

**TOWNSHIP OF WOOLWICH
GLOUCESTER COUNTY, NEW JERSEY
ORDINANCE NO. 2023-12**

**ORDINANCE OF THE TOWNSHIP OF WOOLWICH AMENDING CHAPTER 203,
SECTION 39, ENTITLED “5A ACRE RESIDENTIAL DISTRICT” IN ACCORDANCE
WITH THE 2022 MASTER PLAN RE-EXAMINATION**

WHEREAS, via Resolution #2022-33, the Joint Land Use Board of the Township of Woolwich adopted a re-examination of the Township of Woolwich Master Plan (“2022 Master Plan Re-Examination Report”); and

WHEREAS, the 2022 Master Plan Re-examination Report contains various recommendations as to the Township Zoning Map and Zoning Ordinance; and

WHEREAS, the Master Plan Re-examination Report recommended that the Township adopt a clustering ordinance for the 5-acre zoning district (5A) to support the preservation of farmland and greenway space while allowing for development in areas outside of environmentally sensitive lands and nearby existing utilities; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62(a) the Township Committee of the Township of Woolwich (“Township Committee), is authorized to and has the power and authority to adopt or amend zoning ordinances; and

WHEREAS, N.J.S.A. 40:55D-65(k) authorizes a municipality to create cluster development and establish criteria for such cluster development; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to adopt a clustering ordinance in order to implement the recommendations set forth in the 2022 Master Plan and to strike an appropriate balance between development and preservation of farmland and/or other greenway space within the Township of Woolwich.

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

Section 1. Section 203-39 of the Woolwich Township Zoning Ordinance of 1992, entitled, “5A Five Acre Residential District”, is hereby repealed in its entirety and replaced with the following:

A. Intent.

- (1) The intent of the 5A Residential District is to provide appropriate regulations which permit the development of single-family detached dwellings while also providing incentives for the set aside of greenway land.

- (a) To conserve farmland and greenway space, including those areas containing farmland, unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
- (b) To provide greater design flexibility and efficiency in the design of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
- (c) To protect areas of the Township's with productive agricultural soils for continued or future agricultural use;
- (d) To create neighborhoods with access to amenities in the form of greenway space, and outdoor recreation space; and
- (e) To provide options for landowners in order to minimize impacts on farming and environmental resources (sensitive lands such as wetlands, floodplain and steep slopes) and disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings and fieldstone walls.

B. Use regulations.

- (1) Principal uses. In the 5A District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used, except for one or more of the following uses:
 - (a) Single-family detached dwellings.
 - (b) Farmhouses and farm buildings.
 - (c) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be subject to the same standards and requirements for single-family detached residences in this district, provided that they conform to the definitions found in N.J.S.A. 40:55D-66.2.
 - (d) Public and nonprofit playgrounds, athletic fields, swimming pools, conservation areas, parks and public purpose uses.
 - (e) Temporary buildings, temporary construction offices and temporary storage of materials, provided that such use is located on the lot where construction is taking place or on a lot adjacent to or part of the development site and that such temporary use is to be terminated within 30 days of issuance of a final certificate of occupancy for the total project or when work is abandoned.
 - (f) Building structures and uses owned and operated by the Township.
 - (g) Agriculture use and horticulture, including farm markets located on and operated in conjunction with farm property qualifying for farmland assessment.
 - (h) Accessory uses and accessory buildings incidental to the above permitted principal uses.
- (2) Conditional uses. In the 5A District, the following uses may be permitted as conditional uses:

- (a) Home occupations as an accessory to a residential use subject to the requirements of § 203-61.
- (b) The keeping of horses or ponies, subject to the special requirements of § 203-62.
- (c) Intensive fowl or livestock farms, subject to the special requirements of § 203-67.
- (d) Breweries, distilleries, and wineries subject to the criteria governing such uses as contained in § 203-77.

C. Bulk and area regulations. In order to achieve these purposes, this section provides for flexibility in designing new residential subdivisions in the 5A Residential District by allowing development according to one of the following standards:

(1) General bulk standards.

Table of Options			
	Option 1: Conventional Lotting	Option 2: 3 acre clustering w/ greenway land	Option 3: 2acre clustering w/ greenway land
Density ¹	5 acres/DU	3 acres/DU	2 acres/DU
Minimum lot size	5 acres	1 acre	1 acre
Minimum yards			
Front yard	75 ft.	50 ft.	50 ft.
Side yard	25 ft.	20 ft.	20 ft.
Rear yard	50 ft.	30 ft.	30 ft.
Maximum building coverage	5%	10%	10%
Maximum impervious coverage	15%	30%	30%
Maximum building height	35 ft.	35 ft.	35 ft.
Minimum Greenway Land	0%	30% of the gross tract area ²	50% of the gross tract area ²
Minimum lot width	200 ft.	70 ft.	70 ft.

