

# PLANNING & ZONING COMMISSION

**SEPTEMBER 28, 2023**

**MEETING #54**

Location

City Hall  
Council Chambers  
109 James Street  
Geneva, IL 60134

Time

7:00 p.m.

Commissioners

Scott Stocking, Chairman  
John Mead  
Mim Evans  
Michael Slifka  
Rebecca Holoman  
Adam Matyskiel  
Tim Moran

Staff Liaison

Matt Buesing, City  
Planner  
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1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes: September 14, 2023
5. Public Hearings:

- A. **EV Charging Stations – Text Amendments** – Request for amendments to Title 11 of the Geneva City Code (Zoning Ordinance), related to the regulations of electric vehicle charging stations. The proposed amendments include the following chapters and sections of Title 11: 1) Chapter 2 Section 11-2-2 (Definitions of Words and Terms); 2) Chapter 3 Section 11-3-3 (Accessory Buildings and Uses); 3) Chapter 11 Section 11-11A-2 (Location, Size, and Other Requirements); and 4) Chapter 11 Section 11-11A-3 (Design and Maintenance).

Applicant: City of Geneva

6. Public Comment

*When recognized by the Chair, proceed to the podium, state your name for the record, and provide your public comments. Please understand this is your time to be heard and the public body's time to listen. No discussion or debate will follow.*

7. Other Business
8. Adjournment

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## PROCEDURES FOR PUBLIC HEARINGS

It is the Planning and Zoning Commission's job to conduct public hearings in order to receive testimony for and against petitions for general amendments to the zoning ordinance, comprehensive plan amendments, zoning map amendments, zoning text amendments, special use permits and variations.

The procedure followed for public hearings is as follows:

- First, the Planning and Zoning Commission secretary or the designated representative will read or describe written items, reports, and plans into the record.
- Second, the petitioner will present testimony in favor of the petition and will present any supporting plans or exhibits.
- Third, the Commission members will have an opportunity to question the petitioner.
- Fourth, the Commission will then receive citizen testimony both for and against the petition. Questions about the proposal may be directed to the petitioner or petitioner's witnesses, and questions about the Planning and Zoning Commission process may be directed to the Chairman. Following such testimony, the petitioner and the Planning and Zoning Commission may respond to and ask questions of those who testified.
- Finally, the petitioner may provide a rebuttal to any testimony in opposition.

When all the testimony is brought into the record the hearing will be closed and the Planning and Zoning Commission will make a recommendation to the City Council in the form of a motion or motions.

- Participants giving testimony will need to remember to speak directly into the microphone to be heard. Participants must first begin their testimony by stating their name and address. If participants speak additional times, they will need to state their name each time for the record.
- It is asked that presented testimony remain concise. If a point has already been made, it will not be necessary to repeat it. Each of these points is recorded and will be considered as the Commission develops findings of fact and a recommendation or recommendations.
- Participants may provide testimony in written form, but such written testimony must be presented to the Planning and Zoning Commission secretary or the designated representative prior to the closing of the hearing.
- After the process is completed and everyone wishing to present testimony has spoken, the Commission will then decide whether it has heard adequate testimony in order to make a decision. If it has, the public hearing will be closed.

After a public hearing is closed, the Planning and Zoning Commission will refrain from receiving any additional testimony either for or against the petition. There is one exception to this rule.

City staff will submit a report based on the testimony presented at the hearing. This report will consider comments or concerns from all City Departments such as the Fire Department, Public Works Department or the Engineering Department.

**PLANNING AND ZONING COMMISSION MINUTES**  
**City of Geneva**  
**109 James Street - City Council Chambers**

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**September 14, 2023 — Meeting #53**

**1. Call to Order**

Chairman Stocking called the meeting of the Geneva Planning and Zoning Commission to order at 7:00 p.m., and read a statement of procedures for the public hearings.

