

Council Bill/General Ordinance No.

Sponsor: _____

A ZONING TEXT AMENDMENT ORDINANCE

AMENDING

Chapter 35, “ZONING AND LAND DEVELOPMENT,” of the Moline Code of Ordinances regarding electric vehicle supply equipment, including amendments to ARTICLE 1, DIVISION 2, Section 35-1203, “DEFINITIONS;” ARTICLE 3, DIVISION 4, Section 35-3401, “REGULATION OF ALLOWED USES;” Table 35-3401.1, “Permitted Land Uses;” Section 35-3408, “PRINCIPAL COMMERCIAL LAND USES;” Section 35-3411, “ACCESSORY RESIDENTIAL LAND USES;” Section 35-3414, “ACCESSORY COMMERCIAL USES;” and ARTICLE 5, DIVISION 1, Section 35-5100, “OFF-STREET PARKING AND TRAFFIC CIRCULATION STANDARDS.”

WHEREAS, the City of Moline (“**City**”) is a home rule municipal corporation organized and operating in accordance with the Constitution and laws of the State of Illinois; and

WHEREAS, pursuant to its home rule power, the City may exercise any power and perform any function relating to its government and affairs; and

WHEREAS, the City continuously analyzes its Zoning and Land Development Code (“**Zoning Code**”) in order to ensure that it is responsive to contemporaneous development trends and affords clarity to existing and prospective property owners and occupants as well as its staff tasked with administering and enforcing its provisions; and

WHEREAS, the City has determined that amendments to the Zoning Code are necessary and desirable to prepare for the expected future demand for electric vehicle charging by:

- a) requiring limited installation of basic electric vehicle supply equipment infrastructure in large multi-family residential and non-residential off-street parking areas; and
- b) allowing electric vehicle charging stations as permitted or accessory uses in designated zoning districts; and

WHEREAS, amendments to the text of the Zoning Code are adopted by the City Council periodically to ensure that the zoning regulations are up-to-date and adequately responsive to community needs, land use trends, and growth patterns within the City; and

WHEREAS, notice of a public hearing on the City’s petition for text amendments to the City of Moline Zoning and Land Development Code, as amended, was published in the _____ on _____, 2023; and

WHEREAS, a public hearing was convened by the Plan Commission on February 22, 2023, on which date the Plan Commission closed the public hearing and, pursuant to the findings of fact attached as *Exhibit A* and, by this reference, made a part of this Ordinance, recommended approval of the proposed text amendment.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Moline, Rock Island County, Illinois as follows:

Section 1 – The foregoing recitals are hereby incorporated into this Ordinance as though fully set forth in this Section 1.

Section 2 – Chapter 35, “ZONING AND LAND DEVELOPMENT,” ARTICLE 1, DIVISION 2, Section 35-1203, “DEFINITIONS” of the Moline Code of Ordinances, is hereby amended pursuant to Section 35-2203 of the Moline Code of Ordinances to add the following definitions in the proper alphabetical order and the following subsections renumbered chronologically as follows (additions in **bold and underlined** and deletions in ~~**bold and strikethrough**~~):

“SEC. 35-1203. DEFINITIONS.

The following words, terms and phrases, wherever they occur in this Code, shall have the meanings ascribed to them by this section. Definitions shown in italics are unique to this Code and are not included in the Unified Code. Definitions provided by this section include:

[. . .]

Charging Level. The standardized indicators of electrical force, or voltage at which an electric vehicle’s battery is recharged. Typical electric vehicle charging levels and specifications are:

- a. Level 1: AC slow battery charging. The charging station delivers electric power to a vehicle’s charging module which converts the AC power to DC power and delivers it to the battery. Voltage is one hundred twenty (120) volts.**
- b. Level 2: AC medium battery charging. The charging station delivers electric power to a vehicle’s charging module which converts the AC power to DC power and delivers it to the battery. Voltage is between two hundred eight (208) volts for commercial use and two hundred forty (240) volts for residential use.**
- c. Level 3: DC fast or quick battery charging. Sometimes referred to as “DC fast.” The charging station bypasses a vehicle’s on-board charger to directly deliver electricity to the vehicle’s high voltage battery. Voltage is equal to or greater than four hundred eighty (480) volts.**

