

[First Reprint]

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 38 (Bergen and Passaic)

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**Assemblymen Mukherji, Johnson, Calabrese, Houghtaling and
Assemblywoman Vainieri Huttie**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee on May 12, 2021, with amendments.

(Sponsorship Updated As Of: 5/20/2021)

1 AN ACT concerning electric vehicle ¹**[charging stations]** supply
 2 equipment and Make-Ready parking spaces and amending¹ and
 3 supplementing P.L.1975, c.291 (C.40:55D-1 et seq.) ¹**[and**
 4 **P.L.1993, c.30 (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 ¹**[**1. 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
 15 P.L. , c. (C.) (pending before the Legislature as this bill)
 16 shall be effective in each municipality, except that a municipality
 17 may deviate from the site standards set forth in the model ordinance
 18 by adoption of an ordinance pursuant to subsection c. of this
 19 section.

20 c. A municipality may, by ordinance, adopt reasonable
 21 standards for the siting of an electric vehicle charging station. The
 22 standards may address sightline and setback requirements and other
 23 health- and safety-related specifications for the siting of an electric
 24 vehicle charging station. Nothing in this subsection shall be
 25 deemed to authorize a municipality to require site plan review by a
 26 municipal agency solely for the installation of an electric vehicle
 27 charging station. An application for development submitted solely
 28 for the installation of an electric vehicle charging station shall be
 29 approved by issuance of a zoning permit by the administrative
 30 officer and without site plan approval.]¹

31
 32 ¹1. (New section) a. An application for development submitted
 33 solely for the installation of electric vehicle supply equipment or
 34 Make-Ready parking spaces shall be considered a permitted
 35 accessory use and permitted accessory structure in all zoning or use
 36 districts of a municipality and shall not require a variance pursuant
 37 to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70).¹

38
 39 2. ¹(New section)¹ a. An application for development for the
 40 installation of ¹**[an]**¹ electric vehicle ¹**[charging station]** supply
 41 equipment or Make-Ready parking spaces¹ at ¹**[a]** an existing¹
 42 gasoline service station ¹**[or]** ¹ an existing retail establishment ¹,
 43 or any other existing building¹ shall not be subject to site plan or

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 May 12, 2021.

1 other land use board review, shall not require variance relief
2 pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.) or any other law,
3 rule, or regulation, and shall be approved ¹by the appropriate
4 through the issuance of a zoning permit by the¹ administrative
5 officer, provided the application meets the following requirements:

6 (1) the proposed installation does not violate bulk requirements
7 applicable to the property or the conditions of the original final
8 approval of the site plan or subsequent approvals for the ¹existing¹
9 gasoline service station ¹or existing¹ ,¹ retail establishment ¹, or
10 other existing building¹;

11 (2) all other conditions of prior approvals for the gasoline
12 service station ¹or an¹ , the¹ existing retail establishment ¹, or any
13 other existing building¹ continue to be met; and

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

19 b. An application shall be deemed complete if:

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

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

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

29 c. ¹An electric vehicle charging station¹ Electric vehicle
30 supply equipment and Make-Ready parking spaces¹ installed at a
31 gasoline service station ¹or¹ ,¹ an existing retail establishment ¹,
32 or any other existing building¹ shall be subject to ¹applicable¹ local
33 and Department of Community Affairs inspection requirements.
34

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

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

42 (1) Each multifamily building with five or more dwelling units
43 shall provide at least 15 percent of the required off-street parking
44 spaces with Level One or higher alternating current electrical
45 powered electric vehicle charging stations, and at least 10 percent

1 of those parking spaces shall be accessible for people with
2 disabilities.

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

5 (a) At least one Level Two or higher alternating current
6 electrical powered electric vehicle charging station, if there will be
7 50 or fewer off-street parking spaces.

8 (b) At least two Level Two or higher alternating current
9 electrical powered electric vehicle charging stations, if there will be
10 75 or fewer off-street parking spaces, but more than 50.

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

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

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

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

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

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

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

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

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

1 (pending before the Legislature as this bill), submit a
2 recommendation to the Commissioner of Community Affairs to
3 amend the Statewide site improvement standards for residential
4 development to include parking spaces with electric vehicle
5 charging stations in the calculation of minimum required parking
6 spaces. The commissioner shall review the recommendation and
7 shall adopt the recommendation by regulation in accordance with
8 the procedure set forth in section 4 of P.L.1993, c.32 (C.40:55D-
9 40.4).

