ASSEMBLY, No. 2926

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

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

Co-Sponsored by:
Assemblywoman Murphy and Assemblyman Johnson

SYNOPSIS
“New Jersey Transit Villages Act.”

CURRENT VERSION OF TEXT
As reported by the Assembly Commerce and Economic Development Committee on September 13, 2018, with amendments.
AN ACT concerning the establishment of transit villages,
supplementing Title 27 of the Revised Statutes, and amending
P.L.1975, c.291.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

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

2. (New section) The Legislature finds and declares:
   a. Historically, the relationships between land use and
      transportation were quite clear and efficient. Communities were
      organized so that the goods that they produced could easily be
      shipped to others, by road, canal, river, lake, or ocean, as the
      particular geographical circumstances dictated. Personal travel
      generally occurred by the same routes. The relationships were
      based on the functional requirement of directly and efficiently
      moving goods and people, as well as on the limited availability of
      alternative modes of travel and transport.
   b. As the road network began to expand throughout this State
      to accommodate increased automobile and truck use, the
      relationship between land use and transportation changed. The
      proliferation of the private automobile as well as the increased
      number of cars per household led to the creation of new patterns
      and densities of development. In the past 40 to 50 years, land use
      development patterns have generally taken the form of
      decentralized, large-lot, single use districts, connected by a maze of
      roadways. Zoning and other government regulations have
      reinforced this trend.
   c. As undeveloped land has become scarce and roadways have
      become more congested, people are reexamining the original land
      use patterns within traditional “town-centered communities.” In
      New Jersey this effort has been strongly supported by the State
      Development and Redevelopment Plan adopted pursuant to
      to redefine and develop new patterns of development that encourage
      active, safe, pedestrian communities that support, and are supported
      by, transit.
   d. The “New Jersey Transit Villages Act” will encourage
      individual municipalities to begin influencing land use patterns,
      densities, the general character of their communities, and
      eventually, the overall quality of life, while at the same time
      encouraging increased rider-ship on transit systems that have been
      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.
Matter enclosed in superscript numerals has been adopted as follows:
1Assembly ACE committee amendments adopted September 13, 2018.
e. Projected population increases for the State will place significant strains on the highway and road network.

f. Continuation of existing development patterns that encourage single-occupancy vehicle automobile trips, given these population increases, will lead to levels of congestion beyond the mitigation ability of the State.

g. New Jersey drivers collectively waste over 261 million hours per year sitting in traffic, negatively impacting our quality of life and losing valuable time that could be better spent with our families. In terms of lost productivity, sitting in traffic costs each New Jersey driver nearly $1,300 per year.

h. Encouraging development and redevelopment based on smart growth principles will direct transportation investments into the redevelopment of our older urban and suburban areas, protect existing open space, conserve natural resources, increase transportation options and transit availability, reduce automobile traffic and dependency, stabilize property taxes, and provide affordable housing.

i. Efficient and compact development patterns around transit hubs will encourage transit use, thereby limiting congestion and reducing the strain on the existing road network. Therefore, it is in the best interest of the New Jersey Department of Transportation to encourage this type of development wherever possible.

3. (New section) As used in this act:
   “Commissioner” means the Commissioner of Transportation.
   "Transit village" means, as designated by the commissioner, a compact, mixed-use, walkable community, centered on a mass transit hub or access point that is regularly served by a mass transit service or where there is a defined future potential that will support a transit service that, by design, increases transit ridership and reduces reliance on single-occupant vehicular transportation.
   "Transit village plan element" means a composite of one or more written or graphic proposals for a compact, mixed-use, walkable community, centered on a mass transit hub or access point that is regularly served by a mass transit service that is an amendment and supplement to a municipality’s master plan.
   "Transit village zone" means a bounded area encompassing all parcels or portions of parcels within one-half mile of a mass transit hub or access point and that is located along a mass transit route, or that is identified as having potential for transit service, as evidenced by existing or planned mixed-use development that accommodates high commercial intensities, high employment clusters, moderate to high residential density consistent with the State Development and
Redevelopment Plan as defined in the municipal zoning ordinance, and design features that promote pedestrian and bicycle circulation.

4. (New section) It is the intent and purpose of this act to:
   a. encourage municipal action to promote intensive mixed-use development in close proximity to mass transportation services, to be known as transit villages;
   b. increase transit ridership, reduce reliance on single-occupant vehicular traffic, and facilitate pedestrian, bicycle, and mass transportation trips through clustering of uses and urban design features;
   c. promote residential development with a mix of housing types and a range of housing prices, including both owner-occupied housing and apartments, within transit villages;
   d. improve mobility options for pedestrians, cyclists, and transit dependent people;
   e. promote use of mass transportation by encouraging intermodal service and access by modes other than single-occupant vehicles; and
   f. encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.

