FLOW CHART OF STATE TDR PROGRAM REQUIREMENTS
Pursuant to the State Transfer of Development Rights Act
M.L.U.L. 40:55D-137 et seq.

Prepare draft Development Transfer Plan Element for adoption into the Master Plan (MLUL sec. 40: 55D-140(a))

Required Elements include (pursuant to MLUL sec. 55D-141(a)-(f)):

a. An estimate of anticipated population and economic growth in the municipality in the succeeding 10 years.
b. Identity and description of all prospective sending and receiving zones
c. Analysis of how the anticipated population growth estimate of (a) is to be accommodated within the municipality in general and the receiving zone or zones in particular.
d. Estimate of existing and proposed infrastructure of the proposed receiving zone
e. Procedure and method for issuing legal instruments necessary to convey the development potential from the sending zone to the receiving zone
f. Explicit planning objectives and design standards to govern the review of applications for development in the receiving zone.

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Adopt a Capital Improvement Program for Receiving Zone (MLUL sec. 55D-140(b))

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Adopt a Utility Service Plan Element in Master Plan for Receiving Zone (MLUL sec. 55D-140(c))

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Prepare a Real Estate Market Analysis (MLUL sec. 55D-140(d))

Required Elements include: (NJAC 5:86 et seq.)

a. Summary Section (NJAC 5:86-2.4)
b. General Information Section (NJAC 5:86-2.5) including:
    i. Purpose of report
    ii. Statement of rights being valued
    iii. Defining legal terms and technical terms used in report
    iv. Any assumptions relied on and limiting conditions discovered
    v. A section identifying the subject zones including a description of current land use in zones, and a map depicting zones
    vi. Zoning assessment information
    vii. Information detailing community and neighborhood data
c. Sending zone analysis (NJAC 5:86- 2.7).
d. Receiving zone analysis (NJAC 5:86- 2.6).
e. Viability of TDR program assessment (NJAC 5:86- 2.8).

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Draft a proposed TDR Ordinance designating sending and receiving zones and consistent with Transfer Plan Element of Master Plan (MLUL sec. 55D-143)

NOTE: Prior to the adoption or amendment of a development transfer ordinance the municipality must submit a copy of the proposed ordinance, development transfer and utility service plan elements of the Master Plan and capital improvement program to the county planning board for recommendation. If agricultural land is involved, these documents must also be submitted to the county agriculture development board whose comments are provided to the county planning board.

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Receive approval for adoption of TDR ordinance by initial petition for endorsement of Master Plan by State Planning Commission (MLUL sec. 140(e))

Courtesy of the Association of New Jersey Environmental Commissions