

**ORDINANCE NO. 2024-10  
TOWNSHIP OF EAST WINDSOR  
COUNTY OF MERCER**

**AN ORDINANCE AMENDING CHAPTER XX, “ZONING,”  
HC HIGHWAY COMMERCIAL ZONE DISTRICT AND  
CR CORRIDOR REVITALIZATION ZONE DISTRICT  
FLOOR AREA RATIO REGULATION, OF THE REVISED GENERAL  
ORDINANCES OF THE TOWNSHIP OF EAST WINDSOR**

**WHEREAS**, the Township of East Windsor desires to periodically update the zoning regulations to address and maintain the goals of the zone plan and Master Plan of the Township; and

**WHEREAS**, the Township of East Windsor seeks to allow upon the sole review of the Planning Board to permit minor adjustments to the floor area ratio requirements to incentivize the use of green development site design or building improvements pertaining to the HC Highway Commercial Zone and the CR Commercial Revitalization Zone, where references to the HC Zone are provided at Sections 20-25.4 and 20-25.5;

**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 20, “Zoning,” of the General Ordinances of East Windsor Township is amended and supplemented at Section 20-16.5 *Other Requirements*, by adding a new subparagraph e. to read as follows: (deleted sections are noted by ~~strikethroughs~~, new sections are underlined)

- e. Green building F.A.R. development bonus incentives.
  - 1. For applications within the HC Highway Commercial Zone and the CR Corridor Revitalization Zone only, the Planning Board may consider awarding a green building F.A.R. development bonus for use of a green development site design or green building improvements, to include such examples as green roofs, cool roof systems, roof mounted solar systems, pervious paving, EV charging stations (in excess of State minimums), bike storage infrastructure, bike paths, stormwater infiltration systems above minimum required standards, improved biodiversity of open space and buffer area enhancements.
  - 2. Any green building F.A.R. development bonus shall be at the sole discretion of the Planning Board and shall not be subject to challenge or appeal by the Planning Board applicant or any other person.
  - 3. The maximum green building F.A.R. development bonus shall be up to 2.5 percent

above the F.A.R. maximum percentage permitted in the zone.

4. The green building F.A.R. development bonuses authorized in this section shall not supersede green building F.A.R. development bonuses provided in any other section of this chapter, or in any redevelopment plan adopted by the Township.
5. The provision of an LEED certification or equivalent or the provision of green building strategies shall not obligate the Planning Board to approve a green building F.A.R. development bonus. Green building F.A.R. development bonuses authorized in this section are intended to be the maximum allowed for any application or project which includes green building component(s) and shall not be combined to exceed 2.5 percent above the F.A.R. maximum percentage permitted in the zone. When a green building F.A.R. development bonus results in a fractional number, the figure shall be rounded to the nearest whole number.
6. Site plan requests for any green building F.A.R. bonus shall be evaluated on a case-by-case basis, based on the characteristics of individual sites as determined by the Planning Board. The provision of any green building component(s) and a request for any green building F.A.R. bonus shall be included in the development application and shall be part of the typical site plan review process where the environmental benefits are analyzed in conjunction with the proposed development and the characteristics of the site, as determined by the Planning Board.
7. All green building development components shall adhere to the minimum approved/required standard for a period of no less than 10 years from the receipt of a final certificate of occupancy as demonstrated by an acceptable form of monitoring and annual performance reporting to be stipulated in a developer's agreement, or such other acceptable form of agreement, between the developer and the Township, and as otherwise provided in any condition(s) of site plan approval by the Planning Board.
8. Penalties and enforcement for failure to comply with the minimum approved/required green building performance standard shall be addressed in a developer's agreement between the developer and the Township subsequent to site plan approval by the Planning Board.

**SECTION 2. Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

**SECTION 3. Severability.** 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 4. 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:**

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**Allison Quigley**  
Municipal Clerk

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**JANICE S. MIRONOV**  
Mayor

Introduced:

Adopted:

Effective: