

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION AGENDA
Wednesday, February 22nd, 2023 – 5:30 PM
Van Buren Township Hall
46425 Tyler Road**

Per guidance provided by the Wayne County Local Public Health Department for meetings of governmental bodies held under public act 228 of 2020, effective January 1, 2022, the following Zoom link is provided to enable remote participation in a meeting of the public body by the general public:

Please click this link to join the webinar: <https://us06web.zoom.us/j/83564234281>

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US: +1 929 436 2866

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See the Van Buren Charter Township website for additional information regarding how to participate in a Zoom public meeting.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA:

MINUTES: Approval of minutes from the regular meeting of February 8, 2023.

CORRESPONDENCE / ANNOUNCEMENTS:

PUBLIC HEARING:

OLD BUSINESS:

NEW BUSINESS:



ITEM # 1: Extension Request: Case 20-012 – Final Site Plan Approval for Jiffy Lube Minor Vehicle Service

TITLE: A request by Jiffy Lube International, Inc. for an extension of a approval of a previously approved final site plan construct a 3,064 square foot minor vehicle service building along with related site improvements. Approval was granted on May 12, 2021.

LOCATION: The site is located on the south side of Tyler Road east of Belleville Road at 44475 Tyler Road (parcel ID number 83 058 99 0006 712). The property is zoned C-2 –

Extensive Highway Business District and also in the Belleville Road Overlay District (BROD).

- ACTION ITEMS:
- A. Presentation by Township Staff.
 - B. Planning Commission discussion.
 - C. Planning Commission considers extension of final site plan approval.

ITEM # 2 Discussion – Zoning Ordinance Text Amendments and Committee Assignments

Staff will discuss proposed initiatives on Zoning Ordinance text amendments regarding electric vehicles and agricultural tourism. Staff and Planning Commissioners will discuss Committee assignments and meeting times for further discussion of these ordinances.

- ACTION ITEMS:
- A. Presentation by the Township staff.
 - B. Planning Commission discussion.
 - C. Public Comment.
 - D. Planning Commission will confirm Committee assignments and discuss meeting dates.

ITEM # 3: Election of Officers

TITLE: The Planning Commission will hold a new election of officers based on the recent vacancy of the Planning Commission Chair, per Article III, Section 1 of the adopted Planning Commission Rules of Procedure.

- ACTION ITEMS:
- A. Presentation by the Township staff.
 - B. Planning Commission discussion.
 - C. Planning Commission will elect officers, with positions to be assumed at next regular meeting.

GENERAL DISCUSSION AND UPDATES

ADJOURNMENT:

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
February 8, 2023
MINUTES - DRAFT**

Vice-Chairperson Jahr called the meeting to order at 5:30 p.m.

ROLL CALL:

Present: Cullin, Atchinson, Barr, Grant, Budd, Pahle and Jahr.

Excused: None.

Staff: Director Power (remote), Director Akers and Secretary Harman.

Planning Representatives: Vidya Krishnan, McKenna Associates and Paul Kammer, Fishbeck Associates.

Applicant(s) in Attendance: Case 22-059 Belleville Yacht Club: Owner, Scott Jones. Case 21-040 DTE Morton Substation: Barbara Rykwald, Matt Wolf and Karen Wittman. Case 22-012 Chahal Semi Truck Repair Facility: Steve Davenport, Joe Davenport and Lance Warden. Case 17-026 Metro Park Party Store Gas Station: Timothy Shammass and Andy Shina.

Audience: Forty-seven (47) and Two (2) remote viewers.

APPROVAL OF AGENDA:

Motion Budd, Barr second to approve the agenda of February 8, 2023 as amended, removing New Business Item #4, Extension Request: Case 20-012 – Final Site Plan Approval for Jiffy Lube Minor Vehicle Service. **Motion Carried.**

APPROVAL OF MINUTES:

Motion Cullin, Budd second to approve the regular meeting minutes of January 11, 2023 as presented. **Motion Carried.**

ANNOUNCEMENT:

Vice-Chair Jahr introduced new Planning Commissioner Jackson Pahle and welcomed him to the Commission.

OLD BUSINESS:

ITEM #1: 22-059 – BELLEVILLE YACHT CLUB – MARINA PRELIMINARY SITE PLAN REVIEW AND COMMENT.

TITLE: BELLEVILLE YACHT CLUB REQUESTS TO CONSTRUCT A MARINA AS DEFINED UNDER SECTION 3.120(B)(15) OF THE VAN BUREN TOWNSHIP ZONING ORDINANCE, INCLUDING TWO (2) DOCK STRUCTURES, EACH CONTAINING A SINGLE DOCK STEM WITH FOUR (4) CONNECTING DOCKS. THE SITE IS ZONED BELLEVILLE LAKE SHORELINE DISTRICT B – NON-SINGLE FAMILY RESIDENTIAL (BLB). MARINAS ARE A USE THAT REQUIRE SPECIAL APPROVAL IN THE BLB DISTRICT. THE PLANNING COMMISSION IS REQUESTED TO CONSIDER A REVISED PRELIMINARY SITE PLAN ASSOCIATED WITH A REQUEST FOR SITE PLAN AND SPECIAL APPROVAL FOR THE MARINA USE AND TO PROVIDE COMMENTS ON A SPECIAL EXCEPTION REQUEST OF THE BOARD OF ZONING APPEALS (BZA) FOR THE MARINA'S DOCK STRUCTURES TO EXTEND TO A LENGTH NOT TO EXCEED 120', CONTRARY TO SECTION 3.120(D)(5) OF THE ZONING ORDINANCE.

THE PROJECT IS PROPOSED TO BE LOCATED IN TOWNSHIP LAKE PROPERTY ADJACENT TO 831 E. HURON RIVER DRIVE (PARCEL ID NUMBER 83-088-99-0005-000), ON THE NORTH SIDE OF E. HURON RIVER DRIVE BETWEEN LOZA LANE AND EVELYN COURT.

Director Akers gave the presentation. The Planning Commission was asked to provide review and comment on special approval and site plan review for the proposed construction of two (2) multi-dock structures that have a proposed length of 120 feet each. A public hearing was held by the BZA on 1-10-23 to consider the special approval request, the BZA postponed their decision on the request to allow for additional review and commentary on the request and its associated marina site plan. A public hearing was held by the Planning Commission to consider the marina special approval and site plan requests on 1-11-23, the Planning Commission's decision was postponed in order for additional information to be provided on a revised site plan along with supplemental data and for action to be taken by the BZA at a future meeting prior to a final decision on the site plan. The BZA will be making findings on the following five (5) criteria in determining whether to approve the requested special exception for excessive dock length, per Section 3.120(F)(7) of the Van Buren Township Zoning Ordinance:

- (i) Enforcement of the provision(s) requested for special exception would unnecessarily prevent the reasonable use of the land or boats involved without resulting benefit to the public health, safety and welfare of person or property;
- (ii) The special exception would not unduly prevent the realization of the purposes of this Ordinance;
- (iii) The special exception would not cause substantial harm or detriment to adjacent or nearby lands or boats or the public interest or safety, nor be contrary to the intent or purpose of this Ordinance;
- (iv) Unusual circumstances or conditions are involved; and
- (v) The special exception is consistent with the goal of providing reasonable, equitable access to all abutting lake owners.

The special approval is different than a variance, it takes into consideration the Townships responsibilities with FERC and the responsibility to maintain the integrity of the French Landing Dam. To assist the Planning Commission with analysis and commentary, the applicant was provided direction in the form of an itemized list of twenty-five (25) specific items that are highlighted in the packet. The next steps for the Commission are to make comment on the preliminary site plan submittal and provide commentary for the BZA for their consideration. The comments will be recorded in the meeting minutes and provided to the BZA.

Commissioner Atchinson disclosed that she and her husband are members of the community and BYC members. Commissioner Atchinson asked for permission to retain herself and to be able to vote on this item.

Motion Cullin, Grant second, the Commission has no problem allowing Commissioner Atchinson to remain as a voting member. Motion Carried.

Owner/Applicant, Scott Jones, gave a presentation. Mr. Jones was asked at the previous meeting to provide updates to the plans, which were submitted. A lot of the updates pertained to the 100 foot no wake zone around the property and proposed lighting at the docks, reflective tape and lighting has been added. Mr. Jones commented that the busiest days on the lake are the busiest days at the club. The lights are 48" tall, will illuminate downward onto the dock and should be noticeable from a distance. The added no wake lines take the navigable water down to 518 feet between the two 100 foot no wake zones. The narrowest point on the lake near the BYC is off of Potter Drive, which is down to 400 feet of navigable water, located roughly 700 feet to the west of the BYC. The BYC site is 118 feet wider with the docks and the no wake zones included. Mr. Jones considered everything discussed around safety, he believes they are not impeding the use of the lake, the docks are tucked in behind the narrowest point. Mr. Jones displayed the 100 foot no wake zones, space to navigate the waterway and proposed light fixtures. The DNR Boat Launch next door has proposed adding an extension to their docks with a jetty, the last proposal was a in 2008, however their budget has not allowed them to move forward. Mr. Jones does not know how far they plan to go out, he expects that it will be further than their docks. This will break up the wake in that area, making it safer by restricting the flow in the area. Mr. Jones did receive a question from the Township Board, asking if the BYC was a for profit organization or not. The BYC is a non-profit 501 (C)(7), if dissolved any proceeds would have to go to a like charity. Mr. Jones was available to answer any questions.

Commissioners had the following questions and comments:

- With regard to the 518 feet, how was it determined a safe distance for boating purposes? Mr. Jones informed that it will not be the narrowest point on the lake, there is only 400 feet of navigable water to the west and he has not been made aware of any concerns in that area. Mr. Jones had discussed ski ropes and lengths with the Township and how close boats can be to each other. The State of Michigan requires 150 feet behind or in front of a crossing boat. There is no specific language linking the lines for skiing or tubing, but from personal experience they are about 50-75 feet.
- Commissioner commented there are clearances from boat to boat. Boats above no wake speed needs to maintain a 100-foot distance from the shoreline and other boats that are traveling as well. Mr. Jones confirmed, yes.
- Commissioner inquired if the applicant could add the Michigan boating safety laws, to prove the point of safety. Mr. Jones agreed he could state the laws and show how small an 8 ½ foot wide boat is in a 500-foot area.
- Commissioner is not sure if it is safe or unsafe, believes it is the applicant's responsibility to show that it is safe. In the end, the Planning Commission and BZA would need to make their decision based on the evidence to show that it's safe. Mr. Jones agreed he can show some navigable waters. Commissioner thinks that if the applicant applies safe boating laws and requirements then he can prove if it's a safe plan.
- Commissioner needs a little more information than how much distance is needed between boats. Looking at an assumption in regard to safety, need to be more certain. Looking at Section 3.120, it talks about enforcement with provisions for special exemptions and there have been public comments about the dock going out into the lake which is a public resource and this is for a private club. The stated purpose involves lake access and boating education which would be limited by a small subset of the community. Last meeting, the Commissioner asked the question if women could be members of the

club, the Commissioners follow up question is, are there women that are voting members in the club? Mr. Jones informed yes, there are currently seven (7). The current bylaws state that there shall be no requirement for membership in the club that could serve to restrict any applicant based against race, color, sexual orientation, national origin or religion.

- Commissioner inquired, as far as the marina use, there is not really a change in the use? Mr. Jones informed, no. It won't be a marina operation in the manner of fueling or maintaining boats, it is only for dockage for members to use the facilities and leave.
- Commissioner has concern with the 120 feet, he has seen people that don't understand what they are supposed to do on the lake and has safety concerns. Commissioner knows that people do not observe the no wake zone. It is only two (2) football fields across the lake at that point, major concern for others using the lake. If more than one (1) boat or jet ski, are they going to be able to maintain enough distance apart. Commissioner likes the idea of the construction of the docks and the way that they look, however has concern for all that use the lake.
- Commissioner asked Mr. Jones if he has considered shorter dock lengths. Mr. Jones responded that to get the 16 boats, they need the 120 feet. Commissioner inquired if they need 16 boats? Mr. Jones commented they would have liked to have more.
- Commissioner commented that if the BZA approves the extension, that does not necessarily mean they will get their dock, this will still need to go to EGLE. Director Akers confirmed that is accurate. Commissioner commented that in addition to EGLE, there would be review by FERC. Director Akers informed, potentially, he will need to confirm.
- Commissioner inquired how the docks are able to be maintained as private? Director Akers informed that the docks are privately owned. Exclusive use in the ordinance transfers certain rights with responsibilities.

