

Borough of Woodbine  
County of Cape May  
Ordinance #526-2011

AN ORDINANCE AMENDING CHAPTER XXVI, ZONING, IN PART  
OF THE CODE OF THE BOROUGH OF WOODBINE,  
COUNTY OF CAPE MAY AND STATE OF NEW JERSEY

*The purpose of this Ordinance is to amend Chapter XXVI, Zoning, of the Code of the Borough of Woodbine in response to amendments to the Pinelands Comprehensive Management Plan related to cluster development, wetlands management and forestry, effective April 6, 2009, December 1, 2009 and March 1, 2010 respectively.*

**26-2.2 Pinelands Area Definitions.** The following terms utilized in this chapter are in addition to the definitions in subsection 26-2.1 and shall apply only to the Pinelands Area of the Borough of Woodbine. In the event of a conflict between a definition of Borough-wide application and a Pinelands Area definition, the Pinelands Area definition shall control in the Pinelands Area.

*Agricultural commercial establishment* shall mean a retail sales establishment primarily intended to sell agricultural products produced in the Pinelands. An agricultural commercial establishment may be seasonal or year round and may or may not be associated directly with a farm; however, it does not include supermarkets, convenience stores, restaurants and other establishments which coincidentally sell agricultural products, nor does it include agricultural production facilities such as a farm itself, nor facilities which are solely processing facilities. Agricultural commercial establishments may include seasonal fruit and vegetable stands as defined within the definition of *Residential agriculture* in subsection 26-2.1.

*Agricultural service establishment* shall mean an establishment, the primary purpose of which is the sale of goods, commodities, or service that supports active farm operations.

*Agricultural or horticultural purpose or use* shall mean any production of plants or animals useful to any man, including but not limited to: forages or sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, and including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or any land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agency of the Federal Government.

*Alternate design pilot program treatment system* shall mean an individual or community on site waste water treatment system that has the capability of providing a high level of treatment including a significant reduction in the level of total nitrogen in the wastewater, limited to the following systems authorized for use for residential development by the pilot program established in N.J.A.C. 7:50-10, Part IV:

- a. Ashco RFS III;
- b. FAST;
- c. Cromaglass;
- d. Bioclere; and
- e. Amphidrome

*Animals, threatened or endangered* shall mean those animals specified in N.J.A.C. 7:50-6:32.

*Approval agency* shall mean any board, body or other authority within the Borough with authority to approve or disapprove subdivisions, site plans, construction permits or other applications for development approval.

*Artificial regeneration* - The establishment of tree cover through direct or supplemental seeding or planting.

*Bedding* – A silvicultural practice involving the preparation of land before planting in the form of small mounds so as to concentrate topsoil and elevate the root zone of seedlings above temporary standing water.

*Broadcast scarification* - A silvicultural practice involving the dragging of cut trees or other objects across a parcel to remove or reduce above-ground shrub cover, debris, leaf litter and humus without disturbance to mineral soil horizons and associated roots.

*Campsite* shall mean a place used or suitable for camping on which temporary shelter such as a tent or camper may be placed and occupied on a temporary and seasonal basis.

*Certificate of filing* shall mean a certificate issued by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.34 that a complete application for major development has been filed.

*Clearcutting* - A silvicultural practice involving removal of an entire forest stand in one cutting for purposes of regeneration either obtained artificially, by natural seed or from advanced regeneration. Clearcutting typically results in the removal of all woody vegetation from a parcel in preparation for the establishment of new trees; however, some trees may be left on the parcel.

*Commission* shall mean the Pinelands Commission created pursuant to Section 5 of the Pinelands Protection Act.

*Comprehensive management plan* shall mean the plan adopted by the Commission pursuant to Section 7 of the Pinelands Protection Act as amended.

*Contiguous land* shall mean land which is connected or adjacent to other land so as to permit the land to be used as a functional unit; provided that separation by lot line, streams, dedicated public roads which are not paved, rights-of-way, and easements shall not affect the contiguity of land unless a substantial physical barrier is created which prevents the land from being used as a functional unit.

*Coppicing* - A silvicultural practice involving the production of forest stands from vegetative sprouting by the trees that are harvested (stump sprouts, root suckers, and naturally rooted layers). Coppicing typically involves short rotations with dense stands of short trees.

*Density* shall mean the average number of housing units per unit of land.

*Development* shall mean the change or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two (2) or more parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

- a. A change in type of use of a structure or land;
- b. A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
- c. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
- d. Commencement of resource extraction, drilling, or excavation on a parcel of land;
- e. Commencement of forestry activities;
- f. Demolition of a structure or removal of trees.

*Development approval* shall mean any approval granted by an approval agency, including appeals to the Governing Body, except certificates of occupancy and variances, pursuant to N.J.S.A. 40:55D-70, which do not otherwise include issuance of a construction permit, subdivision or site plan approval.

*Development, major* shall mean any division of and into five (5) or more lots; any construction or expansion of any housing development of five (5) or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three (3) acres; or any grading, clearing or disturbance of an area in excess of five thousand (5,000) square feet.

*Development, minor* shall mean all development other than major development.

*Disking* - A silvicultural practice involving the drawing of one or more heavy, round, concave, sharpened, freely rotating steel disks across a site for the purposes of cutting through soil and roots or cutting and turning a furrow over an area

*Drainage* shall mean the removal of surface or ground water from land by drains, grading, or other means including control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

*Drum chopping* - A silvicultural practice involving the drawing of a large cylindrical drum with cutting blades mounted parallel to its axis across a site to break up slash, crush scrubby vegetation prior to burning or planting or to chop up and disturb the organic turf and roots in the upper foot of soil.

*Electric distribution lines* shall mean all electric lines other than electric transmission lines.

*Electric transmission lines* shall mean electric lines which are part of an electric company's transmission and subtransmission system, which provide a direct connection between a generating station or substation of the utility company and: (a) another substation of the utility company; (b) a substation of or interconnection point with another interconnecting utility company; (c) a substation of a high-load customer of the utility.

*Erosion* shall mean the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

*Family* shall mean one (1) or more persons related by blood, marriage, adoption or guardianship, or any number of persons not so related occupying a dwelling unit and living as a single housekeeping unit.

*Fish and wildlife management* shall mean the changing of the characteristics and interactions of fish and wildlife population and their habitats in order to promote, protect and enhance the ecological integrity of those populations.

*Forest stand* - A uniform group of trees of similar species, composition, size, age and similar forest structure.

*Forestry* shall mean the planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regenerations, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this chapter, the following activities shall not be defined as forestry:

- a. Removal of trees located on a parcel of land one (1) acre or less on which a dwelling has been constructed;
- b. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- c. Removal of trees necessitated by the development of the parcel as otherwise authorized by this chapter;
- d. Removal of trees necessary for the maintenance of utility or public rights-of-way;
- e. Removal or planting of trees for the personal use of the parcel owner; and
- f. Removal of trees for public safety.

*Group selection* - A silvicultural practice whereby a group of trees is periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

*Habitat* shall mean the natural environment of an individual animal or plant, population or community.

*Height* shall mean the vertical distance of a building measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. For structures, the vertical distance measures from grade to its highest point.

*Historic resource* shall mean any site, building, area, district, structure, or object important in American history or prehistory, architecture, archaeology and culture at the national, State, County, local or regional level.

*Hydrophytes* shall mean any plant growing in water or in substrate that is at least periodically deficient in oxygen as a result of excessive water content.

*Immediate family* shall mean those persons related by blood or legal relationship in the following manner: grandparents, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nieces and nephews and first cousins, husbands and wives, great grandparents and great grandchildren.

*Impermeable surface* — Any surface which does not permit fluids to pass through or penetrate its pores or spaces, typically having a maximum permeability for water of  $10^{-7}$  cm/second at the maximum anticipated hydrostatic pressure. The term “impermeable” is equivalent in meaning.

*Impervious surface* — Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability.

*Individual selection* - A silvicultural practice whereby single trees are periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

*Institutional use* shall mean any land used for the following public or private purposes: educational facilities, including universities, colleges, elementary and secondary and vocational schools, kindergartens and nurseries, cultural facilities such as libraries, galleries, museums, concert halls, theaters and the like; hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health service facilities, including nursing homes, supervised residential institutions, rehabilitation therapy centers and public health facilities; law enforcement facilities; military facilities; churches; cemeteries; public office buildings and other similar facilities.

*Interested person or party* shall mean any person whose right to use, acquire or enjoy property is or may be affected by any action taken under this chapter or whose right to use, acquire or enjoy property under this chapter or under any other law of this State or of the United States has been denied, violated or infringed upon by an action or failure to act under this chapter.

*Interim rules and regulations* shall mean the regulations adopted by the Pinelands Commission pursuant to the Pinelands Protection Act to govern the review of applications from the adoption of the regulations until the Pinelands Comprehensive Management Plan took effect on January 14, 1981. These regulations were formerly codified as N.J.A.C. 7:1G-1 et seq.

*Land* shall mean and include the surface and subsurface of the earth as well as improvements and fixtures on, above, or below the surface and any water found thereon.

*Local communications facility* shall mean an antenna and any support structure, together with any accessory facilities, which complies with the standards in N.J.A.C. 7:50-5.4 and which is intended to serve a limited, localized audience through point to point communication, including cellular telephone cells, paging systems and dispatch communications. It does not include radio or television broadcasting facilities or microwave transmitters.

*Natural regeneration* - The establishment of a plant or plant age class from natural seeding, sprouting, suckering or layering.

*Off-site commercial advertising sign* shall mean a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

*Parcel* shall mean any quantity of land, consisting of one or more lots, that is capable of being described with such definiteness that its location and boundaries may be established.

*Permeability* - The rate at which water moves through a unit area of soil, rock, or other material at hydraulic gradient of one.

*Person* shall mean an individual, corporation, public agency, business trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

*Pinelands* shall mean the Pinelands National Reserve and the Pinelands area.

*Pinelands area* shall mean that area of the Borough of Woodbine designated as part of the Pinelands Area by Section 10(a) of the New Jersey Pinelands Protection Act (N.J.S.A. 13:18A-1, et seq.) being that portion of the Borough lying west of Dennisville-Petersburg Road.

*Pinelands Development Review Board* shall mean the agency responsible from February 8, 1979 until June 28, 1979 for the review of and action on applications for development in the Pinelands Area which required approvals of other State agencies, except where the Pinelands Commission acted on applications during that time period.

*Pinelands native forest type* – See N.J.A.C. 7:50-6.43.

*Pinelands Protection Act* shall mean N.J.S.A. 13:18A-1 to 29.

*Pinelands resource related use* shall mean any use which is based on resources which are indigenous to the Pinelands including but not limited to forest products, berry agriculture and sand, gravel, clay or ilmenite.

*Plants, threatened or endangered* shall mean a Pinelands plant species whose survival worldwide, nationwide, or in the State is in jeopardy.

*Protection area* shall mean all lands within the Pinelands area which is not included in the preservation area.

*Public development* shall mean development by any Federal, State, municipal or other governmental agency.

*Public service infrastructure* shall mean sewer service, gas, electricity, water, telephone, cable television, and other public utilities developed linearly, roads and streets and other similar services provided or maintained by any public or private entity.

*Recommended management practice* shall mean the management program which employs the most efficient use of available technology, natural, human and economic resources.

*Record tree* shall mean the largest tree of a particular species in New Jersey based on its circumference at four and one-half (4.5) feet above ground level. A listing of the largest known tree of each species and its location is maintained at the principal office of the Commission.

*Recreational facility, intensive* shall mean any recreational facility which is not a low intensive recreational facility, including but not limited to golf courses, marinas, amusement parks, hotels and motels.

*Recreational facility, low intensive* shall mean a facility or area which complies with the standards of N.J.A.C. 7:50-5, Part III, utilizes and depends on the natural environment of the Pinelands and requires no significant modifications of that environment other than to provide access, and which has an insignificant impact on surrounding uses or on the environmental integrity of the area. It permits such low intensity uses as hiking, hunting, trapping, fishing, canoeing, nature study, orienteering, horseback riding and bicycling.

*Resource extraction* shall mean the dredging, digging, extraction, mining and quarrying of sand, gravel, clay or ilmenite for commercial purposes, not including, however, the private or agricultural extraction and use of extracted material by a landowner.

*Resource management system plan*- A plan, prepared in accordance with the United States Department of Agriculture, Natural Resources Conservation Service New Jersey Field Office Technical Guide, dated June 2005. Such plans shall prescribe needed land treatment and related conservation and natural resources

management measures, including forest management practices, for the conservation, protection and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of non-point source pollution; and establish criteria for resource sustainability of soil, water, air, plants and animals.

