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LAW/KR

P.L.2011, CHAPTER 65, *approved May 4, 2011*
Assembly, No. 3272 (*First Reprint*)

1 AN ACT concerning municipal land use planning, and amending
2 **'[and supplementing]'**¹ the "Municipal Land Use Law,"
3 P.L.1975, c.291.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 76 of P.L.1975, c.291 (C.40:55D-89) as amended to
9 read as follows:

10 76. Periodic examination. The governing body shall, at least
11 every **[six]** 10 years, provide for a general reexamination of its
12 master plan and development regulations by the planning board,
13 which shall prepare and adopt by resolution a report on the findings
14 of such reexamination, a copy of which report and resolution shall
15 be sent to the county planning board. A notice that the report and
16 resolution have been prepared shall be sent to the municipal clerk of
17 each adjoining municipality, who may, on behalf of the governing
18 body of the municipality, request a copy of the report and
19 resolution. A reexamination shall be completed at least once every
20 **[six]** 10 years from the previous reexamination **'[], unless a**
21 **municipality waives the general reexamination requirement, as**
22 **provided in section 3 of P.L. , c. (C.) (pending before the**
23 **Legislature as this bill)]'¹ .**

24 The reexamination report shall state:

25 a. The major problems and objectives relating to land
26 development in the municipality at the time of the adoption of the
27 last reexamination report.

28 b. The extent to which such problems and objectives have been
29 reduced or have increased subsequent to such date.

30 c. The extent to which there have been significant changes in
31 the assumptions, policies, and objectives forming the basis for the
32 master plan or development regulations as last revised, with
33 particular regard to the density and distribution of population and
34 land uses, housing conditions, circulation, conservation of natural
35 resources, energy conservation, collection, disposition, and
36 recycling of designated recyclable materials, and changes in State,
37 county and municipal policies and objectives.

38 d. The specific changes recommended for the master plan or
39 development regulations, if any, including underlying objectives,
40 policies and standards, or whether a new plan or regulations should
41 be prepared.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted September 30, 2010.

1 e. The recommendations of the planning board concerning the
2 incorporation of redevelopment plans adopted pursuant to the
3 "Local Redevelopment and Housing Law," P.L.1992, c.79
4 (C.40A:12A-1 et al.) into the land use plan element of the municipal
5 master plan, and recommended changes, if any, in the local
6 development regulations necessary to effectuate the redevelopment
7 plans of the municipality.
8 (cf: P.L.2001, c.342, s.9)

9
10 ¹[2. Section 19 of P.L.1985, c.516 (C.40:55D-89.1) is amended
11 to read as follows:

12 19. The absence of the adoption by the planning board of a
13 reexamination report pursuant to section 76 of P.L. 1975, c. 291 (C.
14 40:55D-89) shall constitute a rebuttable presumption that the
15 municipal development regulations are no longer reasonable. This
16 section shall not apply to a municipality that has timely adopted a
17 waiver of the general reexamination report pursuant to the
18 provisions of section 3 of P.L. , c. (C.) (pending before the
19 Legislature as this bill).

20 (cf: P.L.1985, c.516, s.19)]¹

21
22 ¹[3.(New section) a. A municipality may adopt a resolution of
23 waiver of general reexamination report if the State Planning
24 Commission determines that the municipality is built out and that
25 there have been no significant changes in development and other
26 measurable characteristics of a municipality since the most recent
27 general reexamination by the planning board of that municipality.

28 b. A municipality may request a determination that it is built
29 out and that there have been no other significant changes from the
30 State Planning Commission. Upon receipt of a request from a
31 municipality, the State Planning Commission shall issue a
32 determination within 60 days and communicate the determination to
33 the planning board of the municipality.

34 c. Upon receipt of a determination, the planning board may
35 adopt a resolution to waive the general reexamination and
36 reexamination report. The clerk of a municipality in which the
37 planning board has adopted a resolution of waiver shall notify, in
38 writing, the county planning board and adjoining municipalities of
39 the resolution.

40 d. The State Planning Commission shall adopt, pursuant to the
41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.), rules and regulations concerning determination of a built-out
43 municipality.

44 For purposes of this section, "built-out" means a municipality
45 that does not contain a significant parcels, whether or not vacant,
46 that currently have the capacity to be developed or redeveloped for
47 additional use of the underlying land.]¹

1 **'[4.] 2.'** This act shall take effect immediately.

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5

6 Allows municipalities to reexamine municipal master plan every

7 10 years.

