

P.L. 2021, CHAPTER 171, *approved July 9, 2021*
Senate, No. 3223 (First Reprint)

1 AN ACT concerning electric vehicle ¹**【charging infrastructure】**
2 supply equipment and Make-Ready parking spaces¹ 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 ¹**【**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.).

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

3 "Development transfer" or "development potential transfer"
4 means the conveyance of development potential, or the permission
5 for development, from one or more lots to one or more other lots by
6 deed, easement, or other means as authorized by ordinance.

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

10 "Drainage" means the removal of surface water or groundwater
11 from land by drains, grading or other means and includes control of
12 runoff during and after construction or development to minimize
13 erosion and sedimentation, to assure the adequacy of existing and
14 proposed culverts and bridges, to induce water recharge into the
15 ground where practical, to lessen nonpoint pollution, to maintain
16 the integrity of stream channels for their biological functions as
17 well as for drainage, and the means necessary for water supply
18 preservation or prevention or alleviation of flooding.

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

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

23 "Final approval" means the official action of the planning board
24 taken on a preliminarily approved major subdivision or site plan,
25 after all conditions, engineering plans and other requirements have
26 been completed or fulfilled and the required improvements have
27 been installed or guarantees properly posted for their completion, or
28 approval conditioned upon the posting of such guarantees.

29 "Floor area ratio" means the sum of the area of all floors of
30 buildings or structures compared to the total area of land that is the
31 subject of an application for development, including noncontiguous
32 land, if authorized by municipal ordinance or by a planned
33 development.

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

37 "Governing body" means the chief legislative body of the
38 municipality. In municipalities having a board of public works,
39 "governing body" means such board.

40 "Historic district" means one or more historic sites and
41 intervening or surrounding property significantly affecting or
42 affected by the quality and character of the historic site or sites.

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

45 "Historic site" means any real property, man-made structure,
46 natural object or configuration or any portion or group of the
47 foregoing of historical, archeological, cultural, scenic or
48 architectural significance.

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

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

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

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

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

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

(cf: P.L.2013, c.106, s.3)**】**¹

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

¹**【**2. (New section) A municipality may, by ordinance, authorize the administrative officer to review and approve an application for development, submitted solely to seek approval of the installation of electric vehicle charging infrastructure, in the manner of a minor site plan approval, and, the review and approval of the application

1 shall not require reference to, or approval by, the planning board or
2 zoning board of adjustment.】¹

3
4 ¹2. (New section) a. An application for development for the
5 installation of electric vehicle supply equipment or Make-Ready
6 parking spaces at an existing gasoline service station, an existing
7 retail establishment, or any other existing building shall not be
8 subject to site plan or other land use board review, shall not require
9 variance relief pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.) or
10 any other law, rule, or regulation, and shall be approved through the
11 issuance of a zoning permit by the administrative officer, provided
12 the application meets the following requirements:

13 (1) the proposed installation does not violate bulk requirements
14 applicable to the property or the conditions of the original final
15 approval of the site plan or subsequent approvals for the existing
16 gasoline service station, retail establishment, or other existing
17 building;

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

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

26 b. An application shall be deemed complete if:

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

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

31 (3) a one-time written correction notice is not issued by the
32 jurisdiction within 20 days after filing of the application detailing
33 all deficiencies in the application and identifying any additional
34 information explicitly necessary to complete a review of the permit
35 application.

36 c. Electric vehicle supply equipment and Make-Ready parking
37 spaces installed at a gasoline service station, an existing retail
38 establishment, or any other existing building shall be subject to
39 applicable local and Department of Community Affairs inspection
40 requirements.¹

41
42 ¹【3. (New section) Electric vehicle charging infrastructure shall
43 be a permitted accessory use and permitted accessory structure in
44 all zoning or use districts of a municipality and shall not require a
45 variance pursuant to subsection d. of section 57 of P.L.1975, c.291
46 (C.40:55D-70).】¹

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

7 (a) prepare as Make-Ready parking spaces at least 15 percent of
8 the required off-street parking spaces, and install electric vehicle
9 supply equipment in at least one-third of the 15 percent of Make-
10 Ready parking spaces;

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

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

19 (2) Throughout the installation of electric vehicle supply
20 equipment in the Make-Ready parking spaces, at least five percent
21 of the electric vehicle supply equipment shall be accessible for
22 people with disabilities.

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

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

30 (a) install at least one Make-Ready parking space if there will be
31 50 or fewer off-street parking spaces.

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

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

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

39 (e) install at least four percent of the total parking spaces as
40 Make-Ready parking spaces, at least five percent of which shall be
41 accessible for people with disabilities, if there will be more than
42 150 off-street parking spaces.

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

46 (3) Nothing in this subsection shall be construed to restrict the
47 ability to install electric vehicle supply equipment or Make-Ready

1 parking spaces at a faster or more expansive rate than as required by
2 this subsection.