Charging Station. **A location to access electric vehicle supply equipment for the transfer of electric energy by conductive or inductive means to a battery or other rechargeable energy storage system in an electric vehicle. For a charging station(s) as a principal use, see “sales or service in-vehicle.” Sec. 35-3408(e). For a charging station(s) as an accessory use, see “Accessory Residential Land Uses” (Sec. 35-3411) or “Accessory Commercial Land Uses” (Sec. 35-3414).**

Types of charging stations include:

- a. Private Charging Station: A charging station that is: 1) privately owned and has restricted access (e.g., single-family home, executive parking, designated employee parking, etc.), or 2) publicly owned and has restricted access (e.g., fleet parking with no access to the general public).**
- b. Public Charging Station: A charging station that is: 1) publicly owned and publicly available (e.g., park and ride, public parking lots, on-street parking, etc.), or 2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots, etc.).**

Electric Vehicle. **“Electric Vehicle” as defined by the most-recent version of the Moline Electrical Code (Code Sec. 8-6100), as amended (National Electrical Code, Sec. 625.2 (2011)): An automotive-type vehicle for on-road use, such as passenger automobiles, buses, truck, vans, neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current. Plug-in hybrid electric vehicles (PHEV) are considered electric vehicles. For the purpose of this chapter, off-road, self-propelled electric vehicles, such as industrial trucks, hoists, lifts transports, golf carts, airline ground support equipment, tractors, boats and the like, are not considered electric vehicles.**

Electric Vehicle Connector. **“Electric Vehicle Connector” as defined by the most-recent version of the Moline Electrical Code (Code Sec. 8-6100), as amended (National Electrical Code, Sec. 625.2 (2011)): A device that, by insertion into an electric vehicle inlet, establishes an electrical connection to the electric vehicle for the purpose of power transfer and information exchange. This device is part of the electric vehicle coupler.**

Electric Vehicle Coupler. **“Electric Vehicle Coupler” as defined by the most-recent version of the Moline Electrical Code (Code Sec. 8-6100), as amended (National Electrical Code, Sec. 625.2 (2011)): A mating electric vehicle inlet and electric vehicle connector set.**

Electric Vehicle Inlet. “**Electric Vehicle Inlet**” as defined by the most-recent version of the Moline Electrical Code (Code Sec. 8-6100), as amended (National Electrical Code, Sec. 625.2 (2011)): **The device on the electric vehicle into which the electric vehicle connector is inserted for power transfer and information exchange. This device is part of the electric vehicle coupler. For the purposes of this chapter, the electric vehicle inlet is considered to be part of the electric vehicle and not part of the electric vehicle supply equipment.**

Electric Vehicle Supply Equipment. “**Electric Vehicle Supply Equipment**” as defined by the most-recent version of the Moline Electrical Code (Code Sec. 8-6100), as amended (National Electrical Code, Sec. 625.2 (2011)): **The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.**

Electric Vehicle Supply Equipment Infrastructure. **The electrical infrastructure necessary to support future installation of electric vehicle supply equipment, including, but not be limited to, the design load placed on electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder/branch circuits, raceways, and wiring.**

EV-Ready. **Having conduit installed for electric vehicle supply equipment infrastructure for a dedicated branch circuit terminating at a receptacle, junction box, or electric vehicle supply equipment adjacent to the parking space for Level 2 or Level 3 electric vehicle charging.**

EV-Installed. **Having all necessary electric vehicle supply equipment infrastructure and electric vehicle supply equipment installed for Level 2 or Level 3 electric vehicle charging.**

Plug-In Hybrid Electric Vehicle (PHEV). “**Plug-In Hybrid Electric Vehicle (PHEV)**” as defined by the most-recent version of the Moline Electrical Code (Code Sec. 8-6100), as amended (National Electrical Code, Sec. 625.2 (2011)): **A type of electric vehicle intended for on-road use with the ability to store and use off-vehicle electrical energy in the rechargeable energy storage system, and having a second source of motive power.**

Rechargeable Energy Storage System. “**Rechargeable Energy Storage System**” as defined by the most-recent version of the Moline Electrical Code (Code Sec. 8-6100), as amended (National Electrical Code, Sec. 625.2 (2011)): **Any power source that has the capability to be charged and discharged.**

[. . .]”

