

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

ORDINANCE NO. 2013-05

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XX, ZONING,
OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF EAST WINDSOR
SPECIFICALLY SECTION 20.20002, "ZONING MAP",
WHICH WILL REZONE APPROXIMATELY 138.2 ACRES OF DEVELOPABLE LAND
ALONG THE ROUTE 33 CORRIDOR INTO A NEW
"CR" CORRIDOR REVITALIZATION COMMERCIAL ZONING DISTRICT,
SECTION 20-4.0100, "DISTRICTS CREATED",
AND A NEW SECTION 20-25 ENTITLED "CR" CORRIDOR REVITALIZATION**

WHEREAS, a "Route 33 Corridor Revitalization Plan" was prepared for the Township of East Windsor and the Borough of Hightstown by planning consultant Heyer Gruel & Associates and other consultants; and

WHEREAS, the "Route 33 Corridor Revitalization Plan" focuses on the Route 33 area between Route 130 in East Windsor Township and Summit Street in Hightstown Borough; and

WHEREAS, the "Route 33 Corridor Revitalization Plan" is organized and bound into two documents; one is the Plan itself, dated May 2012, and the second is recommended "Zoning & Design Standards", dated August 2012; and

WHEREAS, the Plan comprehensively reviews and assesses the Route 33 Corridor and provides revitalization recommendations and implementation strategies in order to enhance development and redevelopment opportunities along the Corridor; and

WHEREAS, the East Windsor Township Planning Board conducted a public hearing on March 18, 2013 to consider the adoption of the "Route 33 Corridor Revitalization Plan" and a cover document prepared by its planning consultant, Coppola & Coppola Associates, to be part of the East Windsor Township Master Plan in accordance with N.J.S.A. 40:55D-28 of the Municipal Land Use Law; and

WHEREAS, the Planning Board concluded that the "Route 33 Corridor Revitalization Plan" contains important recommendations for the future development and redevelopment of the subject land along the subject Route 33 corridor, and duly adopted the plan and the cover document as part of the East Windsor Township Master Plan; and

WHEREAS, the Planning Board adopted a resolution on April 1, 2013 memorializing its adoption of the "Route 33 Corridor Revitalization Plan" and the cover document on March 18, 2013 to be part of the East Windsor Township Master Plan; and

WHEREAS, as indicated in the adopted memorializing resolution, the Planning Board "recommends that the Township zoning ordinance provisions be formulated and adopted to govern the future development within the defined 'Route 33 Corridor' area as it is stated in the Plan"; and

WHEREAS, also as indicated in the adopted memorializing resolution, the Planning Board noted that, "while the 'Zoning & Design Standards' document included as part of the Plan contains constructive concepts and recommended provisions, including a list of uses to be permitted and excluded in the four (4) proposed zoning districts, the Planning Board recognizes that the implementing ordinance provisions may be structured differently than proposed in the Plan"; and

WHEREAS, the East Windsor Township Council agrees with the recommendations of the Planning Board to formulate and adopt zoning ordinance provisions to govern the future development and redevelopment of the subject lands included in the "Route 33 Corridor Revitalization Plan"; and

WHEREAS, the East Windsor Township Council also agrees with the Planning Board that the ultimate rezoning of the subject lands along the subject Route 33 corridor may be structured differently than proposed in the Plan and that, in any case, the ultimate rezoning must be coordinated with the rezoning efforts of the Borough of Hightstown; and

WHEREAS, in an effort to assure that any future development on the lands within the subject Route 33 corridor is in accordance with the land uses recommended in the "Route 33 Corridor Revitalization Plan", the East Windsor Township Council has concluded that it is prudent to amend the zoning ordinance provisions governing development on the subject lands at this time.

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", of the Revised General Ordinances of the Township of East Windsor is hereby amended and supplemented as follows:

SECTION 1. Section 20-2.0002, "Zoning Map", of the General Ordinances of East

Windsor Township is hereby amended in its entirety to read as follows:

"20-2.0002 ZONING MAP. The map entitled "East Windsor Township Zoning Map", adopted July 28, 1976, together with all notations thereto and with the revisions and amendments to said map up to and including March 15, 2004, along with a "Supplemental Zoning Map" dated April 23, 2013, are adopted together as the "Zoning Map" of the Township of East Windsor, with a copy of each map attached hereto and made a part hereof by reference, and which are on file in the office of the municipal clerk."

Note For The Reader Of This Ordinance:

The "Supplemental Zoning Map" is attached at the end of this ordinance. For informational purposes, the area of East Windsor Township to be rezoned into the new "CR" Corridor Revitalization zoning district includes approximately 138.2 acres of developable land along the Route 33 corridor between Route 130 and Hightstown Borough, with approximately 94.6 developable acres currently zoned "HC" Highway Commercial and approximately 43.6 acres currently zoned "I-O" Industrial Office.

SECTION 2. Section 20-4.0100, "Districts Created", of the General Ordinances of East

Windsor Township is hereby amended in its entirety to read as follows:

"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 |
| 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
TC	Turnpike Commercial
R-O	Research Office
I-O	Industrial Office
ARH	Age-Restricted Housing
CC	Community Commercial
CR	Corridor Revitalization"

SECTION 3. A new Section 20-25, "Corridor Revitalization", of the General

Ordinances of East Windsor Township is hereby created to read as follows:

"20-25 CR Corridor Revitalization

20-25.1 *Principal Uses.*

- a. Retail sales of goods and services, except that any and all vehicle related uses, including, but not limited to, motor vehicle sales, motor vehicle service stations, motor vehicle body shops, motor vehicle repair shops, gas stations and car washes are specifically prohibited.
- b. Restaurants, including cocktail lounges and taverns, but excluding any drive-thru uses.
- c. Offices, including medical professional.
- d. Banks and financial institutions.
- e. Hotels and motels.
- f. Theaters.
- g. Indoor recreational uses.
- h. Health clubs, wellness centers, urgent care centers and surgical centers.
- i. Public and quasi public uses, including such uses as museums, a YMCA and civic spaces, but excluding any use related to a houses of worship.
- j. Child care centers.

20-25.2 *Accessory Uses.*

- a. Off-street parking.
- b. Outdoor dining areas.
- c. Public spaces and plazas.
- d. Signage.
- e. Other accessory uses and structures customary and incidental to the permitted principal use.

20-25.3 *Conditional Uses.*

No conditional uses are permitted.

20-25.4 *Bulk and Area Requirements.*

The bulk and area requirements in Section 20-16.4 of the Township's zoning ordinance provisions for the "HC" Highway Commercial district shall apply.

20-25.5 *Other Requirements.*

The other requirements in Section 20-16.5 of the Township's zoning ordinance provisions for the "HC" Highway Commercial district shall apply."

SECTION 4. All ordinances or parts thereof which are inconsistent or conflict with the provisions of this ordinance or any part thereof are hereby repealed to the extent of said inconsistency or conflict.

SECTION 5. If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged to be invalid by a Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance, or any other ordinance which is referred to

herein, and to this end, the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance are hereby declared to be severable. Should any clause, sentence or other part of this ordinance be judged invalid by a Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 6. This ordinance shall take effect twenty (20) days after the final adoption, publication and the filing of said ordinance with the Mercer County Planning Board, all in accordance with law.

Signed:

Janice S. Mironov, Mayor

June 11, 2013
Date Adopted

Attest:

Kathie Senio , Deputy Municipal Clerk