

**DRAFT FOR CONSIDERATION BY THE HIGHLANDS COUNCIL
AT THE MAY 22, 2008 COUNCIL MEETING**

Part 6. Future Land Use

The Highlands Regional Master Plan establishes a framework for future land use which guides development away from environmentally sensitive lands and agricultural lands. This framework also promotes compact development and redevelopment in or adjacent to existing developed areas where adequate public facilities are available to serve new growth and development, provided that such development and redevelopment is compatible with existing land uses and community character. The Goals, Policies and Objectives for Future Land Use address the basis for Land Use Capability Zones and Sub-zones, methods for modifying RMP data layers and maps through RMP Updates, applicable standards for Plan Adjustments, local build out analyses, and general guidelines for new land uses in the Zones and Sub-zones.

Subpart a. Regional Guidance

The Land Use Capability Map Series provides the basis for defining the six zones of the Highlands Region, which are found in both the Preservation and Planning Areas. These six zones include three major zones (the Protection Zone, the Conservation Zone, and the Existing Community Zone) and three sub-zones (the Lake Community Zone, and the Environmentally-Constrained Sub-Zone within both the Conservation Zone, and the Existing Community Zone) (. These Zones and Sub-Zones are then related to a series of additional information layers, using both tabular results and maps, to help define the land use capability of the various parts of the Highlands Region. The RMP Update process is provided for making factual improvement to the RMP, whether regarding mapped or other information that affects land use capability. The Plan Adjustment process allows for limited changes to the Land Use Capability Zone Map based on local planning factors; compliance with the protection standards of the RMP must be ensured and no net loss of resources or resource values may occur, among other limitations. During the Plan Conformance process, a municipality will complete a local build out analysis, using the Highlands Build Out Model with local information. In addition, general policies are provided in this section for the Zones and Sub-Zones, which are supplemented in following sections.

GOAL 6A	USE THE HIGHLANDS LAND USE CAPABILITY MAP SERIES AS A FRAMEWORK FOR DETERMINING THE CHARACTER, LOCATION, AND MAGNITUDE OF NEW GROWTH AND DEVELOPMENT IN THE HIGHLANDS REGION.
POLICY 6A1	To use the Land Use Capability Map Series (LUCM Series) as a geographic framework for land use planning and management within the Highlands Region.
Objective 6A1a	A Highlands Land Use Capability Map Series based on the most current, relevant and available data.
POLICY 6A2	To develop a program for RMP Updates for all substantive components of the RMP, based upon the receipt of new, corrected or updated factual information and verification by the Highlands Council, when and where necessary to improve the accuracy of the RMP.
POLICY 6A3	To develop a program allowing for petitions by municipalities and counties (with accompanying municipal support by resolution) for a Map Adjustments to the Land Use Capability Zone Map in the Highlands Region.

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Objective 6A3a	A Council review process to assess where adjustments may apply to Land Use Capability Map Zones.
Objective 6A3b (new)	<p>Map adjustments to the Protection and Conservation Zones or the Environmentally-Constrained Sub-Zones of the Planning Area may only be approved where the petition meets the following criteria:</p> <ol style="list-style-type: none">1. demonstrates that all other means to apply policies in an area that are different than those prescribed by the Zone designation are inadequate to address the planning considerations underlying the petition, including techniques such as;<ul style="list-style-type: none">• Waivers for Public Health and Safety, Redevelopment and Takings• Exemptions from Highlands Act and NJDEP 7:38 Rules• RMP Updates Program2. provides a no net loss of Highlands resources and resource values within a municipality and as appropriate any HUC 14 subwatershed, including but not limited to water availability, water quality, critical habitat and agriculture, such that all map adjustments provide results that are equal to or exceed on a whole the resource protection provided by the RMP;3. use Highlands Development Credits or the reduction of the equivalent development yield so that there is no net increase in land use intensity;4. results in the reduction of water deficits beyond those normally mandated by the RMP;5. complies with the intent of the Highlands Act and the RMP to protect environmental resources and employ smart growth principles to development, and demonstrates that Highlands resource protection and smart growth planning principles have been addressed;6. where the petition is for the creation or extension of Existing Community Zones, the adjustment also: creates a meaningful opportunity to provide affordable housing; improves the balance of housing and employment; and promotes the use of alternative modes of transportation, including transit, such as being located within close proximity of Highlands Baseline Transportation and Transit features; and7. do not result in indirect changes or impacts on the LUCM Zone or RMP policies and objectives applicable to adjacent or nearby lands.
Objective 6A3c (new)	<p>Map adjustments that will change an Existing Community Zone to another LUC Zone or Sub-Zone may only be approved where the petition demonstrates that the affected area:</p> <ol style="list-style-type: none">1. is not currently developed at a density and scale that prevents the area from providing the agricultural or environmental protection benefits of the Conservation or Protection Zones, or the Environmentally-Constrained Sub-Zones;2. is not currently served by public wastewater infrastructure;3. includes ecological or agricultural attributes that are associated with the Conservation or Protection Zones; and4. does not include a designated Redevelopment Site or TDR Receiving Zone.