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

15

16 ¹³. (New section) a. (1) As a condition of preliminary site plan
17 approval, for each application involving a multiple dwelling with
18 five or more units of dwelling space, which shall include a multiple
19 dwelling that is building held under a condominium or cooperative
20 form of ownership, a mutual housing corporation, or a mixed use
21 development, the developer or owner, as applicable, shall:

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

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

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

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

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

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

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

- 1 (b) install at least two Make-Ready parking spaces if there will
2 be 51 to 75 off-street parking spaces.
- 3 (c) install at least three Make-Ready parking spaces if there will
4 be 76 to 100 off-street parking spaces.
- 5 (d) install at least four Make-Ready parking spaces, at least one
6 of which shall be accessible for people with disabilities, if there will
7 be 101 to 150 off-street parking spaces.
- 8 (e) install at least four percent of the total parking spaces as
9 Make-Ready parking spaces, at least five percent of which shall be
10 accessible for people with disabilities, if there will be more than
11 150 off-street parking spaces.
- 12 (2) In lieu of installing Make-Ready parking spaces, a parking
13 lot or garage may install electric vehicle supply equipment to satisfy
14 the requirements of this subsection.
- 15 (3) Nothing in this subsection shall be construed to restrict the
16 ability to install electric vehicle supply equipment or Make-Ready
17 parking spaces at a faster or more expansive rate than as required by
18 this subsection.
- 19 (4) With respect to parking spaces for people with disabilities,
20 the model land use ordinance published pursuant to section 4 of
21 P.L. , c. (C.) (pending before the Legislature as this bill)
22 shall include standards that provide for the progression of
23 accessible Make-Ready parking spaces to accessible electric vehicle
24 supply equipment parking spaces, and shall conform to the
25 requirements of the most recent “International Building Code” and
26 “International Residential Code” published by the International
27 Code Council, except as the Commissioner of Community Affairs
28 deems appropriate to deviate from those codes.
- 29 c. Notwithstanding the provisions of subsections a. and b. of
30 this section, a retailer that provides 25 or fewer off-street parking
31 spaces or the developer or owner of a single-family home shall not
32 be required to provide or install any electric vehicle supply
33 equipment or Make-Ready parking spaces.
- 34 d. (1) The Site Improvement Advisory Board, established
35 pursuant to section 3 of P.L.1993, c.32 (C.40:55D-40.3), shall, no
36 later than 90 days following enactment of P.L. , c. (C.)
37 (pending before the Legislature as this bill), submit a
38 recommendation to the Commissioner of Community Affairs to
39 amend the Statewide site improvement standards for multifamily
40 residential development to include the requirements set forth in
41 sections 1 through 3 of P.L. , c. (C.) (pending before the
42 Legislature as this bill) and to include parking spaces with electric
43 vehicle supply equipment in the calculation of minimum required
44 parking spaces. The Commissioner of Community Affairs may
45 review and promulgate the recommendation in accordance with the
46 procedure set forth in subsection b. of section 4 of P.L.1993, c.32
47 (C.40:55D-40.4). The adopted criteria shall be consistent with the

1 model land use ordinance published by the Commissioner of
2 Community Affairs pursuant to section 4 of P.L. , c. (C.)
3 (pending before the Legislature as this bill).

4 (2) The "State Uniform Construction Code Act," P.L.1975, c.
5 217 (C.52:27D-119 et seq.), shall incorporate the requirements set
6 forth in sections 1 through 3 of P.L. , c. (C.) (pending
7 before the Legislature as this bill) no later than 90 days following
8 enactment of P.L. , c. (C.) (pending before the Legislature
9 as this bill). The adopted criteria shall be consistent with the model
10 land use ordinance published by the Commissioner of Community
11 Affairs pursuant to section 4 of P.L. , c. (C.) (pending
12 before the Legislature as this bill).

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

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

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

25 h. A power company funding the installation of electric vehicle
26 supply equipment or Make-Ready parking spaces shall collaborate
27 with developers and owners, with consultation from the Board of
28 Public Utilities, in implementing the provisions of
29 P.L. , c. (C.) (pending before the Legislature as this bill).¹

30
31 ¹4. (New section) a. (1) Within 30 days of enactment of
32 P.L. , c. (C.) (pending before the Legislature as this bill),
33 the Commissioner of Community Affairs shall publish a model land
34 use ordinance to address installation, sightline, and setback
35 requirements and other health- and safety-related specifications for
36 electric vehicle supply equipment and Make-Ready parking spaces
37 and shall post the model land use ordinance on the department's
38 Internet website. The model land use ordinance published by the
39 commissioner shall not require the rulemaking process pursuant to
40 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
41 1 et seq.).

42 (2) The model land use ordinance shall include the requirements
43 pursuant to sections 1 through 3 of P.L. , c. (C.) (pending
44 before the Legislature as this bill).

45 (3) The Commissioner of Community Affairs may periodically
46 update the electric vehicle supply equipment and Make-Ready
47 parking space requirements established pursuant to subsections a.

1 and b. of section 3 of P.L. , c. (C.) (pending before the
2 Legislature as this bill) to reflect increased electric vehicle adoption
3 levels and technological advances in the State. Any update to such
4 parking requirements shall be adopted by the commissioner
5 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
6 (C.52:14B-1 et seq.) and promulgated as amendments to the model
7 land use ordinance published pursuant to this subsection.
8 Amendments to the model ordinance to address installation,
9 sightline, or setback requirements or other health- and safety-related
10 specifications shall not require the rulemaking process pursuant to
11 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
12 1 et seq.).

