

ORDINANCE NO. _____

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-4.212, 51-4.217, 51A-4.210, and 51A-4.217; providing amended definitions and regulations for service station, motor vehicle fueling station, and accessory electric vehicle charging station uses; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subparagraph (A) of Paragraph (13), “Service Station,” of Section 51-4.212, “Motor Vehicle Related Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(A) Definition: A facility for the retail sale of motor vehicle fuel, lubricating oils, and parts for use in motor vehicles and a facility for the retail sale of motor vehicle fuel dispensed from electric vehicle supply equipment (EVSE) excluding an accessory electric vehicle charging station.”

SECTION 2. That Subparagraph (F) of Paragraph (13), “Service Station,” of Section 51-4.212, “Motor Vehicle Related Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(F) Additional provisions:

(i) A gasoline service station pump island or station canopies may be located 18 feet or more from a property line.

(ii) The rental of trailers that can be pulled by passenger automobiles is permitted as an accessory use.

(iii) A gasoline pump island must be constructed in a manner that allows vehicular access adjacent to the gasoline pump island without interference with or obstruction to off-street parking. Determination of the proper placement of gasoline pump islands must be based on the dimensions in the City of Dallas manual, “Layout and Design Standards for Parking Lots,” which is expressly adopted as part of this subsection. A person shall obtain approval from the director for the placement of a gasoline pump island before the building official may issue a building permit for the construction.

(iv) Except for compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(vi) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(vii) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.”

SECTION 3. That Paragraph (18), “Accessory Electric Vehicle Charging Station,” of Subsection (b), “Specific Accessory Uses,” of Section 51-4.217, “Accessory Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(18) Accessory electric vehicle charging station.

(A) Definition: A facility that provides electric[al charging for] vehicle[s] supply equipment (EVSE) on a site with a main use excluding commercial parking lot or garage, commercial motor vehicle parking, motor vehicle fueling, liquefied natural gas fueling station, and truck stop uses.

(B) Districts permitted: Residential and nonresidential districts.

- (C) Required off-street parking: None.
- (D) Required off-street loading: None.
- (E) Additional provisions:
 - (i) ~~Any amount [Up to 10 percent] of [required] parking [may be electric vehicle parking spaces that will count towards required parking] for a main use on the property may be electric vehicle charging spaces.~~
 - (ii) If this accessory use is located in a residential district, it may not have a sign advertising its services.
 - (iii) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.
 - (iv) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.”

SECTION 4. That Subparagraph (A) of Paragraph (19), “Motor Vehicle Fueling Station,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(A) Definition: A facility for the retail sale of motor vehicle fuel dispensed from pumps or electric vehicle supply equipment (EVSE) excluding accessory electric vehicle charging station[s] uses. This use does not include a truck stop or a liquefied natural gas fueling station as defined in this section.”

SECTION 5. That Subparagraph (E) of Paragraph (19), “Motor Vehicle Fueling Station,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(E) Additional provisions:

(i) Except for compression cylinder tanks used in connection with compressed natural gas fueling facilities, all storage tanks for motor vehicle fuel must be located underground.

(ii) A fuel pump island must be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking. The building official shall not issue a permit to authorize the construction of a pump island until its placement has been approved by the director.

(iii) Fuel pumps are permitted as an accessory use only if they comply with the following subparagraphs:

(aa) The pumps must be available only to the owner and tenant of the main building and not available to the general public.

(bb) The fuel pump and any sign relating to the pump must not be visible from the public street. No sign may be erected indicating the availability of motor vehicle fuel.

(iv) Fuel pumps must be located at least 18 feet from the boundary of the site.

(v) Compression cylinder tanks used in connection with compressed natural gas fueling facilities must be screened from adjacent streets, alleys, and residential uses.

(vi) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(vii) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.”

SECTION 6. That Paragraph (1.1), “Accessory Electric Vehicle Charging Station,” of Subsection (b), “Specific Accessory Uses,” of Section 51A-4.217, “Accessory Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(1.1) Accessory electric vehicle charging station.

(A) Definition: A facility that provides electric[al charging for] vehicle[s] supply equipment (EVSE) on a site with a main use other than a commercial parking lot or garage use or commercial motor vehicle parking use.

(B) District restrictions: Residential and nonresidential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) Any amount [Up to 10 percent] of parking [eounted as required parking] for a main use on the property may be electric vehicle charging spaces. The area restrictions in Subsection (a)(3) do not apply to this use.

(ii) If this accessory use is located in a residential district, it may not have a sign advertising its services.

(iii) Charging equipment may not obstruct a required off-street parking space. A charging cord may not cross over a sidewalk or pedestrian walkway.

