



**2009 Plan Conformance Grant Program**  
**Module 7.**  
**Municipal Petitions for Plan Conformance**

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Prepared by the State of New Jersey Highlands Water Protection and Planning Council in Support of the Highlands Regional Master Plan

September  
2009

**PLAN CONFORMANCE GRANT PROGRAM**  
**MODULE 7: MUNICIPAL PETITIONS FOR PLAN CONFORMANCE**

**A. Introduction**

The Highlands Water Protection and Planning Act (Highlands Act) and the Highlands Regional Master Plan (RMP) requires that municipalities with lands in the Preservation Area petition the Highlands Council for Plan Conformance by December 8, 2009, which is 15 months from the effective date (September 8, 2008) of the RMP. With respect to lands in the Planning Area, municipalities may voluntarily petition the Highlands Council for Plan Conformance at any time. However, any Planning Area municipalities that have an extension from COAH to file their Fair Share Plan and Housing Element (Third Round) by June 8, 2010 or intend to rely on Highlands Council estimates of growth share obligations for those plans must petition the Highlands Council for Plan Conformance in the Planning Area by that date.

The Highlands Council adopted Plan Conformance Guidelines in 2008 that provide an overview of the requirements and schedule for municipal Plan Conformance. Recognizing that the 15 month schedule for submission of petitions for Plan Conformance would not provide sufficient time for completion of all RMP requirements, the Highlands Council established a process by which municipalities may address Plan Conformance in two stages. Basic Plan Conformance requires implementation of immediate mandatory components of the RMP (addressed through the 2009 Plan Conformance Grant Program), along with submission of a Municipal Self-Assessment, and Highlands Implementation Plan and Schedule for all remaining RMP requirements. These documents constitute the substantive requirements of the Petition for Plan Conformance due by December 8, 2009, which are discussed in detail within these instructions. Module 7 provides instructions for the development of a municipal Petition for Plan Conformance, and outlines the process for Highlands Council review and approval. These Module 7 instructions implement the Plan Conformance Guidelines and the Plan Conformance Key Requirements for Municipalities published in 2008 by the Highlands Council, which are available through the following Web links:

[http://www.highlands.state.nj.us/njhighlands/master/highlands\\_plan\\_conformance\\_guidelines.pdf](http://www.highlands.state.nj.us/njhighlands/master/highlands_plan_conformance_guidelines.pdf)

[http://www.highlands.state.nj.us/njhighlands/planconformance/conform\\_muni\\_key\\_041108.pdf](http://www.highlands.state.nj.us/njhighlands/planconformance/conform_muni_key_041108.pdf)

The Highlands Implementation Plan and Schedule will address all remaining requirements for Plan Conformance. These requirements are discussed in the Plan Conformance Guidelines. Briefly stated, they include limited changes to the regulations adopted through Basic Plan Conformance that will implement more detailed planning, such as zoning in septic system areas, implementation of resource management plans (e.g., Water Use and Conservation Management Plans), and refined cluster development provisions for Agricultural Resource Areas. Also required will be the development of the resource management plans and their incorporation into the Highlands Element of the municipal Master Plan.

## **MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

Upon Highlands Council approval of a Petition for Plan Conformance, the municipality gains benefits of Plan Conformance as established by the Highlands Act (as described in the Plan Conformance Guidelines) and the second stage of Plan Conformance begins. Accomplishment of tasks required by the Highlands Implementation Plan and Schedule will maintain the municipality's status in Plan Conformance. The Highlands Council's 2009 Plan Conformance Grant Program provided financial assistance for the reasonable costs of development of the Petition for Plan Conformance. The Highlands Act provided for continued funding through dedicated funds so that municipalities could rely on financial assistance for the reasonable costs of the Highlands Implementation Plan and Schedule in 2010 and beyond. A grant schedule will be developed based on the Highlands Implementation Plan and Schedule for each municipality.

Municipalities may submit any remaining invoice(s) for work leading up to the submission of the Petition for Plan Conformance (beyond those already submitted for Modules 1 through 5), including Modules 6 and 7, upon receipt of notice from the Highlands Council that the Petition for Plan Conformance is administratively complete for review. Where a municipality with lands in both the Preservation Area and Planning Area submits a Petition for Plan Conformance only for the Preservation Area, the municipality may continue to conduct work under the 2009 Plan Conformance Grant toward later submittal of a Petition for Plan Conformance regarding the Planning Area, including completion of Module 3 (Fair Share Plan/Housing Element) requirements, subject to availability of funds (i.e., up to \$50,000 without further authorization; or up to \$100,000 with authorization from the Executive Director of the Highlands Council based on municipal request and justification; or a higher amount with approval of the Highlands Council based on municipal request and justification). **Please note: this process includes stringent timelines to facilitate municipal completion of planning to meet the timelines established in the Highlands Act and the timelines for completion of Fair Share Plans under extensions provided through the waiver process from the Council on Affordable Housing (COAH).**

Technical assistance for preparation of the Petition for Plan Conformance is available to municipalities, including continued assistance regarding Modules 1 through 7, as follows:

**Modules 1 and 2:** Christine Danis ([chris.danis@highlands.state.nj.us](mailto:chris.danis@highlands.state.nj.us)) and Roger Keren ([roger.keren@highlands.state.nj.us](mailto:roger.keren@highlands.state.nj.us))

**Module 3:** James Humphries ([james.humphries@highlands.state.nj.us](mailto:james.humphries@highlands.state.nj.us))

**Module 4:** Erin Lynam ([erin.lynam@highlands.state.nj.us](mailto:erin.lynam@highlands.state.nj.us))

**Module 5:** Judy Thornton ([judith.thornton@highlands.state.nj.us](mailto:judith.thornton@highlands.state.nj.us))

**Module 6:** Judy Thornton ([judith.thornton@highlands.state.nj.us](mailto:judith.thornton@highlands.state.nj.us))

**Module 7:** Erika Webb Cramer ([erika.webb@highlands.state.nj.us](mailto:erika.webb@highlands.state.nj.us))

### **B. Required Contents of the Municipal Petition for Plan Conformance**

A Petition for Plan Conformance is submitted to the Executive Director of the Highlands Council. The municipal petition must include the materials listed herein. Upon a finding of petition completeness (discussed below), the Adobe® pdf files will be posted by the

## **MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

Highlands Council on its Web site. Submission of the Petition for Plan Conformance constitutes permission of the municipality to post these materials.

1. **Cover Letter**: The cover letter shall identify the portion of the municipality to which the Petition for Plan Conformance is applicable (i.e., Preservation Area, Planning Area, or both), designate a municipal point of contact (also designated in the petition resolution or ordinance, see #3 through #5, below), and a statement that “the municipality has addressed all requirements of Plan Conformance to the best of its ability.” **Submit**: One original with original signature by the mayor of the municipality, and one Adobe® pdf file of the signed letter.
2. **Submittal Checklist**: A listing of all materials submitted as part of the petition (including all required items listed below), and a listing of any materials not submitted due to approval of a waiver of submittal requirements by the Executive Director of the Highlands Council.

**NOTE**: A municipality may request that the Executive Director of the Highlands Council waive the submission of specific petition requirements that are not relevant to Plan Conformance for the municipality or particular circumstances do not warrant the submission. The Highlands Council strongly encourages submission of such requests prior to submission of the Petition for Plan Conformance to avoid being deemed administratively incomplete. Where the Executive Director approves such a waiver, the waiver letter shall be included within the petition.

**Submit**: One hard copy, one file in Microsoft Excel® or compatible program, and one Adobe® pdf file. An example of a comprehensive Submittal Checklist is provided as **Appendix A** of these instructions in a separate Microsoft Excel® file.

3. **Preservation Area Resolution**: A certified resolution adopted by the municipal governing body petitioning for Plan Conformance for the Preservation Area; such resolution shall authorize the submission of the Petition documents, and petition the Highlands Council for a determination of Plan Conformance. **Submit**: One certified original and one Adobe® pdf file. A sample resolution is provided as **Appendix B** of these instructions.
4. **Planning Area Ordinance or Resolution**: An ordinance adopted by the municipal governing body petitioning for Plan Conformance for the Planning Area (as required by Section 15 of the Highlands Act); **or** where the municipality wishes to retain the option of determining its intent to conform at a later date, a certified resolution authorizing submission of the Petition documents, and petitioning the Highlands Council for a determination of Plan Conformance. *Note: An ordinance regarding a Petition for Plan Conformance in the Planning Area (as required by Section 15 of the Highlands Act) would not be required until the municipality is making a firm commitment to Plan Conformance.* **Submit**: One certified original and one Adobe® pdf file. A sample ordinance and a sample resolution are provided as **Appendix C** of these instructions.
5. **Planning and Preservation Area Combined Petition**: A municipal governing body petitioning for Plan Conformance in both areas may adopt a resolution for both the Preservation Area and the Planning Area, or it may adopt an ordinance applicable to both. *Note: An ordinance regarding a Petition for Plan Conformance in the Planning Area (as*

