

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2108 and 5032

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED DECEMBER 10, 2020

Sponsored by:

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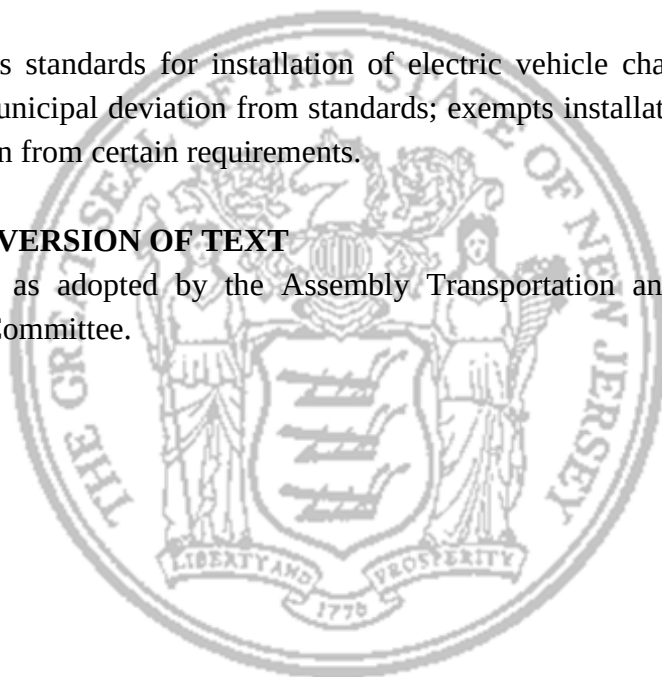
District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Establishes standards for installation of electric vehicle charging stations; authorizes municipal deviation from standards; exempts installation at gasoline service station from certain requirements.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Transportation and Independent Authorities Committee.



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. The model ordinance promulgated by the Department of
 13 Community Affairs pursuant to section 3 of
 14 P.L. , c. (C.) (pending before the Legislature as this bill)
 15 shall be effective in each municipality, except that a municipality
 16 may deviate from the site standards set forth in the model ordinance
 17 by adoption of an ordinance pursuant to subsection c. of this
 18 section.

19 c. A municipality may, by ordinance, adopt reasonable
 20 standards for the siting of an electric vehicle charging station. The
 21 standards may address sightline and setback requirements and other
 22 health- and safety-related specifications for the siting of an electric
 23 vehicle charging station. Nothing in this subsection shall be
 24 deemed to authorize a municipality to require site plan review by a
 25 municipal agency solely for the installation of an electric vehicle
 26 charging station. An application for development submitted solely
 27 for the installation of an electric vehicle charging station shall be
 28 approved by issuance of a zoning permit by the administrative
 29 officer and without site plan approval.
 30

31 2. a. An application for development for the installation of an
 32 electric vehicle charging station at a gasoline service station or an
 33 existing retail establishment shall not be subject to site plan or other
 34 land use board review, shall not require variance relief pursuant to
 35 P.L.1975, c.291 (C.40:55D-1 et seq.) or any other law, rule, or
 36 regulation, and shall be approved by the appropriate administrative
 37 officer, provided the application meets the following requirements:

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

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

45 (3) the proposed installation complies with the construction
 46 codes adopted in or promulgated pursuant to the "State Uniform
 47 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.),

