

EXHIBIT O

Chapter 203. Zoning

Part 1. Zoning Regulations

Article V. District Regulations

§ 203-40. R-1 Residential District.

A. Intent.

(1) The intent of the R-1 Residential District is to provide appropriate regulations for the preservation of agriculture, natural resources, scenic vistas and the rural landscape of Woolwich Township, along with the development of single-family detached dwellings and other permitted uses in portions of the Township characterized as rural, regardless of the presence or absence of public sewer or water service. The Township is offering two development options in the R-1 District. Option 1 is strongly encouraged as the means to best maintain the rural character while preserving open space and natural resources in the R-1 District. In conformance with the MLUL, the purposes of Options 1 and 2 are as follows:

(a) To conserve farmland and open space, including those areas containing active farmland, unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;

(b) To provide greater design flexibility and efficiency in the design of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;

(c) To reduce erosion and sedimentation by the retention of existing vegetation, and minimization of development on steep slopes;

(d) To provide for a diversity of lot sizes and housing choices to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity will be maintained;

(e) To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Township's Open Space Plan, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;

(f) To implement adopted land use, transportation, and community policies, as identified in the Township's Master Plan;

(g) To protect areas of the Township with productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;

(h) To create neighborhoods with direct visual access to open space, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;

(i) To provide for the conservation and maintenance of open space within the Township to achieve the above-mentioned purposes and for active and/or passive recreational use by residents;

(j) To provide options for landowners in order to minimize impacts on farming and environmental resources (sensitive lands such as wetlands, floodplains, and steep slopes) and disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls;

(k) To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and

(l) To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

(2) In order to achieve these purposes, this section provides for flexibility in designing new residential subdivisions in the R-1 Residential District by allowing one form of conservation zoning based upon the maximum number of DUs (dwelling units) as determined by a conventional zoning "by-right" development.

(a) Option 1: neutral density and basic conservation, providing for residential uses at the density permitted by the underlying R-1 Zoning District. Greenway lands shall comprise at least half the tract.

(b) Option 2: conventional lotting. In addition to the above option for subdivision, Option 2, conventional lotting, at a minimum lot size of two acres, is permitted.

B. Use regulations.

(1) Principal uses. In the R-1 District, 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; all principal and accessory uses permitted in the 5A District.

(2) Conditional uses. In the R-1 District, the following uses may be permitted as conditional uses:

(a) Home occupations as part of a continued existing residential use may occur, subject to the criteria governing such home occupations as contained in § 203-60.

(b) Breweries, distilleries, and wineries subject to the criteria governing such uses as contained in §203-77.

(c) Public and private elementary, middle and high schools subject to the requirements of the minimum lot sizes as established by the New Jersey State Department of Education for school facilities, and subject further to the following:

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

[2] 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.

(d) Water storage tank or tower, water reservoir, water or sewer pumping station and water or sewage treatment plant, 400 square feet or greater in size, subject to the following special requirements:

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

[2] Project shall be in keeping with the Master Plan or Utility Master Plan of the Township.

[3] Project shall conform with yard setbacks for the district in which it is to be located.

[4] 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:

[1] All those requirements of Subsection B(2)(c) of this section.

[2] 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 antennas or aerials, subject to the following special requirements:

[1] None shall exceed 55 feet in height.

[2] None shall be of such height or position that aircraft warning lights are required by any governmental agency.

(g) The keeping of horses or ponies, subject to the special requirements of § **203-62**.

(g) Intensive fowl or livestock farms, subject to the special requirements of § **203-67**.

(3) Accessory buildings, including storage sheds, greenhouses and other outbuildings, shall be subject to the following regulations, which shall supersede the requirements of § **203-59** in this district:

(a) For lots less than three acres in size, the gross floor area of any individual building shall not exceed 2% of the lot area or 1,500 square feet, whichever is smaller, and the size of all accessory buildings shall not exceed 2% of the lot area. [Amended 10-5-2015 by Ord. No. 2015-19]

(b) For lots of three acres or greater in size, the gross floor area of any individual building shall not exceed 2% of the lot area, and the total size of all accessory buildings shall not exceed 4% of the lot area.

