

Ordinance #2021-20

AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON AMENDING THE SC SHOPPING CENTER DISTRICT PERMITTED USES, AMENDING THE SCHEDULE OF ZONING REGULATIONS IN SECTION 10B-246 OF THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968", AMENDING THE OFF-STREET PARKING REQUIREMENTS FOR RETAIL, SUPERMARKETS AND SHOPPING CENTERS, AMENDING THE PARKING AREA SCREENING STANDARDS, AMENDING THE SIGN STANDARDS, AMENDING THE BUFFER STANDARDS, AND AMENDING THE LIGHTING STANDARDS.

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

1. The Permitted Uses in the SC Shopping Center District, Section T10B-261 – Permitted Uses, shall be amended to permit drive-through pharmacy components. Section T10B-261 shall be amended to permit pharmacy drive-through installations, adding subsection “d” as follows:
 - a. No change
 - b. No change
 - c. No change
 - d. **Drive-through pharmacy installations, designed so that the customer may remain within their vehicle; provided that any such installation is a component of a pharmacy use enclosed in a building and that any such installation shall have no direct public street access and shall be accessible only from the interior drives of the shopping center; provided further, that such structures or installations shall be situated so as not to block or obstruct traffic or cause traffic congestion on the principal interior drives of the shopping center. Furthermore, said installations shall be designed such that lanes for vehicle access and stacking, and the location at which drive-through customers interact with the interior pharmacy use, are visually screened from the right-of-way of North Harrison Street.**

2. Schedule of zoning regulations referenced in Section T10B-246 shall be amended. The table containing the schedule of zoning regulations referenced in Section T10B-246 of the Code as most recently amended with respect to the SC Shopping Center District by Ordinance #2020-53, adopted on December 21, 2020, is hereby further amended by changing the “*Minimum Lot Area*” from “25 acres” to “22 acres”, and by changing the “*Minimum Lot Width*” from “1,600 feet” to “1,500 feet”, and by changing the “*Building Height*” from “38 feet” to “45 feet”, and by changing “Required Building Setback Adjacent to Residential Zone (Excluding AHO-5 Zone)” to “Required Building Setback Adjacent to Residential Zone (Excluding PSCIR Redevelopment Zone)”, and by changing “Required Parking Setback Adjacent to Residential Zone (Excluding AH-5 and AHO-5 Zones)” to “Required Parking Setback Adjacent to Residential Zone (excluding H/T Redevelopment Zone and PSCIR Redevelopment Zone)”.
3. Schedule of off-street parking requirements referenced in Section 10B-282 shall be amended. The table containing the schedule of off-street parking requirements referenced in Section T10B-282 is hereby further amended by changing the “*Retail Stores, Supermarkets and shopping centers*” parking requirement from one parking space for each “275 square feet of gross floor area (4)” to “300 square feet of gross floor area (4)”.
4. Screening of Parking and Loading, Section T10B-288 (c) shall be amended. Section T10B-288(c) shall be amended to eliminate the requirements for parking areas within the SC Shopping Center District to provide screening between parking areas and other uses in the SC District or to provide screening to uses outside the SC District that would otherwise be screened by the required SC Shopping Center District perimeter buffer, adding new subsection “(1)” as follows:
 - (c) No change
 - (1) **SC Shopping Center District: Except where the SC Shopping Center District perimeter buffer strip is required pursuant to Section T10B-304(a), a parking area within the SC Shopping Center District shall not be required to have screening between the parking area and any use within the SC Shopping Center District or between a parking area and adjacent properties outside the SC Shopping Center District that are not separated from the SC Shopping Center District by a public right-of-way.**
5. Shade Trees and Landscaping in Parking Areas, Section T10B-289(a) and (c) shall be amended. Section T10B-289(a) shall be amended to modify the formula for determining the minimum number of shade trees in off-street on-grade parking areas in the SC Shopping Center District from one tree for every three and four tenths parking spaces to one tree for every six parking spaces and to provide that shade trees planted within ten feet of a parking area shall be counted in meeting this requirement in the SC Shopping Center District; and Section T10B-289(c)(1) shall be amended to eliminate the requirement of a five-foot wide island strip between facing rows of parking spaces in the SC Shopping Center District; and Section T10B-289(c)(2) shall be amended to reduce the minimum width of the required island terminus at the end of each row of parking spaces in the SC Shopping Center District from nine feet to an average of five feet; and Section

