

Township of Toms River, NJ
Friday, September 29, 2017

Chapter 348. Land Use and Development Regulations

§ 348-8.4. Buffer areas, screening, landscaping and shade trees.

A. Buffer areas. All uses, other than single-family detached and two-family detached dwellings and their accessory uses (except as otherwise provided in this chapter), shall provide buffer areas along all side and rear property lines which abut areas zoned residentially (including single-family detached, two-family or multifamily detached dwellings) and along front property lines on local, local collector, minor collector and major collector streets which abut areas zoned for such residential uses. For purposes of these buffer areas, a planned residential retirement development having a density of 4.0 units per acre shall not be considered single-family detached and two-family detached dwellings and shall require provisions for buffer areas as provided herein. [Also refer to § 348-8.20J(2)(b).]

[Amended 4-26-1983 by Ord. No. 2166-83; 4-9-1985 by Ord. No. 2309-85; 4-26-1983 by Ord. No. 2169-83; 9-12-2000 by Ord. No. 3551-00; 12-9-2003 by Ord. No. 3843-03]

- (1) The width of the buffer area shall be determined in accordance with the following:
 - (a) Uses in the Rural Highway Business, O-10 Office, O-15 Office, Industrial, Light Industrial, R-800, Rural, R-400, R-400C and R-200 Zones: 50 feet.
 - (b) Uses in the Regional Commercial Zone: minimum of 100 feet and a maximum of 200 feet.
 - (c) Uses in all other zones: 20 feet, unless a greater width is specified for a use in this chapter.
- (2) If a home professional office, home occupation or an accessory use to a single-family detached or two-family detached dwelling requires 10 or more off-street parking spaces, the Planning Board shall consider the need for a buffer area and may require that buffer areas of 20 feet in width be provided along side and rear property lines adjacent to such accessory use and/or off-street parking.
- (3) If a proposed single-family detached or two-family detached subdivision abuts a major collector or minor or principal arterial highway or an area zoned for or occupied by other uses, the Planning Board shall consider the need for buffer areas and may require:
 - (a) That a buffer strip not exceeding 50 feet in width be provided and maintained in its natural state and/or suitably planted with screening and landscaping; or
 - (b) That the adjacent lots front on an interior street and have a depth of at least 200 feet with suitable screening and landscaping planted at the rear; or
 - (c) That other suitable means of separation be provided.
- (4) Buffer areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.

- (5) No structure, activity, storage of materials or parking of vehicles shall be permitted within the buffer area, except that where permitted by the Planning Board the buffer area may be broken for vehicular or pedestrian access and appropriate directional and safety signs provided.
- (6) (Reserved)
- B. Screening. Within buffer areas required by Subsection A above, there shall be provided screening in accordance with the following regulations:
- (1) Location.
- (a) The location of screening within buffer areas wider than 20 feet shall be arranged in order to provide maximum protection to adjacent properties and to avoid damage to or interference within desirable existing plant material and shall be subject to approval by the Planning Board. Possible arrangements include but are not limited to those shown in Figures 1A, 1B and 1C.

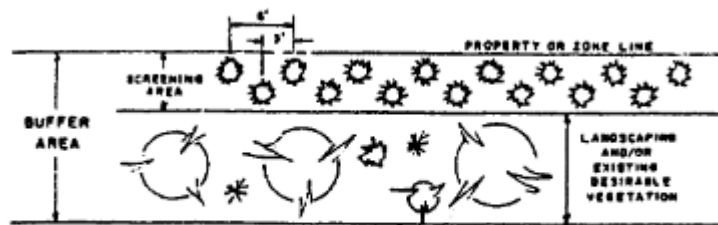


Figure 1A
PARALLEL SCREENING

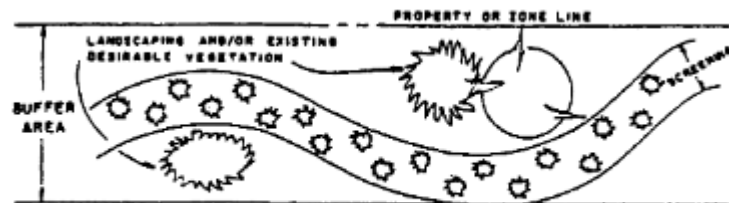


Figure 1B
SERPENTINE SCREENING

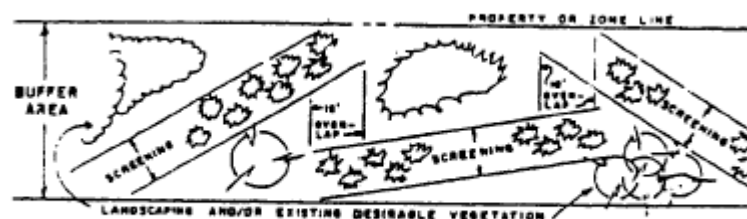


Figure 1C
BROKEN SCREENING

- (b) Those portions of the buffer area not included within the screening strip shall either contain existing vegetation approved by the Planning Board or its designee and/or be planted with trees and shrubs in accordance with a landscaping plan approved by the Toms River Township Planning Board or its designee.
[Amended 9-14-1982 by Ord. No. 2116]
- (2)

Except as otherwise provided herein, the screening area shall be a minimum of 20 feet in width and shall be planted with evergreen trees approved by the Toms River Township Environmental Commission. (A list of suggested trees and species may be obtained from the Environmental Commission.) Trees shall be planted in two staggered rows eight feet apart and shall be between six and eight feet in height and shall conform to the current American Standard for Nursery Stock sponsored by the American Association of Nurserymen, Inc. Within each row, the trees shall be planted on six-foot centers. (See Figure 2A below.)

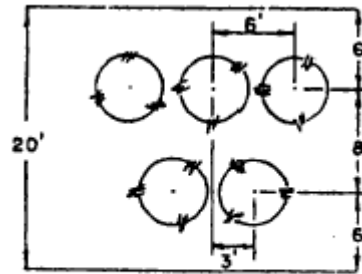


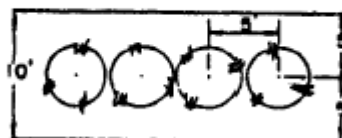
FIGURE 2A

STANDARD SCREENING

- (3) In cases where it is determined to be desirable by the Planning Board, evergreen trees planted with a minimum height of four feet may be substituted for the six- to eight-foot trees required under Subsection A, provided that the developer shall install a solid six-foot-high stockade fence along the outside of the required screening strips prior to commencing the construction of improvements on the site. The stockade fence shall be maintained in good condition by the developer until such time as the evergreen trees have grown to a minimum height of 10 feet, at which time the developer may remove the stockade fence.
- (4) Where existing specimen trees, as defined in Chapter 471, Trees, of the Code of the Township of Toms River, exist within a screening area, they should be retained and supplemented with shade-tolerant evergreen trees to provide the equivalent of the required screening as determined by the Toms River Township Environmental Commission.
- (5) Where all proposed buildings, parking areas and other improvements are located 100 feet or more from a property line abutting a residential zone, the Planning Board may permit a screening area 10 feet in width planted with a single row of evergreen trees in a location approved by the Toms River Township Planning Board planted on five-foot centers with a minimum height of six to eight feet of a type and species to be substituted for the screening area required in Figure 2A. (See Figure 2B below.)

FIGURE 2B

MODIFIED SCREENING



Single row of approved evergreen trees.

- (6)

The required height for a screening area shall be measured in relationship to the elevation of the land at the nearest required rear, side or front yard setback line of the abutting residentially zoned properties. Where the average ground elevation of the location at which the screening strip is to be planted is less than the average ground elevation at the nearest required rear, side or front setback line on the abutting residentially zoned property, the Planning Board may require that the height of trees planted in the required screening strip be increased by an amount equal to the difference in elevation. Where the average ground elevation of the location at which the screening strip is to be planted is greater than the average ground elevation at the nearest required rear, side or front setback line on the abutting residentially zoned property, the Planning Board may permit the height of trees planted in the required screening strips to be decreased by an amount equal to 1/2 the difference in elevation, except that in no case shall the required height be reduced to less than four feet.

- (7) All trees in a screening area shall be watered weekly through the first growing season. The developer shall construct a six-inch-deep earth saucer around each tree to hold water and fill with woodchips or other suitable mulch. Trees shall be nursery grown, balled and bagged, sheared and shaped, of the required height and planted according to accepted horticultural standards.
- (8) At the following locations within required screening areas, evergreen shrubs with a maximum mature height of 30 inches or less, approved by the Toms River Township Environmental Commission as to type, location and spacing, shall be provided in lieu of the evergreen trees specified above:
 - (a) Within sight triangle easements.
 - (b) Within 25 feet of intersections where sight triangle easements are not provided.
 - (c) Within 25 feet of access drives.
- (9) Waiver. The Planning Board, after favorable recommendation by the Planning Board Engineer, Conservation Officer and Environmental Commission and after examination and review, may waive, fully or partially, provisions of this section in heavily wooded areas, in areas unsuitable for plantings or because of other exceptional conditions and/or may require supplementary plantings.

C. Landscaping.

- (1) Topsoil preservation. No topsoil shall be removed from the site or used as spoil, except as may be provided for in a topsoil removal permit issued in accordance with the ordinances of Toms River Township regulating mining operations or excess topsoil remaining after all improvements have been installed in accordance with an approved site plan or subdivision map after topsoil has been redistributed in accordance with this subsection. All topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide an even cover and shall be stabilized by seeding or planting. All regraded areas and all lawn areas shall be covered by a four-inch minimum thickness of topsoil. If sufficient topsoil is not available on the site, topsoil meeting the requirements of the Standard Specifications shall be provided to result in a four-inch minimum thickness.
- (2) Tree removal. All tree removal shall be in accordance with the requirements of Chapter **471**, Trees, of the Code of the Township of Toms River.
- (3) Protection of trees. No material or temporary soil deposits shall be placed within six feet of any trees or shrubs designated to be retained on the preliminary and/or final plat. Where

grading may be required, trees not shown for removal shall be walled in and extension tiled to the outer crown of the tree.

- (4) Removal of debris. All tree stumps and other tree parts or other debris shall be removed from the site and disposed of in accordance with law. No tree stumps, portions of a tree trunk or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips they may, subject to the approval of the Township Engineer, be used as mulch in landscaped areas.
- (5) Slope plantings. Landscaping of the area of all cuts or fills and terraces shall be sufficient to prevent erosion, shall be approved by the Planning Board and shall be in accordance with applicable portions of Chapter 438, Soil Disturbance, of the Code of the Township of Toms River. All roadway slopes steeper than one foot vertically to three feet horizontally shall be planted with suitable cover plants combined with grasses and/or sodding. Grasses or sodding alone shall not be acceptable.
- (6) Selective thinning. Throughout the development, except in areas specifically designated to remain in their natural state, in landscaped or buffer areas, on building lots and in open space areas for public or quasi-public use, the developer shall selectively thin or remove all dead or dying vegetation, either standing or fallen, and shall remove, including grubbing out stumps, all undesirable trees and other growth. The developer shall, in accordance with overall site development and his proposed landscaping scheme, provide cleared, graded and drained pathways approximately four feet wide through all public or quasi-public open space in heavily wooded areas. Such pathways should be sited to conform to the existing natural conditions and should remain unobstructed. They are not intended to provide improved walkways but only to provide easy access through open space areas.
- (7) Additional trees in single-family and two-family subdivisions. Besides the screening and shade tree requirements, additional trees shall be planted throughout the subdivision in accordance with a planting plan approved by the Planning Board at the time of final approval. The number of trees planted shall be not less than 10 per acre, calculated on the basis of the entire subdivision tract. The variety of plantings may vary from those listed under shade tree requirements and may include flowering types and/or evergreens, not exceeding 30% of the total plantings.
- (8) Additional landscaping for nonresidential uses. In conjunction with all uses other than single- and two-family homes, all areas of the site not occupied by buildings, pavement, sidewalks, required screening, required parking area landscaping, required safety islands or other required improvements shall be landscaped by the planting of grass or other ground cover acceptable to the Planning Board and a minimum of two shrubs and one tree for each 250 square feet of open space.
- (9) Trees shall be planted with a minimum diameter of two inches breast high.
- (10) Waiver. The Planning Board, after favorable recommendation by the Planning Board Engineer, Conservation Officer and Environmental Commission and after examination and review, may waive, fully or partially, provisions of this section in heavily wooded areas, in areas unsuitable for plantings or because of other exceptional conditions and/or may require supplementary plantings.
- (11) Specification. All planting, clearing, selective thinning, topsoiling, seeding and other landscaping work shall conform to the applicable requirements of the Standard Specifications.
- (12)

Landscaping plan. The placement of landscaping shall be in accordance with a landscaping plan submitted with the final plat.

- (13) Relocated plantings. Existing plants may be salvaged and/or relocated from clearing areas within the development and utilized to meet the planting requirements of Subsection **C(7)** and **(8)**, provided that:
 - (a) Each three items of salvaged and/or relocated plant material shall be considered equivalent to two items of new plant material.
 - (b) All such salvaged and/or relocated plant material shall be of a type, size and quality acceptable to the Conservation Officer and the Township Engineer.
 - (c) All such salvaged and/or relocated plant material shall be dug, transported and replanted at a season of the year and using a schedule and equipment, methods and materials conforming to the requirements of the Standard Specifications and subject to the approval of the Conservation Officer and the Township Engineer.
 - (d) The developer has received the approval of the Conservation Officer and the Township Engineer of the items to be relocated and the schedule and methods of relocation prior to any work of salvaging and/or relocation taking place.
- (14) All landscape areas other than single-family lots shall provide an irrigation system acceptable to the Planning Board.
[Added 9-12-2000 by Ord. No. 3551-00]
- (15) A landscape plan shall be submitted to vegetate clear areas of open space for each application. For the purpose of this section, a "clear area" shall be any area that has an average of less than one tree for each 250 square feet of open space. [The definition of tree is any living deciduous trees having a trunk of a diameter greater than three inches DBH (diameter breast high), any living coniferous tree having a trunk of a diameter greater than four inches DBH or any living dogwood (cornus florida) or American holly (ilex opaca) tree having a diameter of one inch or greater DBH as described in Chapter **471**, Trees, **§ 471-3**, Definitions.] This plan shall provide a minimum of one tree for every 250 square feet of open space. Thirty percent of the total can be coniferous (evergreen) and/or ornamental trees. The minimum size for deciduous trees shall be two-inch caliper with the minimum height for evergreens to be six feet. These trees must meet the standard set by the American Nursery Standards.
[Added 5-13-2003 by Ord. No. 3793-03]

D. Shade trees.

- (1) In each subdivision of land, the developer shall plant within the shade tree and utility easements, or between the sidewalk and property line where such easements are not provided, proper shade and/or decorative trees at a maximum distance of 50 feet between trees. The minimum distance between such trees planted shall be 40 feet. Planting sites shall be indicated on the final plat. Such plantings shall not be required within sight easements as required elsewhere herein.
[Amended 9-14-1982 by Ord. No. 2116]
- (2) Planting requirements.
[Amended 9-14-1982 by Ord. No. 2116; 6-11-1985 by Ord. No. 2329-85]
 - (a) All trees planted in accordance with the provisions of this chapter shall be placed in a proper manner and in a good grade of topsoil and within the area of the tree well at the point where the tree is planted. In the event that any individual person or group of

individual persons desires to plant a tree or trees in a tree well or within the jurisdiction of the Toms River Township Department of Parks, Recreation and Public Lands, such person or persons may do so, provided that they conform to the provisions of this chapter and further provided that permission of the said Toms River Township Department of Parks, Recreation and Public Lands is obtained.

- (b) All trees planted that are balled and burlaped will require one stake parallel to the trunk and secured at two points using the common hose and wire binding method. All trees planted bare root will require two stakes parallel to the trunk opposite each other and secured to same using the common hose and wire binding method.
 - (c) All trees will require a three-inch thick mulch layer covering the area of the hold.
 - (d) An identification tag attached at the nursery indicating the exact variety will be required on at least one tree of each variety planted.
- (3) All shade trees to be hereafter planted in accordance with this chapter shall be nursery grown or of substantially uniform size and shape and shall have straight trunks. The use of ornamental trees is prohibited. In the event that circumstances arise where the use of an ornamental tree is applicable, a formal request should be made to the Planning Board for review.
[Amended 6-11-1985 by Ord. No. 2329-85]
- (4) All trees planted pursuant to this chapter shall be planted in a dormant state.
- (5) Subsequent replacement plants shall conform to the type of existing tree in a given area, provided that, if any deviation is anticipated, it must be done only with the permission of the Toms River Township Department of Parks, Recreation and Public Lands. In a newly planted area, only one type of tree may be used on a given street, unless otherwise specified by the Toms River Township Department of Parks, Recreation and Public Lands. Trees shall be planted with a minimum diameter of 1 3/4 inches to two inches measured at six inches from the ground level.
[Amended 9-14-1982 by Ord. No. 2116; 6-11-1985 by Ord. No. 2329-85]
- (6) A hole in which a tree is to be planted shall, in each case, be 1/3 larger in width and in depth than the existing root ball of the particular tree to be planted. The hole for a tree to be planted shall contain proper amounts of topsoil and peat moss, but no chemical fertilizer shall be added until the tree has been planted for one year.
- (7) In areas adjacent to salt water, such as bays, brackish rivers or lagoons, plantings shall be one of the following kinds of trees:
[Amended 9-14-1982 by Ord. No. 2116; 1-28-2003 by Ord. No. 3766-03]
- (a) Zelkova (*Zelkova serrata*).
 - (b) Japanese scholar tree (*Sophora japonica*).
- (8) In the upland, which is away from rivers, bays and lagoons, and not adjacent to large bodies of water, plantings shall be one of the following kinds of trees:
[Amended 9-14-1982 by Ord. No. 2116; 6-11-1985 by Ord. No. 2329-85; 1-28-2003 by Ord. No. 3766-03]
- (a) Sugar maple (*Acer saccharum*).
 - (b) Green ash (*Fraxinus pennsylvanica*).
 - (c)

Sassafras (*Sassafras albidum*): must be single-trunked, nursery grown and planted only in the spring.

- (d) Callery pear (*Pyrus calleryana*): any cultivar except Bradford.
 - (e) Zelkova (*Zelkova serrata*).
 - (f) Hophornbeam (*Ostrya virginiana*).
 - (g) Silver linden (*Tilia tomentosa*).
 - (h) Littleleaf linden (*Tilia cordata*).
 - (i) London planetree (*Platanus acerifolia*).
 - (j) Hardy rubber tree (*Eucommia ulmoides*).
 - (k) Japanese scholar tree (*Sophora japonica*).
 - (l) Ginko (*Ginko biloba*).
- (9) In areas adjacent to freshwater rivers and lakes, plantings shall be one of the following kinds of trees:
[Amended 9-14-1982 by Ord. No. 2116; 6-11-1985 by Ord. No. 2329-85; 1-28-2003 by Ord. No. 3766-03]
- (a) Blackgum (*Nyssa sylvatica*).
 - (b) Sweetgum (*Liquidambar stryaciflua*).
 - (c) London planetree (*Platanus acerifolia*).
 - (d) Hardy rubber tree (*Eucommia ulmoides*).
 - (e) Japanese scholar tree (*Sophora japonica*).
 - (f) Sugar maple (*Acer saccharum*).
- (10) On outer beaches, both oceanfront and bay front:
[Amended 9-14-1982 by Ord. No. 2116; 6-11-1985 by Ord. No. 2329-85; 1-28-2003 by Ord. No. 3766-03]
- (a) Oak species: Red (*Quercus rubra*), Willow (*Quercus phellos*), Chestnut (*Quercus prinus*), Pin (*Quercus palustris*) and Scarlet (*Quercus coccinea*) are subject to special approval by the Planning Board.
- (11) All shade trees shall be planted in accordance with the landscaping requirements of the Standard Specifications.

§ 348-8.37. Tents.

[Added 4-11-1990 by Ord. No. 2729-90]

In zoning districts where the placement of tents is a permitted accessory use, the following minimum requirements shall apply:

- A. No tent(s) erected upon any site may exceed 2,000 square feet.
- B. Tents shall have a maximum height of 20 feet.

- C. No tent(s) shall have a dimension greater than 60 feet.
- D. No tent(s) shall be located closer to any property line than the required principal building setback or within any vehicular circulation aisle.
- E. No tent(s) may be utilized to advertise or identify the name of or the place of business.
- F. No tent(s) may be erected upon any site closer than 25 feet to another tent, umbrella and/or any building on the site upon which the tent is erected.
- G. Tents erected on any residential parcel for not more than five days for residential purposes shall be exempt from Subsections **D**, **E** and **F** and shall be considered permitted accessory uses.

[1] *Editor's Note: See also Ch. 217, Buildings for Public Assemblages, Temporary.*