

2011-16

AN ORDINANCE ESTABLISHING THE ARTS, EDUCATION AND TRANSIT (“AET”) ZONE WITHIN THE TOWNSHIP OF PRINCETON, COUNTY OF MERCER, STATE OF NEW JERSEY AND AMENDMENG THE “CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968.”

WHEREAS, there is situated in the Township of Princeton (“Township”) a gateway corridor along Alexander Street; and

WHEREAS, the corridor is zoned S-1, and historically was used for a variety of purposes, including educational, residential, warehouse, restaurant, lumber yard and office uses which have been developed over time; and

WHEREAS, the Township wishes to promote cohesive development of the northern portion of the corridor in accordance with the Master Plan, for arts, transit, education uses, designed to enhance this important gateway to Princeton; and

WHEREAS, following extensive consideration and study by the Township, the Township wishes to amend the Township’s zoning regulations that would protect and enhance the northern portion of the Alexander Street corridor, and allow it to be developed in a manner consistent with the Master Plan; and

WHEREAS, the amendments are designed to place the northern portion of the Alexander Street Corridor, along with portions of the E-1 Zone in a new Arts, Education and Transit (AET) Zone, in which educational, arts and transit uses would be permitted; and

WHEREAS, the Township Committee finds that it will further the health, safety, morals, and general welfare of the public and Princeton’s residents to facilitate and encourage the cohesive development of the northern portion of the Alexander Street corridor as proposed, and to that end to amend the Township’s zoning regulations;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Princeton, in Mercer County, State of New Jersey as follows:

Section 1.

Section 10B-244 of the “Code of the Township of Princeton, New Jersey, 1968 which establishes zoning districts within said Township is amended by adding thereto in alphabetical order the following NEW designation:

Arts, Education and Transit District.....(AET)

Section 2.

Chapter 10B of said code is amended by adding thereto a new Section 10B-263.4 through Section 10B-263.6 creating the new Art, Education and Transit Zoning District (AET) and shall read as follows:

Section 10B-263.3 Uses permitted in the Arts, Education and Transit (AET) district.

The following uses are permitted in the AET district:

- (a) Educational Uses. The educational activities of any institution of higher learning that is organized and operated not for pecuniary profit and any activities customarily incidental thereto; provided, that there is no nuisance factor other than as occasioned by the incidental light and the noise of the congregation of people, of passenger traffic and of the delivery of goods, such uses including but not limited to:
 - (1) Instructional, reference, and classroom uses, excluding laboratory buildings and uses but including computer facilities.
 - (2) Office uses.
 - (3) Library uses.
 - (4) Theatres, performance halls, lecture halls, practice rooms, exhibition space and other areas of public assembly.
 - (5) Retail stores and uses devoted primarily to the sale of educational or athletic supplies.
 - (6) Residences exclusively for the faculty, students, staff and any other individuals involved in the operation or activities of any such institution, including their families, in multifamily houses and apartments and residences exclusively for students and assigned supervisory staff, including the families of assigned supervisory staff and in dormitories not to exceed ten thousand (10,000 s.f.) square feet in size.

- (b) Transit Uses.
 - (1) Rail, light rail, street car, bus, jitney lines, taxis and taxi stands, innovative and/or alternative modes of transportation, facilities and stations, buildings and service infrastructure, and public utility buildings, and rights-of-way. Buildings used as rail stations shall be opened to the public and be lighted, air conditioned and heated and shall provide public restrooms during the time when the rail system is in operation. Such rail stations shall have

electronic signage and audio announcements together with prominently posted schedules.

- (2) Bicycle storage, sales, rentals and repairs.
 - (3) Parking garages, off-street surface parking spaces, and below grade parking spaces associated with transit uses.
 - (4) Railroad sidings and other necessary railroad uses.
- (c) Retail and Other Nonresidential Uses.
- (1) Museums, galleries and studios.
 - (2) Retail stores, restaurants, cafes, pubs, convenience stores, and uses devoted to or generally complementary to the uses permitted in AET district.
 - (3) Parking garages, provided that they are wrapped on the street side with retail space, off-street, surface parking spaces, and below grade parking spaces associated with the retail and other nonresidential uses permitted in this subsection.
 - (4) Public utility structures and uses.
 - (5) Child Care Facilities.
 - (6) Parks, Playgrounds and public buildings
 - (7) All uses in structures in existence at the time this ordinance becomes effective.
- (d) Accessory uses on the same or, in the case of a multi-lot development, adjoining lots with, and customarily incidental to, restaurants, cafes or pubs within the AET District, including outdoor restaurant seating and service, food vending facilities and/or food service carts.

