

40:550-90

LEGISLATIVE HISTORY CHECKLIST

(Municipal Land Use Law -
filing of master plan -
extends filing date to 5-31-79)

NJSA 40:55D-90

LAWS OF 1979

CHAPTER 7

Bill No. S3063

Sponsor(s) Perskie

Date Introduced January 22, 1979

Committee: Assembly -----

Senate -----

Amended during passage Yes

Amendments during passage
denoted by asterisks.
Substituted for A1871
(attached)

Date of Passage: Assembly January 25, 1979

Senate January 25, 1979

Date of approval January 30, 1979

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/>	(Below)
Committee Statement: Assembly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No
Senate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No
Fiscal Note	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No
Veto message	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No
Message on signing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No

Following were printed:

Reports	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No
Hearings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No

Sponsor's statement:

This bill would extend until April 16, 1979 the validity of any ordinance heretofore adopted extending an interim zoning ordinance. The purpose is to furnish municipalities with a brief period within which to complete a new or revised master plan, or a set of new or revised development regulations.

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9/1/78

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1-30-19

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SENATE, No. 3063

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1979

By Senator PERSKIE

(Without Reference)

AN ACT to amend the "Municipal Land Use Law," approved
January 14, 1976 (P. L. 1975, c. 291).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 77 of P. L. 1975, c. 291 (C. 40:55D-90) is amended to
2 read as follows:

3 77. Moratoriums; interim zoning. a. The prohibition of develop-
4 ment in order to prepare a master plan and development regula-
5 tions is prohibited.

6 b. A municipality may adopt a reasonable interim zoning ordi-
7 nance not related to the land use plan element of the municipal
8 master plan without special vote as required pursuant to sub-
9 section 49 a. of this act, pending the adoption of a new or sub-
10 stantially revised master plan or new or substantially revised
11 development regulations. Such interim zoning ordinances shall not
12 be valid for a period longer than 1 year unless extended by ordi-
13 nance for a period no longer than an additional year for good
14 cause and upon the exercise of diligence in the preparation of a
15 master plan, development regulations or substantial revisions
16 thereto, as the case may be; *provided, however, that, notwithstand-*
17 *ing the provisions of this section or of any ordinance heretofore*
18 *adopted pursuant to this section, any such extending ordinance in*
19 *effect on January 31, 1979 shall be valid until ***[April 16]****
20 **May 31*, 1979.*

1 2. This act shall take effect immediately, and shall be retroactive
2 to January 31, 1979.

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

ASSEMBLY, No. 1871

STATE OF NEW JERSEY

INTRODUCED DECEMBER 4, 1978

By Assemblywomen CROCE and BERMAN

(Without Reference)

AN ACT to amend the "Municipal Land Use Law," approved
January 14, 1976 (P. L. 1975, c. 291).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

3 76. Periodic reexamination. The governing body shall, at least
4 every 6 years, provide for a general reexamination of its master
5 plan and development regulations by the planning board which
6 shall prepare a report on the findings of such reexamination, a
7 copy of which shall be sent to the county planning board and the
8 municipal clerks of each adjoining municipality. **[The 6-year**
9 **period shall commence with the adoption or termination of the**
10 **last general reexamination of such plan and regulations.]** The
11 first such reexamination shall be completed within 6 years after
12 the effective date of this act.

13 Such report shall state:

14 a. The major problems and objectives relating to land develop-
15 ment in the municipality at the time of such adoption, last revision
16 or reexamination, if any.

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

19 c. The extent to which there have been significant changes in
20 the assumptions, policies and objectives forming the basis for
21 such plan or regulations as last revised, with particular regard to
22 the density and distribution of population and land uses, housing
23 conditions, circulation, conservation of natural resources and
24 changes in State, county and municipal policies and objectives.

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

25 d. The specific changes recommended for such plan or regula-
26 tions, if any, including underlying objectives, policies and
27 standards, or whether a new plan or regulations should be pre-
28 pared.

1 2. This act shall take effect immediately.

STATEMENT

The purposes of this amendment are as follows:

1. To delete language from section 76 of P. L. 1975, c. 291 (C. 40:55D-89) in order to eliminate the confusion concerning the commencement of the date for counting the 6-year time period for subsequent review of a master plan and development regulations.

