

ORDINANCE 2020-06

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

**AN ORDINANCE CREATING A NEW PART 7 ENTITLED “ROUTE 1 PENNS NECK
BUSINESS COMMERCIAL REDEVELOPMENT AREA” AND AMENDING THE
CODE OF WEST WINDSOR (1999) TO CREATE A ROUTE 1 PENNS NECK
BUSINESS COMMERCIAL REDEVELOPMENT ZONE**

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 “RP-12 – “Residence/Affordable Housing” the following:

RP-Penns Neck Redevelopment Plan – Route 1 Penns Neck Business Commercial

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 May 23, 2009, and revised through _____, 2020, which, with all explanatory matter thereon, is hereby adopted and made part of this Part IV. 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, Part 7, Route 1 Penns Neck Business Commercial Redevelopment Area, Article XL, Regulations, is hereby created as follows:

Article XL Regulations

§ 200-289 Route 1 Penns Neck Business Commercial Redevelopment Zone

- A. Goal. The goal of the Route 1 Penns Neck Business Commercial Redevelopment Zone is to facilitate the development of a small-scale neighborhood commercial center which shall serve the daily needs of both the local residents of the Penns Neck community as well as those traveling along the US Route 1 corridor. It is also this Plan’s intent that the Redevelopment Area serve as an attractive gateway for those entering the Township from both US Route 1 and Washington Road.

B. Permitted Uses. The following uses shall be permitted as principal uses within the Route 1 Penns Neck Business Commercial Redevelopment Zone:

- (1) Convenience stores in conjunction with a gasoline service station with hours of operation limited to 5:00 am to midnight.
- (2) Banks and financial institutions, with or without drive-throughs.
- (3) Pharmacies, with or without drive-throughs.
- (4) Retail sales and services.
- (5) Urgent care services, including emergency outpatient services.
- (6) Personal services.
- (7) Medical and professional offices.
- (8) Cafés, with or without drive-throughs, provided that they are not in excess of 2,500 square feet.
- (9) Senior day care, which is defined as 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.

C. Permitted Accessory Uses. The following shall be permitted as accessory uses in the Route 1 Penns Neck Business Commercial Redevelopment Zone:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Street furnishings, planters, street lights, and exterior garden type shade structures (gazebos).
- (4) Fences and walls, which shall complement the architectural style, type, and design of the building and the overall project design.

- (5) A static community landmark feature which shall serve as a gateway to the Township.
 - (6) High speed electric vehicle charging stations.
 - (7) Accessory uses customarily incidental to permitted principal uses.
- D. Prohibited Uses. Any use or structure other than those uses or structures permitted herein shall be prohibited.
- E. Intensity, Bulk, and Other Regulations. The following shall be the standards of the Route 1 Penns Neck Business Commercial Redevelopment Area:
- (1) Minimum Tract Area: The entirety of the district, which shall be planned and developed in a comprehensive manner as a single integrated entity with one development application showing the proposed development for the entire district.
 - (2) Minimum Setbacks for Principal Buildings.
 - (a) Setback from US Route 1: 40 feet, with a minimum 15-foot landscape buffer, as measured after any road dedication by either fee simple easement or conveyance.
 - (b) Setback from Washington Road: 40 feet, with a minimum 25-foot landscape buffer, as measured after any road dedication by either fee simple easement or conveyance.
 - (c) Side and Rear Yard: 50 feet, as measured from the district boundary line.
 - (3) Yards Abutting Residential Properties: Yards abutting residential properties shall have a minimum setback of 100-feet with a minimum 40-foot wide landscape buffer, as measured from the district boundary line. The buffer shall have a berm of no less than twelve (12) feet in height, topped by an eight (8) foot high fence constructed of highly effective sound-deadening material or an equivalent combination of berm, wall, and/or fence.
 - (4) Maximum FAR. The maximum permitted FAR shall be 0.13.
 - (5) Maximum Improvement Coverage: 60%.
 - (6) Maximum Building Height: 2.5 stories or 35 feet.

