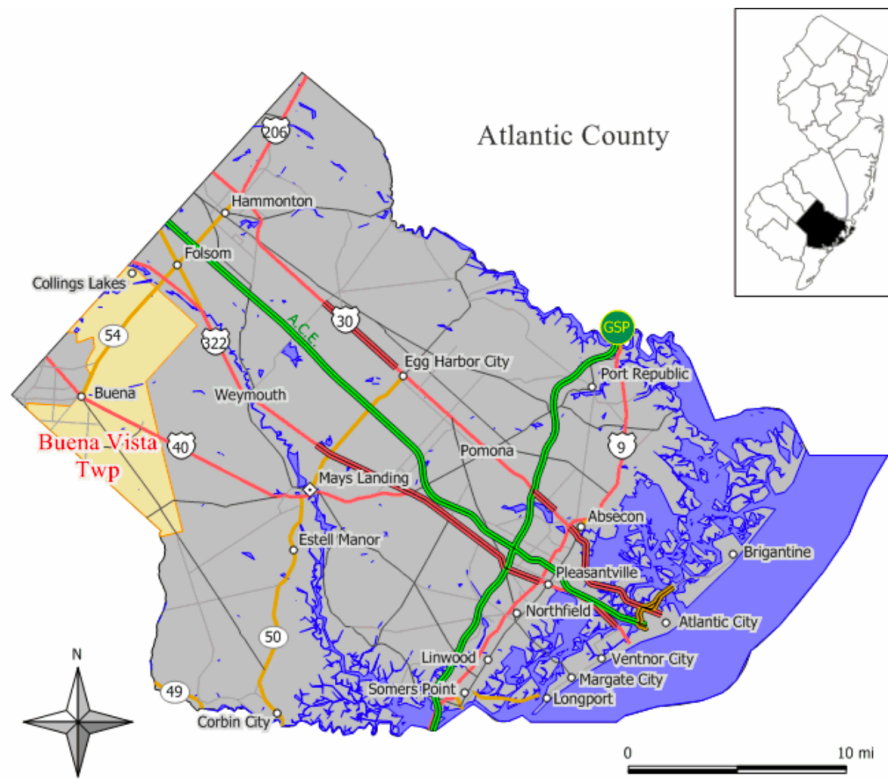


# 2022 Master Plan Reexamination Report Township of Buena Vista Atlantic County, New Jersey

Adopted after a public hearing by Resolution # 2-2022 by the  
Township of Buena Vista Joint Land Use Board on October 20, 2022

Certified by the Pinelands Commission on February 3, 2023



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**2022 Master Plan Reexamination Report  
Township of Buena Vista  
Atlantic County, New Jersey**

***MAYOR***

William Ruggieri

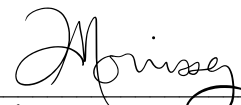
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The original of this document was signed and sealed in accordance with NJAC 13:41-1.3.b

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## INTRODUCTION

A vital part of any Municipality's future is its Master Plan. The Master Plan enables a municipality to plan for its future growth. A Master Plan is not a static document and should be reviewed on a periodic basis in order to address changes that inevitably occur as a municipality grows. Recognizing this, the Municipal Land Use Law (N.J.S.A. 40:55D-89) requires a re-examination of the master plan to be completed every ten years. The report must state the major land development problems and objectives present when the last report or plan was prepared and the status of these conditions today. The report must also make any recommendations for changes to the master plan or development regulations that would further achieve the original goals or address any significant changes that have occurred since the last report was adopted. This report is separated into five sections addressing each element required by the Municipal Land Use Law.

The following planning documents are of record in the Township:

- Buena Vista Township Plan – September, 1969
  - Land Use Survey – prepared November 1, 1967
  - Study of Population – prepared December 1, 1967
  - Study of Community Facilities - prepared April 1, 1968
  - Economic Survey - prepared June 1, 1968
  - Future Land Use Plan - prepared March 1969
- Future Land Use Plan – 1979
- Comprehensive Plan Update – 1990
- Master Plan and Land Use Element Plan Amendment – 1993
- Master Plan Reexamination Report – 1997
- 2006 Master Plan Reexamination Report – adopted May 2007
- Master Plan Housing Element and Fair Share Plan – February 2009
- Housing Element and Fair Share Plan – 2017
- 2017 Master Plan Reexamination Report and Amendment

Buena Vista Township adopted their first Master Plan in September of 1969. Ten years later the Township adopted a new Future Land Use Plan in 1979. This plan was prepared just prior to the Pinelands Comprehensive Management Plan (CMP) becoming effective. It recognized the State Guide Plan, which classified major portions of the Township as “agricultural area” and the balance as “limited growth area”. These classifications remained general consistent upon adoption of the Pinelands CMP. In 1990 the Township adopted a Comprehensive Plan Update recognizing the regulations from the Pinelands CMP. This Master Plan Reexamination Report and Amendment strives to continue to balance land use and development with the Township rural character.

**PART I:  
MAJOR PROBLEMS AND OBJECTIVES**

**40:55D-89.a.**

The major problems and objectives relating to land development in the municipality at the time of the adoption of the 2017 Master Plan Reexamination Report.

The following are the goals and objectives included in the 1997 Master Plan Re-examination Report and were reincorporated into the 2006 and 2017 Master Plan Reexamination Report:

Goals:

1. Maintain quality of natural resources and protection of environmentally sensitive areas.
2. Protection of high-valued farmland.
3. The preservation of rural-type community attributes.
4. Facilitation of the development approval process, especially in the Pinelands Area.
5. Minimizing public expenditures for new development.
6. Increase the tax base in an orderly manner and provide more job opportunities.
7. The continued compliance of the Pinelands Area with the Pinelands Commission, Comprehensive Management Plan.
8. Lack of public infrastructure capable of supporting larger-scale development.
9. Expand existing recreational facilities and create new recreational opportunities within the community as a response to increased new residential development as well as enhancing the overall quality of live within Buena Vista Township.

Objectives:

1. Create more flexible development standards, such as development transfer credit and deed restriction programs.
2. Maintain an efficient development review process.
3. Encourage development in upland areas which are already serviced by existing infrastructure.
4. Minimize public expenditures associated with new development.
5. Protect residential neighborhoods from unnecessary traffic, noises and other nuisances emanating from industrial and commercial activities.
6. Locate commercial and industrial areas away from residential neighborhoods.
7. Maintain commercial zoning areas with a scale comparable to expected residential development.
8. Avoid excessive highway commercial uses, “strip zoning”.
9. Increase the amount of the per lot, in-lieu recreation fee for subdivision projects where on-site recreational amenities are not contemplated as part of the subdivision project.

