

# 2025 MASTER PLAN

## REEXAMINATION REPORT

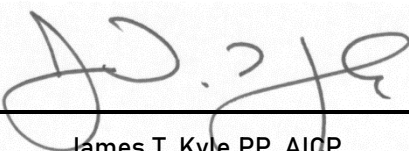
Township of Pennsville  
Salem County, New Jersey

March 11, 2025

ADOPTED BY THE PLANNING BOARD ON \_\_\_\_\_, 2025

The original of this document was signed and sealed  
in accordance with N.J.S.A. 45:14A-12

PREPARED BY:



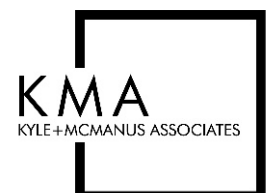
James T. Kyle PP, AICP

*New Jersey Licensed Planner #05667*



Brett L. Harris, PP, AICP

*New Jersey Licensed Planner #650100*



POLICY  
PLANNING  
DESIGN

## TOWNSHIP PLANNING BOARD

Marc Chastain– Chairperson

Scott Belanger – Vice Chairperson

Ted Cox

Scott Davis

Todd Halter

Scott Hourigan

Rhonda Coleman

Melissa Fitchett

George Williams

Ronnie Troy Raleigh

Eugene Montagna

Melissa Thompson

Cynthia Wilson, Planning Board Secretary

Joan Dineen, Assistant Secretary

Joseph DiNicola Jr., Esquire – Solicitor

James Biegen, PE – Engineer

Wendell Curry – Zoning Officer

## TABLE OF CONTENTS

INTRODUCTION .....	4
PAST PLANNING EFFORTS.....	5
A.    The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report. ....	5
Objectives.....	5
B.    The extent to which such problems and objectives have been reduced or have increased subsequent to such date. ....	8
C.   Relevant changes in assumptions, policies and objectives at the local, county and state levels.10	
1.    Population, Housing and Economy .....	10
2.    Existing Land Use and Zoning.....	19
3.    Climate Change Related Hazard Vulnerability Assessment.....	22
4.    Master Plan Sustainability Element .....	23
5.    State Development and Redevelopment Plan.....	24
6.    Wireless Telecommunications Facilities .....	24
7.    Affordable Housing.....	25
8.    COVID-19 Pandemic .....	30
9.    Electric Vehicles .....	32
10.    Time of Application Rule .....	34
11.    Stormwater Management Requirements .....	34
12.    Renewable Energy.....	34
13.    New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act .....	34
14.    Amendments to New Jersey Residential Site Improvement Standards Parking Requirements .....	35
15.    Amendments to New Jersey Residential Municipal Land Use Law – Guarantees and Performance Bonds.....	35
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.....	36
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. ....	38
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 and, 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. ....	38
Appendix 1 – R-4 Zoning Standards .....	39
Appendix 2 – Model EV Standards .....	43

## INTRODUCTION

The municipal Master Plan, adopted by the Planning Board, sets forth the Township's land use policies and is the principal document that addresses the manner in which development, redevelopment, conservation and/or preservation should occur within a municipality. It is intended to guide the decisions made by public officials and those of private interests involving the use of land. Through its various elements, the Master Plan sets forth a vision for the community in the coming years.

The Master Plan forms the legal foundation for the zoning ordinance and zoning map and New Jersey specifically ties the planning of a community as embodied in the master plan to the zoning ordinance and zoning map, which are adopted by the Township Council and constitute the primary law governing the use of land at the local level. Under New Jersey's Municipal Land Use Law N.J.S.A. 40:55D-1 et seq., (hereinafter "MLUL") a zoning ordinance must be substantially consistent with the land use plan.

A reexamination report is a review of previously adopted master plans, amendments, reexamination reports and local development regulations to determine whether the ideas and policy guidelines set forth therein are still applicable. Under the Municipal Land Use Law, the Planning Board must conduct a general reexamination of its Master Plan and development regulations at least every ten years.

Under New Jersey's Municipal Land Use Law, a reexamination report must include the following components (N.J.S.A. 40:55D-89):

- a) The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- b) The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- 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 planning, 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.
- 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.
- e) The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," into the Planning 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.
- 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 and, 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.

A reexamination report may contain recommendations for the Planning Board to examine certain land use policies or regulations or even prepare a new master plan. Alternatively, if the recommendations set forth in the reexamination report are in a form that constitutes an amendment or addendum to the master plan and is adopted in accordance with the procedures prescribed by the MLUL, it can be considered an amendment to the master plan. In the case of Pennsville, this reexamination report contains recommendations related to modifying zoning of certain properties previously included in the Township's Housing Element and Fair Share Plan designated for inclusionary development and should be considered an amendment to the Land Use Plan.

This reexamination report includes all required components pursuant to the Municipal Land Use Law and is based upon review of problems and objectives discussed in the 2008 and 2015 reexamination reports prepared by the Pennsville Township Planning Board. It should be noted that both of those reexamination reports were limited in scope and did not fully identify or follow the requirements contained in the MLUL at the time. As such, Sections A and B below contain limited information.

## **PAST PLANNING EFFORTS**

The Township of Pennsville has undertaken several planning efforts over time and adopted various planning studies, including:

- 2002 – Master Plan
- 2008 – Master Plan Reexamination Report
- 2009 – Housing Element and Fair Share Plan
- 2015 – Master Plan Reexamination Report
- 2017 – Third Round Housing Element and Fair Share Plan

### **A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.**

The 2008 reexamination report undertook review of objectives from the Township's 2002 Master Plan, which are shown below.

## **OBJECTIVES**

### **Housing**

1. Residences should be single-family, medium density
2. New housing should consist of redevelopment of dilapidated housing and in-fill in existing neighborhoods where infrastructure is adequate.
3. In allowing residential development, particular attention should be paid to the needs of seniors.
4. Multiple-family residential development should be limited to sections of Pennsville where existing utilities and community facilities have the capacity to serve and where basic public and private services are nearby.

## Economic Development

1. Retail and service commercial uses should be encouraged along principal highways and in existing shopping centers, in compact districts that can be designed to provide adequate parking and access.
2. Job-producing light industry and commercial development should be encouraged where infrastructure exists.
3. The commercial district located along Broadway should be redeveloped and new businesses attracted to vacant storefronts.
4. Commercial development is a high priority in the town and mixed-use zones that mingle residential neighborhoods with such commercial uses as bookstores and side cafes are encouraged. In particular, encourage development patterns adjacent to Main Street that compliment and protect the area's historic structures and cultural setting.
5. Special commercial uses such as office, clinic, apartment complexes, and mobile homes should be located close to public transportation.
6. New light industry, mixed use, and other job-producing activities should be encouraged to located in the Pennsville industrial park and other land designated for industry.

## Redevelopment

1. Explore opportunities to implement the Redevelopment Plan for the DuPont Chamber Works site to attract new businesses and greater employment opportunities.
2. Encourage redevelopment to support efficient use of infrastructure, transit, and other uses.
3. {Promote physical design features that enhance public safety, increase pedestrian activity, and decrease dependency on the automobile.
4. Retain and enhance the "small town" character of the community,
5. Replace outdated and obsolete land uses and development patterns with solutions that fit the Township's character

## Circulation/Transportation/Communications

1. Work with the South Jersey Transportation and Planning Organization, NJ DOT, and Salem County to study and remedy signage and signals at each intersection on Route 49, lessen traffic problems, and improve energy response capability throughout the Township.
2. In particular, the 295 Exit 1 ramp onto Broadway should be studied to create a safer intersection.
3. Intersections near schools should be clearly marked and pedestrian crossings maintained to ensure safety for schoolchildren.
4. Encourage the use of public transit systems, pedestrian, and alternative modes of transportation:
  - a. Ensure adequate mass transit and private transportation linkages to access jobs and shopping.
  - b. Create a system of bike paths/pedestrian walkways linking existing recreation areas and shopping on Broadway.
  - c. Encourage residential and non-residential growth designed to be serviced by mass transportation.
5. State and County roads and highways in Pennsville should be improved at their present locations wherever possible.
6. To provide and/or employ sound land use policies, procedures and regulations in promoting personal wireless telecommunications services within Pennsville Township consistent with the standards of the Federal Telecommunications Act of 1996 while discouraging the

development of technologically unnecessary or obsolete, inappropriately located, and/or improperly designed facilities, thereby minimizing the number of towers and other visually obtrusive structures within the Township, and any adverse impacts that may relate to them.

#### Environmental Protection

1. The Zoning Map should be amended to follow the Conservation Area identified on the Map for the State Development and Redevelopment Plan.
2. Minimize the impacts development on environmentally sensitive areas including wetlands, stream corridors, wellhead protection and aquifer recharge areas.
3. Prepare development ordinances that provide for buffers to protect Wellhead Protection Areas and prevent contamination of groundwater resources, and provide for landscape buffers where development is permitted adjacent to existing residences.

#### Historic Preservation

1. Pennsville's historic sites should be preserved. The Township should work with both the town's historic society and county and state historical associations to ensure that historic site are adequately maintained.
2. Township should highlight historical sites as a focal point to increase ratables and bolster community pride.

#### Recreation

1. Maintain and expand upon the full range of recreational facilities to meet the needs of current and future Township residents.
2. Businesses such as miniature golf, a skating rink or indoor tennis should be encouraged.
3. Create linkages between existing parks and open space areas.
4. Provide for a promenade along Rivera Drive to end in a boat ramp or otherwise increase public access to the Delaware River. A compatible commercial development at the site of the old landfill should be encouraged.

#### Community Facilities

1. Maintain the existing level of community facilities and public services to continue meeting present needs and plan for expansion of facilities to meet future needs.
2. Maintain appropriate police and emergency response personnel and facilities to meet the needs of Township residents and business owners.
3. Review Township facilities for compliance with the Americans with Disabilities Act.
4. Continue to provide, and expand as necessary, facilities for community groups and cultural activities. A youth center should be considered.