Section 3 – Chapter 35, “ZONING AND LAND DEVELOPMENT,” ARTICLE III, DIVISION 4, Section 35-3401, “REGULATION OF ALLOWED USES” and Table 35-3401.1 are hereby amended pursuant to Section 35-2203 of the Moline Code of Ordinances as set forth in *Exhibit B* (additions in **bold and underlined** and deletions in ~~**bold and strikethrough**~~).

Section 4 – Chapter 35, “ZONING AND LAND DEVELOPMENT,” ARTICLE III, DIVISION 4, Section 35-3408, “PRINCIPAL COMMERCIAL LAND USES” of the Moline Code of Ordinances, is hereby amended pursuant to Section 35-2203 of the Moline Code of Ordinances, as follows (additions in **bold and underlined** and deletions in ~~**bold and strikethrough**~~):

“SEC. 35-3408. PRINCIPAL COMMERCIAL LAND USES.

[. . .]

(e) SALES AND SERVICE, IN-VEHICLE. Description: In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services (see subsections (l) and (m) below). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes.

(1) Regulations :

- a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
- b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
- c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
- d. The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 10 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to highest part of the structure.
- e. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum 4 ton axle load.
- f. Facility shall provide a Type D bufferyard along all property borders abutting residentially zoned property (Sec. 35-5207).
- g. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and

landscaped islands. Said curbs shall be a minimum of six inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.

- h. Any text or logo larger than one square foot per side on an overhead canopy or other accessory structure shall be considered a freestanding sign subject to regulation under the sign code.

i. Charging Stations (Level 2 or Level 3)

i. Maintenance: Charging station 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 to the user of public charging stations for reporting purposes when the equipment is not functioning or other equipment problems are encountered.

ii. Accessibility: Where charging station equipment is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the charging station equipment must be located so as not to interfere with accessibility requirements of the Illinois Accessibility Code or other applicable accessibility standards.

iii. Landscaping, lighting, and screening must be provided where required by Sec. 35-5200, et. seq., Sec. 35-5300, et. seq., and Sec. 35-5502. Public charging stations in parking lots should be located near landscaped areas where possible.

iv. Charging Station Equipment: Electric vehicle supply equipment must have a cable management system to control and organize unused lengths of cable or cord at charging stations. Equipment must be located as to not impede pedestrian travel or create trip hazards on sidewalks.

v. Charging Station Equipment Protection: Adequate charging station equipment protection, such as barrier curbing, concrete filled steel bollards, or similar must be used for public charging stations.

vi. Usage Fees: An owner of a charging station is may collect fees for use of a charging station, in accordance with applicable state and federal regulations.

vii. Notification: Voltage and amperage levels, hours of operation, applicable fees, and safety information must be prominently displayed to the user.

viii. Location: When located within a parking lot, electric vehicle charging station equipment shall be located to avoid vehicle conflicts.

ix. Pavement Marking: Any and all pavement markings shall be in compliance with Article V, Division 1 of this Code. No additional markings will be permitted.

Section 5 – Chapter 35, “ZONING AND LAND DEVELOPMENT,” ARTICLE III, DIVISION 4, Section 35-3411, “ACCESSORY RESIDENTIAL LAND USES” of the Moline Code of Ordinances is hereby amended pursuant to Section 35-2203 of the Moline Code of Ordinances, as follows (additions in **bold and underlined** and deletions in ~~**bold and strikethrough**~~):

“SEC. 35-3411. ACCESSORY RESIDENTIAL LAND USES.

Residential accessory uses are those which are incidental and subordinate to, and serving, the principal residential use. The following provide standards for permitted residential accessory uses. Accessory uses not specifically listed herein, but similar to those permitted by right, may be permitted upon site plan review and approval by the zoning administrator or at the time of principal use approval by the appropriate decision making body. Accessory use not listed herein, but similar to those permitted as a special use, may be permitted with a special use permit.