## **MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

- required by Section 15 of the Highlands Act) would not be required until the municipality is making a firm commitment to Plan Conformance. **Submit:** One certified original and one Adobe® pdf file. A sample combined ordinance is provided as **Appendix D** of these instructions. The sample petition in **Appendix C** may be modified to address a combined petition.*
6. **Record of Public Involvement:** A summary of public involvement in the 2009 Plan Conformance Grant Program regarding development of materials for Modules 3 through 6, and of the Petition for Plan Conformance in Module 7. This component must include copies of public meeting notices and announcements, meeting agendas and minutes, and any written comments received pertinent to work sessions, Module components made available for public review, and public meetings of the governing body, planning board and environmental commission or any other commissions, as relevant, held to discuss and receive public comment upon development of the petition materials. **NOTE:** As all materials are being submitted in draft form, no public hearing is required for Modules 3 through 6 (Module 5 simply requires a public meeting), though a municipality may voluntarily hold one or more public hearings. **Submit:** One hard copy and one Adobe® pdf copy of each item. Materials may be combined into single files for ease of submission, with a cover sheet listing all materials included.
  7. **2009 Plan Conformance Grant Program Documents:** Materials from Modules 3 through 6 of the 2009 Plan Conformance Grant Program, as detailed in **Appendix E**. **Submit:** One hard copy, one file in Microsoft Word® or compatible program, and one Adobe® pdf file of each item. The documents may not be combined in the electronic files.
  8. **List of Current Municipal Planning and Regulatory Documents:** The municipality shall submit a list of all existing, relevant municipal planning and regulatory documents. The list shall include the most current master plan and elements, master plan reexamination reports (last 10 years); redevelopment or rehabilitation plans (including information regarding whether the plans are adopted or proposed, if applicable, and whether developed pursuant to the Local Redevelopment and Housing Law); all land use ordinances including subdivision, site plan and zoning ordinances, zoning map, and official map (if exists). **Submit:** A list of all relevant documents in Microsoft Word® or compatible program, with the dates of most recent adoption. **Note:** The Highlands Council will identify documents that the municipality has not submitted previously, and any documents that have been submitted previously but for which no Adobe ® pdf file is currently available. At the request of the Highlands Council, municipalities shall provide an Adobe® pdf format file for each document by March 1, 2010. Costs of production may be charged to the 2009 Plan Conformance Grant. In addition, municipalities may submit one of the following formats for each document: hard copy, or file in Microsoft Word® or compatible program.
  9. **Municipal Self-Assessment Report, and Highlands Implementation Plan and Schedule:** Municipalities shall submit a Municipal Self-Assessment (MSA) Report that summarizes all draft changes to the municipal planning and regulatory programs to date (based at a minimum on the results of Modules 2 through 6 of the 2009 Plan Conformance Grant Program) and all changes that will remain necessary after Basic

## **MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

Plan Conformance to achieve Full Plan Conformance with the RMP, as discussed in the Plan Conformance Guidelines and Plan Conformance Key Requirements documents. The MSA Report should consist of a brief narrative only, with the assessment reliant substantially upon inclusion of a completed Municipal Self-Assessment Report Checklist (provided as **Appendix A** of these instructions in a separate Microsoft Excel® file) indicating the status of each item listed therein.

The status in the completed Municipal Self-Assessment Report Checklist should describe for each item, whether the document is complete as provided in the petition or requires additional work, and if an existing document has been included as a substitution for a Module or section of any Module. (For example, if the municipality provided an existing Environmental Resource Inventory with edits to achieve consistency with the RMP instead of the Highlands Module 4 Environmental Resource Inventory. Another example would be if a municipality provided existing municipal regulations for a specific natural resource, such as steep slopes, as a substitute for the Highlands Module 6 model Land Use Ordinance provisions relative to the natural resource.) This should be noted, as appropriate, in the status column of the Municipal Self-Assessment Report Checklist.

Municipalities shall also include a draft Highlands Implementation Plan and Schedule, which provides a listing of items from the Municipal Self-Assessment Report Checklist that are not required for Basic Plan Conformance and are not indicated as having been completed. In addition, the municipality must submit a general approach for achieving Plan Conformance regarding those items. (**NOTE:** The draft Schedule will be a basis for discussion between the Highlands Council staff and the municipality prior to the Highlands Council approval of the Petition, and will be used as the basis for further Plan Conformance grant funding.) A table for use in support of the Highlands Implementation Plan and Schedule is provided in **Appendix A** of these instructions in a separate Microsoft Excel® file.

The draft Highlands Implementation Plan and Schedule may also include a brief listing of potential RMP Updates (see #11, below), Map Adjustments (see #12, below), requests for State benefits, and other actions that the municipality proposes for consideration following a Highlands Council decision to approve or approve with conditions, the Petition for Plan Conformance.

**Submit:** One hard copy, one file in Microsoft Word® or compatible program for the MSA Report, one file in Microsoft Excel® or compatible program for the Highlands Implementation Plan and Schedule, and one Adobe® pdf file.

10. **Additional Supporting Materials:** Municipalities may submit materials beyond those required for a Petition for Plan Conformance that the municipality believes will support the petition. **Submit:** One hard copy, one file in Microsoft Word® or compatible program (where available), and one Adobe® pdf file.
11. **RMP Updates:** Municipalities may include requests for RMP Updates within their Petition for Plan Conformance. The Highlands Council may review and decide upon these RMP Updates as part of its review of the municipal Petition for Plan Conformance, or on a schedule that precedes or follows the decision on Plan Conformance. RMP Updates shall follow the form and procedures established by

## **MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

the Highlands Council and address all requirements of the RMP (see Chapter 6, pages 375-377).

12. **Map Adjustments:** Municipalities may include requests for Map Adjustments to the RMP within their Petition for Plan Conformance. The Highlands Council may review and decide upon these Map Adjustments as part of its review of the municipal Petition for Plan Conformance, or on a schedule that precedes or follows the decision on Plan Conformance. Map Adjustments shall follow the form and procedures established by the Highlands Council and address all requirements of the RMP (see Chapter 6, pages 377-380).