In 2008, the Board noted the following with respect to the above objectives:

- A. Housing - Housing should be developed on fill-in lots and existing homes rehabilitated.  
Due to the downturn of the economy in or about 2008, housing starts and rehabilitation have been limited, however, prior thereto the objective was being accomplished.
- B. Economic Development - The Board realizes the continued importance of economic development so as to provide appropriate ratables. In furtherance thereof the Township revised its land use ordinances to create a central business district, mixed use/commercial/office district, and a redevelopment district. Due to the economic conditions the construction of new ratables is somewhat limited, however, the Board is of the opinion positive steps toward same have been accomplished as evidenced by the construction of a new hotel/motel, restaurants, and the rehabilitation of existing

abandoned commercial structures which by way of example are being utilized as a veterinarian office, medical office, pharmacy, etc. Although ratables have been created, same have not matched the ratables lost due to the reduced activity at DuPont and Atlantic City Electric facilities.

- C. Redevelopment - The Township has created redevelopment zones in an effort to induce private entities to construct desirable ratables.
- D. Circulation/Transportation/Communication - The Board, after reviewing the objective, feel that same has been reached and is continued to be satisfied when grants are extended for infrastructure improvements.
- E. Environmental Protection - An amendment to the zoning/land use ordinance has established a conservation district to protect sensitive species and habitats.
- F. Historic Preservation - The Township recognizes the importance of historical preservation. When reviewing applications the Planning Board attempts to preserve historic sites whenever at all possible.
- G. Recreation - The Board feels there is adequate recreation at this time and urges that the Township seek appropriate grants in order to continue to maintain the infrastructures which provide access to the river and protect the river bank.
- H. Community Facilities - The park and other facilities have been maintained at a satisfactory level.

The only problems and objectives identified in the 2015 reexamination report was a need to assess the propriety of zoning along Industrial Park Drive, at the time zoned MU Mixed Use.

## **B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.**

The 2008 reexamination report noted a number of changes that were recommended to the 2002 Master Plan as indicated below. These problems and objectives have thus been reduced through the amendments to the Master Plan.

- A. Updated current Planning Board and subcommittee members;
- B. The six (6) year mandated re-examination has been changed to ten (10) years (Pages 2 and 3);
- C. The population based upon the 2010 Census Bureau records were inserted (Page 3);
- D. A typographical error has been corrected (Page 4);
- E. The approximate number of employees at the DuPont Chambers Works facility has been updated (Page 5);
- F. The new operator of Deepwater Generating Station has been noted and provided listing new commercial businesses near I-295 Interchange (Page 6);
- G. The goals have been adjusted to develop a balance between residential and commercial growth (Page 9);
- H. Eliminated recommendation of establishment of Conservation District



- I. Removed youth center from Item No. 4 under “Community Facilities” objective as plans have been prepared and funding pursued for a new youth center (Page 12);
- J. Removed section referencing 1978 Master Plan under “Industrial” heading (Page 14);
- K. Updated list of zoning districts created under “Relationship of Land Use to Existing Zoning” heading (Page 16);
- L. Adjusted sentences to indicate zones created based upon 2002 Master Plan recommendations (Pages 17, 18, and 19); and
- M. Reflected that Third Round Housing Element and Fair Share Plan were approved by the State on May 14, 2009 (Page 28).

1. I HEREBY CERTIFY THAT THIS MAP HAS BEEN DESIGNED UNDER MY IMMEDIATE SUPERVISION AND COMPLIED WITH THE LAWS OF THE STATE OF NEW JERSEY.

FERDINAND F. DUBOIS, P.E.  
NEW JERSEY LICENSE NO. 20005

1. I HEREBY CERTIFY THAT THIS MAP AND ANY REQUIRED SURVEY HAS BEEN MADE UNDER MY IMMEDIATE SUPERVISION AND COMPLIED WITH THE LAWS OF THE STATE OF NEW JERSEY.

Robert D. Pralinger, Jr.  
ALBERT A. PRALINGER, JR. P.E.  
NEW JERSEY LICENSE NO. 12550

## C. | Relevant changes in assumptions, policies and objectives at the local, county and state levels.

Since adoption of the 2008 and 2015 reexamination reports, there have been a number of changes to policies and objectives at the local, county and state levels. The US Census was conducted in 2020 and the 2023 American Community Survey data was released in December of 2024 and they provide a snapshot of population, housing and economic factors that are worth highlighting. There have also been amendments to the Municipal Land Use Law and other regulations at the state level that could impact the Township in the future. Discussion of each is presented below.

### 1. Population, Housing and Economy

The US Census was conducted in 2020. The most recent data available is presented and discussed on the following pages, with the source cited in each table. It should be noted that much of the detailed data presented is from the 2023 American Community Survey, which goes into greater detail than the Census data, although much of it is statistically derived. Some data from the 2023 ACS is out of sync with actual counts taken in the 2020 Census due to differences in methodology, but the statistical information from the ACS remains useful.

**TABLE 01: TOTAL HOUSING UNITS**

2023 ACS 5-Year Estimates; Table DP04

Type	Pennsville Township		Salem County		New Jersey	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Occupied Housing Units	5,307	90%	24,881	90%	3,478,355	92%
Vacant Housing Units	573	9.7%	2,859	10%	297,487	8%
<b>TOTAL HOUSING UNITS</b>	<b>5,880</b>		<b>27,740</b>		<b>3,775,842</b>	
Homeowner Vacancy Rate	1		0.8		0.8	
Rental Vacancy Rate	2.8		6.7		3.6	

**TABLE 02: TOTAL HOUSING UNITS BY NUMBER OF UNITS IN STRUCTURE**

2023 ACS 5-Year Estimates; Table DP04

Units in Structure	Total Housing Units	Percent
1, detached	4,523	77%
1, attached	91	2%
2	136	2%
3 or 4	172	3%
5 to 9	121	2%
10 to 19 units	122	2%
20 or more units	499	9%
Mobile Home	216	4%
Boat, RV, Van, etc.	0	0%
<b>TOTAL HOUSING UNITS</b>	<b>5,880</b>	

**TABLE 03: OCCUPIED HOUSING UNITS BY NUMBER OF UNITS IN STRUCTURE**

2023 ACS 5-Year Estimates; Table S2504

Units in Structure	Owner-Occupied	Percent of Owner-Occupied	Renter-Occupied	Percent of Renter-Occupied	Total Occupied	Percent of Total Occupied
1, detached	3966	96%	326	28%	4,292	81%
1, attached	7	0%	44	4%	51	1%
2	18	0%	72	6%	90	2%
3 or 4	17	0%	125	11%	142	3%
5 to 9	10	0%	111	10%	121	2%
10 or more	29	1%	465	40%	494	9%
Mobile home or other	102	2.5	15	1.3	117	2.2
<b>TOTAL OCCUPIED HOUSING UNITS</b>	<b>4,149</b>	<b>78%</b>	<b>1,158</b>	<b>22%</b>	<b>5,307</b>	<b>-</b>

**TABLE 04: TOTAL HOUSING UNITS BY YEAR STRUCTURE BUILT**

2023 ACS 5-Year Estimates; Table DP04

Year Structure Built	Units	Percent
Built 2020 or later	0	0%
Built 2010 to 2019	39	1%
Built 2000 to 2009	305	5%
Built 1990 to 1999	347	6%
Built 1980 to 1989	362	6%
Built 1970 to 1979	1216	21%
Built 1960 to 1969	965	16%
Built 1950 to 1959	1391	24%
Built 1940 to 1949	435	7%
Built 1939 or earlier	820	14%
<b>TOTAL HOUSING UNITS</b>	<b>5,880</b>	

**TABLE 05: TOTAL HOUSING UNITS BY NUMBER OF ROOMS**

2023 ACS 5-Year Estimates; Table DP04

Number of Rooms	Units	Percent
1 room	196	3%
2 rooms	56	1%
3 rooms	445	8%
4 rooms	688	12%
5 rooms	914	16%
6 rooms	1348	23%
7 rooms	843	14%
8 rooms	621	11%
9 rooms or more	769	13%
<b>TOTAL HOUSING UNITS</b>	<b>5,880</b>	

**TABLE 06: TOTAL HOUSING UNITS BY NUMBER OF BEDROOMS**

2023 ACS 5-Year Estimates; Table DP04

Number of Rooms	Units	Percent
No bedroom	205	4%
1 bedroom	714	12%
2 bedrooms	1209	21%
3 bedrooms	2713	46%
4 bedrooms	765	13%
5 or more bedrooms	274	5%
<b>TOTAL HOUSING UNITS</b>	<b>5,880</b>	

**TABLE 07: OWNER OCCUPIED HOUSING VALUES**

2023 &amp; 2013 ACS 5-Year Estimates; Table DP04

Housing Values	2013 Units	Percent	2023 Units	Percent
Less than \$50,000	277	7%	195	5%
\$50,000 to \$99,999	413	10%	197	5%
\$100,000 to \$149,999	879	21%	916	22%
\$150,000 to \$199,999	1222	30%	888	21%
\$200,000 to \$299,999	907	22%	1372	33%
\$300,000 to \$499,999	287	7%	440	11%
\$500,000 to \$999,999	129	3%	84	2%
\$1,000,000 or more	0	0%	57	1%
Pennsville Township Median	\$168,000.00	-	\$193,900.00	-
Salem County Median	\$190,200.00	-	\$223,000.00	-

**TABLE 08: OCCUPIED HOUSING UNITS BY GROSS RENT**

2023 ACS 5-Year Estimates; Table DP04

Gross Rent	Pennsville Township	Percent	Salem County	Percent
Less than \$500	120	11%	790	12%
\$500 to \$999	229	20%	1507	22%
\$1,000 to \$1,499	567	50%	2817	42%
\$1,500 to \$1,999	184	16%	1042	15%
\$2,000 to \$2,499	30	3%	398	6%
\$2,500 to \$2,999	0	0%	36	1%
\$3,000 or more	4	0%	196	3%
Median (dollars)	\$1,225	(X)	\$1,185	(X)
No rent paid	24	(X)	357	(X)
<b>TOTAL OCCUPIED UNITS PAYING RENT</b>	<b>1,134</b>	<b>-</b>	<b>6,786</b>	<b>-</b>

As noted in the data presented in Tables 1 through 8, the Township's housing stock is aging, with almost half of units constructed prior to 1959 and nearly 15% built prior to 1939. Pennsville's vacancy rate, nearly 10%, is greater than the State (8%) but equal to the County. The majority (77%) of housing is single family detached, with buildings containing 20 or more units in the structure comprising the second most prevalent housing type at 9%. Most of the housing stock contains either 2 or 3 bedrooms with less than 20% of all housing having 4 or more bedrooms. The median home value increased by about \$25,000 from 2013 to 2023, which was slightly smaller than the increase at the County level. Median rent for the Township was \$1,225 which was slightly higher than the County value of \$1,185, with the majority of renters paying less than \$1,500 per month.

