

*Township of Franklin, NJ  
Wednesday, September 22, 2021*

## Chapter 253. Land Development

### Article XXVIII. PA-P Pinelands Agricultural Production Districts

[Added 8-10-1982 by Ord. No. O-17-82; amended 6-26-1984 by Ord. No. O-9-84; 5-9-1989 by Ord. No. O-4-89]

#### § 253-158. Permitted principal uses.

[Amended 10-24-1989 by Ord. No. O-17-89; 10-23-1990 by Ord. No. O-22-90; 6-9-1993 by Ord. No. O-15-93; 11-25-1997 by Ord. No. O-15-97; 2-13-2001 by Ord. No. O-1-2001]

In the PA-P Pinelands Agricultural Production districts, land may be used and buildings or structures erected, altered or used for any of the following purposes and no other:

- A. Farming in any of its branches, except that slaughterhouses, piggeries and like obnoxious businesses are specifically prohibited.
- B. Agricultural commercial establishments, provided that the sales area of the establishment does not exceed 5,000 square feet.
- C. Agricultural product processing facilities.
- D. Forestry.
- E. Low-intensity recreational uses provided that:
  - (1) The parcel proposed for low-intensity recreational use has an area of at least 50 acres.
  - (2) The recreational use does not involve the use of motorized vehicles except for necessary transportation.
  - (3) Access to bodies of water is limited to no more than 15 linear feet of frontage per 1,000 feet of water body frontage.
  - (4) Clearing of vegetation, including ground cover and soil disturbance, does not exceed 5% of the parcel.
  - (5) No more than 1% of the parcel will be covered with impervious surfaces.
- F. Pinelands development credits.
- G. Single-family detached dwellings meeting the Pinelands social and cultural exemptions of § **253-97B**.
- H. Single-family detached dwellings accessory to an active agricultural operation provided that:
  - (1) Dwelling units shall not exceed a density of one unit per 10 acres.
  - (2) The dwelling is for an operator or employee of the farm who is actively engaged in and essential to the agricultural operation.

- (3) The dwelling is to be located on a lot which is under or qualified for agricultural assessment under the New Jersey Farmland Assessment Act.<sup>[1]</sup>  
*[1] Editor's Note: See N.J.S.A. 54:4-23.1 et seq.*
  - (4) The dwelling is located on a lot which has an active production history or where a farm management plan has been prepared which demonstrates that the property will be farmed as a unit unto itself or as part of another farm operation in the area.
  - (5) A residential lot has not been subdivided from the property within the previous five years unless the lot has been subdivided pursuant to § **253-97B(1)**.
  - (6) No more than one lot may be created for a dwelling pursuant to this subsection at any one time.
- I. Single-family detached dwellings at a density of one unit per 40 acres, provided that:
- (1) The units shall be clustered on one-acre lots.
  - (2) The remainder of the parcel, including all contiguous lands in common ownership, which is not assigned to individual residential lots shall be permanently dedicated for agricultural uses through recordation of a restriction on the deed of the property.
  - (3) The restriction on the deed to the parcel, including any rights to be redeemed for future residential development, shall be done in accordance with N.J.A.C. 7:50-5, Part IV, so as to sever any Pinelands development credits allocated to the parcel.

## § 253-158.1. Accessory uses.

[Added 2-13-2001 by Ord. No. O-1-2001]

- A. An office of a physician, dentist, lawyer, architect, engineer or other licensed professional person, or musicians studio, when located within or directly connected to the dwelling use by such professional person as his private dwelling provided that the area of the office or studio shall not exceed 15% of the area of the dwelling, there shall be no more than one nonresident employee and parking shall be provided as required by § **253-93A** of this chapter.
- B. Home occupations consistent with the standards of § 253-190.10.
- C. A private garage for not more than three vehicles provided that such garage is located in the rear yard of the lot or is directly connected to the dwelling.
- D. Signs as permitted in Article **XXX** of this chapter.
- E. Fences, subject to the standards of § **253-190.9**.
- F. Swimming pools, provided that such pools shall be secured as required by the Uniform Construction Code.<sup>[1]</sup>  
*[1] Editor's Note: See Ch. 190, Construction Codes, Uniform.*
- G. Customary farm buildings for livestock, for the storage of farm products or equipment or for the processing of farm products.
- H. Tennis court.
- I. Parking of commercial vehicles in conjunction with a residential use subject to the provisions of § 253-190.11.
- J. Parking lot, including driveway, to serve a permitted principal, accessory and/or conditional use.

