

2010-12

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

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

1. Article XXII of Chapter 10B of the "Code of the Township of Princeton, New Jersey, 1968" which establishes the Residential Senior Community-2 Overlay Zone ("RSC-District is amended to read as follows:

*Subdivision XXII. Residential Senior Community-2  
Overlay Zone (RSC-2) District.*

**Sec. 10B-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 intended for, and solely occupied by, persons fifty-five years of age or older.

(b) The permitted age restricted housing may be:

(1) Single family structures defined as freestanding buildings containing only one dwelling unit.

(2) Two family structures defined as freestanding buildings containing two dwelling units sharing one or more vertical or horizontal common walls and with each unit having a separate exterior entrance.

(3) Townhouse structures defined as freestanding buildings containing two, three, four, five or six townhouse units. A townhouse unit is defined as a dwelling unit which has

freestanding walls on two sides (or if, at the end of the townhouse structure, three sides) and shares party walls with units on both sides (or, if it is at the end of a townhouse structure, shares a party wall on one side), with the unit having a separate exterior entrance.

(4) Quadraplex structures defined as four attached dwellings in one building in which each unit has two open space exposures and shares a common interior wall with one or two adjoining units, with separate ground floor access for each unit. Units are joined side to side, but are not located one above another.

(5) Multifamily structures defined as freestanding buildings containing at least two units and not more than fifty (50) dwelling units, with each sharing with another unit or units one or more vertical or horizontal common walls. If a multifamily structure also meets the definition of a townhouse structure it shall be considered a townhouse structure.

(6) Accessory structures and uses customarily incidental to a residential retirement community development, provided said structures do not result in overall lot disturbance in excess of that permitted in section 10B-272.68(9).

**Sec. 10B-272.66. Permitted gross density; RSC-2 zone.**

The permitted gross density in the RSC-2 shall be seven dwelling units per acre. Affordable housing units as defined in section 10B-333 of this code shall be excluded from the gross density calculation provided that the total number of dwelling units (market rate and affordable) do not exceed 153 (one hundred fifty-three) units.

**Sec. 10B-272.67. Mandatory set aside for affordable housing; RSC-2 zone.**

(a) Subdivision and site plan approvals for developments within the district may only be approved if twelve (12) of the sale units are age restricted affordable housing units meeting the standards in section 10B-332 and section 10B-350 as follows: eight (8) moderate income units and four (4) low income units.

(b) Additionally, any developer shall enter into a Developer's Agreement with the township which may provide for the donation of land to the township or to a recognized New Jersey non-profit conservation organization while reserving the right for the improvements as provided for hereinbelow in subsection (c) to an existing detention basin contiguous to the developer's tract to accommodate adjacent affordable housing units and stormwater runoff from the remainder of the lands to be developed provided that the sizing of any piping for stormwater runoff will be minimized as shall be determined necessary by the Township Engineer in consultation with professional hydrologists in accordance with Sec. 10B-272.68(o) and shall be field located within an existing right-of-way (ROW), where one exists, and then within the tract to be donated so as to avoid the removal of any trees to the fullest extent feasible with any disturbance to be replanted with native and non-invasive species. A cash contribution shall be made to the Princeton Township Affordable Housing Trust Fund as required by the township's affordable housing ordinance in effect at the time the developer receives its first construction permit for the project crediting to the developer the value of the twelve (12) affordable housing units constructed on the property as well as the cost of improvements to the detention basin, if any, referenced in paragraph (c) below. Finally, if stormwater piping is necessary, the pipe shall run from Bunn Drive south down the existing sewer easement as far as possible before turning east towards the existing detention basin at a point where

there will be the shortest clear straight run to the detention basin by a line in which no trees, to the fullest extent feasible, will be affected and where, in terms of grade, a minimum pitch of one (1%) percent can be maintained for proper drainage. The goal is to get the pipe to the detention basins with a minimal crossing of Block 4401, Lot 1, Princeton Township Tax Map and with no removal of trees.

(c) Any improvements to the detention basin contiguous to the developer's tract shall permit the deepening of said basin but any lateral improvements to the basin shall be kept to a minimum as determined by the Township Engineer so as not to unduly disturb the dam surrounding the basin and shall not disturb the area externally adjacent to the dam unless additional expansion is required by local or State regulations.

