

#14-2209

**ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF WOODBURY
ESTABLISHING A SECTION "TREE PROTECTION/COMPENSATORY
PLANTINGS" AND ADOPTING CHECKLIST**

WHEREAS, the Mayor and Council of the City of Woodbury wish to amend the Zoning Code of the City of Woodbury to create a section "Tree Protection/Compensatory Plantings" attached as Exhibit A and adopt the Site Plan Checklist attached as Exhibit B; and

WHEREAS, the revisions have been reviewed and recommended by the City of Woodbury Combined Planning and Zoning Board; and

WHEREAS, Mayor and Council have determined that the amendment is in the best interest of and will promote the health, safety and welfare of the residents and visitors to the City of Woodbury; and

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Woodbury, Gloucester County and State of New Jersey, that the Zoning Code of the City of Woodbury is hereby amended creating a section "Tree Protection/Compensatory Plantings" attached as Exhibit A and the Site Plan Checklist attached as Exhibit B is hereby adopted.

THE FOREGOING was introduced by the City Council of the City of Woodbury at a regular meeting held on July 22, 2014. This Ordinance will be considered for adoption at final reading and public hearing to be held on August 26, 2014 at 7:30 p.m. or at such time as may be determined and announced, in City Hall, Council Chambers, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's Office to the members of the general public who may request same.

CITY OF WOODBURY

By: WILLIAM H. FLEMING, JR.,
Council President

ATTEST:

ROY A. DUFFIELD, Clerk

Approved:

WILLIAM J. VOLK, Mayor

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ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF WOODBURY ESTABLISHING A SECTION “TREE PROTECTION/COMPENSATORY PLANTINGS” AND ADOPTING CHECKLIST

Section X. Tree protection/compensatory plantings.

- (1) Tree protection. The purpose of this section is to establish protective regulations for trees within the City of Woodbury in order to control problems of flooding, soil erosion and air and noise pollution; to protect the public health, safety and welfare of the citizenry of the City; and to promote quality development in the City. Trees are declared to be important cultural, ecological, scenic and economic resources. Proper management of this resource will ensure its maintenance and result in greater ecological and economic returns to the City. A comprehensive tree protection/compensatory planting program is intended to meet the objectives of preserving, protecting, enhancing and maintaining trees and providing opportunities for continued uses of forest resources which are compatible with the maintenance of the environment. The intent of this section is to encourage the protection of the greatest number of trees and of large specimen trees throughout the City. To that end, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees within the City except in accordance with the provisions of this chapter.
- (2) Applicability. The requirements of this section of the chapter are applicable for all land within the City of Woodbury where there is an application submission to the Planning /Zoning Board for Major Site Plan or major Subdivision and the following trees removal is proposed:
 1. Five (5) or more total non-specimen trees,
 2. One (1) or more total non-specimen trees in a Tree Protection Zone,
 3. One (1) or more Specimen Trees.
- (3) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

APPROVED PLAN — Any plan for lot development which has been reviewed and approved by the City or its assigned agents, the City Land Development Board with jurisdiction over the project, or other governmental entity with the responsibility to review and approve the design plan.

CALIPER- A type of diameter measurement used in the nursery industry. The height measurement shall be taken from ground level for field-grown stock and from the soil line for container-grown stock, which should be at or near the top of the root flare. Caliper measurement of the trunk shall be taken six inches above the top of the root flare up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at 12 inches above the root flare. Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of diameter tape. Caliper measurements taken with a manual or electronic slot- or pincer-type caliper tools should be the average of the smallest and largest measurements.

DISTURBANCE ZONE — That portion of a lot covered by existing or proposed buildings, structures or improvements and within a certain distance around same as

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noted below:

- (a) House or building: 25 feet (around all sides).
- (b) Accessory structure: 10 feet.
- (c) Residential swimming pool: 12 feet.
- (d) Driveway/sidewalk: five feet.
- (e) Septic fields: 10 feet.
- (f) Underground utility: 5 feet.
- (g) Paved parking/drive aisle: 5 feet.
- (i) Patio/deck: 8 feet.
- (j) Improvement (other): 5 feet; excludes storm water management basins.

