



**Notice of Public Hearing
Planning Board
Thursday, June 9, 2022
7:00 PM
York Public Library**

The York Planning Board will conduct a Public Hearing regarding proposed Zoning Ordinance amendments to be potentially considered at the November 2022 General Referendum as follows:

1. Outdoor Dining for Restaurant Uses in Town
2. Electric Vehicle (EV) Infrastructure Ordinance

Printed copies of the proposed amendments (draft document dated May 23, 2022) are available with the Town Clerk at the Town Hall, and digital copies are available on the Town's webpage (www.yorkmaine.org).

Proposed Amendments

to be considered at the

November 2022 General Referendum

Amendment

1. Outdoor Dining for Restaurant Uses in Town
2. Electric Vehicle (EV) Infrastructure Ordinance

Amendment # *Outdoor Dining for Restaurant Uses in Town*

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to allow outdoor dining for restaurant uses permitted in town.

Statement of Fact: The purpose of this amendment is to allow restaurant uses, where permitted in town, to be able to have outdoor seating for dining purposes. The proposed allowance for outdoor dining for restaurant uses will be in place until November 2024 to allow evaluation of this ordinance and modify it if needed.

Recommendations:

Amendment: Amend Article Seven Special Provisions by permitting outdoor seating for permitted restaurant uses in town and include a sunset clause to allow for ordinance evaluation.

7.19 Outdoor Seating for Restaurant Uses

7.19.1 General. Outdoor seating for dining purposes shall be allowed where a restaurant use is permitted per Article Four Use Regulations. This provision shall supersede any zoning ordinance section that states otherwise. Outdoor seating used for dining purposes shall not be included for determining maximum gross floor area calculations for restaurant uses where applicable.

7.19.2 Outdoor Seating in the Public Right of Way. Outdoor seating for a restaurant use may be permitted in a public right-of-way after Selectboard approval. Selectboard approval or denial shall occur after either Planning Board or Code Enforcement approval as prescribed in Article Eighteen Administration of this ordinance. The Planning Board or Code Enforcement shall ensure outdoor seating for dining purposes meets applicable ordinances or regulations, that the seating locations are secure, and that safe passage for pedestrian, bicycle, and vehicular traffic is ensured. York Police Department, proper York Fire Department, and York Department of Public Works shall provide comment prior to an approval granted by the authorized permitting authority.

SUNSET CLAUSE: This ordinance shall remain valid until November 30, 2024. Notwithstanding the provisions of 1 M.R.S. § 302, this ordinance amendment shall apply retroactively to any applications accepted by the Planning Board or Code Enforcement Officer on or after May 27, 2022, which is the date when the first public hearing was posted for this amendment. This Sunset Clause provision is provided to allow evaluation of this and other ordinances pertaining to restaurant uses, the ordinances effectiveness and adjust if needed without causing adverse impacts.

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Amendment #
Electric Vehicle (EV) Infrastructure Ordinance

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to establish minimum requirements for electrical vehicle (EV) infrastructure to serve short- and long-term parking needs for electric vehicles.

Statement of Fact: The purpose of this amendment is to facilitate and encourage the use of electric vehicle (EV) use, to expedite the establishment of convenient, cost-effective EV infrastructure and to establish minimum requirements for the inclusion of EV infrastructure in parking areas for public, office, commercial, industrial, and multi-family developments.

Recommendations:

Amendment: Add Article Ten-I Electrical Vehicle Infrastructure ordinance as follows:

ARTICLE TEN-I
ELECTRIC VEHICLE INFRASTRUCTURE

10-I.1 Purpose

The purpose of this ordinance is to:

- a) Facilitate and encourage the use of electric vehicles (EV's).
- b) To expedite the establishment of convenient, cost-effective electric vehicle infrastructure.
- c) To establish minimum requirements for electric vehicle infrastructure to serve both long-term and short-term parking needs.

