

ORDINANCE # 1184-2023

AN ORDINANCE OF THE TOWNSHIP OF CLINTON IN HUNTERDON COUNTY, NEW JERSEY AMENDING CHAPTER 165 (LAND USE REGULATIONS) OF THE “CODE OF THE TOWNSHIP OF CLINTON” TO ESTABLISH TWO HIGHLANDS CENTERS AND CREATE HIGHLANDS ENVIRONMENTAL RESOURCE ZONES

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance whereby municipalities such as Clinton Township, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan (RMP) within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance whereby any municipality or county located wholly or partially in the Planning Area may voluntarily revise and conform its local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the RMP at any time; and

WHEREAS, Clinton Township is located within the Highlands Region, and contains approximately 21,054 acres in the Planning Area and 639 acres in the Preservation Area; and

WHEREAS, on June 18, 2015, after due consideration and opportunity for public comment, the Highlands Council approved Clinton Township’s Petition for Plan Conformance

with the conditions as set forth in Resolution 2015-13, the Final Consistency Review and Recommendations Report dated June 10, 2015, and the Highlands Implementation Plan and Schedule; and

WHEREAS, in the process of completing its Petition for Plan Conformance, Clinton Township determined, and the Highlands Council concurred, that Highlands Center designation should be studied for the municipality; and

WHEREAS, Clinton Township thus completed a feasibility study for designation of a Highlands Center(s) within the municipality, which culminated in production of a report entitled “Petition for Plan Conformance: Annandale Highlands Center Designation,” dated August 23, 2019; and

WHEREAS, the resultant analysis of that study proposed designation of two Highlands Centers within Clinton Township, each intended to advance the goals and intents of both the Clinton Township Master Plan and the RMP; and

WHEREAS, the Highlands Council reviewed the Petition and found the initial Petition to be insufficient due to pending water supply and infrastructure issues; and

WHEREAS, Clinton Township submitted additional information in September of 2021 and on September 14, 2021, requested that the Highlands Council review the petition again in light of the additional information provided and amend the previously approved Petition for Plan Conformance to include the Highlands Centers; and

WHEREAS, Highlands Council staff reviewed the Highlands Center Designation Feasibility Report and found it to be consistent with the RMP; and

WHEREAS, a Public Notice was posted, with the revised Petition materials, on the Highlands Council website for public review and comment on April 5, 2022; and

WHEREAS, pursuant to Resolution 2022-12 adopted on June 16, 2022, the Highlands Council approved Clinton Township’s Amended Petition for Plan Conformance with conditions, adopted the Revised Consistency Review and Recommendations Report and Revised Highlands Implementation Plan for Fiscal Year 2022, and determined that Clinton Township is entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines; and

WHEREAS, the Mayor and Council now wish to implement the Highland Council’s approval by adding two Highlands Centers to the Highlands Area Districts, creating Highlands Environmental Resource Zones, and adopting associated regulations, in order to employ the benefits of the center designation in accordance with the Highlands RMP, focus development in appropriate areas of the Township and minimize development pressures in environmentally sensitive areas of the community; and

WHEREAS, the Mayor and Council also wish to amend the Township’s zoning map to show the boundaries of the new Highlands Centers as well as the boundaries of the existing Highlands Preservation Area and the Highlands Planning Area districts;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Clinton, in Hunterdon County, New Jersey as follows:

SECTION 1. Highlands Centers established. Section 165-117.7, “Establishment of Highlands Area District,” of Article XVI, “General Provisions,” of Part 7, “Zoning Regulations,” of Chapter 165, “Land Use Regulations,” is hereby amended and supplemented to add thereto a two Highlands Centers, as follows (additions are underlined thus; deletions are in brackets [thus]):

§ 165-117.7 Establishment of Highlands Area Districts.

A. Highlands Preservation Area and Planning Area. The Highlands Act establishes the Preservation Area and Planning Area of the

Highlands Region. It describes the varied attributes of each and sets forth the major land use planning goals that pertain to the lands located within each. The Act defines the geographic extent of the Highlands Region to include the aggregated land area making up its constituent municipalities (N.J.S.A. 13:20-7a). It provides a physical delineation of the Preservation Area by use of a specific metes and bounds description (N.J.S.A. 13:20-7b), designating all remaining lands within the Highlands Region as the Planning Area.