**2. Roll Call**

Present: Chairman Stocking, Commissioners Mim Evans;  
Rebecca Holoman; Adam Matyskiel; and Michael Slifka

Absent: Commissioners John Mead; Tim Moran

Staff Present: Director of Community Development David DeGroot, City Planner  
Matt Buesing, Assistant City Planner Jessie Muncie, City Attorney  
Scott Fintzen

Also Present: Court Reporter Kristine Wesner

**3. Approval of the Agenda**

**Motion by Commissioner Evans, second by Commissioner Slifka to  
approve the agenda. Motion carried unanimously by voice vote 5-0.**

**4. Approval of August 24, 2023 Minutes**

**Motion by Commissioner Slifka, second by Commissioner Matyskiel to  
approve the minutes. Motion carried unanimously by voice vote 5-0.**

**5. Public Hearings:**

**A. 304 Deerfield Way – Fence Height Variation** – Request for a Variation from Section 11-3-5 of the Geneva Zoning Ordinance to increase the allowable fence height in a corner street yard from 4 ft. to 5 ft.

Location: PIN 12-04-330-017

Applicants: Mark & Laura Waldoch

Commissioner Evans recused herself from the hearing as a neighbor of the Waldochs and left the meeting hall at this time.

City Planner Matt Buesing read the contents of the applicant's file.

Chairman Stocking swore in individuals giving testimony on this matter.

Mark and Laura Waldoch introduced themselves as the residents of 304 Deerfield Way. They are applying for a fence height variation from 4 ft. to 5 ft. Their dog is about one and a half years old and for the past three months he has been jumping over the portion of their fence that is 4 ft. tall to get to other dogs on the sidewalk to play. As a corner lot, there is a sidewalk located just on the other side of the 4 ft. fence in their backyard that gets a lot of pedestrian traffic. The back fence is currently 5 ft. and he does not jump over that fence. The applicants stated he is a very friendly dog, however they are worried for his safety and the safety of those using the sidewalk.

Chairman Stocking asked the commission if they had any questions and there were none.

There were no members of the public present to provide testimony on the matter.

The commission began deliberation. Commissioner Slifka and Matyskiel commented on why they would be okay with approving the variation.

Mr. Buesing pointed out that in the staff report, variation standards one and two were not fully met based strictly on an analysis of those standards and that a motion by the commission to approve the request should state that they do find those standards to be met.

**Motion by Commissioner Matyskiel to close the public hearing. Second by Commissioner Holoman. Motion carried unanimously by voice vote 4-0.**

**Motion by Commissioner Slifka to approve the variation from Section 11-3-5 to increase the allowable fence height in the corner street yard from 48 inches to 60 inches, noting that the variation standards one and two have been met.**

City Attorney Scott Fintzen noted that all four of the variation standards need to be met. He stated the commission would need to state that based on the testimony tonight, they find that all four of the variation standards have been met.

**Commissioner Slifka moved to amend his motion to approve the variation from Section 11-3-5 to increase the allowable fence height in the corner street yard from 48 inches to 60 inches, noting that variation standards one through four have been met. Second by Commissioner Matyskiel. Roll Call:**

**AYE: Slifka, Holoman, Matyskiel, Stocking**

**NAY: None**

**ABSTAINED: Evans**

**MOTION PASSED 4-0**

Commissioner Evans rejoined the meeting at 7:17 pm.

**B. The Roosevelt – Great Western Flooring – Requests for:**

i. Comprehensive Plan Amendment from Single-Family Residential Attached/Single-Family Residential to General Commercial

ii. Zoning Map Amendment from D-MHR Mixed High Density Residential District to D-CM Commercial Mixed Use District

iii. Two Variations from Section 11-4A-11 to increase the maximum allowance for interior side and corner-street yard setbacks.

Location: PINs 12-02-354-004 & 12-02-354-005

Applicant: Emerald RE Holdings, LLC

City Planner Matt Buesing read the contents of the file.

Chairman Stocking swore in the individuals providing testimony for this public hearing.

Vince Rosanova, of the law firm Rosanova & Wicker, 445 Jackson Avenue, Naperville, introduced himself as the representative for the applicant, Emerald RE Holdings, LLC. Mr. Rosanova provided a presentation on the proposed mixed-use development of the property located at 122 & 130 E. State Street. These parcels have sat vacant for the past 5-6 years since the homes that were there were removed. In summary, the petitioner is proposing a three-story, mixed-use building with first-floor retail and apartments above on the second and third floors. There would be 2 studio apartments, 4 one bedroom apartments, and 8 two bedroom apartments on the second and third floors.

