

## MEMORANDUM

---

*To:* City Planning Commission, Committee of the Whole  
*Prepared By:* Joe Bernard, Planning Project Manager, (612) 673-2422  
*Date:* March 10, 2022  
*Subject:* Proposed Zoning Code Text Amendment: Incentives for Electric Vehicle Charging Infrastructure

---

### Background

Council Member Johnson intends to introduce an ordinance to amend regulations related to electric vehicle charging infrastructure in new development. The intent of these amendments is to implement policy guidance in Minneapolis 2040 calling for increased access to electric vehicle charging technology, and to bring existing ordinances into compliance with state building code standards. In 2021 Minneapolis adopted electric vehicle charging infrastructure regulations that require providing chargers and other infrastructure in most new development. Following further consultation about implementing and enforcing these regulations with the state building official, there is a concern that the recently adopted regulations constitute a conflict with the state building code standard that prevents municipalities from regulating building components and systems in a manner different from the state building code. To address this situation staff recommends shifting to a model that incentivizes rather than requires electric vehicle charging infrastructure. However, EV charging requirements for new and expanded surface parking lots are proposed, since those aspects of a development are not subject to building code requirements.

### Current Electric Vehicle Charging Requirements

Current regulations regarding electric vehicle charging infrastructure were adopted in May 2021, with an effective date of January 1, 2022, and a phase-in period that afforded applicants alternative ways to comply with the ordinance until it fully applied on January 1, 2024. Staff has held-off on enforcing the ordinance while working with the state building official to develop an acceptable alternative to the existing ordinance. Current standards require all residential, office, and hotel uses to provide a percentage of supplied parking spaces with electric vehicle chargers and/or a level of electric vehicle charger readiness. All other uses are subject to similar requirements when supplying 20 or more spaces.

### Proposed Electric Vehicle Charging Incentives

To comply with state building code, staff proposes shifting to a system of incentives to encourage applicants to provide this infrastructure in new developments. This includes removing the existing requirements for electric vehicle charging, and incorporating new incentives into three existing mechanisms in the zoning code – Planned Unit Development amenities, Site Plan Review 1-3 unit design standards, and Built Form Overlay District premiums. The specific requirements about the amount of

charging infrastructure needed to comply with various point systems will generally remain in chapter 541 of the zoning ordinance.

#### *Planned Unit Development Amenity and Built Form Overlay District Premiums*

Through provisions in the Built Form Overlay Districts, a new development may increase the allowed building height and floor area by choosing from a range of “premiums,” including things like affordable housing, a mix of residential and commercial development, and enclosed parking. We propose to amend the enclosed parking premium in Table 552-12 and 552-13. When this premium is chosen, the extra height or floor area would be awarded only when a certain percentage of the project’s parking spaces include EV chargers and a certain percentage are EV-ready to accommodate chargers in the future. All bonuses/premiums are completely optional. Developers may easily avoid installing EV charging infrastructure by either, (a) complying with maximum floor area and height standards in the applicable zoning district, or (b) choosing a different premium or premiums.

Similarly, in larger Planned Unit Developments, exceptions to zoning requirements are authorized but must be offset by providing certain amenities from an established list of options in Table 527-2. One such amenity is underground parking. We also propose to amend this standard so that those specific amenity points would only be awarded when a certain percentage of the project’s parking spaces include EV chargers and a certain percentage are EV-ready to accommodate chargers in the future. The developer may choose from a variety of other amenities and avoid including EV infrastructure.

The proposed standard for achieving the amenity or premium points is 5 percent of provided spaces capable of L2 charging, an additional 10 percent of provided spaces that are electric vehicle ready, and adequate electrical service to allow for simultaneous charging of 10 percent of provided parking spaces at an L2 level.

#### *Site Plan Review 1-3 Unit Design Standards*

Staff is considering two options for amending Table 530-2 of the zoning code that awards points for design standards in Single-, Two-, and Three-Family Dwellings. New 1-3 unit buildings must achieve a minimum of 17 points from this menu of options. One of the options below amends an existing incentive, while the other introduces a new incentive. Staff is looking for feedback on whether to proceed with one or both potential changes. In the case that both changes are adopted, applicants would not be eligible to receive points for both standards.

- Applicants are awarded 3 points when they choose the existing detached garage incentive. Staff is considering amending this incentive to include the standard that at least one L2 level or greater charging station is provided.
- Staff is considering adding a new item to the menu of options in Table 530-2 that would award 1 point to applicants that provide an L2 level or greater charging station anywhere on the property.