ASSEMBLY, No. 3272

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED SEPTEMBER 20, 2010

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblywoman PAMELA R. LAMPITT

District 6 (Camden)

Assemblyman REED GUSCIORA

District 15 (Mercer)

Assemblyman PETER J. BARNES, III

District 18 (Middlesex)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Co-Sponsored by:

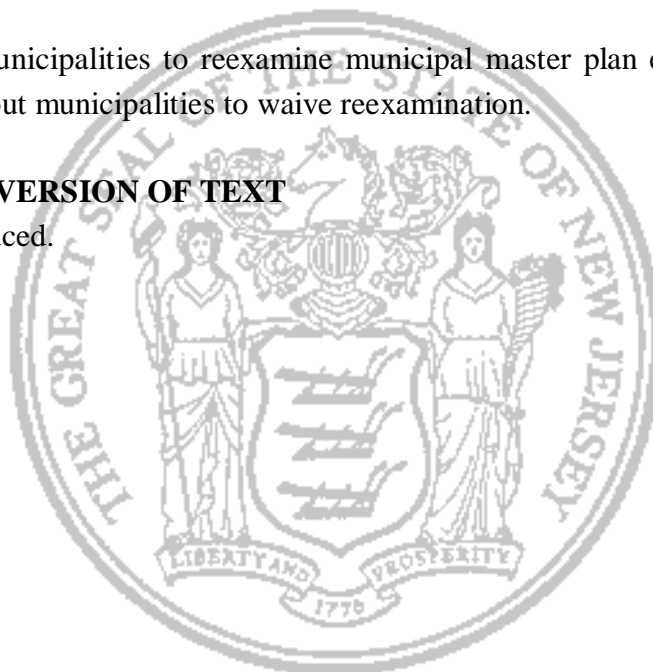
**Assemblymen Coughlin, Rudder, Assemblywoman Coyle and
Assemblyman Scalera**

SYNOPSIS

Allows municipalities to reexamine municipal master plan every 10 years;
allows built out municipalities to waive reexamination.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/1/2010)

1 AN ACT concerning municipal land use planning, and amending and
2 supplementing the "Municipal Land Use Law," P.L.1975, c.291.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 76 of P.L.1975, c.291 (C.40:55D-89) as amended to
8 read as follows:

9 76. Periodic examination. The governing body shall, at least
10 every **[six]** 10 years, provide for a general reexamination of its
11 master plan and development regulations by the planning board,
12 which shall prepare and adopt by resolution a report on the findings
13 of such reexamination, a copy of which report and resolution shall
14 be sent to the county planning board. A notice that the report and
15 resolution have been prepared shall be sent to the municipal clerk of
16 each adjoining municipality, who may, on behalf of the governing
17 body of the municipality, request a copy of the report and
18 resolution. A reexamination shall be completed at least once every
19 **[six]** 10 years from the previous reexamination, unless a
20 municipality waives the general reexamination requirement, as
21 provided in section 3 of P.L. , c. (C.) (pending before the
22 Legislature as this bill).

23 The reexamination report shall state:

24 a. The major problems and objectives relating to land
25 development in the municipality at the time of the adoption of the
26 last reexamination report.

27 b. The extent to which such problems and objectives have been
28 reduced or have increased subsequent to such date.

29 c. The extent to which there have been significant changes in
30 the assumptions, policies, and objectives forming the basis for the
31 master plan or development regulations as last revised, with
32 particular regard to the density and distribution of population and
33 land uses, housing conditions, circulation, conservation of natural
34 resources, energy conservation, collection, disposition, and
35 recycling of designated recyclable materials, and changes in State,
36 county and municipal policies and objectives.

37 d. The specific changes recommended for the master plan or
38 development regulations, if any, including underlying objectives,
39 policies and standards, or whether a new plan or regulations should
40 be prepared.

41 e. The recommendations of the planning board concerning the
42 incorporation of redevelopment plans adopted pursuant to the
43 "Local Redevelopment and Housing Law," P.L.1992, c.79
44 (C.40A:12A-1 et al.) into the land use plan element of the municipal
45 master plan, and recommended changes, if any, in the local

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 development regulations necessary to effectuate the redevelopment
2 plans of the municipality.

3 (cf: P.L.2001, c.342, s.9)

4

5 2. Section 19 of P.L.1985, c.516 (C.40:55D-89.1) is amended
6 to read as follows:

7 19. The absence of the adoption by the planning board of a
8 reexamination report pursuant to section 76 of P.L. 1975, c. 291 (C.
9 40:55D-89) shall constitute a rebuttable presumption that the
10 municipal development regulations are no longer reasonable. This
11 section shall not apply to a municipality that has timely adopted a
12 waiver of the general reexamination report pursuant to the
13 provisions of section 3 of P.L. , c. (C.) (pending before the
14 Legislature as this bill).