### **C. Submission of Municipal Contact Information**

Each municipality submitting a Petition for Plan Conformance or receiving a Plan Conformance Grant shall submit municipal contact information by January 30, 2010, for the mayor, council president, the full governing body, clerk, manager/administrator, designated professional planner(s), designated professional engineer(s), municipal attorney, planning board chair and attorney, zoning board attorney and designated lead contact regarding the Petition for Plan Conformance. Each municipality shall also submit complete contact information by February 28, 2010, for the chairs of the zoning board of adjustment and board of health, and the chairs of the environmental, historical, shade tree, open space and agricultural advisory commissions, plus a listing of the members for each of these boards and commissions. The Highlands Council will provide a submittal template and procedure to all municipalities in early January.

### **D. Response to Highlands Council Review**

Municipalities may be asked to provide additional information in support of a Petition. Such requests shall be made in writing to the mayor and designated municipal point of contact for the Plan Conformance process from the Executive Director of the Highlands Council. Such information requests may occur regarding any of the submittal items discussed above, as a result of petition review by the Executive Director (or designee) or the Highlands Council, and shall require a response from the municipality within a timeframe designated therein. The review process is outlined in the Plan Conformance Guidelines and discussed in Section F, below. Schedules for responses to the Highlands Council's comprehensive review of any petition, will be established by the Highlands Council in the context of the petition review process. Responses to such requests shall become part of the decision record for Highlands Council review in consideration of Plan Conformance.

### **E. Schedule for Completion, Deliverables**

**Important:** Municipalities shall submit complete petitions for the Preservation Area at a minimum, with receipt by the Highlands Council at its offices (see below), by no later than close of business (5 PM) on Tuesday, December 8, 2009. The Highlands Council will post, on the Highlands Council website, a listing of all petitions received by December 18, 2009.

## **MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

Deliverables must be submitted by mail or delivered by hand to:

Eileen Swan, Executive Director  
Highlands Water Protection and Planning Council  
100 North Road (Route 513)  
Chester, NJ 07930

### **F. General Process and Schedule for Highlands Council Action**

1. **Completeness Review:** The Highlands Council's Executive Director shall review all submitted materials and make a determination as to petition completeness **within 60 days of receipt** of the Petition for Plan Conformance. The municipality will be notified of any incomplete submittals and will be provided an opportunity to submit information and materials as necessary to achieve a complete petition. Upon a determination that the petition is complete for review, the Executive Director shall notify the municipality, and **within 10 days**, shall provide public notice of the complete petition and post the complete petition on the Highlands Council website.
2. **Draft Consistency Review and Recommendations Report:** The Executive Director shall prepare a draft municipal Consistency Review and Recommendations Report providing a detailed assessment of the Plan Conformance petition, the resulting level of conformance with the RMP, and further actions necessary for Plan Conformance. The schedule applicable to provision of such Reports will depend on the number of petitions being reviewed at the time, but in general is expected to take 45 to 90 days.
3. **Municipal Response Period:** In the event that any draft Consistency Review and Recommendations Report recommends rejection of a Petition for Plan Conformance or approval with conditions, a copy of the draft Report shall be provided to the municipality prior to commencement of any further action. The Executive Director shall provide an opportunity for the municipality to determine whether to amend its Petition for Plan Conformance in order to rectify the major insufficiencies identified in the Report. If the municipality agrees to pursue such an amendment, the terms and schedule applicable to an amended petition shall be as determined and authorized by the Executive Director. Any amended petition shall be reviewed by the Executive Director, who shall prepare an amended draft Consistency Review and Recommendations Report.
4. **Public Notice:** The Executive Director shall post the draft municipal Consistency Review and Recommendations Report on the Highlands Council website. In addition, the Executive Director may determine whether a public comment period, public hearing or both are necessary for the draft county Consistency Review and Recommendations Report. Where deemed necessary, the Executive Director will provide public notice of a period for public review and comment, and will establish a date for a public hearing for the purposes of receiving oral and written testimony. Where a public hearing is scheduled, the Executive Director or designee will chair the public hearing.
5. **Final Consistency Review and Recommendations:** The Executive Director shall thereafter prepare a final municipal Consistency Review and Recommendations Report for consideration by the Highlands Council. The schedule applicable to

## **MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

provision of such Reports will depend on the volume and complexity of petitions being reviewed at the time, but in general is expected to take up to 30 days. The final municipal Consistency Review and Recommendations Report shall be posted on the Highlands Council website.

