

# Highlands Land Use Ordinance

Holland Township

October 2017

# How did we get here?

- ▶ Highlands Water Protection and Planning Act approved August 2004
  - ▶ Goal to preserve open space and protect natural resources including drinking water
- ▶ Regional Master Plan adopted July 2008
  - ▶ Provides goals and objectives to guide the Highlands Council
- ▶ RMP creates two areas - Preservation and Planning
- ▶ Holland Township
  - ▶ 13,352 acres = Planning Area
  - ▶ 1,973 acres = Preservation Area

# How did we get here?

- ▶ Holland submitted a Petition for Plan Conformance for both areas, approved May 2011
- ▶ October 2011 - adopted Master Plan Reexamination Report
  - ▶ Pg 5 *"The Planning Board recommends that the specific changes, as detailed in the document titled Holland Township Highlands Preservation/Planning Area Land Use Ordinance.....be adopted by the Governing Body to implement the objectives, policies and standards as outlined in the Highlands Preservation/Planning Area Element of the Master Plan."*
- ▶ November 2013 - adopted Environmental Resource Inventory
- ▶ November 2013 - adopted Highlands Master Plan Element
  - ▶ Pg 7 *"The Highlands Act provides, through the conformance of municipal master plan and ordinances with the Highlands RMP, authorities for municipal regulation that are in addition to those of the MLUL."*

# 2-1 Applicability

## ▶ Applicability

- ▶ LUO does not apply to existing single- or two-family homes
  - ▶ Example: installation of a pool, construction of a deck, addition to house
- ▶ LUO does not apply to the construction of a new single-family home
- ▶ Non-residential must abide by LUO when:
  - ▶ Disturbs more than 1 acre of land
  - ▶ Produces ¼ acre or more of impervious surface
  - ▶ Introduces or expands a use not permitted by this Ordinance

## ▶ Exclusions

- ▶ Reconstruction within the same footprint when building destroyed by fire, storm, etc.
- ▶ Alterations to comply with ADA
- ▶ Agricultural or Horticultural Use and Development - construction supporting farm activities. Example: build a barn, install a farm stand, etc.

# 2-1 Applicability

## ▶ Exemptions

- ▶ #4 reconstruction of building/structure within 125% of footprint of existing impervious surfaces
- ▶ #6 any improvement to a place of worship owned by a non-profit, public or private school, hospital in existence as of 8.10.2004, including new structures, additions, site improvements
- ▶ #7 an activity conducted in accordance with an approved woodland management plan or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan
- ▶ #8 construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement exists
- ▶ #14 mining, quarrying or production of ready mix concrete, Class B recycling materials, which are permitted to occur at a facility existing as of 6.7.2004
- ▶ #15 remediation of any contaminated site

# 4-1 Highlands Zones

- ▶ Preservation Area
  - ▶ Protection Zone
  - ▶ Conservation Zone
  - ▶ Conservation Environmentally Constrained Subzone
  - ▶ Wildlife Management Subzone
- ▶ Planning Area
  - ▶ Protection Zone
  - ▶ Conservation Zone
  - ▶ Conservation Environmentally Constrained Subzone
  - ▶ Wildlife Management Zone
  - ▶ Existing Community Zone
  - ▶ Existing Community Environmentally Constrained Subzone

# 4-3 Resource & Special Protection Areas

- ▶ Mapped based on the existence of one or more significant environmental features
  - ▶ Forest Resource Area
  - ▶ Highlands Open Waters
  - ▶ Riparian Areas
  - ▶ Steep Slope Protection Area
  - ▶ Critical Habitat
  - ▶ Carbonate Rock Areas
  - ▶ Prime Ground Water Recharge Areas
  - ▶ Wellhead Protection Areas
  - ▶ Highlands Special Environmental Zone
  - ▶ Agricultural Resource Area
  - ▶ Historic, Cultural & Archaeological Resources
  - ▶ Scenic Resources

# 5-2 Use Regulations

- ▶ All principal & accessory uses permitted or conditionally permitted now remain, except for as follows:
  - ▶ Permitted uses: Ag Resource Area
    - ▶ Municipal permitted principal uses shall be supplemented to include ag and horticultural uses (except for Forest Resource Areas within an Ag Resource Area)
    - ▶ Where the underlying Township zone permits single-family residential development, it shall be limited to residential cluster development (8-1)
  - ▶ Prohibited uses:
    - ▶ Within Carbonate Rock, Prime Ground Water Recharge, Wellhead Protection
      - ▶ Landfills
      - ▶ Facilities for storage/disposal/collection/transfer of hazardous wastes, solid waste landfills
      - ▶ Industrial treatment facility lagoons
    - ▶ Within Wellhead Protection, Tier 1, 200 feet of wellhead
      - ▶ Major or Minor Potential Contaminant Source



# 5-3 Development Density & Intensity

## ▶ Septic

### ▶ Preservation Area, 2,000gpd or less

- ▶ Parcel with all forest = 88 acres/septic system
- ▶ Parcel without forest = 25 acres/septic system
- ▶ Parcel with both forest and non-forest areas = based on combination of above

### ▶ Planning Area

- ▶ Overrides Township's minimum lot sizes
- ▶ Existing Community Zone and Subzones = 12 acres/septic system
- ▶ Conservation Zone and Subzones = 13 acres/septic system
- ▶ Protection Zone and Subzones = 33 acres/septic system

