

AN ORDINANCE TO AMEND THE BOROUGH OF LITITZ ZONING ORDINANCE AS ADOPTED AND ENACTED ON APRIL 27, 2010 AND SUBSEQUENTLY AMENDED: TO ADD DEFINITIONS AND REGULATIONS PERMITTING THE INSTALLATION OF A PRIVATE ELECTRIC VEHICLE CHARGING STATION AS AN ACCESSORY USE FOR ALL USES AND REGULATING THE LOCATION OF PUBLIC CHARGING STATIONS.

BE IT ORDAINED AND ENACTED BY BOROUGH COUNCIL OF THE BOROUGH OF LITITZ, LANCASTER COUNTY, PENNSYLVANIA, as follows:

1. Purpose

The purpose of this ordinance is to clearly establish regulations for the deployment of both private and public Electric Vehicle Charging Stations in the Borough.

2. Amendments

The following Articles and Sections will be amended as described:

Article I, §105. The following definition shall be added:

Electric Vehicle Charging Station – A permanent device, facility or structure that has the primary purpose to transfer electric energy from an electrical source to a battery or other energy storage device that serves an electric or plug-in hybrid vehicle. This definition shall not apply to permitted outdoor power receptacles at residential properties, into which a removable electric vehicle charger may be plugged.

Article III, §324 shall be added and shall read as follows:

SECTION 324. Electric Vehicle Charging Stations – Electric Vehicle Charging Stations may be installed in all zoning districts subject to the following criteria:

- A. Within Right-of-Way owned by the Borough or the Commonwealth, or on other Borough-owned property.
 1. Borough Council may install publicly accessible **Electric Vehicle Charging Stations** at its discretion.
 2. **No extension, cable, or cord used to charge an electric vehicle shall impede ADA accessibility in the Right-of-Way.**
 3. All other applications to install an Electric Vehicle Charging Station in these areas shall be treated as a conditional use request under the PA Municipalities Planning Code, as amended. Prior to approval, the applicant shall demonstrate the following:
 - a. Consent of the adjacent landowner if installed within the Right-of-Way.
 - b. The Electric Vehicle Charging Station shall be accessible to the public. Exclusive use of a charging station in the right-of-way is not permitted.
 - c. Adequate space exists to allow for installation without impeding ADA Accessibility Requirements, clear sight triangles, and the growth of street trees.

- d. The installation of all associated infrastructure, including but not limited to power lines and conduits, shall not interfere with the future replacement of Sidewalks, Street Trees, or utilities.
- e. All fees for use shall be reviewed and approved by the Borough prior to collection and prior to any increase. The cost of such fees shall directly relate to:
 - i. The cost of electricity per kilowatt/hour
 - ii. Maintenance and operation costs of the Electric Vehicle Changing Station
 - iii. Any relevant parking fees, which will be passed onto the Borough

B. Single-Family Residential

1. An Electric Vehicle Charging Station shall be considered an accessory use by right for single-family dwellings.
2. Only Level 1 or Level 2 chargers may be installed at Single-Family Residential properties.
3. The property owner is required to obtain all relevant permits for Electric Vehicle Charging Stations prior to installation.
4. Abandonment or disrepair. If the Electric Vehicle Charging Station is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the Electric Vehicle Charging Station within two months from the date the station enters such a state.

C. Multi-Family Residential

1. Electric Vehicle Charging Stations shall be considered a by-right accessory use for multi-family residential developments.
2. Electric Vehicle Charging Stations shall be oriented in such a way to not impede pedestrian or vehicle travel on site.
3. Electric Vehicle Charging Stations at multi-family residential developments are intended for the use of the residents and their guests. Advertising of the Electric Vehicle Charging Stations to the public shall be prohibited.
4. All parking spaces served by Electric Vehicle Charging stations shall count towards minimum parking requirements. Providing additional parking spaces to offset those served by Electric Vehicle Charging Stations is discouraged.
5. The property owner is required to obtain all relevant permits for Electric Vehicle Charging Stations prior to installation.
6. A number of ADA accessible Electric Vehicle Charging Stations, as determined by the current building code, shall be provided.
7. Installation of Electric Vehicle Charging Stations shall require the parking area to be screened from public streets and adjacent properties in accordance with §313.
8. Abandonment or disrepair. If the Electric Vehicle Charging Station is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the Electric Vehicle Charging Station within two months from the date the station enters such a state.

D. Non-Residential Parking Lots

1. Charger Density
 - a. Up to 20% of parking spaces are allowed to be served by Electric Vehicle Charging Stations by-right as an accessory use.
 - b. The service of 20%-50% of parking spaces shall be considered by Special Exception based on the following:
 - i. The parking lot and chargers shall be an accessory to a permitted use.
 - ii. No off-site promotion of the chargers.
 - iii. Any fees for charger use shall be clearly shared with the public.
 - c. Over 50% of parking spaces served by Electric Vehicle Charging Stations shall be regulated as a Motor Vehicle Service Station.
2. All parking spaces served by Electric Vehicle Charging stations shall count towards minimum parking requirements. Providing additional parking spaces to offset those served by Electric Vehicle Charging Stations is discouraged.
3. The property owner is required to obtain all relevant permits for Electric Vehicle Charging Stations prior to installation.
4. A number of ADA accessible Electric Vehicle Charging Stations, as determined by the current building code, shall be provided.
5. Abandonment or disrepair. If the Electric Vehicle Charging Station is ever abandoned or enters into a state of disrepair, it shall be the responsibility of the property owner to remove or properly maintain the Electric Vehicle Charging Station within **two** months from the date the station enters such a state.

E. Public Garages

1. Public Garages may install Electric Vehicle Charging Stations at any number of spaces.