- (7) Setbacks for Buildings with Drive-Throughs.
 - (a) Minimum distance between any drive-through building and any residence district: 100 feet.
 - (b) Minimum distance between any drive-through access driveway and any residence district: 50 feet.
- (8) Number of Fueling Stations: Gasoline service stations shall not have more than sixteen (16) fueling stations, exclusive of any high speed electric vehicle charging stations. A fueling station shall be defined as a location that can accommodate one (1) vehicle fueling at a time. Stand-alone diesel fueling stations are prohibited.
- (9) Garbage and recycling collection shall be restricted to the hours of 6:00 am to 8:00 pm

F. Building and Design Layout

- (1) The material and design of façades of buildings and structures shall relate to one another to the greatest extent possible in order to promote a visually cohesive environment. Buildings should reflect a continuity of treatment throughout the district, obtained by: maintaining base courses; maintaining cornice lines in buildings of the same height; extending horizontal lines of fenestration (windows); and reflecting architectural style and details, design themes, building materials and colors used in surrounding buildings to the greatest extent possible. Fenestration shall be provided on each building façade to the extent practical.
- (2) Pitched roofs (6/12 to 12/12) and mansard roofs are encouraged for buildings. Exposed flat roofs shall be allowed if the architectural detail, style, proportion and massing is complementary of adjacent structures; and further provided that buildings may have flat roofs only if all rooftop mechanical equipment are screened from public view.
- (3) The roof of the gas station canopy shall be sloped. The columns of the canopy shall be designed with decorative materials which shall match those materials used for the buildings on site. Solar panels are encouraged on the roof of the canopy.
- (4) Decorative pavers to distinguish pedestrian areas and routes as well as traffic control areas shall be required.

- G. Permitted Signage. In lieu of §200-32, the following shall apply:
- (1) Signage shall be designed in a manner complementary to the building's architecture and in keeping with a visually cohesive environment.
 - (2) Wall signage.
 - (a) One wall sign shall be permitted per business for each front business façade and each rear or side business façade.
 - (b) The following types of wall signs shall be permitted:
 - [1] Internally lit raised letters with concealed ballast.
 - [2] Back-lit raised letters with concealed ballast.
 - [3] Signage board with gooseneck lighting.
 - [4] Individual cut letters with gooseneck lighting.
 - (c) The maximum sign area shall be the square footage calculated by taking 90% of the linear business frontage, with a maximum of 75 square feet.
 - (d) Letters may project a maximum of eight inches.
 - (e) Wall signs shall not be permitted above the roofline.
 - (3) Street address signage.
 - (a) Street address signage shall be provided on each building for each individual tenant.
 - (b) Street address numbers shall have a maximum height of eight inches.
 - (4) Ground-mounted project/tenant identification signage.
 - (a) One (1) ground-mounted project/tenant identification sign shall be permitted along the US Route 1 frontage.
 - [1] The maximum sign area shall be seventy-two (72) square feet.

- [2] The maximum sign height, including structure and sign area, shall be twenty (20) feet above existing grade.
 - [3] The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.
 - [4] If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos.
 - [5] Mounting hardware shall be hidden from view.
- (b) One (1) ground-mounted project identification sign shall be permitted along the Washington Road frontage.
- [1] The maximum sign area shall be sixty-four (64) square feet.
 - [2] The maximum sign height, including structure and sign area, shall be eight (8) feet above existing grade.
 - [3] The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.
 - [4] If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos. Gasoline prices may be permitted to be displayed with LED lighting.
 - [5] Mounting hardware shall be hidden from view.
- (5) Ground-mounted gas station service signage.
- (a) In addition to the above identified signage, one (1) ground-mounted gas station service sign along the US Route 1 frontage shall be permitted for gas service station use only.
 - (b) The maximum sign area shall be one hundred and thirty (130) square feet for a ground-mounted gas station service sign, inclusive of gas pricing panels.
 - (c) The maximum sign height, including the structure and sign area, shall be twenty-five (25) feet above existing grade.

