

[First Reprint]

SENATE, No. 606

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblyman ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Gopal, Assemblywoman Pinkin, Assemblyman Calabrese, Assemblywoman Vainieri Huttle, Assemblymen Armato, Mazzeo, McKeon, Karabinchak, Houghtaling, Chiaravalloti and Assemblywoman McKnight

SYNOPSIS

Encourages local units to plan for electric vehicle charging infrastructure.

CURRENT VERSION OF TEXT

As amended by the General Assembly on May 23, 2019.

(Sponsorship Updated As Of: 6/11/2019)

1 AN ACT encouraging local units to plan for electric vehicle
2 charging infrastructure, and amending P.L.1975, c.291, and
3 P.L.1992, c.79.

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

7
8 ¹[1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
9 read as follows:

10 19. Preparation; contents; modification.

11 a. The planning board may prepare and, after public hearing,
12 adopt or amend a master plan or component parts thereof, to guide
13 the use of lands within the municipality in a manner which protects
14 public health and safety and promotes the general welfare.

15 b. The master plan shall generally comprise a report or
16 statement and land use and development proposals, with maps,
17 diagrams and text, presenting, at least the following elements (1)
18 and (2) and, where appropriate, the following elements (3) through
19 (16):

20 (1) A statement of objectives, principles, assumptions, policies
21 and standards upon which the constituent proposals for the physical,
22 economic and social development of the municipality are based;

23 (2) A land use plan element

24 (a) taking into account and stating its relationship to the
25 statement provided for in paragraph (1) hereof, and other master
26 plan elements provided for in paragraphs (3) through (14) hereof
27 and natural conditions, including, but not necessarily limited to,
28 topography, soil conditions, water supply, drainage, flood plain
29 areas, marshes, and woodlands;

30 (b) showing the existing and proposed location, extent and
31 intensity of development of land to be used in the future for varying
32 types of residential, commercial, industrial, agricultural,
33 recreational, open space, educational and other public and private
34 purposes or combination of purposes including any provisions for
35 cluster development; and stating the relationship thereof to the
36 existing and any proposed zone plan and zoning ordinance;

37 (c) showing the existing and proposed location of any airports
38 and the boundaries of any airport safety zones delineated pursuant
39 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-
40 80 et al.);

41 (d) including a statement of the standards of population density
42 and development intensity recommended for the municipality;

43 (e) showing the existing and proposed location of military
44 facilities and incorporating strategies to minimize undue

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 floor amendments adopted May 23, 2019.

1 encroachment upon, and conflicts with, military facilities, including
2 but not limited to: limiting heights of buildings and structures
3 nearby flight paths or sight lines of aircraft; buffering residential
4 areas from noise associated with a military facility; and allowing for
5 the potential expansion of military facilities; **【and】**

6 (f) including, for any land use element adopted after the
7 effective date of P.L.2017, c.275, a statement of strategy
8 concerning:

9 (i) smart growth which, in part, shall consider potential
10 locations for the installation of electric vehicle charging stations,

11 (ii) storm resiliency with respect to energy supply, flood-prone
12 areas, and environmental infrastructure, and

13 (iii) environmental sustainability; and

14 (g) showing the existing and proposed location of public electric
15 vehicle charging infrastructure;

16 (3) A housing plan element pursuant to section 10 of P.L.1985,
17 c.222 (C.52:27D-310), including, but not limited to, residential
18 standards and proposals for the construction and improvement of
19 housing;

20 (4) A circulation plan element showing the location and types of
21 facilities for all modes of transportation required for the efficient
22 movement of people and goods into, about, and through the
23 municipality, taking into account the functional highway
24 classification system of the Federal Highway Administration **【and】**,
25 the types, locations, conditions and availability of existing and
26 proposed transportation facilities, including air, water, road and rail,
27 and identifying existing and proposed locations for public electric
28 vehicle charging infrastructure;

29 (5) A utility service plan element analyzing the need for and
30 showing the future general location of water supply and distribution
31 facilities, drainage and flood control facilities, sewerage and waste
32 treatment, solid waste disposal and provision for other related
33 utilities, and including any storm water management plan required
34 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
35 a municipality prepares a utility service plan element as a condition
36 for adopting a development transfer ordinance pursuant to
37 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
38 element shall address the provision of utilities in the receiving zone
39 as provided thereunder;

