

ASSEMBLY, No. 4950

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED DECEMBER 8, 2022

Sponsored by:

Assemblyman ALEX SAUICKIE

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman ROBERT D. CLIFTON

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:

Assemblyman Thomson and Assemblywoman Murphy

SYNOPSIS

Requires State Planning Commission to adopt model ordinance for siting certain warehouses and permits conforming updates to municipal master plans and zoning ordinances and establishes fund in DCA; appropriates \$5 million.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/15/2022)

1 AN ACT concerning the development of certain warehouses,
2 amending P.L.1985, c.398 and P.L.1975, c.271, supplementing
3 Title 52 of the Revised Statutes, and making an appropriation.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 4 of P.L.1985, c.398 (C.52:18A-199) is amended to
9 read as follows:

10 4. The commission shall:

11 a. Prepare and adopt within 36 months after the enactment of
12 P.L.1985, c.398 (C.52:18A-196 et al.), and revise and readopt at
13 least every three years thereafter, the State Development and
14 Redevelopment Plan, which shall provide a coordinated, integrated
15 and comprehensive plan for the growth, development, renewal and
16 conservation of the State and its regions and which shall identify
17 areas for growth, agriculture, open space conservation and other
18 appropriate designations;

19 b. Prepare and adopt as part of the plan a long-term
20 Infrastructure Needs Assessment, which shall provide information
21 on present and prospective conditions, needs and costs with regard
22 to State, county and municipal capital facilities, including water,
23 sewerage, transportation, solid waste, drainage, flood protection,
24 shore protection and related capital facilities;

25 c. Develop and promote procedures to facilitate cooperation
26 and coordination among federal agencies, State agencies, regional
27 entities, and local governments with regard to the development of
28 plans, programs and policies which affect land use, environmental,
29 capital and economic development issues;

30 d. Provide technical assistance to local governments and
31 regional entities in order to encourage the use of the most effective
32 and efficient planning and development review data, tools and
33 procedures, including the preparation, adoption, and readoption, as
34 appropriate, model ordinances detailing different regulatory options
35 for the siting of warehouses;

36 e. Periodically review federal, State, regional, and local
37 government planning procedures and relationships and recommend
38 to the Governor and the Legislature administrative or legislative
39 action to promote a more efficient and effective planning process;

40 f. Review any bill introduced in either house of the Legislature
41 which appropriates funds for a capital project and may study the
42 necessity, desirability and relative priority of the appropriation by
43 reference to the State Development and Redevelopment Plan, and
44 may make recommendations to the Legislature and to the Governor
45 concerning the bill;

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 g. Encourage military facility commanders and representatives
2 of counties, municipalities, and of State and regional entities to
3 maintain open lines of communication and to engage in long-term,
4 strategic planning, including but not limited to Joint Land Use
5 Studies, and to facilitate joint planning efforts; and

6 h. Take all actions necessary and proper to carry out the
7 provisions of P.L.1985, c.398 (C.52:18A-196 et al.).
8 (cf: P.L.2016, c.21, s.8)

9
10 2. Section 49 of P.L.1975, c.291 (C.40:55D-62) is amended to
11 read as follows:

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

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

40 b. No zoning ordinance and no amendment or revision to any
41 zoning ordinance shall be submitted to or adopted by initiative or
42 referendum.

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

47 d. The zoning ordinance shall provide for the regulation of land
48 adjacent to State highways in conformity with the State highway

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

12 e. The zoning ordinance may be consistent and compatible
13 with one or more model ordinances for the siting of warehouses
14 adopted by the State Planning Commission pursuant to subsection
15 d. of section 4 of P.L.1985, c.398 (C.52:18A-199).

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

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18 3. Section 76 of P.L.1975, c.291 (C.40:55D-89) is amended to
19 read as follows:

20 76. Periodic examination. The governing body shall, at least
21 every 10 years, provide for a general reexamination of its master
22 plan and development regulations by the planning board, which
23 shall prepare and adopt by resolution a report on the findings of
24 such reexamination, a copy of which report and resolution shall be
25 sent to the Office of Planning Advocacy and the county planning
26 board. A notice that the report and resolution have been prepared
27 shall be sent to any military facility commander who has registered
28 with the municipality pursuant to section 1 of P.L.2005, c.41
29 (C.40:55D-12.4) and to the municipal clerk of each adjoining
30 municipality, who may request a copy of the report and resolution
31 on behalf of the military facility or municipality. A reexamination
32 shall be completed at least once every 10 years from the previous
33 reexamination.

34 The reexamination report shall state:

35 a. The major problems and objectives relating to land
36 development in the municipality at the time of the adoption of the
37 last reexamination report.

38 b. The extent to which such problems and objectives have been
39 reduced or have increased subsequent to such date.

40 c. The extent to which there have been significant changes in
41 the assumptions, policies, and objectives forming the basis for the
42 master plan or development regulations as last revised, with
43 particular regard to the density and distribution of population and
44 land uses, housing conditions, circulation, conservation of natural
45 resources, energy conservation, collection, disposition, and
46 recycling of designated recyclable materials, and changes in State,
47 county and municipal policies and objectives.

1 d. The specific changes recommended for the master plan or
2 development regulations, if any, including underlying objectives,
3 policies and standards, or whether a new plan or regulations should
4 be prepared.