Section 10B – 263.4 Bulk Regulations for the AET zoning district.

The bulk regulations contained in this section apply to all buildings and land in AET districts, as follows:

- (a) The following bulk regulations shall apply to all multi-family residential buildings, educational and other nonresidential buildings on lots of less than one acre in AET districts:
 - (i) The floor area ratio shall not exceed 0.6.

- (ii) For purposes of this section, floor area ratio shall mean the number of square feet of aggregate floor area of all buildings on a lot, or, in the case of a development made up of more than one lot, all lots, including noncontiguous lots, that make up the development, divided by the number of square feet of the lot or lots that make up the development.
 - (iii) The height shall not exceed fifty feet.
 - (iv) The coverage shall not exceed thirty percent.
 - (v) No building shall be erected closer to a street line or front yard lot line (excluding lot lines technically created by the boundary between the Borough and Township separating parcels in common ownership, or lot lines between lots in common ownership within a multi-lot project) than twenty (20') feet.
- (b) The following bulk regulations shall apply to all multi-family residential buildings, educational and other nonresidential buildings on lots of one acre or more in AET districts
- (i) No building shall be erected closer to a street line or front yard lot line (excluding lot lines technically created by the boundary between the Borough and Township separating parcels in common ownership, or lot lines between lots in common ownership within a multi-lot project) than twenty (20') feet.
 - (ii) Parking set back shall be twenty (20') feet in a yard fronting on Alexander Road with a sidewalk and full screening of the parking, including fixtures such as landscaping, walls, and other architectural and landscape architectural features provided in the setback area.
 - (iii) The height shall not exceed sixty feet, except that the building height may be increased to a maximum of 100 feet provided that the following standards are met:
 - (1) The maximum horizontal dimension of the portion of the building over 60 feet is no greater than 75 feet, except for a single performance hall fly tower which may have a maximum horizontal dimension of 150 feet.
 - (2) The minimum distance between the portions of buildings over 60 feet in height is at least one hundred and fifty (150) feet.

- (3) The portion of the building exceeding 60 feet in height is setback from any public street an additional one foot for every two (2) feet by which the building exceeds 60 feet.
- (4) The square footage of the footprints of the portions of the buildings over 60 feet in height is no greater than eight percent (8%) of the square footage of the land in the zone owned by the applicant.
- (iv) Side yard and rear yard setbacks for uses other than single family residential: (i) shall not be required for lots adjacent to nonresidential districts or lots; and, (ii) shall be ten (10') feet for every twenty five (25) feet of building height that is adjacent to lots used for single family residential purposes.
- (v) At least twenty-five percent of the site shall be devoted to open space. The following, or the land under the following, shall not be considered common open space: streets, driveways and parking area. All other areas, including all undeveloped land, plaza, outdoor recreational areas and other open areas available for the use shall be considered open space. Plazas, outdoor recreation areas, pathways and roadways shall be designed with amenities and signage to encourage public awareness, access and use. Projects shall provide pathways and roadways for both pedestrian and vehicular public access and use of the transit facilities in the district.
- (vi) The Aggregate Floor Area of nonresidential uses, excluding Education and Transit uses, shall not exceed a 0.15 ratio to total project Lot Area.
- (vii) Except as modified herein, the additional bulk regulations applicable to the AET zoning district shall be contained in Section 10B-246, provided that the boundary between the AET district and any E district or other district adjacent to the AET district in Princeton Borough, shall not be considered a district boundary for the purposes of §10B-246. Section 10B-246 is amended to add the AET zone district and bulk regulations for lots of one (1) acre or more as follows:

AET

District	Educational & multifamily residential
<i>For Permitted Uses</i>	
Required Lot Area (Min.Acre)	1.0
Min. Sq. Ft.	43,560
Required Lot Width	
(Min. Ft.)	(na)
Required Lot Depth	
(Min Ft.)	(na)
Required Lot Frontage	
(Min. Ft.)	(na)
Required Bldg. Setback	
Front	20(*)
Side	10(**)
Combined Side	(na)
Rear	10(**)
Permitted Bldg. Height	
(Max. Ft.)	60/100***
Bldg. Setback Height Ratio	****
Permitted Building F.A.R. for non-residential uses (excluding educational and transit uses)	.15
Required Parking Setback	

Front	10
Side	10(s)*****
Rear	10(s)*****

- * Subject to the provisions in Section 10B-263.4(b)(i)
- ** Subject to the provisions in Section 10B-263.4(b)(v)
- *** Subject to the provisions in Section 10B-263.4(b)(iii): Building Height 60 ft., up to 100 ft. if the additional standards are satisfied.
- **** Subject to the provisions in Section 10B-263.4(b)(iii)
- ***** Provided that the combined 20' setback is not required in the AET Zone.

(c) Design Standards:

(i) Streetscape Standards.

- (1) Road Edge Landscape – A landscape area between the curb and any proposed sidewalk shall be provided parallel to the road edge and should be a minimum of six feet (6') wide (8' preferred) and contain a planting strip with street trees to provide a roadside shade canopy. Interruption of the tree canopy to invite entrance to the site and buildings and for architectural effect is encouraged. Where parking is provided along the road, a 2 ½' walkway and access points to the street edge shall be provided in the landscaped area. Paved access points should be provided across this area in locations where public access thru the site is encouraged.
- (2) Sidewalks – Sidewalks that are a minimum of 8' wide shall be provided parallel to Alexander Street beyond the road edge landscape. Road Edge Landscape and Sidewalk placement may be reversed to preserve existing landscaping or other existing natural conditions.
- (3) Building Edge Landscape – Landscapes of a minimum depth of four feet (4') including grass, planting beds, and trees where practicable, shall be provided in a landscaped zone adjacent to buildings in the AET district. Paved access points should be provided across this area in locations where public access thru the site is encouraged. Additionally, paved access

providing major and minor access to building entrances is permitted. Hardscape areas for seating and recreation are encouraged, but shall be limited to a one hundred fifty foot (150') frontage along Alexander Street before interruption by at least 20' of planting or other softscape in the building edge landscape area.

(ii) Building Design Guidelines. Creative design, visual interest and access to open space shall be encouraged by the following design standards:

- (1) Building heights shall be varied within the development.
- (2) Buildings of greater than three stories adjacent to residential districts shall be of varying size and heights and with varying setbacks so as to avoid long building lines, which tend to act as a barrier.
- (3) The common open space available for public use shall be designed to include a setting for outdoor cultural or entertainment activities.
- (4) The common open space available for public use shall connect with existing or planned adjacent pedestrian ways, plazas, and other open space and shall be readily accessible to the public. Open walkways between building masses to access common open space shall be encouraged.
- (5) All building facades shall have full architectural treatment and architectural elements, equivalent in quality to those on the façade on the front entrance and landscaping so as to avoid monotony and enhance their visual appeal. Windows shall be provided on all sides of the building.

Section 263.5 - Off-Street Parking and Loading Requirements for the AET zoning district.

In AET districts, accessory off-street parking spaces shall be provided for all 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 this part, except that loading berths are not required for education buildings and other nonresidential buildings on lots greater than one acre. All such parking spaces (except higher educational institutions, which shall be governed by subsection (b) of this section, below) and loading berths shall be subject to the provisions of Section 10B-282, et. seq., of this article.

Parking spaces made available to the proposed use whether within the AET or adjacent zoning districts shall be included in the calculation of parking spaces provided for a proposed use. In addition, shared use of parking spaces for different uses, e.g., theater use would use parking spaces in the evening that would be available to a commuter use during the daytime, shall be encouraged, and shared parking spaces shall be counted for each such use in determining compliance with the parking space requirements in AET districts in accordance with accepted standards and methodologies for shared parking analysis. These methodologies consist in applying a percent presence ratio for each critical time period to the respective parking and

zoning ratio of each proposed use. Applicant shall produce a matrix showing this calculation for each use and each typical critical time period. The total parking demand for the time period with the highest sum of the parking demands for each use shall be used as the required parking supply. The shared parking methodology can also be used for a single proposed use whereby the applicant can demonstrate that for certain critical time periods for that use there is a guaranteed supply of available parking spaces in nearby parking facilities.

