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Monmouth County Planning Board

Technical Assistance Outreach Brochure for Municipal Planning Series

- Volume I: MASTER PLAN REEXAMINATION REPORT PROCEDURES
- Volume II: MASTER PLAN & OFFICIAL MAP PROCEDURES
- Volume III: ZONING ORDINANCE & ZONE MAP PROCEDURES
- Volume IV: REDEVELOPMENT AREA INVESTIGATION REPORT & REDEVELOPMENT PLAN PROCEDURES
- Volume V: NOTICING PROCEDURES

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**MONMOUTH
COUNTY
PLANNING
BOARD**

**Technical
Assistance
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Brochure for
Municipal
Planning**



Volume

III



**MONMOUTH
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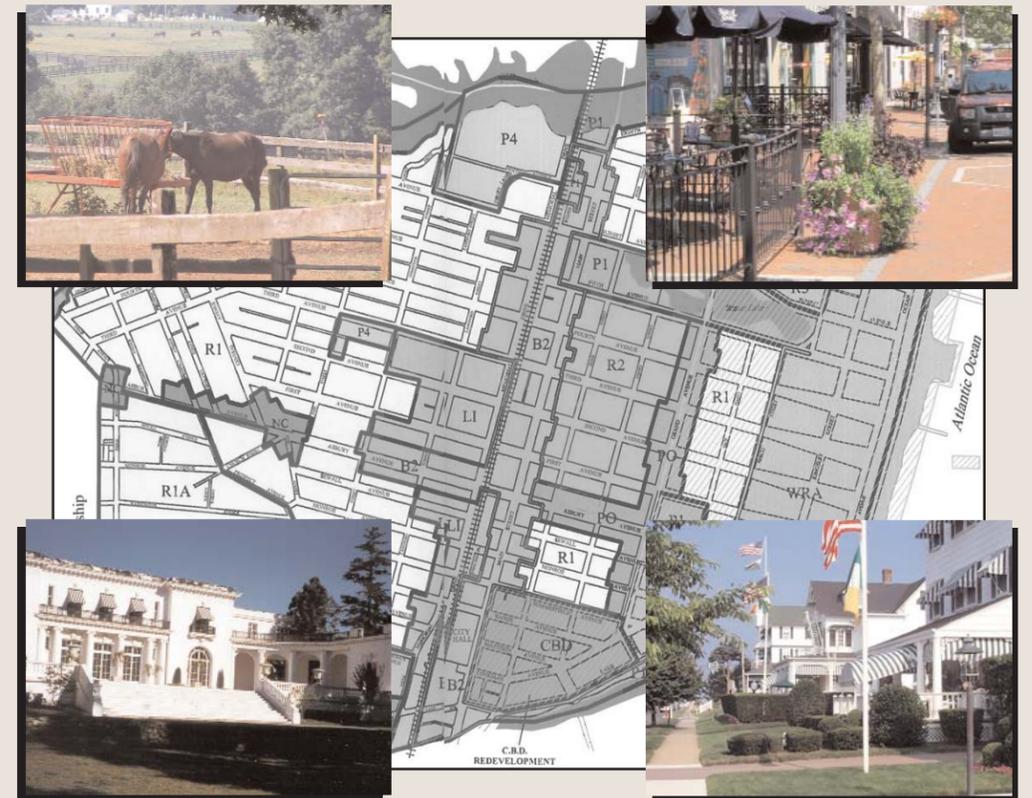
**Technical
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Planning**



Volume

III

**ZONING ORDINANCE & ZONING MAP
PROCEDURES**



OCTOBER 2009

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USER DISCLAIMER: *This municipal planning outreach brochure does not replace or summarize all components of the New Jersey Municipal Land Use Law, Local Redevelopment and Housing Law, the Open Public Meetings Act or any other laws mentioned or not mentioned in this brochure. Please consult a land use and/or redevelopment attorney familiar with the issues described in this guide for further guidance, as the topics and steps cited herein maybe advisory in nature or change as new laws are enacted or amended and court decisions may modify the ways these plans, maps and laws are used.*