10-I.2 Definitions

- **ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION:** An electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.
- **BATTERY CHARGING STATION:** An electrical component, assembly, or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- **BATTERY ELECTRIC VEHICLE:** Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.
- **CHARGING LEVELS:** The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and DC are the most common charging levels, and include the following specifications: Level 1 provides charging through a 120-volt (V), alternating-current (AC) plug. Level 1 is considered as slow charging.
 - a) Level 1 charging equipment is standard on vehicles and therefore does not require the installation of charging equipment. The most common place for Level 1 charging is at the vehicle owner's home and is typically conducted overnight.
 - b) Level 2 charging is through a 240V, AC plug and requires installation of home charging or public charging equipment. These units require a dedicated 40 amp circuit. Level 2 chargers are commonly found in residential settings, public parking areas, places of employment, and commercial settings.
 - c) Level 3 charging is through a 480V, direct-current (DC) plug. Due to their high cost and extremely high power draw, Level 3 chargers are typically found in commercial or industrial locations rather than residential.
- **ELECTRIC VEHICLE:** a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid (or an off-grid source) that is stored on board for motive purposes. "Electric vehicle" includes:
 - a) Battery electric vehicle

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- b) Plug-in hybrid electric vehicle
- ELECTRIC VEHICLE CHARGING STATION (EVCS): A public or private parking space that is served by battery charging station 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 in an electric vehicle.
- ELECTRIC VEHICLE CHARGING STATION – PRIVATE RESTRICTED USE: an electric vehicle charging station that is:
 - a) Privately owned and restricted access (e.g., single-family dwelling, executive parking, designated employee parking, assigned parking at a multi-family dwelling); or
 - b) Publicly owned and restricted (e.g., fleet parking with no access to the general public).
- ELECTRIC VEHICLE CHARGING STATION – PUBLIC USE: An electric vehicle charging station that is:
 - a) Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or
 - b) Privately owned and available to visitors of the use (e.g., shopping center parking).
- ELECTRIC VEHICLE INFRASTRUCTURE: Conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.
- ELECTRIC VEHICLE PARKING SPACE: Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
- ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE): Any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.
- ELECTRICAL CAPACITY shall mean, at minimum:
 - a) Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger.
 - b) Conduit from an electric panel to future EVCS location(s).
- NON-ELECTRIC VEHICLE: Any motor vehicle that is license and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.
- PLUG-IN HYBRID ELECTRIC VEHICLE: An electric vehicle that:
 - a) Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
 - b) Charges its battery primarily by connecting to the grid or other off-board electrical source;
 - c) May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and
 - d) Has the ability to travel powered by electricity.

10-I.3 Applicability

- a) This ordinance shall apply to all electric vehicle infrastructure installed, constructed, or modified after the effective date of this Ordinance.

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- b) All electric vehicle infrastructure shall be designed, built, and installed in accordance with applicable local, state, and federal codes, regulations, and standards.
- c) Electric vehicle charging stations located on a single-family or two-family dwelling unit site or lot, which is the primary use on a site or lot, is exempt from these general requirements specified herein.

10-I.4 Permitted Locations

- a) Level 1, Level 2, and Level 3 EVCS are permitted in every zoning district as accessory to the primary permitted use. EVCS located at or within a single-family, two-family, and multi-family dwelling unit shall be designated as an Electric Vehicle Charging Station-private restricted use.
- b) If the primary use of a lot is an EVCS for retail purposes (similar to a Vehicular Service Stations primary use of selling gas) then the primary use shall be considered similar to a Vehicle Service Station as permitted in the Vehicular Use Category of Article Four of the Zoning Ordinance. Installation of this type of use shall be permitted in all zoning districts where Vehicle Service Stations are allowed.

10-I.5 Required Facilities

- a) All new or reconstructed parking structures or lots shall be required to install a Level 2 or Level 3 EVCS according to Table 10-I.1 when one of the following conditions is met:
 - The development includes a new off-street parking facility with 10 or more spaces; or
 - The parking capacity of an existing building, site, or parking facility with 20 or more spaces is increased by 30 percent or more (expressed as [number of additional spaces]/[number of existing spaces] x 100).
- i) The number of EV charging stations required to be installed at the time of development is stated as a percentage of the total number of parking spaces in Column A of Table 10-I.1. Requirements will be rounded to the closest whole number but will always be a value of at least one EVCS to be available at the time of development occupancy. The Planning Board may reduce, but shall not eliminate, the number of required EV charging station installations based on verifiable information pertaining to parking if the Planning Board determines that in so doing, it will not jeopardize the purpose and intent of this ordinance.
- ii) To meet anticipated demand for EV charging stations as the technology becomes more widespread, Column B of Table 10-I.1 specifies the required increased electrical capacity to enable future EV charging station installations. Electric capacity requirements are met by providing a cabinet, box or enclosure connected to a conduit linking parking spaces with 208/240V or higher voltage AC electrical service suitable for the number of charging stations. Capacity requirements will be rounded to the closest whole number.
 - (1) Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to a transformer to support the additional potential future electric vehicle charging stations

