

BRUNSWICK CITY PLANNING & ZONING COMMITTEE

Agenda

JUNE 12, 2023

6:30 PM

**or Immediately Following
Building & Building Code Committee**

1. Discussion Items

ORD. NO. 45-2023 - An ordinance establishing Chapter 1292 of the City of Brunswick Codified Ordinances to regulate electric vehicle charging stations. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

ORD. NO. 46-2023 - An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for electric vehicle charging stations in all zoning districts of the City and the issuance of such approvals - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

2. General Discussion

3. Adjournment

PROPOSED LEGISLATION



DATE: 6/12/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 45-2023** - An ordinance establishing Chapter 1292 of the City of Brunswick Codified Ordinances to regulate electric vehicle charging stations. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: Legislation is proposed to regulate electric vehicle charging stations on residential and non-residential properties.

PURPOSE AND EXPLANATION: Legislation is necessary to create Chapter 1292 of the City of Brunswick Codified Ordinances, which provides definitions of a plug-in electric vehicle (PEV); electric vehicle charging station; and electric vehicle supply equipment (EVSE), in addition to permitted locations and screening for the above.

IMPLEMENTATION SCHEDULE:

Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
Recommend adoption of the proposed legislation.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 45-2023

BY: Mr. Delsanter, Mr. Lambert, Mrs. Piper

AN ORDINANCE ESTABLISHING CHAPTER 1292 OF THE CITY OF
BRUNSWICK CODIFIED ORDINANCES TO REGULATE ELECTRIC
VEHICLE CHARGING STATIONS.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Chapter 1292 of the Codified Ordinances titled “Electric Vehicle Charging Stations” is hereby established to read as follows:

“1292.01 DEFINITIONS.

- (a) “PEV” means a plug-in electric Vehicle or Motor Vehicle, as defined in Codified Ordinance Chapter 402, that can utilize an external source of electricity (such as a wall socket that connects to the power grid) to store electrical energy within its onboard rechargeable battery packs, to power an electric motor and help propelling the wheels.
- (b) “Charging Station” means a PEV battery charging station located on a public or private parking space which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in a PEV. Charging Stations are outlined as follows:
 - (1) AC Level 1 chargers use a standard 120V household outlet, but provide slow charging speeds, usually a minimum of 24 hours.
 - (2) AC Level 2 charging stations require a 240V outlet and charge in approximately four to ten hours.
 - (3) AC Level 3/DC Level 2, known as DC Fast Charging Stations, charge in approximately 30 to 45 minutes.
- (c) “EVSE” means an electric vehicle supply equipment, as defined in the National Electric Code, is the installation and/or maintenance of AC Level 1, AC Level 2 and AC Level 3/DC Level 2 Charging Stations. Any required building permits, electrical permits or other applicable permits shall be obtained prior to the location, construction, installation, or operation of EVSE in the City of Brunswick.

1292.02 PEV CHARGING STATIONS/EVSE ON RESIDENTIAL PROPERTY.

- (a) PEV Charging Stations/EVSE shall be permitted in all residential districts and residential Special Planning Districts, subject to the following regulations:
 - (1) PEV Charging Stations/EVSE on residential properties shall not be located within the front, side or rear setbacks of the subject property.

- (2) Residential properties with more than five exterior PEV Charging Stations/EVSE shall provide adequate screening thereof from adjacent residential properties/uses with landscaping, fencing, or a combination thereof and achieve at least 50% opacity at installation.
- (3) PEV Charging Stations/EVSE shall only be utilized by the residents of the subject property or their invited guests without charge.
- (4) A certificate of zoning compliance issued by the Division of Building shall be required for PEV Charging Stations/EVSE located on residential properties.

1292.03 PEV CHARGING STATIONS/EVSE ON NON-RESIDENTIAL PROPERTY.

- (a) PEV Charging Stations/EVSE shall be conditionally permitted in the GW-C Gateway Commercial District, C-G General Commercial District, C-N Neighborhood Commercial District, C-H Highway Interchange Commercial District, I-L Light Industrial District, and commercial portions of Special Planning Districts, subject to the following regulations:

- (1) PEV Charging Stations/EVSE located at new/used car dealerships in the C-G General Commercial and C-H Highway Interchange Districts or Automobile Filling Stations are permitted to be approved administratively by the Division of Building. Government-owned or operated properties located in any Zoning District may also be approved administratively by the Division of Building.

- (2) Properties with five or less PEV Charging Stations/EVSE that do not have overhead canopies shall be conditionally permitted as follows:

- A. Conditional use approval pursuant to Chapter 1274 and site plan approval pursuant to Chapter 1278.

- B. PEV Charging Stations/EVSE shall not be located within the front yard setback of the applicable zoning district and shall be located the greater of ten feet or the required setback in the applicable zoning district from the side or rear property lines. PEV Charging Stations/EVSE shall be located no less than thirty feet from property line of any adjacent residential zoning district.

- C. If a for-fee public PEV Charging Station/EVSE is installed, only AC Level 2 and AC Level 3/DC Level 2 PEV Charging Stations/EVSE shall be permitted.

