

**ASSEMBLY, No. 2926**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**  
**Assemblyman JOHN F. MCKEON**  
**District 27 (Essex and Morris)**

**SYNOPSIS**

“New Jersey Transit Villages Act.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the establishment of transit villages,  
2 supplementing Title 27 of the Revised Statutes, and amending  
3 P.L.1975, c.291.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. (New section) Sections 1 through 19 of this act shall be  
9 known and may be cited as the “New Jersey Transit Villages Act.”

10  
11 2. (New section) The Legislature finds and declares:

12 a. Historically, the relationships between land use and  
13 transportation were quite clear and efficient. Communities were  
14 organized so that the goods that they produced could easily be  
15 shipped to others, by road, canal, river, lake, or ocean, as the  
16 particular geographical circumstances dictated. Personal travel  
17 generally occurred by the same routes. The relationships were  
18 based on the functional requirement of directly and efficiently  
19 moving goods and people, as well as on the limited availability of  
20 alternative modes of travel and transport.

21 b. As the road network began to expand throughout this State  
22 to accommodate increased automobile and truck use, the  
23 relationship between land use and transportation changed. The  
24 proliferation of the private automobile as well as the increased  
25 number of cars per household led to the creation of new patterns  
26 and densities of development. In the past 40 to 50 years, land use  
27 development patterns have generally taken the form of  
28 decentralized, large-lot, single use districts, connected by a maze of  
29 roadways. Zoning and other government regulations have  
30 reinforced this trend.

31 c. As undeveloped land has become scarce and roadways have  
32 become more congested, people are reexamining the original land  
33 use patterns within traditional “town-centered communities.” In  
34 New Jersey this effort has been strongly supported by the State  
35 Development and Redevelopment Plan adopted pursuant to  
36 P.L.1985, c.398 (C.52:18A-196 et al.). The opportunity now exists  
37 to redefine and develop new patterns of development that encourage  
38 active, safe, pedestrian communities that support, and are supported  
39 by, transit.

40 d. The “New Jersey Transit Villages Act” will encourage  
41 individual municipalities to begin influencing land use patterns,  
42 densities, the general character of their communities, and  
43 eventually, the overall quality of life, while at the same time  
44 encouraging increased rider-ship on transit systems that have been  
45 the focus of major public investment.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 e. Projected population increases for the State will place  
2 significant strains on the highway and road network.
- 3 f. Continuation of existing development patterns that  
4 encourage single-occupancy vehicle automobile trips, given these  
5 population increases, will lead to levels of congestion beyond the  
6 mitigation ability of the State.
- 7 g. New Jersey drivers collectively waste over 261 million hours  
8 per year sitting in traffic, negatively impacting our quality of life  
9 and losing valuable time that could be better spent with our  
10 families. In terms of lost productivity, sitting in traffic costs each  
11 New Jersey driver nearly \$1,300 per year.
- 12 h. Encouraging development and redevelopment based on  
13 smart growth principles will direct transportation investments into  
14 the redevelopment of our older urban and suburban areas, protect  
15 existing open space, conserve natural resources, increase  
16 transportation options and transit availability, reduce automobile  
17 traffic and dependency, stabilize property taxes, and provide  
18 affordable housing.
- 19 i. Efficient and compact development patterns around transit  
20 hubs will encourage transit use, thereby limiting congestion and  
21 reducing the strain on the existing road network. Therefore, it is in  
22 the best interest of the New Jersey Department of Transportation to  
23 encourage this type of development wherever possible.
- 24
- 25 3. (New section) As used in this act:
- 26 "Commissioner" means the Commissioner of Transportation.
- 27 "Office of Smart Growth" means the Office of State Planning  
28 established pursuant to section 6 of P.L.1985, c.398 (C.52:18A-  
29 201).
- 30 "Transit village" means, as designated by the commissioner, a  
31 compact, mixed-use, walkable community, centered on a mass  
32 transit hub or access point that is regularly served by a mass transit  
33 service or where there is a defined future potential that will support  
34 a transit service that, by design, increases transit ridership and  
35 reduces reliance on single-occupant vehicular transportation.
- 36 "Transit village plan element" means a composite of one or more  
37 written or graphic proposals for a compact, mixed-use, walkable  
38 community, centered on a mass transit hub or access point that is  
39 regularly served by a mass transit service that is an amendment and  
40 supplement to a municipality's master plan.
- 41 "Transit village zone" means a bounded area encompassing all  
42 parcels or portions of parcels within one-half mile of a mass transit  
43 hub or access point and that is located along a mass transit route, or  
44 that is identified as having potential for transit service, as evidenced  
45 by existing or planned mixed-use development that accommodates  
46 high commercial intensities, high employment clusters, moderate to  
47 high residential density consistent with the State Development and

1     Redevelopment Plan as defined in the municipal zoning ordinance,  
2     and design features that promote pedestrian and bicycle circulation.

3

4         4. (New section) It is the intent and purpose of this act to:

5             a. encourage municipal action to promote intensive mixed-use  
6     development in close proximity to mass transportation services, to  
7     be known as transit villages;

8             b. increase transit ridership, reduce reliance on single-occupant  
9     vehicular traffic, and facilitate pedestrian, bicycle, and mass  
10    transportation trips through clustering of uses and urban design  
11    features;

12            c. promote residential development with a mix of housing  
13    types and a range of housing prices, including both owner-occupied  
14    housing and apartments, within transit villages;

15            d. improve mobility options for pedestrians, cyclists, and  
16    transit dependent people;

17            e. promote use of mass transportation by encouraging  
18    intermodal service and access by modes other than single-occupant  
19    vehicles; and

20            f. encourage the appropriate and efficient expenditure of public  
21    funds by the coordination of public development with land use  
22    policies.

23

24         5. (New section) a. The municipal planning board may adopt  
25    a transit village plan element as an amendment and supplement to  
26    its master plan pursuant to section 19 of P.L.1975, c.291  
27    (C.40:55D-28).

28            b. The transit village plan element shall include a capital  
29    improvement subplan element for the plan area that provides for  
30    shared parking and reduced parking for single-occupancy vehicles  
31    within the plan area, the creation of mixed-use developments,  
32    minimum development density standards, the improvement of  
33    bicycle and pedestrian facilities, the connectivity of the street  
34    network, and measures to ensure compliance with the federal  
35    "Americans with Disabilities Act of 1990" (42 U.S.C. s. 12101 et  
36    seq.). The capital improvement subplan element may also include a  
37    mix of infrastructure financing strategies.

38            c. When a municipal planning board has adopted a transit  
39    village plan element, the official map of the municipality shall be  
40    amended to reflect the provisions of that plan.

41            d. The transit village plan element shall include a circulation  
42    subplan element for the transit village zone pursuant to section 19  
43    of P.L.1975, c.291 (C.40:55D-28).

44

45         6. (New section) a. The Office of Smart Growth, in  
46    consultation with the commissioner and the Executive Director of  
47    the New Jersey Transit Corporation, shall review a proposed transit

1 village plan element and determine whether it is consistent with the  
2 State Development and Redevelopment Plan.

3 b. Following adoption or amendment of a zoning ordinance to  
4 effectuate a transit village plan element the governing body shall  
5 submit the ordinance to the commissioner for designation of the  
6 transit village zone as a transit village. The commissioner, in  
7 consultation with the Executive Director of the New Jersey Transit  
8 Corporation pursuant to subsection (e) of section 5 of P.L.1966,  
9 c.301 (C.27:1A-5), shall designate a transit village zone as a transit  
10 village if the commissioner determines that the plan is consistent  
11 with the provisions of this act and the Statewide Capital Investment  
12 Strategy prepared pursuant to section 22 of P.L.1984, c.73  
13 (C.27:1B-22).

14 c. The commissioner may adopt rules and regulations, in  
15 accordance with the "Administrative Procedure Act," P.L.1968,  
16 c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this  
17 section.

18  
19 7. (New section) a. A municipality may establish a transit  
20 village zone pursuant to a transit village plan element, in  
21 accordance with section 49 of P.L.1975, c.291 (C.40:55D-62).

22 b. Where the municipality has adopted a development transfer  
23 ordinance each transit village zone shall be designated as a  
24 receiving zone under that ordinance pursuant to P.L. , c. (C. )  
25 (pending before the Legislature as this bill).