Note:

1. Density shall be determined based on gross tract area. For example, for a 100 acre tract: (i) if conventional lotting (Option 1) is utilized, the maximum number of developable lots would be 20 lots; (ii) if 3-acre clustering (Option 2) is utilized, the maximum number of developable lots would be 33 lots; and (ii) 2-acre clustering (Option 3) is utilized, the maximum number of developable lots would be 50 lots.
2. Greenway Land Requirements are set forth in Subsection E. below.

(2) Accessory use bulk standards. If utilizing 3-acre clustering (Option 2) or 2-acre clustering (Option 3), accessory uses shall conform with Section 203-59. If using conventional lotting (Option 1), the following standards apply:

- (a) The gross floor area of any building shall not exceed 2% of the lot area, and the total size of all accessory buildings shall not exceed 4% of the lot area.
- (b) No accessory building shall be located within 15 feet of any side or rear property line.
- (c) No accessory building shall be permitted between the building line and the street line.
- (d) The height of an accessory building shall not exceed 25 feet or the height of the principal building, whichever is less.

D. Special requirements.

- (a) Sewer and septic facilities shall comply with §149-55.
- (b) No junk cars or abandoned vehicles shall be stored or permitted upon any lot, road or street.
- (c) Removal of topsoil from any lot shall be consistent with Gloucester County Soil Conservation district regulations and other applicable requirements.
- (d) All lots that were existing as conforming lots, either as part of an approved subdivision or isolated with an existing residential structure, in the R-1 or R-2 Zoning Districts prior to December 31, 2022, must conform to the standards for the district that they existed in at the time of approval for any future addition or accessory structure.
- (e) New dwelling setbacks:

- (a) From all external road rights-of-way: 100 feet.
- (b) From all other tract boundaries: 50 feet.
- (c) From active crop, pasture, preserved land, agricultural land, or from buildings and barnyards housing livestock: 100 feet, with a 50-foot year-round fully vegetative screen consisting of a mixture of evergreen and deciduous plantings.

E. Greenway Land Requirements. All greenway land provided under the 3-acre clustering (Option 2) or the 2-acre clustering (Option 3) shall comply with the following requirements:

(1) Uses Permitted on greenway land.

- (a) If utilizing 3-acre clustering (Option 2), uses permitted on greenway land shall be:
 - (i) all uses set forth in Section 203-72.B.(1) through (6); and
 - (ii) if owned and maintained by a homeowners' association, noncommercial recreation areas, such as playing fields, playgrounds, tot lots, sports courts, and bikeways, if surfaced with impervious cover and properly drained, and provide safe ingress and egress is provided.
- (b) If utilizing the 2-acre clustering (Option 3), uses permitted on greenway land shall be:
 - (i) all uses set forth in Section 203-72.B.(1) through (9);
 - (ii) if owned and maintained by a homeowners' association, noncommercial recreation areas, such as playing fields, playgrounds, tot lots, sports courts, and bikeways, if surfaced with impervious cover and properly drained, and provide safe ingress and egress is provided; and
 - (iii) wetlands and wetland buffers.

- (2) All greenway land shall be designed in accordance with the design standards set forth in set forth in Section 203-72.C(1) and Section 203-72.D(1) and (2) and all other applicable standards set forth in the Township Zoning Code. In addition, the following requirements shall apply:
 - (a) Recreational facilities, recreation areas, and neighborhood open spaces shall be carefully planned, designed and located within the greenway land to avoid problems of noise, lighting and other nuisances which might interfere with the use and enjoyment by residents of the development, and when such areas are not open to the public, to provide privacy for the users.
 - (b) Forestry use shall require preparation of and compliance with a forestry management plan prepared by a forester approved by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:3-2, as may be amended or supplemented.
 - (c) Stormwater facilities shall apply with New Jersey Stormwater Regulations, N.J.A.C. 7:8, as may be amended and supplemented, and Chapter 157.
 - (d) Agricultural use shall be subject to the requirements of Subsection E.(8) below.
 - (e) All deed restrictions and conservation easements shall contain all of the design standards set forth in this Subsection.
- (3) All greenway land shall be subject to a permanent conservation easement or a permanent deed restriction prohibiting future development and subdivision. Only those uses set forth in Subsection E.(1) above may be listed in the conservation easement or deed restriction. Under no circumstances shall any greenway land be utilized for any uses other than those set forth in Subsection E.(1) above.
- (4) All deed restrictions and conservation easements shall contain the maintenance obligations set forth in Section 203-72.F(4) and shall identify the person or entity responsible for maintaining the greenway land. Maintenance for conservation of open space in its natural state shall consist of maintaining the greenway land in its natural state and maintenance for agriculture and horticultural uses shall consist of active agriculture or horticultural operations.
- (5) Notwithstanding the provision of greenway land, the Joint Land Use Board may require portions of fee simple lots to be encumbered by conservation easements when necessary to protect valuable or sensitive natural features or landscape features on such lots.
- (6) All greenway land shall comply with the requirements of Section 203-72.F(2)(a) through (d) and Section 203-72.F(3) and (4).