(c) No accessory building shall be located within 10 feet of any side or rear property line.

(d) No accessory building shall be permitted between the front of the building and the street line.

(e) Each residential lot shall be allowed no more than two accessory buildings.

(f) No construction permit shall be issued for the construction of an accessory building prior to the issuance of a construction permit for the construction of the principal building or structure upon the same premises.

(g) An accessory building shall not be located in any required buffer area (see § **163-42**), certain easements (see § **149-58**) and/or drainageway right-of-way.

(h) The height of an accessory building shall not exceed 25 feet or the height of the principal building, whichever is less.

C.

Bulk and area regulations. In order to achieve these purposes, this section provides for flexibility in designing new residential subdivisions in the R-1 Residential District by allowing one form of conservation zoning based upon the number of DUs (dwelling units) as determined by the conventional zoning "by-right" development:

Table of Options

	Option 1 Neutral Density/Basic Conservation	Option 2 Conventional Lotting
Density	87,120 SF/DU maximum gross density	87,120 SF/DU maximum gross density
Lot size minimum with minimum lot width	21,780 SF 70 feet	87,120 SF 185 feet
Open space	50%	No Common Open Space
Yards:		
Front	30 feet	60 feet
Side	10 feet; 30 feet between buildings	25 feet
Rear	35 feet	50 feet
Maximum building coverage	NA	10%
Maximum impervious coverage	30% on each lot	30% on each lot
Maximum building height	35 feet	35 feet

(1) Option 1: neutral density and basic conservation, providing for residential uses at the density permitted by the underlying R-1 Zoning District and the following:

(a) A neutral density/basic conservation development must consist of at least one tract of land without intervening roads, with each tract of land containing not less than 10 acres. When a tract of land, less than 10 acres in area, is contiguous to existing open space and would contribute to the fulfillment of the Township's Open Space Plan, the Joint Land Use Board may consider a variance to this provision.

(b) Density: as determined through the yield plan described in Subsection **C(1)(m)** below.

(c) Minimum required greenway land. The subdivision must include at least 50% of the gross tract area as greenway land. Greenway land shall not be used for residential lots.

(d) Greenway land shall be devoted to farming conservation, open space, municipal and/or recreational purposes. In no case shall less than 50% of the greenway land area be devoted to upland area.

(e) Active recreational facilities shall be provided, subject to the review and approval of the Joint Land Use Board. Such recreational facilities may be jointly provided by two or more developers within the R-1 Zone with convenient access to all users, provided that the facility and/or recreational area shall equal the recreational requirements of the participating properties. The location of such recreational facilities shall be carefully planned to provide privacy for the users

and to avoid problems of noise, lighting and similar nuisances which might interfere with the use and enjoyment by residents of the development.

(f) The Joint Land Use Board shall require such grading, drainage, planting, walkways, fencing, roadways, lighting and such other improvements in the greenway land as shall be necessary to enhance the intended open space and recreational uses or accept a contribution in lieu of making such improvements.

(g) Minimum lot area: 21,780 square feet.

(h) Minimum lot width at building line: 70 feet.

(i) Minimum street frontage: 25 feet.

(j) Yard regulations: The builder or developer is urged to consider variations in the principal building position and orientation, but shall observe the following minimum standards:

[1] Front: 30 feet; garage door must be set back at a minimum of 40 feet from the street line.

[2] Rear: 35 feet.

[3] Side: thirty-foot separation for principal buildings, with no side yard less than 10 feet from property line.

(k) Maximum impervious coverage: 30% limit on each lot.

(l) Maximum height regulations: 35 feet.

