

**TOWNSHIP OF WOOLWICH  
GLOUCESTER COUNTY, NEW JERSEY  
ORDINANCE NO. 2023 – 14**

**ORDINANCE OF THE TOWNSHIP OF WOOLWICH REPEALING THE  
TRANSFER OF DEVELOPMENT RIGHTS ORDINANCES AND AMENDING  
CHAPTER 203, ENTITLED “ZONING” IN ACCORDANCE WITH THE 2022  
MASTER PLAN REEXAMINATION**

**WHEREAS**, pursuant to the State Transfer of Development Rights Act, N.J.S.A. 40:55D-137, et seq. (“TDR Act”), a municipality is authorized to enact an ordinance to provide for the transfer of development potential within its borders to encourage the preservation of farmland and to direct growth to areas that are most suited for development; and

**WHEREAS**, by way of Ordinance No. 2008-20, adopted by the Mayor and Committee of the Township of Woolwich (“Township Committee”), the Township of Woolwich adopted a voluntary transfer of development rights (“TDR”) program, which designated certain areas of the Township as “sending areas” and “receiving areas,” regulated land use in each of these areas and created a Transfer of Development Rights Bank to regulate the purchase, sale and exchange of TDR credits between the sending areas and the receiving areas (“TDR Ordinance”); and

**WHEREAS**, N.J.S.A. 40:55D-156 and N.J.S.A. 40:55D-157 of the TDR Act require periodic reviews of a municipal TDR Ordinance at least once every five years, with every second review being part of the master plan reexamination process; and

**WHEREAS**, via Resolution #2022-33, the Joint Land Use Board of the Township of Woolwich adopted a reexamination of the Township of Woolwich Master Plan (“2022 Master Plan Reexamination Report”); and

**WHEREAS**, as part of the reexamination process, the Joint Land Use Board evaluated the status of the existing TDR Ordinance in accordance with the TDR Act; and

**WHEREAS**, the 2022 Master Plan Reexamination Report indicated that while the TDR Ordinance had resulted in 882 acres of farmland being preserved through the TDR Bank, virtually no land was preserved through the private market; and

**WHEREAS**, the 2022 Master Plan Reexamination Report also noted approximately 673 acres of the land in the receiving areas no longer represent a realistic opportunity to utilize TDR credits because the land has been developed or approved for development for warehouse uses, compliance with the Township’s affordable housing Settlement Agreement required that the land subject to the Settlement Agreement be exempted from the TDR requirements, and several small parcels of land have been developed with single family homes; and

**WHEREAS**, under the requirements of the TDR Act, a rebuttable presumption exists that a TDR ordinance is no longer reasonable if a municipality has not transferred 25% of the remaining TDR credits within a five year period; and

**WHEREAS**, approximately 153.25 TDR credits are required to be purchased by December 2023; and

**WHEREAS**, the 2022 Master Plan Reexamination Report concluded based on the changed circumstances in the receiving area and the historic lack of interest in the private market to purchase, the TDR Ordinance is no longer reasonable or viable and recommended termination of the TDR Ordinance; and

**WHEREAS**, the Township Committee has determined that it is in the best interest of the community to repeal the TDR Ordinance and pursue farmland and open space preservation through alternative means.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Committee of the Township of Woolwich, in the County of Gloucester, State of New Jersey, as follows:

**Section 1.** Subsection B. of Section 203-5 entitled, “Definitions and word usage”, is hereby amended to delete the following definitions:

AGRICULTURAL TDR EASEMENT

BY-RIGHT CREDITS

CONSERVATION TDR EASEMENT

DEVELOPMENT RIGHTS

RECEIVING ZONE, AREA OR DISTRICT

SENDING ZONE, AREA OR DISTRICT

TDR CREDIT

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

**Section 2.** Subsection B. of Section 203-5, entitled, “Definitions and word usage”, is hereby amended to add the following definitions:

**PRESERVED FARM**

Any farm that has been preserved, reserved or restricted for agricultural use. This shall include, but is not limited to farms preserved through: (i) the New Jersey Farmland Preservation Program administered by the State Agricultural Development Committee (“SADC”); (ii) the Farmland Preservation Program administered by Gloucester County; (iii) any land preserved through the Voluntary TDR Program pursuant to Ordinance No. 2008-20, as amended by Ordinance No. 2014-09 and

Ordinance No. 2018-13; and any (iv) any farmland preserved through a deed restriction or conservation easement in accordance with the Woolwich Township Zoning Ordinance.