I. Introduction

This is the third volume in the Monmouth County Planning Board technical assistance outreach brochures series for municipal planning. The back of this brochure references additional volume titles. Volume III is a "how-to" guide on preparing the Zoning Ordinance and Zoning Map. It is divided into twelve sections. This brochure includes legally required and optional procedural recommendations on how to develop a Zoning Ordinance and Zoning Map. However, this brochure does not include extensive information on the implementation processes. Brochure Volume III is intended for use by municipal planning boards, zoning boards of adjustment, municipal clerks, attorneys, planners and land use board secretaries in the development and daily use of a Zoning Ordinance and Zoning Map.

Early Questions Municipalities Should Ask Themselves:

- 1) What are a Zoning Ordinance and Zoning Map?
- 2) What are the procedural steps for preparation and adoption?
- 3) How are the Zoning Ordinance and Zoning Map used?

XII. Related Planning Terms Glossary

Permitted Use: Land use that is principally permitted within a zoning district. For example, single family homes in a single-family residential zoning district.

Conditional Use: Land use conditionally permitted within a zoning district if it meets certain conditions upon approval. For instance, places of worship in residential zoned districts.

Accessory Use: A land use supplementary to a primary permitted or conditional use. A parking lot for a business or detached garage for a home serves as an example of an accessory use.

Non-Permitted Use: A use that is not permitted within a zoning district. A commercial or industrial property in a residential zoned district would be considered a non-permitted use in most communities.

Hardship or "Bulk" Variance (C): Applicants must show that strict application of the [Zoning] Ordinance, where there are unique and exceptional characteristics of the subject property, which would result in undue hardship to the applicant and/or deviation from the Zoning Ordinance requirements and that the benefits of the deviation would substantially outweigh any detriment in order to be granted a variance to allow departure from regulations.

"Use" Variance (D): A use or principal structure in a district restricted against such use or principal structure or a non-conforming use in a zoning district. Must demonstrate there are special reasons to deviate from Zoning Ordinance.

XI. Additional Resources

ONLINE:

New Jersey Chapter of American Planning Association.
www.njapa.org

New Jersey Planning Officials. www.njpo.org

New Jersey League of Municipalities. www.njslom.org

Edward J. Blousetin School for Planning and Public Policy -
Center for Government Services.
www.policy.rutgers.edu/cgs/index.php



BOOKS:

Cox, William, and Donald M. Ross.
New Jersey Zoning and Land Use Administration. Newark,
NJ: Gann Law Books, 2008.
(Published Annually - New Jersey Planning Officials).

Meck, Staurt and Jacquelyn Zelinka.
Planning and Zoning Board Members.
Rutgers, the State University of New Jersey, June 2007.



LAWS:

New Jersey Municipal Land Use Law (MLUL).
40:55D-62-88.6. Article 8. Zoning Authority & Procedures

Open Public Meetings Act. N.J.S.A. 10:4-6 to 10:4-21



II. Essentials to Know

ZONING ORDINANCE

ZONING ORDINANCE DEFINITION:	According to <u>The Illustrated Book of Development Regulations</u> , zoning is the dividing of a municipality into districts and the establishments of regulations governing the use, placement, spacing and size of land and buildings. An ordinance is a municipally adopted law or regulations.
AUTHORIZES & PREPARES:	Governing Body authorizes. Governing Body can delegate to other parties.
TYPICAL PREPARATION TIME:	Depends on the size of community and complexity of land uses and issues involved.
ADOPTION, AMENDMENT & REVISION POWERS:	Governing Body (referral to Planning Board for comments before public hearing).
CONTENTS:	<ol style="list-style-type: none"> 1) Regulates bulk, height, number of stories, orientation and size of buildings and other structures; percentage of lot or development area occupied by other structures; lot sizes and dimensions; specified floor area ratios and other regulatory techniques governing intensity of land use and adequate light and air including renewable energy sources. 2) Provides for planned development districts if ordinance for approval of subdivisions and site plans by Planning Board has been adopted. 3) Designates and regulate areas subject to flooding. 4) Provides for conditional uses. 5) Provides for senior community housing. 6) Provides for historic preservation. 7) Provides for sending and receiving zones for a development transfer program. (N.J.S.A. 40:55D-65)
CONSEQUENCES TO NON-ADOPTION:	Inappropriate uses of land may occur. Prevalence of non-conforming uses in a community. Limits or hinders the ability of a municipality to conduct an appropriate review of development applications. Inhibits comprehensive planning and smart growth.

