



**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

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RH/CL

P.L. 2021, CHAPTER 171, *approved July 9, 2021*  
Senate, No. 3223 (First Reprint)

1 AN ACT concerning electric vehicle <sup>1</sup>**【charging infrastructure】**  
2 supply equipment and Make-Ready parking spaces<sup>1</sup> and  
3 amending and supplementing P.L.1975, c.291 (C.40:55D-1 et  
4 seq.).

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

8  
9 <sup>1</sup>**【**1. Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to  
10 read as follows:

11 3.1. "Days" means calendar days.

12 "Density" means the permitted number of dwelling units per  
13 gross area of land that is the subject of an application for  
14 development, including noncontiguous land, if authorized by  
15 municipal ordinance or by a planned development.

16 "Developer" means the legal or beneficial owner or owners of a  
17 lot or of any land proposed to be included in a proposed  
18 development, including the holder of an option or contract to  
19 purchase, or other person having an enforceable proprietary interest  
20 in such land.

21 "Development" means the division of a parcel of land into two or  
22 more parcels, the construction, reconstruction, conversion,  
23 structural alteration, relocation or enlargement of any building or  
24 other structure, or of any mining excavation or landfill, and any use  
25 or change in the use of any building or other structure, or land or  
26 extension of use of land, for which permission may be required  
27 pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

28 "Development potential" means the maximum number of  
29 dwelling units or square feet of nonresidential floor area that may  
30 be constructed on a specified lot or in a specified zone under the  
31 master plan and land use regulations in effect on the date of the  
32 adoption of the development transfer ordinance or on the date of the  
33 adoption of the ordinance authorizing noncontiguous cluster, and in  
34 accordance with recognized environmental constraints.

35 "Development regulation" means a zoning ordinance,  
36 subdivision ordinance, site plan ordinance, official map ordinance  
37 or other municipal regulation of the use and development of land, or  
38 amendment thereto adopted and filed pursuant to P.L.1975, c.291  
39 (C.40:55D-1 et seq.).

**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:

<sup>1</sup>Assembly ATR committee amendments adopted May 12, 2021.

1 "Development restriction" means an agricultural restriction, a  
2 conservation restriction, or a historic preservation restriction.

3 "Development transfer" or "development potential transfer"  
4 means the conveyance of development potential, or the permission  
5 for development, from one or more lots to one or more other lots by  
6 deed, easement, or other means as authorized by ordinance.

7 "Development transfer bank" means a development transfer bank  
8 established pursuant to section 22 of P.L.2004, c.2 (C.40:55D-158)  
9 or the State TDR Bank.

10 "Drainage" means the removal of surface water or groundwater  
11 from land by drains, grading or other means and includes control of  
12 runoff during and after construction or development to minimize  
13 erosion and sedimentation, to assure the adequacy of existing and  
14 proposed culverts and bridges, to induce water recharge into the  
15 ground where practical, to lessen nonpoint pollution, to maintain  
16 the integrity of stream channels for their biological functions as  
17 well as for drainage, and the means necessary for water supply  
18 preservation or prevention or alleviation of flooding.

19 "Environmental commission" means a municipal advisory body  
20 created pursuant to P.L.1968, c.245 (C.40:56A-1 et seq.).

21 "Erosion" means the detachment and movement of soil or rock  
22 fragments by water, wind, ice and gravity.

23 "Final approval" means the official action of the planning board  
24 taken on a preliminarily approved major subdivision or site plan,  
25 after all conditions, engineering plans and other requirements have  
26 been completed or fulfilled and the required improvements have  
27 been installed or guarantees properly posted for their completion, or  
28 approval conditioned upon the posting of such guarantees.

29 "Floor area ratio" means the sum of the area of all floors of  
30 buildings or structures compared to the total area of land that is the  
31 subject of an application for development, including noncontiguous  
32 land, if authorized by municipal ordinance or by a planned  
33 development.

34 "General development plan" means a comprehensive plan for the  
35 development of a planned development, as provided in section 4 of  
36 P.L.1987, c.129 (C.40:55D-45.2).

37 "Governing body" means the chief legislative body of the  
38 municipality. In municipalities having a board of public works,  
39 "governing body" means such board.

40 "Historic district" means one or more historic sites and  
41 intervening or surrounding property significantly affecting or  
42 affected by the quality and character of the historic site or sites.

43 "Historic preservation restriction" means a "historic preservation  
44 restriction" as defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

45 "Historic site" means any real property, man-made structure,  
46 natural object or configuration or any portion or group of the  
47 foregoing of historical, archeological, cultural, scenic or  
48 architectural significance.

1 "Inherently beneficial use" means a use which is universally  
2 considered of value to the community because it fundamentally  
3 serves the public good and promotes the general welfare. Such a  
4 use includes, but is not limited to, a hospital, school, child care  
5 center, group home, **or** a wind, solar, or photovoltaic energy  
6 facility or structure, or electric vehicle charging infrastructure.

7 "Instrument" means the easement, credit, or other deed  
8 restriction used to record a development transfer.

9 "Interested party" means: (a) in a criminal or quasi-criminal  
10 proceeding, any citizen of the State of New Jersey; and (b) in the  
11 case of a civil proceeding in any court or in an administrative  
12 proceeding before a municipal agency, any person, whether residing  
13 within or without the municipality, whose right to use, acquire, or  
14 enjoy property is or may be affected by any action taken under  
15 P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use,  
16 acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et  
17 seq.), or under any other law of this State or of the United States  
18 have been denied, violated or infringed by an action or a failure to  
19 act under P.L.1975, c.291 (C.40:55D-1 et seq.).

20 "Land" includes improvements and fixtures on, above or below  
21 the surface.

22 "Local utility" means any sewerage authority created pursuant to  
23 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et  
24 seq.); any utilities authority created pursuant to the "municipal and  
25 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et  
26 seq.); or any utility, authority, commission, special district or other  
27 corporate entity not regulated by the Board of Regulatory  
28 Commissioners under Title 48 of the Revised Statutes that provides  
29 gas, electricity, heat, power, water or sewer service to a  
30 municipality or the residents thereof.

31 "Lot" means a designated parcel, tract or area of land established  
32 by a plat or otherwise, as permitted by law and to be used,  
33 developed or built upon as a unit.

34 (cf: P.L.2013, c.106, s.3)**】**<sup>1</sup>

35  
36 <sup>1</sup>1. (New section) a. An application for development submitted  
37 solely for the installation of electric vehicle supply equipment or  
38 Make-Ready parking spaces shall be considered a permitted  
39 accessory use and permitted accessory structure in all zoning or use  
40 districts of a municipality and shall not require a variance pursuant  
41 to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70).<sup>1</sup>

42  
43 <sup>1</sup>**【**2. (New section) A municipality may, by ordinance, authorize  
44 the administrative officer to review and approve an application for  
45 development, submitted solely to seek approval of the installation  
46 of electric vehicle charging infrastructure, in the manner of a minor  
47 site plan approval, and, the review and approval of the application

1 shall not require reference to, or approval by, the planning board or  
2 zoning board of adjustment.】<sup>1</sup>

3  
4 <sup>1</sup>2. (New section) a. An application for development for the  
5 installation of electric vehicle supply equipment or Make-Ready  
6 parking spaces at an existing gasoline service station, an existing  
7 retail establishment, or any other existing building shall not be  
8 subject to site plan or other land use board review, shall not require  
9 variance relief pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.) or  
10 any other law, rule, or regulation, and shall be approved through the  
11 issuance of a zoning permit by the administrative officer, provided  
12 the application meets the following requirements:

13 (1) the proposed installation does not violate bulk requirements  
14 applicable to the property or the conditions of the original final  
15 approval of the site plan or subsequent approvals for the existing  
16 gasoline service station, retail establishment, or other existing  
17 building;

18 (2) all other conditions of prior approvals for the gasoline  
19 service station, the existing retail establishment, or any other  
20 existing building continue to be met; and

21 (3) the proposed installation complies with the construction  
22 codes adopted in or promulgated pursuant to the "State Uniform  
23 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.),  
24 any safety standards concerning the installation, and any State rule  
25 or regulation concerning electric vehicle charging stations.

26 b. An application shall be deemed complete if:

27 (1) the application, including the permit fee and all necessary  
28 documentation, is determined to be complete;

29 (2) a notice of incompleteness is not provided within 20 days  
30 after the filing of the application; or

31 (3) a one-time written correction notice is not issued by the  
32 jurisdiction within 20 days after filing of the application detailing  
33 all deficiencies in the application and identifying any additional  
34 information explicitly necessary to complete a review of the permit  
35 application.

36 c. Electric vehicle supply equipment and Make-Ready parking  
37 spaces installed at a gasoline service station, an existing retail  
38 establishment, or any other existing building shall be subject to  
39 applicable local and Department of Community Affairs inspection  
40 requirements.<sup>1</sup>

41

42 <sup>1</sup>【3. (New section) Electric vehicle charging infrastructure shall  
43 be a permitted accessory use and permitted accessory structure in  
44 all zoning or use districts of a municipality and shall not require a  
45 variance pursuant to subsection d. of section 57 of P.L.1975, c.291  
46 (C.40:55D-70).】<sup>1</sup>

- 1       13. (New section) a. (1) As a condition of preliminary site plan  
2 approval, for each application involving a multiple dwelling with  
3 five or more units of dwelling space, which shall include a multiple  
4 dwelling that is building held under a condominium or cooperative  
5 form of ownership, a mutual housing corporation, or a mixed use  
6 development, the developer or owner, as applicable, shall:
- 7       (a) prepare as Make-Ready parking spaces at least 15 percent of  
8 the required off-street parking spaces, and install electric vehicle  
9 supply equipment in at least one-third of the 15 percent of Make-  
10 Ready parking spaces;
- 11       (b) within three years following the date of the issuance of the  
12 certificate of occupancy, install electric vehicle supply equipment in  
13 an additional one-third of the original 15 percent of Make-Ready  
14 parking spaces; and
- 15       (c) within six years following the date of the issuance of the  
16 certificate of occupancy, install electric vehicle supply equipment in  
17 the final one-third of the original 15 percent of Make-Ready  
18 parking spaces.
- 19       (2) Throughout the installation of electric vehicle supply  
20 equipment in the Make-Ready parking spaces, at least five percent  
21 of the electric vehicle supply equipment shall be accessible for  
22 people with disabilities.
- 23       (3) Nothing in this subsection shall be construed to restrict the  
24 ability to install electric vehicle supply equipment or Make-Ready  
25 parking spaces at a faster or more expansive rate than as required by  
26 this subsection.
- 27       b. (1) As a condition of preliminary site plan approval, each  
28 application involving a parking lot or garage not covered in  
29 subsection a. of this section shall:
- 30       (a) install at least one Make-Ready parking space if there will be  
31 50 or fewer off-street parking spaces.
- 32       (b) install at least two Make-Ready parking spaces if there will  
33 be 51 to 75 off-street parking spaces.
- 34       (c) install at least three Make-Ready parking spaces if there will  
35 be 76 to 100 off-street parking spaces.
- 36       (d) install at least four Make-Ready parking spaces, at least one  
37 of which shall be accessible for people with disabilities, if there will  
38 be 101 to 150 off-street parking spaces.
- 39       (e) install at least four percent of the total parking spaces as  
40 Make-Ready parking spaces, at least five percent of which shall be  
41 accessible for people with disabilities, if there will be more than  
42 150 off-street parking spaces.
- 43       (2) In lieu of installing Make-Ready parking spaces, a parking  
44 lot or garage may install electric vehicle supply equipment to satisfy  
45 the requirements of this subsection.
- 46       (3) Nothing in this subsection shall be construed to restrict the  
47 ability to install electric vehicle supply equipment or Make-Ready

1 parking spaces at a faster or more expansive rate than as required by  
2 this subsection.

3 (4) With respect to parking spaces for people with disabilities,  
4 the model land use ordinance published pursuant to section 4 of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill)  
6 shall include standards that provide for the progression of  
7 accessible Make-Ready parking spaces to accessible electric vehicle  
8 supply equipment parking spaces, and shall conform to the  
9 requirements of the most recent “International Building Code” and  
10 “International Residential Code” published by the International  
11 Code Council except as the Commissioner of Community Affairs  
12 deems appropriate to deviate from those codes.

13 c. Notwithstanding the provisions of subsections a. and b. of  
14 this section, a retailer that provides 25 or fewer off-street parking  
15 spaces or the developer or owner of a single-family home shall not  
16 be required to provide or install any electric vehicle supply  
17 equipment or Make-Ready parking spaces.

18 d. (1) The Site Improvement Advisory Board, established  
19 pursuant to section 3 of P.L.1993, c.32 (C.40:55D-40.3), shall, no  
20 later than 90 days following enactment of P.L. , c. (C. )  
21 (pending before the Legislature as this bill), submit a  
22 recommendation to the Commissioner of Community Affairs to  
23 amend the Statewide site improvement standards for multifamily  
24 residential development to include the requirements set forth in  
25 sections 1 through 3 of P.L. , c. (C. ) (pending before the  
26 Legislature as this bill) and to include parking spaces with electric  
27 vehicle supply equipment in the calculation of minimum required  
28 parking spaces. The Commissioner of Community Affairs may  
29 review and promulgate the recommendation in accordance with the  
30 procedure set forth in subsection b. of section 4 of P.L.1993, c.32  
31 (C.40:55D-40.4). The adopted criteria shall be consistent with the  
32 model land use ordinance published by the Commissioner of  
33 Community Affairs pursuant to section 4 of P.L. , c. (C. )  
34 (pending before the Legislature as this bill).

35 (2) The "State Uniform Construction Code Act," P.L.1975, c.  
36 217 (C. 52:27D-119 et seq.), shall incorporate the requirements set  
37 forth in sections 1 through 3 of P.L. , c. (C. ) (pending  
38 before the Legislature as this bill) no later than 90 days following  
39 enactment of P.L. , c. (C. ) (pending before the Legislature  
40 as this bill). The adopted criteria shall be consistent with the model  
41 land use ordinance published by the Commissioner of Community  
42 Affairs pursuant to section 4 of P.L. , c. (C. ) (pending  
43 before the Legislature as this bill).

44 e. A parking space prepared with electric vehicle supply  
45 equipment or Make-Ready equipment pursuant to this section shall  
46 count as at least two parking spaces for the purpose of complying  
47 with a minimum parking space requirement. This subsection shall

1 result in a reduction of no more than 10 percent of the total required  
2 parking.

3 f. All parking space calculations for electric vehicle supply  
4 equipment and Make-Ready equipment pursuant to this section  
5 shall be rounded up to the next full parking space.

6 g. A permitting application solely for the installation of electric  
7 vehicle supply equipment permitted as an accessory use shall not be  
8 subject to review based on parking requirements.

9 h. A power company funding the installation of electric vehicle  
10 supply equipment or Make-Ready parking spaces shall collaborate  
11 with developers and owners, with consultation from the Board of  
12 Public Utilities, in implementing the provisions of P.L. \_\_\_\_\_,  
13 c. (C. \_\_\_\_\_) (pending before the Legislature as this bill).<sup>1</sup>  
14

15 <sup>1</sup>4. (New section) a. (1) Within 30 days of enactment of  
16 P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the Legislature as this bill),  
17 the Commissioner of Community Affairs shall publish a model land  
18 use ordinance to address installation, sightline, and setback  
19 requirements and other health- and safety-related specifications for  
20 electric vehicle supply equipment and Make-Ready parking spaces  
21 and shall post the model land use ordinance on the department's  
22 Internet website. The model land use ordinance published by the  
23 commissioner shall not require the rulemaking process pursuant to  
24 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
25 seq.).

26 (2) The model land use ordinance shall include the requirements  
27 pursuant to sections 1 through 3 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending  
28 before the Legislature as this bill).

29 (3) The Commissioner of Community Affairs may periodically  
30 update the electric vehicle supply equipment and Make-Ready  
31 parking space requirements established pursuant to subsections a.  
32 and b. of section 3 of P.L. \_\_\_\_\_, c. (C. \_\_\_\_\_) (pending before the  
33 Legislature as this bill) to reflect increased electric vehicle adoption  
34 levels and technological advances in the State. Any update to such  
35 parking requirements shall be adopted by the commissioner  
36 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
37 (C.52:14B-1 et seq.) and promulgated as amendments to the model  
38 land use ordinance published pursuant to this subsection.  
39 Amendments to the model ordinance to address installation,  
40 sightline, or setback requirements or other health- and safety-related  
41 specifications shall not require the rulemaking process pursuant to  
42 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
43 seq.).

44 b. (1) The model land use ordinance published by the  
45 Commissioner of Community Affairs pursuant to this section shall  
46 be effective in each municipality, except that a municipality may  
47 deviate from the reasonable standards set forth in the model land

1 use ordinance by adoption of an ordinance pursuant to paragraph (2)  
2 of this subsection.

3 (2) A municipality may, by ordinance, adopt reasonable  
4 standards to address installation, sightline, and setback  
5 requirements or other health- and safety-related specifications for  
6 electric vehicle supply equipment and Make-Ready parking spaces.  
7 Nothing in this subsection shall be deemed to authorize a  
8 municipality to require site plan review by a municipal agency  
9 solely for the installation of electric vehicle supply equipment or  
10 Make-Ready parking spaces.

11 (3) A municipality may encourage additional installation of  
12 electric vehicle supply equipment and Make-Ready parking spaces  
13 in development projects, but shall not require more than the  
14 requirements in the model land use ordinance published by the  
15 Commissioner of Community Affairs. The requirements adopted  
16 by the Site Improvement Advisory Board established pursuant to  
17 section 3 of P.L.1993, c.32 (C.40:55D-40.3) and the requirements  
18 adopted through the "State Uniform Construction Code Act,"  
19 P.L.1975, c. 217 (C. 52:27D-119 et seq.) shall be consistent with  
20 the requirements set forth in the model ordinance and shall be  
21 updated if the model ordinance is updated pursuant to paragraph (3)  
22 of subsection a. of this section.<sup>1</sup>

23

24 <sup>15.</sup> Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to  
25 read as follows:

26 3.1. "Days" means calendar days.

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28 gross area of land that is the subject of an application for  
29 development, including noncontiguous land, if authorized by  
30 municipal ordinance or by a planned development.

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32 lot or of any land proposed to be included in a proposed  
33 development, including the holder of an option or contract to  
34 purchase, or other person having an enforceable proprietary interest  
35 in such land.

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37 more parcels, the construction, reconstruction, conversion,  
38 structural alteration, relocation or enlargement of any building or  
39 other structure, or of any mining excavation or landfill, and any use  
40 or change in the use of any building or other structure, or land or  
41 extension of use of land, for which permission may be required  
42 pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

43 "Development potential" means the maximum number of  
44 dwelling units or square feet of nonresidential floor area that may  
45 be constructed on a specified lot or in a specified zone under the  
46 master plan and land use regulations in effect on the date of the  
47 adoption of the development transfer ordinance or on the date of the

1 adoption of the ordinance authorizing noncontiguous cluster, and in  
2 accordance with recognized environmental constraints.

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5 or other municipal regulation of the use and development of land, or  
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19 runoff during and after construction or development to minimize  
20 erosion and sedimentation, to assure the adequacy of existing and  
21 proposed culverts and bridges, to induce water recharge into the  
22 ground where practical, to lessen nonpoint pollution, to maintain  
23 the integrity of stream channels for their biological functions as  
24 well as for drainage, and the means necessary for water supply  
25 preservation or prevention or alleviation of flooding.