F. Greenway land deed restriction requirements. Greenway land shall include within the permanent deed restriction or permanent conservation easement the following requirements:

- (1) Permitted Uses. The greenway land shall only be utilized for one or more of the uses set forth below (each a “Greenway Land Permitted Use”). Under no circumstances shall the greenway land be utilized for any uses other than those set forth. Any use authorized herein shall obtain all necessary approvals in accordance with the Township Code.
- a. Conservation of open space in its natural state;
 - b. Agricultural and horticultural uses;
 - c. Pastureland for horses based on best management practices;
 - d. Forestry, in keeping with established best management practices for selective harvesting and sustained yield forestry;
 - e. Neighborhood open spaces uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses, specifically excluding motorized off-road vehicles, shooting ranges, and other uses set forth in Resolution _____ of the Woolwich Township Joint Land Use Board;
 - f. Public park;
 - g. Active noncommercial recreation areas;

[WHERE 50% GREENWAY LAND HAS BEEN PRESERVED ADD THE FOLLOWING].

- h. Water supply systems and stormwater detention areas designed, landscaped, and available for use as an integral part of the greenway;
 - i. Easements for drainage, access, sewer, or water lines, or other public purposes; and
 - j. Underground utility rights-of-way. Aboveground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required greenway land.
- (2) Development Prohibited. No new structures, or the expansion of preexisting structures, or further subdivision of the greenway land is permitted, except as specifically authorized herein. Any development of the greenway lands shall comply with the Township’s Stormwater Control Ordinance, as may be amended or supplemented, and if applicable, the Stormwater Management Regulations adopted by the New Jersey Department of Environmental Protection. Site Plan approval or a site plan waiver shall be obtained for any development of greenway land to the extent site plan approval is required pursuant to Section 149-4 of the Township Code, as may be amended or supplemented.
- (3) Maintenance Requirements. The greenway land shall be maintained in accordance with the following requirements:

- a. A maintenance plan entitled, _____, prepared by _____ and dated _____, is on file with the office of the Joint Land Use Board (“Maintenance Plan”). All maintenance of the greenway land shall be in accordance with the Maintenance Plan. The Property Owner (as defined below), shall be responsible for undertaking all maintenance in accordance with the Maintenance Plan. Maintenance obligations for conservation of open space in its natural state shall consist of maintaining the greenway land in its natural state and maintenance obligations for agricultural and horticultural uses shall consist of active agriculture or horticultural operations.
 - b. The cost and responsibility of maintaining the greenway land shall be borne by the owner of the greenway land (“Property Owner”) during the period of time in which the greenway land holds title. The Property Owner shall maintain and update annually a funding plan which shall include a plan for funding all operating and maintenance expenses set forth in the Maintenance Plan, as well as a plan to fund all capital improvements that may be necessary to maintain the greenway land and all improvements thereon in a good and safe working order.
 - c. In the event that any Property Owner fails to maintain all or any portion of the greenway land in a reasonable order and condition, the Township of Woolwich may, in its sole discretion, take the following actions: (i) enter the greenway land; (ii) take corrective action, including extended maintenance; and (iii) charge all costs for such corrective action, including extended maintenance, to the Property Owner (“Maintenance Costs”). The Property Owner shall pay all Maintenance Costs charged by the Township to the Property Owner pursuant to this section within thirty (30) days from receipt of the Township’s demand for payment of the same. In the event that the Property Owner fails to pay the Maintenance Costs within thirty (30) days, the Maintenance Costs shall become a lien on the greenway land and the Township may record such lien with the Gloucester County Clerk’s Office.
- (4) Enforcement. In accordance with N.J.S.A. 40:55D-39.1, the restrictions contained herein shall be enforceable by the Township of Woolwich and the State of New Jersey.