The Master Plan Report adopted in 2007 includes various recommendations relative to rezoning, changes to the development regulations and areas in Need of Redevelopment. These are as follows:

### **Recommendations for Zoning District Boundary Changes**

#### 1. Forest Area

- a. Possible consideration of expanding portions of the existing Forest Area (FA) Zoning District to off-set a possible rezoning of existing Rural Development Residence/Commerce (RDR1C) Zoning District and the Rural Development Residence/Industry (RDR1I) Zoning District to Pinelands Town (PT) Zoning District in order to facilitate the Comar Place/Pine Road Redevelopment Study Area.

*This remains valid but requires coordination with Pinelands CMP. The Township believes that efforts should be made to enhance and preserve the existing businesses and advance economic development opportunities.*

#### 2. Agricultural Production

- a. Extending the Agricultural Commerce (APC) Zoning District along Union Road (C.R. 671) in a southerly direction along Union Road to the intersection of Chestnut Avenue.
- b. The reduction of the Pinelands Village Exclusive Industry Zoning District on the northeast side of the railroad tracks adjacent to Tuckahoe Road near the intersection of South Boundary Avenue in Milmay, due to limited access in this area.

*These issues relative to protection of existing businesses and appropriate zoning remain a valid concern for the Township. The Township will continue to make efforts to reconcile the economic development concerns with the purposes of the Pineland CMP to create opportunities for growth where appropriate. Item 2.b. is no longer valid as the area is impacted by wetland areas.*

#### 3. Rural Development Areas

- a. The rezoning of the Rural Development Residence-1 (RDR-1) Zoning District in the Lake Anne section, specifically around Unexpected Wildlife Refuge, to a less dense residential or a recreational purpose zone.
- b. The rezoning of portions of the Rural Development Residence/Commerce (RDR1C) Zoning District and the Rural Development Residence/Industry (RDR1I) Zoning District to Pinelands Town (PT) Zoning District in the area of U.S. Route 40, Oak Road and Tuckahoe Road, along existing Comar Place/Pine Road for purposes of advancing the Comar Place/Pine Road Redevelopment Study Area.

*These items also remain a valid concern for the Township. Item 3.a. has an estimated 30 +/- residential units which are grandfathered. Item 3.b. is addressed in several areas, in terms of promoting and protecting economic development opportunities for existing businesses.*

#### 4. Pinelands Villages and Town Areas

- a. The changes recommended for the Pinelands Village areas pertain specifically to the Village of Richland and the approved Richland Village Redevelopment Plan. The designation of a redevelopment area is to encourage additional economic development opportunities within the Village area while encouraging that growth to maintain a consistency with the overall character of the area. No changes are recommended for the remainder of the Pinelands Village areas within Buena Vista Township.
- b. The Pinelands Town area of Buena Vista Township is limited to a portion along U.S. Route 40 as it bisects the western edge of the municipality towards the Borough of Buena boundary and the intersection with N.J.S.H. Route 54. The recommendation within this area is for the expansion of public sewer infrastructure to better enable the continued economic development growth opportunities with the limited Pinelands Town area. The recommendation to pursue the possible expansion of the Pinelands Town area, in a northeasterly direction and along the Route 54 corridor to Plymouth Road, to further provide for additional economic development opportunities. Plymouth Road currently features public water and sewer as provided by the Borough of Buena and would further encourage the type of land uses and development as consistent with the Pinelands Town. A second area of Pinelands Town expansion is contemplated as part of the Comar Place/Pine Road Redevelopment Study Area where the Pinelands Town currently extends to the southeast corner of U.S. Route 40 and Oak Road. The potential expansion of the Pinelands Town would include portions of the existing RDR1C and RDR1I Zoning Districts in the area between U.S. Route 40 and Tuckahoe Road. This would provide the potential for expansion of sewer within this area to provide for the expansion of Comar Glass and the creation of new commercial/light industrial uses within the redevelopment study area.

*The Township remains committed to creating and advancing economic development opportunities. These issues tie into sewer availability and coordination with Buena Borough as well as working with the Pinelands Commission.*

#### **Recommendations for Chapter 49, Development Regulations Modifications and Amendments**

1. Establish the requirement that escrow fees must be provided by any individual pursuing the development of an unpaved road in order to gain access and create a buildable private property. The escrow fee would be utilized by Buena Vista Township through the Local Road Program to improve the roadway for the private property owner to enable the vehicular access.

*This remains an open recommendation.*

2. Establish mandatory contribution for roadway improvements for all minor or major subdivision projects before the Planning Board. The fee would be based upon an established unit price for the width of the roadway frontage to the centerline of the effected roadway. The fee would be calculated by the Township Engineer and the fee would be placed in the General Fund account for Buena Vista Township to utilize in the future repaving of municipal roadways as the Township deems necessary.

*This remains an open recommendation.*

3. Establish the requirement of Recreation Fees to be required of all subdivision projects before the Planning Board. The required fee will be based on the number of lots being created by the subdivision and the type of subdivision application. The recommendation is to increase the per lot contribution to \$1,500 per lot for minor subdivision applications and \$2,500 per lot for major subdivisions. For subdivisions approved under the cultural housing provisions of Section 49-107 the amount of \$1,000 per lot will remain. The payment in lieu of providing recreation will be made prior to Buena Vista Township issuing the first building permit or prior to the signing of the final plats for the proposed development. The Township Recreation Fee may be waived when active recreational amenities are to be provided by the Developer, this will be reviewed and approved on a case-by-case basis by the Planning Board.

*This has been completed, and periodic review of the fees collected and the amounts required is recommended to continue.*

4. Reevaluation of the current escrow fees collected by Buena Vista Township for all proposed projects going before the Planning Board. The Minor Subdivision escrow fee shall be raised to a minimum of \$1,000 and when projects require additional review, additional escrow will be required on a case-by-case basis. Develop a mechanism for the periodic review of other escrow fees collected for Major Subdivisions, both at Preliminary and Final as well as Minor Site Plans and Major Site Plans, both at Preliminary and Final. Although, no recommended increases are currently being offered, Buena Vista Township reserves the right to increase escrow and application fees in the future based on numbers of applications submitted and the level of complexity involved.

*This has been completed, and periodic review of the fees collected and the amounts required is recommended to continue.*

5. The creation of a business registration/mercantile license program within Buena Vista Township to better enable the identification of existing businesses, identify abandoned uses and track businesses within the municipality.

*This remains an open recommendation.*

6. Require builders and developers to install temporary construction aprons to construction sites prior to the start of construction.

*This remains an open recommendation.*

7. Adopt all Checklists for development by Ordinance and prepare new Checklists for the Use Variance application.

*This is on-going and being completed.*

8. Review and possibly revise Section 93 as it related to permitted heights of fences. Clarification regarding the permitted height along a front yard and a rear yard needs to be provided, the recommended height is not greater than four feet along a front yard area and not greater than six feet along a rear yard area.

*This has been completed.*



9. Review and clarify the section relating to the establishment, parameters and monitoring of Home Occupations.

*This remains an open recommendation and has been further addressed in the recommendations of this report.*

10. Establish in the Ordinance a clear process for any earth material removal from a proposed development site. The Ordinance shall specifically delineate the type, amount and method of earth material removal which will be permitted and the process of review for such removal. Additionally, issues pertaining to dredged spoils materials and the handling or distribution of such shall be further clarified in the Ordinance.

*This remains an open recommendation.*

### **Recommendation from 2017 Master Plan Reexamination**

1. API to RDR II

There exists pre-existing development on properties within the API district along Tuckahoe Road. The Land Use Board recommends relocating the API boundary to help existing industrial uses which have been determined non-conforming based upon the Pinelands designation. This is a larger change and requires an off-set of land in the RD zones to become AP/API and will require review and approval with the Pinelands Commission. It is the intent of the Master Plan to identify the areas within the API district which would benefit from a land management change under the Pinelands Comprehensive Management Plan (CMP), any changes and offsets would be addressed in the future.

Block 5001, Lot 10 is Richland Glass, a pre-existing commercial/industrial operation which is located in the API district. Block 5001, Lot 11 contains a former agricultural industrial operation that is no longer viable, however the property is suited for industrial use given the site improvements. Since the industrial use is only permitted to continue as one which is related to agricultural production which severely limits its usefulness. These two properties are both industrial in nature and exist in an Agricultural Industrial District. The uses remaining industrial in nature would be consistent with the past site operations and with the area. The total land area with industrial uses in the API district on these two parcels is 33.95 acres. The area devoted to the non-agricultural industrial uses is estimated at about 50% of the total land area, for conservative purposes 20 acres +/- . It is recommended that these properties be considered for a change to RDI or RDR II.

In order to effectuate this change of zoning the Township will have to work with the Pinelands Commission to identify property within a Rural Development Area to be changed to an Agricultural Management Area. The actual properties that would be rezoned or re-designated are subject to approval by the Pinelands Commission and would be identified as part of a rezoning request to be made at a later date but as intended in this Reexamination Report/Master Plan Update.

*This is an open issue that requires analysis as to the impact to all property owners involved.*

**PART II:  
POPULATION AND DEMOGRAPHIC ANALYSIS**

**40:55D-89.b.**

The extent to which such problems and objectives have been reduced or have increased subsequent to the adoption of last Master Plan Report.

The 2020 US Census has been completed but not all data has been released. The following tables represent the data which has been made available. These focus on population, race, housing and age.

**Population**

The following tables portray the population and housing change in the Township, Atlantic County, and the State. Between 1990 and 2020, the Township’s population decreased by 8%. The largest decrease in population over a ten-year period was from 2010 through 2020 with a 7% decrease or 537 persons. Compared to Atlantic County’s population increase of 22.4% over the same 30-year period and the State’s population growth of 20% for the same period, Buena Vista would be characterized as a slow growth area. It is notable that the County saw a static growth rate over the past 10 years.

<b>Table 1 Population Trends</b>			
	<b>Township of Buena Vista</b>	<b>Atlantic County</b>	<b>New Jersey</b>
1990	7,655	224,327	7,730,188
2000	7,436	252,552	8,414,350
2010	7,570	274,549	8,791,894
2020	7,033	274,534	9,288,994
1990 to 2020	-8.1%	22.4%	20.2%
1990 to 2000	-2.9%	12.6%	8.9%
2000 to 2010	1.8%	8.7%	4.5%
2010 to 2020	-7.1%	-0.01%	5.7%

Source: US Census Data

Interestingly while population decreased by over 530 persons the last ten years, the housing stock also decreased by 27 units, just under 1%. These numbers reflect either a reduction of persons per household in the Township or an under reporting of households during the 2020 Census. It is worthwhile to note that the American Community Survey for 2020 – 5 year estimates indicate the Township has a total population of 7,269. This would still be a decrease of population, but only a 4% decrease.

<b>Table 2 Housing Trends</b>			
	<b>Township of Buena Vista</b>	<b>Atlantic County</b>	<b>New Jersey</b>
1990	2,727	106,877	3,075,310
2000	2,827	114,090	3,310,275
2010	3,008	126,647	3,553,562
2020	2,981	132,038	3,761,229
1990 to 2020	9.3%	23.5%	22.3%
1990 to 2000	3.7%	6.7%	7.6%
2000 to 2010	6.4%	11.0%	7.3%
2010 to 2020	-0.9%	4.3%	5.8%

Source: US Census Data

The more specific analysis of age cohorts would help to explain the population decline. However, the current Census data available for 2020 only provides the population 18 years of age and older (Table 4). In 2010 the Census reported 5,840 persons 18 years of age and over. The 2020 Census reports 5,730 persons 18 years of age and older. This is a decrease of 110 persons or almost 2%. This means that the Township lost more population in the under 18 years of age cohort, estimated at over 400 persons. This could be due to the population aging or families moving out of the Township. Further analysis can be completed as more data from the 2020 Census is released.

It is also interesting to note that the Township has seen a slight increase in vacant housing units as well as a decline in total occupied and overall housing units. Since 2010 the Township is shown to have fewer housing units and a slightly higher vacancy rate of the total housing units. Therefore it may be that the impacts from the housing market decline and the high rates of foreclosures in Atlantic County are reflected in the 2020 Census Data. According to a report by Attom, Atlantic County foreclosure rate ranks 18<sup>th</sup> highest and the number of foreclosures in the first half of 2022 were up 198.6% from the first half of 2021.<sup>1</sup> On this list are several other New Jersey counties with higher foreclosure rates including Cumberland County at the first spot as well as Ocean County, Warren County, Sussex County, Gloucester County, Camden County, Burlington County and Salem County. Clearly the State of New Jersey has not fully recovered from the Recession and is impacted by the current economic conditions.

<sup>1</sup> Longview News Journal, July 28, 2022 [https://www.news-journal.com/atlantic-county-new-jersey-has-one-of-the-highest-foreclosure-rates-in-the-nation/article\\_c4a37f2e-e68b-5345-9d0e-e64230ef7a37.html](https://www.news-journal.com/atlantic-county-new-jersey-has-one-of-the-highest-foreclosure-rates-in-the-nation/article_c4a37f2e-e68b-5345-9d0e-e64230ef7a37.html)

<b>Table 3</b>				
<b>Buena Vista Housing Units Occupancy Status</b>				
	<b>Housing Units</b>			
	<b>Occupied</b>	<b>Vacant</b>	<b>Total</b>	<b>Vacancy Rate</b>
2010	2,786	222	3,008	8.0%
2020	2,750	231	2,981	8.4%
2010 to 2020	-1.3%	4.1%	-0.9%	n/a

Source: U.S. Census Bureau

<b>Table 4</b>						
<b>2020 Population by Categories</b>						
	<b>Buena Vista</b>		<b>Atlantic County</b>		<b>New Jersey</b>	
	<b>Persons</b>	<b>%</b>	<b>Persons</b>	<b>%</b>	<b>Persons</b>	<b>%</b>
<b>Total</b>	7,033	100%	274,534	100%	9,288,994	100%
<b>Race</b>						
White	5,189	73.8%	156,796	57.1%	5,112,280	55.0%
Black or African American	780	11.1%	41,519	15.1%	1,219,770	13.1%
Asian	62	0.9%	21,784	7.9%	950,090	10.2%
American Indian and Alaska Native	19	0.3%	1,253	0.5%	51,186	0.6%
Native Hawaiian and Other Pacific Islander	4	0.1%	342	0.1%	3,533	0.0%
Other	311	4.4%	27,192	9.9%	1,048,641	11.3%
Two or More Races	668	9.5%	25,648	9.3%	903,494	9.7%
Hispanic or Latino	909	12.9%	53,713	19.6%	2,002,575	21.6%
<b>Age</b>						
18+	5,730	81.5%	217,993	79.4%	7,281,310	78.4%

Source: US Census Data

**PART III:  
CHANGES IN ASSUMPTIONS, POLICIES AND OBJECTIVES**

**40:55D-89.c.**

The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the Master Plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives:

***Pinelands Comprehensive Management Plan***

The Township is subject to the rules and regulations of the Pinelands Comprehensive Management Plan (CMP). As such it is important to take notice of the changes and amendments which have been made or are proposed to the CMP. Since 2016 the CMP has been amended to address stormwater management as discussed below. Additionally, the Pinelands Commission and provided guidance on Electric Vehicle Charging Stations and Cannabis which are all discussed below.

***Stormwater Management***

On December 21, 2021 the Pinelands Commission adopted amendments to the CMP which include minimum standards for point and non-point source discharges which relate to stormwater management in the Pinelands Areas and address the stormwater management rules adopted by the New Jersey Department of Environmental Protection in 2019.

***Cannabis***

In February of 2021 the State of New Jersey adopted the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization (CREAMM) Act” which provides the framework for recreational use of cannabis and establishes the Cannabis Regulatory Commission. The CREAMM Act provides that municipalities had until August 21, 2021, to either prohibit cannabis activities or permit cannabis facilities and amend any ordinances to that effect. Alternatively, if a municipality takes no action by August 21, 2021, all cannabis activities will be permitted in accordance with the CREAMM Act regulations for a period of five (5) years.

The State did not adopt rules regulating cannabis businesses until August 19, 2021. This left no window in which a municipality could review the rules and how they would impact land use and zoning before deciding to take action under the CREAMM Act by August 21, 2021. Therefore, the Township of Buena Vista decided to adopt ordinances prohibiting all types of cannabis activities in August of 2021 pending adoption of the State Rules on Personal Use Cannabis. This action was temporary so that the Township could evaluate where/if cannabis businesses were appropriate for the different zoning districts.

## ***Electric Vehicle***

In 2021 the State of New Jersey amended the Municipal Land Use Law to address electric vehicle supply/service equipment and make-ready parking spaces. Subsequently the New Jersey Department of Community Affairs published a model ordinance to aide in updating local ordinances. This model ordinance provided certain areas that were open for the municipality to individualize, but the basic requirements and regulations were made into Law by the State of New Jersey.

In August of 2022 the Pinelands Commission staff made recommendations to the model ordinance which they require to be adopted in order to find that the local ordinances are consistent with the CMP. The Township of Buena Vista did not amend the local ordinances to incorporate the Electric Vehicle mandates as they were determined to be law and no changes were necessary. More information and recommendations regarding electric vehicles and the State Mandates is included in Part VI of this Reexamination Report.

## ***Lincoln Avenue / OC Zone***

One of the Township's largest commercial properties is the Teligent building on Lincoln Avenue. Teligent Pharma expanded their business operations around 2017, increasing its size to 110,000 square feet. Unfortunately, Teligent sought bankruptcy in October of 2021 which resulted in a change to the largest commercial property. The building was recently purchased by a Denver firm which expects to reopen the facility in 2023.

## ***Community Resiliency***

In 2021 the State of New Jersey amended the Municipal Land Use Law to require that any new Land Use Element include a climate-change related hazard vulnerability assessment. This is not required as part of a reexamination report. When the Township updates its Land Use Plan Element the required assessment should be completed. A Vulnerability Assessment must rely on the most recent natural hazard projections and consider the environmental effects associated with climate change. These include, but are not limited to, extreme weather, temperature, drought, fire, flooding and sea-level rise. The Vulnerability Assessment should contain measures to mitigate the reasonably anticipated natural hazards such as coastal storms, shoreline erosion, flooding, storm surge and wind. Not all of these will apply to Buena Vista Township. Specifically, the law requires the following to be included in a Climate-Change Related Hazard Vulnerability Assessment:

- An analysis of current and future threats to, and vulnerabilities of, the municipality associated with climate change-related natural hazards;
- A build-out analysis of future residential, commercial, industrial, and other development in the municipality, and an assessment of threats and vulnerabilities identified above related to that development;
- Identification of critical facilities, utilities, roadways, and other infrastructure that is necessary for evacuation purposes and sustaining quality of life during a natural disaster, to be maintained at all times in an operation state;
- An analysis of the potential impact of natural hazards on relevant components and elements of the master plan;

- To provide strategies and design standards that may be implemented to reduce or avoid risks associated with natural hazards;
- A specific policy statement on the consistency, coordination, and integration of the climate-change related hazard vulnerability assessment with certain other plans adopted by the municipality;
- All of the above must rely on the most recent natural hazard projections and best available science provided by NJDEP.

**PART IV:  
RECOMMENDED CHANGES**

**40:55D-89.d.**

The specific changes recommended for the Master Plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.