26 "Electric vehicle supply equipment" or "electric vehicle service  
27 equipment" or "EVSE" means the equipment, including the cables,  
28 cords, conductors, connectors, couplers, enclosures, attachment  
29 plugs, power outlets, power electronics, transformer, switchgear,  
30 switches and controls, network interfaces, and point of sale  
31 equipment and associated apparatus designed and used for the  
32 purpose of transferring energy from the electric supply system to a  
33 plug-in electric vehicle. "EVSE" may deliver either alternating  
34 current or, consistent with fast charging equipment standards, direct  
35 current electricity. "EVSE" is synonymous with "electric vehicle  
36 charging station."

37 "Environmental commission" means a municipal advisory body  
38 created pursuant to P.L.1968, c.245 (C.40:56A-1 et seq.).

39 "Erosion" means the detachment and movement of soil or rock  
40 fragments by water, wind, ice and gravity.

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42 taken on a preliminarily approved major subdivision or site plan,  
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46 approval conditioned upon the posting of such guarantees.

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48 buildings or structures compared to the total area of land that is the

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5 development of a planned development, as provided in section 4 of  
6 P.L.1987, c.129 (C.40:55D-45.2).

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8 municipality. In municipalities having a board of public works,  
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23 center, group home, or a wind, solar or photovoltaic energy facility  
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26 restriction used to record a development transfer.

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28 proceeding, any citizen of the State of New Jersey; and (b) in the  
29 case of a civil proceeding in any court or in an administrative  
30 proceeding before a municipal agency, any person, whether residing  
31 within or without the municipality, whose right to use, acquire, or  
32 enjoy property is or may be affected by any action taken under  
33 P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use,  
34 acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et  
35 seq.), or under any other law of this State or of the United States  
36 have been denied, violated or infringed by an action or a failure to  
37 act under P.L.1975, c.291 (C.40:55D-1 et seq.).

38 "Land" includes improvements and fixtures on, above or below  
39 the surface.

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41 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et  
42 seq.); any utilities authority created pursuant to the "municipal and  
43 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et  
44 seq.); or any utility, authority, commission, special district or other  
45 corporate entity not regulated by the Board of Regulatory  
46 Commissioners under Title 48 of the Revised Statutes that provides  
47 gas, electricity, heat, power, water or sewer service to a  
48 municipality or the residents thereof.

1 "Lot" means a designated parcel, tract or area of land established  
2 by a plat or otherwise, as permitted by law and to be used,  
3 developed or built upon as a unit.<sup>1</sup>

4 (cf: P.L.2013, c.106, s.3)

5  
6 <sup>1</sup>6. Section 3.2 of P.L.1975, c.291 (C.40:55D-5) is amended to  
7 read as follows:

8 3.2. "Maintenance guarantee" means any security which may be  
9 accepted by a municipality for the maintenance of any  
10 improvements required by this act, including but not limited to  
11 surety bonds, letters of credit under the circumstances specified in  
12 section 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

13 "Major subdivision" means any subdivision not classified as a  
14 minor subdivision.

15 "Make-Ready" means the pre-wiring of electrical infrastructure  
16 at a parking space, or set of parking spaces, to facilitate easy and  
17 cost-efficient future installation of Electric Vehicle Supply  
18 Equipment or Electric Vehicle Service Equipment, including, but  
19 not limited to, Level Two EVSE and direct current fast chargers.  
20 Make Ready includes expenses related to service panels, junction  
21 boxes, conduit, wiring, and other components necessary to make a  
22 particular location able to accommodate Electric Vehicle Supply  
23 Equipment or Electric Vehicle Service Equipment on a "plug and  
24 play" basis. "Make-Ready" is synonymous with the term "charger  
25 ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

26 "Master plan" means a composite of one or more written or  
27 graphic proposals for the development of the municipality as set  
28 forth in and adopted pursuant to section 19 of P.L.1975, c.291  
29 (C.40:55D-28).

30 "Mayor" means the chief executive of the municipality, whatever  
31 his official designation may be, except that in the case of  
32 municipalities governed by municipal council and municipal  
33 manager the term "mayor" shall not mean the "municipal manager"  
34 but shall mean the mayor of such municipality.

35 "Military facility" means any facility located within the State  
36 which is owned or operated by the federal government, and which is  
37 used for the purposes of providing logistical, technical, material,  
38 training, and any other support to any branch of the United States  
39 military.

40 "Military facility commander" means the chief official, base  
41 commander or person in charge at a military facility.

42 "Minor site plan" means a development plan of one or more lots  
43 which (1) proposes new development within the scope of  
44 development specifically permitted by ordinance as a minor site  
45 plan; (2) does not involve planned development, any new street or  
46 extension of any off-tract improvement which is to be prorated  
47 pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42); and (3)  
48 contains the information reasonably required in order to make an

1 informed determination as to whether the requirements established  
2 by ordinance for approval of a minor site plan have been met.

3 "Minor subdivision" means a subdivision of land for the creation  
4 of a number of lots specifically permitted by ordinance as a minor  
5 subdivision; provided that such subdivision does not involve (1) a  
6 planned development, (2) any new street or (3) the extension of any  
7 off-tract improvement, the cost of which is to be prorated pursuant  
8 to section 30 of P.L.1975, c.291 (C.40:55D-42).

9 "Municipality" means any city, borough, town, township or  
10 village.

11 "Municipal agency" means a municipal planning board or board  
12 of adjustment, or a governing body of a municipality when acting  
13 pursuant to this act and any agency which is created by or  
14 responsible to one or more municipalities when such agency is  
15 acting pursuant to this act.

16 "Municipal resident" means a person who is domiciled in the  
17 municipality.

18 "Nonconforming lot" means a lot, the area, dimension or location  
19 of which was lawful prior to the adoption, revision or amendment of  
20 a zoning ordinance, but fails to conform to the requirements of the  
21 zoning district in which it is located by reason of such adoption,  
22 revision or amendment.

23 "Nonconforming structure" means a structure the size, dimension  
24 or location of which was lawful prior to the adoption, revision or  
25 amendment of a zoning ordinance, but which fails to conform to the  
26 requirements of the zoning district in which it is located by reasons  
27 of such adoption, revision or amendment.

28 "Nonconforming use" means a use or activity which was lawful  
29 prior to the adoption, revision or amendment of a zoning ordinance,  
30 but which fails to conform to the requirements of the zoning district  
31 in which it is located by reasons of such adoption, revision or  
32 amendment.

33 "Noncontiguous cluster" means noncontiguous areas to be  
34 developed as a single entity according to a plan containing an area,  
35 or a section or sections thereof, to be developed for residential  
36 purposes, nonresidential purposes, or a combination thereof, at a  
37 greater concentration of density or intensity of land use than  
38 authorized within the area, section, or sections, under conventional  
39 development, in exchange for the permanent preservation of another  
40 area, or a section or sections thereof, as common or public open  
41 space, or for historic or agricultural purposes, or a combination  
42 thereof.

43 "Office of Planning Advocacy" or "Office of Smart Growth"  
44 means the Office of State Planning established pursuant to section 6  
45 of P.L.1985, c.398 (C.52:18A-201) and transferred to the  
46 Department of State pursuant to Governor Christie's Reorganization  
47 Plan No. 002-2011, effective August 28, 2011.

1 "Official county map" means the map, with changes and  
2 additions thereto, adopted and established, from time to time, by  
3 resolution of the board of chosen freeholders of the county pursuant  
4 to R.S.40:27-5.

5 "Official map" means a map adopted by ordinance pursuant to  
6 article 5 of P.L.1975, c.291.

7 "Offsite" means located outside the lot lines of the lot in question  
8 but within the property, of which the lot is a part, which is the  
9 subject of a development application or the closest half of the street  
10 or right-of-way abutting the property of which the lot is a part.

11 "Off-tract" means not located on the property which is the  
12 subject of a development application nor on the closest half of the  
13 abutting street or right-of-way.

14 "Onsite" means located on the lot in question and excluding any  
15 abutting street or right-of-way.

16 "On-tract" means located on the property which is the subject of  
17 a development application or on the closest half of an abutting  
18 street or right-of-way.

19 "Open-space" means any parcel or area of land or water  
20 essentially unimproved and set aside, dedicated, designated or  
21 reserved for public or private use or enjoyment or for the use and  
22 enjoyment of owners and occupants of land adjoining or  
23 neighboring such open space; provided that such areas may be  
24 improved with only those buildings, structures, streets and offstreet  
25 parking and other improvements that are designed to be incidental  
26 to the natural openness of the land or support its use for recreation  
27 and conservation purposes.<sup>1</sup>

28 (cf: P.L.2016, c.21, s.2)

29

30 <sup>1</sup>**[4.] 7.**<sup>1</sup> This act shall take effect immediately.

31

32

33

34

35 Establishes numerical requirements and zoning standards for  
36 installation of electric vehicle supply equipment and Make-Ready  
37 parking spaces.

**CHAPTER 171**  
**(CORRECTED COPY)**

**AN ACT** concerning electric vehicle supply equipment and Make-Ready parking spaces and amending and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).

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

C.40:55D-66.18 Variance not required for application.

1. An application for development submitted solely for the installation of electric vehicle supply equipment or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and shall not require a variance pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70).

C.40:55D-66.19 Applications at gasoline station, retail establishment.

2. a. An application for development for the installation of electric vehicle supply equipment or Make-Ready parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.) or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:

(1) the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;

(2) all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and

(3) the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.

b. An application shall be deemed complete if:

(1) the application, including the permit fee and all necessary documentation, is determined to be complete;

(2) a notice of incompleteness is not provided within 20 days after the filing of the application; or

(3) a one-time written correction notice is not issued by the jurisdiction within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.

c. Electric vehicle supply equipment and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and Department of Community Affairs inspection requirements.

C.40:55D-66.20 Certain multiple dwellings, preliminary site plan approval.

3. a. (1) As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is a building held under a condominium or cooperative form of

ownership, a mutual housing corporation, or a mixed use development, the developer or owner, as applicable, shall:

(a) prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install electric vehicle supply equipment in at least one-third of the 15 percent of Make-Ready parking spaces;

(b) within three years following the date of the issuance of the certificate of occupancy, install electric vehicle supply equipment in an additional one-third of the original 15 percent of Make-Ready parking spaces; and

(c) within six years following the date of the issuance of the certificate of occupancy, install electric vehicle supply equipment in the final one-third of the original 15 percent of Make-Ready parking spaces.

