

ORDINANCE NO. 706-2025

AN ORDINANCE AMENDING ORDINANCE NO. 51-96 OF THE CITY OF SPANISH FORT, ALABAMA

WHEREAS, it has been determined that the Zoning Ordinance should be amended in order to provide guidelines and regulations related to Electric Vehicle Infrastructure; and

WHEREAS, the Planning Commission of the City of Spanish Fort held a public hearing on May 12, 2025, and the City Council of the City of Spanish Fort held a meeting on June 2, 2025, for the purpose of receiving public comments on proposed amendments to Ordinance No. 51-96, as amended, the Zoning Ordinance of the City of Spanish Fort; and

WHEREAS, the City Council has determined that said Zoning Ordinance should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. Ordinance No. 51-96, as amended, is hereby amended by adding **ARTICLE ____ - ELECTRIC VEHICLE INFRASTRUCTURE** which shall read as follows:

“ARTICLE _____ - 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:

a. 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.

b. 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.

c. 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:

- a. Battery electric vehicle
- b. 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:

- a. Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking, assigned parking at multi-family residential buildings); or
- b. 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:

- a. Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;
- b. 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:

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

Section 2. Applicability

- This ordinance shall apply to all electric vehicle infrastructure installed, constructed, or modified after the effective date of this Ordinance.

- 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.
- 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

- Level 1, Level 2, and Level 3 EVCS are permitted in every business and industrial zoning district, when accessory to the primary permitted use. Such stations located at single-family uses shall be designated as private restricted use only.
- 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 a Special District. Any EVCS installed in a Special District classification shall follow this ordinance.

Section 4. Required Facilities

4.1 EVCSs may not be counted toward satisfying minimum off-street parking space requirements.

4.2 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.

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

- 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.
- EV-ready parking requirements shall not count toward the minimum required and number of parking spaces.
- Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to a transformer to support the additional potential future EVCSs.
- The installation of EVSE shall 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.
- *Exemptions.* Parking areas with four (4) or fewer vehicle parking spaces are not required to identify an EV-ready parking space.

Section 5. General Requirements for Electric Vehicle Infrastructure

- *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 in accordance with applicable codes, rules and regulations.
- General Requirements for Multi-family Residential and Non-Residential Districts are all requirements set out by this ordinance.

- *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.
- *Size.* A standard size parking space shall be used for an EVCS where such a station is required or planned.
- *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.
 - *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.
 - *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.
 - *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.
 - *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.
- *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 Sign Ordinance and the Zoning Ordinance of the City of Spanish Fort, Alabama and the following:
 - As appropriate, wayfinding or directional signs to effectively guide motorists to the charging station space(s);
 - Information on the charging station to identify voltage and amperage levels;
 - Safety information;
 - Hours of operation;
 - Usage fees;
 - Time use limitations and other restrictions not listed herein;
 - Tow-away /vehicle removal provisions enforced by the property owner;
 - A phone number or contact information for reporting when the equipment is not operating or other problems are encountered.
- *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 Spanish Fort's zoning ordinance.
- *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.

- *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 businesses, normal business hours will be opening time of the first business to open and closing will be the closing time of the last business.
- *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 Spanish Fort.
- *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

Number of EVCS	Minimum Accessible EVCS
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.

- EVCS parking spaces are not 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.
- 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.
- 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.
- 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.
- 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.

- 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.

5.13. Unless otherwise directed by the City of Spanish Fort, 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 Spanish Fort may conduct the removal and disposal of improvements at the property owner or operator's sole cost and expense.

Section 6. Violations

- If the owner of an EVCS is found to be in violation of the provisions of this Ordinance, the Code Enforcement Officer shall be responsible for administering the violation.
- Violations of any provision of this Ordinance will result in a fine of five-hundred dollars (\$500) per day per violation.

SECTION 2. Section 6.4, Table of Permitted Uses and Conditions, of Ordinance No. 51- 96, as amended, is hereby amended by adding the provisions contained in the attached Exhibit A which is incorporated herein by reference.

SECTION 3. Except as expressly amended herein, all terms and provisions contained in Ordinance No. 51-96, as amended, shall remain in full force and effect.

SECTION 4. If any part, section or subdivision of this Ordinance shall be held unconstitutional invalid for any reason, such holding should not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 5. This Ordinance shall become effective upon its adoption or as otherwise required by state law.

ADOPTED and APPROVED this _____ day of _____, 2025.

Michael M. McMillan
Mayor

Rebecca A. Gaines,
CMC
City Clerk

EXHIBIT ‘A’
6.4 - TABLE OF PERMITTED USES AND CONDITIONS

	R-1	R-2	R-3A	R-3B	R-3C	R-3D	R-4	B-1	B-2	B-3	B-4	B-5	M-1	T-1	C-1
Electric Vehicle Infrastructure, which shall be in compliance with and subject to the terms and conditions of this Zoning Ordinance and the special provisions contained in Section ____	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R

R = BY RIGHT; P = PLANNING COMMISSION APPROVAL; S = SPECIAL EXCEPTION; PC = PLANNING COMMISSION + CITY COUNCIL APPROVAL