***Cannabis***

The Township has evaluated the New Jersey Cannabis regulations as they relate to the various classes of businesses. The Township can regulate the number of establishments in the municipality. They may also regulate the location, times of operation, and lot/design standards. The municipality may also adopt a licensing ordinance separate from the land use regulations. The “CREAMM Act” created six distinct classes of licenses which a municipality can permit or prohibit, except that a municipality cannot preclude a delivery service from delivering to places in the municipality. The classes are defined as follows:

Class 1: Cannabis cultivator license, for facilities involved in growing and cultivating cannabis;

Class 2: Cannabis manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

Class 3: Cannabis wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

Class 4: Cannabis distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

Class 5: Cannabis retailer license for locations at which cannabis items and related supplies are sold to consumers; and

Class 6: Cannabis delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

The Township supports the inclusion of cannabis businesses in certain zoning districts. The Land Use Board believes that the permission of cannabis establishments should be controlled through the zoning regulations AND through a local licensing program to ensure there is adequate oversight for any new business. The Township is regulated by the Pinelands Comprehensive Management Plan and therefore the districts within the Pinelands areas are designed to be consistent with the guidelines of the Pinelands Commission staff for the location of cannabis establishments.



Cannabis establishments Class 1 and 2 (cultivator and manufacturer) are to be a permitted conditional use in the following Zoning Districts:

- Agricultural Production (AP)
- Agricultural Commerce (APC)
- Rural Development Residence/Commerce (RDR1C)
- Rural Development Residence/Industry (RDR1I)
- Rural Development Exclusive Industry (RDI)
- Pinelands Village Exclusive Industry (PVI)
- Pinelands Town-Commerce (PT)
- Business (B1)
- Office Campus Overlay (OC)

Cannabis establishments falling under Class 3 & 4 (wholesaler and distributor) are to be a permitted conditional use in the following Zoning Districts:

- Rural Development Residence/Commerce (RDR1C)
- Rural Development Residence/Industry (RDR1I)
- Rural Development Exclusive Industry (RDI)
- Pinelands Village Exclusive Industry (PVI)
- Pinelands Town-Commerce (PT)
- Business (B1)
- Office Campus Overlay (OC)

Cannabis establishments Class 5, retail, shall be permitted as a conditional use in the following Zoning Districts:

- Pinelands Village Residence/Commerce (PVRC)
- Pinelands Town-Commerce (PT)
- Business (B1)
- Office Campus Overlay (OC)

No delivery cannabis establishment, Class 6, shall be permitted within the Township.

The local ordinances would create conditional use standards for the referenced classes of cannabis establishments. The conditions would create standards such that no on-site consumption of cannabis or cannabis related products would be permitted in any zoning district. All operations shall occur indoors and the hours of operation be limited. All facilities shall provide a detailed odor mitigation plan that would also be governed and monitored through an annual licensing process. A sample ordinance is included in the Appendix of this report which also includes suggestions for a licensing ordinance.

## ***Ordinance Corrections/Clarifications***

A review of the land development ordinance has noted some areas where the ordinance requires updating and/or clarification. The following items are recommended for amendment to the land development ordinance:

### **Swimming Pools:**

Amend Section 115-107 .A(1)

Intent. Private swimming pools shall be permitted in all zoning districts where a residential dwelling unit exists as a principal permitted use, ~~with the maximum area of any and all private swimming pools being 800 square feet.~~ Private swimming pools shall not be calculated as part of the maximum square footage for cumulative accessory use structures but shall be calculated as part of the total impervious lot coverage percentages for the respective zoning district location.

### **Home Occupation Definition**

In 2018 the Township created a definition for a Home Professional Office. The ordinance also provides for a definition of a Home Occupation which is a permitted conditional use in residential districts. This ordinance is proposed to be amended to clarify the extent of permitted occupations that would be considered appropriate as “home occupations” in accordance with the new suggested definition below.

Home Occupation: An activity for economic gain, carried out in a residential dwelling or a structure accessory thereto, in which an occupant of the residence and no more than one other individual is employed and which is clearly incidental to the use of the lot and dwelling for residential purposes and which complies with the standards and requirements of this chapter. A Home Occupation does not include wholesale and retail sales of firearms or ammunition, or the manufacturing of firearms and ammunition. Gunsmithing (the cleaning, repair, assembling and disassembling of firearms) when in conformance with the above is considered a home occupation.

### **Accessory Structure Height**

In the most recent Reexamination Report the Township reviewed accessory structures and amended the ordinances to create varying controls as to size and height of accessory structures. Over the past few years it has become apparent that the height permitted for pole barns is too restrictive when overhead doors are needed for farm equipment and/or for recreational vehicles. To remedy this it is recommended that the maximum permitted height for accessory structures on residential lots be increased from fifteen (15) feet to eighteen (18) feet.

## **Dwelling Units**

The Township land use definitions includes a definition of a Dwelling Unit “A building or part thereof forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.”

The Land Use Board recognizes this definition to mean that any areas for living must all be internally connected to the primary dwelling and that they have one common and primary cooking area. It is understood that family units may share a dwelling unit given the cost of housing and potential need for families to provide accommodations for either elderly family members or other members of the immediate family. The current definition would allow for this provided all areas are internally connected and only one primary and common cooking area is provided in the dwelling unit.

### **Ordinance Clarifications:**

#### **Amend Section 115-77 Note 5**

May increase to 50% for temporary greenhouses proposed to be used at a qualified farm as defined in § 115-6. See § 115-144 103.1

#### **Amend Section 115-84.B.(15)**

Cluster developments as per Section 115-144 62

#### **Amend Section 115-94.D.(1)(b)**

Along any ~~corner~~ common property line with a lot in a residential district, landscaped buffers shall be not less than 25 feet in width.

#### **Amend Section 115-99.B(12)**

Any fence installed on a property within a nonresidential zoning district, or on a property which contains a nonresidential use ~~property~~, or a mixed use, shall not exceed six feet.

#### **Amend Section 115-101.G.(1)(a)**

~~Two spaces for each dwelling unit.~~ Parking for any residential use shall be in conformance with the Residential Site Improvement Standards (RSIS).

#### **Amend Section 115-105.D.(3)(b)[3]**

Area: 32 square feet per ~~sign~~ side.

## Lot Coverages

The ordinance limitations for coverages create restrictions impacting development. While the Township wishes to ensure that properties are not over developed and that stormwater is addressed, there is a balance in ensuring that a property can be appropriately developed. The ordinance permits a maximum lot coverage as per the table below. The low impervious coverages are too restrictive when accounting for a building and all parking and driveway areas, and accessory structures. To create improved development opportunities while protecting the built environment, the table recommends increases to the maximum lot coverages as noted.

