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To:	Members of the Board of Zoning Appeals
From:	Tom Vander Woude, Planning Director
Meeting Date:	March 14, 2023
Agenda Item:	N/A
Hearing:	N/A
Application Type:	Request for Interpretation
Summary:	Request for determination whether electric vehicle charging stations are a permitted accessory use in the CD-4.A, CD-4.B, CD-5, CZ, SD-PUD, and SD-M districts.
BACKGROUND	

SECTION 26-6.801 B. Referral to Board of Zoning Appeals for Interpretation states the following:

person shall refer the matter to the Board of Zoning Appeals for interpretation and decision. If the Zoning Administrator is in doubt as to the meaning or intent of any provision of this Article... such

lot at the Target store at 8005 Calumet Avenue. The plans are attached to this memo. year. The applicants proposed to install electric vehicle (EV) charging stations within the existing parking Representatives from the Tesla company submitted a Site Plan Review application in September of this

For reference, EV charging stations can be classified as follows:

- <u>+</u> Level 1 is considered slow charging and operates on a fifteen-to-twenty-amp breaker on a one hundred twenty-volt AC circuit.
- 2 Level 2 is considered medium charging and operated on a forty-to-one-hundred-amp breaker on
- ω stations can also be referred to as rapid charging stations that are typically characterized by four hundred eighty volt or higher three phase circuit with special grounding equipment. Level 3 Level 3 is considered fast or rapid charging and operated on a sixty amp or higher breaker on a a two hundred eight or two hundred forty-volt AC circuit.

industrial grade electrical outlets that allow for faster recharging of electric vehicles

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Tesla vehicles and Level 2 charging stations that can be used by any electric vehicle. In this instance, the plans include both Level 3 Tesla Supercharger stations that can be used exclusively by





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Figure 3 Example of EV charging stations in parking lot.

CURRENT ZONING

and are not typically installed as primary uses. 4.A, CD-4.B, CD-5, and SD-M districts. EV charging stations are distinct, though, in that they can be installed of defined use is a 'gas station' which is permitted with a conditional use permit as a primary use in CD-EV charging stations and infrastructure are not defined in the Munster zoning ordinance. The closest type within existing parking lots as an accessory use to a residential, commercial, civic, or manufacturing use

Subordinate and Customarily Incidental to a Permitted Principal Use. districts, each one of these districts contains a catch-all permitted accessory use: Other Uses that are While not listed specifically as an accessory use in the CD-4.A, CD-4.B, CD-5, CZ, SD-PUD, and SD-M

Staff is requesting a determination whether EV charging stations are to be considered a use that is PUD, and SD-M districts. This determination will establish whether EV charging stations are a permitted subordinate and customarily incidental to a permitted principal use in the CD-4.A, CD-4.B, CD-5, CZ, SDaccessory use.

provided that all development standards are otherwise met. These standards include: permitted to install or permit another company to install EV charging stations within its parking lot If the Board determines that EV charging stations are a permitted accessory use, a business would be

- Minimum parking spaces
- Location of parking spaces
- Landscaping
- Site lighting
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- Screening of utilities and infrastructure
- Signage standards

matter to the Plan Commission for discussion whether to amend the zoning ordinance. If the Board determines that EV charging stations are not a permitted accessory use, then I will refer the

ADDITIONAL INFORMATION

below. Staff researched best practices in zoning for EV charging stations. A summary of the research is provided

Document	Author	Date	Takeaway
			INDO1 intends to <i>Collaboratively plan,</i>
			infrastructure that enhances quality of life,
Indiana Electric			drives economic growth, and facilitates the
Vehicle			movement of people and goods. INDOT
Infrastructure			has the goal of 100% of Indiana population
Deployment			to be within 40 miles of an EV charging
Plan	INDOT	July, 2022	station.
			Best practices
			• Permit Level 1, Level 2 EV, and Level 3
			EVCS as an accessory use in all zoning
	Southern Maine		districts and overlay zones (5.1).
	Planning &		 Clarify that EV charging stations at
	Development		residential properties are designated as
	Commission &		private restricted use (5.1).
Municipal EV	Maine Clean		 Use a standard permit process for all
Readiness	Communities		accessory use EV charging station
Toolkit	Coalition	2021	installations rather than
			EV charging stations are most frequently
			accessory uses, with an array of principal
			uses in residential, commercial, industrial,
			institutional, and recreational zones.
			Because EV charging stations do not
			contaminate the air, soil, or ground water,
			zoning of EV fueling stations should differ
			from traditional gas stations.
			EV chargers should only be subject to
ZONING			aesthetic or landscaping standards where
PRACTICE:			cities have established standards for
Preparing for			surface parking lots. Applying design or
Preparing for			aesthetic standards uniquely to EV
the Electric	American Planning		charging infrastructure could be deemed
Vehicle Surge	Association	October, 2022	arbitrary.

Ordinances	Vehicle	in Electric	Best Practices	Summary of													Vehicles	Electric	Codes and	Charge: City	Leading the
Institute	Great Plains																Coalition	lowa Clean Cities			
June, 2019																	Undated				
zoning districts.	May also allow for all three levels in all	zoning districts for each station type.	permitted	o May provide a table to delineate use	districts.	stations are restricted to specific zoning	all zones while level 3	Most often, levels 1 & 2 are allowed in	"definitions" p11-12).	"levels" contingent on charging speed (see	distinguished as different	 Charging station types are typically 	of charging stations are allowed.	distinguish between where different types	EVSE as different land uses and may	Best practices: Treats different types of	uses.	to areas where zoning permits commercial	district, restrict Level 3 charging stations	stations as accessory uses in every zoning	Permit Level 1 and Level 2 charging

traffic. installation of Tesla charging stations within the parking lot at the Meijer store at 611 US-30. Ms. Shine In addition, staff spoke with Sheila Shine, Planning & Building Director, in Merrillville, IN about the indicated that there have been no adverse impacts caused by these stations with respect to parking or

RECOMMENDATION

considered a use that is subordinate and customarily incidental to a permitted principal use in the CD-4.A, Staff recommends discussion and a motion confirming that electric vehicle charging stations are to be CD-4.B, CD-5, CZ, SD-PUD, and SD-M districts.