(iv) When six feet or less in height, structures and equipment associated with this use may be located where an off-street parking space is allowed.”

SECTION 7. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 8. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 10. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

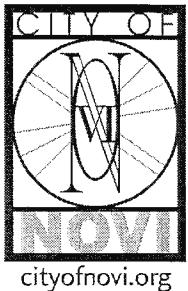
SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, Interim City Attorney

By _____
Assistant City Attorney

Passed _____



CITY of NOVI CITY COUNCIL

Agenda Item 2
October 8, 2012

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.263, to amend the City of Novi Zoning Ordinance at Article 25, General Provisions, Section 2505, Off-Street Parking Requirements; in order to provide standards for the location and design of plug-in electric vehicle charging stations and spaces in all parking areas. **FIRST READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

Consistent with the City of Novi's continuing efforts to encourage sustainable development practices, as well as to clarify and streamline the Zoning Ordinance provisions for allowable uses, the Community Development Department proposes a text amendment to **create standards for the installation of plug-in electric vehicle (PEV) charging stations and parking spaces within off-street parking areas in all zoning districts.** Draft ordinance language is attached.

The intent is to provide reasonable regulations for the siting and design of PEV charging stations and spaces, such that the stations are located where they will not impede pedestrian access or encroach on a setback requirement. The proposed amendment also addresses the manner PEV charging spaces are to be treated with respect to meeting minimum parking requirements, and also the design and dimensions of the charging spaces.

PEV charging stations and spaces are typically located along the perimeter of a parking area, most often in close proximity to the building served by the parking area to minimize the distance covered by the electric infrastructure connecting the charging station to the building's electrical service panel. A PEV charging station usually consists of a pedestal adjacent to a parking space, with one or more cords of sufficient length to connect with a plug-in electric vehicle (see attached photographs of existing charging stations). The charging stations may be available to the public, either as a free service or for a fee, or they may be designated for private use (e.g. a particular tenant within an office complex).

If an applicant chooses to provide PEV charging spaces in a parking lot, the draft ordinance language provides a number of standards and clarifications, including:

1. PEV charging spaces are considered a permitted use in any parking lot.
2. PEV charging spaces will be included in the property's parking requirement, so no extra parking spaces would be required if charging spaces are provided.
3. PEV charging spaces will have the same dimensional standards as a typical parking space.
4. PEV charging stations and any necessary cords will not be located so as to block pedestrian access or any required means of egress.

5. PEV charging stations and spaces shall be set back from the property line a distance equivalent to the required parking setback of the district.
6. If a carport or solar collector-equipped panel is proposed as a part of a charging station, these ancillary structures shall meet the minimum building setback requirement and height limitations of the applicable zoning district.

The charging stations can be either Level-1 or Level-2 compatible, or often times both. Level-1 stations provide charging via a 120-volt AC plug, the same as plugging a vehicle into a standard three-prong wall outlet. Level-2 stations typically provide charging through a 240-volt hard-wired electrical service on a dedicated circuit, similar to the wiring of a residential electric dryer. Level-1 charging takes approximately 12 hours for a full charge, while Level-2 charging can take less than 4 hours. There is also Level-3 charging (aka DC Fast Charging), but the infrastructure is costly and more suited to a commercial fueling station.

By 2015, all major automakers are expected to offer plug-in electric vehicles for sale, including both entirely electric vehicles and plug-in hybrid vehicles. As energy prices continue to fluctuate and the market adjusts to this relatively new electric vehicle technology, it is difficult to predict the market share these types of vehicles will comprise in the foreseeable future. The general consensus among industry analysts is that 2% to 5% of all new vehicle sales in the United States will be plug-in electric vehicles (including plug-in hybrids) by 2020. It is therefore logical to conclude that at least 2% of the parking spaces in a parking area should be electric-vehicle ready in the near future.

Several southeast Michigan communities, including Auburn Hills, Rochester Hills, Troy, Dearborn, Warren, and Farmington Hills have either already adopted a similar PEV ordinance or are in the process of doing so. Adopting standards for PEV charging stations and spaces is seen not only as an effort to "go green", but also as a region-wide economic development measure to recognize southeast Michigan's willingness to move forward with new technology as the automotive industry brings more plug-in electric vehicles to the market.

The Planning Commission held the required public hearing on this Zoning Ordinance amendment on September 12, 2012 and unanimously recommended favorable consideration to the City Council.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.263, to amend the City of Novi Zoning Ordinance at Article 25, General Provisions, Section 2505, Off-Street Parking Requirements; in order to provide standards for the location and design of plug-in electric vehicle charging stations and spaces in all parking areas. **FIRST READING**

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

MEMORANDUM



TO: CLAY PEARSON, CITY MANAGER
FROM: DAVID CAMPBELL, AICP, PLANNER
THRU: BARBARA MCBETH, AICP, COMMUNITY DEVELOPMENT
DEPUTY DIRECTOR
SUBJECT: TEXT AMENDMENT 18.263 – PLUG-IN ELECTRIC VEHICLE (PEV) CHARGING STATIONS AND SPACES
DATE: SEPTEMBER 26, 2012

9/26/12
To: Mayor [Signature]
cc: [Signature]
BY [Signature]

Consistent with the City of Novi's continuing efforts to encourage sustainable development practices, the Community Development Department proposes a text amendment to **create standards for the installation of plug-in electric vehicle (PEV) charging stations and parking spaces within off-street parking areas in all zoning districts**. Please see the attached draft ordinance language.

The intent of the proposed amendment is to provide reasonable regulations for the siting and design of PEV charging stations and spaces, such that the stations are located where they will not impede pedestrian access or encroach on a setback requirement. The proposed amendment also addresses the manner PEV charging spaces are to be treated with respect to meeting minimum parking requirements, and also the design and dimensions of the charging spaces.

PEV charging stations and spaces are typically located along the perimeter of a parking area, most often in close proximity to the building served by the parking area to minimize the distance covered by the electric infrastructure connecting the charging station to the building's electrical service panel. A PEV charging station usually consists of a pedestal adjacent to a parking space, with one or more cords of sufficient length to connect with a plug-in electric vehicle (see attached photographs of existing charging stations). The charging stations may be available to the public, either as a free service or for a fee, or they may be designated for private use (e.g. a particular tenant within an office complex).

By 2015, all major automakers are expected to offer plug-in electric vehicles for sale, including both entirely electric vehicles and plug-in hybrid vehicles. As energy prices continue to fluctuate and the market adjusts to this relatively new electric vehicle technology, it is difficult to predict the market share these types of vehicles will comprise in the foreseeable future. The general consensus among industry analysts is that 2% to 5% of all new vehicle sales in the United States will be plug-in electric vehicles (including plug-in hybrids) by 2020. It is therefore logical to conclude that at least 2% of the parking spaces in a parking area should be electric-vehicle ready in the near future.

Several southeast Michigan communities, including Auburn Hills, Rochester Hills, Troy, Dearborn, Warren, and Farmington Hills have either already adopted a similar PEV ordinance or are in the process of doing so. Adopting standards for PEV charging

stations and spaces is seen not only as an effort to "go green", but also as a region-wide economic development measure to recognize southeast Michigan's willingness to move forward with new technology as the automotive industry brings more plug-in electric vehicles to the market.

The Planning Commission held the required public hearing on this Zoning Ordinance amendment on September 12, 2012 and unanimously recommended **favorable consideration** to the City Council.

Staff anticipates sending this text amendment for consideration of the first reading at the October 8, 2012 City Council meeting.



**MMUTCD-Standard Pavement
Markings (Auburn Hills, MI)**



MMUTCD-Standard Sign



**PEV Charging Station and Space
(Auburn Hills, MI)**



**PEV Charging Stations and Spaces
(Kistler North America, Novi)**



**PEV Charging Station and Space
(Novi Police Station)**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12-18.263

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, AMENDING ARTICLE 2 – CONSTRUCTION OF LANGUAGE AND DEFINITIONS, ZONING DISTRICT AND MAP, AS WELL AS ARTICLE 25 – GENERAL PROVISIONS, TO PROVIDE DEFINITIONS AND STANDARDS FOR PLUG-IN ELECTRIC VEHICLE CHARGING STATIONS AND PARKING SPACES, AS WELL AS TO ENCOURAGE THE INSTALLATION OF PLUG-IN ELECTRIC VEHICLE CHARGING STATIONS AND SPACES WITHIN NEW AND EXPANDED OFF-STREET PARKING AREAS.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 2 – Construction of Language and Definitions, Zoning District and Map, and Article 25 – General Provisions, is hereby amended to read as follows:

Sec. 201 Definitions

[Add the following definitions]

Plug-In Electric Vehicle (PEV): Any vehicle licensed and registered for operation on public and private highways, roads, and streets, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. Includes an all-electric vehicle (EV) and a plug-in hybrid electric vehicle (PHEV).

