- (b) Maximum front yard setback: 10 feet
- (c) Maximum impervious coverage: 90%
- (d) Building height: Maximum height is 3.5 stories and not to exceed 45 feet
- (e) Maximum number of buildings: Multiple buildings per lot are permitted
- (f) Off-street parking
 - (1) Residential uses:
 - [a] Up to five dwelling units, inclusive of existing and new: no off-street parking is required
 - [b] One off-street parking space shall be provided for each new dwelling unit in excess of five dwelling units.
 - [c] On-street parking credit. Off-street parking requirements shall be reduced by the number of new on-street parking spaces created
 - (2) Non-residential uses: no off-street parking required

- (g) Minimum landscape buffers to residential zones: 15 feet
- (h) Lighting. Illumination of sites and buildings shall be regulated pursuant to Borough Code section 17A-365.1 Lighting.
- (i) Signage. Signs shall be regulated pursuant to Borough Code section 17A-368 Accessory Signs-Permitted in business districts.