ZONING MAP

ZONING MAP DEFINITION:	The Zoning Map reflects the division of a municipality into areas or zones that specify allowable uses and provide for land development standards for real property. Zoning Maps are part of the Zoning Ordinance.
AUTHORIZES PREPARATION:	Governing Body.
PREPARES MAP:	Governing Body (Referral to Planning Board for comments before adoption). Sometimes Planner or Planning Board are asked to prepare map.
TYPICAL PREPARATION TIME:	Simultaneously updated as needed when developing or creating amendments to the Zoning Ordinance.
ADOPTION, AMENDMENT & REVISION POWERS:	Governing Body authorizes. Governing Body can delegate to other parties.
CONSEQUENCES TO NON-ADOPTION:	Zoning Map is not reflective of zoned districts found in the Zoning Ordinance. May cause parcels to be zoned inconsistently with the surrounding area.

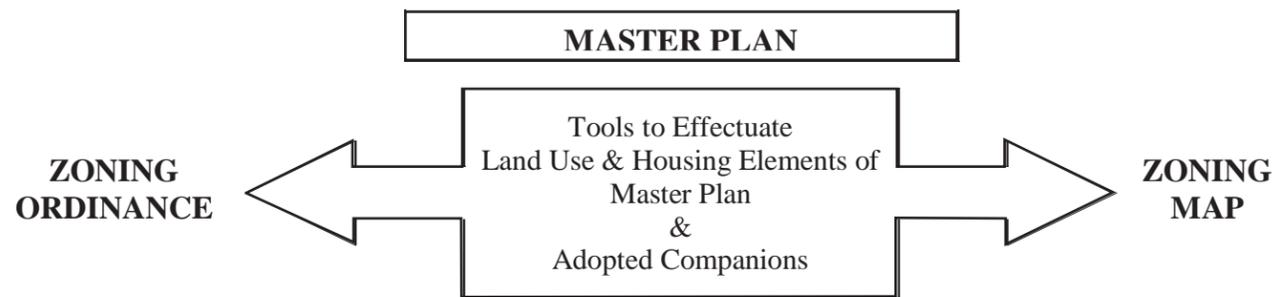
III. Need For Zoning Ordinances & Zoning Maps

Zoning Ordinances and Zoning Maps must account for the most appropriate use of lands and character of each zoned district within a community.

Importance:

- Helps identify density, intensity and siting of development in municipality.
- Identifies priorities as it relates to development in a municipality.
- Provides guidance to municipal boards in land use decision-making processes.
- Articulates any desired land uses, design, aesthetics, etc. to developers and the public.
- Helps regulate land adjacent to state highways, county roads, municipal streets and highways, and airport safety zoned areas.
- Helps effectuate the land use and housing plan element of Master Plan.
- Regulates land use in a community and limits incompatible land use conflicts to promote public health, safety and the general welfare.
- Allows growth to occur in a rational manner.
- Assists in protecting or maintaining property values to stabilize the tax base.
- Helps manage circulation and traffic of new and existing developments.
- Manages density and intensity of new and existing developments.
- Encourages housing for a variety of lifestyles and economic levels.
- May designate and regulate historic sites or districts.
- Manages aesthetics and communicates community values.