*Root raking* - A silvicultural practice involving the drawing of a set of tines, mounted on the front or trailed behind a tractor, over an area to thoroughly disturb tree and vegetation roots and/or to collect stumps and slash.

*Seasonal high water table* shall mean the level below the natural ground surface to which water seasonally rises in the soil in most years.

*Seed tree cut* - A silvicultural practice involving the removal of old forest stand in one cutting, except for a small number of trees left singly, in small groups or narrow strips, as a source of seed for natural regeneration.

*Shelterwood cut* - A silvicultural practice involving the establishment of a new, essentially even-aged forest stand from release, typically in a series of cuttings, of new trees started under the old forest stand. A shelterwood cut involves the establishment of the new forest stand before the old forest stand is removed.

*Sign* shall mean any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, State or city, or any fraternal, religious or civic organizations; merchandise, pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields.

*Structural alteration* shall mean any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

*Subdivision* shall mean the division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter, if no new streets are created: (1) divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size, (2) divisions of property by testamentary or intestate provisions, (3) divisions of property upon court order, including but not limited to judgments of foreclosure, (4) consolidation of existing lots by deed or other recorded instrument and (5) the conveyance of one (1) or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the Administrative Officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision."

*Submerged lands* shall mean those lands which are inundated with water throughout the year.

*Thinning* - A silvicultural practice involving the removal of competing trees to favor certain species, sizes and qualities of trees.

*Utility distribution lines* shall mean lines, conduits or pipes located in a street, road, alley or easement through which natural gas, electricity, telephone, cable television, water, sewage, or storm water discharge is distributed to or from service lines extending from the main line to the distribution system of the building or premises served. Utility distribution lines do not include electric transmission lines.

*Vegetation* shall mean any plant material including grasses, shrubs and trees.

*Wetlands* shall mean those lands which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very

poorly drained soils as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture, and further defined in N.J.A.C. 7:50-6.3 through 7:50-6.5.

*Wetlands management* - The establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10. For purposes of this definition, exotic species are those that are not indigenous to North America.

*Wetland soils* shall mean those soils designated as very poorly drained or poorly drained by the Soil Conservation Service of the United States Department of Agriculture, including but not limited to Atsion, Bayboro, Berryland, Colemantown, Elkton, Keansburg, Leon, Muck, Othello, Pocomoke, St. Johns and Freshwater Marsh and Tidal Marsh soil types.

(Ord. No. 268 § 200A; Ord. No. 274 § 1; Ord. No. 323 § 2; Ord. No. 331 § 1; Ord. No. 361 § 1; Ord. No. 408-1997 § 2; Ord. No. 440 § 1)

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**WILLIAM PIKOLYCKY, MAYOR**

**ATTEST:**

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**LISA GARRISON, CLERK**

**INTRODUCED:**

**ADOPTED:**

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**26-4.3 FA-R Residential.** The purpose of this zone is to preserve and maintain the essential character of the district and to encourage an appropriate pattern of development by maintaining very low density development, consistent with the Pinelands Protection Act and the New Jersey Comprehensive Management Plan.

a. *Principal Permitted Uses on the Land and in Buildings.*

1. Single family dwellings, provided that clustering of the permitted dwellings shall be required in accordance with Section 26-22A whenever two or more units are proposed as part of a residential development.
2. Low intensity recreational uses, provided that:
  - (a) The parcel proposed for low intensity recreational use has an area of at least fifty (50) acres.
  - (b) The recreational use does not involve the use of motorized vehicles except for necessary transportation.
  - (c) Access to bodies of water is limited to no more than fifteen (15) linear feet of frontage per one thousand (1,000) feet of water body frontage.
  - (d) Clearing of vegetation, including ground cover and soil disturbance, does not exceed five (5%) percent of the parcel, and
  - (e) No more than one (1%) percent of the parcel will be covered with impervious surfaces.
3. Institutional uses, provided that:
  - (a) The use does not require or will not generate subsidiary or satellite development in the Forest Area District.
  - (b) The application has demonstrated that adequate public service infrastructure will be available to serve the use, and
  - (c) The use is primarily designed to serve the needs of the FA-R District in which the use is to be located.
4. Agriculture.
5. Forestry.
6. Public service infrastructure intended to primarily serve the needs of the Pinelands. Centralized waste water treatment and collection facilities shall be permitted to service the FA-R District only in accordance with subsection 26-43.7.

b. *Accessory Uses and Buildings Permitted.*

1. Home occupations as defined in subsection 26-2.1.
2. Private garages as defined in subsection 26-2.1 and parking areas.
3. Professional occupations in accordance with the regulations for home occupations as outlined in subsection 26-2.1.
4. Private residential swimming pools in rear yard areas of single family lots provided they adhere to the standards established in Section 26-35.
5. See Sections 26-21 and 26-75.
6. Fences and walls in accordance with subsection 26-23.6.
7. Housing facilities for transient and migratory farm workers located on the farm of an employing farmer, provided that such housing facilities shall be occupied only during those periods when workers

are engaged in agricultural pursuits and provided further that nothing in this section shall be deemed to permit the establishment of housing facilities for transient labor not engaged in activities of an agricultural nature. All housing facilities used by migrant labor shall comply with the New Jersey Migrant Labor Code administered by the Migrant Labor Bureau of the New Jersey Department of Labor and Industry.

8. Small wind energy systems and solar energy systems in accordance with the standards in subsection 26-23.7.
- c. *Height Limits.*
1. No building or structure in the FA-R District shall exceed thirty-five (35) feet in height except that churches and hospitals shall not exceed sixty (60) feet and except as further provided in Section 26-75 of this chapter.
- d. *Area and Yard Requirements.*
1. Single family dwellings in an FA-R District shall have a minimum lot width of two hundred (200) feet at the street line and a minimum lot area of twenty (20) acres. Every principal building shall be provided with two (2) side yards totaling fifty (50) feet in width, the minimum width of any side yard being not less than twenty (20) feet including the side yards of corner lots and seventy-five (75) foot minimum front and rear yards. The yard requirements above shall be increased by fifty (50%) percent for two (2) family dwellings.
  2. No hospital, school, church, college building, nursing home, rest home, convalescent home, library, museum, community center, public recreational or institutional-use building shall be closer to any street line than sixty (60) feet. Every principal building shall be on a lot with a minimum width of one hundred fifty (150) feet at the street line and a minimum lot area of five (5) acres. Every principal building shall be provided with two (2) side yards totaling seventy-five (75) feet in width, the minimum width of any side yard being not less than thirty (30) feet.
  3. No principal building shall be closer than sixty (60) feet to the rear lot line, nor closer than fifty (50) feet to the street line, except as otherwise provided herein.
  4. See Sections 26-22, 26-75.1, 26-75.3 and 26-75.4.
  5. Notwithstanding the minimum lot areas set forth above, no such minimum lot area for a nonresidential use within the FA-R District shall be less than that needed to meet the water quality standards of subsection 26-43.7a, 4, whether or not the lot may be served by a centralized sewer treatment or collection system.
- e. *Gross Residential Floor Area.*
1. Single-family detached dwelling: seven hundred (700) square feet, plus an additional one hundred fifty (150) square feet for each bedroom.
  2. Two (2) family dwellings:  
Gross minimum—one thousand five hundred (1,500) square feet.  
Minimum each dwelling unit—six hundred fifty (650) square feet.
- f. *Minimum Off-Street Parking Requirements.* See parking and loading schedule.
- g. *Signs.*
1. One (1) lighted residence sign not to exceed one (1) square foot, attached to the building or in the yard area.
  2. One (1) lighted or unlighted professional office sign not to exceed two (2) square feet in area which may be attached to the front of the building, or placed in the yard area.

3. One (1) unlighted real estate sign not over six (6) square feet in area advertising the sale, lease or rental of the building or lot on which the sign is located.
  4. One (1) lighted or unlighted sign for each hospital, school, church, library, museum, government building, community center, institutional-use or public recreation building naming such building, either affixed flat to the building or erected in the yard space, provided such sign does not exceed twenty (20) square feet in area.
  5. All signs permitted in this district shall be set back a minimum of twelve (12) feet from any street line when not attached flat to the front of the building, except for residence signs which shall be set back a minimum of five (5) feet.
  6. Street number designations shall be required and shall not be considered part of the total sign area permitted.
  7. See Section 26-36 for further requirements.
- h. *Minimum Off-Street Loading.* In accordance with the provisions of Section 26-11, et seq.
- i. *Conditional Uses.*
1. Residential dwelling units on lots of three and two-tenths (3.2) acres, in accordance with subsection 26-75.8a.
  2. Residential dwelling units pursuant to subsection 26-75.7 of this chapter.
  3. Pinelands resource-related industrial or manufacturing uses, excluding resource extraction and uses that rely on sand or gravel as raw products, provided that:
    - (a) The parcel proposed for development has an area of at least five (5) acres.
    - (b) The principal raw material for the proposed use is found or produced in the Pinelands, and
    - (c) The use does not require or will not generate subsidiary or satellite development in a Forest Area District.
  4. Campgrounds, not to exceed one (1) campsite per gross acre, provided that the campsites may be clustered at a net density not to exceed ten (10) campsites per acre.
  5. Agricultural-commercial establishments, excluding supermarkets, restaurants and convenience stores, provided that:
    - (a) The principal goods or products available for sale were produced in the Pinelands, and
    - (b) The sales area of the establishment does not exceed five thousand (5,000) square feet.
  6. Roadside retail sales and service establishments, provided that:
    - (a) The parcel proposed for development has roadway frontage of at least fifty (50) feet.
    - (b) No portion of any structure proposed for development will be more than three hundred (300) feet, measured along a line parallel to the roadway, from the closest part of a roadside retail sales and service establishment structure that was in existence on February 7, 1979, and
    - (c) The proposed use will not unduly burden public services, including but not limited to, water, sewer and roads.
  7. Fish and wildlife management and wetlands management.
  8. Residential dwelling units on lots of one (1.0) acre in accordance with subsection 26-75.8a or subsection 26-75.9a of this section.  
(Ord. No. 268 § 403; Ord. No. 323 §§ 2, 4; Ord. No. 331 §§ 2, 3; Ord. No. 361 § 2; Ord. No. 408-1997 §§ 3–5; Ord. No. 505-2009 § II)

9. Single-family detached dwellings which are not clustered in accordance with Section 26-22A, provided that:
  - (a) The Planning Board finds that:
    - (1) Clustering of the proposed dwellings would be inconsistent with the minimum environmental standards set forth at N.J.A.C. 7:50-6; or
    - (2) Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.
  - (b) Minimum Lot size requirement: 20 acres.

**26-4.4 Reserved.\***

**26-4.4A Agricultural Rural Residential (ARR) Zone.** The purpose of this zone is to preserve the existing rural agricultural characteristic of Woodbine within the Pinelands Rural Development Area by maintaining low density development.

a. *Principle Permitted Uses on the Land and in Buildings.*

1. Single-family dwellings, provided that clustering of the permitted dwellings shall be required in accordance with Section 26-22-A whenever two or more units are proposed.
2. Hospitals, churches, parish houses, rectories and public and parochial schools, colleges and private schools for academic instruction (five (5) acre minimum).
3. Rest homes, convalescent homes and nursing homes (five (5) acre minimum).
4. Public parks and playgrounds, libraries, museums, water tanks and public recreational, forest and game preserves, open space, and community center buildings and public grounds with public swimming pools provided they adhere to the standards established in this chapter.
5. Government buildings and institutions (five (5) acre minimum).
6. Farming and raising livestock.
7. Public purposes uses.
8. Golf courses.
9. Agricultural commercial establishments.
10. Public service infrastructure, except that centralized wastewater treatment and collection facilities shall be permitted to service the ARR Zone only in accordance with subsection 26-43.7.

b. *Accessory Uses and Buildings Permitted.*

1. Home occupations as defined in subsection 26-2.1.
2. Private garages as defined in subsection 26-2.1 and parking areas.
3. Professional occupations in accordance with the regulations for home occupations as outlined in subsection 26-2. 1.
4. Private residential swimming pools in rear yard areas of single family lots provided they adhere to the standards established in Section 26-63.
5. See Sections 26-21 and 26-75.