**Sec. 10B-272.68. Development rights; RSC-2 zone.**

It is not the intent of this division to prescribe the form of ownership for the dwelling units in a residential development and the ownership may be fee simple, condominium or cooperative or any combination thereof. However for the purposes of regulating the location of buildings within the development it is necessary to prescribe lot sizes, dimensions and setbacks standards. In zero lot line developments (*i.e.* where the dwelling units are not to be located on individually owned separate fee simple title lots) each dwelling unit or structure shall be located so that it would comply with prescribed lot standards if imaginary lot lines were superimposed on the development.

(a) The following standards shall apply to all tracts to be developed in the RSC-2 overlay district:

(1) Minimum building setback from tract line

abutting a park:

100 feet

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|-----|--|----------|
| (2) | Minimum building setback from tract line<br>abutting a residential use: <sup>3</sup>   | 250 feet |
| (3) | Minimum building setback from tract line<br>abutting a nonresidential use:   | 200 feet |
| (4) | Minimum building setback to height ratio<br>abutting a residential use:  | 2.0 to 1 |
| (5) | Minimum building setback to height ratio<br>abutting a park or nonresidential use:   | 1.0 to 1 |
| (6) | Maximum impervious coverage:<br><br>(All aboveground surface areas including<br>but not limited to roadways, parking areas,<br>utility areas, walkways, fire-buffer zones,<br>non-structural stormwater measures and<br>patios shall be constructed with pervious<br>materials to the maximum extent practicable.) | 18%      |
| (7) | Minimum preserved open space:<br><br>(For purposes of this section, "preserved<br>open space" shall include preserved open<br>space as defined by Sec. 10B-194(a)(2) of<br>this Code as well as shall mean areas permanently   | 81%      |

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3 All setbacks shall include the existing vegetation, which shall remain in its natural state.

preserved as a natural forest area with no active recreational amenities or facilities except areas for a natural trail system designed in consultation with a recognized New Jersey non-profit conservation organization.

- (8) Maximum floor area ratio:<sup>4</sup> 30%
- (9) Total new site disturbance (including buildings, driveways, parking, utilities and construction buffer but excluding any areas disturbed to pipe stormwater as provided for in section 10B-272-67(b); excluding any areas disturbed in order to provide emergency ingress and egress to a tract within this zone and excluding any areas required to detain stormwater either underground or adjacent to the driveway or residential road access to the tract as well as the Transco Pipeline and excluding pathways: 19%
- (10) All parking except for visitor and delivery parking shall be underground. There shall be no parking on any driveway or residential access roads. There shall be no banked parking.

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4        Underground parking shall be excluded from any floor area ratio calculation.

(b) Nothing in this section shall preclude the developer of a tract within the zone from donating, granting or transferring a conservation easement or fee title to preserved open space as defined in Section 10B-194(a)(2) of this Code and as modified for the zone at subsection h hereinbelow to a recognized New Jersey non-profit conservation organization.

(c) The following are the standards for each residential unit type permitted in the RSC-2 overlay district:

(1) Single family

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|----|--------------------------|-------------------|
| a. | Minimum lot area         | 5,000 square feet |
| b. | Minimum lot width        | 50'               |
| c. | Minimum lot depth        | 90'               |
| d. | Minimum lot frontage     | 30'               |
| e. | Minimum building setback |                   |
| 1. | Front                    | 15'               |
| 2. | Side                     | 10'               |
| 3. | Combined side            | 25'               |
| 4. | Rear                     | 20'               |
| f. | Maximum building height  | 35'               |

(2) Two-family

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|----|----------------------|-------------------|
| a. | Minimum lot area     | 6,000 square feet |
| b. | Minimum lot width    | 60'               |
| c. | Minimum lot depth    | 100'              |
| d. | Minimum lot frontage | 40'               |

- e. Minimum building setback
    - 1. Front 15'
    - 2. Side 10'
    - 3. Combined side 25'
    - 4. Rear 20'
  - f. Maximum building height 35'
- (3) Townhouse
- a. Minimum lot width 20'
  - b. Minimum lot depth 90'
  - c. Minimum lot frontage 20'
  - d. Minimum building setback
    - 1. Front 15'
    - 2. Side 10' (end units)
    - 3. Rear 15'
  - e. Maximum building height 35'
- (4) Quadraplex
- a. Minimum lot width 30' per unit
  - b. Minimum lot depth 40'
  - c. Minimum lot frontage 30'
  - d. Minimum building setback
    - 1. Front 15'
    - 2. Side 10' (end units)