Plug-In Electric Vehicle (PEV) Charging Station: A public or private electrical component assembly or group of assemblies designated specifically to charge batteries within electric plug-in electric vehicles. Also known as electric vehicle supply equipment (EVSE). PEV charging stations include Level 1, Level 2, and Level 3 charging, as follows:

- **PEV Charging Station Level 1:** A PEV charging station that charges a PEV via a 120-volt AC outlet (a standard household electrical outlet).
- **PEV Charging Station Level 2:** A PEV charging station that charges a PEV at a voltage between 208 and 240 volts on a dedicated circuit of 20 to 80 amps.
- **PEV Charging Station Level 3:** A PEV charging station that charges a PEV at a voltage greater than 240 volts. Also known as DC fast charging and best suited to a public fueling station.

Plug-In Electric Vehicle (PEV) Charging Space: Any public or private designated parking space that is served by a PEV charging station and identifies the use to be dedicated exclusively for the active charging of a PEV.

Plug-In Electric Vehicle (PEV) Infrastructure: Conduit, wiring, structures, machinery, and/or equipment necessary and integral to support a plug-in electric vehicle, including PEV charging stations

Sec. 2501 – 2404 [unchanged]

Sec. 2505 – Off-Street Parking Requirements

Subsections 1 through 16 [unchanged]

- 17. It is the intent of this subsection to provide reasonable standards for the installation and operation of Plug-In Electric Vehicle (PEV) charging stations and charging spaces within off-street parking areas.**
 - a. PEV charging stations, as well as all structures and equipment ancillary to PEV charging stations (protective bollards, signage, etc.), shall collectively be considered an accessory use to any principal permitted use.**
 - b. The location of PEV charging stations and spaces shall be subject to the following:**
 - 1. PEV charging stations and spaces shall be permitted anywhere off-street parking is permitted;**
 - 2. PEV charging stations and spaces shall be permitted anywhere within an off-street parking area that a standard parking space is permitted, provided all standards pertaining to off-street parking spaces and to off-street parking areas are met;**
 - c. PEV charging stations and spaces shall meet the following design requirements:**
 - 1. PEV charging stations shall meet all applicable electrical and building codes, including but not limited to the National Electrical Code (NEC) and the Michigan Building Code;**
 - 2. PEV charging stations shall be Level-1 and Level-2 capable as defined by the National Electrical Code (NEC);**
 - 3. PEV charging spaces shall meet all dimensional requirements of a standard parking space per Section 2506 of this Ordinance, including length and width. PEV charging spaces shall meet the requirements of the City's Design and Construction Standards, including those pertaining to parking lot curbing and pavement;**
 - 4. Where a PEV charging space is proposed perpendicular to a 4 inch curb such that a 17-foot parking space with a two-foot overhang is permitted per Sec. 2509 of this Ordinance, the corresponding PEV charging station as well as any structures ancillary to it (bollards, signs, etc.) shall be installed a minimum of 2 feet from the face of the curb;**
 - 5. Where a PEV charging station is installed adjacent to a sidewalk, the station and all structures ancillary to it shall maintain a 5-foot wide clearance for the sidewalk;**
 - 6. PEV charging stations and spaces shall be identified with the State-standard "Reserved Parking Only – Charging Station" sign and corresponding plaque (R7-8c and R7-8cP, respectively) as detailed in the Michigan Standard Highway Signs Book, or its equivalent. PEV identification signs shall meet the same standards relative to location, height, and design as barrier-free parking signs;**
 - 7. PEV charging spaces shall be identified with the MMUTCD-standard pavement marking D9-11b (ALT) or its equivalent;**
 - 8. PEV charging stations shall be installed in a suitable location such that any cords connecting the charging station with the vehicle will not extend**

across a pedestrian walkway or will otherwise present a tripping hazard.
Charging stations featuring self-retracting cords are encouraged;

9. PEV charging stations available to the public shall be maintained in safe and operational repair, and shall clearly display a toll-free telephone number to report any problems.

d. PEV charging spaces shall be considered as standard parking spaces for the purpose of meeting the minimum off-street parking requirements of Section 2505 this Ordinance.

e. PEV charging stations and spaces, as well as all structures ancillary to PEV charging stations and spaces, including but not limited to bollards, signs, canopies, shelters, solar collectors, etc., shall be subject to the following:

1. PEV charging stations and spaces, as well as all ancillary structures installed as part of a PEV charging station, shall meet the minimum parking setback requirements of the applicable zoning district;
2. Solar collector-equipped panels and canopies, shelters, carports, and similar large structures installed as part of a PEV charging station or space shall meet the minimum building setback requirements of the applicable zoning district;
3. All ancillary structures installed as part of a PEV charging station shall meet the maximum height requirements of the applicable zoning district;
4. PEV charging stations shall be permitted no additional signage beyond the required City-standard sign identifying the PEV charging station space.

