NEW JERSEY MUNICIPAL LAND USE LAW OUTLINE
CURRENT AS OF JANUARY 2008

For official purposes, reference should be made to the New Jersey Statutes
Annotated (N.J.S.A).

ARTICLE 1. GENERAL PROVISIONS

40:55D-1    Short title.
40:55D-2    Purpose of the act.
40:55D-3    Definitions; shall, may; A to C.
40:55D-4    Definitions; D to L.
40:55D-5    Definitions; M to O.
40:55D-6    Definitions; P to R.
40:55D-7    Definitions; S to Z.
40:55D-8    Municipal fees; exemptions.
40:55D-9    Meetings; municipal agency.
40:55D-10   Hearings.
40:55D-10.1 Informal review
40:55D-10.2 Voting conditions.
40:55D-10.3 Completion of application for development; certification; completion
after 45 days if no certification; exception; waiver of requirements for
submission.
40:55D-10.4 Default approval.
40:55D-11   Contents of notice of hearing on application for development or adoption
of master plan.
40:55D-12   Notices of application, requirements.
40:55D-12.1 Registration for notice to utility, CATV company.
40:55D-12.2 Local utility notice of applications.
40:55D-12.3 Application of subsection h.
40:55D-12.4 Notice to military facility commander from municipality.
40:55D-13   Notice concerning master plan.
40:55D-14   Effect of mailing notice.
40:55D-15   Notice of hearing on ordinance or capital improvement program; notice.
40:55D-16   Filing of ordinances.
40:55D-17   Appeal to the governing body; time; notice; modification; stay of
proceedings.
40:55D-18   Enforcement.
40:55D-19   Appeal or petition in certain cases to the Board of Public Utilities.
40:55D-20   Exclusive authority of planning board and board of adjustment.
40:55D-21   Tolling of running of period of approval.
40:55D-22   Conditional approvals.

ARTICLE 2. MUNICIPAL PLANNING BOARD
ARTICLE 3. MASTER PLAN

40:55D-28 Preparation; contents; modification.

ARTICLE 4. CAPITAL IMPROVEMENTS PROGRAM AND PROJECT REVIEW

40:55D-29 Preparation of capital improvement program.
40:55D-30 Adoption of capital improvement program.
40:55D-31 Review by planning board.

ARTICLE 5. OFFICIAL MAP

40:55D-32 Establish an official map.
40:55D-33 Change or addition to map.
40:55D-34 Issuance of permits for buildings or structures.
40:55D-35 Building lot to abut street.
40:55D-36 Appeals.

ARTICLE 5. SUBDIVISION AND SITE PLAN REVIEW AND APPROVAL

40:55D-37 Grant of power; referral of proposed ordinance; county planning board approval.
40:55D-38 Contents of ordinance.
40:55D-40 Discretionary contents of subdivision ordinance.
40:55D-40.1 Definitions.
40:55D-40.2 Findings, declarations
40:55D-40.3 Site Improvement Advisory Board.
40:55D-40.4 Submission of recommendations for statewide site improvement standards for residential development.
40:55D-40.5 Superseding of site improvement standards; effective date.
40:55D-40.6 Municipal zoning power not limited.
40:55D-40.7 Construction of act.
40:55D-41 Contents of site plan ordinance.
40:55D-42 Contribution for off-tract water, sewer, drainage, and street improvements.
40:55D-43 Standards for the establishment of open space organization.
40:55D-44 Reservation of public areas.
40:55D-45 Findings for planned developments
40:55D-45.1 General development plan.
40:55D-45.2 Contents of general development plan.
40:55D-45.3 Submission of general development plan.
40:55D-45.4 Modification of timing schedule.
40:55D-45.5 Variation approval.
40:55D-45.6 Revision of general development plan.
40:55D-45.7 Notification of completion.
40:55D-45.8 Approval terminated upon completion.
40:55D-46 Procedure for preliminary site plan approval.
40:55D-46.1 Minor site plan; approval.
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40:55D-48.1 Application by corporation or partnership; list of stockholders owning 10% of stock or 10% interest in partnership.
40:55D-48.2 Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership.
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40:55D-53 Guarantees required; surety; release.
40:55D-53.2 Acceptance of standardized form.
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40:55D-53.4 Municipal payments to professionals for services rendered; determination.
40:55D-53.5 Applicant notification to dispute charges; appeals; rules, regulations.
40:55D-53.7 Municipal engineer to estimate cost of installation of improvements.
40:55D-53.8 Performance of maintenance guarantee, acceptance.
40:55D-53.9 Municipality to assume payment of cost of street lighting.
40:55D-54 Recording of final approval of major subdivision; filing of all subdivision plats.
40:55D-54.1 Notification to tax assessor of municipality.
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40:55D-66.2 Definitions.
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40:55D-66.7a Child care programs, exemption from local zoning restrictions.
40:55D-66.8 Siting of structure, equipment for groundwater remedial action.
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40:55D-70.1 Annual report.
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40:55D-94 Integral part of master plan; coordination with soil conservation district and other storm water management plans.
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40:55D-106  Trailers; inapplicability of act.
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40:55D-108  Historic preservation commission funded by governing body.
40:55D-109  Responsibilities of commission.
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40:55D-115  Definitions.
40:55D-117  Report; infrastructure plan; amendment of master plan, land use regulations.
40:55D-118  Designation of sending, receiving zones.
40:55D-119  Development transfer ordinance.
40:55D-120  Review of ordinance.
40:55D-121  Review, recommendations by county planning board, CADB, Office of State Planning.
40:55D-122  Recording of transfer; record to assessor; taxation.
40:55D-123  3-year, six-year reviews; prevention of repeal.
40:55D-124  Repeal of development transfer ordinance.
40:55D-125  Development transfer bank.
40:55D-125.1 Solid waste facility buffer zone; definitions.
40:55D-127 Right to bargain for equitable interest.
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40:55D-129 Reports; analysis.