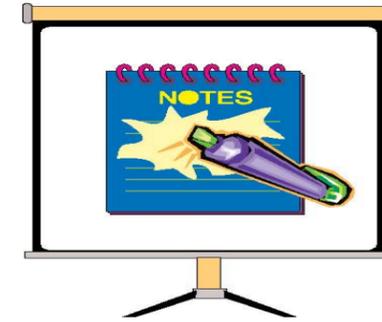
Relationship of Master Plan to Zoning Ordinance to Zoning Map:



- The Zoning Ordinance must be substantially consistent with land use element of Master Plan or designated to effectuate the land use element.
- The adopted land use and housing elements of a Master Plan are required prior to preparing a Zoning Ordinance and must be consistent with a Zoning Ordinance.
- The Zoning Ordinance is a tool used to implement the recommendations of the Master Plan.
- The Zoning Map must reflect all zoned districts identified in a Zoning Ordinance.
- The Zoning Map is an adopted and included "companion tool" that helps implement the Zoning Ordinance.

NOTE: Planning Boards and Zoning Boards of Adjustment implement the Zoning Ordinance and Zoning Map. Applicants use Zoning Ordinance and Maps to prepare development applications heard before these boards to decide approval or disapproval. On occasion, the Governing Body uses the Zoning Ordinance and/or Map to hear and decide applicant appeals of final decisions of the Zoning Board of Adjustment.

X. Highlights Recapped



- ☑ **Governing Body prepares and adopts a Zoning Ordinance and Zoning Map or hires a staff planner or planning consultant to prepare the documents on its behalf.** Governing Body may consider any Planning Board comments in the adoption and approval of a Zoning Ordinance.
- ☑ Planning Board and the Zoning Board of Adjustment primarily implements the Zoning Ordinance and Zoning Map at the local level. Governing Body occasionally works with the Zoning Ordinance or Zoning Map in hearing applicant appeals of a Zoning Board of Adjustment's final decision.
- ☑ **Zoning Ordinances can either be amended or revised as needs change or comprehensively updated systematically by a municipality.**
- ☑ Prior to developing a Zoning Ordinance, an adopted Master Plan land use plan element and housing plan element is required. Zoning Ordinances must be designed to be consistent or effectuate the land use plan or housing elements of a Master Plan.
- ☑ Establish a diverse steering committee to help guide creating a Zoning Ordinance. Keep the public and stakeholders involved and informed throughout the process of developing a Zoning Ordinance.
- ☑ Zoning Ordinances should be tailored to the needs and characteristics of the municipality.
- ☑ Review and relate Zoning Ordinance regulations and provisions to municipal Master Plan goals to improve short and long range planning consistency.
- ☑ **Zoning Maps help divide a community into districts in which each district carries a designation that refers to the zoning code regulations for that district as referred to within the Zoning Ordinance.**
- ☑ Zoning Maps are often created or updated simultaneously to revisions or amendments made to the Zoning Ordinance. Ensure zoned districts on a Zoning Map are reflected the same as those found in the Zoning Ordinance.
- ☑ An adopted Zoning Map must be filed with the County Planning Board to take effect.

IX. Procedural Steps Checklist

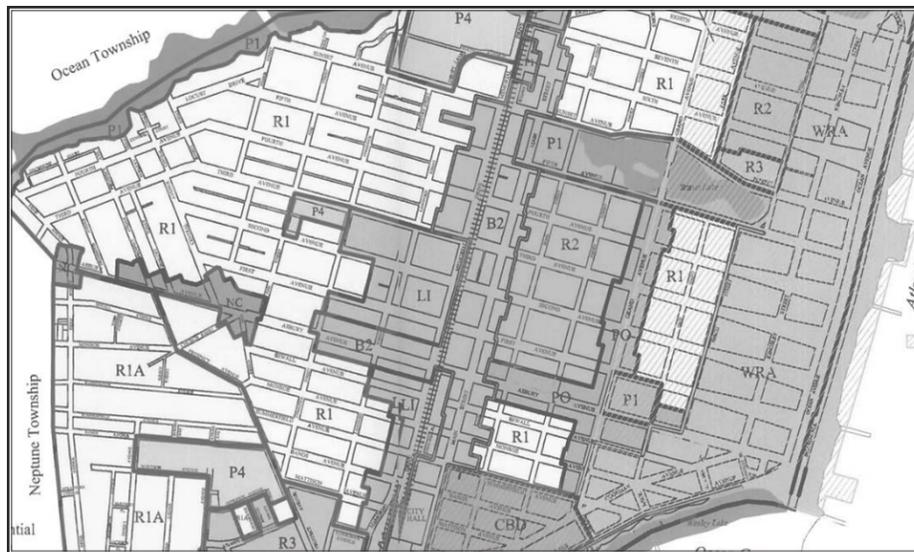
B) ZONING MAP

STEP 6: Create Map

- A surveyor or engineer typically assists in preparing the Zoning Map.
- Zoning Map should reflect the Zoning Ordinance and any applicable zone amendments.