Sec. 2506. - Off-Street Stacking Space, Layout Standards, Construction and Maintenance
[unchanged]

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

Repealer. All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and

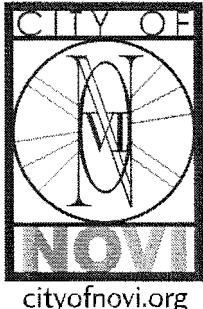
that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI,
OAKLAND COUNTY, MICHIGAN, ON THE _____ DAY OF _____, 2012.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:



PLANNING COMMISSION MINUTES

Draft

CITY OF NOVI

Regular Meeting

September 12, 2012 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

Present: Member Anthony, Member Greco, Chair Pehrson, Member Zuchlewski

Absent: Member Gutman (Excused), Member Lynch (Excused), Member Prince (Excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Beth Kudla-Saarela, City Attorney; David Campbell, Planner

PUBLIC HEARINGS

1. ZONING ORDINANCE TEXT AMENDMENT 18.263 ELECTRIC VEHICLE CHARGING STATIONS

Recommendation to City Council for an Ordinance to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 25, General Provisions, Section 2505, Off-Street Parking Requirements; in order to provide standards for the location and design of Plug-in Electric Vehicle Charging Stations and Spaces in all Parking areas.

Planner Campbell said the City of Novi continues to make strides toward a greener, more energy efficient and sustainable community. We have made a number of energy efficient improvements to this building and two other facilities throughout the city. We have recently made Text Amendments to our Zoning Ordinance to encourage green measures on private property. We also have a Text Amendment addressing solar panels and wind turbines on private property.

The City continues to enforce the woodlands and wetlands protection ordinances as well as the storm water management and soil erosion prevention ordinances. The Text Amendment before you tonight for the Public Hearing is consistent with those on-going efforts. It is a Text Amendment to the off-street parking requirements to Section 2505 of the Zoning Ordinance and the intent is to provide reasonable standards for the design and siting of electric vehicle charging stations and the spaces that go along with them.

Previously, this draft text amendment was brought before the Planning Commission at the meeting of August 8, 2012. Following that presentation, the Planning Commission opted to schedule a Public Hearing for tonight's meeting.

As mentioned, the proposed text amendment applies reasonable standards for the design and installation of charging stations and spaces in commercial parking lots. The City certainly favors and encourages private developers installing these measures. What we want to avoid is having these stations installed in a location where they may impede pedestrian access, barrier-free access, or where they might encroach on a set-back requirement.

For the purpose of calculating minimum parking requirements, these spaces would be treated as standard parking spaces. The intent would be that a developer or applicant would not be penalized for putting these spaces; they would not have to meet the minimum parking requirements for standard spaces in addition to including these type of electrical charging spaces. The City would require that the spaces and the station have the state and national standard sign and pavement marking.

As a general policy, the Planning staff would encourage private developers to if not necessarily put the stations in when they are developing a new site or expanding an additional parking lot, we would encourage them to at least in the case of parking lots, put the infrastructure under the ground prior to paving their paving lot. They would put the conduit under the ground in anticipation of future electric vehicle charging stations. The idea there is that the infrastructure, specifically the conduit is under the ground and it would be at some point in the near future an easy addition to run the wire through the conduit and install the stations. The alternative being an expensive retrofit, where someone would have

to dig up their parking lot, curbing, sidewalk, landscaping, or some combination thereof to put in the charging stations. In the case of single family developments, we would encourage the developer to put a dedicated 240-volt circuit in the garage and not necessarily put the charging station the garage, but just put in the dedicated circuit. This again is a relatively inexpensive addition at the time of new home construction as opposed to an expensive retrofit once the home is completed.

By 2015, all major automotive manufacturers will offer some form of a plug in vehicle for sale whether it be a truly completely electric vehicle or a plug-in hybrid. At this time, it is difficult to predict with fluctuating energy prices and with the auto market how quickly these types of vehicles are going to get absorbed into the market. However, industry analysts and experts predict that by the year 2020, anywhere from two to five percent of new vehicle sales will be some form of an electric vehicle (either hybrid or electric). So it only makes sense that two to five percent of the parking spaces in a commercial parking lot would be charging spaces with charging stations.

As far as the Ordinance we have drafted, the Planning Staff modeled this Ordinance based on a lot of research and also looking at a similar ordinance that was recently adopted by the City of Auburn Hills. The City of Auburn Hills was the first community in Michigan to adopt an electric vehicle ordinance and they are leading the way with a group out of Ann Arbor, called the Clean Energy Coalition and encouraging other communities to take similar measures. The intent is that this could be seen as a regional economic development measure to attract those technology-based companies that seek out locations in green communities which Novi strives to be.