- (5) Restrictions Applicable to Greenway Land in its Natural State. All greenway land shall be preserved in its natural state and any/all activities that inhibit the natural succession of vegetation are prohibited.
- (6) Restrictions Applicable to Agricultural or Horticultural Use. All greenway land used for agricultural or horticultural shall comply with the following requirements:
 - a. Housing and Buildings. The continued use of existing non-agricultural structures, construction of new buildings/structures and the expansion of existing buildings/structures, regardless of its purpose, shall be prohibited except as follows:
 - i. Existing Structures. All nonagricultural uses, if any, existing on the greenway land as of the date of the Joint Land Use Board's Resolution approving the greenway land may be continued and any structure may be restored or repaired in the event of partial destruction, provided such uses are specifically identified in the Joint Land Use Board's Resolution. No new structures, or the expansion of preexisting structures for nonagricultural uses, are permitted, except as specifically authorized herein. In the event a preexisting nonagricultural use is abandoned, the right to continue the use is extinguished. Any existing residential structures on the greenway lands shall be counted as part of the overall density of the tract.
 - ii. Agricultural Labor Housing. The provision of structures for housing of agricultural labor employed by an owner or operator of the agricultural operation is permitted. Such housing shall not be used as a residence for the Property Owner, Property Owner's spouse, Property Owner's parents, Property Owner's lineal descendants, adopted or natural, Property Owner's spouse's siblings, parents or Property Owner's spouse's lineal descendants, adopted or natural. Such land shall only be occupied by agricultural labor who works, at least three (3) months out of the year, at an agricultural operation located, at least in part, within the Township of Woolwich, and which is owned or operated by the Property Owner. Proof of employment shall be maintained by the Property Owner of the greenway land.
 - iv. Agricultural Structures. New buildings for non-residential agricultural purposes may be constructed on the greenway land to the extent permitted by the Woolwich Township Zoning Ordinance and the New Jersey Right to Farm Act.

- v. Expansion of Existing Structures for Alcohol Production. To the extent permitted by Woolwich Township Zoning Ordinance, a building that existed on the greenway land as of the date of the Joint Land Use Board's Resolution approving the greenway land may be expanded up to fifty (50) percent, subject to the following requirements: (A) the building is specifically identified in the Joint Land Use Board's Resolution at the time the greenway land is created; (B) in no case shall the building be expanded more than 2,000 square feet of the building's original size; (C) the expansion shall be solely for the purposes of utilizing the building for a winery, brewery, distillery and/or other alcohol production facility on the greenway land; (D) the predominant crops on the greenway land shall be used in the production and the use; and (E) the expansion does not diminish the actual or potential use of the greenway land for agricultural production.

- vi. Expansion of Existing Structures for Bed-and-Breakfast Use. To the extent permitted by Woolwich Township Zoning Ordinance, a building that existed on the greenway land as of the date of the Joint Land Use Board's Resolution approving the greenway land may be expanded up to fifty (50) percent, subject to the following requirements: (A) the building is specifically identified in the Joint Land Use Board's Resolution at the time the greenway land is created; (B) in no case shall the building be expanded more than 2,000 square feet of the building's original size; (C) the expansion shall be solely for the purpose of utilizing the building for a bed-and-breakfast; (D) the expansion does not diminish the actual or potential use of the greenway land for agricultural production; and (E) the use shall comply with the agricultural management practice requirements for on-farm direct marketing facilities, activities and events, as set forth in N.J.A.C. 2:76-2A.13, as may be amended or supplemented or any site specific agricultural management practice approved by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to the Right to Farm Act.

- vii. Expansion of Existing Structures for Social Events. To the extent permitted by Woolwich Township Zoning Ordinance, a building that existed on the greenway land as of the date of the Joint Land Use Board's Resolution

approving the greenway land may be expanded up to fifty (50) percent, subject to the following requirements: (A) the building is specifically identified in the Joint Land Use Board's Resolution at the time the greenway land is created; (B) in no case shall the building be expanded more than 2,000 square feet of the building's original size; (C) the expansion shall be solely purpose of utilizing the building for social events such as weddings, and temporary structures may be used for said social events; (D) the expansion does not diminish the actual or potential use of the greenway land for agricultural production; and (E) the use shall comply with the an agricultural management practice requirements for on-farm direct marketing facilities, activities and events, as set forth in N.J.A.C. 2:76-2A.13, as may be amended or supplemented or any site specific agricultural management practice approved by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to the Right to Farm Act.

- b. Agricultural and Horticultural Uses. Use of greenway lands shall be in accordance with the following:
 - i. The greenway lands may be used for any activity listed in N.J.S.A. 4:1C-9 of the Right to Farm Act where the operation conforms to an agricultural management practice adopted by the State Agricultural Development Committee as set forth in N.J.A.C. 2:76-2A or 2B, as may be amended or supplemented, or whose specific operation or practice has been determined to be appropriate by the State Agricultural Development Committee or County Agricultural Development Committee pursuant to the Right to Farm Act, and which does not pose a direct threat to public health or safety.
 - ii. The greenway lands may be used to the extent permitted by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to a site specific management practice approved pursuant to the Right to Farm Act.
 - iii. Agricultural management practices as have been and continue to be promulgated by the New Jersey State Agriculture Development Committee pursuant to its authority under N.J.A.C. 2:76-2.1 et seq., N.J.A.C. 2:76-2A.1 et seq., N.J.A.C. 2:76-2B.1 et seq. and the Right

to Farm Act (N.J.S.A. 4:1C-1 et seq.) are expressly permitted.