5 e. The recommendations of the planning board concerning the
6 incorporation of redevelopment plans adopted pursuant to the
7 "Local Redevelopment and Housing Law," P.L.1992, c.79
8 (C.40A:12A-1 et al.) into the land use plan element of the municipal
9 master plan, and recommended changes, if any, in the local
10 development regulations necessary to effectuate the redevelopment
11 plans of the municipality.

12 f. The recommendations of the planning board concerning
13 locations appropriate for the development of public electric vehicle
14 infrastructure, including but not limited to, commercial districts,
15 areas proximate to public transportation and transit facilities and
16 transportation corridors, and public rest stops; and recommended
17 changes, if any, in the local development regulations necessary or
18 appropriate for the development of public electric vehicle
19 infrastructure.

20 g. The recommendations of the planning board concerning
21 locations appropriate for the development of warehouses may be
22 consistent and compatible with one or more model ordinances for
23 the siting of warehouses adopted by the State Planning Commission
24 pursuant to subsection d. of section 4 of P.L.1985, c.398
25 (C.52:18A-199).

26 (cf: P.L.2019, c.267, s.2)

27

28 4. a. (New section) The Commissioner of Community Affairs
29 shall establish within the Office of Local Planning Services a fund
30 for the purpose of reimbursing a municipality for reasonable and
31 necessary expenses incurred in updating the municipality's zoning
32 ordinances to be consistent and compatible with one or more model
33 ordinances for the siting of warehouses pursuant to the provisions
34 of P.L. ,c. (C.) (pending before the Legislature as this bill).

35 b. A municipality may submit to the commissioner an
36 application, in a form and manner to be determined by the
37 commissioner, for a grant of up to \$50,000 for reimbursement of
38 expenses pursuant to subsection a. of this section.

39

40 5. (New section) There is appropriated from the General Fund
41 to the Department of Community Affairs the sum of \$5,000,000 for
42 the purposes of administering the provisions of section 4 of
43 P.L. ,c. (C.) (pending before the Legislature as this bill).

44

45 6. This act shall take effect immediately, and the State
46 Planning Commission shall, no later than the first day of the
47 seventh month next following enactment, adopt at least one model

1 ordinance for the siting of warehouses, as required pursuant to
2 subsection d. of section 4 of P.L.1985, c.398 (C.52:18A-199).

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STATEMENT

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7 This bill requires the State Planning Commission to prepare and
8 adopt model ordinances detailing different regulatory options for
9 the siting of warehouses and permits municipal master plans and
10 zoning ordinances to be consistent and compatible with one or more
11 of those model ordinance's provisions.

12 Innovation within the warehousing sector of the economy has led
13 to the development of very large warehousing facilities on sites that
14 were zoned for smaller, traditional types of warehouses. While
15 these types of developments are of Statewide economic importance,
16 the unanticipated development of large-scale regional warehousing
17 facilities has, at times, resulted in significant negative regional
18 impacts. In order to better inform municipal governments and local
19 planning officials of this problem and possible solutions, the State
20 Planning Commission prepared a warehouse guidance document in
21 September 2022.

22 The State Planning Commission should be commended for
23 preparing and circulating the warehouse guidance document. The
24 guidance notes that municipalities in New Jersey are finding that
25 their communities are particularly vulnerable to poorly sited and
26 scaled warehousing projects after having previously zoned large
27 areas of their communities for "light industrial" land uses,
28 especially with respect to farmland in rural areas. The guidance
29 also notes that public outcry over approved warehouse projects has
30 occurred in instances where the projects largely conform to existing
31 zoning standards.

32 The guidance proposes that in order to systematically address
33 warehouse development, communities should proactively plan for
34 warehouse projects to prevent land-use conflicts that harm
35 residents, other communities, and the environment before they
36 materialize. Proactive planning, as described in the guidance, could
37 allow municipalities to locate large warehouses away from
38 residential neighborhoods, downtown commercial areas and main
39 streets, schools, daycare centers, places of worship, hospitals,
40 overburdened communities, scenic corridors, historic districts,
41 important public and civic outdoor spaces, and recreational
42 facilities.

43 However, in order for a local government to benefit from the
44 State Planning Commission warehouse guidance, the local
45 government should reconsider and revise its master plan and zoning
46 ordinances before it receives a complete application to develop a
47 warehouse. Preparation, adoption, and dissemination of model
48 ordinances will better enable a local government to select the model

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1 ordinance, or aspects of several ordinances, most appropriate for the
2 individual community, and enable a local government to quickly
3 update its land use documents to be prepared for receipt of an
4 application to develop a warehouse.

5 This bill requires the Commissioner of Community Affairs
6 (commissioner) to establish within the Office of Local Planning
7 Services a fund for the purpose of reimbursing a municipality for
8 reasonable and necessary expenses incurred in updating the
9 municipality's zoning ordinances pursuant to the bill. A
10 municipality may submit to the commissioner an application, in a
11 form and manner to be determined by the commissioner, for a grant
12 of up to \$50,000 for reimbursement. This bill appropriates from the
13 General Fund to the Department of Community Affairs the sum of
14 \$5 million for the purposes of administering this fund.