The Clean Energy Coalition is nearing completion of the "Plug-In Ready Michigan" plan that was funded by the US Department of Energy. The draft version of that plan is available and the final version is expected out in the next couple of weeks. Planning Staff had a chance to go to a conference in Auburn Hills where the CEC presented their draft plan and we had a chance to compare it with the Ordinance Amendment you have in front of you. What we determined was that what we proposed to you tonight is very consistent with what the Clean Energy Coalition has drafted to serve as the statewide model.

Therefore, the Planning Commission is asked to hold the Public Hearing tonight for the proposed Text Amendment, and following the Public Hearing, to make a recommendation to the City Council for this Text Amendment. Planner Campbell said he would be happy to answer any further questions you may have.

Chair Pehrson stated that seeing no one in the audience, there is no audience participation and then asked if there was any correspondence.

Member Greco answered that there was no correspondence.

Chair Pehrson then closed the Audience participation and turned it over to the Planning Commission for their consideration and asked if there were any questions.

Member Greco stated that he had reviewed the ordinance as well as the presentation by the Staff and thought it was excellent that the City of Novi is joining the charge of these other leading communities and the Ann Arbor-based CEC. I believe it is the right direction for the community to go in and that it encourages private development. I would like to make a motion to recommend to the City Council to approve this proposed Text Amendment 18.263 relative to public electric vehicle charging stations and spaces.

Moved by Member Greco and seconded by Member Anthony:

ROLL CALL VOTE ON MOTION TO RECOMMEND APPROVAL OF TEXT AMENDMENT 18.263 TO CITY COUNCIL TO PROVIDE STANDARDS FOR THE LOCATION AND DESIGN OF PLUG-IN ELECTRIC VEHICLE CHARGING STATIONS AND SPACES IN ALL PARKING AREAS. Motion carried 4-0.

Motion to recommend approval of Text Amendment 18.263 to City Council. Motion carried 4-0.

Local Zoning Codes



As sales of passenger electric vehicles (EVs) accelerate and fleets electrify, demand for public fast charging will continue to grow. This increased demand will necessitate the growth of larger footprint EV charging stations, including locations where EV charging is intended as the primary property use (like a surface parking lot with charging as the sole use of the parcel).

Long accustomed to EV charging being an “accessory” use (i.e. co-located at a grocery store or another retail establishment), many local jurisdictions (AHJs) do not yet have EV charging as a defined use within their zoning code. This can lead to challenges in local approvals for standalone charging sites, particularly when they are subjected to unrelated zoning

requirements intended for liquid fueling stations or parking uses. Many of these zoning requirements are incompatible with EV charging uses, limit areas that are open to the development of EV charging infrastructure, and ultimately result in delays that erect further barriers to local vehicle electrification goals. The good news is that many local jurisdictions are starting to contemplate this unique use case, which will be critical as EV charging stations scale in size commensurate with demand.

Drawing on EVgo’s decade-long experience building charging stations across the country, the Connect the Watts™ team continues to elevate best practices in zoning and has identified four recommendations to ensure local zoning codes are equipped to support deployment of both accessory and primary use charging projects: 1) Define EV Charging as Its Own Use, 2) Broadly Permit EV Charging Across Zoning Districts, 3) Provide By-Right or Ministerial Approval for EV Charging, and 4) Provide Flexible, Performance-Based Design Standards.



Define EV Charging as Its Own Use

Best Practices:

- Include a clear, broad definition of EV charging that does not differentiate between power levels (i.e., Level 2 or DC Fast Charging) or type of charging (i.e., public vs light-duty fleet charging). Overly narrow definitions can introduce barriers and require further code amendments as use cases evolve.
- Define EV charging as both a permitted primary and accessory use. Primary use cases include standalone charging hubs or plazas, often as the sole use of a property, while charging as an accessory use includes more common station locations, such as charging co-located with retail parking lots, office buildings, or as a dedicated portion of a larger parking facility.

Practices to Improve:

- Avoid classifying charging under an existing use like parking, fueling stations, or other automobile-related uses which may be subject to their own restrictions or standards that are unrelated to EV charging.



Broadly Permit EV Charging Across Zoning Districts

Best Practices:

- EV charging as a primary use should be permitted broadly throughout the city. The [City of San Diego](#), for example, permits EV charging as an accessory and primary use in all base zoning districts.
- Charging uses are far less noxious and generally experience less vehicular turnover than a fueling station, while serving a key role in transportation electrification in contrast to standalone parking facilities.
- Charging should remain a permitted accessory use in all zoning districts, allowing broad flexibility for site hosts to provide charging stations at their properties.