6. **Council Review and Decision:** The Highlands Council shall determine by resolution, with an opportunity for public comment, whether the Petition for Plan Conformance shall be approved, approved with conditions, or rejected. The Highlands Council determination shall occur **within 60 days** of receiving the final Consistency Review and Recommendations Report, unless extended by mutual consent of the Highlands Council and the municipality. Where a petition is either approved with conditions or rejected, the Highlands Council shall provide the basis for such findings, which inclusive of any conditions, shall be recited within the text of its adopted resolution or incorporated by reference from the final Consistency Review and Recommendations Report. Implementation of the Highlands Implementation Plan and Schedule will be one requirement of continued Plan Conformance.
7. **Notice:** The municipality will be formally notified of the Highlands Council decision within 10 business days of adoption of the resolution. The notice shall include the Highlands Council resolution and, in the case of an approval with conditions, a final Highlands Implementation Plan and Schedule. Within 15 days of the formal determination of the Highlands Council, the Executive Director shall provide public notice of the determination on the Highlands Council website.
8. **Eligibility for Benefits under the Highlands Act and Regional Master Plan:** Where a Petition for Plan Conformance is approved or approved with conditions, the Highlands Council resolution will include a determination that the municipality has met the requirements for Plan Conformance and is eligible for specific benefits of conformance under the Highlands Act and RMP (see Plan Conformance Guidelines for more detail on the benefits). A municipality that does not meet the conditions may be determined by the Highlands Council to no longer be in Plan Conformance, pursuant to the Highlands Act at N.J.S.A. 13:20-14.c. A municipality may be deemed no longer in Plan Conformance for either or both, the Preservation Area and the Planning Area.
9. **Municipal Plan Conformance with Conditions of Approval:** The Highlands Council resolution will provide a specific schedule for meeting the procedural conditions (e.g., final adoption of draft petition materials for Modules 3 through 6) of Section F.5 above, and any other conditions required to maintain Plan Conformance. In addition, the Highlands Council resolution will include a final Highlands Implementation Plan and Schedule.
  - a) **Preservation Area:** Each municipality shall comply with the conditions for approval set forth in the Highlands Council resolution with regard to the Preservation Area. When the municipality has met the preliminary conditions for Plan Conformance (i.e., Basic Plan Conformance), the Highlands Council will provide a formal determination of Plan Conformance. Compliance with the remaining conditions of approval, as set forth within the Highlands Implementation Plan and Schedule shall be ongoing.

## **MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

- b) **Planning Area:** Where a municipality continues with the Plan Conformance process regarding the Planning Area, it will comply with the relevant conditions for approval for that area as well. Compliance with the conditions of approval set forth in the Highlands Implementation Plan and Schedule shall be ongoing.

**G. Interim Municipal Checklist Ordinance for the Planning Area:** The Highlands Act authorizes the Highlands Council to review applications for development in the Preservation Area, under N.J.S.A. 13:20-17. Preservation Area municipalities were notified in late 2008 of the requirement to adopt an ordinance ensuring Highlands Council receipt of such applications. These provisions do not apply to the Planning Area until or unless a municipality has attained Plan Conformance with respect to such lands. In the interest of ensuring appropriate oversight of development in the Planning Area during the period between submission of a Petition for Plan Conformance pertinent to the Planning Area and Highlands Council approval of such petition, the Highlands Council encourages municipalities to immediately adopt an amendment to their development application checklist ordinance regarding Planning Area development applications. This ordinance would have a similar objective as the Preservation Area checklist requirement, where no application would be deemed complete for review unless determined by the Highlands Council to be in conformance with the Regional Master Plan. This ordinance would be superseded by the Highlands Land Use Ordinance upon adoption of the latter. A model checklist ordinance is provided in **Appendix F**.

## **Appendix A: Checklists**

Provided in a separate Microsoft Excel® file. Municipalities may copy these tables for use in their Petitions for Plan Conformance.

**Appendix B: Example Preservation Area Petition Resolution**

**SAMPLE RESOLUTION  
(NAME OF MUNICIPALITY)  
SUBMISSION OF PETITION FOR PLAN CONFORMANCE  
TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
FOR LAND IN THE PRESERVATION AREA**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands 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; and

**WHEREAS**, 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 for the Highlands Region; and

**WHEREAS**, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, September 8, 2008, each municipality located wholly or partially in the Preservation Area shall submit revisions to the municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

**WHEREAS**, (*Name of Municipality*) is located in the Highlands Region with lands lying within the Preservation Area, as defined by the Highlands Act; and

**WHEREAS**, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

**WHEREAS**, the Highlands Council’s Plan Conformance Guidelines also require that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009, which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines.

**NOW, THEREFORE BE IT RESOLVED**, that the (*Governing Body of Name of Municipality*) hereby submits this Petition for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Preservation Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

Date \_\_\_\_\_  
\_\_\_\_\_

## Appendix C: Example Planning Area Petition Resolution and Ordinance

### **SAMPLE RESOLUTION (NAME OF MUNICIPALITY) INTENTION TO REVISE MASTER PLAN AND DEVELOPMENT REGULATIONS FOR PLAN CONFORMANCE FOR LAND IN THE PLANNING AREA**

**WHEREAS**, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands 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; and

**WHEREAS**, 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 for the Highlands Region; and

**WHEREAS**, Section 13:20-15.a, of the Highlands Act states that 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), and:

**WHEREAS**, (*Name of Municipality*) is located in the Highlands Region with lands lying within the Planning Area, as defined by Section 7 of the Highlands Act; and

**WHEREAS**, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines; and

**WHEREAS**, Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area. and (*Name of Municipality*) may at any time voluntarily 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 to the Regional Master Plan; and

**WHEREAS**, at any time during the Plan Conformance process, (*Name of Municipality*) may withdraw from the Plan Conformance process and 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 (*Name of Municipality*); and (*Name of Municipality*) may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area; and

**MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

**WHEREAS**, should (*Name of Municipality*) make the determination that (*Name of Municipality*) shall 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 and Plan Conformance Guidelines, (*Name of Municipality*) shall enact an ordinance setting forth such intention, as required by the Highlands Act; and

**WHEREAS**, upon application of (*Name of Municipality*), the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to (*Name of Municipality*) 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 and 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; and

**WHEREAS**, should (*Name of Municipality*) formally withdraw from the Plan Conformance process, grant funding awarded to (*Name of Municipality*) 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;

**NOW, THEREFORE BE IT RESOLVED**, that the (*Governing Body of Name of Municipality*) hereby submits this resolution of intention to revise its master plan and development regulations for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Planning Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

Date \_\_\_\_\_  
\_\_\_\_\_

**MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

**SAMPLE ORDINANCE  
(*NAME OF MUNICIPALITY*)  
ORDINANCE OF INTENTION TO REVISE MASTER PLAN AND  
DEVELOPMENT REGULATIONS FOR PLAN CONFORMANCE  
FOR LAND IN THE PLANNING AREA**

**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, (*Name of Municipality*) 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 (*Name of Municipality*) 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 (*Name of Municipality*) 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

## **MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

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**

*(Name of Municipality)* 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, *(Name of Municipality)* previously adopted and filed a Notice of Intent that placed the Highlands Council on notice to provide financial and technical assistance to *(Name of Municipality)* for the purpose of preparing for a Petition for Plan Conformance.

At any time during the Plan Conformance process, *(Name of Municipality)* 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 *(Name of Municipality)* and *(Name of Municipality)* 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 *(Name of Municipality)*, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to *(Name of Municipality)* 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

**MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

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, (*Name of Municipality*) retains the right to withdraw from the Plan Conformance process at any time. Should (*Name of Municipality*) formally withdraw from the Plan Conformance process, grant funding awarded to (*Name of Municipality*) 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.

ALL OF WHICH IS ADOPTED this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by the -  
\_\_\_\_\_.

## **Appendix D: Example Preservation Area and Planning Area Petition Ordinance**

### **SAMPLE ORDINANCE (NAME OF MUNICIPALITY) ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE FOR THE PLANNING AND PRESERVATION AREAS**

#### **Section 1 Purpose**

This ordinance is enacted pursuant to Sections 14.a. and 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 and submit revisions of the municipal master plan, development regulations or other regulations, as applicable to the development and use of land in both the Preservation Area and Planning Area of (*Name of Municipality*), 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. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area must submit by December 8, 2009 a revised municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, that conforms with the Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area. Consequently, (*Name of Municipality*), having lands in both the Preservation Area and Planning Area, may submit as part of a Petition for Plan Conformance due December 8, 2009, revisions to the master plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. The Highlands Council has prepared and distributed to (*Name of Municipality*) 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 to the development and use of land located in both the Preservation

## **MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

Area and Planning Area of (*Name of Municipality*), as defined 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.

**Preservation Area** – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

**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**

(*Name of Municipality*) hereby petitions the Highlands Council and submits the revised master plan, development regulations and other regulations, as applicable to the development and use of land in both the Preservation Area and 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, (*Name of Municipality*) previously adopted and filed a Notice of Intent that placed the Highlands Council on notice to provide financial and technical assistance to (*Name of Municipality*) for the purpose of preparing for a Petition for Plan Conformance.

At any time during the Plan Conformance process, (*Name of Municipality*) may withdraw that portion of the Petition related to lands lying in the Planning Area from the Plan Conformance process. Any approvals, rejections or conditions of the revised municipal master plan, development regulations or other regulations recommended by the Highlands Council during the Plan Conformance process, as applicable to the development and use of

**MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

land in the Planning Area, will not be binding on *(Name of Municipality)*. Withdrawal of that portion of the Petition from the Plan Conformance Process that relates to lands lying wholly in the Planning Area 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 *(Name of Municipality)*, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to *(Name of Municipality)* 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 both the Preservation Area and Planning Area, which revisions 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, *(Name of Municipality)* retains the right to withdraw that portion of the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time. Should *(Name of Municipality)* formally withdraw same from the Plan Conformance process, grant funding awarded to *(Name of Municipality)* 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.

ALL OF WHICH IS ADOPTED this \_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_, by the -  
\_\_\_\_\_.

## **Appendix E. 2009 Plan Conformance Grant Program Documents**

### **Module 2: Highlands Municipal Build-Out Report**

- The final Highlands Municipal Build-Out Report and supporting documents and files were prepared by the Highlands Council, provided to the municipality, and posted on the Highlands Council website. The Report may be incorporated by reference in the petition. Where a municipality has not completed the work in Modules 1 and 2 and thus has not received a final Highlands Municipal Build-Out Report, the Petition for Plan Conformance will be deemed administratively incomplete but, for any municipality with lands in the Preservation Area the Petition must still be filed by December 8, 2009.