- (1) Highlands Area. The Clinton Township Master Plan incorporates the Highlands Preservation Area and Planning Area, inclusive of the goals applicable to each, as an integral component of the planning and land use policies of the municipality. For purposes of this article, these areas shall henceforth be known and designated as the Clinton Township “Highlands Area.”
- (2) Preservation Area. The Preservation Area, to the full extent of its limits within the Clinton Township Highlands Area, is herewith adopted and established as an overlay to municipal zoning.
- (3) Planning Area. The Planning Area, to the full extent of its limits within the Clinton Township Highlands Area, is herewith adopted and established as an overlay to municipal zoning.

A.1.Highlands Centers. The Highlands Regional Master Plan (“Highlands RMP”) allows municipalities to designate Highlands Centers as a planning tool to encourage development and redevelopment in appropriate areas which typically include access to utilities and regional transportation. The intent is to provide a balance between providing support for managed economic growth while discouraging development in environmentally sensitive areas to protect critical natural and cultural resources. The Highlands Centers established hereinbelow were incorporated in an amendment to the Township’s Petition for Plan Conformance, which was ultimately approved by the Highlands Council in June 2022.

- (1) In accordance with New Jersey Highlands Council Resolution No. 2022-12, adopted June 16, 2022, and the provisions of the Highlands RMP, the following Highlands Centers as described below are hereby established as overlays to municipal zoning:
 - (a) Annandale Highlands Center. The Annandale Highlands Center is generally located east of the Township’s border

with the Town of Clinton and generally surrounding the New Jersey Transit train station in Annandale, as depicted on the Clinton Township Zoning Map.

(b) Northern Route 31 Highlands Center. The Northern Route 31 Highlands Center generally lies to the north of the Town of Clinton along New Jersey State Highway Route 31, also as depicted on the Clinton Township Zoning Map.

(3) Highlands Center Policies. Throughout both Highlands Centers, the policies applicable to the Existing Community Zone, as depicted on the Highlands RMP Land Use Capability Map (“LUCM”) shall apply to the entirety of the Centers, except for those areas designated Highlands Environmental Resource Zones pursuant to §165-117.7A.2 below.

A.2 Highlands Environmental Resource Zones (“HERZ”). A Highlands Environmental Resource Zone is an area intended by the Highlands RMP to delineate the most environmentally sensitive resources within a Highlands Center and protect those areas through the application of Protection Zone criteria. The Clinton Township Highlands Environmental Resource Zones are hereby created and established as an overlay to municipal zoning, as further described hereinbelow:

(1) The Township HERZ in the aggregate contain approximately 100 acres of designated land areas within the Annandale Highlands Center and Northern Route 31 Highlands Center, as depicted on the map denoted Appendix G, Exhibit 10. The Protection Zone policies set forth in these Highlands Regulations (§§ 165-117.4 through 165-117.14) shall apply within the HERZ.

(2) Within the HERZ, existing developed land uses that are dependent upon individual on-site subsurface septic disposal systems shall be eligible for connection to the public wastewater collection and treatment system when capacity of those utilities become available. Such connections shall be consistent with the use and intensity of development on individual lots dependent upon individual on-site wastewater treatment systems in existence as of June 16, 2022.

SECTION 3. Township zoning map amended. The map entitled “Zoning Map, Clinton Township, Hunterdon County, NJ,” last dated September 9, 2021, is hereby amended by adding

thereto the new Annandale Highlands Center and Route 31 Highlands Center established herein, as well as the Highlands Preservation and Planning Areas previously established, as depicted on the map attached hereto as **Exhibit A**.

SECTION 4. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

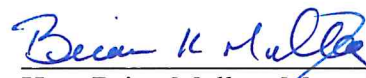
SECTION 5. Severability. If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

SECTION 6. Referral to Planning Board. Pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-64, the Clerk shall cause a copy of this ordinance to be referred to the Clinton Township Planning Board for review prior to its adoption.

SECTION 7. Effective Date. This ordinance shall take effect 20 days after its final passage by council and the filing of same with the Hunterdon County Planning Board, all in accordance with law.