2. To permit those communities which enacted master plans prior to the passage of the Municipal Land Use Law to have time to do a thorough job of review instead of a haphazard one when faced with the deadlines now required by the Municipal Land Use Law.

3. To avoid the problems faced by communities which had completed new master plans prior to the passage of the Municipal Land Use Law where they have already entered into contracts to have work done.

4. To permit communities which had completed their master plans just prior (2 to 5 years) to the passage of the Municipal Land Use Law to better plan budget priorities for needed changes.

5. To permit communities which had enacted ordinances to carry out the master plans adopted prior to the passage of the Municipal Land Use Law to bring those ordinances in conformity to the requirements of the Municipal Land Use Law.

6. To prevent unscrupulous builders and land developers from taking advantage of the absence of regulatory ordinances resulting from the invalidation of such ordinances in communities which adopted master plans 3 or 4 years prior to the passage of the Municipal Land Use Law and which are unable to comply to the review provisions of the law because of insufficient time.

7. To permit all municipalities to be held to the same standard of compliance with respect to the time required for review. Communities which had enacted master plans 3 or 4 years prior to the Municipal Land Use Law would not be, in effect, penalized when compared to those which had no master plan or which had enacted one in the year just prior to the enactment of the Municipal Land Use Law.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1871

STATE OF NEW JERSEY

INTRODUCED DECEMBER 4, 1978

By Assemblywomen CROCE and BERMAN

(Without Reference)

AN ACT to amend the "Municipal Land Use Law," approved
January 14, 1976 (P. L. 1975, c. 291).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

3 76. Periodic reexamination. The governing body shall, at least
4 every 6 years, provide for a general reexamination of its master
5 plan and development regulations by the planning board which
6 shall prepare a report on the findings of such reexamination, a
7 copy of which shall be sent to the county planning board and the
8 municipal clerks of each adjoining municipality. **[**The 6-year
9 period shall commence with the adoption or termination of the
10 last general reexamination of such plan and regulations.**]** The
11 first such reexamination shall be completed within 6 years after
12 the effective date of this act.

13 Such report shall state:

14 a. The major problems and objectives relating to land develop-
15 ment in the municipality at the time of such adoption, last revision
16 or reexamination, if any.

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

19 c. The extent to which there have been significant changes in
20 the assumptions, policies and objectives forming the basis for
21 such plan or regulations as last revised, with particular regard to
22 the density and distribution of population and land uses, housing
23 conditions, circulation, conservation of natural resources and
24 changes in State, county and municipal policies and objectives.

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

25 d. The specific changes recommended for such plan or regula-
 26 tions, if any, including underlying objectives, policies and
 27 standards, or whether a new plan or regulations should be pre-
 28 pared.】**

1 ***【2.】** **1.** Section 77 of P. L. 1975, c. 291 (C. 40:55D-90)
 2 is amended to read as follows:

3 77. Moratoriums; interim zoning. a. The prohibition of de-
 4 velopment in order to prepare a master plan and development
 5 regulations is prohibited.

6 b. A municipality may adopt a reasonable interim zoning ordi-
 7 nance not related to the land use plan element of the municipal
 8 master plan without special vote as required pursuant to sub-
 9 section 49 a. of this act, pending the adoption of a new or sub-
 10 stantially revised master plan or new or substantially revised
 11 development regulations. Such interim zoning ordinance shall not
 12 be valid for a period longer than 1 year unless extended by ordi-
 13 nance for a period no longer than an additional 【year】 **【2
 14 years】** **year** for good cause and upon the exercise of diligence
 15 in the preparation of a master plan, development regulations or
 16 substantial revisions thereto, as the case may be** ; *provided, how-*
 17 *ever, that notwithstanding the provisions of this section or of any*
 18 *ordinance heretofore adopted pursuant to this section, any such*
 19 *extending ordinance in effect on January 1, 1979 shall be valid*
 20 *until May 31, 1979**.**

1 **【2.】* **【3.】** **2.** This act shall take effect immedi-
 2 ately**, and shall be retroactive to January 31, 1979**.