- iv. No activity shall be permitted which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the land and buildings.
- v. Public improvements including but not limited to roadways, drainage facilities and other public infrastructure are permitted so long as the public improvements individually or collectively have no more than a de minimis impact on the actual or potential use of the land for agricultural production. The right to maintain all roads and trails existing upon the land as of the date of the deed of easement shall be preserved. The construction, improvement or reconstruction of any roadway necessary to service crops, agricultural buildings, or reservoirs is permitted as necessary.
- vi. To the extent permitted by Woolwich Township Zoning Ordinance or Right to Farm Act, the land may be used for certain recreational activities such as hunting, fishing, cross-country skiing and ecological tours, only if such activities do not interfere with the actual or potential use of the land for agricultural production. Other recreational activities which alter the land, such as indoor recreational facilities, golf courses and athletic fields, are prohibited unless expressly authorized herein. However, if the greenway land is acquired by a governmental entity, the governmental entity may establish outdoor active recreational uses on the greenway land.
- vii. Disposal of sludge or any waste material resulting from treatment of waste water, domestic or otherwise, is expressly prohibited. No sand, gravel, loam, rock or other minerals shall be deposited on or removed from the premises except those materials required by the agricultural purpose for which the land is used. No dumping or placing of trash or waste material shall be permitted unless expressly authorized by the State Agricultural Development Committee or the County Agricultural Development Board as an agricultural management practice and pursuant to the Right to Farm Act and subject to any restrictions imposed by the

Township consistent with that Act.

- viii. No historic building or structure (included in the New Jersey Register of Historic Places) located on the land may be demolished by the grantor or any other person without the prior approval of the Township Committee, with a recommendation from the Joint Land Use Board.
- ix. The construction of billboards, golf courses, cellular phone towers, solar panels, wind turbines, airstrips, and helicopter pads is expressly prohibited. Notwithstanding this Subsection, solar panels and wind turbines used to generate electricity for uses on the greenway lands are permitted to the extent permitted by the agricultural management practice for solar generation facilities set forth at N.J.A.C. 2:76-2A-12 as may be amended or supplemented, or as permitted pursuant to any site specific agricultural management practice approved by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to the Right to Farm Act.
- x. To the extent permitted by the Woolwich Township Zoning Ordinance or the Right to Farm Act, fences may be constructed in support of the agricultural operation and to prevent trespassing. On any designated public areas, no fences shall be erected to block access to public areas from the general public.
- xi. The right to plant, grow, and harvest trees, timber and forest products and to engage in other woodland management activities related thereto provided that the same are carried out in a manner consistent with the Farmland Assessment Act of 1964 (N.J.S.A. 54:4-23.1 et seq.).
- xii. To the extent permitted by Woolwich Township Zoning Ordinance, permissible improvements allowed in conjunction with permitted uses to include the installation of needed driveway and/or road access and ancillary unpaved parking areas for a maximum of 75 vehicles, subject to the following: (A) it must be demonstrated that the uses individually or collectively will not diminish the actual or potential use of the land for agricultural production; (B) said improvements comply with the agricultural management practice requirements for on-farm

direct marketing facilities, activities and events, as set forth in N.J.A.C. 2:76-2A.13, as may be amended or supplemented or any site specific agricultural management practice approved by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to the Right to Farm Act; and (C) said improvements are subject to the review and approval of the Joint Land Use Board. The use of hiking and biking trails for motorized vehicles is not permitted except for necessary access to the land.

- xiii. Use of the designated public area of the land for public passive recreational use is permitted consistent with the New Jersey Department of Environmental Protection, Green Acres Program Rules (N.J.A.C. 7:36- 1.1 et seq.).
 - viii. To the extent permitted by Woolwich Township Zoning Ordinance, the greenway land may be used as a day camp if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the premises for agricultural production and the uses comply with the an agricultural management practice requirements for on-farm direct marketing facilities, activities and events, as set forth in N.J.A.C. 2:76-2A.13, as may be amended or supplemented or any site specific agricultural management practice approved by the State Agricultural Development Committee or the County Agricultural Development Board pursuant to the Right to Farm Act.
 - xiv. To the extent permitted by Woolwich Township Zoning Ordinance, the greenway land may be retained for use as a botanical garden or arboretum if it is demonstrated that the uses individually or collectively will not diminish the actual or potential use of the premises for agricultural production.
- (6) Restrictions Applicable to Pastureland for Horses. All greenway land utilized as pastureland for horses shall comply with the agricultural management practices set forth at N.J.A.C. 2:76-2A.10, as may be amended or supplemented.
- (7) Restrictions Applicable to Forestry Land. Greenway land used for forestry use shall require preparation of and compliance with a forestry management plan or a forestry stewardship plan prepared by a forester approved by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:3-2, as may be amended or supplemented. Use of the greenway land for forestry use, including bot not limited to

harvesting of forest product, shall be in strict compliance with the approved forestry management plan or a forestry stewardship plan.

