

**2016-42 AN ORDINANCE REVISING THE CODE OF PRINCETON REGARDING THE SETBACK OF PORCHES AND GARAGES, AMENDING THE CALCULATION OF PREVAILING SETBACK, AMENDING FLOOR AREA, 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 Princeton Community Master Plan stresses the importance of preserving the existing character of residential uses in the Princeton community; and

**WHEREAS**, the Princeton Community Master Plan encourages the use of sound urban design principles in new construction; and

**WHEREAS**, the Princeton Community Master Plan encourages the preservation and protection of the character of established neighborhood; and

**WHEREAS**, the Princeton Planning Board has established the Princeton Neighborhood Character and Zoning Initiative Task Force (Task Force) to identify ways to preserve neighborhood character and to respond to concerns among residents about the impacts new home development has on the character of their neighborhoods; and

**WHEREAS**, the Task Force was created to develop strategies, policies, guidelines, and regulations that will shape future home development activities so their outcomes better complement the traditional character and form of Princeton’s residential neighborhoods and streets; and

**WHEREAS**, the Task Force selected the following topics/actions felt to be most appropriate for moving forward for zoning modifications in November: 1) encouraging porches, 2) reducing the impact of garages on the streetscape, 3) recalibrating front yard setbacks, and 4) including cathedral space in the definition of floor area; and

**WHEREAS**, the Task Force held three focus group meetings with the public on strategies to address concerns regarding protecting and preserving neighborhood character; 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:

Section 1 The Schedule of Regulations in Section 10B-246 of the Princeton Township Land Use Code is amended by adding footnote (t) as shown on the Schedule of Regulations attached hereto.

Section 2 A new Section 10B-255.1 Residential Design Regulation is added to the Princeton Township Code and new Section 17A-377.1 Residential Design Regulation is added to the Princeton Borough Code as follows.

A. These regulations shall apply to all single family and two family homes.

1. Porches:

a) Roofed porches may encroach into the front setback a maximum of 8' provided the porch does not exceed 200 square feet and the majority of the structures within 500 feet in either direction of the lot have roofed porches that encroach on the front setback area. Porches which encroach into the front setback may not have a second floor, balcony, deck or be enclosed on all side.

2. Garages:

a) All new front entry garages shall be flush or setback from the front façade of the dwelling.

Section 3. Section 17A-377(d) of the Princeton Borough Land Use Code amended by deleting the following:

~~(d) A roofed over but unenclosed entry or portico, not more than eight feet wide, may extend not more than six feet out from the front wall of the building into the front yard, when the building otherwise complies with all other front yard restrictions of this article.~~

Section 4. A new Section 10B-252.1 Mean Prevailing Front Setback is added to the Princeton Township Code as follows:

The mean prevailing front yard setback to be applied to a lot shall be determined as follows:

(a) The front yard setback for the principal dwellings on each lot fronting on the same side of the street within 500 feet in either direction of the lot for which the prevailing front setback is to be measured and within the same zoning district shall be determined. The measurement shall not include the setback from the street for corner lots, where the front yard of the corner lot is measured from a different street. In calculating the mean prevailing setback, the largest and smallest setback shall not be included in the calculation. Setbacks shall be measured to the nearest part of the house excluding porches and stoops.

(b) If the mean prevailing front setback as calculated for a lot is more than five feet or less than five feet of the required minimum setback, the building setback shall be within two feet of the calculated mean setback.

(c) If the mean prevailing setback as calculated for a lot is not more than five feet greater or five feet less than the required setback, then the developer shall comply with the minimum required setback.

(d) If utilization of the mean prevailing setback would limit the construction of a dwelling to a size which is less than eighty percent of the maximum building size permitted in the district, then the mean prevailing setback shall be adjusted to a setback which permits the construction of a dwelling which is eighty percent of the maximum building size permitted in the district, for a lot with the minimum lot sit size but not less than the minimum required front yard setback.

(e) If a street contains three or fewer dwellings then the property owner shall have the option to match either front yard setback.

Section 5. Section 17A-376.1 of the Princeton Borough Land Use Code is amended as follows

Sec. 17A-376.1. The mean prevailing front setback.

The mean prevailing front yard setback to be applied to a lot ~~for a block~~ shall be determined as follows:

(a) The front yard setback for the principal dwellings on each lot fronting on the same side of the street within 500 feet in either direction of the lot for which the prevailing front setback is to be measured and within the same zoning district shall be determined. The measurement shall not include the setback from the street for corner lots, where the front yard of the corner lot is measured from a different street. In calculating the mean prevailing setback, the largest and smallest setback shall not be included in the calculation. Setbacks shall be measured to the nearest part of the house excluding porches and stoops.

