

ORDINANCE 2021-_____

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

AN ORDINANCE CREATING THE B-2A DISTRICT

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

Section 1. Chapter 200 of the Code of the Township of West Windsor, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 200-142, Establishment of Zoning Districts, is hereby amended by adding after the line “B-2 Business – Neighborhood center business” the following:

B-2A Business – Neighborhood center business

Section 2. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXVI, Titles, Purposes, Establishment of Districts; General Conditions, Section 200-143, Zoning Map, 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 _____, and revised through _____, 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 said Code, Land Use, Attachment 9, Zoning Map of West Windsor Township, is hereby amended to change the zoning designation of Block 47 Lots 1, 2, 3, 4, 5, and 6 as well as Block 22 Lot 3.02 to the B-2A District.

Section 4. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVIII, Regulations for Business Districts, Section 200-202.1, B-2A Business District (neighborhood center) use regulations, is hereby created as follows.

§ 200-202.1 B-2A Business District (neighborhood center) use regulations.

- A. Permitted uses. In a B-2A 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 (including curbside pickup for the sale of items not otherwise prohibited in this section).
 - (2) Personal service establishments (e.g., a tailor, barbershop or beauty salon.)
 - (3) Offices for professional and medical 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, including curbside pickup and drive-through establishments.
 - (5) Fast-food operations with or without drive-throughs.
 - (6) Branch banks with or without drive-throughs.
 - (7) Gasoline service stations in conjunction with a convenience store.
- B. Conditional uses in the B-2A District. In a B-2A District, the following uses may be permitted as conditional uses:
- (1) None.
- C. Accessory Uses in the B-2A District. In a B-2A District, the following uses may be permitted as accessory uses:
- (1) Off-street parking and loading.
 - (2) Signs.
 - (3) Street furnishings, planters, street lights, and exterior garden type shade structures.
 - (4) Fences and walls.
 - (5) Trash, recycling, and refuse enclosures.
 - (6) Maintenance sheds.
 - (7) Electric vehicle charging stations.

- (8) The sale and exchange of prefilled and empty propane cylinders, as accessory to a gasoline service station.
- (9) Car washes, as accessory to a gasoline service station.
- (10) Air pumps and vacuums, as accessory to a gasoline service station.
- (11) Emergency generators, with an appropriate visual and sound attenuating enclosure.

Section 5. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVIII, Regulations for Business Districts, Section 200-202.2, B-2A Business District bulk and area restrictions, is hereby created as follows.

§ 200-202.2 B-2A Business District bulk and area restrictions.

The following shall be the standards of the B-2A District:

- A. Minimum lot area: one acre.
- B. Minimum lot frontage: 125 feet.
- C. Minimum yards for principal buildings and structures, including canopies for gasoline service stations:
 - (1) Front Yard: 40 feet.
 - (2) Rear Yard: 20 feet.
 - (3) Side Yard: 15 feet.
 - (4) Yards abutting residential districts: The above yards shall be increased by 50 feet in those instances where they abut, whole or in part, a residential district or lot line.
- D. Standards for accessory buildings and structures:
 - (1) All accessory uses and elements shall complement the architectural design style, type, color, and/or materials of the building(s) and the overall project design.
 - (2) Accessory buildings and structures shall be required to meet the front yard requirement for principal buildings and structures as required herein, unless otherwise noted.
 - (3) Accessory structures shall be permitted to have a side or rear yard setback of two (2) feet to adjoining properties located in the same zoning district.
 - (4) Accessory structures shall be required to meet the side and rear yard setback requirements identified in subsection C above if abutting a property zoned or utilized for residential purposes.

- (5) Electric vehicle charging stations, transformers, and other similar utility structures are exempt from the front yard setback requirement.
- (6) Back-up generators. Permanent back-up 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.
- (7) Generators shall be required to meet the front yard setback, unless otherwise appropriately landscaped as determined by the Planning Board.

E. 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

F. Maximum improvement coverage: 70%, which may be comprised of a maximum of 55% of impervious surfaces as well as an additional 15% of pervious surfaces.

G. Maximum building height: 2 ½ stories or 35 feet

H. Restaurants and banks with drive-throughs

- (1) Minimum distance between any drive-through lane and any adjoining property line: 12 feet, or 50 feet if adjoining to a residential district.
- (2) For banks, no more than three drive-in teller windows shall be provided.
- (3) Any drive-through or drive-up window shall have a minimum queuing length of 180 feet from the center of the first service area or window.
- (4) 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.

I. Design Standards.

- (1) The B-2A District shall have a consistent architectural theme and traditional village scale matching or compatible with nearby retail buildings, to the greatest extent practicable.
- (2) Buildings shall be topped with pitched roofs with overhanging eaves or with flat roofs with articulated parapets and cornices, on all sides. Materials on pitched roofs shall be slate (either natural or man-made), shingle (either wood or asphalt composition), or metal formed to resemble standing seams. Roof color shall be traditional and compatible with retail and residential buildings in the area. Solar PV shingles and panels that are

of a compatible or complementary appearance are encouraged. Fascias, dormers, and gables are encouraged to provide visual interest and pedestrian scale.

- (3) Exterior wall materials shall be compatible with newer retail and residential buildings in the immediate area. Brick with limited use of stucco, clapboard, stone or decorative split face block are encouraged. Walls that are mostly limited or void of windows due to interior function shall be designed with a visually interesting pattern, mix of materials, or other treatment to present a finish or appearance that is aesthetically pleasing and complimentary to the front façade.
- (4) Areas of high pedestrian activity shall be differentiated from parking areas utilizing special ground texture treatments which may include brick, stone, cobblestones, patterned concrete or pavers, and other suitable material.

Section 6. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article VI, Design Details, Section 200-27, Circulation and parking, Item B., Schedule of off-street parking requirements, “Drive-in or fast food establishment” is hereby amended as follows. Added text is underlined, and text being eliminated is [brackets].

Drive-in or fast food establishment	[1 space for each 25 square feet of building floor area plus 1 space for each two persons employed therein] <u>1 space for each 100 square feet of building floor area</u>
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Section 7. In the event of any conflict between the provisions and requirements of this section and the provisions and requirements of any other section of this chapter, the provisions and requirements of this section shall govern.

Section 8. 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:

Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date: