

GENERAL ORDINANCE NO.12-2024

BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER RUBBO,
MAJORITY WHIP ROBINSON, MINORITY LEADER BREEN,
COUNCILMEMBERS, PINEDA –ISAAC, DIAZ AND MERANTE:

A GENERAL ORDINANCE AMENDING CHAPTER 43 OF THE CODE OF THE
CITY OF YONKERS ENTITLED "ZONING" IN RELATION TO ELECTRIC
VEHICLE CHARGING STATIONS

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. Part 43 of the of the Code of the City of Yonkers, more
commonly known as "Zoning" is hereby amended by adding a new Article XXI,
43-244-253, "Electric Vehicle Charging Stations" to read as follows:

Art. XXI Electric Vehicle Charging Stations

§43-244 Purpose. The purpose of this section is to promote and encourage the
use of electric vehicles by requiring the safe and efficient installation of Electric
Vehicle Charging Stations. The goals are to provide adequate, safe and
convenient Electric Vehicle Charging Stations for the traveling public, personal
use at or near their place of residence, and customers and employees of non-
residential uses. Electric Vehicle chargers are a growing and essential part of
promoting green technology and sustainable transportation, and Electric Vehicle
chargers ensure access to smart technology.

§ 43-245 Definitions.

Electric Vehicle: Any vehicle that is licensed and registered for operation on
public and private highways, roads, and streets; and operates either partially or
exclusively using an electric motor powered by an externally charged on-board
battery.

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Electric Vehicle (EV) Charging Station: The point of connection to the electrical grid for electric vehicles (EVs), and the point of power for EV drivers. This includes the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. Said stations may include internally illuminated electronic screens on one or two sides of the station.

Electric Vehicle Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of Electric Vehicle Supply Equipment (EVSE) as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Level 3 or Direct-Current Fast Charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three-phase circuit with special grounding equipment. DCFC stations may also be referred to as *rapid charging stations*, which are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

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Fire Code: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

Uniform Code: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

§ 43-246 Applicability.

- A. The requirements of this Section shall apply to all EV Charging Stations permitted, installed, or modified in the City of Yonkers after the effective date of this Section, excluding general maintenance and repair.
- B. EV Charging Stations that have been constructed or installed prior to the effective date of this Section shall not be required to meet the requirements of this Section except as set forth in subsection C below.
- C. Modifications to, retrofits or replacements of existing EV Charging Stations that increase the total size or capacity of EV Charging Stations, or include a change in Electrical Vehicle Charging Levels shall be subject to this Local Law.

§ 43-247 Permitting Requirements for EV Charging Stations.

- A. Charging Stations shall be permitted in all zoning districts as an accessory use subject to the Uniform Code and NFPA 70, as applicable. Level 1 EV Charging Stations are exempt from site plan review.

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- B. All Level 1 EV chargers within a residential garage of a one-, two-family dwelling or townhouse shall conform to all requirements as regulated in the Residential Code of New York State. An electric permit is required.
- C. A building permit and an electrical permit shall be required for the installation of all Level 2 and Level 3 EV Charging Stations.
- D. All EV Charging Stations, and all other buildings or structures that (1) contain or are otherwise associated with an EV Charging Station, and (2) are subject to the Uniform Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the National Fire Protection Association (NFPA 70), and all applicable provisions and regulations as required by the City of Yonkers Code.

§ 43-248 Site Plan Review Requirements.

- A. Site Plan review by the Planning Board. In accordance with Article IX, Site Plan Review is required for the following types of installations:
 - 1) All new construction of EV charging stations which reduce the number of parking spaces available at an existing parking lot.
 - 2) Retrofits of an existing parking lot that reduce,remove or relocate one or more American Disabilities Act accessible parking spaces.
 - 3) Addition of EV Charging Stations equipped with internally illuminated electronic screens on one or two sides of the station which may or may not contain advertisements and which are located fifty (50) feet or closer to a public right-of-way or residential zoning district.

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§ 43-249 Standards.