40 (6) A community facilities plan element showing the existing
41 and proposed location and type of educational or cultural facilities,
42 historic sites, libraries, hospitals, firehouses, police stations and
43 other related facilities, including their relation to the surrounding
44 areas;

45 (7) A recreation plan element showing a comprehensive system
46 of areas and public sites for recreation;

47 (8) A conservation plan element providing for the preservation,
48 conservation, and utilization of natural resources, including, to the

1 extent appropriate, energy, open space, water supply, forests, soil,
2 marshes, wetlands, harbors, rivers and other waters, fisheries,
3 endangered or threatened species wildlife and other resources, and
4 which systemically analyzes the impact of each other component
5 and element of the master plan on the present and future
6 preservation, conservation and utilization of those resources;

7 (9) An economic plan element considering all aspects of
8 economic development and sustained economic vitality, including
9 (a) a comparison of the types of employment expected to be
10 provided by the economic development to be promoted with the
11 characteristics of the labor pool resident in the municipality and
12 nearby areas and (b) an analysis of the stability and diversity of the
13 economic development to be promoted;

14 (10) An historic preservation plan element: (a) indicating the
15 location and significance of historic sites and historic districts; (b)
16 identifying the standards used to assess worthiness for historic site
17 or district identification; and (c) analyzing the impact of each
18 component and element of the master plan on the preservation of
19 historic sites and districts;

20 (11) Appendices or separate reports containing the technical
21 foundation for the master plan and its constituent elements;

22 (12) A recycling plan element which incorporates the State
23 Recycling Plan goals, including provisions for the collection,
24 disposition and recycling of recyclable materials designated in the
25 municipal recycling ordinance, and for the collection, disposition
26 and recycling of recyclable materials within any development
27 proposal for the construction of 50 or more units of single-family
28 residential housing or 25 or more units of multi-family residential
29 housing and any commercial or industrial development proposal for
30 the utilization of 1,000 square feet or more of land;

31 (13) A farmland preservation plan element, which shall include:
32 an inventory of farm properties and a map illustrating significant
33 areas of agricultural land; a statement showing that municipal
34 ordinances support and promote agriculture as a business; and a
35 plan for preserving as much farmland as possible in the short term
36 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
37 1 et al.) through a variety of mechanisms including, but not limited
38 to, utilizing option agreements, installment purchases, and
39 encouraging donations of permanent development easements;

40 (14) A development transfer plan element which sets forth the
41 public purposes, the locations of sending and receiving zones and
42 the technical details of a development transfer program based on the
43 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

44 (15) An educational facilities plan element which incorporates
45 the purposes and goals of the "long-range facilities plan" required to
46 be submitted to the Commissioner of Education by a school district
47 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4); and

1 (16) A green buildings and environmental sustainability plan
2 element, which shall provide for, encourage, and promote the
3 efficient use of natural resources and the installation and usage of
4 renewable energy systems; consider the impact of buildings on the
5 local, regional and global environment; allow ecosystems to
6 function naturally; conserve and reuse water; treat storm water on-
7 site; and optimize climatic conditions through site orientation and
8 design.

9 c. The master plan and its plan elements may be divided into
10 subplans and subplan elements projected according to periods of
11 time or staging sequences.

12 d. The master plan shall include a specific policy statement
13 indicating the relationship of the proposed development of the
14 municipality, as developed in the master plan to (1) the master plans
15 of contiguous municipalities, (2) the master plan of the county in
16 which the municipality is located, (3) the State Development and
17 Redevelopment Plan adopted pursuant to the "State Planning Act,"
18 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)
19 and (4) the district solid waste management plan required pursuant
20 to the provisions of the "Solid Waste Management Act," P.L.1970,
21 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
22 located.

23 In the case of a municipality situated within the Highlands
24 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
25 master plan shall include a specific policy statement indicating the
26 relationship of the proposed development of the municipality, as
27 developed in the master plan, to the Highlands regional master plan
28 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).
29 (cf: P.L.2017, c.275, s.1)]¹

30
31 ¹1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
32 read as follows:

33 19. Preparation; contents; modification.