6. Fences and walls in accordance with subsection 26-23.6.
  7. Housing facilities for transient and migratory farm workers located on the farm of an employing farmer, provided that such housing facilities shall be occupied only during those periods when workers are engaged in agricultural pursuits and provided further that nothing in this section shall be deemed to permit the establishment of housing facilities for transient labor not engaged in activities of an agricultural nature. All housing facilities used by migrant labor shall comply with the New Jersey Migrant Labor Code administered by the Migrant Labor Bureau of the New Jersey Department of Labor and Industry.
  8. Small wind energy systems and solar energy systems in accordance with the standards in subsection 26-23.7.
- c. *Height Limits.* No building or structure in the ARR Zone shall exceed thirty-five (35) feet in height except that churches and hospitals shall not exceed sixty (60) feet except further as provided in Section 26-75 of this chapter.
- d. *Area and Yard Requirements.*
1. Single family dwellings, rectories and parish houses in an ARR Zone shall have a minimum lot width of two hundred (200) feet at the street line and a minimum lot area of five (5) acres. Every principal building shall be provided with two (2) side yards totaling fifty (50) feet in width, the minimum width of any one (1) side yard being not less than twenty (20) feet including the side yards of corner lots and seventy-five (75) foot minimum front and rear yards. The front yard requirement shall be two hundred (200) feet.
  2. No hospital, school, church, college building, nursing home, rest home, convalescent home, library, museum, and community center or public recreational building shall be closer to any street line than sixty (60) feet. Every principal building shall be on a lot with a minimum width of one hundred fifty (150) feet at the street line and a minimum lot area of five (5) acres. Every principal building shall be provided with two (2) side yards totaling seventy-five (75) feet in width, the minimum width of any one (1) side yard being no less than thirty (30) feet.
  3. No principal building shall be closer than sixty (60) feet to the rear lot line or closer than two hundred (200) feet to the street line, except as otherwise provided in this section.
  4. See Sections 26-22, 26-75.1, 26-75.2, 26-75.3 and 26-75.4.
  5. Notwithstanding the minimum lot areas set forth above, no such minimum lot area for a nonresidential use within the ARR Zone shall be less than that needed to meet the water quality standards of subsection 26-43.7a., 4, whether or not the lot may be served by a centralized sewer treatment or collection system.
- e. *Gross Residential Floor Area.*
1. Single family detached dwelling: seven hundred (700) square feet, plus an additional one hundred fifty (150) square feet for each bedroom.
- f. *Minimum Off-Street Parking Requirements.* See parking and loading schedule.
- g. *Signs.*
1. One (1) lighted residence sign not to exceed one (1) square foot, attached to the building or in the yard area.
  2. One (1) lighted or unlighted professional office sign not to exceed two (2) square feet in area which may be attached to the front of the building, or placed in the yard area.
  3. One (1) unlighted real estate sign not over six (6) square feet in area in advertising the sale, lease or rental of the building or lot on which the sign is located.

4. One (1) lighted or unlighted sign for each hospital, school, church, library, museum, government building, community center, institutional use or public recreation building naming such building, either affixed flat to the building or erected in the yard space, provided such sign does not exceed twenty (20) square feet in area.
  5. All signs permitted in this district shall be set back a minimum of twelve (12) feet from any street line of not attached flat to the front of the building, except for residence signs which shall be set back a minimum of five (5) feet.
  6. Street number designations shall be required and shall not be considered part of the total sign area permitted.
  7. See Section 26-36 for further requirements.
- h. *Minimum Off-Street Loading.* In accordance with the provisions of Section 26-11, et seq.
- i. *Conditional Uses.*
1. Campgrounds. See Section 26-62 for standards.
  2. Public Utility Uses. See Section 26-62 for standards.
  3. Residential dwelling units on lots of three and two tenths (3.2) acres in accordance with subsection 26-75.8.
  4. Residential dwelling units pursuant to subsection 26-75.7 of this chapter.
  5. Residential dwelling units on lots of one (1) acre in accordance with subsection 26-75.8b. or 26-75.9b. of this chapter.  
(Ord. No. 495-2007 § 2; Ord. No. 505-209 § II)
  6. Single-family detached dwellings which are not clustered in accordance with Section 26-22-A, provided that:
    - (a) The Planning Board finds that:
      - (1) Clustering of the proposed dwellings would be inconsistent with the minimum environmental standards set forth at N.J.A.C. 7:50-6; or
      - (2) Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.
    - (b) Minimum lot size requirement: 5 acres.

\***Editor's Note:** Former subsection 26-4.4, A-R Residential, previously codified herein and containing portions of Ordinance Nos. 268, 323, 331, 361 and 408-1997, was repealed in its entirety by Ordinance No. 495-2007.

**26-22 CLUSTER SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.**

**26-22.1 Purpose, Objectives, Location.** The purpose of this section is to provide a method of developing single-family detached dwellings which will preserve desirable open spaces, conservation areas, flood plains, school sites, recreation and park areas and lands for other public purposes by permitting the reduction of lot sizes (and certain other regulations hereinafter stated) without increasing the number of lots in the total area to be developed. Cluster single-family residential developments are permitted in ATR, R-1 and Planning Development Districts. (Ord. No. 268 § 501.1; Ord. No. 495-2007 § 4)

**26-22.2 Requirements.** All cluster single-family residential developments shall meet the following requirements:

- a. The minimum size of a tract of land proposed for development under the cluster development provision of this chapter shall be thirty (30) acres, including the areas of existing streets and water areas within the tract boundary lines provided they total no more than five (5%) percent of the tract area.
- b. Total lots permitted shall be calculated by subtracting fifteen (15%) percent of the site area as an allowance for streets and dividing the remaining land area by the minimum required lot size for nonclustered lots in the applicable zoning district.
- c. Allowable area and yard requirements for lots developed as part of a cluster single-family residential development:
  - 1. Lot Area.
    - (a) ATR, R-1—three and two tenths (3.2) acres with conventional waste water disposal system; one (1.0) acre with an Alternate Design Pilot Program Treatment System.
    - (b) R-1, PDD (Pinelands area)—same as for ARR, ATR, R-1, PDD except that if sewer is available, the lot size may be reduced to ten thousand (10,000) square feet.
    - (c) PDD (non-Pinelands area)—ten thousand (10,000) square feet.
  - 2. Lot Frontage 75 feet
  - 3. Lot Width 75 feet
  - 4. Lot Depth 100 feet
  - 5. Side Yard (each) 10 feet
  - 6. Front Yard 35 feet
  - 7. Rear Yard 20 feet
  - 8. Accessory Building (Minimum)
    - (a) Distance to side line 10 feet
    - (b) Distance to rear line 15 feet
    - (c) Distance to other building 15 feet
  - 9. Maximum.
    - (a) Building coverage of principal building 20%
    - (b) Building coverage of accessory building 5%

All other dimensions shall meet the area and yard requirements specified for the R-1 District.

- d. All land area not included in lots and/or utilized for street rights-of-way shall be delineated on the plat submitted to the Planning Board and shall be offered to the Borough without charge. A portion of this land area, such portion equivalent to a minimum of twenty (20%) percent of the total tract of land proposed for development, shall be specifically set aside for recreation or park areas, school sites or other public purposes and shall be designated in accordance with the requirements stipulated in subsection 26-22.2e. All lands not accepted by the Borough shall be owned and maintained by a Homeowners' Association. In any case, all streets within the development shall be dedicated to the Borough; however, the Borough shall not be responsible for the maintenance of the streets until officially accepting their dedication.
- e. At least twenty (20%) percent of the total tract of land proposed for development shall be specifically set aside for recreation or park areas, school sites or other public purposes and shall be designed as follows:
  - 1. The minimum contiguous acreage of each parcel shall be two (2) acres.
  - 2. Lands set aside for recreational purposes shall be improved (including but not limited to equipment, walkways and landscaping) by the developer in order to qualify the lands for acceptance by the Borough, as required by the Planning Board.
  - 3. All land areas shall be optimally related to the overall plan and design of the development and improved to best suit the purposes for which intended.
- f. The lands offered to the Borough shall be subject to review by the Planning Board which, in the review and evaluation of the suitability of such land, shall be guided by the Master Plan of the Borough, by the ability to assemble and relate such lands to an overall plan and by the accessibility and potential utility of such lands. The Planning Board may request an opinion from other public agencies or individuals as to the advisability of the Borough's accepting any lands to be offered to the Borough.
- g. Every parcel of land offered to and accepted by the Borough shall be conveyed to the Borough by deed at the time final plan approval is granted. The deed shall contain such restrictions as may reasonably be required by the Planning Board to effectuate the provisions of this chapter pertaining to the use of such areas. Should the subdivision consist of a number of development stages, the Planning Board may require that acreage proportionate in size to the stage being considered for final approval be donated to the Borough simultaneously with the granting of final subdivision approval for that particular stage, even though these lands may be located in a different section of the overall development.
- h. A Homeowners' Association, established for the purpose of owning and maintaining common lands and facilities, including conservation, open space, flood plain, recreation and park areas and other lands which would otherwise be dedicated to the Borough, shall be in accordance with the following provisions:
  - 1. Membership in any created Homeowners' Association by all property owners shall be mandatory. Such required membership in any created Homeowners' Association and the responsibilities upon the members shall be in writing between the Association and the individual, in the form of a covenant, with each member agreeing to the liability for the pro rata share of the Association's costs, providing that the Borough shall be a party beneficiary to such covenant and entitled to enforce its provisions.
  - 2. Executed deeds with restrictions stating that the prescribed uses of the lands in the common ownership shall be absolute and not subject to reversion for possible future development shall be tendered to the Borough simultaneously with the granting of final subdivision approval.
  - 3. The Homeowners' Association shall be responsible for liability insurance, municipal taxes, maintenance of land and any facilities that may be erected on any land deeded to the Homeowners' Association and shall hold the Borough harmless from any liability.
  - 4. The assessment levied by the Homeowners' Association shall become a lien on the private properties in the development. The duly created Homeowners' Association shall be allowed to adjust the assessment to meet changing needs, and any deeded lands may be sold, donated or in any purposes only.
  - 5. The Homeowners' Association initially created by the developer shall clearly describe in its bylaws the rights and obligations of any homeowner and tenant in the cluster development. Before a final

approval, copies of the bylaws, covenants, model deeds and articles of incorporation shall be submitted to the Borough for review and approval.

6. The developer shall provide a procedure by which lands will be transferred to the Homeowners' Association. This schedule shall be based on a percentage of the lots and/or homes sold or occupied. The bylaws of the Homeowners' Association should include provisions which will insure that the maintenance responsibilities for the commonly owned land are the obligation of the Association.
  - (a) Prior to preliminary approval, the developer shall submit preliminary public water and/or public sewer system plans for the dwelling units in the development. Prior to final approval, the developer shall submit final plans for these systems which shall have been approved by the local and/or County Board of Health and the State Department of Environmental Protection.
  - (b) No certificate of occupancy shall be issued for any building or part thereof until all streets, drainage, parking facilities and water and sewer facilities servicing the said structure are properly completed and functioning.  
(Ord. No. 268 § 501.2; Ord. No. 274 § 7; Ord. No. 440 § 5; Ord. No. 495-2007 § 4)

**26-22.3 Procedure for Approval.** The procedure for subdividing lands under the requirements of this section shall be the same as specified in the Land Subdivision Ordinance of the Borough of Woodbine. (Ord. No. 268 § 501.3)

#### 26-22-A CLUSTER SINGLE-FAMILY RESIDENTIAL DEVELOPMENT IN THE FA-R AND ARR DISTRICTS

26.22-A.1 Clustering Required. In the FA-R and ARR Districts, clustering of single-family detached dwellings shall be required whenever two or more units are proposed as part of a residential development.

26-22-A.2 Requirements. All cluster single-family residential developments in the FA-R and ARR Districts shall meet the following requirements:

- a. Permitted density:
  1. In the FA-R District: one unit per 20 acres.
  2. In the ARR District: one unit per 5 acres.
- b. The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in Subsection a above, with a bonus applied as follows:

Parcel Size	ARR District	FA-R District
<50 acres	0	0
50-99.99 acres	15%	20%
100-149.99 acres	20%	25%
≥150 acres	25%	30%

- c. The residential cluster shall be located on the parcel such that the development area:
  1. Is located proximate to existing roads;
  2. Is located proximate to existing developed sites on adjacent or nearby parcels;

3. Is or will be appropriately buffered from adjoining or nearby non-residential land uses; and
  4. Conforms with the minimum environmental standards of N.J.A.C. 7:50-6.
- d. Development within the residential cluster shall be designed as follows:
1. Residential lots shall be one acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres;
  2. The minimum yard requirements specified in Section 26-22.2.c shall apply;
  3. Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the standards of Section 26-43.7.a.4 may serve the lots within the cluster development area. Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of Section 26-43.7.a.5 or a.7 shall also be permitted;
  4. The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and
  5. Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than one-half acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.
- e. The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a non-profit conservation organization, Woodbine Borough or incorporated as part of one of the lots within the cluster development area.
1. All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor Woodbine Borough or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and
  2. The deed of restriction shall permit the parcel to be managed for low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 26.