**TABLE 09: MONTHLY HOUSING COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME**

2023 ACS 5-Year Estimates; Table B25074

Income	Pennsville Township Households	Percentage of Household Income					
		0-19.9%	20-24.9%	25-29.9%	30-34.9%	35% +	Not computed
< \$10,000	143	0	0	0	24	115	4
\$10,000 – 19,999	224	5	29	18	15	133	24
\$20,000 – 34,999	203	2	0	13	0	188	0
\$35,000 – 49,999	89	0	0	19	55	15	0
\$50,000 – 74,999	120	5	69	32	14	0	0
\$75,000 – 99,999	86	51	8	11	16	0	0
\$100,000 or more	146	142	0	0	4	0	0
Total	1011	205	106	93	128	451	28
Percent Total		20%	10%	9%	13%	45%	3%

Income	Salem County Households	Percentage of Household Income (Salem County)					
		0-19.9%	20-24.9%	25-29.9%	30-34.9%	35% +	Not computed
< \$10,000	511	0	0	0	24	387	100
\$10,000 – 19,999	1334	49	50	88	126	990	31
\$20,000 – 34,999	1137	45	52	63	14	829	134
\$35,000 – 49,999	677	12	68	118	249	198	32
\$50,000 – 74,999	1226	288	354	196	312	54	22
\$75,000 – 99,999	840	334	225	152	39	57	33
\$100,000 or more	924	726	41	26	22	16	93
Total	6649	1454	790	643	786	2531	445
Percent Total		22%	12%	10%	12%	38%	7%

The data in Table 9 shows that more than half the Township's households are spending more than 30% of their monthly income on housing costs, and the majority of those are spending 35% or more. The same rent burden trend is found at the County level, however the Township's higher rate suggests housing affordability issues.

**TABLE 10: INDICATORS OF HOUSING DEFICIENCY**

2023 ACS 5-Year Estimates; Table DP04

Total Number of Occupied Units	Lack of Plumbing	Lack of Kitchen	No Telephone Service
5221	4	55	16

**TABLE 11: POPULATION OVER TIME**

1990 &amp; 2000 &amp; 2010 &amp; 2020 Census Data; Table P2

Geography	1990	2000	2010	2020
Pennsville Township	13,794	13,194	13,409	12,684
Salem County	65,294	64,285	66,083	64,837
New Jersey	7,730,188	8,414,350	8,791,894	9,288,994

**TABLE 12: AGE DISTRIBUTION OVER TIME**

2013 &amp; 2023 ACS 5-Year Estimates; Table S0101

Age Group	2013	Percent	2023	Percent	Percent Change
Under 5 years	865	6.50%	664	5%	-0.30%
5 to 9 years	745	5.60%	669	5%	-0.11%
10 to 14 years	666	5.00%	869	7%	0.23%
15 to 19 years	759	5.70%	746	6%	-0.02%
20 to 24 years	812	6.10%	748	6%	-0.09%
25 to 29 years	799	6.00%	796	6%	0.00%
30 to 34 years	612	4.60%	1026	8%	0.40%
35 to 39 years	865	6.50%	575	5%	-0.50%
40 to 44 years	892	6.70%	580	5%	-0.54%
45 to 49 years	1065	8.00%	802	6%	-0.33%
50 to 54 years	1078	8.10%	761	6%	-0.42%
55 to 59 years	1012	7.60%	932	7%	-0.09%
60 to 64 years	918	6.90%	974	8%	0.06%
65 to 69 years	852	6.40%	768	6%	-0.11%
70 to 74 years	652	4.90%	657	5%	0.01%
75 to 79 years	253	1.90%	564	4%	0.55%
80 to 84 years	240	1.80%	285	2%	0.16%
85 years and over	226	1.70%	293	2%	0.23%
<b>TOTAL POPULATION</b>	13,310		12,709		-0.05%
Median Age (years)	43.6		42.2		

**TABLE 13: AGE DISTRIBUTION**

2023 ACS 5-Year Estimates; Table S0101

Age Group	Pennsville Township		Salem County		New Jersey	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	664	5.20%	3,598	5.50%	526,400	5.70%
5 to 9 years	669	5.30%	3,866	6.00%	552,385	6.00%
10 to 14 years	869	6.80%	4,250	6.50%	589,316	6.40%
15 to 19 years	746	5.90%	3,738	5.80%	585,215	6.30%
20 to 24 years	748	5.90%	4,158	6.40%	554,478	6.00%
25 to 29 years	796	6.30%	3,474	5.30%	580,685	6.30%
30 to 34 years	1026	8.10%	3,817	5.90%	608,322	6.60%
35 to 39 years	575	4.50%	3,825	5.90%	619,139	6.70%
40 to 44 years	580	4.60%	4,298	6.60%	599,025	6.50%
45 to 49 years	802	6.30%	3,883	6.00%	589,761	6.40%
50 to 54 years	761	6.00%	4,209	6.50%	630,479	6.80%
55 to 59 years	932	7.30%	4,702	7.20%	649,813	7.00%
60 to 64 years	974	7.70%	4,861	7.50%	622,180	6.70%
65 to 69 years	768	6.00%	3,820	5.90%	507,911	5.50%
70 to 74 years	657	5.20%	3,441	5.30%	401,072	4.30%
75 to 79 years	564	4.40%	2,160	3.30%	276,630	3.00%
80 to 84 years	285	2.20%	1,185	1.80%	180,965	2.00%
85 years and over	293	2.30%	1,688	2.60%	193,238	2.10%
<b>TOTAL POPULATION</b>	<b>12,709</b>		<b>64,973</b>		<b>9,267,014</b>	
<b>Median Age (years)</b>	<b>44.6</b>		<b>41.9</b>		<b>40.1</b>	

While the Township showed some growth in 2010 after population decline in 2000, it lost more than 700 residents from 2010 to 2020. More than 50% of the Township's population is over the age of 50, similar to the County and State.



**TABLE 14: RACIAL & ETHNIC BREAKDOWN**

2023 ACS 5-Year Estimates; Table DP05

Races & Ethnicities	Pennsville Township		Salem County		New Jersey	
	Number	Percent	Number	Percent	Number	Percent
White alone	10,763	84.70%	46,141	71.00%	4,813,341	51.90%
Black or African American alone	445	3.50%	8,628	13.30%	1,138,893	12.30%
American Indian and Alaska Native alone	15	0.10%	35	0.10%	6,790	0.10%
Asian alone	47	0.40%	588	0.90%	910,968	9.80%
Native Hawaiian and Other Pacific Islander	0	0.00%	89	0.10%	1,955	0.00%
Other	146	1.10%	209	0.30%	69,560	0.80%
Multi-racial	479	3.80%	2,308	3.60%	292,539	3.20%
NOT HISPANIC OR LATINO TOTAL	11,895	0.94%	57,998	0.89%	7,234,046	0.78%
Hispanic or Latino	814	6.40%	6,975	10.70%	2,032,968	21.90%
<b>2023 POPULATION TOTAL</b>	<b>12,709</b>		<b>64,973</b>		<b>9,267,014</b>	

**TABLE 15: HOUSEHOLD INCOME IN THE PAST 12 MONTHS**

2023-ACS 5 YEAR ESTIMATES; Table S1901

Incomes (In 2021 Inflation-Adjusted Dollars)	Pennsville Township	Salem County	New Jersey
	Estimate	Estimate	Estimate
Less than \$10,000	4.1%	3.6%	4.0%
\$10,000 to \$14,999	3.2%	5.0%	2.9%
\$15,000 to \$24,999	9.5%	7.8%	5.0%
\$25,000 to \$34,999	6.8%	7.0%	5.3%
\$35,000 to \$49,999	9.3%	8.7%	8.0%
\$50,000 to \$74,999	17.7%	15.3%	12.9%
\$75,000 to \$99,999	14.7%	14.9%	11.4%
\$100,000 to \$149,999	20.0%	17.7%	18.0%
\$150,000 to \$199,999	8.3%	10.3%	11.7%
\$200,000 or more	6.4%	9.7%	20.7%
<b>Median income (dollars)</b>	<b>\$74,219.00</b>	<b>\$78,412.00</b>	<b>\$101,050.00</b>

**TABLE 16: POVERTY STATUS**

2023-ACS 5 YEAR ESTIMATES; Table S1701

Populations	Pennsville Township	Salem County	New Jersey
	Estimate	Estimate	Estimate
Population (for whom status was determined)	12,709	63,702	9,101,339
Population below poverty level	1,559	8,131	889,287
Percent below poverty level	12.3%	12.8%	9.8%

**TABLE 17: EDUCATIONAL ATTAINMENT**

2023-ACS 5 YEAR ESTIMATES; Table S1501; \*Percentages do not add up 100%

Population 25 years and over	Pennsville Township	Salem County	New Jersey
	Percent	Percent	Percent
Highschool or equivalent	38.7%	38.4%	26.4%
Some college, no degree	21.6%	18.6%	15.9%
Associate's degree	11.6%	10.2%	6.7%
Bachelors degree	12.8%	15.7%	25.1%
Graduate or professional degree	6.7%	7.6%	16.4%

**TABLE 18: SELECTED TRANSPORTATION CHARACTERISTICS**

2023-ACS 5 YEAR ESTIMATES; Table DP03

Method of Transportation	Pennsville Township		Salem County		New Jersey	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Drove Alone (car, truck, or van)	4,627	83.3%	22,865	79.8%	2,894,952	63.7%
Carpooled (car, truck, or van)	326	5.9%	2,037	7.1%	347,524	7.7%
Public Transportation	2	0.0%	173	0.6%	387,422	8.5%
Walked	109	2.0%	468	1.6%	118,022	2.6%
Other	24	0.4%	398	1.4%	110,740	2.4%
Worked from Home	465	8.4%	2,726	9.5%	683,255	15.0%
Total Workers (16 years and over)	5,553		28,667		4,541,915	
Mean travel to work (minutes)	24.9		26.3		30.9	

**TABLE 19: SELECTED ECONOMIC CHARACTERISTICS**

2023-ACS 5 YEAR ESTIMATES; Table DP03

Employment Status	Pennsville Township		Salem County		New Jersey	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Employed	5,775	55.2%	29,476	56.1%	4,644,770	62.1%
Unemployed	683	6.5%	2,384	4.5%	304,881	4.1%
Armed forces	11	0.1%	17	0.0%	11,377	0.2%
Not in labor force	3,991	38.2%	20,704	39.4%	2,516,221	33.7%
Population 16 years and older	10,460		52,581		7,477,249	
Unemployment Rate	10.6%		7.5%		6.2%	

## 2. Existing Land Use and Zoning

Based on analysis of geographic information system digital data and tax records, the Township currently has 6,560 tax lots covering 14,752 acres of land. The table below summarizes the number of lots within each property tax class, along with the total acreage within each class. While residential properties are by far the most prevalent in number, public and farm qualified properties cover the most land area in Pennsville, together accounting for 58% of total land area.

