

[First Reprint]

**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)**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**Assemblyman ANDREW ZWICKER**

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

**Co-Sponsored by:**

**Senator Pou, 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 <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.).

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

42 "Development transfer" or "development potential transfer"  
43 means the conveyance of development potential, or the permission  
44 for development, from one or more lots to one or more other lots by  
45 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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

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

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)]<sup>1</sup>

29

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

36

37 <sup>1</sup>[<sup>2</sup>2. (New section) A municipality may, by ordinance, authorize  
38 the administrative officer to review and approve an application for  
39 development, submitted solely to seek approval of the installation  
40 of electric vehicle charging infrastructure, in the manner of a minor  
41 site plan approval, and, the review and approval of the application  
42 shall not require reference to, or approval by, the planning board or  
43 zoning board of adjustment.]<sup>1</sup>

44

45 <sup>1</sup>2. (New section) a. An application for development for the  
46 installation of electric vehicle supply equipment or Make-Ready  
47 parking spaces at an existing gasoline service station, an existing

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

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

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

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

20 b. An application shall be deemed complete if:

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

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

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

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

35  
36 <sup>1</sup>**3. (New section) Electric vehicle charging infrastructure shall**  
37 **be a permitted accessory use and permitted accessory structure in**  
38 **all zoning or use districts of a municipality and shall not require a**  
39 **variance pursuant to subsection d. of section 57 of P.L.1975, c.291**  
40 **(C.40:55D-70).<sup>1</sup>**

41  
42 <sup>1</sup>**3. (New section) a. (1) As a condition of preliminary site plan**  
43 **approval, for each application involving a multiple dwelling with**  
44 **five or more units of dwelling space, which shall include a multiple**  
45 **dwelling that is building held under a condominium or cooperative**  
46 **form of ownership, a mutual housing corporation, or a mixed use**  
47 **development, the developer or owner, as applicable, shall:**

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

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

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

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

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

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

24       (a) install at least one Make-Ready parking space if there will be  
25 50 or fewer off-street parking spaces.

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

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

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

33       (e) install at least four percent of the total parking spaces as  
34 Make-Ready parking spaces, at least five percent of which shall be  
35 accessible for people with disabilities, if there will be more than  
36 150 off-street parking spaces.

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

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

44       (4) With respect to parking spaces for people with disabilities,  
45 the model land use ordinance published pursuant to section 4 of  
46 P.L. , c. (C. ) (pending before the Legislature as this bill)  
47 shall include standards that provide for the progression of  
48 accessible Make-Ready parking spaces to accessible electric vehicle

1 supply equipment parking spaces, and shall conform to the  
2 requirements of the most recent “International Building Code” and  
3 “International Residential Code” published by the International  
4 Code Council except as the Commissioner of Community Affairs  
5 deems appropriate to deviate from those codes.

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

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

28 (2) The "State Uniform Construction Code Act," P.L.1975, c.  
29 217 (C. 52:27D-119 et seq.), shall incorporate the requirements set  
30 forth in sections 1 through 3 of P.L. , c. (C. ) (pending  
31 before the Legislature as this bill) no later than 90 days following  
32 enactment of P.L. , c. (C. ) (pending before the Legislature  
33 as this bill). The adopted criteria shall be consistent with the model  
34 land use ordinance published by the Commissioner of Community  
35 Affairs pursuant to section 4 of P.L. , c. (C. ) (pending  
36 before the Legislature as this bill).

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

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

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

1 h. A power company funding the installation of electric vehicle  
2 supply equipment or Make-Ready parking spaces shall collaborate  
3 with developers and owners, with consultation from the Board of  
4 Public Utilities, in implementing the provisions of P.L. , c.  
5 (C. ) (pending before the Legislature as this bill).<sup>1</sup>  
6

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

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

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

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

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



1 solely for the installation of electric vehicle supply equipment or  
2 Make-Ready parking spaces.

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

15

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

18 3.1. "Days" means calendar days.

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

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

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

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

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43 subdivision ordinance, site plan ordinance, official map ordinance  
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12 proposed culverts and bridges, to induce water recharge into the  
13 ground where practical, to lessen nonpoint pollution, to maintain  
14 the integrity of stream channels for their biological functions as  
15 well as for drainage, and the means necessary for water supply  
16 preservation or prevention or alleviation of flooding.

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

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

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

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14 center, group home, or a wind, solar or photovoltaic energy facility  
15 or structure.

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

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

44

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

47 3.2. "Maintenance guarantee" means any security which may be  
48 accepted by a municipality for the maintenance of any

1 improvements required by this act, including but not limited to  
2 surety bonds, letters of credit under the circumstances specified in  
3 section 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

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

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

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

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

26 "Military facility" means any facility located within the State  
27 which is owned or operated by the federal government, and which is  
28 used for the purposes of providing logistical, technical, material,  
29 training, and any other support to any branch of the United States  
30 military.

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

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

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

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

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

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

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

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

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

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

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

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

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

46 "Offsite" means located outside the lot lines of the lot in question  
47 but within the property, of which the lot is a part, which is the

1 subject of a development application or the closest half of the street  
2 or right-of-way abutting the property of which the lot is a part.

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

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

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

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

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

21

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