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

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

27 (3) A municipality may encourage additional installation of
28 electric vehicle supply equipment and Make-Ready parking spaces
29 in development projects, but shall not require more than the
30 requirements in the model land use ordinance published by the
31 Commissioner of Community Affairs. The requirements adopted
32 by the Site Improvement Advisory Board established pursuant to
33 section 3 of P.L.1993, c.32 (C.40:55D-40.3) and the requirements
34 adopted through the "State Uniform Construction Code Act,"
35 P.L.1975, c. 217 (C. 52:27D-119 et seq.) shall be consistent with
36 the requirements set forth in the model ordinance and shall be
37 updated if the model ordinance is updated pursuant to paragraph (3)
38 of subsection a. of this section.¹

39
40 ^{15.} Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to
41 read as follows:

42 3.1. "Days" means calendar days.

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

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

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

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

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

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

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

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

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

43 "Electric vehicle supply equipment" or "electric vehicle service
44 equipment" or "EVSE" means the equipment, including the cables,
45 cords, conductors, connectors, couplers, enclosures, attachment
46 plugs, power outlets, power electronics, transformer, switchgear,
47 switches and controls, network interfaces, and point of sale

1 equipment and associated apparatus designed and used for the
2 purpose of transferring energy from the electric supply system to a
3 plug-in electric vehicle. "EVSE" may deliver either alternating
4 current or, consistent with fast charging equipment standards, direct
5 current electricity. "EVSE" is synonymous with "electric vehicle
6 charging station."

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

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

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

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

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

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

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

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

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

37 "Inherently beneficial use" means a use which is universally
38 considered of value to the community because it fundamentally
39 serves the public good and promotes the general welfare. Such a
40 use includes, but is not limited to, a hospital, school, child care
41 center, group home, or a wind, solar or photovoltaic energy facility
42 or structure.

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

45 "Interested party" means: (a) in a criminal or quasi-criminal
46 proceeding, any citizen of the State of New Jersey; and (b) in the
47 case of a civil proceeding in any court or in an administrative

1 proceeding before a municipal agency, any person, whether residing
2 within or without the municipality, whose right to use, acquire, or
3 enjoy property is or may be affected by any action taken under
4 P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use,
5 acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-
6 1 et seq.), or under any other law of this State or of the United
7 States have been denied, violated or infringed by an action or a
8 failure to act under P.L.1975, c.291 (C.40:55D-1 et seq.).

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

11 "Local utility" means any sewerage authority created pursuant to
12 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-
13 1 et seq.); any utilities authority created pursuant to the "municipal
14 and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et
15 seq.); or any utility, authority, commission, special district or other
16 corporate entity not regulated by the Board of Regulatory
17 Commissioners under Title 48 of the Revised Statutes that provides
18 gas, electricity, heat, power, water or sewer service to a
19 municipality or the residents thereof.

20 "Lot" means a designated parcel, tract or area of land established
21 by a plat or otherwise, as permitted by law and to be used,
22 developed or built upon as a unit.¹

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

24
25 ¹6. Section 3.2 of P.L.1975, c.291 (C.40:55D-5) is amended to
26 read as follows:

27 3.2. "Maintenance guarantee" means any security which may be
28 accepted by a municipality for the maintenance of any
29 improvements required by this act, including but not limited to
30 surety bonds, letters of credit under the circumstances specified in
31 section 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

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

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

45 "Master plan" means a composite of one or more written or
46 graphic proposals for the development of the municipality as set

1 forth in and adopted pursuant to section 19 of P.L.1975, c.291
2 (C.40:55D-28).

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

8 "Military facility" means any facility located within the State
9 which is owned or operated by the federal government, and which is
10 used for the purposes of providing logistical, technical, material,
11 training, and any other support to any branch of the United States
12 military.

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

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

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

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

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

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

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

44 "Nonconforming structure" means a structure the size, dimension
45 or location of which was lawful prior to the adoption, revision or
46 amendment of a zoning ordinance, but which fails to conform to the

1 requirements of the zoning district in which it is located by reasons
2 of such adoption, revision or amendment.

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

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

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

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

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

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

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

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

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

41 "Open-space" means any parcel or area of land or water
42 essentially unimproved and set aside, dedicated, designated or
43 reserved for public or private use or enjoyment or for the use and
44 enjoyment of owners and occupants of land adjoining or
45 neighboring such open space; provided that such areas may be
46 improved with only those buildings, structures, streets and offstreet
47 parking and other improvements that are designed to be incidental

1 to the natural openness of the land or support its use for recreation
2 and conservation purposes.¹

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

4

5 ¹**[4.] 7.**¹ This act shall take effect immediately.