Mr. Rosanova explained that the first floor would be 7,300 sq. ft. with 5000 sq. ft. allocated for the primary tenant, which would be the Great Western Flooring Company, a woman owned and operated commercial flooring store that has been in business for 34 years that also offers design services. 300 sq.ft. would be for amenities for residents of the apartments located above, and 2,000 sq. ft. would be leased to a complimentary tenant, ideally someone within the home building industry and that tenant is to be determined. Renderings were presented of the entire building, parking lot, and trash receptacle area.

The applicant is requesting two setback variations. The first is to increase the maximum allowance for the interior side yard setback from the required 8 ft. to 28 ft. The second is to increase the corner-street yard setback from the required 15 ft. to 22 ft. The reason for these requests is to provide additional separation between the Warlick law firm and the proposed development as well as additional landscaping and improved aesthetics.

Mr. Rosanova provided market data that supported a demand for rental properties in the community. He stated the national average blend is about 65% owner occupied and 35% rental occupied, while Geneva is high on the owner occupied rate at about 85% owner occupied.

Mr. Rosanova thanked staff for their work thus far in the proposal as he ended his presentation.

Chairman Stocking opened the floor for commissioner's questions.

Commissioner Holoman clarified with the applicant that the units are rentals and not for purchase. She also clarified that the parking lot is a shared lot, not separated for the businesses and the tenants. She asked if affordable housing was ever an option for this proposal. Mr. Rosanova stated the proposal is for affordable housing in the sense that it

is attainable housing, but it won't be housing that is meant for low income qualified individuals or meet an affordable housing standard set by the state.

Commissioner Evans stated there are more parking spaces than required. Mr. Rosanova replied that they would like to err on the side of caution with parking so that no residents or customers are unable to find a parking space. Mr. Rosanova stated he believes 30 are required and there are 42 proposed. Commissioner Evans stated she believes there is better use for the space than parking spaces that might sit empty.

There was discussion about a letter that a neighbor to the south submitted to staff the same day as this meeting regarding their property line. Mr. Rosanova stated he also received that letter and intends to communicate and work out any issues with that neighbor.

Commissioner Evans asked if there will be signage along State Street. Mr. Rosanova replied there will be tasteful wall signage.

Commissioner Slifka asked a question about the grading plan with the slope on the property. Civil engineer, Jim Caneff, introduced himself and explained some of the grading/slope degree plans for the proposal. Commissioner Slifka responded that it seems like it will still be low in the back, where the proposed development would meet a residential area, that the far south is the designated snow stacking area and that it seems like that area has the least amount of landscaping planned for the site. He asked if the applicant could reallocate some landscaping to the back of the site that backs up to the residential area and move the snow stacking site. Mr. Rosanova responded that a 6 foot privacy fence is in the plan and agreed that they can add some landscaping to the south property line that will grow taller than the fence.

Commissioner Holoman asked what the pet policy would be. Mr. Rosanova replied that pets will be permitted. She asked if they will provide the stands with dog waste bags and the applicant responded that they can do that.

Chairman Stocking commented that he was overall impressed with the design and with no further questions from the commissioners he opened the floor for public comment.

Lillian Obucina, 19 Crissey Ave., introduced herself and stated she will be building a house on the parcel just south of the Dunkin Doughnuts. She asked how the maintenance of the property will be handled as she had some concerns about that and Mr. Rosanova assured her that it would be professionally managed. Ms. Obucina inquired about the timeline of the project. Mr. Rosanova stated that if everything goes favorable and is approved by the City, they would begin construction in the summer/fall of 2024 for the site improvements, "vertical" construction would take about a year after that, and then another 3-6 months for leases to be put into place. Ms. Obucina commented that a flooring store is nice but that she was hoping something would come

into the neighborhood that she could utilize frequently. The applicant added that The Great Western Flooring as a business will fit right into the neighborhood. They don't receive deliveries, no truck traffic, no smells, no noises, and have low traffic volume as a busy day might be 10 customers.

**Motion by Commissioner Evans to close the public hearing. Second by Commissioner Slifka. Roll Call:**

**AYE: Evans, Slifka, Holoman, Matyskiel, Stocking**

**NAY: None**

**MOTION PASSED 5-0**

Commissioner Matyskiel commented that the quality of the apartments is excellent as he has seen their apartments in Naperville and believes it will be a welcomed addition.

Commissioner Evans restated her concern over the excess parking spaces and stated she would like to see it cut back. Chairman Stocking suggested the 3-4 spaces he saw on the rendering on the far south side of the parking lot could be reduced. Commissioner Slifka agreed and stated he thinks losing those 4 spaces would be a good compromise. Mr. Rosanova suggested that the applicant reserve the right in the future to pave those spaces into parking spaces if they are needed in the future. Chairman Stocking sought feedback from city staff on that suggestion and Mr. DeGroot stated it is a condition that can be considered.

**Motion by Commissioner Evans to amend the comprehensive plan from Single-Family Residential Attached/Single-Family Residential to General Commercial for the property located at 122 & 130 E. State Street. Second by Commissioner Slifka. Roll Call:**

**AYE: Evans, Slifka, Holoman, Matyskiel, Stocking**

**NAY: None**

**MOTION PASSED 5-0**

**Motion by Commissioner Evans to approve a zoning map amendment from D-MHR Mixed High Density Residential District to D-CM Commercial Mixed Use District for the property located at 122 & 130 E. State Street. Second by Commissioner Slifka. Roll Call:**



**AYE: Evans, Slifka, Holoman, Matyskiel, Stocking**  
**NAY: None**

**MOTION PASSED 5-0**

**Motion by Commissioner Evans to approve variations from Section 11-4A-11 to allow a maximum interior side yard setback of 28 ft. instead of the required 8 ft., and a maximum street yard setback of 22 ft. instead of the required 15 ft. the property located at 122 & 130 E. State Street. Second by Commissioner Slifka. Roll Call:**

**AYE: Evans, Slifka, Holoman, Matyskiel, Stocking**  
**NAY: None**

**MOTION PASSED 5-0**

## **6. Site Plan Review:**

**A. The Roosevelt – Great Western Flooring – Request for Site Plan Approval of a proposed mixed-use development.**

Location: PINs 12-02-354-004 & 12-02-354-005

Applicant: Emerald RE Holdings, LLC

The commission discussed the details of the conditions they want to add onto their approval of the site plan. They decided the snow stacking site did not need to be relocated from the south property line since they are removing 4 parking spaces in that area to allow for more landscaping and green space. The applicant agreed that he believes it will all fit nicely there and will work with city staff on a landscaping package that is acceptable.

**Motion by Commissioner Evans to approve the site plan for the property at 122 & 130 E. State Street for the proposed mixed-use development with the following conditions; additional landscaping along the fence to be located at the south property line as shown in the plan, 38 approved parking spaces at this time and space for 4 additional spaces that can be built as needed at a later date. Second by Commissioner Matyskiel. Roll Call:**

**AYE: Evans, Slifka, Holoman, Matyskiel, Stocking**  
**NAY: None**

**MOTION PASSED 5-0**

Mr. Buesing stated this recommendation will go before the City Council on Monday October 2, 2023.

### **7. Public Comment**

Ms. Obucina asked staff for a department phone number as it relates to her planning to build a house.

### **8. Other Business**

City Planner Mr. Buesing stated that there is one item on the next meeting's agenda which will be September 28, 2023, and it relates to proposed text amendments for electric vehicles. He added that the Venture Park proposal that failed at the previous commission's meeting will go before the City Council on October 23, 2023.

### **9. Adjournment**

**Motion made by Commissioner Evans to adjourn the meeting at 8:20 p.m.**

# CITY OF GENEVA PLANNING AND ZONING COMMISSION

SEPTEMBER 28, 2023

Applicant

City of Geneva

Request

Zoning Ordinance Text Amendments to Chapter 2 Section 11-2-2 (Definitions of Words and Terms); Chapter 3 Section 11-3-3 (Accessory Buildings and Uses); Chapter 11 Section 11-11A-2 (Location, Size, and Other Requirements); and Chapter 11 Section 11-11A-3 (Design and Maintenance).