(2) Throughout the installation of electric vehicle supply equipment in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.

(3) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required by this subsection.

b. (1) As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in subsection a. of this section shall:

(a) install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.

(b) install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.

(c) install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.

(d) install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.

(e) install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.

(2) In lieu of installing Make-Ready parking spaces, a parking lot or garage may install electric vehicle supply equipment to satisfy the requirements of this subsection.

(3) Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required by this subsection.

(4) With respect to parking spaces for people with disabilities, the model land use ordinance published pursuant to section 4 of P.L.2021, c.171 (C.40:55D-66.21) shall include standards that provide for the progression of accessible Make-Ready parking spaces to accessible electric vehicle supply equipment parking spaces, and shall conform to the requirements of the most recent "International Building Code" and "International Residential Code" published by the International Code Council except as the Commissioner of Community Affairs deems appropriate to deviate from those codes.

c. Notwithstanding the provisions of subsections a. and b. of this section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

d. (1) The Site Improvement Advisory Board, established pursuant to section 3 of P.L.1993, c.32 (C.40:55D-40.3), shall, no later than 90 days following enactment of

P.L.2021, c.171 (C.40:55D-66.18 et al.), submit a recommendation to the Commissioner of Community Affairs to amend the Statewide site improvement standards for multifamily residential development to include the requirements set forth in sections 1 through 3 of P.L.2021, c.171 (C.40:55D-66.18 through C.40:55D-66.20) and to include parking spaces with electric vehicle supply equipment in the calculation of minimum required parking spaces. The Commissioner of Community Affairs may review and promulgate the recommendation in accordance with the procedure set forth in subsection b. of section 4 of P.L.1993, c.32 (C.40:55D-40.4). The adopted criteria shall be consistent with the model land use ordinance published by the Commissioner of Community Affairs pursuant to section 4 of P.L.2021, c.171 (C.40:55D-66.21).

(2) The "State Uniform Construction Code Act," P.L.1975, c. 217 (C. 52:27D-119 et seq.), shall incorporate the requirements set forth in sections 1 through 3 of P.L.2021, c.171 (C.40:55D-66.18 through C.40:55D-66.20) no later than 90 days following enactment of P.L.2021, c.171 (C.40:55D-66.18 et al.). The adopted criteria shall be consistent with the model land use ordinance published by the Commissioner of Community Affairs pursuant to section 4 of P.L.2021, c.171 (C.40:55D-66.21).

e. A parking space prepared with electric vehicle supply equipment or Make-Ready equipment pursuant to this section shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This subsection shall result in a reduction of no more than 10 percent of the total required parking.

f. All parking space calculations for electric vehicle supply equipment and Make-Ready equipment pursuant to this section shall be rounded up to the next full parking space.

g. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

h. A power company funding the installation of electric vehicle supply equipment or Make-Ready parking spaces shall collaborate with developers and owners, with consultation from the Board of Public Utilities, in implementing the provisions of P.L.2021, c.171 (C.40:55D-66.18 et al.).

#### C.40:55D-66.21 Model land use ordinance.

4. a. (1) Within 30 days of enactment of P.L.2021, c.171 (C.40:55D-66.18 et al.), the Commissioner of Community Affairs shall publish a model land use ordinance to address installation, sightline, and setback requirements and other health- and safety-related specifications for electric vehicle supply equipment and Make-Ready parking spaces and shall post the model land use ordinance on the department's Internet website. The model land use ordinance published by the commissioner shall not require the rulemaking process pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(2) The model land use ordinance shall include the requirements pursuant to sections 1 through 3 of P.L.2021, c.171 (C.40:55D-66.18 through C.40:55D-66.20).

(3) The Commissioner of Community Affairs may periodically update the electric vehicle supply equipment and Make-Ready parking space requirements established pursuant to subsections a. and b. of section 3 of P.L.2021, c.171 (C.40:55D-66.20) to reflect increased electric vehicle adoption levels and technological advances in the State. Any update to such parking requirements shall be adopted by the commissioner pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) and promulgated as amendments to the model land use ordinance published pursuant to this subsection. Amendments to the model ordinance to address installation, sightline, or setback requirements or other health- and

safety-related specifications shall not require the rulemaking process pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. (1) The model land use ordinance published by the Commissioner of Community Affairs pursuant to this section shall be effective in each municipality, except that a municipality may deviate from the reasonable standards set forth in the model land use ordinance by adoption of an ordinance pursuant to paragraph (2) of this subsection.

(2) A municipality may, by ordinance, adopt reasonable standards to address installation, sightline, and setback requirements or other health- and safety-related specifications for electric vehicle supply equipment and Make-Ready parking spaces. Nothing in this subsection shall be deemed to authorize a municipality to require site plan review by a municipal agency solely for the installation of electric vehicle supply equipment or Make-Ready parking spaces.

(3) A municipality may encourage additional installation of electric vehicle supply equipment and Make-Ready parking spaces in development projects, but shall not require more than the requirements in the model land use ordinance published by the Commissioner of Community Affairs. The requirements adopted by the Site Improvement Advisory Board established pursuant to section 3 of P.L.1993, c.32 (C.40:55D-40.3) and the requirements adopted through the "State Uniform Construction Code Act," P.L.1975, c. 217 (C. 52:27D-119 et seq.) shall be consistent with the requirements set forth in the model ordinance and shall be updated if the model ordinance is updated pursuant to paragraph (3) of subsection a. of this section.

5. Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to read as follows:

C.40:55D-4 Definitions; D to L.

3.1. "Days" means calendar days.

"Density" means the permitted number of dwelling units per gross area of land that is the subject of an application for development, including noncontiguous land, if authorized by municipal ordinance or by a planned development.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

"Development potential" means the maximum number of dwelling units or square feet of nonresidential floor area that may be constructed on a specified lot or in a specified zone under the master plan and land use regulations in effect on the date of the adoption of the development transfer ordinance or on the date of the adoption of the ordinance authorizing noncontiguous cluster, and in accordance with recognized environmental constraints.

"Development regulation" means a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

"Development restriction" means an agricultural restriction, a conservation restriction, or a historic preservation restriction.

"Development transfer" or "development potential transfer" means the conveyance of development potential, or the permission for development, from one or more lots to one or more other lots by deed, easement, or other means as authorized by ordinance.

"Development transfer bank" means a development transfer bank established pursuant to section 22 of P.L.2004, c.2 (C.40:55D-158) or the State TDR Bank.

"Drainage" means the removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

"Electric vehicle supply equipment" or "electric vehicle service equipment" or "EVSE" means the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, and point of sale equipment and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

"Environmental commission" means a municipal advisory body created pursuant to P.L.1968, c.245 (C.40:56A-1 et seq.).

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

"Final approval" means the official action of the planning board taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

"Floor area ratio" means the sum of the area of all floors of buildings or structures compared to the total area of land that is the subject of an application for development, including noncontiguous land, if authorized by municipal ordinance or by a planned development.

"General development plan" means a comprehensive plan for the development of a planned development, as provided in section 4 of P.L.1987, c.129 (C.40:55D-45.2).

"Governing body" means the chief legislative body of the municipality. In municipalities having a board of public works, "governing body" means such board.

"Historic district" means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

"Historic preservation restriction" means a "historic preservation restriction" as defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

"Historic site" means any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archeological, cultural, scenic or architectural significance.

"Inherently beneficial use" means a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general

welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.

"Instrument" means the easement, credit, or other deed restriction used to record a development transfer.

"Interested party" means: (a) in a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and (b) in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use, acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et seq.), or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under P.L.1975, c.291 (C.40:55D-1 et seq.).

"Land" includes improvements and fixtures on, above or below the surface.

"Local utility" means any sewerage authority created pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.); any utilities authority created pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water or sewer service to a municipality or the residents thereof.

"Lot" means a designated parcel, tract or area of land established by a plat or otherwise, as permitted by law and to be used, developed or built upon as a unit.

6. Section 3.2 of P.L.1975, c.291 (C.40:55D-5) is amended to read as follows:

C.40:55D-5 Definitions; M to O.

3.2. "Maintenance guarantee" means any security which may be accepted by a municipality for the maintenance of any improvements required by this act, including but not limited to surety bonds, letters of credit under the circumstances specified in section 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

"Major subdivision" means any subdivision not classified as a minor subdivision.

"Make-Ready" means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

"Master plan" means a composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to section 19 of P.L.1975, c.291 (C.40:55D-28).

"Mayor" means the chief executive of the municipality, whatever his official designation may be, except that in the case of municipalities governed by municipal council and municipal manager the term "mayor" shall not mean the "municipal manager" but shall mean the mayor of such municipality.

"Military facility" means any facility located within the State which is owned or operated by the federal government, and which is used for the purposes of providing logistical,

technical, material, training, and any other support to any branch of the United States military.

"Military facility commander" means the chief official, base commander or person in charge at a military facility.

"Minor site plan" means a development plan of one or more lots which (1) proposes new development within the scope of development specifically permitted by ordinance as a minor site plan; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42); and (3) contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

"Minor subdivision" means a subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42).

"Municipality" means any city, borough, town, township or village.

"Municipal agency" means a municipal planning board or board of adjustment, or a governing body of a municipality when acting pursuant to this act and any agency which is created by or responsible to one or more municipalities when such agency is acting pursuant to this act.

"Municipal resident" means a person who is domiciled in the municipality.

"Nonconforming lot" means a lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

"Nonconforming structure" means a structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

"Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

"Noncontiguous cluster" means noncontiguous areas to be developed as a single entity according to a plan containing an area, or a section or sections thereof, to be developed for residential purposes, nonresidential purposes, or a combination thereof, at a greater concentration of density or intensity of land use than authorized within the area, section, or sections, under conventional development, in exchange for the permanent preservation of another area, or a section or sections thereof, as common or public open space, or for historic or agricultural purposes, or a combination thereof.

