

[First Reprint]
SENATE, No. 938

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

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

As reported by the Assembly Transportation and Independent Authorities Committee on December 10, 2020, with amendments.



(Sponsorship Updated As Of: 9/17/2020)

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

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

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

13 b. The model ordinance promulgated by the Department of
 14 Community Affairs pursuant to section 3 of P.L. , c. (C.)
 15 (pending before the Legislature as this bill) shall be effective in
 16 each municipality, except that a municipality may deviate from the
 17 site standards set forth in the model ordinance by adoption of an
 18 ordinance pursuant to subsection c. of this 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.¹

30
 31 ¹**[1] 2**¹. a. An application for development for the installation
 32 of an electric vehicle charging station at a gasoline service station
 33 ¹or an existing retail establishment¹ shall not be subject to site plan
 34 or other land use board review, shall not require variance relief
 35 pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.) or any other law,
 36 rule, or regulation, and shall be approved by the appropriate
 37 administrative officer, provided the application meets the following
 38 requirements:

39 (1) the proposed installation does not violate bulk requirements
 40 applicable to the property or the conditions of the original final
 41 approval of the site plan or subsequent approvals for the gasoline
 42 service station ¹or existing retail establishment¹;

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:

¹Assembly ATR committee amendments adopted December 10, 2020.

(2) all other conditions of prior approvals for the gasoline service station ¹or existing retail establishment¹ continue to be met; and

(3) the proposed installation complies with the construction codes adopted in ¹**【the State Uniform Construction Code】** or promulgated pursuant to the “State Uniform 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 or regulation concerning electric vehicle charging stations.

b. ¹An 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.¹ An electric vehicle charging station installed at a gasoline service station ¹or existing retail establishment¹ shall be subject to local and Department of Community Affairs inspection requirements.

¹**【c. As used in this section, “electric vehicle charging station” means a station that is designed in compliance with the State Uniform Construction Code adopted pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.), that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.】**¹

¹3. a. Within 90 days of enactment of P.L. , c. (C.) (pending before the Legislature as this bill), the Department of Community Affairs shall promulgate a model land use ordinance for the siting of electric vehicle charging stations and shall post the model land use ordinance on its Internet website.

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

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

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

3 (a) At least one Level Two or higher alternating current
4 electrical powered electric vehicle charging station, if there will be
5 50 or fewer off-street parking spaces.

6 (b) At least two Level Two or higher alternating current
7 electrical powered electric vehicle charging stations, if there will be
8 75 or fewer off-street parking spaces, but more than 50.

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

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

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

22 (3) In lieu of installing Level Two charging stations as required
23 by paragraph (2) of this subsection, a parking lot or garage may
24 install direct current fast charging stations as follows:

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

28 (b) A parking lot or garage with more than 150 off-street
29 parking spaces may install a direct current fast charger or chargers
30 with a total combined power output capacity of at least 150
31 kilowatts.

32 c. Notwithstanding the provisions of subsection b. of this
33 section, the model ordinance shall not require a retailer that
34 provides 25 or fewer off-street parking spaces to provide or install
35 any electric vehicle charging stations.

36 d. The model ordinance and any ordinance adopted by a
37 municipality that deviates from the model ordinance shall include a
38 provision that one-third of the amount of all permitting application
39 fees shall be returned to the applicant if the jurisdiction fails to act
40 within the 20-day permit process schedule specified in or
41 promulgated pursuant to the "State Uniform Construction Code
42 Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

43 e. (1) The Site Improvement Advisory Board, established
44 pursuant to section 3 of P.L.1993, c.32 (C.40:55D-40.3), shall, no
45 later than 90 days following enactment of P.L. , c. (C.)
46 (pending before the Legislature as this bill), submit a
47 recommendation to the Commissioner of Community Affairs to
48 amend the Statewide site improvement standards for residential

1 development to include parking spaces with electric vehicle
2 charging stations in the calculation of minimum required parking
3 spaces. The commissioner shall review the recommendation and
4 shall adopt the recommendation by regulation in accordance with
5 the procedure set forth in section 4 of P.L.1993, c.32 (C.40:55D-
6 40.4).

7 (2) An electric vehicle charging station permitted as an
8 accessory use shall be excluded from any parking requirement
9 otherwise applicable to the number of units or amount of floor
10 space of the primary use, as appropriate, under State or local laws
11 or regulations adopted thereunder.¹

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13 ¹**[2.] 4.**¹ This act shall take effect immediately.