

## EV Model Land Use Code – HB 24-1173

### Code Comparison and Recommendation

Model Code Regulation	UDC	Recommendation	Notes
<b>Base Definitions</b>			
Electric Vehicle	-	Add term	Mandatory definition
Electric Vehicle Charging Port	-	Add term	Mandatory definition
Direct Current Fast Charging	-	Add term	Mandatory definition
Electric Vehicle Charging Station	-	Add term	Mandatory definition
Electric Vehicle Charging Equipment	-	Add term	Mandatory definition
Electric Vehicle Charging Project	-	Add term	Mandatory definition
Primary Use EV Charging Project	-	Add term	Mandatory definition
Accessory Use EV Charging Project	-	Add term	Mandatory definition unless we do not want to have a permit process or regulate Accessory Use EV Projects. If not, the definition can be removed
Administrative Review Process	Use by Right and Limited Use are described in Section 18.02.03.01 - both are administratively reviewed	Keep UDC terminology	Optional definition. We can use existing UDC terms
Conditional Review Process	Conditional use is described in Section 18.02.03.01 requiring Planning Commission approval	Keep UDC terminology	Optional definition. We can use existing UDC terms
Setbacks	Defined in 18.19.01.03	Keep UDC terminology	Optional definition. We can use existing UDC terms
Horizontal Illuminance	Term used in light level table 18.09.02.03 but not defined.	Add term	Optional definition. This term is used in UDC but is not defined
Site Lines/Site Distance Triangles	Site triangles are defined in Section 7 of the LCUASS	Keep LCUASS definition	Optional definition. We can use existing LCUASS terms

Model Code Regulation	UDC	Resolution	Notes
<b>Required Standards</b>			
1. <u>Permit Applicability</u> : Jurisdictions may only require land use permits for EV charging development that meets the definition of an “EV Charging Project” (and associated definitions for “Primary Use” and “Accessory Use” EV Charging Projects). Conversely, jurisdictions may not require a land use permit for other types of EV charging development (i.e. all Level 1 and Level 2 charging).	-	Add “EV Charging Project” as a new land use category under motor vehicle and transportation	This standard applies only to Primary and Accessory use DCFC chargers, not level 1 and 2 chargers
2. <u>Permit Review Process</u> : Jurisdictions must review land use permit applications for EV Charging Projects using the applicable permitting process from the zoning district where projects are proposed. For EV Charging Projects where the approval process is “Use by Right” or similar, the permitting process must be similar to an Administrative Review Process. For EV Charging Projects where the approval process is “Conditional Use” or similar, the permitting process must be similar to a Conditional Use Process.	The UDC land use tables specify process based on zone districts	Add “EV Charging Project” into land use tables based on zone districts	Applied “Limited Use” category, which is an administrative approval with special standards and conditional use category
3. <u>Existing Primary Use Conformance Updates</u> : Jurisdictions may not require existing land uses on the same property as the Accessory Use EV Charging project to make site improvements or conform with land use regulations, unless the existing land uses proposed simultaneous changes to their use, structures or site that would otherwise require such conformance.	-	Add a limited use standard and to Section 18.11.05.01 Uses proposed on sites with physical nonconformities	-

4. <u>Regulation of Primary Use EV Charging Stations</u> : Jurisdictions may apply existing regulations (or develop new regulations) for Primary Use EV Charging Projects, as long as the regulations are no more restrictive to Primary Use EV Charging than those that apply to similar land uses, such as parking or commercial uses. Whether jurisdictions apply existing regulations or develop new regulations, they must define Primary Use EV Charging Projects as a land use and clarify which regulations apply to Primary Use EV Charging Projects.	The UDC includes Level 3 fast charging as part of the fueling station definition, however it does not contain specific standards for EV	Add limited use standards for Primary EV Charging Projects that require compliance with the surface parking use standards, parking lot landscaping, and lighting standards	-
5. <u>Permitted by Zoning District</u> : Primary use EV Charging Projects and Accessory Use EV Charging Projects shall be permitted as a use by right in all land use contexts, except for low-density housing land use contexts, where they shall be permitted as a conditional use.	-	Add Accessory EV Charging Projects as a limited use in all zone districts & Primary Charging EV Projects as a conditional use in ER, R1, and R1e, and limited in all other zones	The City could require Accessory Use EV Charging to be a conditional use in low density zones, however that could be onerous on nonresidential uses requesting a fast charger in their existing parking lots.
6. <u>Parking</u> : Any parking space served by an EV charging port or any other parking space used to site EV charging stations or equipment must be counted toward applicable parking minimums as at least one standards automobile parking space.	-	Add standard to 18.05.03.01 calculation of required parking spaces	Also required in Solor and Electric Ready Energy Code
7. <u>Parking</u> : Any van-accessible parking space that is designated to accommodate a person in a wheelchair, is served by an EV Charging Port, and is not designated as parking reserved for a person with a disability must be counted as at least 2 standard automobile parking spaces.	-	Add standard to 18.05.03.01 calculation of required parking spaces	Also required in Solor and Electric Ready Energy Code