3. Rear 15'

(5) Multifamily

a. Minimum building setback from internal street/driveway

1. Front 10'

2. Side 15'

3. Rear 20'

b. Minimum setback distance between multifamily buildings

1. Front 20'

2. Side 20'

3. Rear 20'

c. Maximum number of stories 3

(Except a 4<sup>th</sup> story may be added to any buildings(s) constructed within 300' of a public park.)

d. Maximum height to the building plate 55'

Building plate is defined as the uppermost horizontal wall structural timber supporting a roof. The building plate shall be measured in the same way as building height is measured.

e. Maximum building height 62'

Maximum height of building shall be measured pursuant to section 10B-241, except that if underground parking facilities are proposed, the measurement shall be made from pre-existing grade.

(e) *Off Street parking:*

(1) Parking requirements: The following parking standards shall apply for all units.

1 Bedroom 1.2 parking spaces

2 Bedroom 1.5 parking spaces

3 Bedroom 1.8 parking spaces

Visitor and Delivery Parking: Aboveground parking for up to twenty-one (21) visitor's vehicles or delivery vehicles shall be provided.

(2) The provisions of sections 10B-286 through 289 regarding parking lot design shall apply except in such cases where the side or sides of the parking lot borders on a permanent, natural forest area, in which case no additional screening shall be required. If any such lot(s) border a natural gas pipeline or other open area, then any trees or shrubs installed as a buffer shall have native and non-invasive species as approved by the township arborist.

(3) Underground or structure parking shall be excluded from any floor area ratio calculation pursuant to subsection (a)(8) footnote 4 hereinabove.

(4) Public streets shall not be determined to make land noncontiguous for the purposes of this ordinance.

(f) *Arrangement of buildings:*

(1) The following standards shall govern the location and arrangement of buildings:

a. Structures shall be located on the least environmentally vulnerable land on the tract as determined with reference to section 10B-233(h) and shall be sited in one or more clusters in a manner most appropriate to the natural features and critical areas of the tract.

b. Each dwelling unit shall be located so that it is accessible by police, firefighting and emergency vehicles. Buffers around perimeters of residential buildings that are meant for safety and fire access shall be constructed of reinforced turf; no impervious or pervious asphalt (or comparable) surfacing shall be used. Width of the buffers shall be twenty (20') feet. The need for such buffers shall be eliminated in such cases where any building exposure (or "side") shall be deemed already accessible to fire and safety vehicles or where the existence of a sprinkler system within the residential uses shall be deemed by the township fire marshal to be sufficient protection in itself, without the presence of a fire buffer. An emergency access road shall be allowed on the northerly portion of the tract on an existing easement and shall be constructed of reinforced turf and have a width not greater than twenty (20') feet.

c. Each dwelling unit location shall be reasonably related to the appurtenant parking areas.

(2) Multifamily, quadraplex and townhouse structures shall be no closer to each other or to single family or two-family structures than twenty-five feet on the plane which describes the buildings as backing or fronting each other. Garages for adjacent townhouse or quadraplex units may be attached to each other.

(3) Townhouse, multifamily or quadraplex structures shall not have a length in excess of one hundred eighty feet, excluding connecting hallways and shall be designed with offsets or other architectural features so as to provide breaks in the linear plane.

(4) Multifamily structures shall provide for variety in roof height and avoid the appearance of one continuous structure. Developers are encouraged to include buildings which have both two and three story portions.

(g) *Screening of uses:*

(1) Sections 10B-304 through 306 shall not apply.

(2) Section 10B-307 shall be modified to require a forty foot wide buffer strip along all property lines in the RSC-2 overlay zone consisting of natural, undisturbed vegetation.

(h) *Preserved open space:*

(1) At least eighty-one (81%) percent of the tract or sixteen and nine-tenths (16.9) of an acre shall be devoted to preserved open space as defined in section 10B-272.68.a.(7) hereinabove.