Zoning District	Min. Lot Area (Acres)	Current Max. Lot Coverage	Proposed Max. Lot Coverage
FA1	30	3%	No Change
FA2	30	3%	No Change
FA3	20	5%	No Change
AP	40	3%	No Change
APC	2.5	10%	35%
API	5	35%	No Change
RDR1	3.2	10%	25%
RDR1C	3.2	10%	25%
RDR1I	3.2	10%	25%
RDR2	5	10%	25%
RDI	10	10%	25%
PVR1	2.5	10%	25%
PVR2	5	10%	25%
PVRC	2.5	10%	25%
PVI	10	10%	25%
PT	2.5	70%	No Change
RA	2	10%	35%
B1	2	20%	65%
OC	3	65%	No Change

**PART V:  
REDEVELOPMENT PLANS**

**40:55D-89.e.**

The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The Township of Buena Vista has adopted the following Redevelopment Plans:

- Richland Village Redevelopment Area – In 2006 the Township adopted the Redevelopment Plan for Richland Village. The Redevelopment Area is boundaries are Llewellyn Avenue to the northeast, Moody Avenue to the southwest, Cedar Avenue to the west, Park Place to the northwest and Sewell Avenue to the north. Route 40 bisects the Redevelopment Area.
- Lincoln Avenue Redevelopment Area- In 2006 the Township adopted the Lincoln Avenue Redevelopment Area. The Redevelopment Area is located in the southwest area of the Township outside of the Pinelands Management Area. The Plan provided for new residential development, however recent land use approvals include the expansion of the Teligent facility. It is recommended that this plan be revisited and focus on the economic development potential from the recent expansion and growth of the Teligent facility.
- Comar Place/Pine Road Redevelopment Area - In September of 2008 the Township adopted a Redevelopment Plan for Comar Place/Pine Road. The Redevelopment Area is located within the central portion of the Township with frontage along Route 40 and Tuckahoe Road consisting of approximately 246 acres. This plan was submitted to the Pinelands Commission for certification in early 2009. The Pinelands COMmission recommended amendments to address their concerns relative to the CMP. As of 2011 there has been no amendments to this plan and therefore it has not been certified by the Pinelands Commission.

These plans should be reviewed and updated or amended as necessary to encourage economic redevelopment opportunities. Additional opportunities for redevelopment should be considered if they will promote economic and development opportunities consistent with the goals and objectives of the Master Plan.

**PART VI:**  
**PUBLIC ELECTRIC VEHICLE INFRASTRUCTURE**

**40:55D-89.f.**

The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

In 2019 the Municipal Land Use Law (MLUL) was amended to require the identification of all existing and proposed locations of public electric vehicle charging infrastructure in the Land Use Plan Element and in any adopted Circulation Plan Element. (N.J.S.A. 40:55D-28b(2)g & 28b(4)) The MLUL also required that any Sustainability Plan Element consider, encourage and promote the development of public electric vehicle charging infrastructure in locations appropriate for their development, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops.

Subsequent to these changes to the MLUL the State of NJ adopted mandatory rules for electric vehicle charging stations. The Township of Buena Vista chose not to amend or alter those regulations and therefore they were not officially adopted in the Land Development Ordinances. They are however effective for all future development. These new rules will result in new retail development providing electric vehicle charging areas in the parking areas.

There are currently no public electric vehicle charging areas within the Township of Buena Vista, according to the NJ Drive Green website ([www.drivegreen.nj.gov](http://www.drivegreen.nj.gov)). The Township may wish to look into grants to create public charging stations at the municipal property and public parks in the future.

The Township accepted the State Model Ordinance and did not make any changes to the local land development code to implement the State Ordinance as it became effective through the State adoption. However, the Township does include land within the Pinelands Areas which is regulated by the Pinelands Comprehensive Management Plan (CMP). Because of this the State regulations did not provide for any consideration to the CMP requirements which are required to be considered for development. The Pinelands Commission Staff have provided a model ordinance updated with

protections and requirements for the areas within the Pinelands areas for the Township to adopt. The Township should amend the local ordinance to include the State Model Ordinance with the Pinelands amendments (and included in full as an Appendix to this report). This will provide the Pinelands Commission with the protection requested as to the CMP standards.

## **Buena Vista 2022 Master Plan Ordinance Recommendations/Amendments**

### **Cannabis**

Class 1: Cannabis cultivator license, for facilities involved in growing and cultivating cannabis;

Class 2: Cannabis manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

Class 3: Cannabis wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

Class 4: Cannabis distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

Class 5: Cannabis retailer license for locations at which cannabis items and related supplies are sold to consumers; and

Class 6: Cannabis delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

### **New Section 115-145 – Cannabis**

A. Cannabis establishments Class 1 and 2 shall be permitted as a conditional use in the following Zoning Districts:

- Agricultural Production (AP)
- Agriculture Commerce (APC)
- Rural Development Residence/Commerce (RDR1C)
- Rural Development Residence/Industry (RDR1I)
- Rural Development Exclusive Industry (RDI)
- Pinelands Village Exclusive Industry (PVI)
- Pinelands Town-Commerce (PT)
- Business (B1)
- Office Campus Overlay (OC)

B. Cannabis establishments Class 3 and 4 shall be permitted as conditional uses in the following Zoning Districts:

- Rural Development Residence/Commerce (RDR1C)
- Rural Development Residence/Industry (RDR1I)



- Rural Development Exclusive Industry (RDI)
- Pinelands Village Exclusive Industry (PVI)
- Pinelands Town-Commerce (PT)
- Business (B1)
- Office Campus Overlay (OC)

C. Cannabis establishments Class 5, retail, shall be permitted as a conditional use in the following Zoning Districts

- Pinelands Village Residence/Commerce (PVRC)
- Pinelands Town-Commerce (PT)
- Business (B1)
- Office Campus Overlay (OC)

D. No delivery cannabis establishment, Class 6, shall be permitted within the Township.

E. Any Cannabis use must submit for a conditional use approval and site plan approval to the Land Use Board. The following conditions must be satisfied:

- (1) All cannabis establishments Class 1 through 5, located within the Township shall meet all requirements for licensure and hold the appropriate license issued by the cannabis Regulatory Commission, Department of Treasury, State of New Jersey.
- (2) No cannabis establishment shall permit on-site consumption of cannabis or cannabis related products, including no on-site sales and consumption of alcohol or tobacco products.
- (3) All cannabis establishment operations such as cultivation, manufacturing, wholesale and packaging shall be conducted within a building. No operations shall be conducted outside. No outside storage of any cannabis, cannabis products or cannabis related materials shall be permitted.
- (4) All facilities shall be located within enclosed buildings and shall not be permitted outdoors.
- (5) Deliveries to any Cannabis business shall be limited from 8:00 a.m. to 9:00 p.m., seven days a week.
- (6) All cannabis establishments shall provide detailed information on odor control from these sites. This shall include air treatment systems with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located in the same building if the use occupies a portion of a building.

