

ORDINANCE 2020-25

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 200 OF THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999) BY CREATING THE PLANNED COMMERCIAL DISTRICT (PCD)

WHEREAS, the Planning Board of West Windsor adopted a Land Use Element of the Master Plan on February 12, 2020 (2020 Land Use Plan Element); and

WHEREAS, the 2020 Land Use Plan Element recommends a Planned Commercial District encompassing lots commonly referred to as the Howard Hughes Tract which are identified by municipal tax records as Block 8 Lots 1, 2, 2 (QFarm), 3, 16, 20, 28, 32.01, 39, 40, 41, 45, 46, and 49 as well as Block 15.14 Lots 18, 18 (QFarm), 19, 19 (QFarm), 20, 20 (QFarm), 22 (QFarm), 26 (QFarm), and 75; and

WHEREAS, the 2020 Land Use Plan Element recommends a variety of research, industrial, and commercial land uses to be permitted in this PCD; and

WHEREAS, the intent of the PCD is to support a wide variety of nonresidential uses to facilitate the redevelopment of the tract, while also ensuring that any such development will be complementary to the surrounding area, protect existing environmental constraints, minimize undue strain on the Township's community facilities, and avoid any substantial adverse impacts to the existing traffic and circulation patterns of Clarksville Road, Quakerbridge Road, and the US Route 1 corridor.

NOW, THEREFORE, 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 (1999), Land Use, Part 1, Site Plan Review, Article II, Terminology, Section 200-4, Definitions, Subsection B is amended by adding the following NEW definitions.

DISTILLERY – A facility which produces by distillation spirits for consumption, the sales and distribution of which are subject to regulation by the State of New Jersey.

OUTPATIENT SURGICAL FACILITY – A facility providing surgical treatment to patients not requiring hospitalization. It is not part of a hospital but is organized and operated to provide medical care to out-patients. Patients shall be served solely on an out-patient basis, and no patients shall be kept overnight on the premises.

PERFORMING ARTS FACILITY – A multi-use establishment that is intended for use by various types of the performing arts, including but not limited to dance, music, and theater.

PET DAY CARE FACILITY – A facility where dogs, cats, and other domestic household pets are temporarily boarded for pay or remuneration of any sort. A pet day care service is distinguished from a kennel in that pets are typically boarded for the day,

although overnight may be available. A pet day care establishment may also offer accessory services, such as retail sales of pet care supplies, veterinary services, and animal grooming. The breeding and/or selling of animals at these facilities is not permitted.

SPA – A commercial establishment offering health and beauty treatment through such means as steam baths, message, and similar services.

WINERY – A licensed facility comprising the building or buildings used to convert fruit or fruit juices to wine, and to age, bottle, store, distribute, and sell said wine. A winery includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions, and may include tasting and promotional events.

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 August 17, 2020, 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 300 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXVIII, Regulations for Business Districts, Section 200-207.3, PCD Planned Commercial District use regulations, is hereby created as follows.

§ 200-207.3 PCD Planned Commercial District use regulations.

- A. Intent. The intent of the PCD is to support a wide variety of nonresidential uses to facilitate the redevelopment of the tract, while also ensuring that any such development will be complementary to the surrounding area, protect existing environmental constraints, minimize undue strain on the Township's community facilities, and avoid any substantial adverse impacts to the existing traffic and circulation patterns of Clarksville Road, Quakerbridge Road, and the US Route 1 corridor. Retail, service commercial, entertainment and hospitality uses are to be located along Quakerbridge Road and US Route 1 in order to maintain the commercial character of those corridors. Warehouse and distribution uses are encouraged within the remainder of the district. The PCD is also intended to

promote an attractive comprehensive integrated design and encourage a high level of investment.

B. Permitted uses. In the PCD, 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 unless otherwise noted.

- (1) General, corporate, administrative, and professional offices.
- (2) Research, testing, analytic laboratories.
- (3) Product development laboratories.
- (4) Pilot plant facilities.
- (5) Warehousing and distribution facilities.
- (6) Finishing and assembly of products.
- (7) Limited manufacturing.
- (8) Data processing and computer centers.
- (9) Business support uses.
- (10) Banks with or without drive-through lanes.
- (11) Retail stores and shops.
- (12) Personal service establishments.
- (13) Restaurants, including but not limited to establishments offering indoor dining, outdoor dining, take out, delivery, curbside pickup, and drive-through lanes.
- (14) Taverns offering alcoholic beverages for sale and consumption on the premises.
- (15) Brew pubs.
- (16) Fast food restaurants with or without drive-through lanes.
- (17) Gas stations in conjunction with a convenience store and/or vehicle wash.
- (18) Health clubs.
- (19) Fitness centers.
- (20) Commercial recreation facilities.
- (21) Spas.
- (22) Performing art facilities.
- (23) Legitimate theaters.
- (24) Motion-picture theaters.
- (25) Cultural facility buildings or structures.
- (26) Hotels with one hundred (100) or more guest rooms.

- (27) Conference centers.
- (28) Child care centers.
- (29) Senior day care centers.
- (30) Medical offices.
- (31) Urgent care medical facilities.
- (32) Outpatient surgical facilities.
- (33) Breweries.
- (34) Wineries.
- (35) Distilleries.
- (36) Veterinary clinics.
- (37) Pet day care facilities.
- (38) Mixed use planned developments pursuant to Section 200-209A.(8), except for affordable housing.
- (39) A community landmark sign serving as a gateway to the community and which may include an electronic sign with changeable type, which shall display information regarding municipal, civic, and community events as well as emergency messaging. It may also display on-premises and off-premises advertising.
- (40) Any existing wastewater treatment plant or electrical substation which existed prior to the date of the adoption of this ordinance.
- (41) Any kennel which existed prior to the date of the adoption of this ordinance.
- (42) Any combination of the above permitted uses in one or more principal buildings on a lot.

C. Accessory uses. In the PCD, the following uses may be permitted as accessory uses.

- (1) 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.
- (2) Outdoor and rooftop dining for restaurants, hotels, taverns, breweries, brewpubs, and wineries.
- (3) A restaurant or cafeteria primarily for supplying meals only to employees and guests of the principal use.
- (4) In-service training schools for employees.
- (5) Custodial living quarters.
- (6) Indoor and outdoor recreation facilities, provided that all such accessory buildings and uses shall be planned as an integral part of the principal use.

- (7) Assembly halls for meetings incidental to the business of the principal use.
 - (8) Maintenance, utility, and storage facilities incidental to the principal use.
 - (9) Guard houses.
 - (10) Public and private utility (e.g. electric, gas, telephone, cable, water, sewer, etc.) substations, electric and gas facilities to service the permitted uses. Such facilities shall be subject to the requirements contained in Article XXVII, Section 200-156B, except that the requirements of Section 200-156B(6)b shall not apply.
 - (11) Electric vehicle charging stations.
- D. Conditional uses. In the PCD, the following uses may be permitted as conditional uses.
- (1) Transmission lines, transmitting and receiving antennae or aerials subject to the requirement set forth in Article XXVII, Section 200-156B.
 - (2) Public utilities (e.g. electric, gas, telephone, cable, water, sewer, etc.) substation, electric and gas facilities subject to the requirements contained in Article XXVII, Section 200-156B, except those utilities which are necessary to service the permitted uses.

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 200-207.4, PCD Planned Commercial District bulk and area regulations, is hereby created as follows.

§ 200-207.4 PCD Planned Commercial District bulk and area regulations.

- A. Minimum lot area: None.
- B. Minimum lot frontage: 300 feet.
- C. Minimum lot width: 300 feet.
- D. Minimum lot depth: None.
- E. Minimum front yards:
 - (1) Along Quakerbridge Road: 50 feet.
 - (2) Along Clarksville Road: 100 feet.
 - (3) Along US Route 1: 100 feet.
 - (4) Along proposed roads generally consistent with the Master Plan: 100 feet.
 - (5) Along other roadways: 50 feet.
- F. Minimum rear yard: 40 feet.
- G. Minimum side yard:
 - (1) For buildings less than or equal to 40 feet in height: 25 feet.
 - (2) For buildings greater than 40 feet in height: 40 feet.
- H. Yards abutting residential districts. The above yards shall be increased by 25 feet in those instances where they abut, in whole or in part, a residential zone district or lot line.
- I. Minimum building setback from US Route 1 or Quakerbridge Road for warehouse and distribution facilities: 300 feet.
- J. Minimum distance between buildings: 25 feet.
- K. Maximum improvement coverage: 70%
- L. Maximum building height:
 - (1) The maximum building height shall be three (3) stories and forty-five (45) feet for all uses except warehouse and distribution facilities as well as hotels located along US Route 1.
 - (2) The maximum building height shall be two (2) stories and sixty (60) feet for warehouse and distribution facilities.
 - (3) The maximum building height shall be six (6) stories and seventy-five (75) feet for hotels along US Route 1 provided that:

- (a) Four (4) or more storied buildings shall be located only within a band one thousand and eight hundred (1,800) feet in width as measured from the right of way line of US Route 1.
 - (b) The minimum setback requirements shall be increased an additional three (3) feet of setback for one (1) foot of building height which exceeds forty-five (45) feet.
- M. Maximum Retail Building Space.
 - (1) The maximum size of a retail building shall be twenty-five thousand (25,000) square feet.
 - (2) The total combined retail area of the PCD shall not exceed one hundred and fifty thousand (150,000) square feet, not including restaurants and/or shops associated with the hotel use.
- N. Parking in yards. Parking shall be permitted in the front, rear, and side yard setbacks subject to the following:
 - (1) Parking lots shall maintain a twenty-five (25) foot minimum grassed or landscaped separation on each lot to an adjoining lot, except that a seven and one-half (7.5) foot minimum grass or landscaped separation on each lot may be provided in those instances where a warehouse and distribution facility abuts an adjacent warehouse and distribution facility.
 - (2) Parking shall not be permitted in any landscape buffer required by this chapter.
- O. Parking for warehouse and distribution facilities. Parking at warehouse and distribution facilities shall be computed as the sum of the parking required for the floor area of the facility used as office space plus the parking required for the floor area of the building used for warehousing or distribution space. The parking ratios to be used in this computation are as follows:
 - (1) One (1) space for each five thousand (5,000) square feet of building floor area devoted to warehousing and/or distribution space.
 - (2) One (1) space for each two hundred and fifty (250) square feet of building floor area that is devoted to office space.
- P. PCD Performance Standards. All uses permitted in the PCD shall be subject to the performance standards set forth in Part 1, Site Plan Review, of this chapter, except as modified below.
 - (1) The provisions of Section 200-36.1 shall not apply to warehouse and distribution facilities. The provisions of Section 200-36.1 shall apply to all other uses, except that sidewalks in the PCD may be constructed of impervious materials.
 - (2) The provisions of Section 200-28.D(1) shall not apply.

- (3) Parking and loading is permitted between the fronts of buildings and the street line. No parking is permitted within any landscaped buffer as required herein.
- (4) Aisles for the movement and circulation of vehicles shall be permitted in all yard setback areas. No aisle, except those required for access into and out of the site, shall be permitted in landscaped buffer as required herein.
- (5) Trailer parking spaces and loading docks shall be permitted within building yard setbacks for warehouse and distribution facilities.
- (6) Acceleration and deceleration lanes shall not be required at warehouse and distribution facility entrances along the master plan road located between US Route 1 and Quakerbridge Road.
- (7) Impervious cover, including but not limited to buildings, sidewalks, or other constructed surface, shall be permitted within two hundred (200) feet of the centerline of any stream, ditch, or watercourse not identified on Attachment A. The construction of any such impervious cover shall be in accordance with all outside agency regulations as applicable.
- (8) Existing trees may be removed in accordance with all outside agency regulations and pursuant to site plan approval.
- (9) Bicycle parking shall not be required for warehouse and distribution facilities.

Q. Additional standards pertaining to banks and fast-food restaurants with drive-through lanes. The following additional standards shall apply to drive through lanes in the PCD.

- (1) The minimum distance between the edge of a drive-through lane and any property line shall be thirty (30) feet, or fifty (50) feet if the property adjoins a residential district.
- (2) Direct access to and from drive-throughs shall not be permitted from public streets. Such access shall be provided from within the lot or the internal road system servicing the primary use. Ingress and egress points shall be coordinated so as not to impede the main traffic flow to, from, or passing by the drive-through lanes.
- (3) For banks, no more than four (4) drive-through teller windows shall be provided, not including an ATM drive-up lane.

R. Additional standards pertaining to veterinary clinics. The following additional standards shall apply to veterinary clinics in the PCD.

- (1) The veterinary clinic building shall be sited at least one hundred and fifty (150) feet from any residential use or zoning district.
- (2) 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 sound-absorbent ceilings.

- (3) 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.
- (4) Animals may be kept overnight for medical reasons only.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) The curbing of pets shall be addressed.

S. Additional standards pertaining to pet day care facilities. The following additional standards shall apply to pet day care facilities in the PCD.

- (1) All buildings and structures, including outdoor play areas or other enclosures in which the animals are to be kept, shall be located at least one hundred fifty (150) feet from any residential use or zoning district.
- (2) 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 sound-absorbent ceilings.
- (3) All buildings shall be of adequate construction, maintained in good repair, and secured in order to protect animals from injury or escape.
- (4) 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.
- (5) All animals housed in the facility shall be kept within the confines of a building between the hours of 9:00 p.m. and 8:00 a.m.
- (6) Outdoor facilities:
 - (a) A wall or fence shall be installed to secure the pets from other domestic animals and unauthorized individuals.
 - (b) Outdoor animal areas shall be sufficient to protect the animal from sunlight, rain, snow or weather detrimental to the animal's health or shall allow indoor access.

