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## TOWNSHIP COUNCIL RETREAT SEPTEMBER 6, 2018

### **BENEFITS OF REDEVELOPMENT PER LOCAL REDEVELOPMENT AND HOUSING LAW VERSUS CONVENTIONAL ZONING OR VARIANCE RELIEF**

Redevelopment is no longer used as drastic government intervention when all traditional methods of implementing municipal goals and objectives have failed. Municipalities can control the development of a designated area to a much greater degree than other planning or zoning techniques, namely traditional rezoning or granting of use and other variances by the Zoning Board of Adjustment.

Redevelopment can do the following that traditional zoning/variances cannot do:

- (1) Can "custom zone" a particular parcel of land without being subjected to challenges of illegal spot zoning
- (2) List of permitted uses can be very specific (limited to one or two uses) versus traditional zoning in which it is illegal to prohibit certain uses which fall into the same "class" as other uses to be permitted in the same zone.
- (3) Allows the governing body and its planning agency and staff to work closely with a prospective developer in formulating a concept plan for development that is acceptable to the municipality, incorporate that concept plan as illustrative of what is desired, and use it as a basis to draft bulk and design requirements – something that is not permitted by traditional zoning.
- (4) Allows the use and bulk regulations to be fitted to the particular requirements of the proposed development, rather than more generic general standards.
- (5) Can require more specific regulations related to architecture (design, materials, colors, etc.) and to overall site design, than traditional zoning.
- (6) It allows a municipality to proceed with redevelopment without resorting to the threat of condemnation (under a "non-condemnation redevelopment area" designation), thus removing uncertainties related to its validity and costs to the municipality.
- (7) It allows for negotiation of standards and conditions under which development may proceed and be implemented, including on- and off-site improvements, and the payment thereof, which is not permitted under traditional zoning or in use variance applications.
- (8) Costs incurred in the redevelopment process, including professional fees for studies, reviews, drafting of reports etc. can be charged to the redeveloper, lessening the burden of costs that may be incurred by the municipality.

- (9) Affordable housing that is provided in a Redevelopment Area is eligible for bonus credits to a municipality for the purposes of meeting its prospective fair share obligation.
- (10) The Redevelopment Plan may be held in place for a specific (and if desired, lengthy) period of time, which is not assured in the case of traditional zoning.
- (11) In many cases, (particularly in the case of brownfield areas), redevelopment areas may be eligible for financial assistance from NJDCA, and from the NJ Economic Development Authority
- (12) Municipalities which grant tax abatements known as payments in lieu of taxes or "PILOT's", are not obligated to share tax revenues with the County or the school district, resulting in higher revenues to the municipalities than under conventional development, (although it can be structured to provide a portion or all the revenues they would be entitled to per conventional development).
- (13) A Redevelopment Agreement provides the municipality with a greater degree of specificity and control over the implementation of the Redevelopment than traditional Developer Agreements, including the funding of improvements in the public realm.

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