26  
27 8. (New section) The commissioner, in consultation with the  
28 Office of Smart Growth, shall promulgate rules and regulations for  
29 administration of a transit village grant funding program. These  
30 rules shall include but not be limited to: the criteria that a  
31 municipality shall meet in order for the Office of Smart Growth to  
32 determine that a transit village master plan element is consistent  
33 with the State Development and Redevelopment Plan, adopted  
34 pursuant to P.L.1985, c.398 (C.52:18A-196 et al.); transit village  
35 design guidelines developed by the New Jersey Transit Corporation;  
36 and incentives and benefits associated with being designated as a  
37 transit village including, but not limited to, planning and capital  
38 funding, funding for transit planning, funding for station  
39 improvement, and prioritization for such funding.

40  
41 9. (New section) The commissioner may enter into contracts  
42 with municipalities to maintain roads within an area that has been  
43 designated as a transit village.

44  
45 10. (New section) A municipality and a county in which a  
46 transit village has been designated by the commissioner, may be  
47 granted priority on all applications for funding from programs that  
48 are administered by the Department of Transportation and the New

1 Jersey Transit Corporation that support the use of transit in the  
2 transit village zone as an alternative to automobile transportation,  
3 the improvement of mass transit accessibility, the creation of an  
4 environment around a transit stop or station that supports pedestrian  
5 and transit use, the improvement of mobility through the use of  
6 mass transit, the provision of local circulator transit services that  
7 provide access to transit hubs, and the reduction of traffic  
8 congestion.

9  
10 11. (New section) A municipality or a county in which a transit  
11 village has been designated by the commissioner, shall receive  
12 priority on all applications for funding from programs that are  
13 administered by State agencies and departments that support the use  
14 of transit through transit oriented developments characterized by  
15 dense clustering of buildings that include in the same buildings or  
16 in different buildings within close proximity to each other  
17 residential, retail or commercial space and office, industrial or other  
18 employment uses that do not pose a nuisance to nearby residents,  
19 the preservation of green and open space, and the reclamation of  
20 brown fields.

21  
22 12. (New section) A taxpayer shall be allowed a credit, to be  
23 computed as provided by regulation promulgated by the State  
24 Treasurer in consultation with the Office of Smart Growth, against  
25 the franchise tax imposed pursuant to section 5 of P.L.1945, c.162  
26 (C.54:10A-5) or against the tax otherwise due under the "New  
27 Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. The credit  
28 shall be an amount equal to four percent of allowable costs plus  
29 such other incentives deemed appropriate, for any taxpayer who is  
30 an applicant for development and who gains approval and  
31 constructs a development wholly within a designated transit village.  
32 For the purposes of this section, "allowable costs" means amounts  
33 properly chargeable to a capital account, other than for the purchase  
34 or remediation of the capital asset, which are paid or incurred for  
35 construction or rehabilitation, including commissions; interest;  
36 legal, engineering, architectural, and other professional fees  
37 allocable to construction or rehabilitation; closing costs excluding  
38 open space taxes; and site costs, not to exceed \$200 per square foot  
39 of finished interior space.

40  
41 13. (New section) A municipality or county may receive  
42 funding in the form of loans or grants from any public or private  
43 source in order to support the development of a transit village.  
44 Funding received from sources other than those that are  
45 administered by State agencies and departments shall not bar a  
46 transit village from priority funding under programs that are  
47 administered by State agencies and departments.

1       14. (New section) A municipality or county in which a transit  
2 village has been designated by the commissioner may establish  
3 financing mechanisms pursuant to the "Redevelopment Area Bond  
4 Financing Law," sections 1 through 10 of P.L.2001, c.310  
5 (C.40A:12A-64 et seq.), to be utilized only for those improvements  
6 that have been identified in the capital improvement subplan  
7 element.

8  
9       15. (New section) A municipality in which a transit village has  
10 been designated by the commissioner may use revenue allocation  
11 financing and the dedication of payments in lieu of taxes toward the  
12 retirement of debt incurred in the development of the transit village,  
13 pursuant to the "Revenue Allocation District Financing Act,"  
14 sections 11 through 41 of P.L.2001, c.310 (C.52:27D-459 et seq.),  
15 to make those improvements that have been identified in the capital  
16 improvement subplan element.

17  
18       16. (New section) A municipality in which a transit village that  
19 has been designated by the commissioner is located on a Brownfield  
20 site shall be eligible to participate in remediation programs and  
21 receive funding pursuant to the "Brownfield and Contaminated Site  
22 Remediation Act," sections 23 through 43 and section 45 of  
23 P.L.1993, c.139 (C.58:10B-1 et seq.).

24  
25       17. (New section) Notwithstanding any rule or regulation to the  
26 contrary, home buyers purchasing homes in a transit village  
27 designated by the commissioner, that have been developed pursuant  
28 to a transit village plan element, capital improvement program, and  
29 transit village ordinance, shall be eligible for home buyer  
30 homeownership programs offered through New Jersey Housing and  
31 Mortgage Finance Agency.

32  
33       18. (New section) The New Jersey Department of  
34 Environmental Protection may develop an expedited and  
35 coordinated permit review and approval process for transit villages  
36 designated by the Commissioner of Transportation. The  
37 applicability of this expedited and coordinated permit review and  
38 approval process shall include, but not be limited to, permits  
39 involving environmental natural resource and site remediation  
40 issues.

41  
42       19. (New section) A minimum safe distance, as determined by  
43 New Jersey Transit Corporation, shall be maintained between active  
44 New Jersey Transit rail lines and any development within a transit  
45 village.

46  
47       20. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to  
48 read as follows:

- 1        19. **【Preparation; contents; modification.】** a. The planning board  
2        may prepare and, after public hearing, adopt or amend a master plan  
3        or component parts thereof, to guide the use of lands within the  
4        municipality in a manner which protects public health and safety  
5        and promotes the general welfare.
- 6        b. The master plan shall generally comprise a report or  
7        statement and land use and development proposals, with maps,  
8        diagrams and text, presenting, at least the following elements (1)  
9        and (2) and, where appropriate, the following elements (3) through  
10       **【(16)】** 17:
- 11       (1) A statement of objectives, principles, assumptions, policies  
12       and standards upon which the constituent proposals for the physical,  
13       economic and social development of the municipality are based;
- 14       (2) A land use plan element
- 15       (a) taking into account and stating its relationship to the  
16       statement provided for in paragraph (1) hereof, and other master  
17       plan elements provided for in paragraphs (3) through (14) hereof  
18       and natural conditions, including, but not necessarily limited to,  
19       topography, soil conditions, water supply, drainage, flood plain  
20       areas, marshes, and woodlands;
- 21       (b) showing the existing and proposed location, extent and  
22       intensity of development of land to be used in the future for varying  
23       types of residential, commercial, industrial, agricultural,  
24       recreational, open space, educational and other public and private  
25       purposes or combination of purposes including any provisions for  
26       cluster development; and stating the relationship thereof to the  
27       existing and any proposed zone plan and zoning ordinance;
- 28       (c) showing the existing and proposed location of any airports  
29       and the boundaries of any airport safety zones delineated pursuant  
30       to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-  
31       80 et al.);
- 32       (d) including a statement of the standards of population density  
33       and development intensity recommended for the municipality; and
- 34       (e) showing the existing and proposed location of military  
35       facilities and incorporating strategies to minimize undue  
36       encroachment upon, and conflicts with, military facilities, including  
37       but not limited to: limiting heights of buildings and structures  
38       nearby flight paths or sight lines of aircraft; buffering residential  
39       areas from noise associated with a military facility; and allowing for  
40       the potential expansion of military facilities;
- 41       (3) A housing plan element pursuant to section 10 of P.L.1985,  
42       c.222 (C.52:27D-310), including, but not limited to, residential  
43       standards and proposals for the construction and improvement of  
44       housing;
- 45       (4) A circulation plan element showing the location and types of  
46       facilities for all modes of transportation required for the efficient  
47       movement of people and goods into, about, and through the  
48       municipality, taking into account the functional highway



1 classification system of the Federal Highway Administration and  
2 the types, locations, conditions and availability of existing and  
3 proposed transportation facilities, including air, water, road and rail;

4 (5) A utility service plan element analyzing the need for and  
5 showing the future general location of water supply and distribution  
6 facilities, drainage and flood control facilities, sewerage and waste  
7 treatment, solid waste disposal and provision for other related  
8 utilities, and including any storm water management plan required  
9 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If  
10 a municipality prepares a utility service plan element as a condition  
11 for adopting a development transfer ordinance pursuant to  
12 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan  
13 element shall address the provision of utilities in the receiving zone  
14 as provided thereunder;