**Section 3.** Section 203-34, entitled, "District designations", is hereby amended as follows:

A. For the purpose of lessening congestion in the streets; securing safety from fire, panic and other dangers; protecting health, morals and the general welfare; providing adequate light and air; preventing the overcrowding of land and buildings; avoiding undue concentration of population, with reasonable consideration to the character of the district and its peculiar suitability for particular uses and with the objective of conserving the value of property and encouraging the most appropriate use of land throughout the municipality, the Township of Woolwich is hereby divided into ~~13~~14 districts which shall be designated as follows:

- 5A Five Acre District (§ 203-39)
- R-1 Residential District (§ 203-40)
- R-2 Residential District (§ 203-41)
- R-3 Residential District (§ 203-42)
- CON Conservation (§ 203-43)
- ~~PAC Planned Adult Community District (§ 203-44)~~
- PUD Planned Unit Development District (§ 203-45)
- FOC Flexible Office Commercial District (§ 203-46)
- I-C Cemetery District (§ 203-47)
- LIO Light Industrial/Office District (§ 203-48)
- CC Commercial Corridor District (§203-137)
- MU Mixed Use (§203-178)
- RHO Regional Hotel/Office (§203-185)
- NC Neighborhood Commercial (§203-186)
- AR-1 Auburn Village District (Article XX)

B. Additional zoning districts have been established through redevelopment plans applicable to the following redevelopment areas:

- ~~Woolwich Kings Landing Redevelopment Area Regional Center Districts identified as RR (Residential Receiving; Article XVII), CC (Corridor Commercial; Article XVIII), NC (Neighborhood Commercial; Article XXVII), RR-BD (Residential Receiving - Base Density; Article XXIV), MU (Mixed Use; Article XXIII), BBR (Big Box Retail; Article XXV), and RHO (Regional Hotel Office; Article XXVI)~~
- ~~Woolwich Regional Center Overlay (Article XIX)~~
- ~~AR-1 Auburn Village District (Article XX)~~
- Nike Redevelopment Area
- Weatherby Redevelopment Area
- PMC Redevelopment Area

**Section 4.** Subsection C(1)(n) of Section 203-40, entitled, “R-1 Residential District”, is hereby amended as follows:

(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, or 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.

**Section 5.** Subsection C(2)(f)[4] of Section 203-40, entitled, “R-1 Residential District”, is hereby amended as follows:

(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, or 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.

**Section 6.** Subsection C(1)(n) of Section 203-41, entitled, “R-2 Residential District”, is hereby amended as follows:

(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 or, 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 changes 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 road 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.

**Section 7.** Subsection C(2) of Section 203-41.C, entitled, "R-2 Residential District", is hereby amended as follows:

- (2) Option 2: conventional lotting. In addition to the above preferred option for subdivision, Option 2, conventional lotting, at a minimum lot size of two acres, is also permitted.
  - (a) A minimum lot area of 65,340 square feet.
  - (b) A minimum lot width of 160 feet.
  - (c) A front yard setback of 50 feet.
  - (d) A rear yard setback of 30 feet.
  - (e) A minimum side yard setback of 20 feet.
  - (f) New dwelling setbacks:
    - [1] From all external road rights-of-way: 100 feet.
    - [2] From all other tract boundaries: 50 feet.
    - [3] feet.

- [4] From preserved farms ~~(preserved farms through the (SADC program, or 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.

**Section 8.** Subsection C(1)(n) of §203-42, entitled, "R-3 Residential District", is hereby amended as follows:

(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 setback requirements:
  - [a] Minimum setback from all external road rights-of-way: 60 feet.
  - [b] Minimum setback from all other tract boundaries: 25 feet.
  - [c] Minimum setback from cropland or pasture land: 100 feet.
  - [d] Minimum setback from preserved farms ~~(preserved farms through the SADC program or , the county program or through the Township's TDR program): 200 feet.~~
  - [e] Minimum setback from buildings or barnyards housing livestock: 200 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 changes 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.