"Office of Planning Advocacy" or "Office of Smart Growth" means the Office of State Planning established pursuant to section 6 of P.L.1985, c.398 (C.52:18A-201) and transferred to the Department of State pursuant to Governor Christie's Reorganization Plan No. 002-2011, effective August 28, 2011.

"Official county map" means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the board of chosen freeholders of the county pursuant to R.S.40:27-5.

"Official map" means a map adopted by ordinance pursuant to article 5 of P.L.1975, c.291.

"Offsite" means located outside the lot lines of the lot in question but within the property, of which the lot is a part, which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part.

"Off-tract" means not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way.

"Onsite" means located on the lot in question and excluding any abutting street or right-of-way.

"On-tract" means located on the property which is the subject of a development application or on the closest half of an abutting street or right-of-way.

"Open-space" means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and offstreet parking and other improvements that are designed to be incidental to the natural openness of the land or support its use for recreation and conservation purposes.

7. This act shall take effect immediately.

Approved July 9, 2021.

**SENATE, No. 3223**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED DECEMBER 7, 2020

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator CHRISTOPHER "KIP" BATEMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Senator Pou**

**SYNOPSIS**

Provides that electric vehicle charging infrastructure is inherently beneficial, may require minor site plan approval, and is permitted accessory use and structure.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/11/2021)**

1 AN ACT concerning electric vehicle charging infrastructure and  
2 amending and supplementing P.L.1975, c.291 (C.40:55D-1 et  
3 seq.).

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

7  
8 1. Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to  
9 read as follows:

10 3.1. "Days" means calendar days.

11 "Density" means the permitted number of dwelling units per  
12 gross area of land that is the subject of an application for  
13 development, including noncontiguous land, if authorized by  
14 municipal ordinance or by a planned development.

15 "Developer" means the legal or beneficial owner or owners of a  
16 lot or of any land proposed to be included in a proposed  
17 development, including the holder of an option or contract to  
18 purchase, or other person having an enforceable proprietary interest  
19 in such land.

20 "Development" means the division of a parcel of land into two or  
21 more parcels, the construction, reconstruction, conversion,  
22 structural alteration, relocation or enlargement of any building or  
23 other structure, or of any mining excavation or landfill, and any use  
24 or change in the use of any building or other structure, or land or  
25 extension of use of land, for which permission may be required  
26 pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

27 "Development potential" means the maximum number of  
28 dwelling units or square feet of nonresidential floor area that may  
29 be constructed on a specified lot or in a specified zone under the  
30 master plan and land use regulations in effect on the date of the  
31 adoption of the development transfer ordinance or on the date of the  
32 adoption of the ordinance authorizing noncontiguous cluster, and in  
33 accordance with recognized environmental constraints.

34 "Development regulation" means a zoning ordinance,  
35 subdivision ordinance, site plan ordinance, official map ordinance  
36 or other municipal regulation of the use and development of land, or  
37 amendment thereto adopted and filed pursuant to P.L.1975, c.291  
38 (C.40:55D-1 et seq.).

39 "Development restriction" means an agricultural restriction, a  
40 conservation restriction, or a historic preservation restriction.

41 "Development transfer" or "development potential transfer"  
42 means the conveyance of development potential, or the permission  
43 for development, from one or more lots to one or more other lots by  
44 deed, easement, or other means as authorized by ordinance.

**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 "Development transfer bank" means a development transfer bank  
2 established pursuant to section 22 of P.L.2004, c.2 (C.40:55D-158)  
3 or the State TDR Bank.

4 "Drainage" means the removal of surface water or groundwater  
5 from land by drains, grading or other means and includes control of  
6 runoff during and after construction or development to minimize  
7 erosion and sedimentation, to assure the adequacy of existing and  
8 proposed culverts and bridges, to induce water recharge into the  
9 ground where practical, to lessen nonpoint pollution, to maintain  
10 the integrity of stream channels for their biological functions as  
11 well as for drainage, and the means necessary for water supply  
12 preservation or prevention or alleviation of flooding.

13 "Environmental commission" means a municipal advisory body  
14 created pursuant to P.L.1968, c.245 (C.40:56A-1 et seq.).

15 "Erosion" means the detachment and movement of soil or rock  
16 fragments by water, wind, ice and gravity.

17 "Final approval" means the official action of the planning board  
18 taken on a preliminarily approved major subdivision or site plan,  
19 after all conditions, engineering plans and other requirements have  
20 been completed or fulfilled and the required improvements have  
21 been installed or guarantees properly posted for their completion, or  
22 approval conditioned upon the posting of such guarantees.

23 "Floor area ratio" means the sum of the area of all floors of  
24 buildings or structures compared to the total area of land that is the  
25 subject of an application for development, including noncontiguous  
26 land, if authorized by municipal ordinance or by a planned  
27 development.

28 "General development plan" means a comprehensive plan for the  
29 development of a planned development, as provided in section 4 of  
30 P.L.1987, c.129 (C.40:55D-45.2).

31 "Governing body" means the chief legislative body of the  
32 municipality. In municipalities having a board of public works,  
33 "governing body" means such board.

34 "Historic district" means one or more historic sites and  
35 intervening or surrounding property significantly affecting or  
36 affected by the quality and character of the historic site or sites.

37 "Historic preservation restriction" means a "historic preservation  
38 restriction" as defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

39 "Historic site" means any real property, man-made structure,  
40 natural object or configuration or any portion or group of the  
41 foregoing of historical, archeological, cultural, scenic or  
42 architectural significance.

43 "Inherently beneficial use" means a use which is universally  
44 considered of value to the community because it fundamentally  
45 serves the public good and promotes the general welfare. Such a  
46 use includes, but is not limited to, a hospital, school, child care  
47 center, group home, **[or]** a wind, solar, or photovoltaic energy  
48 facility or structure, or electric vehicle charging infrastructure.

1 "Instrument" means the easement, credit, or other deed  
2 restriction used to record a development transfer.

3 "Interested party" means: (a) in a criminal or quasi-criminal  
4 proceeding, any citizen of the State of New Jersey; and (b) in the  
5 case of a civil proceeding in any court or in an administrative  
6 proceeding before a municipal agency, any person, whether residing  
7 within or without the municipality, whose right to use, acquire, or  
8 enjoy property is or may be affected by any action taken under  
9 P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use,  
10 acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et  
11 seq.), or under any other law of this State or of the United States  
12 have been denied, violated or infringed by an action or a failure to  
13 act under P.L.1975, c.291 (C.40:55D-1 et seq.).

14 "Land" includes improvements and fixtures on, above or below  
15 the surface.

16 "Local utility" means any sewerage authority created pursuant to  
17 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et  
18 seq.); any utilities authority created pursuant to the "municipal and  
19 county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et  
20 seq.); or any utility, authority, commission, special district or other  
21 corporate entity not regulated by the Board of Regulatory  
22 Commissioners under Title 48 of the Revised Statutes that provides  
23 gas, electricity, heat, power, water or sewer service to a  
24 municipality or the residents thereof.

25 "Lot" means a designated parcel, tract or area of land established  
26 by a plat or otherwise, as permitted by law and to be used,  
27 developed or built upon as a unit.

28 (cf: P.L.2013, c.106, s.3)

29

30 2. (New section) A municipality may, by ordinance, authorize  
31 the administrative officer to review and approve an application for  
32 development, submitted solely to seek approval of the installation  
33 of electric vehicle charging infrastructure, in the manner of a minor  
34 site plan approval, and, the review and approval of the application  
35 shall not require reference to, or approval by, the planning board or  
36 zoning board of adjustment.

37

38 3. (New section) Electric vehicle charging infrastructure shall  
39 be a permitted accessory use and permitted accessory structure in  
40 all zoning or use districts of a municipality and shall not require a  
41 variance pursuant to subsection d. of section 57 of P.L.1975, c.291  
42 (C.40:55D-70).

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44 4. This act shall take effect immediately.

STATEMENT

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This bill provides that electric vehicle charging infrastructure is an inherently beneficial use pursuant to the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.), may require minor site plan approval from the municipal administrative officer, and is a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and would not require use variances.

Specifically, a municipality may, by ordinance, authorize the administrative officer to review and approve an application for development, submitted solely to seek approval of the installation of electric vehicle charging infrastructure, in the manner of a minor site plan approval, and, the review and approval of the application shall not require reference to, or approval by, the planning board or zoning board of adjustment.

Additionally, under the bill electric vehicle charging infrastructure would be a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and shall not require a use variance pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70).

ASSEMBLY TRANSPORTATION AND INDEPENDENT  
AUTHORITIES COMMITTEE

STATEMENT TO

**SENATE, No. 3223**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 12, 2021

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 3223.

As amended, this bill establishes numerical requirements and zoning standards for the installation of electric vehicle supply equipment (EVSE) and Make-Ready parking spaces.

Specifically, section 1 of the bill provides that an application for development submitted solely for the installation of EVSE or Make-Ready parking spaces cannot be considered a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and cannot require a “d.” variance.

Section 2 provides that an application for development for the installation of EVSE or Make-Ready parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building cannot be subject to site plan or other land use board review, cannot require variance relief or any other law, rule, or regulation, and would be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the requirements outlined in the bill.

Section 3 provides that, as a condition of preliminary site plan approval, each application involving a multiple dwelling with five or more units of dwelling space, which also includes a multiple dwelling that is building held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed use development, the developer or owner, as applicable would be required to follow specific installation requirements for EVSE and Make-Ready parking spaces outlined in the bill. Specifically, 15 percent of required off-street parking spaces would be prepared as Make-Ready parking spaces upon preliminary site plan approval, and all of which would gradually transition to EVSE parking spaces within six years following the date of the issuance of the certificate of occupancy. At least five percent of the EVSE parking spaces would be accessible for people with disabilities.

