

New Jersey Department of Community Affairs Publishes the Model Electric Vehicle Charging Station Ordinance

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The Electric Vehicle Charging Station Law (“the Act”), which Governor Murphy signed into law in July 2021, required that the New Jersey Department of Community Affairs (“DCA”) publish a statewide model ordinance to provide guidance on how to implement the provisions of the new statute. The DCA has now published its model ordinance on its website, available here: https://www.nj.gov/dca/dlps/pdf/modelEVordinance_08321_FinalDraft.docx.

The Act aims to incentivize the installation of Electric Vehicle Charging Stations (“EVCS”) to offer charging services to electric vehicles (“EVs”) throughout New Jersey’s municipalities. Highlights of the Act include:

- EVCS are permitted accessory uses in all zones and do not require a variance to be included in a development application.
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- Parking facilities of a multifamily development that includes more than five units must reserve 15% of parking spaces to be Make-Ready, with a six-year phase in period.
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- A Make-Ready parking space will count as two spaces when calculating a development’s compliance with minimum parking requirements, up to a maximum 10% reduction.
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- A “Make-Ready” space is pre-wired with the electrical infrastructure to facilitate the future installation of an EVCS.

The Model Ordinance contains mandatory provisions from the Act that municipalities cannot change, as well as some provisions that municipalities may alter. The mandatory provisions include (i) the designation of EVCSs as permitted accessory uses in all zones; (ii) that installation of EVCSs at existing gasoline stations, retail establishments, and certain other buildings are not subject to site plan or other land use board review provided certain criteria are met; (iii) and that Make-Ready and EVCS parking stalls count as two parking spaces up to a 10 percent maximum reduction.

Municipalities may alter the “Reasonable Standards” provisions of the Model Ordinance. The “Reasonable Standards” concern typical “bulk criteria” such as sightline, setback requirements or other health- and safety-related specifications for EVCS and Make-Ready parking spaces.

The model statewide ordinance is mandatory and becomes effective in all municipalities in New Jersey upon DCA publication, and supersedes existing ordinances.