- D. The height of PEV Charging Station/EVSE shall not exceed six feet. All connections must be retractable and stored so as not to impede the parking space.

- E. The size of a PEV Charging Station/EVSE shall not exceed four square feet.

(3) Properties with more than five PEV Charging Stations/EVSE, or PEV Charging Stations/EVSE that include overhead canopies, shall be permitted per the following:

- A. Conditional use approval pursuant to Chapter 1274 and site plan approval pursuant to Chapter 1278.
- B. PEV Charging Stations/EVSE shall not be located within the front or rear setbacks of the applicable zoning district and shall be located no less than thirty feet from the property line of any adjacent residential zoning district. PEV Charging Stations/EVSE shall be permitted within the side yard setback in a location so as not to obstruct vehicular or pedestrian circulation and shall be located a minimum of ten feet from the side property line. All PEV Charging Stations/EVSE shall be installed within a landscaped island.
- C. PEV Charging Stations/EVSE located adjacent to residential properties/uses or within the side yard setback shall be screened with landscaping, fencing, or a combination thereof and achieve a least 50% opacity at installation.

1292.04 PARKING.

Parking spaces designated for PEV Charging Stations/EVSE shall not apply to the required minimum number of parking spaces in Chapter 1276, with the exception of new/used car dealerships. Parking space identification for PEV Charging Stations/EVSE shall be installed as follows: "Electric vehicle charging station" and "\$100 fine for non-electric vehicles".

1292.05 SIGNAGE.

Signage shall be located only on the PEV Charging Station/EVSE and shall not exceed two square feet. Video monitors shall not exceed one square foot. No poles or signage shall be located above the height of the base PEV Charging Station/EVSE unit.

1292.06 HOURS OF OPERATION.

PEV Charging Stations/EVSE shall be permitted to be open only during normal business hours of the establishment where they are located.

1292.07 LIGHTING.

Lighting shall be installed in compliance with Section 1276.14(a), whereby a minimum 0.6 footcandle level shall be provided for PEV Charging Stations/EVSE and associated pedestrian areas.

1292.08 PERMITS/INCOME TAX.

The property owner shall be responsible for obtaining necessary PEV Charging

Station/EVSE station permits from the Division of Building and register with the City of Brunswick Tax Department. The City Income Tax form must also be completed and filed with the application.

1292.09 MAINTENANCE.

The property owner shall be responsible for the continued maintenance of the PEV Charging Station/EVSE. If the PEV Charging Station/EVSE is non-operational for a period of greater than three months, it shall be removed within thirty days. Testing of the PEV Charging Station/EVSE shall be performed on-demand as requested by the Division of Building.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura

PROPOSED LEGISLATION



DATE: 6/12/2023

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 46-2023** - An emergency ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for electric vehicle charging stations in all zoning districts of the City and the issuance of such approvals - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: On February 27, 2023, City Council adopted Ordinance No. 11-2023 establishing a six-month temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for Electric Vehicle Charging Stations in all Zoning Districts.

PURPOSE AND EXPLANATION: The six-month temporary moratorium established by Ordinance No.11-2023 shall be extended for an additional six (6) months up to and including February 27, 2024, wherein the City shall not accept or process any applications for zoning, occupancy and/or permit approvals for Electric Vehicle Charging Stations in all Zoning Districts of the City, and further shall not issue any such approvals during said period.

IMPLEMENTATION SCHEDULE:

Immediately.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes

Suspension of Rules

Yes

If emergency or suspension of the rules, why the request?

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners, and for the additional reason that it is required to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. _____

BY:

AN EMERGENCY ORDINANCE EXTENDING A TEMPORARY
MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF
APPLICATIONS FOR ZONING, OCCUPANCY AND/OR PERMIT
APPROVALS FOR ELECTRIC VEHICLE CHARGING STATIONS
IN ALL ZONING DISTRICTS OF THE CITY AND THE ISSUANCE
OF SUCH APPROVALS.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of Electric Vehicle Charging Stations;

WHEREAS: On February 27, 2023, City Council adopted Ordinance No. 11-2023, establishing a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy, and/or permit approvals for Electric Vehicle Charging Stations in all Zoning Districts of the City except as otherwise provided therein; and

WHEREAS: This Council believes that a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or permit approvals for Electric Vehicle Charging Stations in all Zoning Districts of the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY
ORDAINS:

SECTION 1: The six (6) month temporary moratorium established by Ordinance No. 11-2023 shall be extended for an additional six (6) months up to and including February 27, 2024, wherein the City shall not accept or process any applications for zoning, occupancy and/or permit approvals for Electric Vehicle Charging Stations in all Zoning Districts of the City, and further shall not issue any such approvals during said period.

SECTION 2: This Ordinance shall not apply to applications for permit approvals for Electric Vehicle Charging Stations in Residential Zoning Districts where such Electric Vehicle Charging Stations are to be located in fully enclosed buildings and are intended solely for the personal use of the resident.

SECTION 3: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this

Ordinance shall control.

SECTION 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare of the City and its residents and property owners and for the additional reason that it is required to permit the City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

RULES SUSPENDED: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura