

EXHIBIT N

Chapter 203. Zoning

Part 1. Zoning Regulations

Article V. District Regulations

§ 203-45. PUD Planned Unit Development District.

A. Intent.

(1) The PUD Planned Unit Development District is specifically designed to implement the intent and purpose of the general development plan as approved in 1998 by the Planning Board for the Weatherby Planned Unit Development. It provides for a mixture of dwelling types as well as nonresidential uses, which are defined within the Weatherby Commercial Zoning Overlay. This overlay is intended to apply to the area designated as “town center” within the Weatherby General Development Plan. This area is expected to provide opportunities for community-level rather than regional commercial uses, serving the needs of Weatherby and nearby neighborhoods. It is also intended to apply to certain out-parcels that are adjacent to, but not part of, the Weatherby Planned Unit Development. It is recognized that the exact location of the commercial overlay may be adjusted, with the approval of the Planning Board, and the applicability of the overlay to out-parcels is intended to be flexible as the boundaries of the commercial overlay within Weatherby are adjusted.

(2) It is the further intent of this article to promote the long-term health, safety and welfare of the public by promoting greater variety and flexibility in the uses permitted within a development than would otherwise be permitted under any one designation permitted under this chapter and to advance the principles of smart growth. The Township Committee finds that such variety and flexibility will accomplish comparatively greater benefits to residential and nonresidential users, the natural environment and public services and facilities. A planned development is intended to permit the development of a balanced community comprised of residential uses and, under certain circumstances, nonresidential uses, with a range of densities, recreational facilities and related uses, while preserving a significant amount of public and common open space. It is intended that planned developments will encourage the consolidation of residential and nonresidential development in sectors of the Township where existing or anticipated roads and utility services can best accommodate development and will offer increased design flexibility in order that entire parcels of land may be developed in a comprehensive manner and sequence throughout the life of the development. This district is intended to achieve the following public objectives:

(a) To offer a variety of housing types.

- (b) To preserve and enhance open space and natural resources of all types, for both passive and active recreation purposes.
- (c) To permit a greater mixture of compatible residential and nonresidential land uses in areas designated by the Weatherby General Development Plan approval.
- (d) To promote creativity and innovation in the design process.
- (e) To create opportunities for efficient creation of infrastructure and utilities by means of clustering of development, careful site planning and construction phasing, and attaining market economies of scale in project size.
- (f) To minimize traffic impacts through the implementation and development of appropriate design standards as required by specific on-site conditions.
- (g) To insure permanent buffering from other land uses and development abutting the site.

(3) Due consideration shall be given in the design of all planned unit developments to each constituent element of an open space system, including environmentally and ecologically sensitive areas, usable open space, other common areas, special scenic amenities and views from the road. To the greatest extent possible, dwellings and other buildings and structures should be placed in tight clusters set in the distance beyond expanses of open fields and visually softened by surrounding trees and plantings.

B. Use regulations.

(1) Residential uses.

- (a) A maximum of 4,500 dwelling units shall be permitted, as specified in the Weatherby General Development Plan. These uses may include single-family detached dwellings, duplex, triplex and zero-lot line dwellings, multifamily dwellings and townhouses (patio homes).
- (b) Ten percent of these units shall be provided as age-restricted dwellings, with occupancy limited to households in which at least one member of the household is age 55 or older and in which no members are age 18 or younger.
- (c) Residential uses shall be provided in strict conformity with the Weatherby General Development Plan although the location of residential subdivisions may be altered upon approval of the Planning Board, and provided further that the total number of permitted dwelling units is not increased.
- (d) A minimum of 101 affordable housing units shall be constructed, as specified in the Weatherby General Development Plan. All such units must be affordable to low- and moderate-income households in accordance with the income and bedroom mixes established in the regulations of the Council of Affordable Housing that were in effect at the time of general development plan approval.

The affordable units shall also be subject to all other regulations of the Council on Affordable Housing including controls on affordability, affirmative marketing, and monitoring.

- (e) Agricultural activities may be maintained in all or part of any lands, including required open space, within the Weatherby PUD.
 - (f) Recreation facilities, including but not limited to swimming pools, tennis courts and similar facilities for the use of the residents of the development and the Township. Recreation facilities may include a multipurpose community building in any development.
 - (g) Necessary public utilities and services.
 - (h) Accessory uses and accessory buildings customarily incidental to the above use.
- (2) Nonresidential uses.

- (a) Nonresidential uses on land owned by Summit Ventures or its successors and shall be generally located within the areas designated as the Weatherby Commercial Overlay and the town center area shown in the Weatherby General Development Plan.
- (b) The specific boundaries of the Weatherby Commercial Overlay may be adjusted, with the approval of the Planning Board, provided that the total acreage provided for in the GDP is not exceeded.
- (c) Where out-parcels or groups of out-parcel land, not owned by Summit Ventures or its successors, are surrounded by the Weatherby Commercial Overlay on a minimum of three sides, or on two sides in the case of a corner property, the provisions of the commercial overlay shall be applicable to said parcels. This benefit runs exclusively with the location of the Weatherby Commercial Overlay and shall be controlled by any adjustment to the boundaries of the Weatherby Commercial Overlay, as approved by the Planning Board.
- (d) Within the Weatherby Commercial Overlay, one or more of the following uses are permitted:

[Amended 5-4-2015 by Ord. No. 2015-05]

[1] Offices for administrative, executive, professional, business sales and similar uses, the normal attributes of which do not involve the storage, exchange or delivery of merchandise on the premises, except as permitted herein. Within an individual office building, up to 10% of the gross floor area may be devoted to supporting commercial enterprises that are intended primarily for the convenience of those working in the building, provided that such uses are accessed only from within the office building. Such uses may include convenience stores, eating establishments, food specialty stores, branch banks and newsstands.

- [2] Medical and dental clinic.
- [3] Retail sales and services, including newspapers, gifts, novelties, tobacco products, drugs, food, clothing, spirits, confections, florist items, books and specialty merchandise, including convenience stores.
- [4] Personal service businesses, such as insurance, travel and banking.
- [5] Restaurants and fast-food restaurants.
- [6] Hotels.
- [7] Theaters for motion pictures or live performances.
- [8] Public transportation stations and shelters.
- [9] Single-family detached dwellings, single-family semidetached, single-family attached, single-family and multi-family dwellings.
- [10] Parks, playgrounds, tot-lots and open spaces.
- [11] Public and commercial garages.
- [12] Amusement, recreation and leisure uses.
- [13] Funeral homes and mortuaries.
- [14] Shopping centers.
- [15] Convenience and community commercial facilities.
- [16] Accessory uses and accessory buildings incidental to the above permitted principal uses.
- [17] Agriculture and horticulture, including farm markets located on and operated in conjunction with farm property qualifying for farmland assessment.
- [18] Any use of the same general character as the above permitted uses.

(e) The following are permitted as conditional uses:

- [1] Telecommunications facilities within the Weatherby Commercial Overlay, subject to § 203-50.
- [2] Public libraries and museums subject to:
 - [a] Location of access driveways, landscaping and site plan design are compatible with the neighborhood in which it is to be located.

[b] No building or part thereof or any parking or loading area shall be located nearer than 50 feet to any street line or lot line.

[c] A site plan in accordance with the Woolwich Township site plan requirements submitted to the Planning Board pursuant to its conditional use review authority (N.J.S.A. 40:55D-67).

[3] Church or other place of worship subject to:

[a] Location of access driveways, landscaping and site plan design being compatible with the neighborhood in which it is to be located.

[b] No building or part thereof or any parking or loading area shall be located nearer than 50 feet to any street line or lot line.

[c] A parish house, rectory or parsonage, which shall conform to the requirements for a single-family, detached dwelling.

[d] A site plan in accordance with the Woolwich Township site plan requirements submitted to the Planning Board pursuant to its conditional use review authority (N.J.S.A. 40:55D-67).

[e] Sewerage disposal and water supply facilities in accordance with all relevant requirements of the New Jersey Department of Environmental Protection and the Gloucester County Health Department codes. This requirement shall apply to all proposed methods, including joint or individual septic systems, on-lot package treatment plants, joint or individual groundwater supply, connection by special permission to public systems outside of the Township or to public systems, etc.

[f] Perimeter buffer. A landscaped buffer shall be provided as required by §§ 203-68 and 203-69.

[4] Utility facilities, including telephone, water, sewer, electricity and gas 400 square feet or greater in size pursuant to the following:

[a] Project is designed to be structurally compatible and in keeping with the architectural character of the neighborhood in which it is to be located.

[b] Project is in keeping with the Master Plan or Utility Master Plan of the Township.

[c] Project conforms with yard setbacks for the district in which it is to be located.

[d] Adequate landscaping in conformance with standards established in §§ **203-68** and **203-69**.

[e] Substation, electric and gas facilities, and all other public utilities, 400 square feet or greater in size, subject to the following requirements:

[i] No storage of materials and trucks and no repair facilities or housing of repair crews, except within completely enclosed buildings.

[f] Transmission lines, transmitting and receiving antennae or aerials, subject to the following special requirements:

[i] No transmission line shall exceed 55 feet in height.

[ii] No transmission line shall be of such height or position that aircraft warning lights are required by any governmental agency.

[5] Public and commercial garages subject to the special requirements of § 203-66.

[6] Accessory uses and accessory buildings customarily incidental to the above use.

(f) Prohibited uses. The following uses are specifically prohibited in this district:

[1] Industrial uses.

[2] Manufacturing uses.

[3] Warehouse-distribution uses.

[4] Automotive sales and service of any kind.

[5] Sexually oriented adult entertainment, video, or book shops.

