

December 3, 2009

ORDINANCE #2009-36

**ORDINANCE OF INTENTION TO REVISE MASTER PLAN AND
DEVELOPMENT REGULATIONS FOR PLAN CONFORMANCE
FOR LAND IN THE PLANNING AREA**

BE IT ORDAINED by the Mayor and Common Council of the Borough of High Bridge in the County of Hunterdon and in the State of New Jersey as follows:

Section 1 Purpose

This ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., to enable the municipal governing body to petition the Highlands Council of its intention to revise its master plan, development regulations or other regulations, as applicable to the development and use of land in the Planning Area, to conform them to the Regional Master Plan in accordance with the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines.

Section 2 Basis and Background

The Highlands Act finds and declares that protection of the Highlands Region is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources. The Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources the Highlands Region. Pursuant to Section 15.a. of the Highlands Act, for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance). Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area. Consequently, The Borough of High Bridge may at any time voluntarily revise its master plan, development regulations and other regulation, as applicable to the development and use of land in the Planning Area, to conform them to the Regional Master Plan. The Highlands Council has prepared and distributed to The Borough of High Bridge the Highlands Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for a determination of Plan Conformance.

Section 3 Applicability

This ordinance applies only to the entirety of that portion of The Borough of High Bridge located within the boundaries of the Planning Area as set forth by Section 7 of the Highlands Act.

Section 4 Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 et seq.

Highlands Region means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Notice of Intent – means a resolution passed by the governing body of a local government that expressly notes that the local government desires to investigate the scope and range of tasks needed to be undertaken by the local government to gain Plan Conformance approval.

Planning Area - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Regional Master Plan or RMP – means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Section 5 Procedure for Plan Conformance

The Borough of High Bridge hereby petitions the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, as may be necessary to conform them to the goals, requirements and provisions of the Regional Master Plan. In accordance with Highlands Council’s Plan Conformance Guidelines, The Borough of High Bridge previously adopted and filed a Notice of Intent that placed the Highlands Council on notice to provide financial and technical assistance to The Borough of High Bridge for the purpose of preparing for a Petition for Plan Conformance.

At any time during the Plan Conformance process, The Borough of High Bridge may withdraw from the Plan Conformance process. Any approvals, rejections or conditions of revised municipal master plan or development regulations recommended by the Highlands Council during the Plan Conformance process, will not be binding on The Borough of High Bridge and The Borough of High Bridge may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area. Withdrawal from the Plan Conformance process must be by resolution of the governing body and mailed, by certified mail, to the Highlands Council.

Section 6 Planning Grants and Technical Assistance

Upon application of The Borough of High Bridge, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to The Borough of High Bridge for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council. Since Plan Conformance for lands in the Planning Area is strictly voluntary, The Borough of High Bridge retains the right to withdraw from the Plan Conformance process at any time. Should The Borough of High Bridge formally withdraw from the Plan Conformance process, grant funding awarded to The Borough of High Bridge up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council.

Section 7 Effective Date

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.



Mark Desire, Mayor

Attest:



Diane Seals, Municipal Clerk, RMC

Introduced: Dec. 3, 2009

Published: Dec 10, 2009

Adopted: Dec. 17, 2009

Published: Dec. 24, 2009

CERTIFICATION

I, Diane L. Seals, Municipal Clerk, hereby certify that this Ordinance was duly adopted by the Borough of High Bridge Common Council at a meeting duly held on the 17th day of December, 2009; that this Ordinance has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

12-24-09
Date



Diane L. Seals, Municipal Clerk, RMC