Section 3 further provides that, as a condition of preliminary site plan approval, each application involving a parking lot or garage not

covered above would be subject to install progressively more Make-Ready parking spaces dependent upon the total number of off-street parking spaces. The bill provides parking lots and garages with 100 or more parking spaces with specific accessible parking space requirements for people with disabilities.

Section 3 also provides that a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home is not required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

Finally, section 3 includes provisions allowing for the installation of EVSE parking spaces in lieu of Make-Ready parking spaces; allowing for the Commissioner of Community Affairs to update accessible parking space requirements for people with disabilities as specified in the bill; requiring the Site Improvement Advisory Board and the “State Uniform Construction Code” to be consistent with the model land use ordinance established pursuant to section 4 of the bill; providing guidance on the counting of certain parking spaces; and other provisions.

Section 4 of the bill requires the commissioner, within 30 days of the bill’s enactment, to publish a model land use ordinance to address installation, sightline, and setback requirements and other health- and safety-related specifications for electric vehicle supply equipment and Make-Ready parking spaces. The model land use ordinance would not require the rulemaking process pursuant to the "Administrative Procedure Act." The ordinance is also required to include the land use and EVSE and Make-Ready parking spaces provisions in sections 1 through 3 of the bill. The commissioner may periodically update the ordinance through the "Administrative Procedure Act" process. The model land use ordinance would be effective in all municipalities, however, by ordinance, a municipality may deviate from the model land use ordinance through adoption of reasonable standards to address installation, sightline, and setback requirements or other health- and safety-related specifications for electric vehicle supply equipment and Make-Ready parking spaces. A municipality may encourage, but cannot require, more EVSE or Make-Ready parking spaces than the requirements published in the model land use ordinance.

Sections 5 and 6 of the bill amend the “Municipal Land Use Law” to define “EVSE” and “Make-Ready.” Section 7 of the bill implements the provisions of the bill immediately upon enactment.

As amended and reported, this bill is identical to the Assembly Committee Substitute for Assembly Bill Nos. 2108 and 5032, as also amended and reported by the committee on this date.

#### COMMITTEE AMENDMENTS:

The committee amendments:

- Define “electric vehicle supply equipment” (EVSE) and “Make-Ready” parking spaces to conform these definitions with existing electric vehicle technology, codes, and standards;
- Clarify that an application for EVSE and Make-Ready parking spaces are permitted accessory uses and structures and do not require a “d.” variance;
- Clarify that an application for development of EVSE or Make-Ready parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building would be approved through the issuance of a zoning permit by the administrative officer;
- Clarify that, as a condition of preliminary site plan approval, the specific: (1) EVSE and Make-Ready parking space requirements for certain multiple dwellings; (2) Make-Ready parking space requirements for parking lots and garages; and (3) prohibition on EVSE and Make-Ready parking space requirements for a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home;
- Modify the provisions of the model land use ordinance to be published by the Commissioner of Community Affairs, and effective in all municipalities, to include the land use and EVSE and Make-Ready parking space requirements and to address installation, sightline, and setback requirements and other health- and safety-related specifications. The amendments permit a municipality to deviate from the model land use ordinance, except for the EVSE and Make-Ready parking space requirements; and
- Include other provisions to further the purposes of installing electric vehicle supply equipment and Make-Ready parking spaces throughout the State.

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### SENATE, No. 3223

# STATE OF NEW JERSEY

DATED: DECEMBER 10, 2020

The Senate Environment and Energy Committee favorably reports Senate Bill No. 3223.

This bill provides that electric vehicle charging infrastructure is an inherently beneficial use pursuant to the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.), may require minor site plan approval from the municipal administrative officer, and is a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and would not require use variances.

Specifically, a municipality may, by ordinance, authorize the administrative officer to review and approve an application for development, submitted solely to seek approval of the installation of electric vehicle charging infrastructure, in the manner of a minor site plan approval, and the review and approval of the application shall not require reference to, or approval by, the planning board or zoning board of adjustment.

Additionally, under the bill, electric vehicle charging infrastructure would be a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and shall not require a use variance pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70).

# ASSEMBLY, No. 2108

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**SYNOPSIS**

Exempts from local approvals installation of electric vehicle charging station at gasoline service station that meets certain requirements.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the installation of electric vehicle charging  
2 stations at gasoline service stations and supplementing P.L.1975,  
3 c.291 (C.40:55D-1 et seq.).  
4

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

8 1. a. An application for development for the installation of an  
9 electric vehicle charging station at a gasoline service station shall  
10 not be subject to site plan or other land use board review, shall not  
11 require variance relief pursuant to P.L.1975, c.291 (C.40:55D-1 et  
12 seq.) or any other law, rule, or regulation, and shall be approved by  
13 the appropriate administrative officer, provided the application  
14 meets the following requirements:

15 (1) the proposed installation does not violate bulk requirements  
16 applicable to the property or the conditions of the original final  
17 approval of the site plan or subsequent approvals for the gasoline  
18 service station;

19 (2) all other conditions of prior approvals for the gasoline  
20 service station continue to be met; and

21 (3) the proposed installation complies with the construction  
22 codes adopted in the State Uniform Construction Code, any safety  
23 standards concerning the installation, and any State rule or  
24 regulation concerning electric vehicle charging stations.

25 b. An electric vehicle charging station installed at a gasoline  
26 service station shall be subject to local and Department of  
27 Community Affairs inspection requirements.

28 c. As used in this section, "electric vehicle charging station"  
29 means a station that is designed in compliance with the State  
30 Uniform Construction Code adopted pursuant to P.L.1975, c.217  
31 (C.52:27D-119 et seq.), that delivers electricity from a source  
32 outside an electric vehicle into one or more electric vehicles. An  
33 electric vehicle charging station may include several charge points  
34 simultaneously connecting several electric vehicles to the station  
35 and any related equipment needed to facilitate charging plug-in  
36 electric vehicles.  
37

38 2. This act shall take effect immediately.  
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41 STATEMENT  
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43 This bill exempts the installation of an electric vehicle charging  
44 station at a gasoline service station from site plan or other land use  
45 board review and variance relief requirements under the "Municipal  
46 Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or any other  
47 law, rule, or regulation, and requires the appropriate administrative  
48 officer to approve the application for the proposed installation if

**A2108 SWAIN, LOPEZ**

1 certain requirements are met. The requirements to be met are as  
2 follows:

3 1) the proposed installation does not violate bulk requirements  
4 applicable to the property and requires no changes to the conditions  
5 of the original final approval of the site plan or subsequent  
6 approvals for the gasoline service station;

7 2) all other conditions of prior approvals for the gasoline  
8 service station continue to be met; and

9 3) the proposed installation complies with the construction codes  
10 adopted in the State Uniform Construction Code, any safety  
11 standards concerning the installation, and any State rule or  
12 regulation concerning electric vehicle charging stations.

13 The bill also specifies that an electric vehicle charging station  
14 installed at a gasoline service station shall be subject to local and  
15 Department of Community Affairs inspection requirements.

16 The bill defines “electric vehicle charging station” as a station  
17 that is designed in compliance with the State Uniform Construction  
18 Code adopted pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.),  
19 that delivers electricity from a source outside an electric vehicle  
20 into one or more electric vehicles. An electric vehicle charging  
21 station may include several charge points simultaneously  
22 connecting several electric vehicles to the station and any related  
23 equipment needed to facilitate charging plug-in electric vehicles.

# ASSEMBLY, No. 5032

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

**Sponsored by:**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblyman ANDREW ZWICKER**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**SYNOPSIS**

Provides that electric vehicle charging stations are permitted accessory uses and structures and requires ordinance concerning electric vehicle charging stations.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/30/2020)**

A5032 BENSON, VERRELLI

2

1 AN ACT concerning electric vehicle charging stations and  
2 supplementing P.L.1975, c.291 (C.40:55D-1 et seq.) and  
3 P.L.1993, c.30 (C.45:22A-43 et seq.).

4

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

7

8 1. a. An electric vehicle charging station shall be a permitted  
9 accessory use and permitted accessory structure in all zoning or use  
10 districts of a municipality and shall not require a variance pursuant  
11 to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70).

12 b. A municipality may, by ordinance, adopt reasonable  
13 standards for the siting of an electric vehicle charging station. The  
14 standards may address sightline and setback requirements and other  
15 health- and safety-related specifications for the siting of an electric  
16 vehicle charging stations. Nothing in this subsection shall be  
17 deemed to authorize a municipality to require site plan review by a  
18 municipal agency solely for the installation of an electric vehicle  
19 charging station. An application for development submitted solely  
20 for the installation of an electric vehicle charging station shall be  
21 approved by issuance of a zoning permit by the administrative  
22 officer and without site plan approval.

23 c. The model ordinance promulgated by the Department of  
24 Environmental Protection pursuant to section 2 of  
25 P.L. , c. (C. ) (pending before the Legislature as this bill)  
26 shall take effect in each municipality, however, a municipality may  
27 deviate from the site standards set forth in the model ordinance by  
28 adoption of an ordinance pursuant to subsection b. of this section.

29

30 2. a. Within 90 days of enactment of P.L. , c. (C. )  
31 (pending before the Legislature as this bill), the Department  
32 Environmental Protection, in consultation with the Department of  
33 Community Affairs, shall promulgate a model land use ordinance  
34 for the siting of electric vehicle charging stations and shall post the  
35 model land use ordinance on its Internet website.

36 b. The model land use ordinance shall impose the following  
37 requirements as a condition of site plan approval:

38 (1) Each multifamily building with five or more dwelling units  
39 shall provide at least 15 percent of the required off-street parking  
40 spaces with Level One or higher alternating current electrical  
41 powered electric vehicle charging stations, and at least 10 percent  
42 of those parking spaces shall be accessible for people with  
43 disabilities.

44 (2) Each parking lot or garage not covered in paragraph (1) of  
45 this subsection shall provide:

46 (a) At least one Level Two or higher alternating current  
47 electrical powered electric vehicle charging station, if there will be  
48 50 or fewer off-street parking spaces.