**Section 9.** Subsection C(2)(f) of §203-42, entitled, "R-3 Residential District", is hereby amended as follows:

- (2) Option 2: conventional lotting. In addition to the above preferred option for subdivision, Option 2, conventional lotting, at a minimum lot size of two acres, is also permitted.
  - (a) A minimum lot area of 65,340 square feet.
  - (b) A minimum lot width of 160 feet.
  - (c) A front yard setback of 50 feet.
  - (d) A rear yard setback of 30 feet.
  - (e) A minimum side yard setback of 20 feet.

(f) New dwelling setbacks:

- [1] From all external road rights-of-way: 60 feet.
- [2] From all other tract boundaries: 25 feet.
- [3] From cropland or pasture land: 100 feet.
- [4] From preserved farms (~~preserved farms through the SADC program or the county program, or through the Township's TDR program~~): 200 feet.
- [5] From buildings or barnyards housing livestock: 200 feet.
- [6] From active recreation areas such as courts or playing fields (not including tot-lots): 100 feet.

**Section 10.** Subsection C(2) of Section 203-47, entitled, "I-C Cemetery District", is hereby amended as follows:

(2) Building setback.

- (a) Fifty feet from any right-of-way.
- (b) Fifty feet from any property line not adjacent to a right-of-way.
- (c) Buffers and setbacks shall be measured from future rights-of-way articulated in the ~~TDR~~-circulation plan of the Township's Master Plan.

**Section 11.** Subsection D of Section 203-47, entitled, "I-C Cemetery District", is hereby amended as follows:

D. Access. Emergency and ADA access shall be available to all structures on the entire site and otherwise comply with federal ADA laws. Access/circulation/parking pathways shall be a minimum of 20 feet wide. To the extent that employee or visitor safety is not severely compromised, they shall be designed to allow temporary parking alongside each edge, and to allow surface flow of drainage to and over adjacent or nearby open space or ground burial lawns. Roadways having the shortest route from the public right-of-way to an administrative, maintenance, or assembly building shall be designed to accommodate emergency vehicles. ~~The entrance points must be coordinated with the TDR master plan grid, to the greatest extent possible.~~

**Section 12.** ARTICLE VI (§203-51 through §203-57), entitled Voluntary TDR Program, is hereby repealed in its entirety and replaced with the following:

§203-51. Farms preserved under the former Voluntary TDR Program.

- A. Land in which transfer of development rights ("TDR") credits were created and severed under the former Voluntary TDR Program pursuant to Ordinance No. 2008-20, as amended by Ordinance No. 2014-09 and Ordinance No. 2018-13, shall continue to be subject to the TDR deed of easement that was recorded on the land, as well as the following requirements:

1. Permitted Uses. The uses permitted in the TDR deed of easement will continue to be authorized on the land as set forth in the recorded TDR deed of easement.
2. Non-conforming uses. All uses other than agricultural uses, if any, existing on the land at the time of TDR deed of easement may be continued and any structure may be restored or repaired in the event of partial destruction. No new structures, or the expansion of preexisting structures for nonagricultural uses, are permitted, except as specifically authorized herein. In the event a preexisting nonagricultural use is abandoned, the right to continue the use is extinguished.
3. Agricultural labor housing. The provision of structures for housing of agricultural labor employed by the land owner or the operator of the agricultural operation is permitted, provided all necessary approvals are obtained. Such housing shall not be used as a residence for land owner, land owner's spouse, land owner's parents, land owner's lineal descendants, adopted or natural, land owner's spouse's siblings, parents or land owner's spouse's lineal descendants, adopted or natural. Such land shall only be occupied by agricultural labor who works at the agricultural operation which is operated on the land subject to the TDR deed of easement.
4. Other housing. The construction of new buildings for residential use or any residential subdivision, regardless of its purpose, shall be prohibited except as follows, and provided all necessary approvals are obtained:
  - a. The construction of a residential building on the land shall be permitted solely in order to replace any permitted single- or multi-family residential building that exists on the land and that has been declared unfit for human occupancy pursuant to the International Property Maintenance Code or the Township Code, it was lived in for at least consecutive 90 days during the prior two years;
  - b. The construction of up to a fifty-percent expansion of any existing single- or multifamily residential building on the premises up to a maximum of 2,000 square feet, provided that no new dwelling unit is created and the addition is used solely for residential purposes;
  - c. If at the time of recording of the TDR deed of easement the premises contains no residential unit(s) and is greater than 15 acres but less than 50 acres in size, the construction of one new single-family residential unit provided that, as of the date of application for the building permit the owner has retained one TDR credit and prior to issuance of the building permit has recorded a deed of extinguishment for the TDR credit.



