

ASSEMBLY, No. 3161

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:

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District 27 (Essex and Morris)

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

SYNOPSIS

“New Jersey Transit Villages Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/24/2022)

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
9 P.L.1966, c.301 (C.27:1A-5), shall designate a transit village zone
10 as a transit village if the commissioner determines that the plan is
11 consistent with the provisions of this act and the Statewide Capital
12 Investment Strategy prepared pursuant to section 22 of
13 P.L.1984, c.73 (C.27:1B-22).

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

2 19. Preparation; contents; modification.

3 a. The planning board may prepare and, after public hearing,
4 adopt or amend a master plan or component parts thereof, to guide
5 the use of lands within the municipality in a manner which protects
6 public health and safety and promotes the general welfare.

7 b. The master plan shall generally comprise a report or
8 statement and land use and development proposals, with maps,
9 diagrams and text, presenting, at least the following elements (1)
10 and (2) and, where appropriate, the following elements (3) through
11 **【(17)】 (18):**

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

15 (2) A land use plan element

16 (a) taking into account and stating its relationship to the
17 statement provided for in paragraph (1) hereof, and other master
18 plan elements provided for in paragraphs (3) through (17) hereof
19 and natural conditions, including, but not necessarily limited to,
20 topography, soil conditions, water supply, drainage, flood plain
21 areas, marshes, and woodlands;

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

29 (c) showing the existing and proposed location of any airports
30 and the boundaries of any airport safety zones delineated pursuant
31 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-
32 80 et al.);

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

35 (e) showing the existing and proposed location of military
36 facilities and incorporating strategies to minimize undue
37 encroachment upon, and conflicts with, military facilities, including
38 but not limited to: limiting heights of buildings and structures
39 nearby flight paths or sight lines of aircraft; buffering residential
40 areas from noise associated
41 with a military facility; and allowing for the potential expansion of
42 military facilities;

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

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

- 1 (ii) storm resiliency with respect to energy supply, flood-prone
2 areas, and environmental infrastructure, and
3 (iii) environmental sustainability;
- 4 (g) showing the existing and proposed location of public electric
5 vehicle charging infrastructure; and
- 6 (h) including, for any land use plan element adopted after the
7 effective date of P.L.2021, c.6, a climate change-related hazard
8 vulnerability assessment which shall (i) analyze current and future
9 threats to, and vulnerabilities of, the municipality associated with
10 climate change-related natural hazards, including, but not limited to
11 increased temperatures, drought, flooding, hurricanes, and sea-level
12 rise; (ii) include a build-out analysis of future residential,
13 commercial, industrial, and other development in the municipality,
14 and an assessment of the threats and vulnerabilities identified in
15 subparagraph (i) of this subparagraph related to that
16 development; (iii) identify critical facilities, utilities, roadways, and
17 other infrastructure that is necessary for evacuation purposes and
18 for sustaining quality of life during a natural disaster, to be
19 maintained at all times in an operational state; (iv) analyze the
20 potential impact of natural hazards on relevant components and
21 elements of the master plan; (v) provide strategies and design
22 standards that may be implemented to reduce or avoid risks
23 associated with natural hazards; (vi) include a specific policy
24 statement on the consistency, coordination, and integration of the
25 climate-change related hazard vulnerability assessment with any
26 existing or proposed natural hazard mitigation plan, floodplain
27 management plan, comprehensive emergency management plan,
28 emergency response plan, post-disaster recovery plan, or capital
29 improvement plan; and (vii) rely on the most recent natural hazard
30 projections and best available science provided by the New Jersey
31 Department of Environmental Protection;
- 32 (3) A housing plan element pursuant to section 10 of P.L.1985,
33 c.222 (C.52:27D-310), including, but not limited to, residential
34 standards and proposals for the construction and improvement of
35 housing;
- 36 (4) A circulation plan element showing the location and types of
37 facilities for all modes of transportation required for the efficient
38 movement of people and goods into, about, and through the
39 municipality, taking into account the functional highway
40 classification system of the Federal Highway Administration, the
41 types, locations, conditions and availability of existing and
42 proposed transportation facilities, including air, water, road and rail,
43 and identifying existing and proposed locations for public electric
44 vehicle charging infrastructure;
- 45 (5) A utility service plan element analyzing the need for and
46 showing the future general location of water supply and distribution
47 facilities, drainage and flood control facilities, sewerage and waste
48 treatment, solid waste disposal and provision for other related

1 utilities, and including any storm water management plan required
2 pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If
3 a municipality prepares a utility service plan element as a condition
4 for adopting a development transfer ordinance pursuant to
5 subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan
6 element shall address the provision of utilities in the receiving zone
7 as provided thereunder;

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

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

15 (8) A conservation plan element providing for the preservation,
16 conservation, and utilization of natural resources, including, to the
17 extent appropriate, energy, open space, water supply, forests, soil,
18 marshes, wetlands, harbors, rivers and other waters, fisheries,
19 endangered or threatened species wildlife and other resources, and
20 which systemically analyzes the impact of each other component
21 and element of the master plan on the present and future
22 preservation, conservation and utilization of those resources;

23 (9) An economic plan element considering all aspects of
24 economic development and sustained economic vitality, including
25 (a) a comparison of the types of employment expected to be
26 provided by the economic development to be promoted with the
27 characteristics of the labor pool resident in the municipality and
28 nearby areas and (b) an analysis of the stability and diversity of the
29 economic development to be promoted;