[. . .]

(8) CHARGING STATIONS. Description: Private Level 1, Level 2, or Level 3 Charging Stations

a. Regulations: Accessory use charging stations must comply with the applicable regulations for principal use charging stations. Sec. 35-3408(e)(1)(i).

b. Uses Similar from ILOCUZC:

1. n/a.”

Section 6 – Chapter 35, “ZONING AND LAND DEVELOPMENT,” ARTICLE III, DIVISION 4, Section 35-3414, “ACCESSORY COMMERCIAL LAND USES” of the Moline Code of Ordinances is hereby amended pursuant to Section 35-2203 of the Moline Code of Ordinances, as follows (additions in **bold and underlined** and deletions in ~~**bold and strikethrough**~~):

“SEC. 35-3414. ACCESSORY COMMERCIAL LAND USES.

Commercial accessory uses are those which are incidental and subordinate to, and serving, the principal commercial use. The following provide standards for permitted commercial accessory uses. Accessory uses not specifically listed herein, but similar to those permitted by right, may be permitted upon site plan review and approval by the zoning administrator or at the time of principal use approval by the

decision making body. Accessory use not listed herein, but similar to those permitted as a special use, may be permitted with a special use permit.

[. . .]

(11) CHARGING STATIONS. Description: Public or Private Level 1, Level 2, or Level 3 Charging Stations

a. Regulations: Accessory use charging stations must comply with the applicable regulations for principal use charging stations. Sec. 35-3408(e)(1)(i).

b. Uses Similar from ILQCUZC:

1. n/a.”

Section 7 – Chapter 35, “ZONING AND LAND DEVELOPMENT,” ARTICLE v, DIVISION 1, Section 35-5100, “OFF-STREET PARKING AND TRAFFIC CIRCULATION” of the Moline Code of Ordinances, is hereby amended pursuant to Section 35-2203 of the Moline Code of Ordinances, as follows (additions in **bold and underlined** and deletions in **~~bold and strikethrough~~**):

“SEC. 35-5100. OFF-STREET PARKING AND TRAFFIC CIRCULATION STANDARDS.

[. . .]

(h) CALCULATION OF MINIMUM REQUIRED PARKING SPACES.

[. . .]

(3) Minimum Off-Street Parking Requirements for Land Uses.

a. The off-street parking requirements for each principal land use are listed on Table 35-5100.3. Requirements for accessory uses shall be as indicated in Division 4 of Article III.

b. Properties in the B-2 and NC zoning districts shall be exempt from the requirements of Table 35-5100.3. However, parking and circulation areas that are constructed in the B-2 and NC zoning districts shall comply with all other provisions of this section and parking areas constructed within the B-2 zoning district that are in excess of 2,000 square feet shall be considered a group development and shall require the approval of a special use permit per Section 35-3419.

Table 35-5100.3 – Minimum Required Parking Spaces

[...]

(4) Electric Vehicle Supply Equipment Infrastructure

a. Residential Buildings. Residential buildings containing five or more dwelling units where on-site parking is required must install electric vehicle supply equipment or electric vehicle supply equipment infrastructure so that at least 20 percent of the parking spaces are either EV-Ready or EV-Installed.

b. Nonresidential Buildings. Non-residential buildings where 30 or more parking spaces are provided must install electric vehicle supply equipment or electric vehicle supply equipment infrastructure so that at least 20 percent of the parking spaces are either EV-Ready or EV-Installed.

c. Accessible EV-Ready or EV-Installed Spaces.

i. Installation of EV-Ready or EV-Installed parking spaces does not increase or reduce the size, number, location, or signage for accessible parking spaces for persons with disabilities required by City, State and Federal regulations. An accessible parking space is not required by this section if no accessible parking spaces are required by Code Sec. 35-5100(g)(6).

ii. If the applicable regulations require accessible parking spaces for persons with disabilities and this section requires the installation of EV-Ready or EV-Installed parking spaces, then the number of accessible parking spaces required that must also be EV-Ready or EV-Installed parking spaces is as follows:

<u>Total EV-Ready or EV-Installed Parking Spaces</u>	<u>Minimum Number of Accessible EV-Ready or EV-Installed Parking Spaces</u>
<u>1 to 50</u>	<u>1</u>
<u>51 to 75</u>	<u>2</u>
<u>76 to 100</u>	<u>3</u>
<u>More than 100</u>	<u>3, plus 1 for every 60 additional EV-Ready or EV-Installed parking spaces</u>

iii. For the first required accessible EV-Ready or EV-Installed parking space, the electric vehicle supply equipment infrastructure may be located so that the electric vehicle supply equipment will be located on an accessible route and may be shared by an accessible parking space and a parking space not

required to be accessible. Otherwise, both an accessible parking space and a parking space not required to be accessible must be EV-Ready or EV-Installed.

iv. Any accessible EV-Ready or EV-Installed parking space must also be available for use by an automobile that is not an electric vehicle provided such automobile bears an appropriate handicapped parking decal or device.

Section 8 – That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 9 – That all prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

Section 10 – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

Mayor

Date

Passed: _____

Approved: _____

Attest: _____

City Clerk

EXHIBIT A

Plan Commission Findings of Fact

(see attached)

EXHIBIT B

SEC. 35-3401 REGULATION OF ALLOWED USES and
Table 35-3401.1.
Permitted Land Uses

“SEC. 35-3401. REGULATION OF ALLOWED USES.

[. . .]

(4) LAND USES PERMITTED AS AN ACCESSORY USE. Accessory uses are land uses which are incidental to the principal activity conducted on the subject property. Only those accessory uses listed with an “P” on Table 35-3401.1. or those indicated in sections of all divisions and referenced in Table 35-3401.1. shall be permitted by right. Those indicated with an “S” shall be permitted only as a special use.

[. . .]

[amendments to Table 35-3401.1 continue on following page]”

					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(a) Charging Station (Level 1, Public or Private)
					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(b) Charging Station (Level 2, Public or Private)
					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(c) Charging Station (Level 3, Public or Private)



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MEMORANDUM

To: Plan Commission
From: Daniel J. Bolin
Subject: Moline – EV Readiness Ordinance Public Hearing (Feb. 22, 2023)
Date: February 9, 2023

I. Introduction

On February 22, 2023, the City of Moline Plan Commission will hold a public hearing to consider the enclosed draft zoning ordinance text amendments to prepare for the expected increased demand for electric vehicle (“EV”) infrastructure in the coming years.

The proposed zoning text amendments will require 20% of off-street parking spaces for large multi-family residential and non-residential buildings to install conduit for electric vehicle supply equipment infrastructure for Level 2 or Level 3 electric vehicle charging.

The proposed amendments will also allow electric vehicle charging stations as permitted or accessory uses in designated zoning districts. In general, private charging stations would be permitted accessory uses in residential districts, while public or private charging stations would be permitted accessory uses in non-residential district. Public or private charging stations (Level 2 or 3) would be allowed as principal uses in the same places as gas stations and other in-vehicle sales and service uses.

We are available to review your comments and questions about the proposed text amendments at your convenience.

II. Background

Administration and staff expressed interest in considering electric vehicle readiness ordinances, including required minimum EV infrastructure for off-street parking and allowing charging stations as principal and accessory uses.

We generally introduced the topic to City Council on September 27, 2022 and to the Plan Commission on October 26, 2022. After a Dec. 14, 2022 study session with the Plan

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Commission, staff circulated a draft zoning text amendment ordinance to the Plan Commission on or about January 25, 2023. Additionally, we shared the draft ordinance with the Building Official and Fire Chief for comments on February 6, 2023. Staff published timely notice for a February 22, 2023 public hearing on the proposed ordinance.

III. Proposed Ordinance

A summary of the proposed ordinance is included below for your review.

Section 1. Recitals

The first section of the ordinance simply incorporates recitals supporting the adoption of the proposed ordinance.