34 a. The planning board may prepare and, after public hearing,
35 adopt or amend a master plan or component parts thereof, to guide
36 the use of lands within the municipality in a manner which protects
37 public health and safety and promotes the general welfare.

38 b. The master plan shall generally comprise a report or
39 statement and land use and development proposals, with maps,
40 diagrams and text, presenting, at least the following elements (1)
41 and (2) and, where appropriate, the following elements (3) through
42 (17):

43 (1) A statement of objectives, principles, assumptions, policies
44 and standards upon which the constituent proposals for the physical,
45 economic and social development of the municipality are based;

46 (2) A land use plan element

47 (a) taking into account and stating its relationship to the
48 statement provided for in paragraph (1) hereof, and other master

1 plan elements provided for in paragraphs (3) through (14) hereof
2 and natural conditions, including, but not necessarily limited to,
3 topography, soil conditions, water supply, drainage, flood plain
4 areas, marshes, and woodlands;

5 (b) showing the existing and proposed location, extent and
6 intensity of development of land to be used in the future for varying
7 types of residential, commercial, industrial, agricultural,
8 recreational, open space, educational and other public and private
9 purposes or combination of purposes including any provisions for
10 cluster development; and stating the relationship thereof to the
11 existing and any proposed zone plan and zoning ordinance;

12 (c) showing the existing and proposed location of any airports
13 and the boundaries of any airport safety zones delineated pursuant
14 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-
15 80 et al.);

16 (d) including a statement of the standards of population density
17 and development intensity recommended for the municipality;

18 (e) showing the existing and proposed location of military
19 facilities and incorporating strategies to minimize undue
20 encroachment upon, and conflicts with, military facilities, including
21 but not limited to: limiting heights of buildings and structures
22 nearby flight paths or sight lines of aircraft; buffering residential
23 areas from noise associated with a military facility; and allowing for
24 the potential expansion of military facilities; **[and]**

25 (f) including, for any land use element adopted after the
26 effective date of P.L.2017, c.275, a statement of strategy
27 concerning:

28 (i) smart growth which, in part, shall consider potential
29 locations for the installation of electric vehicle charging stations,

30 (ii) storm resiliency with respect to energy supply, flood-prone
31 areas, and environmental infrastructure, and

32 (iii) environmental sustainability; and

33 (g) showing the existing and proposed location of public electric
34 vehicle charging infrastructure;

35 (3) A housing plan element pursuant to section 10 of P.L.1985,
36 c.222 (C.52:27D-310), including, but not limited to, residential
37 standards and proposals for the construction and improvement of
38 housing;

39 (4) A circulation plan element showing the location and types of
40 facilities for all modes of transportation required for the efficient
41 movement of people and goods into, about, and through the
42 municipality, taking into account the functional highway
43 classification system of the Federal Highway Administration **[and]**,
44 the types, locations, conditions and availability of existing and
45 proposed transportation facilities, including air, water, road and rail,
46 and identifying existing and proposed locations for public electric
47 vehicle charging infrastructure;

1 (5) A utility service plan element analyzing the need for and
2 showing the future general location of water supply and distribution
3 facilities, drainage and flood control facilities, sewerage and waste
4 treatment, solid waste disposal and provision for other related
5 utilities, and including any storm water management plan required
6 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
7 a municipality prepares a utility service plan element as a condition
8 for adopting a development transfer ordinance pursuant to
9 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
10 element shall address the provision of utilities in the receiving zone
11 as provided thereunder;

12 (6) A community facilities plan element showing the existing
13 and proposed location and type of educational or cultural facilities,
14 historic sites, libraries, hospitals, firehouses, police stations and
15 other related facilities, including their relation to the surrounding
16 areas;

17 (7) A recreation plan element showing a comprehensive system
18 of areas and public sites for recreation;

19 (8) A conservation plan element providing for the preservation,
20 conservation, and utilization of natural resources, including, to the
21 extent appropriate, energy, open space, water supply, forests, soil,
22 marshes, wetlands, harbors, rivers and other waters, fisheries,
23 endangered or threatened species wildlife and other resources, and
24 which systemically analyzes the impact of each other component
25 and element of the master plan on the present and future
26 preservation, conservation and utilization of those resources;

