

TOWNSHIP OF MAURICE RIVER

ORDINANCE NO. 620

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT
REGULATIONS ORDINANCE OF THE TOWNSHIP OF
MAURICE RIVER, COUNTY OF CUMBERLAND,
STATE OF NEW JERSEY, IMPLEMENTING CHANGES
TO THE PINELANDS COMPREHENSIVE MANAGEMENT PLAN**

WHEREAS, the New Jersey Pinelands Commission has mandated that the Township of Maurice River, Cumberland County, implement certain changes to the Township's Land Development Regulation Ordinance relating to Pineland areas within the Township in accordance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Pinelands Commission submitted a proposed amendment to the Land Development Regulations relating to cluster developments, wetlands management and forestry; and

WHEREAS, the Pinelands Commission proposed amendment to the Land Development Regulations was forwarded to the Maurice River Township Land Use Board for review and comment; and

WHEREAS, the Maurice River Township Land Use Board reviewed the proposed Pinelands Commission amendment and has revised said proposed amendment; and

WHEREAS, the Land Use Board has forwarded a report to the Township Committee recommending that the proposed Pinelands Commission Amendments with revisions be incorporated as an amendment to the Maurice River Township Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Township Committee of the Township of Maurice River, County of Cumberland, State of New Jersey, hereby amend the Maurice River Township Land Development Regulations Ordinance so as to incorporate the proposed amendments of the Pinelands Commission together with revisions from the Maurice River Township Land Use Board relating to cluster developments, wetlands management and forestry with effective dates of April 6, 2009, December 1, 2009 and

March 1, 2010, respectively, said amendment to be known as Ordinance 620.

The proposed amendments are incorporated herein by reference.

BE IT ORDAINED by the Township Committee of the Township of Maurice River, County of Cumberland, State of New Jersey, as follows:

I. PURPOSE: The purpose of this Ordinance is to amend the Land Development Regulations Ordinance of the Township of Maurice River 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.

II. Article 35-3, Definitions, §3.3, Terms defined, is hereby amended by replacing or adding the following definitions:

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.

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.

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.

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

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.

FORESTRY - 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 regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this Ordinance, the following activities shall not be defined as forestry:

- A. Removal of trees located on a parcel of land one 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.

FOREST STAND - A uniform group of trees of similar species, composition, size, age and similar forest structure.

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.

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.

NATURAL REGENERATION - The establishment of a plant or plant age class from natural seeding, sprouting, suckering or layering.

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

PINELANDS NATIVE FOREST TYPE – See N.J.A.C. 7:50-6.43.

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.

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.

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

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.

III. Article 35-6, Application of Regulations, §6.1, Use regulations, is hereby amended by replacing the second paragraph therein with the following:

“No more than one principal use shall be located on one lot, except for forestry, agriculture, horticulture, fish and wildlife management, wetlands management, recreational development on agricultural lands, and local telecommunications facilities as permitted by §9.22.”

IV. Article 35-6, Application of Regulations, §6.2.A, Wetlands use in calculation of building and lot coverage, is hereby amended by adding the following to the end of the second paragraph therein:

“The requirements of this section shall not apply to residential cluster developments in the PR, PC, PRDA-R and PRDA-C Districts which comply with the standards of §9.24.”

V. Article 35-8, Supplementary District Regulations, §8.5, Forestry and clear cutting and/or woodcutting, is hereby amended by replacing Sections 8.5.C and D, in their entirety, with the following:

C. Forestry application requirements. The information in Subsection C(1) or (2) below shall be submitted to the Township 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:
 - [a] The name, mailing address and telephone number of the owner of the subject parcel;
 - [b] The municipality and county in which the subject parcel is located;
 - [c] The block and lot designation and street address, if any, of the subject parcel;

- [d] The name and address of the forester who prepared the plan, if not prepared by the owner of the subject parcel; and
 - [e] 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:
- [a] The number of acres;
 - [b] The general condition and quality of each stand;
 - [c] The overall site quality, relative to the management goals and objectives identified in Subsection C.2.g(2) above;
 - [d] 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;
 - [e] The age of representative trees;
 - [f] The species composition, including overstory, understory, ground layer structure and composition;
 - [g] The stand cohort composition;
 - [h] The percent cover;
 - [i] The basal area;
 - [j] The structure, including age classes, diameter breast height (DBH) classes and crown classes;
 - [k] The condition and species composition of advanced regeneration when applicable;