(m) Density determination for Option 1: yield plan approach. The determination of density or maximum number of permitted dwelling units shall be based upon a yield plan. Yield plans shall meet the following requirements:

[1] Yield plans must be prepared as conceptual layout plans in accordance with the standards of the Subdivision of Land Ordinance,¹¹ containing proposed lots, streets, rights-of-way, and other pertinent site features. Yield plans must be a realistic layout, based upon a field survey, that meets all zoning district regulations and all bulk and area regulations for the underlying residential district(s) in which the tract is located. The yield plan must reflect a development pattern that could actually be built, delineating the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal. When a tract of land has two (or more) underlying zoning designations, according to the Zoning Map of the

Township, the yield plan must be designed to the requirements of the underlying zoning for each zone. The yield plan must reflect the developer's plan should the Township choose not to grant the option of conservation zoning and instead require the developer to design the subdivision based upon the conventional zoning in place as reflected in Option 2.

[1] *Editor's Note: See Ch. 163, Subdivision of Land.*

[2] The dimensional standard of Option 2, conventional zoning, shall be used in the development of a yield plan for Option 1 subdivisions. The yield plan must identify the sites' primary and secondary resources, as identified in the existing resources/site analysis plan (required in the Site Plan Review and Subdivision of Land Ordinances^[2]), and demonstrate that the primary resources could be successfully absorbed in the development process without disturbance.

[2] *Editor's Note: See Chs. 149, Site Plan Review, and 163, Subdivision of Land.*

[3] On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by septic systems on conventional lots. Based on the primary and secondary resources, identified as part of the inventory and analysis, and observations made during an on-site visit of the property, the Joint Land Use Board shall select a ten-percent sample of the lots considered to be marginal for on-lot sewage disposal. The applicant shall be required to provide evidence that these lots meet the standards for an individual septic system. Should any of the lots in a sample fail to meet the standard for individual septic system design, those lots shall be deducted from the yield plan and a second ten-percent sample shall be selected by the Joint Land Use Board and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual septic system design.

[4] Stormwater management facilities, including, but not limited to, detention and retention basins, shall be included on the yield plan. In no case shall the total area and volume for stormwater management facilities shown on the yield plan be less than that shown at the cluster plan.

(n) Design standards for Option 1.

[1] House lots shall not encroach upon primary conservation areas as identified in § 203-72, and their layout shall respect secondary conservation areas as described in both the Zoning Ordinance and in the Site Plan and Subdivision Review Ordinances.

[2] All new dwelling units shall meet the following requirements:

[a] Minimum setback from all external road rights-of-way: 100 feet.

[b] Minimum setback from all other tract boundaries: 50 feet.

[c] Minimum setback from cropland or pasture land: 150 feet.

[d] Minimum setback from preserved farms (preserved farms through the SADC program, the county program, or through the Township's TDR program): 300 feet.

[e] Minimum setback from buildings or barnyards housing livestock: 300 feet.

[f] Minimum setback from active recreation areas such as courts or playing fields (not including tot-lots): 150 feet.

[3]

Views of house lots from exterior roads and abutting properties shall be minimized by the use of change in topography, existing vegetation, or additional landscaping which meets the landscaping requirements in Chapters **149**, **163** and **203** of the Woolwich Code.

[4]

House lots shall be accessed from interior streets, rather than from roads bordering the tract.

[5]

Standards pertaining to the use, quantity, quality, configuration, ownership and maintenance of the greenway land created under this section are contained in § **203-72** of this chapter.

(2) Option 2: conventional lotting: In addition to the above preferred options for subdivision, Option 2, conventional lotting, at a minimum lot size of 87,120 square feet, is also permitted.

(a) A minimum lot area of 87,120 square feet.

(b) A minimum lot width of 185 feet.

(c) A front yard setback of 60 feet.

(d) A rear yard setback of 50 feet.

(e) A minimum side yard setback of 25 feet.

(f) New dwelling setbacks:

[1] From all external road rights-of-way: 100 feet.

[2] From all other tract boundaries: 50 feet.

[3] From cropland or pasture land: 150 feet.

[4] From preserved farms (preserved farms through the SADC program, the county program, or through the Township's TDR program): 300 feet.

[5] From buildings or barnyards housing livestock: 300 feet.

[6] From active recreation areas such as courts or playing fields (not including tot-lots): 150 feet.