



Practices & Industries

New Jersey Land Use & Zoning

Overview

Day Pitney's land use and redevelopment attorneys specialize in guiding corporations, national and local developers, institutional investors and individual property owners through the complexities of the land use, zoning, and redevelopment process in New Jersey, Massachusetts and Florida. The team provides comprehensive legal counsel on a range of issues, including permitting and land use approvals, such as site plan, subdivision and variances; rezoning and redevelopment; and affordable housing. With experience in navigating complex municipal, county and state regulations, our attorneys assist clients in efficiently achieving their development goals.

Land Use Approval and Permitting

New Jersey is home to some of the most intricate, yet innovative, land use regulations, further complicated by overlapping regulatory authority at the varying local, county, and state levels, which creates a challenging environment for corporations, institutional investors, developers and property owners seeking approvals for development.

Whether securing the necessary approvals for a subdivision, obtaining site plan approval for a development, applying for variances to address specific land use challenges, or defending approvals, Day Pitney's attorneys leverage their deep understanding of New Jersey's land use regulations to effectively advocate for clients. Their collaborative approach helps clients overcome regulatory hurdles and secure land use approvals and permitting for mixed use, residential, retail, office, industrial, and commercial projects.

Day Pitney's attorneys are equipped to represent corporations, institutional investors, developers and property owners at every phase of their project. This comprehensive approach ensures that clients are supported throughout the entire lifecycle of their project.

Specifically, our attorneys represent clients in the following:

- Preparing applications for site plan, variances, re-zoning, subdivision and redevelopment approvals
- Working in coordination with development professionals, including architects, engineers and planners
- Representing applicants before local planning boards, zoning boards and other governmental authorities related to land use and development
- Negotiating developer agreements and seeing projects through resolution compliance
- Obtaining rezoning of properties through amendments to municipal zoning ordinances and redevelopment plans
- Conducting zoning and land use approval due diligence

Redevelopment

Redevelopment can be a powerful tool for transforming certain qualifying properties into a productive and economically viable asset to clients and the community. In New Jersey, redevelopment refers to the process of revitalizing and repurposing underutilized or deteriorating properties and areas to promote economic growth, community development, and environmental sustainability. This process is typically initiated in areas that are designated as "blighted" or in need of revitalization, such as aging industrial zones, abandoned properties, underutilized office buildings, or underdeveloped neighborhoods.

Day Pitney attorneys guide corporations, national and local developers, and institutional investors through the entirety of the complex redevelopment process, which is governed primarily by the Local Housing and Redevelopment Law, as that law has been further interpreted by the courts. Our attorneys are skilled in addressing legal and regulatory challenges, facilitating public-private partnerships, and helping clients maximize the potential of their redevelopment projects.

Specifically, our attorneys represent clients in the following:

- Working with municipalities to obtain redevelopment area and rehabilitation area designations
- Drafting and reviewing redevelopment plans in coordination with clients and municipal professionals
- Negotiating and drafting redeveloper agreements
- Negotiating and drafting financial agreements for economic incentives such as long- and short-term tax exemptions and redevelopment area bonds
- Obtaining Incentives from the New Jersey Economic Development Authority, Housing Mortgage and Finance Agency, the Department of Community Affairs, and other agencies

Affordable Housing

Day Pitney has a robust affordable housing practice in the state of New Jersey. In New Jersey, each town has a constitutional affordable housing obligation to provide for its regional fair share of affordable housing. Day Pitney has represented corporate clients and developer clients in securing zoning and development approvals for affordable housing residential developments throughout the State, some of which involved redevelopment or repurposing of office or commercial properties for housing.

In addition, Day Pitney represents a number of Low Income Housing Tax Credit (LIHTC) developers in acquiring, financing and obtaining entitlements for 100% affordable housing developments.

Specifically, Day Pitney represents developer clients in:

- Negotiating rezoning with municipalities and obtaining development approvals
- Negotiating affordable housing agreements and deed restrictions with municipalities
- Providing advice to ensure affordable housing developments comply with affordable housing regulations
- Litigation with municipalities concerning their affordable housing compliance
- Acquisition and financing for 100% affordable housing developments