3 (4) With respect to parking spaces for people with disabilities,
4 the model land use ordinance published pursuant to section 4 of
5 P.L. , c. (C.) (pending before the Legislature as this bill)
6 shall include standards that provide for the progression of
7 accessible Make-Ready parking spaces to accessible electric vehicle
8 supply equipment parking spaces, and shall conform to the
9 requirements of the most recent “International Building Code” and
10 “International Residential Code” published by the International
11 Code Council except as the Commissioner of Community Affairs
12 deems appropriate to deviate from those codes.

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

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

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

44 e. A parking space prepared with electric vehicle supply
45 equipment or Make-Ready equipment pursuant to this section shall
46 count as at least two parking spaces for the purpose of complying
47 with a minimum parking space requirement. This subsection shall

1 result in a reduction of no more than 10 percent of the total required
2 parking.

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

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

9 h. A power company funding the installation of electric vehicle
10 supply equipment or Make-Ready parking spaces shall collaborate
11 with developers and owners, with consultation from the Board of
12 Public Utilities, in implementing the provisions of P.L. _____,
13 c. (C. _____) (pending before the Legislature as this bill).¹
14

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

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

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

44 b. (1) The model land use ordinance published by the
45 Commissioner of Community Affairs pursuant to this section shall
46 be effective in each municipality, except that a municipality may
47 deviate from the reasonable standards set forth in the model land

1 use ordinance by adoption of an ordinance pursuant to paragraph (2)
2 of this subsection.

3 (2) A municipality may, by ordinance, adopt reasonable
4 standards to address installation, sightline, and setback
5 requirements or other health- and safety-related specifications for
6 electric vehicle supply equipment and Make-Ready parking spaces.
7 Nothing in this subsection shall be deemed to authorize a
8 municipality to require site plan review by a municipal agency
9 solely for the installation of electric vehicle supply equipment or
10 Make-Ready parking spaces.

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

23

24 ¹5. Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to
25 read as follows:

26 3.1. "Days" means calendar days.

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

31 "Developer" means the legal or beneficial owner or owners of a
32 lot or of any land proposed to be included in a proposed
33 development, including the holder of an option or contract to
34 purchase, or other person having an enforceable proprietary interest
35 in such land.

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

43 "Development potential" means the maximum number of
44 dwelling units or square feet of nonresidential floor area that may
45 be constructed on a specified lot or in a specified zone under the
46 master plan and land use regulations in effect on the date of the
47 adoption of the development transfer ordinance or on the date of the

1 adoption of the ordinance authorizing noncontiguous cluster, and in
2 accordance with recognized environmental constraints.

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

8 "Development restriction" means an agricultural restriction, a
9 conservation restriction, or a historic preservation restriction.

10 "Development transfer" or "development potential transfer"
11 means the conveyance of development potential, or the permission
12 for development, from one or more lots to one or more other lots by
13 deed, easement, or other means as authorized by ordinance.

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

17 "Drainage" means the removal of surface water or groundwater
18 from land by drains, grading or other means and includes control of
19 runoff during and after construction or development to minimize
20 erosion and sedimentation, to assure the adequacy of existing and
21 proposed culverts and bridges, to induce water recharge into the
22 ground where practical, to lessen nonpoint pollution, to maintain
23 the integrity of stream channels for their biological functions as
24 well as for drainage, and the means necessary for water supply
25 preservation or prevention or alleviation of flooding.

26 "Electric vehicle supply equipment" or "electric vehicle service
27 equipment" or "EVSE" means the equipment, including the cables,
28 cords, conductors, connectors, couplers, enclosures, attachment
29 plugs, power outlets, power electronics, transformer, switchgear,
30 switches and controls, network interfaces, and point of sale
31 equipment and associated apparatus designed and used for the
32 purpose of transferring energy from the electric supply system to a
33 plug-in electric vehicle. "EVSE" may deliver either alternating
34 current or, consistent with fast charging equipment standards, direct
35 current electricity. "EVSE" is synonymous with "electric vehicle
36 charging station."

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

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

41 "Final approval" means the official action of the planning board
42 taken on a preliminarily approved major subdivision or site plan,
43 after all conditions, engineering plans and other requirements have
44 been completed or fulfilled and the required improvements have
45 been installed or guarantees properly posted for their completion, or
46 approval conditioned upon the posting of such guarantees.

47 "Floor area ratio" means the sum of the area of all floors of
48 buildings or structures compared to the total area of land that is the

1 subject of an application for development, including noncontiguous
2 land, if authorized by municipal ordinance or by a planned
3 development.

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

7 "Governing body" means the chief legislative body of the
8 municipality. In municipalities having a board of public works,
9 "governing body" means such board.

10 "Historic district" means one or more historic sites and
11 intervening or surrounding property significantly affecting or
12 affected by the quality and character of the historic site or sites.

