

**ORDINANCE NO. 2020-03
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE AMENDING CHAPTER XX, “ZONING,”
SECTION 20-16, “HC HIGHWAY COMMERCIAL,” AND
CREATING A NEW HC-2, HIGHWAY COMMERCIAL 2
DISTRICT, OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF EAST WINDSOR.**

WHEREAS, the 2019 Master Plan Re-examination Report was prepared by the East Windsor Township Planning Board and adopted on July 25, 2019 in accordance with New Jersey Municipal Land Use Law (MLUL); and

WHEREAS, pursuant to N.J.S.A. 40:55D-89D of the MLUL, the Planning Board identified in Section 6 Item 6 of the 2019 Master Plan Re-examination Report, that “Automobile Service Stations have evolved from smaller facilities providing fuel and vehicle services to the larger contemporary facilities featuring multiple high-volume pump islands with integrated convenience stores,” and further that “such modern Automobile Service Stations can have significantly greater vehicular activity than former stations, along with increased deliveries and potentially increased impacts to the surrounding environs that can intensify when a facility operates 24 hours, 7 days a week;” and

WHEREAS, therefore, the 2019 Master Plan Re-examination Report “recommended to limit new Automobile Service Stations to locations near major highway interchanges and arterial collector intersections along Route 130;” and

WHEREAS, to implement this recommendation, the current HC Zone is to be modified and separated into two highway commercial 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, as follows:

SECTION 1. Chapter XX, “Zoning,” is amended and supplemented to add a new Section 20-16A, “HC-2 Highway Commercial 2,” to read as follows:

20.16A HC-2 Highway Commercial 2.

20-16A.1 Principal Uses. All of the following uses require frontage on Route 130 or on a street which intersects with Route 130. Lots which do not fall in either category shall be limited to the uses in paragraphs d. and g. below.

- a. Retail sales of goods. Preparation, processing, storage, warehousing or manufacturing shall be permitted only if accessory to the retail sale of goods on the premises.
- b. Business establishments having as their primary function the rendering of personal services

within a building. Preparation, processing, storage, warehousing or manufacturing shall be permitted only if accessory to the services rendered on the premises.

- c. Restaurants, including cocktail lounges and taverns.
- d. Offices and office buildings, including medical professional.
- e. Hotels and motels.
- f. Banks and financial institutions.
- g. Mortuaries and funeral homes.
- h. Lumber yard.
- i. Movie theater, bowling alley and similar recreation or cultural facilities within a fully enclosed building.
- j. Commuter parking facilities.
- k. Day care centers, childcare centers, and nursery schools.

20-16A.2 Accessory Uses.

- a. Off-street parking and loading facilities.
- b. Private garages or storage buildings.

20-16A.3 Conditional Uses.

- a. Houses of worship on lots of two acres or larger with a minimum of one parking space for each three seats, with the parking areas located in the side or rear yard only and adequately buffered from adjoining residential properties.
- b. Motor vehicle sales and other uses having as their primary function the sale or rental of retail goods displayed outdoors, provided no goods shall be displayed, stored or sold within 50 feet of a front lot line. No goods shall be displayed in a manner which will impede access by fire-fighting or other emergency equipment to any structure or other goods on the premises. No goods shall be displayed, stored or sold within 20 feet of a rear or side lot line. A landscape strip or a landscape buffer at least 15 feet wide shall be provided along each lot line.
- c. Carwash establishments shall be permitted provided all washing activities are conducted within a fully enclosed building. All vehicle entrances to the building shall be from the rear or side of the building and all parked and waiting vehicles shall be accommodated on the lot. All of the area, yard, building coverage and height requirements of the HC district shall be met.

- d. Auto body shops and other automotive repair shops which do not sell gasoline shall be permitted provided all repair activities are conducted within a fully enclosed building. Any motor vehicle awaiting repair may be located on the premises provided that said vehicle is located in the rear or side yard and is screened from view such that no stored vehicle is visible from the front of the premises or from any adjacent premises. No motor vehicle shall be displayed for sale on the site. No motor vehicle shall be stored on the site for a period longer than 90 days. All of the area, yard, building coverage and height requirements of the HC district shall be met.

20-16A.4 Bulk and Area Requirements.

