

Article XI. Zoning.

Division 1. In General.

Sec. 17A-200. Purposes of division.

The purposes of this article shall be to promote and to protect the public health, safety, comfort, convenience, prosperity, amenity and other aspects of the general welfare, and in particular to do so by implementing the following policies set forth in the master plan of the borough:

(a) To protect and preserve the character of the borough as primarily a residential and college town and to provide for reasonable and necessary adjustments to present day social and economic trends.

(b) To control the development of the borough's residential areas by limiting the density of new development in such areas and by preventing commercial and industrial uses.

(c) To encourage the development of a range of housing types at various price levels, particularly around the center of the borough, with emphasis upon dwelling units for single persons and small families, in order to take into account the changing age structure of the borough's population.

(d) To provide a buffer area devoted primarily to apartments and office buildings between the business areas and nearby areas of low and medium density residential development.

(e) To continue the present predominance of small retail and specialty stores in the borough's business districts and to prevent therein:

(1) The development of large retail stores serving a regional marketing area and generating heavy traffic which would overburden the borough's street system, and

(2) the extension of the borough's commercial districts into adjacent residential areas.

(f) To guide the further development of the downtown area in relation to the capacity of the street system of that area, in order to prevent additional traffic congestion.

(g) To provide appropriate small areas catering to neighborhood daily shopping needs in other parts of the borough.

(h) To provide an appropriate area for automotive and other similar services and to prevent the spreading of such services into the remainder of the borough's business areas.

(i) To provide increased flexibility for the future growth of the educational institutions which play so large a part in the borough's economy and cultural life, while at the same time providing protection to residential zones immediately adjacent to such institutions.

(j) To preserve and enhance the historic architecture of the community.

The council hereby finds that the adoption and implementation of the policies set forth in this section is necessary in order to prevent the overcrowding of land or buildings; to avoid undue concentration of population and to lessen congestion in the streets; to provide adequate light and air; to secure safety from fire, panic and other dangers; and to promote health and other aspects of the general welfare.
(Ord. No. 77-1, § 2; Ord. No. 86-20, § 1.)

Sec. 17A-201. Definitions.

For the purpose of this article, the following words or phrases shall have the meanings respectively ascribed to them by this section.

Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "person" includes a corporation as well as an individual. The word "lot" includes the word "plot." "Building" includes any part thereof. The word "use" shall include the words "or intended, arranged or designed to be occupied or used."

Accessory building. See "building, accessory."

Accessory use, or accessory. An "accessory use" is a use which is clearly incidental to, customarily found in connection with and, except in the case of parking spaces or loading berths, located on the same lot as the principal use to which it is related. When "accessory" is used in the text, it shall have the same meaning as "accessory use." "Accessory use" shall include without limitation, the following:

- (a) Residential accommodations for servants.
- (b) Accessory parking spaces, loading berths and signs.
- (c) Home occupations.
- (d) Rental of one or two rooms in a dwelling unit for residential purposes.
- (e) Family day care.

Antenna. A system of electrical conductors that transmit or receive radio frequency signals for wireless communications.

Antenna support structure. A structure other than a telecommunications tower which is attached to a building and on which one or more antennas are located.

Assisted living residence. A facility which is licensed by the department of health, in accordance with N.J.A.C. 8:36 as that section exists as of March 14, 2000, to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed. An assisted living residence is within the continuum of senior housing types recommended by the Princeton Community Master Plan. It is a form of institutional health care facility which offers assisted living services for the frail elderly and other persons with physical or cognitive impairment. This does not include individuals requiring acute, intermediate, ongoing, residential type supervised treatment for social, emotional, psychiatric, addictions or school classified difficulties. It is an alternative for persons who because of age, illness, or infirmity cannot live independently, but who do not require continuous nursing home-level care. "Assisted living services" means a coordinated array of supportive personal and health services, available twenty-four hours per day, to residents who have been assessed to need these services, including residents who require formal long-term care.

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.

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 in height measured from the finished floor, except at points of entry or access.

Billboard. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the lot on which such sign is situated.

Building or structure. Any combination of materials forming any construction, except: (a) Where entirely underground, so as to permit the use of the ground above the same as if no building were present and without substantial change in the existing grade; and (b) fences and walls of six feet in height or less. The terms "building" and "structure" are used synonymously.

Building, accessory. A detached building, subordinate to the principal building on the same lot as the principal building and with no cooking facilities, except outdoor barbecue pits or picnic fireplaces, or sleeping facilities. The term "accessory building" shall not include secondary residence buildings; garden or tool houses with an area of less than thirty-two square feet and without a foundation when located in accordance with section 17A-380 of this article, but it shall include the following:

- (a) Radio and television antennae, except for antennae installed on the roof of a principal building and extending not more than fifteen feet above the highest level thereof.
- (b) Amateur radio receiving and transmitting towers of fifteen feet or less in height.
- (c) Swimming pools and other outdoor sports buildings not operated for gain.
- (d) Pergolas, pavilions, unroofed porches, outdoor bins and other similar buildings.

- (e) Garden houses, tool houses, playhouses and greenhouses.
- (f) Detached garages.

Building, principal. That building which houses the primary use on a lot. In the R1, R2, R3 and R4 zoning districts, only one principal building is permitted on a lot. The following shall be considered part of the principal building:

- (a) Any attached accessory building, including an attached garage or attached roofed carport, including those carports attached only by a roofed breezeway.
- (b) A roofed porch attached to the principal building.
- (c) A secondary residence located within a one-family dwelling.

Fences and walls more than six feet high, even though not attached to a principal building, are subject to the bulk regulations pertaining to principal buildings.

Building, secondary residence. A detached building that is subordinate to the principal building on the same lot and that: (a) in part is used for and includes one or more permitted principal or accessory uses; and (b) in remaining part contains not more than one secondary residence.

Collocation. Use of a common PWTF or a common site by two or more wireless license holders or by one wireless license holder for more than one type of communication technology and/or placement of a PWTF on a structure.

Continuing care retirement community (CCRC). A development of residential living units exclusively for persons who are sixty-two years of age or older, or for couples, one of whom is at least sixty-two years of age, which provides a continuum of accommodations and care and which provides "continuing care" as an integral part of the residential development. Continuing care is the provision of lodging and nursing, medical or other health related services at the CCRC or at another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, and, in consideration of the payment of an entrance fee with or without other periodic charges, provided that the person receiving the care is not related to the person who provides the care.

The continuing care retirement community (CCRC) must include independent living units and assisted living units and nursing care units. The nursing care units and/or assisted living units may be made available at the CCRC or by contract at another facility. The CCRC shall also include facilities and arrangements for providing continuing care and meals for residents, with or without common dining facilities, and may include accessory services customarily incidental to a continuing care retirement community.

The following accessory structures and uses shall be permitted in a continuing care retirement community: recreation facilities, physical therapy facilities, entertainment facilities, libraries, food preparation facilities, dining facilities, linen service facilities,

nursing services, housekeeping services, security facilities, administrative offices, staff facilities, storage and maintenance facilities, chapels, temporary guest lodging facilities, barber shop and beauty parlors, facilities for the sale of sundries, personal articles, newspapers, food, and similar convenience products to the residents, and such other uses as are customarily associated with and subordinate to the principal permitted uses. Except as may otherwise be authorized, all accessory facilities, functions, and services shall be for the use and benefit of the residents of the facility. The space for accessory uses shall not constitute gross floor area for purposes of any floor area ratio limitation to the extent of five percent of the total gross floor area of the CCRC development, excluding the space for accessory uses.

Court, inner. An open space which is enclosed on all sides by exterior walls of a building and is unobstructed from the ground to the sky.

Court, outer. An open space which is enclosed on three sides by exterior walls of a building and is unobstructed from the ground to the sky.

(a) Court, depth of outer. The average distance from the unenclosed side of the court to the farthest wall which is parallel to, or walls which make an angle of less than forty-five degrees with, the unenclosed side.

(b) Court, width of outer. The length of the unenclosed side of the court.

Coverage. The area covered by all buildings on a lot, expressed as a percentage of the lot area.

Curb level. The average elevation, established by existing curbs or borough ordinance of the street grade along the entire street line of the lot. Where a building is on a corner lot, the curb level is the average level of such elevations on the two intersecting streets. Where a front yard of twenty-five feet or more is provided or where there are two or more principal buildings on the lot, the curb level is the average level of the land immediately adjacent to the building prior to or after any excavation or fill, as may be determined by the development enforcement officer.

Dormitory. That part of an educational institution which provides sleeping accommodations, with or without accessory common rooms and cooking and eating facilities, for groups of unmarried students in attendance at the educational institution.

Dwelling, attached. A one-family dwelling with two common or party walls separating it from adjacent units on both sides, or one party wall in the case of a building at the end of a group of attached dwellings.

Dwelling, multiple. A building or portion thereof containing three or more dwelling units, other than attached dwellings.

Dwelling, one-family. A detached building containing one dwelling unit only, or if permitted in the district, one dwelling unit and secondary residence. The term shall include a parish house.

Dwelling, two-family. A detached building containing two dwelling units, either side by side, as in the case of a semi-detached dwelling, or one over the other.

Dwelling unit. A building or entirely self-contained portion thereof, containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no cooking, food preparation or sanitary facilities in common with other dwelling units and no common enclosed space, other than vestibules, entrance or porches, and laundry, heating and air conditioning rooms and equipment. The terms shall not include a boarding house, convalescent home, dormitory, fraternity or sorority house, hotel, nursing or similar home or other similar building, or a secondary residence.

Educational institution. An education institution of higher learning chartered by the state, or a private educational institution approved by and subject to regulations prescribed by the state and giving instructions or affording facilities for study and research in academic or technical subjects primarily at or above the college level.

Enlargement. An addition to the aggregate floor area or an increase in the height of any existing building or area of the lot covered by any building.

Extension. An increase in the amount of existing floor area used for an existing use with an existing building.

Family. One or more persons occupying one dwelling unit as a single, non-profit housekeeping unit, whose relationship is of a stable and domestic character. Uses such as non-familial institutional uses, rooming houses, hotels, clubs, fraternities, sororities, transient housing or similar types of housing shall not be considered family uses. It shall be considered a family use to provide supportive personal and health services within a dwelling unit to family members residing in the dwelling unit.

Family day care. The provision of child care services for a fee, or other consideration, to no more than five children, by a family occupying a dwelling unit, provided that the use complies with the requirements of section 17A-228(c)(2)e,f.

Pursuant to N.J.S.A. 30:5B-18, a child being cared for under the following circumstances is not included in the number of children receiving child care services, provided that there shall be no more than three such children within either or both of the following categories:

(a) The child being cared for is legally related to the person responsible for and managing the child care services;

(b) The child being cared for is part of a cooperative arrangement between parents for the care of their children by one or more of the parents where no payment for care is being provided.

Any other provision of Chapter 17A to the contrary notwithstanding, no accessory off-street parking or accessory loading berths are required in order to use a dwelling unit for family day care.

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.

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.

Garage, private. An accessory building incidental to a house as defined herein, which accessory building is used for the off-street storage of motor vehicles belonging to the inhabitants of such house, and in which garage no business, service or occupation is conducted or rendered for profit except as permitted by section 17A-228(c)(6)a.

Height. The vertical distance between the average level of finished grade along all exterior walls of a building and the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the mean level of the slope of the roof for gabled, hip and gambrel roofs. For a building without a roof, such as a radio receiving and transmitting tower, the height shall be measured from the average grade along all sides of such building, which grade shall be substantially unchanged from the natural grade, to the highest point of the building. The finished grades of depressed courts, to the extent that they are below abutting ground level, shall be disregarded in height computations. Building height to set back ratio only applies to side yard setbacks. For purposes of this section, change of grade between existing and finished grade in excess of three feet at any building corner shall be disregarded.

Home occupation. An accessory use which:

- (a) Is customarily carried on in a dwelling unit.
- (b) Is carried on by an occupant of the dwelling unit.
- (c) Is clearly incidental or secondary to the residential use of the dwelling unit.

The term "home occupation" includes, but is not limited to, artists' studios; dressmaking; teaching not more than two pupils at one time; home professional office of an accountant, architect, engineer, lawyer, minister or other member of a learned profession; offices of carpenters, plumbers, electricians, painters and other artisans; and home cooking and baking using equipment customarily found in one-family dwellings. "Home occupation" shall not include a barbershop; beauty parlor; commercial caterer; commercial rental office; medical doctor or dentist; or studio where dancing or music instruction is offered to more than two pupils at one time or where concerts or recitals are held.

Hotel. A dwelling in which more than ten rooms are rented to boarders or lodgers, or any other building containing rooms or suites of rooms, located on common hallways, which are used, rented or hired out to be occupied or which are occupied for sleeping purposes primarily by transient guests.

Joint occupancy building. A building containing both dwelling units and business uses which are permitted in the applicable district regulations.

Lot. A single tract of land under single ownership or control, located within a single block which, at the time of filing for a building permit, is designated by the owner as a tract to be used, developed or built upon as a unit. Such lot may or may not coincide with the deed description thereof or the boundaries of the same as shown on a map thereof filed for record or otherwise, and it may be subsequently subdivided into two or more lots; provided, that all such lots conform to all the regulations of the district. A lot may be occupied by more than one principal building, except in the R1, R2, R3 and R4 zoning districts.

Lot, corner. A lot at the junction of and abutting on two or more intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five degrees. Any lot adjoining a curved street at a point where the street line describes an arc

subtended by an angle of one hundred thirty-five degrees or less shall be considered a corner lot.

Lot, depth. The minimum distance from the street line of a lot to the rear lot line of such lot.

Lot, impervious coverage. The ratio, the numerator of which is the area of lot coverage plus the area of all other ground surfaces covered by impervious materials and the denominator of which is the gross area of the lot.

Lot, interior. Any lot which is not a corner lot or a through lot.

Lot line. Any boundary of a lot, other than a street line.

Lot line, rear. The lot line generally opposite to the street line.

Lot, through. A lot which has two street lines and which is not a corner lot.

Lot width. The measurement along a line drawn parallel to the street line, at the depth of the required front yard.

Noncomplying. A "noncomplying" building is any lawful building which is a nonconforming structure and which does not comply with any one or more of the applicable district bulk regulations or off-street parking and loading requirements, either on November 19, 1968, or as a result of any subsequent amendment to this article.

Nonconforming. A "nonconforming" use is any lawful use which is a nonconforming use, whether of a building or a tract of land, which does not conform to one or more of the applicable use regulations of the district in which it is located, either on November 19, 1968, or as a result of any subsequent amendment to this article.

Nursing home. A nursing home means any building or buildings which are used for the housing of patients who require continuous nursing home-level care or who are in need of assisted living services. It shall include a "nursing home" and/or "assisted living residence." For this purpose:

A nursing home means a facility which is licensed by the department of health, in accordance with N.J.A.C. 8:39, to provide health care under medical supervision and continuous nursing care for twenty-four or more consecutive hours to patients who do not require the degree of care and treatment which a hospital provides and who, because of their physical or mental condition, require continuous nursing home-level care.

An assisted living residence means a facility which is licensed by the department of health, in accordance with N.J.A.C. 8:36, to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed. "Assisted living services" means a coordinated array of supportive personal and health services, available twenty-four hours per day, to residents who have been assessed to need these services, including residents who require formal long-term care.

Parking garage. A structure containing parking spaces for vehicles, some or all of which shall be enclosed, and facilities incident thereto.

Parking space. An accessory off-street space, open or enclosed and paved or surfaced, which is accessible and available at all hours when the building to which it is accessory is in use, for the parking of one passenger car.

Personal wireless telecommunications equipment facilities (PWTEFs). Facilities serving and subordinate in area, extent and purpose to, and on the same lot as, a telecommunications tower or antenna location. Such facilities include, but are not limited to, transmission equipment, storage sheds, storage buildings, and security fencing.

Personal wireless telecommunications facilities (PWTFs). Facilities for the provision of wireless communications services, including, but not limited to, antennas, antenna support structure, telecommunications towers, and related facilities other than PWTEFs.

Preservation structure. A structure more than fifty years old which: (a) is associated with persons, events or architecture which made a contribution to the broad patterns of our history, (b) reflects architecture of a distinctive character with respect to type, period or method of construction, or (c) has yielded or is likely to yield information important to our history. The oldest part of the structure shall determine the age of the structure for this purpose.

Princeton community. The Township of Princeton and the Borough of Princeton, in the County of Mercer, and State of New Jersey.

Public building. A building owned or operated by the borough, Princeton Township, the county, the state or the United States of America.

Relocation plan. The documents and information required to be supplied in connection with a proposal for the acquisition and relocation of a preservation structure as provided in section 393.3.

Relocation site. The land to which a preservation structure is proposed to be relocated.

Room, habitable. A living room or enclosed floor space within a dwelling unit, secondary residence, dormitory or boarding house, which is used or designed to be used for living, sleeping or eating purposes. A "habitable room" shall not include any of the following:

- (a) A kitchen.
- (b) A foyer, bathroom, toilet, public or private hall, corridor or passageway.
- (c) A dining alcove, dinette or other dining space, unless separated by walls from habitable rooms or any of the above.

Rooming house. A dwelling occupied by one family, with three to ten rooms rented for more than seven consecutive days to boarders or lodgers, in which there are provided services incidental to such use. The term shall include a boarding house or a furnished

rooming house. A lodger or roomer may have privileges in the kitchen of the dwelling but shall not maintain cooking or food preparation facilities elsewhere, alone or in common with other roomers.

Secondary residence. A group of interrelated rooms that: (a) constitutes an entirely self-contained portion of a principal, one-family dwelling, or is located in a secondary residence building on the same lot as a principal, one-family dwelling; (b) is owned by the owner of the principal, one-family dwelling; (c) contains complete housekeeping facilities for only one family; (d) has no cooking facilities, food preparation facilities, sanitary facilities, or enclosed space in common with any other part of the building in which it is located, except vestibules, entrances, porches, garages, or laundry, heating or air conditioning rooms or equipment; and (e) complies with the provisions of section 17A-228(c)(7).

Senior secondary residence. A group of interrelated rooms that: (a) constitutes an entirely self-contained portion of a principal, one-family dwelling, or is located in a senior secondary residence building on the same lot as a principal, one-family dwelling; (b) is owned by the owner of the principal, one-family dwelling; (c) contains complete housekeeping facilities for only one family; (d) has no cooking facilities, food preparation facilities, sanitary facilities, or enclosed space in common with any other part of the building in which it is located, except vestibules, entrances, porches, garages, or laundry, heating or air conditioning rooms or equipment; and (e) complies with the provision of section 17A-228(c)(8).

Sign. Any structure or part thereof, or device attached thereto or painted or represented thereon, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of, an announcement, direction or advertisement. For the purpose of this article, the word "sign" does not include the flag, pennant or insignia of any nation, group of nations, state, city or other political unit or any artistic expression, even if it relates to the character of the business being undertaken in the structure, provided that the artistic expression does not contain the name of the business or of a product or service sold by the business and, if it is proposed in a historic preservation district, receives approval by the historic preservation review committee.

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 higher finished floor, that part of the building contained between the level of the highest finished floor and the top of the roof beams.

Street. Any public street, place, square, lane or way with a minimum right-of-way of twenty-five feet set aside or used as a right-of-way for common street purposes.

Street line. The dividing line between a lot and a street. Where a proposed street widening is shown on the official map, the street line shall be the line of the proposed widening. Where no right-of-way width is shown on the official map, the street line shall be presumed to be twenty-five feet from the center line of the street as determined by the borough engineer.

Structural alteration. Any change in any supporting member of a building.

Telecommunications tower. A freestanding structure on which one or more antennas are located, including lattice towers, guyed towers, monopoles and similar structures.

Trailer. Any vehicle mounted on wheels or on a truck body, movable either by its own power or by being drawn by another vehicle, which is initially designed or converted to be used for living or sleeping quarters. The term "trailer" shall include such vehicles if mounted on temporary or permanent foundations with the wheels removed.

Usable open space. Common open space that comprises an enclosed portion of the ground of a lot, which is available and accessible to all occupants of the buildings on the lot for purposes of active or passive outdoor recreation and:

- (a) Which is not devoted to driveways or parking spaces;
- (b) Which is free of buildings;
- (c) Of which not more than twenty-five percent is roofed, and only for shelter purposes; and
- (d) The minimum dimension of which is twenty feet.

Roof space may be substituted for ground space; provided that such roof space is available and readily accessible to all the occupants. Balconies with a minimum dimension of six feet or more may be substituted for fifty percent of the ground space; provided, that each balcony is directly accessible to the occupants of only one dwelling unit or secondary residence from the interior of that dwelling unit or secondary residence.

Use. The term employed to refer to:

- (a) Any purpose for which building or land may be arranged, designed, intended, maintained or occupied, as, for example, dwellings.
- (b) Any occupation, business, activity or operation carried on or intended to be carried on in a building on land, as, for example, a food store.
- (c) A name of a building or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained or occupied, as for example, a courthouse.

Wireless communications. Any personal wireless services as defined in the Federal Telecommunications Act of 1996 (FTA) which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. It does not include any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas, nor does it include non-cellular telephone service.

Yard, front. A portion of a lot extending open and unobstructed from ground level to the sky along a street line and from the street line for a depth set forth in the applicable district yard regulations.

Yard, mean prevailing front setback. The mean prevailing front yard setback for a block. (See section 17A-376.1)

Yard, rear. A portion of a lot extending open and unobstructed from ground level to the sky, except for accessory buildings or uses explicitly permitted in a rear yard by this article, along a rear lot line and from the rear lot line for a depth set forth in the district yard regulations.

Yard, side. A portion of a lot between the front yard and the rear yard, extending open and unobstructed from ground level to the sky, except for accessory buildings or uses explicitly permitted in a side yard by this article, along any lot line other than a street line or rear lot line, and from such lot line for a width set forth in the applicable district yard regulations.

(Ord. No. 77-1, § 2; Ord. No. 78-26, §§ 1, 2; Ord. No. 80-24, § 1; Ord. No. 81-24, § 1; Ord. No. 83-25, § 1; Ord. No. 83-38, § 3; Ord. No. 86-20, § 2; Ord. No. 89-26, § 1; Ord. No. 91-2, § 1; Ord. No. 94-19, § I; Ord. No. 95-20, § 1; Ord. No. 98-9, § I; Ord. No. 2000-8, § I; Ord. No. 2003-9, § IV; Ord. No. 2003-29, § I; Ord. No. 2004-06, § 1; Ord. No. 2006-07, § 1; Ord. No. 2009-01, § II; Ord. No. 2009-33, §I.)

Sec. 17A-202. Districts generally—Established; enumerated.

The borough is hereby divided into the following districts:

- (a) ResidenceR1
R2
R3
R4
R4A
AH (Affordable housing)
MX (Mixed use)
- (b) Business

Residence–officeRO

Residence–businessRB

Neighborhood businessNB

Central businessCB

Service businessSB
- (c) EducationE1
E2

E3
E4
E5

- (d) Mixed Residential-Retail-Office.....MRRO
- (e) Central historic preservation
(Overlay district)HP - Central
- (f) Jugtown historic preservation
(Overlay district)HP - Jugtown
- (g) Mercer Hill historic preservation
(Overlay district)HP - Mercer Hill
- (h) Bank Street historic preservation
Overlay district)HP - Bank Street

(Ord. No. 77-1, § 2; Ord. No. 82-30, § 1; Ord. No. 85-12, § 3; Ord. No. 86-18, § 1; Ord. No. 90-27, § 3; Ord. No. 94-19, § I; Ord. No. 96-16, § I; Ord. No. 2000-14, § I; Ord. No. 2003-9, § I; Ord. No. 2006-19, § 2; Ord. No. 2006-21, § 1; Ord. No. 2008-18, § 1; Ord. No. 2011-24.)

Sec. 17A-202.1. Affordable Housing Overlay Zone.

(a) Neither the regional planning board nor the board of adjustment shall approve an application for development in any zoning district for a multiple dwelling or joint occupancy building with five or more dwelling units unless either:

(1) Twenty percent of the units are set aside for low and moderate income households, according to the Substantive Rules of the New Jersey Council on Affordable Housing, N.J.A.C. 5:93, and the Borough of Princeton's Affordable Controls (borough Code, sections 16-78 through 95), or

(2) The developer makes a cash contribution to the borough's Trust Fund for Affordable Housing (see borough Code sections 16-69 through 73), in lieu of actual construction of the required low and moderate income units, in an amount, determined by the mayor and borough council, that is sufficient to create the equivalent number of new units of low and moderate income housing.

(Ord. No. 90-32, § I; Ord. No. 2005-25, § II.)

Sec. 17A-202.2. Affordable housing component and new zoning districts.

Any new zoning districts shall include an affordable housing component of twenty percent, whose purpose will be to address affordable housing obligations generated in connection with the Council on Affordable Housing's third round regulations regarding growth share. (Ord. No. 2005-25, § III.)

Sec. 17A-202.3. Affordable housing contribution for development of four or less residential units.

The development in any zoning district of four or less dwelling units shall not be covered by the affordable housing set aside described in section 17A-202.1, but rather must include an affordable cash contribution to the borough's Trust Fund for Affordable Housing based upon the Council on Affordable Housing's third round standard of one affordable unit for every eight units. Accordingly, an application for development in any zoning district for four or less dwelling units shall not be approved by the regional planning board, the board of adjustment or the borough's land development officer unless the developer makes a cash contribution to the borough's Trust Fund for Affordable Housing in accordance with section 17A-202.5., which shall be a condition of approval. For example, if the developer demolishes one unit and constructs two new units, the developer shall be obligated to make a contribution for the second unit at the rate of one-eighth the cost of the pro-forma estimate for construction of an affordable housing unit in the Borough of Princeton. (If no demolition occurs and the developer constructs two new units on a vacant lot, the developer shall be obligated to make a contribution for both units. This payment shall be in lieu of the residential development fee set forth in section 17A-205.4. (Ord. No. 2005-25, § IV.)

Sec. 17A-202.4. Nonresidential required growth share.

(a) An application for nonresidential development proposing the construction of net new floor area in any zoning district shall not be approved by the regional planning board, board of adjustment or the borough's land development officer unless the applicant provides affordable housing to be constructed at the ratio of one affordable unit for every twenty-five new jobs created as a result of the proposed net new nonresidential floor area. The determination of the jobs created by the development shall be in accordance with N.J.A.C. 5:94-1 et seq., Appendix E, entitled "UCC Use Groups for Projecting and Implementing Nonresidential Components of Growth Share".

The affordable units shall be provided in one or more of the following methods, subject to a determination by the mayor and council of the Borough of Princeton, that the method selected by the developer complies with the growth share needs of the Borough of Princeton as set forth in the borough's third round housing element and fair share plan:

- (1) Through construction of the units on site;
- (2) Through the provision by the applicant of units off-site but within the Borough of Princeton, consistent with requirements of the zone in which the site is located;
- (3) Through a payment in lieu of construction, as set forth in section 17A-202.5, based upon a proportionate share of the total project cost as set forth in one or more pro-formas for the provision of an affordable housing development in the Borough of Princeton; or
- (4) Through the donation of land within the borough, provided that the mayor and council of the Borough of Princeton have determined that the land is suitable for affordable housing and that it represents a value at least equivalent to that payment in lieu of construction as calculated pursuant to section 17A-202.5. The pro-formas shall be on file in the Borough Zoning Office.

(b) A proposed affordable housing plan shall be submitted at the time of application for any development requiring provision of growth share affordable housing units under this section. The plan shall be reviewed and must be approved by the mayor and council of the Borough of Princeton for consistency with the Council on Affordable Housing (COAH) rules and regulations and with the borough's third round housing element and fair share plan, prior to approval of the application by the appropriate board of jurisdiction. Compliance with COAH's rules and regulations and the borough's third round plan shall be a condition of development approval.

(c) All affordable units shall comply with COAH's rules including those regarding phasing of the construction of market and affordable units, low/moderate split, affordability controls, bedroom distribution, affirmative marketing and administration of the affordable units.
(Ord. No. 2005-25, § V.)

Sec. 17A-202.5. Payment in lieu of construction.

(a) Payments in lieu of construction of affordable housing shall be based upon a pro-forma calculation of the cost of constructing an affordable housing unit in the Borough of Princeton or of buying down the cost of an existing market rate unit to a price affordable to the average low/moderate income household. The pro formas shall be on file in the borough zoning office and shall be reviewed and adjusted annually to reflect current market conditions.

(b) Regardless of whether the developer provides the affordable units or is permitted to make a payment in lieu thereof, any development which generates a fraction of an affordable housing unit as a portion of the total obligation, shall be required to make a payment in lieu of construction for that fraction of a unit based upon the pro-rated cost of constructing an affordable housing unit in the Borough of Princeton, consistent with the pro-forma.
(Ord. No. 2005-25, § VI.)

Sec. 17A-202.6. Cost of administration of affordability controls.

Any developer of a project requiring growth share affordable housing under this chapter shall be required to contract with the administrative agency designated by the Borough of Princeton and pay the advertising and related costs incurred for compliance with COAH's requirements for the initial administration and related advertising. Execution of said contract shall be a condition of approval of any development subject to this chapter. Failure to comply with the requirements of this section may be cause for refusal of issuance of building permits and/or certificates of occupancy. (Ord. No. 2005-25, § VII.)

Sec. 17A-203. Same-District Map.

The boundaries of the districts established by section 17A-202 are hereby established as shown on the "Zoning Map, Borough of Princeton" dated September, 1968, as amended November 19, 1968, amended November, 1971, amended May, 1977, amended

September, 1982, amended April 25, 1985, amended August 9, 1990, amended July 12, 1994, and amended February 25, 2003 which accompanies this Code and which, with all explanatory matters thereon, is hereby adopted and made a part of this article. Such map, with the latest amendments, shall be kept up-to-date in the office of the borough engineer for the use and benefit of the public. (Ord. No. 77-12, § 1; Ord. No. 82-30, § 2; Ord. No. 85-12, § 4; Ord. No. 86-18, § 2; Ord. No. 90-27, § 4; Ord. No. 94-19, § I; Ord. No. 2003-9, § II.)

Sec. 17A-204. Same–Applicability of and compliance with regulations.

(a) Control over use. In all districts, subject to the provisions of division 7 on nonconforming uses:

- (1) Any new building or any lot may be used;
- (2) The use of any existing building or any lot may be changed, extended or enlarged; and
- (3) Any existing building may be relocated, extended, enlarged, converted, reconstructed or structurally altered; for any purpose permitted by the regulations for the district in which such building or lot is located, and for no other purpose. Such use, change, relocation, extension, enlargement, conversion, reconstruction or structural alteration shall conform to all other applicable regulations of this division. The requirements set forth in the district regulations for off-street parking and loading facilities shall also apply including those situations when inactive, unoccupied space such as storage is subsequently occupied and used.

(b) Control over bulk. In all districts subject to the provisions of division 7 of this article on noncomplying buildings, any new building and the relocation, enlargement, conversion and reconstruction of any existing building shall conform to the bulk regulations set forth in the regulations for the district in which such building is located and to all other applicable regulations of this article.

No yard or open space required in connection with any building or use shall be considered as providing a required yard or open space for any other building on the same or any other lot.

No lot shall be formed from part of a lot already occupied by a building, unless such building, all yards and open spaces connected therewith and the remaining lot comply with all the requirements prescribed by this article for the district in which the lot is located. No permit shall be issued for the erection of a building on any new lot thus created, unless such building and lot comply with all the provisions of this article.

Nothing contained in this article shall require any change in the plans, construction or designated use of a building complying with existing law, if a construction permit has been duly issued and construction has been started and is substantially under way before the date of the first publication of notice of the public hearing on this article or on any amendment subsequent thereto. (Ord. No. 77-1, § 2; Ord. No. 83-25, § 5.)

Sec. 17A-204.1. Compliance with State, county and municipal highway and/or street access management codes.

Land adjacent to State highways shall be regulated in conformity with the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L. 1989, c. 32; land with access to county roads and highways shall be regulated in conformity with any access management code adopted by the county under R.S. 27:16-1; and land with access to municipal streets and highways shall be regulated in conformity with any municipal access management code adopted under R.S. 40:67-1. This subsection shall not be construed as requiring the establishment of minimum lot sizes or minimum frontage requirements for lots adjacent to but restricted from access to a State highway. (Ord. No. 89-40, § III.)

Sec. 17A-205. Interpretation of article; conflicting provisions.

In their interpretation and application, the provisions of this article shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity, amenity and other aspects of the general welfare. Wherever the requirements of this article differ from the requirements of another law or ordinance covering the same subject matter, the provisions of that law or ordinance which imposes greater restrictions upon the use or bulk of buildings or requires larger yards, courts or other open space shall govern.

In the event of conflict in the terminology of any section or part thereof, or between different sections of this article, the more restrictive provisions shall govern. (Ord. No. 77-1, § 2.)

Sec. 17A-205.1. Applicability of standards.

The provisions of chapter 17A, the land use regulations shall apply to all development applications hereafter filed with any approving authority in Princeton Borough, unless a particular standard or design requirement in this chapter 17A has been specifically superseded by a statewide residential site improvement standard validly adopted by the New Jersey commissioner of community affairs pursuant to N.J.A.C. 5:21. In the event of future amendments of the residential site improvement Act, N.J.S.A. 40:55D-40.1, then only those specific sections of this chapter 17A which are then covered by the Act shall be superseded by the statewide residential site improvement standards as then in effect, and all other provisions and design standards of this chapter 17A shall remain in force and shall be applicable to all land development applications in every case. (Ord. No. 97-7, § 1.)

Sec. 17A-205.2. Development fees - Purpose.

In *Holmdel Builder's Ass'n v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution subject to COAH developing rules. The purpose of these sections 17A-205.2 through 17A-205.11 is to establish standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to these sections 17A-205.2 through

17A-205.11 shall be used for the sole purpose of providing low and moderate income housing. These sections 17A-205.2 through 17A-205.11 shall be interpreted within the framework of COAH's rules on development fees, at N.J.A.C. 5:93-8. (Ord. No. 95-13, § I.)

Sec. 17A-205.3. Same - Definitions.

COAH. The New Jersey Council on Affordable Housing.

Development fees. Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

Development fee spending plan. A plan approved by the Princeton regional planning board as part of the borough's housing element and by the mayor and council, pursuant to N.J.A.C. 5:93-8.2 and approved by the court or COAH.

Equalized assessed value. The value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the tax assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal tax assessor.

Intensity of use. Either: (a) an increase in residential density, i.e., the number of dwelling units per acre, (b) an increase in floor area ratio (FAR) for nonresidential development, or (c) conversion of an existing structure that uses the structure more intensely, and which results in an increase in the equalized assessed value of the improved structure, as demonstrated by, but not limited to: (1) an increase in employees, (2) an increase in customers, (3) an increase in visitors, (4) an increase in parking spaces, (5) an increase in hours of operation, or (6) a change of existing nonhabitable space to habitable space.

Judgment of repose. A judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

Substantive certification. A determination by COAH approving a municipality's housing element and fair share plan in accordance with the provisions of the Act and the rules and criteria as set forth herein. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions contained therein. (Ord. No. 95-13, § I.)

Sec. 17A-205.4. Same - Development fees.

(a) Within the Borough of Princeton, residential development fees shall be one percent of equalized assessed value for residential development, except as provided otherwise herein. These provisions are independent of those imposed by the Princeton Borough Land Use Ordinance, section 17A-202.1, "Affordable housing overlay zone."

(b) Nonresidential development fees shall be two percent of the equalized assessed value for nonresidential development.

(Ord. No. 95-13, § I; Ord. No. 2005-01, § I; Ord. No. 2005-25, § VIII.)

Sec. 17A-205.5. Same - Eligible exaction, ineligible exaction and exemptions.

(a) Developers of low and moderate income units shall be exempt from paying development fees.

(b) Developers that expand an existing structure or increase the intensity of use of an existing structure shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.

(c) Developers that have received preliminary or final approval prior to the effective date of these sections 17A-205.2 through 17A-205.11 shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval. Examples of a substantial change in the approval include a substantial alteration of the site layout, development density or types or uses within the development.

(d) Developers who elect to make a cash contribution to the borough's trust fund for affordable housing in lieu of actual construction of the required low and moderate income units pursuant to Princeton borough land use ordinance section 17A-202.1, "Affordable housing overlay zone", shall be exempt from paying development fees.
(Ord. No. 95-13, § I.)

Sec. 17A-205.6. Same - Collection of fees.

(a) Fifty percent of the calculated development fee shall be paid to the Borough of Princeton at the issuance of building permits. The development fee shall be estimated by the tax assessor prior to the issuance of building permits.

(b) The remaining fee shall be paid to the Borough of Princeton at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the tax assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at building permit.
(Ord. No. 95-13, § I.)

Sec. 17A-205.7. Same - Development fee escrow account.

All development fees paid pursuant to these sections 17A-205.2 through 17A-205.11 shall be deposited in a development fee escrow account which shall be a separate interest bearing account maintained at a local bank. No money shall be expended from this escrow account unless the expenditure conforms to a spending plan approved by a court having jurisdiction over the Borough of Princeton's housing plan, or COAH. (Ord. No. 93-15, § I.)

Sec. 17A-205.8. Same - Use of funds.

(a) Money deposited into the development fee escrow account may be used for any activity approved by the court or COAH for addressing the borough's low and moderate

income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation; new construction; regional contribution agreements; the purchase of land for low and moderate income housing; extensions and/or improvements of roads and infrastructure to low and moderate income housing sites; assistance designed to render units to be more affordable to low and moderate income people; and administrative costs necessary to implement the Borough of Princeton affordable housing plan. The expenditure of all money shall conform to a spending plan approved by the court or COAH.

(b) No more than twenty percent of the revenues shall be expended on administrative costs necessary to develop, revise or implement the Borough of Princeton's affordable housing plan. Examples of eligible administrative activities include: personnel; consultant services; space costs; consumable supplies; and rental or purchase of equipment.

(c) Development fee revenues shall not be expended to reimburse the borough for housing activities that preceded substantive certification.

(d) All development fees generated pursuant to these sections 17A-205.2 through 17A-205.11 shall only be expended in accordance with an approved development fee spending plan.
(Ord. No. 95-13, § I.)

Sec. 17A-205.9. Same - Monitoring and enforcement.

COAH shall be responsible for monitoring the development fees component of the borough's housing element and fair share plan. The borough shall complete and return to COAH, with a copy to the special master, all monitoring forms, quarterly financial reports and auditing reports relating to the collection of fees, expenditure of revenues and implementation of the borough's affordable housing plan on forms designed and prescribed by COAH. The court shall be responsible for enforcement of the development fees component of the plan. Upon review of the monitoring forms, COAH shall advise the court and special master, as necessary, if any action is required to enforce the development fee ordinance or the spending plan. The court and special master shall advise COAH of any enforcement action taken. (Ord. No. 95-13, § I.)

Sec. 17A-205.10. Same - Penalties.

Authorization is hereby granted to the court or COAH to direct the disbursement of the development fees collected pursuant to these sections 17A-205.2 through 17A-205.11 in the event of noncompliance by the borough with the consent order of final judgment and judgment of repose entered in the matter of Witherspoon Jackson Development Corporation v. Borough of Princeton, et als., Docket No. L-37675-84 (Mount Laurel II), or upon occurrence of any of the conditions set forth in COAH's rules on development fee penalties, N.J.A.C. 5:93-8.17(a). (Ord. No. 95-13, § I.)

Sec. 17A-205.11. Same - Expiration of development fee ordinance.

The borough's authority to collect development fees pursuant to these sections 17A-205.2 through 17A-205.11 shall expire with the expiration of the consent order of final judgment and judgment of repose, unless the borough has filed an adopted housing

element with the court or COAH, has petitioned for a further judgment of repose from the court or substantive certification from COAH, and has received approval from the court or COAH of its development fee ordinance. (Ord. No. 95-13, § I.)

Division 2. Administration and Enforcement.

Sec. 17A-206. Interpretation of district boundaries.

In determining the boundaries of districts shown on the map, the following rules shall apply:

- (a) Unless otherwise shown, the district boundaries shall be construed to coincide with the center lines of streets and alleys.
- (b) Where such boundaries are indicated as approximately following the lot lines of parks or other publicly owned lands, such line shall be construed to follow such boundaries.
- (c) Where a district boundary line is located not farther than ten feet away from a lot line of record, such boundary lines shall be construed to coincide with such lot line.
- (d) Where a district boundary line is located at least ten feet but not more than thirty-five feet away from a lot line of record, the board of adjustment may allow, as a decision upon a special question, such boundary line to be construed to coincide with such lot line.
- (e) Where a district boundary line is located more than thirty-five feet away from a lot line of record, the board of adjustment may permit as a special exception the extension of the regulations for either portion of the lot into the remaining portion of the lot, for a distance not to exceed twenty feet from the district boundary.
- (f) Unless otherwise shown, the E1 district boundary running parallel to a lot line or street line shall be construed to be one hundred fifty feet from such lot line or the right-of-way of such street.
- (g) In all other cases, where dimensions are not shown on the map, the location of boundaries shown on the map shall be determined by the use of the scale appearing thereon.
(Ord. No. 77-1, § 2.)

Sec. 17A-207. Protests by property owners against amendments.

A protest against any proposed amendment or revision of the zoning ordinance may be filed with the municipal clerk, signed by the owners of 20 percent or more either of the area of the lots or land included in such proposed change, or of the lots or land extending two hundred feet in all directions therefrom inclusive of street space, whether within or without the municipality. Such amendment or revision shall not become effective

following the filing of such protest except by the favorable vote of two-thirds of all the members of the governing body of the municipality. (Ord. No. 77-1, § 2.)

Sec. 17A-208. Conditional uses; standards.

Uses listed as a conditional use in a particular district may be permitted by the planning board, only after it has determined that the development proposal complies with the conditions and standards set forth elsewhere in this article for the location and operations of such use and with the following specifications and standards:

(a) That all proposed structures, equipment or materials shall be readily accessible for fire and police protection.

(b) That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated, will not significantly impact the environment in an adverse way, and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of said properties.

(c) That, in addition to the specifications and standards set forth in this section, in the case of a conversion of a residential building in existence on November 19, 1968, to a joint occupancy building, or the conversion of a part of the residential portion of a joint occupancy building to office or other nonresidential use, the following criteria are met:

(1) That the portion of the structure to be converted to a nonresidential use shall not be located above the remaining residential uses in said structure if said nonresidential use by the nature of its operation can be considered detrimental to the residential living.

(2) That no floor may be used for both residential and business uses, unless a separate entrance, hallway or stairway provides direct access to each use and that the nonresidential use by the nature of its operation will not be detrimental to residential living immediately contiguous thereto.

(d) Each application for a conditional use shall be accompanied by a proposed site plan in accordance with the provisions of section 17A-195 and 17A-196 of this Code showing the size and location of the lot, the location of all buildings and proposed facilities, including access driveways, parking areas, and all streets within two hundred feet of the lot.

(e) Any lot for which conditional use approval is granted shall be deemed to be a conforming use in the district in which such use is located, provided that such approval shall affect only the lot or portion thereof for which such use shall have been granted. A conditional use approval shall be valid for one year unless preliminary approval of a site plan for the lot involving the conditional use has been granted, at which time the applicant shall receive the same right as that provided for preliminary approval of site plans as set forth in this chapter.

(f) Any legally preexisting use located in a district in which it is listed as a conditional use shall be deemed to be an authorized use on the lot or portion thereof on which such use is located. However, any addition or expansion to such use, or any enlargement or reconstruction of a nonconforming building for such use, shall require the approval of the planning board in accordance with the procedures for new conditional uses as established under this section.

(g) Personal wireless telecommunications facilities and equipment shall be permitted as conditional uses in all districts in the borough.

(1) Personal wireless telecommunications facilities and equipment must comply with the following conditional use standards:

a. Height standards. Where permitted, PWTF may exceed the maximum building height limitations, provided the height has the least visual impact and is no greater than required to achieve service area requirements and potential collocation, when visually appropriate. PWTEFs are limited to twelve feet in height.

b. Setback standards. All PWTFs and PWTEFs shall be subject to the minimum yard requirements of the zoning district in which they are located, provided the minimum setback may be increased where necessary to address safety concerns. If PWTEFs are located on the roof of a building, the area of the PWTEFs and other equipment and structures shall not occupy more than twenty-five percent of the roof area.

c. Visual impact standards. All PWTFs and PWTEFs shall be located to minimize visual impacts on the surrounding area in accordance with the following standards. In applying these standards, locations in a higher priority category under section 17A-208(g)(3) shall be deemed more acceptable than lower priority sites.

1. Sites for PWTFs and PWTEFs must demonstrate that they provide the least visual impact on residential areas and public way. All potential visual impacts must be analyzed to illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.

2. PWTEFs should be located to avoid being visually solitary or prominent when viewed from residential areas and the public way. The facility should be obscured by vegetation, tree cover, topographic features and/or other structures to the maximum extent feasible.

3. PWTFs and PWTEFs shall be placed to ensure that historically significant views, streetscapes, and landscapes are protected. The views of and vistas from architecturally and/or significant structures should not be impaired or diminished by the placement of telecommunication facilities.

4. The applicant must document they are using the least visually obtrusive technology to provide the required service. The applicant must present to the board of jurisdiction information on the available technologies for the proposed location and how the selected technology has the least visual impact.

5. The board may waive any of the above standards upon the applicant showing that enforcement would prevent the applicant from satisfying its license requirements.

(2) Personal wireless telecommunications facilities and equipment must also comply with the following requirements, which shall not be construed as conditional use standards:

a. Locational priority. If needed in accordance with an overall comprehensive plan for the provision of full wireless communications service within the Princeton community, PWTFs and PWTEFs shall be permitted as a conditional use in all districts. Proposals on lower priority sites with less visual impact, assessed under 17A-208(g)(4), shall take preference over higher priority sites. Locational priorities shall consist of the following:

1. The first priority location shall be on lands or structures owned by Princeton Borough if feasible and available;

2. The second priority location shall be on lands or structures owned by the Princeton Regional School District if feasible and available;

3. The third priority location shall be collocation on existing PWTFs (or existing water tanks) provided that the new installation does not increase the height by more than ten percent; and

4. The fourth priority location shall be existing buildings, steeples, bell towers, poles or other structures which can be used for PWTEFs and PWTFs in such a manner as to render the antennas and related equipment as visually unobtrusive as possible.

5. The fifth priority location shall be such locations as the applicant proves are essential to provide required service to the Princeton community.

b. Site design standards. The following design standards shall apply to PWTFs and PWTEFs installed or constructed pursuant to the terms of this subdivision:

1. Collocation. Ordinance limitation on the number of structures on a lot shall not apply when PWTFs and PWTEFs are located on a lot with buildings or structures already on it.

2. Fencing and other safety devices. PWTFs and PWTEFs shall be surrounded by security features, such as a fence, which prevent unauthorized access. Other safety measures such as anti-climbing devices may be considered by the board in accordance with applicable Federal U.S. Department of Labor, Occupational Safety and Health Administration standards and state building code requirements.

3. Landscaping. Landscaping shall be provided along the perimeter of the security fence to provide a visual screen or buffer for adjoining private properties and the public right-of-way. Required front yard setback areas shall be landscaped. All PWTEFs shall be screened by an evergreen hedge eight to ten feet in height at planting time and/or a solid fence eight feet in height.

4. Signs. Signs shall not be permitted except for signs displaying owner contact information, warnings, equipment information, and safety instructions. Such signs shall not exceed two square feet in area. No commercial advertising shall be permitted on any PWTF or PWTEF.

5. Color. PWTFs and PWTEFs shall be of a color appropriate to the locational context and to make it as unobtrusive as possible, unless otherwise required by the Federal Aviation Administration (FAA).

6. Activity and access. All equipment shall be designed and automated to the greatest extent possible in order to reduce the need for onsite maintenance and thereby to minimize the need for vehicular trips to and from the site. Access shall be from established site access points whenever possible. Minimal off-street parking shall be permitted as needed and as approved by the planning board.

7. Dish antennas. Dish antennas shall be colored, camouflaged or screened to make them as unobtrusive as possible and in no case shall the diameter of a dish antenna exceed six feet.

8. Lighting. No lighting is permitted except as follows:

(i) PWTEFs enclosing electronic equipment may have security and safety lighting at the entrance, provided that the light is attached to the facility, is focused downward and is on timing devices and/or sensors so that the light is turned off when not needed for safety or security purposes; and

(ii) No lighting is permitted on a PWTF except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties.

9. Monopole. Any proposed new telecommunications tower shall be a "monopole" unless the applicant can demonstrate that a different type pole is necessary for the collocation of additional antennas on the tower. Such towers may employ camouflage technology.

10. Noise. No equipment shall be operated so as to produce noise in excess of the limits set by the local noise ordinance, except for in emergency situations requiring the use of a backup generator.

11. Radio frequency emissions. The FTT gives the FCC sole jurisdiction of the field of regulation of radio frequency (RF) emission and PWTFs which meet the FCC standards shall not be conditioned or denied on the basis of RF impacts. Applicants shall provide current FCC information concerning PWTFs and radio frequency emission standards. PWTFs shall be required to provide information on the projected power density of the proposed facility and how this meets the FCC standards.

12. Structural integrity. PWTFs must be constructed to the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (or equivalent), as it may be updated or amended.

13. Maintenance. PWTFs shall be maintained to assure their continued structural integrity. The owner of the PWTF shall also perform such other maintenance of the structure and of the site as to assure that it does not create a visual nuisance.

14. PWTFs and PWTEFs, which are located on lands owned by the Borough of Princeton shall be exempt from site plan review. However, such facilities shall comply with the site design standards and zoning requirements set forth in borough code section 17A-208(g)(2)b.

c. Collocation policy. It is the policy of the Borough of Princeton to minimize the number of PWTFs and to encourage the collocation of antenna arrays of more than one wireless telecommunications service provider on a single support tower.

1. The municipal engineer shall maintain an inventory of existing PWTF locations within or near the Princeton community.

2. An applicant proposing a PWTF at a new location shall demonstrate that it made a reasonable attempt to find a collocation site that is technically feasible and that none was practically or economically feasible and shall include in its design the opportunity for collocation by others or explain why collocation is not feasible. Applications within the fourth locational priority are exempt from this requirement.

3. Each application for a PWTF shall be accompanied by a plan which shall reference all existing PWTF locations in the applicant's Princeton community inventory, any such facilities in the abutting towns which provide service to areas within the Princeton community, any changes proposed within the following twelve month period, including plans for new locations and the discontinuance or relocation of existing facilities.

4. Each application shall include a site location alternative analysis describing the location of other sites considered, the availability of those sites, the extent to which other sites do or do not meet the provider's service or engineering needs, and the reason why the subject site was chosen. The analysis shall address the following issues:

(i) How the proposed location of the PWTF relates to the objective of providing full wireless communication services within the Princeton community at the time full service is provided by the applicant throughout the Princeton community.

(ii) How the proposed location of the proposed PWTF relates to the location of any existing antennas within and near the Princeton community.

(iii) How the proposed location of the proposed PWTF relates to the anticipated need for additional antennas within and near Princeton community by the applicant and, to the extent known, by other providers of wireless communication services within the Princeton community;

(iv) How the proposed location of the proposed PWTF relates to the objective of collocating the antennas of many different providers of wireless communication services on the same PWTF. Applications within the fourth locational priority are exempt from this requirement; and

(v) How its plan specifically relates to and is coordinated with the needs of all other providers, to the extent known, of wireless communication services within the Princeton community.

(vi) The planning board may retain technical consultants as it deems necessary to provide assistance in the review of the site location alternatives analysis. The service provider shall bear the reasonable cost associated with such consultation, which cost shall be deposited in accordance with Princeton's escrow provisions.

(Ord. No. 2004-06, § 2.)

Sec. 17A-209. Special questions - Minor adjustments in district regulations.

The board of adjustment may authorize, as a decision upon a special question, minor exceptions to the yard, coverage and other bulk regulations of this article, not including the regulations prescribing the maximum floor area ratio and minimum lot area, in connection with an existing building lawfully erected before more restrictive regulations were in effect, in such situations as the following and in other situations which are essentially similar:

(a) Minor adjustments in the yard and coverage regulations, to allow an appropriate addition to such an existing building.

(b) Minor adjustments in the requirements for the minimum distance between such an existing principal building and an accessory building.

The board of adjustment may similarly allow on a temporary basis the installation within a one-family dwelling of additional minor cooking and food preparation facilities, elsewhere than in the kitchen area, for the exclusive use of immediate relatives of the principal occupant of the one-family dwelling, which relatives are living in the one-family dwelling. Such temporary allowances shall be for periods of not more than five years and shall be renewable thereafter.

Authorization of such minor adjustments shall be subject to the standards set forth in section 17A-208. The board may prescribe such appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this article.
(Ord. No. 77-1, § 2.)

Sec. 17A-210. Same - Additional height and floor area for multiple dwelling and joint occupancy buildings and joint occupancy buildings in RO and CB districts.

The board of adjustment, as a decision upon a special question, may authorize not more than two stories of additional height for multiple dwelling in an RO district and not more than one story of additional height for multiple dwellings and joint occupancy buildings in a CB district. Said additional height, however, shall not permit the dwelling to exceed a total height of 65 feet and the board may authorize an increase in floor area and floor area ratio from 1.5 to 2.5 for joint occupancy buildings in a CB district, provided, that the board makes the following special findings as it pertains to the additional height and/or increased floor area and floor area ratio request before it:

(a) That such additional height is necessary in order to make it possible to provide, for residents and for persons working in the borough area, low rent or moderate rent housing, which is not otherwise available in adequate quantity.

(b) That the proposed buildings are part of the master plan, approved by the planning board, for the development of the area, and that with such additional height it will be possible to provide more open space and a more attractive plan for the area.

(c) That such plan is designed to bring together, rather than to separate, the central business area and adjoining residential areas.

(d) That no such higher building will be located within one hundred feet of a residence district.

(e) That for additional floor area and floor area ratio, such additional floor area is for residential purposes and the resulting floor area ratio shall not exceed 2.5 overall and shall in no case exceed 1.5 for the nonresidential portion of joint occupancy buildings.

(Ord. No. 77-1, § 1; Ord. No. 80-24, § 2; Ord. No. 97-2, § I.)

Sec. 17A-211. Same - Temporary allowance of nonconforming uses or buildings accessory to construction.

The board of adjustment, as a decision upon a special question, may authorize on a temporary basis, for a period not to exceed one year, nonconforming uses or buildings accessory to construction on a lot; provided that such authorization shall be conditional upon written agreement by the owner to discontinue such use and to remove such building at the expiration of the authorization. (Ord. No. 77-1, § 2.)

Sec. 17A-212. Hardship variances by board of adjustment conditional upon subdivision, site plan or conditional use approval by planning board.

In cases involving an application to the planning board for a subdivision, site plan or conditional use approval, and also involving a related application to the board of adjustment for a hardship variance that is not within the planning board's jurisdiction, the board of adjustment may condition any grant of the hardship variance upon the planning board's approval of the subdivision, site plan or conditional use. (Ord. No. 77-1, § 2.)

Sec. 17A-213. Expiration of variance or conditional use where construction permit not obtained.

Where the implementation of a variance or a conditional use requires the obtaining of a construction permit, such variance or conditional use shall expire twelve months after the date of the granting or approval thereof unless within such period the construction permit shall be obtained. Should the appellant or applicant fail to obtain the construction permit within such time, the municipal agency that granted such variance or approved such conditional use may authorize for good cause shown and in an appropriate case not more than one twelve month extension of the period for the obtaining of such construction permit. (Ord. No. 77-1, § 2; Ord. No. 2008-07, § IV.)

Sec. 17A-214. Zoning permit requirements.

(a) Zoning permits shall be secured from the development enforcement officer, in cases not involving approvals by the board of adjustment or planning board of an application for development, prior to the conversion of the existing use of any land or building or part thereof and prior to the construction, erection or alteration:

- (1) Of any building or any part thereof in any district.
- (2) Of any sign in the RO, NB, RB, CB, SB E1, E2 or HMC districts.
- (3) Of any sign in the R1, R2, R3 or R4 districts larger than one hundred forty-four square inches in area.
- (4) Of any parking area not accessory to a one-family or two-family dwelling.

(b) A site improvement plan shall be submitted with the zoning permit request for the following proposed improvements:

- (1) Accessory structure
- (2) Addition(s) to existing structures
- (3) Patio, deck or paving area
- (4) Swimming pool

(c) A plot plan shall be submitted with the zoning permit request for one or two family dwelling. Zoning requests not described above shall be considered a standard zoning permit. The fee pursuant to section 17A-36 is also required. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 3; Ord. No. 97-2, § I; Ord. No. 2008-07, § V.)

Sec. 17A-215. Application - Form and contents generally.

All requests for zoning permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use or intended use of the building, structure, land or the part thereof that is involved, and shall be accompanied, among other things which the board of adjustment, planning board or development enforcement officer may require, by a plan and elevation of the building and a plot plan drawn to scale, showing the proposed building in its exact relation to lot and street lines and, by evidence satisfactory to the development enforcement officer, that the lines of the bounding streets have been accurately located and staked on the ground. (Ord. No. 77-1, § 2.)

Sec. 17A-216. Same - To be submitted in duplicate; copy to be returned to applicant on issuance of permit.

The zoning permit application and all supporting documentation shall be made in duplicate. On the issuance of a zoning permit, the development enforcement officer shall return one copy of all filed documents to the applicant. (Ord. No. 77-1, § 2.)

Sec. 17A-217. Restrictions on issuance - Construction or alteration of buildings on lots without access to streets.

No zoning permit shall be issued for the construction or alteration of any building upon a lot without access to a street except in an E2 district when the entire subject building is located more than one hundred fifty feet from a public street. (Ord. No. 77-1, § 2.)

Sec. 17A-218. Issuance or denial.

The development enforcement officer shall, within thirty days after the filing of a complete and properly prepared application, either issue or deny a zoning permit. If a zoning permit is denied, the development enforcement officer shall state in writing to the applicant the reasons for such denial. (Ord. No. 77-1, § 2.)

Sec. 17A-219. Expiration; extensions; renewal.

Every zoning permit shall expire if the work authorized has not been commenced within twelve months after the date of issuance or has not been completed within two years from such date. The development enforcement officer may, for cause, authorize in writing one permit extension of twelve additional months for the commencement of the work and one permit extension of two additional years for the completion of work actually under way, upon the payment in each case of a of the appropriate fee per section 17A-36; provided, that in the interim since the issuance of the permit, no zoning amendment or other code or regulation affecting the subject property shall have been enacted and that there is pending no published notice of a public hearing or other procedure directed toward such an amendment, code or regulation. When no further extension can be granted, application may be made for a new permit. (Ord. No. 77-1, § 2; Ord. No. 2008-07, § VI.)

Sec. 17A-220. Survey showing location of building foundation.

As soon as the foundation of a building or of any addition on an existing building for which a zoning permit is issued is completed, and before first story framing or wall construction is begun, there shall be filed with the development enforcement officer a certified survey prepared by a licensed surveyor, showing the exact location of such foundation with respect to the street lines and lot lines of the lot. (Ord. No. 77-1, § 2.)

Sec. 17A-221. Zoning certificate of occupancy; effect.

A zoning certificate of occupancy shall be deemed to authorize, and is required for both initial and continued occupancy and use of a building or land for which a zoning permit is required. (Ord. No. 77-1, § 2.)

Sec. 17A-222. Same - Required.

In any case in which a zoning permit is required, no building or part of a building erected, structurally altered or moved shall be occupied or used, in whole or in part, and no change in the use of an existing building or of land, or of any part thereof, shall be lawful, until a zoning certificate of occupancy shall have been applied for and issued by the development enforcement officer. In the case of a zoning certificate of occupancy request for a new dwelling unit, a certificate of approval shall be first obtained from the borough engineer prior to issuance of the zoning certificate of occupancy by the development enforcement officer. (Ord. No. 77-1, § 2; Ord. No. 2008-07, § VII.)

Sec. 17A-223. Same - Application.

Application for a zoning certificate of occupancy shall be made on a form furnished by the development enforcement officer. Such permit shall be issued upon request where no work is involved or within ten days after a written request for inspection of the completed work where work is involved, but only if all requirements of this article and other applicable laws, ordinances or codes are complied with. (Ord. No. 77-1, § 2.)

Sec. 17A-224. Same - Certain construction prerequisite to issuance; exception.

No zoning certificate of occupancy shall be issued until after the completion of all parking spaces, access facilities and landscape planting required by this article. Where, by

reason of adverse weather conditions, it is impractical to complete the parking spaces, access facilities and landscape planting the zoning certificate of occupancy may be issued upon the posting of a performance guarantee, which shall run for a period not to exceed six months and shall otherwise be subject to the provisions of section 17A-137. (Ord. No. 77-1, § 2.)

Sec. 17A-225. Same - Issuance or denial.

(a) If a proposed use is one for which a zoning permit is required and is in conformity with the provisions of this article and of all other applicable laws and ordinances in effect, a zoning certificate of occupancy for the use of vacant land or for a change of use of nonconforming use shall be issued by the development enforcement officer.

(b) Upon written request by the owner, and after examination of all factual information to be supplied by the owner and inspection of the building, the development enforcement officer shall issue a zoning certificate of occupancy for any legally existing building or use thereof, or of land existing on November 19, 1968, or at the time of adoption of any applicable amendments to this article, certifying such use, whether or not such use or building conforms to the provisions of this article.

(c) If a zoning certificate of occupancy is denied, the development enforcement officer shall state in writing the reasons for such denial. (Ord. No. 77-1, § 2.)

Sec. 17A-226. Same - Required contents - Statement of compliance with chapter.

Every zoning certificate of occupancy shall state that the building or the proposed use of land complies with all provisions of this article and all other applicable laws or ordinances of the borough. (Ord. No. 77-1, § 2.)

Division 3. Residential Districts.

Subdivision I. R1 Districts.

Part 1. Use Regulations.

Sec. 17A-227. Generally.

In R1 districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 77-1, § 2.)

Sec. 17A-228. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

- (a) Residential uses.
 - (1) One-family dwellings.

(b) Nonresidential uses.

(1) Public parks and playgrounds.

(c) Accessory uses.

(1) Within a one-family dwelling, rental of not more than two rooms for residential purposes, for occupancy by not more than four persons altogether, but only so long as there shall be no secondary residence located in such one-family dwelling or in a secondary residence building pertaining to such one-family dwelling.

(2) Home occupations; provided that:

a. Only one such occupation shall be carried on per dwelling unit.

b. Such occupation shall be carried on within the principal building, and the floor area used for that purpose shall not exceed the equivalent of forty percent of the area of the ground floor or four hundred square feet, whichever is less.

c. Such occupation shall be carried on by a resident, with no regularly employed assistants or associates, except for members of his/her family, living on the premises.

d. Articles sold or offered for sale shall be limited to those produced in the dwelling unit.

e. There shall be no exterior display, no exterior storage of materials, no exterior sign, except as permitted by the applicable district regulations, and no other exterior indication of the home occupation or change in residential character of the principal building.

f. There shall be created no dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness, electromagnetic or other disturbance; glare; liquid or solid refuse or other wastes; or other objectionable substance, condition or element.

(3) Keeping domestic animals as pets; provided, that not more than five animals over six months old shall be kept on any lot, and that no animals except dogs or cats shall be housed or penned within fifty feet of any street line or lot line, except within the principal building.

(4) Accessory buildings; provided, that any tennis court, and any swimming pool with an area of more than two hundred fifty square feet or a depth of more than eighteen inches, shall be at least twenty feet from any lot line or street line and shall in no event be within a front yard.

(5) Accessory signs, as permitted in division 6, subdivision I, part 2 of this article.

(6) Accessory parking spaces for:

a. Residents and their guests; provided, that not more than one such space may be leased on each lot to a person not living on the lot; and

b. Other permitted uses, subject to the provisions of division 6, subdivision III of this article.

(7) Secondary residences, provided that:

a. There shall be not more than one secondary residence per lot.

b. The lot shall have an area that is at least twenty-five percent greater than the minimum lot area that is specified in this article for the zoning district in which the lot is located, and it shall have at least four hundred square feet of usable open space.

c. Each secondary residence shall be used only for residential purposes for one family, and then only so long as the principal, one-family dwelling to which it pertains, or the secondary residence itself, is occupied by the owner of such principal, one-family dwelling, and only so long as there shall be no room rentals in the principal, one-family dwelling pursuant to section 17A-228(c)(1).

d. There shall not be more than two habitable rooms per secondary residence.

e. There shall be no external entrance that faces a street and that is separate from any other external entrance to any building on the same lot facing the same street, but this restriction shall not apply to two or more entrances in existence on January 1, 1979.

(8) Senior secondary residences, provided that:

a. There should not be more than one senior or secondary residence per lot.

b. The lot shall have an area that is the minimum lot area that is specified in this article for the zoning district in which the lot is located.

c. The senior secondary residence must be occupied by individuals who are above the age of sixty-two.

d. Each senior secondary residence shall be used only for residential purposes for one family, and then only so long as the principal, one family dwelling to which it pertains, or senior residence itself, is occupied by the owner of the

subject property, and so long as there shall be no room rentals in the principal one family dwelling.

e. There shall not be more than two habitable rooms per senior residence.

f. There shall be no external entrance that faces a street and that is separate from any other external entrance to any building on the same lot facing the same street, but this restriction shall not apply to two or more entrances in existence on January 1, 1979.

(9) Other accessory uses, as defined in section 17A-201.
(Ord. No. 77-1, § 2; Ord. No. 78-26, §§ 3, 4; Ord. No. 81-39, § 1; Ord. No. 94-19, § I; Ord. No. 2003-30, § I.)

Sec. 17A-229. Conditional uses.

The following additional uses may be authorized as conditional uses subject to the provisions of section 17A-208, and to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Nonresidential uses.

- (1) Churches and other places of worship.
- (2) Public schools, and private schools not operated for profit.
- (3) Private parks and playgrounds.
- (4) Public buildings, libraries, philanthropic institutions, nursing homes and buildings for the exclusive use of an educational institution or for the exclusive use of a nonprofit organization serving the interest of such educational institution.
- (5) Clubhouses, except for clubs whose principal activity is usually carried on as a business.
- (6) Railroad and public utility buildings, installations and rights-of-way needed to serve the general welfare of all or a significant part of the community; provided, that the planning board determines that no other reasonable location in a less restricted district can be used for the purpose contemplated.
- (7) Amateur radio receiving and transmitting towers, over fifteen feet but less than fifty feet in height; provided, that such tower shall not be located closer to any lot line or street line than its height, and in no event within a front yard or side yard.
- (8) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208.
(Ord. No. 77-1, § 2; Ord. No. 95-21, § I; Ord. No. 98-9, § I.)

Sec. 17A-230. Other use regulations.

All uses permitted under the provisions of sections 17A-225 and 17A-229 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, 17A-366, and 17A-373. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 2. Bulk Regulations.

Sec. 17A-231. Generally.

The bulk regulations contained in this part shall apply to all buildings and land in R1 districts. (Ord. No. 77-1, § 2.)

Sec. 17A-232. One-family dwellings.

(a) Maximum permitted:

- | | | |
|-----|----------|----------------------|
| (1) | Height | 3 stories or 35 feet |
| (2) | Coverage | 25 percent |
| (3) | FAR | 25 percent |

(b) Minimum required:

- | | | |
|-----|---|--------------------|
| (1) | Lot area per dwelling unit | 20,000 square feet |
| (2) | Lot width | 125 feet |
| (3) | Lot depth | 125 feet |
| (4) | Front yard* | 35 feet |
| (5) | Combined side yard | 30 feet |
| (6) | Smaller side yard | 10 feet |
| (7) | Rear yard | 35 feet |
| (8) | Building height to setback ratio
(maximum) | 1.5:1 |

*See section 17A-376.1
(Ord. No. 77-1, § 2; Ord. No. 2006-07, § 2.)

Sec. 17A-233 Nonresidential buildings.

For churches and other places of worship, public and private schools, libraries, public buildings, philanthropic institutions, hospitals, nursing homes, clubhouses, railroad

and public utility installations and buildings for the exclusive use of an educational institution or for the exclusive use of a non-profit organization serving the interests of such educational institution:

- (a) The height shall not exceed four stories or fifty feet.
- (b) The coverage shall not exceed thirty percent.
- (c) No building shall be erected less than fifty feet from any street line or lot

line.

(Ord. No. 77-1, § 2.)

Sec. 17A-234. Other bulk regulations.

The additional bulk regulations set forth in division 6, subdivision II of this article and in section 17A-403 shall also apply in R1 districts. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-235. Generally.

In R1 districts, accessory off-street parking spaces, open or enclosed, shall be provided for all new 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. All such parking spaces and loading berths shall be subject to the provisions of division 6, subdivision III of this article. (Ord. No. 77-1, § 2.)

Sec. 17A-236. Required parking--One-family dwellings and secondary residences.

	Required parking spaces
(a) Per one-family dwelling	2
(b) For accessory use:	
(1) Per rented room	1
(2) Per accessory professional office	1
(c) Per secondary residence	1

(Ord. No. 77-1, § 2; Ord. No. 78-26, § 5.)

Sec. 17A-237 Same--Nonresidential uses.

For: At least one parking space for each:

- (a) Public and private secondary schools 6 seats or students.

- | | | |
|-----|---|--|
| (b) | Public and private elementary schools | 12 seats or students. |
| (c) | Churches and other places of worship, libraries | 200 square feet of floor area but not less than one space for each five seats, where provided. |
| (d) | Hospitals | 1 bed. |
| (e) | Nursing homes and philanthropic institutions | 3 beds. |

For any other permitted buildings and uses, for which no requirements are set forth above, appropriate and comparable off-street parking requirements shall be determined by the planning board, taking into consideration the amount of traffic likely to be generated thereby, the likelihood of all day or short term use of parking spaces, the location and the availability of other means of access and other factors affecting the amount of traffic likely to be generated and the need for parking.
(Ord. No. 77-1, § 2.)

Sec. 17A-238. Required loading for nonresidential uses.

Accessory loading berths, open or enclosed, shall be provided for non-residential uses, except churches, as follows:

- | | | |
|-----|--|---------------------|
| (a) | For floor area of 10,000 to 25,000 square feet | 1 berth. |
| (b) | For each additional 75,000 square feet of floor area or fraction thereof | 1 additional berth. |

(Ord. No. 77-1, § 2.)

Subdivision II. R2 Districts.

Sec. 17A-239. Use, bulk, parking and loading regulations generally.

The use, bulk and parking and loading regulations in R2 districts are the same as in R1 districts; except, that one-family dwellings are subject to different bulk regulations, as set forth in section 17A-240. (Ord. No. 77-1, § 2.)

Sec. 17A-240. Bulk regulations for one-family dwellings.

The following bulk regulations shall apply to all one-family dwellings in R2 districts:

- | | | |
|-----|---------------------------|----------------------|
| (a) | <u>Maximum permitted:</u> | |
| (1) | Height | 3 stories or 35 feet |

- (2) Coverage 25 percent
- (3) FAR 30 percent
- (b) Minimum required:
 - (1) Lot area per dwelling unit 10,000 square feet
- (c) Minimum required:
 - (1) Lot width 75 feet
 - (2) Lot depth 100 feet
 - (3) Front yard* 30 feet
 - (4) Combined side yard 25 feet
 - (5) Smaller side yard 10 feet
 - (6) Rear yard 35 feet
 - (7) Building height to setback ratio 2.0:1
(maximum)

*See section 17A-376.1
(Ord. No. 77-1, § 2; Ord. No. 2006-07, § 3.)

Subdivision III. R3 Districts.

Part 1. Use Regulations.

Sec. 17A-241. Generally.

In R3 districts, land and buildings may be used only for the purpose set forth in this part. (Ord. No. 77-1, § 2.)

Sec. 17A-242. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulation set forth or referred to below:

- (a) Residential uses.
 - (1) One-family dwellings.
 - (2) Two-family dwellings.
- (b) Nonresidential uses.

(1) Public parks and playgrounds.

(c) Accessory uses.

(1) Accessory signs as permitted in division 6, subdivision I, part 2 of this article.

(2) Accessory parking spaces and other accessory uses as permitted in the R1 district including secondary residences, subject to the limitations set forth in R1 districts, section 17A-228: except that within a dwelling other than a one-family dwelling, only one room may be rented for residential purposes, for occupancy by not more than two persons; and no secondary residence shall be permitted. (Ord. No. 81-39, § 2.)

Sec. 17A-243. Conditional uses.

The following additional uses may be authorized as conditional uses, subject to the provisions of section 17A-208 and to the bulk regulations set forth or referred to below:

(a) Residential uses.

(1) Attached dwellings or multiple dwellings, on lots of three acres or more; provided, that no building length shall exceed one hundred twenty feet.

(b) Nonresidential uses.

(1) Churches and other places of worship.

(2) Public schools, and private schools not operated for profit.

(3) Private parks and playgrounds.

(4) Public buildings, libraries, philanthropic institutions, nursing homes and buildings for the exclusive use of an educational institution or for the exclusive use of a nonprofit organization serving the interests of such educational institution.

(5) Clubhouses, except for clubs whose principal activity is usually carried on as a business.

(6) Railroad and public utility buildings, installations and rights-of-way needed to serve the general welfare of all or a significant part of the community; provided, that the board of adjustment determines that no other reasonable location in a less restricted district can be used for the purpose contemplated.

(7) Amateur radio receiving and transmitting towers more than fifteen feet but less than fifty feet in height; provided, that any such tower shall not be located closer to any lot line or street line than its height, and in no event within a front yard or side yard.

(8) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208. (Ord. No. 77-1, § 2; Ord. No. 95-21, § I; Ord. No. 98-9, § I.)

Sec. 17A-244. Other use regulations.

All uses permitted under the provisions of sections 17A-242 and 17A-243 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, 17A-366, and 17A-373. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 2. Bulk Regulations.

Sec. 17A-245. Generally.

The bulk regulations contained in this part apply to all buildings and land in R3 districts. (Ord. No. 77-1, § 2.)

Sec. 17A-246. Residential buildings.

	<u>For one-family dwellings</u>	<u>For two-family dwellings</u>	<u>For attached dwellings</u>	<u>For multiple dwellings</u>
<u>Maximum permitted:</u>				
Height				
Feet	35	35	35	35
Stories	3	3	3	3
Coverage (percent)	25	25	25	30
FAR (percent)	40	45	45	45
<u>Minimum required:</u>				
Total lot area				
Square feet			130,680	130,680
For each dwelling unit (sq. ft.)				
Lot area	7,200	5,000	4,000*	
Lot area per number of habitable rooms				
One or two				3,600
Three				4,000
Four				4,200
Each additional				200
Usable open space per number of habitable rooms			600*	
One or two				200

Each additional	For one-family dwellings	For two-family dwellings	For attached dwellings	200 For multiple dwellings
<u>Minimum required (con't.)</u>				
Lot width	60	60		
End lot			40**	
Interior lot			20**	
Lot depth	100	100	80**	
Front yard***	25	25	20**	20
Side yards				
Combined side yard	20	20		40
Smaller side yard	8	8		20
End lot, one side yard			20**	
Rear yard	35	35	25**	35
Building height to setback ratio (maximum)	3.0:1	3.0:1	n/a	na
Maximum number of units per structure			3	3

*For attached dwellings, part of this area may be provided as common land, directly accessible from the lot of each individual dwelling unit, provided that the lot of each individual dwelling unit shall have not less than the minimum lot width and lot depth.

**For lot of individual dwelling unit.

***See section 17A-376.1.

Dimensions in feet unless otherwise noted.
(Ord. No. 77-1, § 2; Ord. No. 2006-07, § 4.)

Sec. 17A-247. Nonresidential buildings.

For churches and other places of worship, public and private schools, libraries, public buildings, philanthropic institutions, hospitals, nursing homes, clubhouses, railroad and public utilities installations and buildings for the exclusive use of an educational institution or for the exclusive use of a nonprofit organization serving the interests of such educational institution:

- (a) The height shall not exceed four stories or fifty feet.
- (b) The coverage shall not exceed thirty percent.

(c) No building shall be erected less than fifty feet from any street line or lot line.
 (Ord. No. 77-1, § 2.)

Sec. 17A-248. Other bulk regulations.

The additional bulk regulations set forth in division 6, subdivision II of this article and in section 17A-403 shall also apply in R3 districts. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-249. Generally.

In R3 districts, accessory off-street parking spaces, open or enclosed, shall be provided for all new 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. All such parking spaces and loading berths shall be subject to the provisions of division 6, subdivision III of this article. (Ord. No. 77-1, § 2.)

Sec. 17A-250. Required parking - Residential uses.

	<u>For one- family dwellings</u>	<u>For two- family dwellings</u>	<u>For attached dwellings</u>	<u>For multiple dwellings</u>
<u>Required parking spaces</u>				
Per dwelling unit	1	1-1/2	1	1-1/2
For accessory uses				
Per rented room	1	1	1	
Per accessory professional office	1	1	1	1

(Ord. No. 77-1, § 2.)

Sec. 17A-251. Same - Nonresidential uses.

For: At least one parking space for each:

(a) Public and private secondary schools 6 seats or students.

For: At least one parking space for each:

(b) Public and private secondary schools 12 seats or students.

(c) Places of worship, libraries 200 square feet of

floor area, but not less than one space for each five seats.

- (d) Hospitals 1 bed.
- (e) Nursing homes and philanthropic institutions 3 beds.

For any other permitted buildings and uses for which no requirements are set forth above, appropriate and comparable off-street parking requirements shall be determined by the planning board; taking into consideration the amount of traffic to be generated thereby, the likelihood of all day or short term use of parking spaces, the location and the availability of other means of access and other factors affecting the amount of traffic likely to be generated and the need for parking. (Ord. No. 77-1, § 2.)

Sec. 17A-252. Required loading for nonresidential uses.

Accessory loading berths, open or enclosed, shall be provided for nonresidential uses, except churches, as follows:

- (a) For floor area of 10,000 to 25,000 square feet 1 berth.
- (b) For each additional 75,000 square feet of floor area or fraction thereof 1 additional berth.

(Ord. No. 77-1, § 2.)

Subdivision IV. R4 Districts.

Part 1. Use Regulations.

Sec. 17A-253. Generally.

In R4 districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 77-1, § 2.)

Sec. 17A-254. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

- (a) Residential uses.
 - (1) One-family dwellings.
 - (2) Two-family dwellings.
 - (3) Attached dwellings.
 - (4) Multiple dwellings.

(b) Nonresidential uses.

(1) Public parks and playgrounds.

(c) Accessory uses.

(1) Accessory signs, as permitted in division 6, subdivision I, part 2 of this article.

(2) Accessory parking spaces and other accessory uses as permitted in the R1 district including secondary residences, subject to the limitations set forth in R1 districts, section 17A-228: except that within a dwelling other than a one-family dwelling, only one room may be rented for residential purposes, for occupancy by not more than two persons; and no secondary residence shall be permitted. (Ord. No. 77-1, § 2; Ord. No. 81-39, § 3.)

Sec. 17A-255. Conditional uses.

The following additional uses may be authorized as conditional uses, subject to the provisions of section 17A-208, and to the bulk regulations, parking requirements and other regulations referred to or set forth below:

(a) Residential uses.

(1) Conversion of a residential building in existence on November 19, 1968, to a rooming house; provided, that:

a. No structural alterations or other construction shall create a new noncompliance or increase the degree of noncompliance.

b. The same number of parking spaces shall be provided for such conversions as are required for new construction of similar buildings.

(b) Nonresidential uses.

(1) Churches and other places of worship.

(2) Public schools, and private schools not operated for profit.

(3) Private parks and playgrounds.

(4) Public buildings, libraries, philanthropic institutions, nursing homes and buildings for the exclusive use of an educational institution or for the exclusive use of a nonprofit organization serving the interests of such educational institution.

(5) Clubhouses, except for clubs whose principal activity is usually carried on as a business.

(6) Railroad and public utility buildings, installations and rights-of-way needed to serve the general welfare of all or a significant part of the community; provided, that the planning board determines that no other reasonable location in a less restricted district can be used for the purpose contemplated.

(7) Amateur radio receiving and transmitting towers over fifteen feet but less than fifty feet in height; provided, that such tower shall not be located closer to any lot line or street line than its height, and in no event within a front yard or side yard.

(8) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208. (Ord. No. 77-1, § 2; Ord. No. 95-21, § I; Ord. No. 98-9, § I.)

Sec. 17A-256. Other use regulations.

All uses permitted under the provisions of sections 17A-254 and 17A-255 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, 17A-366 and 17A-373. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 2. Bulk Regulations.

Sec. 17A-257. Generally.

The bulk regulations contained in this part apply to all buildings and land in R4 districts. (Ord. No. 77-1, § 2.)

Sec. 17A-258. Residential buildings.

	<u>For one-family dwellings</u>	<u>For two-family dwellings</u>	<u>For attached dwellings</u>	<u>For multiple dwellings</u>
<u>Maximum permitted:</u>				
Height				
Feet	35	35	35	35
Stories	3	3	3	3
Coverage (percent)	30	30	30	30
FAR (percent)	40	45	45	45
<u>Minimum required:</u>				
Lot area (sq. ft.)				
For each dwelling	6,000	3,300	3,000*	
Per number of habitable rooms, each dwelling unit				
One or two				2,600
Three				3,000
Four				3,300
Each additional				200

Sec. 17A-259. Nonresidential buildings.

For churches and other places of worship, public and private schools, libraries, public buildings, philanthropic institutions, hospitals, nursing homes, clubhouses, railroad and public utility installations and buildings for the exclusive use of a nonprofit organization serving the interests of such educational institution:

- (a) The height shall not exceed four stories or fifty feet.
- (b) The coverage shall not exceed thirty percent.
- (c) No building shall be erected less than fifty feet from any street line or lot

line.

(Ord. No. 77-1, § 2.)

Sec. 17A-260. Other bulk regulations.

The additional bulk regulations set forth in division 6, subdivision II of this article and in section 17A-403 shall also apply in R4 districts. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-261. Generally.

In R4 districts, accessory off-street parking spaces, open or enclosed, shall be provided for all new 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. All such parking spaces and loading berths shall be subject to the provisions of division 6, subdivision III of this article. (Ord. No. 77-1, § 2.)

Sec. 17A-262. Required parking - Residential uses generally.

	For <u>one-family dwellings</u>	For <u>two-family dwellings</u>	For <u>attached dwellings</u>	For <u>multiple dwellings</u>
<u>Required parking spaces</u>				
Per dwelling unit	1	1-1/2	1	1-1/2
For accessory uses				
Per rented room	1	1	1	
Per accessory professional office	1	1	1	1

(Ord. No. 77-1, § 2.)

Sec. 17A-263. Same - Rooming houses and nonresidential uses.

For: At least one parking space for each:

- (a) Public and private secondary schools 4 seats or students.

For: At least one parking space for each:

- (b) Public and private elementary schools 12 seats or students.
- (c) Places of worship, libraries 200 square feet of floor area, but not less than one space for each five seats, where provided.
- (d) Hospitals 1 bed.
- (e) Nursing homes and philanthropic institutions 3 beds.
- (f) Rooming houses Guest room.

For any other permitted buildings and uses, for which no requirements are set forth above, appropriate and comparable off-street parking requirements shall be determined by the planning board, taking into consideration the amount of traffic to be generated thereby, the likelihood of all day or short term use of parking spaces, and the location and the availability of other means of access and other factors affecting the amount of traffic likely to be generated and the need for parking. (Ord. No. 77-1, § 2.)

Sec. 17A-264. Required loading for nonresidential uses.

Accessory loading berths, open or enclosed, shall be provided for nonresidential uses, except churches, as follows:

- (a) For floor area of 10,000 to 25,000 square feet 1 berth.
- (b) For each additional 75,000 square feet of floor area or fraction thereof 1 additional berth.

(Ord. No. 77-1, § 2.)

Subdivision V. Summary Bulk and Parking Table.

Sec. 17A-265. One-family dwellings in R1, R2, R3 and R4 districts.

	<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>R4</u>
<u>Maximum permitted:</u>				
Height				
Feet	35	35	35	35
Stories	3	3	3	3
Coverage (percent)	25	25	25	30
FAR (percent)	25	30	40	40

Minimum required:

Lot area per dwelling unit (sq. ft.)	20,000	10,000	7,200	6,000
Lot width	125	75	60	60
Lot depth	125	100	100	100
Front yard*	35	30	25	25
Side yards				
Combined side yards	30	25	20	20
Smaller side yard	10	10	8	8
Rear yard	35	35	35	35
Building height to setback ratio (maximum)	1.5:1	2.0:1	3.0:1	3.0:1

Dimensions are in feet, unless otherwise noted.

*See section 17A-376.1.

(Ord. No. 77-1, § 2; Ord. No. 2006-07, § 6.)

Sec. 17A-266. Two-family dwellings in R3 and R4 districts.

	<u>R3</u>	<u>R4</u>
<u>Maximum permitted:</u>		
Height		
Feet	35	35
Stories	3	3
Coverage (percent)	25	30

	<u>R3</u>	<u>R4</u>
<u>Maximum permitted: (con't.)</u>		
FAR (percent)	45	45

Minimum required:

Lot area per dwelling unit (sq. ft.)	5,000	3,300
Lot width	60	60
Lot depth	100	100
Front yard*	25	20
Side yards		

Combined side yards	20	20
Smaller side yard	8	8
Rear yard	35	35
Building height to setback ratio (maximum)	3.0:1	3.0:1

Dimensions are in feet, unless otherwise noted.

*See section 17A-376.1.
(Ord. No. 77-1, § 2; Ord. No. 2006-07, § 7.)

Sec. 17A-267. Attached dwellings in R3 and R4 districts.

	<u>R3</u>	<u>R4</u>
<u>Maximum permitted:</u>		
Height		
Feet	35	35
Stories	3	3
Coverage (percent)	25	30
Building length	120	
FAR (percent)	45	45
<u>Minimum required:</u>		
Lot area		
Total area (acres)	3	
Required average lot area per dwelling (sq. ft.)*	4,000	3,000
Usable open space per dwelling unit (sq. ft.)	600	600
Required for lot of individual dwelling unit		
Width		
End lot	40	40
Interior lot	20	20
Depth	80	80
Front yard**	20	15
Side yards		
End lot, one side yard	20	20
Interior lot	-	-
Rear yard	25	25
Smaller side yard	8	8

Rear yard	35	35
Building height to setback ratio (maximum)	3.0:1	3.0:1
Required parking spaces		
Per dwelling unit	1	1
For accessory uses		
Per accessory	1	1
Professional office	1	1

*Part of this area may be provided as common land, directly accessible from the lot of each individual dwelling unit; provided, that the lot of each individual dwelling unit shall not be less than the minimum lot width and lot depth.

**See section 17-376.1.

Dimensions are in feet, unless otherwise noted.
(Ord. No. 77-1, § 2; Ord. No. 2006-07, § 8.)

Sec. 17A-268. Multiple dwellings in R3 and R4 districts.

	<u>R3</u>	<u>R4</u>
<u>Maximum permitted:</u>		
Height		
Feet	35	35
Stories	3	3
Coverage (percent)	30	30
FAR (percent)	45	45
<u>Minimum required:</u>		
Lot area		
Total area (acres)	3	
For each dwelling unit (sq. ft.)		
Lot area per number of habitable rooms:		
One or two	3,600	2,600
Three	4,000	3,000
Four	4,200	3,300
Each additional	200	200
Usable open space per number of habitable rooms (sq. ft.)		
One or two	200	200
Each additional	200	200
Front yard**	20	20

Side yards		
Combined side yards	40	30
Smaller side yard	20	15
Rear yard	35	25
Building height to setback ratio (maximum)	3.0:1	3.0:1
	<u>R3</u>	<u>R4</u>
<u>Minimum required:</u> (con't.)		
Required parking spaces		
Per dwelling unit	1 1/2	1 1/2
Per accessory professional office	1	1

**See section 17-376.1.

Dimensions are in feet, unless otherwise noted.
(Ord. No. 77-1, § 2; Ord. No. 2006-07, § 9.)

Subdivision VI. AH District

Sec. 17A-268.1. Use, bulk, and other development regulations.

(a) Permitted uses. Within the AH zoning district the following uses shall be permitted.

(1) Principal permitted uses. Buildings may be erected or used and the tract may be used for age-restricted low and moderate income multi-family housing restricted to persons sixty-two years of age and older, adults with disabilities, and a manager's dwelling unit that need not be age-restricted. "Multi-family housing" is defined as a building containing at least three units, each unit sharing with another unit or units one or more vertical or horizontal common walls.

(2) Accessory uses. Multi-family housing management office, common rooms, kitchen and dining facilities, laundry rooms, maintenance and storage areas, congregate services for residents, off-street parking, recreation facilities, street furniture, home occupations, fences and walls, signs, satellite dishes, storm water management facilities, greenways, open space, and other customary uses which are clearly incidental to the principal use and buildings.

(b) Gross density. The permitted gross density in the AH zoning district shall be forty dwelling units per acre. Density shall be calculated using the entire tract size irrespective of individual lot area.

(c) Minimum tract size. The minimum tract size shall be the AH zoning district designated on the revised Zoning Map of the Borough of Princeton.

(d) Mandatory set aside for affordable housing. Subdivision and site plan approvals for developments within the district may only be approved if all of the dwelling units are age restricted affordable units, or units restricted to income eligible disabled adults, with the exception of a manager's dwelling unit, as defined in this article.

(e) Development requirements. For the purposes of determining compliance with this section, individual interior lot lines within the zone designation shall not be considered when determining setbacks. All measurements shall be taken from the boundary of the tract.

- | | | |
|-----|-------------------------------------|-------------------------------------|
| (1) | Maximum floor area ratio: | 0.60 |
| (2) | Minimum yard requirements: | |
| | From property zoned R-1 | 0 |
| | From property in Princeton Township | 0 |
| (3) | Maximum impervious coverage: | 65% |
| (4) | Maximum building height: | three stories not to exceed 45 feet |
| (5) | Parking requirement: | 0.5 parking spaces per unit |

(f) Site improvements. Streets, parking, water supply, sanitary sewers, storm water management facilities and other site improvements shall be subject to the New Jersey Department of Community Affairs, Residential Site Improvement Standards ("RSIS") as set forth in N.J.A.C. 5:21. An alternative off-street parking standard pursuant to N.J.A.C. 5:21-4.14(c), which shall be 0.5 parking spaces per unit, will be used due to the demonstrated reduced need for off-street parking by residents of age-restricted low and moderate income housing.

(g) Unnecessary cost generating features. In order to eliminate unnecessary cost generating features for affordable housing developments, as required by the Fair Housing Act, N.J.S.A. 52:27D-314b, any development in the AH zoning district shall be entitled to the rights and relief provided in the rules of the New Jersey Council on Affordable Housing for inclusionary development and as set forth in N.J.A.C. 5:93-10.1(b). (Ord. No. 2003-9, § III.)

Subdivision VII. R4A Districts.

Sec. 17A-268.2. Generally.

In the R4A district, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 2006-21, § 1.)

Sec. 17A-268.21. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Residential uses.

- (1) One-family dwellings.
- (2) Two-family dwellings.
- (3) Attached dwellings.
- (4) Multiple dwellings.

(b) Nonresidential uses.

- (1) Public parks and playgrounds.

(c) Accessory uses.

(1) Accessory signs, as permitted in division 6, subdivision I, part 2 of this article.

(2) Accessory parking spaces and other accessory uses as permitted in the R1 district including secondary residences, subject to the limitations set forth in R1 districts, section 17A-228: except that within a dwelling other than a one-family dwelling only one room may be rented for residential purposes, for occupancy by not more than two persons; and no secondary residence shall be permitted.

(Ord. No. 2006-21, § 1.)

Sec. 17A-268.22. Conditional uses.

The following additional uses may be authorized as conditional uses, subject to the provisions of section 17A-208, and to the bulk regulations, parking requirements and other regulations referred to or set forth below:

(a) Nonresidential uses.

- (1) Churches and other places of worship.
- (2) Public schools, and private schools not operated for profit.
- (3) Private parks and playgrounds.

(4) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208.

(Ord. No. 2006-21, § 1.)

Sec. 17A-268.23. Other use regulations.

All uses permitted under the provisions of sections 17A-268.21 and 17A-268.22 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, 17A-366 and 17A-373. (Ord. No. 2006-21, § 1.)

Sec. 17A-268.24. Mandatory set-aside for affordable housing.

(a) Subdivision and site plan approvals for residential developments within the district may only be approved if at least twenty percent of the units are affordable units meeting the standards in section 17A-202.2. (Ord. No. 2006-21, § 1.)

Sec. 17A-268.25. Bulk regulations.

The bulk regulations contained in this part apply to all buildings and land in R4A districts. (Ord. No. 2006-21, § 1.)

Sec. 17A-268.26. Residential buildings.

	For one- family <u>dwellings</u>	For two- family <u>dwellings</u>	For attached <u>dwellings</u>	For multiple <u>dwellings</u>
<u>Maximum permitted</u>				
Height				
Feet	35	35	35	35
Stories	3	3	3	3
Coverage (percent)	30	30	30	30
FAR	40	45	45	45
<u>Minimum required</u>				
Lot area (sq. ft.)				
For each dwelling	6,000	3,300	3,000*	
Per number of habitable rooms, each dwelling unit				
One or two				2,600
Three				3,000
Four				3,300
Each additional				200
Usable open space (sq. ft.)				
For each dwelling unit			600	
Per number of habitable rooms, each dwelling unit				
One or two				200
Each additional				200

Lot width	60	60		
End lot			40**	
Interior lot			20**	
Lot depth	100	100	80**	
Front yard	25	20	15**	20
Side yards				
Combined side yards	20	20		30
Smaller side yard	8	8		15
End lot, one side yard			20**	
Rear yard	35	35	25**	25
		For	For	For
		one-	two-	attached
		family	family	<u>dwellings</u>
		<u>dwellings</u>	<u>dwellings</u>	<u>dwellings</u>
Building height to setback ratio (maximum)	3.0:1	3.0:1	n/a	n/a
Maximum number of units per structure	n/a	n/a	6	12

*For attached dwellings, parts of the lot area may be provided as common land, directly accessible from the lot of each individual dwelling unit; provided, that the lot of each individual dwelling unit shall have not less than the minimum lot width and lot depth.

**For lot of individual dwelling unit.

Dimensions are in feet, unless otherwise noted.
(Ord. No. 2006-21, § 1.)

Sec. 17A-268.27. Nonresidential buildings.

For churches and other places of worship, public and private schools:

- (a) The height shall not exceed four stories or fifty feet.
- (b) The coverage shall not exceed thirty percent.
- (c) No building shall be erected less than fifty feet from any street line or lot line.

(Ord. No. 2006-21, § 1.)

Sec. 17A-268.28. Other bulk regulations.

(a) The additional bulk regulations set forth in division 6, subdivision II of this article and in section 17A-403 shall apply in the R4A zone.

(b) Wherever property in the R4A zone directly abuts a property in the R-3 zone a buffer area of thirty-five feet in width must be provided. Within the required buffer

area, a solid and continuous landscape screen shall be planted and maintained, and the remaining area of the buffer shall be appropriately planted. Such landscaping shall consist of a mixture of evergreen and deciduous trees and shrubs of such species and size as will provide a screen at least eight feet in height within two growing seasons.

(c) Setbacks along a cemetery may be reduced to eight feet.
(Ord. No. 2006-21, § 1.)

Sec. 17A-268.29. Off-street parking requirements.

In the R4A districts, accessory off-street parking spaces, open or enclosed shall be provided for all new construction in accordance with the regulation set forth and referred to in this part. All such parking spaces shall be subject to the provisions of division 6, subdivision III of this article off-street parking may be provided in a structured parking facility within one thousand feet of the zone line, on an adjacent lot in an adjoining municipality if in common ownership.

Sec. 17A-268.30. Required parking - Residential uses generally.

	For one-family <u>dwellings</u>	For two- family <u>dwellings</u>	For attached <u>dwellings</u>	For multiple <u>dwellings</u>
<u>Required parking spaces</u>				
Per dwelling unit	1.0	1.5	1.0	1.5
For accessory uses				
Per rented room	1	1	1	
Per accessory professional office	1	1	1	1

(Ord. No. 2006-21, § 1.)

Sec. 17A-268.31. Same - Nonresidential uses.

<u>For:</u>	<u>At least one parking space for each:</u>
(a) Public and private secondary schools	4 seats or students
(b) Public and private elementary schools	12 seats or students
(c) Places of worship	200 square feet of floor area but not less than one space for each five seats, where provided.

For any other permitted buildings and uses, for which no requirements are set forth above, appropriate and comparable off-street parking requirements shall be determined by the planning board, taking into consideration the amount of traffic to be

generated thereby, the likelihood of all day or short term use of parking spaces, and the location and the availability of other means of access and other factors affecting the amount of traffic likely to be generated and the need for parking.
(Ord. No. 2006-21, § 1.)

Division 4. Business Districts.

Subdivision I. Residence-Office (RO) Districts.

Part 1. Use Regulations.

Subdivision VIII. Mixed Use (MX) District.

Sec. 17A-268.32. Generally.

In the mixed use (MX) district, land and buildings may be used for the purposes set forth in this part. (Ord. No. 2008-18, § 1.)

Sec. 17A-268.33. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

- (a) Residential uses.
 - (1) One-family dwellings.
 - (2) Two-family dwellings.
 - (3) Attached dwellings.
 - (4) Multiple dwellings.
 - (5) Combined dwellings - combinations of the above housing types within the same building.
 - (6) Age restricted housing intended for, and solely occupied by, persons sixty-two years of age or older. No more than thirty of the units in the MX zone may be age restricted.
- (b) Nonresidential uses.
 - (1) Public parks and playgrounds.
 - (2) Private parks and playgrounds.

(3) Public buildings, not-for-profit community service organizations offering on-site social and/or recreational programs available to the Princeton community, and nursing homes.

(c) Accessory uses.

(1) Accessory signs, as permitted in division 6, subdivision I, part 2 of this article.

(2) Accessory parking spaces.

(3) Other accessory uses as permitted in the R1 district including secondary residences, subject to the limitations set forth in R1 districts, section 17A-228: except that within a dwelling other than a one-family dwelling only one room may be rented for residential purposes, for occupancy by not more than two persons; and no secondary residence shall be permitted.

(4) Parking garages of no more than three stories above grade. Parking garages shall not be included in calculating a lot's building coverage.

(5) Accessory facilities to residential developments, including community rooms, recreational facilities, management offices, service and storage facilities, and such other facilities commonly associated with multifamily residential use occupying no more than twenty percent of the aggregate habitable area of the residential buildings.

(Ord. No. 2008-18, § 1.)

Sec. 17A-268.34. Conditional uses.

The following additional uses may be authorized as conditional uses, subject to the provisions of section 17A-208, and to the bulk regulations, parking requirements and other regulations referred to or set forth below:

(a) Nonresidential uses.

(1) Churches and other places of worship.

(2) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208.

(Ord. No. 2008-18, § 1.)

Sec. 17A-268.35. Other use regulations.

All uses permitted under the provisions of sections 17A-268.21 and 17A-268.22 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, 17A-366 and 17A-373. (Ord. No. 2008-18, § 1.)

Sec. 17A-268.36. Permitted gross density for residential development.

- (a) The permitted gross density for a project in the MX zone for residential development shall be fourteen dwelling units per acre.
- (b) Any applicant who develops age restricted housing in the MX zone shall be entitled to a density bonus of one market unit for each age restricted unit up to a maximum of thirty additional bonus units.
- (c) One-half of the age-restricted market rate units constructed within the zone shall be marketed with an equal preference as follows:
- (1) To current residents of the Borough and Township of Princeton;
 - (2) To parents and children of current residents of the Borough and Township of Princeton;
 - (3) To persons who were either residents of the Borough or Township of Princeton within the last five years of the date of the adoption of this ordinance;*
 - (4) To current, active emergency service volunteers of the fire department and the first aid and rescue squads;
 - (5) To current employees of the Borough of Princeton , Township of Princeton, Princeton Public Library, Princeton Regional Board of Education or employees of any of the Joint Borough and Township of Princeton Municipal Agencies.

This preference for the sale or rental of the age restricted units shall take place through the date the developer issues its final construction documents and receives one-half of its construction permits for the development.

In providing this preference, the developer shall maintain two reservation lists. One list shall contain those qualifying for the above referenced preference. A second list shall be maintained for all others expressing an interest in purchasing or renting a unit from the developer. While the aforementioned preference is in effect, the developer may only offer binding contracts to those qualifying for the preference. After the preference period has expired, the developer then may offer binding agreements to any potential purchaser or renter without preference. The Borough of Princeton retains the right to review any marketing plans that the developer has to reach the Princeton preference buyer or renter.
(Ord. No. 2008-18, § 1.)

Sec. 17A – 268.37. Maximum nonresidential development.

The maximum amount of nonresidential development in the MX zone shall not exceed a total of one hundred twenty-five thousand square feet excepting seventy-five thousand square

feet for a nursing home. Parking garages providing either public or private parking shall not be included in this calculation. (Ord. No. 2008-18, § 1.)

Sec. 17A-268.38. Mandatory set aside for affordable housing.

(a) Subdivision and site plan approvals for all residential developments including age restricted housing within the district may only be approved if at least twenty percent of the units are affordable units which meet the standards for low and moderate income units as defined in the Council of Affordable Housing rules, regulations and marketing requirements and comply with the Borough of Princeton's land use requirements.

(b) Subdivision and site plan approvals for nonresidential developments within the district may only be approved if the nonresidential development complies with Borough of Princeton's Land Use Ordinance requirements for nonresidential development. (Ord. No. 2008-18, § 1.)

Sec. 17A-268.39. General regulations for residential development.

(a) It is not the intent of this zone to prescribe the form of ownership for the dwelling units in the MX zone. However, for purposes of regulating the location of buildings within the MX zone it is necessary to prescribe lot sizes, dimensions and setbacks. In developments 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 the prescribed lot standards if imaginary lot lines were superimposed on the development.

(b) In the MX zone, there shall be a mix of at least three dwelling unit types consisting of single-family, two-family, attached dwellings and multiple dwellings or a combination of these housing types within the same building. Reasonable efforts shall be made to insure that the proposed development is compatible with adjacent land uses.

(c) Any residential development in the MX zone must provide at least two means of vehicular access to the proposed development.

(d) At least twenty-five percent of the site shall be devoted to common open space. The following, or the land under the following, shall not be considered common open space: streets, driveways and parking areas, and the lot areas of privately owned individual subdivided lots. All other areas, including all undeveloped land, plazas, outdoor recreational areas and other open areas available for the use of the residents of the development shall be considered common open space. In developments where dwelling units are not located on individually owned lots the common area between units may be counted toward meeting the common open space requirements.

(e) Reasonable efforts shall be made to preserve and protect natural wooded areas as part of any development's open space.

(f) If uses other than a one-family or two-family dwelling abut the R-4 or R-1 zones a forty foot landscaped buffer must be provided.

(g) Sidewalk and bicycle paths shall be provided so as to connect pedestrian and bicycle circulation systems already developed adjacent to the tract. Pedestrian and bicycle circulation systems should be designed in a manner to reduce actual boundaries between the properties in the zone as well as to the adjacent residential uses.

(h) All areas not occupied by buildings, plazas or parking areas shall be suitably landscaped. Shade trees shall be provided along walks, driveways and parking areas.

(i) The minimum tract size shall be five acres.

(j) All residential units shall be handicapped accessible/adaptable to the extent required by the New Jersey Barrier Free Subcode of the Uniform Construction Code, The Council of Affordable Housing or the Federal Fair Housing Act in addition to any other governing statute/regulation. When a unit is required to be adaptable, the term "adaptable" shall mean that the dwelling unit has:

(1) An accessible entrance (including the landing level area extending for latch side pull side or push side clearances.)

(2) An accessible route of travel into and throughout the unit.

(3) An adaptable kitchen on the first level.

(4) An adaptable bath on the first level.
(Ord. No. 2008-18, § 1.)

Sec. 17A-268.40. Bulk regulations residential buildings.

	<u>For one- family dwellings</u>	<u>For two- family dwellings</u>	<u>For attached dwellings</u>	<u>For multiple dwellings</u>	<u>For combined dwellings</u>
<u>Maximum permitted</u>					
Height					
Feet	35	35	35	45	40
Stories	2.5	2.5	2.5	3	3
Coverage	30	30	45	60	60
(percent)					
Lot area per dwelling unit (square feet)	6,000	3,300	3,000	n/a	n/a
<u>Minimum required*</u>					
Lot area per dwelling unit (square feet)	3,000	2,000	2,000	n/a	n/a

Lot frontage	35	25	20	100	20
Lot depth	80	80	80	n/a	80
Front yard	15	15	15	25	15
Rear yard	25	25	25	30	25
Side yard	5	**	**	20	**
Maximum number of units per structure	n/a	n/a	6	24	12

Garages:

Front loaded attached (front yard measured from street right-of-way or sidewalk whichever is closer)	20	20	20	n/a	n/a
	<u>For one-family dwellings</u>	<u>For two-family dwellings</u>	<u>For attached dwellings</u>	<u>For multiple dwellings</u>	<u>For combined dwellings</u>
Side-loaded garage	10	10	10	n/a	n/a
Front-loaded detached	20	20	20	n/a	n/a

* Front, rear and side yard setbacks shall be measured from the right-of-way line for public roads and from the edge of pavement for private roads.

** Interior lots (both) zero feet; end units (one) five feet.

Dimensions are in feet, unless otherwise noted.
(Ord. No. 2008-18, § 1.)

Sec. 17A-268.41. Arrangement of buildings.

(a) Reasonable efforts shall be made to site structures on the least environmentally vulnerable land as determined by the information submitted as required in section 17A-198 (Environmental information statement).

(b) Structures may be sited in one or more clusters in a manner most appropriate to the natural features and critical areas of the tract.

(c) Each dwelling unit shall be located so that it is accessible by police, firefighting and emergency vehicles.

(d) Each dwelling unit location shall be reasonably related to the appurtenant parking areas or shall have a guaranteed parking space in the MX zone.

(e) Attached, combined, and multifamily structures shall not have a length in excess of one hundred eighty feet and shall be designed with offsets or other architectural features so as to provide breaks in the linear plane of the structure.

(f) Multifamily and combined structures shall provide for variety in roof height and avoid the appearance of one continuous three-story structure. Developers are encouraged to include buildings which have both two and three story portions.
(Ord. No. 2008-18, § 1.)

Sec. 17A-268.42. Bulk regulations nonresidential buildings.

(a) The height shall not exceed three stories or fifty feet.

(b) The minimum tract size shall be forty thousand square feet.

(c) The minimum building setback from any street line or property line shall be twenty-five feet.

(d) The minimum parking setback shall be fifty feet from a public street and twenty feet from a residential use.

(e) Building coverage shall not exceed thirty percent. Parking garages shall not be included in calculating a lot's building coverage.

(f) A forty thousand square foot open space area suitable for active recreation must be provided.

(g) Any nonresidential development lot must have frontage on two major collector roadways, or higher classification, as identified in the Princeton Community Master Plan.

(h) Wherever a nonresidential building abuts a residential use a forty foot landscape buffer must be provided which shall include evergreen landscape material and fencing.

(i) Sidewalk and bicycle paths shall be provided so as to connect pedestrian and bicycle circulation systems already developed adjacent to the tract. Pedestrian and bicycle circulation systems should be designed in a manner to reduce actual boundaries between the properties in the zone as well as to the adjacent residential uses.

(j) All areas not occupied by buildings or parking areas shall be suitably landscaped. Shade trees shall be provided along walks, driveways and parking areas.
(Ord. No. 2008-18, § 1.)

Sec. 17A-268.43. Arrangement of nonresidential buildings.

(a) Reasonable efforts shall be made to site structures on the least environmentally vulnerable land as determined by the information submitted as required in section 17A-198 (Environmental information statement).

(b) Structures shall provide for variety in roof height and avoid the appearance of one continuous three-story structure to the extent practical.
(Ord. No. 2008-18, § 1.)

Sec. 17A-268.44. Bulk regulations conditional uses.

(a) Any conditional use must have direct access to two major collector roadways, or higher classification, as identified in the Princeton Community Master Plan.

(b) The height shall not exceed three stories or fifty feet.

(c) The lot coverage shall not exceed thirty percent.

(d) No building shall be erected less than fifty feet from any street line or lot line.

(e) The minimum parking setback shall be fifty feet from a public street, twenty feet from a residential use.

(f) Wherever a nonresidential use abuts a residential use a forty foot landscape buffer must be provided which shall include evergreen landscape material and fencing.

(g) Sidewalk and bicycle paths shall be provided so as to connect pedestrian and bicycle circulation systems already developed adjacent to the tract. Pedestrian and bicycle circulation systems should be designed in a manner to reduce actual boundaries between the properties in the zone as well as to the adjacent residential uses.

(h) All areas not occupied by buildings or parking areas shall be suitably landscaped. Shade trees shall be provided along walks, driveways and parking areas.
(Ord. No. 2008-18, § 1.)

Sec. 17A-268.45. Off-street parking requirements.

In the MX zone, accessory off-street parking spaces, open or enclosed shall be provided for all new construction in accordance with the regulation set forth and referred to in this part. All such parking spaces shall be subject to the provisions of division 6, subdivision III of this article. (Ord. No. 2008-18, § 1.)

Sec. 17A-268.46. Required parking—Residential uses generally.

	For one- family <u>dwelling</u> s	For two- family <u>dwelling</u> s	For attached <u>dwelling</u> s	For multiple <u>dwelling</u> s	For combined <u>dwelling</u> s
<u>Required parking spaces</u>					

Per dwelling unit	1.0	1.5	1.0	1.5	1.0
For accessory uses					
Per rented room	1	1	1		
Per accessory professional office	1	1	1	1	1

(Ord. No. 2008-18, § 1.)

Sec. 17A-268.47. Same nonresidential uses.

<u>For:</u>	<u>At least one parking space for each:</u>
(a) Public and private secondary schools	6 seats or students
(b) Public and private elementary schools	12 seats or students
(c) Places of worship	200 square feet of floor area but not less than one space for each five seats, where provided.
(d) Not-for-profit community organizations	500 square feet of floor area

For any other permitted buildings and uses, for which no requirements are set forth above, appropriate and comparable off-street parking requirements shall be determined by the planning board, taking into consideration the amount of traffic to be generated thereby, the likelihood of all day or short term use of parking spaces, and the location and the availability of other means of access and other factors affecting the amount of traffic likely to be generated and the need for parking.

(Ord. No. 2008-18, § 1.)

Sec. 17A-269. Generally.

In RO districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 77-1, § 2; Ord. No. 97-2, § I.)

Sec. 17A-270. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

- (a) Residential uses.
 - (1) One-family dwellings.

- (2) Two-family dwellings.
- (3) Attached dwellings.
- (4) Multiple dwellings.
- (5) Rooming houses.
- (6) Medical and dental offices.

(b) Nonresidential uses.

- (1) Churches and other places of worship.
- (2) Public schools, and private schools not operated for profit.
- (3) Parks, playgrounds and public buildings.
- (4) Office buildings.
- (5) Parking garages and other off-street parking spaces, open or enclosed, subject to the provisions of division 6, subdivision III of this article.

(c) Mixed uses.

- (1) Joint-occupancy buildings; provided, that:

a. The residential portion shall have an entrance upon a street, either directly or via an unobstructed passage at least ten feet in width, ten feet in height and with a maximum depth of thirty-five feet.

b. No floor may be used for both residential and business use unless a separate entrance, hallway and stairway provide direct access from the street to each use.

(d) Accessory uses.

(1) Accessory signs, as permitted in division 6, subdivision I, part 2 of this article.

(2) Accessory parking spaces and other accessory uses, subject to the limitations set forth in R1 districts, section 17A-228; except, that within a dwelling unit other than a one-family dwelling, only one room may be rented for residential purposes, for occupancy by not more than two persons.
(Ord. No. 77-1, § 2; Ord. No. 97-16, § I.)

Sec. 17A-271. Conditional uses.

The following additional uses may be authorized as conditional uses, subject to the provisions of section 17A-208 and to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Residential and mixed uses.

(1) Conversion of a residential building in existence on November 19, 1968, to a joint occupancy building, or that conversion of a part of the residential portion of a joint occupancy building to an office or other nonresidential use; provided that:

a. No structural alterations or other construction shall create a new noncompliance or increase the degree of noncompliance.

b. The same number of parking spaces shall be provided for such conversions as are required for new construction of similar buildings.

c. In the case of conversion to a joint occupancy building, at least twenty square feet of usable open space shall be provided for each habitable room.

(b) Nonresidential uses.

(1) Conversion of a residential or joint occupancy building to an office or other nonresidential building; provided, that:

a. No structural alterations or other construction shall create a new noncompliance or increase the degree of noncompliance.

b. The same number of parking spaces shall be provided for such conversions as are required for new construction of similar buildings.

(2) Nursing homes and private schools operated for profit.

(3) Educational institutions.

(4) Clubhouses, except for clubs whose principal activity is usually carried on as a business.

(5) Railroad and public utility buildings, installations and rights-of-way needed to serve the general welfare of all or a significant part of the community; provided, that the planning board determines that no other reasonable location in a less restricted business district can be used for the purpose contemplated.

(6) Amateur radio receiving and transmitting towers over fifteen feet but less than fifty feet in height; provided, that any such tower shall not be located closer to any lot line or street line than its height, and in no event within a front yard or side yard.

(7) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208. (Ord. No. 77-1, § 2; Ord. No. 79-5, § 3; Ord. No. 95-21, § I; Ord. No. 98-9, § I.)

Sec. 17A-272. Other use regulations.

All uses permitted under the provisions of sections 17A-270 and 17A-271 shall be subject to the additional use regulations set forth in section 17A-364, 17A-365, 17A-366 and 17A-373. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 2. Bulk Regulations.

Sec. 17A-273. Generally.

The bulk regulations contained in this part apply to all buildings and land in RO districts. (Ord. No. 77-1, § 2.)

Sec. 17A-274. Residential buildings, joint occupancy buildings and rooming houses.

	<u>For one-family dwellings</u>	<u>For two-family dwellings</u>	<u>For attached dwellings</u>	<u>For multiple dwellings</u>	<u>For joint occupancy buildings and rooming houses</u>
<u>Maximum permitted</u>					
Floor area ratio	-	-	-	0.9	0.6
Height					
Feet	35	35	35	35	35
Stories	3	3	3	3	3
Coverage (per- cent)	30	30	30	30	30
<u>Minimum required</u>					
For each dwelling unit					
Lot area (sq. ft.)	6,000	3,300	3,000*		
Per no. of habitable rooms:					
One or two				1,500	1,500
Three				2,000	2,000
Four				2,600	2,600
Each additional				800	800
Usable open space (sq. ft.)			600		

Per number of habitable rooms:

One or two				200	200
Each additional				200	200
					For joint occupancy buildings and rooming houses
		For one-family dwellings	For two-family dwellings	For attached dwellings	For multiple dwellings
Lot width		60	60		
End lot		40**			
Interior lot		20**			
Lot depth	100		100	80**	
Front yard		25	20	15	15
Side yards					
Combined side yards		20	20	30	25
Smaller side yard		8	8	15	10
End lot, one side yard		20**			
Rear yard		35	35	25**	25

*For attached dwellings, part of this lot area may be provided as common land, directly accessible from the lot of each individual dwelling unit; provided, that the lot of each individual dwelling unit shall have not less than the minimum lot width and lot depth.

**For lot of individual dwelling units.

Dimensions are in feet, unless otherwise noted.

(Ord. No. 77-1, § 2.)

Sec. 17A-275. Nonresidential buildings.

	<u>For offices and other nonresidential buildings</u>	<u>For parking garages</u>
<u>Maximum permitted</u>		
Floor area ratio	.6	3
	<u>For offices and other nonresidential buildings</u>	<u>For parking garages</u>
<u>Maximum permitted</u>		

Height		
Feet	35	35
Stories	3	-
Coverage (percent)	30	80
<u>Minimum required</u>		
Front yard	15	15
Side yards		
Side yard	10	10
Side yard abutting lot in R1, R2, R3 or R4 districts	15	15
Side yard abutting lot in CB district	*	*
Rear yards		
Rear yard	20	20
Rear yard abutting lot in CB district	*	*
R1, R2, R3 or R4 districts	20	20

No yard required. However, if a yard is provided, it shall be not less than ten * feet.

Dimensions are in feet, unless otherwise noted.
(Ord. No. 77-1, § 2.)

Sec. 17A-276. Other bulk regulations.

The additional bulk regulations contained in division 6, subdivision II of this article, with the exception of section 17A-379 and section 17A-395, shall also apply in RO districts. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3; Ord. No. 97-2, § I.)

Part 3. Off Street Parking and Loading Requirements.

Sec. 17A-277. Generally.

In RO districts, accessory off-street parking spaces, open or enclosed, 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. All such parking spaces and loading berths shall be subject to the provisions of division 6, subdivision III of this article. (Ord. No. 77-1, § 2; Ord. No. 83-25, § 6; Ord. No. 97-2, § I.)

Sec. 17A-278. Required parking - Residential buildings and dwelling units in joint occupancy buildings.

	<u>For one-family dwellings</u>	<u>For two-family dwellings</u>	<u>For attached dwellings</u>	<u>For multiple dwellings</u>	<u>For joint occupancy buildings</u>
<u>Required parking spaces</u>					
Per dwelling unit 1		1-1/2	1	1-1/2	1-1/2
For accessory uses					
Per rented room 1		1	1	-	-
Per accessory professional officer 1	1	1	1	1	1

(Ord. No. 77-1, § 2.)

Sec. 17A-279. Same - Rooming houses and nonresidential uses.

For: At least one parking space for each:

- (a) Public and private secondary schools 6 seats or students.
- (b) Public and private elementary schools 12 seats or students.

For: At least one parking space for each:

- (c) Places of worship, libraries 200 square feet of floor area, but not less than one space for each five seats, where provided.
- (d) Hospitals 1 bed.
- (e) Nursing homes and philanthropic institutions 3 beds.
- (f) Rooming houses Guest room.
- (g) Office buildings 300 square feet of floor area on ground floor.
450 square feet of floor area on other floors.

For any other permitted building and uses, for which no requirements are set forth above, appropriate and comparable off-street parking requirements shall be determined by the planning board, taking into consideration the amount of traffic to be generated thereby, the likelihood of all day or short term use of parking spaces, the

location and the availability of other means of access and other factors affecting the amount of traffic likely to be generated and the need for parking.
(Ord. No. 77-1, § 2.)

Sec. 17A-280. Required loading for nonresidential uses.

Accessory loading berths, open or enclosed, shall be provided for nonresidential uses, except churches, as follows:

- | | | |
|-----|--|---------------------|
| (a) | For floor area of 10,000 to 25,000 square feet | 1 berth. |
| (b) | For each additional 75,000 square feet of floor area or fraction thereof | 1 additional berth. |

(Ord. No. 77-1, § 2.)

Subdivision II. Reserved.

Secs. 17A-281 - 17A-282. Reserved.*

Subdivision III. Residence-Business (RB) Districts.

Part 1. Use Regulations.

Sec. 17A-283. Generally.

In RB districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 77-1, § 2.)

Sec. 17A-284. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

- (a) Residential uses.
 - (1) One-family dwellings.
 - (2) Two-family dwellings.
 - (3) Attached dwellings.
 - (4) Multiple dwellings.
 - (5) Rooming houses.
- (b) Nonresidential uses.

* **Editor's Note:** Former sections 17A-281 and 17A-282, previously codified herein and containing portions of Ordinance No. 77-1, was repealed in its entirety by Ordinance No. 97-2.

- (1) Churches and other places of worship.
- (2) Public schools, and private schools not operated for profit.
- (3) Parks and playgrounds.

(c) Mixed uses.

- (1) Joint occupancy buildings, provided, that:

a. The residential portion shall have a direct entrance upon a street, either directly or via an unobstructed passage at least ten feet in width and fifteen feet in height.

b. No floor shall be used for both residential and business use, unless a separate entrance, hallway and stairway provides direct access from the street to each use.

c. Business uses shall not occupy more than forty percent of the aggregate floor area of the building and shall not be located above the ground floor.

- d. Permitted business uses shall be limited to the following:

1. Offices.
2. Retail stores and bakeries, excluding automotive sales or service establishments.
3. Eating and drinking places.
4. Barbershops, beauty parlors, tailors, dressmakers and millinery shops, photographic studios, shoe repair, shoeshine and hat cleaning shops, and similar personal service stores dealing directly with consumers.
5. Studios for dancing and music instruction.
6. Private vocational and trade schools.
7. Outlets and pick-up stations for laundries and cleaning establishments.
8. Radio and television repair, locksmith, watch, clock and jewelry repair, upholstery and furniture repair, and other similar service establishments, furnishing services other than of a personal nature, but not including gasoline filling stations and other automotive services.
9. Medical and dental offices.

(d) Accessory uses.

(1) Accessory signs, as permitted in division 6, subdivision I, part 2 of this article.

(2) Accessory parking spaces and other accessory uses, subject to the limitations set forth in R1 districts, section 17A-228; except, that within a dwelling unit other than a one-family dwelling, only one room may be rented for residential purposes, for occupancy by not more than two persons.

(3) Other accessory uses, as defined in section 17A-201.
(Ord. No. 77-1, § 2; Ord. No. 97-16, § I.)

Sec. 17A-285. Conditional uses.

The conditional use regulations in the RB districts are the same as in the RO district, section 17A-271; except, (a) the portion of a residential building converted to nonresidential use shall not exceed more than forty percent of the aggregate floor area of the building and shall not be located above the ground floor, and (b) that public buildings are also permitted as a conditional use. (Ord. No. 77-1, § 2; Ord. No. 83-25, § 2.)

Sec. 17A-286. Other use regulations.

All uses permitted under the provisions of sections 17A-284 and 17A-285 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, 17A-366, and 17A-373. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 2. Bulk Regulations.

Sec. 17A-287. Generally.

The bulk regulations for uses permitted as of right and for conditional uses in RB districts are the same as the bulk regulations in RO districts, set forth in subdivision I, part 2 of this division; except that the bulk regulation for parking garages are not applicable. (Ord. No. 77-1, § 2.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-288. Generally.

The off-street parking and loading requirements in RB districts are the same as in RO districts, as set forth in subdivision I, part 3 of this division. (Ord. No. 77-1, § 2.)

Sec. 17A-289. Requirements for conversions to certain nonresidential uses.

Requirements for off-street parking and loading in RB districts shall apply in the case of conversions to any of the following uses: Eating and drinking places; vocational and

trade schools; and studios for dancing or musical instruction. These requirements are the same as in the NB districts. (Ord. No. 77-1, § 2.)

Subdivision IV. Neighborhood Business (NB) Districts.

Part 1. Use Regulations.

Sec. 17A-290. Generally.

In NB districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 77-1, § 2.)

Sec. 17A-291. Uses permitted as of right - Generally.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Residential uses.

- (1) One-family dwellings.
- (2) Two-family dwellings.
- (3) Attached dwellings.
- (4) Multiple dwellings.
- (5) Rooming houses.

(b) Nonresidential uses.

- (1) Churches and other places of worship.
- (2) Public schools and private schools not operated for profit.
- (3) Parks, playgrounds and public buildings.
- (4) Office buildings.
- (5) Banks.
- (6) Parking garages and other off-street parking spaces, open or enclosed, subject to the provisions of division 6, subdivision III of this article.
- (7) Medical and dental offices.

(c) Mixed uses.

- (1) Joint occupancy buildings; provided, that:

a. The residential portion shall have an entrance upon a street, either directly or via an unobstructed passage at least ten feet in width and ten feet in height, and with a maximum depth of thirty-five feet.

b. No floor may be used for both residential and business uses, unless a separate entrance, hallway and stairway provides direct access from the street to each use.

(d) Accessory uses.

(1) Accessory signs, as permitted in division 6, subdivision I, part 2 of this article.

(2) Accessory parking spaces and other accessory uses, subject to the limitations set forth in R1 districts, section 17A-228, except, that within a dwelling unit other than a one-family dwelling, only one room may be rented for residential purposes, for occupancy by not more than two persons.

(Ord. No. 77-1, § 2; Ord. No. 97-16, § I.)

Sec. 17A-292. Same - Subject to floor area limitation.

The following uses are permitted as of right; provided, that not more than five thousand square feet of floor area per establishment shall be devoted to such use. Such uses shall be subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Nonresidential uses.

(1) Retail stores and bakeries, excluding automotive sales or service establishments.

(2) Eating and drinking places.

(3) Barbershops, beauty parlors, tailors, dressmakers and millinery shops, photographic studios, shoe repair, shoeshine and hat cleaning shops and similar personal service stores dealing directly with consumers.

(4) Studios for dancing and music instruction.

(5) Private vocational and trade schools.

(6) Outlets and pick-up stations for laundries and cleaning establishments.

(7) Self-service automatic laundry and dry cleaning establishments, containing a total of not more than thirty machines for washing, cleaning and drying. The use of flammable solvent is prohibited, except for the incidental removal of spots.

(8) Radio and television repair, locksmith, watch, clock and jewelry repair, upholstery and furniture repair and other similar service establishments furnishing services other than of a personal nature, but not including gasoline filling stations and other automotive services.
(Ord. No. 77-1, § 2.)

Sec. 17A-293. Conditional uses.

Bus stations, taxi offices, hotels and any conditional uses specified in RO districts, may be authorized as conditional uses subject to the provisions of section 17A-208 and to the bulk regulations, parking requirements and other regulations set forth or referred to in this article.

Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208. (Ord. No. 77-1, § 2; Ord. No. 98-9, § I.)

Sec. 17A-294. Other use regulations.

All uses permitted under the provisions of sections 17A-291, 17A-292 and 17A-293 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, 17A-366 and 17A-373. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 2. Bulk Regulations.

Sec. 17A-295. Generally.

The bulk regulations contained in this part apply to all buildings and land in NB districts. (Ord. No. 77-1, § 2.)

Sec. 17A-296. Residential uses.

The bulk regulations for permitted residential buildings, joint occupancy buildings and rooming houses are the same as in RO districts, section 17A-274. (Ord. No. 77-1, § 2.)

Sec. 17A-297. Nonresidential uses.

	<u>For offices</u>	<u>For other nonresidential uses</u>
<u>Maximum permitted</u>		
Floor area ratio	.06	.06
Height		
Feet	35	35
Stories	3	3

Coverage (percent)	30	40
<u>Minimum required</u>		
Front yard	15	15
Side yards		
Side yard	*	*
Side yard abutting lot in R1, R2, R3 or R4 districts	15	15
Rear yard		
Rear yard	20	20
Rear yard		
Rear yard abutting lot in R1, R2, R3 or R4 districts	20	75

*No yard required. However, if a yard is provided, it shall be not less than ten feet.

Dimensions are in feet, unless otherwise noted.
(Ord. No. 77-1, § 2.)

Sec. 17A-298. Other bulk regulations.

The additional bulk requirements contained in division 6, subdivision II of this article, with the exception of section 17A-379 shall also apply in NB districts. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-299. Generally.

In NB districts, accessory off-street parking spaces, open or enclosed, shall be provided for all construction and for conversions and accessory off-street loading berths, open or enclosed, shall be provided for all permitted nonresidential uses in accordance with the regulations set forth and referred to in this part. All such parking spaces and loading berths shall be subject to the provisions of division 6, subdivision III of this article. (Ord. No. 77-1, § 2; Ord. No. 83-25, § 7.)

Sec. 17A-300. Required parking - Residential buildings and dwelling units in joint occupancy buildings.

	For one- family dwelling	For two- family dwelling	For attached dwelling	For multiple dwelling	For joint occupancy dwelling
<u>Required parking spaces</u>					

Per dwelling unit	1	1-1/2	1	1-1/2	1-1/2
For accessory uses					
Per rented room	1	1	1		
Per accessory professional office	1	1	1	1	1

Sec. 17A-301. Same - Rooming houses and new nonresidential uses.

For: At least one parking space for each:

- (a) Public and private elementary schools 6 seats or students.
- (b) Public and private elementary schools 12 seats or students.
- (c) Places of worship, libraries 200 square feet of floor area, but not less than one space for each five seats, where provided.
- (d) Hospitals 1 bed.

For: At least one parking space for each:

- (e) Nursing homes and philanthropic institutions 3 beds.
- (f) Eating and drinking places 5 seats.
- (g) Hotels and rooming houses Guest room.
- (h) Retail, office and service business uses not listed above For ground floor: 300 square feet of floor area; for other floors: 450 square feet of floor area.

For any other permitted buildings and uses, for which no requirements are set forth above, appropriate and comparable off-street parking requirements shall be determined by the planning board, taking into consideration the amount of traffic to be generated thereby, the likelihood of all day or short-term use of parking spaces, the location and the availability of other means of access and other factors affecting the amount of traffic likely to be generated and the need for parking. (Ord. No. 77-1, § 2.)

Sec. 17A-302. Same - Conversions to nonresidential uses.

Requirements for off-street parking and loading shall apply in the case of conversion to any of the following uses: Eating and drinking places, theatres and places of assembly, vocational and trade schools and studios for dancing or musical instruction. (Ord. No. 77-1, § 2.)

Sec. 17A-303. Required loading for nonresidential uses.

Accessory loading berths, open or enclosed, shall be provided for nonresidential uses, except churches, as follows:

- (a) For floor area of 10,000 to 25,000 square feet 1 berth.
- (b) For each additional 75,000 square feet of floor area, or fraction thereof 1 additional berth.

(Ord. No. 77-1, § 2.)

Subdivision V. Central Business (CB) Districts.

Park 1. Use Regulations.

Sec. 17A-304. Generally.

In CB districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 77-1, § 2.)

Sec. 17A-305. Uses permitted as of right - Generally.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Residential uses.

- (1) One-family dwellings.
- (2) Two-family dwellings.
- (3) Attached dwellings.
- (4) Multiple dwellings.
- (5) Rooming houses.

(b) Nonresidential uses.

- (1) Churches and other places of worship.
- (2) Public schools, and private schools not operated for profit.
- (3) Parks, playgrounds and public buildings.
- (4) Office buildings, provided that the first story of any structure containing office or banks must consist of those nonresidential uses permitted, subject to floor area limitation, by section 17A-306(a)(1) to (10) and excluding offices and banks or

other financial uses. For purposes of this section, offices shall include, but shall not be limited to real estate brokers, stockbrokers, financial planner, insurance agencies and other service professionals.

(5) Banks, provided the first story of any structure containing offices or banks must consist of those nonresidential uses permitted, subject to floor area limitations by section 17A-306(a)(1) to (10) and excluding offices and banks or other financial uses.

(6) Parking garages and other off-street parking spaces, open or enclosed, subject to the provisions of (b) division 6, subdivision III of this article.

(7) Hotels.

(8) Theaters.

(9) Medical and dental offices, provided the first story of any structure containing medical and/or dental offices must consist of those nonresidential uses permitted, subject to floor area limitations by section 17A-306(a)(1) to (10) and excluding medical and/or dental offices.

(c) Mixed uses.

(1) Joint occupancy buildings; provided, that:

a. The residential portion shall have an entrance upon a street, either directly or via an unobstructed passage, at least ten feet in width and ten feet in height and with a maximum depth of thirty-five feet.

b. No floor may be used for both residential and business uses, unless a separate entrance, hallway and stairway provides direct access to each use.

(2) Planned commercial developments subject to the provisions of section 17A-306.1.

(3) Mixed uses are subject to the sue restrictions set forth in section 17A-305(b)(4) and (5).

(d) Accessory uses.

(1) Accessory signs, as permitted in division 6, subdivision I, part 2 of this article.

(2) Accessory parking spaces and other accessory uses, subject to the limitations set forth in R1 districts, section 17A-228; except, that within a dwelling unit other than a one-family dwelling, only one room may be rented for residential purposes, for occupancy by not more than two persons.

(e) Continuing care retirement community (CCRC). A continuing care retirement community (CCRC) within a planned commercial development regulated under the provisions of section 17A-306.1. (Ord. No. 77-1, § 2; Ord. No. 81-13, § 1; Ord. No. 81-24, § 2; Ord. No. 88-2, § 1; Ord. No. 95-20, § 2; Ord. No. 97-16, § I.)

Sec. 17A-306. Same--Subject to floor area limitation.

