ORDINANCE 2020-17

AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)

AN ORDINANCE AMENDING THE B-2 DISTRICT STANDARDS

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

<u>Section 1</u>. Chapter 200 of the Code of the Township of West Windsor (1999), <u>Land Use</u>, Part 1, <u>Site Plan Review</u>, Article II, <u>Terminology</u>, Section 200-4, <u>Definitions</u>, Subsection B is amended by adding the following NEW definitions. Added text is <u>underlined</u>, and text being eliminated is <u>struck-through</u>.

CULTURAL FACILITY – A building, structure or site that is, or will be, owned, leased or otherwise used by one or more cultural organizations and that is accessible to the public. The term cultural facility may include such activities as museums, historical sites, zoos, aquariums, nature or science centers, theaters, concert halls, exhibition spaces, classrooms and auditoriums suitable for presentation of performing or visual arts.

SENIOR DAY CARE – A non-residential facility providing care for the elderly and/or functionally impaired adults in a protective environment. Operators shall be licensed as required by the State of New Jersey as applicable to operate and offer services such as providing meals, social services, recreational outings and trips, physical therapy, general supervision, and support. Senior day care centers may not provide services to participants for longer than twelve (12) hours in a day.

<u>SURGICENTER</u> – Facilities providing surgical treatment to patients not requiring hospitalization, which are not part of a hospital but which are organized and operated to provide medical care to out-patients. Patients shall be served solely on an outpatient basis, and no patients shall be kept overnight on the premises

URGENT CARE CENTER – A use wherein urgent medical care medicine is performed solely within the confines of a building, which use is principally engaged in providing immediate walk-in, extended hour access to acute illness or injury care by a licensed physician that is beyond customary medical office hours or availability of a typical primary care medical practice. Patients shall be served solely on an outpatient basis, and no patients shall be kept overnight on the premises nor treated outside the confines of a building. Urgent care medicine is as defined by the American Academy of Urgent Care Medicine.

<u>Section 2</u>. Chapter 200 of said Code, <u>Land Use</u>, Part 4, <u>Zoning</u>, Article XXVI, <u>Titles</u>, <u>Purposes</u>, <u>Establishment of Districts</u>; <u>General Conditions</u>, Section 200-143, <u>Zoning Map</u>, is amended to read as follows:

The boundaries of said zoning district is hereby established as shown on the Zoning Map, Township of West Windsor, dated May 23, 2009, and revised through March 16, 2020, which, with all explanatory matter thereon, is hereby adopted and made part of this Part 4. An official copy of said Map, indicating the latest amendments shall be kept up-to-date in the office of the Land Use Manager for the use and benefit of the public and shall have the most current revision date shown thereon. The Zoning Map for that shall be the official reference as to the current zoning classification of the land within the boundaries of the Township of West Windsor.

Section 3. Chapter 200 of the Code of the Township of West Windsor (1999), <u>Land Use</u>, Part 4, <u>Zoning</u>, Article XXVIII, <u>Regulations for Business Districts</u>, Section 200-201, <u>B-2 Business District (neighborhood center) use regulations</u>, is hereby amended to read as follows. Added text is underlined, and text being eliminated is struck through.

§ 200-201 B-2 Business District (neighborhood center) use regulations.

- A. Permitted uses. In a B-2 District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses, and all such uses shall be subject to the performance standards set forth in Part 1, Site Plan Review, of this chapter:
 - (1) Stores and shops for the conduct of any retail business, excluding drive in establishments. (including curbside pickup and outdoor display areas and for the sale of items not otherwise specifically prohibited in this Section).
 - (2) Personal service establishments (e.g., a tailor, barbershop or beauty salon).
 - Offices for professional services (e.g., physicians, lawyers or architects); commercial offices (e.g., realtors or travel agencies); and offices incidental to uses permitted in this subsection.
 - (4) Restaurants and neighborhood taverns, <u>including curbside pickup and drive-through establishments</u>. excluding drive in and curb service establishments.
 - (5) Repair and servicing, indoor only, of any article for sale which is permitted in this district.
 - (6) Attended laundry and retail dry-cleaning services, not including bulk processing on or from other premises.

- (7) Copy centers and newspaper offices.
- (8) Hotels.
- (9) Fast-food operations with or without drive-throughs.
- (10) Commercial recreation facilities.
- (11) Cultural facilities.
- (12) Branch banks with or without drive-throughs.
- (13) Convenience stores in conjunction with a gasoline service station.
- (14) Senior day care facilities.
- (15) Urgent care and surgicenter facilities.
- (16) Fitness and wellness centers
- (8)(17) Planned commercial development, notwithstanding any other requirements of this chapter, except as changed herein, shall also be subject to the following special requirements:
 - (a) Tract area limitations: No grouping of permitted uses shall be placed on a tract area less than five three (3) acres.
 - (b) Mix of uses: At a minimum, three of the permitted <u>and/or conditional</u> uses as outlined herein shall be provided.
 - (c) Minimum lot frontage: 250 feet
 - (d) Maximum FAR: The maximum permitted FAR shall be allowed to vary according to the following schedule

Uses in	Maximum FAR
One-story buildings	0.20
Multistory buildings	0.25
Multi-story hotels	<u>0.35</u>

(e) Maximum improvement coverage: 60%.

- (f) Building arrangement, lot width, frontage, depth and yards. Buildings, lot, yard sizes and dimensions may be freely disposed and arranged on a lot, provided that the development conforms with a site plan approved by the Planning Board, subject to the provisions of Part 1, Site Plan Review, of this chapter, and the following minimum standards:
 - [1] Minimum lot width: 250 feet.
 - [2] The minimum distance between any building, including accessory uses, except parking, and any residence district shall be 100 feet.
 - [3] Minimum yard setbacks except for hotels: Front yard, 50 feet; side and rear yards, 15 feet, except in those instances where they abut, in whole or in part, a residence district or lot line, then such yards shall be increased by 35 feet.
 - [4] The minimum distance between any building, including accessory uses, except parking, and any street line shall be 50 feet.
 - [5] The minimum distance between any group (more than one) of commercial uses and the lot lines of the following: church, library, school, college, nursing home, hospital or similar uses, 200 feet, measured along the same street line in the same block.
 - [6][5] Minimum distance between any access driveway and any residence district: 50 feet.
- (g) Common open space. The organization, administration and financial arrangements and guarantees governing the common open space or other common facilities which may be a part of a planned commercial development shall be subject to the requirements as set forth for planned residential development in Article XXVII of this Part 4.
- (h) Maximum building height: 2 ½ stories or 35 feet, whichever is higher, except for hotels as established herein.
- (i) Back-up generators. Permanent backup generators shall be provided for any gas station/convenience store. Generators shall be

tied into natural gas if natural gas is available. Should natural gas not be available to the site, propane generators shall be required.

(j) Hotels

- [1] Maximum building height: Four (4) stories, but not more than 55 feet.
- [2] Minimum side or rear yard setback: 40 feet, or 75 feet if adjoining to a residence district.
- [3] A minimum of at least twenty (20) units of accommodation, exclusive of any permanent, on-site superintendent's living quarters.
- [4] Each unit of accommodation shall contain a minimum floor area of 250 feet.
- (k) Fast-food operations and banks with drive-throughs and curbside pickup:
 - [1] Minimum distance between any drive-through lane and any property line: 30 feet, or 50 feet if the property line separates a residential district.
 - [2] For banks, no more than three (3) drive-through teller windows shall be provided, not including an ATM drive-up lane.
 - [3] Access to and from drive-through facilities shall not be permitted onto public streets. Such access shall be provided from the internal road system servicing the planned commercial development. Ingress and egress points shall be coordinated so as not to impede the main traffic flow required for the overall planned development.
- (I) Individual lot requirements for planned commercial developments.

