

**TOWNSHIP OF FRANKLIN  
GLOUCESTER COUNTY, NEW JERSEY**

**ORDINANCE # 7-21**

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF  
GLOUCESTER, AND STATE OF NEW JERSEY,  
AMENDING CHAPTER 253 OF  
THE CODE OF THE TOWNSHIP OF FRANKLIN ENTITLED “LAND  
DEVELOPMENT”**

**WHEREAS**, Chapter 253 of the Code of the Township of Franklin, entitled “LAND DEVELOPMENT,” promotes orderly development, limits congestion on streets, protects against hazards, regulates intensity of use, regulates location of buildings, establishes standards of development, encourages good aesthetics, prohibits incompatible uses, regulates alterations of existing buildings, conserves taxable value of land and implements the Master Plan of the Township; and

**WHEREAS**, Article IX, Chapter 253-86 establishes zones or districts of classes within the Township of Franklin; and

**WHEREAS**, the Township of Franklin supports Agricultural uses in all areas of the Township; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

**WHEREAS**, it has come to the attention of the Township that certain sections of Article IX, Chapter 253-86 and Chapter 253-96-2 need to be amended in order to comply with the New Jersey Pinelands Protection Act.

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

**SECTION 1.**

Revise Article I, Chapter 253-3, entitled “Definitions,” B. “Agricultural or Horticultural Purpose or Use:”

A) By adding a new subsection B(1) to read as follows:

(B)(1) “Agricultural or Horticultural Purpose or Use in Non-Pinelands Area”

Any production of plants or animals useful to man, including but not limited to: forages or sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, and including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; aquatic organisms as part of aquaculture; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or any land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agency of the federal government. Agricultural or Horticultural Purpose or use can include 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. Agricultural or horticultural use does not include earth extraction, land mining or land filling operations which are not incidental to existing agricultural operations. Examples of such incidental

agricultural operations include, but are not limited to, harvesting, drainage and irrigation and grading incidental thereto.

- B) By retitling the current Article I, Chapter 253-3, entitled “Definitions,” B. “Agricultural or Horticultural Purpose or Use” as “Agricultural or Horticultural Purpose or Use in Pinelands Area” and renumbering it as Article I, Chapter 253-3, entitled “Definitions,” B(2).

Any production of plants or animals useful to man, including but not limited to: forages or sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, and including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; aquatic organisms as part of aquaculture; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or any land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agency of the federal government. Agricultural or horticultural use does not include earth extraction, land mining or land filling operations which are not incidental to existing agricultural operations. Examples of such incidental agricultural operations include, but are not limited to, harvesting, drainage and irrigation and grading incidental thereto.

## **SECTION 2.**

Revise Article I, Chapter 253-96-2, entitled, “Permitted uses,” as follows:

The sentence immediately after the phrase “Permitted uses,” which currently reads, “The following uses shall be permitted in all of the Districts established under Article IX, Chapter 253-86,” shall be deleted and replaced by the sentence: “The following uses shall be permitted in all of the Districts established under Article IX, 253-86 that are located outside of the Pinelands Area.”

**SECTION 3.** This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

**SECTION 4.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 5.** This Ordinance shall be referred to the Township Planning Board for review.

**SECTION 6.** Upon adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board, the Pinelands Commission and other agencies as required by law.

**SECTION 7.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 8.** This Ordinance shall take effect upon final passage and publication according to law.

ATTEST:

TOWNSHIP OF FRANKLIN

\_\_\_\_\_  
Barbara Freijomil, Clerk

\_\_\_\_\_  
John Bruno, Mayor

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on April 13, 2021 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on May 11, 2021 at which time any person interested therein will be given an opportunity to be heard.

\_\_\_\_\_  
Barbara Freijomil, Municipal Clerk

Introduced April 13, 2021

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Doyle</u>				
<u>Deegan</u>				
<u>Petsch-Wilson</u>				
<u>Flaim</u>				
<u>Bruno</u>				

Adopted May 11, 2021

<u>Name</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Doyle</u>				
<u>Deegan</u>				
<u>Petsch-Wilson</u>				
<u>Flaim</u>				
<u>Bruno</u>				