**TABLE 20: SUMMARY OF LAND USE BY PROPERTY TAX CLASS**

2022 MOD IV PROPERTY CLASS

Property Class	Total Properties	Total Acreage
1 – Vacant	658	1,808
2 – Residential	4,620	1,916
3A – Farm Regular	2	5
3B – Farm Qualified	158	3,389
4A – Commercial	187	306
4B – Industrial	3	554
4C – Apartment	16	82
15A – Public School	7	124
15C – Public Property	459	5,135
15D – Church and Charitable	37	76
15E – Cemetery	3	59
15F – Other Exempt	51	37
Unclassified	359	1,261
<b>TOTALS</b>	<b>6,560</b>	<b>14,753</b>

Pennsville is divided into 9 zoning districts, including 3 residential zone districts, 3 commercial districts, 2 industrial districts and 1 conservation district as shown on the zoning map on the following page. Additionally, the Township has 5 Redevelopment Areas and multiple properties identified as affordable housing sites. Residential zone districts cover approximately 33% of the

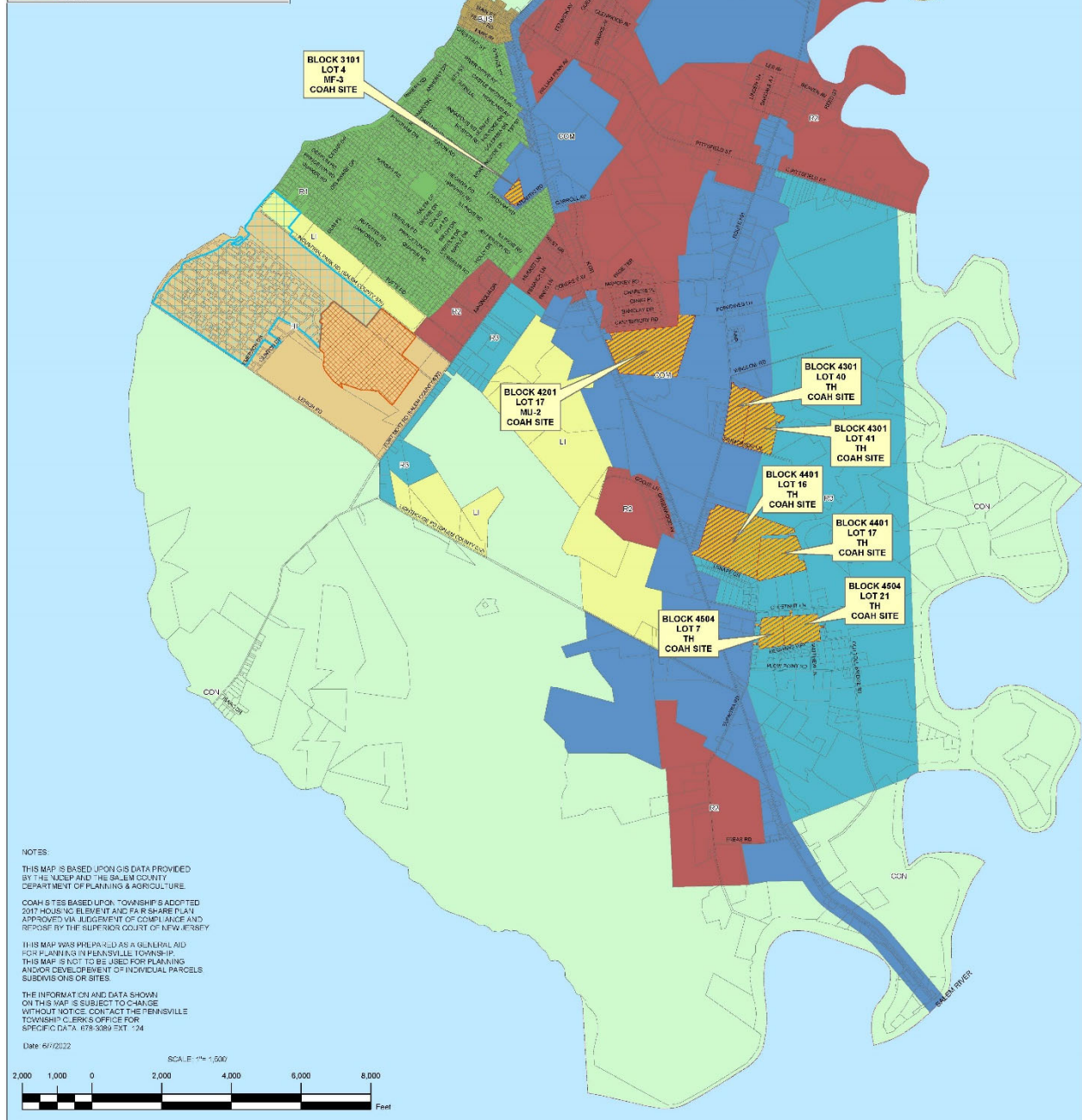
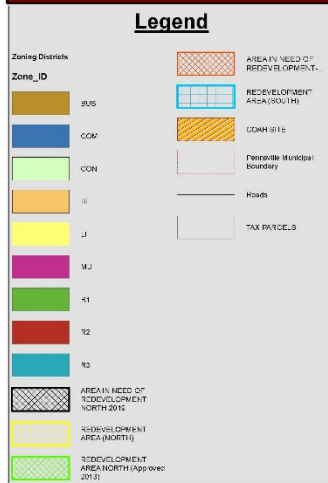
Township (5,286 acres) while commercial zone districts cover 16% of the Township (2,606 acres). It is important to note that 5% (787 acres) of the Township is within designated redevelopment area which may ultimately increase the amount of land dedicated to commercial and residential development. A large portion of the Township (36% or 5,761 acres) is located within the Conservation District. Approximately 9% (1,461 acres) is zoned for industrial uses. The following table summarizes the Township's zoning scheme and the acreage within each category. It should be noted that the total area of the Township and its zone districts will differ from the total land area of parcels in Table 20, as the latter excludes public rights-of-way.

**TABLE 21: SUMMARY OF ZONING DISTRICTS**

2022 TOWNSHIP ZONING MAP

Zoning District	Total Acres
BUS	38
COM	2,301
CON	5,761
HI	599
LI	863
MU	266
R1	812
R2	2,444
R3	1,743
North Area	20
North Area 2013	13
North Area 2019	300
Siegfried	123
South Area	331
TH	185
MF-1	7
MU-2	66
MF-2	20
MF-3	6
COAH Site	3
TOTAL	15,901

# PENNSVILLE TOWNSHIP ZONING DISTRICT MAP - 2022



NOTES:

THIS MAP IS BASED UPON GIS DATA PROVIDED BY THE NJDEP AND THE SALEM COUNTY DEPARTMENT OF PLANNING & AGRICULTURE.

COAH SITES BASED UPON: TOWNSHIP'S ADOPTED 2017 HOUSE INC. ELUVIET AND PAR SHARE PLAN APPROVED VIA JUDGMENT OF COMPLIANCE AND REPOSE BY THE SUPERIOR COURT OF NJ. W. JENNEY

THIS MAP WAS PREPARED AS A GENERAL AID FOR PLANNING IN PENNSVILLE TOWNSHIP. THIS MAP IS NOT TO BE USED FOR PLANNING AND/OR DEVELOPMENT OF INDIVIDUAL PARCELS SUBDIVISIONS OR SITES.

THE INFORMATION AND DATA SHOWN ON THIS MAP IS SUBJECT TO CHANGE WITHOUT NOTICE. CONTACT THE PENNSVILLE TOWNSHIP CLERK'S OFFICE FOR SPECIFIC DATA. 678-3089 EXT. 124

Date: 6/1/2022



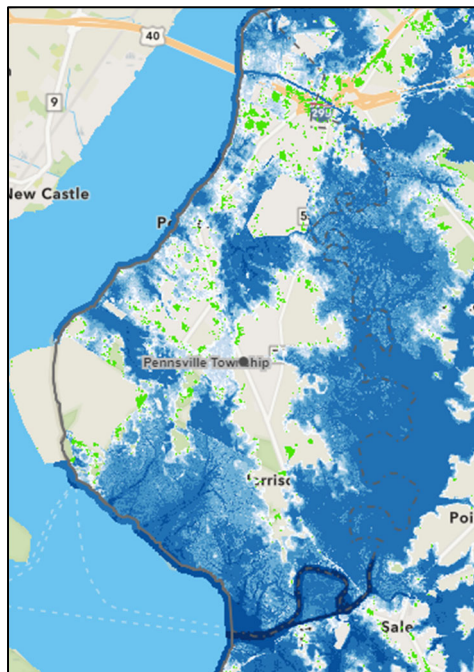


Several state, regional, county, and local planning events have occurred subsequent to the 2002 Master Plan and 2015 Master Plan Reexamination Report. The following section identifies the relevant changes in assumptions, policies and objectives that have occurred and the impact on land use and planning policies in Pennsville Township.

### 3. Climate Change Related Hazard Vulnerability Assessment

In 2021, the Municipal Land Use Law, N.J.S.A. 40:55D-28 was amended to include a provision requiring a hazard vulnerability assessment related to climate change be included in any adopted land use plan elements of the Master Plan. N.J.S.A. 40:55D-28.h was added and states that a climate change related hazard vulnerability assessment shall (i) analyze current and future threats and vulnerabilities to the municipality from climate change-related natural hazards (ii) include a build-out analysis of future development and an assessment of the threats and vulnerabilities associated with the future development (iii) identify critical facilities, utilities, roadways, and other infrastructure necessary for evacuation and sustaining quality of life during a natural disaster (iv) analyze the potential impact of natural hazards on relevant components and elements of the master plan (v) provide strategies and design standards that may reduce or avoid natural hazard risks (vi) include a specific policy statement on the consistency, coordination, and integration of the climate change-related hazard vulnerability assessment with any existing or proposed plan (vii) rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection. In (i), the statute defines climate change-related natural hazards as including but not limited to increased temperatures, drought, flooding, hurricanes and sea-level rise. In (vi), the statute details the plans which include natural hazard mitigation plan, floodplain management plan, comprehensive emergency management plan, emergency response plan, post-disaster recovery plan, or capital improvement plan.