 There shall be no maximum FAR or limitation on maximum improvement coverage for individual lots within a planned commercial development, provided that the shopping center conforms to a site plan approved by the board of jurisdiction. Lot widths, frontages, rear yards, side yards, front yards, lot dimensions, parking lot locations and building distances may be

freely arranged and disposed of. A lot need not front on a street, and there are no minimum building distances for individual lots in the same building. The intent of this provision is to permit individual stores to exist as separate lots. However, each individual lot shall be subject to and may only be improved in accordance with the final subdivision approval for the shopping center in accordance with these district regulations. The board of jurisdiction shall condition final subdivision approval upon submission by the applicant and approval by the board attorney of a declaration of covenants and restrictions or other suitable instrument setting forth the mechanisms by which and providing adequate assurances that security, outside cleaning and other routine external maintenance, external repainting, maintenance of the common open space, garbage collection, snow removal and other appropriate items will be provided for the shopping center. The board of jurisdiction shall not impose any conditions on the preliminary and/or final subdivision approval other than those set forth in the immediately preceding sentence. This section only applies to shopping centers in existence as of the date of adoption of this ordinance.

- (9)(18) Buildings, structures and uses owned or operated by the Township of West Windsor.
- (10)(19)All farm and agricultural uses permitted in residential districts in accordance with the provisions set forth in Article XXXI of this Part 4.
- (11)(20) Accessory uses and accessory buildings incidental to the above uses located on the same lot and within the same zoning district permitting the principal use.
- B. Conditional uses in the B-2 District. In a B-2 District, the following uses may be permitted as conditional uses.
 - (1) Living and/or sleeping accommodations for one household in conjunction with a permitted use subject to the following special requirements:
 - (a) Such accommodations are incidental to the business use of the premises, are located within the principal building and only are available above the ground floor of the permitted business use and are not located above any uses containing toxic or inflammable material unless it can be shown that such location meets all

- necessary state health and occupancy standards governing such conditions.
- (b) The residential portion shall have a direct and separate entrance upon a street, either directly or via an unobstructed passageway.
- (2)(1) Public utilities, substations, electric and gas facilities, subject to the following special requirements:
 - (a) No storage of materials and trucks and no repair facilities or staging of repair crews, except within completely enclosed buildings.
 - (b) The exterior of any structure shall be in keeping with the other structures in the immediate neighborhood.
- (3) Fast-food operations, subject to the following conditions
 - (a) Minimum lot area: 50,000 square feet.
 - (b) Minimum lot width: 200 feet.
 - (c) Minimum lot frontage: 150 feet.
 - (d) Minimum lot depth: 200 feet.
 - (e) Minimum setback from all street lines: 50 feet.
 - (f) Minimum distance between any building, including accessory uses, and any residence district: 50 feet.
 - (g) Minimum distance between any access driveway and any residence district: 50 feet.
 - (h) Minimum distance between any access driveway and any adjoining property line: 10 feet.
 - (i) Minimum distance between any access driveway and an access driveway of any of the following: church, library, school, college, nursing home, hospital and similar uses: 200 feet, measured along the same street line in the same block.
 - (i) Spacing of access driveways:

- [1] Entrance access driveways shall not be located within 200 feet of the intersection of any two street lines.
- [2] Minimum distance from adjoining property lines: 10 feet.
- [3] Minimum distance between access driveways: 40 feet.
- [4] Access driveways onto state or county highways shall be approved by the Township Engineer and state or county Highway Department.
- (4)(2) Motion-picture theaters and/or theaters for the performing arts, provided that they are located in enclosed buildings and are part of a planned commercial development which has access from U.S Route 1.
- (5) Motor vehicle service stations and motor vehicle commercial garages, subject to the following special requirements:
 - (a) Minimum lot width, including any lot side which permits access: 150 feet.
 - (b) Minimum setback line from all street lines: 40 feet.
 - (c) Minimum distance of buildings from all property lines other than street lines: 25 feet.
 - (d) Minimum distance between any buildings, including accessory uses, and any residence district: 50 feet.
 - (e) Minimum distance between any access driveway and any residence district: 50 feet.
 - (f) Minimum distance between any access driveways and the lot line of the following uses: church, library, school, college, nursing home, hospital and similar uses: 200 feet, measured along the same street line in the same block.
 - (g) Minimum distance between structures of any service station and/or repair garage and another service station and/or repair garage or those for which a building permit has been issued shall be 300 feet, measured along the same street line in the same or adjoining block. For similar use establishments located on opposite sides of the