- 1 any safety standards concerning the installation, and any State rule
- 2 or regulation concerning electric vehicle charging stations.
- 3 b. An application shall be deemed complete if:
- 4 (1) the application, including the permit fee and all necessary
- 5 documentation, is determined to be complete;
- 6 (2) a notice of incompleteness is not provided within 20 days
- 7 after the filing of the application; or
- 8 (3) a one-time written correction notice is not issued by the
- 9 jurisdiction within 20 days after filing of the application detailing
- 10 all deficiencies in the application and identifying any additional
- 11 information explicitly necessary to complete a review of the permit
- 12 application.
- 13 c. An electric vehicle charging station installed at a gasoline
- 14 service station or existing retail establishment shall be subject to
- 15 local and Department of Community Affairs inspection
- 16 requirements.
- 17
- 18 3. a. Within 90 days of enactment of P.L. , c. (C.)
- 19 (pending before the Legislature as this bill), the Department of
- 20 Community Affairs shall promulgate a model land use ordinance for
- 21 the siting of electric vehicle charging stations and shall post the
- 22 model land use ordinance on its Internet website.
- 23 b. The model land use ordinance shall impose the following
- 24 requirements as a condition of site plan approval:
- 25 (1) Each multifamily building with five or more dwelling units
- 26 shall provide at least 15 percent of the required off-street parking
- 27 spaces with Level One or higher alternating current electrical
- 28 powered electric vehicle charging stations, and at least 10 percent
- 29 of those parking spaces shall be accessible for people with
- 30 disabilities.
- 31 (2) Each parking lot or garage not covered in paragraph (1) of
- 32 this subsection shall provide:
- 33 (a) At least one Level Two or higher alternating current
- 34 electrical powered electric vehicle charging station, if there will be
- 35 50 or fewer off-street parking spaces.
- 36 (b) At least two Level Two or higher alternating current
- 37 electrical powered electric vehicle charging stations, if there will be
- 38 75 or fewer off-street parking spaces, but more than 50.
- 39 (c) At least three Level Two or higher alternating current
- 40 electrical powered electric vehicle charging stations, at least one of
- 41 which shall be accessible for people with disabilities, if there will
- 42 be 100 or fewer off-street parking spaces, but more than 75.
- 43 (d) At least four Level Two or higher alternating current
- 44 electrical powered electric vehicle charging stations, at least one of
- 45 which shall be accessible for people with disabilities, if there will
- 46 be 150 or fewer off-street parking spaces, but more than 100.
- 47 (e) If there will be more than 150 off-street parking spaces, at
- 48 least four percent of the parking spaces shall provide Level Two or

- 1 higher alternating current electrical powered electric vehicle
- 2 charging stations, and at least 10 percent of those parking spaces
- 3 shall be accessible for people with disabilities.
- 4 (3) In lieu of installing Level Two charging stations as required
- 5 by paragraph (2) of this subsection, a parking lot or garage may
- 6 install direct current fast charging stations as follows:
- 7 (a) A parking lot or garage with 150 or fewer off-street parking
- 8 spaces may install a direct fast charger or chargers with a total
- 9 combined power output capacity of at least 50 kilowatts; and
- 10 (b) A parking lot or garage with more than 150 off-street
- 11 parking spaces may install a direct current fast charger or chargers
- 12 with a total combined power output capacity of at least 150
- 13 kilowatts.
- 14 c. Notwithstanding the provisions of subsection b. of this
- 15 section, the model ordinance shall not require a retailer that
- 16 provides 25 or fewer off-street parking spaces to provide or install
- 17 any electric vehicle charging stations.
- 18 d. The model ordinance and any ordinance adopted by a
- 19 municipality that deviates from the model ordinance shall include a
- 20 provision that one-third of the amount of all permitting application
- 21 fees shall be returned to the applicant if the jurisdiction fails to act
- 22 within the 20-day permit process schedule specified in or
- 23 promulgated pursuant to the "State Uniform Construction Code
- 24 Act," P.L.1975, c.217 (C.52:27D-119 et seq.).
- 25 e. (1) The Site Improvement Advisory Board, established
- 26 pursuant to section 3 of P.L.1993, c.32 (C.40:55D-40.3), shall, no
- 27 later than 90 days following enactment of P.L. , c. (C.)
- 28 (pending before the Legislature as this bill), submit a
- 29 recommendation to the Commissioner of Community Affairs to
- 30 amend the Statewide site improvement standards for residential
- 31 development to include parking spaces with electric vehicle
- 32 charging stations in the calculation of minimum required parking
- 33 spaces. The commissioner shall review the recommendation and
- 34 shall adopt the recommendation by regulation in accordance with
- 35 the procedure set forth in section 4 of P.L.1993, c.32 (C.40:55D-
- 36 40.4).
- 37 (2) An electric vehicle charging station permitted as an
- 38 accessory use shall be excluded from any parking requirement
- 39 otherwise applicable to the number of units or amount of floor
- 40 space of the primary use, as appropriate, under State or local laws
- 41 or regulations adopted thereunder.
- 42
- 43 4. This act shall take effect immediately.