Staff Recommendation

To amend the above-mentioned sections of the Zoning Ordinance as presented herein.

Staff Liaison

David DeGroot  
Director of Community Development  
Phone: (630) 232-0814  
Email: ddegroot@geneva.il.us



AGENDA ITEM 5B

ZONING ORDINANCE  
TEXT AMENDMENTS

ELECTRIC VEHICLE CHARGING STATIONS

## BACKGROUND

In the fall of 2022, the Metropolitan Mayors Caucus invited municipalities in the region to participate in the EV Readiness Program to prepare to meet the growing demand for electric vehicles and electric vehicle charging infrastructure. The City of Geneva joined the first cohort of communities to receive technical assistance and training in a variety of areas as we work toward the designation on an “EV Ready Community”.

Part of the program requires communities to develop clear permitting for electric vehicle charging infrastructure and to analyze zoning and parking codes to address barriers to electric vehicle infrastructure. The Zoning Ordinance is silent on electric vehicle charging stations; however, they have been interpreted and permitted as an accessory use for both residential and commercial properties. While staff did not identify specific barriers to electric vehicle infrastructure, it is recommended to amend the ordinance to clarify where charging stations are permitted and to establish some general design and maintenance standards.

## REQUEST

The proposed Zoning Ordinance Text Amendments are as follows:

- 1) Chapter 2 Section 11-2-2 (Definitions of Words and Terms) related to defining the terms “electric vehicle” and “electric vehicle charging stations”;
- 2) Chapter 3 Section 11-3-3 (Accessory Buildings and Uses) related to the permitted locations of electric vehicle charging stations as attached or detached accessory structures;
- 3) Chapter 11 Section 11-11A-2 (Location, Size and Other Requirements) related to the computation of required parking spaces when electric vehicle charging stations are provided; and
- 4) Chapter 11 Section 11-11A-3 (Design and Maintenance) related to the design and maintenance of parking spaces with electric vehicle charging stations.

## REVIEW COMMENTS

### Chapter 2 Section 11-2-2 Definitions of Terms

*Below Staff has recommended definitions for electric vehicles and electric vehicle charging stations, which would be added to Chapter 2. Please note that the definition of electric vehicle charging station clarifies that when a charging station, or collection of charging stations, is the primary use of the site the use shall be considered a gasoline fuel station for zoning purposes.*

EFFICIENCY UNIT:	A dwelling unit consisting of one principal room, together with bathroom, kitchen, and closet space.
ELECTRIC VEHICLE:	A vehicle that can be powered by an electric motor that draws electricity from a battery and is capable of being charged from an external source.
ELECTRIC VEHICLE CHARGING STATION:	Equipment that connects to an electric vehicle to a source of electricity to recharge the battery of the electric vehicle. Electric vehicle charging stations are permitted as an accessory use in all zoning districts. If the primary use of a zoning lot is the retail charging of electric vehicle batteries, the use shall be considered a gasoline fuel station for zoning purposes.
ELIGIBLE FACILITY:	Existing wireless tower or base station that has been approved through a local government land use review process prescribed for the tower or base station.

### Chapter 3 Section 11-3-3 (Accessory Buildings and Uses)

*Chapter 3 of the Zoning Ordinance lists the standards for attached and detached structures. The chapter states what yard the structure is allowed in (street, rear or side), and what the setback or allowed encroachment is. It is recommended to amend this section to clarify that electric vehicle charging stations are a permitted attached and detached accessory use. These amendments are consistent with the City's current practice.*

- C. Height Of Accessory Buildings and Structures: Unless otherwise noted, a detached accessory building or structure shall not exceed the height of the principal building or structure on the zoning lot, or twenty-five feet (25') whichever is less, as measured from top of foundation to the highest point of said building or structure.
- D. Attached Accessory Structures: Attached accessory buildings, structures, or uses shall be permitted in designated yards as shown below. Unless otherwise specified below, all attached accessory buildings, structures, or uses shall comply with all zoning district regulations applicable to the principal building, structure, or use to which it is accessory.