5. (New section) a. The municipal planning board may adopt a transit village plan element as an amendment and supplement to its master plan pursuant to section 19 of P.L.1975, c.291 (C.40:55D-28).
   b. The transit village plan element shall include a capital improvement subplan element for the plan area that provides for shared parking and reduced parking for single-occupancy vehicles within the plan area, the creation of mixed-use developments, minimum development density standards, the improvement of bicycle and pedestrian facilities, the connectivity of the street network, and measures to ensure compliance with the federal "Americans with Disabilities Act of 1990" (42 U.S.C. s. 12101 et seq.). The capital improvement subplan element may also include a mix of infrastructure financing strategies.
   c. When a municipal planning board has adopted a transit village plan element, the official map of the municipality shall be amended to reflect the provisions of that plan.
   d. The transit village plan element shall include a circulation subplan element for the transit village zone pursuant to section 19 of P.L.1975, c.291 (C.40:55D-28).

6. (New section) a. The Office of Smart Growth, in consultation with the commissioner and the Executive Director of the New Jersey Transit Corporation, shall review a proposed transit
village plan element and determine whether it is consistent with the
State Development and Redevelopment Plan.

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

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

7. (New section) a. A municipality may establish a transit
village zone pursuant to a transit village plan element, in

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

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

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

10. (New section) A municipality and a county in which a
transit village has been designated by the commissioner, may be
granted priority on all applications for funding from programs that
are administered by the Department of Transportation and the New
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Jersey Transit Corporation that support the use of transit in the transit village zone as an alternative to automobile transportation, the improvement of mass transit accessibility, the creation of an environment around a transit stop or station that supports pedestrian and transit use, the improvement of mobility through the use of mass transit, the provision of local circulator transit services that provide access to transit hubs, and the reduction of traffic congestion.

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

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

13. (New section) A municipality or county may receive funding in the form of loans or grants from any public or private source in order to support the development of a transit village. Funding received from sources other than those that are administered by State agencies and departments shall not bar a transit village from priority funding under programs that are administered by State agencies and departments.
14. (New section) A municipality or county in which a transit village has been designated by the commissioner may establish financing mechanisms pursuant to the "Redevelopment Area Bond Financing Law," sections 1 through 10 of P.L.2001, c.310 (C.40A:12A-64 et seq.), to be utilized only for those improvements that have been identified in the capital improvement subplan element.

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

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

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

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

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

20. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to read as follows:
19. [Preparation; contents; modification.] a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through [(16)] 17:

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element
   (a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (14) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands;
   (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, open space, educational and other public and private purposes or combination of purposes including any provisions for cluster development; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance;
   (c) showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et al.);
   (d) including a statement of the standards of population density and development intensity recommended for the municipality; and
   (e) showing the existing and proposed location of military facilities and incorporating strategies to minimize undue encroachment upon, and conflicts with, military facilities, including but not limited to: limiting heights of buildings and structures nearby flight paths or sight lines of aircraft; buffering residential areas from noise associated with a military facility; and allowing for the potential expansion of military facilities;

(3) A housing plan element pursuant to section 10 of P.L.1985, c.222 (C.52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing;

(4) A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality, taking into account the functional highway
classification system of the Federal Highway Administration and
the types, locations, conditions and availability of existing and
proposed transportation facilities, including air, water, road and rail;
(5) A utility service plan element analyzing the need for and
showing the future general location of water supply and distribution
facilities, drainage and flood control facilities, sewerage and waste
treatment, solid waste disposal and provision for other related
utilities, and including any storm water management plan required
pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
a municipality prepares a utility service plan element as a condition
for adopting a development transfer ordinance pursuant to
subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
element shall address the provision of utilities in the receiving zone
as provided thereunder;
(6) A community facilities plan element showing the existing
and proposed location and type of educational or cultural facilities,
historic sites, libraries, hospitals, firehouses, police stations and
other related facilities, including their relation to the surrounding
areas;
(7) A recreation plan element showing a comprehensive system
of areas and public sites for recreation;
(8) A conservation plan element providing for the preservation,
conservation, and utilization of natural resources, including, to the
extent appropriate, energy, open space, water supply, forests, soil,
marshes, wetlands, harbors, rivers and other waters, fisheries,
endangered or threatened species wildlife and other resources, and
which systemically analyzes the impact of each other component
and element of the master plan on the present and future
preservation, conservation and utilization of those resources;
(9) An economic plan element considering all aspects of
economic development and sustained economic vitality, including
(a) a comparison of the types of employment expected to be
provided by the economic development to be promoted with the
characteristics of the labor pool resident in the municipality and
nearby areas and (b) an analysis of the stability and diversity of the
economic development to be promoted;
(10) An historic preservation plan element: (a) indicating the
location and significance of historic sites and historic districts; (b)
identifying the standards used to assess worthiness for historic site
or district identification; and (c) analyzing the impact of each
component and element of the master plan on the preservation of
historic sites and districts;
(11) Appendices or separate reports containing the technical
foundation for the master plan and its constituent elements;
(12) A recycling plan element which incorporates the State
Recycling Plan goals, including provisions for the collection,
disposition and recycling of recyclable materials designated in the
municipal recycling ordinance, and for the collection, disposition
and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land;

