

**AN ORDINANCE BY PRINCETON
REVISING THE DEFINITION OF
FLOOR AREA RATIO AND OTHER
TERMS, ELIMINATING CERTAIN
EXCEPTIONS AND EXCLUSIONS
FROM THE CALCULATION OF
FLOOR AREA RATIO, AND
AMENDING THE “CODE OF THE
BOROUGH OF PRINCETON, NEW
JERSEY, 1974” AND THE “CODE OF
THE TOWNSHIP OF PRINCETON,
NEW JERSEY, 1968”**

WHEREAS, the public has raised concerns regarding the size of homes being built in the community; and

WHEREAS, limitations on floor area ratio (“FAR”) is one of the techniques that is used to control the size of structures in Princeton; and

WHEREAS, currently, the land use regulations of both the former Borough of Princeton and the former Township of Princeton exclude structures such as garages, sheds, and porches from the calculation of FAR; and

WHEREAS, Princeton’s director of planning, zoning officer, and land use engineer, as well as the Zoning Amendment Review Committee of the Princeton Planning Board recommend that these exceptions and exclusions be eliminated; and

WHEREAS, they further recommend that the manner in which attics and basements are treated for purposes of calculating FAR be revised and made uniform throughout Princeton; and

WHEREAS, the Princeton Mayor and Council agree with these recommendations;

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

1. Section 10B-241, “Definitions” of the “Code of the Township of Princeton, New Jersey, 1968” amended. Section 10B-241, “Definitions” in Article XI, “Zoning” in Chapter 10B, “Land Use” of the “Code of the Township of Princeton, New Jersey 1968” is hereby amended by deleting therefrom the current definitions of “Floor area, gross” and “Floor area, net”, revising the definitions therein of “Floor area ratio”, “Basement” and “Story”, and adding thereto new definitions for “Floor area” and “Attic”, as follows (additions are underlined thus; deletions are in brackets [thus]):

Attic. The part of a building immediately below the roof which has a ceiling height of seven feet or greater above the attic floor and is not more than one-third

the area of the next floor below. Any area greater than one-third of the area of the floor below is counted as floor area.

Basement. Space in which the ceiling (defined as the bottom of the structural members of the floor above) is less than four feet above the average finished grade line along the outside walls of the building and is more than [six feet six inches] seven feet measured from the finished floor, except at points of entry or access.

Floor Area. The total area of all of the stories of all structures on the lot, measured from the outside faces of the exterior walls or from the exterior roof edges where the structure has no walls and including the following, although not by way of limitation: interior balconies and mezzanines, roofed and/or enclosed areas such as sheds, barns, garages, and carports, but with the following exceptions where the primary use is as single-family residence: basements, attics and roofed porches with at least one open side to the extent of two hundred square feet.

[*Floor area, gross.* The total area of all of the stories of all structures on the lot, measured from the outside faces of the exterior walls or from the exterior roof edges where the structure has no walls and including the following, although not by way of limitation: interior balconies and mezzanines, roofed and/or enclosed areas such as sheds, barns, porches, garages, and carports, but with the following exceptions where the primary use is as single-family residence: one shed having an area of one hundred square feet or less, the area of one garage not to exceed two hundred eighty square feet, roofed porches with at least one open side to the extent of one hundred square feet, and covered unenclosed walkways (with a width measured from exterior edges of roof of not more than eight feet) between structures on the same lot.]

[*Floor area, net.* The area fully enclosed by the inside surfaces of walls, windows, doors and partitions, and having a headroom of at least six feet six inches, including living, eating, cooking, sleeping, storage, circulation, service, utility and all other related household spaces, but excluding garages, carports and parking spaces.]

Floor area ratio [(F.A.R.).] [The ratio of the gross floor area to the gross lot area, expressed as a percentage.] The gross floor area of all buildings on a lot divided by the lot area.

Story. Any covered area whether finished or not, with a clear headroom of [six feet six inches] seven feet or more measured from the finished floor to the ceiling (defined as the bottom of the structural members of the floor or roof above). If the covered area also meets the definition of “basement,” it shall not be considered a “story.”

