

SENATE, No. 2342

STATE OF NEW JERSEY

INTRODUCED DECEMBER 15, 1997

By Senators LaROSSA and INVERSO

1 AN ACT concerning regulation of land use and amending P.L.1975,
2 c.291.

3

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

6

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

9 77. Moratoriums; interim zoning. a. The prohibition of
10 development in order to prepare a master plan and development
11 regulations is prohibited.

12 b. [No moratoria on applications for development or interim
13 zoning ordinances shall be permitted except in cases where the
14 municipality demonstrates on the basis of a written opinion by a
15 qualified health professional that a clear imminent danger to the health
16 of the inhabitants of the municipality exists, and in no case shall the
17 moratorium or interim ordinance exceed a six-month term.] A
18 municipality is authorized to adopt a timed-growth ordinance which
19 may prohibit or delay development within the municipality for a certain
20 period of time, provided that:

21 (1) the delay or prohibition of development is limited in duration
22 to the time remaining before a revision of the master plan is required
23 under P.L.1975, c.291 (40:55D-1 et seq.).

24 (2) the ordinance is based on a demonstrated need to provide
25 improvements to enumerated infrastructure in a coordinated manner
26 with development; and

27 (3) the ordinance will not impede affordable housing efforts within
28 the municipality or within the housing region of that municipality or
29 any contiguous housing region as determined by the Council on
30 Affordable Housing pursuant to the "Fair Housing Act," P.L.1985,
31 c.222 (C.52:27D-301 et al.).

32 (cf: P.L.1985, c.516, s.20)

33

34 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

STATEMENT

1
2
3 This bill would allow municipalities to adopt timed-growth
4 ordinances. Such ordinances allow for a municipality to pace
5 development with improvements in infrastructure that are scheduled
6 to be made or that will be necessary to be made as an area develops.

7 Recently, the timed-growth ordinance of West Windsor Township
8 in Mercer county was invalidated by the court as being in conflict with
9 the "Municipal Land Use Law," (MLUL), P.L.1975, c.291 (C.40:55D-
10 1 et seq.). This bill would replace the subsection of law that had
11 prohibited moratoria on applications for development or interim
12 zoning ordinances with language that would allow timed-growth
13 ordinances which are ordinances which prohibit or delay development
14 for a certain period of time. For an ordinance to be authorized under
15 the bill, the delay or prohibition of development under such an
16 ordinance will have to be limited in duration to the amount of time
17 remaining until the master plan is required to be revised under the
18 MLUL. It is the sponsor's intent that the duty of a municipality to
19 review its master plan as required under the MLUL, and to make
20 necessary adjustments to its zoning scheme as a result of that review,
21 is not obviated by the bill.

22 Any ordinance adopted pursuant to the bill must also be tied to a
23 plan to improve infrastructure necessary to support the development.
24 In addition, the ordinance may not impede any affordable housing
25 development plans within the municipality, its housing region, or any
26 contiguous housing region. This requirement is necessary to ensure
27 that any regional planning that may be necessary to comport with
28 Mount Laurel affordable housing requirements is not thwarted.

29 A timed-growth ordinance will provide a municipality with a much
30 needed planning tool that will help it coordinate its rate of growth with
31 its ability to provide the necessary infrastructure to support the
32 development as it occurs.

33
34
35 _____
36
37 Authorizes timed-growth ordinances under "Municipal Land Use
38 Law."