T10B-289(c)(3) shall be amended to reduce the minimum width of the required mid-row islands in rows of parking spaces in the SC Shopping District from nine feet to five feet, as follows:

Section 10B-289. Shade trees and landscaping.

- (a) *Shade trees.* **Except in (a)(1) below**, all off-street parking areas which provide more than ten parking spaces shall have shade trees planted and maintained to the extent of at least one tree of each three and four-tenths parking spaces or fraction thereof in an arrangement which assures that all the spaces are shaded to the extent possible and in accordance with subsection (c) hereof. Such trees shall be large, spreading-type trees acceptable to the planning board and shall at the time of planting have a caliper of at least two and one-half inches. They shall be properly maintained, and all dead or dying trees shall be replaced as soon as is practicable by the property owner.
- (1) Parking areas in the SC Shopping Center District which provide more than ten parking spaces shall have shade trees planted and maintained to the extent of at least one tree for each six parking spaces or fraction thereof. Shade trees planted within ten feet of any parking area in the SC Shopping Center District may be included for meeting the aforementioned shade tree requirement.**
- (b) No change
- (c) *Islands.* All off-street on-grade parking areas which provide more than ten parking spaces shall be designed and constructed with unpaved islands which arranged so there are no more than twenty parking spaces in a row unbroken by such an island and to accommodate required shade trees or landscaping as follows:
- (1) An island strip at least five feet wide between facing rows of parking spaces, **except this requirement shall not apply to parking areas within the SC Shopping Center District;**
- (2) An island terminus at least nine feet wide and coterminous with the length of the parking spaces which it abuts at the end of each row of parking spaces, **except within the SC Shopping Center District the minimum width of an island terminus shall be an average of five feet;** and
- (3) Mid-row islands in rows of parking spaces at least nine feet wide and equal in length to the parking spaces which it abuts, **except within the SC Shopping Center District the minimum width of mid-row islands shall be five feet.**
- (d) No change

6. Prohibited Sign Features, Section T10B-293(c) shall be amended. Section T10B-293(c) shall be amended to allow a shopping center identification sign to include, in addition to the message identifying the shopping center, a message identifying a multifamily residential development that is not located on the shopping center lot, but that shares vehicular access with the shopping center, adding subsection “(1)” as follows:

Section T10B-293. Prohibited sign features.

No sign shall contain features which:

- (a) No change
- (b) No change
- (c) Except as provided in Section 10B-294 **and in (c)(1) below**, advertise or publicize an activity, use, business, product, real estate, or service not located or conducted on the premises upon which such signs are located.

(1) An identification sign in the SC Shopping Center District may include, in addition to the message identifying the shopping center, a message identifying a multifamily residential development that is not located on the shopping center lot, but that shares vehicular access with the shopping center and has a common entrance from a public street.

7. Buffers to residential uses, Section T10B-304(a) Landscaped buffer strips, shall be amended. Section T10B-304(a) Landscaped buffer strips shall be amended to limit required buffers in the SC Shopping Center District to locations where the SC Shopping Center District boundary abuts the R-7 Residential District, as follows:

Section T10B-304. Landscaped buffer strips — Required.

