

ASSEMBLY, No. 2785

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

SYNOPSIS

Requires land use plan element of municipal master plan to include climate change-related hazard vulnerability assessment.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning municipal master plans, amending P.L.1975,
2 c.291, and supplementing Title 13 of the Revised Statutes.

3

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

6

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

9 19. Preparation; contents; modification.

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

14 b. The master plan shall generally comprise a report or
15 statement and land use and development proposals, with maps,
16 diagrams and text, presenting, at least the following elements (1)
17 and (2) and, where appropriate, the following elements (3) through
18 (17):

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

22 (2) A land use plan element

23 (a) taking into account and stating its relationship to the
24 statement provided for in paragraph (1) hereof, and other master
25 plan elements provided for in paragraphs (3) through **[(14)]** (17)
26 hereof and natural conditions, including, but not necessarily limited
27 to, topography, soil conditions, water supply, drainage, flood plain
28 areas, marshes, and woodlands;

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

36 (c) showing the existing and proposed location of any airports
37 and the boundaries of any airport safety zones delineated pursuant
38 to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-
39 80 et al.);

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

42 (e) showing the existing and proposed location of military
43 facilities and incorporating strategies to minimize undue
44 encroachment upon, and conflicts with, military facilities, including
45 but not limited to: limiting heights of buildings and structures

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 nearby flight paths or sight lines of aircraft; buffering residential
2 areas from noise associated with a military facility; and allowing for
3 the potential expansion of military facilities;

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

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

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

11 (iii) environmental sustainability; **[and]**

12 (g) showing the existing and proposed location of public electric
13 vehicle charging infrastructure; and

14 (h) including, for any land use plan element adopted after the
15 effective date of P.L. , c. (pending before the Legislature as this
16 bill), a climate change-related hazard vulnerability assessment
17 which shall (i) consider environmental effects and extreme weather-
18 related events associated with climate change, including, but not
19 limited to, temperature, drought, and sea-level rise, and (ii) contain
20 measures to mitigate reasonably anticipated natural hazards,
21 including, but not limited to, coastal storms, shoreline erosion,
22 flooding, storm surge, and wind, following best management
23 practices recommended by the Federal Emergency Management
24 Agency;

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

29 (4) A circulation plan element showing the location and types of
30 facilities for all modes of transportation required for the efficient
31 movement of people and goods into, about, and through the
32 municipality, taking into account the functional highway
33 classification system of the Federal Highway Administration, the
34 types, locations, conditions and availability of existing and
35 proposed transportation facilities, including air, water, road and rail,
36 and identifying existing and proposed locations for public electric
37 vehicle charging infrastructure;

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

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

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

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

16 (9) An economic plan element considering all aspects of
17 economic development and sustained economic vitality, including
18 (a) a comparison of the types of employment expected to be
19 provided by the economic development to be promoted with the
20 characteristics of the labor pool resident in the municipality and
21 nearby areas and (b) an analysis of the stability and diversity of the
22 economic development to be promoted;

23 (10) An historic preservation plan element: (a) indicating the
24 location and significance of historic sites and historic districts; (b)
25 identifying the standards used to assess worthiness for historic site
26 or district identification; and (c) analyzing the impact of each
27 component and element of the master plan on the preservation of
28 historic sites and districts;

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

31 (12) A recycling plan element which incorporates the State
32 Recycling Plan goals, including provisions for the collection,
33 disposition and recycling of recyclable materials designated in the
34 municipal recycling ordinance, and for the collection, disposition
35 and recycling of recyclable materials within any development
36 proposal for the construction of 50 or more units of single-family
37 residential housing or 25 or more units of multi-family residential
38 housing and any commercial or industrial development proposal for
39 the utilization of 1,000 square feet or more of land;

40 (13) A farmland preservation plan element, which shall include:
41 an inventory of farm properties and a map illustrating significant
42 areas of agricultural land; a statement showing that municipal
43 ordinances support and promote agriculture as a business; and a
44 plan for preserving as much farmland as possible in the short term
45 by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-
46 1 et al.) through a variety of mechanisms including, but not limited
47 to, utilizing option agreements, installment purchases, and
48 encouraging donations of permanent development easements;

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

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

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

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

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

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

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

1 relationship of the proposed development of the municipality, as
2 developed in the master plan, to the Highlands regional master plan
3 adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).
4 (cf: P.L.2019, c.267, s.1)

5
6 2. (New section) Upon request by a planning board, the
7 Department of Environmental Protection shall provide technical
8 assistance to a municipality preparing a climate change related
9 hazard vulnerability assessment pursuant to subparagraph (g) of
10 paragraph (2) of subsection b. of section 19 of P.L.1975, c.291
11 (C.40:55D-28).

12
13 3. This act shall take effect immediately.

14
15
16 STATEMENT

17
18 This bill would require that the land use plan element of a
19 municipal master plan include a climate change-related hazard
20 vulnerability assessment. This assessment would consider
21 environmental effects associated with climate change and extreme
22 weather-related events including, but not limited to, temperature,
23 drought, and sea-level rise, and contain measures to mitigate
24 reasonably anticipated natural hazards, including, but not limited to,
25 coastal storms, shoreline erosion, flooding, storm surge, and wind,
26 following best management practices recommended by the Federal
27 Emergency Management Agency.

28 Under current law, the land use plan element of a municipal
29 master plan is required to include a statement of strategy
30 concerning: (1) smart growth, including consideration of potential
31 locations for the installation of electric vehicle charging stations;
32 (2) storm resiliency with respect to energy supply, flood-prone
33 areas, and environmental infrastructure; and (3) environmental
34 sustainability. This bill would expand on these requirements, and
35 apply to any land use plan element adopted after the date the bill is
36 enacted into law.

37 The bill would also require the Department of Environmental
38 Protection, upon request by a planning board, to provide technical
39 assistance to a municipality preparing a climate change-related
40 hazard vulnerability assessment required by the bill.