1 (b) At least two Level Two or higher alternating current  
2 electrical powered electric vehicle charging stations, if there will be  
3 75 or fewer off-street parking spaces, but more than 50.

4 (c) At least three Level Two or higher alternating current  
5 electrical powered electric vehicle charging stations, at least one of  
6 which shall be accessible for people with disabilities, if there will  
7 be 100 or fewer off-street parking spaces, but more than 75.

8 (d) At least four Level Two or higher alternating current  
9 electrical powered electric vehicle charging stations, at least one of  
10 which shall be accessible for people with disabilities, if there will  
11 be 150 or fewer off-street parking spaces, but more than 100.

12 (e) If there will be more than 150 off-street parking spaces, at  
13 least four percent of the parking spaces shall provide Level Two or  
14 higher alternating current electrical powered electric vehicle  
15 charging stations, and at least 10 percent of those parking spaces  
16 shall be accessible for people with disabilities.

17 (f) In lieu of installing Level 2 Charging Stations as required by  
18 subsection e. of paragraph (2) of this subsection, a parking lot or  
19 garage may install direct current fast charging stations as follows:

20 (i) A parking lot or garage with 150 or fewer off-street parking  
21 spaces may install a direct fast charger or chargers with a total  
22 combined power output capacity of at least 50 kilowatts; and

23 (ii) A parking lot or garage with more than 150 off-street  
24 parking spaces may install a direct current fast charger or chargers  
25 with a total combined power output capacity of at least 150  
26 kilowatts.

27 c. (1) The Site Improvement Advisory Board, established  
28 pursuant to section 3 of P.L.1993, c.32 (C.40:55D-40.3.), shall, no  
29 later than 90 days following enactment of P.L. , c. (C. )  
30 (pending before the Legislature as this bill), submit a  
31 recommendation to the Commissioner of Community Affairs to  
32 amend the Statewide site improvement standards for residential  
33 development to include parking spaces with electric vehicle  
34 charging stations in the calculation of minimum required parking  
35 spaces. The commissioner shall review the recommendation and  
36 shall adopt the recommendation by regulation in accordance with  
37 the procedure set forth in section 4 of P.L.1993, c.32 (C.40:55D-  
38 40.4).

39 (2) An electric vehicle charging station permitted as an  
40 accessory use shall be excluded from any parking requirement  
41 otherwise applicable to the number of units or amount of floor  
42 space of the primary use, as appropriate, under State or local laws  
43 or regulations adopted thereunder.

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45 3. This act shall take effect immediately.

STATEMENT

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Under the bill, an electric vehicle charging station would be a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and would not require use variances.

Under the bill, a municipality would permitted, by ordinance, to adopt reasonable standards for the siting of an electric vehicle charging station. The standards may address sightline and setback requirements and other health- and safety-related specifications for the siting of an electric vehicle charging stations. Nothing in the bill would authorize a municipality to require site plan review by a municipal agency solely for the installation of an electric vehicle charging station. Under the bill, an application for development submitted solely for the installation of an electric vehicle charging station would be approved by issuance of a zoning permit by the administrative officer and without site plan approval.

Within 90 days of enactment of the bill, the Department of Environmental Protection in consultation with the Department of Community Affairs, would be required to promulgate a model land use ordinance for the siting of electric vehicle charging stations and to post the model land use ordinance on its Internet website.

Under the bill, the model ordinance promulgated by the Department of Environmental Protection would take effect in each municipality, however, a municipality may deviate from the site standards set forth in the model ordinance by adoption of an ordinance pursuant to the bill.

The model land use ordinance to be promulgated under the bill would impose, as a condition of receiving site plan approval, a requirement that a certain number of electric vehicle charging stations be provided. The number of electric vehicle charging stations required, and whether Level One or higher or Level Two or higher alternating current electrical powered charging stations are required, under the bill varies for a multifamily building with five or more dwelling units and a parking lot or garage.

Additionally, in lieu of installing Level 2 Charging Stations as required by the bill, a parking lot or garage with 150 or fewer off-street parking spaces may install a direct fast charger or chargers with a total combined power output capacity of at least 50 kilowatts; and a parking lot or garage with more than 150 off-street parking spaces may install a direct current fast charger or chargers with a total combined power output capacity of at least 150 kilowatts.

Finally, the bill would require the amendment the Statewide site improvement standards for residential development to include parking spaces with electric vehicle charging stations in the calculation of minimum required off-street parking spaces. An electric vehicle charging station permitted as an accessory use

**A5032 BENSON, VERRELLI**

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1 would be excluded from any parking requirement otherwise  
2 applicable to the number of units or amount of floor space of the  
3 primary use, as appropriate, under State or local laws or regulations  
4 adopted thereunder.

ASSEMBLY TRANSPORTATION AND INDEPENDENT  
AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 2108 and 5032**

**STATE OF NEW JERSEY**

DATED: DECEMBER 10, 2020

The Assembly Transportation and Independent Authorities Committee Reports favorably an Assembly committee substitute for Assembly Bill No. 2108 and Assembly Bill No. 5032.

As substituted and reported, this bill provides that an electric vehicle charging station is a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and does not require use variances. The bill requires the Department of Community Affairs to promulgate a model land use ordinance for the siting of electric vehicle charging stations and to post the model land use ordinance on its Internet website. By default, the model ordinance is effective in each municipality, however, the bill authorizes a municipality, by ordinance, to deviate from the model ordinance and adopt its own reasonable standards for the siting of an electric vehicle charging station. The standards may address sightline and setback requirements and other health- and safety-related specifications for the siting of an electric vehicle charging stations. Under the bill, an application for development submitted solely for the installation of an electric vehicle charging station is to be approved by issuance of a zoning permit by the administrative officer and without site plan approval.

The model land use ordinance to be promulgated under the bill would impose, as a condition of receiving site plan approval, a requirement that a certain number of electric vehicle charging stations be provided. The number of electric vehicle charging stations required, and whether Level One or higher or Level Two or higher alternating current electrical powered charging stations are required, under the bill varies for a multifamily building with five or more dwelling units and a parking lot or garage. The bill provides that retailers that provide 25 or fewer parking spaces are to be exempt from providing electric vehicle charging stations under the model ordinance.

Additionally, in lieu of installing Level 2 Charging Stations as required by the bill, a parking lot or garage with 150 or fewer off-street parking spaces may install a direct fast charger or chargers with a total combined power output capacity of at least 50

kilowatts; and a parking lot or garage with more than 150 off-street parking spaces may install a direct current fast charger or chargers with a total combined power output capacity of at least 150 kilowatts.

The bill requires the Statewide site improvement standards for residential development to include parking spaces with electric vehicle charging stations in the calculation of minimum required off-street parking spaces. An electric vehicle charging station permitted as an accessory use would be excluded from any parking requirement otherwise applicable to the number of units or amount of floor space of the primary use, as appropriate, under State or local laws or regulations adopted thereunder.

The bill also exempts the installation of an electric vehicle charging station at a gasoline service station or existing retail establishment from site plan or other land use board review and variance relief requirements under the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.) or any other law, rule, or regulation, and requires the appropriate administrative officer to approve the application for the proposed installation if certain requirements are met. The requirements to be met are as follows:

- 1) the proposed installation does not violate bulk requirements applicable to the property and requires no changes to the conditions of the original final approval of the site plan or subsequent approvals for the gasoline service station;
- 2) all other conditions of prior approvals for the gasoline service station continue to be met; and
- 3) the proposed installation complies with the construction codes adopted in the State Uniform Construction Code, any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.

The bill provides when an application is to be deemed complete and provides for permitting fees to be partially refunded if a jurisdiction fails to properly act on an application within the 20-day permit process schedule specified in the State Uniform Construction Code.

The bill specifies that an electric vehicle charging station installed at a gasoline service station or existing retail establishment shall be subject to local and Department of Community Affairs inspection requirements.

As reported, this bill is identical to Senate Bill No. 938, which was amended and reported by committee on this same date.

ASSEMBLY TRANSPORTATION AND INDEPENDENT  
AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 2108 and 5302**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 12, 2021

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments the Assembly Committee Substitute for Assembly Bill Nos. 2108 and 5302.

As amended, this substitute establishes numerical requirements and zoning standards for the installation of electric vehicle supply equipment (EVSE) and Make-Ready parking spaces.

Specifically, section 1 of the bill provides that an application for development submitted solely for the installation of EVSE or Make-Ready parking spaces cannot be considered a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality and cannot require a “d.” variance.

Section 2 provides that an application for development for the installation of EVSE or Make-Ready parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building cannot be subject to site plan or other land use board review, cannot require variance relief or any other law, rule, or regulation, and would be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the requirements outlined in the bill.

Section 3 provides that, as a condition of preliminary site plan approval, each application involving a multiple dwelling with five or more units of dwelling space, which also includes a multiple dwelling that is building held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed use development, the developer or owner, as applicable would be required to follow specific installation requirements for EVSE and Make-Ready parking spaces outlined in the bill. Specifically, 15 percent of required off-street parking spaces would be prepared as Make-Ready parking spaces upon preliminary site plan approval, and all of which would gradually transition to EVSE parking spaces within six years following the date of the issuance of the certificate of occupancy. At least five

percent of the EVSE parking spaces would be accessible for people with disabilities.

Section 3 further provides that, as a condition of preliminary site plan approval, each application involving a parking lot or garage not covered above would be subject to install progressively more Make-Ready parking spaces dependent upon the total number of off-street parking spaces. The bill provides parking lots and garages with 100 or more parking spaces with specific accessible parking space requirements for people with disabilities.

Section 3 also provides that a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home is not required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

Finally, section 3 includes provisions allowing for the installation of EVSE parking spaces in lieu of Make-Ready parking spaces; allowing for the Commissioner of Community Affairs to update accessible parking space requirements for people with disabilities as specified in the bill; requiring the Site Improvement Advisory Board and the "State Uniform Construction Code" to be consistent with the model land use ordinance established pursuant to section 4 of the bill; providing guidance on the counting of certain parking spaces; and other provisions.