Members of the audience and remote viewers had the following questions and comments:

- Resident appreciates the BYC and thinks they bring property values up. Mr. Jones mentioned that there's virtually no traffic and that the width of the proposal is not the narrowest part. Even though it's not the narrowest part, where it is narrower, boats are not going in and out to park. Where this is going to be, there is traffic going in and out. Resident is concerned being only about 5-6 houses away, she sees all the traffic in the summer and doesn't boat on the weekends because its too busy. Resident thinks we need a traffic study to be able to get the data needed to make sure that it's going to be safe. Resident doesn't oppose anything that the BYC is doing, just wants it to be safe.
- Resident, lakefront owner and avid boater. Addressed a few items with safety, the area in question is one of the trickiest putting your boat in and out. Resident suggests that the extension will push those boaters out further into the lake where they belong. To get a traffic study, look a little further down the lake where it is narrower. Coming around the tip of Potter Drive allows the natural trajectory to continue the arch around the area. Traffic studies have been done. The DNR asked in 1998 and 2004 to extend their docks and add a jetty. The only thing stopping them is the funding. The traffic study is done and the DNR project is approved. There are several other areas on the lake that are much narrower.

- Resident disagrees with the previous speaker's comments. The 518 feet of water is not enough when pulling tubers. Often more than not, a boat pulling a tuber or a jet ski goes in between another obstacle, a huge safety issue. Resident inquired if we have contacted the Police to get their view? This is not a gated/private lake. Have to be extremely considerate of everyone's safety. The dock is an extended obstacle.
- Resident sat in the previous Planning Commission and BZA meetings, both requested and asked about traffic studies and safety concerns. The typical permit process asks the requestor to provide a site survey. This doesn't just affect the neighboring properties. Earlier resident mentioned a traffic study for the DNR launch, traffic studies change, think it needs to be done again. The request doesn't hold a candle to the original ask. Taking down to the narrowest point, is turning the lake back into a river. EGLE, the deciding factor is waiting for the Township, nowhere else has a dock length restriction. The letter in the Independent commented on the Lake Ordinance Committee. Perhaps reconvene the Lake Ordinance Committee, instead of trying to push this through. The amount of non-permitted docks is not unreasonable. The applicant reminded of what good they do for the community, but the dock length only benefits the club members. Resident stands opposed to the 120 feet, thinks it needs to be looked at further. Resident is opposed that anyone would vote that is a BYC member.
- The original dock held 24 boats, its down to 16 boats. Resident participated in the lakeshore ordinance discussion. The 40-foot limit seems excessive, would be more willing to support an 80-foot dock. Resident also agrees that people that are members of the BYC should not vote.
- 120 feet into the lake is absurd, a lake that the entire state of Michigan can use. Boaters don't pay attention to the rules. 80 feet is ridiculous. Resident is totally opposed.
- Remote viewer supports the BYC in the many things that they do for the community. A lot of people are against the docks, but support the BYC. It's one thing to ask for a variance on land, another thing to take over a lake that you don't own. If approved it sets a precedence for all sorts of other businesses. Resident sent Director Power a video of previously proposed docks at the Liberty Street address that were at 140 feet. The current docks were strategically planned, then the applicant got a stop work order, the applicant could have started then with this request and looked at this in the summer. The lake width in that area is 40 feet plus 100 feet equaling 140 feet, 280 feet for both sides combined, leaving a 590 navigable channel. Allowing them to go out 120 feet reduces 80 feet, almost a 15% reduction to the navigable channel for the private club. If the DNR builds a jetty and docks, then allow the club to build out the same length. Resident agrees that he absolutely disagrees with BYC members on the Commission voting. Resident inquired if there are any other members on the Commission.

Commissioner thanked the public for their comment. After looking at the ordinance, they need to conclude there is a positive finding for all 5 items that the BZA will be reviewing. Commissioner recommended that the BZA should not grant the variance. Additionally, we should not guess on safety. The township needs to look at and consider other buildouts. This is a shared resource.

No further comments from the Commission, audience or remote viewers.

NEW BUSINESS:

ITEM #1: 21-040 – DTE MORTON SUBSTATION – FINAL SITE PLAN.

TITLE: THE APPLICANTS, CHRISTOPHER BECKER AND MATTHEW WOLFE, ON BEHALF OF DTE ELECTRIC, SEEK SITE PLAN REVIEW FOR THE CONSTRUCTION OF A 120 – 13.2 KV, 80 MVA NINE CIRCUIT SUBSTATION AND RELATED SITE IMPROVEMENTS.

42061 ECORSE ROAD, TAX PARCEL 83-041-99-0004-001. LOCATED ON THE SOUTH SIDE OF ECORSE ROAD BETWEEN HAGGERTY ROAD AND KIRKBRIDGE PARK DRIVE.

Director Akers deferred to Principal Planner Vidya Krishnan for her presentation.

Vidya Krishnan of McKenna Associates presented her review letter dated 2-2-23. The applicant, DTE, is proposing to construct a new circuit substation in collaboration with ITC. The substation will include several structures necessary for the functioning of the site. The applicant received preliminary site plan approval from the Planning Commission on 5-11-22, subject to several conditions. Many of the conditions of preliminary plan approval have been met at this time. The few items remaining to be addressed can be administratively checked or require a resolution with the County. McKenna Associates recommends that the Planning Commission grant final site plan approval for the DTE Energy substation to be located on Ecorse Road, subject to making the necessary corrections to the landscape and lighting plans as noted in the review letter and finding a resolution for the sidewalk design.

Paul Kammer of Fishbeck Associates presented his review letter dated 1-31-23. Fishbeck recommends the Planning Commission grant the DTE Morton substation engineering and final site plan approval, subject to the comments in the review letter and pending Wayne County reviews and permit approvals. If changes occur due to requirements from the County, the Township reserves the right to require the applicant to resubmit and apply for review of the site. Prior to the project continuing to the preconstruction phase, the applicant will be required to address all comments in an issued for construction plan set.

Director Akers presented the Fire Department's review letter dated 11-9-21, there are no changes and the site plan as reviewed is approved.

Barbara Rykwald, Matt Wolf and Karen Wittman of DTE were present to answer any questions. Matt Wolf informed that they have taken the necessary precautions on the wetlands. Additional improvements have been made to the landscaping to provide better shielding and they will take a look at replacing a shrub for tree.

No comments from the Commission.

No comments from the audience or remote viewers.

Motion Barr, Budd second to grant the DTE Morton Substation final site plan approval, located at 42061 Ecorse Road, based on and in compliance with Director Power's review letter dated 2-2-23, McKenna Associates review letter dated 2-2-23 and Fishbeck Associates review letter dated 1-31-23.

Roll Call:

Yeas: Grant, Budd, Pahle, Barr, Atchinson, Cullin and Jahr.

Nays: None.

Excused: None.

Motion Carried. (Letters Attached)

ITEM #2: 22-012 – CHAHAL SEMI TRUCK REPAIR FACILITY – FINAL SITE PLAN.

TITLE: JOE DAVENPORT ON BEHALF OF OWNER SUKHDEV SINGH HAS APPLIED TO CONSTRUCT AN 8,320 SQUARE FOOT TRUCK AND TRAILER REPAIR BUILDING WITH TRUCK WELL AND SITE IMPROVEMENTS. THE PROPERTY IS ZONED M-2 (GENERAL INDUSTRIAL) DISTRICT.

6100 SCHOONER DRIVE (PARCEL ID NUMBER V125-83-017-99-0014-714), LOCATED SOUTH OF MICHIGAN AVENUE EXTENDING BETWEEN SCHOONER DRIVE (WEST) AND SCHOONER DRIVE (EAST).

Director Akers deferred to Principal Planner Vidya Krishnan for presentation of her review.

Vidya Krishnan of McKenna Associates presented her review letter dated 11-20-22. The applicant, Chahal Transport, Inc., proposes to construct an 8,320 square foot truck and trailer major repair building with truck well and site improvements on Schooner Drive. The 6.04-acre site is located south of Michigan Avenue extending between Schooner Drive (west) and Schooner Drive (east). The applicant received preliminary site plan approval from the Planning Commission on 8-10-22, subject to several conditions. The applicant also received special land use approval from the Township Board of Trustees on 9-20-22. The site plan related conditions of preliminary plan approval have been met at this time. Engineering approval is yet to be obtained. McKenna Associates recommends final site plan approval.

Paul Kammer of Fishbeck Associates presented his review letter dated 1-30-23. Fishbeck recommends the Planning Commission grant engineering and final site plan approval, subject to the comments listed in the review letter and pending Wayne County review and approval. If changes occur due to requirements from the County, the Township reserves the right to require the Applicant to resubmit and reapply for review of the site. Prior to the project continuing to the preconstruction phase, the applicant will be required to address all comments in an issued for construction plan set.

Director Akers presented the Fire Department review letter dated 11-14-23, all concerns have been addressed.

Lance Warden of Chahal Trucking gave a brief presentation. The civil documents have been modified, with minor elevation changes and wording to meet County standards. Mr. Warden expects a response from the County within a week. The crossing of the utilities is with the water main and the applicant did locate the existing 36" storm sewer stub.

No comments from the audience or remote viewers.

Motion Atchinson, Cullin second to grant Joe Davenport on behalf of owner Sukhdev Singh final site plan approval to construct a semi truck repair facility located at 6100 Schooner Drive, parcel number 83-041-99-0004-001 based on the finding and subject to the conditions in the staff letter dated 2-2-23, McKenna Associates review letter dated 11-20-22, Fishbeck Associates review letter dated 1-30-23 and Fire Department review letter dated 11-14-22.

Roll Call:

Yeas: Barr, Grant, Budd, Pahle, Atchinson, Cullin and Jahr.

Nays: None.

Excused: None.

Motion Carried. (Letters Attached)

ITEM #3: EXTENSION REQUEST: 17-026 – FINAL SITE PLAN APPROVAL FOR METRO PARK PARTY STORE GAS STATION AND FUEL PUMPS.

TITLE: A REQUEST BY TIMOTHY SHAMMAS AND ANDY SHINA ON BEHALF OF OWNER SIDE PARK, INC. FOR AN EXTENSION OF APPROVAL OF A PREVIOUSLY APPROVED FINAL SITE PLAN TO ADD A GASOLINE FILLING STATION TO AN EXISTING SHOPPING CENTER. APPROVAL WAS GRANTED ON APRIL 14, 2021.

THE SITE IS LOCATED AT 41001 E. HURON RIVER DRIVE (PARCEL ID NUMBER 83-095-01-0231-010), LOCATED AT THE SOUTHWEST CORNER OF HAGGERTY ROAD AND E. HURON RIVER DRIVE.

Director Akers gave the presentation. The request is for a final site plan extension for 41001 E. Huron River Drive. The original site plan was approved on 4-14-21.

Commissioner commented that this is an extension request that would have come to the Commissioner earlier, but was unfortunately delayed.

Owner, Timothy Shamas informed that the reason for the delay was a few issues with Wayne County. What should have been a 2-to-4-month review took 11 months, the plan was lost and a new plan had to be resubmitted to the County. The whole process took about 11 months to get approval and receive an extension from Wayne County. Right now, the applicant is on track to start by April if all goes according to plan.

No comments from the Commission, audience or remote viewers.

Motion Cullin, Barr second to extend the final site plan approval for 41001 E. Huron River Drive for the period of one (1) year.

Roll Call:

Yeas: Budd, Pahle, Grant, Barr, Atchinson, Cullin and Jahr.

Nays: None.

Excused: None.

Motion Carried.

ITEM #4: DISCUSSION ON RULES OF PROCEDURE.

TITLE: THE PLANNING COMMISSION IS REQUESTED TO CONSIDER REVISIONS TO THEIR RULES OF PROCEDURE TO INCLUDE THE PLEDGE OF ALLEGIANCE AT THE BEGINNING OF EACH MEETING AND TO ADJUST THE PLACEMENT OF THE ANNUAL ELECTION OF OFFICERS WITHIN THE AGENDA OF THE FIRST REGULAR BUSINESS MEETING OF DECEMBER EACH YEAR.

Director Akers gave the presentation. The Planning Commission is requested to consider revisions to their bylaws to include the Pledge of Allegiance at the beginning of each meeting and to adjust the placement of the annual election of officers within the agenda of the first regular business meeting of December each year. The Planning Commissioner may consider a motion to adopt changes to the Rules of Procedure subject to a two-thirds (2/3) vote of the membership and subject to the approval of the Township Board

Commissioners agreed to approve the revisions.

Motion Cullin, Barr second to accept the by-laws as amended.

Roll Call:

Yeas: Atchinson, Grant, Barr, Budd, Pahle, Cullin and Jahr.

Nays: None.

Excused: None.

Motion Carried.

ITEM #5: DISCUSSION ON THE ELECTION OF OFFICERS.