While not required in conjunction with preparation of this reexamination report, the Township will need to address this when the Land Use Plan is amended in the future. Given that Pennsville is surrounded on three sides by waters subject to tidal influence, assessing climate change related hazards is important to protect current and future residents from the potential effects of sea level change. The image to the right shows the extent of a projected 5' rise in sea level as compared to current conditions on the map above.



#### **4. NJDEP Flood Hazard Area Control Act Rules**

In July of 2023, NJDEP amended the Flood Hazard Control Act Rules. While the amendments are too lengthy to summarize, the most important change was an increase in flood elevations by three feet when determining the regulated flood hazard area for inland or fluvial waters.

Following update of the inland flood hazard rules, in August of 2024, NJDEP published its Resilient Environments and Landscapes (REAL) rule, which initiated a one-year period within which the department must adopt proposed amendments. Protecting Against Climate Threats (NJPACT) was born from Governor Murphy's Executive order 100 issued in January of 2020, and aims to amend existing rules to better address what have been deemed "unavoidable impacts of climate change". The rule amendments address sea level rise, coastal storm surge, flooding and stormwater management. While the amendments proposed as part of REAL have the overarching theme of protecting the public health, safety and general welfare by improving water quality, reducing flooding, supporting renewable energy, encouraging nature-based solutions and improving the NJDEP permitting process, there are elements of the proposal that will have a profound effect on future development within the Township. The key element is the establishment of an Inundation Risk Zone (IRZ), delineated by adding 5 feet to the mean high water line elevation. Through various amendments to Coastal Zone Management Rules, Freshwater Wetlands Protection Act Rules, Stormwater Management, Flood Hazard Area Control Act Rules and other rules, standards and permitting for expansion of the habitable area of existing structures and proposed structures within the IRZ will be established. Through permitting processes, new residential development, critical buildings and substantial improvements to existing buildings will need to undertake risk assessment and alternatives analysis. Although the rules do not ban development in the IRZ, their effect is to make development far more difficult, time consuming and costly. As NJDEP anticipates adopting rule amendments sometime in the summer of 2025, these regulations could affect the Township's ability to address its Fourth Round affordable housing obligation, as proposed projects may fall within the IRZ. This should be assessed as part of the Planning Board's preparation of the Housing Element and Fair Share Plan, as it impacts the suitability of sites for residential development.

#### **5. Master Plan Sustainability Element**

In 2008 the Municipal Land Use Law was amended to include the option to prepare a "Green Buildings and Environment Sustainability Element" of the municipal master plan. As noted in the amendment to N.J.S.A. 40:55D-29b(16), this element "shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; 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; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design".

## **6. State Development and Redevelopment Plan**

In March 2001 a new State Development and Redevelopment Plan was adopted by the State Planning Commission. As with the first State Plan (adopted in 1992), the 2001 State Plan delineated a series of Planning Areas based on natural and built characteristics and sets forth the State's vision for the future development of those areas. The five Planning Areas (listed in descending order from the most developed to the least developed condition) include the Metropolitan Planning Area (PA-1), Suburban Planning Area (PA-2), Fringe Planning Area (PA-3), Rural Planning Area (PA-4) and Environmentally Sensitive Planning Area (PA-5).

In April 2004, the State Planning Commission released a Preliminary Plan proposing amendment to the 2001 State Plan, triggering a third round of the State Plan Cross-Acceptance process. While significant input was gathered from municipalities and Counties during the Cross-Acceptance process, this Plan was never adopted. Rather a new State Plan, the "State Strategic Plan: New Jersey's State Development & Redevelopment Plan", was drafted and released in 2012. This draft State Plan took a significantly different approach from the 2001 State Plan with the elimination of Planning Areas in favor of "Investment Areas". After a series of public hearings at various locations throughout the State, the 2012 Plan was scheduled for adoption by the State Planning Commission on November 13, 2012. However, the adoption was delayed to further refine the Plan and to better account for the impact of Superstorm Sandy, which occurred on October 30, 2012. Nothing further became of the State Strategic Plan.

On December 4, 2024, the State Planning Commission approved the Preliminary State Development and Redevelopment Plan, which was released on December 6<sup>th</sup>. Release of the Plan started the Cross Acceptance process, which is designed to encourage consistency between municipal, county and regional plans and the State Plan. The Salem County Planning Board has been designated by the Salem County Commissioners as the negotiating entity for Salem County, and is currently engaging with its municipalities to begin the cross acceptance process, which the Township should participate in.

Current mapping provided by the New Jersey Department of State, Office of Planning Advocacy shows the Township's more densely developed areas within PA-1 (Metropolitan Planning Area) surrounded by PA-3 (Fringe Planning Area) which is less densely developed. Significant portions of the Township are designated PA-5 (Environmentally Sensitive Planning Area) correlating to marsh and wetland areas within and adjacent to Kates Creek Meadow and the Salem River Wildlife Management Area. The Supawna Meadows National Wildlife Refuge is classified as PA-8 (Federal Park).

## **7. Wireless Telecommunications Facilities**

There have been two changes to regulation of wireless telecommunication facilities. The first, a federal law, prohibits municipalities from denying a request by an "eligible facility" to modify an existing wireless tower or base station if such alteration does not "substantially change" the physical dimensions of the tower or base station. The term "substantial change" is not defined by the law. Until regulation or case law is issued on this topic, the Township will need to carefully interpret this on a case-by-case basis.

The second regulatory change was an amendment to the Municipal Land Use Law, N.J.S.A. 40:55D- 46.2. This new section states applications for collocated equipment on a wireless communications support structure shall not be subject to site plan review provided three requirements are met: 1) the structure must have been previously approved; 2) the collocation shall not increase the overall height of the support structure by more than 10 percent, will not



increase the width of the support structure, and shall not increase the existing equipment compound to more than 2,500 square feet; and 3) the collocation shall comply with all of the terms and conditions of the original approval and must not trigger the need for variance relief. Township ordinances should be revised to reflect federal law.

In the coming years, it is anticipated that providers of fifth-generation wireless technology ("5G") will seek to install additional wireless facilities throughout the region. 5G offers subscribers much faster data speeds and with that, new and enhanced technological capabilities. The Township should consider taking appropriate steps to control and regulate the implementation of 5G technology by adopting ordinances which implement processes and regulate, among other things, the size, location, and appearance of 5G wireless facilities that are proposed outside of the commercial and industrial districts where they are conditionally permitted. There are some instances where antennas may be proposed for utility poles or other existing low structures in residential districts, which may be appropriate but would not be permitted under the current standards.

## **8. Affordable Housing**

### **Prior Round and Third Round**

On December 20, 2004, COAH's first version of the Third Round rules became effective some five years after the end of the Second Round in 1999. At that time, the Third Round was defined as the time period from 1999 to 2014 but condensed into an affordable housing delivery period from January 1, 2004 through January 1, 2014. The Third Round rules marked a significant departure from the methods utilized in COAH's Prior Round. Previously, COAH assigned an affordable housing obligation as an absolute number to each municipality. These Third Round rules implemented a "growth share" approach that linked the production of affordable housing to residential and non-residential development within a municipality.

On January 25, 2007, a New Jersey Appellate Court decision, *In re Adoption of N.J.A.C. 5:94 and 5:95*, 390 N.J. Super. 1, invalidated key elements of the first version of the Third Round rules, including the growth share approach. The Court ordered COAH to propose and adopt amendments to its rules within six months to address the deficiencies identified by the Court. COAH missed this deadline but did issue revised rules effective on June 2, 2008 (as well as a further rule revision effective on October 20, 2008). COAH largely retained the growth share approach, but implemented several changes intended to create compliance with the 2007 Appellate Court decision. Additionally, the Third Round was expanded from 2014 to 2018.

Just as various parties challenged COAH's initial Third Round regulations, parties challenged COAH's 2008 revised Third Round rules. On October 8, 2010, the Appellate Division issued its decision, *In re Adoption of N.J.A.C. 5:96 and 5:97*, 416 N.J. Super. 462, with respect to the challenge to the second iteration of COAH's third round regulations. The Appellate Division upheld the COAH Prior Round regulations that assigned rehabilitation and Prior Round numbers to each municipality but invalidated the regulations by which the agency assigned housing obligations in the Third Round. Specifically, the Appellate Division ruled that COAH could not allocate obligations through a "growth share" formula. Instead, COAH was directed to use similar methods that had been previously used in the First and Second rounds. The Court gave COAH five months to address its ruling and provide guidance on some aspects of municipal compliance.

COAH sought a stay from the NJ Supreme Court of the March 8, 2011 deadline that the Appellate Division imposed in its October 2010 decision for the agency to issue new Third Round housing

rules. The NJ Supreme Court granted COAH's application for a stay and granted petitions and cross-petitions to all the various challenges to the Appellate Division's 2010 decision. On September 26, 2013, the NJ Supreme Court upheld the Appellate Court decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council On Affordable Housing, 215 N.J. 578 (2013), and ordered COAH to prepare the necessary rules.

Although ordered by the NJ Supreme Court to adopt revised new rules on or before October 22, 2014, COAH deadlocked 3-3 at its October 20th meeting and failed to adopt the draft rules it had issued on April 30, 2014. In response, FSHC filed a motion in aid of litigant's rights with the NJ Supreme Court, and oral argument on that motion was heard on January 6, 2015.

On March 10, 2015, the NJ Supreme Court issued a ruling on the Motion In Aid of Litigant's Rights (In re Adoption of N.J.A.C. 5:96 & 5:97, 221 NJ 1, aka "Mount Laurel IV"). This long-awaited decision provided a new direction for how New Jersey municipalities are to comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. The implication of this was that municipalities may no longer wait for COAH to adopt Third Round rules before preparing new Third Round housing elements and fair share plans and municipalities must now apply to the Courts, instead of COAH, if they wish to be protected from exclusionary zoning lawsuits. These trial judges, with the assistance of an appointed Special Master to the Court, reviewed municipal plans much in the same manner as COAH previously did.