STEP 7: Present & Adopt

- Governing Body notices for a public hearing for the Zoning Map and any amendments or revisions thereto.
- Governing Body or an appointed entity presents final Zoning Map at a noticed public hearing.
- Governing Body or an appointed entity makes any necessary changes based on comments made at the public hearing, if applicable.
- Governing Body makes a decision to adopt or not adopt a Zoning Map. If adopted, the Governing Body adopts the Zoning Map by resolution by a majority vote.
- Governing Body memorializes resolution adopting Zoning Map (no later than 30 days later).
- Notice is provided subsequent to Zoning Map adoption by general or official newspaper publication. Maintain a copy of publication notice for municipal records.
- A copy of the adopted resolution and Zoning Map is sent to the County Planning Board. Must file the adopted Zoning Map with the County Planning Board to take effect.
- Zoning Map is made available to the general public. Some municipalities may sell their Zoning Map to the general public for a nominal fee, maintain hardcopies in select municipal locations and/or feature it on its municipal webpage online.



Source: Monmouth County Planning Board Municipal Files,
City of Asbury Park.

III. Need For Zoning Ordinances & Zoning Maps

A Zoning Ordinance is sometimes included as part of a larger Land Use Ordinance.

General procedures, subdivision regulations, site plan regulations and zoning regulations makeup a land use ordinance. The zoning regulations section outlines the ordinance and authority powers to adopt and amend a Zoning Ordinance. It typically contains general provisions, regulations applicable to all zoned districts, and specific zoned district regulations. (New Jersey Land Use Administration: 34-4). Zoning Ordinances must be designed to be consistent and effectuate the land use plan and housing elements of a Master Plan. Therefore, if a municipality does not have an adopted land use plan and housing plan, a Zoning Ordinance may be invalidated by the courts. Note this brochure focuses solely on the Zoning Ordinance and its regulations and not on a full land use ordinance.

USE:

Zoning Ordinances are used by municipal Governing Bodies, Planning Boards and Zoning Boards of Adjustment in their decision-making processes in deciding land use development applications and/or land use policy-making.

Zoning Ordinances are often outdated. Therefore, frequent amendments take place or a comprehensive overhaul update is undertaken by municipalities. For example, a community may want to amend a Zoning Ordinance to expand or restrict permitted land uses in a zoned district. In this case, an amendment would be recommended. However, if a municipality wanted to entirely restructure the Zoning Ordinance, a comprehensive update is advisable.

CONTENT:

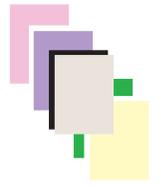
Zoning Ordinance = Text + Zoning Map + District Regulation Schedules + Other Appendices

The text of a Zoning Ordinance often contains items shown in the "sample table of contents for a Zoning Ordinance" found in this brochure. Zoning Ordinances include information on permitted land uses, conditionally permitted, accessory, or not permitted land uses in a zoned district. The zoned districts are reflected on the Zoning Map in the Zoning Ordinance. Specific district regulation schedules are often shown in a chart or matrix table format with the name of the zoned district and highlighted information shown in the matrix for land uses, bulk regulations, (i.e. height, side yard dimensions, etc.) other appendix information (i.e. detailed design guidelines).

ENFORCEMENT:

Enforcement of the Zoning Ordinance is typically handled by a zoning officer or zoning official whose duties are established and outlined within the Zoning Ordinance. Code enforcement officials also often work in tandem with the zoning officer or official to enforce the Zoning Ordinance.

