



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item:	Approval of Ordinance 2023- amending the following sections of the Zoning Ordinance: 1) Chapter 2 Section 11-2-2 (Definitions of Words and Terms) related to the 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.		
Presenter & Title:	David DeGroot, Director of Community Development		
Date:	October 16, 2023		
<i>Please Check Appropriate Box:</i>			
<input type="checkbox"/>	Committee of the Whole Meeting	<input type="checkbox"/>	Special Committee of the Whole Meeting
<input checked="" type="checkbox"/>	City Council Meeting	<input type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Other -
Associated Strategic Plan Goal/Objective: ES-II			
Estimated Cost: \$0	Budgeted?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Other Funding? <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If “Other Funding,” please explain how the item will be funded:</i>			
Executive Summary:			
<p>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”.</p> <p>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</p>			

infrastructure, it is recommended to amend the ordinance to clarify where charging stations are permitted and to establish some general design and maintenance standards.

Amendments to the Zoning Ordinance require a Planning & Zoning Commission public hearing and recommendation to the City Council. At its meeting on September 28, 2023 the Planning & Zoning Commission unanimously recommended approval of the text amendments as presented in the attached ordinance.

Attachments: *(please list)*

- Ordinance 2023-

Voting Requirements:

This motion requires a simple majority of affirmative votes for passage. (City Council Only)

The Mayor may vote on three occasions: (a) when the vote of the alderpersons has resulted in a tie; (b) when one half of the alderpersons elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.

Recommendation / Suggested Action: *(how the item should be listed on agenda)*

Approval of Ordinance 2023- amending the following sections of the Zoning Ordinance:

- 1) Chapter 2 Section 11-2-2 (Definitions of Words and Terms) related to the 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.

ORDINANCE 2023-

AN ORDINANCE AMENDING TITLE 11 (ZONING ORDINANCE) OF THE GENEVA CITY CODE, 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)

WHEREAS, an application was duly filed by the City of Geneva on the 17th day of August, 2023 with the Planning and Zoning Commission of the City of Geneva requesting amendments to Title 11 of the Geneva City Code (hereinafter referred to as the Zoning Ordinance), 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); and

WHEREAS, a Notice of Public Hearing on the application was duly published on September 11, 2023 in the Daily Herald, a newspaper of general circulation in the City of Geneva, in the manner and form as provided for zoning text amendment requests under Title 11 of the Geneva City Code, as amended, and a public hearing was held by the Planning and Zoning Commission on September 28, 2023 at the City Hall Council Chambers at 109 James Street, and at the meeting the Planning and Zoning Commission unanimously recommended approval of Zoning Ordinance Text Amendments as presented herein; and

WHEREAS, the City Council concurs with the recommendation of the Planning and Zoning Commission, and finds that it is in the best interest of the City to amend the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS THAT THE FOLLOWING SECTIONS OF THE GENEVA CITY CODE BE AMENDED AS FOLLOWS:

SECTION 1: Title 11 of the Geneva City Code (Zoning Ordinance), Section 11-2-2 (Definitions of Words and Terms) is hereby amended by adding the following terms and definitions, inserted in alphabetical order:

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.

SECTION 2: Title 11 of the Geneva City Code (Zoning Ordinance), Section 11-3-3 (Accessory Buildings and Uses) is hereby deleted in its entirety and replaced with the following language:

ACCESSORY BUILDINGS AND USES:

- A. Purpose: Accessory buildings, structures and uses customarily incidental to and commonly associated with a use allowed as a permitted or special use within a particular zoning district may be allowed to occupy the same zoning lot as the permitted or special use. To qualify as an accessory building, structure or use, it shall be operated and maintained under the same

ownership and on the same lot as the principal building, structure or use and shall meet the definition for an "accessory use" stated in section 11-2-2 of this title.