Odor from the facility shall be monitored on an annual basis at the discretion of the

Township by a licensed, qualified contractor chosen by the Township at a cost that shall be paid for by the licensed business.

- (7) All cannabis establishments shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading and other noise generating equipment or machinery. All licensed facilities must operate within applicable state decibel requirements.
- (8) No cannabis Class 1, Class 2, Class 3 and Class 4 establishments shall be located within 1,500 feet as measured from the building to the common property line or zone, of an educational facility including elementary, high school, charter school, child or day care facility, or any other use which provides education to persons under the age of 18.
- (9) No cannabis Class 1, Class 2, Class 3 and Class 4 establishments shall be located within 500 feet as measured from the building to the common property line or zone, of a residential zone or property. Residential zones are as follows:
  - Forest Area (FA1, FA2, FA3)
  - Rural Development (RDR)
  - Pinelands Village Residence (PVR)
  - Residence Agriculture (RA)
- (10) A water reclamation plan for Class 1 cannabis cultivation establishment shall be submitted to be reviewed and approved by the Township Engineer.
- (11) The following parking schedule shall be used to calculate the required number of off-street parking spaces per use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded to the nearest whole number.

Number of Parking Spaces Required

  - Cannabis cultivator-1 per every 1,000 square feet of gross floor area or 1 per 2 employees at maximum shift.
  - Cannabis delivery service- 1 per every 1,000 square feet of gross floor area, plus 1 parking space for every delivery driver or fleet vehicle.
  - Cannabis manufacturer- 1 per every 1,000 square feet of gross floor area or 1 per 2 employees at maximum shift.
  - Cannabis wholesaler- 1 per every 1,000 square feet of gross floor area.
  - Cannabis retailer – 1 per every 200 square feet of gross floor area.
- (12) Signage: Signage shall comply with § 115-105, Signs. The following words shall be prohibited from appearing on any sign: "cannabis," "marijuana," "pot" and "weed." No cannabis product shall be displayed in any windows or doors. No cannabis business shall place or cause to be placed any off-site advertising signage.

- (13) A traffic impact study is required which includes estimated delivery vehicles, size of vehicles and number of employees. Additionally, a class 5, Retail Cannabis establishment shall provide an on-site circulation plan for vehicles and pedestrians.
- (14) Cannabis waste shall be stored, secured, and managed in accordance with applicable state laws.
- (15) A planted buffer of at least 25-feet and fencing is required along any property line that abuts a residential district. All screening shall be in conformance with Section 115-104.
- (16) Within the AP and APC zones, Class 1 licensed facilities shall be permitted only to the extent that cultivation activities are consistent with the definitions of “Agricultural or Horticultural Purpose or Use” and “Agricultural Products Processing Facility” contained in §115-6 of this Chapter.
- (17) Within the AP and APC zones, Class 2 licensed facilities shall be permitted only to the extent that manufacturing activities are consistent with the definition of “Agricultural Products Processing Facility” contained in §115-6 of this Chapter.
- (18) Any cannabis facility shall be consistent with the schedule in §115-77 and with all standards and regulations set forth in this Chapter.

#### LICENSING ORDINANCE SUGGESTIONS

- (1) For each cannabis establishment located within the Township a security plan shall be submitted to the New Jersey State Police and a copy of the submission shall be provided to the Township. The security plan shall demonstrate how the facility will maintain effective security and control of the operations. The plan should include the following but not limited to:
  - Type of security systems to be installed.
  - Installation, operation and maintenance of security camera covering all interior and exterior parking lots, loading areas and other such areas of the establishments.
  - Tracking and record keeping of products and materials.
  - Type of lighting provided in and around the establishments.
  - Location on-site security team and armed guard on premises.
- (2) To the extent not already required by the entity’s State license, all licensed facilities must provide at least one security guard (or more if required by the State) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing.
- (3) Township of Buena Vista shall permit a **maximum of one cannabis establishment for each licensed classification from Class 1 through Class 5.** No delivery establishment cannabis establishment Class 6 shall be permitted within the Township.

### **Swimming Pools:**

Amend Section 115-107 .A(1)

Intent. Private swimming pools shall be permitted in all zoning districts where a residential dwelling unit exists as a principal permitted use, ~~with the maximum area of any and all private swimming pools being 800 square feet.~~ Private swimming pools shall not be calculated as part of the maximum square footage for cumulative accessory use structures but shall be calculated as part of the total impervious lot coverage percentages for the respective zoning district location.

### **Home Occupation Definition:**

Replace the definition of Home Occupation with the following:

Home Occupation: An activity for economic gain, carried out in a residential dwelling or a structure accessory thereto, in which an occupant of the residence and no more than one other individual is employed and which is clearly incidental to the use of the lot and dwelling for residential purposes and which complies with the standards and requirements of this chapter. A Home Occupation does not include wholesale and retail sales of firearms or ammunition, or the manufacturing of firearms and ammunition. Gunsmithing (the cleaning, repair, assembling and disassembling of firearms) when in conformance with the above is considered a home occupation.

### **Accessory Structure Height**

Amend Section 115-110.1.E. as follows:

Height of accessory building. The height of accessory buildings shall not exceed ~~18~~ 45 feet. An agricultural accessory structure may have a maximum height of 25 feet provided it is to be utilized for the farming/agricultural operation. (Qualified farms are a minimum size of five acres and meet the farmland assessment criteria.)

### **Items for Ordinance Correction:**

#### **Amend Section 115-77 Note 5**

May increase to 50% for temporary greenhouses proposed to be used at a qualified farm as defined in § 115-6. See § 115-144 103.1

#### **Amend Section 115-84.B.(15)**

Cluster developments as per Section 115-144 62

**Amend Section 115-94.D.(1)(b)**

Along any ~~corner~~ common property line with a lot in a residential district, landscaped buffers shall be not less than 25 feet in width.

**Amend Section 115-99.B(12)**

Any fence installed on a property within a nonresidential zoning district, or on a property which contains a nonresidential use ~~property~~, or a mixed use, shall not exceed six feet.

**Amend Section 115-101.G.(1)(a)**

Two spaces for each dwelling unit. Parking for any residential use shall be in conformance with the Residential Site Improvement Standards (RSIS).

**Amend Section 115-105.D.(3)(b)[3]**

Area: 32 square feet per ~~sign~~ side.