Section 2. Definitions

The proposed ordinance adds definitions to the zoning ordinance to support the proposed EV regulations that are consistent with the City's Electrical Code. Key definitions include:

Electric Vehicle Supply Equipment. "Electric Vehicle Supply Equipment" as defined by the most-recent version of the Moline Electrical Code (Code Sec. 8-6100), as amended (National Electrical Code, Sec. 625.2 (2011)): The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

Electric Vehicle Supply Equipment Infrastructure. The electrical infrastructure necessary to support future installation of electric vehicle supply equipment, including, but not be limited to, the design load placed on electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder/branch circuits, raceways, and wiring.

EV-Ready. Having conduit installed for electric vehicle supply equipment infrastructure for a dedicated branch circuit terminating at a receptacle, junction box, or electric vehicle supply equipment adjacent to the parking space for Level 2 or Level 3 electric vehicle charging.

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EV-Installed. Having all necessary electric vehicle supply equipment infrastructure and electric vehicle supply equipment installed for Level 2 or Level 3 electric vehicle charging.

Section 3. Use Table

The proposed ordinance amends the City's use table to allow private charging stations (Level 1, Level 2, and Level 3) as an accessory residential use in the City's residential districts (C-1, AG-2, R-2, R-4, and R-6).

The use table would also allow charging stations as accessory commercial use in the City's non-residential districts (O-1, ORT, B-1, NC, B-2, B-3, B-4, I-1, I-2).

Section 4. Principal Commercial Land Uses

Principal use charging stations (Level 2 or Level 3) would be allowed in the same places as gas stations and other in-vehicle sales and service – as a special use in the O-1, ORT, and NC, and B-2 districts, and as a permitted use in the B-3 and B-4 districts. The proposed ordinance includes use standards for charging stations, including those related to maintenance, accessibility, landscaping, lighting and screening.

Section 5. Accessory Residential Land Uses

The proposed ordinance also adopts the applicable use standards for private charging stations (Level 1, Level 2, and Level 3) as accessory residential land uses.

Section 6. Accessory Commercial Land Uses

The proposed ordinance also adopts the applicable use standards for public or private charging stations (Level 1, Level 2, and Level 3) as accessory commercial land uses.

Section 7. Off-Street Parking

The proposed ordinance would require 20% of the required onsite parking at large multi-family residential buildings (five or more dwelling units) to be EV-Ready or EV-Installed.

20% of the required parking spaces for non-residential buildings with 30 or more parking spaces would also have to be EV-Ready or EV-Installed.

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In areas where accessible parking spaces are required, the proposed ordinance provides a required number of accessible parking spaces that must also be EV-Ready or EV-Installed.

IV. Non-Conforming Sites and Structures

The proposed ordinance would apply to new construction and may also apply to existing sites and structures based on the City's recently amended non-conforming site regulations.

"Grandfathered" parking no longer compliant with current regulations is a type of "nonconforming site development element." Code Sec. 35-1203(236.5) and 35-3112(a)(3). The Zoning Code provides whether and to what extent nonconforming parking must be altered in conjunction with building or site changes.

Remodeling. Remodeling projects – no matter how extensive – do not require changes in the number of parking spaces so long as the project does not expand the physical footprint of the structure. Code Sec. 35-3112(c)(4).

Expansion. In any continuous five-year period, additions to structures on nonconforming sites will require the newly expanded area to be served by the number and type of parking spaces that would apply to the expanded area standing alone. In other words, if an existing 60,000 square foot building is improved with a 20,000 square foot addition, then the number of parking spaces currently necessary for a 20,000 square foot building need to be added to the site. Expansions that necessitate an increase in the number of parking spaces would be required to provide 100% of the required EV-Ready or EV-Installed parking spaces. Code Sec. 35-3112(e)(3).

Changes of use. Mere changes of use unconnected with expansion or new construction maintain their grandfathered status and need not provide additional parking spaces. Code Sec. 35-3112(f).

Destruction. If damage to a nonconforming structure exceeds 50% of its fair market value, restoration or improvement must result in a structure and site that conforms to all applicable requirements for EV-Ready or EV-Installed parking spaces. Code Sec. 35-3112(d)(3).