- a. Notwithstanding any provision of this Chapter to the contrary, the following minimum front yard setbacks shall be provided for development within the HC-2 Highway Commercial 2 zoning district: when parking is excluded from the front yard, a minimum 50-foot front yard principal building setback shall be provided, and when parking is included in the front yard, a minimum 80-foot front yard setback shall be provided.
- b. See the "Schedule of District Regulations" table of this Chapter for additional requirements.

20-16A.5 Other Requirements.

- a. Notwithstanding any provision of this chapter to the contrary, the following minimum front yard landscaped buffer setback areas shall be provided for developments within the HC-2 zoning district in order to mitigate against the appearance of buildings and paved areas from the street and from abutting residential properties. A minimum 25-foot landscaped buffer setback shall be provided along any property line which abuts a residential zoning district or any existing residential use.
- b. Driveways shall not be wider than 36 feet at any point and must be at least ten feet from any side lot line and 100 feet from intersecting street lines.
- c. Efforts shall be made to secure cross-access easements between adjoining commercial properties to provide convenient access.

SECTION 2. The Schedule of District Regulations of Chapter XX, "Zoning," is amended and supplemented to add HC-2 Highway Commercial 2.

HC-2 Highway Commercial 2														
Minimum Lot Area (Acres or Sq. Ft.)	Minimum Dimensions in Feet									Maximum Allowed				
	Lot width	Principle Building Yards				Accessory Bldg. Setbacks From				% Bldg. Covrg.	% Imprvmt. Covrg.	Bldg. Height in Feet.	Bldg. Height Stories	Floor Area Ratio
		Front Yard	Side Yard	Both Side Yards	Rear Yard	Street Line	Side Line	Rear Line	Princ. Bldg.					
60,000	250	50	20	40	35	100	20	20	20	20	80	40	NA	.30

SECTION 3. Section 20-4.0100, “DISTRICTS CREATED” will be amended and supplemented to add HC-2 Highway Commercial 2:

20-4.0100 DISTRICTS CREATED. The following districts are hereby created:

- R-A Rural Agricultural
- R-E Rural Estate
- R-1 Residential Low Density
- R-2 Residential Low Density
- R-3 Residential Medium Density
- R-M Residential Multifamily
- R-M AH Residential Multifamily Affordable Housing
- R-M1 Residential Multifamily 1
- R-M2 Residential Multifamily 2
- S-L Residential Small Lot
- PRC Planned Retirement Communities
- PAC Planned Adult Community
- PUD Planned Unit Development
- MH Manufactured Housing
- NC Neighborhood Commercial
- HC Highway Commercial
- HC-2 Highway Commercial 2**
- TC Turnpike Commercial
- R-O Research Office
- I-O Industrial Office
- ARH Age-Restricted Housing
- CC Community Commercial
- CR Corridor Revitalization

SECTION 4. The map entitled “Zoning Map, East Windsor Township, Mercer County, NJ,” dated February 3, 2017, is revised to amend the HC-Highway Commercial District, as follows:

The following properties as designated on the Township of East Windsor tax maps, currently located in the HC Highway Commercial Zone, are to be rezoned to the HC-2 Highway Commercial 2 Zone District. The remaining properties currently in the HC Highway Commercial Zone not listed below shall remain in the HC Zone:

Properties to be rezoned to the HC-2 Highway Commercial 2 Zone are as follows:

Block	Lots
46.00	1, 2, 3
50.00	1, 2, 3, 4, 5, 6 (the portion currently zoned HC), 6.01, 7, 7.01
50.01	1
50.02	1
50.03	1
53.04	10, 11, 12.02, 13.02, 13.03, 14, 15, 16, 16.01, 17, 17.01, 18
56.00	1, 2, 3, 8, 9, 17, 38, 41
58.00	11, 11.01, 12, 13.01, 14.02, 15
58.12	17, 21 (the portion currently zoned HC), 22, 23, 24, 27, 43.01, 45
63.01	12, 13, 14, 16.01

SECTION 5. **Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

SECTION 6. **Severability.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 7. **Effective Date.** This Ordinance shall take effect upon its passage, publication and filing with the Mercer County Planning Board, and as provided for by law.

