



**Summary of Exemptions from the Highlands Act for the Preservation Area and Planning Area (if in conformance with the RMP)**

1. The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual as of August 10, 2004
2. The construction of a single family dwelling on a lot in existence as of August 10, 2004 (for someone other than the individual or a family member), provided that the construction does not result in the ultimate disturbance of 1 acre or more of land or a cumulative increase in impervious surface by  $\frac{1}{4}$  acre or more.
3. A Major Highlands Development that received approval on or before March 29, 2004 (this exemption applies only for the Preservation Area).
4. The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by  $\frac{1}{4}$  acre or more.
5. Any improvement to a single family dwelling in existence as of August 10, 2004 including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system.
6. Any improvement, for non-residential purposes, to a place of worship in existence on August 10, 2004.
7. An activity conducted in accordance with an approved woodland management plan or the normal harvesting of forest products in accordance with a forest management plan.
8. The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.
9. The routine maintenance and operations, rehabilitation, preservation, reconstruction or repair of transportation or infrastructure systems by a state entity or local government unit.



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10. The construction of transportation safety projects and bicycle and pedestrian facilities by a state entity or local government unit.
11. The routine maintenance and operations, rehabilitation, preservation, reconstruction, repair or upgrade of public utility lines, rights of way, or systems, by a public utility.
12. The reactivation of rail lines and rail beds existing as of August 10, 2004.
13. The construction of a public infrastructure project approved by public referendum prior to January 1, 2005 or a capital project approved by public referendum prior to January 1, 2005.
14. The mining, quarrying, or production of ready mix concrete, bituminous concrete, or Class B recycling materials occurring or which are permitted to occur on any mine, mine site, or construction materials facility existing on June 7, 2004.
15. The remediation of any contaminated site pursuant to P.L.1993, c.139 (C.58:10B-1 et seq.).
16. Any lands of a federal military installation existing on August 10, 2004 that lie within the Highlands Region.
17. A Major Highlands Development located within an area designated as Planning Area 1 (Metropolitan), or Planning Area 2 (Suburban), as designated pursuant to the "State Development and Redevelopment Plan," P.L.1985, c.398 (C.52:18A-196 et seq.) as of March 29, 2004, that on or before March 29, 2004 was the subject of a settlement agreement and stipulation of dismissal filed in the Superior Court, or a builder's remedy issued by the Superior Court, to satisfy the constitutional requirement to provide for the fulfillment of the fair share obligation of the municipality. The exemption provided pursuant to this paragraph shall expire if construction beyond site preparation has not commenced within three years after receiving all final approvals required pursuant to the MLUL (this exemption applies only for the Preservation Area).