

ORDINANCE 2024-5

AN ORDINANCE AMENDING THE "CHERRY HILL TOWNSHIP ZONING ORDINANCE" ADOPTING THE PREVIOUSLY RESERVED AGRICULTURAL-HORTICULTURAL COMMERCIAL (AHC) OVERLAY ZONE AND UPDATING THE ZONING MAP

WHEREAS, consistent with the provisions of the Municipal Land Use Law, including N.J.S.A. 40:55D-26 and 40:55D-64, prior to the hearing on the adoption of any amendment to the Zoning Ordinance, Cherry Hill Township Council ("Township Council") has referred to the Cherry Hill Township Planning Board ("Planning Board") a proposed amendment to the Cherry Hill Township Zoning Ordinance for review, comment and recommendation; and

WHEREAS, the Township Council has previously adopted, after recommendation from the Planning Board, the Master Plan, and the revisions thereto, which includes a Land Use Plan Element, Housing Plan Element, and a Sustainability Plan Element; and

WHEREAS, the Agricultural-Horticultural Commercial (AHC) Overlay Zone ("Overlay Zone") was proposed to Township Council in 2011 to help preserve the remaining farmland in the Township and support those facilities by permitting commercial activities related to agricultural production, such as farmers markets or horticultural centers; and

WHEREAS, the Department of Community Development ("Department") in the 2018 Master Plan did not recommend adopting the Overlay Zone given that New Jersey's then Right to Farm Act and the Agriculture Retention and Development Act provided the same protections to agricultural producers, but nevertheless reserved Section 422 for a future overlay zone if necessary; and

WHEREAS, the New Jersey Municipal Land Use Law ("MLUL") lists as an "intent and purpose" of the act, "to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;" and

WHEREAS, Agricultural Development Areas (ADAs) are areas identified by County Agricultural Development Boards (CADBs) which are currently or potentially used for agriculture and are within a zone that permits agriculture; and

WHEREAS, it is a prerequisite for parcels to be zoned for agriculture uses and designated as an ADA to be eligible for farmland preservation and to receive certain benefits and incentives, such as the State Agricultural Development Committee (SADC) Planning Incentive Grant; and

WHEREAS, the New Jersey State Development and Redevelopment Plan ("State Plan") emphasizes the importance of agriculture in a number of ways and is one of the State Plan's Statewide Policy Categories, in order to "promote and preserve the agricultural industry and retain farmland by coordinating planning and innovative land conservation techniques to protect agricultural viability while accommodating beneficial development and economic growth necessary to enhance agricultural vitality". "Enhancing Agriculture" is additionally listed as Policy 18 under the Economic Development Statewide Policy Category; and

WHEREAS, the predominant land use of Cherry Hill Township through the middle of the twentieth century was farming and agriculture; and

WHEREAS, accelerating in the years after World War II, almost all of the agricultural properties in Cherry Hill were developed, either as residential subdivisions with newly dedicated rights-of-way or commercial and other nonresidential uses along existing corridors; and

WHEREAS, Cherry Hill Township has few remaining parcels that are actively farmed or available for agricultural and/or horticultural uses; and

WHEREAS, Cherry Hill Township finds it necessary to adopt the proposed zoning regulations to encourage the use and preserve of active farming within the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of Cherry Hill Township, County of Camden, State of New Jersey, that the Cherry Hill Zoning Ordinance shall be hereby amended as follows:

SECTION 1. The Cherry Hill Township Zoning Ordinance Section 422 shall be repealed and replaced by the following:

SECTION 422. Agricultural-Horticultural Commercial (AHC) Overlay Zone.

- A. Intent. The intent of this zone is to recognize the right to farm as a permitted use and encourage the preservation of active farming in the community.
- B. Definitions. Unless specifically defined below or otherwise in §202, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application:

AGRICULTURAL USE: The use of land for common farmsite activities, including but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing, the operation of a farm market or "pick-your-own" operation, and any other agricultural activity as determined by the State Agriculture Development Committee and adopted by rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), but excluding any and all cannabis related agricultural and/or horticultural activities.

COMMERCIAL FARM:

- 1. A farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1, et seq.; or
- 2. A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1, et seq.

FARM MANAGEMENT UNIT: A parcel or parcels of land, whether contiguous or

noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

FARM MARKET: A facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51 percent of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51 percent of the sales area shall be devoted to the sale of the agricultural output of the commercial farm, and except that if a retail farm market is located on land less than five acres in area, the land on which the farm market is located shall produce annually agricultural or horticultural products worth at least \$2,500.

PICK-YOUR-OWN OPERATION: A direct marketing alternative wherein retail or wholesale customers are invited onto a commercial farm in order to harvest agricultural, floricultural or horticultural products.

- C. Permitted Principal Uses. In addition to principal uses permitted by the underlying zoning of the parcel, Agricultural Uses shall be a principal permitted use in the Agricultural-Horticultural Commercial (AHC) Overlay Zone.
- D. Permitted Accessory Uses and Structures. Any of the following uses and structures may be permitted when used in conjunction with an Agricultural Use and otherwise conforming to applicable provisions of the Cherry Hill Township Zoning Ordinance:
1. Housing and employment of necessary farm laborers.
 2. Erection of essential agricultural buildings, including those dedicated to the processing and packaging of the output of the commercial farm and ancillary to agricultural and horticultural production.
 3. Construction of fences.
 4. Conduction of agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm and permission of the farm owner and lessee is obtained.
 5. Use of any and all equipment, including but not limited to: irrigation pumps and equipment, aerial and ground seeding and spraying, tractors, harvest aides, and bird control devices.
 6. Processing and packaging of the agricultural output of the commercial farm.
 7. On-site disposal of organic agricultural wastes.
 8. The application of manure and chemical fertilizers, insecticides and herbicides.
 9. Installation of wells, ponds and other water resources for agricultural purposes such as irrigation, sanitation and marketing preparation.
 10. Any other related agricultural activity as determined by the State Agriculture Development Committee and adopted by rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

- E. Other Applicable Standards. In addition to any other requirement contained within the Cherry Hill Township Zoning Ordinance or Cherry Township General Code, commercial farm operators must otherwise be in conformance with applicable Federal and State law and are strongly advised to adhere to generally accepted agricultural management practices that have been:
1. promulgated as rules by the State Agriculture Development Committee;
 2. recommended as site-specific agricultural management practices by the county agriculture development board;
 3. approved by the local soil conservation district in the form of a farm conservation plan that is prepared in conformance with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG), revised April 20, 1998, as amended and supplemented; or
 4. recommended by the Rutgers Agricultural Experiment Station.
- F. Bulk Requirements. Except as otherwise modified, the bulk requirements contained within the Institutional (IN) Zone shall apply to all buildings and structures in the Agricultural-Horticultural Commercial (AHC) Overlay Zone.

SECTION 3. The Cherry Hill Township Zoning Map shall be amended to add the Agricultural-Horticultural Commercial (AHC) Overlay Zone onto the following parcel:

Block	Lot	Address
528.01	32	350 Springdale Rd (Holly Ravine Farm)

SECTION 5. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

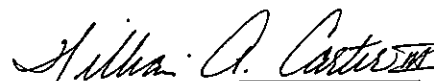
SECTION 6. All ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

SECTION 7. This ordinance shall take effect twenty (20) days after passage and publication, as required by law.

INTRODUCED: AUGUST 12, 2024

ADOPTED: SEPTEMBER 9, 2024


MAYOR, DAVID FLEISHER


COUNCIL PRESIDENT

ATTEST:


PATTI CHACKER, RMC
TOWNSHIP CLERK