## 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

40:55D-23	Planning board membership.	
40:55D-23.1		
40:55D-23.2.		
40.55D 22.2	planning board.	
40:55D-23.3	1 ' &	
40:55D-23.4	requirement. Exemptions from educational requirements.	
40:55D-24	Organization of planning board.	
40:55D-25	Powers of planning board.	
40:55D-26.	Referral powers.	
40:55D-27.	Citizens advisory committee; environmental commission.	
	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 22	Establish an efficient near	
40:55D-32 40:55D-33	Establish an official map. 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.	
AF	RTICLE 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-39	Discretionary contents of ordinance.	
40:55D-40	Discretionary contents of subdivision ordinance.	
40:55D-40.1	Definitions.	
	Findings, declarations	
40:55D-40.3	Site Improvement Advisory Board.  Submission of recommendations for statewide site improvement	
40:55D-40.4	Submission of recommendations for statewide site improvement standards for residential development.	
40:55D-40.5	<u>*</u>	
40:55D-40.6		

10 10 -	
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.
40:55D-47	Minor subdivision.
40:55D-48	Procedure for preliminary major subdivision approval.
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.
40:55D-48.3	Failure to comply with act; disapproval of application.
40:55D-48.4	Concealing ownership interest; fine.
40:55D-49	Effect of preliminary approval.
40:55D-50	Final approval of site plans and major subdivisions.
40:55D-51	Exception in application of subdivision or site plan regulation;
	simultaneous review and approval.
40:55D-52	Effect of final approval of a site plan or major subdivision.
40:55D-53	Guarantees required; surety; release.
40:55D-53a	Standardized form for performance guarantee, maintenance guarantee,
	letter of credit.
40:55D-53b	Acceptance of standardized form.
40:55D-53.1	Interest on deposits with municipalities.
40:55D-53.2	Municipal payments to professionals for services rendered; determination.
	Applicant notification to dispute charges; appeals; rules, regulations.
40:55D-53.3	Maintenance, performance guarantees.
40:55D-53.4	Municipal engineer to estimate cost of installation of improvements.
40:55D-53.5	Performance of maintenance guarantee, acceptance.
40:55D-53.6	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.
40:55D-55	Selling before approval; penalty; suits by municipalities.
40:55D-56	Certificates showing approval; contents.

40:55D-57 40:55D-58	Right of owner of land covered by certificate.  Condominiums and cooperative structures and uses.
	ARTICLE 7. ANCILLARY POWERS OF PLANNING BOARD.
40:55D-60 40:55D-61	Planning board review in lieu of board of adjustment. Time periods.
	ARTICLE 8. ZONING
40:55D-66.6 40:55D-66.7 40:55D-66.7a 40:55D-66.8 40:55D-66.9 40:55D-66.10 40:55D-67	definitions.  Child care centers located in nonresidential municipal districts; permitted. Child care center excluded in calculation of density of building. Child care programs, exemption from local zoning restrictions. Siting of structure, equipment for groundwater remedial action. Variance for remedial action.  Methadone clinic deemed business for zoning purposes. Conditional uses; site plan review.
40:55D-68 40:55D-68.1 40:55D-68.2 40:55D-68.3 40:55D-68.4 40:55D-68.5 40:55D-68.6	
ARTICLE 9. ZONING BOARD OF ADJUSTMENT	
40:55D-69 40:55D-69.1 40:55D-70	Zoning board of adjustment.  Members of planning board may serve temporarily on the board of adjustment.  Powers.