## 26-43 PINELANDS AREA DEVELOPMENT REGULATIONS.

**26-43.1 Purpose.** All development in the Pinelands Area shall comply with the standards set forth in this section, in addition to all other regulations of this chapter. The standards and regulations in this chapter affable to the Pinelands Area are intended to be the minimum provisions necessary to achieve the purposes and objectives of this chapter and the Pinelands Protection Act. In the event of a conflict between any provisions, the stricter provision shall apply. (Ord. No. 274 § 8)

### 26-43.2 Wetlands.

- a. *Uses.* No development in the Pinelands Area shall be permitted in a wetland or wetlands transition area except for the following uses:
  1. Horticulture of native Pinelands species.
  2. Berry agriculture.
  3. Beekeeping.
  4. Forestry.
  5. Fish and wildlife activities and wetlands management in accordance with N.J.A.C. 7:50-6.10
  6. Low intensity recreational uses which do not involve use of a structure, including hunting, fishing, trapping, hiking, boating, and swimming, and other low intensity recreational uses provided that any development associated with those other uses does not result in a significant adverse impact on the wetland as set forth in paragraph b. below.
  7. Private docks, piers, moorings and boat launches,
  8. Bridges, roads, trails, and utility transmissions and distribution facilities and other similar linear facilities provided that:
    - (a) There is no feasible alternative route for the facility that does not involve development in a wetland, or, if none, that another feasible route which results in less significant adverse impacts on wetlands does not exist;
    - (b) The need for the proposed linear improvement cannot be met by existing facilities or modification thereof;
    - (c) The use represents a need which overrides the importance of protecting the wetland;
    - (d) Development of the facility will include all practical measures to mitigate the adverse impact on the wetland; and
    - (e) The resources of the Pinelands will not be substantially impaired as a result of the facility and its development as determined exclusively based on the existence of special and unusual circumstances.
- b. *Performance Standards.* No development in the Pinelands Area, other than those uses permitted in paragraph a., above, shall be carried out in a wetland or within three hundred (300) feet of a wetland unless the applicant has demonstrated that the development will not have the effect of modifying the wetland such that the development will result in a significant adverse impact on the ecological integrity of the wetland and its biotic components, including, but not limited to, threatened or endangered species of plants or animals in one (1) or more of the following ways:
  1. An increase in surface water runoff discharging into a wetland.
  2. A change in the normal seasonal flow patterns in the wetland.
  3. An alteration of the water table in the wetlands.

4. An increase in erosion resulting in increased sedimentation in the wetlands.
5. A change in the natural chemistry of the ground or surface water in the wetlands.
6. A loss of wetland habitat.
7. A reduction in wetland habitat diversity.
8. A change in wetlands species composition, or
9. A significant disturbance of areas used by indigenous and migratory wildlife for breeding, nesting, or feeding.

Determinations under paragraph b. above shall consider the cumulative modifications of the wetland due to the development being proposed and any other existing or potential development which may affect the wetland.

(Ord. No. 268 § 515.14A; Ord. No. 274 § 9; Ord. No. 323 § 11; Ord. No. 331 § 9; Ord. No. 361 §§ 10, 11)

### **26-43.3 Vegetation and Landscaping.**

- a. All clearing and soil disturbance activities shall be limited to that which is necessary to accommodate an activity, use or structure which is permitted by this Ordinance.
- b. Where practical, all clearing and soil disturbance activities associated with an activity, use or structure, other than agriculture, forestry and resource extraction, shall:
  1. Avoid wooded areas, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated; and
  2. Revegetate or landscape areas temporarily cleared or disturbed during development activities.
- c. All applications for major development shall contain a landscaping or revegetation plan which incorporates the elements set forth in paragraph d. below.
- d. In order to conserve water, conserve natural features and reduce pollution from the use of fertilizers, pesticides and other soil supplements, all landscaping or revegetation plans prepared pursuant to Subsection (c) above or required pursuant to subsections shall incorporate the following elements.:
  1. The limits of clearing shall be identified;
  2. Existing vegetation, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated, shall be incorporated into the landscape design where practical;
  3. Permanent lawn or turf areas shall be limited to those specifically intended for active human use such as play fields, golf courses and lawns associated with a residence or other principal non-residential use. Existing wooded areas shall not be cleared and converted to lawns except when directly associated with and adjacent to a proposed structure; and
  4. Shrubs and trees authorized by N.J.A.C. 7:50-6.25 shall be used for revegetation or landscaping purposes. Other shrubs and trees may be used in the following circumstances:
    - (a) When the parcel to be developed or its environs contain a predominance of shrubs and tree species not authorized by N.J.A.C. 7:50-6.25;
    - (b) For limited ornamental purposes around buildings and other structures; or
    - (c) When limited use of other shrubs or tree species is required for proper screening or buffering.
- e. *Development Prohibited in the Vicinity of Threatened or Endangered Plants.* No development shall be carried out by any person in the Pinelands Area unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of threatened or endangered plants of the Pinelands designated in N.J.A.C. 7:50-6.27.

(Ord. No. 268 § 515.14B; Ord. No. 323 § 12; Ord. No. 408-1997 § 13)

#### **26-43.4 Fish and Wildlife.**

- a. *Protection of Threatened or Endangered Wildlife Required.* No development shall be carried out in the Pinelands Area unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of those threatened or endangered animal species designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et seq.
- b. *Protection of Wildlife Habitat.* All development shall be carried out in the Pinelands Area in a manner which avoids disturbance to distinct fish and wildlife habitats that are essential to the continued nesting, resting, breeding and feeding of significant populations of fish and wildlife in the Pinelands.  
(Ord. No. 268 § 515.14C; Ord. No. 323 § 13)

#### **26-43.5 Forestry.**

- a. *Permit Required.* No forestry in the Pinelands Area of the Borough shall be carried out by any person unless a permit for such activity has been issued by the Borough Zoning Officer. Notwithstanding this requirement, no such permits shall be required for the following forestry activities:
  1. Normal and customary forestry practices on residentially improved parcels of land that are five (5) acres or less in size;
  2. Tree harvesting, provided that no more than one (1) cord of wood per five (5) acres of land is harvested in any one (1) year and that no more than five (5) cords of wood are harvested from the entire parcel in any one (1) year;
  3. Tree planting, provided that the area to be planted does not exceed five (5) acres in any one (1) year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C. 7:50-6.25 are to be planted;
  4. Forest stand improvement designed to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed five (5) acres in any one year; and
  5. Prescribed burning and the clearing and maintaining of fire breaks.
- b. *Forestry Application Requirements.* The information in paragraphs b(1) or (2) below shall be submitted to the Borough Zoning Officer prior to the issuance of any forestry permit:
  1. For forestry activities on a parcel of land enrolled in the New Jersey Forest Stewardship Program, a copy of the approved New Jersey Forest Stewardship Plan. This document shall serve as evidence of the completion of an application with the Pinelands Commission as well as evidence that the activities are consistent with the standards of the Pinelands Comprehensive Management Plan. No certificate of filing from the Pinelands Commission shall be required.
  2. For all other forestry applications:
    - (a) The applicant's name and address and his interest in the subject parcel;
    - (b) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
    - (c) The description, including block and lot designation and street address, if any, of the subject parcel;
    - (d) A description of all existing uses of the subject parcel;
    - (e) A brief written statement generally describing the proposed forestry operation;

- (f) A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject parcel, the Pinelands management area designation and the municipal zoning designation are shown;
- (g) A forestry management plan that includes, as appropriate:
  - (1) A cover page for the plan containing:
    - (i) The name, mailing address and telephone number of the owner of the subject parcel;
    - (ii) The municipality and county in which the subject parcel is located;
    - (iii) The block and lot designation and street address, if any, of the subject parcel;
    - (iv) The name and address of the forester who prepared the plan, if not prepared by the owner of the subject parcel; and
    - (v) The date the plan was prepared, subsequent revision dates and the period of time the plan is intended to cover;
  - (2) A clear and concise statement of the owner's objectives for undertaking the proposed forestry activities, including a description of the short- (five years) and long-term (20 years) objectives for all proposed silvicultural techniques that will be used to manage the parcel;
  - (3) A description of the existing conditions of the subject parcel and of each forest stand in which a proposed activity, prescription or practice will occur. These stand descriptions shall include photographs of each stand taken at eye level showing the location of all Pinelands Native Forest Types, as identified at N.J.A.C. 7:50-6.43, and shall be keyed to an activity map that shall include, as appropriate, the following information:
    - (i) The number of acres;
    - (ii) The general condition and quality of each stand;
    - (iii) The overall site quality, relative to the management goals and objectives identified in subsection 2(g)(2) above;
    - (iv) An inventory and map of Pinelands Native Forest Types with Native Forest Types broken into "stands," including information on type, size and volume by species;
    - (v) The age of representative trees;
    - (vi) The species composition, including overstory, understory, ground layer structure and composition;
    - (vii) The stand cohort composition;
    - (viii) The percent cover;
    - (ix) The basal area;

- (x) The structure, including age classes, diameter breast height (DBH) classes and crown classes;
- (xi) The condition and species composition of advanced regeneration when applicable;
- (xii) A stocking table showing the stocking levels, growth rates and volume;
- (xiii) Projections of intended future stand characteristics at 10-, 20-, and 40-year intervals;
- (xiv) A description of the forestry activities, silvicultural prescriptions, management activities and practices proposed during the permit period and the acreage proposed for each activity. These may include, but are not necessarily limited to, a description of:
  - [A] Stand improvement practices;
  - [B] Site preparation practices;
  - [C] Harvesting practices;
  - [D] Regeneration and reforestation practices;
  - [E] Improvements, including road construction, stream crossings, landings, loading areas and skid trails;
  - [F] Herbicide treatments;
  - [G] Silvicultural treatment alternatives;
  - [H] If planting will occur to accomplish reforestation, the application shall include seed sources records, if such records are available;
  - [I] Implementation instructions; and
  - [J] Measures that will be taken to prevent the potential spread of exotic plant species or Phragmites into wetlands; and
- (xv) A description, if appropriate, of the forest products to be harvested, including volume expressed in cords and board feet; diameter breast height (DBH) classes and average diameter; age; heights; and number of trees per acre; and

(4) A map of the entire parcel which includes the following:

- (i) The owner's name, address and the date the map was prepared;
- (ii) An arrow designating the north direction;
- (iii) A scale which is not smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet;
- (iv) The location of all property lines;

- (v) A delineation of the physical features such as roads, streams and structures;
  - (vi) The identification of soil types (a separate map may be used for this purpose);
  - (vii) A map inset showing the location of the parcel in relation to the local area;
  - (viii) Clear location of the area and acreage in which each proposed activity, prescription or practice will occur. If shown on other than the property map, the map or maps shall note the scale, which shall not be smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet, and shall be appropriately keyed to the property map; and
  - (ix) A legend defining the symbols appearing on the map.
- (h) A letter from the Office of Natural Lands Management identifying any threatened or endangered plants or animals reported on or in the immediate vicinity of the parcel and a detailed description by the applicant of the measures proposed to meet the standards set forth in subsections 26-43.3e and 26-43.4a;
  - (i) A cultural resource survey documenting cultural resources on those portions of the parcel where ground disturbance due to site preparation or road construction will occur and a detailed description of the measures proposed by the applicant to treat those cultural resources in accordance with subsection 26-43.11;
  - (j) A statement identifying the type, location and frequency of any proposed herbicide treatments and how such treatments will comply with the standards set forth in subsection c(9)(b) below;
  - (k) A statement identifying the specific steps to be taken to ensure that trees or areas to be harvested are properly identified so as to ensure that only those trees intended for harvesting are harvested;
  - (l) Written comments from the New Jersey State Forester concerning the extent to which the proposed forestry activities are consistent with the guidelines provided in the New Jersey Forestry and Wetlands Best Management Practices Manual developed by the New Jersey Department of Environmental Protection, dated October 1995, as amended. Any such comments which indicate that the proposed activities are not consistent with said Manual must be addressed by the applicant in terms of their potential impact on the standards set forth in subsection c. below; and
  - (m) A Certificate of Filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34; and
  - (n) When prior approval for the forestry activities has been granted by the Zoning Officer or other city approval agency, a letter from the Pinelands Commission indicating that the prior approval has been reviewed pursuant to subsection 26-65.5.
- c. Forestry standards. Forestry operations shall be approved only if the applicant can demonstrate that the standards set forth below are met:
- 1. All forestry activities shall serve to maintain Pinelands native forest types, including those which are locally characteristic, except in those stands where other forest types exist;