Commuter parking shall be provided within the AET Zone in the Township or E5 Zone in Princeton Borough on parcels held in common ownership within a multi-lot project or on lots adjacent thereto, and consistent with any then existing agreements between the property owner and the rail service operator. Train stations for heavy rail service to/from Princeton Junction shall have within 1,000 feet thereof a minimum of 180 parking spaces for monthly permit, daily meter and partial-day users within the project parcel or lots adjacent thereto, which spaces shall be considered in the shared parking provisions of this section after 7:00 p.m. and on weekends. Special provisions shall provide for 24-hour, 48-hour, and 72-hour overnight permits. Parking spaces for kiss and ride users shall be provided adjacent to the rail station and shall not be used to satisfy the minimum 180 space requirement.

(a) Educational uses.

(i) Residential uses shall require parking spaces as follows:

- (1) Detached single-family dwelling: 1.5 spaces per unit
- (2) Attached or multi-family units: 1 space per unit
- (3) Graduate and undergraduate student housing units: 0.6 spaces per bedroom

(ii) Non residential Uses: At the time of any application for a zoning permit, every higher educational institution shall certify to the development enforcement officer the number of additional employees (faculty and staff) and full time enrolled active graduate students who do not live in university owned housing and are eligible to park on campus (“Eligible Graduate Students”) to be accommodated in the proposed structure and the aggregate number of all employees and Eligible Graduate Students by category, i.e., employees and Eligible Graduate Students projected to be employed by or enrolled in the educational institution after the proposed structure is constructed and occupied. The educational institution shall also certify the percentage of Eligible Graduate Students. The sum of all faculty and staff employed in the subject structure and all Eligible Graduate Students assigned to that structure constitutes the commuting population employed in or assigned to the structure.

- (1) For each 1.25 commuting population employed or assigned to the structure, one parking space shall be provided within the AET district, or within campus facilities in the adjoining E-1 or E-2 districts or in adjoining municipalities. Visitor parking is included in determining this ratio.

- (2) For places of public assembly, such as lecture halls of over one hundred seats, auditoriums, theatres, chapels or gymnasiums, but not including libraries or dining halls, one space shall be provided for each five seats. Parking spaces provided for normal daytime activity for other purposes shall be considered to be available for such public uses as are normally conducted in the evening or weekends.

- (3) At least once a year following approval of a structure, every educational institution shall certify to the development enforcement officer the aggregate number of employees (faculty and staff) and Eligible Graduate Students. Whenever that number exceeds the number certified at the time of application, the development enforcement officer shall notify the board of original jurisdiction, if there was one, and recommend such additional parking spaces as may be required. In the case of prior approval by a board of jurisdiction, such board shall reopen the application, and the educational institution shall propose such changes to the approved site plan as are necessary to provide the additional parking spaces in accordance with the standards as to the number, location, and design of such spaces set forth in this article. In the case of prior approval by the development enforcement officer, such officer shall require that the educational institution provide the additional parking spaces in accordance with the standards as to the number, location, and design of such spaces set forth in this article, and the institution shall promptly do so. With every application for development, the applicant shall submit an affidavit that it has submitted all the certifications required by this section for all property within the township under its ownership or control. No application for development shall be deemed complete if the applicant fails to submit such affidavit or if the certifications required by this section have not been submitted.

(b) Other nonresidential buildings and uses.

<u>For</u>	At least one separate or shared parking space for each
(a) Libraries and other public buildings	200 square feet of floor area, but not less than one space for each five seats, where provided.
(b) Restaurants, cafes and pubs	400 square feet
(c) Philanthropic institutions, galleries and museums	820 square feet of floor area.
(d) Theatres	5 seats
(e) Service/Retail	475 square feet
(f) Office	370 square feet
(g) Child Care Facilities	6 seats or students

For any other permitted buildings and uses for which no requirements are set forth above, appropriate and comparable off-street parking requirements shall be as set forth in Section 10B-282, or, if no requirements are set forth there, then, as determined by the board of jurisdiction, taking into consideration Institute of Transportation Engineers or other industry statistics and standards, the likelihood of all day or short term use of parking spaces, the location and availability of other means of access and other factors affecting the need for parking.

