Conformance in the Pinelands Area

April 13, 2018
The Pinelands Protection Act requires that all municipalities and counties with land in the Pinelands Area revise their master plan and land use ordinances to implement the objectives and standards of the Pinelands Comprehensive Management Plan.
As of October 2013, the Commission has certified the master plans and ordinances of all 53 Pinelands municipalities and all seven Pinelands counties as being in conformance with the CMP.
Conformance in the Pinelands

- The conformance process is ongoing, because the CMP requires Commission review and approval of all master plan and land use ordinance amendments before they take effect.
What materials are submitted?

Master plans

- Reexamination reports
- Land use elements
- Housing element and fair share plans
- Open space and recreation plans
- Public facilities plans
- Coastal resiliency plans
What materials are submitted?

Ordinances
- Zoning maps
- Redevelopment plans
- Permitted uses
- Bulk standards
- Design Standards
- Signage
- Fees
- Permitting procedures
County and Municipal Ordinances and Master Plans Received

County and Municipal Master Plans and Ordinances

The following is a list of master plans and ordinances submitted to the Commission by Pinelands counties and municipalities within the last six months. The submitted documents are in various stages of the Commission's review process. Please contact the planning staff at planning@njpines.state.nj.us for details about any particular master plan or ordinance on the list.

Barnegat Township
2018-12
Received on 3/23/2018
Adopted on
Amends Ch 55: Application Fees, Escrows, Guarantees, Inspections and On/Off-Tract Improvements

Berlin Borough
2017-15
Received on 12/26/2017
Adopted on 12/14/2017
Amends Ch. 335: implements provisions of 2017 Housing Element and Fair Share Plan and Land Use Element; adds definitions and permitted uses in PC-1 and PC-2 zones; rezones lands outside the Pinelands Area

Buena Vista Township
53-2018
Received on 4/2/2018
Adopted on 3/26/2018
Amends Ch. 115: performance and maintenance guaranties

2018 Master Plan Revisions
Received on 2/22/2018
The Conformance Process

7:50-3.45: The ED shall determine if an amendment raises a substantial issue with respect to the conformance of a municipality’s master plan and land use ordinances with the CMP.

- **If a substantial issue** is raised, the amendment must be formally reviewed and approved by the full Commission.

- **If no substantial issue** is raised, the ED notifies the municipality that the amendment may take effect.
In 2017, the Commission received and reviewed 140 ordinance and master plan amendments from 29 Pinelands municipalities and one county.

Approximately 25% of the adopted master plans and ordinances raised substantial issues and required formal Commission approval.

The remaining 75% were processed by the staff.
Substantial Issue:

- Changes in Pinelands management area boundaries
- Standards more restrictive than the CMP
- Creative approaches/interpretations of CMP standards
- Locally controversial amendments related to the CMP
- Amendments inconsistent with the CMP
Substantial Issue Process

- Adopted master plan or ordinance received
- Update Commission’s website
- Send finding letter – 30 days
- Schedule and hold public hearing – 60 days
- Prepare report and recommendation – 100 days
- P&I Committee discussion and recommendation
- Formal Commission action – 120 days
  - Certification
  - Conditional certification – 120 days for municipal response
  - Disapproval – 120 days for municipal response
- Notify municipality
- Update zoning system and GIS maps
Barnegat Ordinance 2014-23

Adds mixed use development as a permitted use in the Neighborhood Commercial Zone

- Adopted ordinance received 10/27/2014
- Substantial issue finding letter sent 10/29/2014
- Public hearing held 11/19/2014
- P&I Committee recommendation for certification 1/30/2015
- Pinelands Commission certification 2/13/2015
Ordinance Classifications

No Substantial Issue:

• Responses to CMP amendments
• Rezonings within a Pinelands management area
• Changes in permitted uses, densities and lot area requirements that are consistent with the CMP
• Revised bulk standards
• Application checklists
• Affordable housing development fees
• Parking, lighting, sidewalk, curb and other design standards
• Planning Board/Zoning Board functions and procedures
No Substantial Issue Process

• Adopted master plan or ordinance received

• Update Commission’s website with description of ordinance and date of receipt

• Send finding letter – 30 days

• Prepare memorandum and list ordinance on next Commission meeting agenda

• Update zoning system and GIS maps
Ordinance Classifications

No Issue:

• Application fees
• Escrow requirements
• Rezonings outside the Pinelands Area
• Ordinance codification
• Dog licenses
No Issue Process

- Adopted master plan or ordinance received
- Update Commission’s website with description of ordinance and date of receipt
- Send finding letter – 30 days