- (8) Restrictions Applicable to Neighborhood Open Space Uses. Greenway land used for neighborhood open space shall be used in accordance with the following requirements:
- a. In general, greenway lands shall be designed and used to conserve significant natural features located on the site.
 - b. Areas containing environmentally sensitive areas, characterized by the presence of wetlands, steep slopes, stream corridors, flood plains, boulder fields, and/or unique ecology, shall be preserved in their natural state, where possible.
 - c. Areas containing wildlife corridors, wildlife habitat, protected stream corridors, or scenic vistas shall be maintained in their natural state.
 - d. A pathway system may be installed within the greenway land as a walking, hiking or biking trail, provided that no motorized vehicles, other than emergency vehicles, may utilize the pathway system. Preventative measures shall be taken to prevent unauthorized use by motorized vehicles. Pathways shall be laid out in a manner that allows interconnection with existing trails on open space and greenway land within the Township of Woolwich.
 - e. Passive recreation activities which are non-motorized, outdoor and nature based, which require minimal disturbance of the natural environment shall be permitted, such as swimming, fishing, hiking, hunting, trapping, picnicking, nature observation, photography, horseback riding, camping, cross-country skiing, bicycling, snowshoeing, rock climbing, ice climbing, and enjoyment of open space.
 - f. Neighborhood open spaces shall be carefully planned, designed and located within the greenway land to avoid problems of noise, lighting and other nuisances which might interfere with the use and enjoyment by residents of the development, and when such areas are not open to the public, to provide privacy for the users.
- (9) Restrictions Applicable to Public Parks. Greenway land used for public parks shall comply with the requirements set forth in Section 135-1 through Section 135-5, of the Woolwich Township Code, as may be amended and supplemented.
- (10) Restrictions Applicable to Private Active Noncommercial Recreation Areas. Greenway land use for private active noncommercial recreation shall comply with the following requirements:

- a. The uses permitted shall be outdoor active recreation, including baseball fields, softball fields, soccer fields, football fields, lacrosse fields, field hockey fields, multi-purpose fields, running tracks, tennis courts, bocci courts, volleyball courts, pickleball courts, basketball courts, playgrounds, tot lots, running track, or skate parks, or any other outdoor active recreational activity.
- b. No fee may be charged to utilize the recreation areas, other than regular assessments by homeowners' associations or condominium associations.
- c. Greenway land may be surfaced with impervious cover and shall be properly drained, so as to prevent standing water.
- d. Safe ingress and egress to all recreation areas shall be provided.
- e. Lighting may be installed as part of the recreational facilities, subject to the following requirements:
 - i. For field sports, a maximum pole height of 60 feet.
 - ii. The minimum distance of the pole to any property line shall be twice the height of the pole. For example, a forty-foot pole must be a minimum of 80 feet from any property line.
 - iii. Light trespass shall not be more than one-tenth foot-candle at any adjacent residential property line measured at grade.
 - iv. A berm, landscape buffer, where feasible, shall be required to screen the source of light and the lit object from any adjacent residences.
 - v. When not in use or not later than 11:00 p.m., all lighting shall be turned off.
- f. All recreational facilities shall comply with the Americans with Disabilities Act requirements.
- g. Recreational facilities and recreation areas shall be carefully planned, designed and located within the greenway land to avoid problems of noise, lighting and other nuisances which might interfere with the use and enjoyment by residents of the development, and when such areas are not open to the public, to provide privacy for the users.

(11) Restrictions Applicable to Wetland and Wetland Buffers. Unless specifically authorized, greenway lands shall be preserved in its natural state and any/all activities that disturb or inhibit the natural succession of vegetation are prohibited.