- (d) The base of the sign shall be constructed of materials that are consistent with the building architecture and shall be landscaped with plantings.
 - (e) If lighted, the sign shall be lit by direct, external light sources, internally illuminated letters/logos, or back-lit raised letters/logos. Gasoline prices may be permitted to be displayed with LED lighting.
 - (f) Mounting hardware shall be hidden from view.
- (6) Awnings.
- (a) One (1) sign with lettering per business shall be permitted on an awning.
 - (b) Logos shall be permitted on all awnings, provided that:
 - [1] The letter and logo height do not exceed 50% of the diagonal portion of the awning.
 - [2] The letter and logo area do not exceed 15% of the area of the diagonal portion of the awning.
 - [3] The letter and logo height on a vertical flap do not exceed eight inches.
 - (c) Awnings shall be aesthetically compatible with the building and consistent with each other.
 - (d) Awnings shall be kept in good order and repair.
- (7) Gas station canopy signage.
- (a) A maximum of two (2) canopy signs shall be permitted.
 - (b) Canopy signs shall only be permitted on canopy façades facing a public street.
 - (c) The width and height of the canopy sign shall not exceed the width and height of the canopy façade to which it is attached.

- (8) Window lettering and signs. Window lettering and signs shall be permitted, provided that they:
 - (a) Are inside the window.
 - (b) Do not exceed 15% of the window area.
 - (c) Pertain only to the establishment occupying the premises where the window is located.
 - (d) Shall have a professional appearance.
- (9) Instructional Signage.
 - (a) Instructional wall and ground signs are permitted.
 - (b) The maximum number shall be determined by safety considerations.
 - (c) The maximum instructional sign area shall be two square feet.
- (10) Flag poles
 - (a) Freestanding flag poles shall be permitted for the district, excluding commercial messages.
 - (b) The flagpole shall be no taller than twenty-five (25) feet measured from existing grade.
 - (c) The maximum flag area shall be fifteen (15) square feet.
 - (d) Flag signs shall be kept in good order and repair. All flags shall be maintained and/or flown in accordance with applicable federal law, regulation, and/or protocol.
- (11) Static Community Landmark Feature
 - (a) One (1) static community landmark feature shall be permitted along the US Route 1 frontage, the purpose of which shall be to serve as a gateway feature for the Township. No on-site or off-premises advertising shall be permitted on this feature.

- (b) The site plan shall delineate an area of no greater than twelve (12) feet by twelve (12) feet wherein a static community landmark feature shall be permitted to be placed.
- (c) The static community landmark feature shall be setback from US Route 1 no further than any on-site ground-mounted project/tenant identification signs and/or ground-mounted project identification signs located within one hundred (100) feet along US Route 1 in the redevelopment area.
- (d) The static community landmark feature may have up to two (2) display faces.
- (e) The height and size of the static community landmark feature shall be determined relative to the design of the sign and the structure as a whole, balancing: visibility; its scale relative to adjacent signs and buildings; the architectural design of the sign structure; and the relationship to other nearby elements along the road. The height shall not exceed fifteen (15) feet.
- (f) The design of the static community landmark feature shall incorporate visual art or architectural elements and architectural structure with its visual messaging function, thereby creating a unique or distinctive architectural design. It shall incorporate one or more of the following architectural elements: natural or reproduced stone, wood, brick, ornamental iron or decorative steel. It shall also complement the overall building design and site layout of the redevelopment area, as well as the neighborhood, to the greatest extent feasible.

H. Road Vacation Plan. Portions of Varsity Avenue and/or Mather Avenue public right-of-way that lie within the Redevelopment Area may be vacated by the Township, in its discretion. Any such right-of-way vacation shall preserve a remaining utility easement for all utilities located within the vacated right-of-way and easement for public access, the timing and parameters of which will be set forth in a Redevelopment Agreement by and between the Township and a designated redeveloper.

I. Site Plan Application. Potential redevelopers will be required to enter into a Redevelopment Agreement with the Township for the purpose of setting forth such details as the Township and such redeveloper may agree regarding the development or redevelopment of the Redevelopment Area. No application for development or redevelopment of property subject to this Redevelopment Plan may be filed with the Planning Board until the applicant has been designated, by

the Township, as the redeveloper and the applicant has entered into a Redevelopment Agreement with the Township. Alternatively, any application filed with the Planning Board regarding development or redevelopment of property subject to this Redevelopment Plan shall be subject to the conditions that the applicant be so designated and enter into such Redevelopment Agreement.

Section 4. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law, or an override of a mayoral vote by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

Introduction:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

Ordinance Amending the Township Code RP-1 12-11-19