- street, the point of beginning measurement shall be off-set to the opposite street line.
- (h) Minimum distance between gasoline pump islands, compressed air connections and similar equipment and facilities and any street lines: 25 feet.
- (i) Spacing of access driveways:
 - [1] Minimum distance from adjoining property lines: 10 feet.
 - [2] Minimum distance from minor intersections: 30 feet.
 Where intersecting street(s) is(are) major or minor arterials, as defined by the Township's Master Plan, the minimum distance under this subsection shall be 50 feet. This distance shall be measured from the right of way lines of intersecting streets involved.
 - [3] Minimum distance between access driveways: 30 feet.
 - [4] Access driveways onto state or county highways shall be approved by the Township Engineer and the state or county Highway Department.
- (j) Hydraulic hoists, pits and all lubrication, greasing, washing and repair equipment shall be entirely enclosed within buildings.
- (k) Exterior lighting shall be shielded so that it is deflected away from adjacent properties and from passing motorists.
- (l) Wrecked or junked or stripped vehicles or vehicles in an inoperative condition shall not be permitted on the premises for a period of more than 30 days. One customer's motor vehicle may be kept on the site for sale.
- (m) Lease or rental of motor vehicles may be permitted in conjunction with a motor vehicle service station provided that:
 - [1] A minimum lot area of one acre is available.
 - [2] No vehicle storage or parking area shall be nearer than 10 feet to any lot line.

- [3] The side and real property yards abutting the area containing such lease or rental vehicles shall be landscaped, fenced or screened to provide, at the time of installation, an effective visual barrier to obscure from view at ground level the stored vehicles from adjoining uses.
- [4] The number of vehicles permitted on a lot shall not interfere with nor impede the daily access to and circulation of the service station operation.
- (6) Hotel/motel which has access to U.S. Route 1 and conforms to the special requirements for such uses as contained in Article XXIX, § 200-211B, of this Part 4.
- (7) A planned commercial development providing for a community scale retail convenience center, subject to the requirements for planned developments stipulated in Article XXXI of this Part 4.
 - (a) Location. A planned commercial development consistent with the goals and policies of the West Windsor Township Master Plan shall only be permitted at the southeast corner formed by the intersection of Route 1 and Meadow Road.
 - (b) Minimum development area: 28 acres in contiguous parcels not separated by any street and served by public water and sewer systems. For purposes of meeting this requirement, at the option of an applicant, contiguous lands in the same ownership located adjacent to an existing B-2 District and zoned for ROM-1 uses may be included in a planned commercial development. Upon such inclusion, the contiguous lands or part thereof shall be consolidated with the planned commercial development and subject to the application of the herein conditions, standards and permitted land uses.

(c) Permitted uses.

[1] Community oriented retail shopping center consisting of an integrated development according to a uniform design theme with common parking/service areas and pedestrian amenities, containing retail stores and shops, personal service establishments, specialty stores and boutiques, banks and indoor restaurants, excluding drive in facilities. Theaters and professional or business offices, except those

offices related to the management of the planned development, shall be excluded. At least one major retail anchor store shall be provided. Any freestanding structure not physically attached to the principal shopping center shall contain a minimum of 3,000 square feet of gross floor area.

- [2] Accessory uses and accessory buildings incidental to the above uses located on the same lot and within the same zoning district permitted the principal use.
- (d) Minimum lot frontage.
 - [1] Along Route 1: 1,000 feet, as measured along Route 1 from its point of tangency with Meadow Road.
 - [2] Along Meadow Road: 640 feet, as measured along Meadow Road from the tangency point used to measure the Route 1 frontage.
- (e) Maximum FAR. The maximum permitted FAR shall be 0.23, subject to the phasing requirements set forth in Subsection B(7)(h) herein. In no event, however, shall the planned commercial center exceed 280,000 gross square feet of floor area.
- (f) Maximum MIC. The maximum permitted MIC shall be 60%.
- (g) Bulk requirements.
 - [1] Maximum building height: 2 1/2 stories or 35 feet.
 - [2] Building arrangement, lot width, frontage, depth and yards.
 Buildings, lot, yard sizes and dimensions may be freely
 disposed and arranged on a lot, provided that the
 development conforms with a site plan approved by the
 Planning Board, subject to the provisions of Part 1, Site
 Plan Review, of this chapter, and the following minimum
 standards:
 - [a] Minimum lot width shall be the same dimensions as those stipulated for the Route 1 and Meadow Road frontages under Subsection B(7)(d) of this section.