27 (9) An economic plan element considering all aspects of
28 economic development and sustained economic vitality, including
29 (a) a comparison of the types of employment expected to be
30 provided by the economic development to be promoted with the
31 characteristics of the labor pool resident in the municipality and
32 nearby areas and (b) an analysis of the stability and diversity of the
33 economic development to be promoted;

34 (10) An historic preservation plan element: (a) indicating the
35 location and significance of historic sites and historic districts; (b)
36 identifying the standards used to assess worthiness for historic site
37 or district identification; and (c) analyzing the impact of each
38 component and element of the master plan on the preservation of
39 historic sites and districts;

40 (11) Appendices or separate reports containing the technical
41 foundation for the master plan and its constituent elements;

42 (12) A recycling plan element which incorporates the State
43 Recycling Plan goals, including provisions for the collection,
44 disposition and recycling of recyclable materials designated in the
45 municipal recycling ordinance, and for the collection, disposition
46 and recycling of recyclable materials within any development
47 proposal for the construction of 50 or more units of single-family
48 residential housing or 25 or more units of multi-family residential

- 1 housing and any commercial or industrial development proposal for
2 the utilization of 1,000 square feet or more of land;
- 3 (13) A farmland preservation plan element, which shall include:
4 an inventory of farm properties and a map illustrating significant
5 areas of agricultural land; a statement showing that municipal
6 ordinances support and promote agriculture as a business; and a
7 plan for preserving as much farmland as possible in the short term
8 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
9 1 et al.) through a variety of mechanisms including, but not limited
10 to, utilizing option agreements, installment purchases, and
11 encouraging donations of permanent development easements;
- 12 (14) A development transfer plan element which sets forth the
13 public purposes, the locations of sending and receiving zones and
14 the technical details of a development transfer program based on the
15 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);
- 16 (15) An educational facilities plan element which incorporates
17 the purposes and goals of the "long-range facilities plan" required to
18 be submitted to the Commissioner of Education by a school district
19 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4);
- 20 (16) A green buildings and environmental sustainability plan
21 element, which shall provide for, encourage, and promote the
22 efficient use of natural resources and the installation and usage of
23 renewable energy systems; consider, encourage and promote the
24 development of public electric vehicle charging infrastructure in
25 locations appropriate for their development, including but not
26 limited to, commercial districts, areas proximate to public
27 transportation and transit facilities and transportation corridors, and
28 public rest stops; consider the impact of buildings on the local,
29 regional and global environment; allow ecosystems to function
30 naturally; conserve and reuse water; treat storm water on-site; and
31 optimize climatic conditions through site orientation and design;
32 and
- 33 (17) A public access plan element that provides for, encourages,
34 and promotes permanently protected public access to all tidal waters
35 and adjacent shorelines consistent with the public trust doctrine, and
36 which shall include a map and inventory of public access points,
37 public facilities that support access, parking, boat ramps, and
38 marinas; an assessment of the need for additional public access; a
39 statement of goals and administrative mechanisms to ensure that
40 access will be permanently protected; and a strategy that describes
41 the forms of access to satisfy the need for such access with an
42 implementation schedule and tools for implementation.
- 43 c. The master plan and its plan elements may be divided into
44 subplans and subplan elements projected according to periods of
45 time or staging sequences.
- 46 d. The master plan shall include a specific policy statement
47 indicating the relationship of the proposed development of the
48 municipality, as developed in the master plan to (1) the master plans

1 of contiguous municipalities, (2) the master plan of the county in
2 which the municipality is located, (3) the State Development and
3 Redevelopment Plan adopted pursuant to the "State Planning Act,"
4 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)
5 and (4) the district solid waste management plan required pursuant
6 to the provisions of the "Solid Waste Management Act," P.L.1970,
7 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
8 located.