**Lot Coverages:**

Amend the Coverages in Section 115-77 Schedule of District Requirements as shown on the table below:

<b>Zoning District</b>	<b>Current Max. Lot Coverage</b>	<b>Proposed Max. Lot Coverage</b>
FA1	3%	No Change
FA2	3%	No Change
FA3	5%	No Change
AP	3%	No Change
APC	10%	35%
API	35%	No Change
RDR1	10%	25%
RDR1C	10%	25%
RDR1I	10%	25%
RDR2	10%	25%
RDI	10%	25%
PVR1	10%	25%
PVR2	10%	25%
PVRC	10%	25%
PVI	10%	25%
PT	70%	No Change
RA	10%	35%
B1	20%	65%
OC	65%	No Change

**Buena Vista Township Ordinance #**

**AN ORDINANCE**

**AUTHORIZING AND ENCOURAGING**

**ELECTRIC VEHICLE**

**SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES**

*[Note: Pursuant to P.L. 2021, c.171, all sections of this model ordinance become effective in each municipality upon its publication on the Department of Community Affairs' Internet website. Municipalities may make changes to the reasonable standards in the model ordinance as noted below through the normal ordinance amendment process. However, municipalities may not make changes to the legislatively mandated requirements in Sections C., D., and E.]*

This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the **{name of municipality}** \_\_\_\_\_ of **{name of county}** \_\_\_\_\_.

WHEREAS, supporting the transition to electric vehicles contributes to **{name of municipality}** \_\_\_\_\_'s commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the **{name of municipality}** \_\_\_\_\_ encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires 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; and

WHEREAS, adoption of this ordinance will support the Master Plan of **{name of municipality}** \_\_\_\_\_ adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals **{list #s or names}** \_\_\_\_\_ of the Master Plan as well as the land

use, circulation, and *{other e.g., environmental, sustainability}* \_\_\_\_\_ elements of the Master Plan; and

WHEREAS, the *{name of municipality}* \_\_\_\_\_ encourages greater ownership and use of electric vehicles, thus the *{name of municipality}* \_\_\_\_\_ is amending the *{Zoning/Development Regulations/Land Use Ordinance}* \_\_\_\_\_ to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

NOW, THEREFORE, BE IT ORDAINED, by the *{Committee/Council}* \_\_\_\_\_ of the *{name of municipality}* \_\_\_\_\_ County of *{name of county}* \_\_\_\_\_, State of New Jersey as follows:

***{Note: Title of the Ordinance, policy statements, and Purpose of the ordinance are optional sections and may be changed by the municipality.}***

## **FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT**

### **A. Purpose**

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State’s transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

### **B. Definitions**

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station." **{Note: Definition is directly from legislation and cannot be changed.}**

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019,



c.362 (C.48:25-1 et al.). **{Note: Definition is directly from legislation and cannot be changed.}**

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

### C. Approvals and Permits

**{Note: Section C. of the model ordinance is mandatory and may not be altered.}**

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The **{administrative official/zoning officer and/or municipal engineer}** \_\_\_\_\_ shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of **{name of municipality}** \_\_\_\_\_'s land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
  - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or

- subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
- b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met;
  - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations; and
  - d. within the Pinelands Area, the proposed installation complies with the minimum environmental standards of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.1 et seq.).
6. An application pursuant to Section 5. above shall be deemed complete if:
- a. the application, including the permit fee and all necessary documentation, is determined to be complete,
  - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
  - c. a one-time written correction notice is not issued by the **{administrative official/zoning officer}** \_\_\_\_\_ within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
  - d. in the Pinelands Area, an application pursuant to Section 5. above shall also require the submission of a Certificate of Filing issued by the New Jersey Pinelands Commission, unless the proposed development meets the criteria of Section 115-17D(7) of the Code of Buena Vista Township.
7. Upon deeming an application complete pursuant to Section 6. Above, the **{administrative official/zoning officer and/or municipal engineer}** \_\_\_\_\_ shall issue a zoning permit in accordance with Section 115-11 of the Code of Buena Vista Township, and the following:
- a. In the Pinelands Area, said zoning permit shall not take effect and no development shall be carried out until the provisions of Section 115-26 and Section 115-27 have been met, unless the proposed development meets the criteria of 115-17D(7) of the Code of Buena Vista Township.

8. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
9. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

#### **D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces**

***{Note: Section D of the model ordinance is mandatory and may not be altered.}***

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
  - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
  - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
  - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
  - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
  - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
  - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
  - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
  - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.

- d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
- e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
- f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
- g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- h. Notwithstanding the provisions of this Section, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

**E. Minimum Parking Requirements**

***{Note: Section E of the model ordinance is mandatory and may not be altered. }***

- 1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to ***{Section number for Parking Requirements}*** \_\_\_\_\_.
- 2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- 3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- 4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

**F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces**

***{Note: Municipalities may deviate from the reasonable standards set forth in Section F to address installation, sightline, and setback requirements or other health- and safety-related specifications for EVSE and Make-Ready parking spaces. Nothing in this section of the***

***ordinance shall be deemed to authorize a municipality to require site plan review by a municipal agency solely for the installation of EVSE or Make-Ready parking spaces.***

1. 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 will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
2. Installation:
  - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
  - b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
  - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
  - d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
3. EVSE Parking:
  - a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. ***{Note: The use of time limits is optional and shall be determined by the owner.}***
  - b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
  - c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code or **{Section**

\_\_\_\_\_}. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

***{Note: Municipalities may establish alternative penalties than those listed above by ordinance.}***

***{Note: Municipality may put the locations of the publicly-accessible, municipally-owned EVSE parking spaces in this ordinance and the fees associated with charging/parking at those spaces. See Section 6. below for Usage Fees.}***

d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

#### 4. Safety

a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.

b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with ***{name of municipality}*** \_\_\_\_\_'s ordinances and regulations.

c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.

d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.

e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger

- to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
  - g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, **{name of municipality}** \_\_\_\_\_ shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

## 5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
  - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
  - 2) Usage fees and parking fees, if applicable; and
  - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

## 6. Usage Fees

- a. For publicly-accessible municipal EVSE **{Optional}**: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be \_\_\_\_\_ for each hour that the electric vehicle is connected to the EVSE **{or per kWh}**.
- b. This fee may be amended by a resolution adopted by the governing body.
- c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

### **SECOND: SEVERABILITY**

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

### **THIRD: REPEAL OF PRIOR ORDINANCES**

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

### **FOURTH: EFFECTIVE DATE**

***{Note: This section is only applicable if the municipality amends the ordinance to change the reasonable standards.}***

This ordinance shall take effect after final passage and publication as provided by law.

**PUBLIC NOTICE** is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the