- [b] Minimum distance between any building, including accessory uses, except parking and any residence district shall be 75 feet, together with such landscape and/or berm treatment sufficient to shield from view commercial activity at the zoning district line and conforming to the landscape design criteria of § 200-91R of Part 3, Subdivision and Site Plan Procedures, of this chapter.
- [e] Minimum front yard setbacks from Route-1: 125 feet, with a seventy-five-foot landscape area at the street right-of-way.
- [d] Minimum front yard setback from Meadow Road: 50 feet, with a thirty-foot landscape area at the street right-of-way.
- [e] Minimum rear and side yard setbacks: 50 feet.
- [f] Minimum distance between any access driveway and any residence district shall be 100 feet.
- (h) Phasing requirements. To permit a planned commercial development in accordance with the standards of this section, a phasing plan shall be devised to attain the following objectives:
 - [1] The development shall contain a minimum of two phases, with the first phase not to exceed 220,000 square feet of gross building floor area.
 - [2] Subject to positive findings by the Planning Board for a planned commercial development as outlined in Article XXXI of this Part 4, a developer may be permitted to develop up to the limit established for a first phase, provided that the developer demonstrates that he or she will construct the necessary road improvements to achieve, in the highway PM peak hour, a level of service E and V/C ratio not to exceed 1.0 at the Route 1 and Meadow Road intersection to accommodate both the projected occupancy of the first phase planned commercial development, together with a reasonable estimate of traffic growth from immediate area development projects that would be expected to utilize the intersection during the same time

period projected for the first phase occupancy. Such intersection capacity analyses shall be undertaken according to the latest edition of the 1985 Highway Capacity Manual.

- [3] With respect to the succeeding phases of the planned commercial development, such phase shall not be granted final approval until it is demonstrated that funding for a grade separated interchange of Meadow Road and Route 1 is available and committed and contracts for such construction have been let. The interchange design, in the highway PM peak hour, shall be sufficient to accommodate the planned commercial development as well as projected traffic growth from immediate area development projects and/or development proposals that would utilize the proposed interchange at a level service D and V/C ratio not to exceed 0.95. Such interchange capacity analyses shall be undertaken according to the latest edition of the 1985 Highway Capacity Manual.
- (i) Common open space. The organization, administration and financial arrangements and guaranties governing the common open space or other common facilities which may be part of a planned commercial development shall be subject to the requirements as set forth in §§ 200-190C(2) and 200-190C(3).
- (8) Branch banks, including drive-in banking facilities, subject to the following special requirements:
 - (a) Such banks, including drive in banking facilities, shall be located within and be an integral part of the site plan design of a planned commerce development. Furthermore, such uses shall be clearly subordinate to the principal retail nature of the planned commercial development.
 - (b) No more than three drive in teller windows shall be provided. A lone for queuing purposes sufficient in length to accommodate a minimum of 12 automobiles shall be provided for each drive in lane providing access to a teller window. No parking or queuing for the bank facilities shall interfere with required fire lanes, the overall planned commercial development's main access drives, parking aisles and pedestrian walks.

- (c) Access to and from the banking and drive in facilities shall not be permitted onto public streets. Such access shall be provided from the internal road system servicing the planned commercial development. Ingress and egress points shall be coordinated so as not to impede main traffic flow required for the overall planned development.
- (d) Drive in window lanes and bank related parking shall be physically separated from the overall planned commercial development's traffic circulation system by means of concrete curbed landscaped islands.
- (e) An overall signage plan shall be provided according to the type and area limitations established by the Township's sign ordinance contained in § 200-32 of Part 1, Site Plan Review, of this chapter. Other than instructional signs, the extent of wall signage shall be limited to one facade of the bank. No advertising or business signage shall be permitted on the drive in canopy structure.
- (9)(3) Billboards, in accordance with the requirements of § 200-243.1.
- (4) Veterinary clinics, which may or may not be part of a planned commercial development, subject to meeting the following special requirements:
 - (a) The veterinary clinic building shall be sited at least one hundred and fifty (150) feet from any residential use or zoning district.
 - (b) Buildings housing animals shall be soundproofed to a maximum transmission of 65 dB measured on the outside of the exterior wall.