- (c) Provisions shall be made for the removal and proper disposal of animal food, waste, bedding, and debris.
 - (d) All outdoor areas where animals are kept shall have impermeable flooring that can easily be cleaned and sanitized or shall have a minimum of six inches of animal-appropriate gravel which is replaced on a regular schedule which is consistent with the maintenance of sanitary conditions.
- T. Additional standards pertaining to community landmark signs. The following additional standards shall apply to community landmark signs in the PCD.
 - (1) One (1) Community Landmark Sign shall be permitted along Quakerbridge Road, and one (1) Community Landmark Sign shall be permitted along the US Route 1 corridor
 - (2) A Community Landmark Sign shall serve as a gateway sign into the community and as such, such sign shall provide sufficient availability for community information.
 - (3) A Community Landmark Sign shall provide availability and display time for municipal, civic or emergency messaging use and may display on-premises and off-premises advertising.
 - (4) The nearest edge of the Community Landmark Sign display face shall have a setback of thirty-five (35) feet from any right-of-way.
 - (5) No Community Landmark Sign shall exceed fifty (50) feet in height measured from the top of the sign to the grade at the base of the sign.
 - (6) Each Community Landmark sign may have up to two display faces, placed either back to back or in a V-shaped configuration. Each display face shall have a maximum area of three hundred and seventy-eight (378) square feet.
 - (7) Community Landmark Signs shall be permitted to operate twenty-four (24) hours a day.
 - (8) All message or copy change of the Community Landmark Sign display face shall be instantaneous. Scrolling, fading, animated, flashing or moving messages or copy is prohibited. No display face shall change message or copy more than once every eight (8) seconds.
 - (9) A Community Landmark Sign display face may not message or advertise adult or sexually oriented businesses or materials, hate speech, or use any form of profane language or promotion of any message that would be obscene in nature.
 - (10) All Community Landmark Signs shall incorporate ambient light sensors that measure the levels of surrounding light and automatically reduce the intensity of illumination during periods of darkness or increase the intensity of illumination during periods of brightness. No Community

Landmark Sign display face shall exceed a maximum illumination intensity of 500 nits during nighttime hours (dusk until dawn) and 7,500 nits during daytime hours (dawn until dusk) when the display face is in direct sunlight. A Community Landmark Sign display face shall not spill light or glare exceeding 0.3-foot candles of light above the ambient light level.

- (11) The architecture of a Community Landmark Sign shall incorporate visual art or architecture elements in addition to its messaging function thereby creating a unique or distinctive architectural design. A Community Landmark Sign design shall incorporate one or more of the following architectural elements: natural or reproduced stone, stucco, wood, brick, ornamental iron or decorative steel. Any Community Landmark Sign design that incorporates landscaping shall require the operator (the entity, person, or individual who owns the New Jersey Department of Transportation outdoor advertising sign permit for the specific Community Landmark Sign display area) to permanently maintain the landscaping. The owner or operator of the Community Landmark Sign shall continuously maintain the structure and surrounding associated area. The Township may require a Community Landmark Sign to display the name of the municipality, county or local identifiable community area as part of the structure.
- (12) Community Landmark Signs shall not be considered a principal use or structure on a lot and shall be allowed on lots that already have principal uses or structures.

U. Buffers. Landscape buffers in the PCD shall be provided as follows.

- (1) Landscape transition buffer. A landscape transition buffer of not less than twenty-five (25) feet in width shall be provided and maintained by the owner or lessee of a property between any nonresidential use and contiguous residentially zoned districts.
- (2) A landscape buffer of fifty (50) feet in width shall be provided along US Route 1 and Quakerbridge Road.
- (3) A landscape buffer of seventy-five (75) feet shall be provided along Clarksville Road.
- (4) A landscape buffer of twenty-five (25) feet shall be provided along the master plan road located between US Route 1 and Quakerbridge Road.
- (5) No parking or loading shall be permitted in a landscape buffer.
- (6) Yard requirements shall be deemed to be counted as part of the landscape buffer area. Where yard areas are less than the required buffer area, they shall be increased accordingly.

- (7) Suitably landscaped and bermed stormwater basins in the PCD may be located within any yard setbacks or landscaped buffers required by this Chapter, provided that a maximum of fifty percent (50%) of the basin may be located within the buffer area.

Section 5. 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 6. 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: November 30, 2020

Planning Board Approval:

Public Hearing:

Adoption:

Mayor Approval:

Effective Date:

