

ORDINANCE NO. 2021-02

**TOWNSHIP OF EAST WINDSOR
MERCER COUNTY
NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX,
"ZONING," SECTION 20-4.0000 "GENERAL PROVISIONS,"
SUBSECTION 20-4.0200, "CLASSES OF USES," TO AMEND AND
CLARIFY PARAGRAPH 20-4.0201 "PERMITTED USES," OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EAST
WINDSOR, COUNTY OF MERCER, STATE OF NEW JERSEY**

WHEREAS, East Windsor Township ("Township"), pursuant to the Revised General Ordinances of the Township of East Windsor, Chapter XX, "Zoning", Section 20-4.000 "General Provisions," Subsection 20-4.0200, "Classes of Uses," Paragraph 20-4.0201, "Permitted Uses", has outlined appropriate uses within zoning districts of the Township; and

WHEREAS, pursuant to Paragraph 20-4.0201, the Township has determined that any use of land, buildings and/or structures which are not specifically designated as a use for a zoning district are therefore prohibited, including, but not limited to smoke and vape shops; and

WHEREAS, recent increased interest in zoning districts throughout the Township to initiate commercial uses related to smoke and vape shops has precipitated the need to clarify the longstanding prohibition of this use in any zoning district within the Township; and

WHEREAS, this amendment to the Township Ordinances is to expressly and specifically reaffirm that smoking shops and vaping shops have always been intended by the Township as prohibited, and continue to be so, in all zoning districts.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EAST WINDSOR, in the County of Mercer and the State of New Jersey, that Chapter XX, "Zoning", Section 20-4.000 "General Provisions," Subsection 20-4.0200, "Classes of Uses," Paragraph 20-4.0201, "Permitted Uses", of the Revised General Ordinances of the Township of East Windsor is hereby amended and supplemented as follows:

SECTION 1. Paragraph 20-4.0201(b), under "Permitted Uses", is amended and supplemented as follows:

- b. Conversely, any uses of land, buildings and/or structures which are not specifically designated as a "principal use" or as an "accessory use" or as a "conditional use" for a subject zoning district are prohibited including but not limited to smoking shops and vaping shops. ~~except, and not~~ Notwithstanding any other section of this Chapter to the contrary, ~~for~~ the following are exceptions:

- 1) The use of land and/or buildings by the Township of East Windsor is permitted in all zoning districts;
- 2) Fire and rescue facilities authorized by the Township of East Windsor are permitted in all zoning districts; and
- 3) In accordance with N.J.A.C. 40:55D-66.1 of the Municipal Land Use Law, community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be permitted uses in the "R-A," "R-E," "R-M," "R-1," "R-2," "R-3," "S-L" and "PUD" residential zoning districts within East Windsor Township, in accordance with the applicable requirements of the subject zoning district for non-clustered single-family detached dwelling units, and in accordance with the definitions of these uses at N.J.A.C. 40:55D-66.2 of the Municipal Land Use Law.

SECTION 2. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This Ordinance shall take effect 20 days after final passage and publication according to law.

ATTEST:

KELLY LETTERA
Municipal Clerk

JANICE S. MIRONOV
Mayor