

## **MODEL ORDINANCE**

### **Farm Labor Housing**

Draft prepared by American Farmland Trust for the  
Burlington County Farmland Preservation Program,  
administered by the Burlington County Agriculture Development Board

**BE IT ORDAINED** by the Township Committee of the Township of [*municipality*], in the County of Burlington and the State of New Jersey, that Land Use Ordinances of the Township of [*municipality*] be amended and supplemented as follows for every zone where agriculture is a permitted use:

#### **Section 1. Purpose**

The purpose of the ordinance is to:

- A. Support agricultural economic viability by responding to an emerging need for farm labor housing that is especially important to support expansion of local food production;
- B. Recognize the importance of farm labor housing to commercial farms, as defined in Section 3 of this Ordinance;
- C. Separate agricultural land uses and activities from incompatible residential, commercial and industrial development and public facilities; and
- D. Implement the farmland preservation element of the local Master Plan, which contains goals related to supporting agriculture and improving agricultural economic viability.

#### **Section 2. Statutory Authority**

The municipality of [*municipality*] is empowered to regulate land uses under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., which authorizes each municipality to plan and regulate land use in order to protect public health, safety and welfare by protecting agricultural land to perpetuate the industry of agriculture.

#### **Section 3. Definitions**

As used in this ordinance, the following words shall have the following meanings:

“Commercial farm” means:

- 1) A farm management unit of no less than 5 acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.; or
- 2) A farm management unit less than 5 acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.

“Farm employee” means any person who gains income from employment on a commercial farm.

“Farm management unit” means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

“Farm labor housing” is a new or existing single or multi-family dwelling, and/or other permanent structures converted into apartments, that are occupied year round by farm employees and their family members, including spouses, domestic partners, children and dependent adult family. The farm employee must be employed at least 51 percent of the year on the commercial farm where the farm labor housing is located. Any housing occupied by the landowner, the landowner’s spouse, or their children, parents or siblings is not considered farm labor housing.

“Seasonal farm labor housing” means temporary and permanent structures occupied by farm employees and their family members, including spouses, domestic partners, children and dependent adult family members, who are employed at least 51 percent of the growing season on the commercial farm where the seasonal farm labor housing is located and vacated at least 90 consecutive days during a 12 month period. Any housing occupied by the landowner, the landowner’s spouse, or their children, parents or siblings is not considered farm labor housing.

#### **Section 4. Permitted Accessory Uses**

Farm labor housing units shall be permitted as an accessory use on a commercial farm, subject to compliance with the following requirements in addition to the existing residential requirements of the zone:

- 1) The parcel on which the housing is located is at least [**10 contiguous acres\***];
- 2) The unit must be a permanent structure;
- 3) The occupants must use the same driveway as the farm operation or principal residence on the property;
- 4) The overall density shall not exceed one unit per [**10 acres\***]. Requests for more than one farm labor housing unit for a single commercial farm will only be approved if the farm operator demonstrates a need for more farm labor housing supported by a business plan. The local Agricultural Advisory Committee (AAC), or the County Agricultural Development Board if no AAC has been established, shall be consulted in this approval.

---

\* The CADB recommends 10 acres. The municipality can propose alternate thresholds after consultation with the local Agricultural Advisory Committee (AAC) or the County Agricultural Development Board (CADB), if no local AAC has been established.

## Section 5. Conditional Uses

Seasonal farm labor housing units shall be permitted on a commercial farm as a conditional use, subject to compliance with the following requirements:

- 1) The parcel on which the housing is located is at least [**10 contiguous acres\***];
- 2) The occupants must use the same driveway as the farm operation or principal residence on the property;
- 3) The overall density shall not exceed [**one unit per 10 acres\***]. Requests for more than one seasonal farm labor housing unit for a single commercial farm will only be approved if the farm operator demonstrates a need supported by a business plan. The local Agricultural Advisory Committee (AAC), or the County Agricultural Development Board if no AAC has been established, shall be consulted in this approval;
- 4) Dormitory style seasonal farm labor housing units must be set back at least 150 feet from adjacent properties or provide an adequate buffer between the housing and pre-existing non-farm residential uses, whichever is less;
- 5) Seasonal farm labor housing shall be sited near the farm infrastructure if it exists;
- 6) Seasonal farm labor housing without a permanent foundation shall be removed from the property within six months if the property no longer qualifies for farmland assessment;
- 7) Given the nature of seasonal farm labor housing units, these types of units need not conform to the zoning district's requirements for residential units if they can demonstrate a legitimate agricultural purpose for not meeting those requirements;

## Section 6. Performance Standards

Limited site plan review is required for farm labor housing and seasonal farm labor housing. Certain site plan standards will be eliminated based on the recommendation of the AAC or the CADB, if no AAC has been established. Only site plan standards related to public health and safety will be required and if necessary, County Planning Board approval. Units may be considered major non-developments for the purposes of stormwater management depending on the details of the development application.

## Section 7. Compliance with Pinelands Commission Standards

If any of the standards conflict with the requirements of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50) they are not applicable. Additional requirements and standards may apply if the commercial farm in question is within the jurisdiction of the NJ Pinelands Commission.

---

\* The CADB recommends 10 acres. The municipality can propose alternate thresholds after consultation with the local Agricultural Advisory Committee (AAC) or the County Agricultural Development Board (CADB), if no local AAC has been established.

**Section 8. Adoption**

Upon adoption this ordinance will be incorporated into and become part of the code of the Township of [*municipality*].

**Section 9. Effective Date**

This ordinance shall take effect after final adoption and publication according to the State of New Jersey.