Section 4 of the bill requires the commissioner, within 30 days of the bill's enactment, to publish a model land use ordinance to address installation, sightline, and setback requirements and other health- and safety-related specifications for electric vehicle supply equipment and Make-Ready parking spaces. The model land use ordinance would not require the rulemaking process pursuant to the "Administrative Procedure Act." The ordinance is also required to include the land use and EVSE and Make-Ready parking spaces provisions in sections 1 through 3 of the bill. The commissioner is permitted to periodically update the ordinance through the "Administrative Procedure Act" process. The model land use ordinance would be effective in all municipalities, however, by ordinance, a municipality may deviate from the model land use ordinance through adoption of reasonable standards to address installation, sightline, and setback requirements or other health- and safety-related specifications for electric vehicle supply equipment and Make-Ready parking spaces. A municipality may encourage, but cannot require, more EVSE or Make-Ready parking spaces than the requirements published in the model land use ordinance.

Sections 5 and 6 of the bill amend the "Municipal Land Use Law" to define "EVSE" and "Make-Ready." Section 7 of the bill implements the provisions of the bill immediately upon enactment.

As amended and reported, this substitute is identical to Senate Bill No. 3223, as also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments:

- Define “electric vehicle supply equipment” (EVSE) and “Make-Ready” parking spaces to conform these definitions with existing electric vehicle technology, codes, and standards;
- Clarify that an application for EVSE and Make-Ready parking spaces are permitted accessory uses and structures and do not require a “d.” variance;
- Clarify that an application for development of EVSE or Make-Ready parking spaces at an existing gasoline service station, an existing retail establishment, or any other existing building would be approved through the issuance of a zoning permit by the administrative officer;
- Clarify that, as a condition of preliminary site plan approval, the specific: (1) EVSE and Make-Ready parking space requirements for certain multiple dwellings; (2) Make-Ready parking space requirements for parking lots and garages; and (3) prohibition on EVSE and Make-Ready parking space requirements for a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home;
- Modify the provisions of the model land use ordinance to be published by the Commissioner of Community Affairs, and effective in all municipalities, to include the land use and EVSE and Make-Ready parking space requirements and to address installation, sightline, and setback requirements and other health- and safety-related specifications. The amendments permit a municipality to deviate from the model land use ordinance, except for the EVSE and Make-Ready parking space requirements; and
- Include other provisions to further the purposes of installing electric vehicle supply equipment and Make-Ready parking spaces throughout the State.

# Governor Murphy Signs Bills to Advance New Jersey's Clean Energy Future

07/9/2021

*Legislation will Increase Solar Development and Facilitate Installation of Electric Vehicle Charging Infrastructure throughout the State*

**SEASIDE HEIGHTS** – Governor Phil Murphy today signed a package of bills aimed at advancing New Jersey's transition to a clean energy future to further the Administration's goal of reaching 100 percent clean energy by 2050. The legislation will increase solar development and facilitate installation of electric vehicle charging infrastructure throughout the state.

"Three and a half years ago we put forth one of the most aggressive plans in the nation to move New Jersey away from fossil fuels and towards a future based on clean and renewable energy technologies," **said Governor Murphy**. "From wind-turbine component manufacturing, to solar energy installation, to electric vehicles, the modernization of our energy sector will not only aid us in addressing climate change, but also drive significant economic growth and create good-paying, union jobs across the state. By signing these bills today, we are marking another milestone on our path to 100 percent clean energy by 2050 and fueling our clean innovation economy."

"In order to combat climate change and its devastating consequences, we must do all we can to make it easier for people and families to use and charge electric vehicles whether they live in a single-family home or in a multi-family dwelling. Electric vehicles are the future and everyone should have access to the environmental and economic benefits they provide," **said Lt. Governor Sheila Oliver, who serves as Commissioner of the New Jersey Department of Community Affairs**. "The legislation that Governor Murphy signed today will go a long way to supporting electric vehicle adoption across New Jersey. In fact, DCA is already at work crafting model ordinances to provide local governments with the ability to safely and efficiently approve the installation of electric vehicle service equipment and parking spaces that are pre-wired for electric vehicle infrastructure. DCA looks forward to continuing to do its part on electric vehicles and the broader effort to protect our environment."

The Governor signed the following four bills into law:

**S3223 (Smith, Bateman/Swain, Benson, Lopez, Verrelli, Karabinchak, Zwicker)** - Establishes numerical requirements and zoning standards for installation of electric vehicle supply equipment and Make-Ready parking spaces

**A1653 (Quijano, Karabinchak, Holley/Smith, Bateman)** - Encourages development of zero-emission vehicle fueling and charging infrastructure in redevelopment projects.

**A4554 (Karabinchak, Burzichelli, Houghtaling/Smith, Bateman)** - Establishes successor program to solar renewable energy certificate program in BPU, including solicitation process for certain solar power generation facilities.

**A5434 (Dancer, Armato, Houghtaling/Smith, Bateman)** - Establishes dual-use solar project pilot program for unpreserved farmland; allows land used for dual-use solar project to be eligible for farmland assessment under certain conditions.

"I often talk about how significant these past few years have been for greatly expanding and growing renewable energy and electric vehicle capacity in New Jersey to combat climate change," **said Senator Smith**. "With the dual-use solar project and utility-scale solar program laws now established, we can significantly increase our renewable energy footprint in a way that both preserves farmland and open-space. This clean energy can then go into the electrical grid to help power the electric vehicles via charging stations installed around the state."

"In the not-so-distant future, we'll see the day when most cars on the road are electric. By 2040, over half of all passenger vehicles sold are projected to be electric," **said Assemblymembers Lisa Swain, Daniel Benson, Yvonne Lopez, Anthony Verrelli, Robert Karabinchak, and Andrew Zwicker in a joint statement.** "For the sake of our climate future, that day cannot come soon enough. If we want to encourage consumers to shift from buying gasoline-powered cars that emit dangerous fossil fuels into the air and erode our climate, to environmentally conscious electric vehicles that will reduce our dependence on oil and support clean air initiatives, we must invest in EV charging infrastructure in every community. The standards outlined in this law will remove roadblocks faced when installing EV supply equipment and parking spaces, which will expand our EV infrastructure and help New Jersey meet its climate goals."

"More people are using zero-emission vehicles now than ever before. This is due in part to the hundreds of dollars ZEV drivers save each year on gas," **said Assemblymembers Annette Quijano, Robert Karabinchak, and Jamel Holley in a joint statement.** "These vehicles are also better for our planet than gasoline cars because they don't create byproducts that can harm the environment. The Assembly passed quite a few bills last session to encourage the purchase of ZEVs, and we must continue our efforts of finding ways to make these cars more convenient for both current and prospective owners. This law will encourage municipalities to incorporate charging and refueling stations in their redevelopment plans to increase the number of stations throughout our state. The more places our residents can go to recharge or refuel their ZEV, the more practical and appealing these vehicles will be."

"Solar power is a clean, renewable source of energy that can reliably power homes and businesses throughout our state," **said Assemblymen Robert Karabinchak, John Burzichelli, and Eric Houghtaling in a joint statement.** "The Solar Successor Program will incentivize the generation of more solar power to help New Jersey reach our energy goals over the next five years and beyond. This program will not only create new jobs, but help protect our environment as well – ultimately benefitting everyone in our state."

"This law will allow large-scale solar energy projects to be used as a tool for farmland preservation, and improve long-term viability of New Jersey family-farming operations," **said Assemblymen John Armato and Eric Houghtaling in a joint statement.** "Studies have shown that agriculture production and solar generation can coexist on the same land. With a dual-use solar project pilot program, crops would flourish while the State continues its ambition toward 100% clean energy by 2050."

"A very good balance was struck between maintaining our best agricultural lands while at the same time advancing the state's Energy Master Plan," **said New Jersey Department of Agriculture Secretary Douglas Fisher.** "The Department of Agriculture is working closely with BPU as well as with Rutgers University to ensure the best possible outcomes are achieved. Thank you to Governor Murphy and the Legislature for continuing to make clean energy a priority that will allow solar interests to be developed while advancing agriculture in the Garden State."

"Governor Murphy's actions on these bills today will expand solar energy and electric vehicle infrastructure and continue to advance our efforts to achieve 100% clean energy by 2050," **said New Jersey Board of Public Utilities President Joseph L. Fiordaliso.** "We are building on the success of New Jersey's solar industry, which is going strong with over 142,000 installations in the state, as well developing the critical EV infrastructure necessary to help drivers make the switch. The new legislation complements our efforts at the Board and will help deliver on the Governor's vision of a clean energy future."

"Increasing the use of solar energy and zero-emission vehicles is not only essential for addressing the threat of climate change, but also creates important opportunities for long-term, sustainable economic growth," **said New Jersey Economic Development Authority Chief Executive Officer Tim Sullivan.** "Around the world, clean energy is a major job creator, and Governor Murphy's strong leadership in signing these bills is a critical step forward that will establish New Jersey as a leader in the fight against climate change while building a stronger, fairer economy."

"I am proud to stand with Governor Murphy today as he signs legislation that will make it easier for New Jersey's municipalities to create electric vehicle charging infrastructure in their communities and further advance the state's clean energy goals," **said New Jersey Department of Environmental Protection**

**Commissioner Shawn M. LaTourette.** "Driving electric has numerous benefits for public health, air quality and the environment. We encourage the public to review the many incentives New Jersey offers for purchasing and driving electric vehicles and consider doing so an investment in the state's clean energy future."

"Governor Murphy understands that the aggressive and thoughtful pursuit of clean energy and the economy of New Jersey will be the rising tide that lifts all boats," **said Pam Frank, CEO, ChargeVC-NJ.** "And importantly, in the name of fairness and in the name of decency, the governor recognizes that for so many generations, so many of our boats, never even left the shore. Putting his vision together with the leadership of these two men, Senator Smith and Assemblyman Benson means a lot is happening."