

2011-18

AN ORDINANCE AMENDING THE RESIDENTIAL SENIOR COMMUNITY-2 ("RSC-2") OVERLAY ZONING REGULATIONS AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968."

WHEREAS, the Princeton community has sought through its zoning regulations to provide for a realistic opportunity for the construction of age restricted housing so as to afford an opportunity for residents of Princeton to remain in the Princeton community; and

WHEREAS, Ordinance 2010-12 adopted May 10, 2010 amended the provisions of Chapter 10B of the "Code of the Township of Princeton, New Jersey, 1968" to substantially amend the provisions of the Township's Residential Senior Community-2 ("RSC-2") zoning regulations in order to further encourage the construction in an environmentally responsible fashion of age restricted senior housing within the Princeton community; and

WHEREAS, the Township has determined that it would be prudent to further amend the zoning regulations in the RSC-2 District to ensure that the construction of the senior housing complies with the provisions of the Federal Fair Housing Act of 1968 and the Federal Housing For Older Persons Act of 1995 as well as to provide for the economic viability of any development within the RSC-2 Zoning District.

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

1. Section 10B-272.65 of the "Code of the Township of Princeton, New Jersey, 1968" which sets forth permitted uses in the RSC-2 Overlay Zoning District is amended to read as follows:

Sec. 10-272.65. Permitted uses; RSC-2 zone.

The following uses or any combination thereof are permitted in the RSC-2 Overlay Zone:

(a) Age restricted housing complying with all of the provisions of the Federal Fair Housing Act, 42 U.S.C. 3601 *et seq.*, and of the provisions of the Federal Housing For Older Persons Act of 1995, 42 U.S.C. 3607(b)(2)(c), so that at least eighty (80%) percent of the occupied units within a project developed within the RSC-2 Overlay Zone are occupied by at least one (1) person who is fifty-five (55) years of age or older after twenty-five (25%) percent of the units within the development are occupied; or

(b) During the initial full lease up of any development constructed within the RSC-2 Overlay Zone, if the development leases less than an average of ten (10) units per month over a period of two (2) consecutive months, then:

(1) The developer may market and lease, for one (1) year terms only, to persons who are under fifty-five (55) years of age provided that when an average of ten (10) units per month are rented (including both units to those who are under fifty-five (55) and to those who are over fifty-five (55)) for two (2) consecutive months, then the developer shall market only to tenants who have at least one (1) occupant age fifty-five (55) years or older. If after initial full lease up, the occupancy within the development constructed within the RSC-2 Overlay Zone drops below ninety (90%) percent or any units remain available for a period of two (2) consecutive months, then units may be marketed and leased to persons under fifty-five (55) years of age for one (1) year terms. When a development constructed within the RSC-2 Overlay Zone reaches full occupancy, the developer will again give first preference to persons fifty-five (55) years of age or older. The developer shall also maintain two (2) separate waiting lists for units within the development. One (1) list will be for potential occupants who are fifty-five (55)

years of age or older and one (1) list will be for potential occupants less than fifty-five (55) years old. The list of those fifty-five (55) years of age or older shall always have priority for units within the development.

2. This Ordinance shall take effect upon its passage and publication and upon the filing of a copy of same with the Mercer County Planning Board, all of which is 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 December 19, 2011.



Kathleen K. Brzezynski
Deputy Clerk