2. Section 17A-201, "Definitions" of the "Code of the Borough of Princeton, New Jersey, 1974" amended. Section 17A-201, "Definitions" in Article XI, "Zoning" in Chapter 17A, "Land Use" of the "Code of the Borough of Princeton, New Jersey 1974" is hereby amended by deleting therefrom the current definition of "Floor area aggregate" and revising the definitions therein of "Floor area", "Floor area ratio", "Basement", "Attic" and "Story", as follows (additions are underlined thus; deletions are in brackets [thus]):

Attic. The part of a building immediately below the roof which has a ceiling height of seven feet or greater above the attic floor and is not more than one-third the area of the next floor below. [A habitable attic shall have a stairway as a means of egress.] Any area greater than one-third of the area of the floor below is counted as floor area.

Basement. Space in which the ceiling (defined as the bottom of the structural members of the floor above) is less than four feet above the average finished grade line along the outside walls of the building and is more than [six feet six inches] seven feet in height measured from the finished floor, except at points of entry or access.

Floor Area. [The sum of the horizontal areas devoted to a use, including all sales, office, service and storage space, measured from the exterior faces of exterior walls, the center line of walls separating two buildings or the center line of walls separating the uses. The floor area devoted to a use shall normally include the entire floor of each floor devoted to such use. In computing floor area per establishment, when several uses share one floor, the publicly used spaces, such as halls, elevator shafts, stairwells and toilets, shall be considered as divided among the several uses proportionate to the private and separate spaces devoted to each use.] The total area of all of the stories of all structures on the lot, measured from the outside faces of the exterior walls or from the exterior roof edges where the structure has no walls and including the following, although not by way of limitation: interior balconies and mezzanines, roofed and/or enclosed areas such as sheds, barns, garages, and carports, but with the following exceptions where the primary use is as single-family residence: basements, attics and roofed porches with at least one open side to the extent of two hundred square feet.

[Floor area aggregate. The sum of the gross horizontal areas of the several floors of the buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings, excluding:

- (a) For nonresidential uses:
 - (1) Roof areas.
 - (2) Cellars and basement areas used only for storage or the operation and maintenance of the building.
 - (3) Areas used only for accessory off-street parking or loading.

(4) Cellar and basement areas used only for off-street parking, whether as an accessory or principal use.

(b) For one- and two-family residential uses, attached dwelling uses or multiple dwelling uses (per unit):

(1) One shed having an area of one hundred square feet or less.

(2) The area of one garage not to exceed two hundred eighty square feet where the garage is located to the rear of the principal dwelling.

(3) Roofed porches with at least one open side to the extent of two hundred square feet.

(4) Basements and attics.

(5) The unfinished and nonhabitable space between the rafters of a roof and the attic floor, where the maximum ceiling height is less than seven feet.]

Floor area ratio. [The number of square feet of aggregate floor area of all buildings on a lot, divided by the number of square feet of lot area.] The gross floor area of all buildings on a lot divided by the lot area.

Story. [That part of a building, exclusive of cellars but inclusive of basements, contained between the level of one finished floor and the level of the next higher finished floor, or, if there is no finished floor, that part of the building contained between the level of the highest finished floor and the top of the roof beams.] Any covered area whether finished or not, with a clear headroom of seven feet or more measured from the finished floor to the ceiling (defined as the bottom of the structural members of the floor or roof above). If the covered area also meets the definition of "basement," it shall not be considered a "story."

3. 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.

4. 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.

5. Effective date. This Ordinance shall take effect upon its passage and publication as provided for by law.

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend the definitions of floor area ratio, attic, basement, story and related definitions in the land use regulations of both the former Borough of Princeton and the former Township of Princeton, in order to create uniform definitions in both codes and to eliminate certain existing exceptions from the calculations of floor area ratio,

in order to address concerns regarding the construction of oversized houses throughout Princeton.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on November 23, 2015 and will be further considered for final passage after a public hearing thereon at a meeting of said Mayor and Council to be held at the Princeton Municipal Complex, 400 Witherspoon Street on December 21, 2015 which begins at 7:00 p.m.

A handwritten signature in cursive script that reads "Kathleen K. Brzezynski".

Kathleen K. Brzezynski

Deputy Clerk