

ORDINANCE NO. 2019- 22

**AN ORDINANCE AMENDING CHAPTER 425, LAND USE, OF THE CODE OF THE CITY OF VINELAND, COUNTY OF CUMBERLAND AND STATE OF NEW JERSEY.**

**WHEREAS**, On February 13, 2019 Planning Board of the City of Vineland adopted Resolution No 6328 recommending City Council adopt an Ordinance amending Chapter 425, Article XI regarding requirements governing the Pinelands, specifically mandatory amendments thereto in accordance with directives of the New Jersey Pinelands Commission.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Vineland, County of Cumberland and State of New Jersey, as follows:

I. Purpose: The purpose of this Ordinance is to amend Chapter 425, Land Use, of the Code of the City of Vineland in response to amendments to the Pinelands Comprehensive Management Plan effective January 3, 2012, September 2, 2014, and March 5, 2018.

II. Chapter 425, Land Use, Article XI, Pinelands, §425-194, Definitions and word usage, is hereby amended by replacing or adding to subsection B the following definitions:

**IMMEDIATE FAMILY**

Those persons related by blood or legal relationship in the following manner: spouses, domestic partners, great-grandparents, grandparents, great-grandchildren, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces and first cousins.

**SOLAR ENERGY FACILITY**

A solar energy system and all associated components, including, but not limited to, panels, arrays, footings, supports, mounting and stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function.

III. Chapter 425, Land Use, Article XI, Pinelands, §425-202, Development regulations, is hereby amended by revising subsection O(5) as follows:

- (5) Individual on-site septic waste water treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
  - (a) (No change.)
  - (b) The proposed development is residential, or if non-residential, the standards of N.J.A.C. 7:50-6.84(a)5iii(2) are met.
  - (c) (No change.)

IV. Chapter 425, Land Use, Article XI, Pinelands, §425-205, Approval for development required; exceptions, is hereby amended by revising subsection B as follows:

- B. Except as provided in Subsection C below, the following shall not be subject to the procedures set forth in §§ 425-206 through 425-215:
  - (1)-(6) (No change.)
  - (7) The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:
    - (a) If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and

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- (b) If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.

(8)-(10) (No change.)

- (11) The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur.

- (12) The clearing of land solely for agricultural or horticultural purposes.

(13)-(18) (No change.)

- (19) The installation of an accessory solar energy facility on any existing structure or impervious surface.

- (20) The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6.

- (21) The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.

- (22) The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.

V. Chapter 425, Land Use, Article XI, Pinelands, §425-209, Notification of Pinelands Commission of development application, is hereby amended by replacing the section in its entirety with the following:

**§ 425-209 Notification of Pinelands Commission of development application.**

- A. Submission of and modification (revisions) to application. Written notification shall be given by the applicant, by email or regular mail, to the Pinelands Commission within seven days after a determination is made by the City that an application for development in the Pinelands Area is complete or if a determination is made by the Planning Board that the application has been modified. Said notice shall contain:
  - (1) The name and address of the applicant.
  - (2) The legal description and street address, if any, of the parcel that the applicant proposes to develop.
  - (3) A brief description of the proposed development, including uses and intensity of uses proposed.
  - (4) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued.
  - (5) The date on which the application, or any change thereto, was filed, and any application number or other identifying number assigned to the application by the approval agency.
  - (6) The approval agency with which the application or change thereto was filed.
  - (7) The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports.

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- (8) The nature of the municipal approval or approvals being sought.
  - B. Meetings and hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least five days prior to such meeting, hearing, or other formal proceeding. Such notice shall contain at least the following information:
    - (1) The name and address of the applicant.
    - (2) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued.
    - (3) The date, time and location of the meeting, hearing or other formal proceeding.
    - (4) The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding.
    - (5) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission.
    - (6) The purpose for which the meeting, hearing or other formal proceeding is to be held.
- VI. Chapter 425, Land Use, Article XI, Pinelands, §425-210, Notification of Pinelands Commission of action on application, is hereby amended by replacing the section in its entirety with the following:
- § 425-210 Notification of Pinelands Commission of action on application.**
- A. The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall, within five days of the approval or denial, give notice by email or regular mail to the Pinelands Commission.
  - B. The notice shall include the following:
    - (1) The name and address of the applicant.
    - (2) The legal description and street address, if any, of the parcel that the applicant proposes to develop.
    - (3) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued.
    - (4) The date on which the approval or denial was issued by the approval agency.
    - (5) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission.
    - (6) Any revisions to the application not previously submitted to the Commission.
    - (7) A copy of the Board resolution, permit or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.

