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**ORDINANCE 2012-xx**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER XXX, LAND DEVELOPMENT, OF THE TOWNSHIP CODE TO ADD MARKET GARDENS AS A CONDITIONAL USE IN CERTAIN PORTIONS OF THE R-1 DISTRICT**

**WHEREAS**, based upon the presence of sufficient available land within Chatham Township, and because there have been some farming activities that have pre-existed the current zoning in the Township, but because farming operations can have negative impacts in suburban areas, adding market gardens as a conditional use subject to certain limitations and regulations is appropriate in the Land Development Ordinance of the Township;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that Chapter XXX, Land Development, of the Township Code is hereby amended as follows:

1. Section 30-78.3, Conditional Uses, is amended to add Section 30-78.3c, Market Gardens:

30-78.3.c. Market Gardens.

2. Section 30-99. Conditional Uses, is amended to add Section 30-99.10, Market Gardens:

30-99.10. Market Gardens.

A. As used in this section, the following words shall have the following meanings:

"Market garden" means an area of land, not less than three (3) contiguous acres, that is used primarily for the planting, growing and harvesting of produce, trees, flowers for cutting, and bee keeping, the products of which may be offered for sale off-premises.

B. The following uses and activities shall be permitted as conditional uses on market gardens:

1. Planting, growing, and harvesting of produce, trees, flowers for cutting and bee keeping, exclusively, which shall not be construed to include lawn and landscape contracting businesses engaged in the growing, installation or maintenance of lawns and landscape plants.

2. Erection of temporary greenhouses without permanent foundations, power or ventilation, provided that no such building shall be larger than 250 square feet in area per

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acre of planted area nor located less than 100 feet from any street right-of-way or 50 feet from any adjacent property line.

3. Construction of fences in accordance with the requirements of 30-96.15, and as may be required by the Planning Board as part of site plan approval to reduce the visual impact of the activity.

4. Control of pests, including but not limited to insects, weeds, predators and diseases of plants, and in accordance with a farm conservation plan meeting the requirements of the Soil Conservation District and the United States Department of Agriculture (USDA) National Organic Program, and filed with the Township Clerk.

5. Use of irrigation pumps and equipment, tractors, harvest aides and bird control devices (excluding those that create noise, such as sirens or explosive devices). No equipment shall be stored within 100 feet of any road or public right-of-way unless such equipment is stored within a permanent building.

6. Replenishment of soil nutrients and improvement of soil tilth in accordance with a farm conservation plan meeting the requirements of the Soil Conservation District and the USDA National Organic Program.

7. Composting of on-site generated organic agricultural waste by tilling into the ground in accordance with a farm conservation plan meeting the requirements of the Soil Conservation District the USDA National Organic Program.

8. Pest control and the application of manure and fertilizers in accordance with a farm conservation plan meeting the requirements of the Soil Conservation District and the USDA National Organic Program.

9. Installation of wells and other water resources for agricultural purposes such as irrigation, sanitation and marketing preparation.

C. Market garden operations shall adhere to:

1. Any and all rules promulgated by the New Jersey Agricultural Development Committee and the New Jersey Department of Environmental Protection.

2. Site-specific horticultural management practices recommended by the Morris County Agriculture Development Board.

3. The approval granted by the Morris County Soil Conservation District in the form of a farm conservation plan prepared in accordance with the United States

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Department of Agriculture, Natural Resources Conservation Service (NCRS) Field Office  
Technical Guide (FOTG), revised April 20, 1998, as amended and supplemented.

4. Recommendations of the Rutgers Agricultural Experiment Station.
5. No farm equipment shall be stored outdoors within 25' of any lot line.

D. The foregoing activities shall conform to the Chatham Township Code and all applicable Federal and State law.

E. The following Conditional Use Standards shall govern market gardens:

1. Except for irrigation, which shall be permitted at any time, the foregoing activities and practices may take place on weekdays and Saturdays between 8:00 a.m. and sunset, and on Sundays and National holidays between 9:00 a.m. and 5:00 p.m., provided that operation of tractors, mowers, tillers, gasoline or diesel powered farm equipment is prohibited on National holidays.
2. No on-premise sales or "pick your own" or related operations are permitted.
3. This ordinance shall take effect in accordance with law.

Introduced: January , 2012  
Adopted:  
Attest:

**TOWNSHIP OF CHATHAM, COUNTY  
OF MORRIS, STATE OF NEW JERSEY**

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Gregory J. LaConte, Clerk

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Nicole Hagner, Mayor

#416882 v.65- Chatham Tp - Farming Ordinance