GOAL 6B	GUIDE DEVELOPMENT AWAY FROM ENVIRONMENTALLY SENSITIVE AND AGRICULTURAL LANDS AND PROMOTE DEVELOPMENT AND
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REDEVELOPMENT IN OR ADJACENT TO EXISTING DEVELOPED LANDS.	
Policy 6B1 (new)	To require conforming counties and municipalities to review the parcel based Developed Land Inventory, and identify additional developed properties appropriate for the inventory, and track development activities in the Highlands Region.
Policy 6B2 (new)	To evaluate land use capability and support planning for development, redevelopment and infill that meets RMP policies and objectives.
Objective 6B2a (new)	Provide a Highlands Build Out Model that evaluates Regional Master Plan policies , supports State, regional and local requirements, and provides a consistent framework for water supply, wastewater, transportation and affordable housing planning and the SDRP Plan Endorsement process.
Objective 6B2b (new)	Counties shall, through Plan Conformance, use the Highlands Build Out Model or its equivalent to prepare a utilities plan element of the County Master Plan that evaluates available development capacity based on lands, resources and utilities through the.
Objective 6B2c (new)	Municipalities shall, through Plan Conformance, use the Highlands Build Out Model to develop a local build out analysis that incorporates RMP policies and objectives to evaluate land use capability and capacity planning.
Policy 6B3	To protect, restore, or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Areas, Steep Slopes, Prime Ground Water Recharge Areas and Wellhead Protection Areas.
Objective 6B3a	Identification of lands within the Highlands Region which contain sensitive environmental resources of the Highlands Region.
Objective 6B3b	The Protection Zone of the Highlands Land Use Capability Zone Map shall include regionally significant environmental resources to the maximum extent feasible.
Objective 6B3c	Identification of major environmentally sensitive areas within the Conservation Zone and the Existing Community Zone as environmentally constrained sub-zones, and preparation and implementation of standards ensuring that development capacity is directed away from such areas to the maximum extent feasible.
Objective 6B3d	Identification of developed lake communities within the Existing Community Zone as lake community sub-zones, and preparation and implementation of standards ensuring management of land uses within the sub-zones for protection and restoration of lake quality, ecosystems and community character to the maximum extent feasible.
Objective 6B1e	Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.
Objective 6B1f	Encourage the protection, restoration and enhancement of Environmentally-Constrained Sub-Zones of the Conservation and Existing Community Zones of the Planning Area through measures that may include but are not limited to: fee simple and easement acquisition (see Policy 1H2 and Policy 3A5); designation as TDR Sending Zones (see Policy 7B4); incentives for development and implementation of Forest Stewardship Plans (see Policy 1B1) and Resource Management System Plans (see Policy 3A8) for forestry and agricultural operations, respectively; restoration of Highlands