- B. Drainage And Utility Easements: Accessory buildings, structures or uses shall not be located on or within any utility or drainage easement created by a duly recorded document.
- 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 yard

S = Side yard

R = Rear yard

Attached Accessory Structures—Type Of Obstruction	Permitted Yard Location		
Air conditioning equipment		S	R
Awnings, marquees and canopies (May extend up to three (3) feet into a required setback, except in the D-CM and D-RSCM Districts to the back of curb in the street right-of-way, and except in the R Public Schools District to the property line in the street setback)	ST	S	R
Bay windows (May extend up to two (2) feet into the required setback; individually not more than eight (8) feet wide along the building elevation; and collectively, the floor of all bay windows shall not exceed two percent (2%) of the total floor area of the building)	ST	S	R
Cantilevered floors (Not permitted in the required street or side yard setback but may extend up to two (2) feet into the required rear yard setback, including all projections from the building)	ST	S	R
Carports		S	R
Communications tower			R
Decks		S	R
Eaves and gutters and downspouts (May extend up to two (2) feet into the required setback)	ST	S	R
Electric Vehicle Charging Stations	ST	S	R
Fallout shelters			R
Fences (see section 11-3-5 of this chapter for additional requirements)	ST	S	R
Fireplaces (May extend up to two (2) feet into the required setback and not more than eight (8) feet wide along the building elevation)	ST	S	R
Hardscape areas (Shall be allowed in the street yard in residential districts only, shall not exceed a total area	ST	S	R

of greater than one hundred (100) square feet (excluding service walks, shall not create a width greater than eight (8) feet within ten (10) feet of the street yard property line (including service walks), and shall not exceed more than thirty-two (32) square feet in area within ten (10) feet of the street yard property line. Illustrated at Section 11-15-18.			
Off street parking, nonresidential (See applicable zoning district for allowable encroachment)	ST	S	R
Off street parking, residential (See applicable zoning district and section for applicable requirements)	ST	S	R
Outdoor seating areas (Shall be allowed in nonresidential districts only and may extend to the property line in the D-CM and D-RSCM Districts)	ST	S	R
Patios		S	R
Pergolas (May extend up to three [3] feet into a required side yard or rear yard setback or extend eight [8] feet into a required street setback except in the D-CM, D-RSCM, and R-PS Districts, where pergolas may extend to the property line in the street setback; maximum allowable height of the tallest element is twelve [12] feet above the covered surface; retractable fabric panels may be installed between girders and/or cross rafters for the purpose of sun shading; permanent or semi-permanent, vertical or horizontal panels are not allowed)	ST	S	R
Porch (in the D-SFMR, D-SFHR and D-MHR Districts porches may encroach into the required street setback up to a maximum of eight (8) feet)	ST	S	R
Satellite antennas			R
Shade Sail (Allowed in any yard except a front yard; maximum allowable height is fifteen [15] feet above the covered surface; combined area of one or more shade sails shall not exceed the area of the associated outdoor area; shade sails shall not contain any logos or advertisements; no portion of the shade sail may be located in a public easement)	ST	S	R
Sheds and storage structures for garden equipment		S	R
Sidewalks and other walkways	ST	S	R
Signs and nameplates	ST	S	R
Sills, belt courses and ornamental features of the principal structure (May extend up to eighteen (18) inches into the required setback)	ST	S	R
Steps and ramps (May not be less than one (1) foot from a lot line and four (4) feet above the established grade and which are necessary for access to a structure or from a public right-of-way)	ST	S	R
Stoops (in the D-SFMR, D-SFHR and D-MHR Districts stoops may encroach into the required street or rear setback up to a maximum of five (5) feet)	ST	S	R
Terraces	ST	S	R
Trellises (Maximum allowable height shall be no greater than the structure to which it is attached or adjacent)	ST	S	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 F. and G. 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 yard

S = Side yard

R = Rear yard

Detached Accessory Structures—Type Of Obstruction	Permitted Yard Location		
		S	R
Air conditioning equipment		S	R
Arbors (Allowed in any yard except a front yard; no setback required; maximum allowable height is eight [8] feet above grade or paved walkway; maximum allowable depth is three [3] feet; no greater than two [2] feet wider than walkway it covers but in no instance more than eight [8] feet wide.)	ST	S	R
Barbecuing equipment (permanent and temporary)		S	R
Carpports		S	R
Communications tower			R
Decks (allowed up to 5 feet from interior side and rear property lines)		S	R
Dog runs			R
Doghouses			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 shelters			R
Fences (See section 11-3-5 of this chapter for additional requirements)	ST	S	R
Fireplaces (Only gas log fireplaces are permitted when included within a roofed structure; fireplaces are permitted not more than two (2) feet into the required setback and not more than eight (8) feet wide along the building elevation)	ST	S	R
Firewood storage		S	R
Flagpoles	ST	S	R
Garages(May be located in the corner street yard, but not the front yard, provided a minimum setback of ten (10) feet is maintained and the zoning lot is less than sixty (60) feet wide)		S	R