15 (cf: P.L.1985, c.516, s.19)

16

17 3. (New section) a. A municipality may adopt a resolution of
18 waiver of general reexamination report if the State Planning
19 Commission determines that the municipality is built out and that
20 there have been no significant changes in development and other
21 measurable characteristics of a municipality since the most recent
22 general reexamination by the planning board of that municipality.

23 b. A municipality may request a determination that it is built
24 out and that there have been no other significant changes from the
25 State Planning Commission. Upon receipt of a request from a
26 municipality, the State Planning Commission shall issue a
27 determination within 60 days and communicate the determination to
28 the planning board of the municipality.

29 c. Upon receipt of a determination, the planning board may
30 adopt a resolution to waive the general reexamination and
31 reexamination report. The clerk of a municipality in which the
32 planning board has adopted a resolution of waiver shall notify, in
33 writing, the county planning board and adjoining municipalities of
34 the resolution.

35 d. The State Planning Commission shall adopt, pursuant to the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), rules and regulations concerning determination of a built-out
38 municipality.

39 For purposes of this section, "built-out" means a municipality
40 that does not contain a significant parcels, whether or not vacant,
41 that currently have the capacity to be developed or redeveloped for
42 additional use of the underlying land.

43

44 4. This act shall take effect immediately.

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STATEMENT

This bill modifies the "Municipal Land Use Law," N.J.S.A.40:55D-1 et seq., to provide that municipalities need to complete the reexamination of the municipal master plan only every ten years. The legislation would also provide a procedure for built-out municipalities to waive the general reexamination process.

This legislation would save built out municipalities from having to perform a general reexamination report every six years. In many cases, all the developable property in a municipality is being used at its highest capacity and amendment of the municipal master plan is unfeasible, thereby rendering the reexamination an unnecessary burden. Under this bill, if the State Planning Commission determines that a municipality is built-out, the municipality would be able to waive the general reexamination process.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3272

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 27, 2010

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 3272.

As amended by the committee, this bill modifies the "Municipal Land Use Law" to provide that municipalities would complete the reexamination of the municipal master plan every 10 years. Under current law, a reexamination is required to be completed at least once every six years from the previous reexamination. This bill would extend that timeframe to 10 years.

COMMITTEE AMENDMENTS:

The committee amendments to the bill delete the language that would have established a procedure for built-out municipalities to waive the general reexamination process.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3272

STATE OF NEW JERSEY

DATED: JANUARY 20, 2011

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 3272 (1R).

This bill modifies the “Municipal Land Use Law” to provide that municipalities would complete the reexamination of the municipal master plan every 10 years. Under current law, a reexamination is required to be completed at least once every six years from the previous reexamination. This bill would extend that timeframe to 10 years.

This bill is identical to S-2433 which was also reported out of committee.

SENATE, No. 2433

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 22, 2010

Sponsored by:

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Senator DAWN MARIE ADDIEGO

District 8 (Burlington)

Co-Sponsored by:

Senator Oroho

SYNOPSIS

Allows municipalities to reexamine municipal master plan every 10 years.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/18/2011)

S2433 VAN DREW, ADDIEGO

2

1 AN ACT concerning municipal land use planning, and amending the
2 "Municipal Land Use Law," P.L.1975, c.291.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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16 each adjoining municipality, who may, on behalf of the governing
17 body of the municipality, request a copy of the report and
18 resolution. A reexamination shall be completed at least once every
19 **[six]** 10 years from the previous reexamination.

20 The reexamination report shall state:

21 a. The major problems and objectives relating to land
22 development in the municipality at the time of the adoption of the
23 last reexamination report.

24 b. The extent to which such problems and objectives have been
25 reduced or have increased subsequent to such date.

26 c. The extent to which there have been significant changes in
27 the assumptions, policies, and objectives forming the basis for the
28 master plan or development regulations as last revised, with
29 particular regard to the density and distribution of population and
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41 (C.40A:12A-1 et al.) into the land use plan element of the municipal
42 master plan, and recommended changes, if any, in the local
43 development regulations necessary to effectuate the redevelopment
44 plans of the municipality.

45 (cf: P.L.2001, c.342, s.9)

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill modifies the "Municipal Land Use Law" to provide that
7 municipalities would complete the reexamination of the municipal
8 master plan every 10 years. Under current law, a reexamination is
9 required to be completed at least once every six years from the
10 previous reexamination. This bill would extend that timeframe to 10
11 years.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 2433

STATE OF NEW JERSEY

DATED: JANUARY 20, 2011

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 2433.

This bill modifies the “Municipal Land Use Law” to provide that municipalities would complete the reexamination of the municipal master plan every 10 years. Under current law, a reexamination is required to be completed at least once every six years from the previous reexamination. This bill would extend that timeframe to 10 years.

This bill is identical to A-3272(1R) which was also reported out of committee.