

SECTION 14 PLANNED DEVELOPMENTS/GENERAL DEVELOPMENT PLANS

A. Findings for Planned Developments

Prior to approval of such planned developments, the Planning Board shall find the following facts and conclusions:

1. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to 40:55D-65c;
2. That the proposals for maintenance and conservation of the common open space are reliable and the amount, location and purpose of the common open space are adequate;
3. That provisions throughout the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
4. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
5. In the case of a proposed development, which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

B. General Development Plan: Duration

1. The general development plan shall set forth the permitted number of dwelling units, the amount of nonresidential floor space, the residential density and the nonresidential floor area ratio for the planned development in its entirety, according to a schedule, which sets forth the timing of the various sections of the development. The planned development shall be developed in accordance with the general development plan approved by the Planning Board, notwithstanding any provision of P.L. 1975, C.291 (C.40:55D-1 et seq.), or an ordinance or regulation adopted pursuant thereto after the effective date of approval.

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2. The term of the effect of the general development plan approval shall be determined by the Planning Board, using the guidelines set forth in subsection 3 of this section, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer receives final approval of the first section of the planned development.

The developer must obtain final approval of the first section of the planned development within five (5) years of the date the developer received approval of the planned development or, upon the failure to obtain final approval of the first section within five (5) years, the approval for the entire planned development shall expire. In the event of expiration of the approval, the conditional use shall be deemed terminated with respect to any portion of the planned development not yet constructed, and existing zoning requirements shall thereafter govern such portion not yet constructed. In the event of expiration of approval, the applicant's obligation to complete improvements secured by performance guarantees shall not be affected by such expiration.

3. In making its determination regarding the duration of the effect of approval of the development plan, the Planning Board shall consider: the number of dwelling units or amount of nonresidential floor area to be constructed; prevailing economic conditions; the timing schedule to be followed in completing the development and the likelihood of its fulfillment; the developer's capability of completing the proposed development; and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.

**C. General Development Plan Contents**

A general development plan may include, but not be limited to, the following:

1. A general land use plan, at a scale specified by ordinance, indicating the tract area and general locations of the land uses to be included in the planned development. The total number of dwelling units and amount of nonresidential floor area to be provided and proposed land area to be devoted to residential and nonresidential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire planned development shall be set forth and a residential density and a nonresidential floor area ratio shall be provided.

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2. A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access within the planned development and any proposed improvements to the existing transportation system outside the planned development.
3. An open space plan showing the proposed land area and general location of parks and any other land areas to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks and recreational lands.
4. A utility plan indicating the need for and showing the proposed location of sewage and water lines; any drainage facilities necessitated by the physical characteristics of the site; proposed methods for handling solid waste disposal; and a plan for the operation and maintenance of proposed utilities.
5. A storm water management plan, setting forth the proposed method of controlling and managing storm water on the site.
6. An environmental inventory, including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site; existing man-made structures or features; and the probable impact of the development on the environmental attributes of the site.
7. A community facility plan, indicating the scope and type of supporting community facilities, which may include: but not be limited to, educational or cultural facilities; historic sites; libraries; hospitals; firehouses; and police stations.
8. A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to P.L. 1985, C.222 (c.52:27d-301 et al.) will be fulfilled by the development.

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9. A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal.
10. A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by municipality or school districts as a result of the completion of the planned development the fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided under subsection 11 of this section and following the completion of the planned development in its entirety.
11. A proposed timing schedule, in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety.
12. A municipal development agreement, which shall mean a written agreement between a municipality and a developer relating to the planned development.

**D. General Development Plan Approval Procedure**

1. Any developer of a parcel of land greater than 100 acres in size, for which the developer is seeking approval of a planned development, shall submit a general development plan to the reviewing board prior to the granting of preliminary approval of that development by the reviewing board.
2. The Planning Board shall grant or deny general development plan approval within 95 days after submission of a complete application to the administrative officer, or within such further time as may be consented-to by the applicant.

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E. General Development Plan; Timing Schedule; Modification

In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration: prevailing economic and market conditions; anticipated and actual needs for residential units; and nonresidential space within the municipality and the region; and the availability and capacity of public facilities to accommodate the proposed development.

F. General Development Plan: Variation in Certain Physical Features, Approval Required

1. Except as provided hereunder, the developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned development or to increase the density of residential development or the floor area ratio of nonresidential development in any section of the planned development.
2. Any variation in the location of land uses or increase in density or floor area ratio proposed in reaction to a negative decision of, or condition of development approval imposed by the Department of Environmental Protection pursuant to P.L. 1973, C. 185 (c.13:19-1 et seq.), shall be approved by the Planning Board if the developer can demonstrate to the satisfaction of the Planning Board that the variation being proposed is a direct result of such determination by the Department of Environmental Protection, as the case may be.

G. General Development Plan: Amendments, Approval Required

1. Except as provided hereunder, once a general development plan has been approved by the Planning Board, it may be amended or revised only upon application by the developer approved by the Planning Board.

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2. A developer, without violating the terms of the approval pursuant to this act, may, in undertaking any section of the planned development, reduce the number of residential units or amount of nonresidential floor space by no more than 15%, or reduce the residential density or nonresidential floor area ratio by no more than 15%; provided, however, that a developer may not reduce the number of residential units to be provided, pursuant to P.L. 1985, c.222 (C.42:27D-301 et al.) without prior municipal approval.

H. General Development Plan: Completion of Development Sections.

1. Upon the completion of each section of the development, as set forth in the approved general development plan, the developer shall notify the administrative officer, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purpose of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved general development plan and pursuant to section 15 of P.L. 1975, c.217 (C.52:27D-133). If the municipality does not receive such notification at the completion of any section of the development, the municipality shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with.

If a developer does not complete any section of the development within eight months of the date provided for in the approved plan, or if, at any time, the municipality has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the municipality shall notify the developer, by certified mail; and the developer shall have 10 days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The municipality thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the municipality finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated 30 days thereafter.

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2. In the event that a developer, who has general development plan approval, does not apply for preliminary approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the Planning Board, the municipality shall have cause to terminate the approval.

I. General Development Plan: Termination of General Development Approval

In the event that a development, which is the subject of an approved general development plan, is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final residential or nonresidential structure in the last section of the development, in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all of his obligations pursuant to the approval.