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Passed first reading:

Passed final reading:

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President of Council

Approved by the Mayor:

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Mayor

ATTEST:

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City Clerk

## Summary of Pinelands CMP Amendments for Local Adoption

44 N.J.R. 72(a); 46 N.J.R. 1877(b); 50 N.J.R. 969(a)

Topic Area	Description
<b>Definitions</b> <i>(N.J.A.C. 7:50-2.11)</i>	New and revised definitions for the following terms: <ul style="list-style-type: none"> <li>• “Alternate design pilot program treatment system” (revised)</li> <li>• “Immediate family” (revised)</li> <li>• “Solar energy facilities” (new)</li> </ul>
<b>Development exempt from Pinelands Commission review</b> <i>(N.J.A.C. 7:50-4.1)</i>	New and revised exemptions from Pinelands Commission review related to the following development types: <ul style="list-style-type: none"> <li>• Accessory structures for non-residential/multi-family uses</li> <li>• Repaving of existing paved roads and paved surfaces</li> <li>• The clearing of land solely for agriculture or horticulture</li> <li>• Accessory solar facilities</li> <li>• Installation of wireless antennae on existing structures</li> <li>• Home occupations</li> <li>• Change of use from non-residential to non-residential</li> </ul>
<b>Notifications to the Pinelands Commission</b> <i>(N.J.A.C. 7:50-4.35)</i>	Notifications by applicants and municipalities may be sent via email and are no longer required to be sent via certified mail. Notices of local approvals/denials will no longer need to submit the names and addresses of persons who actively participated in local proceedings. Notices of local approvals will need to include a copy of any preliminary or final plan, plot or similar document.
<b>Pinelands Development Credits - Recordation of deed restrictions</b> <i>(N.J.A.C. 7:50-5.47)</i>	Land uses that are authorized on properties that have severed Pinelands Development Credits will now explicitly include accessory uses.
<b>Individual on-site wastewater treatment systems intended to reduced nitrate/nitrogen</b> <i>(N.J.A.C. 7:50-6.84(a)5)</i>	Allows for the use of advanced treatment systems for expansion of nonresidential uses in the Pinelands Forest Area, Agricultural Production Area, Rural Development Area, and Infill Areas if certain standards can be met.
<b>Alternate Design Treatment Systems Pilot Program</b> <i>(N.J.A.C. 7:50-10.22)</i>	Eliminates the deadline to install an Alternate Design Treatment System from local ordinances.

\*Please note that some of these amendments may not be applicable to each Pinelands Area municipality. The municipality-specific model ordinance prepared by the Pinelands Commission staff should serve as a reference for what applies to your municipality.

**RESOLUTION NO. 6328**  
**RESOLUTION OF FINDINGS AND CONCLUSIONS AND**  
**DECISION OF THE VINELAND PLANNING BOARD**

**WHEREAS**, the Planning Board of the City of Vineland, referred to the Zoning Committee of the Planning Board, a proposed amendment to the City of Vineland Land Use Ordinance; and

**WHEREAS**, the Planning Board having considered the recommendation from the Zoning Committee and considered the testimony of Kathleen Hicks, Supervising Planner, City of Vineland, made the following factual findings:

1. The Pinelands Commission forwarded to Kathleen Hicks, Supervising Planner, a proposed amendment to the Pinelands section of the City of Vineland Land Use Ordinance.
2. The proposed amendment from the Pinelands Commission is mandatory within the Pinelands section of the City.
3. The major changes mandated from the Pinelands Commission are attached hereto as a "Summary of Pinelands CMP Amendments for Local Adoption".
5. A copy of the proposed ordinance is attached hereto and incorporated in its entirety as a part of this resolution.

**THEREFORE**, the Planning Board recommends to City Council of the City of Vineland that the attached ordinance entitled "An Ordinance Amending the Pinelands Section of Chapter 425, Land Use, of the Code of the City of Vineland" be adopted in its entirety.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the City of Vineland, that recommendation is made to City Council to amend the Land Use Ordinance so as to include the attached "An Ordinance Amending the Pinelands Section of Chapter 425, Land Use, of the Code of the City of Vineland".

The foregoing is a true copy of the Resolution of decision adopted by the Planning Board of the City of Vineland at a meeting held on February 13, 2019 as reflected in the recorded minutes of said meeting.

ADOPTED DATE: February 13, 2019

PLANNING BOARD OF THE  
CITY OF VINELAND

Attest:

*Ryan R Handley*  
*Ryan R Handley*  
for \_\_\_\_\_  
YASMIN RICKETTS, Secretary

*David Manders*  
\_\_\_\_\_   
DAVID MANDERS, Chairperson

ROLL CALL VOTE

VOTING IN FAVOR

DAVID MANDERS  
MICHAEL PANTALIONE  
CHRISTINE SCARPA  
JOHN CASADIA  
ROBERT ODORIZZI  
KEITH SALERNO

ABSTAINING

DAVID ACOSTA

ABSENT

SANDY VELEZ  
STEPHEN PLEVINS  
SAMUEL FIOCCHI  
DAVID CATALANA

OPPOSED

NONE