TITLE: THE PLANNING COMMISSION IS REQUESTED TO CONSIDER SCHEDULING A NEW ELECTION OF OFFICERS BASED ON THE RECENT VACANCY OF THE PLANNING COMMISSION CHAIR, PER ARTICLE III, SECTION 1 OF THE ADOPTED PLANNING COMMISSION RULES OF PROCEDURE.

Director Akers gave a brief presentation. Based on the recent appointment of former Planning Commission Chair Bryon Kelley to the Board of Trustees, the Planning Commission is requested to consider scheduling a new election of officers. Per the Rules of Procedure, when there is a vacancy, the Commission will hold an election to appoint officers for the upcoming year. If the Planning Commission agrees, they may consider placement of the Election of Officers on the next regular meeting agenda.

Motion Budd, Grant second to schedule the Election of Officers on the next meeting agenda.

Roll Call:

Yeas: Cullin, Atchinson, Barr, Grant, Budd, Pahle and Jahr.

Nays: None.

Excused: None.

Motion Carried.

GENERAL DISCUSSION:

ITEM #1: FORTHCOMING ZONING ORDINANCE AMENDMENT DISCUSSIONS.

Director Akers requested that the Zoning Ordinance amendment discussion be postponed until the next meeting. Vidya Krishnan of McKenna Associates informed that the amendment is the EV Ordinance which is ready to be looked at, at an upcoming meeting.

ADJOURNMENT:

Motion Budd, Cullin second to adjourn the meeting at 7:23 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

PLANNING & ZONING APPLICATION

Case number _____

Date Submitted _____

APPLICANT INFORMATION

| | | | |
|------------------------|---|--------------------------|----------------|
| Applicant | Jiffy Lube International, Inc. | Phone | (832) 337-9809 |
| Address | 150 N. Dairy Ashford Rd, Building F, Rm F 376 D | Fax | |
| City, State | Houston, TX | Zip | 77079 |
| E:mail | Claire.Gilroy@shell.com | Cell Phone Number | |
| Property Owner | MEIJER INC | Phone | (616) 791-3909 |
| | (if different than applicant) | | |
| Address | 2929 WALKER AVENUE NW | Fax | |
| City, State | GRAND RAPIDS, MI | Zip | 49544 |
| Billing Contact | Claire Gilroy | Phone | (832) 337-9809 |
| Address | 150 N. Dairy Ashford Rd, Building F, Rm F 376 D | Fax | |
| City, State | Houston, TX | Zip | 77079 |

SITE/ PROJECT INFORMATION

Name of Project Jiffy Lube

Parcel Id No. V125-83- 058 99 0006 707 **Project Address** 9701 Belleville Rd, Van Buren Township

Attach Legal Description of Property

Property Location: On the South Side of Tyler Road; Between Belleville Road and Morton Taylor Road. **Size of Lot** Width 143' Depth 219'

Acreage of Site .72 **Total Acres of Site to Review** .72 **Current Zoning of Site** C-2

Project Description: New construction of a Jiffy Lube oil change facility.

Is a re-zoning of this parcel being requested? No YES (if yes complete next line) NO

Current Zoning of Site Requested Zoning

SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? Special Use Approval YES (if yes complete next line) NO

Section of Zoning Ordinance for which you are applying Section 12.301

Is there an official Woodland within parcel? N/A **Woodland acreage** N/A

List total number of regulated trees outside the Woodland area? **Total number of trees**

Detailed description for cutting trees N/A

If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

OWNER’S AFFIDAVIT

Matthew Levitt, Real Estate Manager, Meijer, Inc.

Print Property Owners Name

Signature of Property Owner

Date May 13, 2020

STATE OF MICHIGAN
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this _____ day of _____, 20____.

_____, Notary Public, _____ County, Michigan My Commission expires _____, 20____.



MEMO

TO: Van Buren Township Planning Commission
FROM: Dan Power– Director of Planning and Economic Development
RE: Case 17-026: Metro Park Party Store Final Site Plan Extension
DATE: February 2, 2023

Applicant Jiffy Lube International, Inc. has applied for an extension of approval of a previously approved final site plan construct a 3,064 square foot minor vehicle service building along with related site improvements. Approval was granted on May 12, 2021. The site is located on the south side of Tyler Road east of Belleville Road at 44475 Tyler Road (parcel ID number 83 058 99 0006 712). The property is zoned C-2 – Extensive Highway Business District.

Section 12.207 of the Van Buren Township Zoning Ordinance prompts the expiration of a site plan within one (1) year of approval. However, the Planning Commission may, at its discretion upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions in the event there has been a lapse of one or more year without construction activity.

A letter from Rob Boarer of Jiffy Lube International, Inc. dated November 16, 2022 has been provided. The letter explains construction and labor cost increases and other factors that have led to construction delays. Their letter indicates that they will select a General Contractor (GC) during the Spring of 2023. The typical procedure should involve a formal request for extension to be processed within one (1) year of the subject site plan approval (in this case, by May 12, 2022). However, due to the circumstances documented by the applicant, staff supports the Planning Commission consider reviewing this request and considering extending their final approval by one (1) additional year from the date of the February 8, 2023 Planning Commission meeting, subject to issuance of any necessary permits by Wayne County, with construction beginning by no later than February 8, 2024.

Thank you for your consideration of this requested extended site plan approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Power', is written over a light blue horizontal line.

Dan Power, AICP
Planning and Economic Development Director
Public Services Department
Charter Township of Van Buren

Dan Power, AICP
Director of Planning and Economic Development
Department of Public Services
Charter Township of Van Buren
46425 Tyler Rd.
Van Buren Twp., MI 48111

11/16/2022


To: Dan Power, AICP

Regarding our project is known as the Jiffy Lube MultiCare Service Development (Project Number 20-012 / 200630); we humbly request that any and all current approvals for our project are hereby extended, due to the unforeseen issues of the continual rise of construction and labor costs, which have been caused by a multitude of worldwide factors outside of our control.

In addition, regarding our updated timeline, we are likely looking to make our GC selection during the spring of 2023; in which we will be in close contact with you and your team to ensure that we maintain any approvals as needed.

Do not hesitate to reach out if you have any questions or concerns.

Sincerely,



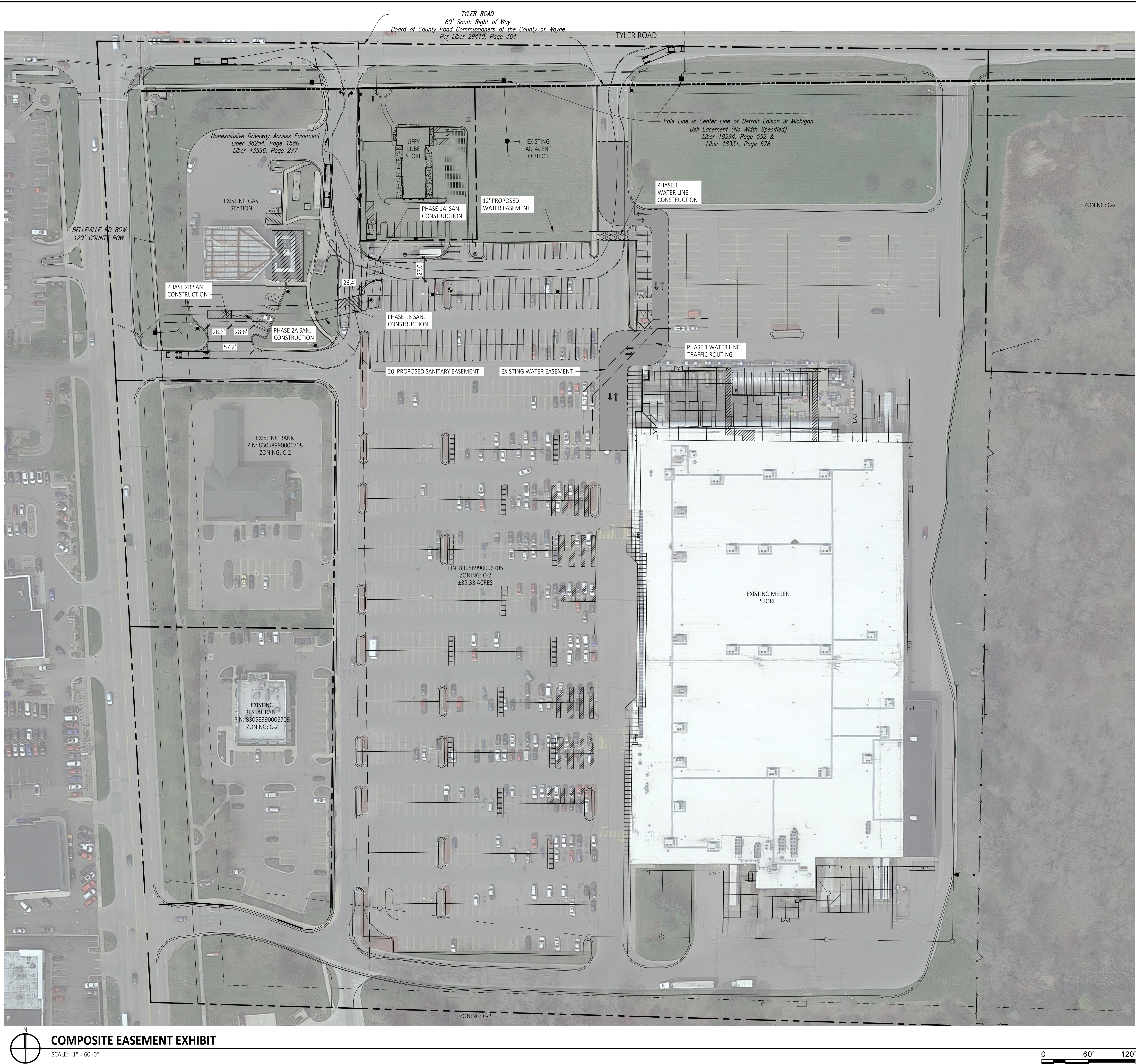
Rob Boarer



Jiffy Lube International | Real Estate, Construction and Development Lead
150 N. Dairy Ashford, Houston, Texas, USA, 77079
W: +1 832-762-2148



FILE NAME: \\Shared\Clients\Jiffy_Lube\Projects\UD2_072_Van Buren, MI\UD2_Civil\ConDocs\C1.03.dwg LAST SAVED BY: Sinnette, John SAVED DATE: 9/17/2021 7:11 AM PLOTTED: 2/9/2022 11:21 AM



PHASING NOTES:

PHASE 1 SANITARY
EAST/WEST SHARED ACCESS DRIVE 1A: ISOLATE EXCAVATION AND CONSTRUCTION TO THE EAST OF THE NORTH/SOUTH ACCESS DRIVE WHILE MAINTAINING ACCESS TO THE NORTH/SOUTH DRIVE AISLE.

NORTH/SOUTH SHARED ACCESS DRIVE 1B: ISOLATE EXCAVATION AND CONSTRUCTION TO THE NORTH/SOUTH ACCESS DRIVE WHILE MAINTAINING ACCESS TO THE EAST/WEST DRIVE AISLE SOUTH OF THE JIFFY LUBE PARCEL.

PLACE TRAFFIC CONTROL DRUMS AS REQUIRED TO ISOLATE CONSTRUCTION. TRAFFIC CONTROLS MUST BE ALIGNED TO MAINTAIN FUEL TANKER TRUCK INGRESS AND EGRESS FROM THE SITE.

PHASE 2 SANITARY
MEIJER FUELING LOT 2A- ISOLATE EXCAVATION AND CONSTRUCTION TO THE EASTERN SIDE OF THE LOT WHILE MAINTAINING 2 WAY ACCESS ON THE WEST SIDE.

MEIJER FUELING LOT 2B : ISOLATE EXCAVATION AND CONSTRUCTION TO THE WESTERN SIDE OF THE LOT WHILE MAINTAINING 2 WAY ACCESS ON THE EAST SIDE.

PLACE TRAFFIC CONTROL DRUMS AS REQUIRED TO ISOLATE CONSTRUCTION. TRAFFIC CONTROLS MUST BE ALIGNED TO MAINTAIN 2-WAY, MINIMUM 24 FOOT ACCESS THROUGHOUT CONSTRUCTION.