Garden appurtenances (Such as benches, sundials, birdbaths, fountains and sculptures)	ST	S	R
Gazebos (Maximum allowable height is fourteen [14] feet to the tallest element from finished grade)			R
Greenhouses			R
Hardscape areas (Shall be allowed in the street yard in residential districts only, shall not exceed a total area of greater than one hundred (100) square feet (excluding service walks, shall not create a width greater than eight (8) feet within ten (10) feet of the street yard property line (including service walks), and shall not exceed more than thirty-two (32) square feet in area within ten (10) feet of the street yard property line. Illustrated at Section 11-15-18.	ST	S	R
Hot tubs			R
Off street parking (See chapter 11A of this title for additional requirements)	ST	S	R
Off street parking, residential (See applicable zoning district and section for applicable requirements)	ST	S	R
Ornamental lighting	ST	S	R
Outdoor seating areas (Shall be allowed in nonresidential districts only and may extend to the property line in the D-CM and D-RSCM Districts)	ST	S	R
Patios (allowed up to 5 feet from interior side and rear property lines)		S	R
Pergolas (Allowed in any yard except a front yard; maximum allowable height is twelve [12] feet above the covered surface)	ST	S	R
Picnic tables and patio or lawn furniture		S	R
Playground Equipment and Playhouses (Exception: Basketball hoops, backstops and supporting posts are allowed in all yards)			R
Recreational vehicle and trailer storage		S	R
Satellite antennas			R
Shade Sail (Allowed in any yard except a front yard; maximum allowable height is fifteen [15] feet above the covered surface; combined area of one or more shade sails shall not exceed the area of the associated covered surface; shade sails shall not contain any logos or advertisements; no portion of a shade sail may be located in a public easement)	ST	S	R
Sheds and storage structures for garden equipment		S	R
Sidewalks and other walkways	ST	S	R
Summerhouses (Maximum allowable height is fourteen [14] feet to the tallest element from finished grade)			R
Signs and nameplates	ST	S	R

Swimming pools			R
Tennis courts			R
Temporary Ice Rink (between November 15 th and April 1 st , not to exceed 48 inches in height)	ST		R
Terraces	ST	S	R
Trellises (For open-air or freestanding trellises, the maximum allowable height is the same as the applicable yard fence height)	ST	S	R

- F. Accessory Uses in the RR Rural Residential District: Accessory uses and buildings shall be no closer than twenty feet (20') to any rear property line.
- G. Accessory Uses in the RE Estate Single Family District: Accessory uses and buildings shall be no closer than twenty feet (20') to any side or rear lot line. Additionally, accessory uses and buildings with a total floor area in excess of five hundred fifty (550) square feet shall be permitted in the rear yard only.

SECTION 3: Title 11 of the Geneva City Code (Zoning Ordinance) Section 11-11A-2 (Location, Size, and Other Requirements), subsection H is hereby deleted in its entirety and replaced with the following language:

- 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.

SECTION 4: Title 11 of the Geneva City Code (Zoning Ordinance) Section 11-11A-3 (Design and Maintenance) is hereby amended by adding subsection C as follows:

- C. Electric Vehicle Charging Stations:
 1. Maintenance: Charging equipment, bollards and parking spaces shall be maintained in all respects. The 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. Failure by the equipment owner shall not absolve the property owner of their obligation to comply with the maintenance requirements stated herein.
 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.

SECTION 5: That Title 11 of the Geneva City Code, as heretofore and hereinabove amended, shall otherwise remain in full force and effect.

SECTION 6: This ordinance shall become effective from and after its passage as in accordance with law. Consent is hereby given for publication of this ordinance in pamphlet form.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this ____ day of _____ 2023.

AYES:____ NAYS:____ ABSENT:____ ABSTAINING:____ HOLDING OFFICE:____

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois, this ____ day of _____ 2023.

Mayor

ATTEST:

City Clerk