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

15 "Historic site" means any real property, man-made structure,
16 natural object or configuration or any portion or group of the
17 foregoing of historical, archeological, cultural, scenic or
18 architectural significance.

19 "Inherently beneficial use" means a use which is universally
20 considered of value to the community because it fundamentally
21 serves the public good and promotes the general welfare. Such a
22 use includes, but is not limited to, a hospital, school, child care
23 center, group home, or a wind, solar or photovoltaic energy facility
24 or structure.

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

27 "Interested party" means: (a) in a criminal or quasi-criminal
28 proceeding, any citizen of the State of New Jersey; and (b) in the
29 case of a civil proceeding in any court or in an administrative
30 proceeding before a municipal agency, any person, whether residing
31 within or without the municipality, whose right to use, acquire, or
32 enjoy property is or may be affected by any action taken under
33 P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use,
34 acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et
35 seq.), or under any other law of this State or of the United States
36 have been denied, violated or infringed by an action or a failure to
37 act under P.L.1975, c.291 (C.40:55D-1 et seq.).

38 "Land" includes improvements and fixtures on, above or below
39 the surface.

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

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

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

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

8 3.2. "Maintenance guarantee" means any security which may be
9 accepted by a municipality for the maintenance of any
10 improvements required by this act, including but not limited to
11 surety bonds, letters of credit under the circumstances specified in
12 section 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

13 "Major subdivision" means any subdivision not classified as a
14 minor subdivision.

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

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

30 "Mayor" means the chief executive of the municipality, whatever
31 his official designation may be, except that in the case of
32 municipalities governed by municipal council and municipal
33 manager the term "mayor" shall not mean the "municipal manager"
34 but shall mean the mayor of such municipality.

35 "Military facility" means any facility located within the State
36 which is owned or operated by the federal government, and which is
37 used for the purposes of providing logistical, technical, material,
38 training, and any other support to any branch of the United States
39 military.

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

42 "Minor site plan" means a development plan of one or more lots
43 which (1) proposes new development within the scope of
44 development specifically permitted by ordinance as a minor site
45 plan; (2) does not involve planned development, any new street or
46 extension of any off-tract improvement which is to be prorated
47 pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42); and (3)
48 contains the information reasonably required in order to make an

1 informed determination as to whether the requirements established
2 by ordinance for approval of a minor site plan have been met.

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

9 "Municipality" means any city, borough, town, township or
10 village.

11 "Municipal agency" means a municipal planning board or board
12 of adjustment, or a governing body of a municipality when acting
13 pursuant to this act and any agency which is created by or
14 responsible to one or more municipalities when such agency is
15 acting pursuant to this act.

16 "Municipal resident" means a person who is domiciled in the
17 municipality.

18 "Nonconforming lot" means a lot, the area, dimension or location
19 of which was lawful prior to the adoption, revision or amendment of
20 a zoning ordinance, but fails to conform to the requirements of the
21 zoning district in which it is located by reason of such adoption,
22 revision or amendment.

23 "Nonconforming structure" means a structure the size, dimension
24 or location of which was lawful prior to the adoption, revision or
25 amendment of a zoning ordinance, but which fails to conform to the
26 requirements of the zoning district in which it is located by reasons
27 of such adoption, revision or amendment.

28 "Nonconforming use" means a use or activity which was lawful
29 prior to the adoption, revision or amendment of a zoning ordinance,
30 but which fails to conform to the requirements of the zoning district
31 in which it is located by reasons of such adoption, revision or
32 amendment.

33 "Noncontiguous cluster" means noncontiguous areas to be
34 developed as a single entity according to a plan containing an area,
35 or a section or sections thereof, to be developed for residential
36 purposes, nonresidential purposes, or a combination thereof, at a
37 greater concentration of density or intensity of land use than
38 authorized within the area, section, or sections, under conventional
39 development, in exchange for the permanent preservation of another
40 area, or a section or sections thereof, as common or public open
41 space, or for historic or agricultural purposes, or a combination
42 thereof.

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

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

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

7 "Offsite" means located outside the lot lines of the lot in question
8 but within the property, of which the lot is a part, which is the
9 subject of a development application or the closest half of the street
10 or right-of-way abutting the property of which the lot is a part.

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

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

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

19 "Open-space" means any parcel or area of land or water
20 essentially unimproved and set aside, dedicated, designated or
21 reserved for public or private use or enjoyment or for the use and
22 enjoyment of owners and occupants of land adjoining or
23 neighboring such open space; provided that such areas may be
24 improved with only those buildings, structures, streets and offstreet
25 parking and other improvements that are designed to be incidental
26 to the natural openness of the land or support its use for recreation
27 and conservation purposes.¹

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

29
30 ¹**[4.] 7.**¹ This act shall take effect immediately.

31
32
33
34
35 Establishes numerical requirements and zoning standards for
36 installation of electric vehicle supply equipment and Make-Ready
37 parking spaces.