Practices to Improve:

- Avoid limiting primary use charging to an overly narrow range of zoning districts. Real estate and power availability constraints, in addition to site conditions, already impact where larger charging hubs are feasible. Further restrictions ultimately inhibit the deployment of charging infrastructure and can limit geographic diversity in site location.



Provide By-Right or Ministerial Zoning Approval for EV Charging

✓ Best Practices:

- ▶ Provide a non-discretionary (i.e., by-right) zoning approval pathway for primary use EV charging projects to the widest extent possible.
- ▶ Include a checklist of permitting requirements for both accessory and primary use sites to further codify streamlined permitting processes within the use regulations for EV charging.
- ▶ When a special zoning designation or neighborhood overlay requires additional review, opt for a ministerial review and approval process. This can allow staff and site developers to address site-specific needs directly as opposed to routing projects through a lengthy discretionary review process.

✗ Practices to Improve:

- ▶ Avoid or limit conditional use permit requirements, which can introduce significant uncertainty, delays, and added cost to a project. In California, state permit streamlining requirements explicitly require non-discretionary approval pathways for EV charging projects.



Provide Flexible, Performance-Based Design Standards

✓ Best Practices:

- ▶ Focus use-specific design requirements on broader outcomes (i.e., provision of shade, pedestrian safety, landscaping) in lieu of prescriptive standards.
- ▶ Provide flexible design and landscaping options to account for variations in site conditions and layouts. Potential approaches include a point system tied to charging space count with a menu of options from which site developers can choose (ex: West Hollywood parking design standards).
- ▶ Include language authorizing local planning staff to review and approve alternative design options if strict compliance with guidelines as written is not possible. This language can help minimize confusion and allow site developers to coordinate directly with staff as needed.

✗ Practices to Improve:

- ▶ Avoid applying prescriptive parking design standards to EV charging projects given potential conflicts with electrical equipment. For example, tree placement requirements that may be more easily located throughout a parking lot are far more difficult on charging lots due to interference with equipment and underground utilities.



AHJ Spotlight

San Diego, CA:

- ▶ EV charging is a separately regulated use (see Section 141.0419), and permitted in all base zoning districts.¹
- ▶ Use-regulations for EV charging specify that EV charging projects only require electrical permits unless altering an existing structure or modifying or relocating an existing ADA parking space.
- ▶ The code further codifies the streamlined permitting process that EV charging projects will follow, in compliance with state law:
 - + “In reviewing the construction permit, the Building Official shall evaluate only whether the electric vehicle charging station meets all applicable health and safety requirements of local, state, and federal law.”



AHJ Toolkit

Example definitions:

- ▶ City of San Diego, CA: “Electric vehicle charging stations are facilities that supply electric energy for the recharging of electric vehicles”
- ▶ City of Dallas, TX: “Accessory electric vehicle charging station: a facility that provides electrical charging for vehicles.²

Resources:

- ▶ California GO-BIZ EV Charging Permitting Guidebook: Part 4 (p. 33, zoning guidance)

¹Permitted uses for all base zoning districts are outlined in Chapter 13 of the San Diego Municipal Code.

²https://codelibrary.amlegal.com/codes/dallas/latest/dallas_tx/0-0-0-81771

Oscoda Township

Section 6.37 Electric Vehicle Charging Stations:

Editor's note(s)—An ordinance of June 4, 2024, amended the Code by adding new provisions designated as 6.36—6.36.5. In order to prevent duplication of section numbers, the provisions have been added as 6.37—6.37.5 at the discretion of the editor.

Section 6.37.1 General Definitions

For purposes of this section, unless otherwise expressly stated, the following words and phrases shall be defined as follows:

- (a) **Accessible electric vehicle charging station** means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and electric vehicle.
- (b) A **battery charging station** is an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- (c) **Battery electric vehicle** means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's battery, and produces zero emissions or pollution when stationary or operating.
- (d) **Plug-in hybrid electric vehicle** means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal combustion-driven generator; and (4) has the ability to travel powered by electricity.
- (e) **Charging levels** means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2 and 3 are the most common charging levels, and include the following specifications:
 - (1) Level 1 is considered slow charging. Voltage includes the range from zero (0) through one hundred twenty (120).
 - (2) Level 2 is considered medium charging. Voltage is greater than one hundred twenty (120) and includes voltage up to and including two hundred forty (240).
 - (3) Level 3 is considered fast or rapid charging. Voltage is greater than two hundred forty (240).
- (f) **Electric vehicle** means any vehicle that is licensed and registered for operation on public and private highways, roads, and streets, and is powered either partially or exclusively on electrical energy from the grid or from an off-board source that is stored on-board via a battery for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.
- (g) **Electric vehicle charging station** means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
- (h) **Electric vehicle charging station—private restricted use** means an electric vehicle charging station that is (1) privately owned with restrictive access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted from public access (e.g., fleet parking with no access to the general public).