Specifically, including but not limited to the following activities, shall not occur within any wetlands or wetland buffers:

- a. Removal, excavation, or disturbance of the soil;
- b. Dumping or filling with any materials;
- c. Erection of structures;
- d. Placement of pavement;
- e. Destruction of plant life which would inhibit the natural succession of vegetation, including mowing of fields and the development of new gardens, except as approved in the conservation restriction or easement, or in accordance with a non-native/invasive species removal plan approved by the Grantee prior to removal;
- f. The use of fertilizers, herbicides or pesticides;
- g. Alteration of the hydrology of the Restricted Area; and
- h. Any other activities, except as specifically set forth below:
 - i. To enter upon the greenway land in a reasonable manner and at reasonable times so as to assure compliance with these restrictions; and
 - ii. In addition to the exercise of any other statutory or common law right, to enjoin any activity on, or use of, the greenway land that is inconsistent with the purpose preventing any disturbance or development of wetlands and/or wetlands buffers, and to enforce the restoration of such areas or features of the greenway land that may be damaged by inconsistent activity or use.
- i. Any greenway land used for wetlands or wetlands buffers shall not be permitted to change to any other Greenway Land Permitted Use.

(12) Restrictions Applicable to Water Supply Systems. Water supply systems in which a well or other potable water source is located on the greenway lands shall comply with the following requirements:

- a. The following shall not be constructed, maintained or caused to be constructed or maintained within 100 (one hundred) feet of any potable water source on the greenway land: cesspools; sewers; pressure effluent pipes; building sewers; privies; septic tanks; drainfields; and any other receptacle for the storage, conveyance, treatment, or disposal of sewage;

manure piles; manure, sewage, and other lagoons; building foundations; garbage of any kind or description; loafing shed; animal feeding stations; barns; chicken houses; rabbit hutches; dog kennels; pigpens; or other enclosures or structures for the keeping or maintenance of fowl, or other animals (either partial or completely within the 100 foot radius); underground storage tanks; hazardous waste sites; storage of liquid or dry chemicals, herbicides, or insecticides; public roads; surface water; railroad tracks; power utility or gas lines(except for individual residential power lines for service); or known or suspected sources of contamination such as use or application of liquid or dry chemicals, herbicides or insecticides on or around household foundations or any other structural foundations; and fuel storage tanks.

- b. The Property Owner of the greenway land shall take all actions necessary to ensure that the potable water supply is not open to the danger of contamination from any source.
- c. Water supply systems shall be of adequate quantity, be of a safe and sanitary quality, and be constructed, protected, operated, and maintained pursuant to the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., N.J.A.C. 7:10, the New Jersey Uniform Construction Code, N.J.A.C. 5:23, and local laws, ordinances, and regulations.
- d. Any greenway land used for water supply systems shall not be permitted to change to any other Greenway Land Permitted Use.

(13) Restrictions Applicable to Stormwater Detention Areas. Any greenway lands utilized for stormwater detention areas, or any stormwater basin or other stormwater facility, shall comply with the following requirements:

- a. All stormwater detention areas, stormwater basins or other stormwater facilities shall be maintained in accordance with the Stormwater Maintenance Plan approved by the Joint Land Use Board pursuant to Resolution _____ (“Stormwater Maintenance Plan”).
- b. All stormwater detention areas, stormwater basins or other stormwater facilities shall comply with the Township of Woolwich’s Stormwater Management Ordinance, Chapter 157, as may be amended and supplemented, and shall also comply with the Stormwater Management Regulations adopted by the New Jersey Department of Environmental Protection at N.J.A.C. 7:8, as may be amended or supplemented.
- c. The following activities shall not occur within any greenway land, unless specifically permitted in subsection b. below:

- i. Removal, excavation, movement of soil, or compaction of the soil and ability to infiltrate stormwater, unless specifically approved under a Stormwater Maintenance Plan;
 - ii. Dumping or filling with any materials;
 - iii. Relocation or installation of structures and change in land use;
 - iv. Placement of pavement or other impervious surfaces;
 - v. Destruction of plant life that is inconsistent with the Maintenance Plan;
 - vi. Destruction of plant life which would alter the existing pattern of vegetation unless it is demonstrated to the Grantee that such removal will result in habitat enhancement or to prevent a safety hazard, and the Property Owner has received written approval of the New Jersey Department of Environmental Protection's Division of Land Use Regulation or other similar division of the New Jersey Department of Environmental Protection;
 - vii. The use of fertilizers, herbicides or pesticides that are not specifically approved under the Maintenance Plan;
 - viii. Alteration of natural drainage features unless it is demonstrated that such alteration is necessary for soil erosion and sediment control and alteration will result in water quality enhancement or to prevent a safety hazard, and the Property Owner has received written approval of the New Jersey Department of Environmental Protection's Division of Land Use Regulation or other similar division of the New Jersey Department of Environmental Protection; and
 - ix. All other activities constituting a regulated activity for which a permit is required from the New Jersey Department of Environmental Protection.
- d. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements pursuant to N.J.A.C. 7:8-5.2(d), and are therefore, permitted to be undertaken on the greenway lands:
 - i. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