 Other soundproofing requirements may be imposed by the board of jurisdiction, such as, but not limited to the following: non-opening windows and forced-air ventilation, solid core doors and soundabsorbent ceilings.
 - (c) Proper and ample ventilation of all animal areas in buildings shall be demonstrated to the satisfaction of the board of jurisdiction and shall meet all state licensing requirements.
 - (d) Animals may be kept overnight for medical reasons only.
 - (e) Animals shall be housed indoors and may be allowed outside only for short periods under staff supervision for hygienic or medical

- reasons. When they are outside, they shall be kept in a completely enclosed area.
- (f) A maximum percentage of floor area for overnight holding of animals shall be limited to 30% of the gross floor area of the veterinary clinic/hospital building.
- (g) No cremation or disposal of dead animals is allowed on the premises. Disposal of used and contaminated veterinary medical supplies shall meet low-level hazardous waste disposal requirements.
- (h) The curbing of pets shall be addressed.

Section 4. Chapter 200 of the Code of the Township of West Windsor (1999), <u>Land Use</u>, Part 4, <u>Zoning</u>, Article XXVIII, <u>Regulations for Business Districts</u>, Section 200-202, <u>B-2 Business District bulk and area restrictions</u>, is hereby amended to read as follows. Added text is <u>underlined</u>, and text being eliminated is <u>struck through</u>.

§ 200-202 B-2 Business District bulk and area restrictions.

- A. Minimum lot area: one acre.
- B. Minimum lot frontage 125 feet.
- C. Minimum lot width: 150 feet.
- D. Minimum lot depth: 200 feet.
- E. Minimum yards:
 - (1) Front yard: 30 feet.
 - (2) Rear yard: 15 feet.
 - (3) Side yards: There shall be two side yards with a minimum of 15 feet each.
 - Yards abutting residential districts: Except for the front yard, the above yards shall be increased by 60 feet in those instances where they abut, whole or part, a residential district or lot line.
- F. Maximum FAR. The maximum permitted FAR shall be allowed to vary according to the following schedule:

Uses in	Maximum FAR
One-story buildings	0.18
Multistory buildings	0.20
Multistory hotels	<u>0.35</u>

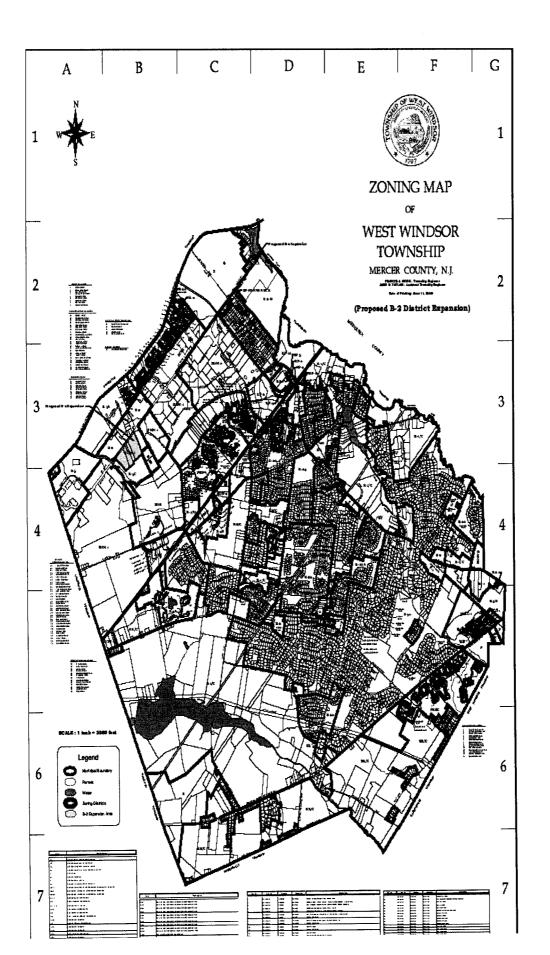
- G. Maximum improvement coverage: 55%
- H. Maximum building height: 2 ½ stories or 35 feet.