The total number of parking spaces determined to be required for the uses set forth in this section (c) shall be reduced by the number of parking spaces provided for those employees of any such use who are employees of a higher educational institution, who have been provided parking spaces elsewhere in accordance with the calculation of parking space requirements pursuant to Section 10B-263.3(b), above.

- (c) Off Street Loading. Accessory loading berths, open or enclosed, shall be provided for non-residential uses, except churches, as follows:
- (i) Educational uses on more than one acre 0 berth
 - (ii) For floor area of 0 to 30,000 square feet..... 0 berth.

- (iii) For floor area of 30,000 to 100,000 square feet..... 1 berth.
- (iv) For each additional 75,000 square feet of floor area or fraction thereof..... 1 additional berth.

In comprehensive multi-lot development shared and/or common loading berths may be provided to serve one or more uses, including off-site loading areas with below ground connection to one or more uses.

Section 263.6 – Signage permitted within the AET zoning district.

In AET districts Section 10B-292 through Section 10B-299 shall apply subject to the exceptions and/or modifications set forth below:

- (a) Educational and Arts Uses.
 - (i) One façade sign is permitted for each face of each above ground building mass fronting on a public street. Signs on educational use buildings that name the building or do not face a public street are exempt from Section 17A-368.
 - (ii) Façade Signs on Educational Use Buildings may have an area of not more than twenty four (24) square feet.
 - (iii) Marquee signs, wall mounted program signs, kiosks and temporary banners for community, theater and arts events are encouraged to promote an active public sense of place, and may include video and electronic components providing information and schedules regarding programs, events, performances and the like. Each marquee or wall mounted program sign shall not exceed one hundred (100) square feet, and, each kiosk shall not exceed a total volume of eight hundred (800) cubic feet. Banners shall be a minimum of eight (8) feet above finish grade
- (b) Transportation Uses. Transportation facilities may have:
 - (i) Up to two free standing signs on Alexander Street.
 - (ii) One façade sign of not more than twenty four (24) square feet on each face of a train station identifying the train station.
 - (iii) Marquee signs, wall mounted program signs, kiosks and temporary banners for community, theater and arts events are encouraged to promote an active public sense of place, and may include video and electronic components providing information and schedules regarding programs, events, performances and the like. Each marquee or wall mounted program sign shall not exceed one hundred (100) square feet, and, each

kiosk shall not exceed a total volume of eight hundred (800) cubic feet. Banners shall be a minimum of eight (8) feet above finish grade.

(iv) Additional façade signs for a retail/commercial use located in a train station.

(c) Wayfinding Signs. Wayfinding signs are important due to the gateway nature of Alexander Street and the concentration of Arts, Educational and Transportation uses. Wayfinding signs for educational and arts uses shall be permitted consistent with the Wayfinding signage throughout the campus of the educational institution. Wayfinding signs for transportation uses shall be encouraged at strategic street and driveway locations, and throughout any train station project site to guide automobiles, pedestrians and bicyclists to the train station, parking areas, services, entrances and exits.

Section 263.7 – Public access.

The applicant shall provide an easement in dimensions and at a location acceptable to the board of jurisdiction permitting public pedestrian access from University Place to the rail station and pedestrian and vehicular access from Alexander Road to the rail station, if relocated.

Section 3 – Amendment of Official Map.

Section 10B-263.3–Amendment of Zoning Map. The “Official Map for the Township of Princeton, Mercer County, New Jersey” adopted and codified in Section 10B-244, is hereby amended to incorporate the changes shown on attachment A and such amendment shall be incorporated into the Official Map for the Township of Princeton.

Section 4.

This ordinance shall take effect upon passage, publication and the filing of a copy of said ordinance with the Mercer County Planning Board, all of which as required by law.

I, Kathleen K. Brzezynski, Deputy Clerk of the Township of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by Township Committee at its meeting held November 14, 2011.



Kathleen K. Brzezynski
Deputy Clerk

