Village of Oak Park

STAFF REPORT

TO: Plan Commission **REVIEW DATE:** October 5, 2023

FROM: Village Staff **PREPARED BY**: Craig Failor, Village Planner

P R O J E C T T I T L E

PC 23-04: Zoning Ordinance Text Amendment – EV Charging Stations. The Village of Oak Park is proposing to amend their Zoning Ordinance to permit Electric Vehicle Charging facilities as follows: 1.) Amend Article 2: *Definitions & Rules of Measurement* to define Electric Vehicles and Charging Stations; 2.) Amend Article 8: *Uses* to include Electric Vehicle Charging Stations as a Special Use in various business zoning districts, and Amend Article 10: *Off Street Parking & Loading* to include a reference to applicable Village and State regulations.

A P P L I C A N T I N F O R M A T I O N

APPLICANT: Village of Oak Park, 123 Madison Street, Oak Park, IL 60302

A N A L Y S I S

In collaboration with Metropolitan Mayors Caucus (MMC), the Village of Oak Park became a member of the first Electric Vehicle Cohort developed by MMC along with various other municipalities located within the greater Chicago region. The purpose of this cohort was/is to engage communities relative to establishing regulations for, and installations of, electric vehicle charging stations for residents, patrons, commuters and village-related services. The initiation of this text amendment is, in part, an outcome of the recently adopted electrification codes for the village, State-adopted regulations as defined in the "*Electric Vehicle Charging Act*" as well as a goal of the village-adopted sustainability plan – Climate Ready Oak Park.

The Village adopted an electrification code with local amendments which goes into effect January 1, 2024. All new buildings built after the effective date, shall provide electricity as their source of energy and shall not rely on fossil fuels, except for commercial kitchens and generators for emergency backup power. A provision within this local amendment is to require a minimum of one (1) Level 2 electric vehicle charging station be installed at each onsite parking area for every 5 parking spaces. The Amendment also impacts all new residential buildings specifically. It requires that all such buildings contain at least one (1) Level 2 electric vehicle charging station at one parking location if a building contains a parking space or garage.

The State's *Electric Vehicle Charging Act* will be in effect starting January 1, 2024. This Act impacts newly constructed single-family homes and multi-family unit residential buildings that have parking spaces and are constructed after the effective date of this Act. The provisions of this Act are broken down into specific timing of installation, the percentages of parking spaces to be dedicated to EV capable parking spaces, the inclusion of Affordable Housing developments, and spotlights regulations for a homeowner verses a renter.

The Village's sustainability plan – Climate Ready Oak Park was adopted in August of 2022. Under the Transportation section, Goal #2 *Establish Emissions Reduction Goal for Transportation Systems* recommends, that the Village pursue incentives to increase access to electric vehicle (EV) charging stations and parking, with an emphasis on access for residents who do not own a garage.

While the Envision Oak Park comprehensive plan does not specifically address electric vehicle charging stations, it does recognize the need to amend regulations to support sustainable development and design, and adopt sustainability criteria for all future development within our community.

The proposed Zoning Ordinance text amendment outlined below in this report was developed with support and some direction from MMC's EV Cohort based on current best practices. The 2017 edition of the Zoning Ordinance introduced electric vehicle charging stations as an accessory use, however, this text amendment expands the opportunity in multiple business zoning districts as a principal use through the special use application process.

Zoning Ordinance

The Plan Commission and Village Board must consider the following standards when determining appropriatness of the proposed Zoning Ordinance text amendment. The approval of amendments is based on a balancing of these standards.

Standards for Text Amendments:

- **a.** The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- **b.** The relative gain to the public, as compared to the hardship imposed upon the applicant.
- **c.** The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- **d.** The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
- **e.** Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
- **f.** The extent to which the proposed amendment creates nonconformities.
- **g.** The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

PROPOSED TEXT AMENDMENTS:

ARTICLE 2. DEFINITIONS & RULES OF MEASUREMENT

2.1 RULES OF INTERPRETATION
2.2 GENERAL ABBREVIATIONS
2.3 DEFINITIONS
2.4 RULES OF MEASUREMENT

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2.3 DEFINITIONS

Electric Vehicle. A vehicle that operates, either partially or exclusively on electrical energy from a charging station or other electrical energy source that is stored in the vehicle's battery for propulsion purposes. "Electric Vehicle" includes: a) a battery electric vehicle, b) a hybrid electric vehicle, c) a car-share electric vehicle, and d) electric scooters or motorcycles.

Electric Vehicle – Capable. Parking spaces that have listed raceway (conduit) and electric capacity (breaker space) allocated in a local subpanel to accommodate future Electric Vehicle Supply Equipment.

Electric Vehicle – Ready. Parking spaces that includes the following components: listed raceway (conduit), sufficient electrical panel service capacity, overcurrent protection devices, wire, and suitable termination points such as a junction box with a service loop or directly landed within an Electric Vehicle Supply Equipment (i.e., full circuit).

Electric Vehicle Charging Station (Retail). Equipment that has as its primary purpose, the transfer of electric energy by conductive or inductive means to a battery or other energy storage device located onboard an electric vehicle. Various types of charging stations include:

- **Accessible EV Charging Station**: A charging station incorporated into or immediately adjacent to a handicapped parking space as "handicapped parking space" is defined by the Illinois vehicle code.
- **Private EV 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).
- **Public EV Charging Station**: A charging station that is: 1) publicly owned and publicly available (e.g., public parking lots, on street parking, etc.), or 2) privately owned and publicly available (e.g., commercial development parking, non-reserved parking in multiple family parking lots, etc.).