PHASE 1 WATER
PHASE 1 WATER MUST BE COMPLETED INDEPENDENTLY FROM PHASE 1 SANITARY SO THERE IS ONLY ONE INTERNAL ACCESS DRIVE AFFECTED AT A TIME. PLACE TRAFFIC CONTROL DRUMS AS REQUIRED TO PROVIDE THE ROUTING SHOWN ON PLAN

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Info@sevasolutions.com www.sevasolutions.com
INTEGRITY | RESPECT | TEAMWORK | EXCELLENCE | CHARITY

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------------|-------------------|
| 8 | 09.14.2021 | SANITARY REVISION |

CONSULTANT

SEAL

CUSTOMER



PROJECT DESCRIPTION

JIFFY LUBE
MULTI-CARE SERVICES

PROJECT LOCATION

9701 BELLEVILLE RD
VAN BUREN CHARTER
TOWNSHIP, MI 48111

(WAYNE COUNTY)

SHEET TITLE

OFF-SITE
UTILITY PHASING
PLAN

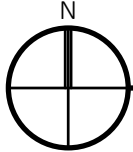
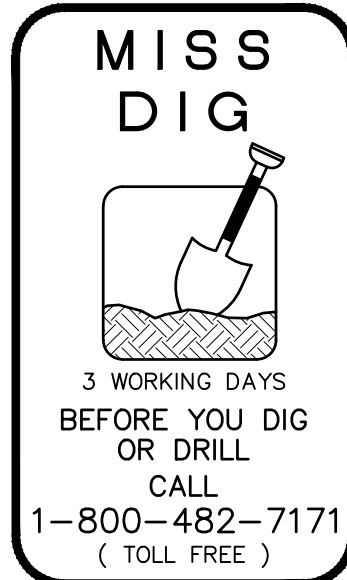
SHEET MANAGEMENT

PROJECT NO.: 072_BELLEVILLE
DATE: -
CRITERIA: -
PROJECT MANAGER: M. PISKO

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SHEET NUMBER

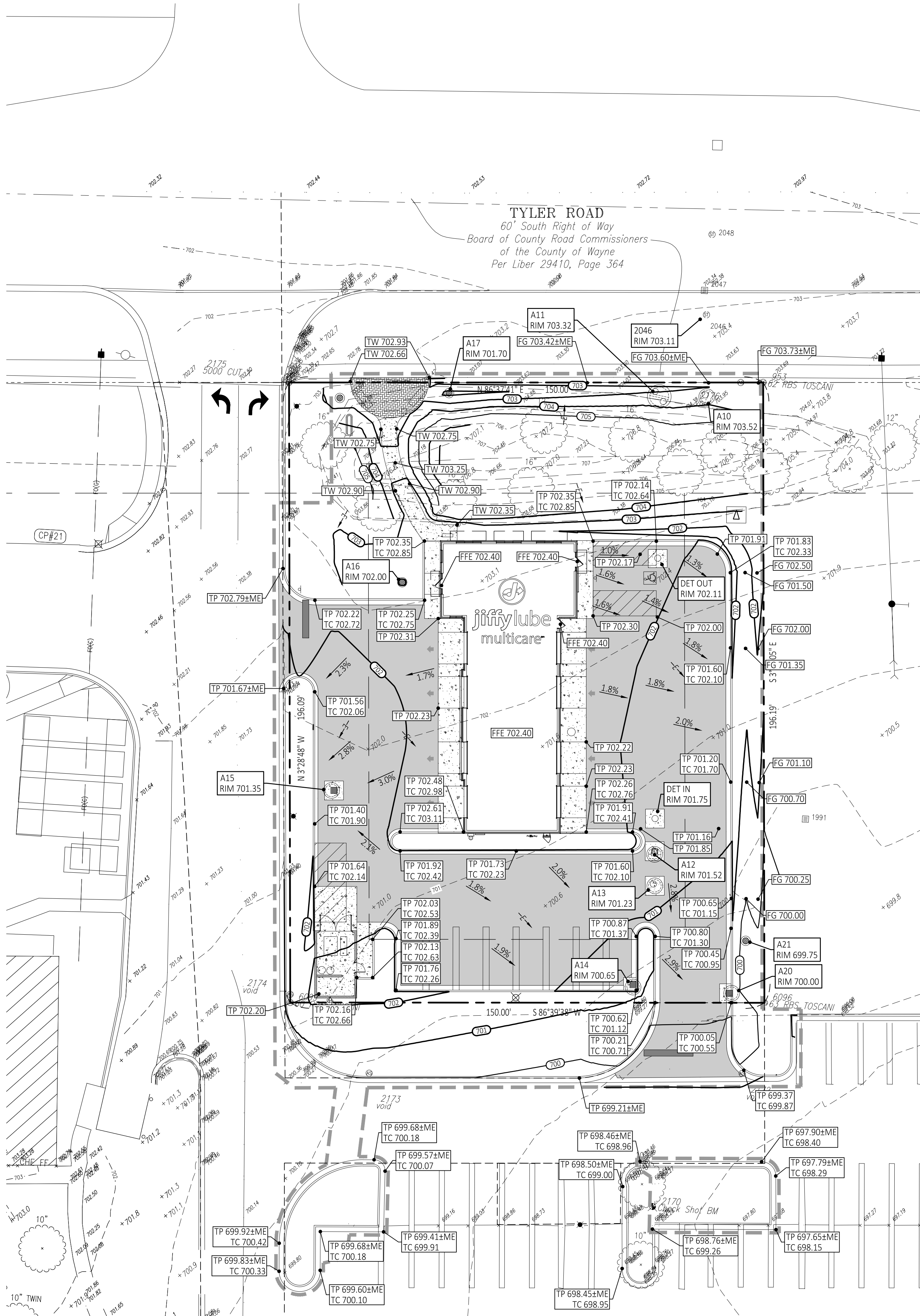
C1.03



COMPOSITE EASEMENT EXHIBIT

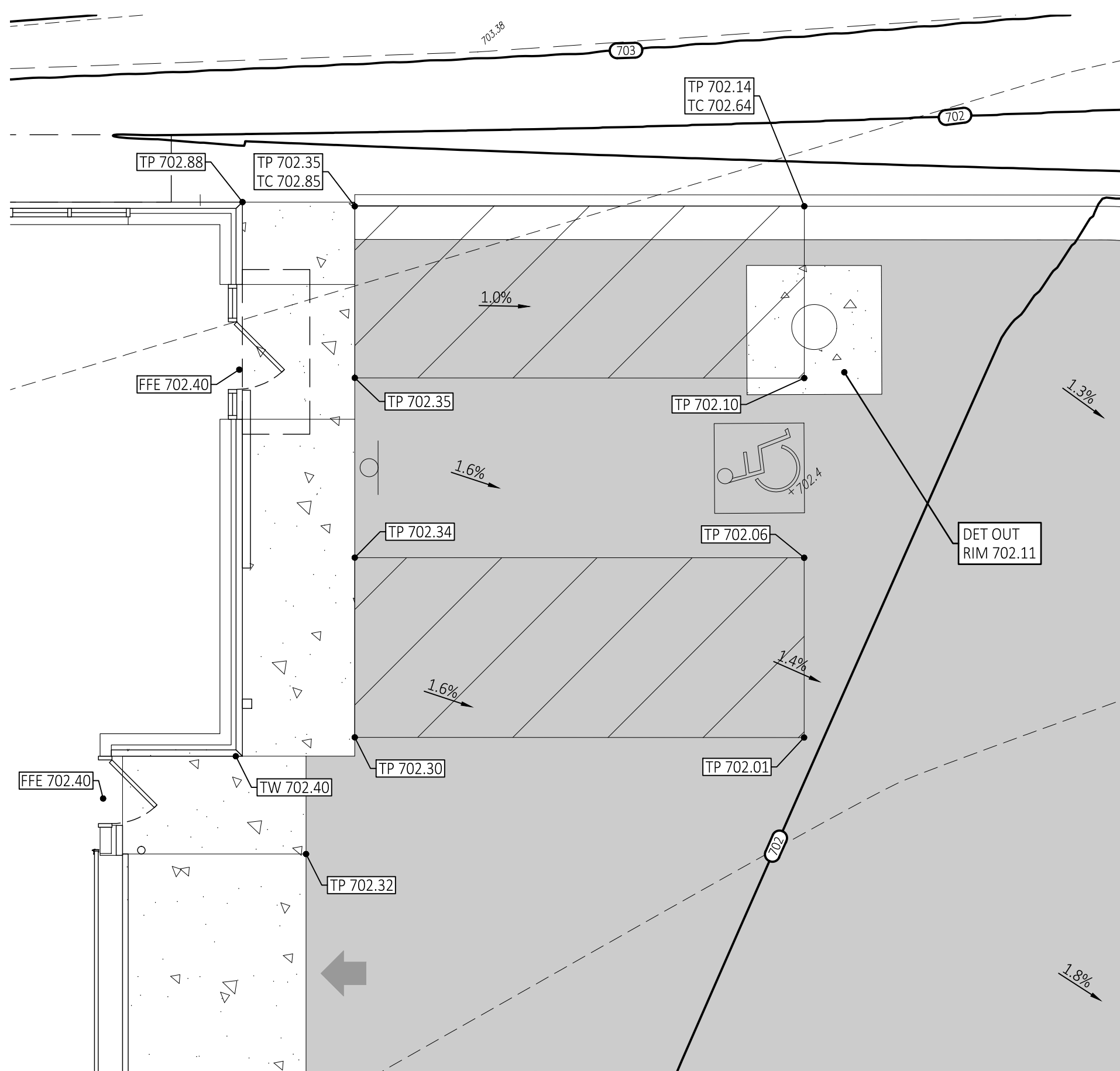
SCALE: 1" = 60'-0"

0 60' 120'



GRADING PLAN
SCALE: 1" = 20'-0"

0 20' 40'



ENLARGED GRADING PLAN
SCALE: 1" = 5'-0"

0 20' 40'

BENCHMARKS:

AS PER SURVEY NOTES:

THE SITE BENCHMARK IS A CUT SQUARE ON BACK OF CURB LOCATED NEAR THE SOUTH LINE OF THE SURVEYED PARCEL AS SHOWN HEREON. SITE BENCHMARK ELEVATION: 698.79' (NAVD88)

PAVING LEGEND:

- HEAVY DUTY ASPHALT PAVEMENT
- CONCRETE PAVEMENT

GRADING NOTES:

- VERIFY REQUIRED SPOT ELEVATIONS/GRADING IN THE VICINITY OF THE BUILDING WITH THE ARCHITECTURAL PLANS.
- ALL MATERIALS AND CONSTRUCTION METHODS SHALL BE IN CONFORMANCE WITH THE DRAWINGS AND PROJECT MANUAL, AND WITH LOCAL JURISDICTIONAL AUTHORITY STANDARDS AND SPECIFICATIONS.
- ALL PROPOSED SPOT ELEVATIONS IN PAVED AREAS ARE TO TOP OF PAVEMENT UNLESS NOTED OTHERWISE.
- THE PROJECT SITE SHALL BE GRADED TO PROVIDE POSITIVE DRAINAGE AT ALL TIMES, ENSURING NO AREAS OF STANDING WATER.
- THE GENERAL CONTRACTOR SHALL, AT HIS OR HER EXPENSE, RESTORE ANY AND ALL STRUCTURES, PIPE, UTILITY, PAVEMENT, CURB, SIDEWALK, LANDSCAPED AREA, ETC. DISTURBED WITHIN THE SITE AND/OR ADJOINING PROPERTIES DURING DEMOLITION OR CONSTRUCTION. SUCH FACILITIES SHALL BE RESTORED TO THEIR ORIGINAL CONDITION OR BETTER, TO THE SATISFACTION OF THE AFFECTED OWNER(S).
- UNDERDRAINS MAY BE ADDED, IF DETERMINED NECESSARY BY THE GENERAL CONTRACTOR AND AUTHORIZED BY THE OWNER'S REPRESENTATIVE, AFTER SUBGRADE IS ROUGH GRADED.
- UNLESS OTHERWISE EXPRESSLY INDICATED HEREON, FINISHED GRADES ARE TO MATCH ADJACENT EXISTING GRADES.
- THE GENERAL CONTRACTOR SHALL PRESERVE EXISTING VEGETATION WHERE POSSIBLE AND/OR AS NOTED ON DRAWINGS. SEE SESC PLAN ON SHEET C1.11 FOR LIMIT OF DISTURBANCE. PROTECT EXISTING TREES TO REMAIN WITH TEMPORARY FENCING PLACED AT THE DRIP LINE. NO GROUND DISTURBANCE OR STORAGE OF MATERIAL SHALL OCCUR WITHIN THE DRIP LINE LIMITS, UNLESS HEREON EXPRESSLY INDICATED OTHERWISE.
- ALL EXCAVATION IS CONSIDERED UNCLASSIFIED AND THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ALL MEANS, METHODS AND MATERIALS OF CONSTRUCTION TO COMPLETE THE CONSTRUCTION PER THE DRAWINGS AND PROJECT MANUAL. ADDITIONALLY, THE GENERAL CONTRACTOR IS RESPONSIBLE FOR THE OFF-SITE DISPOSAL OF EXCESS OR UNSUITABLE MATERIAL, AS WELL AS THE IMPORTATION OF ANY BORROW MATERIAL NECESSARY TO COMPLETE THE PROJECT.
- PER TOWNSHIP STANDARDS, ALL STORMWATER RUNOFF SHALL BE CONTAINED AND COLLECTED ON-SITE TO BE CONVEYED UNDERGROUND TO THE EXISTING STORMWATER MANAGEMENT SYSTEM.