### **Module 3: Housing Element and Fair Share Plan**

- Municipalities seeking Council on Affordable Housing (COAH) approval of a third round Housing Element and Fair Share Plan shall include in the Petition for Plan Conformance all December 8, 2009 submission requirements listed in the Module 3 instructions. As authorized by COAH's resolution at its meeting of August 12, 2009, a municipality that had already received an extension from COAH to December 8, 2009 has been granted an additional extension and may submit a petition COAH for third round substantive certification no later than June 8, 2010.
- Some municipalities will have previously submitted a Housing Element and Fair Share Plan to COAH for third round substantive certification. For any municipality that has submitted a third round petition for substantive certification to COAH, the municipality shall submit copies of the Housing Element and Fair Share Plan as submitted to COAH, in addition to all December 8, 2009 submission requirements listed in the Module 3 instructions. For any municipalities that have received third round substantive certification the municipality shall submit the approved Housing Element and Fair Share Plan along with a copy of the resolution from COAH approving the petition for substantive certification, in addition to all December 8, 2009 submission requirements listed in the Module 3 instructions.
- Municipalities that do not intend to submit a petition to COAH for substantive certification, but that are under the jurisdiction of the Law Division of Superior Court or intend to submit to the Law Division of Superior Court in lieu of COAH, shall include in the Petition for Plan Conformance all December 8, 2009 submission requirements listed in the Module 3 instructions.

### **Module 4: Highlands Environmental Resource Inventory**

- Municipalities shall submit a final draft Highlands Environmental Resource Inventory (ERI), addressing all requirements in the instructions for Module 4. Municipalities shall address comments received from the Highlands Council staff review of the initial draft Highlands ERI due June 30, 2009. Adoption of the Highlands ERI should not occur until after final review and approval by the Highlands Council. As noted in the Module 4 instructions, submittal options include:
  - Mark-up version of the model Highlands ERI prepared by the Highlands Council, including appropriate maps, to be adopted as a stand-alone document or as an addendum to an existing municipal ERI;
  - Mark-up version of the existing municipal ERI, directly incorporating relevant information regarding Highlands resources, including appropriate maps. The petition

## **MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

shall also include a chart or other information relating the revised municipal ERI to the model Highlands ERI, indicating how each provision was satisfied;

- A combination of the two prior options.

### **Module 5: Highlands Master Plan Element**

- Municipalities shall submit a final draft municipal master plan Highlands Element, addressing all requirements in the instructions for Module 5. Municipalities shall address comments received from the Highlands Council staff review of the initial draft Highlands Element due September 1, 2009 (if applicable). Where provisions are proposed that would be more stringent than the RMP, the municipality shall note these provisions and provide a basis for them. Adoption of the Highlands Element should not occur until after review and approval by the Highlands Council. As noted in the Module 5 instructions, submittal options include:
  - Mark-up version of the model Highlands Element (provided by the Highlands Council), including appropriate maps, to be adopted as a supplement to the existing municipal master plan;
  - Mark-up version of the existing municipal Master Plan, directly incorporating all information from the model Highlands Element, including appropriate maps. The petition shall also include a chart or other information relating the revised municipal Master Plan to the model Highlands Master Plan Element, indicating how each provision was satisfied;
  - A combination of the two prior options.

### **Module 6: Highlands Land Use Ordinance**

- Municipalities shall submit a draft of the Highlands Land Use Ordinance addressing all requirements in the instructions for Module 6. Where provisions are proposed that would be more stringent than the RMP, the municipality shall note these provisions and provide a basis for them. Adoption of the Highlands Land Use Ordinance should not occur until after review and approval by the Highlands Council. Due to the nature of the Highlands Land Use Ordinance, the Highlands Council **strongly recommends** use of the model Highlands Land Use Ordinance as a supplement to municipal ordinances. As noted in the Module 6 instructions, submittal options include:
  - Mark-up version of the model Highlands Land Use Ordinance (provided by the Highlands Council), to be adopted as a stand-alone ordinance;
  - Mark-up version of existing ordinances, directly incorporating relevant provisions of the model Highlands Land Use Ordinance. The petition shall also include a chart or other information relating the revised municipal ordinance to the Highlands model ordinance, indicating how each provision was satisfied;
  - A combination of the two prior options.

**Appendix F: Model Planning Area Checklist Ordinance (Not Mandatory)**

**BOROUGH/TOWNSHIP/TOWN OF \_\_\_\_\_  
\_\_\_\_\_ COUNTY, NEW JERSEY**

**Pending Ordinance No. \_\_\_\_\_**

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE  
BOROUGH/TOWNSHIP/TOWN OF \_\_\_\_\_ TO UPDATE SUBMISSION  
REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT

WHEREAS, the Governing Body of the Borough/Township/Town of \_\_\_\_\_ has [determined that it will], on behalf of the municipality, petition[ed] the New Jersey Highlands Water Protection and Planning Council (“Highlands Council”) for Plan Conformance with respect to Borough/Township/Town lands located within the Planning Area portion of the Highlands Region; and

WHEREAS, the petition [to be] filed with the Highlands Council contains proposed amendments to the municipal planning program, including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Highlands Regional Master Plan and provide immediate protections to vital Highlands Resources located within the Borough/Township/Town; and

WHEREAS, the Governing Body finds that the proposed changes to the municipal planning program are of broad and significant effect, are vital to the protection of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community; and