- (i) **Electric vehicle charging station—public use** means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park and Ride parking, public library parking lot, onstreet parking) or (2) privately owned and available to visitors for use (e.g., shopping center parking).
- (j) **Electric vehicle infrastructure** means wiring conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
- (k) **Electric vehicle parking space** means any designated parking space with a barrier-free access aisle that identifies the use to be exclusively for the parking of an electric vehicle.
- (l) **Non-electric vehicle** means any motor vehicle that does not meet the definition of an electric vehicle.

(Ord. of 6-4-2024, § 1)

Section 6.37.2 Compliance

It is unlawful to construct or install, or cause to be constructed or installed, any electric vehicle charging station upon any property within the Township in violation of the requirements of this article.

(Ord. of 6-4-2024, § 1)

Section 6.37.3 Permit Required

It shall be unlawful for any person to construct or erect an electric vehicle charging station upon any property within the Township without obtaining a zoning permit from the Oscoda Township Zoning Administrator/Director or other designated Township official. The permit application shall be accompanied by a plot plan prepared by a licensed professional architect, engineer, landscape architect, professional community planner, or land surveyor showing the type, size, and proposed location of the electric vehicle charging station, and payment of the permit fee established by resolution of the Township Board. The requirement for submission of a plot plan is not required for properties zoned residential when the electric vehicle charging station is located inside a structure. If the electric vehicle charging station is located outside of the structure for properties zoned residential, a plot plan drawn to scale by the owner, occupant or interested party is required.

(Ord. of 6-4-2024, § 1)

Section 6.37.4 Permitted Locations

- (a) Level 1 and Level 2 electric vehicle charging stations are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at single-family, multifamily, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to a zoning permit approval administered by the Zoning Administrator/Director and permit approval administered and inspected by the Oscoda County Building Department.
- (b) Level 3 electric vehicle charging stations are permitted in every zoning district except a residential zone, or residential properties located in non-residential zoning districts. Installation shall be subject to review by the Zoning Administrator/Director, and permit approval shall be administered and inspected by the Oscoda County Building Department.
- (c) If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a vehicle fuel station for zoning purposes. Installation shall be located in and subject to approval in zoning districts that permit gasoline service stations and vehicle fuel stations.

(Ord. of 6-4-2024, § 1)

(Supp. No. 6)

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Section 6.37.5 Residential Use in Residential District and Non-Residential Development.

- (a) Parking.
 - (1) For a newly developed parcel, an electric vehicle charging station space shall be included in the calculation for minimum required parking spaces required in accordance with Section 6.7.2. For an existing parcel, an approved existing parking space (except an accessible space) may be converted to an electric vehicle parking space without being in violation of the requirements in Section 6.7.2.
 - (2) Public electric vehicle charging stations are reserved for charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- (b) Accessible electric vehicle spaces. Accessible electric vehicle charging stations shall be located in close proximity to the building or facility entrance and connected to a barrier-free accessible route of travel. The property owner may designate the accessible electric vehicle charging station exclusively for use by people with disabilities.
- (c) Lighting. Lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only. Lighting shall not encroach upon abutting properties.
- (d) Equipment standards and protection.
 - (1) Battery charging station outlets and connector devices shall be no less than thirty-six (36) inches and no higher than forty-eight (48) inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located so as not to impede pedestrian travel or create trip hazards on sidewalks.
 - (2) Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used and shall be in accordance with Section 312 of the International Fire Code (IFC). Curbing may be used in lieu of bollards if the battery charging station is set back a minimum of twenty-four (24) inches from the face of the curb.
 - (3) Electric vehicle charging stations shall be installed not less than 10 Feet from any building or structure and have a means of emergency power disconnect (Knox Remote Power Box).
 - (4) Electric vehicle charging systems shall be installed in accordance with NFPA 70. Electric vehicle charging systems equipment shall be listed and labeled in accordance with Underwriters Laboratory, (U.L), 2022. Electric vehicle supply equipment shall be listed and labeled in accordance with U.L. 2594.
- (e) Usage fees. The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.
- (f) Signage.
 - (1) Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.
 - (2) Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.
 - (3) Design specifications for signage shall be obtained from the Zoning Administrator/Director or a designated Township agency.

(g) Maintenance. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting non-functioning equipment, malfunctioning equipment, or other issues regarding the equipment.

(Ord. of 6-4-2024, § 1)