



Legislation Details (With Text)

File #: O-078-23 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 2/9/2023 **In control:** City Council
On agenda: 2/21/2023 **Final action:** 2/21/2023
Title: Creating a new Toledo Municipal Code (TMC), Part Eleven, Subsection 1105.13; and amending TMC Subsection 1116.0132, by adding 1116.0321.1, 1116.0321.2 and 1116.021.3 regarding Electric Charging Stations and Electric Vehicles defined; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
2/21/2023	1	City Council	Suspension	Pass
2/21/2023	1	City Council	Suspension	Pass
2/21/2023	1	City Council	Emergency	Pass
2/21/2023	1	City Council	Passage	Pass

Zoning & Planning Committee

Creating a new Toledo Municipal Code (TMC), Part Eleven, Subsection 1105.13; and amending TMC Subsection 1116.0132, by adding 1116.0321.1, 1116.0321.2 and 1116.021.3 regarding Electric Charging Stations and Electric Vehicles defined; and declaring an emergency.

SUMMARY & BACKGROUND:

The request is a text amendment to section 1105 - Accessory Uses of the Toledo Municipal Code (TMC) Chapter 11 to permit electric vehicle (EV) charging as an accessory use in all zoning districts. The proposed amendment is in response to recurring questions to staff regarding the regulations for the charging of EVs from the public and other city divisions. The purpose of the proposed amendment is to codify how EV charging has been reviewed by the plan commission in the past, and create clear and predictable approval requirements for applicants looking to install EV Charging.

Background

Electric Vehicles (EVs) include battery electric vehicles and plug in hybrid vehicles which utilize an externally charged battery for propulsion in conjunction with or in lieu of an internal combustion engine. National trends have led to an increase in popularity and interest in EVs. The city regulates the fueling of combustion engine powered vehicles through Special Use Permits required for gas stations, however the charging characteristics of EVs differs significantly. EV charging typical requires less space than a gas pump, but longer times to bring a vehicle to capacity. For this reason, a study and clarification of regulations regarding EV charging is necessary.

Currently, the TMC does not contain any language regarding EV charging. Staff acknowledges that EVs are an emerging technology, and that universal adoption and implementation of the technology has yet to, and may not, occur. Additionally, the land-use impact of large-scale EV use is still unknown due to the rapid evolution of the technology. For these reasons, staff aims to adopt a policy for EV Charging that is adaptable to market conditions.

Proposal

The proposed text amendment is attached to this report as Exhibit “A”. The code permits EV charging as an accessory use to any primary use regardless of zoning district. The installation of four (4) or less EV charging spaces in an existing site requires no site plan review. The installation of five (5) to fifty-nine (59) EV charging spaces in an existing site requires a minor site plan review. The installation of sixty (60) or more EV charging spaces in an existing site requires a major site plan review. These numbers align with the review criteria of TMC§1111.0800. All new sites installing EV charging spaces shall be required to depict the spaces, equipment, and infrastructure on site plans when submitted for site plan review. EV Charging spaces are counted toward fulfilling off-street parking standards. Definitions will also be added to the TMC for Electric Vehicles, as well as the equipment and infrastructure used in for charging them.

The proposed text amendment also provides standards for the placement and design of EV charging parking spaces, the purpose of which is to provide predictable approval criteria for applicants, as well as maintain existing standards within the TMC. The design standards include the following elements:

- EV charging spaces shall maintain minimum parking space dimensions (9’x18’)
- A minimum of one (1) EV charging space per ten (10) shall include an eight-foot (8’) drive aisle for van accessibility.
- EV charging equipment and infrastructure shall not be permitted within required setbacks, nor reduce the amount of required landscaping.
- Charging infrastructure, such as ground-mounted transformers, shall require screening from right-of-way.
- Canopies covering EV charging structures shall be subject to similar requirements as gas-station canopies.
- EV charging equipment may be installed in any parking space for detached houses, attached houses, or duplexes.

An installation guide explaining the basics of this proposed code has been included as Exhibit “B” of this report.

Peer City Research

The following Ohio cities were researched and solicited for information regarding zoning for EV charging: Columbus, Cleveland, Akron, Cincinnati, Dayton, and Youngstown. Of the cities, the majority have no limitations on the installation of EV Charging, or design standards for their installation. In discussions with staff of other cities, it was found that EV charging was generally treated as an accessory use, and permitted by right. Several staff of peer cities indicated interest in pursuing codification of these standards for their own municipalities.

The City of Columbus is unique in not having EV Charging spaces count towards parking maximums - this method of counting spaces passively incentivizes the installation of charging by permitting parking lots to

expand beyond maximum sizes through the use of EV charging spaces.