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(see 6B10f)	Open Water buffers (see Objective 1D4i); and restoration of Critical Habitat (see Policy 1F3).
Policy 6B4	To protect and promote agriculture by protecting and enhancing lands within the Highlands Region currently or capable of being used for agricultural purposes and ensuring that lands associated with or adjacent to agricultural lands are not developed in a manner that conflicts with the ongoing agricultural uses.
Objective 6B4a	Identification of Agricultural Resource Areas within the Highlands Region.
Objective 6B4b	The Conservation Zone of the Land Use Capability Zone Map shall include regionally significant agricultural lands within the Agricultural Resource Areas of the Highlands Region.
Policy 6B5	To require conforming municipalities to include site development programs, including clustering and lot-size averaging, to protect natural and agriculture resources.
Policy 6B6	To promote compatible growth opportunities that include in-fill development, adaptive re-use, redevelopment, and brownfields redevelopment in existing developed areas.
Objective 6B6a	Identification of existing developed areas within the Highlands Region using the Developed Lands Analysis.
Objective 6B6b	Designation of existing previously developed areas of regional significance as the Existing Community Zone in the Highlands Land Use Capability Zone Map.
Objective 6B3c	Identification of brownfields, grayfields and underutilized properties that have potential for redevelopment that is compatible with resource protection and smart growth principles.
Policy 6B7	To promote land uses which create a sense of place with attractive, walkable neighborhoods that support community connectivity of developed lands and community facilities.
Objective 6B7a	Communities of place with a mix of uses which promote multi-purpose trips, through proximity of neighborhood retail, commercial and entertainment uses to residential land uses that create communities that are largely self-sufficient regarding daily needs.
Objective 6B7b	Communities of place with a pattern of development which promotes the use of transit, walking and biking.
Policy 6B8	To integrate public parks and green spaces into development and redevelopment projects and ensure restoration of impaired natural resources to the extent required by law, at a minimum, and where feasible to a greater extent to maximize long term value of the project.
Policy 6B9	Provisions and standards relating to regional growth activities which increase the intensity of development shall be discretionary for conforming municipalities and counties.
Policy 6B10	Regional growth, where accepted through local planning and regulations, should identify opportunities to maximize land use intensity while protecting natural features and community character.
(see 6D1a, 6G1d,	

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6I1a)	
Objective 6B10a	Development and redevelopment initiatives shall encourage the use of Highlands Development Credits (HDC) as a means to enhance the existing or adjacent community while protecting local and regional natural resources.
Objective 6B10b	Preparation and implementation of standards ensuring that development protects environmentally sensitive resources in all Land Use Capability Map Zones and sub-zones.
Policy 6B11	To incorporate smart growth principles and green building design and technology in development and redevelopment initiatives.

Subpart b. Protection Zone

The Protection Zone include lands within the Highlands Region which contain the highest quality resource value lands which are essential to maintaining and enhancing water quality and quantity and preserving ecological function. The Protection Zone includes regionally significant lands that serve to protect environmentally sensitive resources of the Highlands Region.

GOAL 6C	PRESERVATION OF THE LAND AND WATER RESOURCES AND ECOLOGICAL FUNCTION OF HIGHLANDS AREAS.
Policy 6C1	To preserve high quality land and water resources and ecological function within the Protection Zone.
Policy 6C2	To limit use and development of land in Protection Zone.
Policy 6C3	To give the highest land acquisition priority to non-preserved, undeveloped lands within the Protection Zone in the Preservation Area.
GOAL 6D	LIMITATION OF DEVELOPMENT IN PROTECTION ZONES TO DEVELOPMENT AND REDEVELOPMENT WHICH DOES NOT ADVERSELY AFFECT THE NATURAL RESOURCES OF THE HIGHLANDS REGION ECOSYSTEM.
Policy 6D1	To limit new human development in the Protection Zone to redevelopment, exempt activities, and environmentally-compatible low density new land uses, in accordance with RMP resource protection needs and water quality and quantity capacity constraints and to ensure that the impacts of development using exemptions under the Highlands Act are considered in regional protection measures.
Objective 6D1a	Centers in the Protection Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.
Policy 6D2	To ensure through Plan Conformance, local development review and Highlands Project Review that any future development or redevelopment which does occur in a Protection Zone is subject to standards and criteria which protect the land and water resources of the Protection Zone from any potential adverse impact to the maximum extent possible.

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Policy 6D3	To encourage owners of lands which are eligible for exemptions under the Highlands Act to voluntarily offer their land for acquisition, participate in the Highlands Development Credit program, or engage in contiguous or non-contiguous clustering in cooperation with other exempt landowners, and comply with standards and criteria which protect the land and water resources of the Highlands Region from any adverse impacts.
Policy 6D4	To establish voluntary programs whereby owners of land who are eligible for exemptions under the Highlands Act have an incentive to develop or use such exemptions in a manner which limits or mitigates any potential adverse impacts on the land and water resources of the Protection Zone.
GOAL 6E	CONFORMING MUNICIPALITIES AND COUNTIES INCORPORATE REGIONAL AND LOCAL LAND AND WATER RESOURCE PLANNING AND MANAGEMENT PROGRAMS IN THEIR MASTER PLANS AND DEVELOPMENT REGULATIONS.
Policy 6E1	To require that conforming municipalities and counties include land and water resource planning and management programs in their master plans and development regulations.
Policy 6E2	To encourage conforming municipalities and counties to include voluntary programs with incentives for the development or use of Highlands Act exemptions in a manner which limits or mitigates any potential adverse impacts on the land and water resources of the Protection Zones

Subpart c. Conservation Zone

The Conservation Zone includes lands of significant agricultural importance and associated natural resource lands which are adjacent to, or in common ownership with, land used for agricultural purposes. Development potential in the Conservation Zone is limited in location and intensity because of agricultural and natural resource protection requirements and infrastructure constraints.