9 In the case of a municipality situated within the Highlands
10 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
11 master plan shall include a specific policy statement indicating the
12 relationship of the proposed development of the municipality, as
13 developed in the master plan, to the Highlands regional master plan
14 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).¹
15 (cf: P.L.2019, c.81, s.7)

16

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

19 76. Periodic examination. The governing body shall, at least
20 every 10 years, provide for a general reexamination of its master
21 plan and development regulations by the planning board, which
22 shall prepare and adopt by resolution a report on the findings of
23 such reexamination, a copy of which report and resolution shall be
24 sent to the Office of Planning Advocacy and the county planning
25 board. A notice that the report and resolution have been prepared
26 shall be sent to any military facility commander who has registered
27 with the municipality pursuant to section 1 of P.L.2005, c.41
28 (C.40:55D-12.4) and to the municipal clerk of each adjoining
29 municipality, who may request a copy of the report and resolution
30 on behalf of the military facility or municipality. A reexamination
31 shall be completed at least once every 10 years from the previous
32 reexamination.

33 ¹The reexamination report shall state:¹

34 a. The major problems and objectives relating to land
35 development in the municipality at the time of the adoption of the
36 last reexamination report.

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

39 c. The extent to which there have been significant changes in
40 the assumptions, policies, and objectives forming the basis for the
41 master plan or development regulations as last revised, with
42 particular regard to the density and distribution of population and
43 land uses, housing conditions, circulation, conservation of natural
44 resources, energy conservation, collection, disposition, and
45 recycling of designated recyclable materials, and changes in State,
46 county and municipal policies and objectives.

47 d. The specific changes recommended for the master plan or
48 development regulations, if any, including underlying objectives,

1 policies and standards, or whether a new plan or regulations should
2 be prepared.

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

10 f. The recommendations of the planning board concerning
11 locations appropriate for the development of public electric vehicle
12 infrastructure, including but not limited to, commercial districts
13 '[and].'¹ areas proximate to public transportation ¹and transit¹
14 facilities and transportation corridors ¹, and public rest stops¹ ; and
15 recommended changes, if any, in the local development regulations
16 necessary or appropriate for the development of public electric
17 vehicle infrastructure.

18 (cf: P.L.2016, c.21, s.6)

19

20 3. Section 7 of P.L.1992, c.79 (C.40A:12A-7) is amended to
21 read as follows:

22 7. a. No redevelopment project shall be undertaken or carried
23 out except in accordance with a redevelopment plan adopted by
24 ordinance of the municipal governing body, upon its finding that the
25 specifically delineated project area is located in an area in need of
26 redevelopment or in an area in need of rehabilitation, or in both,
27 according to criteria set forth in section 5 or section 14 of P.L.1992,
28 c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

29 The redevelopment plan shall include an outline for the planning,
30 development, redevelopment, or rehabilitation of the project area
31 sufficient to indicate:

32 (1) Its relationship to definite local objectives as to appropriate
33 land uses, density of population, ¹[the development of public
34 electric vehicle charging infrastructure in appropriate locations.]¹
35 and improved traffic and public transportation, public utilities,
36 recreational and community facilities and other public
37 improvements.

38 (2) Proposed land uses and building requirements in the project
39 area.

40 (3) Adequate provision for the temporary and permanent
41 relocation, as necessary, of residents in the project area, including
42 an estimate of the extent to which decent, safe and sanitary dwelling
43 units affordable to displaced residents will be available to them in
44 the existing local housing market.

45 (4) An identification of any property within the redevelopment
46 area which is proposed to be acquired in accordance with the
47 redevelopment plan.

1 (5) Any significant relationship of the redevelopment plan to (a)
2 the master plans of contiguous municipalities, (b) the master plan of
3 the county in which the municipality is located, and (c) the State
4 Development and Redevelopment Plan adopted pursuant to the
5 "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

6 (6) As of the date of the adoption of the resolution finding the
7 area to be in need of redevelopment, an inventory of all housing
8 units affordable to low and moderate income households, as defined
9 pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to
10 be removed as a result of implementation of the redevelopment
11 plan, whether as a result of subsidies or market conditions, listed by
12 affordability level, number of bedrooms, and tenure.