(i) *Community space:*

(1) All developments in the RSC-2 zone may include community space for the use of residents including, but not limited to, space for dining rooms, laundry rooms, nurses' offices, other staff offices, meeting rooms, and game rooms. The community space shall not constitute gross floor area for purposes of the limitation on the floor area ratio up to two (2%) percent of the total gross floor area of the development.

(j) All buildings constructed within the zone shall be to silver Leadership and Energy and Environmental Design standard (“LEED”) or to an energy and environmental design standard for a sustainable building by a similar reputable certified organization.

(k) All units subject to the barrier free subcode of the Uniform Construction Code must be handicapped adaptable pursuant to the provisions of *N.J.A.C. 5:23-7* which shall mean that the dwelling unit has an accessible entrance; an accessible interior route into and throughout the dwelling unit, including maneuvering space at doors; and required clear floor spaces and reach ranges in all rooms. The dwelling unit shall have either the adaptable features in the kitchen and bathroom or a fully accessible kitchen and bathroom.

(l) All market rate units constructed within the zone shall be marketed with an equal preference as follows:

1. To current residents of the township and Borough of Princeton; and
2. To parents and children of current residents of the township and Borough of Princeton; and
3. To persons who were either residents of the township or borough of Princeton within the past five (5) years of the date of the adoption of this Ordinance; and
4. Current, active emergency service volunteers of the Fire Department and the First Aid and Rescue Squads; and
5. Current employees of the township, borough of Princeton, Princeton Public Library, Princeton Regional Board of Education or employees of any of the joint Township and Borough of Princeton municipal agencies.

This preference for the sale of market rate units shall take place through the date the developer issues its final construction documents and receives its first construction permit for the development.

In providing this preference for the sale of market rate units, the developer shall maintain two (2) reservation lists. One (1) list shall contain those qualifying for the above-referenced preference. A second list shall be maintained for all other expressing an interest in purchasing a unit from the developer. While the aforementioned preference is in effect, the developer may only offer binding contracts of sale and reservation agreements to those qualifying for the preference. After the preference period has expired, the developer then may offer binding contracts of sale and reservation agreements to any potential purchaser without preference.

(m) Of the market rate units on the tract, at least twenty-four (24) of said units shall be affirmatively marketed to middle income households who have a preference to purchase as defined in subparagraph (k) above. For purposes of this article, middle income households are defined as households with a gross household income equal to 200% of the median gross household income for households of the same size within the Council on Affordable Housing (“COAH”) Housing Region #4 or equivalent area wherein the township is located. Any developer of market rate units within the zone shall market twenty-four (24) of said units as middle income units through the date that the developer issues its final construction documents and receives its first construction permits. During this time frame, the developer may only offer binding contracts and reservation agreements to those who have a preference to purchase and who qualify for the middle income units. Thereafter, binding contracts and reservation agreements may be offered to any of the potential purchasers of the market rate units.

(n) All development in the RSC-2 Zone must submit a scaled, graphic plan for review and approval by the board of jurisdiction, which clearly delineates building areas, paving and road, associated construction buffers and undisturbed areas. Construction fencing, in a form acceptable to the township engineer shall be identified on the plan and provided to separate areas of disturbance from areas not to be disturbed. All trees to be preserved shall be fenced to protect them during construction in a form and at distances acceptable to the township arborist. During construction, all tree protection and management shall comply with the provisions of the township's Tree Removal, Preservation and Loss Mitigation Zoning Ordinance in effect at the time a developer receives final site plan approval for the development.

(o) All development on any tract within the RSC-2 Zone shall satisfy all of the requirements of the Township's Stormwater Management Ordinance (Sec. 10B-227, *et seq.*) and the hydrologic requirements set forth for design and performance standards for stormwater management as they appear at *N.J.A.C. 7:8-5.1 et seq.* as determined by the Township Engineer to be applicable to the soils within the tract proposed for development:

- i. Stormwater management measures shall be utilized to the maximum extent possible within the limits of disturbance stipulated in Sec. 10B-272.68(a)(9) of this Ordinance, and all stormwater measures shall minimize tree-destruction to the maximum extent practicable. All stormwater resulting from any development is to be managed in accordance with codes and regulations of Princeton Township and the State of New Jersey provided for herein.

