

[First Reprint]

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.



(Sponsorship Updated As Of: 9/28/2018)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACE committee amendments adopted September 13, 2018.

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
47 ¹20. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended
48 to 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)]¹

12
13 ¹20. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to
14 read as follows:

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

20 b. The master plan shall generally comprise a report or
21 statement and land use and development proposals, with maps,
22 diagrams and text, presenting, at least the following elements (1)
23 and (2) and, where appropriate, the following elements (3) through
24 **【(16)】 (17):**

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

28 (2) A land use plan element

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

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

42 (c) showing the existing and proposed location of any airports
43 and the boundaries of any airport safety zones delineated pursuant
44 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-
45 80 et al.);

46 (d) including a statement of the standards of population density
47 and development intensity recommended for the municipality;

1 (e) showing the existing and proposed location of military
2 facilities and incorporating strategies to minimize undue
3 encroachment upon, and conflicts with, military facilities, including
4 but not limited to: limiting heights of buildings and structures
5 nearby flight paths or sight lines of aircraft; buffering residential
6 areas from noise associated with a military facility; and allowing for
7 the potential expansion of military facilities; and

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

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

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

15 (iii) environmental sustainability;

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

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

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

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

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

45 (8) A conservation plan element providing for the preservation,
46 conservation, and utilization of natural resources, including, to the
47 extent appropriate, energy, open space, water supply, forests, soil,
48 marshes, wetlands, harbors, rivers and other waters, fisheries,

1 endangered or threatened species wildlife and other resources, and
2 which systemically analyzes the impact of each other component
3 and element of the master plan on the present and future
4 preservation, conservation and utilization of those resources;

5 (9) An economic plan element considering all aspects of
6 economic development and sustained economic vitality, including
7 (a) a comparison of the types of employment expected to be
8 provided by the economic development to be promoted with the
9 characteristics of the labor pool resident in the municipality and
10 nearby areas and (b) an analysis of the stability and diversity of the
11 economic development to be promoted;

12 (10) An historic preservation plan element: (a) indicating the
13 location and significance of historic sites and historic districts; (b)
14 identifying the standards used to assess worthiness for historic site
15 or district identification; and (c) analyzing the impact of each
16 component and element of the master plan on the preservation of
17 historic sites and districts;

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

20 (12) A recycling plan element which incorporates the State
21 Recycling Plan goals, including provisions for the collection,
22 disposition and recycling of recyclable materials designated in the
23 municipal recycling ordinance, and for the collection, disposition
24 and recycling of recyclable materials within any development
25 proposal for the construction of 50 or more units of single-family
26 residential housing or 25 or more units of multi-family residential
27 housing and any commercial or industrial development proposal for
28 the utilization of 1,000 square feet or more of land;

29 (13) A farmland preservation plan element, which shall include:
30 an inventory of farm properties and a map illustrating significant
31 areas of agricultural land; a statement showing that municipal
32 ordinances support and promote agriculture as a business; and a
33 plan for preserving as much farmland as possible in the short term
34 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
35 1 et al.) through a variety of mechanisms including, but not limited
36 to, utilizing option agreements, installment purchases, and
37 encouraging donations of permanent development easements;

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

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

46 (16) A green buildings and environmental sustainability plan
47 element, which shall provide for, encourage, and promote the
48 efficient use of natural resources and the installation and usage of

1 renewable energy systems; consider the impact of buildings on the
2 local, regional and global environment; allow ecosystems to
3 function naturally; conserve and reuse water; treat storm water on-
4 site; and optimize climatic conditions through site orientation and
5 design; and

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

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

45 d. The master plan shall include a specific policy statement
46 indicating the relationship of the proposed development of the
47 municipality, as developed in the master plan to (1) the master plans
48 of contiguous municipalities, (2) the master plan of the county in

1 which the municipality is located, (3) the State Development and
2 Redevelopment Plan adopted pursuant to the "State Planning Act,"
3 sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.)
4 and (4) the district solid waste management plan required pursuant
5 to the provisions of the "Solid Waste Management Act," P.L.1970,
6 c.39 (C.13:1E-1 et seq.) of the county in which the municipality is
7 located.

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

15
16 21. Section 49 of P.L.1975, c.291 (C.40:55D-62) is amended to
17 read as follows:

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

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

1 b. No zoning ordinance and no amendment or revision to any
2 zoning ordinance shall be submitted to or adopted by initiative or
3 referendum.

4 c. The zoning ordinance shall provide for the regulation of any
5 airport safety zones delineated under the "Air Safety and Zoning
6 Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), in conformity with
7 standards promulgated by the Commissioner of Transportation.

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

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

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

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

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

42
43 23. This act shall take effect immediately.