13 (7) A plan for the provision, through new construction or
14 substantial rehabilitation of one comparable, affordable replacement
15 housing unit for each affordable housing unit that has been
16 occupied at any time within the last 18 months, that is subject to
17 affordability controls and that is identified as to be removed as a
18 result of implementation of the redevelopment plan. Displaced
19 residents of housing units provided under any State or federal
20 housing subsidy program, or pursuant to the "Fair Housing Act,"
21 P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to
22 be eligible, shall have first priority for those replacement units
23 provided under the plan; provided that any such replacement unit
24 shall not be credited against a prospective municipal obligation
25 under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et
26 al.), if the housing unit which is removed had previously been
27 credited toward satisfying the municipal fair share obligation. To
28 the extent reasonably feasible, replacement housing shall be
29 provided within or in close proximity to the redevelopment area. A
30 municipality shall report annually to the Department of Community
31 Affairs on its progress in implementing the plan for provision of
32 comparable, affordable replacement housing required pursuant to
33 this section.

34 ¹(8) Proposed locations for public electric vehicle charging
35 infrastructure within the project area in a manner that appropriately
36 connects with an essential public charging network.¹

37 b. A redevelopment plan may include the provision of
38 affordable housing in accordance with the "Fair Housing Act,"
39 P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of
40 the municipal master plan.

41 c. The redevelopment plan shall describe its relationship to
42 pertinent municipal development regulations as defined in the
43 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).
44 The redevelopment plan shall supersede applicable provisions of the
45 development regulations of the municipality or constitute an
46 overlay zoning district within the redevelopment area. When the
47 redevelopment plan supersedes any provision of the development
48 regulations, the ordinance adopting the redevelopment plan shall

1 contain an explicit amendment to the zoning district map included
2 in the zoning ordinance. The zoning district map as amended shall
3 indicate the redevelopment area to which the redevelopment plan
4 applies. Notwithstanding the provisions of the "Municipal Land
5 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no
6 notice beyond that required for adoption of ordinances by the
7 municipality shall be required for the hearing on or adoption of the
8 redevelopment plan or subsequent amendments thereof.

9 d. All provisions of the redevelopment plan shall be either
10 substantially consistent with the municipal master plan or designed
11 to effectuate the master plan; but the municipal governing body may
12 adopt a redevelopment plan which is inconsistent with or not
13 designed to effectuate the master plan by affirmative vote of a
14 majority of its full authorized membership with the reasons for so
15 acting set forth in the redevelopment plan.

16 e. Prior to the adoption of a redevelopment plan, or revision or
17 amendment thereto, the planning board shall transmit to the
18 governing body, within 45 days after referral, a report containing its
19 recommendation concerning the redevelopment plan. This report
20 shall include an identification of any provisions in the proposed
21 redevelopment plan which are inconsistent with the master plan and
22 recommendations concerning these inconsistencies and any other
23 matters as the board deems appropriate. The governing body, when
24 considering the adoption of a redevelopment plan or revision or
25 amendment thereof, shall review the report of the planning board
26 and may approve or disapprove or change any recommendation by a
27 vote of a majority of its full authorized membership and shall
28 record in its minutes the reasons for not following the
29 recommendations. Failure of the planning board to transmit its
30 report within the required 45 days shall relieve the governing body
31 from the requirements of this subsection with regard to the pertinent
32 proposed redevelopment plan or revision or amendment thereof.
33 Nothing in this subsection shall diminish the applicability of the
34 provisions of subsection d. of this section with respect to any
35 redevelopment plan or revision or amendment thereof.

36 f. The governing body of a municipality may direct the
37 planning board to prepare a redevelopment plan or an amendment
38 or revision to a redevelopment plan for a designated redevelopment
39 area. After completing the redevelopment plan, the planning board
40 shall transmit the proposed plan to the governing body for its
41 adoption. The governing body, when considering the proposed
42 plan, may amend or revise any portion of the proposed
43 redevelopment plan by an affirmative vote of the majority of its full
44 authorized membership and shall record in its minutes the reasons
45 for each amendment or revision. When a redevelopment plan or
46 amendment to a redevelopment plan is referred to the governing
47 body by the planning board under this subsection, the governing

- 1 body shall be relieved of the referral requirements of subsection e.
- 2 of this section.
- 3 (cf: P.L.2008, c.46, s.2)
- 4
- 5 4. This act shall take effect immediately.