15 (6) A community facilities plan element showing the existing  
16 and proposed location and type of educational or cultural facilities,  
17 historic sites, libraries, hospitals, firehouses, police stations and  
18 other related facilities, including their relation to the surrounding  
19 areas;

20 (7) A recreation plan element showing a comprehensive system  
21 of areas and public sites for recreation;

22 (8) A conservation plan element providing for the preservation,  
23 conservation, and utilization of natural resources, including, to the  
24 extent appropriate, energy, open space, water supply, forests, soil,  
25 marshes, wetlands, harbors, rivers and other waters, fisheries,  
26 endangered or threatened species wildlife and other resources, and  
27 which systemically analyzes the impact of each other component  
28 and element of the master plan on the present and future  
29 preservation, conservation and utilization of those resources;

30 (9) An economic plan element considering all aspects of  
31 economic development and sustained economic vitality, including  
32 (a) a comparison of the types of employment expected to be  
33 provided by the economic development to be promoted with the  
34 characteristics of the labor pool resident in the municipality and  
35 nearby areas and (b) an analysis of the stability and diversity of the  
36 economic development to be promoted;

37 (10) An historic preservation plan element: (a) indicating the  
38 location and significance of historic sites and historic districts; (b)  
39 identifying the standards used to assess worthiness for historic site  
40 or district identification; and (c) analyzing the impact of each  
41 component and element of the master plan on the preservation of  
42 historic sites and districts;

43 (11) Appendices or separate reports containing the technical  
44 foundation for the master plan and its constituent elements;

45 (12) A recycling plan element which incorporates the State  
46 Recycling Plan goals, including provisions for the collection,  
47 disposition and recycling of recyclable materials designated in the  
48 municipal recycling ordinance, and for the collection, disposition

1 and recycling of recyclable materials within any development  
2 proposal for the construction of 50 or more units of single-family  
3 residential housing or 25 or more units of multi-family residential  
4 housing and any commercial or industrial development proposal for  
5 the utilization of 1,000 square feet or more of land;

6 (13) A farmland preservation plan element, which shall include:  
7 an inventory of farm properties and a map illustrating significant  
8 areas of agricultural land; a statement showing that municipal  
9 ordinances support and promote agriculture as a business; and a  
10 plan for preserving as much farmland as possible in the short term  
11 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-  
12 1 et al.) through a variety of mechanisms including, but not limited  
13 to, utilizing option agreements, installment purchases, and  
14 encouraging donations of permanent development easements;

15 (14) A development transfer plan element which sets forth the  
16 public purposes, the locations of sending and receiving zones and  
17 the technical details of a development transfer program based on the  
18 provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

19 (15) An educational facilities plan element which incorporates  
20 the purposes and goals of the "long-range facilities plan" required to  
21 be submitted to the Commissioner of Education by a school district  
22 pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4);

23 (16) A green buildings and environmental sustainability plan  
24 element, which shall provide for, encourage, and promote the  
25 efficient use of natural resources and the installation and usage of  
26 renewable energy systems; consider the impact of buildings on the  
27 local, regional and global environment; allow ecosystems to  
28 function naturally; conserve and reuse water; treat storm water on-  
29 site; and optimize climatic conditions through site orientation and  
30 design; and

31 c. The master plan and its plan elements may be divided into  
32 subplans and subplan elements projected according to periods of  
33 time or staging sequences.

34 d. The master plan shall include a specific policy statement  
35 indicating the relationship of the proposed development of the  
36 municipality, as developed in the master plan to (1) the master plans  
37 of contiguous municipalities, (2) the master plan of the county in  
38 which the municipality is located, (3) the State Development and  
39 Redevelopment Plan adopted pursuant to the "State Planning Act,"  
40 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)  
41 and (4) the district solid waste management plan required pursuant  
42 to the provisions of the "Solid Waste Management Act," P.L.1970,  
43 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is  
44 located.

45 In the case of a municipality situated within the Highlands  
46 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the  
47 master plan shall include a specific policy statement indicating the  
48 relationship of the proposed development of the municipality, as

1 developed in the master plan, to the Highlands regional master plan  
2 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).