~~(b) If a block of a street is more than one thousand feet in length, the prevailing setback as it may affect construction on a given lot shall be determined only from the existing dwelling lots fronting on the same side of the street and within the block which are within five hundred feet of the subject lot and within the same zoning district.~~

~~(c) From this information the mean prevailing front yard setback with respect to any lot on the block shall be calculated.~~

~~If a developer proposes an infill development of a one or two family dwelling or the renovation of an existing one or two family dwelling, including construction on a corner lot, the principal dwelling shall be set back from the street as follows:~~

~~If the mean prevailing setback with reference to that lot is five feet or more than the minimum required setback or five feet or less than the minimum required setback, the developer shall be required to conform to the mean setback figure, plus or minus two feet.~~

~~————— If the mean setback with reference to that lot is not more than five feet greater or five feet less than the required setback, then the developer shall comply with the minimum required setback.~~

~~————— If utilization of the mean prevailing setback would limit the construction of a dwelling to a size which is less than eighty percent of the maximum building size permitted in the district, then the mean prevailing setback shall be adjusted to a setback which permits the construction of a dwelling which is eighty percent of the maximum building size permitted in the district, but not less than the minimum required front yard setback.~~

(b) If the mean prevailing front setback as calculated for a lot is more than five feet or less than five feet of the minimum required setback, the developer shall be required to conform to the mean setback figure, plus or minus two feet.

(c) If the mean prevailing setback as calculated for a lot is not more than five feet greater or five feet less than the required setback, then the developer shall comply with the minimum required setback.

(d) If utilization of the mean prevailing setback would limit the construction of a dwelling to a size which is less than eighty percent of the maximum building size permitted in the district, then the mean prevailing setback shall be adjusted to a setback which permits the construction of a dwelling which is eighty percent of the maximum building size permitted in the district, for a lot with the minimum lot sit size but not less than the minimum required front yard setback.

(e) If the side of the block in which is located the lot contains three or fewer dwellings then the property owner shall have the option to match either front yard setback.

Section 6. Section 10B-241 of the Princeton Township Land Use Code is amended as follows:

*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. In addition, roofed porches with at least one open side to the extent of two hundred square feet shall not be counted as floor area. Attic space in a single family or two family residence with a height of seven feet or more measured from the finished floor to the roof rafter shall be counted as floor area except for an area that is less than one third of the area of the floor directly below. Attic areas in a single family or two family residence with a height of less than seven feet measured from finished floor to roof rafter shall not be counted as floor area. If an interior space has a ceiling height of 12' or greater, the floor area of that space shall be counted twice for the purpose of floor area calculation. If an interior space has a sloped ceiling, only that portion of the floor having a ceiling height of 12' or greater shall be counted twice for the purpose of floor area calculation.

Section 7. Section 17A-201 of the Princeton Borough Land Use Code is amended as follows:

*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. In addition, roofed porches with at least one open side to the extent of two hundred square feet shall not be counted as floor area. Attic space in a single family or two family residence with a height of seven feet or more measured from the finished floor to the roof rafter shall be counted as floor area except for an area that is less than one third of the area of the floor directly below. Attic areas in a single family or two family residence with a height of less than seven feet measured from finished floor to roof rafter shall not be counted as floor area. If an interior space has a ceiling height of 12' or greater, the floor area of that space shall be counted twice for the purpose of floor area calculation. If an interior space has a sloped ceiling, only that portion of the floor having a ceiling height of 12' or greater shall be counted twice for the purpose of floor area calculation.

Section 8. 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 9. 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 10. 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 zoning code to provide residential design guidelines that permit porches to encroach in the front setback under certain

circumstances, regulate the location of garages, amend the calculation of prevailing setback, and amend the definition of floor area, in the land use regulations of both the former Borough of Princeton and the former Township of Princeton, 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 14, 2016 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 19, 2016 which begins at 7:00 p.m.

A handwritten signature in cursive script, reading "Kathleen K. Brzezynski".

