

LEGISLATIVE HISTORY CHECKLIST
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(zoning changes--notify owners)

NJSA: 40:55D-62.1

LAWS OF: 1995 **CHAPTER:** 249

BILL NO: A638

SPONSOR(S): Geist and Corodemus

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY** Local Government
SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage
 First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** December 15, 1994
SENATE: June 26, 1995

DATE OF APPROVAL: September 12, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

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[FIRST REPRINT]
ASSEMBLY, No. 638

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen GEIST and Corodemus

1 AN ACT concerning notice requirements for certain amendments
2 to a zoning ordinance and amending and supplementing
3 P.L.1975, c.291.

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

7 1. Section 50 of P.L.1975, c.291 (C.40:55D-63) is amended to
8 read as follows:

9 50. Notice and Protest. Notice of ¹[a] the¹ hearing on an
10 amendment to the zoning ordinance proposing a change to the
11 classification or boundaries of a zoning district, exclusive of
12 classification or boundary changes recommended in a periodic
13 general reexamination of the master plan by the planning board
14 pursuant to section 76 of P.L.1975, c.291 (C.40:55D-89), shall be
15 given ¹prior to adoption¹ in accordance with the provisions of
16 section 2 of P.L. , c. (C.) (pending before the
17 Legislature as this bill). A protest against any proposed
18 amendment or revision of a zoning ordinance may be filed with
19 the municipal clerk, signed by the owners of 20% or more of the
20 area either (1) of the lots or land included in such proposed
21 change, or (2) of the lots or land extending 200 feet in all
22 directions therefrom inclusive of street space, whether within or
23 without the municipality. Such amendment or revision shall not
24 become effective following the filing of such protest except by
25 the favorable vote of two-thirds of all the members of the
26 governing body of the municipality.

27 (cf: P.L.1991, c.256, s.19)

28 2. (New section) Notice of a hearing on an amendment to the
29 zoning ordinance proposing a change to the classification or
30 boundaries of a zoning district, exclusive of classification or
31 boundary changes recommended in a periodic general
32 reexamination of the master plan by the planning board pursuant
33 to section 76 of P.L.1975, c.291 (C.40:55D-89), shall be given at
34 least 10 days prior to the hearing by the municipal clerk to the
35 owners of all real property as shown on the current tax
36 duplicates, located, in the case of a classification change, within
37 the district and within the State within 200 feet in all directions
38 of the boundaries of the district, and located, in the case of a
39 boundary change, in the State within 200 feet in all directions of
40 the proposed new boundaries of the district which is the subject
41 of the hearing.

42 A notice pursuant to this section shall state the date, time and
43 place of the hearing, the nature of the matter to be considered
44 and an identification of the affected zoning districts and

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:

¹ Senate SCO committee amendments adopted February 6, 1995.

1 proposed boundary changes, if any, by street names, common
2 names or other identifiable landmarks, and by reference to lot
3 and block numbers as shown on the current tax duplicate in the
4 municipal tax assessor's office.

5 Notice shall be given by: (1) serving a copy thereof on the
6 property owner as shown on the said current tax duplicate, or his
7 agent in charge of the property, or (2) mailing a copy thereof by
8 certified mail and regular mail to the property owner at his
9 address as shown on the said current tax duplicate.

10 Notice to a partnership owner may be made by service upon
11 any partner. Notice to a corporate owner may be made by
12 service upon its president, a vice president, secretary or other
13 person authorized by appointment or by law to accept service on
14 behalf of the corporation. Notice to a condominium association,
15 horizontal property regime, community trust or homeowners'
16 association, because of its ownership of common elements or
17 areas located within 200 feet of the boundaries of the district
18 which is the subject of the hearing, may be made in the same
19 manner as to a corporation, in addition to notice to unit owners,
20 co-owners, or homeowners on account of such common elements
21 or areas.

22 The municipal clerk shall execute affidavits of proof of service
23 of the notices required by this section, and shall keep the
24 affidavits on file along with the proof of publication of the notice
25 of the required public hearing on the proposed zoning ordinance
26 change. ¹Costs of the notice provision shall be the responsibility
27 of the proponent of the amendment.¹

28 3. This act shall take effect immediately.
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31

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33 _____
34 Requires notice of proposed district zoning change to property
owners within 200 feet.