## § 253-158.2. Conditional uses.

[Added 2-13-2001 by Ord. No. O-1-2001]

The following may be approved by the Planning Board as conditional uses subject to compliance with the applicable standards established in Article **XXXVI** of this chapter.

- A. Public utilities and public utility substations, except that sewer treatment and collection facilities shall be permitted to service the PA-P district only in accordance with § **253-77B(2)**.
- B. Dog kennel in accordance with the Franklin Township Kennel Ordinance.<sup>[1]</sup>  
[1] *Editor's Note: See Ch. 151, Dogs and Other Animals, Article I, Dogs and Kennels.*
- C. Agricultural labor housing.

## § 253-159. Area restrictions and standards.

[Amended 2-13-2001 by Ord. No. O-1-2001]

The following restrictions and regulations shall apply to uses in the PA-P Districts unless otherwise indicated in this chapter.

- A. Lot area.
  - (1) Minimum lot area: five acres.
  - (2) Notwithstanding the minimum lot areas set forth above, no such minimum lot area for a nonresidential use within the PA-P District shall be less than that needed to meet the water quality standards of § **253-77B(4)**, whether or not the lot may be served by a centralized sewer treatment or collection system.
- B. Maximum impervious coverage: 15%.
- C. Minimum yard setbacks.
  - (1) Front: 50 feet on each street that a lot abuts.
  - (2) Side: 20 feet.
  - (3) Rear: 50 feet.
  - (4) In addition to the minimum standards of Subsection **C(1)** through **(3)**, residential uses must also comply with the minimum agricultural buffer requirements of § **253-101D**.
  - (5) A minimum ten-foot setback shall be provided for pump houses, sheds, protective shelters and similar minor structures accessory to a farming operation.

## § 253-160. Pinelands development credits.

- A. Except for land which was owned by a public agency on January 14, 1981, land which is thereafter purchased by the state for conservation purposes, land which is subject to an easement limiting the use of land to nonresidential uses or land otherwise excluded from entitlement in the subsections below, every parcel of land in the PA-P District shall have a use right known as "Pinelands development credits" that can be used to secure a density bonus for lands located in a Pinelands regional growth area. Pinelands development credits may also be allocated to certain properties in the township by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.  
[Amended 6-9-1993 by Ord. No. O-15-93]

- B. Pinelands development credits are hereby established in the PA-P District at the following ratios:
  - (1) Uplands which are undisturbed but approved for resource extraction pursuant to this chapter: two Pinelands development credits per 39 acres.

- (2) Uplands which are mined as a result of a resource extraction permit approved pursuant to this chapter: zero Pinelands development credits per 39 acres.
  - (3) Other uplands and areas of active berry agricultural bogs and fields: two Pinelands development credits per 39 acres.
  - (4) Wetlands in active field agriculture use currently and as of February 7, 1979: two Pinelands development credits per 39 acres.  
[Amended 11-25-1997 by Ord. No. O-15-97]
  - (5) Other wetlands: 0.2 Pinelands development credits per 39 acres.
- C. The allocations established in Subsection **B** above shall be reduced as follows:  
[Amended 10-23-1990 by Ord. No. O-22-90]
- (1) Any property of 10 acres or less which is developed for a commercial, industrial, resource extraction, intensive recreation, institutional, campground or landfill use shall not receive Pinelands development credit entitlement. For such an improved property of more than 10 acres, the area actively used for such use or 10 acres, whichever is greater, shall not receive Pinelands development credit entitlement.
  - (2) The Pinelands development credit entitlement of a parcel of land shall be reduced by 0.25 Pinelands development credit for each existing dwelling unit on the property.
  - (3) The Pinelands development credit entitlement for a parcel of land shall be reduced by 0.25 Pinelands development credit for each reserved right to build a dwelling unit on the parcel retained by the owner of the property pursuant to Subsection **G** below, or when a variance for cultural housing is approved by the township pursuant to § **253-97B(2)** of this chapter.
  - (4) The PDC entitlement for a parcel of land shall also be reduced by 0.25 PDCs for each dwelling unit approved pursuant to N.J.A.C. 7:50-4.61 et seq. when a waiver of strict compliance is granted by the Pinelands Commission.  
[Added 6-9-1993 by Ord. No. O-15-93]
- D. The owners of parcels of land which are smaller than 39 acres shall have a fractional Pinelands development credit at the same ratio established in Subsection **B** above.
- E. Notwithstanding the provisions above, the owner of record of 0.10 or greater acres of land in the PA-P District Zone as of February 7, 1979, shall be entitled to 0.25 Pinelands development credits, provided that the parcel of land is vacant, was not in common ownership with any contiguous land on or after February 7, 1979, and has not been sold or transferred except to a member of the owner's immediate family. The provisions of this subsection shall also apply to owners of record of less than 0.10 acres of land in the PA-P District, as of February 7, 1979, provided that said owners acquire vacant, contiguous lands to which Pinelands development credits are allocated pursuant to Subsection **B** above, which lands, when combined with the acreage of the parcel owned prior to February 7, 1979, total at least 0.10 of an acre.  
[Amended 10-23-1990 by Ord. No. O-22-90; 11-25-1997 by Ord. No. O-15-97]
- F. No Pinelands development credit may be conveyed, sold, encumbered or transferred unless the owner of the land from which the credit has been obtained has received a Pinelands development credit certificate from the New Jersey Pinelands Development Credit Bank pursuant to N.J.A.C. 3:42-3 and has deed restricted the use of the land in perpetuity to those uses set forth in Subsection **I** below by a recorded deed restriction which is in favor of a public agency or not-for-profit incorporated organization and specifically and expressly enforceable by the Pinelands Commission.  
[Amended 11-25-1997 by Ord. No. O-15-97]
- G. Notwithstanding the provision of Subsection **F** above, an owner of property from which Pinelands development credits are sold may retain a right for residential development on that property, provided that the recorded deed restriction allocation of Pinelands development credits for that property is reduced by 0.25 Pinelands development credit for each reserved right to build a

dwelling unit. Subdivision of the property shall not be required until such time as the residential development right is exercised.

[Amended 10-23-1990 by Ord. No. O-22-90]

- H. No conveyance, sale or transfer of Pinelands development credits shall occur until the municipality with jurisdiction over the parcel of land from which the Pinelands development credits were obtained, the agency or organization to which the restriction is in favor and the Pinelands Commission have been provided with evidence of recordation of a restriction on the deed to the land from which the development credits were obtained.
- I. Such deed restriction shall specify the number of Pinelands development credits sold and that the property may only be used in perpetuity for the following uses:  
[Amended 10-23-1990 by Ord. No. O-22-90; 6-9-1993 by Ord. No. O-15-93]
- (1) In the PA-P District: agriculture; forestry; agricultural employee housing as an accessory use; low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body, clearing of vegetation does not exceed 5% of the parcel, and no more than 1% of the parcel will be covered with impervious surfaces; agricultural commercial establishments, excluding supermarkets and restaurants and convenience stores, where the principal goods or products available for sale were produced in the Pinelands and the sales area does not exceed 5,000 square feet; agricultural products processing facilities; and accessory uses.  
[Amended 6-26-2012 by Ord. No. O-5-12; 4-9-2019 by Ord. No. O-4-19]
  - (2) In all other Pinelands Zoning Districts: agriculture; forestry; and low-intensity recreational uses.
- J. Pinelands development credits shall be used in the following manner:  
[Added 6-9-1993 by Ord. No. O-15-93]
- (1) When a variance for cultural housing is granted by the township in accordance with § **253-97B(2)** of this chapter; and
  - (2) When a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
- K. In no case shall a building or construction permit be issued for any development involving the use of Pinelands development credits until the developer has provided the Pinelands Commission and the township with evidence of his ownership of the requisite Pinelands development credits and those Pinelands development credits have been redeemed with the township.  
[Added 6-9-1993 by Ord. No. O-15-93]