GOAL 6F	PROTECTION AND ENHANCEMENT OF AGRICULTURAL USES AND PRESERVATION OF ASSOCIATED LAND AND WATER RESOURCES IN HIGHLANDS AREAS.
Policy 6F1	To protect existing agricultural uses in the Conservation Zone from incompatible development.
Policy 6F2	To promote the expansion of sustainable and economically viable agricultural activities in the Conservation Zone not constrained by existing environmentally sensitive resources.
Policy 6F3	To limit through Plan Conformance, local development review and Highlands Project Review the use and development of lands within the Conservation Zone to agriculture use and development, including ancillary and support uses, redevelopment of existing developed areas, and environmentally-compatible low density land uses that are to the maximum extent possible achieved in compact development patterns, to be designed and developed in a manner which is compatible with the long term use of adjacent land for agricultural purposes.

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GOAL 6G	CONFORMING MUNICIPALITIES AND COUNTIES INCORPORATE REGIONAL AND LOCAL LAND AND WATER RESOURCE PLANNING AND MANAGEMENT PROGRAMS IN THEIR MASTER PLANS AND DEVELOPMENT REGULATIONS.
Policy 6G1	To require conforming municipalities and counties to incorporate land and water resource planning and management programs for the Conservation Zone which protect natural resources from the adverse impacts and support agricultural sustainability.
Objective 6G1a	Municipal and county master plans and development regulations that ensure that new non-agricultural development is compatible with the long term vitality of agriculture in the Conservation Zone.
Objective 6G1b	Municipal and county master plans and land development regulations that require clustering or lot-averaging of non-agricultural development with a minimum of 80% of the property dedicated to agriculture and natural resources protection in order to avoid adverse impacts on agricultural uses and natural resources.
Objective 6G1c	Municipal and county master plans and development regulations which require appropriate and potable water, wastewater disposal and transportation facilities.
Objective 6G1d	Centers in the Conservation Zone, potentially including clustered development, shall be at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan, and the use of septic systems or community wastewater systems.

Subpart d. Existing Community Zone

The Existing Community Zone includes those areas characterized by existing development with comparatively fewer natural resource constraints than the Protection and Conservation Zones; they often are currently or more easily served with public infrastructure. The Existing Community Zone includes previously developed lands of regional significance in size, geography and infrastructure that may include areas of opportunity for future growth and development, including development and redevelopment which may involve the use of Highlands Development Credits, provided that such growth and development are consistent and compatible with existing community character, natural resource constraints and is desired by the municipality.

GOAL 6H	SUPPORT OF COMPACT DEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITY ZONE.
Policy 6H1	To promote compatible development and redevelopment within the Existing Community Zone.
Policy 6H2	To promote the restoration and redevelopment of brownfields, particularly those located in or adjacent to transportation corridors or transit stations. In cases where redevelopment is not appropriate, encourage “brownfield to greenfield” approaches.
Policy 6H3	To ensure that development activities within the Existing Community Zone are subject to standards and criteria which ensure that development and redevelopment

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	incorporate smart growth principles and do not adversely affect natural resources.
Policy 6H4	To ensure that development and redevelopment within the Existing Community Zone are served by adequate public facilities including water, wastewater treatment and transportation.
Policy 6H5	To ensure that development and redevelopment in the Existing Community Zone are compatible with existing community character.
GOAL 6I	PROMOTION OF MIXED USE DEVELOPMENT AND REDEVELOPMENT IN THE EXISTING COMMUNITY ZONE.
Policy 6I1	To encourage new growth, where desired by the municipality, and development in the Existing Community Zone in the form of center based and mixed use development.
Objective 6I1a	Center based development initiatives shall be planned within the Existing Community Zone at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan. Densities of five dwelling units and above are encouraged, and are required in areas designated as voluntary TDR Receiving Zones where TDR benefits are sought under the Highlands Act.
Policy 6I2	To encourage redevelopment in the Existing Community Zone as a means to relieve development pressure from more environmentally sensitive areas.