IV. Typical Zoning Ordinance & Map Challenges



Typical Challenges to Developing Zoning Ordinances & Zoning Maps

- Not always flexible in meeting changing local situations, state or federal laws.
- Limited staff or training available for daily application or enforcement.
- Developing consensus among various stakeholders during preparation or amendments.
- Existing Zoning Ordinance is very outdated to current needs and requirements.
- Gaining political interest and resources available to undertake update or amendments.
- Lack of specificity in Master Plan, previous Zoning Ordinance or other adopted policies.
- Vague definitions and conflicting sections within a Zoning Ordinance.
- Inconsistencies with M.L.U.L. or a poorly written Zoning Ordinance for daily interpretation, application and implementation purposes.
- Ensuring consistency with the M.L.U.L. and Zoning Ordinance requirements.
- Procedural missteps on content, noticing requirements and/or adoption processes.
- Pressure from external interests on decision-making processes involving development and implementation of Zoning Ordinances and Zoning Maps.
- Difficulty creating a user-friendly Zoning Ordinance or Zoning Map for the general public.
- Updating Zoning Map to reflect the most current Zoning Ordinance provisions or amendments in a timely manner.
- Shifts in personnel, administrations, local representatives and stakeholders may change at the municipal level.

IX. Procedural Steps Checklist

B) ZONING MAP:

Use the following sample checklist to help track your steps to developing a Zoning Map:

STEP 1: Authorize Zoning Map

- Governing Body authorizes preparing a new, amended or revised Zoning Map.

STEP 2: Designate Preparer

- Governing Body can choose a staff planner or hire a planning or engineering consultant to develop a Zoning Map on their behalf or prepare the Zoning Map itself. (Typically obtains assistance of municipal engineers or surveyor in this capacity.)

STEP 3: Collect Data

- A planner or the Governing Body itself collects and reviews multiple data sources such as those noted in Step 4 below to prepare a Zoning Map.

STEP 4: Review Data (Typical Sources)

- Previous Zoning Map, and any changes, if applicable.
- Previous Zoning Ordinance and any zoning district or boundary amendments.
- Master Plan and/or Master Plan Reexamination Report.
- Redevelopment Plans and maps.
- Official Map, municipal tax maps, and Flood Emergency Management Act (FEMA) maps.
- Tax parcel data.
- Zoning Board of Adjustment annual reports.
- Recently approved or pending development application cases before municipality.
- Any applicable planning studies.
- Zoning Maps of adjoining municipalities, if desired.
- Receipt of many variances in a particular zoned district over a specified period of time often triggers indication to municipal boards that it may need to revisit its existing zoning classifications or boundaries to ensure it remains applicable, provide greater zoning enforcement, or a zone change overhaul or amendment is needed.

STEP 5: Identify

- Proposed and recently adopted land use regulation and amendments.
- Include requirements of any adopted redevelopment area plans, if applicable.
- Any noted inconsistencies, errors, or layout changes the municipality's wishes to change.
- Frequency or types of variances encountered in a particular zone(s) may indicate a need for zone change(s). If so, incorporating zone changes may be needed in the Zoning Map.

IX. Procedural Steps Checklist

A) ZONING ORDINANCE:

STEP 5: Incorporate Policies

- Proposed and recently adopted Master Plan, Master Plan Reexamination Report recommendations or municipal policies.
- Requirements of any adopted redevelopment zones or redevelopment plan regulations, if applicable.

STEP 6: Write Ordinance

- A) An appointed entity by Governing Body or the Governing Body drafts Zoning Ordinance and/or any amendments to the Zoning Ordinance itself.
- B) Land use law attorney assists preparing entity with developing Zoning Ordinance or any amendments to the Zoning Ordinance.
- C) Tailor Zoning Ordinance to address your community needs and characteristics.
- D) If preparing an amendment only, skip step 6 (E).
- E) Solicit input and guidance from Zoning Ordinance Steering Committee or the public through workshops and meetings.