V. Related Ordinances

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Initial comments suggested the conduit installation should be performed by a licensed electrician to ensure the conduit is properly installed. The Building Official confirmed this work would require a permit under the City’s existing licensing regulations:

“Only a registered Electrical Contractor may secure electrical permits and furnish electrical equipment and components for installation by the holder of a valid electrician license in the employ of the contractor, or to be installed under the supervision of the holder of a valid electrician license.”
Code Sec. 8-1401(b)(1).

EV installations will be required to comply with Moline’s Electrical Code, which is a model code the City adopted with local amendments. Code Sec. 8-6100. Moline currently uses the 2011 National Electrical Code, which does regulate electric vehicle charging systems. NEC, art. 625. If the City considers an updated model code and local amendments in the future, there will be more opportunities to address electric vehicle infrastructure through the Moline Electrical Code.

VI. Conclusion

In conclusion, the proposed ordinance will require large multi-family residential and non-residential buildings to have a minimum number of EV-Ready or EV-Installed off-street parking spaces. The ordinance would also allow charging stations as accessory residential uses and accessory commercial uses in designated districts, and as principal uses in the same districts as gas stations. We are available to discuss this memorandum at your convenience.

STAFF REPORT
Department of Community and Economic Development
Zoning Text Amendment
2023-03-PC

GENERAL INFORMATION

Owner/Applicant: City of Moline

Requested Action: Amendment to Secs. 35-1203, 35-3401, 35-3408, 35-3411, 35-3414, and 35-5100 of the Moline Code of Ordinances regarding electric vehicle supply equipment.

Location: Citywide

Project Manager: Ryan Hvitløk, AICP, CFM – Community and Economic Development Director

Public Hearing Date: Plan Commission, February 22, 2023

BACKGROUND

In September 2022, the City Council asked legal counsel to review ordinances that communities have adopted to prepare for the growth in electric vehicles (EV's) and the need for public and private infrastructure. Typically, these ordinances focused on one or more of the following topics:

- (1) Required EV parking for new development. This is typically accomplished by requiring a set percentage to be equipped with chargers (EVSE's), known as EVSE-installed, or to have spaces that are pre-wired to support charging, known as EVSE-ready.

The proposed ordinance takes the readiness approach that would require a certain percentage of new spaces to be “EV-ready” with conduit installed but not the wiring. This is primarily proposed for security reasons as well as a recognition that charging technology is rapidly evolving and that wiring needs may change.

- (2) Zoning for EV charging stations as principal and accessory uses. Communities are facilitating the implementation of EV charging infrastructure by allowing them as an accessory use in the zoning ordinance. Typically, standalone chargers that are accessory to the parking use are permitted as an accessory use. When EV charging is the principal use for the property, municipalities typically treat the charging station the same as a gas station since the land use impacts are the same.

The proposed ordinance treats chargers that are accessory to the main use such as the stations located at the Genesis Healthplex and some of the local car dealerships as accessory uses. A charging station that is the primary use of a site would be handled similar

to a gas station as a principal use as it would have similar land use impacts. This is also how EV charging is addressed in the proposed form-based code for Moline Centre.

- (3) EV Charging on public property. Municipalities have adopted ordinances to establish regulations regarding EV charging stations on public property. These typically revolve around cities allowing for EV stations to be placed on public property as well as the ability to levy fines for non-electric vehicles that park in EV charging spots.

The proposed ordinance does not include any requirements for the City to install EV chargers on city-owned property or establish fines for those who block an EV charging spot. Those items would be better handled as an amendment to Chapter 20 of the Moline Code of Ordinances, which is handled outside of the Plan Commission.

ANALYSIS AND REVIEW CRITERIA (see Sec. 35-2203 and Approval Criteria)

In determining whether the proposed amendment shall be approved, the following factors shall be considered:

- (1) Whether the existing text or zoning designation was in error at the time of adoption.**

The current code does not include language regarding electric vehicles, as this is a burgeoning topic. That being said with the growing number of electric vehicles in our community along with encouragement from state and local government to transition the transportation system, this is an item that staff believes should be addressed by an ordinance amendment.

