

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)

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.

44
45 3. This act shall take effect immediately.

STATEMENT

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

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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.