The side or rear lot line of a lot, other than a lot having street frontage, shall be screened by a landscaped buffer strip designed in accordance with this subdivision 3.11 and Section 10B-288(c) wherever the lot is proposed to be improved with a:

- (a) Nonresidential use and the lot line borders a residential use or district, **except for the SC Shopping Center District, within which said buffer shall only be required where the SC Shopping Center District boundary borders the R-7 Residential District.**

8. Minimum Buffer Width, Section T10B-307 shall be amended. Section T10B-307 shall be amended to reduce the minimum buffer width required within the SC Shopping Center District where it abuts the R-7 Residential District, adding subsection “(a)” as follows:

Section T10B-307. Same — Width; maintenance.

Any required buffer strip shall be at least 50 feet in width at all points, except that, if a service use abuts another nonresidential use or nonresidentially-zoned lot, the buffer strip shall be five

feet in width at all points if there is a buffer along the lot line on the adjacent lot and 10 feet if there is no such buffer. The board of jurisdiction may increase the buffer strip width, up to but not more than 75 feet, if the nature of the uses to be buffered and the existing or proposed site layout require the installation of a wider buffer strip in order to mitigate visual, noise, and light impacts and there is sufficient room for a wider buffer. It shall be maintained and kept clean of all debris and rubbish.

(a) Within the SC Shopping Center District, the required buffer strip along the boundary abutting the R-7 Residential District shall comply with the following :

(1) The minimum buffer width shall not be less than nine (9) feet and shall not have an average width less than 18 feet;

(2) At any point where the minimum buffer width is less than 12 feet the composition of the buffer, in terms of materials used for visual screening, shall be enhanced to ensure that an opaque visual screen is created between the ground elevation and a height of six (6) feet at the time of installation; and

(3) Retaining walls to provide suitable grades shall be permitted within the required buffer.

9. The maximum height of freestanding lights in nonresidential zones, Section T10B-317.1(c)(11) of shall be amended. Section T10B-317.1(c)(11) shall be amended to permit a height of up to 25 feet for freestanding lights instead of a maximum height of 20 feet within the SC Shopping Center District, by adding subsection “(a)” as follows::

(11) Except for lights located along public or private streets, the maximum height of freestanding lights shall not exceed the height of the principal building, or 14 feet, whichever is less in residential zones, historic districts or properties adjacent to residential zones or uses. In nonresidential zones where the light will not be seen from a residential use a height of up to 20 feet shall be permitted for freestanding lights.

(a) SC Shopping Center District: In the SC Shopping Center District a mounting height of up to 25 feet shall be permitted for freestanding lights.

10. The maximum illumination from light fixtures at a property line, Section T10B-317.1(e)(1) shall be amended. Section T10B-317.1(e)(1) shall be amended to allow a maximum of 0.7 foot-candles instead of 0.5 foot-candles at property lines within the SC Shopping Center District that abut non-residential used property, and to eliminate the vertical plane illumination measurement requirement for the SC Shopping Center District, and to eliminate the application of the foot-candle standards of said section at property lines in the SC Shopping Center District that abut residential uses in the North Harrison Street Redevelopment Area, the PSC Inclusionary Residential Redevelopment Zone and the Harrison/Terhune Redevelopment Zone, adding subsection “(a)” as follows:

(1) At the property line of subject property, illumination from light fixtures shall not exceed 0.1 foot-candles on residentially used property or 0.5 foot-candles on non-residential used property, in a vertical plane.

(a) Exceptions within the SC Shopping Center District: Within the SC Shopping Center District illumination from light fixtures shall not exceed:

(1) 0.7 foot-candles at the property line abutting non-residential uses;

(2) The vertical plane illumination measurement requirement shall not apply to the SC Shopping Center District; and

(3) The requirements of Section 10B-317(e)(1) shall not apply at property lines in the SC Shopping Center District abutting residential uses in the North Harrison Street Redevelopment Area, the PSC Inclusionary Residential Redevelopment Zone or the Harrison/Terhune Redevelopment Zone.

11. 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.
12. Repealer. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Princeton and the Code of the Borough of Princeton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
13. 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.
14. 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, Clerk

Mark Freda, Mayor

Introduced: June 28, 2021

Reviewed by Planning Board:

Adopted: