

Existing Commercial NonAg Use Law and Rules Vs. A2839 as Enacted 1/19/16

Existing Law and Rules	A2839 as Enacted
Existing law allows for “nonagricultural” uses (NAUs) on preserved farmland.	Changes language to allow “Rural Microenterprises” (RMEs) compatible with agricultural use and production. <ul style="list-style-type: none"> • Customary rural RMEs (e.g., snow plows) • Ag-related RMEs (e.g., tractor repair)
Allows any person who owns “qualifying land” (commercial farm; preserved prior to January 12, 2006; no exception areas elected at the time of closing) to apply for a permit.	Maintains 2006 date, commercial farm and no-exception requirements. Requires landowner to meet the definition of a “farmer” under existing SADC regs (\$2,500 annual gross income from ag/hort production) at time of application and for duration of special permit. Exception for crop failure/other disruption of income beyond farmer’s control.
No incentive to retain old barns and other buildings important to New Jersey’s agrarian history/culture.	Encourages protection of “heritage farm buildings” by eliminating 2,500 s.f. limit on newly finished space (new walls, insulation, flooring, lighting, HVAC, plumbing, associated wiring) for such buildings in exchange for heritage preservation easement.
NAU can only occur in structures existing in 2006.	Allows structures on the farm to be eligible for an RME regardless of when they were built. New structures built for agricultural purposes are not eligible for a permit for 5 years.
No public utilities other than those already existing and available on the land may be extended to support the RME.	New electric service may be extended for the RME.
No expansion of wastewater facilities.	Allows creation or expansion of well/septic as long as within one-acre RME envelope.
No outside storage allowed (other than large vehicles/equipment in parking area).	Permits up to 5,000 s.f. of outside storage of equipment, vehicles, supplies, products, byproducts.
The NAU “does not involve the creation of additional parking spaces whether paved or unpaved.”	No more than 2,000 s.f. or 10 parking spaces for customer parking. Number of parking spaces must be sufficient to accommodate RME visitors under normal conditions.
No more than 4 FT employees at peak times.	No more than 4 FT employees or equivalent, plus owner or operator, who work on premises.
Grantee in the deed of easement (county or nonprofit) has joint approval authority w/SADC. SADC has complete authority over farms preserved directly by the SADC.	SADC is required to solicit comments from easement holder before acting on an application. If Grantee is nonprofit, SADC issues permit “in consultation with” nonprofit.
A permit may be issued only if there is no commercial nonagricultural use on the property already, with certain exceptions.	Deletes this provision.
Permit term up to 20 years. \$1,000 application fee.	Up to 20 years except may renew within 10 years of permit expiration date. \$250 app fee.