

ORDINANCE NO. 7-2023

AN ORDINANCE OF THE BOROUGH OF BLAKELY, LACKAWANNA COUNTY, PENNSYLVANIA, AMENDING ARTICLE VII OF THE BLAKELY BOROUGH ZONING ORDINANCE TO SET FORTH THE ZONING DISTRICTS WHERE ELECTRIC VEHICLE CHARGING STATIONS MAY BE PERMISSIBLY LOCATED

WHEREAS, pursuant to its powers under laws of the Commonwealth of Pennsylvania, the general supervision of the affairs of Blakely Borough, Lackawanna County, Commonwealth of Pennsylvania, is in the hands of its Borough Council; and

WHEREAS, Article VI of the Pennsylvania Municipalities Planning Code entitled "Zoning" 53 P.S. 10601, *et seq.*, authorizes the Borough to enact, amend and repeal zoning ordinances within the Borough; and

WHEREAS, Borough Council desires to amend the Borough's Zoning Ordinance to add the use of "Electric Vehicle Charging Station" and to set the zoning districts where this use is permitted; and

WHEREAS, Borough Council deems it to be in the best interest of the public health, safety, and welfare to amend the Zoning Ordinance of Blakely Borough as set forth herein.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of the Borough of Blakely, Lackawanna County, Pennsylvania, as follows:

SECTION 1. RECITALS

The above recitals are incorporated herein.

SECTION 2. AMENDMENTS TO THE BLAKELY BOROUGH ZONING ORDINANCE

- A. Section 302 of the Zoning Ordinance, entitled "Definitions," is amended by adding the following defined terms:

"Electric Vehicle" ("EV") shall mean any vehicle that operates in any way on electrical energy which includes but is not limited to the following: (1) a battery EV, (2) a plug-in hybrid EV, (3) a neighborhood EV, and (4) a medium-speed EV.

"Electric Vehicle Charging Space" shall mean a parking area that is served by EV charging station equipment for the purpose of transferring electric energy to a battery or other energy storage device in an EV.

"Electric Vehicle Charging Station" shall mean a location with an Electric Vehicle Supply Equipment (EVSE) port and Connector. This term shall include both free-standing and wall-mounted EV Charging Stations as further defined in this Section.

“Level 1 Electric Vehicle Charging Station” shall indicate an Electric Vehicle Charging Station with the standard indicator of electric force or voltage at which an electric vehicle is recharged between 0 and 120V AC.

“Level 2 Electric Vehicle Charging Station” shall indicate an Electric Vehicle Charging Station with the standard indicator of electric force or voltage at which an electric vehicle is recharged between 121 and 240V AC.

“Level 3 Electric Vehicle Charging Station” shall indicate an Electric Vehicle Charging Station with the standard indicator of electric force or voltage at which an electric vehicle is recharged greater than 240V AC. A Level 3 Electric Vehicle Charging Station may also be referred to as a DC Charging Station and/or a Fast-Charging Station.

- B. Article VII of the Zoning Ordinance, entitled “Permitted Uses,” is hereby amended by adding the use of “Level 1 Electric Vehicle Charging Station” as a Permitted Use in all Zoning Districts.
- C. Article VII of the Zoning Ordinance, entitled “Permitted Uses,” is hereby amended by adding the use of “Level 2 Electric Vehicle Charging Station” as a Permitted Use in all Zoning Districts.
- D. Article VII of the Zoning Ordinance, entitled “Permitted Uses,” is hereby amended by adding the use of “Level 3 Electric Vehicle Charging Station” as a Permitted Use in all Commercial and Industrial Districts. Level 3 Electric Vehicle Charging Stations shall not be Permitted Use in any Residential District.
- E. A new Article VII Section 774, entitled “Incentives for the Installation of EV Charging Stations,” is hereby added to the Zoning Ordinance, which section shall read as follows:
 - A. A Property Owner may count EV Charging Spaces associated with EV Charging Stations towards meeting existing parking requirements set forth in this Code.
 - B. Commercial and industrial Property Owners may count each EV Charging Space as two parking spaces towards required parking standards as set forth in this Code.
 - (i) This incentive shall not exceed 20% of the total parking required by this Code.
 - (ii) This incentive shall not be used to decrease the number of specifically designated parking spaces required by the Code of the Borough of Blakely and state and federal law.
 - C. A residential Property Owner may receive 200 additional square feet of building area for the property, in addition to the maximum provided in the Borough’s Zoning Ordinance, for each EV Charging Station properly installed and certified. A

residential Property Owner may also receive 200 additional square feet of lot coverage, in excess of the maximum set forth in the Borough's Zoning Ordinance, for each EV Charging Station properly installed and certified, provided that all requirements of the Borough's Stormwater Management Ordinance are met. The total additional square footage area and additional lot coverage shall not exceed 600 additional square feet pursuant to this incentive.

- D. All Property Owners who meet the parking capacity recommendations as set forth in this Section may request a reduction in permitting and certification costs.

- F. The installation of all Electric Vehicle Charging Stations shall follow the procedures and be subject to all requirements of the Borough of Blakely's Code of Ordinances, including but not limited to the provisions of the Borough's Ordinance No. 7-2023, entitled "An Ordinance of the Borough of Blakely, Lackawanna County, Pennsylvania, Establishing Regulations Related To The Provision Of Electric Vehicle Charging And Parking," as amended from time to time.

SECTION 3. SEVERABILITY

If any Section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be illegal or invalid by any court or administrative agency of competent jurisdiction, such illegal or invalid portion or provision shall be severable and shall not affect or impair any remaining portion of this Ordinance and Chapter, which shall remain in full force and effect.

SECTION 4. REPEALER

All provisions of previous Ordinances of the Borough which are contrary to this Ordinance are expressly repealed only to the extent to which they are inconsistent with this Ordinance.

SECTION 5. SAVINGS CLAUSE

In all other respects, all ordinances, codes, resolutions, rules, and regulations of the Borough shall remain as previously adopted, approved, enacted, and ordained.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect immediately.

ENACTED, ORDAINED, AND APPROVED this 16th day of October, 2023.

ATTEST:

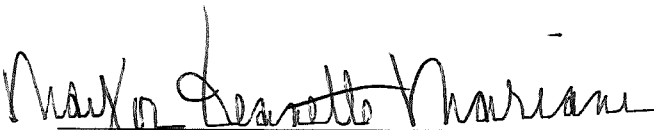


Secretary

BOROUGH COUNCIL OF THE
BOROUGH OF BLAKELY:



President



Mayor