While the NJ Supreme Court's decision set a process in motion for towns to address their Third Round obligations, it did not assign those obligations. Instead, that was to be addressed by the trial courts. However, the NJ Supreme Court did direct that the method of determining municipal affordable housing obligations were to be "similar to" the methodologies used in the First and Second Round rules. Additionally, the Court stated that municipalities should rely on COAH's Second Round rules (N.J.A.C. 5:93) and certain components of COAH's 2008 regulations that were specifically upheld (including but not limited to Redevelopment Bonuses), as well as the Fair Housing Act (N.J.S.A. 52:27D – 301 et seq.), in their preparation of Third Round housing elements and fair share plans.

On January 17, 2017, the NJ Supreme Court rendered a decision, In Re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), that found that the "gap period," defined as 1999-2015, generates an affordable housing obligation. This obligation requires an expanded definition of the municipal Present Need obligation to include low- and moderate-income households formed during the gap period; however, this component of the obligation is a new-construction obligation rather than a rehabilitation obligation.

Accordingly, the municipal affordable housing obligation is now composed of the following 4 parts:

- Present Need (rehabilitation),
- Prior Round (1987-1999, new construction),
- Gap Present Need (Third Round, 1999-2015, new construction), and
- Prospective Need (Third Round, 2015 to 2025, new construction).

In addition to the State agency activity and judicial decisions, the New Jersey Legislature has amended the Fair Housing Act in recent years. On July 17, 2008, Governor Corzine signed P.L. 2008, c. 46 (referred to as the "Roberts Bill", or "A500"), which amended the Fair Housing Act. Key provisions of the legislation included the following:

- It established a statewide 2.5% nonresidential development fee instead of requiring nonresidential developers to provide affordable housing;
- It eliminated new regional contribution agreements (hereinafter “RCAs”) as a compliance technique available to municipalities whereby a municipality could transfer up to 50% of its fair share to a so called “receiving” municipality;
- It added a requirement that 13% of all affordable housing units and 13% of all similar units funded by the state’s Balanced Housing Program and its Affordable Housing Trust Fund be restricted to very low-income households (30% or less of median income); and
- It added a requirement that municipalities had to commit to spend development fees within four (4) years of the date of collection after its enactment, which commenced on the four-year anniversary of the law (July 17, 2012).

While these amendments to the Fair Housing Act are not promulgated in any valid COAH regulations, the requirement to expend development fees within four-years of their collection was determined in a Middlesex County Superior Court case to instead have the first four-year period to begin upon a Judgment of Repose, or upon a finding by the Court that the municipality is determined to be non-compliant (IMO of the Adoption of the Monroe Township Housing Element and Fair Share Plan and Implementing Ordinances). Superior Courts around the State have been guided by this decision.

The Township’s last Housing Element and Fair Share Plan was adopted on July 10, 2017 and identified the Township’s affordable housing obligation to include 3 components:

Prior Round Obligation – 228 units

Rehabilitation Obligation – 38 units

Third Round Obligation – 374 units, as modified to 234 per the Township’s 2017 Judgment of Repose based on a durational adjustment

Subsequent to the Board’s adoption of the Housing Element and Fair Share Plan, the Township entered into an amended settlement agreement with Fair Share Housing Center in January of 2023. The amended agreement reflected changes to inclusionary zoning adopted as part of the original agreement and the 2017 plan as follows:

- a. Site #3 (Block 4504 Lot 7) and Site #4 (Block 4504 Lot 21) as identified and described in the 2016 Agreement and 2017 HEFSP are being rezoned to permit single family residential uses and shall no longer be anticipated to produce 22 and 31 affordable housing units respectively. These sites will instead generate a residential development fee under the Township’s Development Fee Ordinance adopted May 7, 2009.
- b. Clairmont Group (replaces Sites 3 and 4) – The Township has designated property located at Block 1206, Lots 51.02, 51.03 and 51.04 as an area in need of redevelopment consisting of approximately 11.26 acres at the northern end of the Shops at Pennsville. It is anticipated that the developer will construct a total of 250 multifamily housing units with a 20% affordable housing set aside of 50 affordable units. Within nine (9) month of the date of this agreement, the Township agrees to either adopt a redevelopment plan that will permit this inclusionary housing by-right or the Township will adopt a by-right inclusionary zoning ordinance outside the redevelopment process.
- c. The existing Pennsville Towers site (40 Eaton Road – Block 3101, Lot 4) an existing 99-unit, 100% affordable senior rental development in the Township is anticipated to be expanded with a new 100-unit, all affordable senior rental building at the same site. The existing affordable senior rental complex was built in 1984 through HUD 202 funding and

the owner noted that there is a significant waiting list of seniors. The owner may apply for HUD funding or LIHTC ("tax credit" funding from HMFA for the 100-unit expansion. Although the Township currently has maximized the number of eligible senior affordable credits for the Third Round, the Township would be eligible for a new round of senior affordable credits in the Fourth Round (less than three years away) and the production of 100 additional senior affordable units at the Pennsville Towers site may also help to free up some portion of any one-bedroom affordable units that will be open to all ages (including seniors) at the Clairmont inclusionary site.

On October 14, 2024, the Township and Fair Share Housing Center further amended the settlement agreement, which was subject to a Fairness Hearing before Judge Malestein, P.J.Ch. on December 18, 2024. The settlement agreement updated the Township's approach to address the Prior Round and Third Round combined obligation of 462 units as follows:

- a. Site #3 (Block 4504, Lot 7) and Site #4 (Block 4504, Lot 21) as identified and described in the 2016 Agreement and 2017 HEFSP are being rezoned to permit single family market-rate residential uses and shall no longer produce a total of 53 affordable units (22 and 31 affordable housing units, respectively). These sites will instead generate an affordable housing residential development fee under the Township Affordable Housing Development Fee Ordinance adopted on May 7, 2009.
- b. New Sites #9 & #10 (replace Sites #3 and #4, as well as the prior 2017 court-approved Site #9 ("former Site #9") – The Township designated property previously known as Block 4201, Lot 17 as former Site #9 in its 2017 HEFSP. The Township reserved approximately 70% of the buildable acres on former Site #9 for commercial development. Former Site #9's Affordable Housing Yield was 24 affordable units. Thus, the total affordable housing yield to be replaced from former Sites #3, #4 and #9 is 77 affordable units (53 from Sites #3 and #4 and 24 from former Site #9). Former Site #9 was recently subdivided by the owner into two relatively equal sized tracts, with the subdivision line running perpendicular to Route 49. The northern subdivided tract is now known as Block 4201, Lot 17 (new Site #9) and the southern subdivided tract is now known as Block 4201, Lot 17.01 (new Site #10). An experienced affordable housing developer, Rukenstein, is under contract to purchase new Site #10 (Block 4201, Lot 17.01).

Within five (5) months of the date of this agreement, the Township agrees to amend its 2017 HEFSP and adopt an affordable housing zoning ordinance that would create new Site #10 on Block 4201, Lot 17.01 and new Site #9 on Block 4201, Lot 17 (from some or all of the buildable area that had been reserved for commercial development of the former Site #9) that would allow for the following: either 1) the development of a 100% affordable project of 60 units on new Site #10 and the inclusionary development on new Site #9 of a maximum of 150 units with 30 affordable units (resulting in a total of 90 affordable units on new Site #10 and new Site #9 exceeding the previously required 77 total affordable housing yield from former Sites #3, #4 and #9); or, 2) if the contract purchaser of Block 4201, Lot 17.01 is unsuccessful in securing funding for a 100% affordable project within the next two subsequent 9% tax credit cycles or through a 4% tax credit application with new Site #10, then new Site #10 shall be zoned for the development of an inclusionary project that includes a maximum of 275 units with at least 55 affordable units (rounded up). New Site #9 shall be zoned for the development of an inclusionary project that includes a maximum of 110 units with at least 22 affordable units. Under this alternative, there will

be a total of 77 affordable units zoned on both new Site #9 and new Site #10, matching the previously required 77 total affordable housing yield from former Site #3, #4 and #9.

The Town shall not be obligated to fund the 100% affordable project proposed on new Site #10 if the contract purchaser is unsuccessful in securing full outside funding per paragraphs i. and ii. below regarding 100% affordable project. If there is remaining acreage on both new Site #9 and new Site #10 in either scenario, it may be reserved for commercial development consistent with what has been previously contemplated in the 2017 HEFSP.

- i. The Township and FSHC acknowledge the requirements of NJAC 5:93-5.5, regarding adequate and stable funding for any non-inclusionary affordable housing developments. However, in light of the Township present inability to satisfy such funding shortfall requirements, the Township shall rely on the realistic opportunity presented by the enhanced inclusionary zoning to be enacted as an alternative per the above. The municipality is required to provide the 100% affordable housing developer's pro forma of both total development costs and sources of funds and documentation of the funding available to the project sponsor, and any applications still pending as part of the future compliance plan.
  - ii. In accordance with NJAC 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process, including preparation of a site plan, granting municipal approvals, application for State and Federal permits, selection of a contractor and construction. Rukenstein shall provide a proposed Construction Schedule and Pro Forma for the proposed project as part of the future compliance plan.
- c. Directly adjacent to the existing Pennsville Towers site (40 Eaton Road, Block 3101, Lot 4) a stabilized 99-unit, 100% affordable senior rental development in the Township, it is anticipated that a new all affordable senior rental building of 60 units will be developed as a distinct, stand-alone community ("Pennsville Tower Phase II"). The existing affordable senior rental complex was built in 1984 through HUD 202 funding and the owner noted that there is a significant waiting list of seniors. The owner may apply for HUD funding or LIHTC ("tax credit" funding from HMFA for the development of the Phase II community. Although the Township currently has maximized the number of eligible senior affordable credits for the Third Round, the Township would be eligible for a new round of senior affordable credits in the Fourth Round (about one year away) and the production of 60 additional senior affordable units at Pennsville Towers Phase II may also help to free up some portion of any one-bedroom affordable units that will be open to all ages (including seniors) at the new Sites #9 and #10 affordable housing project.

As the Third Round of affordable housing compliance comes to a close on June 30, 2025 and further amendment to the settlement agreement is not anticipated at this point, the Township Committee should implement the terms of the October 14, 2024 amended settlement agreement noted above. The Planning Board anticipates incorporating rezoning of sites #9 and #10 and Pennsville Towers as part of an amended Housing Element and Fair Share Plan. Since the rezoning for sites #3 and #4 will not include an affordable housing setaside, the Township Committee will need to adopt an ordinance implementing that recommendation, including all lots addressed as part of the developer's agreement and concept plan.

## Fourth Round

On March 20, 2024, Governor Phil Murphy signed A4 into law, dramatically changing the State's approach to affordable housing and setting forth a compliance approach for the Fourth Round, which commences on July 1, 2025 and covers the 10 year period up to June 30, 2035. After a tumultuous Third Round period that was for the most part carried out in New Jersey's court system, the Fourth Round returns to an approach similar to that of the Second Round, where the New Jersey Council on Affordable Housing (COAH) had determined municipal obligations and approved municipal Fair Share Plans. While COAH is no more, the New Jersey Department of Community Affairs was tasked with providing advisory municipal obligations through a process detailed in the new law. Just after the Township amended its settlement agreement with Fair Share Housing Center in October of 2024, the New Jersey Department of Community Affairs released its calculation of municipal obligations for the Fourth Round in compliance with A4. Pennsville's advisory obligation included a Present Need (rehabilitation) obligation of 69 units and a Prospective Need (new construction) of 46 units. On January 16<sup>th</sup>, 2025, the Township Committee adopted Resolution 62-2025, accepting the DCA's advisory calculation and directing the Township Attorney to file a Declaratory Judgment action with the Court in accordance with Program rules. The Township now has until June 30, 2025 to adopt its Fourth Round Housing Element and Fair Share Plan, which must include draft implementation ordinances that will need to be adopted no later than March of 2026.

In December of 2024, the Department of Community Affairs, New Jersey Housing and Mortgage Finance Agency, adopted special amendments and new rules governing housing affordability controls, commonly referred to as the Uniform Housing Affordability Controls, or UHAC (N.J.A.C. 5:80-26.1 et seq.). Much of what was adopted was intended to implement the requirements of A4 and these rules will govern affordable housing provided after their effective date of December 19, 2024, which will include all units created in the Fourth Round starting on July 1, 2025.

## 9. COVID-19 Pandemic

While the COVID-19 pandemic continues today, it is clear it will have a lasting impact on the State's economy and how its residents and business operate and interact with one another well into the future. The impact of the pandemic on the Township will likely not be fully understood, however this Reexamination Report offers opportunity to consider what changes to land use policies are necessary to facilitate businesses and residents enjoying success and quality of life during and after the pandemic.

Since the Governor declared a State of Emergency on March 9, 2020, Township business and residents have suffered the health and economic consequences, although significant improvement has been seen as restrictions are all but lifted. Through these challenging times, a few trends have appeared, and it seems likely they will continue through the pandemic and perhaps beyond.

- **Economic Repercussions.** While the full impact remains unknown, it is clear that temporary business closures, and reduced business activity, may result in permanent business closures that could lead to vacant commercial and office spaces. The Township may need to contend with vacancies and will need to monitor this trend and potentially consider if additional permitted uses are appropriate so as to welcome new businesses

to the Township. The economic repercussions may go beyond the commercial market and impact the residential market.

- Work from home. Employees across the state have been forced to work from home during the pandemic. For some people and businesses, this has been very successful and is desired to continue beyond the pandemic. This will increase the demand for home offices – perhaps a den, spare bedroom, or finished basement or attic space. It may also increase the desire for a home office as small business owners realize convenience and reduced costs of working from home.
- Multigenerational Housing. It is likely the Township will see increased instances where adult children and/or parents of homeowners are living together. This is a trend that predates the pandemic but is likely to be exacerbated by economic repercussions. This may increase the demand for larger homes, in-home and accessory suites, and accessory apartments.
- Outdoor dining. With the rates of virus transmission significantly lower in outdoor spaces employing social distancing, the desire for restaurants to have outdoor dining has dramatically increased. As such, demand for outdoor dining along sidewalks and in areas of parking lots may increase. It is possible this demand for outdoor dining may extend beyond the COVID-19 Pandemic. This change in demand should be supported in the Township beyond the pandemic since it has the potential to enhance the attractiveness of commercial areas and can contribute toward these areas serving as Township gathering spaces.
- Pedestrian and bicycle facilities. With the temporary closure of businesses and residents working from home, the desire to walk and bike around the community for recreation increased. It is likely this will create new habits among residents and increase the demand for safe and convenient pedestrian and bicycle facilities. The Township should explore how these facilities can be provided between destinations where they do not exist and where enhancements are necessary.
- Drop-off / Pick-up. Temporary closure of businesses and concern about safety of indoor spaces have exacerbated trends in increased demand for take-out food and deliveries of online purchases and restaurant food. The Township may be faced with increased demand for customer pick up locations and home delivery. Such accommodations may require a reconfiguration of parking lots and drive aisles for convenient pick-up. Additionally, these accommodations will not only address safety concerns during the pandemic but will also enhance convenience of local businesses.



## 10. Electric Vehicles

The popularity of electric personal vehicles has grown substantially. In lieu of purchasing fuel at a gas station, these vehicles charge their batteries between trips. While many owners will conduct charging at their home and will do so in accordance with the applicable building code, many will also need and/or desire to charge while at work, shopping or otherwise out of their homes. This requires electric vehicle charging stations. In fact, support for charging stations is consistent with the Strategy 1 of the *2020 New Jersey Energy Master Plan* which states, “Reducing Energy Consumption and Emissions from the Transportation Sector, including encouraging electric vehicle adoption, electrifying transportation systems, and leveraging technology to reduce emissions and miles traveled.”



*Example electric vehicle charging station*

Amendments to the Municipal Land Use Law adopted in August of 2021 included many provisions specific to the installation of electric vehicle supply equipment, including:

- New definitions for “make-ready” and “electric vehicle supply equipment”.
- Applications proposing the installation of electric vehicle supply equipment in any zoning district within the Township must be treated as a permitted accessory use or structure.
- Applications proposing the installation of electric vehicle supply equipment or make-ready parking spaces at an existing gasoline service station, existing retail establishment or any other existing building shall not require site plan or other land use board review nor variance relief and shall be approved by the issuance of a zoning permit by the administrative officer, provided the following requirements are met:
  - 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;
  - All other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
  - 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 charge stations.
- An application shall be deemed complete if:
  - The application, including the permit fee and all necessary documentation, is determined to be complete;
  - A notice of incompleteness is not provided within 20 days after the filing of the application; or
  - A one-time written correction notice is not issued by the jurisdiction 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.

- Installations are subject to applicable local and Department of Community Affairs inspection requirements.
- Each application involving multiple dwellings with 5 or more units, as a condition of preliminary site plan approval shall:
  - Prepare as make-ready parking spaces at least 15 percent of the required off-street parking spaces, and install electric vehicle supply equipment in at least one-third of the 15 percent of make-ready parking spaces
  - Within three years following the date of the issuance of a certificate of occupancy, install electric vehicle supply equipment in an additional one-third of the original 15 percent of make-ready parking spaces; and
  - Within 6 years following the date of issuance of a certificate of occupancy, install electric vehicle supply equipment in the final one-third of the original 15 percent of make-ready parking spaces.
- Throughout the installation of electric vehicle supply equipment in make-ready parking spaces, at least 5 percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
- As a condition of preliminary site plan approval, each application involving a parking lot or parking garage shall:
  - Install at least 1 make-ready parking space if there are 50 or fewer off-street parking spaces
  - Install at least 2 make-ready parking spaces if there will be 50 to 75 off-street parking spaces
  - Install at least 3 make-ready parking spaces if there will be 76 to 100 off-street parking spaces
  - Install at least 4 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
  - Install at least 4 percent of the total parking spaces as make-ready parking spaces, at least 5 percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces
- Parking spaces with electric vehicle supply equipment or make-ready equipment shall count as at least 2 parking spaces for the purposes of complying with a minimum parking requirement, but may not reduce total required parking by more than 10 percent.
- Requiring the adoption of a model land use ordinance by the Commissioner of Community Affairs, which shall be effective in each municipality.
- Permitting municipalities to adopt reasonable standards to address installation, sightline and setback requirements or other health and safety-related specifications for electric vehicle supply equipment or make-ready spaces.

The New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1, et seq or RSIS) were also amended to reference the requirement to provide electric vehicle charging stations in conjunction with multifamily development per the MLUL. While the reviewer and developer can agree to provide more than the 15% required, notice of such agreement in the form of the approving resolution must be sent to the Department of Community Affairs. If the resolution does not describe the amount the 15% is exceeded and the reason for it, then separate notice must be provided. RSIS is also clear that municipalities shall not reject a project if the 15% is not exceeded.

## **11. Time of Application Rule**

The Municipal Law Use Law “time of decision” rule was altered by adoption of the “time of application” rule in May of 2010. This amendment changed the long-standing practice that permitted municipalities to change zoning requirements and standards up until the time a decision was rendered by an approving board on a particular application. Provided an applicant submits an “application for development”, which is defined as “the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, cluster development, conditional use, zoning variance or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L. 1975, c.291 (C.40:55D-1 et seq.)”, the zoning requirements in place at the time of submission shall govern the application. The only exception is for those ordinance requirements relating to health and public safety. Recent case law on this issue has determined that an applicant is required to submit all information necessary to be considered a complete application, including all information required by submission checklists contained in the ordinance.

## **12. Stormwater Management Requirements**

All municipalities in the State were required to adopt new comprehensive stormwater management regulations by March 2, 2021, regulations that were required to be consistent with NJDEP stormwater management rules. The new rules implement more stringent requirements for stormwater control and promote the use of nonstructural stormwater management techniques. The NJDEP Stormwater Management Rules were further amended in July of 2023 and implemented additional requirements addressing the likelihood of increased rainfall intensity in the future due to climate change.