- [l] A stocking table showing the stocking levels, growth rates and volume;
- [m] Projections of intended future stand characteristics at 10, 20-, and 40-year intervals;
- [n] 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:
 - [i] Stand improvement practices;
 - [ii] Site preparation practices;
 - [iii] Harvesting practices;
 - [iv] Regeneration and reforestation practices;
 - [v] Improvements, including road construction, stream crossings, landings, loading areas and skid trails;
 - [vi] Herbicide treatments;
 - [vii] Silvicultural treatment alternatives;
 - [viii] If planting will occur to accomplish reforestation, the application shall include seed sources records, if such records are available;
 - [ix] Implementation instructions; and
 - [x] Measures that will be taken to prevent the potential spread of exotic plant species or Phragmites into wetlands; and
- [o] 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:

- [a] The owner's name, address and the date the map was prepared;
- [b] An arrow designating the north direction;

- [c] A scale which is not smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet;
 - [d] The location of all property lines;
 - [e] A delineation of the physical features such as roads, streams and structures;
 - [f] The identification of soil types (a separate map may be used for this purpose);
 - [g] A map inset showing the location of the parcel in relation to the local area;
 - [h] 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
 - [i] 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 §§11.4J and 11.4AA.1 of this Ordinance;
 - 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 §11.4K of this Ordinance;
 - 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 D.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 D. 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 §10.6 of this Ordinance.

D. 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 §§11.4J and 11.4AA.1 of this Ordinance. 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, 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 §11.4K of this Ordinance;
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 C.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:
 - [a] 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
 - [b] 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:
 - [a] No more than two passes shall be permitted except to create scattered early successional habitats under two acres in size;
 - [b] Drums shall remain unfilled when used during the dormant season;
 - [c] 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;
 - [d] Chop so the depressions made by the cleats and chopper blades run parallel to a wetland or water body; and
 - [e] 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.

VI. Article 35-8, Supplementary District Regulations, §8.10, Pinelands Forest Area District Regulations, is hereby amended by replacing Section 8.10.B.1.e with the following:

- e. No more than one percent (1%) of the parcel will be covered with impervious surfaces.

VII. Article 35-8, Supplementary District Regulations, §8.10, Pinelands Forest Area District Regulations, is hereby amended by replacing Section 8.10.B.9.a with the following:

- a. Single-family, detached dwellings in the PR and PC Zone Districts in accordance with the applicable requirements set forth on the Schedule of District Regulations, provided that clustering of the permitted dwellings shall be required in accordance with §9.24 whenever two or more units are proposed as part of a residential development.

VIII. Article 35-8, Supplementary District Regulations, §8.10, Pinelands Forest Area District Regulations, is hereby amended by adding the following as Section 8.10.B.9.c:

- c. Non-clustered single-family detached dwellings wherever two or more units are created in accordance with the requirements set forth in §9.25 of this Ordinance.

IX. Article 35-9, Specific Use Standards and Regulations, §9.2, Cluster developments, is hereby amended by replacing the title of the section with the following:

“Cluster developments outside the Pinelands Rural and Forest Areas.”

X. Article 35-9, Specific Use Standards and Regulations, §9.2, Cluster developments, is hereby amended by deleting the phrase “Except in the Pinelands Area” from Section 9.2.C.

XI. Article 35-9, Specific Use Standards and Regulations, §9.2, Cluster developments, is hereby amended by deleting the phrase “...outside the Pinelands Area and all space saved within the Pinelands Area” from Section 9.2.D.

XII. Article 35-9, Specific Use Standards and Regulations, §9.2, Cluster developments, is hereby amended by replacing Section 9.2.G with the following:

“Densities shall be as provided in the Schedule of District Regulations or as may be determined by the Land Use Board in the case of a conditional use.”

XIII. Article 35-9, Specific Use Standards and Regulations, is hereby amended by adding the following as Section §9.24:

§9.24 Residential Cluster Development in the Pinelands Area.

A. In the PR, PRDA-R, PC, and PRDA-C Districts, clustering of single-family detached dwellings shall be required whenever two or more units are proposed as part of a residential development. The following standards shall apply:

1. Permitted density:
 - a. In the PR and PRDA-R Districts: one unit per 5 acres.
 - b. In the PC District: one unit per 25 acres.
 - c. In the PRDA-C District: one unit per 15 acres.

2. Bonus Density:
 - a. 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(1) above.
 - b. A bonus density is permitted on lots greater than 50 acres in accordance with the table below. The bonus density would only apply to the upland area of the lot. Wetland areas shall be excluded from calculating the permitted bonus density. {For example a 60-acre lot in the PR District with 20 acres of wetlands would apply the bonus density to the 40 acres of uplands, permitting a bonus of 1.2 units.}

Parcel Size	PR, PRDA-R Districts	PRDA-C District	PC District
<50 acres	0	0	0
50-99.99 acres	15%	20%	25%
100-149.99 acres	20%	25%	30%
≥150 acres	25%	30%	40%

- c. When calculating the permitted bonus units all fractions of a unit shall be rounded to the lower number. In no case shall the bonus units be rounded up. To determine the total units permitted the base density and bonus density shall be combined prior to rounding.