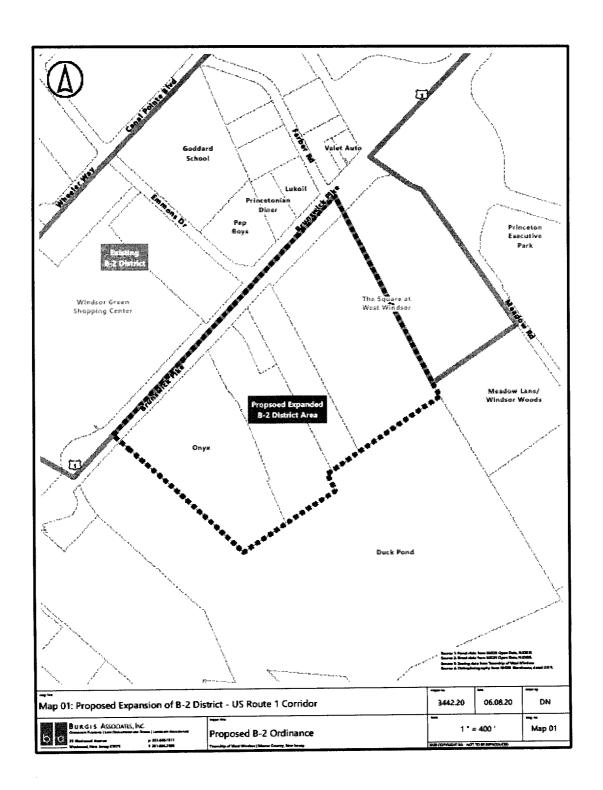
I. Hotels

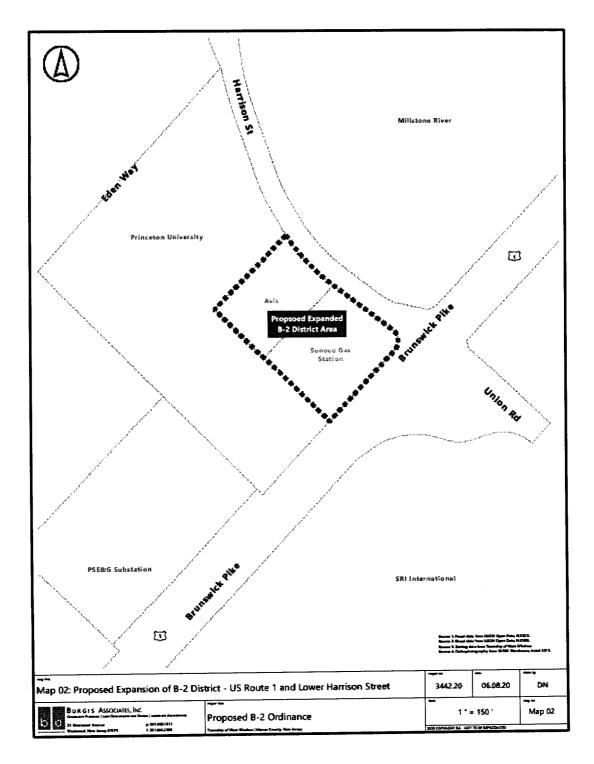
- (1) Maximum building height: Irrespective of §200-202H, the maximum height of a hotel shall be four (4) stories, but not more than 55 feet.
- (2) Minimum side or rear yard setback: Irrespective of §200-202E(2), 40 feet, or 75 feet if adjoining to a residence district.
- (3) A minimum of at least twenty (20) unites of accommodation, exclusive of any permanent, on-site superintendent's living quarters
- (4) Each unit of accommodation shall contain a minimum floor area of 250 feet.
- J. Fast-food operations and banks with drive-throughs:
 - (1) Minimum distance between any drive-through lane and any adjoining property line: 30 feet, or 50 feet if adjoining to a residence district.
 - (2) For banks, no more than three (3) drive-in teller windows shall be provided.
 - (3) Access to and from drive-through facilities shall not be permitted onto public streets. Such access shall be provided from the internal road system servicing the development. Ingress and egress points shall be coordinated so as not to impede the main traffic flow required for the development.

Section 5. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral veto by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction: June 22, 2020 Planning Board Approval: Public Hearing: July 27, 2020 Adoption: Mayor Approval: Effective Date:







ending the Township Code B-2 03-19-20