WHEREAS, the Governing Body recognizes that Highlands Council review and ultimate approval of its Petition for Plan Conformance will require some months’ time, after which formal municipal adoption of each component of the revised planning program must take place, in sequential order in accordance with all statutory requirements, involving public hearings and deliberations of the Environmental Commission, Planning Board, and Governing Body; a process that will require an additional undetermined period of time; and

WHEREAS, the Governing Body is aware that lands within the Planning Area are not protected by the NJDEP Preservation Area Rules (N.J.A.C. 7:38-1 et seq.) and would remain without Highlands Regional Master Plan protections during the interim period between the date of filing of the Petition for Plan Conformance and the adoption of ordinances and regulations that will provide such protections; and

WHEREAS, the Highland Council authorizes and encourages municipalities filing for Plan Conformance, particularly in the case of conformance for the Planning Area, to provide an immediate level of protection to the resources located within the Highlands

**MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

Region by adoption of revised submission requirements pertinent to applications for development therein; and

WHEREAS, the Highland Council deems such immediate protections in the Planning Area as eligible for the provisions of the Highlands Act at N.J.S.A. 13:20-20 and -22 regarding legal representation to municipalities filing for Plan Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances; and

WHEREAS, the Governing Body finds that the adoption of such submission requirements are important not only to provide such immediate resource protections, but to ensure the proper management of applications for development involving lands within the Highlands Area of the municipality;

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough/Township/Town of \_\_\_\_\_ that the Land Use Ordinance of the Borough/Township/Town of \_\_\_\_\_ be and is hereby amended to incorporate the following provisions:

**SECTION 1**

A. HIGHLANDS CONSISTENCY DETERMINATION REQUIRED. Submission requirements pertinent to all Applications for Development (as defined pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.)) for which application submission requirements apply under this Ordinance, shall, for any application involving property located (or partially located) in the Planning Area of the Highlands Region, be supplemented to include a Consistency Determination from the New Jersey Highlands Council. No such application shall be deemed complete or considered for review by the applicable Borough/Township/Town land use Board, until and unless the applicant has obtained and provided a copy of such Consistency Determination.

B. FINDINGS OF INCONSISTENCY. Where a Highlands Council Consistency Determination indicates that an application is inconsistent with the Highlands Regional Master Plan, no such application shall be deemed complete or considered for review by the applicable Borough/Township/Town land use Board, until or unless the applicant has obtained from the professional(s) responsible for preparation of the applicant's plans, a certification indicating that to the best of the knowledge and abilities of such professional(s), the plans have been revised to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve consistency.

C. EXCLUSIONS. The following specific improvements and related applications shall be excluded from the provisions of this section:

1. Any improvement to a single family dwelling in lawful existence as of the effective date of this Ordinance, provided that such improvement: a) is related and dedicated solely to the single-family residential use of either the dwelling or the property upon which it is situated; b) results in results in the ultimate disturbance of less than one

**MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

- (1) acre of land; and c) produces a cumulative impervious surface area of less than one-quarter (1/4) acre.
2. The reconstruction of any lawfully existing building or other structure within the same footprint in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
  3. The repair or maintenance of any lawfully existing building or other structure. This exclusion shall not be construed to permit repairs or maintenance activities that alter the footprint of such building or structure.
  4. The interior improvement, rehabilitation, or modification of any lawfully existing building or other structure. This exclusion shall not be construed to permit activities that alter the footprint of such building or structure.
  5. The attachment of signs or other ornamentation to any building or structure, to the installation of windows, doors, chimneys, vents, shafts, heating, ventilation, or air conditioning equipment, or to any other such improvement to a building or structure provided it occupies a surface area footprint of not more than 50 square feet. This exclusion shall not be construed to permit ultimate disturbance or cumulative impervious surface in excess of that provided at 1, above, for single-family dwellings.
  6. Any improvement or alteration to a lawfully existing building or structure necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.

D. EXEMPTIONS. Any activity, improvement or development project listed and demonstrated to constitute a Highlands Act exemption shall be exempt from the provisions of this section. Demonstration of a Highlands Act exemption shall consist of a Highlands Exemption Determination issued by the New Jersey Highlands Council.

**SECTION 2**

Copies of this Ordinance are on file in the office of the municipal Clerk, located at: \_\_\_\_\_, Borough/Township/Town, New Jersey for public inspection or purchase during regular weekday business hours (8:30 a.m. to 4:30 p.m.).

**SECTION 3**

The municipal Clerk is directed to give notice at least ten days prior to the hearing on the final adoption of this Ordinance to the clerks of all adjoining municipalities and the \_\_\_\_\_ County Planning Board, and to all others entitled to notice under N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63. Upon final passage of this Ordinance, the municipal Clerk is further directed to publish notice of passage and to file a copy of this Ordinance as finally adopted with the \_\_\_\_\_ County Planning Board as required by N.J.S.A. 40:55D-16.

**MODULE 7: MUNICIPAL PLAN CONFORMANCE PETITIONS**

**SECTION 4**

If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

**SECTION 5**

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 6**

This Ordinance shall take effect after final passage and publication in the manner prescribed by law.