40:55D-70.1 40:55D-70.2 40:55D-71 40:55D-72 40:55D-72.1 40:55D-73 40:55D-74 40:55D-75 40:55D-76	Annual report.  Board of adjustment, determination; reasons.  Expenses and costs.  Appeals and applications to board of adjustment.  Continuation of application.  Time for decision.  Modification on appeal.  Stay of proceedings by appeal; exception.  Other powers.	
ARTICLE 10. JOINT EXERCISE OF POWERS OF PLANNING AND LAND USE CONTROL		
40:55D-77	Generally	
40:55D-78	Terms of joint agreement.	
40:55D-79	Membership of regional boards.	
40:55D-80	Organization of regional boards; rules and procedures.	
40:55D-81	Expenses; staff and consultants.	
40:55D-82	Sharing of costs and expenses.	
40:55D-83	Termination of agreement.	
40:55D-84	Regional planning board; powers.	
40:55D-85	Regional board of adjustment.	
40:55D-85.1	Appeal to municipality of final decision on application for development by regional planning board or zoning board of adjustment.	
40:55D-86	Appointment of joint building officials, zoning officers and planning administrative officers.	
40:55D-87	Joint administrative functions.	
40:55D-88	Delegation to county, regional and interstate bodies.	
ARTICLE 11. PERIODIC REEXAMINATION OF MUNICIPAL PLANS AND REGULATIONS		
40:55D-89	Periodic examination.	
40:55D-89.1	Rebuttable presumption.	
40:55D-90	Moratoriums; interim zoning.	
ARTICLE 12. SEVERABILITY, CONSTRUCTION, AND EFFECTIVE DATE		
40:55D-91	Severability of provisions.	
40:55D-92	Construction.	
	ARTICLE 12. STORM WATER MANAGEMENT PLAN	
40:55D-93	Preparation; storm water control ordinances to implement; date of completion; reexamination.	
40:55D-94	Integral part of master plan; coordination with soil conservation district and other storm water management plans.	

40:55D-95	Storm water management plan, ordinance; requirements.
40:55D-95.1	Rules, regulations.
40:55D-96	Exceptions, permitted.
40:55D-97	Submission of storm water management plan, ordinances; approval.
40:55D-98	Grants for preparation of storm water management plans.
40:55D-99	Technical assistance and planning grants for municipalities from counties
	and county planning agencies and water resources associations.

## ARTICLE 14. MANUFACTURED HOMES

40:55D-100	Short title.
40:55D-101	Legislative findings and declarations.
40:55D-102	Definitions.
40:55D-103	Manufactured homes on land with title in owner.
40:55D-104	Prohibition of use by municipal agency of discriminatory development
	regulations to exclude or restrict.
40:55D-105.	Review and approval of development regulations by municipal agency;
	determination of mobile home parks as means of affordable housing.
40:55D-106	Trailers; inapplicability of act.
40:55D-107	Historic preservation commission.
40:55D-108	Historic preservation commission funded by governing body.
40:55D-109	Responsibilities of commission.
40:55D-110	Applications for development referred to historic preservation
	commission.
40:55D-111	Issuance of permits pertaining to historic sites referred to historic
	preservation commission.
40:55D-112	"Landmark" as substitute.

# ARTICLE 14. BURLINGTON COUNTY TRANSFER OF DEVELOPMENT RIGHTS

40.55D 112	C1 4-4-1 -
40:55D-113	Short title.
40:55D-114	Findings, declarations.
40:55D-115	Definitions.
40:55D-116	Development transfers.
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-126 Sale of development potential.
- 40:55D-127 Right to bargain for equitable interest.
- 40:55D-128 Farm benefits rights.
- 40:55D-129 Reports; analysis.

#### **ARTICLE 16. EXTENSION OF PERMITS**

- 40:55D-130 Short title.
- 40:55D-131 Findings, declarations.
- 40:55D-132 Definitions.
- 40:55D-133 Extension of approval; exceptions.
- 40:55D-134 Extension of project exemption.
- 40:55D-135 Notice.
- 40:55D-136 Liberal construction.

#### STATE DEVELOPMENT TRANSFER OF DEVELOPMENT RIGHTS ACT

- 40:55D-137 Short title.
- 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.
- 40:55D-145 Characteristics of receiving zone.
- 40:55D-146 Provisions of development transfer ordinance.
- 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-158 Provision for purchase, sale, exchange of development potential.
- 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.
- C.13:20-6 Powers, duties, responsibilities of council.