

40:55-21.15

LEGISLATIVE HISTORY CHECKLIST

(Municipalities to designate urban growth zones)

WISA 40:55-21.15

LAWS OF 1977

CHAPTER 423

Bill No. S1711

Sponsor(s) Greenberg

Date Introduced October 7, 1976

Committee: Assembly Municipal Government

Senate County & Municipal Government

Amended during passage Yes

~~Amendments during passage denoted by asterisks~~

Date of Passage: Assembly January 9, 1978

Senate January 17, 1977

Date of approval February 27, 1978

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement: Assembly	Yes	No
Senate	Yes	No
Fiscal Note	Yes	No
Veto Message	Yes	No
Message on signing	Yes	No

Following were printed:

Reports	Yes	No
Hearings	Yes	No

Sponsor's statement:

This bill would permit the governing body of certain urban aid cities to designate areas of the municipality as an urban growth zone. This, in turn, would allow the Economic Development Authority to exercise its lawful powers, in the urban growth zone, to promote and develop urban industrial development.

KB

9/1/78

DO NOT REMOVE FROM FILE

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1711

STATE OF NEW JERSEY

INTRODUCED OCTOBER 7, 1976

By Senator GREENBERG

Referred to Committee on County and Municipal Government

AN ACT authorizing municipalities to designate areas as urban growth zones and to encourage the development of such areas.

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

1 1. Any municipality receiving State aid pursuant to the pro-
2 visions of P. L. 1971, c. 64, as amended and supplemented from time
3 to time, ***or a municipality certified by the Commissioner of Com-*
4 *munity Affairs to qualify under such law in every respect except*
5 *population,*** may by ***[resolution]*** **ordinance** determine that
6 an area or areas within such municipality be designated an urban
7 growth zone as defined in and for all purposes of "The New Jersey
8 Economic Development Authority Act," P. L. 1974, c. 80
9 (C. 34:1B-1 et seq.). Such ***[resolution]*** **ordinance** may provide
10 that, notwithstanding any ***[other]*** law **or other ordinance or*
11 *local regulation** to the contrary, all ***[planning and zoning powers**
11A and local building requirements of such municipality with respect
11B to such urban growth zones shall **be exercised by]*** **construction*
12 *projects undertaken by, or with the assistance of,** the New Jersey
13 Economic Development Authority **in such urban growth zones shall*
14 *be exempt from the terms and requirements of the land use ordi-*
15 *nances and regulations, including but not limited to the master plan*
16 *and zoning ordinances, **[and the building code requirements]***
17 *of such municipality** for any period of time which may be mutually
18 agreed upon.

1 2. This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1711

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 14, 1976

Senate Bill No. 1711, as a companion measure to Senate Bill No. 1712, authorizes any municipality receiving State aid for municipal services pursuant to P. L. 1971, c. 74 to delegate all its regulatory powers over planning and zoning and building regulation within any such zone accepted by the New Jersey Economic Development Authority to the authority for the purpose of developing property within such zone pursuant to Senate Bill No. 1712. The duration of time for which such powers are delegated shall be mutually agreed upon by the concerned parties.

The Senate committee amendments:

- (1) eliminate the delegation of municipal powers to the Economic Development Authority; and
- (2) require a municipality to designate a growth zone by ordinance rather than resolution, in order to allow for the holding of public hearings on the proposal to create such a zone.

The Senate committee amendments are not intended in any way to interfere with the total discretion of the authority to plan, undertake, regulate or manage any development project initiated by the authority within the growth zone, including the right of the authority to supersede the land use and building regulations of the host municipality.

974.901
661

FROM THE OFFICE OF THE GOVERNOR

FOR RELEASE IMMEDIATELY

PROPERTY OF
NEW JERSEY STATE LIBRARY

FOR FURTHER INFORMATION

FEBRUARY 23, 1978

MAR 28 1978

KATHY FORSYTH

Governor Brendan Byrne Thursday signed S-1711, sponsored by Senator Martin Greenberg (D-Essex), which permits urban aid municipalities and municipalities certified by the Department of Community Affairs as qualifying for urban aid in every respect except population to establish "urban growth zones" by ordinance.

Once the ordinance is adopted, the municipality is eligible for assistance from the Economic Development Authority.

The ordinances creating the zones will be adopted by the municipalities in conjunction with the advice of the EDA, and the interaction between the EDA and the municipality will be in the nature of a negotiated agreement which includes any restrictions which the municipality wishes to impose on industrial development, such as height restrictions and type of industry restrictions. However, the zone would be exempt from other municipal land use ordinances.

The bill is a companion measure to S-1712.

S-1712, also sponsored by Senator Greenberg, empowers the Economic Development Authority to undertake the construction or rehabilitation of properties within "urban growth zones" and to enter into contracts for the development of such properties.

The bill expands the definition of permissible EDA projects to include:

- 1) the acquisition of real estate to be used by employment promoting industries;
- 2) acquisition of equity interest (including capital stock) in any corporation which will encourage the economic development, redevelopment and employment; and
- 3) activities connected with development of properties within an "urban growth zone."

If the EDA accepts the declaration of an "urban growth zone" by a municipality, the mayor of that municipality becomes an ex-officio member of the Authority for the purpose of participating in and voting on all matters pertaining to the urban growth zone.

The bill also eliminates the public hearing requirements for the exercise of the Authority's eminent domain power. Under prior law, the EDA could not acquire property by eminent domain unless the affected municipality consented by resolution following a public hearing.

#####