2. Any newly developed access to lands proposed for harvesting shall avoid wetland areas except as absolutely necessary to harvest wetlands species or to otherwise gain access to a harvesting site;
3. The following actions shall be required to encourage the establishment, restoration or regeneration of Atlantic White Cedar in cedar and hardwood swamps:
  - (a) Clearcutting cedar and managing slash;
  - (b) Controlling competition by other plant species;
  - (c) Utilizing fencing and other retardants, where necessary, to protect cedar from overbrowsing;
  - (d) Utilizing existing streams as cutting boundaries, where practical;
  - (e) Harvesting during dry periods or when the ground is frozen; and
  - (f) Utilizing the least intrusive harvesting techniques, including the use of winches, corduroy roads and helicopters, where practical.
4. All forestry activities and practices shall be designed and carried out so as to comply with the standards set forth in subsections 26-43.3e and 26-43.4a. The species accounts provided in the "Recommended Forestry Management Practices Report," Appendix I - Endangered Animals, dated March 2006, as amended and supplemented and available at the principal office of the Commission or at [www.nj.gov/pinelands](http://www.nj.gov/pinelands), may be utilized as a guide for meeting these standards;
5. All forestry activities and practices shall be designed and carried out so as to comply with the standards for the land application of waste set forth in N.J.A.C. 7:50-6.79, except as expressly authorized in this section;
6. All forestry activities and practices shall be designed and carried out so as to comply with the standards for the protection of historic, archaeological and cultural resources set forth in subsection 26-43.11;
7. A vegetated streamside management zone shall be maintained or established adjacent to streams, ponds, lakes and marshes, except that no streamside management zone shall be required when Atlantic White Cedar is proposed to be harvested, established, restored or regenerated. The streamside management zone shall be at least 25 feet in width. Where soils are severely erodible, slopes exceed 10 percent or streamside vegetation is not vigorous, the streamside management zone shall be increased up to a maximum of 70 feet to buffer the water body from adjacent forestry activities;
8. Stream crossings, access roads, timber harvesting, skid trails, log decks, portable sawmill sites, site preparation, and reforestation shall be designed and carried out so as to:
  - (a) Minimize changes to surface and ground water hydrology;
  - (b) Minimize changes to temperature and other existing surface water quality and conditions;
  - (c) Prevent unnecessary soil erosion, siltation and sedimentation; and
  - (d) Minimize unnecessary disturbances to aquatic and forest habitats.
9. The following standards shall apply to silvicultural practices for site preparation, either before or after harvesting:

- (a) In areas with slopes of greater than 10 percent, an undisturbed buffer strip of at least 25 feet in width shall be maintained along roads during site preparation to catch soil particles;
- (b) Herbicide treatments shall be permitted, provided that:
  - (1) The proposed treatment is identified in the forestry application submitted to the Zoning Officer pursuant to subsection b(2)(j) above;
  - (2) Control of competitive plant species is clearly necessary;
  - (3) Control of competitive plant species by other, non-chemical means is not practical;
  - (4) All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements; and
  - (5) In Pine-Shrub Oak Native Forest Types, herbicide treatments shall only be permitted as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration. All such herbicide treatments shall be applied in a targeted manner so that there will be no significant reduction in tree or shrub-oak re-sprouting outside those areas subject to the herbicide treatment;
- (c) Broadcast scarification and mechanical weeding shall be permitted in all Pinelands Native Forest Types;
- (d) Disking shall be permitted, provided that:
  - (1) It shall not be permitted in Pine Plains Native Forest Types;
  - (2) Disking shall only be permitted in Pine-Shrub Oak Native Forest Types as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration, and shall be limited as follows:
    - (i) Disking may occur one time during the first year of the establishment of a stand to assure the successful growth of pine seedlings and may be repeated one time during the second year of the growth of the stand only in areas where pine seedling establishment has not successfully occurred; and
    - (ii) Only single-pass disking, which penetrates the soil no deeper than six inches, shall be permitted.
  - (3) It shall not occur in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, disking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
  - (4) It shall follow land contours when slopes are discernible;
- (e) Root raking shall be permitted, provided that:
  - (1) It shall not be permitted in Pine-Shrub Oak Native Forest Types or Pine Plains Native Forest Types;

- (2) When used to establish, restore or regenerate Atlantic White Cedar, root raking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
      - (3) Root raking debris shall not be piled in wetlands;
    - (f) Bedding shall be permitted only in recently abandoned, cultivated wetlands where there are no established Pinelands Native Forest Types; and
    - (g) Drum chopping shall be permitted, provided that:
      - (1) It shall not be permitted in Pine Plains Native Forest Types except to create road shoulder fuelbreaks, which shall be limited to 25 feet in width, or to create scattered early successional habitats under two acres in size;
      - (2) It shall not be permitted in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, drum chopping shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
      - (3) It shall adhere to the following procedures:
        - (i) No more than two passes shall be permitted except to create scattered early successional habitats under two acres in size;
        - (ii) Drums shall remain unfilled when used during the dormant season;
        - (iii) Chop up and down the slope on a parcel so the depressions made by the cleats and chopper blades run parallel to the contour of the land to help reduce the occurrence of channeled surface erosion;
        - (iv) Chop so the depressions made by the cleats and chopper blades run parallel to a wetland or water body; and
        - (v) Avoid short-radius, 180-degree turns at the end of each straight pass.
10. The following standards shall apply to silvicultural practices for harvesting:
- (a) Clearcutting shall be permitted, provided that:
    - (1) It shall not be permitted in Pine Plains Native Forest Types;
    - (2) It shall be limited to 300 acres or five percent of a parcel, whichever is greater, during any permit period;
    - (3) A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any clearcut and the parcel boundaries;
    - (4) A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger clearcut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;

- (5) Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches diameter breast height (DBH) and six feet in height shall be left on the parcel for a minimum of five years; and
  - (6) The area of the parcel subject to the clearcut shall have contoured edges unless the boundary of the clearcut serves as a firebreak in which case straight edges may be used;
- (b) Coppicing shall be permitted in all Pinelands Native Forest Types, provided that:
- (1) It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;
  - (2) A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any coppice cut and the parcel boundaries;
  - (3) A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger coppice cut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;
  - (4) Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years; and
  - (5) The area of the parcel subject to the coppice cut shall have contoured edges unless the boundary of the coppice cut serves as a firebreak in which case straight edges may be used;
- (c) Seed tree cutting shall be permitted in all Pinelands Native Forest Types, provided that:
- (1) It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;
  - (2) A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any seed tree cut and the parcel boundaries;
  - (3) A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger seed tree cut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;
  - (4) Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years;
  - (5) The area of the parcel subject to the seed tree cut shall have contoured edges unless the boundary of the seed tree cut serves as a firebreak in which case straight edges may be used;
  - (6) Dominant residual seed trees shall be retained at a distribution of at least seven trees per acre; and

- (7) Residual seed trees shall be distributed evenly throughout the parcel; and
      - (d) Shelterwood cutting, group selection and individual selection shall be permitted in all Pinelands Native Forest Types.
  - 11. The following standards shall apply to silvicultural practices for forest regeneration:
    - (a) Natural regeneration shall be permitted in all Pinelands Native Forest Types and shall be required in the Pine Plains Native Forest Type, except as provided in subsection 11(b) below; and
    - (b) Artificial regeneration shall be permitted in all Pinelands Native Forest Types provided that:
      - (1) The use of non-native cuttings, seedlings or seeds shall not be permitted;
      - (2) The use of hybrid cuttings, seedlings or seeds shall be permitted if it can be demonstrated that the cutting is from a locally native, naturally occurring hybrid which will be planted within its natural range and habitat;
      - (3) Cuttings, seedlings or seeds shall be collected and utilized so as to ensure genetic diversity; and
      - (4) When used in Pine Plains Native Forest Types, artificial regeneration shall only be permitted to restore drastically disturbed sites if seeds or seedlings from the immediate vicinity have been collected from local, genetically similar sources.
  - 12. Following site preparation and harvesting activities, slash shall either be retained in piles on the parcel, distributed throughout the parcel, removed from the parcel or burned.
  - 13. Thinning shall be permitted in all Pinelands Native Forest Types, including that which serves to maintain an understory of native plants and/or manage stand composition, density, growth and spatial heterogeneity.
  - 14. A copy of the approved municipal forestry permit shall be conspicuously posted on the parcel which is the site of the forestry activity.
- d. *Forestry Permit Procedures.*
- 1. Applications for forestry permits shall be submitted to the Zoning Officer and shall be accompanied by an application fee of twenty-five (\$25.00) dollars.
  - 2. Within fourteen (14) days of receipt of an application, the Zoning Officer shall determine whether the application is complete and, if necessary, notify the applicant in writing of any additional information which is necessary to complete the application. Should the Zoning Officer fail to make such a determination within fourteen (14) days, the application shall be considered to be complete as of the fifteenth (15th) day following its submission.
  - 3. Within forty-five (45) days of determining an application to be complete pursuant to paragraph d, 2. above, or within such further time as may be consented to by the applicant, the Zoning Officer shall issue a forestry permit if the activities proposed in the application comply with the standards in paragraph c. above or disapprove any application which does not meet the requirements of paragraph c. above. Any such notice of disapproval shall specifically set forth the deficiencies of the application.

4. Upon receipt of a notice of disapproval pursuant to paragraph d, 3. above, the applicant shall have thirty (30) days in which to correct the deficiencies and submit any necessary revisions to the application to the Zoning Officer for review. The Zoning Officer shall review the revised application to verify conformity with the standards in paragraph c. above and shall, within fourteen (14) days of receipt of the revised application, issue a forestry permit or disapprove the application pursuant to paragraph d, 3. above.
  5. Failure of the Zoning Officer to act within the time period prescribed in paragraphs d, 3. and 4. above shall constitute approval of the forestry application as submitted. At the request of the applicant, a certificate as to the failure of the Zoning Officer to act shall be issued by the municipality and it shall be sufficient in lieu of the written endorsement or other evidence of municipal approval required herein.
  6. In reviewing and issuing permits for forestry applications, the Zoning Officer shall also comply with the Pinelands Area notice and review procedures set forth in subsections 26-65.4 through 26-65.7.
  7. Forestry permits shall be valid for a period of ten (10) years. Nothing in this subsection shall be construed to prohibit any person from securing additional permits, provided that the requirements of this chapter and the Pinelands Comprehensive Management Plan are met.
- e. *Administrative Fees.* Upon the issuance of a forestry permit pursuant to paragraph d, 3. above, the applicant shall be required to pay a sum of two hundred fifty (\$250.00) dollars which shall serve as reimbursement for any administrative costs incurred by the municipality during the ten (10) year permit period. The applicant shall not be subject to any additional fees or escrow requirements for the duration of the forestry permit.
  - f. *Notification of Harvesting.* No harvesting shall be commenced until the applicant has provided the Zoning Officer with seventy-two (72) hours written notice of the intention to begin harvesting operations. (Ord. No. 268 § 515.14D; Ord. No. 274 § 19; Ord. No. 323 § 14; Ord. No. 408-1997 § 14)

#### **26-43.6 Recommended Management Practices for Agriculture.**

- a. All agricultural activities and fish and wildlife management activities, including the preparation of land and the planting, nurturing and harvesting of crops, shall be carried out in accordance with recommended management practices established for the particular agricultural activity by the New Jersey Department of Agriculture, the Soil Conservation Service, and the New Jersey Agricultural Experimental Station at Rutgers University.  
(Ord. No. 268 § 515.14E)

#### **26-43.7 Water Quality.**

- a. *Minimum Standards for Point and Nonpoint Source Discharges.* The following point and nonpoint source discharges may be developed or operated in the Pinelands Area:
  1. Development of new or the expansion of existing commercial, industrial, and wastewater treatment facilities, or the development of new or the expansion of existing non-point sources, except those specifically regulated in subsections (a)2 through 6 below, provided that:
    - (a) There will be no direct discharge into any surface water body;
    - (b) All discharges from the facility or use are of a quality and quantity such that ground water exiting from the parcel of land or entering a surface body of water will not exceed two (2) parts per million nitrate/nitrogen;
    - (c) All public wastewater treatment facilities are designed to accept and treat seepage; and
    - (d) All storage facilities, including ponds or lagoons, are lined to prevent leakage into groundwater.
  2. Development of new wastewater treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one (1) existing on-site wastewater treatment system

where a public health problem has been identified may be exempted from the standards of paragraph a, 1(b) above provided that:

- (a) There will be no direct discharge into any surface water body;
  - (b) The facility is designed only to accommodate wastewater from existing residential, commercial and industrial development;
  - (c) Adhering to paragraph a, 1(b) above cannot be achieved due to limiting site conditions or that the costs to comply with the standard will result in excessive user fees; and
  - (d) The design level of nitrate/nitrogen attenuation is the maximum possible within the cost limitations imposed by such user fee guidelines but in no case shall ground water exiting from the parcel or entering a surface body of water exceed five (5) parts per million nitrate/nitrogen.
3. Improvements to existing commercial, industrial and wastewater treatment facilities which discharge directly into surface waters provided that:
- (a) There is no practical alternative available that would adhere to the standards of N.J.A.C. 7:50-6.84(a) 1i;
  - (b) There is no increase in the existing approved capacity of the facility; and
  - (c) All discharges from the facility into surface waters are such that the nitrate/nitrogen levels of the surface waters at the discharge point do not exceed two (2) parts per million. In the event that nitrate/nitrogen levels in the surface waters immediately upstream of the discharge point exceed two (2) parts per million, the discharge shall not exceed two (2) parts per million nitrate/nitrogen.
4. Individual on-site septic wastewater treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste water, provided that:
- (a) The proposed development to be served by the system is otherwise permitted pursuant to the provisions of this chapter;
  - (b) The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located, will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two (2) parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, subject to the provisions of paragraph a, 4(c) below. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to subsection 26-75.9 or N.J.A.C. 7:50-5.47;
  - (c) Only contiguous lands located within the same zoning district and Pinelands management area as the proposed system or systems may be utilized for septic dilution purposes, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981, nonresidential development on a lot of five (5) acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19;
  - (d) The depth to seasonal high water table is at least five (5) feet;
  - (e) Any potable water well will be drilled and cased to a depth of at least one hundred (100) feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least fifty (50) feet;
  - (f) The system will be maintained and inspected in accordance with the requirements of N.J.A.C. 7:50-6.85;
  - (g) The technology to be used has been approved for use by the New Jersey Department of Environmental Protection; and

- (h) Flow values for nonresidential development shall be determined based on the values contained in N.J.A.C. 7:9A-7.4, as amended, except that number of employees may not be utilized in calculating flow values for office uses. In the event that N.J.A.C. 7:9A-7.4 does not provide flow values for a specific use, but a flow value is assigned for that use in 7:14A-23.3(a), the flow value specified in N.J.A.C. 7:14A-23.3(a) shall be used in calculating flow.
5. Individual on-site septic wastewater treatment systems which are intended to reduce the level of nitrate/nitrogen in the waste water, provided that:
- (a) The standards set forth in paragraphs a, 4(a) and a, 4(c) through (h) above are met;
  - (b) If the proposed development is nonresidential, it is located outside the FAR District and that portion of the ARR District located in the Pinelands Rural Development Area; and
  - (c) The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two (2) parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, subject to the provisions of paragraph a, 4(c) above and the assumptions and requirements set forth in N.J.A.C. 7:50-6.84(a)5iv. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to Section 609 and N.J.A.C. 7:50-5.47.
6. Surface water runoff, provided that:
- (a) The total runoff generated from any net increase in impervious surfaces by a ten (10) year storm of a twenty-four (24) hour duration shall be retained and infiltrated on-site. Runoff volumes shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, section 4;
  - (b) The rates of runoff generated from the parcel by a two (2) year, ten (10) year and one hundred (100) year storm, each of a twenty-four (24) hour duration, shall not increase as a result of the proposed development. Runoff rates shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, section 4;
  - (c) Surface water runoff shall not be directed in such a way as to increase the volume and rate of discharge into any surface water body from that which existed prior to development of the parcel;
  - (d) Excessively and somewhat excessively drained soils, as defined by the Soil Conservation Service, should be avoided for recharge of runoff wherever practical;
  - (e) A minimum separation of two (2) feet between the elevation of the lowest point of the bottom of the infiltration or detention facility and the seasonal high water table is met, or a lesser separation when it is demonstrated that the separation, either due to soil conditions or when considered in combination with other stormwater management techniques, is adequate to protect ground water quality; and
  - (f) A four (4) year maintenance guarantee is provided for the entire stormwater management system by the applicant. In addition, the applicant shall fund or otherwise guarantee an inspection and maintenance program for a period of no less than ten (10) years. The program shall identify the entity charged with responsibility for annual inspections and the completion of any necessary maintenance, and the method to finance said program.
7. Alternate Design Pilot Program Treatment Systems, provided that:
- (a) The proposed development to be served by the system is residential and is otherwise permitted pursuant to the provisions of this chapter.

- (b) The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, subject to the provisions of paragraph (c) below. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to Section 609 or N.J.A.C. 7:50-5.47;
  - (c) Only contiguous lands located within the same zoning district and Pinelands management area as the proposed system or systems may be utilized for septic dilution proposed, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981, or less by N.J.A.C. 7:50-5.19;
  - (d) The depth to seasonal high water table is at least five (5) feet;
  - (e) Any potable water well will be drilled and cased to a depth of at least one hundred (100) feet, unless the well penetrates an impermeable clay aquicide, in which case the well shall be cased to at least fifty (50) feet;
  - (f) No more than ten (10) alternate design pilot program treatment systems utilizing the same technology shall be installed in the development of any parcel if those systems are each serving one (1) single family dwelling;
  - (g) Each system shall be equipped with automatic dialing capability to the manufacturer, or its agent, in the event of a mechanical malfunction;
  - (h) Each system shall be designed and constructed so that samples of effluent leaving the alternate design pilot program septic system can be readily taken to confirm the performance of the technology;
  - (i) The manufacturer or its agent shall provide to each owner an operation and maintenance manual approved pursuant to N.J.A.C. 7:50-10.22(a)2iv;
  - (j) Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2v that cannot be cancelled and is renewable and which includes a provision requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time;
  - (k) The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that identified the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in paragraph (i) above, and grants access, with reasonable notice, to the local board of health, the Commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period of the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the Commission that apply to said system; and
  - (l) No system shall be installed after August 5, 2007.
- b. *Individual Wastewater Treatment Facility.*
1. The owner of every on-site conventional septic wastewater treatment facility installed after the effective date of this section, in the Pinelands Forest Area District shall, as soon as a suitable septage disposal facility capacity is available, in accordance with the provisions of Chapter 326 of the Solid Water Management Act, N.J.S.A. 13:1E-1, et seq. and Section 201 of the Clean Water Act:

- (a) Have the facility inspected by a qualified technician at least once every three (3) years;
  - (b) Have the facility cleaned at least once every three (3) years;
  - (c) Once every three (3) years submit to the Borough a sworn statement that the facility has been inspected and cleaned, setting forth the name of the person who performed the inspection and cleaning and the date of such inspection.
2. The owner of every commercial petroleum storage tank shall have the tank pressure tested at installation and every five (5) years thereafter and shall submit a sworn statement to the Woodbine Borough Construction Official that the tank is watertight.
- c. *Interbasin Transfer.*
- 1. Water shall not be exported from the Pinelands except as otherwise provided in N.J.S.A. 58:1A-7.1
  - 2. The owners of commercial petroleum storage tanks shall comply with the requirements of Chapter 102 of the Laws of 1986.
- d. *General.*
- 1. All development shall be designed and carried out so that the quality of surface and ground water will be protected and maintained. Agricultural use shall not be considered development for purposes of this subsection.
  - 2. Except as specifically authorized in this section, no development which degrades surface or ground water quality or which establishes new point sources of pollution shall be permitted.
  - 3. No developments shall be permitted which do not meet the minimum water quality and potable water standards of the State of New Jersey or the United States.  
(Ord. No. 268 § 515.14F; Ord. No. 274; Ord. No. 323; Ord. No. 408-1997 §§ 15-20; Ord. No. 440 § 6; Ord. No. 495-2007 § 4)

**26-43.8 Scenic.**

- a. *Scenic Corridors.* Except for those roads which provide for internal circulation within residentially developed areas, all public, paved roads and all navigable streams and all lakes and ponds in the Forest Area-Residential District and that portion of the ARR Districts along the Dennisville-Woodbine Road from the Woodbine-Dennis Township municipal boundary to its intersection with Hamilton Avenue, shall be considered scenic corridors.
- b. *Special Requirements for Scenic Corridors.*
  - 1. Except as otherwise provided in this subsection, no permit shall be issued for development on a scenic corridor other than for agricultural product sales establishments unless the applicant demonstrates that all buildings are set back at least two hundred (200) feet from the center line of the corridor.
  - 2. If compliance with the two hundred (200) foot setback is constrained by environmental or other physical considerations, such as wetland, or active agricultural operation, the building shall be set back as close to two hundred (200) feet as practical and the site shall be landscaped in accordance with the provisions of subsection 26-43.3 of this chapter so as to provide screening from the corridor.
  - 3. If an applicant for development approval demonstrates that existing development patterns of the corridor are such that buildings are set back less than two hundred (200) feet within one thousand (1,000) feet of the site proposed for development, then the setback shall be set for the proposed development which is consistent with the established development pattern, provided that the site is landscaped in accordance with the provisions of subsection 26-43.3 so as to provide screening between the building and the corridor.
  - 4. The requirements of subsections b.1 through b.3 above shall not apply to residential cluster developments in the FA-R and ARR Districts which comply with the standards of Section 26-22-A.

- c. *Motor Vehicle Screening and Storage.* No more than ten (10) automobiles, trucks or other motor vehicles, whether or not they are in operating condition, shall be stored on any lot unless such motor vehicles are adequately screened from adjacent residential uses and scenic corridors. All vehicles not in operating condition shall be stored only if the gasoline tanks of such vehicles are drained. This subsection shall not apply to vehicles which are in operating condition and which are maintained for agricultural purposes.
- d. *Location of Utilities.*
  - 1. New utility distribution lines and telephone lines to locations not presently served by utilities shall be placed underground, except for those lines which are located on or adjacent to active agricultural operations.
  - 2. Above-ground generating facilities, switching complexes, pumping stations, storage tanks and substations shall be screened with vegetation from adjacent uses in accordance with subsection 26-43.3.
  - 3. All electric transmission lines shall be located on existing towers or underground to the maximum extent practical.

(Ord. No. 268 § 515.14G; Ord. No. 274 §§ 11, 12; Ord. No. 323 § 16; Ord. No. 495-2007 § 4)

**26-43.9 Fire Management.**

- a. The following vegetation classifications shall be used in determining the fire hazard of a parcel of land:

<i>Hazard</i>	<i>Vegetation Type</i>
Low	Atlantic White Cedar Hardwood Swamps
Moderate	Non-pine barrens forest Prescribed burned areas
High	Pine barrens forest including mature forms of pine, pine-oak or oak-pine
Extreme	Immature or dwarf forms pine-oak or oak-pine; all classes of pine-scrub oak and pine-lowland
- b. No development shall be carried out in the Pinelands Area in vegetated areas which are classified as moderate, high or extreme hazard under the Fire Hazard Classification set out in paragraph a. above unless such development complies with the following standards:
  - 1. All proposed developments or units or sections thereof, of twenty-five (25) dwelling units or more, will have two (2) access ways of width and surface composition sufficient to accommodate and support fire fighting equipment;
  - 2. All dead-end roads will terminate in an area adequate to provide ingress and egress for fire fighting equipment;
  - 3. The rights-of-way of all roads will be maintained so that they provide an effective fire break;
  - 4. A fire hazard fuel break is provided around structures proposed for human use by the selective removal or thinning of trees, bushes, shrubs and ground cover as follows:
    - (a) In moderate fire hazard areas, a fuel break of thirty (30) feet measured outward from the structure in which:
      - (1) Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis; and
      - (2) All dead plant material is removed.
    - (b) In high fire hazard areas a fuel break of seventy-five (75) feet measured outward from the structure in which:
      - (1) Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis; and

- (2) All dead plant material is removed.
- (c) In extreme high hazard areas a fuel break of one hundred (100) feet measured outward; from the structure in which:
  - (1) Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis;
  - (2) No pine tree (*Pinus* spp.) is closer than twenty-five (25) feet to another pine tree; and
  - (3) All dead plant material is removed.
- 5. All structures will meet the following specifications:
  - (a) Roofs and exteriors will be constructed of fire resistant materials such as asphalt rag felt roofing, tile, slate, asbestos cement shingles, sheet iron, aluminum or brick. Fire retardant-treated wood shingles or shake type roofs are prohibited in high or extreme fire hazard areas;
  - (b) All projections such as balconies, decks, and roof gables shall be constructed of fire resistant materials or materials treated with fire retardant chemicals;
  - (c) Chimneys and stovepipes which are designed to burn solid or liquid fuels shall be equipped with screens over the outlets;
  - (d) Flat roofs are prohibited in areas where vegetation is higher than the roof.
- 6. All residential development of one hundred (100) dwelling units or more in high or extreme hazard areas will have a two hundred (200) foot perimeter fuel break between all structures in the forest in which:
  - (a) Shrubs, understory trees and bushes and ground cover are selectively removed, mowed or pruned and maintained on an annual basis;
  - (b) All dead plant material is removed;
  - (c) Roads, rights-of-way, wetlands and waste disposal sites shall be used as fire breaks to a maximum extent practical; and
  - (d) There is a specific program for maintenance.  
(Ord. No. 268 § 515.14H; Ord. No. 274 §§ 14, 15; Ord. No. 323 § 17; Ord. No. 331 § 12)

**26-43.10 Recreation.** All proposed development within the Pinelands Area conforms to the following requirements:

- a. No motor vehicle other than fire, police or emergency vehicles or those vehicles used for the administration or maintenance of any public land shall be operated upon publicly owned land within the Pinelands Area. Other motor vehicles may operate on public lands for recreational purposes on public highways and areas on land designated prior to August 8, 1980 for such use by the State of New Jersey until designated as inappropriate for such use by the Pinelands Commission.
- b. All recreation areas and facilities shall be designed in accordance with the New Jersey Department of Environmental Protection publication, "Administration Guidelines: Barrier-Free Design Standards for Parks and Recreational Facilities."
- c. Improved bicycling facilities shall be provided only in conjunction with paved roads.  
(Ord. No. 268 § 515.14I)

**26-43.11 Historic, Archaeological and Cultural Resources.**

- a. The Planning Board shall exercise all the powers and perform all the duties set forth in N.J.A.C. 7:50-6.153(a), including recommendations to the Borough Council for designation of historic resources, in accordance with N.J.S.A. 40:55D-1 et seq., which are determined to be significant pursuant to paragraph e, 2, below.