- ii. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - iii. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
 - e. Any greenway land used as a stormwater detention area, stormwater basin or other stormwater facility shall not be permitted to change to any other Greenway Land Permitted Use.
- (14) Restrictions Applicable to Easement Areas. Greenway lands used for easements for drainage, access, sewer, or water lines, or other public purposes shall comply with all of the requirements and restrictions set forth in the applicable easement. The Property Owner shall provide the Township Clerk with a copy of all such easements within thirty (30) days of recording the same. Greenway lands used as easements for drainage, access, sewer, or water lines, or other public purposes shall not be permitted to change to any other Greenway Land Permitted Use.
- (15) Restrictions Applicable to Utility Rights of Way. Greenway lands used for utility rights of way shall comply with all of the requirements of said utility holding the easement. The Property Owner shall provide the Township Clerk with a copy of a survey depicting all of the utility rights of way on the greenway land, which shall be updated in the event that new utility rights of way are added. Greenway lands used as utility rights of way shall not be permitted to change to any other Greenway Land Permitted Use.
- (16) At the time of subdivision of the tract, the Applicant may request that all non-contiguous greenway lands on the tract be consolidated for tax and stewardship purposes, which may be granted by the Joint Land Use Board if: (a) said greenway lands are in common ownership; (b) all consolidated greenway lands are proposed to have the same use; and (c) a single deed restriction or conservation easement is recorded for the consolidated greenway lands.

Section 2. The following parcels are hereby rezoned to 5A:

BLOCK	LOT	PROPOSED ZONING
1	1	5A
1	2	5A
1	3	5A

1	4	5A
1	5	5A
1	5.01	5A
1	6	5A
1	7	5A
1	8	5A
1	11	5A
1	11.01	5A
2	10	5A
2	11	5A
2	12	5A
2	12.01	5A
2	12.02	5A
2	12.03	5A
2	13	5A
2	13.01	5A
2	14	5A
2	15	5A
2	15.01	5A
2	15.02	5A
2	15.03	5A
2	15.04	5A
2	16	5A
2	17	5A
2	18	5A
2	18.01	5A
2	18.02	5A
2	19	5A
2	20	5A

BLOCK	LOT	PROPOSED ZONING
2	21	5A
2	22	5A
2	23	5A
2	23.01	5A
2	26	5A
2	27	5A
11	1	5A
13	3	5A
13	4	5A
13	5	5A
14	28	5A
14	5	5A
14	5.01	5A
14	5.03	5A
14	6.02	5A
14	9	5A
14	12	5A
14	13	5A
14	29	5A
14	30	5A
17	6	5A
19	1	5A
19	2	5A
19	4	5A
20	3	5A
20	4	5A
20	6	5A
21	1	5A
21	1.01	5A
21	2	5A
21	3	5A
21	4	5A
21	5	5A
22	3	5A
24	2	5A
25	5	5A
28	1	5A
28	2	5A

BLOCK	LOT	PROPOSED ZONING
28	3	5A
28	4	5A
31	3.01	5A
36	4	5A
36	5	5A
36	10	5A
38	5	5A
39	1	5A
40	9	5A
40	12	5A
41	1	5A
41	8	5A
41	10	5A
46	11	5A
46	11.02	5A
46	11.03	5A
46	12	5A
50	1	5A
50	2.08	5A
50	3	5A
50	2	5A
50	4	5A
55	4.02	5A
55	7	5A
56	1	5A
56	3	5A

Section 3. Section 203-5 of the Woolwich Township Zoning Ordinance of 1992, entitled, Definitions, is hereby amended to add the following definitions:

CONSERVATION EASEMENT

An interest in land less than fee simple absolute, stated in the form of a restriction, covenant or condition, set forth in any deed or easement that has been recorded in the Gloucester County Clerk’s Office as the recorder of deeds and mortgages, that restricts the use of the land to one or more uses set forth in Section 203-72.B.(1) through (9).

DEED RESTRICTION

A restriction on the use of a property set forth in a deed that has been recorded in the Gloucester County Clerk’s Office as the recorder of deeds and mortgages.

GREENWAY LAND

A parcel of agricultural land, undeveloped land, or open space that has been set aside for agricultural, recreational use or environmental protection through a permanent deed restriction or conservation easement.

Section 4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 6. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF WOOLWICH

Jane DiBella, Municipal Clerk

Craig Frederick, Mayor

CERTIFICATION

The foregoing ordinance was reintroduced upon first reading by the Township Committee of the Township of Woolwich at a regular meeting held on the 15th day of May, 2023. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at a meeting of the Township Committee at which time any interested person(s) may be heard. Said meeting to be conducted on the 5th day of June, 2023 at the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 6:30 p.m.

Jane DiBella, Township Clerk

NOTICE OF ADOPTION

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Woolwich Township Committee at a meeting held on the 5th day of June, 2023.

Jane DiBella, Township Clerk