Kathleen K. Brzezynski, Deputy Clerk

**Table 1**  
**SCHEDULE OF REGULATIONS**  
**Township of Princeton**

District	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-H	POR		B-1		B-2	R-M
For Permitted Uses	All		All	Professional Office-Residence	Residential	Business	Residential	All	(j)							
Required Lot Area (Min. Acre)	2	1 1/2	1	3/4	1/2	1/4	1/4	--	--	--	1/2	1/4	1/10	1/4	1/4	(j)
(Min. Sq. Ft.)	87,120	65,340	43,560	32,670	21,780	10,890	10,890	8,500	6,500	20,000	21,780	10,890	4,356	10,890	10,890	(j)
Required Lot Width (Min. Ft.)	200	175	150	125	100	85	60	50	40	100	100	60	50	85	100	(j)
Required Lot Depth (Min. Ft.)	200	175	150	125	100	85	60	50	40	100	100	60	50	85	100	(j)
Required Lot Frontage (Min. Ft.)	200	175	150	125	100	85	60	50	40	100	50	30	50	42 1/2	50	(j)
Required Bldg. Setback																
<b>Front</b> (Min)	<b>30</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25(t)</b>	<b>25(t)</b>	<b>25(t)</b>	<b>25(t)</b>	<b>25(t)</b>	<b>15</b>	<b>30</b>	<b>25</b>	<b>10</b>	<b>25</b>	<b>35</b>	<b>(j)</b>
Side	20	15	15	15	15	15	10	8	5	15	15	10	(na)	15	(na)	(j)
Combined Side	(na)	(na)	(na)	(na)	(na)	(na)	25	20	15	(na)	(na)	25	(na)	(na)	(na)	(j)
Rear	20	15	15	15	15	15	15	15	15	15	15	15	15	15	15	(j)
Permitted Bldg. Height																
(Max. Ft.)	(na)	(na)	(na)	(na)	(na)	30	30	30	30	30(k)	30(a)	30	30	30	30	(j)
Bldg. Setback-Height Ratio	1.5:1	1.5:1	1.5:1	1.5:1	1:1	(na)	(na)	(na)	(na)	(na)	(na)	(na)	(na)	(na)	(na)	(j)
Permitted Building, F.A.R. (Max. %)	10	12.5	15	15	20	25	25	30	35	20	20	25	60	25	55	(j)
Required Parking Setback																
Front (Min. Ft.)	30(b) 30(c)	25(b) 25(c)	25(b)(1) 25(c)(1)	30	25(b) 25(c)	10	25(b) 25(c)	25 (j)								
Side	20(b) 10(c)	15(b) 8(c)	15(b) 8(c)	15(b) 8(c)	15(b) 8(c)	15(b) 8(c)	15(b) 8(c)	10(b) 5(c)	8(b) 4(c)	5(b) 3(c)	15(b)(1) 8(c)(1)	15(b) 8(c)	10(b) 5(c)	(na)	15(b) 8(c)	(na) (j)
Rear	20(b) 10(c)	15(b) 8(c)	15(b)(1) 8(c)(1)	15(b) 8(c)	15(b) 8(c)	(na)	15(b) 8(c)	(na) (j)								

District	SC	E-1		E-2		E-4	R-A	R-B	S-1	S-2	OR-1	OR-2	R-O
For Permitted Uses	All	Educational & multifamily residential	Single-family residential	Educational & multifamily residential	Single-family residential	Institutional residential			All	All			
Required Lot Area (Min. Acre)	25	50	1/2	50	1	(na)	4	3	1/4	3/4	5	5	--
(Min. Sq. Ft.)	1,089,000	2,178,000	21,780	2,178,000	43,560	(na)	174,240	130,680	10,890	32,670	217,800	217,800	8,500
Required Lot Width (Min. Ft.)	1,600	(na)	100	(na)	150	(na)	200	200	100	100	330	330	50
Required Lot Depth (Min. Ft.)	(na)	(na)	100	(na)	150	(na)	300	250	100	100	330	330	50
Required Lot Frontage (Min. Ft.)	800	(na)	50	(na)	75	(na)	200	200	50	50	165	165	30
Required Bldg. Setback													
Front	175	60	25	60	25	75(o)	50	40	25	35	60(g)	60(g)	25
Side	280	60(e)	15	60(e)	15	75(o)	40	35	60(5)	60(a)	60(g)	60(g)	10
Combined Side	(na)	(na)	(na)	(na)	(na)	(na)	(na)	(na)	(na)	(na)	(na)	(na)	20
Rear	200	60(e)	15	60(e)	15	75(o)	40	35	(na)	(na)	60(g)	60(g)	0
Permitted Bldg. Height													
(Max. Ft.)	38	100(f)	(na)	100(f)	(na)	45(p)	(na)	(na)	55	30	45 (not to exceed 3 stories)	45 (not to exceed 3 stories)	35
Bldg. Setback Height Ratio	(na)	(na)	1:1	(na)	1.5:1	(na)	1.5:1	1.5:1	(na)	(na)	(na)	(na)	(na)
Permitted Building, F.A.R. (Max. %)	20(d)	(na)	20	(na)	15	16(q)	6.5	7.5%	75	35	8(d')(m)	10(d')(n)	135
Required Parking Setback													
Front	50	60(g) 20(h)	25(b) 25(c)	60(g) 20(h)	25(b) 25(c)	75(e)(o)	40(b) 40(c)	35(b) 35(c)	10	25	60(g) 20(h)	60(g) 20(h)	25(b) 25(c)
Side	50	60(g)(e) 20(b)(e)	15(b) 8(c)	60(g)(e) 20(b)(e)	15(b) 8(c)	75(e)(o)	50(b) 40(c)	40(b) 30(c)	(na)	(na)	60(g) 20(h)	60(g) 20(h)	0 0
Rear	50	60(g)(e) 20(h)(e)	15(b) 8(c)	60(g)(e) 20(h)(e)	15(b) 8(c)	75(e)(o)	40(b) 30(c)	35(b) 25(c)	(na)	(na)	60(g) 20(h)	60(g) 20(h)	0 0

(t) Use mean prevailing setback as defined in Section 10B-252.1