The City of Youngstown was also found to have unique regulations regarding EV Charging. In each new parking lot or garage containing over one-hundred (100) parking spaces, at least two (2) spaces within the ten (10) spaces closest to the primary entrance to the building shall be reserved for parking for either (i) a carpool vehicle, (ii) a vanpool vehicle, or (iii) a hybrid or electric vehicle. Secondly, at least one percent of parking spaces in parking lots containing over two-hundred (200) spaces shall be provided with an electric vehicle charging point with a minimum of 240 volt current. Staff feels such requirements in Toledo would necessitate further research prior to implementation, and no such requirement is proposed for the TMC at this time.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive plan recommends promoting self-sufficient neighborhoods by providing necessary amenities, services and retail establishments within a reasonable distance (Neighborhood and Commercial Land Use Recommendation #126). By allowing EV Charging as an accessory use to all permitted uses, the proposed regulations increase the accessibility to EV amenities for all neighborhoods, while remaining flexible based upon market demand. The proposed text amendment aligns with the Toledo 20/20 Comprehensive Plan. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1105.13 is created to read as follows:

1105.1300 | Charging of Electric Vehicles

1105.1301 Purpose

The regulations of this section are intended to ensure that off-street parking spaces designed for the charging of electric vehicles do not adversely affect surrounding areas.

1105.1302 Existing Parking Areas

- A.** The addition of charging equipment to existing spaces or adjustment of drive-aisles for traffic-flow shall be considered a modification of a parking space for the purpose of Site Plan Review per section 1111.0800. A modification of 5 to 59 spaces shall require a Minor Site Plan Review, and a modification of 60 or greater shall require a Major Site Plan Review per section 1111.0800.

1105.1303 New Parking Areas

- A.** EV charging equipment and infrastructure shall be depicted on site plans.

1105.1304 Standards

- A.** Electric Vehicle Charging Parking pursuant to this section is a parking space conforming to the standards of Section 1107.1900 and installed with equipment utilized in the charging of Electric Vehicles. Equipment shall not reduce spaces below the minimum dimensions required by 1107.1900.
- B.** Electric Vehicle Charging spaces shall provide one space following the van-accessible dimensions as outlined in Section 1107.1702(B) per ten Electric Vehicle Charging spaces. No less than one van accessible Electric Vehicle Charging space shall be required when Electric Vehicle Charging is installed.

1. Electric Vehicle Charging spaces shall not contribute to the required number of accessible parking spaces required in Section 1107.1701.
- C. EV Charging Equipment and infrastructure utilized in the charging of Electric Vehicles shall be subject to the following:
 1. No charging equipment or infrastructure may be installed in required setbacks.
 2. Charging equipment located in landscaped areas shall not reduce landscaping below required minimums.
 3. Charging infrastructure shall be subject to Sight Distance Setbacks of 1107.2000.
 4. Charging infrastructure shall require screening from view of the public right of way or neighboring properties with evergreen plantings. Alternative screening methods may be approved by the Plan Director.
- D. Canopies shall be set back a minimum of 10 feet from the property line, and shall be designed to be consistent with the building materials and colors of the principal building. Support columns shall be brick, brick base, or other durable materials compatible with the principal building. The Planning Director may require a peaked roof to complement the principal building.
- E. EV Charging equipment may be installed in any legally established parking space for detached house, attached house, or duplex.

1105.1305 Parking Schedule Applicability

- A. Electric Vehicle Parking shall be counted toward fulfilling off-street parking standards per Off-Street Parking Schedule "A".

SECTION 2. That Toledo Municipal Code, Part Eleven, Subsection 1116.0132. is created to read as follows:

- 1116.0132.1 Electric Vehicle (EV)** EV includes BEV Battery Electric Vehicles, which are vehicles that utilize an externally charged battery as the primary fuel source and PHEV Plug in Hybrid Vehicles which are vehicles that utilize a combination of an externally charged battery and an internal combustion engine.
- 1116.0132.2 EV Charging Equipment** An electrical dispenser designed specifically to charge batteries within electric vehicles.
- 1116.0132.3 EV Charging Infrastructure** Electrical and other components designed to enable charging operations but not necessarily directly used to charge batteries such as generators, transformers, mini-substations, and other similar structures.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to provide for the orderly development of the area and to protect the land values in the area.

Vote on emergency clause: yeas 12, nays 0.

Passed: February 21, 2023, as an emergency measure:

yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved: February 22, 2023
Wade Kapszukiewicz

Mayor