#### **New and Expanded Surface Parking Lots**

A new standard is proposed for surface parking that would require 5 percent of all surface parking spaces to have a charging station capable of L2 charging. This would apply to new parking areas with 20 or more spaces, or existing parking areas when 20 or more spaces are added.

## Policy Support

Amendments to electric vehicle charging infrastructure regulations will help the city achieve the Minneapolis 2040 goals of...

- Climate change resilience through reduction on the reliance of fossil fueled automobiles, and acknowledgement of changing transportation technology.
- Clean environment through improvements in air quality by reducing reliance on fossil fueled automobile use.

Specific policies from Minneapolis 2040 that will influence this work are noted below.

- Minneapolis 2040 Policy 16 – Environmental Impacts of Transportation: Reduce the energy, carbon, and health impacts of transportation through reduced single-occupancy vehicle trips and phasing out of fossil fuel vehicles.
  - Action step g. – Explore incentives and requirements for electric vehicle charging infrastructure in new development and in the public right-of-way.
- Minneapolis 2040 Policy 25 – Innovations in Transportation and Infrastructure: Support the development and deployment of new transportation technologies that positions Minneapolis to benefit from these advancements.
  - Action step d. – Encourage and support electric vehicles by prioritizing associated public and private infrastructure including in the right of way, and ensure that electric vehicle charging infrastructure incentivizes the use of renewable generated electricity.

## Resources and Attachments

- Proposed Electric Vehicle Charging Infrastructure Amendment
- Electric Vehicle Charging Infrastructure Presentation
- Existing Electric Vehicle Charging Ordinance (link only)

**Table 527-2 Amenities**

| <b>Points</b> | <b>Amenity</b>                         | <b>Standards</b>  |
|---------------|--|---|
| 10            | Underground parking                    | All parking shall be located underground. Where the grade of the site slopes significantly, all parking shall be enclosed in a floor level of the building that does not meet the definition of a story. Further, exterior parking garage walls adjacent to the public street shall not extend more than three (3) feet above the adjacent grade measured from the finished floor of the first level. <b>Electric vehicle charging infrastructure must be provided in accordance with section 541.420. Specific electric vehicle charging infrastructure standards.</b> |
| 3             | Shared bicycles and e-vehicle chargers | Public access to shared bicycles available for short-term use. Applies to mixed-use and non-residential uses only. A minimum of ten (10) shared bicycles and four (4) <b>Level 2 or greater electric vehicle charging stations, as defined in Chapter 541, Off-Street Parking, Loading and Mobility, e-vehicle chargers</b> per one (1) commercial use must be provided to qualify as an amenity. Bicycle parking spaces and racks shall be located in an area that is convenient and visible from the principal entrance of the building.                              |

**Table 530-2 Standards for Single-, Two-, and Three-Family Dwellings**

| <b>Points</b> | <b>Design Standard</b>   |
|---------------|--|
| 3             | Not less than one (1) off-street parking space per dwelling unit is provided in an enclosed structure that is detached from the principal structure and is located entirely in the rear forty (40) feet or twenty (20) percent of the lot, whichever is greater, <b>and the accessory structure is not less than twenty (20) feet from any habitable portion of the principal structure, and not less than one (1) Level 2 or greater electric vehicle charging station, as defined in Chapter 541, Off-Street Parking, Loading and Mobility, is provided within the detached structure.</b> |
| <u>1</u>      | <b>Not less than one (1) Level 2 or greater electric vehicle charging station, as defined in Chapter 541, Off-Street Parking, Loading and Mobility, is provided serving an off-street parking space.</b>   |

**ARTICLE IV. ELECTRIC VEHICLE CHARGING**

**541.400. Purpose.**

The purpose of the electric vehicle charging ordinance is to support the city’s transportation policies, encourage use of electric vehicles, and increase equitable access to and distribution of vehicle charging infrastructure throughout the city.

**541.410. Definitions.**

As used in this article, the following words shall mean:

Charging level. The standard electrical service and equipment required to meet the charging level standards outlined in this ordinance.

**DRAFT Electric Vehicle Charging Infrastructure Incentives Text Amendment – March 10, 2022**

- (1) Level 1 (L1). Electrical service and charging equipment operating on 120v outlets.
- (2) Level 2 (L2). Electrical service and charging equipment operating on 208/240v outlets.
- (3) Direct current fast charger (DCFC). Electrical service and charging equipment operating at greater than two hundred forty (240) volts.

Electric vehicle charging station. Public or private battery charging station equipment with the primary purpose of transferring electric energy to a battery intended to operate an electric vehicle.