- (2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.**

As mentioned above, there is a growing movement towards the electrification of vehicles. The state of Illinois has an ambitious goal of one million electric vehicles in the state by 2030. Vehicle manufacturers such as Ford and GM have the private sector moving towards electric vehicles will place more electric vehicles in our community which will need more places to charge. The growth trend in and transition to electric vehicles necessitates this proposed amendment.

- (3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances.**

Staff anticipates no adverse impact from the proposed ordinance. This proposal is primarily setting a requirement that new residential (greater than five unit buildings) and new nonresidential development install the needed equipment so that 20% of the parking spaces

are EV-Ready or EV-Installed. The proposed ordinance also permits EV charging stations to be installed as an accessory use and regulates a principal use EV charging station with the same location limitations and standards as a fuel station.

- (4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this Code, and other City regulations and guidelines.**

The proposed ordinance consistent with the following Goals as indicated in Chapter 7 of the Comprehensive Plan: Goal #3: Business Development and Retention as well as Goal #8: Economic Development. As the City continues to attract new residents and new businesses being ready for the interest that potential new residents have with EV's is going to be vital to attract new residents. Furthermore, with Moline's location along a designated alternative fuels corridor, as well as our location near the junction of two major interstate highways having a place for drivers to stop and recharge their vehicles will be an economic boost for our community. Even with faster technology, drivers of EV's are a built-in "captive" audience while their vehicles are charging. Having locations for drivers to charge in close proximity to amenities such as dining and shopping will be of a benefit to both business owners and to drivers.

- (5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone.**

The installation of chargers will need to be coordinated with the property owner and the electrical utility. The requirement for a space to be EV-Ready only requires the installation of conduit, which is easy and inexpensive to install during construction. Staff believes this is a good compromise allowing the developer to serve the future occupants without having to invest in expensive wiring until the demand is in place.

- (6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs.**

This amendment does not require any additional land it only requires that new development a set number of parking spaces are ready for EV charging infrastructure.

- (7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed text amendment.**

As mentioned above, the need for charging infrastructure is only going to increase as more petroleum powered vehicles transition to electric vehicles. This proposed ordinance is an effective and inexpensive way to have the basic infrastructure in place to facilitate this ongoing transition.

STAFF RECOMMENDATION

Based on the above seven factors being met in staff's opinion, it is recommended that Plan Commission recommend approval to the City Council of the zoning text amendment for Sections 35-1203, 35-3401, 35-3408, 35-3411, 35-3414, and 35-5100 of the Moline Code of Ordinances regarding electric vehicle supply equipment.

NEXT STEPS

The City Council will review the Plan Commission's recommendation and hold a first reading of the ordinance on March 7, 2023. A second reading and final decision on the ordinance by the City Council is scheduled for March 21, 2023.

ATTACHMENTS

1. Memo from Ancel Glink Dated February 9, 2023
2. Proposed Ordinance to Secs. 35-1203, 35-3401, 35-3408, 35-3411, 35-3414, and 35-5100 of the Moline Code of Ordinances
3. Public Notice Published in The Dispatch/Rock Island Argus on February 5, 2023

NOTICE OF PUBLIC HEARING

Public notice is hereby given that on **Wednesday, February 22, 2023 at 4:00 p.m.**, the Moline Plan Commission will hold a public hearing in the Council Chambers of Moline City Hall, 619 16th Street, to consider text amendments to Sections 35-1203, 35-3401, 35-3408, 35-3411, 35-3414, and 35-5100 of the City of Moline's Zoning and Land Development Code regarding electric vehicle charging, and such other and further zoning approvals as may be required.

Anyone attending the public hearing will have an opportunity to hear the request and voice comments or concerns to the Plan Commission. Individuals qualifying as interested parties who wish to present testimony or cross-examine the witnesses presented at the hearing must fill out an Interested Party Appearance Form and submit it to the Community & Economic Development Department at least three (3) business days prior to the hearing. This form is available online at <https://moline.il.us/1506> and from the Planning Division at Moline City Hall. You may also call 309-524-2030 for assistance.

MOLINE PLAN COMMISSION
CITY OF MOLINE, IL

c/o Savanna Cruz
Community & Economic Development
Administrative Assistant