- ii. Any developer shall have recourse to the piping of stormwater to an offsite detention basin if required to satisfy Section 10B-227 *et seq.* and applicable NJDEP regulations. Piping may be permitted only if the applicant has satisfactorily demonstrated that all other alternatives are not feasible. Additionally, piping shall be allowed only if structural measures are deemed necessary in written reports by the Township Engineer, in consultation with professional hydrologists, as he or she deems advisable. The diameter of any piping shall be the minimum required for conveyance of stormwater.
- iii. For the purposes of this section, all hydrological calculations of stormwater management measures required to handle stormwater runoff shall be based on *N.J.A.C. 7:8-5.4.a.3.i*, if practicable, and *N.J.A.C. 7:8-5.4.a.3.iii* shall apply only if it is not practicable to achieve compliance with *N.J.A.C. 7:8-5.4.a.3.i*.
- iv. Structures required for stormwater measures shall be installed within the limit of disturbance as defined hereinabove and in accordance with the developer's scaled, graphic plan. Such measures may include "green" roofs on buildings designed for a water infiltration capacity of not less than one-half (0.5) inches per hour, piping systems to direct stormwater to cisterns, mini-detention basins serving exterior parking and roadway areas, cuts in curbs for runoff, as well as stormwater measures installed in the middle of a driveway entrance or access road.
- v. Non-structural measures for stormwater management onsite may include reducing impervious coverage and disconnecting impervious surfaces,

earthen berms (particularly along the Transco-Williams gas pipeline easement), native and non-invasive vegetation to secure the berms, rain gardens (small bioretention or infiltration basins), vegetated channels in small drainage areas, earthen berms to direct stormwater into existing drains and detention basins along access roads and the planting of native and non-invasive species in the center of any driveway entrance or access road. Such non-structural measures shall be placed as close to the source of runoff as possible.

vi. Only if such onsite structural and non-structural management measures located within the limit of disturbance as referenced hereinabove are demonstrated by hydrological analysis to the satisfaction of the Township Engineer, in consultation with his or her stormwater management consultant, to be insufficient to handle to handle stormwater, then the following offsite stormwater management measures shall be permitted:

(a) A stormwater pipe may be installed first within an existing right-of-way and then through a portion of a tract to an existing detention basin adjacent to said tract and any storm drainage line shall be field located to avoid destruction of any trees to the maximum extent feasible.

(b) The point at which the stormwater pipe makes an easterly turn to cross a part of the tract, shall be such that the shortest length of pipe

possible shall be used in accordance with Sec. 10B-272.67(b) hereinabove.

(c) The diameter of pipe to be installed shall be the smallest possible to handle excess stormwater as demonstrated by hydrological analysis to the satisfaction of the Princeton Township Engineer. The alignment shall minimize disturbance to vegetation. Any and all increments in the diameter of stormwater pipe shall be justified by hydrological analysis, from six (6") inches to twelve (12") inches to fifteen (15") inches to eighteen (18") inches to twenty-four (24") inches to thirty (30") inches. Hydrological analysis shall mean the demonstrated need for a specific diameter of pipe in relation to all stormwater measures already installed or deployed, or meant to be installed or deployed.

(d) All disturbance of forest and forest-floor vegetation caused by the installation of structural stormwater measures shall be replanted with vegetation that is both native and non-invasive, unless prevented by safety or access easement requirements.

(e) If stormwater piping across a portion of a tract is required, then such structure(s) shall be maintained to provide for its efficient operation, but only allowing the most minimal land disturbance possible.

(p) The private street providing vehicular ingress and egress to the development shall be a residential access road or rural street of pervious material to the maximum extent

practicable and where technically effective, and the width shall be a minimum to achieve proper hydrology and vehicular safety. The street shall have a walkway on one side only; the walkway shall have maximum width of four (4') feet and any greenway between the walkway and the residential access road shall be planted with bioretention materials to the maximum extent practicable. The other side of the street shall have a minimum shoulder width. There shall be no grading to road-level. The turning radius of the turn around area shall be the minimum necessary to achieve proper hydrology and vehicular safety.

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 are 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 May 10, 2010.



Kathleen K. Brzezynski  
Deputy Clerk