Electric vehicle ready space. Parking space with installed wiring in electrical conduit or raceway, and electrical service, where a charging station is not present.

541.420. Specific electric vehicle charging infrastructure ~~requirements standards~~.

(a) In general. ~~To comply with the standard for the Underground Parking amenity in Table 527-2, the standard for the Enclosed Parking premium in Table 552-12, and the standard for the Enclosed Parking premium in Table 552-13,~~ Principal uses shall provide electric vehicle charging stations, electric vehicle flexible spaces, and electric vehicle capable spaces for provided parking in the appropriate quantity and at the charging level identified in Table 541-4, ~~Required Standards for~~ Electric Vehicle Charging ~~Incentives Infrastructure~~. A property owner, business owner, or property manager may determine whether parking spaces with electric vehicle charging stations are reserved for electric vehicles or are available for use by all vehicles.

(b) Mixed use development. For mixed use development or where accessory parking facilities are shared by residential and non-residential uses, the zoning administrator shall determine the required level of electric vehicle charging infrastructure to comply with the intent of Table 541-4, ~~Required Standards for~~ Electric Vehicle Charging ~~Incentives Infrastructure~~.

~~(c) Surface Parking. Newly established off-street surface parking areas providing twenty (20) or more spaces and existing off-street surface parking areas that add twenty (20) or more spaces shall supply five (5) percent of provided parking spaces with electric vehicle charging stations capable of L2 charging.~~

~~(c) Phased implementation. The effective date of Article IV, Electric Vehicle Charging, of this chapter, shall be January 1, 2022. In addition, until January 1, 2024, a development subject to a requirement to provide electric vehicle charging stations may, as an alternative, provide electric vehicle readiness to not less than seventy five (75) percent of the parking spaces provided in the development. A development submitting its land use application after January 1, 2024, is subject to full compliance with the requirements of Table 541-4, Required Electric Vehicle Charging Infrastructure.~~

Table 541-4 Required Standards for Electric Vehicle Charging Incentives Infrastructure

| Use   | Electric Vehicle Charging Stations  | Electric Vehicle Ready Spaces  | Notes   |
|---|---|--|---|
| Any building or use with up to 3 residential units  | None  | Minimum of 1 L2 level space if parking is provided. All remaining enclosed accessory parking spaces shall support L1 charging. | Congregate living uses shall be exempt.   |
| Any building or use with 4 to 9 residential units   | None  | Minimum of 1 L2 level space if parking is provided. All remaining enclosed accessory parking spaces shall support L1 charging. | Congregate living uses shall be exempt.   |
| Any building or use with 10 residential units or more All Uses providing ten (10) or more enclosed parking spaces | 510% of provided parking spaces capable of L2 charging.<br><br>Installation of electric vehicle charging stations is not required when fewer than 10 parking spaces are provided. | Additional 1020% of provided spaces at L2 charging level.  | Adequate electrical service is required to allow for simultaneous charging of 1020% of provided parking spaces at an L2 level.<br><br>Congregate living uses shall be exempt except that congregate living uses with 20 or more parking spaces shall be subject to the same electric vehicle infrastructure standard as a non-residential use with 20 or more parking spaces. |
| Hotel   | 10% of provided parking spaces capable of L2 charging.  | Additional 20% of provided spaces at L2 charging level.  | Adequate electrical service is required to allow for simultaneous charging of 20% of provided parking spaces at an L2 level.  |
| Office  | 10% of provided parking spaces capable of L2 charging.  | Additional 20% of provided spaces at L2 charging level.  | Adequate electrical service is required to allow for simultaneous charging of 20% of provided parking spaces at an L2 level.  |

**DRAFT Electric Vehicle Charging Infrastructure Incentives Text Amendment – March 10, 2022**

|  |   |  |  |
|--|---|--|--|
| All other non-residential uses where 20 off-street parking spaces or more are provided | 5% of provided parking spaces capable of L2 charging. | Additional 5% of provided spaces at L2 charging level. |  |
|--|---|--|--|

**Table 552-12 Floor Area Ratio Premiums Authorized in Interior 3\*, Corridor 3, Corridor 4, Corridor 6, Transit 10, Transit 15, Transit 20, and Production**

| <i>Premium</i>   | <i>Standards</i>  |
|------------------|---|
| Enclosed parking | <p>a. All off-street parking on the zoning lot, other than temporary drop-off and pick-up spaces, shall be located within the building, entirely below grade, or in a parking garage of at least two (2) levels.</p> <p>b. All drive aisles that facilitate maneuvering into and out of parking spaces shall be located within the structure. Exception: In the Interior 3 District, drive aisles and vehicle maneuvering areas may be located outdoors.</p> <p>c. Electric vehicle charging infrastructure must be provided in accordance with section 541.420. Specific electric vehicle charging infrastructure standards.</p> |

\*The Interior 3 Built Form Overlay District shall only be eligible for the Enclosed Parking premium and no others.

**Table 552-13 Floor Area Ratio Premiums Authorized in Transit 30 and Core 50**

| <i>Premium</i>   | <i>Standards</i>   | <i>Built Form Overlay District and Premium Value</i> |
|------------------|--|--|
| Enclosed parking | <p>a. All off-street parking on the zoning lot, other than temporary drop-off and pick-up spaces, shall be located within the building, entirely below grade, or in a parking garage of at least two (2) levels.</p> <p>b. All drive aisles that facilitate maneuvering into and out of parking spaces shall be located within the structure.</p> <p>c. Electric vehicle charging infrastructure must be provided in accordance with section 541.420. Specific electric vehicle charging infrastructure standards.</p> | <p>Core 50: 4.0</p> <p>Transit 30: 2.0</p>           |

A map of the St. Louis area, showing a grid of streets and parks. The Mississippi River is visible on the right side. A semi-transparent white box is overlaid on the map, containing text. The text is centered and reads: "Electric Vehicle Charging Infrastructure Incentives", "Planning Commission Committee of the Whole", and "March 10, 2022". Below this, another semi-transparent white box contains the text: "Presenters:", "Joe Bernard, Planning Project Manager, Code Development".

# Electric Vehicle Charging Infrastructure Incentives

Planning Commission Committee of the Whole  
March 10, 2022

**Presenters:**

**Joe Bernard**, Planning Project Manager, Code Development



# Purpose

## Background

- EV Charging Infrastructure requirements were adopted in May 2021, with an effective date of January 1, 2022
  - Requires chargers and other infrastructure in most new development
- State Building Official considers this ordinance to be in conflict with state building code
- Currently, city staff is not enforcing the ordinance adopted in 2021 while we develop an acceptable alternative

# Proposed Amendment

## Replace Requirements with Incentives

- Incorporate EV Charging standards into existing incentive mechanisms in the code
  - PUD Chapter
  - Built Form Chapter
  - Site Plan Review Chapter

## Introduce Requirement for Surface Parking

- Not considered part of building systems, state building code does not apply

# Incentives

## PUD Chapter

- Amend the Enclosed Parking amenity in Table 527-2 to include a standard for EV Charging Infrastructure. If applicants choose this amenity in the future, EV Chargers and supporting infrastructure needs to be supplied.

## Built Form Chapter

- Amend the Enclosed Parking premium in Tables 552-12 and 552-13 to include a standard for EV Charging Infrastructure. If applicants choose this premium in the future, EV Chargers and supporting infrastructure needs to be supplied.

## The Standard

- To comply with the above standards, developments will need to 5% of parking spaces with a Level 2 charger, and an additional 10% of spaces EV ready capable of supporting a Level 2 charger.

# Incentives

## Site Plan Review Chapter

Two options that would amend options for complying with the 1-3 unit site plan review point system

1. Amend existing standard that awards 3 points for building a detached garage to also require a Level 2 charger.
2. Introduce new standard that awards 1 point for supplying a Level 2 charger anywhere on the property.

\*If both changes are adopted, applicants would not be eligible to receive points for both standards

# New Requirement

## Surface Parking

- A new standard is proposed for surface parking that would require 5 percent of all surface parking spaces to have a charging station capable of L2 charging. This would apply to new parking areas with 20 or more spaces, or existing parking areas when 20 or more spaces are added.

# Minneapolis 2040

## Policy Support

- Minneapolis 2040 Policy 16 – Environmental Impacts of Transportation: Reduce the energy, carbon, and health impacts of transportation through reduced single-occupancy vehicle trips and phasing out of fossil fuel vehicles.
  - Action step g. – Explore incentives and requirements for electric vehicle charging infrastructure in new development and in the public right-of-way.
- Minneapolis 2040 Policy 25 – Innovations in Transportation and Infrastructure: Support the development and deployment of new transportation technologies that positions Minneapolis to benefit from these advancements.
  - Action step d. – Encourage and support electric vehicles by prioritizing associated public and private infrastructure including in the right of way, and ensure that electric vehicle charging infrastructure incentivizes the use of renewable generated electricity.