

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

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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
Electric Vehicle Charging Stations	ST	S	R
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
Electric Vehicle Charging Stations (Must comply with required parking setbacks for the district in which they are located)	ST	S	R
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