DIAMETER BREAST HEIGHT (DBH)-- the diameter of a tree measured 4-1/2 feet (54 inches) above the ground level.

SPECIMEN TREE — Any tree with a diameter of 18 inches and greater, regardless of genus and species.

TREE - Any deciduous or coniferous species which has a DBH of six inches or greater.

TREE ESCROW FUND — A fund established by the governing body for the administration and promotion of tree and shrubbery resource sustainability projects and practices, which may be consistent with the Community Stewardship Incentive Program as outlined within the New Jersey Shade Tree and Community Forestry Assistance Act, P.L. 1996, Chapter 135, as it is intended to sustain the overall biomass of the City.

TREE MANAGEMENT PLAN- A specific plan that contains tree locations and other information in accordance with in section G(4) herein.

TREE PROTECTION ZONE — That portion of a lot outside of the Disturbance Zone.

TREE REMOVAL — The cutting down of a tree, the transplanting of a tree to a site other than that under development, or the infliction of damage to a tree which is of such severity as to show evidence within a period of two years of irreparable harm leading to the ultimate death of a tree. Examples of serious damage include but are not limited to: damage inflicted to the root system by machinery, storage of materials, and soil compaction; changing the natural grade above or below the root system and around the trunk; damage inflicted on the tree permitting fungus infection or pest infestation; excessive pruning defined as the removing in excess of 113 (33%) or greater of the functioning leaf, stem, or root area of a tree; excessive thinning, defined as the removing of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on the lot; paving with concrete, asphalt, or other impervious material within proximity as to be harmful to a tree.

TREE REMOVAL PERMIT — The permit issued by the City Engineer, or his or her designee, to remove or destroy a tree or trees.

- (4) Tree protection management plan. A tree protection management plan must be

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submitted at the time of site plan or subdivision application, pursuant to the requirements of this chapter. A tree protection management plan shall contain the following information on a plot plan:

- (a) Location of all existing or proposed buildings, driveways, grading, septic fields, easements, underground utility lines, rights-of-way, and other improvements.
 - (b) Location of existing wetland buffers, natural features, including wooded areas, watercourses, wetlands, and floodplains.
 - (c) The limits of the Tree Protection Zone.
 - (d) Location of all existing live trees with trunk diameters six inches or greater, measured 4-1/2 feet above ground level. Each tree shall be noted by its species, size and general health condition. Whenever possible, the actual canopy spread shall be shown. If it must be estimated, the canopy shall equal 1-1/2 feet of diameter per one inch of trunk diameter. If the trees to be preserved are part of a wooded area, only the outermost canopy line need be shown, unless disturbance is proposed within 200 feet of the canopy line; then, individual trees located within 50 feet of the proposed edge of the woodland shall be shown.
 - (e) Each tree, or mass of trees, to be removed or transplanted shall be clearly marked.
 - (f) A chart tabulating the diameter inches being removed, and the required compensatory trees.
 - (g) Specifications for the removal of existing trees and for the protection of existing trees to be preserved, including detail(s) of tree protection fencing, as required.
 - (h) Location of compensatory proposed trees.
- (5) Compensatory planting. Tree replacement shall comply with at least one of the following criteria:
- (a) One-to-four tree replacement: For each tree six inches in DBH or greater that is removed, the applicant shall prepare a replanting scheme on other treeless areas of the property to compensate the clearing of the tree area. The tree protection management plan shall reflect a one inch of new tree diameter for every four inches of tree removed.
 - [1] The following minimum sizes should be utilized for trees and shrubs unless otherwise approved by the municipal agency:
 - [a] Shade trees: two inches caliper or 10 to 12 feet tall, whichever is greater.
 - [b] Evergreens, ornamental and foundation trees: 1-1/2 to 1-3/4 inches balled and burlapped or five to six feet tall, whichever is greater.

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(b) Tree cost replacement: Should the quantity of the trees to be removed be greater than the quantity of actual tree replacement as identified on the tree replacement/landscaping plan due to limited available planting area, then the outstanding balance of the required replacement trees may be addressed, subject to City Council approval, by a contribution to the City of Woodbury Tree Trust Fund maintained by the City. In calculating the tree escrow contribution, the following shall apply:

[1] The replacement value of all trees to be removed where replacement trees are required by this subsection shall be calculated as follows:

Tree to be Removed/Size DBH (inches)	Replacement Tree Value
Greater than 6, up to 12	\$200
Greater than 12, up to 18	\$600
Greater than 18, up to 24	\$800
Greater than 24	\$1,600

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[2] If the landowner/applicant does not replace a tree, but pays the replacement fee, such fee shall be placed into the tree escrow fund established by the City for the administration and promotion of tree and shrub planting projects on or within public properties or facilities.

- (c) Locations of compensatory trees must be clearly labeled on the tree protection management plan. They may be placed anywhere on the site, but are in addition to other trees required by ordinance such as street trees.
- (d) Criteria for the selection of new trees. When an applicant is required to replace trees as described above, the applicant is encouraged to replace the trees with the same species that were removed or, with the approval of the Planning/Zoning Board or its designee, choose species as specified in Woodbury Code. In selecting replacement trees the following criteria should be used;
 - Species longevity
 - Species native to the area
 - Hardiness (wind firmness, climate and pollution resilient, soil and moisture consistent)
 - Resistance to insect and disease attack
 - High wildlife value
 - Size at maturity
 - Aesthetic value (color interest and shape)

(6) Tree Protection Zone Requirements. Applicants shall exercise due care to protect trees to be retained from being damaged during construction. The following procedures shall be observed to protect trees;

1. Protection from Mechanical Injury-

- Prior to any grubbing or clearing, all trees to be retained within 25 feet of buildings and 5 feet of all other improvements shall be protected from equipment damage by enclosing the driplines of trees with sections of orange safety fence, snow fence or boards wired together. All exposed roots and low hanging branches shall be equally protected. Groups of trees may be protected by fencing the driplines of the entire tree mass to be retained.
- Heavy equipment shall avoid damaging existing tree trunks and roots. Feeder roots may not be cut closer than the distance of the dripline from the tree trunks and shall be cut with pruning shears or other tools that will provide a clean cut.
- Tree trunks and exposed roots accidentally damaged during construction shall be protected from further damage. Damaged branches shall be sawed off at the branch collar. No shellac or pruning paint shall be used. When a diseased portion of a tree is to be removed, the pruning equipment should be dipped in alcohol or disinfectant prior to use on another tree to prevent the spread of disease.
- Trees shall not be used for roping, cables, signs or fencing. Nails and spikes shall not be driven into trees.
- The area around the base of existing trees shall be left open to provide access for water and nutrients. No impervious cover, stabilizing base nor storage of equipment, materials, debris or fill shall be permitted within the dripline of any existing trees to be retained.
- Deciduous trees shall be given an application of liquid slow-release, low nitrogen, all purpose fertilizer to aid in recovery from possible damage caused by construction operations. Such applications should be made at a distance of one foot from the trunk to the dripline and should be made as soon as construction is completed and again one year after the first application has been made.

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2. Protection from grade change-
 - The grade around the trunk and within the dripline of trees to be retained shall not be altered without a plan approved by the Board engineer that protects the health of the tree.
3. Protection from excavation-
 - When digging trenches for utilities the applicant shall adhere to the following, listed in order of preference:
 - 1) To the best extent possible, trenches shall avoid root areas. This may be achieved by going around or under root systems,
 - 2) Where root systems cannot be avoided, the following precautions shall apply: a) trenches should be no closer to the trunk than half the distance from the dripline, b) minimize the amount of roots to be cut, c) if roots are to be cut, they shall be cut cleanly, d) all trenches shall be backfilled as soon as possible, avoiding soil compaction.
4. Protection during constriction cleanup
 - All construction debris shall be hauled away. No such debris shall be burned or buried.
 - Fences and barriers around trees shall be the last thing to be removed from the site prior building occupancy.