8. <u>Parking</u> : The design of parking spaces and parking access for all EV Charging Projects shall comply with the US Access Board Design Recommendations for Accessible Electric Vehicles Charging Stations or any applicable accessibility regulations issued by the federal Department of Justice or Department of Transportation, or in state statute.	-	Add standard to 18.05.04.02 parking space and aisle standards	-
9. <u>Setbacks</u> : For Accessory Use EV Charging Projects, EV Charging Stations and Equipment (and any required screening), shall be permitted within designated setbacks of the subject property.	-	Add a limited use standard to require compliance with setbacks unless approved by the Director	Optional regulations to require compliance with setbacks unless demonstrated that there are no alternatives.
10. <u>Equipment Standard</u> : The appearance, materials, and dimensions of EV Charging Stations and Equipment shall be determined by current EV Charging manufacturing standards and utility design.	-	Add a limited use standard to prohibit nuisance conditions adjacent to residential zones and uses.	The City can prohibit or limit design features such as large digital advertising screens or bright lighting that is stylistic rather than functional and may result in light pollution or nuisances to neighboring properties.
11. <u>Screening and Landscaping</u> : Jurisdictions are encouraged not to require screening for Accessory Use EV Charging Projects.		Add a standard that exempts Accessory Use EV Charging Projects from screening requirements	Standards can be included that require screening only for the EV Charging Equipment (not station) along the perimeter of a property for the length of the equipment (not wrapped) and allow applicants to request an exception. The screening requirement limited by the State is very minimal. Equipment cabinets are generally 3 ft by 2 ft and would result in 1 or 2 shrubs.

12. <b>Screening and Landscaping:</b> Jurisdictions may not require screening or landscaping to be located within the electrical equipment safety and access distances from national electrical safety standards, including National Fire Protection Association (NFPA) standards, the National Electric Safety Code (NESC), and other relevant national safety standards	-	Add a limited use standard	-
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Model Code Regulation	UDC	Resolution	Notes
<b>Optional Standards</b>			
13. <b>Lighting:</b> Charging Stations proposed as part of an EV Charging Project must be within the Horizontal Illuminance of on-site lighting, as defined in this [code section]. Lighting may be provided by existing on-site lighting and/or by new lighting fixtures integrated into EV Charging Stations or Equipment or by new separate light fixtures	The UDC has minimum horizontal illuminance, maximum uniformity ratios, maximum average illuminance and minimum vertical illuminance in Table 18.09.02.03	No additional standards recommended, however add a reference to compliance with the City's parking lot lighting criteria	Photometric plans are required as part of a site development plan. Additional lighting standards for EV charging projects is not recommended
14. <b>Parking Marking and Striping:</b> Existing standards for parking pavement markings and striping established within [this code section] apply to EV Charging Projects	-	No additional standard recommended	The City could develop specific striping and pavement markings for Primary EV Charging Projects however we cannot include specific pavement markings and striping for Accessory EV Charging Projects
15. <b>Visibility:</b> EV Charging Stations and EV Charging Equipment shall not obstruct [site lines/sight distance	-	No additional standard recommended	LCUASS Chapter 8 requires sight distance triangles to remain free of visual obstructions

triangles] as defined in [this code section]			
16. <u>Landscaping</u> : When existing landscape plants on a subject property are removed during the installment of an Accessory Use EV Charging Project, they shall be replaced with similar plants so as to maintain the property's compliance with landscaping standards for the property's existing uses.		Add a limited use standard to Accessory EV Charging Project	We can only require replacement of the same number and species of plants that are removed on an Accessory EV Charging Project
17. <u>Signage</u> : Signage may be provided as part of an EV Charging Project to provide information about charging types, voltages, fees, wayfinding, or other information. Any signage provided is subject to the applicable standards in [this Code/Section]	UDC does not require sign permits for incidental signs of 1 sf (gas pumps, utility cabinets, equipment, etc.), small signs of 2 sq ft, or signs not visible from ROW	No additional standard recommended	Signage must be allowed on EV charging projects but cannot be required.
18. <u>Weather Canopies</u> : If weather canopies are included as part of an EV Charging Project, they are subject to the applicable siting, dimensional, setback, appearance, materials, and other standards in [this Code/Section]	Parking shelters for residential projects cannot encroach in front of side setbacks; no design criteria provided	No additional standard recommended	Parking shelters (weather canopies) are structures that would require a building permit. If associated with a residential project, they are allowed to encroach in rear setbacks. Otherwise, all siting criteria in the UDC is required.