SITE SPECIFIC GRADING GENERAL NOTES:

THE GENERAL CONTRACTOR IS RESPONSIBLE FOR THE REPAIR OF ANY EXISTING SITE IMPROVEMENTS THAT MAY BE DISTURBED DURING CONSTRUCTION. THIS SHALL INCLUDE, AND IS NOT NECESSARILY LIMITED TO:

- (A) EXISTING CURB THAT MAY BE DISTURBED
- (B) EXISTING ASPHALT THAT MAY BE DISTURBED
- (C) EXISTING LANDSCAPING
- (D) EXISTING LIGHT STANDARD(S) AND WIRING.

GRADING LEGEND:

- TG GUTTER GRADE
- TC TOP OF CURB
- BW FINISHED GRADE AT WALL
- FG FINISHED GRADE
- FL DITCH FLOW LINE
- TP TOP OF PAVEMENT
- RIM UNDERGROUND STRUCTURE RIM
- TW TOP OF WALK
- FFE FINISHED FLOOR ELEVATION
- ME MATCH EXISTING
- 2.0% PROPOSED SLOPE
- DIRECTION OF PROPOSED OVERLAND FLOW
- E- DIRECTION OF EXISTING OVERLAND FLOW

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Downers Grove, IL 60515
Info@sevasolutions.com www.sevasolutions.com
INTEGRITY | RESPECT | TEAMWORK | EXCELLENCE | CHARITY

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------------|-----------------------|
| 0 | 05.01.2020 | OWNER REVIEW |
| 1 | 05.20.2020 | SITE PLAN REVIEW |
| 2 | 09.21.2020 | SITE PLAN REVIEW #1 |
| 3 | 01.12.2021 | WAYNE CO. RESUBMITTAL |
| 4 | 02.17.2021 | TOWNSHIP SUBMITTAL #1 |
| 5 | 04.02.2021 | TOWNSHIP SUBMITTAL #2 |
| 7 | 05.21.2021 | TOWNSHIP SUBMITTAL #3 |

CONSULTANT

SEAL

CUSTOMER



PROJECT DESCRIPTION

JIFFY LUBE
MULTI-CARE SERVICES

PROJECT LOCATION

9701 BELLEVILLE RD
VAN BUREN CHARTER
TOWNSHIP, MI 48111

(WAYNE COUNTY)

SHEET TITLE

GRADING PLAN

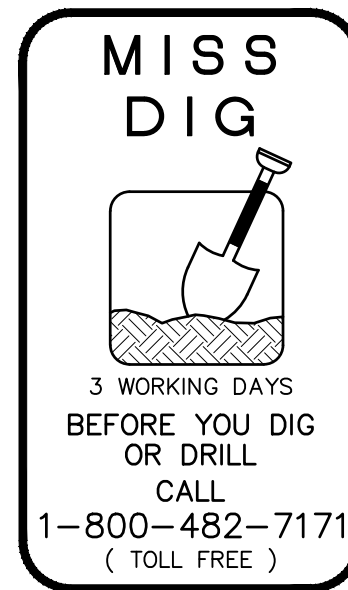
SHEET MANAGEMENT

PROJECT NO.: 072_BELLEVILLE
DATE: -
CRITERIA: -
PROJECT MANAGER: M. PISKO

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SHEET NUMBER

C1.30





MEMO

TO: Van Buren Township Planning Commission
FROM: Dan Power– Director of Planning and Economic Development
RE: Discussion of Zoning Ordinance Text Amendments and
Committee Assignments: Electric Vehicles (EV's) and Agricultural
Tourism ("Agritourism") Uses
DATE: February 15, 2023

Dear Planning Commissioners:

In September 2022, staff compiled a list of potential zoning ordinance text amendments that were at that time either in *adoption* stage or *active development stage*. Since that time, sets of Zoning Ordinance amendments regarding the Sumpter Road Mixed Use (SRMU) District and Sumpter Road Overlay District (SROD), gasoline stations, and side entry garage and minimum building separation requirements in residential zoning districts were adopted. Looking forward, the Township is also exploring additional zoning ordinance amendment discussions in accordance with the Township's adopted Master Plan and current needs and trends. In November 2022, Planning Commissioners were provided a list of potential zoning ordinance topics and asked to express their interest in these topics. Planning Commissioners also expressed some interest in dispersing into small committees to discuss potential ordinance amendments in greater detail and address major issues prior to ordinances being reviewed during regular Planning Commission meetings.

Staff and the Township's Planning Consultant are ready to support committee-level discussions regarding two (2) of these previously listed topics:

- **Electric vehicle charging stations.** For reference, please see a draft zoning ordinance amendment provided by the Planning Consultant on this topic, received January 31, 2023. Please also see a Summary of Best Practices in Electric Vehicle Ordinances by the Great Plains Institute dated June 2019, provided by the Planning Consultant in May 2022 (included with the electronic packet).
- **Agricultural tourism ("agritourism").** For reference, please see a letter dated March 11, 2022 from the Planning Consultant containing research on Agritourism standards in comparison communities around Michigan.

Tentative Committee assignments to discuss these items will be as follows, based on previously stated interest from Planning Commissioners:

- Electric vehicle charging stations – *Commissioners Atchinson, Cullin and Jahr*
- Agricultural tourism ("agritourism") – *Commissioner Cullin and up to two (2) additional volunteers.*

Staff advises the Planning Commission to finalize its membership for Committee-level discussions on

these two topics, and then to consider the following potential meeting times for Committee discussions:

- First or Third Tuesdays at 4:00 p.m.
- Second or fourth Wednesdays at 4:00 p.m.
- Second Tuesdays at 4:00 p.m.
- Other times pending consensus of Committee members and staff _____

Following this regular Planning Commission meeting, staff will schedule Committee level discussions on these two ordinance topics. We will continue exploring other Zoning Ordinance amendment topics using the Committee development approach as time allows.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Power".

Dan Power, AICP
Planning and Economic Development Director
Charter Township of Van Buren Public Services Department

**CHARTER TOWNSHIP OF VAN BUREN,
COUNTY OF WAYNE, STATE OF MICHIGAN
ORDINANCE NO. xx-xx-20**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE 5-2-17(2) AS AMENDED OF THE CHARTER
TOWNSHIP OF VAN BUREN TO INCLUDE DEFINITIONS AND PROVISIONS FOR REGULATING ELECTRIC
VEHICLE (EV) CHARGING STATIONS.
THE CHARTER TOWNSHIP OF VAN BUREN ORDAINS:**

SECTION 1- ORDINANCE AMENDMENT

Pursuant to this Ordinance, the following sections of the Charter Township of Van Buren Zoning Ordinance shall be amended in accordance with the below text upon the effective date of this Amendment:

1. **Article 2.00, Definitions, Section 2.102. Specific Terms**, is hereby amended to add the following definition:

Electric Vehicle (EV) Charging Station. A public or private parking space that is served by battery charging equipment that is used for the purpose of transferring electric energy to a battery in an electric vehicle.

2. **Article 2.00, Definitions, Section 2.102. Specific Terms**, is hereby amended to amend the definition (95) Gasoline Filling Station to read as follows:

GASOLINE FILLING STATION: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the retail sale of minor accessories, but not including any automotive service repair. Also, a place for transfer of electrical energy from battery charging equipment to an electric vehicle (EV).

3. **Article 9.00, Parking, Loading and Access Management**, is hereby amended to add a new Section 9.108, to read as follows:

Section 9.108 Electric Vehicle (EV) Charging Stations.

(A) **Permitted Locations.** When accessory to a permitted use, EV charging stations are permitted in all zoning districts. When constructed as a primary use, electric vehicle charging stations shall be permitted in gasoline filling stations or in a public right-of-way with permission from the governmental entity having jurisdiction for the right-of-way.

(B) **Parking standards.** EV charging stations may be included in the calculation of minimum required parking spaces. Each station counts as one (1) parking space. EV charging stations shall be sized and striped to meet the same minimum parking space size requirements as a traditional parking space.

(C) **Electric Bus.** Charging Stations for electric bus(es) must comply with the required dimensions for parking space for an RV (Recreational Vehicle). The space must be located on a site with adequate maneuvering room for navigation in and out of the space(s).

(D) **Charging equipment and Signage.** Charging equipment shall not impede safe and accessible routes for pedestrians or users of a site. Electronic message screens up to one (1) square foot in area are permitted and shall be installed facing away from any public right-of-way. Incidental signage on chargers shall comply with the standards of Article 11 of this ordinance.

(E) **Contact information.** Contact Information shall be provided on the equipment for reporting service outages or other maintenance issues.

(F) **Emergency shutoff.** Non-residential EV charging stations shall have a clearly visible and accessible power shutoff switch for use by emergency responders in the event of an electrical emergency. The location and method of securing the switch shall be approved by the Fire Department.

4. Electric Vehicle (EV) Charging Stations shall be subject to the design standards for Gasoline Filling Stations listed in Article 5.00. Development Standards for Specific Uses, Section 5.144.

SECTION 2 - SEVERABILITY

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance, which shall remain in full force and effect.

SECTION 3 - REPEALER

All other provisions of the Zoning Ordinance, or Ordinances or parts of Ordinances, in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 4- SAVINGS CLAUSE

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under the Zoning Ordinance, or any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

SECTION 5 - EFFECTIVE DATE

The provisions of this Ordinance are hereby ordered to take effect seven (7) days after publication of the notice of adoption in a newspaper of general circulation within the Township. This Ordinance shall be immediately recorded by the Township Clerk in the Township Ordinance Book as soon as it is adopted,

which record shall be authenticated by the signatures of the Supervisor and Clerk and shall be published in a newspaper of general circulation in the Township within fifteen (15) days of passage. A copy of this Ordinance may be purchased or inspected at the Clerk's Office, 46425 Tyler Road, Van Buren Township, MI 48111 during normal business hours.

SECTION 6 - ADOPTION

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren at a meeting duly called and held on the --- day of -----, 2023, and ordered to be given publication in the manner prescribed by law.

I hereby approve the foregoing Ordinance,

Leon Wright, Clerk

Kevin McNamara, Supervisor

Adopted:

Published:

Effective:



**GREAT PLAINS
INSTITUTE**

Better Energy.
Better World.

Summary of Best Practices in Electric Vehicle Ordinances

BY CLAIRE COOKE AND BRIAN ROSS

JUNE 2019



This ordinance guide was developed based upon funding from the Alliance for Sustainable Energy, LLC, Managing and Operating Contractor for the National Renewable Energy Laboratory for the US Department of Energy.

About the Great Plains Institute

A nonpartisan, national, nonprofit organization, the Great Plains Institute (GPI) is transforming the energy system to benefit the economy and environment. We combine a unique consensus-building approach, expert knowledge, research and analysis, and local action to find and implement lasting solutions. Learn more at www.betterenergy.org.

For more information on this ordinance summary, please contact Brian Ross, Senior Program Director at bross@gpisd.net.

Contents

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Overview

This document is a summary guide to electric vehicle (EV) and electric vehicle supply equipment (EVSE) ordinances in the US.¹ The guide is sorted into best practice categories and provides a summary of typical provisions used by cities for each category. Each category includes a table with key points and text examples from actual ordinances, as well as recommendations from model codes for that topic, drawn from one of several model ordinances, or ordinance guidance documents that have been developed to inform cities on developing EV-ready zoning standards.

This summary is provided as a reference to cities seeking to develop EV zoning standards or development regulations. The summary does not address building or electric codes, only zoning ordinance language and associated tools. The examples are not intended to constitute recommendations, but rather to show the breadth of choices made by communities across the nation to integrate EVSE into development regulation.

The ordinance language in the following tables are drawn from the zoning ordinances of the following cities. To see the full context of each example, click on the links below and use the search function within the ordinance document to find the relevant example.

- [Atlanta, GA](#)
- [Auburn Hills, MI](#)
- [Chelan, WA](#)
- [Des Moines, WA](#)
- [Douglas County, WA](#)
- [Duluth, MN](#)
- [Golden Valley, MN](#)
- [Howard County, MD](#)
- [Indianapolis, IN](#)
- [Kansas City, MO](#)
- [Methuen, MA](#)
- [Middletown, CT](#)
- [Montgomery County, MD](#)
- [Mountlake Terrace, WA](#)
- [New Orleans, LA](#)
- [Saint Paul, MN](#)
- [Salt Lake City, UT](#)
- [St. Louis Park, MN](#)

The inventory of adopted ordinances also included a scan of model zoning ordinances and ordinance guidance documents for how local governments can use their zoning codes to help electrify transportation.