30 (10)An historic preservation plan element: (a) indicating the
31 location and significance of historic sites and historic districts; (b)
32 identifying the standards used to assess worthiness for historic site
33 or district identification; and (c) analyzing the impact of each
34 component and element of the master plan on the preservation of
35 historic sites and districts;

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

38 (12)A recycling plan element which incorporates the State
39 Recycling Plan goals, including provisions for the collection,
40 disposition and recycling of recyclable materials designated in the
41 municipal recycling ordinance, and for the collection, disposition
42 and recycling of recyclable materials within any development
43 proposal for the construction of 50 or more units of single-family
44 residential housing or 25 or more units of multi-family residential
45 housing and any commercial or industrial development proposal for
46 the utilization of 1,000 square feet or more of land;

47 (13)A farmland preservation plan element, which shall include:
48 an inventory of farm properties and a map illustrating significant

1 areas of agricultural land; a statement showing that municipal
2 ordinances support and promote agriculture as a business; and a
3 plan for preserving as much farmland as possible in the short term
4 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
5 1 et al.) through a variety of mechanisms including, but not limited
6 to, utilizing option agreements, installment purchases, and
7 encouraging donations of permanent development easements;

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

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

16 (16) A green buildings and environmental sustainability plan
17 element, which shall provide for, encourage, and promote the
18 efficient use of natural resources and the installation and usage of
19 renewable energy systems; consider, encourage and promote the
20 development of public electric vehicle charging infrastructure in
21 locations appropriate for their development, including but not
22 limited to, commercial districts, areas proximate to public
23 transportation and transit facilities and transportation corridors, and
24 public rest stops; consider the impact of buildings on the local,
25 regional and global environment; allow ecosystems to function
26 naturally; conserve and reuse water; treat storm water on-site; and
27 optimize climatic conditions through site orientation and design;
28 **[and]**

29 (17) A public access plan element that provides for, encourages,
30 and promotes permanently protected public access to all tidal waters
31 and adjacent shorelines consistent with the public trust doctrine, and
32 which shall include a map and inventory of public access points,
33 public facilities that support access, parking, boat ramps, and
34 marinas; an assessment of the need for additional public access; a
35 statement of goals and administrative mechanisms to ensure that
36 access will be permanently protected; and a strategy that describes
37 the forms of access to satisfy the need for such access with an
38 implementation schedule and tools for implementation; and

39 (18) A transit village plan element that sets forth the public
40 purposes and location of any transit village zone in the
41 municipality. The transit village plan element shall specify the
42 location of transit oriented developments within the transit village
43 zone and the standards of population density and development
44 intensity that apply within that transit village zone. The transit
45 village plan element shall include a specific circulation subplan
46 element for the transit village. The circulation subplan element
47 shall include recommendations to facilitate pedestrian, bicycle, and
48 transit use, and address, among other things, the current level of

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

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

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

41 In the case of a municipality situated within the Highlands
42 Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the
43 master plan shall include a specific policy statement indicating the
44 relationship of the proposed development of the municipality, as
45 developed in the master plan, to the Highlands regional master plan
46 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).
47 (cf: P.L.2021, c.6, s.1.)

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

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

23 The zoning ordinance shall be drawn with reasonable
24 consideration to the character of each district and its peculiar
25 suitability for particular uses and to encourage the most appropriate
26 use of land. The regulations in the zoning ordinance shall be
27 uniform throughout each district for each class or kind of buildings
28 or other structure or uses of land, including planned unit
29 development, planned unit residential development and cluster
30 development, but the regulations in one district may differ from
31 those in other districts.

32 b. No zoning ordinance and no amendment or revision to any
33 zoning ordinance shall be submitted to or adopted by initiative or
34 referendum.

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

39 d. The zoning ordinance shall provide for the regulation of land
40 adjacent to State highways in conformity with the State highway
41 access management code adopted by the Commissioner of
42 Transportation under section 3 of the "State Highway Access
43 Management Act," P.L.1989, c.32 (C.27:7-91), for the regulation of
44 land with access to county roads and highways in conformity with
45 any access management code adopted by the county under
46 R.S.27:16-1 and for the regulation of land with access to municipal
47 streets and highways in conformity with any municipal access
48 management code adopted under R.S.40:67-1. This subsection shall

1 not be construed as requiring a zoning ordinance to establish
2 minimum lot sizes or minimum frontage requirements for lots
3 adjacent to but restricted from access to a State highway.

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

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

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

19

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

25

26 23. This act shall take effect immediately.

27

28

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STATEMENT

30

31 This bill establishes the "New Jersey Transit Villages Act" for
32 the purpose of encouraging municipalities to promote intensive
33 mixed-use development within close proximity to mass transit.

34 The bill encourages municipalities to use transit-oriented
35 development techniques by directing transportation investments into
36 the redevelopment of our older urban and suburban areas around
37 transit hubs. The bill also seeks to increase transportation options
38 and transit availability, which will have the effect of reducing
39 automobile traffic, stabilizing property taxes, and providing
40 affordable housing.

41 Several years ago the New Jersey Department of Transportation
42 and the New Jersey Transit Corporation administratively
43 established the "Transit Village Initiative" to encourage appropriate
44 intensive development within a half-mile radius of mass transit
45 facilities. This bill would codify the Transit Village Initiative and
46 permit State funding to be used to further the goals of the program.