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

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

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

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

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

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

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

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

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

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

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

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

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

19. [Preparation; contents; modification.] a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through (17):

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element

(a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (14) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands;

(b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, open space, educational and other public and private purposes or combination of purposes including any provisions for cluster development; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance;

(c) showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et al.);

(d) including a statement of the standards of population density and development intensity recommended for the municipality;
(e) showing the existing and proposed location of military facilities and incorporating strategies to minimize undue encroachment upon, and conflicts with, military facilities, including but not limited to: limiting heights of buildings and structures nearby flight paths or sight lines of aircraft; buffering residential areas from noise associated with a military facility; and allowing for the potential expansion of military facilities; and

(f) including, for any land use element adopted after the effective date of P.L.2017, c.275, a statement of strategy concerning:

(i) smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations,

(ii) storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and

(iii) environmental sustainability;

(3) A housing plan element pursuant to section 10 of P.L.1985, c.222 (C.52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing;

(4) A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail;

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

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

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

(8) A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries,
endangered or threatened species wildlife and other resources, and
which systemically analyzes the impact of each other component
and element of the master plan on the present and future
preservation, conservation and utilization of those resources;
(9) An economic plan element considering all aspects of
economic development and sustained economic vitality, including
(a) a comparison of the types of employment expected to be
provided by the economic development to be promoted with the
characteristics of the labor pool resident in the municipality and
nearby areas and (b) an analysis of the stability and diversity of the
economic development to be promoted;
(10) An historic preservation plan element: (a) indicating the
location and significance of historic sites and historic districts; (b)
identifying the standards used to assess worthiness for historic site
or district identification; and (c) analyzing the impact of each
component and element of the master plan on the preservation of
historic sites and districts;
(11) Appendices or separate reports containing the technical
foundation for the master plan and its constituent elements;
(12) A recycling plan element which incorporates the State
Recycling Plan goals, including provisions for the collection,
disposition and recycling of recyclable materials designated in the
municipal recycling ordinance, and for the collection, disposition
and recycling of recyclable materials within any development
proposal for the construction of 50 or more units of single-family
residential housing or 25 or more units of multi-family residential
housing and any commercial or industrial development proposal for
the utilization of 1,000 square feet or more of land;
(13) A farmland preservation plan element, which shall include:
an inventory of farm properties and a map illustrating significant
areas of agricultural land; a statement showing that municipal
ordinances support and promote agriculture as a business; and a
plan for preserving as much farmland as possible in the short term
by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
1 et al.) through a variety of mechanisms including, but not limited
to, utilizing option agreements, installment purchases, and
encouraging donations of permanent development easements;
(14) A development transfer plan element which sets forth the
public purposes, the locations of sending and receiving zones and
the technical details of a development transfer program based on the
provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);
(15) An educational facilities plan element which incorporates
the purposes and goals of the "long-range facilities plan" required to
be submitted to the Commissioner of Education by a school district
pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4); [and]
(16) A green buildings and environmental sustainability plan
element, which shall provide for, encourage, and promote the
efficient use of natural resources and the installation and usage of
renewable energy systems; consider the impact of buildings on the
local, regional and global environment; allow ecosystems to
function naturally; conserve and reuse water; treat storm water on-
site; and optimize climatic conditions through site orientation and
design; and

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

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

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

In the case of a municipality situated within the Highlands
Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
master plan shall include a specific policy statement indicating the
relationship of the proposed development of the municipality, as
developed in the master plan, to the Highlands regional master plan
adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).\(^1\)
(cf: P.L.2017, c.275, s.1)

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

49. [Power to zone.] a. The governing body may adopt or
amend a zoning ordinance relating to the nature and extent of the
uses of land and of buildings and structures thereon. Such
ordinance shall be adopted after the planning board has adopted the
land use plan element and the housing plan element of a master
plan, and all of the provisions of such zoning ordinance or any
amendment or revision thereto shall either be substantially
consistent with the land use plan element and the housing plan
element of the master plan or designed to effectuate such plan
elements; provided that the governing body may adopt a zoning
ordinance or amendment or revision thereto which in whole or part
is inconsistent with or not designed to effectuate the land use plan
element and the housing plan element, but only by affirmative vote
of a majority of the full authorized membership of the governing
body, with the reasons of the governing body for so acting set forth
in a resolution and recorded in its minutes when adopting such a
zoning ordinance; and provided further that, notwithstanding
 anything aforesaid, the governing body may adopt an interim
zoning ordinance pursuant to subsection b. of section 77 of

The zoning ordinance shall be drawn with reasonable
consideration to the character of each district and its peculiar
suitability for particular uses and to encourage the most appropriate
use of land. The regulations in the zoning ordinance shall be
uniform throughout each district for each class or kind of buildings
or other structure or uses of land, including planned unit
development, planned unit residential development and cluster
development, but the regulations in one district may differ from
those in other districts.
b. No zoning ordinance and no amendment or revision to any zoning ordinance shall be submitted to or adopted by initiative or referendum.


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

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

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

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

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

23. This act shall take effect immediately.