¹ This is not a complete inventory but rather a representative sample of ordinances from cities throughout the United States.

The guides and model ordinances are listed below, with links, along with their region of origin:

- Europe: [Electric Vehicle Charging Infrastructure: Guidelines for Cities](#)
- Georgia: [Model Municipal Ordinance](#) (click on the first hyperlink in Section II, A)
- Iowa: [Leading the Charge: City Codes and Electric Vehicles](#)
- Midwest: [Principles for EV-Ready Communities](#)
- New Jersey: [Alternative Fuel Vehicle Readiness: A Guidebook for Municipalities](#)
- New York: [Literature Review Summary: Electric Vehicle Supply Equipment Signage Guidance](#)
- New York: [Promoting Electric Vehicle Charging Station Installations](#)
- Northeast/Mid-Atlantic: [Creating EV-Ready Towns and Cities: A Guide to Planning and Policy Tools](#)
- Santa Clara County, CA: [Plug-in Electric Vehicle Best Practices Compendium](#)
- Washington: [Electric Vehicle Infrastructure: A Guide for Local Governments in Washington State](#)
- Washington: [Plug-In Electric Vehicle Readiness Plan](#)

1. Electric Vehicle Charging Station as Permitted Land Uses

Information related to where EV charging stations (or specific types of EV stations) are permitted. Charging stations are likely to be an accessory use but may also be a principal use in some instances. Ordinances clarify where these land uses are permitted to streamline the installation of infrastructure that serves a public purpose.

| Typical Ordinance Includes | Language Example | |
|---|------------------|--|
| Specification: | City, State: | Text: |
| <p>Treats different types of EVSE as different land uses and may distinguish between where different types of charging stations are allowed.</p> <ul style="list-style-type: none"> Charging station types are typically distinguished as different “levels” contingent on charging speed (see “definitions” p11-12). Most often, levels 1 & 2 are allowed in all zones while level 3 stations are restricted to specific zoning districts. <ul style="list-style-type: none"> May provide a table to delineate use permitted zoning districts for each station type. May also allow for all three levels in all zoning districts. | Chelan, WA | “Level 1 and 2 electric vehicle charging stations are a permitted use in all zoning districts... Level 3 electric vehicle charging stations are a permitted use in the Warehouse and Industrial (WI), Highway Service Commercial (C-HS),..., zoning districts” |
| | Des Moines, WA | “Levels 1, 2, and 3 electric vehicle charging stations are allowed in all zoning designations.” |
| May require a conditional or special use permit for charging stations in specific zones. | Auburn Hills, MI | “Installation shall be subject to permit approval administered by the Community Development Department.” |
| | Chelan, WA | “Level 3 electric vehicle charging stations...require a conditional use permit in Downtown Mixed Use (DMU), Tourist Accommodation (T-A),...zoning districts.” |
| May place restrictions on charging stations in the right of way. | New Orleans, LA | “No property or parcel may have more than one electric vehicle charger installed in the right-of-way adjacent to such property or parcel.” |
| | Des Moines, WA | “Electric vehicle charging stations are not permitted within the city right-of-way” |

EV Guide and Model Code Recommendations

Model Code Document Name:

Iowa Clean Cities Coalition, Leading the Charge: City Codes and Electric Vehicles

Recommendation: “Define what types of EVSE are allowable by land use type.”

Reasoning: “By establishing compatible charging stations according to land use types, cities can eliminate confusion about what is and isn’t allowable while also affirming the desirability of EVSE within the community...”

2. Electric Vehicle Make-Ready Standards

Requirements and standards for installing the infrastructure to support EVSE (also known as “make-ready”), other than the installation of the EVSE equipment itself. Make-ready standards are to prepare, at the time of construction, for future installation of chargers. Make-ready requirements capture savings by avoiding future costly retrofits to install chargers and have minimal impacts on the construction or renovation costs for the parking facility.

| Typical Ordinance Includes | Language Example | |
|---|--------------------|--|
| Specification: | City, State: | Text: |
| May require or recommend the installation of appropriate electrical capacity and conduits to support future EVSE. | Howard County, MD | “For new occupancies subject to this section: at least 1 parking space for each 25 residential units shall feature energized outlets; and a residential unit with a garage, carport, or driveway shall feature appropriate electric vehicle supply equipment consisting of conductors, connectors,[...] so that an energized outlet may be added in the future.” |
| | St. Louis Park, MN | “Multiple-Family Residential Land Uses: all new, expanded and reconstructed parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 EVCSs for a minimum of 10% of required parking spaces.” |
| | St. Louis Park, MN | “Non-Residential Land Uses: all new, expanded and reconstructed parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level 2 or DC |

| | | |
|---|-----------------------|---|
| | | EVCSs for a minimum of 10% of required parking spaces.” |
| | Auburn Hills, MI | “In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new one-family and multiple-family homes with garages be constructed to provide a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.” |
| | Auburn Hills, MI | “it is strongly encouraged, but not required, that all new and expanded non-residential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. It is recommended that a typical parking lot (e.g., 1,000 or less parking spaces) have a minimum ratio of 2% of the total parking spaces be prepared for such stations.” |
| May delineate zoning districts where EVSE is allowed. | Mountlake Terrace, WA | “Electric vehicle infrastructure shall be permitted in zoning districts of the city as identified in ...” |

EV Guide and Model Code Recommendations

Model Code Document Name:

Model City Ordinance Relating to Electric Vehicle (EV) Charging Infrastructure

Recommendation: “Require that [the] main electrical switchgear be installed with sufficient space and capacity to support 20% of EV spaces at 208/240V and 40A per space, with a dedicated branch circuit and overcurrent protection device, per space.”

Reasoning: “Retrofitting parking structures can be 91%+ more expensive than outfitting garages during the initial construction phase.”

Recommendation: “Require that all parking spaces in a parking structure be made “EV-Capable” i.e. conduit be

installed throughout the structure and subpanels sized to accommodate 60A or 40A breakers for each.”

Reasoning: “[if] at least 20% of stalls are “EV-Ready” ... the total electrical capacity is able to be shared among the remaining 80% of EV parking stalls using load sharing technology. However, this is only possible if the electrical conduit (trunk line) and subpanels are preinstalled throughout the parking garage to allow Level-2 Charging Equipment to be connected in the future.”

3. Electric Vehicle Supply Equipment Standards

Minimum standards or required design of charging equipment or charging station infrastructure. These standards are often combined with minimum requirements for EV charging installations (see best practice #5).

| Typical Ordinance Includes | Language Example | |
|---|-----------------------|---|
| Specification: | City, State: | Text: |
| May require that EVSE meet standards found in the National Electric Code. | Atlanta, GA | “Installation of EVSE shall meet National Electric Code article 625...” |
| Often specifies that EVSE must be mounted. <ul style="list-style-type: none"> • May specify on what EVSE should be mounted. • Often specify at what height EVSE should be mounted. • Often specify that EVSE should be installed so as not to be a tripping hazard. • May require a retraction device or place to mount cords. • May specify that cords should not cross walkways. | Montgomery County, MD | “Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted.” |
| | Chelan, WA | “Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way” |
| | New Orleans, LA | “Cords shall be retractable or have a place to hang the connector and cord sufficiently above the pedestrian surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.” |
| May specify other standards that EVSE should comply with. | St. Louis Park, MN | “EVCS pedestals shall be designed to minimize potential damage by accidents, |

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| <ul style="list-style-type: none"> • May specify that EVSE be installed in compliance with a specific state code. • Often specify that EVSE be installed in compliance with the Americans with Disabilities Act. | | vandalism and to be safe for use in inclement weather.” |
| | St. Louis Park, MN | “Battery charging station outlets and connector devices shall be mounted to comply with state code and must comply with all relevant Americans with Disabilities Act (ADA) requirements.” |
| May specify the distance of the charging station from the curb. | Mountlake Terrace, WA | “Charging station equipment...shall be a minimum of 24 inches clear from the face of the curb.” |
| May specify under what circumstances a parking space must adhere to these standards. | Des Moines, WA | “Electric vehicle charging stations utilizing parking stalls located in parking lots, or parking garages shall comply with the following requirements...” |
| | Douglas County, WA | “Design criteria for electric vehicle charging stations or battery exchange stations within commercial, industrial and mixed-use zoning districts...” |

EV Guide and Model Code Recommendations

Model Code Name:

Iowa Clean Cities Coalition, Leading the Charge: City Codes and Electric Vehicles

Recommendation: Design criteria should be created for EVSE installations.

Reasoning: “By articulating standards for EVSE design and installation, including setbacks and pedestal height for freestanding units, a community can facilitate a smooth construction permitting process.”

4. Electric Vehicle Parking Space Design and Location

Information related to EV parking space design and location. Design and location decisions will affect installation cost (length of conduit from electric source) and use (location of the space relative to the building).

| Typical Ordinance Includes | Language Example | |
|---|-----------------------|---|
| Specification: | City, State: | Text: |
| May specify parking space size. | Atlanta, GA | “The installation of an EVSE should not reduce the electric vehicle charging station’s length to below the size and standards required under section 16-28.014” |
| | Methuen, MA | “Where provided, spaces should be standard size parking stalls but designed in a way that will discourage non-electric car vehicles from using them.” |
| | Montgomery County, MD | “The minimum width for a parking space for charging electric vehicles is 9 feet.” |
| May specify the location of parking spaces on a street or within a parking lot. | Atlanta, GA | “Criteria for electric vehicle parking and charging on private streets...For the purpose of reducing cable management issues and placing the...charging station closer to crosswalks and curb ramps, such charging stations shall be installed to use the last space on a block face in the direction of travel.” |
| | Methuen, MA | “Parking spaces for electric vehicles must not be located in the most convenient spots because this will encourage use by non-electric vehicles.” |
| | Salt Lake City, UT | “The electric vehicle parking space shall be located in the same lot as the principal use.” |
| | St. Louis Park, MN | “The EVCSs shall be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.” |
| | St. Louis Park, MN | “General Requirements for Single-Family Residential Zoning Districts...EVSE shall be located in a garage, or on the exterior wall |

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| | | of the home or garage adjacent to a parking space.” |
| May provide specifications about parking space and location fit. | Methuen, MA | “Design should be appropriate to the location and use. Facilities should be able to be readily identified by electric cars users but blend into the surrounding landscape/architecture for compatibility with the character and use of the site.” |
| May require the parking space to have features that protect charging equipment. | Chelan, WA | “Equipment shall be protected by wheel stops or concrete filled bollards.” |
| | Montgomery County, MD | “Adequate battery charging station protection, such as concrete-filled steel bollards shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.” |
| May simply specify an entity with the authority to create standards for EV charging stations. | Des Moines, WA | “The city manager or designee is authorized to develop and maintain standards for the design and construction of electric vehicle charging stations.” |

EV Guide and Model Code Recommendations

Model Code Document Name:

Plug-in Electric Vehicle Best Practices Compendium (County of Santa Clara, CA)

Recommendation: Information be given concerning “Parking configurations, including guidance on whether it is preferable to locate chargers in perpendicular, parallel, or angled parking spaces, and on the location of wheel stops, guard posts and signage.”