STEP 7: Present & Adopt

- Zoning Ordinance is presented to Governing Body at a noticed public hearing.
- An appointed entity by the Governing Body or the Governing Body itself make any necessary changes to Zoning Ordinance based on comments made at the public hearing, if applicable.
- Land use law attorney reviews changes to Zoning Ordinance based on comments at hearing.
- Planner or Governing Body presents final Zoning Ordinance at a noticed public hearing for adoption. Municipal clerk executes and maintains affidavits and notice of publication.
- Governing Body hears all testimony and makes a decision to adopt or not adopt the ordinance. If adopted, the Governing Body adopts Zoning Ordinance by resolution by a majority vote of full authorized membership.
- Governing Body memorializes resolution adopting the Zoning Ordinance (no later than 30 days later).
- Notice is provided subsequent to Zoning Ordinance adoption by publication in a general or official newspaper. Advisable to maintain a copy of publication notice for municipal records.
- Copy of adopted Zoning Ordinance resolution and Zoning Ordinance or its amendments is sent to the County Planning Board. Must file adopted Zoning Ordinance with the county planning board to take effect.
- Zoning Ordinance and /or its amendments is made available to the general public. Note some municipalities may sell their Zoning Ordinance to the general public for a nominal fee, maintain hardcopies in select municipal locations and/or feature it on its municipal webpage online.



V. Stakeholder Involvement-Zoning Ordinance

Getting various stakeholders involved is a crucial step to developing Zoning Ordinances.

Establish a diverse Zoning Ordinance Committee:

1. Steering committees can be developed by the Governing Body, Planning Department, Mayor, Administrator, etc.
2. Steering committee makeup typically includes:
 - Planner(s)
 - Select members of municipal elected or appointed bodies (i.e. Governing Body, Planning and Zoning Boards, historical commission, environmental commission, elected officials, etc.)
 - Chosen members of municipal departments (i.e. planning, public works, engineering, finance, economic development, emergency management, parks/recreation, health, zoning officer, building construction and subcode officials, etc.)
 - Site Plan Review Advisory / Development Review Committee members
 - Citizen representatives such as community leaders, organization representatives, business owners, residents and people with a strong interest in zoning that serves as a conduit between those preparing the Zoning Ordinance and the community
 - Land use law attorney
3. Steering committee, planners and the Governing Body help keep the public involved



Steps for public involvement:

- Attend and participate in scheduled public hearings and workshops
- Submit comments to the municipality online, through workshop meetings and hearings
- Attend small group workshops, charrettes and project meetings held at various locations
- Serve on Zoning Ordinance steering committee
- Help publicize hearings on the draft and final Zoning Ordinance



VI. Typical Deliverable

A) ZONING ORDINANCE:

Zoning Ordinances detail the type, location and character of developments permitted, conditionally permitted, and not permitted land uses within a community. There are many zone district options available. Communities should NOT be limited to only the sample options shown in the table below. Each community should customize the Zoning Ordinance to their specific zone district needs and community characteristics.

Sample Table of Contents: Zoning Ordinance

I. Scope & Purpose
II. General Provisions
III. Definitions
IV. Establishment of Zone Districts
V. Zone District Regulations
Each district is described in detail (Permitted, Conditional, Accessory and Non-Permitted Uses)
<i>Districts examples may include:</i>
i. Low-Density Residential District
ii. Medium-Density Residential District
iii. High-Density or Multi-Family Residential District
iv. Mixed-Use District
v. Neighborhood Commercial District
vi. Regional Commercial District
vii. Special Improvement District
viii. Office / Medical District
ix. Conservation District
x. Open Space / Parks District
xi. Historic District
xii. Agricultural District
xiii. Industrial District
xiv. Public Use District
xv. Redevelopment District
xvi. Overlay Districts (Affordable Housing, Business, Redevelopment, Development Transfer, Clustering, etc.)
VI. General Building & Development Regulations
VII. Design Standards
VIII. Administration Procedures
IX. Amendments
X. Enforcement, Violations, Penalties and Fees
XI. Interpretation, Repeals and Effective Date

IX. Procedural Steps Checklist

A) ZONING ORDINANCE:

Use the following sample checklist to help you get started and complete a Zoning Ordinance (use most recently adopted or proposed documents):

STEP 1: Authorize Ordinance

- Municipality confirms land use plan and housing plan elements are adopted in Master Plan.
- Governing Body authorizes preparation by resolution.

