

STARK & STARK

ATTORNEYS AT LAW

THE REDEVELOPMENT PROCESS

STEP ONE

Municipal governing body adopts resolution authorizing planning board to conduct study known as “preliminary investigation” to determine if an area is in need of redevelopment

STEP TWO

Planning Board enlists assistance of land planner to conduct the study and prepare a formal report for the planning board in furtherance of the preliminary investigation

STEP THREE

Planning Board holds public hearing as part of preliminary investigation, and thereafter, makes a recommendation to the municipal governing body

- Public notice must be published and served upon owners of property within study area
- Map of proposed redevelopment area along with the statement setting forth basis of investigation must be prepared and filed with the municipal clerk prior to public hearing

STEP FOUR

Municipal governing body reviews recommendations of the planning board and adopts a resolution that:

- Accepts Planning Board recommendations in full
- Rejects recommendations of the Planning Board
- Accepts Planning Board recommendations with modifications

STEP FIVE

If the municipal governing body passes a resolution designating all or a portion of the study area as being in need of redevelopment, the municipality may proceed to enact a redevelopment plan. Two options:

- Planning Board prepares plan and submits to municipal governing body
- or -
- Municipal governing body prepares plan and submits to Planning Board for comments



STEP SIX

If the municipal governing body adopts a resolution designating all or a portion of the study area as a redevelopment zone, the clerk of the municipality forwards a copy of the resolution to the Department of Community Affairs (DCA). The municipal determination shall take effect upon completion of this task, unless the designated area is not located in a zone where development or redevelopment is preceded by state law. In such instances the DCA shall have 30 days to reject or approve the municipal determination.



STEP SEVEN

Municipal governing body introduces final draft of redevelopment plan for adoption by ordinance on first reading



STEP EIGHT

If the ordinance put forth to enact the proposed redevelopment plan is adopted on first reading, the municipal governing body may then proceed to a second reading.

If adopted on second reading the redevelopment plan becomes law. Property located within a redevelopment area for which a redevelopment plan had been adopted on a second reading may be acquired by eminent domain if it is deemed necessary for a particular project.