Electric Vehicle Charging Station Levels: 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:

- **Level 1: AC slow battery charging**. The charging station delivers electric power to a vehicle's charging module which converts the AV power to DC power and delivers it to the battery. Voltage is one hundred twenty (120) volts.
- **Level 2: AC medium battery charging**. The charging station delivers electric power to a vehicles' 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.
- **Level 3: DC fast or quick battery charging**. Also 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.

ARTICLE 8. USES

8.1 GENERAL USE PERMISSION
8.2 USE MATRIX
8.3 USE RESTRICTIONS
8.4 PRINCIPAL USE STANDARDS
8.5 TEMPORARY USE STANDARDS

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TABLE 8-1: USE MATRIX																	
Use	**R-1**	**R-2**	**R-3 -50 & -35**	**R-4**	**R-5**	**R-6**	**R-7**	**DT1**	**HS**	**GC**	**MS1**	**NA**	**NC1**	**RR1**	**OS**	**I**	**H**	**Use Standard** § = Section
Retail																		
Antique Store								P	P	P	P	P	P	P				
Art Gallery								P	P	P	P	P	P	P				
Auction House								S	P	P	S	P	P	P				
Brewpub								P	P	P	P	P	P	P				
Consignment Shop								P	P	P	P	P	P	P				
Craft Brew Lounge								S	S	S	P	S	S	P				
Design Studio with Retail								P	P	P	P	P	P	P			P	
Electric Vehicle Charging Station, Primary									S	S	S	S	S	S				§8.4.J
Gas Station									S	S	S	S	S	S				§8.4.~~J~~K
Greenhouse/Nursery										P		P						
Heavy Retail and Rental										S		S						
Outdoor Dining								P	P	P	P	P	P	P				§8.4.~~L~~
Retail Cannabis Establishment								S	S	S	S	S	S	S				State Statute 410 ILCS 705 §8.4.~~O~~
Restaurant								P	P	P	P	P	P	P			P	
Retail Goods Establishment								P	P	P	P	P	P	P			P	
Secondhand Goods Dealer												S		S				
Specialty Food Service								S	S		P	S	S	P				
Vehicle Dealership: Fully Enclosed								P		P	P	P		P				§8.4.~~R~~
Vehicle Dealership: Fully Enclosed-Small								P		P	P	P	P	P				§8.4.~~R~~
Vehicle Dealership: With Outdoor Storage and Display										S		S		S				§8.4.~~R~~

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8.4 PRINCIPAL USE STANDARDS

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J. Electric Vehicle Charging Station, Primary

1. All electric vehicle charging station driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets. Electric vehicle charging stations are limited to two curb cuts.

2. Any electric vehicle charging station site may offer convenience items for sale.

3. All sides of a building that are part of an electric vehicle charging station building must express consistent architectural detail and character. All site walls, screen walls, and charging station canopies and other outdoor covered areas must be architecturally integrated with the building by using similar material, color, and detailing.

4. The volume of any audio component must be maintained at a level so as not to be audible at adjoining

properties. The volume of any audio component must comply with all Village noise regulations. Audio components are permitted only at a charging station. Audio components are prohibited as part of any other structure, including canopies and buildings.

5. All electric vehicle charging stations must comply with the Americans with Disabilities Act.

6. All applicable design standards, parking regulations and landscaping regulations regulated within this Ordinance, shall follow those established for gas stations.

6. The following information shall be posted at all electric vehicle charging stations:

a. Voltage and amperage levels;
b. Hour of operations if time limits or tow away provisions are to be enforced by the property owner;
c. Usage fees;
d. Safety information; and
e. Contact information for reporting when equipment is not operational.

ARTICLE 10. OFF-STREET PARKING & LOADING

10.1 GENERAL REQUIREMENTS

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G. Electric Vehicle Charging Parking Spaces
Requirement for electric vehicle charging parking spaces are set forth in the following:

1. Appendix P: Electrification for All New Buildings, Section P301: Electrification Requirements, Subsection P301.1 (9) Electrification for New Buildings of the Village Code of Oak Park, Chapter 7, Article 1: Building Code, as amended; and

2. Appendix X: Electrification for New Residential Buildings, Section X301: Electrification Requirements, Subsection X301.1 (7) Electrification requirements for New Residential Buildings; of the Village Code of Oak Park, Chapter 7, Article 6: Residential Code, as amended; and

3. The Electric Vehicle Charging Act, 765 ILCS 1085/1 *et seq.*, as amended.

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10.3 OFF-STREET PARKING DESIGN STANDARDS

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I. Electric Vehicle Charging Station *(accessory use)*

1. ~~Commercial~~ E~~e~~lectric vehicle charging stations are permitted as an accessory use within any parking lot or parking structure in all zoning districts.

2. Electric vehicle charging station equipment may not block the public right-of-way.

3. Each public electric vehicle charging station space must be posted with a sign indicating the space is only for

electric vehicle charging purposes. Days and hour of operations must be included if time limits of tow away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.

4. Electric vehicle ~~C~~charging station equipment must be maintained in good condition and all equipment must be functional. Electric vehicle ~~C~~charging stations no longer in use must be immediately removed.

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10.4 REQUIRED OFF-STREET VEHICLE AND BICYCLE PARKING SPACES

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5. Any required Electric vehicle parking space(s) shall be included in the total number of required parking spaces as provided in Table 10-2: Off-Street Parking Requirements.

Recommendation

Staff supports the above-referenced Zoning Ordinance text amendments as proposed.

End of Report.

c. Plan Commission
Gregory Smith, Plan Commission Attorney
Ahmad Zayyad, Deputy Village Manager / Interim DCS Director
Michael Bruce, Zoning Administrator