

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HELENA,  
ALABAMA, TO PROVIDE ELECTRIC VEHICLE INFRASTRUCTURE GUIDELINES  
Ordinance 911-2023**

**PURPOSE.**

The intent of this ordinance is to augment and support the City of Helena's Zoning Ordinance by (a) proactively planning for and accommodating anticipated future growth in market demand for electric vehicles; (b) providing for the expedited establishment of convenient, cost-effective electric vehicle infrastructure, and; (c) establishing minimum requirements for such infrastructure to serve both long-term and short-term parking needs.

**ADMENDMENT TO EXISTING ORDINANCE.**

The Zoning Ordinance of the City of Helena, Alabama, is hereby amended to add the following sections: ARTICLE XXVIII Electric Vehicle Infrastructure while adjusting all remaining Articles by one (1) number down.

**"ARTICLE XXVIII – ELECTRIC VEHICLE INFRASTRUCTURE"**

**Section 1. Definitions**

**Accessible Electric Vehicle Charging Station** - An electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.

**Battery Charging Station** - An electrical component, assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

**Battery Electric Vehicle** - Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.

**Battery Exchange Station** - 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** - 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:

- Level 1 is considered as slow charging and operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt (V) alternating-current (AC) circuit. Level 1 charging equipment is standard on vehicles and therefore does not require the installation of charging equipment. The most common place for Level 1 charging is at the vehicle owner's home and is typically conducted overnight.

- Level 2 is considered medium charging and operates on a dedicated forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240)V, AC circuit, and requires installation of home charging or public charging equipment. Level 2 chargers are commonly found in residential settings, public parking areas, places of employment, and commercial settings.
- Level 3 is considered fast or rapid charging and operated on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three-phase circuit, with special grounding equipment. Level 3 charging, also referred to as rapid charging stations are typically characterized by industrial-grade electrical outlets that allow for faster recharging of electric vehicles. Due to their high cost and extremely high power draw, Level 3 chargers are typically found in commercial or industrial locations rather than residential.

**Electric Vehicle** - A vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes. "Electric vehicle" includes:

- Battery electric vehicle
- Plug-in hybrid electric vehicle

**Electric Vehicle Charging Station (EVCS)** - A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**Electric Vehicle Charging Station -Private Restricted Use** - An electric vehicle charging station that is:

- Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking, assigned parking at multi-family residential buildings); or
- Publicly owned and restricted (e.g., fleet parking with no access to the general public).

**Electric Vehicle Charging Station - Public Use** - An electric vehicle charging station that is:

- Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or
- Privately owned and available to visitors of the use (e.g., shopping center parking).

**Electric Vehicle Infrastructure** - Conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.

**Electric Vehicle Parking Space** - Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

**Electric Vehicle Ready Parking** - A parking space provided with electrical conduit and sufficient electrical capacity for the future use of a 208/240V electric vehicle charging station.

**Electric Vehicle Supply Equipment (EVSE)** - Any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.

**Electrical Capacity** - At a minimum:

- Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- Conduit from an electric panel to future EVCS location(s)

**Non-electric vehicle** - Any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.

**Plug-in hybrid electric vehicle** - An electric vehicle that:

- Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
- Charges its battery primarily by connecting to the grid or other off-board electrical source;
- May additionally be able to sustain battery charge using an on-board internal- combustion-driven generator; and
- Has the ability to travel powered by electricity.

## **Section 2. Applicability**

- 2.1. This ordinance shall apply to all electric vehicle infrastructure installed, constructed, or modified after the effective date of this Ordinance.
- 2.2. Electric vehicle infrastructure in place prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance unless substantial modification to the infrastructure is proposed in accordance with the criteria identified in Section 4.1.
- 2.3. All electric vehicle infrastructure shall be designed, built, and installed in accordance with applicable local, state, and federal codes, regulations, and standards.