- d. If at the time of recording of the TDR deed of easement the land was 50 acres or more in size excluding the land area occupied by any buildings or structures used for a nonconforming nonresidential use, the construction of new single-family residential units is permitted on the premises without the use of TDR credits provided the total number of single-family residential units (including existing units) which may be built on the land shall not exceed one unit per 50 acres of gross land area;
  - e. Except for land subject to a prior subdivision, a one-time subdivision of the land resulting in a vacant parcel that is at least 15 acres but less than 50 acres in size shall be permitted provided that the owner has retained one TDR credit as of the date of application for the subdivision and as a condition of approval has recorded a deed of extinguishment for the TDR credit;
5. Other buildings. The construction of new buildings for non-residential use or any non-residential subdivision, regardless of its purpose, shall be prohibited except as follows, and provided all necessary approvals are obtained:
- a. New buildings for nonresidential agricultural purposes may be constructed on the premises to the extent permitted by Chapter 203.
  - b. To the extent permitted by Chapter 203, a building that existed on the land at the time of recording of the TDR deed of easement may be expanded up to fifty (50) percent, but in no case shall the expansion be greater than 2,000 square feet of the building's original size, where such expansion is for the purposes of utilizing the building for a winery, brewery, distillery and/or other alcohol production facility on the premises, provided that the predominant crops on the land are used in the production and the use does not diminish the actual or potential use of the land for agricultural production.
  - c. To the extent permitted by Chapter 203, a building that existed on the land at the time of recording of the TDR deed of easement may be expanded up to fifty (50) percent, but in no case shall the expansion be greater than 2,000 square feet of the building's original size, where such expansion is for the purpose of utilizing the building for a bed-and-breakfast if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the land for agricultural production.
  - d. To the extent permitted by Chapter 203, a building that existed on the land at the time of recording of the TDR deed of easement may be expanded up to fifty (50) percent, but in no case shall the expansion be greater than 2,000 square feet of the building's original size, where such expansion is for the purpose of utilizing the building for social events such as weddings, and temporary structures may be used for said social events if it is

demonstrated that the uses individually or collectively will not diminish the actual or potential use of the land for agricultural production.

6. No activity shall be permitted which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the land and buildings.
7. Public improvements including but not limited to roadways, drainage facilities and other public infrastructure are permitted so long as the public improvements individually or collectively have no more than a de minimis impact on the actual or potential use of the land for agricultural production. The right to maintain all roads and trails existing upon the land as of the date of the TDR deed of easement shall be preserved. The construction, improvement or reconstruction of any roadway necessary to service crops, agricultural buildings, or reservoirs is permitted as necessary.
8. To the extent permitted by the Chapter 203 or Right to Farm Act, the land may be used for certain recreational activities such as hunting, fishing, cross-country skiing and ecological tours, only if such activities do not interfere with the actual or potential use of the land for agricultural production. Other recreational activities which alter the land, such as indoor recreational facilities, golf courses and athletic fields, are prohibited unless expressly authorized by the TDR deed of easement. However, if the premises is acquired by a governmental entity, the governmental entity may establish outdoor active recreational uses on the land.
9. Disposal of sludge or any waste material resulting from treatment of waste water, domestic or otherwise, is expressly prohibited. No sand, gravel, loam, rock or other minerals shall be deposited on or removed from the premises except those materials required by the agricultural purpose for which the land is used. No dumping or placing of trash or waste material shall be permitted unless expressly authorized by the State Agricultural Development Committee or the County Agricultural Development Board as an agricultural management practice and pursuant to the Right to Farm Act and subject to any restrictions imposed by the Township consistent with that Act.
10. No historic building or structure (included in the New Jersey Register of Historic Places) located on the land may be demolished by the grantor or any other person without the prior approval of the Township Committee, with a recommendation from the Joint Land Use Board.