- d. Residential cluster development on lots with resource extraction ponds may utilize the water area in calculating the bonus density if the development is designed as a lake front community where the water area is incorporated as an active or passive recreational element

of the development plan.

3. The residential cluster shall be located on the parcel such that the development area:
 - a. Is located proximate to existing roads;
 - b. Is located proximate to existing developed sites on adjacent or nearby parcels;
 - c. Is or will be appropriately buffered from adjoining or nearby non-residential land uses; and
 - d. Conforms with the minimum environmental standards of N.J.A.C. 7:50-6.
 - e. In the PRDA-R zoning district all new residential development shall be located on existing street frontages.

4. Development within the residential cluster shall be designed as follows:
 - a. 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;
 - b. The following yard and building requirements shall apply:
 - (1) Minimum lot width: 200 feet. The minimum lot width may be reduced to 150 feet where new streets are proposed.
 - (2) Minimum front yard: 75 feet.
 - (3) Minimum side yard, each: 50 feet.
 - (4) Minimum rear yard: 40 feet.
 - c. 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 §11.4.AC.d may serve the lots within the cluster development area. However, in the event that existing agricultural uses will continue on the parcel in accordance with Subsection 5.b(2) below, individual on-site septic waste water treatment systems shall comply with the standards of §§11.4.AC.e or g. Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of §§11.4.AC.e or g shall also be permitted;
 - d. 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

e. 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.

5. The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association or incorporated as part of one of the lots within the cluster development area. An application for cluster development shall clearly identify all such areas and their proposed uses.

a. All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor of Maurice River Township or another public agency or non-profit organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and

b. The deed of restriction shall permit the parcel to be managed for:

(1) 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 this Ordinance; and

(2) Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:

[a] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;

[b] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for cluster development;

[c] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection (b)(2)[b] above, the deed of restriction shall permit the land to be managed only in accordance with (b)(1)

above and shall not provide for continuation of any agricultural use on the parcel;

[d] The deed of restriction to be recorded pursuant to Subsections (b)(2)[a] or [b] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Cumberland County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and

[e] For parcels which meet the standards of Subsections (b)(2)[a] or [b] above, a provision shall be recorded in the deed for each residential lot within the cluster development area which acknowledges agricultural use of the protected land outside the cluster development area and recognizes the legal protections afforded to that use through the deed of restriction and any applicable statutes.

XIV. Article 35-9, Specific Use Standards and Regulations, is hereby amended by adding the following as Section §9.25:

§9.25 Non-clustered residential development in the PC, PR, PRDA-C and PRDA-R Districts.

Single-family, detached dwellings which are not clustered in accordance with §9.24 may be permitted as a conditional use, 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 area requirements:
 - 1. In the PR and PRDA-R Districts: 5.0 acres.
 - 2. In the PRDA-C District: 15.0 acres.

3. In the PC District: 25.0 acres.

- C. Minimum bulk and maximum coverage requirements shall be in accordance with the Schedule of District Regulations for single-family detached dwellings as a principal use.

XV. Article 35-10, Special Procedures Regarding Development in the Pinelands Protection Area, §10.9, Density transfer program, is hereby amended by replacing Section 10.9.A.4 with the following:

4. All noncontiguous lands acquired pursuant to Subsections 1 through 3 above shall be permanently protected through recordation of a deed of restriction in accordance with the following requirements:
- a. The deed of restriction shall permit the parcel to be managed for:
- (1) 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 this Ordinance;
 - (2) Where agricultural use exists on a parcel proposed to be protected, the following standards shall apply:
 - [a] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;
 - [b] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for density transfer;
 - [c] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection (2)[b] above, the deed of restriction shall permit the land to be managed only in accordance with subsection (1) above and shall not provide for continuation of any agricultural use on the parcel; and
 - [d] The deed of restriction to be recorded pursuant to Subsection (2)[a] or [b] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management

System Plan shall be provided. If the deed of restriction is in favor of Cumberland County or the State Agricultural Development Committee, evidence of their approval shall also be provided.

- b. The deed of restriction shall be in favor of the parcel to be developed and Township or another public agency or non-profit conservation organization. In all cases, such restriction shall be in a form to be approved by the Township Solicitor and the Pinelands Commission. Said deed of restriction shall also set forth and include the lands to be developed with the mutual restrictions that any sale or conveyance of either the lands to be developed or the non-contiguous lands shall include the sale or conveyance of the other.