Table 10-I.1
EV Charging Requirements for new and reconstructed parking structures

| Land Use Type | A. Number of EVCS required (As a % of total parking spaces) | B. Increased Electrical Capacity for future EVCS (As a % of total parking spaces) |
|---|--|--|
| Multi-family Dwelling | 10% | 10% |
| Motel/Hotels, Lodging and Tourist Homes/Inns or Similar Uses | 10% | 10% |
| Municipal, School, Medical Facility or Hospital Uses | 10% | 10% |
| Office Uses as permitted in Article Four- Use Regulations within the Office Use Category | 3% | 3% |
| Industrial Uses as permitted in Article Four- Use Regulations within the Industrial Use Category | 1% | 1% |
| Other permitted Commercial Uses as specified in Article Four- Use Categories if not otherwise specified above | 1% | 1% |

10-I.6 General Requirements for Electric Vehicle Infrastructure

- a) As specified above, EV charging stations located on a single-family or two-family dwelling unit site or lot, which is the primary use on a site or lot, is exempt from these general requirements but not exempt from electrical or other permit obligations.
- b) General EV Charging Station Requirements
 - i) Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.
 - ii) Equipment Standards and Protection. Where provided, parking for electric vehicle charging purposes shall meet the following standards:
 - (1) Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.

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- (2) Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - (3) Charging Station Equipment Protection. When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops, or concrete-filled steel bollards shall be used.
 - (4) Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning, or other problems are encountered.
- iii) Signage. Electric vehicle charging stations, other than on a permitted residential uses lot or site, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment. Signage for parking of electric vehicles shall include:
 - (1) Information on the charging station to identify voltage and amperage levels and any time of use, fees, or safety information.
 - (2) Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner.
 - (3) As appropriate, directional signs to effectively guide motorists to the charging station space(s).
 - iv) Lighting. Site lighting shall be provided where EVCS is installed unless charging is for daytime purposes only. Lighting standards shall be met pursuant to Article 10-H of the zoning ordinance.
 - v) Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging/parking. If applicable, warnings shall be posted to alert EVCS users about hours of use and possible actions affecting charging stations that are not being used according to posted rules.
 - vi) The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.
 - vii) Usage Fees. The property owner or operator is not restricted from collecting a service fee for the use of an EVCS made available to visitors of the property.

10-I.7 Accessible Facilities

- a) Where electric vehicle charging stations are provided in parking lots or parking garages, excluding garages for single-family or two-family dwelling units, accessible electric vehicle charging stations shall be provided according to the ratios shown in Table 10-I.2. The first column indicates the number of electric vehicle stations being provided on-site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations.

**Table 10-I.2
Minimum Number of Accessible Electric Vehicle (EV) Charging Stations**

| Number of EV charging stations on site | Minimum accessible EV charging stations |
|---|--|
| 5–50 | 1 |
| 51–100 | 2 |
| 101–150 | 3 |

- b) It is strongly encouraged, but not required, that a minimum of one accessible EVCS be provided at sites with less than 5 EVCS.
- c) Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

10-I.8 Charging and Parking

- a) EVCS parking spaces are to be included in the calculation for both the number of minimum and maximum parking spaces required, as provided by Article 15.
- b) EVCS parking spaces, where provided for public use, are reserved for parking and charging electric vehicles only, except as otherwise provided.
- c) Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

10-I.9 Parking Restrictions

- a) No person shall stop, stand, or park any non-electric vehicle in a space designated through signage as an electric vehicle charging station except as otherwise provided or allowed by the Town of York in municipal controlled parking areas. Any non-electric vehicle is subject to removal by the property owner or the property owner’s agent.
- b) Any electric vehicle in an electric vehicle parking stall that is signed exclusively for electric vehicle charging and that either (1) is not electrically charging or (2) is parked beyond the days and hours designated on regulatory signs posted at or near the space shall be subject to removal as posted by the property owner or the property owner’s agent. For purposes of this subsection, “charging” means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

10-I.10 Decommissioning

Unless otherwise directed by the Town. Within ninety (90) days of cessation of use of the EVCS, the property owner or operator shall restore the site to the EVCS to its original condition. Should the property owner or operator fail to complete said removal within

ninety (90) days, the Town may conduct the removal and disposal of improvements at the property owner or operator's cost and expense.

10-I.11 Procedures, penalties for offenses

All violations of this ordinance shall be subject to Article 19- Enforcement and Violations and are subject to other applicable ordinances and regulations as specified herein.

Amendment: Add language to Article 16 Sign Standards regarding sign exemptions for a permit for EV charging stations:

16.7.2 Information signs, *including signs for EV Charging Stations.*