11. The construction of billboards, golf courses, cellular phone towers, solar panels, wind turbines, airstrips, and helicopter pads is expressly prohibited. Notwithstanding this Subsection, solar panels and wind turbines used to generate electricity for uses on the premises are permitted to the extent permitted by the Chapter 203.
12. To the extent permitted by Chapter 203 or the Right to Farm Act, fences may be constructed in support of the agricultural operation and to prevent trespassing. On any designated public areas, no fences shall be erect to block access to public areas from the general public.
13. Agricultural management practices as have been and continue to be promulgated by the New Jersey State Agriculture Development Committee pursuant to its authority under N.J.A.C. 2:76-2.1 et seq., N.J.A.C. 2:76-2A.1 et seq., N.J.A.C. 2:76-2B.1 et seq. and the Right to Farm Act (N.J.S.A. 4:1C-1 et seq.) are expressly permitted.
14. The right to plant, grow, and harvest trees, timber and forest products and to engage in other woodland management activities related thereto provided that the same are carried out in a manner consistent with the Farmland Assessment Act of 1964 (N.J.S.A. 54:4-23.1 et seq.).
15. To the extent permitted by Chapter 203, permissible improvements allowed in conjunction with permitted uses to include the installation of needed driveway and/or road access and ancillary unpaved parking areas for a maximum of 75 vehicles, if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the land for agricultural production and subject to the review and approval of the Joint Land Use Board. The use of hiking and biking trails for motorized vehicles is not permitted except for necessary access to the land.
16. Use of the designated public area of the land for public passive recreational use is permitted consistent with the New Jersey Department of Environmental Protection, Green Acres Program Rules (N.J.A.C. 7:36-1.1 et seq.).
17. To the extent permitted by Chapter 203, the premises may be use as a day camp if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the premises for agricultural production.
18. To the extent permitted by Chapter 203, the land may be retained for use as a botanical garden or arboretum if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the premises for agricultural production.

B. Definitions. For the purposes of this Section 203-51, the following definitions shall apply:

1. All uses not defined herein shall have the meanings set forth in Section 203-5.
2. "TDR deed of easement" shall mean the deed of easement recorded by the landowner upon enrollment in the Voluntary TDR Program pursuant to Ordinance No. 2008-20, as amended by Ordinance No. 2014-09 and Ordinance No. 2018-13.
3. "TDR credit" shall mean a transferable development right which was created upon enrollment in the Voluntary TDR Program pursuant to Ordinance No. 2008-20, as amended by Ordinance No. 2014-09 and Ordinance No. 2018-13, as evidenced by the serial number assigned thereto.
4. "Deed of extinguishment" shall mean a Deed notice in a form that is acceptable to the Township Solicitor and is capable of being recorded in the County Clerk's office, which contains the following information: (i) identifies the TDR credit proposed to be used by, serial number, date it was created, and property from which it was created; (ii) identifies the project for which the TDR credit is used, including by block and lot, date of project, and description of project; and (iii) states that the TDR credit has been extinguished and is no longer valid, along with the date of extinguishment.

C. To utilize a credit pursuant to Subsection A above:

1. The party seeking to utilize the credit shall submit to the Township Clerk the following:
  - i. Documentation identifying the TDR credit proposed to be used by serial number, date it was created, and property from which it was created;
  - ii. Documentation demonstrating that the party seeking to utilize the TDR credit owns the TDR credit sought to be used;
  - iii. Documentation demonstrating that the TDR credit has not previously been extinguished or utilized; and
  - iv. A copy of the proposed deed of extinguishing, along with a second copy to the Township Solicitor for review.
2. Upon the Township Solicitor's receipt of the of the deed of extinguishment, the Township Solicitor, in conjunction with the Township Clerk shall, within 14 days of receipt:
  - i. Determine if the deed of extinguishment is in proper legal form for recording in the County Clerk's office and complies with the requirements of Subsection C;
  - ii. Determine that the party seeking to utilize the TDR credit owns title to the TDR credit proposed to be used; and

- iii. The TDR credit has not been previously been extinguished or utilized.
- 3. If the Township Solicitor determines that the party seeking to utilize the TDR credit has established the criteria set forth above, the Township Solicitor shall sign and date the deed of extinguishment. Upon signing, the deed of extinguishment shall be returned for recording and the party seeking to utilize the TDR credit shall record the deed of extinguishment. If the deed of extinguishment is not recorded within 90 days of the Township Solicitor's signature, the deed of extinguishment shall be null and void and the party shall no longer be entitled to utilize the TDR credit.
- 4. Once recorded, the party seeking to utilize the TDR credit shall return a copy of the recorded deed of extinguishment to the Township Clerk who shall record the extinguishment in the Township records.