XVI. Article 35-10, Special Procedures Regarding Development in the Pinelands Protection Area, §10.9, Density transfer program, is hereby amended by replacing Section 10.9.B.4 with the following:

- 4. All noncontiguous lands acquired pursuant to Subsections 1 through 3 above shall be permanently protected through recordation of a deed of restriction in accordance with the following requirements:
 - a. The deed of restriction shall permit the parcel to be managed for:
 - (1) 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 this Ordinance;
 - (2) Where agricultural use exists on a parcel proposed to be protected, the following standards shall apply:
 - [a] For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to 50 percent;
 - [b] For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for density transfer;
 - [c] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection (2)[b] above, the deed of restriction shall permit the land to be managed only in accordance with subsection (1) above and shall not provide for continuation of any agricultural use on the parcel; and

[d] The deed of restriction to be recorded pursuant to Subsection (2)[a] or [b] above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the Resource Management System Plan shall be provided. If the deed of restriction is in favor of Cumberland County or the State Agricultural Development Committee, evidence of their approval shall also be provided.

b. The deed of restriction shall be in favor of the parcel to be developed and Township or another public agency or non-profit conservation organization. In all cases, such restriction shall be in a form to be approved by the Township Solicitor and the Pinelands Commission. Said deed of restriction shall also set forth and include the lands to be developed with the mutual restrictions that any sale or conveyance of either the lands to be developed or the non-contiguous lands shall include the sale or conveyance of the other

XVII. Article 35-11, Design and Performance Standards, §11.4, Specific provisions and standards enumerated, is hereby amended by adding the following as Section 11.4.V.2.e:

e. The requirements of subsections 2.a through c. above shall not apply to residential cluster developments in the PR, PC, PRDA-R and PRDA-C Districts which comply with the standards of §9.24.

XVIII. Article 35-11, Design and Performance Standards, §11.4, Specific provisions and standards enumerated, is hereby amended by replacing Section 11.4.AF.5 with the following:

5. Fish and wildlife management and wetlands management shall be permitted in wetlands, in accordance with N.J.A.C. 7:50-6.10.

XIX. Amend the Schedule of District Regulations: PC Pinelands Conservation District as follows:

- Under "Principal uses," insert "(See Note #6 below)" after "Single-family, detached dwelling"
- Under "Principal uses," insert "Residential cluster development per §35-9.24."
- Under "Conditional uses permitted by §13.6 and allowed by the Land Use Board", add:

Non-clustered single family detached dwellings per §35-9.25.
- Add Note #6 as follows:

6. Clustering of the permitted dwellings shall be required in accordance with §9.24 whenever two or more units are proposed as part of a residential development.

XX. Amend the Schedule of District Regulations: PR Pinelands Residential District as follows:

- Under “Principal uses,” insert “(See Note #6 below)” after “Single-family, detached dwelling”
- Under “Principal uses,” replace “Cluster developments per §9.2 on minimum tract size of 100 acres” with “Residential cluster development per §35-9.24.” and delete the lot size, yard and lot coverage requirements.
- Under “Conditional uses permitted by §13.6 and allowed by the Land Use Board”, add:

Non-clustered single family detached dwellings per §35-9.25.
- Add Note #6 as follows:
 6. Clustering of the permitted dwellings shall be required in accordance with §9.24 whenever two or more units are proposed as part of a residential development.

XXI. Amend the Schedule of District Regulations: PRDA-C Pinelands Rural Development Area Conservation District as follows:

- Under “Principal uses,” insert “(See Note #6 below)” after “Single-family, detached dwelling”
- Under “Principal uses,” insert “Residential cluster development per §35-9.24.”
- Under “Conditional uses permitted by §13.6 and allowed by the Land Use Board”, add:

Non-clustered single family detached dwellings per §35-9.25.
- Add Note #6 as follows:
 6. Clustering of the permitted dwellings shall be required in accordance with §35-9.24 whenever two or more units are proposed as part of a residential development.

XXII. Amend the Schedule of District Regulations: PRDA-R Pinelands Rural Development Area Residential District as follows:

- Under “Principal uses,” insert “(See Note #6 below)” after “Single-family, detached dwelling”

- Under "Principal uses," replace "Cluster developments per §9.2 on minimum tract size of 100 acres" with "Residential cluster development per §35-9.24." and delete the lot size, yard and lot coverage requirements.
- Under "Conditional uses permitted by §13.6 and allowed by the Land Use Board", add:

Non-clustered single family detached dwellings per §35-9.25.
- Add Note #6 as follows:

6. Clustering of the permitted dwellings shall be required in accordance with §35-9.24 whenever two or more units are proposed as part of a residential development.

BE IT FURTHER ORDAINED AND ENACTED by the Township Committee of the Township of Maurice River, County of Cumberland and State of New Jersey that this Ordinance shall take effect immediately upon the adoption and publication of notice of adoption as prescribed by law.

First Reading/Introduction: September 20, 2012
Second Reading/Public Hearing: October 3, 2012