- b. Authority to issue certificates of appropriateness:
  - 1. The Planning Board shall issue all certificates of appropriateness except as specified in paragraph 2., below
  - 2. The Board of Adjustment shall issue certificates of appropriateness for those applications for development which it is otherwise empowered to review.
- c. Certificates of appropriateness shall be required for the following:
  - 1. Construction, encroachment upon, alteration, remodeling, removal, disturbance or demolition of any resource designated by the Borough Council or the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 or any action which renders such a site inaccessible; and
  - 2. Development not otherwise exempted from review pursuant to subsection 26-65.1 of this section where a significant resource has been identified pursuant to paragraph e., below.
- d. Applications for certificates of appropriateness shall include the information specified in N.J.A.C. 7:50-6.156(b).
- e. A cultural resource survey shall accompany all applications for development in the ALIM, DLIM, PD, R-1, R-2, TC and ATR Districts and all applications for major development in order to determine whether any significant historic resources exist on the parcel. Guidelines for this survey are contained in Appendix B of the "Cultural Resource Management Plan," dated April 1991, as amended. In general, the survey shall include: a statement as to the presence of any properties listed on the National and State Registers of Historic Places on the site or within the area of the project's potential environmental impacts; a thorough search of State, local and any other pertinent inventories to identify sites of potential significance; a review of the literature and consultation with professional and avocational archaeologists knowledgeable about the area; a thorough pedestrian and natural resources surveys; archaeological testing as necessary to provide reasonable evidence of the presence or absence of historic resources of significance; adequate recording of the information gained and methodologies and sources used; and a list of personnel involved and qualifications of the person(s) performing the survey.
  - 1. This requirement for a survey may be waived by the local approval agency if:
    - (a) There is insufficient evidence of significant cultural activity on the project site or, in the case of archaeological resources, within the vicinity;
    - (b) The evidence of cultural activity on the site lacks the potential for importance because further recording of the available data will not contribute to a more comprehensive understanding of Pinelands culture; or
    - (c) The evidence of cultural activity lacks any potential for significance pursuant to the standards of paragraph 2., below.
  - 2. A resource shall be deemed to be significant if it possesses integrity of location, design, setting, materials, workmanship, feeling, and association which reflects its significance in American history, architecture, archaeology or culture under one (1) or more of the following criteria:
    - (a) The presence of structures, sites or areas associated with events of significance to the cultural, political, economic or social history of the nation, State, local community or the Pinelands; or
    - (b) The presence of structures, sites or areas associated with the lives of persons or institutions of significance to the cultural, political, economic or social history of the nation, State, local community or the Pinelands; or
    - (c) The presence of structures that represent the work of a master, or that possess high artistic values, or that embody the distinctive characteristics of a type, period or method of construction, or that represent a distinguishable entity of significance to the architectural, cultural, political, economic or social history of the nation, State, local community or the Pinelands, although its components may lack individual distinction; or

- (d) The presence of a site or area which has yielded or is likely to yield significant information regarding the history or archaeological history of the Pinelands.
- f. The standards governing the issuance of certificates of appropriateness in N.J.A.C. 7:50-6.156(c) shall be followed by the Planning Board and Board of Adjustment.
- g. The effect of the issuance of a certificate of appropriateness is as follows:
  - 1. All subsequent development approvals shall be issued or denied in a manner consistent with the certificate of appropriateness except as provided in paragraph 2., below.
  - 2. A certificate of appropriateness issued as a result of the cultural resource survey requirement set forth in paragraph e. above shall be effective for two (2) years. If the resource is not designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 or by the Borough Council pursuant to N.J.S.A. 40:55D-1 et seq. within that two (2) year period, the historic resource standards of this subsection shall no longer apply to the resource in question until such time as the Pinelands Commission designates the resource pursuant to N.J.A.C. 7:50-6.154.
- h. The following information will be required to document resources which are not found to be significant but which are otherwise found to present graphic evidence of a cultural activity:
  - 1. A narrative description of the resource and its cultural environment;
  - 2. Photographic documentation to record the exterior appearance of buildings, structures, and engineering resources;
  - 3. A site plan depicting in correct scale the location of all buildings, structures, and engineering resources; and
  - 4. A New Jersey State inventory form as published by the New Jersey Department of Environmental Protection for buildings and a narrative description of any process or technology if necessary to elaborate upon the photographic record.
- i. If archaeological data is discovered on a site at any time after construction has been commenced, the developer shall immediately cease construction, notify the Planning Board and the Pinelands Commission and take all reasonable steps to protect the archaeological data in accordance with the "Guidelines for the Recovery of Scientific, Prehistoric, Historic and Archaeological Data: Procedures for Notification, Reporting, and Data Recovery" (36 C.F.R. 66).  
(Ord. No. 268 § 515.14J; Ord. No. 274 §§ 16, 19; Ord. No. 323 § 18; Ord. No. 408-1997 §§ 21, 22; Ord. No. 495-2007 § 4)

**26-43.12 Resource Extraction.**

- a. *Resource Extraction Application Requirements.* Except as otherwise authorized in this chapter, the extraction or mining of mineral resources other than sand, gravel, clay, and ilmenite is prohibited.  
Any application filed for approval of resource extraction operations in the Pinelands shall include at least the following information:
  - 1. The applicant's name and address and his interest in the subject property;
  - 2. The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
  - 3. The legal description, including block and lot designation and street address, if any, of the subject property;
  - 4. A description of all existing uses of the subject property;
  - 5. A brief written statement generally describing the proposed development;

6. A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject property and the Pinelands management area designation and zoning designation are shown;
  7. A topographic map at a scale of one inch equals two hundred (1" = 200') feet, showing the proposed dimensions, location and operations on the subject property;
  8. The location, size and intended use of all buildings;
  9. The location of all points of ingress and egress;
  10. A location map, including the area extending at least three hundred (300) feet beyond each boundary of the subject property, showing all streams, wetlands and significant vegetation, forest associations and wildlife habitats;
  11. The location of all existing and proposed streets and rights-of-way, including railroad rights-of-way;
  12. A soils map;
  13. A reclamation plan which includes:
    - (a) Method of stockpiling topsoil and overburden;
    - (b) Proposed grading and final elevations;
    - (c) Topsoil material application and preparation;
    - (d) Type, quantity and age of vegetation to be used;
    - (e) Fertilizer application including method and rates;
    - (f) Planting method and schedules; and
    - (g) Maintenance requirements schedule;
  14. A signed acknowledgment from both the owner and the applicant that they are responsible for any resource extraction activities which are contrary to any provision of this chapter or of the approved resource extraction plan done by any agent, employee, contractor, subcontractor or any other person authorized to be on the parcel by either the owner or the applicant;
  15. A financial surety, guaranteeing performance of the requirements of paragraph c. hereof in the form of a letter of credit, certified check, surety bond or other recognized form of financial surety acceptable to the Municipal Attorney. The financial surety shall be equal to the cost of restoration of the area to be excavated during the two (2) year duration of any approval which is granted and in no event shall it be less than ten (10%) percent of the commercial value of the material to be extracted. The financial surety, which shall name the Commission and the Borough of Woodbine as the obligee, shall be posted by the property owner or his agent with the Municipal Attorney;
  16. A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations; and
  17. When prior approval for the development has been granted by the Borough of Woodbine, evidence of Pinelands Commission review pursuant to subsection 26-65.5.
- b. *Time Limit on Board Approval.* Board approvals authorizing resource extraction shall be effective for a period of two (2) years. Additional approvals shall be considered by the Board only if the requirements of this section have been met.
- c. *Resource Extraction Standards.* Resource extraction activities shall:
1. Be designed so that no area of excavation, sedimentation on pond, storage area equipment or machinery or other structure or facility is closer than:
    - (a) Two hundred (200) feet to any property line;

- (b) Five hundred (500) feet to any residential or nonresource extraction related commercial use which is in existence on the date the permit is issued;
2. Be located on a parcel of land at least twenty (20) acres;
3. Provide that all topsoil that is necessary for restoration will be stored on the site and will be protected from wind or water erosion;
4. Be fenced or blocked so as to prevent unauthorized entry into the resource extraction operation through access roads;
5. Provide ingress and egress to the resource extraction operation from public roads by way of gravel or porous paved roadways;
6. Be designed so that the surface runoff will be maintained on the parcel in a manner that will provide for on-site recharge to ground water;
7. Not involve excavation below the seasonal high water table, unless the excavation will serve as a recreational or wildlife resource or a water reservoir for public, agricultural or industrial uses or for any other use authorized in the zoning district in which the site is located; provided that in no case shall excavation have a depth exceeding sixty-five (65) feet below the natural surface of the ground existing prior to excavation unless it can be demonstrated that a depth greater than sixty-five (65) feet will result in no significant adverse impact relative to the proposed final use or on off-site areas;
8. Be carried out in accordance with an extraction schedule which depicts the anticipated sequence, as well as the anticipated length of time, that each of the twenty (20) acre units of the parcel proposed for extraction will be worked. This shall not preclude more than one twenty (20) acre unit from being worked at any one time, provided that there is a demonstrated need for additional units, restoration is proceeding on previously mined units and the area of clearing does not exceed that specified in paragraph c, 9 below;
9. Not involve clearing adjacent to ponds in excess of twenty (20) acres or an area necessary to complete scheduled operations; or will not involve unreclaimed clearing exceeding one hundred fifty (150) acres for surface excavation at any time.
10. Involve restoration of disturbed areas at the completion of the resource extraction operation in accordance with the following requirements:
  - (a) Restoration shall be a continuous process, and each portion of the parcel shall be restored such that the ground cover be established within two (2) years and tree cover established within three (3) years after resource extraction is completed for each portion of the site mined;
  - (b) Restoration shall proceed in the same sequence and time frame set out in the extraction schedule required in the application;
  - (c) All restored areas shall be graded so as to conform to the natural contours of the parcel to the maximum extent practical; grading techniques that help to control erosion and foster revegetation shall be utilized; the slope of surface of restored surfaces shall not exceed one (1) foot vertical to three (3) feet horizontal except as provided in paragraph c, 10(f) below;
  - (d) Topsoil shall be restored in approximately the same quality and quantity as existed at the time the resource extraction operation was initiated. All topsoil removed shall be stockpiled and used for the next area to be restored, unless it is immediately reused for reclamation that is currently underway;
  - (e) Drainage flows, including direction and volume, shall be restored to the maximum extent practical to those flows existing at the time the resource extraction operation was initiated;
  - (f) Any body of water created by the resource extraction operation shall have a shoreline not less than three (3) feet above and three (3) feet below the projected average water table elevation. The shoreline both above and below the surface water elevation shall have a slope of not less

than five (5) feet horizontal to one (1) foot vertical. This requirement shall apply to any water body or portion of a water body created after December 5, 1994. For any water body or portion of a water body created prior to December 5, 1994, this requirement shall apply to the extent that it does not require grading of areas which have not been disturbed by mining activities. Where grading would require such disturbance, a reduction in the distance of the graded shoreline above and below the average water table elevation shall be permitted;

