

State of New Jersey
Township of Lawrence

Ordinance No. 2251-16

**ORDINANCE AMENDING THE
LAND USE ORDINANCE
OF THE TOWNSHIP OF LAWRENCE
TO REVISE SECTIONS 201, 400 AND 428
TO ADD HOME AGRICULTURE**

WHEREAS, the Township Council of the Township of Lawrence, a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the Township pertaining to Section 201 entitled Definitions, Section 400 entitled General Regulations and Permitted Modifications, and Section 428, entitled Additional Requirements for Residential Uses; and

WHEREAS, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides for the appropriate use, regulation and development of lands in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; however, a governing body may adopt a zoning ordinance or zoning map wholly or partly inconsistent with such land use plan element provided that the reasons for so doing are set forth in a resolution and recorded in its minutes; and

WHEREAS, the Planning Board has determined that the revisions and amendments to the Land Use Ordinance are not inconsistent with the Master Plan since it is silent with regard to the land use issues governing home agriculture, represent sound land use regulation and therefore favorably recommends to the Township Council that the regulations pertaining to Sections 201, 400 and 428 be so amended; and

WHEREAS, this Ordinance does not involve a classification or boundary change requiring public notice to property owners under *N.J.S.A. 40:55D-62.1*.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Lawrence that the Land Use Ordinance be hereby amended as follows:

Section 1. §201, Definitions, shall be revised to add a definition of Home Agriculture as follows:

HOME AGRICULTURE – The production for household use or consumption of plants, fruit, honey, eggs and chickens, but not to include animal breeding or the slaughtering of chickens.

Section 2. §400.H, Accessory Buildings, shall be revised to amend sub-paragraph -3, Distance between adjacent buildings, to read as follows:

3. **Distance between adjacent buildings. The minimum distance between an accessory building and any other building(s) on the same lot shall be as prescribed in Article IV except that no poultry or livestock shelter shall be erected closer than 100 feet to any dwelling or lot line, except when part of a home agriculture use.**

Section 3. §428, Additional Requirements for Residential Uses, shall be revised to re-letter paragraph -H, Home Occupation, as letter “I”; paragraph -I, Off-Street Parking and Private Garages, as letter “J”; paragraph -J, Outdoor Recreational Facilities, letter “K”; paragraph -K, Parking of Trucks and Buses in Residential Zones, letter “L”; paragraph -L, Recreational Vehicle Storage, letter “M” which shall replace existing reserved paragraph -M.

Section 4. §428, Additional Requirements for Residential Uses, shall be revised to add paragraph H, Home Agriculture, as follows:

- H. **Home Agriculture. In any residential district or on any residentially used parcel where an agricultural use is otherwise not permitted, home agriculture shall be permitted as an accessory use in accordance with the provisions in this subsection. In the event the occupant or occupants hold only a leasehold right to the use of the property, the lessee shall obtain written permission of the lessor prior to commencing home agriculture.**
1. **Home agriculture activities shall be confined to side or rear yards, except that chicken raising and keeping shall be confined to the rear yard, only.**
 2. **Home agriculture activities shall not interfere with lot drainage swales and septic fields.**
 3. **The following requirements shall pertain to the raising and keeping of chickens:**
 - a. **Prior to the raising and keeping of chickens, the occupant shall obtain a zoning permit. The Zoning Officer shall have the right of periodic entry upon the premises for determining compliance with these regulations.**
 - b. **The number of chickens permitted on the premises shall be limited by the size of the residential lot as indicated in the following table:**

No. of Chickens	Minimum Lot Size
2	5,000 sf.
3	10,000 sf.
4	15,000 sf.
5	30,000 sf.
6	40,000 sf.

No chickens shall be permitted on a lot of less than 5,000 sf.

- c. **All chickens kept on residential lots shall be hens. In the event that un-sexed hatchings or fertilized eggs are male, such chicken shall be removed from the premises before they turn 3 months of age or first begin crowing, whichever occurs first. Failure to remove such chicken shall be grounds for the revocation of the zoning permit and removal of all chickens from the premises.**
- d. **All chickens shall be housed and maintained in a humane manner and in accordance with good agricultural practice. The premises shall be kept in a clean and sanitary manner at all times. Each chicken raising and keeping area shall be free from vermin and rodent infestation. The Animal Control Officer and Health Officer shall have the right of entry to determine compliance with these regulations.**
- e. **Chickens shall be sheltered in a chicken coop that has a minimum square footage of 6 sf. and 2 sf. per chicken, whichever is greater in size. No chicken coop shall exceed the floor area size limitation for tool sheds in §428.0. The chicken coop shall be fully enclosed. The chicken coop shall not be taller than 6 feet above the ground surface. Chicken coops shall comply with the accessory structure setbacks from the zoning district, but in no event shall the setback be less than 10 feet from any property line or habitable structure on the same lot or 30 feet from a habitable structure on an adjacent lot. Chicken coops shall be kept in good repair, have waterproof roofs and walls, be adequately lighted by natural or artificial means, and be ventilated.**
- f. **A fenced chicken run of up to 6 feet in height that meets the same setback standards for the chicken coop shall be permitted. Chicken runs shall be a minimum size of 100 sf. and a maximum size of 400 sf.**

Section 5. Continuation. In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

Section 6. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Land Use Ordinance as a whole, or any other part thereof.

Section 7. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 8. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Lawrence in the manner prescribed by law.

Adopted: December 6, 2016

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bobbitt				X			
Mr. Kownacki	X						
Ms. Lewis	X					X	
Mr. Powers	X						X
Mayor Maffei	X						