1 proposed boundary changes, if any, by street names, common
2 names or other identifiable landmarks, and by reference to lot
3 and block numbers as shown on the current tax duplicate in the
4 municipal tax assessor's office.

5 Notice shall be given by: (1) serving a copy thereof on the
6 property owner as shown on the said current tax duplicate, or his
7 agent in charge of the property, or (2) mailing a copy thereof by
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9 address as shown on the said current tax duplicate.

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16 association, because of its ownership of common elements or
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19 manner as to a corporation, in addition to notice to unit owners,
20 co-owners, or homeowners on account of such common elements
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22 The municipal clerk shall execute affidavits of proof of service
23 of the notices required by this section, and shall keep the
24 affidavits on file along with the proof of publication of the notice
25 of the required public hearing on the proposed zoning ordinance
26 change.

27 3. This act shall take effect immediately.

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30 *SPONSOR'S* STATEMENT

31

32 This bill would require that notice of any proposed change to
33 the classification or boundaries of a zoning district be given to
34 property owners located in the case of a classification change
35 within the district, within 200 feet of the boundaries of the
36 district, and in the case of a boundary change, within 200 feet of
37 the proposed new boundary. This notice requirement would not
38 apply to classification and boundary changes recommended in a
39 periodic general reexamination of the master plan by the planning
40 board pursuant to section 76 of P.L.1975, c.291 (C.40:55D-89).
41 Under section 50 of P.L.1975, c.291 (C.40:55D-63), 20% of the
42 owners of land within 200 feet of a proposed zoning change may
43 file a protest against a proposed zoning change. Once the protest
44 is filed the proposed amendment or revision shall not become
45 effective except upon two-thirds vote of all of the members of
46 the governing body. The intent of the protest provision is
47 undermined unless the owners within 200 feet of the boundaries
48 of the district subject to the proposed zoning change are apprised
49 of the situation. Public notice may not be sufficient.

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54 Requires notice of proposed district zoning change to property
55 owners within 200 feet.

ASSEMBLY LOCAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 638

STATE OF NEW JERSEY

DATED: MARCH 7, 1994

The Assembly Local Government Committee reports favorably Assembly Bill No. 638.

This bill would require that notice of any proposed change to the classification or boundaries of a zoning district be given to property owners located, in the case of a classification change within the district, within 200 feet of the boundaries of the district, and in the case of a boundary change, within 200 feet of the proposed new boundary. This notice requirement would not apply to classification and boundary changes recommended in a periodic general reexamination of the master plan by the planning board pursuant to section 76 of P.L.1975, c.291 (C.40:55D-89). Under section 50 of P.L.1975, c.291 (C.40:55D-63), 20% of the owners of land within 200 feet of a proposed zoning change may file a protest against a proposed zoning change. Once the protest is filed the proposed amendment or revision shall not become effective except upon two-thirds vote of all of the members of the governing body. The intent of the protest provision is undermined unless the owners within 200 feet of the boundaries of the district subject to the proposed zoning change are apprised of the situation, and this bill recognizes that public notice may not be sufficient.

This bill was prefiled for introduction in the 1993 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 638

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1995

The Senate Community Affairs Committee reports favorably and with committee amendments Assembly Bill No. 638.

As amended by the committee, this bill would require that notice of the hearing on an amendment to the zoning ordinance proposing a change to the classification or boundaries of a zoning district be given to property owners located, in the case of a classification change within the district, within 200 feet of the boundaries of the district, and in the case of a boundary change, within 200 feet of the proposed new boundary. This notice requirement would not apply to classification and boundary changes recommended in a periodic general reexamination of the master plan by the planning board pursuant to section 76 of P.L.1975, c.291 (C.40:55D-89).

Under section 50 of P.L.1975, c.291 (C.40:55D-63), if 20% of the owners of land within 200 feet of a proposed zoning change file a protest against a proposed zoning change, the proposed amendment or revision cannot take effect without a two-thirds vote of all of the members of the governing body. The intent of the protest provision is undermined unless the owners within 200 feet of the boundaries of the district subject to the proposed zoning change are apprised of the situation, and this bill recognizes that public notice may not be sufficient.

The committee amended the bill to specify that the costs of the notice provision are to be the responsibility of the proponent of the amendment to the zoning ordinance, and to specify that the notice of the hearing is to be given prior to adoption of the proposed change.