## **13. Renewable Energy**

Since the 2007 reexamination report, there have been a number of amendments to the Municipal Land Use Law relative to renewable energy facilities. These include:

- A new definition for “inherently beneficial use”, which includes solar, wind and photovoltaic energy generating facilities
- Solar panels not counting as impervious surface, therefore exempting them from impervious coverage requirements
- Permitting solar, photovoltaic and wind electrical generating facilities as being permitted on sites over 20 acres within any industrial zone district in the State

## **14. New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act**

On the heels of a 2020 referendum where the voters of New Jersey approved the legalization of personal cannabis use by adults, the legislature adopted the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act. The Act established different classes of licensing applicable to the cultivation, processing, wholesaling, sale and delivery of cannabis products and required municipalities to either opt out of permitted cannabis businesses or establish local land use controls related to any of the classes established in the Act. Inaction by a municipality by the August 21, 2021 deadline established in the Act required a waiting period of 5 years to enact land use controls and made cultivation, manufacturing, selling

and reselling of cannabis permitted uses within all industrial zones and the selling of cannabis permitted uses within all retail zones within a municipality. Even upon opting out of permitting cannabis businesses, a municipality may not restrict the delivery of cannabis within its borders. The Township amended its Land Development Ordinance to permit certain classes of cannabis uses within its Light and Heavy Industrial districts.

## **15. Amendments to New Jersey Residential Site Improvement Standards Parking Requirements**

In September of 2023, the New Jersey Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21 et. seq. were amended to alter language related to the provision of parking spaces, changing the long-time municipal practice of applying Table 4.4 in N.J.A.C. 5:21-4.14, parking requirements per dwelling unit, as the minimum number of parking spaces required. More specifically, 5:21-4.14(c) was amended to now state:

(c) Table 4.4 specifies the maximum number of parking spaces planning boards and other local reviewers shall require. The number of parking spaces is based on the number, size, and type of dwelling.

1. Reviewers may allow fewer parking spaces, when warranted. Factors that may affect parking include the following:

- i. Household characteristics;
- ii. Access to mass transit;
- iii. Geographic location; and
- iv. Offsite parking resources.

2. Approvals with fewer parking spaces shall be exempt from the de minimis exception process at N.J.A.C. 5:14-3. The notice requirement shall not apply for approvals with fewer parking spaces.

3. When both the designer and reviewer agree that more parking spaces than the amount specified within Table 4.4 below are needed, the developer shall send notice of the agreement to exceed the standard to the Department, pursuant to N.J.A.C. 5:21-3.6. The notice shall state how many more parking spaces are needed and the reason they are needed.

As applications for development are reviewed in the future, the Planning Board and its professionals will need to be mindful of applying appropriate parking requirements based on the factors noted above. Applicants and the Board will no longer need to consider a de minimis exception related to parking supply unless more than the specified parking in Table 4.4 is required as part of the approval.

## **16. Amendments to New Jersey Residential Municipal Land Use Law – Guarantees and Performance Bonds**

In January of 2018, the Legislature adopted an amendment to the New Jersey Municipal Land Use Law (MLUL, N.J.A.C. 40:55D-1, et. seq.), more specifically N.J.A.C. 40:55D-53, to specify which on-tract improvements a municipality can require a developer to post a performance guarantee for. In short, only those improvements that will ultimately be dedicated to a public

entity need be bonded, which can include streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space and any grading necessitated by any of these improvements. The only performance guarantee that may be required by a municipality for onsite private improvements is for perimeter buffer landscaping. A municipality can also require, by ordinance, a 2 year maintenance guarantee equaling 15% of the cost of construction of public improvements that have been inspected and the performance guarantee released or private site improvements including stormwater management basins, inflow and water quality structures within basins and the outflow pipes and structures of the stormwater management system.

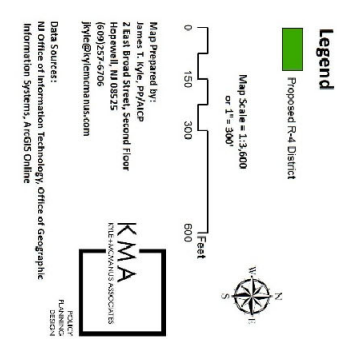
**D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.**

The Township's goals and objectives were developed as part of the 2002 Master Plan and were amended by the Board's 2008 reexamination report and discussed. In reviewing these policies, the Planning Board finds they reflect the areas of focus that should continue to guide planning into the near future.

While the current goals and objectives of the Township as amended in the 2008 reexamination report remain valid, there are changes to the development regulations needed in order to implement a portion of the Township's October 2024 amended settlement agreement with Fair Share Housing Center, as discussed in section C.7 of this reexamination report. The Board recommends the following changes to the development regulations be adopted by the Township Committee:

1. Consistent with the Township's October 2024 amended settlement agreement with Fair Share Housing Center (FSHC) and the Court's finding in a January 3, 2025 order that the amended settlement agreement is fair and protects the interests of low and moderate income households within the region, the Board recommends the rezoning of sites #3 and #4 and creation of the R-4 District to consist of Block 4504, Lots 7, 21, 36, 36.01, 36.02, 36.03, 36.04, 36.05 and 36.06 (see map on the following page). The R-4 District permits single family homes on smaller lots consistent with the proposed standards in Appendix 1, and the ordinance should be amended to include these standards as drafted. The other sites and mechanisms identified in the amended settlement agreement represent better opportunities for the provision of affordable housing and may result in the production of additional affordable housing units beyond the 77 initially identified for sites #3 and #4. At a minimum, the affordable housing units from Sites #3 and #4 are fully replaced. The changes to those mechanisms and new zoning for Sites #9 and #10 and expansion at Pennsville Tower should be incorporated into an amended Fair Share Plan, to be adopted by the Planning Board and endorsed by the Township Committee.
2. The Board recommends the model EV ordinance, provided in Appendix 2, be adopted as part of the Township's zoning ordinance.

# **Proposed Rezoning** A Portion of Pennsville Twp. Salem County, NJ





**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 has several Redevelopment Areas, as noted on the Township Zoning Map. The Redevelopment Areas are as follows:

- North Area
- North Area 2013
- North Area 2019
- Siegfried
- South Area

As shown on the Township’s 2022 Zoning Map, these redevelopment areas have been incorporated and the redevelopment plans adopted by ordinance state that the regulations put forth in the plans supersede underlying zoning. To the extent appropriate, these redevelopment plans should be incorporated into the zoning ordinance, as they are reflected on the zoning map.

**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 and, 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.**

The Board finds that the Township’s publicly owned facilities are appropriate locations for development of public electric vehicle infrastructure. This includes the municipal building and police station, Riverview Park and Fort Mott State Park and all of the Pennsville public schools. In addition, the Township’s nonresidential districts, particularly those along North and South Broadway (State Route 49) are likewise appropriate for such infrastructure. Through the redevelopment process and future site plan approvals the requirements for make-ready spaces and the installation of EV charging equipment will help improve the local inventory of places where residents can charge vehicles.

## **Appendix 1 – R-4 Zoning Standards**



Ordinance \_\_\_\_  
Township of Pennsville, Salem County

Title & Whereas Clauses...

Section I. Chapter 5 Section 5.8 of the Code, entitled "RESIDENTIAL DISTRICTS" is hereby amended to read as follows (additions are shown as thus; deletions are shown as ~~thus~~);

SECTION 5.8 – RESIDENTIAL DISTRICTS

- A. General. Residence districts are classified as R-1, R-2, ~~and R-3~~ and R-4, all of which are all subject to the same use regulations, but each of which is subject to a different schedule of lot area, dimension, configuration, coverage, setback and height requirements. Any regulation in this Chapter that refers generally to a "residence district" is intended to refer to all of the residential districts with equal effect.
- E. Residential Lot Area, Dimension, Configuration, Coverage, Setback and Height Requirements. Every lot in a residence district and the structures upon it must meet the following applicable minimum and maximum requirements for lot area, dimension, configuration, coverage, height and setbacks:

....

## 5. R-4 District

a. <u>Lot Area (see definition):</u>	<u>6,000 square feet minimum</u>
b. <u>Lot Frontage:</u>	<u>50 feet minimum</u>
c. <u>Lot Width:</u>	<u>50 feet minimum</u>
d. <u>Lot Depth:</u>	<u>100 feet minimum</u>
e. <u>Front Yard (Principal Structure):</u>	<u>20 feet minimum</u>
f. <u>Front Yard (Accessory Structures):</u>	<u>Not permitted in front yard</u>
g. <u>Side Yard (Principal Structure):</u>	<u>10 feet minimum</u>
h. <u>Side Yard (Accessory Structures):</u>	<u>5 feet minimum</u>
i. <u>Rear Yard (Principal Structure):</u>	<u>20 feet minimum</u>
j. <u>Rear Yard (Accessory Structures):</u>	<u>5 feet minimum</u>
k. <u>Height (Principal Structure):</u>	<u>45 feet maximum</u>
l. <u>Height (Accessory Structures):</u>	<u>15 feet maximum</u>
m. <u>Number of Principal Structures on Lot:</u>	<u>1 structure maximum</u>
n. <u>Number of Accessory Structures on Lot:</u>	<u>2 structure maximum</u>
o. <u>Stories (Principal Structures):</u>	<u>2 ½ stories maximum</u>
p. <u>Stories (Accessory Structures):</u>	<u>1 ½ stories maximum</u>
q. <u>Structure Coverage (Principal Structures):</u>	<u>45% maximum</u>
r. <u>Structure Coverage (Accessory Structures):</u>	<u>10% maximum</u>
s. <u>Impervious Materials Coverage (inc. Structures)</u>	<u>70% maximum</u>
t. <u>Off-street Parking</u>	<u>(see Section 5.8.F, below)</u>
u. <u>Grading Requirements</u>	<u>(see Section 5.17, below)</u>
v. <u>Lot must abut improved street</u>	<u>(see Section 5.18, below)</u>
w. <u>Signs and Flagpoles</u>	<u>(see Section 5.8.D, above)</u>
x. <u>Driveway width and setbacks:</u>	<u>12 feet wide minimum, 5 feet minimum from lot lines, 10 feet minimum from another driveway</u>

y. For all proposed development within the R-4 Zoning District, all excavation, removal, import and export of soil necessary for the construction, grading, and/or balancing of the site shall be expressly permitted without the need for a Soil Removal Permit as outlined in Chapter 11, Article 3 of the Pennsville Zoning Ordinance. Such soil excavation, removal, import and export shall be deemed exempt activity as discussed in Section 11-3.2

**Section II. Severability**

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Flemington declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**Section III. Effective Date.**

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Township Clerk

## **Appendix 2 – Model EV Standards**

#

**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; and
  - 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.
- 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.
- 7. 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.
- 8. 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 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