### **Section 3. Permitted Locations**

- 3.1. Level 1, Level 2, and Level 3 EVCS are permitted in every residential zoning district, when accessory to the primary permitted use. Such stations located at single-family uses shall be designated as private restricted use only.
- 3.2. If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a vehicle fuel station for zoning purposes. Installation shall be located in zoning districts which permit vehicle fuel stations or in Special District. Any EVCS installed in a Special District classification shall follow this ordinance and Ordinance 895-2022 Section 9.7.

### **Section 4. Required Facilities**

- 4.1. All new or reconstructed parking structures or lots shall be required to install EVCS according to Table 4.1 when one of the following conditions is met:
  - 4.1.1. The development of a new off-street structured or surface parking facility with at least 30 spaces; or
  - 4.1.2. Expanding a parking structure or surface lot with 30 or more existing spaces by 30 percent or more (expressed as  $[\text{number of additional spaces}]/[\text{number of existing spaces}] \times 100$ ).
- 4.2. The number of EV charging stations required to be installed at the time of development is stated as a percentage of the total number of parking spaces in Column A of Table 4.1. Requirements will be rounded to the closest whole number but will always be a value of at least one EVCS to be available at the time of development occupancy.
  - 4.2.1. The number of required minimum EVCS parking spaces is determined after applying any applicable reductions and exemptions.
  - 4.2.2. EVCSs may be counted toward satisfying minimum off-street parking space requirements.
  - 4.2.3. EVCS site design should be appropriate to the location and use. Facilities should be readily identified by EV users but blended into the surrounding landscape/architecture for compatibility with the character and use of the site.
  - 4.2.4. *Exemptions.* Parking areas with four (4) or fewer vehicle parking spaces are not required to identify an EV-ready parking space.

4.3. To meet the anticipated demand for EV charging stations as the technology becomes more widespread, Column B of Table 4.1 specifies the number of EV Ready parking spaces to be provided in addition to the required EVCSs. The provision of EV Ready parking will enable seamless installation of future EVCS. Electric capacity requirements are met by providing a cabinet, box or enclosure connected to a conduit linking parking spaces with 208/240V or higher voltage AC electrical service suitable for the number of charging stations. The number of required EV-ready parking spaces will be rounded to the closest whole number.

4.3.1. EV-ready parking requirements shall count toward the minimum required and maximum allowed number of parking spaces.

4.3.2. Where no minimum parking is required, EV-ready parking spaces will be based on provided parking.

4.3.3. Multi-Family Residential. For new multi-family uses, a minimum of 10% of ADA spaces shall be constructed as EV-ready.

4.3.4. Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to a transformer to support the additional potential future EVCSs.

4.3.5. The installation of EVSE should not reduce the EVCS's length to below the size and standards required under Article XXVII Off-Street Parking and Loading Requirements of the Zoning Ordinance of Helena.

4.3.6. *Exemptions.* Parking areas with four (4) or fewer vehicle parking spaces are not required to identify an EV-ready parking space.

**Table 4.1**  
**EV Charging Requirements for new and reconstructed parking structures or areas**

<b>Land Use Type</b>	<b>A. Required Number of EVCS (As a % of total parking spaces)</b>	<b>B. EV Ready Parking Increased EVCS Capacity (As a % of total parking spaces)</b>
Multi-Family Residential	10%	20%
Lodging	5%	10%
General Office, Medical	3%	7%
Industrial	1%	1%
Institutional, Municipal	3%	5%
Commercial (Retail, Dining, Recreational, Entertainment, Cultural, etc.)	1%	1%

4.4. These requirements may be revised upward or downward by the Helena Planning Commission as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.

4.5. *Parking Reductions.*

4.5.1. EV Parking Reductions (Infrastructure Upgrades). A reduction in the minimum number of required EV parking stalls may be reduced by 25% if a Level 2 station is installed or by 50% if a Level 3 Fast Charge station is installed. For each additional Level 2 or Level 3 station installed, the additional reduction will be based on the already reduced number.

4.5.2. EV Parking Reductions (for Costs). When the cost of installing EVSE required by this Article 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.

4.5.3. If City Council approval of the project is not required, the Building Official may administratively approve a reduction of the required amount of EVSE to limit the EVSE installation costs to not more than five percent of the total project cost.

**Section 5. General Requirements for Electric Vehicle Infrastructure**

5.1. *General Requirements for Single-Family and Two-Family Residential Districts.* EVSE shall be located in a garage, or on the exterior wall of the home or garage adjacent to a parking space.

5.2. General Requirements for Multi-family Residential and Non-Residential Districts are all requirements set out by this ordinance.

5.3. *Exemptions.* EVCSs within single-family and two-family residences are exempt from the below general requirements. This does not exempt electrical or other permit obligations.

5.4. *Size.* A standard size parking space shall be used for an EVCS where such a station is required or planned.

5.5. *Equipment Standards and Protection.* Where provided, parking for electric vehicle charging purposes shall meet the standards of subsections 5.5.1 through 5.5.4 of this section and will be reviewed by the Building Official.

- 5.5.1. *Clearance.* Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.
- 5.5.2. *Charging Station Equipment.* Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
- 5.5.3. *Charging Station Equipment Protection.* When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.
- 5.5.4. *Maintenance.* EVCS equipment and parking spaces shall be maintained in all respects, and shall be operational and functioning at all times. 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.
- 5.6. *Signage.* EVCSs, other than in residential use, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, "charging" means that an electric vehicle is parked at an EVCS and is connected to the charging station equipment. Signage for parking of electric vehicles shall include all requirements of Article XXVI Sign Regulations of the Zoning Ordinance of the City of Helena, Alabama and the following:
- 5.6.1. As appropriate, wayfinding or directional signs to effectively guide motorists to the charging station space(s);
- 5.6.2. Information on the charging station to identify voltage and amperage levels;
- 5.6.3. Safety information;
- 5.6.4. Hours of operation;
- 5.6.5. Usage fees;
- 5.6.6. Time use limitations and other restrictions not listed herein;



- 5.6.7. Tow-away /vehicle removal provisions enforced by the property owner;
- 5.6.8. A phone number or contact information for reporting when the equipment is not operating or other problems are encountered.
- 5.7. *Lighting.* Site lighting shall be provided where ELECTRIC VEHICLE CHARGING STATION is installed unless charging is for daytime purposes only. Lighting standards should be met pursuant to the City of Helena's zoning ordinance.
- 5.8. *Time Limitations.* 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 hours of use and possible actions affecting EVCSs that are not being used according to posted rules. Enforcement is based on standards set within Off Street Parking.
- 5.9. *Hours of Operation.* 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. Normal business hours will be based on the opening time and closing time of the business. If EVCS is in a development with multiple business normal business hour will be opening time of the first to open and closing will be the closing time of the last business.
- 5.10. *Usage Fees.* The property owner or operator is not restricted from collecting a service fee for the use of an EVCS made available to visitors of the property. If a property owner or operator is collecting any amount of fee a business license will be required to conduct business within the City of Helena.
- 5.11. *Connectivity Lines.* All power lines or subsequent lines are to be located underground from the power originating source to the EVCS.
- 5.12. *Accessible Facilities.*
- 5.12.1. Where EVCSs are provided in parking lots or parking garages, excluding garages in single-family or two-family residential units, accessible EVCSs shall be provided according to the ratios shown in Table 5.12. The first column indicates the number of electric vehicle stations parking spaces being provided on-site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations.



**Table 5.12**  
**Minimum Number of Accessible Electric Vehicle (EV) Charging Stations**

<b>Number of EVCS</b>	<b>Minimum Accessible EVCS</b>
5 – 50	1
51 -100	2
101 – 150	3

5.12.2. It is strongly encouraged, but not required, that a minimum of one accessible EVCS be provided at sites with less than 5 EVCS.

5.12.3. Accessible EVCSs should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible EVCS exclusively for the use of disabled persons.

5.13. EVCS parking spaces are to be included in the calculation for both the number of minimum and maximum parking spaces required, as provided by Article XXVII Section 6 – Off-Street and Loading Regulations.

5.14. Except when located in conjunction with single-family residences, EVCS parking provided for public use shall be reserved for parking and charging electric vehicles only.

5.15. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

5.16. No person shall stop, stand or park any non-electric vehicle in a space designated through signage as an EVCS. Any non-electric vehicle is subject to removal by the property owner or the property owner's agent.

5.17. Any electric vehicle in an electric vehicle parking stall that is signed exclusively for electric vehicle charging and that either (1) is not electrically charging or (2) is parked beyond the days and hours designated on regulatory signs posted at or near the space shall be subject to removal as posted by the property owner or the property owner's agent. For purposes of this subsection, "charging" means an electric vehicle is parked at an EVCS and is connected to the charging station equipment.

5.18. When an EVCS is not operational for 14 consecutive days, it shall be considered to have been removed from service. The failure to maintain the number of EVCSs and parking spaces shall be cause to require decommissioning and the installation of the number of parking spaces required for the land use district.

5.19. Unless otherwise directed by the City of Helena, within ninety (90) days of cessation of use of the EVCS, the property owner or operator shall restore the site to its original condition. Should the property owner or operator fail to complete said removal within ninety (90) days, the City of Helena shall conduct the removal and disposal of improvements at the property owner or operator's sole cost and expense.

#### **Section 6. Violations**

6.1. If the owner of an EVCS is found to be in violation of the provisions of this Ordinance, Code Enforcement Officer shall be responsible for administering the violation.

6.2. Violations of any provision of this Ordinance will result in a fine of two-hundred dollars (\$200) per day per violation.

#### **Severability:**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

#### **Effectiveness:**

This Ordinance shall become effective five days upon its enactment and publication as required by law.

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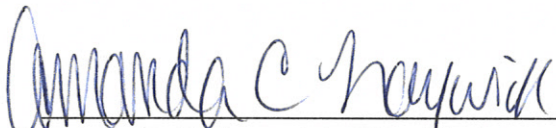
Ordinance Number 911-2023

APPROVED AND ADOPTED THIS 13<sup>th</sup> DAY OF FEBRUARY, 2023.

[SEAL]



ATTEST:

  
Amanda C. Traywick, City Clerk

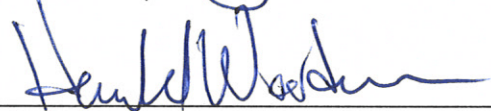
  
J. Brian Puckett, Mayor

  
Chris Willis, Council Member

  
Chris VanCleave, Council Member

  
Alice Lobell, Council President

  
Laura Joseph, Council Member

  
Harold Woodman, Council Member

**STATE OF ALABAMA )  
SHELBY COUNTY )**

I, Amanda C. Traywick, City Clerk of the City of Helena, do hereby certify that the above is a true correct copy of Ordinance Number 911-2023 duly adopted by the Council of the City of Helena at its meeting held 13<sup>th</sup> day of February, 2023, and as same appears of record in the ordinance records of said City, and approved by the Mayor and City Council on 13<sup>th</sup> day of February, 2023.

Given under my hand and corporate seal of the City of Helena, this the 13<sup>th</sup> day of February 2023.

[SEAL]



  
Amanda C. Traywick, City Clerk



## CERTIFICATION

I, Amanda C. Traywick, the duly appointed and acting Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number 911-2023 is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three public places in said City, being on the bulletin board of the City Hall, on our website [www.cityofhelena.org](http://www.cityofhelena.org), and in the Helena Public Library in said City, that said Ordinance shall become a duly lawful Ordinance of said City on the 13<sup>th</sup> day of February, 2023, five or more days after the posting of the same as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 13<sup>th</sup> day of February, 2023.

[SEAL]



  
Amanda C. Traywick, City Clerk