5. Required EV Parking Capacity & Minimum Parking Requirements

Information on minimum EV parking standards and on how EV charging spaces/parking spots are accounted for as part of minimum parking space requirements (parking minimums already in place in the ordinance). Cities requiring EV parking minimums are capturing the public value in this infrastructure, like non-EV parking minimums, and to landscaping, stormwater management, accessibility, and other design elements that are routine elements of parking standards.

| Typical Ordinance Includes | Language Example | | | | | | | | | | | | | | | | | | | |
|---|---|---|---------------|------------------------|---------------------|-----|---------|----|-----------------------------|----|-----------------|----|------------|----|--------------------------|----|-----------------------------------|----|-------|----|
| Specification: | City, State: | Text: | | | | | | | | | | | | | | | | | | |
| Often recommends or requires that a proportion of parking spaces be EV charging stations, designated for EV parking, or be EVSE ready. <ul style="list-style-type: none">• These are often specified as a percent or a ratio.• May also be based on land uses such as the number of residential units in a development.• May be based on land use type.• May limit the number of chargers that can be installed in the right-of-way.• May include incentives for higher level charging stations through variations in space requirements. | Montgomery County, MD | “The minimum number of electric vehicle charging stations required is 1 electric vehicle charging station per 50 parking spaces.” | | | | | | | | | | | | | | | | | | |
| | Howard County, MD | “For new occupancies subject to this section: at least 1 parking space for each 25 residential units shall feature energized outlets.” | | | | | | | | | | | | | | | | | | |
| | Mountlake Terrace, WA | <div>“The first column in Table 1 shows the type of land use for which electric vehicle charging stations shall be provided, pursuant to this section. The second column shows the minimum percentage of the facility's parking spaces that shall provide a connection to electric vehicle charging stations.”</div> <table><tr><th>Land Use Type</th><th>Percent Parking Spaces</th></tr><tr><td>Multi-household Res</td><td>10%</td></tr><tr><td>Lodging</td><td>3%</td></tr><tr><td>Retail, eating and drinking</td><td>1%</td></tr><tr><td>Office, medical</td><td>3%</td></tr><tr><td>Industrial</td><td>1%</td></tr><tr><td>Institutional, Municipal</td><td>3%</td></tr><tr><td>Recreation/Entertainment/Cultural</td><td>1%</td></tr><tr><td>Other</td><td>3%</td></tr></table> | Land Use Type | Percent Parking Spaces | Multi-household Res | 10% | Lodging | 3% | Retail, eating and drinking | 1% | Office, medical | 3% | Industrial | 1% | Institutional, Municipal | 3% | Recreation/Entertainment/Cultural | 1% | Other | 3% |
| | Land Use Type | Percent Parking Spaces | | | | | | | | | | | | | | | | | | |
| Multi-household Res | 10% | | | | | | | | | | | | | | | | | | | |
| Lodging | 3% | | | | | | | | | | | | | | | | | | | |
| Retail, eating and drinking | 1% | | | | | | | | | | | | | | | | | | | |
| Office, medical | 3% | | | | | | | | | | | | | | | | | | | |
| Industrial | 1% | | | | | | | | | | | | | | | | | | | |
| Institutional, Municipal | 3% | | | | | | | | | | | | | | | | | | | |
| Recreation/Entertainment/Cultural | 1% | | | | | | | | | | | | | | | | | | | |
| Other | 3% | | | | | | | | | | | | | | | | | | | |
| St. Louis Park, MN | <div>“All new or reconstructed parking structures or lots with at least 50 parking spaces, or expanded parking structures or lots that result in a parking lot with 50 or more parking spaces, shall install EVSE as required below.</div> <div>1. Multiple-family residential land uses shall have 10% of required parking as Level 1 stations for</div> | | | | | | | | | | | | | | | | | | | |

| | | <p>resident parking, and one Level 2 station for guest parking. At least one handicapped accessible parking space shall have access to an EVCS.</p> <p>2. Non-residential land uses with parking spaces available for use by the general public shall have at least 1% of required parking as Level 2 stations with a minimum of two spaces served by Level 2 charging, with at least one station adjacent to an accessible parking space. In non-residential zoned districts, DC charging stations may be installed to satisfy the EVCS requirements described above on a one-for-one basis.”</p> | | | | | | | | |
|---|--|--|---|-----------------------------|---------|---|----------|---|------|--|
| | Indianapolis, IN | “Two electric vehicle charging stations shall be required for developments that provide 500 or more off-street parking spaces.” | | | | | | | | |
| | Middletown, CT | “Any new development that requires 25 or more parking spaces, as calculated by Section 40.04 of these regulations, shall have a minimum of 1 charging space or 3% of the total number of spaces allocated to Electric Vehicles (EVs) (whichever is greater) and must have a Level 2 or 3 charging station/connection per EV parking space.” | | | | | | | | |
| | Salt Lake City, UT | <div><p>“The number of required minimum parking spaces is determined after applying any applicable reductions and exemptions. The number of required EV parking spaces shall be as follows:”</p><table><tr><th>Required Minimum Number of Parking Spaces</th><th>Number of EV Parking Spaces</th></tr><tr><td>0 to 49</td><td>0</td></tr><tr><td>50 to 99</td><td>1</td></tr><tr><td>100+</td><td>2, plus 1 for each additional 100 stalls</td></tr></table></div> | Required Minimum Number of Parking Spaces | Number of EV Parking Spaces | 0 to 49 | 0 | 50 to 99 | 1 | 100+ | 2, plus 1 for each additional 100 stalls |
| Required Minimum Number of Parking Spaces | Number of EV Parking Spaces | | | | | | | | | |
| 0 to 49 | 0 | | | | | | | | | |
| 50 to 99 | 1 | | | | | | | | | |
| 100+ | 2, plus 1 for each additional 100 stalls | | | | | | | | | |
| | New Orleans, LA | “No property or parcel may have more than one (1) electric vehicle charger installed in the right-of-way adjacent to such property or parcel.” | | | | | | | | |

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| | Salt Lake City, UT | "A reduction in the minimum number of required electric vehicle parking stalls may be reduced by 25% if a Level 2 station is installed or by 50% if a Fast Charge station is installed. For each additional Level 2 or Fast Charge station installed, the additional reduction will be based on the already reduced number." |
| <p>May include EV parking space proportion requirements as part of optional financing or a flexible code.</p> <ul style="list-style-type: none"> • May be part of a sustainability points system (Duluth, MN). • May be one of several required amenities to choose from as part of a Planned Unit Development (Golden Valley, MN). • May be tied to public funding or financial partnership by the city (Saint Paul, MN) | Duluth, MN | "A minimum of 2% of required automobile parking spaces are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance." |
| | Golden Valley, MN | (include) "An electric vehicle charging station accessible to residents, employees, and/or the public." |
| | Saint Paul, MN | <p>*Work in Progress* In their city code under <i>Chapter 81. - Sustainable Building</i>, Saint Paul has an "Overlay" that is required for "construction projects receiving more than \$200,000 in public assistance, as well as certain rehab projects." This overlay specifies different requirements including "Electric vehicle charging capability." However, specifications regarding this requirement are yet to be worked out.</p> <p>- City of Saint Paul Website - Sustainable Building Policy</p> <p>- Sustainable Building Policy Guidebook</p> |
| <p>May include flexibility on minimum requirements to reduce cost burden.</p> | St. Louis Park, MN | "When the cost of installing EVSE required by this Chapter would exceed five percent of the total project cost, the property owner or applicant may request a reduction in the EVSE requirements and submit cost estimates for city consideration. When City Council approval of the project is not required, the Zoning Administrator may administratively approve a reduction the required amount of EVSE to limit the EVSE installation costs to not more than five percent of the total project cost." |
| | Middletown, CT | "Applicants may request a waiver or reduction of electric vehicle parking requirements from the |

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| | | Planning and Zoning Commission during site plan approval.” | |
| May require that a proportion of EV charging stations also be made accessible. | Chelan, WA | “Accessible vehicle charging stations shall be provided based on the following table:” | |
| | | Number of EV Charging Stations | Min. Accessible EV Stations |
| | | 3-50 | 1 |
| | | 51-100 | 2 |
| | Montgomery County, MD | “A minimum of one accessible electric vehicle charging station is required in any parking facility that is required to have one electric vehicle parking space. For parking facilities required to have 51-75 electric vehicle parking spaces the number of accessible spaces will increase to two (2). Between 76 – 100 electric vehicle parking spaces increases to three (3) and each thereafter increment of 25 electric charging station shall increase by one additional accessible electric vehicle charging space.” | |
| May count electric vehicle charging stations towards meeting existing minimum parking requirements for developments (despite being simultaneously restricted to EVs only). | Kansas City, MO | Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.” | |
| | Methuen, MA | “An electric vehicle charging space may count for ½ of a space in the calculation for minimum parking spaces that are required...” | |
| | Indianapolis, IN | “For each electric vehicle charging station provided, the minimum number of required off-street parking spaces may be reduced by two. Each charging station counts toward the minimum number of required parking spaces.” | |
| | Chelan, WA | “Electric vehicle charging stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces required pursuant to the Development Standards...” | |
| | Middletown, CT | “Requests for reduction of general parking spaces in exchange for additional EV parking: For any development that exceeds the minimum number of EVCs as required ... The reduction of parking cannot be greater than 10% of the total amount of parking for the proposed development.” | |

EV Guide and Model Code Recommendations

Model Code Name:

Action Items for EV-Ready Communities
(NYSERDA Fact Sheet, Energetics)

Recommendation: Require “Set numerical or percentage-based goals ... for EV infrastructure in new construction.”

Creating EV-Ready Towns and Cities: A
Guide to Planning and Policy Tools
(NYSERDA, Transportation and Climate
Initiative of the Northeast and Mid-Atlantic
States, 2012)

Recommendation: Create an “incentive zoning [that] provides a bonus, such as in the form of additional floor area, in exchange for the provision of a public amenity or community improvements...In the case of EVSE, a developer incentive would be exchanged for EVSE pre-wiring or charging station installation.”

6. Electric Vehicle-Designed Parking Use Standards and Protections

Information related to parking restrictions, protections, and penalties for EV-designated spaces. Restricting use of EV charging parking stalls to EVs protects the public benefit being provided, like limiting use of accessible parking stalls.

| Typical Ordinance Includes | Language Example | |
|---|------------------|--|
| Specification: | City, State: | Text: |
| <p>May state restrictions on what type of vehicle may park in an EV charging station parking space.</p> <p>May specify the ramifications for parking unauthorized vehicles in EV charging spaces.</p> | Atlanta, GA | “Each electric vehicle charging station and parking space for which any parking incentive was granted shall be reserved for use as an electric vehicle charging station or as electric reserved parking.” |
| | Auburn Hills, MI | “A police agency or a governmental agency...may provide for the immediate removal of a vehicle...in any of the following circumstances...When a sign provides notice that a parking space is a publicly designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Further, no person shall park or stand an electric vehicle in a publicly designated electric vehicle charging station space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted.” |

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| | Chelan, WA | "Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only." |
| | Kansas City, MO | "Public electric vehicle charging stations must be reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle." |

EV Guide and Model Code Recommendations

Model Code Name:

Alternative Fuel Vehicle Readiness: A Guidebook for Municipalities (North Jersey Transportation Planning Authority, 2017)

Recommendation: Municipalities should create enforcement policies for EV parking and charging stations that "specify towing of vehicles in violation of the restriction or impose a fine."

Reasoning: "It is important to define how restrictions and time limits will be enforced. Without an enforcement policy, there is no incentive to follow the restrictions."

7. Signage, Safety, and Other Standards

Information related to signage, road markings, notifications, lighting, usage fees, and maintenance. Signage helps all drivers understand appropriate use of this new form of parking infrastructure, and other standards similarly attempt to protect or enhance the public value of the infrastructure and minimize risks.

| Typical Ordinance Includes | Language Example | |
|---|--------------------|---|
| Specification: | City, State: | Text: |
| <p>Often includes signage and road marking requirements.</p> <ul style="list-style-type: none"> May include photo examples of signage. | Atlanta, GA | <p>"Way finding signs, if installed, shall be placed to effectively guide the motorists to the electric vehicle parking space and/or charging station. Private regulatory signage shall be placed in a manner that shall not interfere with any parking space, drive lane or exit."</p> |
| | Douglas County, WA | <p>"Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes."</p> |
| Often includes lighting requirements. | St. Louis Park, MN | <p>"Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only."</p> |
| | Chelan, WA | <p>"Lighting. Adequate site lighting shall be provided, which shall also comply with Chapter 17.62..."</p> |
| Often includes information about charging usage fees. | Kansas City, MO | <p>"Property owners are not restricted from collecting a service fee for the use of an electric vehicle charging station."</p> |
| Often includes information about general operations and maintenance. | Atlanta, GA | <p>"Electric vehicle charging stations and parking spaces for which any parking incentive was granted shall be operational at all times. When an electrical vehicle parking station is not operational for 14 consecutive days, it shall be considered to have been removed from service. The failure to maintain the number of electric vehicle charging stations and parking spaces shall be cause to require the</p> |

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| | | installation of the number of parking spaces required by the district regulations.” |
| | Model Code – Electric Vehicle Infrastructure. Guide for Local Governments (Washington State) | “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.” |
| | St. Louis Park, MN | “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.” |
| Often includes requirements for contact information for instances where a charging station is damaged or out of order. | Atlanta, GA | “A phone number or other contact information shall be provided when the station is not functioning in a manner that allows electric vehicles to be charged.” |
| | St. Louis Park, MN | “A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it.” |
| Often includes information about required notices. | Chelan, WA | <p>“The following information shall be posted at all electric vehicle charging stations:</p> <ol style="list-style-type: none"> 1. Voltage and amperage levels; 2. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner; 3. Usage fees; 4. Safety information; 5. Contact information for reporting when the equipment is not operating or other problems.” |
| May include time limits and hours of operation. | Mountlake Terrace, WA | “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 charging station users about |

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| | | hours of use and possible actions affecting electric vehicle charging stations that are not being used according to posted rules.” |
| | St. Louis Park, MN | “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.” |
| May include information on landscaping requirements. | Atlanta, GA | “Minimum landscaping requirements for surface electric vehicle parking and charging station lots...(a) All parking shall be terminated with a landscape strip a minimum width of five feet and equal to the length of the parking bay. (b) All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches...” |

EV Guide and Model Code Recommendations

Model Code Document Name:

Plug-in Electric Vehicle Best Practices Compendium (Santa Clara County)

Recommendation: “Local governments should ...consider reducing EVSE permitting costs ... by waiving or subsidizing the fees to residents and/or businesses.”