- (g) All equipment, machinery and structures, except for structures that are usable for recreational purposes or any other use authorized in the area, shall be removed within six (6) months after the resource extraction operation is terminated and restoration is completed;
  - (h) Reclamation shall to the maximum extent practical result in the reestablishment of the vegetation association which existed prior to the extraction activity and shall include:
    - (1) Stabilization of exposed areas by establishing ground cover vegetation; and
    - (2) Reestablishment of the composition of the natural forest and shrub types that existed prior to the extraction activity through one of the following:
      - (i) The planting of a minimum of one thousand (1,000) one-year-old pitch pine seedlings or other native Pinelands tree species per acre in a random pattern;
      - (ii) Cluster planting of characteristic Pinelands oak species, such as blackjack oak, bear oak, chestnut oak, and black oak, and shrubs such as black huckleberry, sheep laurel and mountain laurel, at a spacing sufficient to ensure establishment of these species;
      - (iii) A combination of the planting techniques set forth in items (i) and (ii) above; or
      - (iv) The use of other planting techniques or native Pinelands species as may be necessary to restore the vegetation association which existed prior to the extraction activity.
  - (i) Slopes beyond a water body's shoreline shall be permitted at the natural angle of repose to the bottom of the pond.
11. Not result in a substantial adverse impact upon those significant resources depicted on the Special Areas Map appearing as Figure 7.1 in the Pinelands Comprehensive Management Plan.
12. The letter of credit, surety bond, or other guarantee of performance which secures restoration of each section shall be released after the Borough of Woodbine has determined that the requirements of paragraph 10. above are being met and the guarantee of performance is replaced with a maintenance guarantee for a period of two (2) years thereafter.
- (Ord. No. 268 § 515.14K; Ord. No. 323 § 19; Ord. No. 408-1997 §§ 23-29)

**26-43.13 Waste Management.** Waste management facilities shall only be permitted in the Pinelands Area in accordance with N.J.A.C. 7:50-6. (Ord. No. 274 § 16; Ord. No. 408-1997 § 30)

**26-43.14 Energy Conservation.** All development shall be carried out in a manner which promotes energy conservation. Such measures may include southern orientation of buildings, landscaping to permit solar access and the use of energy conserving building materials. (Ord. No. 274 § 16)

**26-43.15 Air Quality.** All development shall adhere to the relevant air quality standards of N.J.A.C. 7:27 et seq. Adherence to the standards of this subsection shall be determined by means of an air quality simulation model approved by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:27-18.3.

- a. Applications for the following developments shall ensure that all State ambient air quality standards in N.J.A.C. 7:27 et seq. for carbon monoxide shall not be exceeded at places of maximum concentration and at sensitive receptors:

1. Residential development of fifty (50) or more units and any other development involving more than one hundred (100) parking spaces located in the ALIM, DLIM, PD, R-1, R-2, TC or ATR Districts; and
2. Residential development of one hundred (100) or more units and any other development involving more than three hundred (300) parking spaces located in the FA-R District.  
(Ord. No. 274 § 16; Ord. No. 323 § 20; Ord. No. 408-1997 § 31; Ord. No. 495-2007 § 4)

**26-43.16 Pinelands Development Credits.**

- a. Pinelands Development Credits may be allocated to certain properties in the Borough by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
- b. Pinelands Development Credits may be used in the Borough in the following circumstances:
  1. When a variance for cultural housing is granted by the Borough in accordance with subsection 26-75.8b of this chapter;
  2. When a variance of density or minimum lot area requirements for a residential or principal nonresidential use in the A-R (except those portions of the ATR District identified in subsection 26-4.4d, 7), R-1, R-2, PD or TC Districts is granted by the Borough, Pinelands Development Credits shall be used for all dwelling units or lots in excess of that otherwise permitted without the variance; and
  3. When a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
- c. The requirements of N.J.A.C. 7:50-5.41 et seq. shall apply when Pinelands Development Credits are either allocated or used in the Borough.  
(Ord. No. 361 § 12; Ord. No. 408-1997 § 32; Ord. No. 495-2007 § 4)

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## **26-75 EXCEPTIONS AND MODIFICATIONS.**

**26-75.1 Exceptions to Height Limits.** The height limitations of this Ordinance shall not apply to any of the following structures, provided that such structures are compatible with uses in the immediate vicinity, conform to the objectives of subsection 26-43.8, "Scenic," and comply with any requirements of the Federal Aviation Agency: antennas which do not exceed a height of two hundred (200) feet and which are accessory to an otherwise permitted use, silos, barns and other agricultural structures, church spires, cupolas, domes, monuments, water towers, fire observation towers, electric transmission lines and supporting structures, windmills, smokestacks, derricks, conveyors, flag poles and masts, or aerials, solar energy facilities, chimneys and similar structures to be placed above the roof level and not intended for human occupancy. The height limitations of this chapter shall also not apply to the antenna and any supporting structure of a local communication facility of greater than thirty-five (35) feet, provided that the standards set forth in N.J.A.C. 7:50-5.4(c) are met. (Ord. No. 268 § 601; Ord. No. 323 § 32; Ord. No. 408-1997 § 37)

**26-75.2 Exception to Front Yard Requirements.** Where more than fifty (50%) percent of the street frontage in any block is developed, the required front yard for any building shall be a depth not less than the average depth of the front yards of all the existing buildings in that particular block. (Ord. No. 268 § 602)

**26-75.3 Corner Lots.** Where a building is situated on a corner lot, in no case shall the building be closer than twenty (20) feet to the curb line as provided in subsection 26-23.6a. Should the prevailing front yard setback of existing buildings along the street serving as a side yard of the corner lot be less than twenty (20) feet, the building on the corner lot shall still be set back at least twenty (20) feet from the street serving as the side yard and the other side yard may be reduced to five (5) feet. On a corner lot, the narrowest width of the lot shall be determined to be the front yard for meeting the front, side, and rear yard requirements of this chapter regardless of how the owner faces the building. All front and side yards shall be specifically designated as same on the plans submitted at the time a construction permit is applied for and shall not be altered or changed at a later date unless authorized by variance. (Ord. No. 268 § 603)

**26-75.4 Exceptions to Side Yard Requirements.** Undersized lots where subsection 26-75.1 is not applicable may be permitted a reduction in the side yard requirements in the same proportion as the width of the existing lot is to the minimum requirements of this chapter. However, in no case shall any side yard be less than five (5) feet. (Ord. No. 268 § 604)

### **26-75.5 Flag Lot Subdivision.**

- a. Flag lot subdivisions are permitted in the ARR, ATR, R-1 and R-2 Districts as conditional uses. The intention is to permit a subdivision of large narrow lots for development of one (1) additional dwelling.
- b. A flag lot subdivision shall consist of two (2) lots (one (1) new lot and the remaining parcel). One (1) lot must meet the necessary zoning requirement specified in the particular district within which it is located. The other lot must meet all applicable district requirements with the exception of frontage which shall not be less than fifty (50) feet on an existing Borough street.
- c. Any future subdivision of the original tract shall be classified as a major subdivision and shall meet all requirements of the Zoning and Subdivision ordinances.  
(Ord. No. 268 § 605; Ord. No. 495-2007 § 4)

**26-75.6 Expansion of Existing Uses/Pinelands Area.** Notwithstanding the use restrictions contained in Section 26-4 of this chapter, any use existing on January 14, 1981 that is currently nonconforming or any use which was constructed based upon an approval granted pursuant to the Pinelands Comprehensive Management Plan that is currently nonconforming, other than intensive recreational facilities and those uses which are expressly limited in Section 26-43 of this chapter, may be expanded or altered provided that:

- a. The use was not abandoned or terminated subsequent to January 14, 1981;

- b. The expansion or alteration of the use is in accordance with all of the minimum standards of Section 26-43; and
- c. The area of expansion does not exceed fifty (50%) percent of the floor area, the area of the use or the capacity of the use, whichever is applicable, on January 14, 1981 or which was approved pursuant to N.J.A.C. 7:50-4, Part V.  
(Ord. No. 268 § 606; Ord. No. 408-1997 § 38)

**26-75.7 Substandard Lots/Pinelands Area.**

- a. Notwithstanding the density limitations or other provisions of this Ordinance, a single family dwelling may be developed on a parcel of land of one (1) acre or more in the FA-R, ARR or ATR Districts, provided that:
  - 1. The dwelling unit will be the principal residence of the property owner or a member of the immediate family of the property owner;
  - 2. The parcel has been in the continuous ownership since February 7, 1979 of the person whose principal residence the dwelling unit will be, a member of that person's immediate family, or a partnership or corporation in which members of that person's immediate family collectively own more than a majority interest in such partnership or corporation;
  - 3. The parcel was not in common ownership with any contiguous land on or after February 8, 1979 that contains substantial improvements; and
  - 4. The parcel includes all vacant contiguous lands in common ownership on or after February 8, 1979.  
(Ord. No. 268 § 607; Ord. No. 361 § 13; Ord. No. 408-1997 § 39; Ord. No. 495-2007 § 4)

**26-75.8 Cultural Housing.**

- a. Residential dwelling units on three and two-tenths (3.2) acre lots may be permitted in any FA-R, ARR or ATR Districts, provided that:
  - 1. The dwelling unit will be the principal residence of the property owner or a member of the immediate family of the property owner;
  - 2. The individual whose principal residence the dwelling unit will be has not developed a dwelling unit under this section within the previous five (5) years;
  - 3. The parcel of land on which the dwelling is to be located has been in the continuous ownership since February 7, 1979 of the person whose principal residence the dwelling unit will be, a member of that person's immediate family, or a partnership or corporation in which members of that person's immediate family collectively own more than a majority interest in such partnership or corporation; and
  - 4. The person whose principal residence the dwelling unit will be has resided in the Pinelands for at least five (5) years and that person or one (1) or more members of that person's immediate family has resided in the Pinelands for a total of at least twenty (20) different years.
- b. Residential dwelling units on one (1) acre lots may be permitted in any FA-R, ARR or ATR District, provided that:
  - 1. The applicant satisfies all of the requirements set forth in the above paragraph a.
  - 2. The lot to be developed existed as of February 8, 1979 or was created as a result of an approval granted by the Pinelands Development Review Board or by the Pinelands Commission pursuant to the Interim Rules and Regulations prior to January 14, 1981;
  - 3. The applicant qualifies for and receives from the Borough a variance from the three and two-tenths (3.2) acre lot size requirement set forth in paragraph a. above; and
  - 4. The applicant purchases and redeems zero point two five (0.25) Pinelands Development Credits.  
(Ord. No. 268 § 608; Ord. No. 323 § 3; Ord. No. 408-1997 § 40; Ord. No. 495-2007 § 4)

**26-75.9 Density Transfer Program.**

- a. *Forest Area.* Residential dwelling units on one (1) acre lots existing as of January 14, 1981 shall be permitted in the FA-R District, provided that:
1. The owner of the lot proposed for development acquires sufficient vacant contiguous or non-contiguous land which, when combined with the acreage of the lot proposed for development, equals at least twenty (20) acres;
  2. All lands acquired pursuant to paragraph 1. above, which may or may not be developable, are located within the FA-R District;
  3. All noncontiguous lands acquired pursuant to paragraphs 1. and 2. above shall be permanently protected through recordation of a deed of restriction. Such deed of restriction shall permit the parcel to be managed for low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of Chapter 26. such restriction shall be in favor of the parcel to be developed and the Borough or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in a form to be approved by the Borough Solicitor and the Pinelands Commission.
  4. Tax assessments for the acquired noncontiguous lands are combined and assigned to the land to be developed; and
  5. The lot proposed for development otherwise meets the minimum standards of Section 26-43 of this chapter.
- b. *Rural Development Area.* Residential dwelling units on one (1) acre lots existing as of January 14, 1981 shall be permitted in that portion of the ARR District consisting of Block 99, Lots 1-4; Block 103, Lots 1 and 2; Block 104, Lots 1-4; and Block 105, Lots 1-4, provided that:
1. The owner of the lot proposed for development acquires sufficient vacant contiguous or non-contiguous land which, when combined with the acreage of the lot proposed for development, equals at least five (5) acres;
  2. All lands acquired pursuant to paragraph 1. above, which may or may not be developable, are located within that portion of the ARR District described above in paragraph b.; and
  3. The requirements of paragraphs a, 3 through a, 5 above are met.  
(Ord. No. 361 § 15; Ord. No. 495-2007 § 4)

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**WILLIAM PIKOLYCKY, MAYOR**

**ATTEST:**

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**LISA GARRISON, CLERK**

**INTRODUCED: AUGUST 18, 2011**

**ADOPTED: SEPTEMBER 15, 2011**