ST = Street yards

S = Side yards

R = Rear yards

Attached Accessory Structures—Type Of Obstruction	Permitted Yard Location		
	ST	S	R
Eaves and gutters and downspouts	ST	S	R
<b>Electric Vehicle Charging Stations</b>	<b>ST</b>	<b>S</b>	<b>R</b>
Fallout Shelters			R

E. Detached Accessory Structures, Improvements and Uses: Detached accessory buildings, structures, or uses shall be permitted in designated yards as shown below. Except for properties located in the RR or RE districts (see subsections G. and H. of this section) or unless otherwise specified below, all detached accessory buildings, structures, or uses shall not be less than five (5) feet from an interior side or rear lot line.

ST = Street yards (Front yards are included under Street yards)

S = Side yards

R = Rear yards

Detached Accessory Structures—Type Of Obstruction	Permitted Yard Location		
	ST	S	R
Dumpsters and garbage receptacles (May be placed in the street yard temporarily for collection)		S	R
<b>Electric Vehicle Charging Stations</b> <b>(Must comply with required parking setbacks for the district in which they are located)</b>	<b>ST</b>	<b>S</b>	<b>R</b>
Fallout shelter			R

Chapter 11 Section 11-11A-2 (Location, Size, and Other Requirements)

*It is recommended to amend this section as shown below to clarify that electric vehicle charging stations count toward a property’s minimum parking requirements. This amendment is consistent with the City’s current practice.*

H. Computation: When determination of the number of off-street parking spaces, required by this title, results in a requirement of a fractional space, any fraction shall be counted as one parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing or both, on the premises at any one time. **Parking spaces provided for an electric vehicle charging station shall be counted toward the minimum number of required off-street parking spaces. No minimum number of electric vehicle charging stations is required.**

Chapter 11 Section 11-11A-3 (Design and Maintenance)

*This section of the Zoning Ordinance lists standards for parking lots including regulations for surfacing, drainage, lighting, barrier curbs, and signs. It is recommended to amend this section by adding subsection C below, which would add standards specific to parking spaces with electric vehicle charging stations.*

**C. Electric Vehicle Charging Stations:**

1. **Maintenance:** Charging equipment, bollards and parking spaces shall be maintained in all respects. The property owner of the equipment shall be responsible for the maintenance of the charging station and shall provide warranty and service for the charging stations and infrastructure for the duration of their useful life. A phone number or other contact information shall be provided on the charging station equipment for reporting purposes when the equipment is not functioning or other equipment problems are encountered.
2. **Protection:** Adequate charging station equipment protection, such as barrier curbing, concrete filled steel bollards, or similar shall be used.
3. **Usage Fees:** An owner of a charging station is not prohibited from collecting a fee for the use of a charging station, in accordance with applicable state and federal regulations. Fees shall be prominently displayed on the charging station.
4. **Notification:** Information on the charging station, identifying voltage and amperage levels, time of use, and safety information shall be provided.
5. **Signage:** On-site advertising is allowed on an electric vehicle charging station only when it is an integral part of the charging station. All advertising is limited to the promotion of goods, services and products of the owner and tenants on-site where the electric vehicle charging station is located. The on-site advertising may consist of static images that change no faster than once every 10 seconds or a continuous video on a LED screen. No advertisement shall play or emit any sound. Such signs shall not be visible from the public right-of-way.

## **RECOMMENDATION**

Staff recommends approval of the Zoning Ordinance text amendments to:

- 1) Chapter 2 Section 11-2-2 (Definitions of Words and Terms) related to defining the terms “electric vehicle” and “electric vehicle charging station”;
- 2) Chapter 3 Section 11-3-3 (Accessory Buildings and Uses) related to electric vehicle charging stations being permitted as attached or detached accessory structures;
- 3) Chapter 11 Section 11-11A-2 (Location, Size, and Other Requirements) related to the computation of required parking spaces when electric vehicle charging stations are provided; and
- 4) Chapter 11 Section 11-11A-3 (Design and Maintenance) related to the design and maintenance of parking spaces with electric vehicle charging stations.

## **REVIEW/APPROVAL PROCESS: NEXT STEPS\***

1. October 16, 2023 - City Council consideration of request