- A. Utility Lines and Electrical Circuitry. All on-site utility lines should be installed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
- 1) Conduits within a building may be permitted to be located in the interiors, on the rooftops, and mounted to the surface of such buildings, subject to the requirements of electrical and/or fire codes.
- B. Signage. Signage shall adhere to the requirements of Chapter 47, Outdoor Signs, of the City Code.
- C. Lighting.
- 1) Lighting of the EV Charging Stations shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties, with any brand and/or framing lighting on the EV Charging Station minimally lit by internal means.
 - 2) Lighting, including internally illuminated electronic screens associated with EV Charging Stations, shall meet the requirements of §43-121(B), Outdoor Lighting.
 - 3) Internally illuminated electronic screens associated with EV charging stations should be equipped with an auto-dimming feature.
- D. Noise. The noise generated from the EV Charging Stations, components, and associated ancillary equipment shall meet the requirements of Chapter 66, Noise. Applicants may submit equipment and component manufacturer's noise ratings to demonstrate compliance.

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- 1) Advertising content from the internally illuminated electronic screens associated with EV Charging Stations shall not emit any noise.

E. Minimum Parking Requirements.

- (1) All EV Charging Stations shall be included in the calculation of minimum required parking spaces, pursuant to Article X, Off-Street Parking and Loading Spaces of Chapter 43, Zoning.
- (2) All EV Charging Station parking shall include adequate clearance to ensure safe and easy movement around the charging station.
- (3) All parking shall comply with the general accessibility requirements of the Uniform Code, and other applicable accessibility standards, but shall not mandate that parking spaces with EV Charging Stations be ADA-accessible.

F. Supplemental Requirements for EV Charging Stations

- 1) EV Charging Stations shall not be subject to minimum separation distances from principal buildings as required in the Table 43-3 or elsewhere in Chapter 43.
- 2) Free standing Level 2 and Level 3 charging stations shall be protected against impact damage by bollards or other suitable guards in accordance with the Uniform Code and Fire Code.
- 3) EV Charging Stations shall not be regulated as accessory structures subject to limitations on the number of accessory structures on a premises.
- 4) EV Charging Stations shall have faces having a maximum area of 25.6 square feet, maximum height of 7.1 feet, width of 3.6 feet, and depth of 1.5 feet.

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§ 43-250 Decommissioning.

- A. Decommissioning Plan. The applicant shall submit a decommissioning plan, to be implemented upon abandonment, and/or in conjunction with removal from the facility. The decommissioning plan shall include:
- (1) A narrative description of the activities to be accomplished for removal of EV Charging Station components, structures and equipment, , with the exception of underground conduits which may remain in place to accommodate future use;
 - (2) Recycling, or disposal of all components equipment and waste in accordance with local, state, and federal regulations;
 - (3) The anticipated life of the EV Charging Station;
 - (4) The estimated decommissioning costs and how said estimate was determined;
 - (5) The method of ensuring that funds will be available for decommissioning and restoration; and
 - (6) The manner in which the premises will be restored; and
- B. Upon cessation of use of an EV Charging Station on a continuous basis for 12 months, the City may notify and instruct the owner and/or operator of the charging system to implement the decommissioning plan. The decommissioning plan should be completed within 12 months of notification.
- C. If the owner and/or operator fails to comply with decommissioning, upon any abandonment, the City may, at its discretion, utilize any bond and/or security provided, for the removal of the EV Charging Station and restoration of the site in accordance with the decommissioning plan.

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§ 43-251 Fire Safety.

Fire Safety Compliance Plan. All projects that require compliance with the Uniform Code, shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

§ 43-252 Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section 2. Chapter 43 of the Code of the City of Yonkers, also known as the Zoning Code of the City of Yonkers, is hereby amended, in part, by revising "Table 43-1 – Schedule of Use Regulations" by adding in the following rows:

1) Under "Residential Accessory uses" add:

"Level 1 Electric Vehicle Charging Stations" and place a in "P" all districts
"Level 2 Electric Vehicle Charging Stations" and place a in "P" all districts
"Level 3 Electric Vehicle Charging Stations" and place a in "P" all districts

2) Under "Residential Accessory uses" add:

"Level 1 Electric Vehicle Charging Stations" and place a in "P" all districts
"Level 2 Electric Vehicle Charging Stations" and place a in "P" all districts
"Level 3 Electric Vehicle Charging Stations" and place a in "P" all districts

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Section 3. This General Ordinance shall take effect immediately.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, SEPTEMBER 24, 2024. BY A VOTE OF 7-0.

L. Call-Bellamy
COUNCIL PRESIDENT

9/30/2024
DATE

SENT TO MAYOR 10/1/2024
DATE

Mike Spano
MAYOR

APPROVED 10/1/24
DATE

ATTEST:

Walt Spano
CITY CLERK

10/3/24
DATE