(7) Approval of tree protection management plan. Each person/applicant to whom this section applies must obtain approval of the plan by the Planning/Zoning Board prior to the removal of any trees pursuant to this section.

H. Enforcement. The requirements of this section shall be enforced by the City's Zoning Officer, Construction Code Official, or other designated proper municipal official. Such City official shall administer and inspect all sites which are subject to this section and/or in conjunction with the tree replacement requirement set forth in The section entitled Violations and penalties.

I. Violation and penalties. Any person, developer and/or entity who violates any provision of this section shall, upon conviction thereof, be subject to the following:

- (1) A fine not exceeding \$1,000 per violation;
- (2) Shall replace each tree destroyed or removed in violation of this section in accordance with the tree replacement provision set forth in Tree protection/compensatory plantings;
- (3) Each tree destroyed or removed in violation of this section shall be considered a separate offense; and
- (4) All replacement trees shall be of the same species as the tree(s) that was destroyed or removed, unless replaced with native species of equal value as approved by the authorized City Official.
- (5) Exceptions.
 - (a) Any tree removed from an area of property to be dedicated as public improvement, e.g., drainage facilities, public roadways, etc., and/or trees subject to any state or federal program, statute or regulation, shall be exempt from the provisions of this section.

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CITY OF WOODBURY- SITE PLAN CHECKLIST

The following checklist is designed to assist applicants in preparing site plans for review by the Combined Planning/Zoning Board. Applicant should check off each item to ensure that it is included on the plan. ITEMS OMITTED MAY DELAY CONSIDERATION BY THE BOARD. Utility plans, landscaping plans, architectural elevations, etc., may be shown on separate sheets.

- Name and title of applicant, owner and person preparing map
- Place for signature of Chairman and Secretary of Planning/Zoning Board
- Place for signature of Planning/Zoning Board Engineer
- Tax map block and lot number
- Date plans prepared and all revisions; scale-written and graphic, and North Arrow
- Key map of the site with reference to surrounding areas and existing street locations
- Zone district in which property in question falls, zone district of adjoining properties and all property within 200' radius of the property in question
- Names of owners of all contiguous land and adjacent property
- Dimensions of lot, front yard, side yard and rear yard setbacks; size, kind and location of fences
- Location, size and height dimensions and details of all signs, including site identification signs, traffic control signs and directional signs
- Lighting plan with location and type of all exterior fixtures, wattage, isolux footcandle lines at grade, pole type and details

The outside dimensions of existing and/or proposed principal building(s) and all accessory structures

Storm drainage plan showing location of inlets, pipes, swales, berms and other storm drainage facilities including roof leaders. Indicate existing and proposed runoff calculations

Rights-of-way, easements and lands to be dedicated to the municipality or reserved for specific uses

The entire property in question, even though only a portion of said property is involved in the site plan; provided, however, where it is physically impossible to show the entire property on the required sheet, a separate map at an appropriate scale may be submitted

Significant existing physical features including streams, water courses, rock outcrops, swampy soil, etc.

Bearings and distances of property lines

Plans of off-street parking area layout and off-street loading facilities showing location and dimensions of individual parking spaces, loading areas, aisles, traffic patterns and driveways for ingress and egress

All driveways and streets within 100 feet of site

All existing and proposed curbs and sidewalks

All existing and proposed utility lines within and adjacent to the subject property

Typical floor plans and elevations

Existing and proposed onsite and off-site sanitary sewer system.

Existing and proposed on-site and off-site water system and fire suppression system

Method of solid waste disposal and storage

Existing and proposed spot elevations based upon the U.S. Coastal Geodetic

datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property comers, gutter and other' pertinent locations

Existing proposed contours of site at 2 foot Intervals for areas of less than 5 percent grade and 5 foot intervals above 5 percent grade.

~~Location of all existing trees or tree masses, indicating general sizes and species of trees.~~

Tree protection management plan per Section X of the Woodbury Land Development Code.

Landscaping and buffering plan showing what will remain and what will be planted indicating names of plants and trees and dimensions, approximate time of planting and method of planting {base rooted, ball and burlap}.

Any other pertinent information as may be required by the Planning/Zoning Board