(g) Mixed uses within the same building. In any planned unit development, residential and nonresidential uses shall be permitted within the same structure, provided that the first floor is entirely devoted to nonresidential uses and the percentage of gross floor area within the entire structure devoted to residential uses does not exceed 75%. Residential and nonresidential uses shall not be permitted on the same floor of a building unless such uses are:

[1] Entirely separated internally by a party wall;

[2] Provided with a minimum of two separate entrances each; and

[3] Shown to meet all building, housing and safety codes.

C. Bulk and area regulations.

(1) Single-family detached dwellings.

(a) Minimum lot size: 6,500 square feet.

(b) Minimum lot width: 60 feet.

(c) Minimum yards.

[1] Front yard: 25 feet.

[2] Side yard: minimum five feet on one side and minimum 15 feet aggregate (on both sides).

[Amended 6-7-2010 by Ord. No. 2010-14; 7-19-2010 by Ord. No. 2010-16]

[3] Rear yard: 20 feet.

[Amended 6-7-2010 by Ord. No. 2010-14; 7-19-2010 by Ord. No. 2010-16]

(d) Maximum building coverage: 35%.

(e) Maximum building height: 35 feet.

(2) Age-restricted housing.

(a) Minimum lot size: 5,000 square feet.

(b) Minimum lot width: 45 feet.

(c) Minimum side to side distance between buildings: 12 feet.

(3) Duplex, twins and patio homes.

(a) Minimum lot size: 3,000 square feet.

(b) Minimum lot width: 30 feet.

(c) Minimum yards.

[1] Front yard: 25 feet.

[2] Side yard: 10 feet.

[3] Rear yard: 20 feet.

(d) Maximum building coverage: 60%.

(e) Maximum building height: 35 feet.

(4) Multifamily apartment buildings.

- (a) A fifty-foot perimeter setback from public streets and property lines shall be required on all sides of the apartment portion of the development. This perimeter setback shall be occupied by a thirty-five-foot landscaped buffer, as provided for by §§ **203-68** and **203-69**, and shall not be encroached upon by any accessory buildings or structure, other than fences and walls, or by any off-street parking or loading facility.
- (b) Minimum distance between buildings shall be as follows:
 - [1] Front wall to front wall: 50 feet.
 - [2] Side wall to either front or rear wall: 35 feet.
 - [3] Side wall to side wall: 25 feet.
 - [4] Front to rear, rear to rear: 50 feet.
- (c) Maximum building height: 35 feet.

(5) Townhouses.

- (a) Minimum lot size: 2,100 square feet.
[Amended 6-7-2010 by Ord. No. 2010-14; 7-19-2010 by Ord. No. 2010-16]
- (b) Minimum lot width: 20 feet.
[Amended 6-7-2010 by Ord. No. 2010-14; 7-19-2010 by Ord. No. 2010-16]
- (c) Minimum yards.
 - [1] Front yard with parking in front: 35 feet.
 - [2] Front yard with no parking in front: 15 feet.
 - [3] Rear yard: 20 feet.
- (d) Maximum building height: 35 feet.
- (e) Access. The planned unit development shall have direct access to a state or federal highway or a road identified as a county road on the Gloucester County Official Map or a road identified as an arterial or major collector road on an official municipal map.
- (f) Public water and public sewer shall be required for all development within the planned unit development and in adjacent areas covered by the Weatherby Commercial Overlay. All development within the PUD District shall be

connected to public sewer and water systems, and said connection shall be mandatory if public sewer and water lines exist within 500 linear feet of the closest lot line. In the event that public sewer and water is unavailable within a distance of 500 feet from the tract boundary, the lot shall be developed in accordance with the standards found in the R-2 Residence District.

- (g) Common open space and required public facilities shall be provided as required by the Weatherby General Development Plan.
- (h) The schedule of development shall be as specified in the Weatherby General Development Plan.
- (i) The developer is encouraged to review its development schedule with the Planning Board annually and may from time to time request modifications to the development schedule. The Planning Board shall hear all requests for amendments to the development schedule and may waive or modify any portion of the schedule if, in the Board's opinion, the developer has demonstrated that, due to local market or general economic conditions, strict adherence to the schedule would result in an undue economic burden on the development.
- (j) Open space dedication for sensitive areas. Designated on-site sensitive areas, consisting of statutory wetlands, surface water and floodplains, shall be required to be protected in perpetuity. Said requirements shall be satisfied by any of the following means:
 - [1] Dedication to and acceptance by the municipality, but the municipality is under no duty or obligation to accept such a dedication.
 - [2] Dedication to and acceptance by the state, county or to a duly constituted conservation trust, if they so choose to accept.
 - [3] Creation, approval and recording of conservation easements on the development plans that are coterminous with, or encompassing of, the sensitive areas, in addition to which there shall be placed upon the deed reciprocal covenants or restrictions as a further measure of protection.