ATTEST:

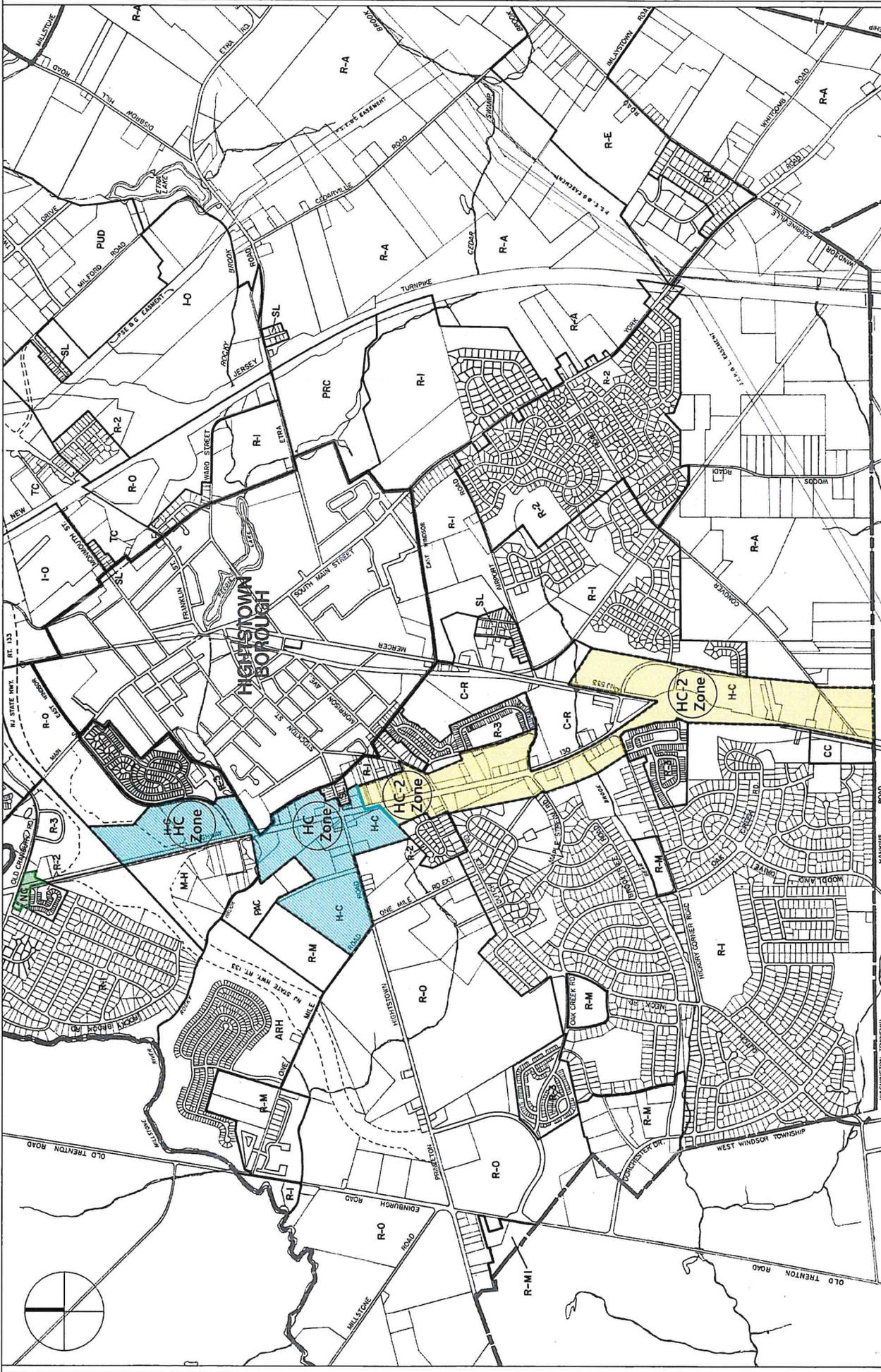
KELLY LETTERA,
Municipal Clerk

JANICE S. MIRONOV
Mayor

Introduced:

Adopted:

Effective:



	HC Zone
	NC Zone
	HC-2 Zone

Project No.	3656.09
Drawing Scale	N.T.S.
Drawing Date	03/24/20
Sheet No.	X of X
Drawing No.	Q1
Addendum No.	X of X
2020 COPYRIGHT BY - NOT TO BE REPRODUCED	

Proposed HC Rezoning

BURGIS ASSOCIATES, INC.
 COMMUNITY PLANNING | LAND DEVELOPMENT | DESIGN | LANDSCAPE ARCHITECTURE
 25 Westwood Avenue
 Westwood, NJ 07675
 P: 201.666.1811
 F: 201.666.2599

Project Name
**East Windsor Township
 HC and NC Zone Study**

Drawing Name
Proposed HC Rezoning