

**BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION**

NOTICE is hereby given that **Ordinance 33-2023** - Ordinance of the Borough of Eatontown Entitled “**ORDINANCE AMENDING CHAPTER 89, “LAND USE”, ARTICLE VII “AREA, “BULK AND USE REQUIREMENTS”, SECTION 89-36.1 ENTITLED “ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES” TO INCREASE THE MAXIMUM PERMITTED HEIGHT OF AN EVSE STRUCTURE IN CONFORMANCE WITH STATE REQUIREMENTS**” was passed after a public hearing at the regular meeting of December 6, 2023 by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

**ORDINANCE 33-2023**

**BOROUGH OF EATONTOWN**

**COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**ORDINANCE AMENDING CHAPTER 89, “LAND USE”, ARTICLE VII “AREA, “BULK AND USE REQUIREMENTS”, SECTION 89-36.1 ENTITLED “ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) AND MAKE-READY PARKING SPACES” TO INCREASE THE MAXIMUM PERMITTED HEIGHT OF AN EVSE STRUCTURE IN CONFORMANCE WITH STATE REQUIREMENTS**

**WHEREAS**, P.L. 2021, c.171, 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**, supporting the transition to electric vehicles contributes to Eatontown's commitment to sustainability and is in the best interest of public welfare; and

**WHEREAS**, the Borough of Eatontown encourages increased installation of EVSE and Make Ready parking spaces; and

**WHEREAS**, the Borough Council adopted Ordinance 06-2022 through which it 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 encouraging greater ownership and use of electric vehicles,

**WHEREAS**, the State of New Jersey has reviewed Ordinance 06-2022 and has recommended an amendment to increase the maximum permitted height for any structure associated with an EVSE or Make-Ready Parking Space from four feet to seven and one-half feet in conformance with the State’s model ordinance.

**WHEREAS**, the Borough Council believes it is in the best interest of its residents to amend the EVSE structure requirements so that the Borough’s ordinance is in compliance with the State of New Jersey’s requirements.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby amends Section 89-36.1 (D) of the Borough Code as follows:

[deletions are marked as strike-out and additions are underlined]

Section 89-36.1 Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready Parking Spaces

A through C (no changes)

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

Subsections 1 through 3 (no changes)

4. Maximum height of ~~four (4)~~ seven and one-half (7.5) feet for any structure associated with and EVSE or Make-Ready Parking Space,

Subsections 5 through 9 (no changes).

**BE IT FURTHER ORDAINED** that 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.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED THAT** this ordinance shall take effect after final passage and publication as provided by law.