



**NJ Statewide
Model
Municipal EV
Ordinance
(Effective Sept. 1, 2021)**



NJ Statewide Model Municipal EV Ordinance

- Written with support from the DEP and BPU to comply with [P.L. 2021, c. 171](#), which Governor Phil Murphy signed into law on July 9, 2021.
 - Law requires that Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements related to EVSE in New Jersey's 565 municipalities. Requires DCA publish a model land use ordinance to implement the law.
- DCA published **Model EV Ordinance on September 1, 2021**, that includes mandatory provisions from the law. Municipalities cannot change these provisions.
- Model EV Ordinance also addresses **sightline, installation and setback requirements** and other **health- and safety-related specs** for EVSE & Make-Ready parking spaces (“Reasonable Standards”). Municipalities can amend ordinance to change these.
- **Effective immediately** in each municipality. Supersedes any existing ordinances.
- Provisions must be incorporated into **RSIS and UCC**.
- Intent of the Model EV Ordinance is to ensure that municipalities are requiring installation in a **consistent manner** and to provide an ordinance that can be **easily used** by every municipality with no or minimal amendments.

Mandatory Provisions: Approvals & Parking



- All Applications for installation of EVSE (charging station) or Make-Ready parking spaces ***shall be*** considered **permitted accessory use and permitted accessory structure in all zoning or use districts** and ***shall not*** require a variance.
- Applies to existing buildings and new buildings. If existing, it ***shall not*** require **site plan approval** and ***shall be*** **approved through issuance of zoning permit**.
- **Parking spaces** with EVSE and Make-Ready equipment ***shall*** be included in the calculation of **minimum required parking spaces**.
- **Parking spaces** with EVSE or Make-Ready ***shall*** count as **at least 2 parking spaces** (no more than 10% reduction of total).

Mandatory Requirements for chargers and Make-Ready parking spaces for new construction

- As a condition of preliminary site plan approval, applications involving **new** multiple dwelling with ≥ 5 units:
 - Immediately: 15% of parking spaces shall be make-ready and 1/3 of those shall have EVSE installed;
 - Within 3 years: install EVSE in an additional 1/3 of the original 15%
 - Within 6 years: install EVSE in the final 1/3 of the original 15%.
 - Overall, at least 5% of EVSE must be accessible for people with disabilities
 - Can install EVSE at a faster pace
- Applications involving **new garage or parking lot not covered above:**

# of Parking Spaces	# of Make-Ready Required (can be EVSE)
≤ 50	1
51-75	2
76-100	3
101-150	4
> 150	4%

← 1 accessible

← 5% accessible

- Exempt: a retailer that provides 25 or fewer off-street parking spaces
- Municipality may encourage (but not require) additional EVSE or Make-Ready parking spaces.

Reasonable Standards

- Municipalities may deviate from the Reasonable Standards (Section F) of the model ordinance by amending the ordinance through the normal amendment process.
- This Section of the ordinance covers the following:
 - Accessible EVSE and Make-Ready parking spaces (size, location)
 - EV only parking, violations, use of time limits (public vs. private)
 - Safety Issues (ID of EV spaces, lighting, setbacks, EVSE protection, mounting of EVSE, cord management system, maintenance)
 - Signage (regulatory and wayfinding/directional)
 - Usage Fees
- Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected **flexibility** in this Section will be required to provide the most convenient and functional service to users.



What's Next?

- Model Ordinance on DCA website:
<https://www.nj.gov/dca/dlps/home/modelEVordinance.shtml>
- Changes can be made to the ordinance in the future. Changes to the EVSE and Make-Ready requirements must go through rule making. Changes to other parts of the ordinance do not.
- NJ DEP & DCA working on BMP as companion to model ordinance.



What makes a good EV ordinance?

- Look at other ordinances in your state & around the country
- Includes:
 - EVSE as permitted accessory use for new and existing development
 - Maybe includes installation requirements for EVSE or Make Ready spaces in new developments (residential vs. non-residential or both)
 - Maybe includes expediated permitting process
 - Includes EVSE and Make Ready spaces in minimum parking requirements (double credit?)
 - Installation standards (permits, sizing of space, accessibility)
 - EV only parking (public vs. private), time limits, enforcement & penalties
 - Safety and signage (includes design standards)
 - Usage fees
 - Flexibility in location and layout
- Lots of guides on internet. Good resource:
 - Great Plains Institute - [Summary of Best Practices in Electric Vehicle Ordinances](#)



Contact Information

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NJ DEP Funding Sources: <https://www.drivegreen.nj.gov/plugin.html>

NJ BPU Funding Sources: <https://www.njcleanenergy.com/ev>