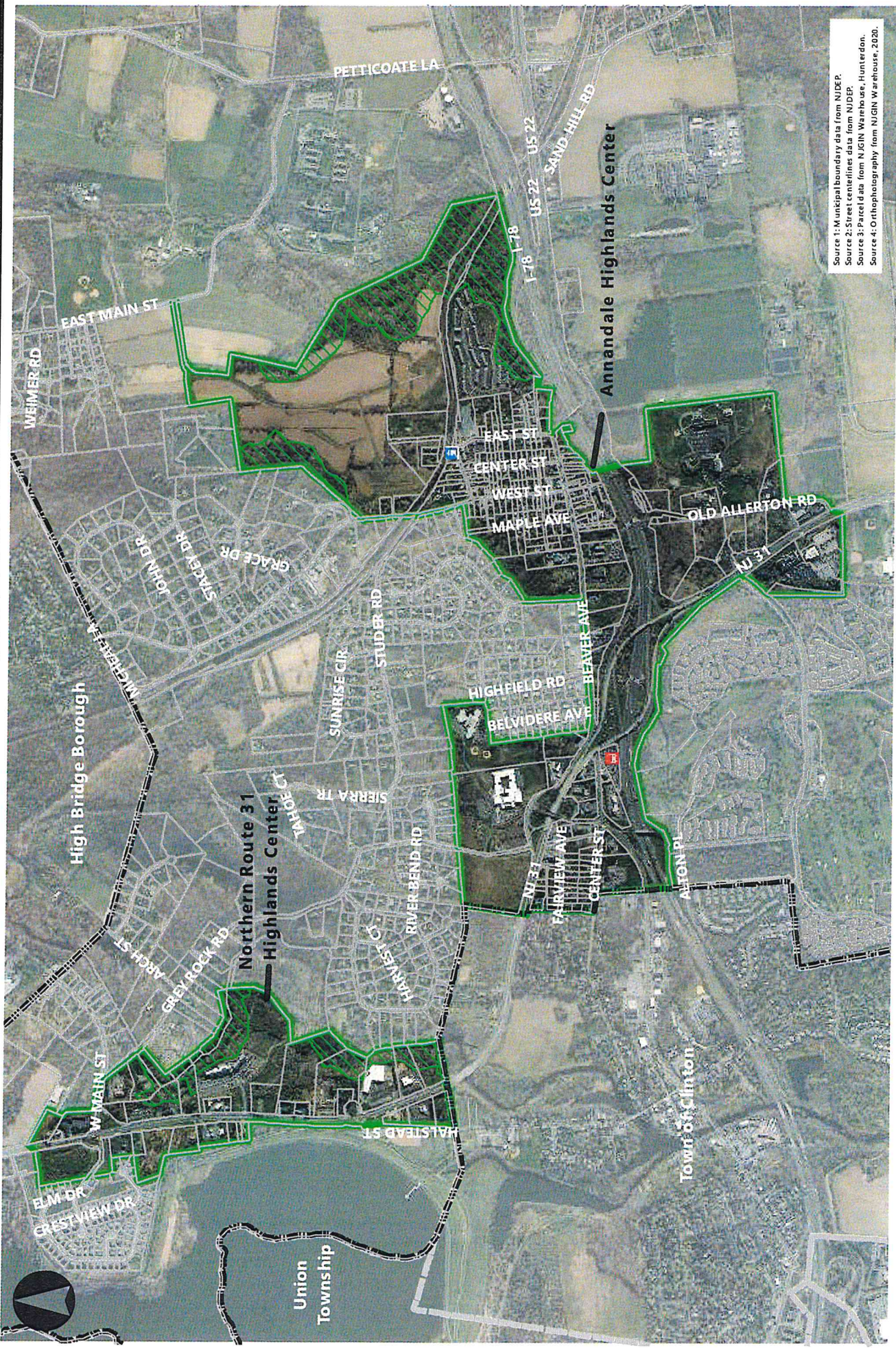
ATTEST:


Carla Conner, RMC, Township Clerk

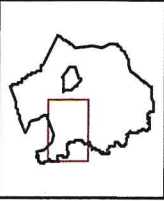

Hon. Brian Mullay, Mayor

Introduction: April 26, 2023

Adopted: May 10, 2023



Source 1: Municipal boundary data from NJDEP.
 Source 2: Street centerlines data from NJDEP.
 Source 3: Parcel data from NJEN Warehouse, Hunt Garden.
 Source 4: Orthophotography from NJEN Warehouse, 2020.



Legend

- Township Boundary
- Municipal Boundaries
- Highlands Center Boundaries
- HERZ

Bus Park & Ride
 Annandale Train Station

Project No.	3875.07	Date	04.26.23	Drawn	TB
Scale	1" = 1,750'	Dep. No.	HC		

2023 COPYRIGHT EA - NOT TO BE REPRODUCED

Project Title
Highlands Center Boundaries w/ HERZ
 Township of Clinton | Hudson County, New Jersey

Highlands Centers

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