- §203-52. Reserved
- §203-53. Reserved
- §203-54. Reserved
- §203-55. Reserved
- §203-56. Reserved
- §203-57. Reserved

**Section 13.** Subsection G of Section 203-77, entitled, "Signs", is hereby deleted in its entirety.

**Section 14.** Subsection D(10) of Section 203-117, entitled, "Purpose", is hereby deleted in its entirety.

**Section 15.** Article XV entitled, "District Designations and Uses", is hereby deleted in its entirety.

**Section 16.** Article XVII Residential Receiving (RR), is hereby repealed in its entirety.

**Section 17.** Article XX Mixed-Use Commercial/Residential Walkable Neighborhood Center (AR-1) District, is hereby amended to state: Article XX Auburn (AR-1) District

**Section 18.** Section 203-146, entitled, "Townhouse units", is hereby deleted and replaced in its entirety as follows:

Section 203-146, entitled, "AR-1 District"

A. Permitted Uses.

- (1) All uses permitted in the 5A Five Acre Residential District.
- (2) 100% affordable housing development.

B. Zoning Standards.

- (1) All projects which are not a 100% affordable housing development shall follow those standards prescribed in Section 203-39 - 5A Five Acre Residential District.
- (2) 100% Affordable housing project:
  - (a) Must be connected to sewer and directly abutting the PUD zone.
  - (b) Must include at least 56 affordable family, non-age restricted housing units.
  - (c) All affordable units shall be subject deed restrictions imposing affordability controls in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), for at least thirty (30) yeas from the date of initial occupancy, and shall fully comply with UHAC unless specifically exempted therein, including but not limited to the required bedroom and income distribution with the sole exception that thirteen percent (13%) of the affordable units (fractional units shall be rounded up) within each bedroom distribution shall be required to be for very-low-income households earning thirty percent (30%) or less of the median income.

**Section 19.** Section 203-147, entitled, "Twin units with alleys", is hereby deleted in its entirety.

**Section 20.** Section 203-148, entitled, "Single-family detached units with alleys", is hereby deleted in its entirety.

**Section 21.** Section 203-149, entitled, "Auburn Village Retail", is hereby deleted in its entirety.

**Section 22.** Subsection E(1), (2) and (3) of Section 203-178, entitled, "Mixed Use", is hereby amended as follows:

E. Size and scope.

~~(1) Zone acreage: 158.97 acres.~~

~~(2) Base density: No residential units in the "triangle" between Kings Highway, Pancoast Road, and US Route 322. Residential units permitted with participation in the TDR program. [Amended 10-1-2018 by Ord. No. 2018-15]~~

~~(3) Ground floor commercial retail or office use required north of US Route 322 between Kings Highway and Pancoast Road. Ground floor commercial retail or office use optional north of Pancoast Road and west of Kings Highway. Residential density for north of Pancoast Road and west of Kings Highway shall be in accordance with RR BD when ground floor commercial retail or office use is not proposed.~~

~~(4)(1) The purpose of the zone is to provide the opportunity for a regionally based, walkable commercial main street destination that is attractive to national chain stores, small boutiques and offices as well as residential units above.~~

~~(5) (2) Buildings should be built to the sidewalk edge.~~

- (6) (3) Buildings shall be built out to perimeter county streets to establish a strong architecture street edge.
- (7) (4) Maximum building height: 60 feet and five stories.
- (8) (5) On-street parking is permitted on interior roads.

**Section 23.** Article XXIV entitled, “Residential Receiving - Base Density (RR-BD).” is hereby repealed in its entirety.

**Section 24.** Article XXIV Residential Receiving - Base Density (RR-BD) is hereby repealed in its entirety.

**Section 25.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 26.** In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

**Section 27.** This Ordinance shall take effect after final adoption and publication according to law.

**ATTEST:**

**TOWNSHIP OF WOOLWICH**

\_\_\_\_\_  
Jane DiBella, Municipal Clerk

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Craig Frederick, Mayor

CERTIFICATION

The foregoing ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a regular meeting held on 1<sup>st</sup> day of May, 2023. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at a meeting of the Township Committee at which time any interested person(s) may be heard. Said meeting to be conducted on the 15<sup>th</sup> day of May, 2023 at the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 6:30 p.m.

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Jane DiBella, Township Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Woolwich Township Committee at a meeting held on the 15<sup>th</sup> day of May, 2023.

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Jane DiBella, Township Clerk