**ARTICLE 16. EXTENSION OF PERMITS**

40:55D-130 Short title.
40:55D-131 Findings, declarations.
40:55D-133 Extension of approval; exceptions.
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**STATE DEVELOPMENT TRANSFER OF DEVELOPMENT RIGHTS ACT**

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40:55D-138 Findings, declarations relative to transfer of development rights by municipalities.
40:55D-139 Transfer of development potential within jurisdiction.
40:55D-140 Actions prior to adoption, amendment.
40:55D-141 Development transfer plan element, required inclusions.
40:55D-142 Procedure for municipality located in pinelands area.
40:55D-143 Preparation, amendment of development transfer ordinance.
40:55D-144 Characteristics of sending zone.
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40:55D-147 Issuance of instruments, adoption of procedures relative to land use.
40:55D-148 Real estate market analysis.
40:55D-149 Submission by municipality prior to adoption of ordinance to county planning board.
40:55D-150 Formal comments, recommendation of county planning board.
40:55D-151 Review by Office of Smart Growth.
40:55D-152 Approval of municipal petition; appeal.
40:55D-153 Transmission of record of transfer; assessment; taxation.
40:55D-154 Rebuttable presumption that development transfer ordinance is no longer reasonable.
40:55D-155 Review by planning board, governing body after three years.
40:55D-156 Review after five years.
40:55D-157 Periodic reviews.
40:55D-159 Purchase by development transfer bank.
40:55D-160 Sale of development potential associated with development easement.
40:55D-161 Right to farm benefits.
40:55D-162 Annual report by municipality to county; county to State.
40:55D-163 Construction of act relative to Burlington County municipalities.

ADDENDA

18A: 7G-1 Short title.
18A: 7G-4 Long-range facilities plan; facilities efficiency standards; time lines.
52: 27D-310 Essential components of municipality's housing element.
52:27D-310.1 Computing municipal adjustment, exclusions
52:27D-310.2 Reservation of park land.
40: 56-71.1 Definitions relative to downtown business improvement zones.
40:56-71.2 "Downtown business improvement zone" designation.
40:56-71.3 Loan fund created.
40:56-71.4 Loan purposes, application, requirements, review.

EXCERPTS FROM THE HIGHLANDS WATER PROTECTION AND PLANNING ACT,
P.L. 2004, CHAPTER 120

C.13:20-1 Short title.
C.13:20-2 Findings, declarations relative to the "Highlands Water Protection and Planning Act."
C.13:20-3 Definitions relative to the "Highlands Water Protection and Planning Act."
C.13:20-4 "Highlands Water Protection and Planning Council."
C.13:20-5 Membership of council, appointment, terms, meetings, minutes delivered to Governor.