3 (17) A transit village plan element that sets forth the public  
4 purposes and location of any transit village zone in the  
5 municipality. The transit village plan element shall specify the  
6 location of transit oriented developments within the transit village  
7 zone and the standards of population density and development  
8 intensity that apply within that transit village zone. The transit  
9 village plan element shall include a specific circulation subplan  
10 element for the transit village. The circulation subplan element  
11 shall include recommendations to facilitate pedestrian, bicycle, and  
12 transit use, and address, among other things, the current level of  
13 automobile, pedestrian, and bicycle access to transit and  
14 improvements thereto with a goal of increasing ridership without  
15 significantly increasing the proportion of transit users that access  
16 the transit station, stop, or access point by single- occupant  
17 automobiles, and further include recommendations for  
18 improvements such as increased connectivity of the street network,  
19 park-and-ride facilities for transit users, including location, size,  
20 and layout, rail station upgrading, and bus stop facilities. The  
21 circulation subplan element may include, but is not limited to, the  
22 following: recommended improvements in service such as the  
23 institution of a shuttle service to rail stations; shared parking  
24 facilities, pricing, and other opportunities to reduce the amount of  
25 parking or the amount of land devoted to parking; routing bus  
26 services to employment and shopping areas; proposed road  
27 widening, lane striping, and signalization improvements needed to  
28 facilitate automobile and pedestrian access to transit stations and  
29 pedestrian access improvements, including compliance with the  
30 federal "Americans with Disabilities Act of 1990" (42 U.S.C. s.  
31 12101 et seq.). Prior to adopting the transit village plan element,  
32 the planning board shall first consult with the New Jersey Transit  
33 Corporation to review the proposed transit village zone, any  
34 proposed park-and-ride locations, and layout, in order to ensure  
35 compatibility with existing and proposed service and to address  
36 pedestrian and vehicular safety, and then submit the proposed plan  
37 element to the Office of Smart Growth for a determination of  
38 consistency with the State Development and Redevelopment Plan.

39 c. The master plan and its plan elements may be divided into  
40 subplans and subplan elements projected according to periods of  
41 time or staging sequences.

42 d. The master plan shall include a specific policy statement  
43 indicating the relationship of the proposed development of the  
44 municipality, as developed in the master plan to (1) the master plans  
45 of contiguous municipalities, (2) the master plan of the county in  
46 which the municipality is located, (3) the State Development and  
47 Redevelopment Plan adopted pursuant to the "State Planning Act,"  
48 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)

1 and (4) the district solid waste management plan required pursuant  
2 to the provisions of the "Solid Waste Management Act," P.L.1970,  
3 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is  
4 located.

5 In the case of a municipality situated within the Highlands  
6 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the  
7 master plan shall include a specific policy statement indicating the  
8 relationship of the proposed development of the municipality, as  
9 developed in the master plan, to the Highlands regional master plan  
10 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).

11 (cf: P.L.2016, c.21, s.4)

12  
13 21. Section 49 of P.L.1975, c.291 (C.40:55D-62) is amended to  
14 read as follows:

15 49. **[Power to zone.]** a. The governing body may adopt or  
16 amend a zoning ordinance relating to the nature and extent of the  
17 uses of land and of buildings and structures thereon. Such  
18 ordinance shall be adopted after the planning board has adopted the  
19 land use plan element and the housing plan element of a master  
20 plan, and all of the provisions of such zoning ordinance or any  
21 amendment or revision thereto shall either be substantially  
22 consistent with the land use plan element and the housing plan  
23 element of the master plan or designed to effectuate such plan  
24 elements; provided that the governing body may adopt a zoning  
25 ordinance or amendment or revision thereto which in whole or part  
26 is inconsistent with or not designed to effectuate the land use plan  
27 element and the housing plan element, but only by affirmative vote  
28 of a majority of the full authorized membership of the governing  
29 body, with the reasons of the governing body for so acting set forth  
30 in a resolution and recorded in its minutes when adopting such a  
31 zoning ordinance; and provided further that, notwithstanding  
32 anything aforesaid, the governing body may adopt an interim  
33 zoning ordinance pursuant to subsection b. of section 77 of  
34 P.L.1975, c.291 (C.40:55D-90).

35 The zoning ordinance shall be drawn with reasonable  
36 consideration to the character of each district and its peculiar  
37 suitability for particular uses and to encourage the most appropriate  
38 use of land. The regulations in the zoning ordinance shall be  
39 uniform throughout each district for each class or kind of buildings  
40 or other structure or uses of land, including planned unit  
41 development, planned unit residential development and cluster  
42 development, but the regulations in one district may differ from  
43 those in other districts.

44 b. No zoning ordinance and no amendment or revision to any  
45 zoning ordinance shall be submitted to or adopted by initiative or  
46 referendum.

47 c. The zoning ordinance shall provide for the regulation of any  
48 airport safety zones delineated under the "Air Safety and Zoning

1 Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), in conformity with  
2 standards promulgated by the Commissioner of Transportation.

3 d. The zoning ordinance shall provide for the regulation of land  
4 adjacent to State highways in conformity with the State highway  
5 access management code adopted by the Commissioner of  
6 Transportation under section 3 of the "State Highway Access  
7 Management Act," P.L.1989, c.32 (C.27:7-91), for the regulation of  
8 land with access to county roads and highways in conformity with  
9 any access management code adopted by the county under  
10 R.S.27:16-1 and for the regulation of land with access to municipal  
11 streets and highways in conformity with any municipal access  
12 management code adopted under R.S.40:67-1. This subsection shall  
13 not be construed as requiring a zoning ordinance to establish  
14 minimum lot sizes or minimum frontage requirements for lots  
15 adjacent to but restricted from access to a State highway.

16 e. The governing body may adopt or amend a zoning ordinance  
17 to set forth a transit village zone that shall either be substantially  
18 consistent with a transit village plan element of the master plan or  
19 designed to effectuate that plan element. Upon adoption or  
20 amendment of a zoning ordinance pursuant to this subsection the  
21 governing body may submit the ordinance to the Commissioner of  
22 Transportation for designation of the zone as a transit village.

23 f. A municipality that is seeking to establish a transit village  
24 zone shall establish zoning that is supportive of transit service and  
25 development. A municipality that is seeking to establish a transit  
26 village development district shall designate an area around the  
27 transit facility in which it intends to develop a plan that supports  
28 pedestrian and transit use and adopt zoning regulations that will  
29 enforce the objectives of the transit village zone.

30 (cf: P.L.2013, c.106, s.13)

31  
32 22. (New section) The commissioner may allocate up to \$10  
33 million per year for the three years next following the enactment of  
34 this act from whatever State or federal funds are made available for  
35 the purposes of this act; however, the Legislature may authorize a  
36 greater amount.

37  
38 23. This act shall take effect immediately.  
39  
40

#### 41 STATEMENT

42  
43 This bill establishes the "New Jersey Transit Villages Act" for  
44 the purpose of encouraging individual municipalities to begin  
45 influencing land use patterns, densities, the general character of  
46 their communities, and eventually, the overall quality of life for  
47 their residents. This bill seeks to promote communities that are

1 pedestrian friendly and within close proximity to public transit  
2 systems that have been the focus of major public investment.

3 Projected population increases for the State indicate that under  
4 current development patterns that encourage single-occupancy  
5 vehicle automobile trips, even more significant strains will be  
6 placed on the highway and road network, leading to levels of  
7 congestion beyond the mitigation ability of the State.

8 The bill attempts to focus development based on smart growth  
9 principles by directing transportation investments into the  
10 redevelopment of our older urban and suburban areas around transit  
11 hubs. The bill also seeks to increase transportation options and  
12 transit availability, which will have the effect of reducing  
13 automobile traffic, stabilizing property taxes, and providing  
14 affordable housing.

15 In 1999 the New Jersey Department of Transportation (NJDOT),  
16 working with New Jersey Transit Corporation, created the Transit  
17 Village Initiative to further "Smart Growth" objectives. There are  
18 currently 17 designated Transit Villages in the State. Transit  
19 Village funding comes from a dedicated federal source, the  
20 Congestion Mitigation and Air Quality program, which amounts to  
21 \$2 million annually and is administered by NJDOT. There is no  
22 money currently allocated to the Transit Village Initiative from the  
23 Transportation Trust Fund. Other State agencies may provide  
24 "assistance" to Transit Villages, such as technical assistance,  
25 favorable changes in regulations, and "red carpet" treatment  
26 involving permits, but do not directly fund the initiative. This bill  
27 would formalize the Transit Village Initiative and permit State  
28 funding to be used to further the goals of the program.