# 6-1 Forest Resources

- ▶ Clear-cutting is prohibited in any forest portion of the Highlands Area
- ▶ Forest clearing, cutting can only occur through HPAA or by finding of the Board that:
  - ▶ Disturbance can't be avoided or reduced, while providing for proposed use that otherwise addresses the requirements of the LUO
  - ▶ Incorporates Low Impact Development techniques
  - ▶ Disturbance of ½ acre or more, submission and approval of a Forest Mitigation Plan
- ▶ Forest Impact Reports
- ▶ Deforestation Impact Reports
- ▶ Forest Mitigation Plans

# 6-2 Open Waters & Riparian Resources

- ▶ Preservation Area
  - ▶ Disturbance of Highlands open water buffer for a Major Highlands Development regulated by NJDEP
- ▶ Planning Area
  - ▶ Disturbance of Highlands open water buffers is prohibited except for linear development
- ▶ Disturbance of a riparian area is prohibited except for linear development

# 6-3 Steep Slopes

- ▶ Steep Slope Protection Area (Ex 5/App K)
- ▶ Disturbance of Severely and Moderately Constrained Slopes is prohibited except for linear development
- ▶ Disturbance of Constrained/Limited Constrained Slopes is permitted when the Board finds that the Applicant has:
  - ▶ Demonstrated that the disturbance cannot be avoided or reduced
  - ▶ Incorporates Low Impact Development techniques
  - ▶ Site design incorporates stabilization techniques, protects trees/woodlands

## 6-4 Critical Habitat

- ▶ Ordinance refers to a Habitat & Conservation Management Plan, to be adopted in the future
- ▶ Document will contain rules and regulations for Critical Habitat areas
- ▶ IPS has provided \$12,500 for this task

## 6-5 Carbonate Rock

- ▶ Carbonate Rock Area (Ex 7, App M)
- ▶ Geotechnical Investigation shall be prepared and provided prior to the application review/approval
- ▶ No application in a Carbonate Rock Area shall be approved unless the Applicant has demonstrated to the satisfaction of the Board and its professionals that all potential hazards to health and safety are addressed and mitigated

# 6-6 Water Conservation & Deficit Mitigation

- ▶ All development proposals shall incorporate, as applicable, water conservation measures:
  - ▶ Water conservation fixtures
  - ▶ Automatic sensor controls for lawn irrigation systems
  - ▶ Reuse of reclaimed water in commercial development
- ▶ Water Use & Conservation Management Plan
  - ▶ Applications proposing new or increased water use averaging 6,000 gpd
  - ▶ This task was just initiated, funded by Highlands
  - ▶ Until document is completed/approved, standards in Section 6-6.7 apply

# 6-7 Prime Ground Water Recharge

- ▶ Any application in Prime Ground Water Recharge Area (Ex 7, App M)
- ▶ Disturbance in a PGWA shall be permitted only by finding of the Board that:
  - ▶ Disturbance can't be avoided
  - ▶ Disturbance can't be minimized
  - ▶ Must incorporate low impact development techniques
  - ▶ Application includes a PGWRA Mitigation Plan
- ▶ New or expanded uses classified as Major Potential Contaminant Sources have a number of regulations to protect groundwater



# 6-8 Wellhead Protection

- ▶ Uses classified as Major Potential Contaminant Sources within Tier 1 Wellhead Protection Area must meet ordinance standards
  - ▶ BMP
  - ▶ Operations & Contingency Plans

# 6-9 Agricultural Resources

- ▶ In the ARA, ag uses are permitted as-of-right (despite what the underlying Township code may say)
- ▶ Refers to residential cluster ordinance (8-1)

# 6-10 Historic, Cultural & Archaeological Resources

- ▶ Standards and criteria to be completed at a future date

# 6-11 Scenic Resources

- ▶ Properties containing or adjacent to parcels containing a Highlands Scenic Resource are subject to this section
- ▶ Scenic Resources Management Plan (would be funded by Highlands Council)

# 8-1 Residential Cluster Development

- ▶ Design technique that group buildings together on a portion of the property and deed-restricts the remainder of the parcel for ag, conservation or open space
- ▶ Applies to lands in the Ag Resource Area
- ▶ 80% of the parcel must be preserved
- ▶ If parcel served by public or community on-site wastewater system 90% of parcel must be preserved
- ▶ Example: 80-acre farm in Planning Area, Conservation Zone
  - ▶ 64 acres to be preserved for farming
  - ▶ 16 acres to be used for homes;  $(80/13 = 6)$

# 9-1 Application Procedures

- ▶ Highlands Act Exemptions
  - ▶ Preservation Area - Highlands Applicability Determination issued by NJDEP
  - ▶ Planning Area - Highlands Council
- ▶ Approval by NJDEP shall be obtained prior to completeness for the following:
  - ▶ Major Highlands Development in Preservation Area
  - ▶ New or extended water supply or sewer in the Preservation Area
- ▶ 9-2.1 Notice & Reporting Requirements
  - ▶ All applicants shall provide notice to Highlands Council 10 days prior to hearing
  - ▶ Board shall provide certified copy of resolution
  - ▶ Highlands Council Call-up