

**ORDINANCE OF THE TOWNSHIP OF SOUTH HARRISON  
AMENDING CHAPTER 90, THE LAND USE AND DEVELOPMENT ORDINANCE OF  
THE TOWNSHIP OF SOUTH HARRISON**

**WHEREAS**, the Township of South Harrison strives to adopt and implement land use regulations that advance the goals and objectives of the Township in a clear and consistent fashion; and

**WHEREAS**, South Harrison Township officials wish to enact policies that support farming and the agricultural industry and encourage the retention of diverse farming operations; and

**WHEREAS**, commercial farming activities are protected by the Township's Right to Farm ordinance, section 90-5.36; and

**WHEREAS**, adequate buffering between farm operations and new development will aid in the harmonious coexistence of both; and

**WHEREAS**, the Planning Board has recommended the ordinance changes consistent with sound planning, the general recommendations of the Gloucester County Agriculture Development Board, and the implementation of the goals and objectives of the Master Plan.

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

**SECTION I. Revise section 90-2.26 "Farmland Buffers" in its entirety to read as follows:**

- A. Purpose. The purpose of the Farmland or Agricultural Buffer is to minimize potential conflicts between agricultural and non-agricultural land uses, and to protect agricultural operations consistent with the purposes of the "Right to Farm" ordinance (§ 90-5.36), by providing a physical separation between farm assessed properties and other residential, institutional and commercial uses. The farmland buffer is intended to assist in maintaining an environment in which farmers are free to pursue their livelihood free from nuisance complaints.
- B. Farmland Buffer Requirements. All residential and non-residential subdivisions and site plans that may ultimately result in the construction of new residential dwellings or commercial or institutional uses shall be designed such that any lot abutting or sharing a boundary with land that is currently assessed as farmland or that has been qualified within any of the three calendar years preceding the application as qualified farmland under the New Jersey Farmland Assessment Act, shall include, in addition to the required yard and setbacks, a buffer as follows:

- (1) A 100 foot wide buffer strip in addition to the required yards and setbacks along all property lines shared with the agricultural use
- (2) The buffer shall include a six foot high vinyl coated (or other style approved by the land use board) fence located one (1) foot inside the property line on the lot being subdivided or developed.
- (3) The buffer strip shall contain a staggered row of evergreen plantings, 6 feet high at the time of planting placed 10 feet on centers, or appropriately spaced for the particular species, to provide an adequate and effective visual buffer and to assist in buffering noise, odor and dust.
  - (a) Existing vegetation/hedges shall be maintained when they exist within the buffer area and may substitute for the required evergreens if a substantial year-round buffer is already present.
  - (b) The proposed plant species must be approved by the Land Use Board at the time of site plan or subdivision approval, and may not be an invasive species.
  - (c) The buffer for each phase of a development must be installed prior to the issuance of the first Certificate of Occupancy for that phase of development.
- (4) The buffer strip shall be restricted by deed and by final subdivision plat against construction of any buildings or structures other than fences, walls and drainage facilities and against removal of any screen of trees or hedges, so long as the adjacent land is assessed or qualified as farmland under the New Jersey Farmland Assessment Act, or is actively farmed should the Farmland Assessment act be revoked or substantially altered.
- (5) The deed restriction shall also require that the screen of trees or hedges be maintained in perpetuity by the homeowners association or the individual property owner as the case may be. Any hedges and/or trees that die or become diseased must be replaced to maintain the screen.

C. Exceptions for which the buffer may be reduced or is not required are as follows, however except for number (1), the exceptions do not apply to property lines shared with permanently preserved farms:

- (1) If the lot being subdivided or developed is substantially wooded and the vegetation and trees within the buffer area will remain, the buffer is still required, but the Land Use Board may waive the planting requirements in the buffer.
- (2) If the lot being subdivided or developed contains a dense hedge that can not be easily penetrated by a pedestrian, the Land Use board may waiver the fence requirement.
- (3) The buffer is not required if the subdivided lots are six (6) acres or more in size and are intended to be farmed.
- (4) Farmland assessment on the adjacent land has been terminated and rollback taxes have been imposed due to change of use of said adjacent land to a use other than agricultural or horticultural.

**SECTION II. Revise Section 90-5.15.C(4) to read as follows:**

- (4) Fences and walls, not exceeding four feet (48 inches) in the front yard and six feet (72 inches) in the rear yards.

**SECTION III. REPEALER**

Ordinances or provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

**SECTION IV. INVALIDITY**

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

**SECTION V. EFFECTIVE DATE**

This Ordinance shall take effect upon adoption and publication according to law and the filing of same with the Gloucester County Planning Board in accordance with N.J.S.A. 40:55D-16.

TOWNSHIP OF SOUTH HARRISON

**ATTEST:**

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**Robert S. Campbell, Mayor**

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**Nancy E. Kearns, RMC  
Municipal Clerk**

**CERTIFICATION**

The foregoing Ordinance was re-introduced as amended at a Regular Meeting of the Township of South Harrison held on the 13<sup>th</sup> day of May 2009 and will be considered for final passage and adoption at a meeting to be held on the 10<sup>th</sup> day of June 2009, at 7:30 P.M., at the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, NJ 08039, at which time any person interested therein will be given an opportunity to be heard.

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**Nancy E. Kearns, RMC  
Municipal Clerk**

**NOTICE**

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NOTICE is hereby given that the foregoing Ordinance O-09-06 was finally adopted at a meeting of the South Harrison Township Committee held on the 10<sup>th</sup> day of June 2009 at 7:30 p.m. in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

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Nancy E. Kearns, RMC  
Municipal Clerk

Information

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