The following uses are permitted as of right; provided, that not more than ten thousand square feet of floor area per establishment shall be devoted to such use. Such uses shall be subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

- (a) Nonresidential uses.
- (1) Radio and television broadcasting.
 - (2) Blueprinting, photostating and similar business services.
 - (3) Retail stores and bakeries, excluding automotive sales or service establishments.
 - (4) Places serving food or food and drink, whether or not the food and drink served are to be consumed on the premises or elsewhere.
 - (5) Barbershops, beauty parlors, tailors, dressmakers and millinery shops, photographic studios, shoe repair, shoeshine and hat cleaning shops and similar personal service stores dealing directly with consumers.
 - (6) Studios for dancing and music instructions.
 - (7) Private vocational and trade schools.
 - (8) Outlets and pick-up stations for laundries and cleaning establishments.
 - (9) Self-service automatic laundry and dry cleaning establishments containing a total of not more than thirty machines for washing, cleaning and drying. The use of flammable solvent is prohibited, except for the incidental removal of spots.
 - (10) Radio and television repair, locksmith, watch, clock and jewelry repair, upholstery and furniture repair and other similar service establishments, furnishing services other than of a personal nature, but not including gasoline filling stations and other automotive services.
 - (11) Newspaper reporting and distribution activities, open to the general public.

(12) Non-profit philanthropic agencies providing services to the community.
(Ord. No. 77-1, § 2; Ord. No. 88-2, § 2; Ord. No. 92-22, § 1.)

Sec. 17A-306.1. Planned commercial developments.

Planned commercial developments are permitted subject to the regulations set forth below as to the bulk regulations and to the parking requirements:

(a) Planned commercial development means a contiguous tract of at least two acres to be developed according to a plan containing one or more structures with appurtenant common areas to accommodate a combination of the nonresidential, residential, and joint occupancy uses permitted in the CB district. For this purpose a contiguous tract means one or more contiguous lots, or parts thereof, under common ownership and control, designated by the owner as a tract to be developed together according to a plan. Lots shall be deemed contiguous if they have one or more common lot lines or, notwithstanding that they are separated by a street, if the extension of the lot lines on their existing bearings to the centerline of the street would result in a common lot line of at least twenty feet along the centerline of the street. The tract may be consolidated into one lot or it may be subdivided into two or more lots; provided, that all such lots conform to the regulation for the district.

(b) The bulk regulations of section 17A-311.1 and the off-street parking and loading requirements of part 3, sections 17A-314 and 17A-318 shall apply.

(c) The following design standards shall apply:

(1) Building heights shall be varied within the development.

(2) Buildings adjacent to other portions of the CB district shall be designed with such variations in height, bulk, and scale so as to avoid unreasonably adverse impacts on such areas.

(3) 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.

(4) The common open space available for public use shall be designed to include a setting for outdoor cultural or entertainment activities.

(5) The common open space available for public use shall connect with existing or planned adjacent pedestrian ways, plazas, and other open space and to public and private parking garages and shall be readily accessible to the public.

(6) All building facades visible from the common areas and the public way shall include architectural elements and landscaping so as to avoid monotony and enhance their visual appeal.

(d) The design standards and plat details of the subdivision article shall apply even if only site plan approval is required.

(e) Existing residential uses in the development shall be preserved and no residential use shall be subsequently converted to nonresidential use.

(f) Prior to the approval of a planned commercial development, the planning board shall make the findings required by N.J.S.A. 40:55D-45.

(g) The applicant shall be responsible for assuring adequate parking and circulation during the construction of the development and shall submit a plan, acceptable to the planning board, which sets forth the manner in which this result will be assured. The planning board may require the development to be built in stages if this is necessary to assure that there is adequate parking and circulation during construction. If the development is to be constructed in stages, the applicant shall provide appropriate assurances, which may include an agreement with the municipality pursuant to section 17A-191, that the development will be completed.
(Ord. No. 81-24, § 3; Ord. No. 2002-9, § I.)

Sec. 17A-307. Conditional uses.

The following additional uses may be authorized as conditional uses subject to the provisions of section 17A-208, and to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Residential and mixed uses.

(1) Conversion of a residential building in existence on November 19, 1968, to a joint occupancy building, or the conversion of a part of the residential portion of a joint occupancy building to office or other nonresidential use; provided, that:

a. No structural alterations or other construction shall create a new noncompliance or increase the degree of noncompliance.

b. The same number of parking spaces shall be provided for such conversions as are required for new construction of similar buildings; such parking spaces to be provided in accordance with the provisions of section 17A-388 and said spaces may not be satisfied by waiver pursuant to section 17A-389.

c. The Floor Area Ratio for the nonresidential portion of the structure after the proposed conversion shall not exceed 1.5.

d. In the case of conversion to a joint occupancy building, at least twenty square feet of usable open space shall be provided for each habitable room.

e. The remaining residential portion of the structure shall have a separate entrance upon a street either directly or via an unobstructed passageway.

f. The proposed conversion conforms with the additional specifications and standards set forth for all conditional uses in section 17A-208 of this article.

(b) Nonresidential uses.

(1) Conversion of a residential or joint occupancy building to an office or other nonresidential building; provided, that:

a. No structural alterations or other construction shall create a new noncompliance or increase the degree of noncompliance.

b. The same number of parking spaces shall be provided for such conversions as are required for new construction of similar buildings; such parking spaces to be provided in accordance with the provisions of section 17A-388 and said spaces may not be satisfied by waiver pursuant to section 17A-389.

c. The proposed conversion conforms with the additional specifications and standards set forth for all conditional uses in section 17A-208 of this article.

(2) Places with more than ten thousand square feet of floor area serving food and drink, whether or not the food and drink are to be consumed on the premises or elsewhere.

(3) Assembly halls, bowling alleys and pool parlors, excluding amusement parks and penny arcade galleries.

(4) Bus stations and taxi offices.

(5) Private vocational trade schools with more than ten thousand square feet of floor area.

(6) Nursing homes and private schools operated for profit.

(7) Educational institutions.

(8) Clubhouses, except for clubs whose principal activity is usually carried on as a business.

(9) Railroad and public utility buildings, installations and rights-of-way needed to serve the general welfare of all or a significant part of the community; provided, that the planning board determines that no other reasonable location in a less restricted business district can be used for the purposes contemplated.

(10) Amateur radio receiving and transmitting towers over fifteen feet but less than fifty feet in height; provided, that any such tower shall not be located closer to any lot line or street line than its height, and in no event within a front yard or side yard.

(11) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208. (Ord. No. 77-1, § 2; Ord. No. 81-13, § 3; Ord. No. 83-38, § 3; Ord. No. 92-22, § 2; Ord. No. 95-21, § I; Ord. No. 98-9, § I.)

Sec. 17A-308. Other use regulations.

All uses permitted under the provisions of sections 17A-305, 17A-306 and 17A-307 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, 17A-366 and 17A-373. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 2. Bulk Regulations.

Sec. 17A-309. Generally.

The bulk regulations contained in this part apply to all buildings and land in CB districts. (Ord. No. 77-1, § 2.)

Sec. 17A-310. Residential buildings, joint occupancy buildings and rooming houses.

One-family, two-family, attached and multiple dwellings, rooming houses, and joint occupancy buildings are subject to the following bulk regulations.

	<u>One-family and two-family dwellings</u>	<u>Attached dwellings</u>	<u>Multiple dwellings and rooming houses</u>	<u>Joint occupancy buildings</u>
(a) <u>Maximum permitted:</u>				
Floor area ratio	-	-	1.5	1.5
Height: feet	35	35	65	65
stories	3	3	5	5
Coverage (percent)	-	-	60	60
(b) <u>Minimum required:</u>				
Lot area per dwelling unit (sq. ft.)	3,000	3,000 ⁽¹⁾		
Common open space per dwelling unit (sq. ft.)			60 ⁽³⁾	60 ⁽³⁾
Lot width	20			

End lot		40 ⁽²⁾	
Interior lot		20 ⁽²⁾	
Lot depth		80	
Side yards			
Smaller side yard, if provided	8		12 12
End lot, one side yard		20 ⁽²⁾	
Rear yard	25	25 ⁽²⁾	

Notes for table:

(1) For attached dwellings, part of this lot area may be provided as common land, directly accessible from the lot of each individual dwelling unit; provided, that the lot of each individual dwelling unit shall have not less than the minimum lot width and lot depth.

(2) For lot of individual dwelling units.

(3) Land, courtyards, outdoor athletic facilities, roof gardens and atriums with a minimum area of two hundred square feet and a minimum dimension of ten feet, and balconies with a minimum area of 60 square feet and a minimum dimension of six feet, may be counted as common open space. Each such balcony shall be directly accessible to the occupants of only one dwelling unit from the interior of that dwelling unit.

Dimensions are in feet, unless otherwise noted.

The Board of Adjustment may authorize not more than one story of additional height for residential purposes, and the Board may authorize an increase in floor-area-ratio to 2.5 overall for an increase in the residential floor area of joint occupancy buildings, in accordance with the same findings as are provided for in section 17A-210. (Ord. No. 80-24, § 3.)

Sec. 17A-310.1. Multiple dwellings, rooming houses and residential portion of joint occupancy buildings - window area and light and air.

(a) Every living room and sleeping room in a multiple dwelling and rooming house and in the residential portion of a joint occupancy building shall have a window area equal to at least ten percent of the floor area of such room. (Ord. No. 80-24, § 4.)

Sec. 17A-311. Nonresidential buildings.

	For parking <u>garages</u>	For other nonresidential <u>buildings</u>
<u>Maximum permitted:</u>		
Floor area ratio	3.0	1.5

Coverage	100 percent	100 percent
	For parking <u>garages</u>	For other nonresidential <u>buildings</u>
<u>Maximum permitted:</u>		
Height	55 feet	5 stories not exceeding 65 feet
Front yard	—	—
Side yards		
Side yard	*	*
Side yard abutting lot in R1, R2, R3 or R4 districts	10 feet	10 feet
Rear yard		
Rear yard abutting lot in residence districts R1, R2, R3 or R4	*	*

*No yard required. However, if a yard is provided, it shall be not less than ten feet.
(Ord. No. 77-1, § 2; Ord. No. 81-24, § 4; Ord. No. 81-43, § 1.)

Sec. 17A-311.1. Planned commercial developments.

(a) All bulk regulations for the CB district shall apply to a planned commercial development, except that:

(1) The floor area ratio for the tract, including the portions thereof which are already developed, shall not exceed 2.5; but the nonresidential uses may not exceed a floor area ratio of 1.5. Floor area ratios otherwise applicable shall not apply.

(2) If the tract includes an area designated on the plan for the construction of one or more above grade parking garages, then, at the applicant's option, the computation under subsection (b) (1) above may be based on the area of the tract, excluding the area designated for parking garage use, in which case the applicant shall also be permitted a floor area ratio of 3.0 for parking garage use for the area of the tract so designated on the plan. If the area designated for parking garage use is in excess of the foundation area of the garage, such excess area shall be adjacent to the parking garage and not separate by a street; and shall remain undeveloped except for appurtenant structures or facilities necessary to serve the parking garage use.

(3) No new buildings, other than parking garages, shall have a floor area in excess of one hundred thousand square feet.

(4) The common open space available for public use, serving the development, including but not limited to, pedestrian ways, plazas, and green areas but excluding the public right-of-way, shall comprise at least twenty five percent of the tract.

(5) Lot area, dimension and yard requirements shall not apply to the residential uses, but outdoor space per dwelling unit shall be provided in accordance with the requirements for common open space for multiple dwellings.

(6) A basement used for parking and only incidentally for other permitted building facilities, shall not be considered a story for height purposes when the average height structural ceiling of the basement, around the perimeter of the exterior of the basement, measured from curb grade, is not more than six feet. (Ord. No. 81-24, § 4.)

Sec. 17A-312. Reconstruction of legally existing noncomplying buildings.

A noncomplying building legally existing on November 19, 1968, may be reconstructed to the same floor area ratio as existed on such date; provided, that such reconstruction shall not create a new noncompliance. When such reconstruction occurs, only that amount of accessory off-street parking will be required for the new building as existed prior to reconstruction. (Ord. No. 77-1, § 2.)

Sec. 17A-313. Other bulk regulations.

The additional bulk regulations contained in division 6, subdivision II of this article, with the exception of section 17A-379, shall also apply in CB districts. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-314. Generally.

In CB districts, accessory off-street parking spaces, open or enclosed, shall be provided for all construction, and accessory off-street loading berths, open or enclosed, shall be provided for all permitted nonresidential uses in accordance with the regulations set forth and referred to in this part. All such parking spaces and loading berths shall be subject to the provisions of division 6, subdivision III of this article. (Ord. No. 77-1, § 2; Ord. No. 83-25, § 8.)

Sec. 17A-315. Required parking - Residential buildings and dwelling in joint occupancy buildings.

<u>For one- family dwellings</u>	<u>For two- family dwellings</u>	<u>For attached dwellings</u>	<u>For multiple dwellings</u>	<u>For joint occupancy dwellings</u>
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Required parking
spaces

Per dwelling unit*

Housing for elderly	1	1-1/2	1/3	1/3	1/3
Three or less habitable rooms	1	1-1/2	3/4	3/4	3/4
Other	1	1-1/2	1	1-1/2	1-1/2
For accessory uses					
Per rented room	1	1			
Per accessory professional office	1	1	1	1	1

*Where by special circumstance or condition a development will require parking that is different from the above, the applicant may request that the required parking for a particular development be determined by the planning board, taking into consideration the amount of traffic to be generated thereby, 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 amount of traffic likely to be generated and the need for parking. (Ord. No. 77-5, § 1.)

Sec. 17A-316. Same - Rooming houses and nonresidential uses.

For: At least one parking space for each:

- (a) Public and private secondary schools 6 seats or students.
- (b) Public and private elementary schools 12 seats or students.
- (c) Places of worship, libraries 200 square feet of floor area, but not less than one space for each five seats, where provided.
- (d) Hospitals 1 bed.
- (e) Nursing home and philanthropic institutions 3 beds.
- (f) Eating and drinking places 400 square feet of floor area.
- (g) Rooming houses Guest room.
- (h) Theatres and assembly halls 5 seats.
- (i) Service business uses not listed above For ground floor: 300 square feet of floor area; For other floors: 450 square feet of floor area.

- (j) Office 370 square feet of floor area.
- (k) Retail 475 square feet of floor area.
- (l) Institutional 360 square feet of floor area.
- (m) Hotel 580 square feet of floor area.

For any other permitted buildings and uses, for which no requirements are set forth above, appropriate and comparable off-street parking requirements shall be determined by the planning board, taking into consideration the amount of traffic to be generated thereby, the likelihood of all day or short term use of parking spaces, the location and the availability of other means of access and other factors affecting the amount of traffic likely to be generated and the need for parking. (Ord. No. 77-1, § 2; Ord. No. 80-24, §§ 5, 6; Ord. No. 83-38, § 2.)

Sec. 17A-316A. Off-street parking exception.

In the CB zone eating and drinking places that generate a calculated need for one parking space and for other use that generates a calculated need for two or fewer parking spaces shall be exempt from providing those parking spaces if the following conditions are met:

- (a) The change in use does not include any new construction that adds additional new floor area, adds an additional story or expands a building foot print; and,
 - (b) Only one such exception shall be granted to any structure.
- (Ord. No. 2009-33, §II.)

Sec. 17A-317. Reserved.*

*Editor's Note: Former section 17A-317, Same—Conversions to nonresidential uses, previously codified herein and containing portions of Ordinance Nos. 77-1, 80-24 and 92-22, was repealed in its entirety by Ordinance No. 2009-33.

Sec. 17A-318. Required loading for nonresidential uses.

Accessory loading berths, open or enclosed, shall be provided for nonresidential uses, except churches, parks, playgrounds, public buildings, public schools, private schools not operated for profit, parking garages or joint occupancy buildings with nonresidential floor area of less than fifteen thousand square feet, and movie theatres, as follows:

- (a) For floor area of 10,000 to 25,000 square feet 1 berth.
- (b) For each additional 75,000 square feet of floor area or fraction thereof 1 additional berth.

(Ord. No. 80-24, § 7.)

Sec. 17A-319. Reserved.*

*Editor's Note: Former section 17A-319, Nonresidential buildings on lots or not more than five thousand square feet, previously codified herein and containing portions of Ordinance Nos. 77-1, 82-3 and 92-22, was repealed in its entirety by Ordinance No. 2009-33.

Subdivision VI. Service Business (SB) Districts.

Part 1. Use Regulations.

Sec. 17A-320. Generally.

In SB districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 77-1, § 2.)

Sec. 17A-321. Same - Uses permitted as of right - Generally.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Nonresidential uses.

- (1) Office buildings.
- (2) Public buildings.
- (3) Radio and television broadcasting.
- (4) Blueprinting, photostating and similar business services.
- (5) Gasoline service stations, subject to the following conditions:

a. The minimum lot size shall be ten thousand square feet, and the minimum width along the street line shall be one hundred feet.

b. Automobile repair work shall be performed within a building, except for minor servicing, such as change of tires or sale of gasoline or oil. Auto body shops, paint shops, radiator repair, tire retreading and automobile laundries are not permitted.

c. No merchandise shall be sold or kept for sale, except petroleum products and automobile accessories reasonably necessary for the safe, lawful or convenient operation of motor vehicles.

d. All automobile parts shall be stored within a fully enclosed building.

e. No oil or oil drums shall be kept or displayed in tanks or other receptacles outside of the building and aboveground, except for immediate use in servicing

cars; and such oil shall be kept in neatly racked or stacked containers of not more than five quarts.

f. Gasoline or flammable oils in bulk shall be stored fully underground, not nearer than twenty-five feet from any lot line.

g. No gasoline pumps shall be located within sixty feet of the centerline of any street. No more than one service island shall be permitted at any station. A maximum of three dispensing towers per service island shall be permitted. A maximum of six dispensing hoses with triggered nozzles shall be permitted on the service island.

h. A wall, fence or suitable evergreen hedge or screen planting at least six feet in height shall be constructed and maintained between the service facility and any abutting lot. The design of such wall, fence or planting strip shall be subject to the approval of the planning board, which may also require additional planting to screen gasoline service stations, which may detract from the view of adjoining lots or residential uses and to preserve property values in the neighborhood. Where the lot abuts another service facility or a parking yard, the planning board may modify or waive this requirement for such abutting portion of the lot.

i. Any lighting shall be arranged so as to avoid reflection and glare into any abutting R1, R2, R3 or R4 district or residential use. Each service island shall be illuminated by low glare lighting set at a height not lower than eight feet nor higher than fifteen feet. The source of any lighting located on a service island shall not be directly visible from any adjoining residential lot.

j. In addition to the usual accessory signs, as permitted in Division 6, Subdivision 1, Part 2 of this Article.

1. One freestanding sign advertising the name of the station or garage and the principal products sold on the premises, including any special company or branch name, insignia or emblem; provided, that such sign shall not exceed sixteen square feet in area on each side and shall be not less than ten feet or more than eighteen feet above the ground.

2. Directional signs or lettering displayed over individual entrance doors or bays, consisting only of the words "washing," "lubrication," "repairs," "mechanic on duty" or other words similar in import; provided, that there shall be not more than one such sign over each entrance or bay, that the letters thereof shall not exceed six inches in height and that the total area of each sign shall not exceed three square feet.

3. Customary lettering on, or other insignia which are a structural part of, a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator and any other sign required by law, and not exceeding a total of three square feet on each pump.

4. A non-illuminated credit card sign, displayed on or near the gasoline pumps, not exceeding two square feet in area.

5. Two temporary signs, specifically advertising special seasonal servicing of automobiles; provided, that each sign does not exceed seven square feet in area and is not displayed for more than sixty days twice per year.

(b) Residential uses.

(1) Attached dwellings.

(2) Multiple dwellings.

(c) Joint occupancy uses.

(1) The residential portion shall have an entrance upon a street, either directly or via an unobstructed passage/access drive, at least ten feet in width and ten feet in height and with a maximum depth of thirty-five feet.

(2) No floor may be used for both residential and business uses, unless a separate entrance, hallway and stairway provide direct access from the street to each use.

(3) Nonresidential uses are limited to the first floor level.

(d) Accessory uses.

(1) Accessory signs, as permitted in Division 6, Subdivision 1, Part 2 of this Article.

(2) Accessory parking spaces, accessory buildings and other accessory uses.

(Ord. No. 77-1, § 2; Ord. No. 84-9, § 1; Ord. No. 97-16, § I; Ord. No. 2002-1, § I.)

Sec. 17A-322. Same - Subject to floor area limitation.

Any use permitted as of right, subject to floor area limitation in the NB districts, section 17A-292, is permitted as of right in SB districts; provided, that not more than five thousand square feet of floor area per establishment shall be devoted to such use. Such uses shall be subject to the bulk regulations, parking requirements and other regulations set forth or referred to below. (Ord. No. 77-1, § 2.)

Sec. 17A-323. Conditional uses.

The following additional uses may be authorized as conditional uses, subject to the provisions of section 17A-208 and to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Funeral parlors.

(b) Theatres, assembly halls, bowling alleys and pool parlors, but excluding amusement parks and penny arcade galleries.

(c) Bus stations and taxi offices.

(d) Job and newspaper printing; provided, that no more than ten persons are directly engaged in such printing.

(e) Private vocational and trade schools with more than five thousand square feet of floor area.

(f) Assembling, converting, finishing, cleaning or any other processing of products within a fully enclosed building, where goods or services so produced or processed are to be sold or rendered at retail, primarily on the premises, subject to the following conditions:

(1) Not more than five thousand square feet of floor area shall be devoted to such use.

(2) The area so used shall be fully concealed from the street.

(3) There shall be created no dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; dust, smoke or other form of air pollution; heat, cold or dampness; electromagnetic or other disturbance; glare; liquid or solid refuse or other wastes; or other objectionable substance, condition or element.

(g) Hospitals, nursing homes, clubhouses, private schools operated for profit and educational institutions.

(h) Railroad and public utility buildings, installations and rights-of-way needed to serve the general welfare of all or a significant part of the community.

(i) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208.
(Ord. No. 77-1, § 2; Ord. No. 98-9, § I.)

Sec. 17A-324. Other use regulations.

All uses permitted under the provisions of section 17A-322 and 17A-323 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, 17A-366 and 17A-373. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 2. Bulk Regulations.

Sec. 17A-325. Generally.

The bulk regulations contained in this part apply to all buildings and land in SB districts. (Ord. No. 77-1, § 2.)

Sec. 17A-326. All permitted nonresidential or conditional uses.

- (a) Maximum permitted:
 - (1) Floor area ratio 0.6
 - (2) Building height 35 feet.
 - (3) Number of stories 3
 - (4) Coverage 40 percent.

- (b) Minimum required:
 - (1) Front yard 15 feet.
 - (2) Side yards.
 - a. Side yard *
 - b. Side yard abutting R1, R2, R3 or R4 districts 15 feet.
 - (3) Rear yards.
 - a. Rear yard 25 feet.
 - b. Rear yard abutting R1, R2, R3 or R4 districts 50 feet.

*No yard required. However, if a yard area is provided, it shall be not less than ten feet.
(Ord. No. 77-1, § 2; Ord. No. 2002-1, § II.)

Sec. 17A-326.1. All permitted residential or joint occupancy uses.

- (a) Residential uses.
 - (1) Maximum permitted:
 - a. Floor area ratio 1.0
 - b. Building height 45
 - c. Number of stories 3
 - d. Coverage 40%

 - (2) Minimum required:

- a. Front yard 15
- b. Side yard 10
- c. Side yard, abutting R1, R2, R3 or R4 15
- d. Rear yard 25
- e. Rear yard, abutting R1, R2, R3 or R4 50

(b) Joint occupancy buildings provided all floors above the first floor are residential.

(1) Maximum permitted:

- a. Floor area ratio 1.0
- b. Building height 45
- c. Number of stories 3
- d. Coverage 40%

(2) Minimum required:

- a. Front yard 15
- b. Side yard 10
- c. Side yard, abutting R1, R2, R3 or R4 15
- d. Rear yard 25
- e. Rear yard, abutting R1, R2, R3 or R4 50

(Ord. No. 2002-1, § II.)

Sec. 17A-327. Other bulk regulations.

The additional bulk regulations set forth in sections 17A-375, 17A-376, 17A-378, 17A-382 and 17A-403 shall also apply in SB districts. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-328. Generally.

The off-street parking and loading requirements in SB districts shall be the same as the parking and off-street loading requirements for nonresidential and residential uses

in the NB district, section 17A-301 and 17A-303. In addition, theatres, other places of assembly and vocational and trade schools shall provide at least one parking space for each five seats. (Ord. No. 77-1, § 2; Ord. No. 2002-1, § III.)

Subdivision VII. Summary Bulk Tables.

Sec. 17A-329. Residential buildings, joint occupancy buildings and rooming houses.

The bulk regulations for residential buildings, joint occupancy buildings and rooming houses in RO-1 districts, section 17A-274, are applicable to such buildings in all business districts. Moreover, in the CB district, some multiple dwellings and joint occupancy buildings are subject to different bulk regulations, as set forth in sections 17A-210 and 17A-310. (Ord. No. 77-1, § 2; Ord. No. 97-2, § I; Ord. No. 2002-1, § IV.)

Sec. 17A-330. Nonresidential buildings.

Zoning district	For nonresi-	For	For parking		For other		
	dential uses	offices	garages only		nonresidential uses		
	RO-1	only	RO-1	CB	NB	CB**	SB
		NB					
<u>Maximum permitted:</u>							
Floor area ratio	0.6	0.6	3.0	3.0	0.6	1.5	0.6
Height: Feet	35	35	35	50	35	65	35
Stories	3	3	—	—	3	5	3
Coverage (percent)	30	30	80	100	40	100	40
<u>Minimum required:</u>							
Front yard	15	15	15	—	15	—	15
Side yards							
Side yard	10	*	10	*	*	*	*
Side yard abutting lot							
in R1, R2, R3, or R4 districts	15	15	15	10	15	10	15
Side yard abutting lot	*	*	*	—	*	—	*
in CB district							
	For nonresidential uses	For offices only	For parking garages only		For other nonresidential uses		
<u>Minimum required: (con't)</u>							
Rear yards	20	20	20	*	20	*	25
Rear yard abutting							

lot	*	*	*	—	*	—	*
in CB district							
Rear yard abutting							
lot	20	20	20	10	75	10	50
in R1, R2, R3, or R4							
districts							

*No yard required. However, if a yard is provided, it shall be not less than ten feet.

**Special provision for reconstruction of buildings with floor area ratio of more than 1.5. See section 17A-312.

Dimensions are in feet, unless otherwise noted.
(Ord. No. 77-1, § 2; Ord. No. 2002-1, § V.)

Division 5. Education Districts.

Subdivision I. E1 Districts.

Part 1. Use Regulations.

Sec. 17A-331. Generally.

In E1 districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 77-1, § 2.)

Sec. 17A-332. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Residential uses.

(1) One-family dwellings.

(2) Two-family dwellings.

(b) Educational uses.

(1) Instructional, reference, and classroom uses, excluding laboratory buildings and uses, but including computer facilities.

(2) Office uses.

(3) Library uses.

(c) Other nonresidential uses.

- (1) Churches and other places of worship.
- (2) Public schools and private academic schools.
- (3) Parks, playgrounds and public buildings.
- (4) Clubhouses, except for clubs whose principal activity is usually carried on as a business.
- (5) Child care facilities.

(d) Accessory uses.

(1) Accessory signs, as permitted in division 6, subdivision I, part 2 of this article.

(2) Accessory open parking spaces and other accessory uses, subject to the limitations set forth in R1 districts, section 17A-228; except, that within a dwelling unit other than a one-family dwelling, only one room may be rented for resi-dential purposes, for occupancy by not more than two persons.
(Ord. No. 77-1, § 2; Ord. No. 90-27, § 6.)

Sec. 17A-333. Conditional uses.

The following additional uses may be authorized as conditional uses, subject to the provisions of section 17A-208, and to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Residential uses.

- (1) Attached dwellings.
- (2) Multiple dwellings.
- (3) Conversion of a residential building in existence on November 19, 1968, to a multiple dwelling with not more than four dwelling units or to a rooming house; provided that:

a. No structural alterations or other construction shall create a new noncompliance or increase the degree of noncompliance.

b. The same number of parking spaces shall be provided for such conversions as are required for new construction of similar dwellings.

(b) Educational uses.

- (1) Dormitories and combined dormitories and residences.
- (2) Indoor or outdoor athletic facilities.

(3) Theatres, lecture halls, practice rooms, chapels, and other areas of public assembly.

(4) Retail stores and uses devoted primarily to the sale of educational or athletic supplies.

(5) Buildings or portions of buildings for permanent storage of equipment, used primarily for construction or maintenance of more than one building.

(6) Laboratory buildings and uses; provided, that no machinery or equipment installed in the laboratory or in connection with the laboratory which is capable of causing to nearby residential uses dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness; excessive radiation or electromagnetic or other disturbance; glare; liquid or solid refuse or other wastes, emissions from gas storage and/or deliveries; or other objectionable substance, condition or element or any similar disturbance.

(7) Dining halls, subject to the same provisions as for laboratory buildings or uses.

(8) All other educational and related activities and uses, except those listed in section 17A-347 as conditional uses.

(9) Parking garages and other off-street parking spaces, open or enclosed, subject to the regulations of division 6, subdivision III of this article.

(c) Other nonresidential uses.

(1) Infirmaries, medical treatment centers, and philanthropic institutions related to the primary education functions in the district.

(2) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208. (Ord. No. 77-1, § 2; Ord. No. 90-27, § 7; Ord. No. 98-9, § I.)

Sec. 17A-334. Other use regulations.

All uses permitted under the provisions of sections 17A-332 and 17A-333 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, 17A-366 and 17A-373. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 2. Bulk Regulations.

Sec. 17A-335. Generally.

The bulk regulations contained in this subdivision apply to all buildings and land in E1 districts. (Ord. No. 77-1, § 2.)

Sec. 17A-336. Residential buildings.

The bulk regulations for residential buildings in E1 districts are the same as in R3 districts, section 17A-246. (Ord. No. 77-1, § 2.)

Sec. 17A-337. Educational and other nonresidential buildings-On lots of not more than one acre.

The following bulk regulations shall apply to all educational and other nonresidential buildings on lots of not more than one acre in E1 districts:

- (a) The floor area ratio shall not exceed 0.6.
- (b) The height shall not exceed sixty feet.
- (c) The coverage shall not exceed thirty percent.
- (d) No building shall be erected closer to a street line or lot line than twenty-five feet, and no portion of a building shall be erected closer to a street line or lot line than the height in feet of that portion. (Ord. No. 77-1, § 2.)

Sec. 17A-338. Same - On lots of more than one acre.

The following bulk regulations shall apply to all educational and other nonresidential buildings on lots of more than one acre in E1 districts:

- (a) The height shall not exceed sixty feet.
- (b) No building shall be erected closer to a street line or lot line than twenty-five feet, and no portion of a building shall be erected closer to a street line or lot line than the height in feet of that portion. (Ord. No. 77-1, § 2.)

Sec. 17A-339. Other bulk regulations.

The additional bulk regulations contained in division 6, subdivision II of this article, with the exception of section 17A-379 and section 17A-403, shall also apply in E1 districts. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-340. Generally.

In E1 districts, accessory off-street parking spaces, open or enclosed, 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. All such parking spaces and

loading berths shall be subject to the provisions of division 6, subdivision III of this article. (Ord. No. 77-1, § 2; Ord. No. 83-25, § 9.)

Sec. 17A-341. Required parking - Residential uses.

<u>Required parking spaces</u>	<u>For one-family dwelling</u>	<u>For two-family dwelling</u>	<u>For attached dwelling</u>	<u>For multiple dwelling</u>
Per dwelling unit	1	1-1/2	1	1-1/2
For accessory uses				
Per rented room	1	1	1	—
Per accessory professional office	1	1	1	1

(Ord. No. 77-1, § 2.)

Sec. 17A-342. Same--Educational uses.

At the time of any application for a zoning permit, every educational institution shall certify to the development enforcement officer the number of additional employees (faculty and staff) and students to be accommodated in the proposed structure and the aggregate number of all employees and students by category, i.e., employees, graduate students, student research fellows, and other students projected to be employed by or enrolled in the educational institution after the proposed structure is constructed and occupied.

(a) For each 1.25 employees, one parking space shall be provided within the educational district, within adjacent educational districts, or within contiguous properties in adjoining municipalities.

(b) For each 2.5 graduate students employed as research fellows and/or assistants and for each five students not so employed, one parking space shall be provided within the educational district, within adjacent educational districts, or within contiguous properties in adjoining municipalities.

(c) 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.

(d) 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 students currently employed or enrolled. 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 borough 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.

(e) Some or all of the required number of parking spaces may be located at off-site parking areas or on properties in other municipalities if those spaces are serviced by a certified shuttle system. Cessation of such a shuttle system will require that the required number of parking spaces be provided within the educational district subject to review and approval of the board of jurisdiction, provided that such replacement parking shall not be provided east of Olden Street. Certification that the shuttle system is effective shall be filed annually with the development enforcement officer by a recognized transportation management consulting organization with expertise in assessing shuttle systems; all costs for this assessment are to be paid for by the educational institution whose development is utilizing such a shuttle operation. The development enforcement officer will evaluate the certification and report on the adequacy of the shuttle operation to the board of jurisdiction.

The shuttle system will provide regular and frequent scheduled service that promotes and encourages use of the shuttle. Shuttle vehicles should be appropriately sized to maximize fuel efficiency and to limit exhaust and noise emission. Privately owned and operated shuttles will endeavor to avoid use of streets that are primarily residential in character where practical including Aiken Avenue, Murray Place, Patton Avenue or Princeton Avenue. Any future joint privately-publicly operated shuttle can provide limited neighborhood services including senior citizens and handicapped residents on a call-in pickup/drop-off "Dial-a-Ride" type basis to these streets.
(Ord. No. 77-1, § 2; Ord. No. 90-27, § 8; Ord. No. 2005-13, § I.)

Sec. 17A-343. Same--Other nonresidential buildings and uses.

<u>For:</u>	<u>At least one parking space for each:</u>
(a) Public and private secondary schools	6 seats or students.
(b) Public and private elementary schools	12 seats or students.
(c) Places of worship, libraries and other public buildings	200 square feet of floor area, but not less than one space for each five seats, where provided.

- | | | |
|-----|---|--------------------------------|
| (d) | Infirmaries and medical treatment centers | 1 bed. |
| (e) | Philanthropic institutions. | 370 square feet of floor area. |
| (f) | Child care facilities | 6 seats or students. |
| (g) | Theatres and dining halls | 5 seats. |

For any other permitted buildings and uses for which no requirements are set forth above, appropriate and comparable off-street parking requirements shall be determined by the planning board, taking into consideration the amount of traffic to be generated thereby, 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 amount of traffic likely to be generated and the need for parking. (Ord. No. 77-1; § 2; Ord. No. 90-27, § 9.)

Sec. 17A-344. Required loading for nonresidential uses.

Accessory loading berths, open or enclosed, shall be provided for nonresidential uses, except churches, as follows:

- | | | |
|-----|--|---------------------|
| (a) | For floor area of 10,000 to 25,000 square feet | 1 berth. |
| (b) | For each additional 75,000 square feet of floor area or fraction thereof | 1 additional berth. |

(Ord. No. 77-1, § 2.)

Subdivision II. E2 Districts.

Part 1. Use Regulations.

Sec. 17A-345. Generally.

In E2 districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 77-1, § 2.)

Sec. 17A-346. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

- | | |
|-----|-----------------------|
| (a) | Residential uses. |
| (1) | One-family dwellings. |
| (2) | Two-family dwellings. |
| (3) | Attached dwellings. |

- (4) Multiple dwellings.
- (5) Rooming houses.
- (b) Educational uses.
 - (1) Dormitories and combined dormitories and residences.
 - (2) Instructional, reference and classroom buildings, including computer facilities.
 - (3) Office uses.
 - (4) Library uses.
 - (5) Indoor or outdoor athletic facilities.
 - (6) Theatres, lecture halls, practice rooms, chapels, and other areas of public assembly.
 - (7) Retail stores and uses devoted primarily to the sale of educational or athletic supplies.
 - (8) Buildings or portions of buildings for permanent storage of equipment used primarily for construction or maintenance of more than one building.
 - (9) Laboratory buildings and uses; provided, that no machinery or equipment installed in the laboratory or in connection with the laboratory which is capable of causing to nearby residential uses dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness; excessive radiation or electromagnetic or other disturbance; glare; liquid or solid refuse or other wastes; emissions from gas storage and/or deliveries; or other objectionable substance, condition or element or any similar disturbance.
 - (10) Dining halls, subject to the same provisions as for laboratory buildings or uses.
 - (11) All other educational and related activities and uses, except those listed in section 17A-347 as conditional uses.
- (c) Other nonresidential uses.
 - (1) Churches and other places of worship.
 - (2) Public schools and private academic schools.
 - (3) Parks, playgrounds and public buildings.

(4) Clubhouses, except for clubs whose principal activity is usually carried on as a business.

(5) Child care facilities.

(d) Accessory uses.

(1) Accessory signs, as permitted in division 6, subdivision I, part 2 of this article.

(2) Accessory parking spaces and other accessory uses, subject to the limitation set forth in R1 districts, section 17A-228; except, that within a dwelling unit other than a one-family dwelling, only one room may be rented for residential purposes, for occupancy by not more than two persons.
(Ord. No. 77-1, § 2; Ord. No. 90-27, § 10.)

Sec. 17A-347. Conditional uses.

The following additional uses may be authorized as conditional uses, subject to the provisions of section 17A-208, and to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Residential uses.

Deleted

(b) Educational uses.

(1) Any new building or use of an educational institution, which is of greater height, or greater width at any height, than permitted in section 17A-352; provided, that there is no increase in the total cubic feet of volume permitted to portions of the building over sixty feet in height.

(2) Heating and power plants and similar facilities needed to serve an educational institution.

(3) Parking garages and other off-street parking spaces, open or enclosed, subject to regulations of division 6, subdivision III of this article.

(c) Other nonresidential uses.

(1) Infirmaries, medical treatment centers, and philanthropic institutions related to the primary education functions in the district.

(2) Railroad and public utility buildings, installations and rights-of-way needed to serve the general welfare of all or a significant part of the community; provided, that the planning board determines that no reasonable location in a business district can be used for the purpose contemplated.

(3) Amateur radio receiving and transmitting towers, over fifteen feet in height; provided, that any such tower shall not be located closer to any lot line or street line than its height.

(4) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208. (Ord. No. 77-1, § 2; Ord. No. 79-5, § 6; Ord. No. 90-27, § 11; Ord. No. 98-9, § I.)

Sec. 17A-348. Other use regulations.

All uses permitted under the provisions of sections 17A-346 and 17A-347 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, 17A-366 and 17A-373. (Ord. No. 77-1, § 2; Ord. No. 83-38, § 3.)

Part 2. Bulk Regulations.

Sec. 17A-349. Generally.

The bulk regulations contained in this part apply to all buildings and land in E2 districts. (Ord. No. 77-1, § 2.)

Sec. 17A-350. Residential buildings on lots of not more than one acre.

The bulk regulations for residential buildings on lots of not more than one acre in E2 districts are the same as in R4 districts, section 17A-258. (Ord. No. 77-1, § 2.)

Sec. 17A-351. Educational and other nonresidential buildings on lots of not more than one acre.

The following bulk regulations shall apply to educational and other nonresidential buildings in E2 districts on lots of not more than one acre:

- (a) The floor area ratio shall not exceed 0.6.
- (b) The height shall not exceed sixty feet.
- (c) The coverage shall not exceed thirty percent.

(d) No building shall be erected closer to a street line or lot line than twenty-five feet, and no portion of a building shall be erected closer to a street line or lot line than the height in feet of that portion. (Ord. No. 77-1, § 2.)

Sec. 17A-352. Same - Buildings on lots of more than one acre.

No building on a lot of more than one acre shall be erected closer to a street line or lot line than twenty-five feet, and no portion of a building shall be closer to a street line or lot line than the height in feet of that portion.

The height shall not exceed sixty feet; except, that portions of buildings in which the maximum horizontal dimension is not more than seventy-five feet may extend to a maximum height of one hundred thirty feet; provided, that there be maintained between any two buildings or portions thereof which exceed sixty feet in height a minimum distance, computed by adding the amount by which one such building exceeds sixty feet to the amount by which the other exceeds sixty feet and multiplying the total by 1.5. (Ord. No. 77-1, § 2.)

Sec. 17A-353. Other bulk regulations.

The additional bulk regulations contained in division 6, subdivision II of this article, with the exception of section 17A-379, and in section 17A-403 shall also apply in E2 district. (Ord. No. 77-1, §2; Ord. No. 90-27, § 12.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-354. Generally.

The off-street parking and loading requirement in E2 districts are the same as in E districts, subdivision I, part 3 of this division; except, that loading berths are not required for education buildings and other nonresidential buildings on lots greater than one acre. (Ord. No. 77-1, § 2.)

Subdivision III. E3 Districts.

Part 1. Use Regulations.

Sec. 17A-354.1. Generally.

In E3 districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 90-27, § 13.)

Sec. 17A-354.2. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

- (a) Residential uses.
 - (1) One-family dwellings.
 - (2) Two-family dwellings.
 - (3) Attached dwellings.

(4) Multiple dwellings.

(5) Conversion of a residential building in existence prior to November 19, 1968, to a multiple dwelling with not more than four dwelling units or to a rooming house; provided, that:

a. No structural alterations or other construction shall create a new noncompliance or increase the degree of noncompliance.

b. The same number of parking spaces shall be provided for such conversions as are required for new construction of similar dwellings.

(b) Educational uses.

(1) Instructional, reference, and classroom uses, including computer facilities.

(2) Office uses.

(3) Library uses.

(4) Dormitories and combined dormitories and residences.

(5) Indoor or outdoor athletic facilities.

(6) Theatres, lecture halls, practice rooms, chapels, and other areas for public assembly.

(7) Retail stores and uses devoted primarily to the sale of educational and athletic supplies.

(8) Buildings or portions of buildings for permanent storage of equipment used primarily for construction or maintenance of more than one building.

(c) Other nonresidential uses.

(1) Churches and other places of worship.

(2) Public schools and private academic schools.

(3) Parks, playgrounds and public buildings.

(4) Clubhouses, except for clubs whose principal activity is carried on as a business.

(5) Child care facilities.

(d) Accessory uses.

(1) Accessory signs, as permitted in division 6, subdivision I, part 2 of this article.

(2) Accessory parking spaces and other accessory uses, subject to the limitations set forth in R1 districts, section 17A-228; except, that within a dwelling unit other than a one-family dwelling, only one room may be rented for residential purposes, for occupancy by not more than two persons.
(Ord. No. 90-27, § 13.)

Sec. 17A-354.3. Conditional uses.

The following additional uses may be authorized as conditional uses, subject to the provisions of section 17A-208 and to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Laboratory buildings and uses; provided, that no machinery or equipment installed in the laboratory or in connection with the laboratory which is capable of causing to nearby residential uses dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness; excessive radiation or electromagnetic or other disturbance; glare, liquid or solid refuse or other wastes; emissions from gas storage and/or deliveries; or other objectionable substance, condition or element or any similar disturbance.

(b) Dining halls, subject to the same provisions as for laboratory buildings or uses.

(c) Heating and cooling plants, power plants, and other similar utilities needed to serve an educational institution.

(d) Infirmaries, medical treatment centers, and philanthropic institutions related to the primary education functions in the district.

(e) Parking garages and other off-street parking spaces, open or enclosed, subject to the limitations of sections 17A-354.7(a) and 17A-354.9 and regulations of division 6, subdivision III of this article other than those set forth in section 17A-388, except that any parking garage for which a development application was filed prior to April 1, 1990 and situated on Block 48.01, Lots 2 and 15 shall be treated as a permitted use.

(f) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of Section 17A-208.
(Ord. No. 90-27, § 13; Ord. No. 98-9, § I.)

Sec. 17A-354.4. Other use regulations.

All uses permitted under the provisions of sections 17A-354.2 and 17A-354.3 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, and 17A-366. (Ord. No. 90-27, § 13.)

Part 2. Bulk Regulations.

Sec. 17A-354.5. Generally.

The bulk regulations contained in this subdivision apply to all buildings and land in E3 districts. (Ord. No. 90-27, § 13.)

Sec. 17A-354.6. Residential buildings.

The bulk regulations for residential buildings in E3 districts are the same as in R4 districts, section 17A-258. (Ord. No. 90-27, § 13.)

Sec. 17A-354.7. Educational and other nonresidential buildings.

The following bulk regulations shall apply to all educational and other non-residential buildings.

(a) For all lots not owned or used by institutions of higher education or their affiliates, the floor area ratio shall not exceed 0.6. For land owned by or used by institutions of higher education or their affiliates, up to three hundred thousand square feet of floor area for uses other than parking garage use and up to one hundred forty thousand square feet of floor area for a parking garage shall be permitted east of Olden Street and up to two hundred thousand square feet of floor area inclusive of parking garage use shall be permitted west of Olden Street. The above stated floor area square footage figures are in addition to the amount of floor area on land owned or used by institutions of higher education or their affiliates existing as of April 1, 1990. If a parking garage is constructed east of Olden Street, it may be converted to another use only if the converted space would be allowed to be newly constructed without exceeding the limits on floor area. Floor area existing on April 1, 1990 which is removed or destroyed may, subject to applicable zoning, be replaced within the E3 district and shall not be subject to the floor area square footage limitations set forth in this section.

(b) The height shall not exceed thirty-nine feet, except that, within the area bounded by a line set back fifty feet from the rights-of-way lines of Prospect Avenue on the south and Olden Street on the west, fifty feet from the SB district line on the north, and two hundred fifty feet from the R3 district line on the east, the height shall not exceed elevation 236. Buildings within the area in which buildings over thirty-nine feet are permitted shall be screened so that they are not visible from the second floor of structures in adjacent residential districts not separated from the E3 district by a public street.

(c) The overall site design for the E-3 district at full build out shall include courtyards and walkways similar to those that exist elsewhere on the University campus and shall include the twenty-five foot landscaped buffer behind the residential properties on Murray Place. Upon approval of the first site plan or sooner in the E-3 zone, this twenty-five foot buffer will be replanted and well maintained with appropriate under story planting. In addition to the replanting of the twenty-five foot buffer adjacent to the rear yards of the residences on Murray Place, a comprehensive landscape plan shall be developed and followed for the E-3 zone. This plan, to be implemented in stages

appropriate to proposed improvements on the site, shall indicate how areas not covered by structures; parking lots or walkways shall be treated. Each site plan must include shade trees, lawn area, ground cover, foundation plantings; ornamental shrubs and trees appropriate to a campus setting and must be replaced as necessary. All plantings shall be selected considering energy conservation. Native tree species shall be used where possible.

(d) No building shall be erected closer to a street line or lot line (unless the line is for a lot under common ownership not devoted to a different use) than twenty-five feet, except that (1) no portion of a building may be erected closer to the public right-of-way or to a lot line (unless the line is for a lot under common ownership not devoted to a different use) than the height of that portion; (2) no uses other than parks, playgrounds, and open parking shall be permitted within two hundred fifty feet of any district not separated from the E3 district by a public street; and (3) no building shall be erected closer to Prospect Avenue than a line set back sixty feet from and running parallel to the structure known as the McKim, Mead and White gates for a distance of forty feet on each side of the center point of said gates.

(e) Vehicular and pedestrian circulation in and surrounding the E-3 zone will be carefully reviewed by the board of jurisdiction to limit impacts on surrounding residential property owners.

(f) Any newly constructed buildings on the E-3 site will be carefully designed from inception to deflect all possible light, HVAC noise, and other sounds away from the adjacent residential neighborhood.

(g) In applying the site plan standard of section 17A-193 (f), (g), (h), and (i), the impact of the proposed site development and the conditions to ameliorate the adverse impacts shall be judged and imposed on the basis of the block in which the proposed site development is located and not limited to its lot. For this purpose, the block shall mean the lot and its contiguous area bounded by public streets and zone district lines.

(Ord. No. 90-27, § 13; Ord. No. 2005-13, § II.)

Sec. 17A-354.8. Site development standards within the district east of Olden Street.

In addition to the other applicable ordinance standards, the following site performance standards shall apply to proposed developments in the E3 district in the area east of Olden Street also known as the E-quad:

(a) Upon issuance of certificates of occupancy for new buildings in the E-Quad totaling one hundred thousand square feet or more, the driveway immediately behind the Murray Place residences shall be permanently closed to vehicular traffic and only be used for emergencies. Breakaway barriers shall be placed at the northern end of such driveway, and signage indicating no through traffic and no parking shall be placed at the northern and southern ends.

(b) A landscaped buffer generally of twenty-five foot width shall be constructed along the rear of the Murray Place residences. This landscaped buffer shall include, but not be limited to, adequate under story plantings in addition to the required tree screen plantings pursuant to section 17A-354.7(b). The additional under story

plantings shall be required as part of any site plan for development in the E-3 zone east of Olden Street.

(c) The parking places in front of the eastern facade of Von Neumann Hall shall be removed to provide a landscaped buffer on the property line for the nearest neighbors.

(d) All remaining on-grade parking areas shall have additional shade trees planted and islands installed in accordance with the following standards:

- One tree for every 3.4 spaces;
- Island strips five feet wide;
- At least one island terminus (at least nine feet wide and coterminous with the length of the parking space) every twenty spaces.

It is recognized that additional lighting may be necessary for security concerns because of increased landscaping.

(e) The existing exterior lighting of the eastern edge of the E-Quad shall be modified to eliminate the effect of glare (if any) on the adjacent Murray Place residences by shielding, redirecting, or replacing the existing lighting. The Von Neumann Building lighting shall be modified and made consistent with security and safety concerns.

(f) The parking lot for the Prospect Avenue Apartments shall be landscaped with a ten foot wide buffer on the north, east, and south to improve the appearance of the area, provided that there may be an opening in the eastern buffer for a walkway to Murray Place. Additionally, the existing dumpsters shall be either shielded or relocated so as not to be viewable from the adjacent Murray Place residences or from the street. It is understood that the same number of parking spaces for the Prospect Avenue Apartments shall be provided behind the Prospect Avenue Apartments and the three buildings immediately to the west.

(g) Geometry improvements with landscaping shall be made to the drive to the E-Quad from Prospect Avenue to permit left and right turns to be made while exiting therefrom onto Prospect Avenue.

(h) Conditional uses permitted in the E-3 zone shall not be permitted within two hundred fifty feet of the rear of the homes along Murray Place.

(i) Any renovation or reconstruction of the Von Neumann building will not increase the building's height or change the building's footprint and the buildings HVAC units servicing the building's will not generate any more noise than the existing units and the building will not generate any more light than it currently does. Given the close proximity of the buildings, uses will be limited to offices, classrooms, small computer facilities and libraries. No laboratory facilities will ever be constructed in the Von Neumann building. Any new building on the site of the Von Neumann building will be

subject to review and approval of the board of jurisdiction with careful consideration of the impacts from those uses on the surrounding residential properties.

(j) The existing breakaway behind the E-Quad and the thoroughfare to Nassau Street will remain in place permanently to prevent the flow of traffic from the E-Quad parking area to/from Nassau Street.

(k) Any newly constructed buildings will be required to comply with Chapter 21 of the Borough Code regarding noise and section 17A-365.1 regarding lighting.

(l) Loading docks, delivery areas or chemical storage area shall not be permitted to face Murray Place if they are within two hundred fifty feet of the rear property line of the homes along Murray Place. Any relocated or new storage tanks must be shielded from residential properties by buildings or other appropriate containments. Deliveries shall be limited to weekdays between the hours of 9:00 A.M. and 5:00 P.M. Delivery vehicles shall not utilize Aiken Avenue, Murray Place, Patton Avenue or Princeton Avenue. Certification shall be provided annually to the development enforcement officer of compliance with these requirements.

(m) An emergency call box will be installed in the eastern end of the E-Quad site to provide greater security.

(n) Trash receptacles will be provided and maintained in the eastern end of the E-Quad to prevent litter from blowing onto the lawns of the homes along Murray Place.

(o) The site will be permanently maintain the existing site motorized vehicular thoroughfares that only enter and egress the site from Prospect Avenue and Olden Street. Furthermore, no motorized vehicular thoroughfares will ever be constructed onto Murray Place and no additional pedestrian/bicycle thoroughfares will ever be constructed other than the existing extension of McCosh Walk.
(Ord. No. 90-27, § 13; Ord. No. 2005-25, § III.)

Sec. 17A-354.9. Other bulk regulations.

The additional bulk regulations contained in division 6, subdivision II of this article, with the exception of section 17A-379, 382 and 383, shall also apply in E3 districts.
(Ord. No. 90-27, § 13; Ord. No. 2005-13, IV.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-354.10. General: location.

The off-street parking and loading requirements in E3 districts are the same as in E1 districts, except that:

(a) Parking spaces for new uses or for replacement of spaces existing as of April 1, 1990 within the area designated the E3 district by this chapter shall be provided within the E3 district or within that portion of the E2 district south of Prospect Avenue and east of Washington Road.

(b) The number of parking spaces existing as of April 1, 1990 north of William Street within the area designated the E3 district by this chapter and located on lands owned by institutions of higher education shall continue to be provided in that portion of the E3 or E4 district north of William Street, east of Washington Road, and west of Charlton Street.

(c) The above locational requirements shall not apply to the extent that a certified shuttle system is utilized as provided in section 17A-342(e). However, the shuttle system serving buildings in the E3 zone must connect to parking spaces east of Washington Road in adjoining municipalities, as well as to parking spaces at other off-site locations.

(d) The E-3 district east of Olden Street shall not be permitted to have more than six hundred forty-eight parking spaces on-site exclusive of any available on-street parking.

(Ord. No. 90-27, § 13; Ord. No. 2005-13, § V.)

Subdivision IV. E4 Districts.

Part 1. Use Regulations.

Sec. 17A-354.11. Generally.

In E4 districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 90-27, § 13.)

Sec. 17A-354.12. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Residential uses.

(1) One-family dwellings.

(2) Two-family dwellings.

(b) Educational uses.

(1) Instructional, reference, and classroom uses, excluding laboratory buildings and uses, but including computer facilities.

(2) Office uses.

(3) Library uses.

(c) Other nonresidential uses.

(1) Parks, playgrounds and public buildings.

(2) Child care facilities.

(d) Accessory uses.

(1) Accessory signs, as permitted in division 6, subdivision 1, part 2 of this article.

(2) Accessory open parking spaces and other accessory uses, subject to the limitations set forth in R1 districts, section 17A-228; except, that within a dwelling unit other than a one-family dwelling, only one room may be rented for residential purposes, for occupancy by not more than two persons.
(Ord. No. 90-27, § 13.)

Sec. 17A-354.13. Conditional uses.

The following additional uses may be authorized as conditional uses, subject to the provisions of section 17A-208, and to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Residential uses.

(1) Attached dwellings.

(2) Multiple dwellings.

(3) Conversion of a residential building in existence on November 19, 1968, to a multiple dwelling with not more than four dwelling units or to a rooming house; provided, that:

a. No structural alterations or other construction shall create a new noncompliance or increase the degree of noncompliance.

b. The same number of parking spaces shall be provided for such conversions as are required for new construction of similar dwellings.

(b) Educational uses.

(1) Dormitories and combined dormitories and residences.

(2) Indoor or outdoor athletic facilities.

(3) Theatres, lecture halls, practice rooms, chapels, and other areas for public assembly.

(4) Retail stores and uses devoted primarily to the sale of educational and athletic supplies.

(5) Buildings or portions of buildings for permanent storage of equipment used primarily for construction or maintenance of more than one building.

(6) Laboratory buildings and uses; provided, that no machinery or equipment installed in the laboratory or in connection with the laboratory which is capable of causing to nearby residential uses dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness; excessive radiation or electro-magnetic or other disturbance; glare; liquid or solid refuse or other waste; emissions from gas storage and/or deliveries; or other objectionable substance, condition or element or any similar disturbance.

(7) Dining halls, subject to the same provisions as for laboratory buildings or uses.

(8) All other educational and related activities and uses.

(c) Other nonresidential uses.

(1) Clubhouses, except for clubs whose principal activity is usually carried on as a business.

(2) Heating and cooling plants, power plants, and other similar utilities needed to serve an educational institution.

(3) Infirmaries, medical treatment centers, and philanthropic institutions related to the primary education functions in the district.

(4) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use, subject to the provisions of section 17A-208. (Ord. No. 90-27, § 13; Ord. 98-9, § I.)

Sec. 17A-354.14. Other use regulations.

All uses permitted under the provisions of sections 17A-354.16 and 17A-354.17 shall be subject to the additional use regulations set forth in sections 17A-364, 17A-365, and 17A-366. (Ord. No. 90-27, § 13.)

Part 2. Bulk Regulations.

Sec. 17A-354.15. Generally.

The bulk regulations contained in this subdivision apply to all buildings and land in E4 districts. (Ord. No. 90-27, § 13.)

Sec. 17A-354.16. Residential buildings.

The bulk regulations for residential buildings in E4 districts are the same as in R3 districts, section 17A-246. (Ord. No. 90-27, § 13.)

Sec. 17A-354.17. Educational and other nonresidential buildings.

The following bulk regulations shall apply to all educational and other non-residential buildings in E4 districts:

(a) The floor area ratio shall not exceed 0.6. For purposes of this section, floor area ratio shall mean the number of square feet of aggregate floor area of all buildings on a block divided by the number of square feet of block area, and block shall mean all lots within an E4 zone not separated by a public street.

(b) The height shall not exceed thirty-nine feet.

(c) The coverage shall not exceed thirty percent.

(d) No building shall be erected closer to a street line or lot line (unless the line is for a lot under common ownership not devoted to a different use) than twenty-five feet, and no portion of a building shall be erected closer to a street line or lot line (unless the line is for a lot under common ownership not devoted to a different use) than the height of that portion, except that no building shall be erected closer than fifty feet to a residential district not separated from the E4 district by a public street. (Ord. No. 90-27, § 13.)

Sec. 17A-354.18. Other bulk regulations.

The additional bulk regulations contained in division 6, subdivision II of this article, with the exception of section 17A-379, shall also apply in E4 districts. (Ord. No. 90-27, § 13.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-354.19. General: location.

The off-street parking and loading requirements in the E4 districts are the same as in the E1 districts, except that:

(a) All parking spaces shall be provided within the E4 district in which the use to which the spaces are accessory is located or on lots contiguous to such E4 district and located either in an adjacent E2 district or adjoining municipality; provided that for the E4 district bordering William Street, the parking spaces may be located in the adjacent E3 district.

(b) The number of parking spaces existing as of April 1, 1990 north of William Street within the area designated the E4 district by this chapter and located on lands owned by institutions of higher education shall continue to be provided in that portion of the E3 or E4 district north of William Street, east of Washington Road, and west of Charlton Street.

(c) The locational requirements of subsection (a) above shall not apply to the extent that a certified shuttle system is utilized as provided in section 17A-342(e). (Ord. No. 90-27, § 13; Ord. No. 2005-13, § VI.)

Subdivision V. Arts, Education and Transit District ("E5").

Part 1. Use Regulations.

Sec. 17A-354.20. Generally.

In E5 districts, land and buildings may be used only for the purposes set forth in this part. (Ord. No. 2011-24.)

Sec. 17A-354.21. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below

(a) Educational uses.

(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) All other educational and related activities and uses, except those listed in section 17A-354.22 as conditional uses and that no parking spaces, whether at or below grade or in parking garages, are permitted.

(b) Transit uses.

(1) Rail, light rail, street car, bus, taxis and taxi stands, jitney lines, 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, 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 schedule.

(2) Bicycle storage, sales, rentals and repairs.

(3) Parking garages provided that they are wrapped with retail uses on the street side or otherwise suitable screening. Off-street surface parking spaces and below grade parking spaces associated with transit uses.

(4) Railroad sidings and other necessary railroad uses.

(c) Other nonresidential uses.

(1) Museums, galleries and studios.

(2) Retail stores, restaurants, cafes, pubs, and convenience stores.

(3) Parks, playgrounds and public buildings.

(4) Off-street surface parking spaces and below grade parking spaces associated with transit uses.

(d) Accessory uses.

(1) 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 E5 district, including outdoor restaurant seating and service, food vending facilities and/or food service carts.

(Ord. No. 2011-24.)

Sec. 17A-354.22. Conditional uses.

The following additional uses may be authorized as conditional uses, subject to the provisions of section 17A-208, and to the bulk regulations, parking requirements and other regulations set forth or referred to below.

(a) Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities as defined in section 17A-201 shall be permitted as a conditional use subject to the provisions of section 17A-208.

(Ord. No. 2011-24.)

Sec. 17A-354.23. Other use regulations.

All uses permitted under the provisions of sections 17A-354.20, 17A-354.21 and 17A-354.22 shall be subject to the additional use regulations set forth in section 17A-364, sections 17A-365 and 17A-373. (Ord. No. 2011-24.)

Part 2. Bulk Regulations.

Sec. 17A-354.24. Generally.

The bulk regulations contained in this subdivision apply to all buildings and land in E5 districts. (Ord. No. 2011-24.)

Sec. 17A-354.25. Educational and other nonresidential buildings.

The following bulk regulations shall apply to all educational and other nonresidential buildings on lots of more than one acre in E5 districts:

(a) No building shall be erected closer to a 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 feet.

(b) Parking setback shall be twenty feet in a yard fronting on Alexander Street with a sidewalk and full screening of the parking, including features such as landscaping, walls, and other architectural and landscape architectural features, provided in the setback area.

(c) Side yard and rear yard setbacks: (i) shall not be required for lots adjacent to nonresidential districts or lots; and, (ii) shall be ten feet for every twenty-five feet of building height that is adjacent to lots used for single-family residential purposes, within the E5 district, and, a minimum fifteen feet every twenty-five feet of building height that is adjacent to lots used for single-family residential purposes in the adjacent R-3 district unless separated by a public street.

(d) The height shall not exceed sixty feet, except that the building height may be increased to a maximum of one hundred feet provided that the following standards are met:

(1) The maximum horizontal dimension of the portion of the building over sixty feet is no greater than seventy-five feet.

(2) The minimum distance between the portions of buildings over sixty feet in height is at least one hundred fifty feet.

(3) The portion of the building exceeding sixty feet in height is setback from any public street on which it fronts an additional one foot for every one foot by which the building exceeds sixty feet.

(4) The square footage of the footprints of the portions of all buildings over sixty feet in height is no greater than eight percent of the square footage of land in the zone owned by the applicant.

Towers are permitted to a maximum of one hundred thirty feet on buildings within the E5 zone that existed on the date of adoption of this subdivision V. (December 6, 2011).

(e) 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. In an effort to encourage public access to the public spaces and the transit facilities there shall be appropriate signage provided that clearly indicates that the area is open to the public.

(f) The aggregate floor area of nonresidential uses, excluding education uses, shall not exceed a .15 ratio to total project lot area.

(g) Design standards:

(1) Streetscape standards.

a. 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 wide (eight feet 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 two and one-half foot 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 through the site is encouraged.

b. Sidewalks — Sidewalks that are a minimum of eight feet wide shall be provided parallel to Alexander Street and University Place beyond the road edge landscape. Road edge landscape and sidewalk placement may be reversed to preserve existing landscaping or other existing natural conditions.

c. Building edge landscape — Landscapes of a minimum depth of four feet including grass, planting beds, and trees where practicable, shall be provided in a landscaped zone adjacent to buildings in the E5 district. Paved access points should be provided across this area in locations where public access through 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 frontage along Alexander Street and University Place before interruption by at least twenty feet of planting or other softscape in the building edge landscape area.

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

a. Building heights shall be varied within the development.

b. 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.

c. The common open space available for public use shall be designed to include a setting for outdoor cultural or entertainment activities.

d. 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.

e. All building facades shall have full architectural treatment and architectural elements equivalent in quality to those on the facade of the front entrance and landscaping, so as to avoid monotony and enhance their visual appeal. A significant proportion of windows shall be provided on all sides of the building, including especially the ground floor.

(Ord. No. 2011-24.)

Sec. 17A-354.26. Other bulk regulations.

The additional bulk regulations contained in division 6, subdivision II of this article, with the exception of section 17A-379, section 17A-382 and section 17A-403, shall also apply in E5 districts. (Ord. No. 2011-24.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-354.27. Generally.

In E5 districts, accessory off-street parking spaces, open or enclosed, 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 section 17A-354.28, below) and loading berths shall be subject to the provisions of division 6, subdivision III of this article.

Parking spaces made available to the proposed use whether within the E5 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 demand time 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 E5 districts in accordance with accepted standards and methodology 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 E5 zone in the borough or in the AET zone in Princeton Township 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 rail service to/from Princeton Junction shall have within one thousand feet thereof a minimum of one hundred eighty parking spaces for monthly permit, daily metered, and partial-day users within the project parcel or lots adjacent, which spaces shall be considered and shared parking provisions of this section after 7:00 p.m. and on weekends. Special provisions shall provide for twenty-four-hour, forty-eight-hour, and seventy-two-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 one hundred eighty space requirement. (Ord. No. 2011-24.)

Sec. 17A-354.28. Same--Educational 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 students to be accommodated in the proposed structure and the aggregate number of all employees and students by category, i.e., employees (permanent and contract), graduate students, student research fellows, and other students projected to be employed by or enrolled in the educational institution after the proposed structure is constructed and occupied. Parking spaces shall be provided in campus facilities or adjoining municipalities in accordance with the standards for higher education institution parking set forth in section 17A-342. (Ord. No. 2011-24.)

Sec. 17A-354.29. Same--Other nonresidential buildings and uses.

For	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) Philanthropic institutions, galleries and museums.....	820 square feet of floor area.
(c) Theatres and dining halls	5 seats
(d) Service/retail	475 square feet
(e) Restaurants, cafes and pubs	400 square feet
(f) Office buildings.....	370 square feet

For any other permitted buildings and uses for which no requirements are set forth above, appropriate and comparable off-street parking requirements shall be determined by the planning board, taking into consideration Institute of Transportation Engineers (ITE) 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 354.29 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 17A-354.28, above.
(Ord. No. 2011-24.)

Sec. 17A-354.30. Required loading for nonresidential uses.

Subject to section 17A-354.27, accessory loading berths, open or enclosed, shall be provided for non-residential uses, except churches, as follows:

- (a) Educational uses on more than one acre 0 berth.
- (b) For floor area of 0 to 10,000 square feet 0 berth.
- (c) For floor area of 10,001 to 100,000 square feet 1 berth.
- (d) For each additional 75,000 square feet of floor area or fraction thereof 1 additional berth.

In a 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. (Ord. No. 2011-24.)

Part 4. Signage.

Sec. 17A-354.31. Generally.

In E5 districts section 17A-367 through section 17A-372 shall apply subject to the exceptions and/or modifications set forth below:

(a) Educational and Arts Uses.

(1) 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.

(2) Façade signs on educational use buildings may have an area of not more than twenty-four square feet.

(3) 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 square feet, and, each kiosk shall not exceed a total volume of eight hundred cubic feet. Banners shall be a minimum of eight feet above finish grade.

(b) Transportation uses. Transportation facilities may have:

(1) Up to two free standing signs on University Place and two on Alexander Road.

(2) One façade sign of not more than twenty-four square feet on each face of a train station identifying the train station.

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

(c) Retail and other nonresidential uses. Main business signs, signs on windows, doors and awnings, directory signs, special signs are permitted as set forth in section 17A-368, hereof.

(d) Wayfinding signs. Wayfinding signs are important due to the gateway nature of Alexander Road 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.
(Ord. No. 2011-24.)

Part 5. Public Access.

Sec. 17A-354.32. Public access.

The applicant shall provide an easement with dimensions and at a location acceptable to the municipal engineer permitting public pedestrian access from University Place to the rail station, if relocated.
(Ord. No. 2011-24.)

Part 6. Amendment of Official Map.

Sec. 17A-354.33. Amendment of Zoning Map.

The "Official Map for the Borough of Princeton, Mercer County, New Jersey" adopted and codified in section 17A-124, is hereby amended to incorporate the changes shown on attachment A and such amendment shall be incorporated into the Official Map for the Borough of Princeton. (Ord. No. 2011-24.)

Division 5A. Mixed Residential-Retail-Office.

Subdivision I. MRRO Districts.

Part 1. Use Regulations.

Sec. 17A-355. Generally.

In zoning district MRRO, the land and any improvement thereon may be used for the purposes as set forth herein below in part 1. (Ord. No. 82-30, § 5; Ord. No. 2006-19, § 1.)

Sec. 17A-356. Uses permitted as of right.

The following uses are permitted as of right, subject to the bulk regulations, parking requirements and other regulations set forth or referred to below:

(a) Hospital uses.

(1) Hospitals properly licensed by the state which provide health, medical and surgical care for sick or injured human beings, including accessory uses as set forth below.

(2) Dental and medical clinics operated by the principal hospital and medical offices.

(3) Hospital pharmacies.

(4) Convalescent and extended care facilities sponsored by or affiliated with the principal licensed hospital which are located on or adjacent to the hospital.

(b) Accessory hospital uses.

(1) Laboratories incidental to a permitted use.

(2) Out-patient departments.

(3) Training facilities.

(4) Management, medical and dental staff offices.

(5) Medical staff residential facilities for doctors, nurses, interns and students.

(6) Off-street parking and parking structures.

(7) Accessory signs as permitted in division 6, subdivision I, part 2 of this article.

(c) Residential uses.

- (1) One-family dwellings.
- (2) Two-family dwellings.
- (3) Attached dwellings.
- (4) Multiple dwelling.
- (5) Continuing care retirement communities.
- (6) Aged restricted housing intended for, and solely occupied by, persons fifty-five years of age or older. No more than fifty percent of the total number of units in the zone may be age restricted.

(d) Accessory residential uses.

- (1) Meeting rooms to serve the residential component of any new development.
- (2) Congregate dining areas.
- (3) Doctor or nurses stations that primarily serve the residential component.
- (4) Exercise area.
- (5) Indoor and/or outdoor pools.
- (6) Home occupations as defined in section 17A-228(c)(2).
- (7) Off-street parking and parking structures.

(e) Nonresidential uses.

- (1) Medical Services Uses.
- (2) Medical and Professional Office Uses.
- (3) Restaurant Uses.
- (4) Banks.
- (5) Neighborhood Service Retail Uses that include: barbershop, beauty parlors, tailors, dressmakers, photographic studios, shoe repair, self service automatic laundry, dry cleaning establishments and similar personal service uses dealing directly with consumers.

(6) Retail stores, convenience food stores and bakeries excluding automotive sales or services.
(Ord. No. 82-30, § 5; Ord. No. 2006-19, § 1.)

Sec. 17A-356.1. Conditional uses.

The following additional use may be authorized as a conditional use subject to the provisions of section 17A-208 and to the bulk regulations, parking requirements and other regulations set forth and referred to below:

Personal wireless telecommunications facilities and personal wireless telecommunications equipment facilities, as defined in section 17A-201 shall be permitted as a conditional use.
(Ord. No. 98-9, § I; Ord. No. 2006-19, § 1.)

Sec. 17A-356.2. Mandatory set-aside for affordable housing.

(a) Subdivision and site plan approvals for residential developments within the district may only be approved if at least twenty percent of the units are affordable units meeting the standards in section 17A-202.2.

(b) Subdivision and site plan approvals for nonresidential developments within the district may only be approved if the nonresidential development complies with section 17A-202.4.
(Ord. No. 2006-19, § 1.)

Part 2. Bulk Regulations.

Sec. 17A-357. Generally.

The bulk regulations contained in this part apply to all buildings and land in the MRRO district, except as indicated herein. Existing structures, as of July 1, 2006 may be renovated and maintain their existing building heights and setbacks. (Ord. No. 82-30, § 5; Ord. No. 2006-19, § 1.)

Sec. 17A-358. Hospital uses, residential uses and nonresidential uses.

(a) Maximum permitted for the zone.

- | | | |
|-----|------------------|--|
| (1) | Floor area ratio | 1.8 |
| (2) | Height | 5 stories the height of which shall not exceed 67.5 feet |

Notwithstanding the height limit of five stories for new or reconstructed buildings, there currently exists in the southwest section of this MRRO zone a building which exceed five stories and may remain. Elevator shafts shall not be considered in determining the heights of buildings.

(3) Coverage (%) 60%

(4) Up to two hundred eighty residential units shall be permitted in the zone.

(5) Nonresidential space shall be no more than six percent of the total square footage permitted in the district excluding any parking garage(s) and any areas shared by residential and nonresidential uses.

(6) First floor nonresidential development shall not extend for more than one hundred eighty feet along Witherspoon Street in the MRRO zone.

(7) First floor nonresidential development may not front on Franklin Avenue.

(8) Except for restaurant use, nonresidential development must be limited to three thousand square feet per user.

(b) Minimum requirements.

(1) All buildings shall be setback twenty-five feet from any right-of-way or property line.

(2) Building setback height ratio 1: 1.35

All parts of every building shall lie below planes sloping inward and upward from the lot lines with the horizontal to vertical ratio shown except that the building referred to in subsection (a)(2) shall be exempt from this requirement.

(3) A lot size of 5.6 acres is required.

(c) Buffer areas, plazas and other open areas.

(1) Open space (areas not occupied by buildings or parking) for both public and private use shall be integrated into and throughout the site. A minimum of twenty percent of land area shall be devoted to open space.

(2) At least twenty percent of the required open space shall be located along Witherspoon Street and have a depth of at least fifty feet for a distance of at least one hundred feet.

(d) Distance between buildings. Shall be a minimum distance equal to the average of the two heights of said buildings at the points where such buildings are nearest to one another but not less than twenty feet. This provision shall not apply to two or more buildings which are connected together to form a complex of buildings. (Ord. No. 82-30, § 5; Ord. No. 2006-19, § 1.)

Sec. 17A-359. Additional bulk regulations.

The additional bulk regulations contained in division 6 of this article, shall also apply in MRRO districts. (Ord. No. 82-30, § 5; Ord. No. 2006-19, § 1.)

Part 3. Off-Street Parking and Loading Requirements.

Sec. 17A-360. Generally.

(a) Accessory off-street parking spaces, open or enclosed, shall be provided for all new construction and for conversions, and accessory off-street loading berths, open or enclosed, shall be provided for new permitted uses, in accordance with the regulations set forth and referred to in this part. All such parking spaces and loading berths shall be subject to the provisions of division 6, subdivision III of this article. The majority of the on-site parking must be provided in a parking garage either on site or on an adjacent lot. No more than ten percent of the total parking on site may be surface parking. (Ord. No. 82-30, § 5; Ord. No. 2006-19, § 1.)

Sec. 17A-361. Required parking - Residential uses.

<u>Housing Unit Type/Size</u>	<u>Parking Requirement</u>
(a) Single-family detached	1.0
(b) Two-family dwellings	1.5
(c) Attached dwelling	1.0
(d) Multiple dwellings	1.5

(Ord. No. 82-30, § 5; Ord. No. 2006-19, § 1.)

Sec. 17A-362. Required parking - Nonresidential uses.

For:	At least one parking space for each:
(a) Hospitals, hospital dental and medical clinics, hospital out-patient departments and accessory uses	440 square feet of floor area
(b) Dental and medical offices	250 square feet of floor area
(c) Restaurants	5 seats
(d) Retail, office and service business uses	Ground floor: 300 square feet of floor area Other floors: 450 square feet of floor area
(e) Continuing care retirement community	Independent living units: 1.4 units Assisted living units: 0.35 per bed Nursing beds: 0.35 per bed Staff positions: 1.0 per staff member on

maximum shift
Visitors: 5 percent of required total

(Ord. No 82-30, § 5; Ord. No. 2006-19, § 1.)

Sec. 17A-363. Required loading for nonresidential uses.

Accessory loading berths, open or enclosed, shall be provided for nonresidential uses, as follows:

- (a) For floor area of 10,000 to 25,000 square feet 1 berth
- (b) For each additional 75,000 square feet of floor area or fraction thereof
1 additional berth

(Ord. No. 82-30, § 5; Ord. No. 2006-19, § 1.)

Division 6. Supplementary District Regulations.

Subdivision I. Use Regulations.

Part 1. In General.

Sec. 17A-364. Prohibited uses.

The following uses of buildings or of land shall not be located anywhere in the borough:

- (a) Junk yards and automobile wrecking yards.
- (b) Auto body and paint shops, radiator repair, tire retreading and automobile laundries.
- (c) Bus terminals.
- (d) Manufacture of monuments.
- (e) The storage, parking or use of a trailer by any person; except that trailers used for construction purposes, including related offices and storage and for theatrical, musical, or dance events or similar cultural events open to the public, may be permitted by the development enforcement officer, but only for the duration of a specified project or event. A zoning permit for such activities must be obtained from the development enforcement officer pursuant to Borough Ordinance Section 17A-214.

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness; electromagnetic or other disturbance; glare; liquid or solid refuse or waste; or other substance, condition or element in such manner or in such amount as to adversely affect the reasonable use of the surrounding area of adjoining premises.
(Ord. No. 77-1, § 2; Ord. No. 82-30, § 4; Ord. No. 2001-4, § I.)

Sec. 17A-365. Lighting and sound systems.

(a) The provisions of this section shall apply to all principal uses, secondary residence uses and accessory uses or activities permitted within R1, R2, R3 and R4 districts or located within two hundred feet of the boundary line of any such R1, R2, R3 or R4 district, and to all nonconforming uses so located.

(b) Any outdoor lighting shall be adequately shielded and directed away from the adjoining properties.

(c) No public address system or loudspeaker devices shall emit noises which can be heard beyond the property lines.

(d) The permanent illumination of all or any part of a building, such as a facade, gable, roof, side wall or corner shall not be permitted, except as allowed by the board of adjustment as a decision upon a special question.
(Ord. No. 77-1, § 2; Ord. No. 78-26, § 6; Ord. No. 82-30, § 4.)

Sec. 17A-365.1. Lighting.

(a) Purpose. Regulation of outdoor lighting including recreational and sports facility lighting is necessary to prevent the cause of unnecessary sky glow, to prevent light trespass and to reduce unnecessary glare caused by inappropriate or misaligned light fixtures and/or the inappropriate location of light poles. These standards are intended to promote energy efficiency, preserve and protect adjacent residential neighborhoods from unnecessary lighting impacts and discourage overlighting consistent with public safety.

(b) Definitions.

Automatic timing device. A switching device, a part of which is a clock, set to the prevailing time (Eastern Standard Time or Daylight Saving Time), that will control the period of illuminating outdoor light fixtures and outdoor signs.

Foot-candle. The measurement of light on a surface of one square foot in area on which there is uniformly distributed a light flux of one lumen.

Glare. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Illuminating Engineering Society of North America (IESNA). An organization that establishes standards for the lighting industry.

Light trespass. Any form of artificial illumination emanating from a light fixture or illuminated sign on a property that penetrates across the property line or lines into another property.

Motion sensor device. A device that will sense motion electronically and switch on security lighting during the activity and for a brief duration thereafter.

Objectionable direct light emissions. Direct light emissions visible above a height of five feet at the subject property line. A bulb, a reflective device, a refractive lens device, a globe, or diffuse panels, shall be considered a direct light emission source.

Outdoor light fixture. An electrically powered illuminating device containing a total light source of more than one thousand eight hundred initial lumens per fixture (this is greater than a single one hundred watt incandescent, or two seventy-five watt reflectorized incandescent bulbs), which is permanently installed outdoors, including but not limited to, devices used to illuminate any site, architectural structure, or sign.

Shielded light fixture. A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of ninety degrees for street lighting and eighty degrees for all other lighting, through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

(c) Standards. All outdoor light fixtures installed and thereafter maintained, other than those serving one- and two-family dwellings, shall comply with the following requirements:

(1) Only shielded light fixtures shall be used. Any fixture mounted above ten feet shall have no more than ten percent of its light distribution at a vertical angle of eighty degrees above nadir and two and five-tenths percent at an angle of ninety degrees above nadir.

(2) Where used for commercial, educational, or institutional purposes or for sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices set to be turned off during nonoperating hours or when not necessary for safety and security purposes.

(3) Light fixtures used to illuminate flags, statues or other objects mounted on a pole, pedestal or platform shall use a narrow column beam of light that will not extend beyond the maximum extension of the illuminated object.

(4) Other upward directed architectural, landscape or decorative direct light emissions shall have at least ninety percent of their total distribution pattern within the profile of the illuminated structure.

(5) Lighting for freestanding signs shall use shielded light fixtures or other device(s) to shield the light source.

(6) All outdoor lighting shall be metal halide, incandescent, light emitting diode (LED), induction or compact florescence unless otherwise approved by the board of jurisdiction.

(7) When not necessary for safety and security purposes all outdoor lighting during nonoperating hours of the business or use, shall be turned off by eleven p.m.

or limited to parking areas essential for night use. The use of lights activated by motion-sensor devices is permissible in all parking lots or walking paths.

(8) All lighting shall be designed to prevent misdirected or excessive artificial light and to be energy efficient.

(9) All light fixtures shall be designed, installed and maintained to prevent light trespass.

(10) Illumination levels shall not exceed those recommended in the IESNA Lighting Handbook, 8th Edition, and IESNA publication RP 6-88, Sports Lighting.

(11) Except for lights located along public or private streets, the maximum height of freestanding lights shall not exceed the height of the principal building, or fourteen feet, whichever is less in residential zones, historic districts or properties adjacent to residential zones or uses. In nonresidential zones where the light will not be seen from a residential use a height of up to twenty feet is permitted for freestanding lights.

(12) The style of the light and light standards (poles) shall be consistent with the architectural style of the principal building or surrounding area. Nonresidential uses constructed in residential areas shall maintain a residential character in the type and style of lighting installed. In historic districts the style of the light and light standards shall comply with the district requirements.

(13) Floodlight-type fixtures attached to buildings shall be prohibited unless other lighting is not suitable for its intended use.

(14) Freestanding lights shall be so located and protected to avoid being damaged by vehicles.

(15) All wiring shall be underground.

(16) Where allowed to be used for sports or recreational facilities, all lighting fixtures shall comply with the following:

a. For field sports such as football, soccer, baseball and track and field, a maximum pole height of forty feet, but a higher pole height may be approved by a waiver granted by the board of jurisdiction upon a showing of necessity, together with restrictions on use which limit the adverse impacts on surrounding properties.

b. The minimum distance of the pole to any property line shall be twice the height of the pole. For example, a forty foot pole must be a minimum of eighty feet from any property line.

c. Light trespass shall not be more than one-tenth foot-candle at any adjacent residential property line measured at grade.

d. A berm, landscape buffer, where feasible, shall be required to screen the source of light and the lit object from any adjacent residences.

e. When not in use or not later than ten-thirty p.m., all lighting shall be turned off unless specifically permitted by the board of jurisdiction.

(d) Illuminance requirements.

(1) Street lighting. Average maintained illuminances shall not exceed IESNA recommendations listed below and be consistent with safety standards. IESNA average to minimum illuminance uniformity ratios are to be used as a guide for designing safe and adequate roadway lighting. Lighting fixtures shall be chosen to blend into the existing character of the area.

Average Maintained Illuminance

Arterial roadway nonresidential area	1.2 to 1.7 foot-candles
Arterial roadway residential area	0.6 to 0.9 foot-candles
Collector roadway nonresidential area	1.2 to 0.8 foot-candles
Collector roadway residential area	0.6 to 0.4 foot-candles
Local roadway nonresidential area	0.9 to 0.6 foot-candles
Local roadway residential area	0.4 to 0.3 foot-candles

(2) Open parking facilities. Lighting fixture shall be chosen to blend into the existing character of the area. Illuminance requirements shall be determined by the location, type of uses, safety and activity levels indicated below. Average illuminance shall not be exceeded. Minimum illuminance shall not be less.

a. Some examples of levels of activity may include:

High activity area:
Regional shopping centers containing retail spaces of two hundred thousand square feet or greater;

Low activity area:
Neighborhood shopping area near residential neighborhoods
School parking lot
Church or place of worship parking

b. Maintained horizontal illuminance for open parking facilities based on level of activity:

<u>Level of Activity</u>	<u>General Parking and Pedestrian Traffic Foot-candles*</u> <u>(minimum on pavement)</u>	<u>Vehicle Use Area Only Foot-candles**</u> <u>(average on pavement)</u>
High	0.5	1.0
Medium	0.3	0.5

Low

0.2

0.5

*General parking and pedestrian area is defined as one where pedestrian conflicts with vehicles are likely to occur.

**A vehicle use area only is defined as one where conflicts with pedestrians are not likely to occur (service areas or access roads).

(3) Covered parking facilities. Covered parking facilities require lighting both day and night subject to the standards set forth in subsection (c)(7) above. The standards for roof area lighting of parking garages shall be similar to open parking facilities. Listed below are the recommended maintained horizontal illuminance for covered parking facilities.

<u>Areas</u>	<u>Day time Foot-candles (average on pavement)*</u>	<u>Night time Foot-candles (average on pavement)</u>
General parking and pedestrian areas	5.0	5.0
Ramps and corners	10.0	5.0
Entrance areas	50.0	5.0

*Sum of electric lighting and daylight.

(4) Walkways. Minimum average foot-candles shall be as follows:

- a. Sidewalks (roadside):
Commercial areas: five-tenths
Residential areas: two-tenths

b. Walkways, stairways and bikeways (distant from roadways):
two-tenths.

c. Entrances and stairways should maintain an average foot-candle of five-tenths.

(e) Light trespass. All light fixtures, except street lighting and those used on one or two family dwellings, shall be designed, installed, and maintained to prevent light trespass, as specified below.

(1) At the property line of subject property, illumination from light fixtures shall not exceed one-tenth foot-candles on residentially used property or five-tenths foot-candles on nonresidential used property, in a vertical plane.

(2) Outdoor light fixtures properly installed and thereafter maintained shall be directed so that there will be no objectionable direct light emissions.

(3) Where a nonresidential use abuts a residential use, the side(s) of the nonresidential building which fronts a residential use must demonstrate that there is

adequate screening to buffer the buildings interior lights from the residential use or provide interior light opaque window shading.

(4) Interior lights in nonresidential buildings not necessary for safety or security purposes shall be turned off after normal business hours.

(f) Site plan applications and major subdivision applications. Plans for all lighting other than street lighting shall be submitted in accordance with the following:

(1) Description of outdoor lighting fixtures including component specifications such as lamps, reflectors, optics, angle of cutoff, supports, poles, color of lighting and include manufacturers' catalog cuts.

(2) Location and description of every outdoor light fixture and hours of operation.

(3) Maintained horizontal illuminance shown as foot-candles (after depreciation).

Maximum

Minimum

Average, during operating and non-operating hours

Maximum to minimum ratio

Average to minimum ratio

(4) Computer generated photometric grid showing foot-candle readings every ten feet, and the average foot-candles. Small areas may require the average to be computed from positions no greater than five feet apart.

(5) Foundation details for light poles.

(6) When using IES recommendations, submit supporting documentation.

(g) Applicability of lighting standards. The requirements of this section shall apply to any development application approved after the effective date of this section.

(1) If the development application is for a developed site and:

a. If the existing parking area is being expanded to accommodate thirty percent or more of the existing number of spaces (but at least five or more spaces); or

b. If the square footage of the structure is to be expanded by thirty percent or more (but at least one thousand square feet); or

c. If more than forty percent of the structure or parking area (but at least one thousand square feet of new structure or five parking spaces) is being substantially renovated, then the new requirements shall apply both to the new and to the existing development on the site.

(2) If the development is less than the above, but involves an expansion or renovation project meeting at least fifty percent of any of the above standards, then the applicant may be required to upgrade its site by expending fifty percent of the cost of full compliance to be allocated to such elements of the lighting as the board of jurisdiction shall determine.

(3) The provisions of section 17A-365 shall continue to apply to all uses which exist as of the date of this new section 17A-365.1 and which are not affected by subsequently filed development applications.
(Ord. No. 97-25, § I; Ord. No. 2009-01, § III.)

Sec. 17A-366. Uses to be located in enclosed buildings; exceptions.

All uses shall be carried on in buildings fully enclosed on all sides, with the following exceptions:

(a) Parking lots.

(b) Gasoline sales.

(c) Incidental sales of newspapers, books, magazines, fruits, vegetables, and flowers provided that such merchandise shall not exceed a total length of thirty feet along the principal frontage or facade of the area occupied by the business, and shall be placed so that a minimum of five feet of an unobstructed sidewalk shall be maintained.

(d) Outdoor service of diners seated at tables placed on a porch, sidewalk or yard, accessory to a permitted eating place.

(e) Drive-in bank windows.

(f) Telephone booths.

(Ord. No. 77-1, § 2; Ord. No. 81-43, § 2; Ord. No. 82-30, § 4; Ord. No. 93-24, § I.)

Part 2. Signs.

Sec. 17A-367. Accessory signs - Permitted in all districts.

The following accessory signs are permitted in all districts in the borough:

(a) A non-illuminated nameplate, with the name of the principal occupant and the street number and name of a private dwelling or both, with an area of not more than one hundred forty-four square inches.

(b) A sign, illuminated or not, for a church, educational institution or public or quasi-public building or use, with an area of not more than sixteen square feet.

(c) The following nonilluminated temporary signs:

(1) A single sign pertaining to the lease or sale of the premises upon which it is placed, with an area of not more than eight square feet; provided, that such sign shall be removed within seven days after the consummation of a lease or sale of the premises.

(2) Signs for a building, premises or part thereof, under construction or renovation, with the street number of a building and the name of the architect, engineer, landscaper, the general contractor and subcontractors, and the project title during construction on the premises. Such signs shall be located at the principal entrance and within the street line and lot lines of the premises and shall be removed within seven days after the completion of the construction work. The total area of all such signs on a lot shall not exceed eight square feet.

(3) Class reunion signs or banners of a college or university.

(4) Signs announcing or advertising any political, educational, religious or like campaign, drive or event; provided that the total area of all such signs on a lot shall not exceed eight square feet.

(Ord. No. 77-1, § 2; Ord. No. 82-30, § 4; Ord. No. 93-24, § I.)

Sec. 17A-368. Accessory signs - Permitted in business districts.

The following main business signs, signs on windows, doors and awnings, directory signs, special signs, paper signs, and parking rate signs are permitted accessory to each business building in RO, RB, NB, CB and SB districts:

(a) Main business signs.

(1) Each business use located at the street level may have one business sign. Such sign may be either a facade sign or a free-standing sign.

a. A facade sign shall be located on the wall surface of the principal frontage or facade of the area occupied by such business and extending not more than four inches from such wall. Such business use, if located on a corner lot, may have a second sign located on the wall facing the other street. The total area of such sign (or signs) shall not exceed twenty square feet and shall in no event exceed ten percent of the front wall surface, including window and door area, attributable to such business. If such signs are illuminated, the area shall not exceed ten square feet and shall in no event exceed five percent of the total area of the front wall attributable to such business.

b. Free-standing signs shall be located between the principal structure and the street and may be located in the front yard setback. The business use, if located on a corner lot, may have a second sign located between the second side of the building facing a street and the street. The total area of the sign (or signs) shall not exceed ten square feet and a height of four feet from grade. If the sign (or signs) has two sides, the total of both sides shall not exceed ten square feet. If the sign (or signs) is illuminated, the area shall not exceed five square feet, including all sides. The sign or signs may include information about uses in addition to the main business use, but if information is provided about business uses located in the rear or the upper floors, then the freestanding sign shall

be in lieu of the eight square foot sign permitted by section 17A-368 (a) (4), but in such case, the two square foot sign permitted by section 17A-368 (a) (4) shall still be allowed.

(2) Each business located at the basement level of any building may have one main business sign, located on the wall surface of the principal frontage or facade of the area occupied by such business, and extending not more than four inches from such wall. The total area of such sign shall not exceed ten square feet and shall in no event exceed five percent of the total inside front wall area attributable to such business. If such sign is illuminated, the total area shall not exceed five square feet and shall in no event exceed two and one-half percent of the total inside front wall attributable to such business.

(3) A sign on a marquee or canopy shall be considered part of a main business sign and shall be counted in determining the maximum aggregate area permitted on the front wall of the building attributable to such use.

(4) Business uses located in the rear or on the upper floors may have one non-illuminated business sign to be shared by all such uses on the premises. It shall be located on a wall surface immediately adjacent to the main entrance to such uses and may extend not more than four inches from such wall. The total area of such sign shall not exceed eight square feet. It may not include more than one set of graphics for each use, such as an identification sign and inclusion of the use in a directory sign. Such uses may, in addition, have one painted sign, to be shared by all such uses, on the glass of a glass or partially glass door serving as the main entrance to such uses. The total area of such painted sign shall not exceed two square feet.

(b) Signs on windows, doors, and awnings. Each business located at the street level may have the following signs, for the name, street, number or type of business or any combination thereof:

(1) Two signs, with a total area not to exceed six square feet, painted on the windows or doors, or both, but with not more than one such sign on any window or door; except that an establishment serving food may post its menu and hours of service on the first floor facade in reasonable proximity to the front entry. Such menu sign may be no more than six square feet and may be in addition to the two signs permitted herein.

(2) One sign on the valance of an awning, the total area of which sign shall not exceed eight square feet.

(c) Directory signs.

(1) Each business use located in the rear or on the upper floors may have one non-illuminated sign, with an area not exceeding seventy-two inches, at a side or rear entrance serving such business.

(2) One additional directory sign for any business building, other than a gasoline service station; provided, that such business building is set back more than twenty feet beyond the front yard of such premises and may be illuminated, set at right angles to the street and lettered on both sides. Each side of such sign may have the names of all principal tenants of the building. The area of such sign devoted to each tenants of the

building. The area of such sign devoted to each tenant shall not exceed seventy-two square inches, and the total area of such sign shall not exceed eight square feet.

(d) Special signs.

(1) Special signs serving the public convenience, such as "Notary Public," "Public Telephones," "Public Rest Rooms" or words or directions of similar import. The area of such sign shall not exceed seventy-two square inches. Only one sign of each type shall be displayed.

(2) A temporary free-standing advertisement or menu sign announcing any special sale or event for a consecutive period not to exceed fourteen days, may be displayed during hours of operation, provided only one such sign be installed per street level business establishment not to exceed twelve square feet in size and not more than five feet in height. Such sign shall be placed so that, a minimum of five feet of an unobstructed sidewalk area must be maintained.

(e) Temporary paper signs. Temporary signs made out of paper or similar material and containing extraordinary information pertaining to matters of limited duration, such as sales, product promotion, community, cultural, or other public events, and employment opportunities. Such signs shall not have an area exceeding ten percent of the total square footage of the glass frontage of the establishment and shall be displayed no more than fourteen consecutive days.

(f) Parking rate sign. Operators of parking garages and open lots shall post a sign setting forth all pertinent rate information. Such information shall be readily visible to potential patrons before they pull into the entryway. Such rate sign may be no more than ten square feet and may be in addition to such other signage as is permitted herein. (Ord. No. 77-1, § 2; Ord. No. 82-30 § 4; Ord. No. 83-25, § 3; Ord. No. 83-38, § 3; Ord. No. 92-26, § I; Ord. No. 92-31, § 1; Ord. No. 93-24, § D).

Sec. 17A-369. Prohibited signs.

The following types of signs or artificial lighting are prohibited:

(a) Billboards.

(b) Flashing signs or moving signs, including any sign or device or which the artificial light is not maintained stationary and constant in intensity and color at all times when in use.

(c) Neon signs.

(d) Signs which compete for attention with, or may be mistaken for, a traffic signal.
(Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-370. Location.

Except as otherwise provided in this article, no sign shall project into a required yard or beyond the lot or street line.

No sign shall be placed, inscribed or supported upon the roof, or upon any structure which extends above the roof, of any building, except such directional devices as may be required by federal or state aeronautical authorities.

No sign shall be so placed as to interfere with the opening of an exit door or to obstruct any window opening of a room which is used for dwelling purposes.

No part of any business sign shall project above the top or beyond the ends of the wall surface upon which it is placed. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-371. Lighting.

Permitted lighting for illuminated signs shall be limited to that concentrated upon the face of the sign. If any such sign is situated within twenty feet of a street, the direct source of light shall not be visible from the street or any neighboring lots or uses. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-372. "Area" defined.

"Area" shall mean the maximum projected area of the oblong, parallelogram or other shape which encloses the sign structure, device or representation. For a free standing or projecting sign, all sides which are used as a sign shall be included in the computation of the area of the sign. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Subdivision II. Bulk Regulations.

Sec. 17A-373. Exceptions to lot size requirements--Existing small lots.

(a) Existing small lots exceptions.

(1) If a lot with a total area, lot width or lot depth less than prescribed in this article appears as a separate lot or parcel, is designated as such on the tax map of the borough on November 19, 1968, and continues as such at all times thereafter, to and including the date of any application for a zoning permit, such lot may be used for a one-family dwelling, except in the SB districts. However, each such substandard lot shall be developed in conformity with all applicable district regulations, other than the minimum lot area, lot width, and lot depth. In no event shall a secondary residence be permitted on a lot that is less than one hundred twenty-five percent of the minimum lot area that is specified in this article for the zoning district in which the lot is located.

(b) Proportional FAR – Alteration and enlargement of structures: nonconforming lots. A nonconforming structure or a conforming structure on a nonconforming lot may be altered or enlarged provided that such alteration or enlargement neither increases existing nonconformity nor creates a new noncompliance; except, the gross floor area of a single-family house or a two-family house that occupies a lot that is smaller than the required lot area for the district in which the house is located may be

increased proportionately by using the following formula for determining the adjusted FAR that may be applied to the existing area (in square feet) of the nonconforming lot:

$$\left[1 + \frac{(\text{required lot area} - \text{existing lot area})}{\text{required lot area}}\right] \times \text{FAR for the district required lot area}$$

For purposes of this calculation:

- (1) Subtract the existing lot area from the required lot area.
- (2) Divide the result by the required lot area.
- (3) Add 1 to the result.
- (4) Multiply the result by the district FAR expressed as a decimal to determine the adjusted FAR.
- (5) To obtain the maximum gross floor area for the existing lot, multiply the adjusted FAR by the existing lot area.

By way of an example, on a 16,000 square foot lot in the R-1 zoning districts where the required lot area is 20,000 square feet and the maximum FAR is 25% the adjusted FAR stated as a decimal is 0.30 (i.e., $1.20 \times .25$) and the permitted gross floor area is 4,800 square feet (i.e., $16,000 \times .30$).

If such single-family house is in a zoning district in which residential use is not permitted, the district referred to in the first paragraph shall be the residence district nearest to such house.

If a variance is granted to allow a single-family house to be constructed on a vacant lot that is smaller than the required lot area for the district in which the house is to be located, then the above formula shall also apply in determining the permitted gross floor area.

(Ord. No. 77-1, § 2; Ord. No. 78-26, § 7; Ord. No. 81-43, § 3; Ord. No. 82-30, § 4; Ord. No. 2006-07, § 10; Ord. No. 2009-01, § IV.)

Sec. 17A-374. Same--Lot depth.

The required lot depth at any point may be decreased by twenty-five percent if the average lot depth conforms with the minimum requirement. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-375. Exceptions to height restrictions.