Action Items For EV-Ready Communities (NYSERDA)

Recommendation: “Simplify and streamline permit processes.”

Literature Review Summary: Electric Vehicle Supply Equipment Signage Guidance. (NYSERDA, Energetics, 2013)

Recommendation: All sign types should be considered when writing an EV ordinance. “There are three different types of signage applicable to EVSE: General Service or Guidance Signs, Regulatory or Enforceable Signs, and Special or Information/Tailblazer Signs.”

8. Definition of Terms

Defining terms is a best practice for any ordinance, particularly when ordinance users and staff may be unfamiliar with the specifics of the land use and the policies being implemented via the ordinance requirements. Several EV or EVSE terms used in or pertinent to an EV-ready ordinance are defined below. Not all terms are used by each city. Terms used in an ordinance should be pertinent to the specific language and regulations found in each city's ordinance.

| Typical Ordinance Includes | Language Example | |
|---|---|--|
| Term: | City, State: | Text: |
| Accessible electric vehicle charging station | Auburn Hills, MI | "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 | St. Louis Park, MN | "an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles." |
| Battery Electric Vehicle | Electric Vehicle Infrastructure: Guide for Local Governments (Washington State) | "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." |
| Battery exchange station | Des Moines, WA | "a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter ..." |
| Charging Levels <ul style="list-style-type: none"> • Level 1 • Level 2 • Level 3 | Auburn Hills, MI | "the standardized indicators of electrical force or voltage, at which an electric vehicle's battery is recharged. The terms 1,2, and 3 are the most common charging levels, and include the following specifications: |

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| <p>*This is in some instances paired with the definition for <i>electric vehicle charging station</i>*</p> | | <p>1. Level-1 is considered slow charging. Voltage including the range from 0 through 120.</p> <p>2. Level-2 is considered medium charging. Voltage is greater than 120 and includes 240.</p> <p>3. Level-3 is considered fast or rapid charging. Voltage is greater than 240. ”</p> |
| | Chelan, WA | <p>“Level 1 is considered slow charging and operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit.</p> <p>Level 2 is considered medium charging and operated on a forty to one hundred amp breaker on a two hundred eight or two hundred forty volt AC circuit.</p> <p>Level 3 is considered fast or rapid charging and operated on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment. Level 3 stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.”</p> |
| | Des Moines, WA | <p>“the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms Level 1, 2, and 3 are the most common EV charging levels, and include the following specifications:</p> <p>Level 1 is considered slow charging and operates on a 15 to 20 amp breaker on a 120 volt AC circuit.</p> <p>Level 2 is considered medium charging and operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit.</p> <p>Level 3 is considered "fast" or "rapid" charging and typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public</p> |

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| | | applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.” |
| Electric capacity | St. Louis Park, MN | <p>“at minimum:</p> <ol style="list-style-type: none"> 1. Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger; 2. Conduit from an electric panel to future EVCS location(s).” |
| Electric vehicle | Auburn Hills, MI | <p>“any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. “Electric vehicle” includes:</p> <ol style="list-style-type: none"> (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle” |
| | Des Moines, WA | <p>“any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes:</p> <ol style="list-style-type: none"> (a) A battery electric vehicle; (b) A plug-in hybrid electric vehicle; (c) A neighborhood electric vehicle; (d) A medium-speed electric vehicle. |
| | Howard County, MD | “a vehicle that uses electricity for propulsion.” |
| Electric vehicle, plug-in hybrid | Kansas City, MO | “an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal |

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| | | combustion-driven generator; and (4) has the ability to travel powered by electricity.” |
| Electric vehicle charging station | Electric Vehicle Infrastructure: Guide for Local Governments (Washington State) | “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. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.” |
| | Des Moines, WA | “a public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.” |
| Electric vehicle charging station – private restricted use | Auburn Hills, MI | “an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).” |
| | Kansas City, MO | “an EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.” |
| Electric vehicle charging station – public use | Auburn Hills, MI | “an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors of the use (e.g., shopping center parking).” |
| | Kansas City, MO | “an EV charging station that is accessible to and available for use by the public.” |

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| Electric vehicle supply equipment | St. Louis Park, MN | “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.” |
| Electric vehicle infrastructure | Kansas City, MO | “conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.” |
| | Des Moines, WA | “structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.” |
| Electric vehicle parking space | Auburn Hills, MI | “any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.” |
| Energized outlet | Howard County, MD | “a connected point in an electrical wiring installation at which current is taken to charge an electric vehicle.” |
| Neighborhood electric vehicle | Mountlake Terrace, WA | “a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and other wise meets or exceeds the federal regulations...” |
| Non-electric vehicle | Auburn Hills, MI | “any motor vehicle that does not meet the definition of electric vehicle.” |
| Rapid charging station | Methuen, MA | “an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels...” |

March 11, 2022

Planning Commission
Charter Township of Van Buren
46425 Tyler Road
Van Buren Township, Michigan 48111

Subject: Agritourism Regulations

Dear Planning Commissioners:

The Township has recently expressed an interest in reviewing the Zoning Ordinance for provisions regarding agritourism, including corn mazes, orchards, and wineries. The Planning Commission directed staff to present information based on examples from other communities. In recent years, the agritourism economy has experienced a boom and as a result, there are many examples of agritourism regulations that communities have implemented to address the community's desire for these uses. Appropriate regulations can help maintain community character while providing for business needs. The "Agricultural Tourism Model Zoning Ordinance Provisions" as developed by the Michigan Agricultural Tourism Advisory Commission (MATAC) and Michigan Department of Agriculture and Rural Development can also serve as a guide. We have summarized our findings as follows:

1. Community: Northfield Township

Located in northern Washtenaw County, Northfield Township regulates "agricultural/commercial tourism" through special land use approval in accordance with [Section 36-730](#) of their zoning ordinance, which stipulates that the use is complementary and accessory to the primary agricultural uses in the agricultural district. The code then lists eligible businesses including cider mills and wineries, seasonal outdoor mazes, marketing and retail of agricultural products, and community-supported agriculture. Income from these activities and their ancillary uses must be less than 50 percent of gross receipts from the farm.

Additional regulations include:

- Minimum lot size of 10 acres.
- 200-foot open buffer around the property, ideally composed of existing crops, along with additional buffers/plantings at the lot line adjacent to any residential uses.
- Pedestrian and vehicle access, including parking provisions.

When applying for special land use approval, the applicant must supply the following:

- Ownership of the property.
- Months (season) and hours of operation.
- Anticipated number of customers.
- Maintenance plan for waste disposal.
- Any proposed signage and lighting.
- Maximum number of employees at any one time.
- Restroom facilities.
- Verification that all outside agency permits have been granted, i.e., federal, state, and local permits.

2. Community: Armada Township

Located in northern Macomb County, Armada Township regulates “agri-business (value added farming operations)” as a permitted use within their Agricultural Preservation District per [Section 8.01](#) of the zoning ordinance. Like Northfield Township, the existing use must be a bona fide farm recognized by the State of Michigan. Unlike Northfield Township, Armada does not restrict income from agribusiness, but instead stipulates on-site derivation of goods to be sold at retail; typically, 55 percent of products sold must be grown on-site. Some of the permitted ancillary uses include:

- Farm markets.
- Cider mills and wineries.
- Bakeries.
- Play areas and petting zoos.
- Kitchen facilities limited to 8-month operations.

Armada also details various dimensional requirements, including:

- Minimum of 20 acres for small-scale entertainment and animated barns (e.g., funhouses, haunted houses, etc.).
- Minimum of 10 acres for all other ancillary uses.
- 80-125-foot front setback, depending on road frontage, plus 50-foot rear and side yard setbacks.

The code also details requirements for the provision of pedestrian walkways and parking. In addition to the ancillary uses that fall under the primary permitted uses, special ancillary agricultural (SAA) uses may also be provided through an overlay district. These special uses include:

- Event hosting facilities.
- Special outdoor events.
- Manufacture of food and beverages, including alcoholic beverages.
- Year-round kitchens with seating/tasting areas.

3. Community: Scio Township

Located in the middle of Washtenaw County, Scio Township regulates “agricultural commercial/tourism” through conditional land use approval in the agricultural zoning district as detailed in [Section 36-149](#) of their zoning code. The following businesses are permitted after conditional land use review:

- Cider mills or wineries, with 50 percent of crops grown on-site.
- Seasonal outdoor mazes of agricultural origin (straw bales or corn).
- Bed and breakfast operations.
- Processing, storage, retail, or wholesale of agricultural products; 50 percent of goods produced by the farm operator.
- U-pick operations.
- Community-sponsored agriculture.

Ancillary uses are provided along with the conditional uses above such as trails, playgrounds, exhibits, processing facilities, and gift shops. Additional regulations include:

- 200-foot open buffer of the property not abutting a roadway and buffer plantings on property abutting residential uses.
- Off-street parking must be provided but cannot be located in the required buffer area.

- The use must also have direct access to a major or minor collector road or a principal or minor arterial road.

4. MATAC Agricultural Tourism Local Zoning [Guidebook](#)

- Farmland and Open Space Preservation Program – provides for the preservation of agricultural land in general; does not ensure a right to agricultural tourism.
- Michigan's Right to Farm Program – Protects farmers from nuisance lawsuits up to the point of harvesting and processing.
- Special Use Permit – allowing for agritourism uses through an additional approval mechanism, generally ensuring that the use(s) is/are compatible with and enhance the surrounding area.
- Planned Unit Development

Recommendation

Based on recent development trends there is a desire for agritourism uses and the need to regulate such uses. Agritourism provides business and income opportunities to farmers, recreational and retail opportunities for residents, and can enhance the character of the surrounding area. Already, the Township zoning ordinance allows for retail and outdoor recreation as special uses in the Agricultural District. Supplying provisions for agritourism and its regulation will clarify and streamline the process for operating such use(s). We will be present at the Planning Commission meeting and look forward to discussing and reviewing this matter with you.

Respectfully

McKENNA



Vidya Krishnan
Senior Principal Planner



Gage Belko
Assistant Planner

cc: Dan Power, Director of Planning & Economic Development



MEMO

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| TO: | Van Buren Township Planning Commission |
| FROM: | Dan Power– Director of Planning and Economic Development |
| RE: | Election of Officers |
| DATE: | February 15, 2023 |

Planning Commissioners:

Based on the recent appointment of former Planning Commission Chair Bryon Kelley to the Board of Trustees, the Planning Commission is requested to consider scheduling a new election of officers based on the vacancy of a Chair, Vice-Chair, or Secretary, per Article III, Section 1 of the Township's adopted Rules of Procedure:

- A Chairperson, Vice-Chairperson and Secretary shall be elected by a majority vote of the Commissioners as the last new business item* at the first regular business meeting of December each year, or when a vacancy occurs. Such other officers as are deemed necessary for the conduct of business shall be appointed by the Planning Commission as required. All officers shall take their respective office at the first regularly scheduled meeting following the meeting at which they were elected.*
 - *The underlined change is proposed to be adopted by the Township Board of Trustees at their regular meeting on February 21, 2023.

With the absence of the recently reelected Planning Commission Chair for a period of almost one year until the next annual election in December 2023, the Planning Commission decided at their regular meeting on February 8, 2023 to move forward with a new election of officers for the remainder of 2023. This Election of Officers will occur on the next Regular Meeting agenda.

The following are the current officers of the Planning Commission.

- Chairperson: (Vacant)
- Vice-Chairperson: Commissioner Jahr
- Secretary: Commissioner Atchinson

The typical process for electing an officer is to have a nomination, a second to the nomination, and then a vote on the nomination by the full commission. The vote typically occurs in the following order:

- Chairperson
- Vice-Chairperson
- Secretary

The Planning Commission should also elect or reelect a liaison to the Board of Zoning Appeals (BZA). For the year 2023, Jeffrey Jahr was elected as the Board of Zoning Appeals member and

Brian Cullin was elected as the alternate Board of Zoning Appeals member.

Thank you for allowing me to comment on these procedural items. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Power". The signature is fluid and cursive, with the first name "Dan" and last name "Power" clearly distinguishable.

Dan Power, AICP
Planning and Economic Development Director
Public Services Department
Charter Township of Van Buren