STEP 2: Designate Preparer

- Governing Body chooses, by resolution, an appointed entity to develop a Zoning Ordinance on their behalf or Governing Body prepares the ordinance itself.
- Assemble Zoning Ordinance Steering Committee, if desired.

STEP 3: Collect Data

- An appointed entity or the Governing Body collects and reviews multiple municipal data sources such as those noted in Step 4 below.
- An appointed entity interviews and/or surveys typical stakeholder parties involved to obtain input and guidance on developing the Zoning Ordinance.

STEP 4: Review Data (Typical Sources)

- Land use, housing plan, community facilities and historic preservation elements of a Master Plan.
- Municipal Zoning Map and any changes if applicable.
- Zoning Ordinance and amendments, if any.
- Official Map and municipal tax maps.
- Local subdivision and site plan review regulations, checklists and/or policies.
- Redevelopment plans.
- Zoning Board of Adjustment annual reports and any applicable planning studies and maps.
- State agency rules and policies such as COAH, OSG, DEP, DOT, or other state agencies.
- New Jersey Residential Site Improvement Standards.
- Applicable federal regulations, policies or maps (i.e. Flood Emergency Management Act (FEMA), etc.)
- Zoning Maps or Zoning Ordinances of adjoining or similarly challenged municipalities, if desired.
- Any applicable land use law court cases or decisions.

VII. Notice Requirements

Accurate notice is required to adopt a Zoning Ordinance and Zoning Map.

Public:

- Notice of public hearing for the adoption of Zoning Ordinance and Zoning Map is served at least 10 days prior to hearing published by the municipal clerk in a newspaper of general circulation in the municipality: (N.J.S.A. 40:55D-62.1):
 - o **ZONING CLASSIFICATION CHANGE:** To change the zoning classification, exclusive of changes recommended in a Master Plan Reexamination Report, municipal clerk must notice owners within the zoning district and State within 200 feet in all directions of the boundaries in a zoning district; or
 - o **ZONING DISTRICT BOUNDARY CHANGE:** To change the boundary of a zoning district, exclusive of changes made within a master plan reexamination, the municipal clerk must notice only within the State within 200 feet in all directions of the proposed new boundaries of the zoning district.
- Notice of public hearing by certified mail or personal service is served to any military facility commander registered with the municipality or certified mail copy to the facility commander at the address shown on the registration form.
- Zoning Ordinance and any amendments shall be on file and available for public inspection at least 10 days before the date of the hearing during normal business hours in the office of the Administrative Officer.

Adjoining Municipalities:

- Notice of the public hearing is served to the clerk of adjoining municipalities at least 10 days prior to hearing by the municipal clerk.



VII. Notice Requirements

IMPORTANT NOTICE TIPS



- Must include date, time, place of hearing, nature of matters to be considered, identifiable street name, common name or landmark, and reference lot and block numbers as shown on the current tax duplicates by the local municipal tax assessor's office.
- Must identify affected zoning districts and proposed boundary changes. Municipal Clerk must execute and maintain affidavits of proof of service and proof of publication notice on file of public hearing.
- Hearing notifications related to zoning classifications or boundary changes are not the same as those required in a Master Plan or Master Plan Reexamination. Notice of hearings for Master Plan Reexaminations and Master Plan is required. Zoning classification or boundary changes recommended in a Master Plan Reexamination Report **DO NOT** require notice of a hearing. (N.J.S.A. 40:55D-62.1). According to New Jersey legal court opinion, "in such circumstances, the extended nature of the process coupled with the general notice provided are more than sufficient to protect the public" and therefore notice is not needed in this instance (Gallo V. Mayor and Lawrence Township, February 2000).

"Zoning changes made on the basis of a reexamination report for the Planning Board may be enacted without complying with the notice requirements of a Zoning Ordinance." (New Jersey Land Use Administration, 34-2.3) In this instance, however, a notice of the preparation of the Master Plan Reexamination Report must be sent to the municipal clerks of adjoining municipalities.