Penthouses, bulkheads, television antennae, ornamental spires, elevator walls, stair enclosures, etc., covering less than twenty percent of the roof area, are exempt from height restrictions; except, that penthouses for residential or nonresidential use may not extend more than ten feet above the maximum height permitted in the district, if such height is less than fifty-five feet or more than fifteen feet above the maximum height

permitted in the district, if such height is fifty-five feet or greater. All such structures must be ten feet from the front and rear wall of a building and three feet from the side walls; except, that walls of elevators and stair enclosures may be built on the side wall, when required by the plan of the building. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4; Ord. No. 90-27, § 14.)

Sec. 17A-376. Side and rear yards.

(a) In all cases where side and rear yards are not required but are provided, such yards shall not be less than ten feet.

(b) Principal or accessory or secondary residence buildings which are not of "fire resistive" construction, as defined in the Construction Code, shall have side yards and rear yards as required in the R4 districts, unless located in a district requiring larger side yards or rear yards, in which case the stricter requirements shall apply.

(c) If an existing residential building does not, as of the date of the final adoption of this ordinance,* conform to the building height to setback ratio with respect to any side yard, an addition to the existing building along that side yard may be built which violates the building height to setback ratio, provided that: (1) the proposed addition's building height to setback ratio for that side yard is no more nonconforming than the building height to setback ratio for the existing building; and (2) the proposed addition's length along that side yard is no more than the length of the existing portion of the existing building which violates the building height to setback ratio. (3) The minimum side yard requirement shall be met.
(Ord. No. 77-1, § 2; Ord. No. 78-26, § 8; Ord. No. 82-30, § 4; Ord. No. 2006-07, § 11.)

Sec. 17A-376.1. The mean prevailing front setback for a block.

The mean prevailing front yard setback 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 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.

(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.

* **Editor's Note:** Ordinance No. 2006-07, codified herein, was adopted April 25, 2006.

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.

(Ord. No. 2006-07, § 12.)

Sec. 17A-377. Projections into yards; fences or walls; paved areas.

(a) Cornices, gutters, downspouts and cantilevered roofs may project not more than three feet into a yard.

(b) Belt courses, window sills and other ornamental features may project not more than nine inches into a yard.

(c) Fire escapes may project not more than six feet into a yard.

(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.

(e) Fences or walls, not over six feet in height, may be erected anywhere on the lot, except as set forth in section 17A-379.

(f) Paved areas, other than such as are needed for access to the building on the lot, shall not be located less than four feet from a lot line.

(Ord. No. 77-1, § 2; Ord. No. 82-30, § 4; Ord. 2009-01, § V.)

Sec. 17A-378. Corner lots--Location of front, side and rear yards.

A corner lot shall have one front yard, which shall face on either street, and one side yard facing the other street. The rear yard shall be that yard which is generally opposite the front yard. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-379. Same--Obstructions to vision at street intersections.

At all street intersections in all R1, R2, R3, and R4 districts, that portion of any corner lot within the triangle formed by the curb lines of such lot and a line drawn between points on each curb line forty feet distant from their point of intersection shall be cleared of all growth and obstructions above the level three feet higher than the center line of the street, except for isolated trees trimmed to provide necessary sight distance. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-380. Accessory buildings and secondary residence buildings – in side or rear yards.

Accessory buildings which are accessory to a residential use and secondary residence buildings may be located in any side or rear yard; except, that in the case of a corner lot, such buildings shall not be located in that part of the side or rear yard which is nearer to a street line than the front yard setback required for a principal building on the adjacent lot; provided that;

(a) No such accessory building or secondary residence building shall exceed fifteen feet in height.

(b) No such accessory building or secondary residence building shall be closer to a lot than five feet. However, on contiguous lots, accessory buildings constructed at the same time may be located in pairs or groups along the common lot line and may have a common wall.

(c) All such accessory buildings, and secondary residence buildings, in the aggregate, shall not occupy more than twenty percent of the area of the side yard or rear yard.

(Ord. No. 77-1, § 2; Ord. No. 78-26, § 10; Ord. No. 82-30, § 4; Ord. No. 2006-07, § 13.)

Sec. 17A-381. Same--Not in side or rear yards.

An accessory building or secondary residence building on that portion of a lot not included in any yard shall conform with the height regulations for principal buildings. (Ord. No. 77-1, § 2; Ord. No. 78-26, § 10; Ord. No. 82-30, § 4.)

Sec. 17A-382. Distances between buildings on single lot.

Where more than one building is located on a single lot, except on lots of more than one acre in E1 or E2 districts, the following minimum distances between buildings shall apply:

(a) Between a one-family dwelling and a one-story accessory building, or between a one-family dwelling and a one-story secondary residence building: Five feet.

(b) Between a principal building, except a one-family or two-family dwelling, and a one-story accessory building: Ten feet.

(c) Between any other two buildings, principal or accessory or secondary residence: A distance equal to that required for the individual wall types required by section 17A-383.
(Ord. No. 77-1, § 2; Ord. No. 78-26, § 11; Ord. No. 81-24, § 6; Ord. No. 82-30, § 4; Ord. No. 2009-01, § VI.)

Sec. 17A-383. Distances between buildings and windows in rooms of other buildings.

Notwithstanding any other provisions of this chapter, no building on any lot or on the same lot shall intrude into the area required for the individual wall types as follows:

(a) Type of wall.

(1) Primary wall is that wall of a building which contains windows other than of the window types of a secondary wall as defined herein, included but not limited to the windows of offices, principal work areas and the habitable rooms of dwelling units.

(2) Secondary wall is that wall of a building in which more than sixty percent of the windows in said wall are of rooms such as hallways, bathrooms, kitchens, mechanical room, storage areas, and entirely enclosed areas such as environmentally controlled computer and communication rooms.

(3) Windowless wall is that wall which contains no windows.

(b) Minimum distance from the building wall to the walls of other buildings, a wall of the same building or to a lot line other than a street lot line.

(1) Primary wall. Six feet plus two feet for each story(s) in height plus one foot for each ten feet of length (L). $D = 6 + 2 \times s + L/10$.

(2) Secondary wall. Two feet plus one foot for each story(s) in height plus one foot for each ten feet of length (L), minimum distance five feet. $D = 2 + s + L/10$.

(3) Windowless wall. Where opposing walls have no windows, there is no required distance between buildings, other than for fire protection.

Where a window wall is opposite a windowless wall, the distance between buildings is determined by the required space for the window wall.

All measurements shall be performed in horizontal projection at the sill level of the subject window.

Where walls are opposite each other, the minimum distance (D) between building walls (S), shall be measured at that point where the buildings are closest to each other and the length (L) shall be equal to the length of that portion of the shorter wall measured from that point where it is closest to the opposite wall to the end of the shorter wall. (Ord. No. 77-1, § 2; Ord. No. 81-24, § 7; Ord. No. 82-30, § 4.)

Sec. 17A-384. Courts in multiple dwellings, joint occupancy buildings, dormitories and boarding houses.

In multiple dwellings, joint occupancy buildings, dormitories and boarding houses, courts are permitted only as follows:

(a) Inner courts. An inner court is permitted if the minimum dimension of such court is not less than sixty feet or two times the height of the building, whichever is less.

(b) Outer courts. The minimum width of an outer court shall be twenty feet, and its depth shall not exceed its width. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-385. Access to streets; conditional use approval of non-access.

No building shall be constructed or altered upon a lot that does not have access to a street, except in an E2 district when the entire subject building is located more than 150 feet from a public street; provided, however, that such building may be authorized as a conditional use:

(a) In an E2 district, when some part of the building is located within 150 feet of a public street, upon a finding by the municipal agency that access to a street is not required for the subject building in its proposed location.

(b) In an E1 district, upon a finding by the municipal agency that access to a street is not required for the subject building in its proposed location. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Subdivision III. Off-Street Parking and Loading Requirement.

Sec. 17A-386. Permitted accessory parking - Generally.

Off-street parking spaces, open or enclosed, may be provided accessory to any use; provided, that no automobile service, repair or fueling shall be provided, except in SB districts. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-387. Required parking spaces - Size; design; signs.

(a) A parking space shall be either a standard size parking space or a compact size space. A standard size parking space shall contain one hundred seventy-one square feet of area with minimum width and minimum length of nine feet and nineteen feet respectively when constructed at ninety degrees to the travel aisle. A compact size parking space shall contain one hundred fifteen square feet of area with minimum width and minimum length of seven and one-half feet and fifteen feet respectively when constructed at ninety degrees to the travel aisle. When parking spaces are constructed at an angle of other than ninety degrees to the travel aisle, the minimum area for standard size and compact size space shall apply and the design shall be subject to the approval of the borough engineer.

(b) Areas counted as parking spaces include any private garage, carport or other paved off-street area available for parking, other than a driveway; except, that in the cases of one-family and two-family dwelling, and secondary residence buildings, driveway space not in the front yard may be counted as parking spaces.

(c) Parking spaces shall not be provided within a required front yard. If in a rear or side yard, parking spaces shall not be located within four feet of any lot line.

(d) Unobstructed access to and from a street shall be provided.

(e) Non-illuminated identification and directional signs shall have an area of not more than six square feet per sign. The number of signs shall be limited to such as are essential for the purpose, as determined by the development enforcement officer. All compact size parking spaces shall be identified with a sign reading "small car(s) only" or its equivalent.

(f) The allowable number of compact size parking spaces is as follows:

(1) In parking areas and parking structures of less than one hundred spaces, a maximum of fifteen percent of such spaces may be designed as compact spaces,

(2) In parking areas and parking structures of greater than one hundred spaces, a maximum of thirty percent of such spaces may be designed as compact spaces,

(3) In parking structures, the maximum percentages of parking spaces designed as compact spaces may be increased without limitation by the planning board subject to a finding during the course of a conditional use review that a greater percentage of compact automobiles exists and are planned for in the future which may utilize said spaces and that in the physical design of the parking structure, an advantage exists for such an increased percentage of compact spaces.

The location and design of compact spaces within each parking area and parking structure shall be subject to the approval of the borough engineer who may allow the maximum number of such spaces only when the site will permit proper space for access and maneuvering. (Ord. No. 77-1, § 2; Ord. No. 78-26, § 12, Ord. No. 81-30, § 1; Ord. No. 82-30, § 4.)

Sec. 17A-388. Same--Location; ownership.

(a) Required parking spaces shall be provided upon the same lot as the use to which they are accessory or within four hundred feet of such lot, measured by straight line from the nearest of such spaces. All parking spaces located on a different lot from the use to which they are accessory shall be permanently established for such accessory use as follows: Deed restrictions approved by the borough attorney shall be placed upon them and filed with the county clerk, binding an owner and his heirs and assigns to maintain the required number of spaces available, either for the entire life of the use to which they are accessory or until such spaces are provided elsewhere.

(b) When a use is located on a lot which is partly in one district and partly in another district, parking spaces for such lot may be located without regard to district lines; provided, that no such parking spaces shall be located in any R1, R2, R3 or R4 district, unless the use to which they are accessory is permitted in such district or is approved by the board of adjustment as a decision upon a special question. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-389. Reserved.*

Sec. 17A-390. Parking lots and garages.

The following provisions unless otherwise indicated shall apply to all parking lots with more than ten spaces. Two or more parking lots on the same tax lot (or lots, if under common ownership) which contain a total of ten or more spaces and are separated by a distance of less than one hundred fifty feet shall be treated as a lot with ten or more spaces for purposes of this section.

(a) All off-street parking lots with more than ten spaces shall be graded, paved, landscaped, lighted and maintained by the owner, in accordance with site plan approval, if any, first duly obtained in accordance with this section and other applicable requirements of this article.

(b) No entrance or exit for any parking lot with more than ten spaces shall be located within fifty feet of the intersection of any two street lines. However, the board of adjustment may authorize minor adjustments in this rule, in accordance with section 17A-209 and upon a finding by the planning board in the course of conditional use review that a location closer to an intersection is not hazardous to pedestrian or vehicular traffic and is essential to the proper functioning of the parking lot. Driveways providing access to parking lots with more than ten spaces and parking garages in an E district shall not pass through any residential district before connecting to a street. For such lots and garages, no more than three hundred twenty vehicles may enter or exit by way of a single driveway onto a public street during any one hour, and the party proposing such lots and garages shall submit a traffic analysis to the board or officer of jurisdiction demonstrating compliance with this provision.

(c) Off-street parking lots with more than ten spaces shall have planting strips at least four feet in width around the perimeter of the parking area. Such planting strips shall be interrupted only at points of ingress and egress and where the parking area or access drive abuts a building on the same lot. The board of jurisdiction, or the zoning officer if there is no site plan review, shall require that the design of parking areas and the plantings to be placed upon these parking areas shall be adequate to screen the parking area from the view of the street or any adjoining lots and to achieve the maximum amount of green space consistent with the parking requirement. This shall be accomplished by the installation and maintenance of a solid planting of contiguous evergreen shrubs. Plantings

* **Editor's Note:** Former section 17A-389, Required parking spaces - Waiver by board of adjustment, previously codified herein and containing portions of Ordinance No. 80-17, was repealed in its entirety by Ord. No. 2002-20.

***Editor's Note:** Ordinance No. 2008-18, codified herein as Subdivision VIII, Mixed Use (MX) Zone, was adopted June 24, 2008.

shall be of a size and type and shall be spaced so as to achieve a visible barrier within three growing seasons and shall be at least six feet high when planted. The plantings shall include an appropriate number of shade trees. Dead or dying plantings shall be replaced as soon as is practicable. If such lot abuts a gasoline service station or another parking lot with more than ten spaces, the planning board may modify or waive this requirement for such abutting portion of the lot. The board or officer of jurisdiction may permit a suitable screening wall or fence upon determining that plantings are impracticable or inappropriate. When required screening cannot be accomplished in a manner consistent with sight triangle requirements, the maximum amount of screening consistent with such requirements shall be put in place.

However, when such parking lot is a corner lot at a street intersection in an R1, R2, R3, or R4 district, within the triangle formed by the curb lines of such lot and a line drawn between points on each curb line forty feet distant from their point of intersection, such wall, fence or planting shall be no more than three feet higher than the center line of the street within the triangle formed by the curb lines of such lot and a line drawn between points on each curb line forty feet distant from their point of intersection, as required in section 17A-379.

(d) In E districts, off-street parking lots with more than ten spaces and access drives for such lots and for parking garages shall be set back at least twenty-five feet from public rights-of-way and residential district boundary lines except that access drives may be located within the setback area where necessary to connect the parking area with the public right-of-way; and in the E4 district off-street parking lots shall be set back at least fifty feet from an adjacent residential district not separated from the E4 district by a public or private street. The setback area shall be landscaped its full width and in such a manner to screen the parking lot and access drive so that it is not visible from such rights-of-way and boundary lines. This shall be accomplished by the installation and maintenance of a solid planting of contiguous evergreen shrubs. Plantings shall be of a size and type and shall be spaced so as to achieve a visible barrier within three growing seasons and shall be at least six feet high when planted. An appropriate number of shade trees not in the visual barrier shall also be provided. Dead or dying plantings shall be replaced as soon as is practicable. The board or officer of jurisdiction may permit a suitable screening wall or fence upon determining that plantings are impracticable or inappropriate and may, in addition to plantings, require a wall or fence if necessary to fully screen the parking area and access drive from adjoining residential districts. When required screening cannot be accomplished in a manner consistent with sight triangle requirements, the maximum amount of screening consistent with such requirements shall be put in place.

(e) Lighting for parking lots shall be arranged so as to avoid reflection and glare toward any R1, R2, R3 or R4 district or residential use and shall be shielded so that light is not cast directly into such districts or uses.

(f) Adequate security measures shall be taken for the protection of persons and vehicles in parking lots and garages.

(g) Off-street parking lots with twenty-five or more spaces shall have shade trees planted to the extent of at least one tree for each 3.4 parking spaces or fraction thereof in an arrangement that assures that all spaces are shaded to the extent possible.

Such trees shall be large, spreading-type shade trees acceptable to the board or officer of jurisdiction and shall at the time of planting have a caliper of at least two and one-half inches. They shall be properly maintained, and all dead or dying trees shall be replaced as soon as is practicable.

(h) The requirements set forth in subsections (c) to (g) hereof shall apply to any parking lot approved after the effective date of this ordinance. They shall also apply to any existing parking lot whenever a ten percent or greater increase in the square footage of buildings or impervious cover located on the same lot is approved after the effective date of this ordinance.

(i) Subject to the conditions set forth below, "stacked parking" shall be permitted in any existing parking garage with one hundred or more parking spaces located in the CB district provided the stacked parking plan has been reviewed and received site plan approval as an administrative waiver under section 17A-174. Staff may also seek the comments of the borough fire official.

"Stacked parking" is defined as parking spaces created by a parking arrangement which would not be available in a parking arrangement satisfying the stall width and aisle requirements or for which a variance has been granted.

(1) The review of the stacked parking plan shall be based on the criteria of section 17A-193 of the Borough Land Use Code and the other provisions of this section 17A-390(i).

(2) All applications for stacked parking shall comply with and include the following:

a. At no time shall any fire lane, entrance or exit be blocked or used for stacked parking.

b. At least one attendant, dedicated to moving vehicles and with the ability and authority to move the vehicle, must be in attendance whenever one or more vehicle is parked in a stacked parking space. This provision may be waived for approved parking areas assigned for use by registered parkers from the same residential or commercial unit.

c. A certification from a qualified engineer or architect that the existing structure has the structural capacity to accommodate the additional weight associated with stacked parking.

d. Stacked parking operations shall not interfere with traffic flow and general public access along, in or out of dedicated right-of-way and private drives, nor shall the public right-of-way be used for drop-off, pickup or storage purposes.

e. The applicant must demonstrate that the parking garage facility will have easily accessible self-parking areas available to the general public that do not conflict with stacked parking areas.

f. A sketch plan showing the existing parking layout including aisle width, stall dimensions and the location of all entrances and exits.

g. The proposed parking layout plan indicating both stacked parking spaces and parking spaces available to the general public that are not stacked. The proposed parking layout must also include aisle width, parking stall dimensions and all entrances, exits and fire lanes.

h. An operations narrative describing how the stacked parking will operate including hours of operation, days of the week and staffing levels.

(3) A nonrefundable fee of three hundred dollars shall be paid to cover the cost of processing the application. An escrow fee of one thousand five hundred dollars shall be paid to cover the cost of professional services, including but not limited to engineering, zoning, professional planning, legal and other expenses connected with the review of the submitted materials. The provisions of section 17A-36(b) shall apply.

(4) Approvals granted under this section shall be valid for two years and thereafter subject to annual review to insure that the stacked parking operations are in compliance with the approved or amended plan.

(5) The stacked parking spaces in a garage shall not be considered to be available parking spaces when cited by an applicant:

a. In support of a variance from its on-site parking requirement;
or

b. Within the planned commercial development seeking expansion.
(Ord. No. 77-1, § 2; Ord. No. 81-13, § 5; Ord. No. 82-30, § 4; Ord. No. 90-27, § 15; Ord. No. 2004-3A, § I.)

Sec. 17A-391. Loading berths - Permitted.

Off-street loading berths, open or enclosed, are permitted accessory to any use, except one-family and two-family dwellings and secondary residence buildings. (Ord. No. 77-1, § 2; Ord. No. 78-26, § 13; Ord. No. 82-30, § 4.)

Sec. 17A-392. Same - Size, location, access and buffering.

(a) Each required loading berth shall be at least twelve feet wide and thirty-three feet long and shall have a minimum clear height of fourteen feet.

(b) Unobstructed access to and from a street, with a minimum width of at least twelve feet, shall be provided. Such access may be combined with access to a parking facility.

(c) No entrance or exit for any loading berth shall be located within fifty feet of the intersection of any two street lines.

(d) All permitted or required loading berths shall be on the same lot as the use to which they are accessory; except, that loading berths may be provided in spaces designed to serve jointly two or more establishments, whether or not located on the same lot; provided, that the number of required loading berths in such joint facilities shall be not less than the total required for all such establishments, and subject to a finding by the planning board, in the course of conditional use review, that any such joint facility is in conformity with the intent of this article.

(e) When a use is located on a lot which is partly in one district and partly in another district, loading berths may be located without regard to district lines; provided, that no such loading berth shall be located in any R1, R2, R3 or R4 district, unless the use to which it is accessory is permitted in such district or upon conditional use approval by the board of adjustment or planning board.

(f) No open off-street loading berth shall be located in a required front yard but, where feasible, shall be in the rear of the building.

(g) All off-street loading areas shall be set back at least twenty-five feet from public rights-of-way and from residential district boundary lines. The setback area shall be landscaped its full width and in such a manner to screen the loading area so that it is not visible from such rights-of-way and boundary lines.
(Ord. No. 77-1, § 2; Ord. No. 82-30, § 4; Ord. No. 90-27, § 16.)

Sec. 17A-393. Storage and overnight parking of inoperable vehicles, trucks, boats, etc.

(a) Inoperable, unregistered or uninspected motor vehicles shall not be stored on private land or premises for more than five days after receipt of a warning notice from the borough, except in enclosed garages.

(b) Except for canoes and open boats of under fifteen feet in length, boats shall not be stored for more than forty-eight hours, except in enclosed garages.

(c) Trucks and other business vehicles of over one-half ton capacity shall not be parked overnight, except in enclosed garages or in off-street parking facilities which are located in RO, RB, NB, CB or SB districts.

(d) In R1, R2, R3 and R4 districts, vehicles which are used for business purposes and which can be readily identified as such, such as a truck of any size or a passenger vehicle displaying business signs, may not be parked overnight, except in enclosed garages.
(Ord. No. 77-1, § 2; Ord. No. 82-30, § 4; Ord. No. 97-2, § I; Ord. No. 2001-2, § I.)

Subdivision IV. Of Right Modification of Bulk and Parking Requirements for Approved Relocation of Preservation Structures.

Sec. 17A-393.1. Designation of preservation structures.

Any owner of a structure within or without the borough may apply to the development enforcement officer for designation of that structure as a preservation structure as provided herein. In making such determination the development enforcement officer shall consult the historic preservation review committee, or its designated subcommittee, which shall make its recommendation in writing. (Ord. No. 86-20, § 4.)

Sec. 17A-393.2. Notice of designation.

If the development enforcement officer determines that a structure is a preservation structure, he shall cause to be published twice in a newspaper of general circulation in the borough a notice which announces the designation and sets forth a description of the structure, the address of the structure, and the name(s) of the owner(s) of the structure. The notice shall contain an invitation to the public to submit proposals for the acquisition and relocation of the structure pursuant to this subdivision; and the notice shall set forth telephone number and mailing address at which inquiries and submissions may be made. (Ord. No. 86-20, § 4.)

Sec. 17A-393.3. Proposals for the acquisition and relocation of preservation structures.

(a) Any person may submit a proposal to the historic preservation review committee for the acquisition and relocation of a preservation structure. Such proposal shall include such information as may be required by rules promulgated by the historic preservation review committee, including:

- (1) Identification of the applicant,
- (2) A detailed description of the means by which applicant intends to move the structure, including all streets and properties in the borough likely to be affected,
- (3) A detailed description of the relocation site and of the work required to prepare the site,
- (4) A sketch plat reflecting the proposed location of the structure on the relocation site,
- (5) An analysis of the extent of any noncompliance with bulk zoning requirements applicable to the relocated structure at the relocation site,
- (6) A detailed description of plans for restoration of the exterior and, if applicable, the interior of the structure, and
- (7) A description of the means by which applicant intends to comply with the terms and conditions imposed upon acquisition and relocation as further set forth herein. Prior to any meeting at which the historic preservation review committee makes a final decision accepting a relocation plan, the committee shall give reasonable written notice of the meeting to all owners of properties located in whole or in part within two hundred feet of the proposed relocation sites.

(b) Upon acceptance of any relocation plan by the historic preservation review committee, in conformance with the standards and criteria set forth herein the owner of the preservation structure may transfer ownership of the structure to the successful applicant subject to the following terms and conditions:

(1) The successful applicant shall remove the structure at its sole expense;

(2) The successful applicant shall provide a bond or other security or assurance acceptable to the borough in an amount sufficient to guarantee the costs of moving the structure; and

(3) The successful applicant shall demonstrate to the satisfaction of the borough that it is adequately insured against liability for damage to persons and property resulting from the relocation of the structure.

(c) The acceptance of a relocation plan shall not be construed to affect the continuing right of the owner of the preservation structure to transfer or otherwise dispose of the structure in any manner and to any person he chooses, except only the successful proponent of a relocation plan shall be relieved of zoning requirements at the relocation site as further provided herein.

(d) Review and approval of a relocation plan by the historic preservation review committee pursuant to this section, regardless of the location of the affected property, shall include and substitute for any review which otherwise may be required by the site plan review advisory board pursuant to section 17A-173, and the historic preservation review committee shall have in this respect the same powers and its decisions shall have the same effect as prescribed for the site plan review advisory board. (Ord. 86-20, § 4.)

Sec. 17A-393.4. Minimum criteria for relocation plans.

(a) No proposal for the acquisition and relocation of a preservation structure shall be accepted unless the applicant demonstrates the following:

(1) An intention and capacity to meet the terms and conditions set forth above;

(2) Proposed means for relocating the structure in a safe and orderly manner substantially restoring to original condition all properties affected by the move, except restoration of the site on which the structure was originally located shall be the responsibility of the owner;

(3) A plan for locating the structure on the relocation site in a manner which:

a. Complies with all zoning requirements except such requirements as may be modified for preservation structures pursuant to this subdivision,

b. Preserves the distinguishing original qualities or character of the preservation structure,

c. Involves repair and replacement of deteriorated architectural features in a manner consistent with the original composition, design, texture and other visual qualities of the original structure,

d. Involves only such alterations of the structure as preserve or restore the essential form and integrity of the structure, and

e. Results in a restored and relocated structure which is compatible with the size, scale and character of structures on adjoining properties and with the visual aspects of the streetscape. (Ord. 86-20, § 4.)

Sec. 17A-393.5. Criteria governing selection among competing proposals.

(a) In the event of more than one proposal for acquisition and relocation of a preservation structure, the historic preservation review committee shall select and approve that proposal which meets the minimum requirements set forth above and best accomplishes the following objectives:

(1) Restoration of the exterior of the structure to its original architecture;

(2) Location of the structure in a manner which ensures greatest compatibility with adjoining properties and existing streetscapes;

(3) Moving of the structure with least damage or threat of damage to trees and other properties;

(4) Closest possible compliance with existing zoning and parking requirements; and

(5) Visibility of the relocated structure from public streets.

(b) In choosing between proposals which in other respects are substantially similar, the historic preservation review committee shall give preference to relocation plans which result in the following end uses, in order of preference:

(1) Low-and-moderate-income housing, as same is defined by regulations of the department of housing and urban development;

(2) Residential use;

(3) Mixed residential and commercial use;

(4) Commercial use.

(Ord. 86-20, § 4.)

Sec. 17A-393.6. Modification of zoning requirements for relocated preservation structures.

(a) To the extent required for implementation of an approved relocation plan, the following zoning requirements otherwise applicable to structures on the relocation site shall be modified as necessary, provided the location of the relocated structure on the site is compatible with the streetscape:

(1) Floor-area-ratio and lot-coverage requirements, provided the floor-area-ratio applicable to a relocated preservation structure devoted to commercial use or mixed commercial and residential use shall not exceed the requirements otherwise applicable by more than fifteen percent;

(2) Minimum lot areas, lot widths and lot depths;

(3) Minimum front-yard requirements;

(4) Minimum back-yard requirements and minimum smaller-side-yard requirements, provided the location of the structure complies with the requirements for minimum distances between buildings on adjacent properties as set forth in section 17A-382 and 17A-383, or with the relaxed side-yard requirements for existing small lots as set forth in sections 17A-373 or 17A-376 (b), whichever permits in a particular case the smaller side-yard;

(5) Parking requirements, provided any such requirement applicable to commercial or mixed uses may only be reduced by up to one-half, and provided further that there shall be no reduction whatsoever for eating and drinking establishments; and,

(6) In a commercial district, set-back requirements relating to paving for parking spaces.
(Ord. 86-20, § 4.)

Sec. 17A-393.7. Violations.

Any proponent of a relocation plan adopted by the historic preservation review committee which after acquisition of the preservation structure fails to perform the commitments it has undertaken in such relocation plan shall be subject to an action for performance of said commitments and shall otherwise be liable in contract and tort to the full extent permitted by law, in addition to such other penalties as are provided for violations of this chapter. (Ord. 86-20, § 4.)

Subdivision V. Buffering Requirements.

Sec. 17A-393.8. Buffering of residential districts and uses.

The side or rear lot line of a lot shall be screened by a landscaped buffer strip designed in accordance with section 17A-390(c) wherever the lot is proposed to be improved with a nonresidential use and the lot line borders a residential use or district. (Ord. No. 90-27, § 17.)

Division 7. Nonconforming Uses and Noncomplying Buildings.

Subdivision I. Nonconforming Uses.

Sec. 17A-394. Continuance.

A nonconforming use existing lawfully on November 19, 1968, may be continued, subject to the provisions of this article. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-395. Buildings containing - Maintenance, repairs and structural alterations.

Nothing in this article shall be interpreted to prevent ordinary maintenance or repair of any building substantially occupied by a nonconforming use, and structural alterations may be made in such a building, when necessary in the interest of public health, safety, convenience or appearance, except in a historic preservation district, all such structural alterations which would affect the exterior of the structure and would be visible from a public way in the district shall be subject to the standards and criteria set forth in section 17A-193A. In granting any permit for such alterations, the development enforcement officer shall file a written statement indicating the precise reason why such alterations were deemed necessary. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4; Ord. No. 85-12, § 17.)

Sec. 17A-396. Same - Damage or partial destruction.

If a building substantially occupied by a nonconforming use is damaged or destroyed by any means to the extent of eighty percent or more of its true value, such nonconforming use shall not be resumed. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-397. Changes to other uses.

A nonconforming use may be changed to any conforming use but shall not be changed to another nonconforming use. If a nonconforming use is changed to a conforming use, it shall not thereafter be changed back to a nonconforming use. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-398. Extension, enlargement or relocation.

A nonconforming use shall not be extended, enlarged or placed on a different portion of the lot or parcel of land occupied by such use on November 19, 1968, or on the effective date of a subsequent amendment to this article which makes the use nonconforming. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-399. Cessation of operations.

If, for a continuous period of one year, no substantial operations are carried on in a building or on land occupied by a nonconforming use, the building or land shall thereafter be used only for a conforming use. Intent to resume active operations shall not effect the foregoing. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Subdivision II. Noncomplying Buildings.

Sec. 17A-400. Continuance of use.

The use of a noncomplying building existing on November 19, 1968, may be continued, subject to the provisions of this article, (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-401. Maintenance, repairs and structural alterations.

Nothing in this article shall be interpreted to prevent ordinary maintenance, repair or structural alterations to any noncomplying building, except in a historic preservation district, all structural alterations which would affect the exterior of the structure would be visible from a public way in the district, shall be subject to the standards and criteria set forth in section 17A-193A. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4; Ord. No. 85-12, § 18.)

Sec. 17A-402. Enlargement.

A noncomplying building shall not be enlarged in any way which would either:

- (a) Create a new noncompliance; or
- (b) Increase the degree of noncompliance with respect to any bulk regulations or off-street parking and loading requirements contained in this article. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-403. Reconstruction.

A noncomplying building legally existing on November 19, 1968, may be reconstructed to the same floor area ratio as existed on such date; provided, that such reconstruction shall not create a new noncompliance or increase the degree of noncompliance. When such reconstruction occurs, only that amount of accessory off-street parking will be required for the new building as existed prior to reconstruction. (Ord. No. 77-1, § 2; Ord. No. 82-30, § 4.)

Sec. 17A-404. Regular membership on planning board and board of adjustment continued; new appointments.

Members of the board of adjustment and the regional planning board at the time of the adoption of this chapter shall continue in office until the completion of their terms, except that the terms of alternate members of the board of adjustment shall end upon the adoption of this chapter. Any new appointments or reappointments hereafter made to said boards shall be governed by the provisions of the Code adopted by this chapter. (Ord. No. 77-1, § 3; Ord. No. 82-30, § 4.)

Sec. 17A-405. Pending applications for development.

Applications and appeals for development that are pending at the time of the adoption of this chapter may be continued. (Ord. No. 77-1, § 4; Ord. No. 82-30, § 4.)

Sec. 17A-406. Text of Code provisions readopted by reference.

Three copies of this chapter, each including the text and any maps of the parts of the Code that are noted above as being readopted by reference without text, are on file in the office of the borough clerk, where they will remain for public inspection until final action is taken on this chapter according to law. (Ord. No. 77-1, § 5; Ord. No. 82-30, § 4.)

Sec. 17A-407. Repealer.

Chapters 12A, 23, 27, 29 and 35 of the "Code of the Borough of Princeton, New Jersey, 1974", are repealed to the extent that they are not readopted by reference by or included in the text of this chapter. To the extent that the same are readopted by reference or included in the text of this chapter, they shall be deemed continued. (Ord. No. 77-1, § 6; Ord. No. 82-30, § 4.)

Sec. 17A-408. Effective date.

This chapter shall take effect on February 1, 1977, and upon the filing of a copy thereof with the Mercer County Planning Board, as provided by law. (Ord. No. 77-1, § 7; Ord. No. 82-30, § 4.)

Article XI. Zoning.

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