

**AN ORDINANCE BY
ZONING COMMITTEE**

AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA GEORGIA FOR THE PURPOSE OF DEFINING CERTAIN TERMS RELATING THE CHARGING OF ELECTRIC VEHICLES AND ALTERNATIVE FUEL STATIONS; SETTING FORTH REGULATIONS CONCERNING THE INSTALLATION AND USE OF CHARGING STATIONS FOR ELECTRIC VEHICLES; AND FOR OTHER PURPOSES.

WHEREAS, electricity is a sustainable and domestically produced source of transportation fuel that may be used to power motor vehicles with zero or ultra-low tailpipe emissions; and

WHEREAS, the market for electric vehicles in the United States, including the Atlanta metro area, has steadily increased since the introduction of commercially available models in 2011 with new industry standards for universal compatibility between vehicle manufacturers making it easier for the City to provide regulations which will be useful in achieving certain policy goals; and

WHEREAS, the City of Atlanta is committed to increasing and improving sustainability, improving air quality by reducing pollutants, and adopting land use and transportation policies that are appropriate for urban uses; and

WHEREAS, the driving distance between battery charges in current, commercially available electric vehicle models limits broader consumer adoption of electric vehicles, and in order to increase consumer acceptance and usage of electric vehicles, as well as to further the City's policy goals, an infrastructure of convenient electric vehicle charging opportunities is desirable; and

WHEREAS, the development of regulations for electric vehicle charging infrastructure in the City of Atlanta will contribute to an urban environment in which residents and visitors to have greater access to safe personal electric vehicle charging equipment at their place of residence and employment and at commercial and recreational locations throughout the City; and

WHEREAS, charging for private electric vehicles tends to take place mostly in residential settings, and mixed-used districts and defining regulations for an electric vehicle charging infrastructure in these districts of Atlanta is in the public interest; and

WHEREAS, incentives for the installation of electric vehicle charging equipment by allowing each electric vehicle parking space to count as two spaces when evaluating the parking required in certain commercial and mixed use districts will more quickly increase the number of electric vehicle charging stations; and

WHEREAS, facilitating the use of electricity as an alternative fuel for transportation purposes can better assist the City in achieving its goals of reducing air pollution and greenhouse gas emissions by encouraging the transition to this alternative fuel; and

WHEREAS, facilitating the use of electricity as an alternative fuel for transportation purposes aligns the City with a national policy of reducing air pollution and greenhouse gas emissions and reducing dependence on fossil fuels much of which is imported from foreign sources; and

WHEREAS, the development of an electric vehicle charging infrastructure will create jobs and foster economic growth as the automobile industry transitions to this technology because local retailers and contractors will be required to sell, install, maintain, and repair these electric vehicles and the charging equipment; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS::

SECTION 1. Section 1 of Chapter 29, *Definitions*, of Part 16, *Zoning*, of the Code of Ordinances, City of Atlanta, Georgia, is hereby amended to read as set forth in Attachment A. New text is shown by underline. Deletions of text are shown by ~~strikethrough~~. All other provisions of Chapter 29 shall remain unchanged and in full force and effect.

SECTION 2. The uses allowed in various zoning districts as governed by various chapters in Part 16, *Zoning* of the Code of Ordinances, City of Atlanta, Georgia, are hereby amended to read as set forth in Attachment B. New text is shown by underline. Deletions of text are shown by ~~strikethrough~~. All other provisions of Part 16 shall remain unchanged and in full force and effect.

SECTION 3: Section 16-28.014 of the Code of Ordinances, City of Atlanta, Georgia, is hereby amended to read as set forth in Attachment C. New text is shown by underline. Deletions of text are shown by ~~strikethrough~~. All other provisions of Part 16 shall remain unchanged and in full force and effect.

SECTION 4: The Code of Ordinances, City of Atlanta, Georgia, is hereby amended at Part 16, *Zoning* by adding a section to be numbered Section 16-28.017. which section reads as set forth in Amendment D.

SECTION 5: This ordinance shall become effective when signed by the Mayor or as otherwise provided by operation of law.

A true copy,

Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

DEC 01, 2014
DEC 10, 2014

ATTACHMENT

“A”

EXHIBIT "A"

Amendments to City Code Sec. 16-29.001

Explanatory notes:

Numbering of the amendments is based on the electronic version of the City Code as presented by the Municipal Code Corporation as codified through Ordinance No. 2013-68(13-O-1397), approved December 11, 2013.(Supp. No. 60):

New text is shown by underline. Deletions of text are shown by strikethrough. Where existing text is shown, it is intended to remain unchanged. No amendment or repeal of the provisions of City Code Section 16-29.001 is intended except as set forth hereinbelow.

Amendatory language:

(4) *Automobile*: Any vehicle propelled by its own motor and operating on ordinary roads. As used herein, the term includes passenger cars, trucks, motorcycles, motor scooters, motorized bicycles and the like. For purposes of this part, classes of automobiles may be separately controlled or regulated (as for example passenger cars, trucks and motorcycles).

(a) *Battery electric vehicle (BEV)*: Any motor vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's battery, and produces zero tailpipe emissions or pollution when stationary or operating.

(b) *Electric vehicle*: Any motor vehicle that is licensed and registered to operate on public and private highways, roads, and streets, and operates either partially or exclusively on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. Electric vehicle includes battery electric vehicles and plug-in hybrid electric vehicles.

(c) *Plug-in hybrid electric vehicle (PHEV)*: An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

....

(56) *Alternative fuel vehicle charging station*: A place or area which enables a vehicle to refuel itself with non-gasoline and non-diesel alternative fuels or to be refueled by others. Alternative fuels include pure methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels (including E85 and M85); natural gas and

liquid fuels domestically produced from natural gas (including compressed natural gas and liquefied natural gas); liquefied petroleum gas (including propane); hydrogen; biodiesel (B100); fuels other than alcohol derived from biological materials; electricity (including electricity from solar energy); P-series fuels; and any other fuel the United States Secretary of Energy determines by rule is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits.

The presence of one or more electric vehicle charging stations shall not be considered to convert a parcel to a service station use absent other characteristics of a service station use such as the retail sale of gasoline or alternative fuels, general automotive servicing and repairs, and battery exchange. Where stations for the charging of electric vehicles is offered but such parcel would otherwise be considered a surface parking lot absent the presence of electric vehicle charging stations shall be regulated as surface parking.

(a) *Electric vehicle charging station*: A public or private parking space that is served by electric vehicle supply equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery in an electric vehicle.

(b) *Electric vehicle charging station – restricted use*: An electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

(c) *Electric vehicle charging station – public use*: An electric vehicle charging station that is (1) publicly owned and publicly available (e.g., on-street parking and city-owned parking facilities) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

(d) *Charging*: When the connector from an electric vehicle supply equipment (or standard outlet) is inserted into the electric vehicle inlet, and electrical power is being transferred for the purpose of recharging the batteries on board the electric vehicle.

(e) *Charging level*: The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged.

1. Level 1 is considered slow charging, typically requiring a 15 or 20 amp breaker on a 120-volt AC circuit and standard outlet.

2. Level 2 is considered medium charging, typically requiring a 40 amp to 100 amp breaker on a 240-volt AC circuit.

3. DC Fast Charge is considered rapid charging, typically requiring a 60 amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. DC Fast Charging uses an off-board charger to provide the AC to DC conversion, delivering AC directly to the car battery.

(80) Electric vehicle infrastructure: The structures, machinery, and equipment necessary and integral to support an electric vehicle, including the electrical conduit and premises wiring requirements for the installation of electric vehicle supply equipment, as well as battery exchange stations.

(81) Electric vehicle supply equipment (EVSE): The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle conductors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for purposes of delivering energy from the premises wiring to the electric vehicle, complying and conforming with National Electric Code Article 625 and Society of Automotive Engineers J1772 Standard or as such standard may be from time to time amended.

(82) Battery exchange station: A facility where an electric vehicle with a swappable battery can enter and exchange its depleted battery with a fully charged battery through a fully automated process. Battery exchange other than by a fully automated process shall be considered repair and servicing of vehicles consistent with service station uses rather than a major automotive repair.

End of amendatory language to Section 16-29.001

2014-53 (14-O-1278)

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ATTACHMENT “B”

EXHIBIT “B”

**Amendments to uses and accessory uses
Permitted in various Chapters of Part 16**

Explanatory notes:

Numbering of the amendments is based on the electronic version of the City Code as presented by the Municipal Code Corporation as codified through Ordinance No. 2013-68(13-O-1397), approved December 11, 2013.(Supp. No. 60):

New text is shown by underline. Deletions of text are shown by strikethrough. Where existing text is shown, it is intended to remain unchanged. No amendment or repeal of the provisions of any City Code Section is intended except by reference to the specific text as set forth hereinbelow

The changes to the text of the ordinances shown below is not intended to amend or remove section or subsection titles when such titles are not shown and section or subsection numbering is intended to be changed only where new subsection numbers are added. The zoning district identification shown in parentheses next to the section or subsection number (*e.g.* **(R-1)**) is for reference only and is not intended to be added as a new part of any section number or title

Amendatory language:

In accord with the language of Section 2 of the Ordinance to which this Exhibit is attached, the Code sections in Part 16 referenced herein are amended to read as follows:

Code Section Zoning District (for reference only –not a renumbering)

Sec. 16-03.004 (R-1)

(9) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-04.004 (R-2)

(9) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-04A.004 (R-2A)

(8) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-04B.004 (R-2B)

(8) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-05.004 (R-3)

(9) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-05A.004 R-3A)

(8) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE

Sec. 16-06.004 (R-4)

(9) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-06A.004 (R-4A)

(8) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-06B.004 (R-4B)

(8) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-06C.02B (FC R-3C)

Accessory uses. A structure or land may be used for uses customarily incidental to any permitted use, including but not limited to electric vehicle charging stations equipped with Level 1 and/or level 2 EVSE, and dwelling may be used for a home occupation

Sec. 16-07.004 (R-5)

(9) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-08.004 (R-G)

(8) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-09.004 (R-LC)

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE. No merchandise shall be stored other than that to be sold at retail on the premises, and no storage for such merchandise shall occupy more than 25 percent of the total floor areas on the premises. No off-premises storage of such merchandise shall be permitted the district as either a principal or accessory use.

Sec. 16-10.004 (O&I)

Uses and structures which are customarily incidental and subordinated to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generator and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE And in addition the following retail uses subject to the limitations set forth herein:

- (1) Apothecary shops, optical shops, shops for sale of prosthetic appliances, hearing aids and the like.
- (2) Barbershops, beauty shops and similar personal service establishments.
- (3) Eating and drinking establishments including those licensed for the on-premises consumption of malt beverages, wine and/or distilled spirits.
- (4) Establishments for sale of convenience goods. Package stores are expressly prohibited as an accessory use in this district.

Such establishments shall be located, designed and scaled to meet the needs of employees, patients, patrons, or visitors wholly within buildings containing the principal uses to which they are accessory. Total floor area in such accessory establishments shall not exceed ten percent of the total floor area of a building of up to 50,000 square feet, or five percent of additional floor area.

Sec. 16-11.003(27) (C-1)

- (27) Service stations, battery exchange stations and car washes.

Sec. 16-11.004 (C-1)

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include devices for generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE, except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 25 percent of the total floor areas on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.

Sec. 16-12.003(31) (C-2)

- (31) Service stations, battery exchange stations and car washes.

Sec. 16-12.004 (C-2)

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include devices for generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE, except as otherwise herein

provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 25 percent of the total floor areas on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.

Sec. 16-13.003(31) (C-3)

(31) Service stations, battery exchange stations and car washes.

Sec. 16-13.004 (C-3)

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include devices for generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE, except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 25 percent of the total floor areas on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.

Sec. 16-14.003(30) (C-4)

(30) Service stations, battery exchange stations and car washes.

Sec. 16-14.004 (C-4)

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include devices for generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE, except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 25 percent of the total floor areas on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.

Sec. 16-15.003(33) (C-5)

(33) Service stations, battery exchange stations and car washes.

Sec. 16-15.004 (C-5)

Structures and uses which are customarily accessory and clearly incidental to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE.

No merchandise shall be stored other than that to be sold at retail on the premises, and no storage for such merchandise shall occupy more than 25 percent of the total floor area on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.

Sec. 16-16.003(16) (I-1)

(16) Service stations, battery exchange stations and car washes.

Sec. 16-16.004 (I-1)

Structures and uses which are customarily accessory and clearly incidental to permitted principal uses and structures subject to general or specific limitations applying within the district.

(1) Devices for the generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE.

(2) Dwelling or lodging units shall be permitted only as accessory uses, and only for watchmen, caretakers or others requiring living quarters on the premises.

Sec. 16-17.003(17) (I-2)

(16) Service stations, battery exchange stations and car washes.

Sec. 16-17.004 (I-2)

Structures and uses which are customarily accessory and clearly incidental to permitted principal uses and structures subject to general or specific limitations applying within the district.

(1) Devices for the generation of energy such as solar panels, wind generators and similar devices including electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge EVSE.

(2) Dwelling or lodging units shall be permitted only as accessory uses, and only for watchmen, caretakers or others requiring living quarters on the premises.

Sec. 16-18A.006(3) (SPI-1)

(3) *Permitted accessory uses and structures:* Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes parking to serve authorized residential and non-residential uses within the district, as well as the electric vehicle charging stations equipped with Level 1 Level 2 and/or DC Fast Charge

EVSE associated with such parking, all subject to the restrictions contained in this chapter.

Sec. 16-18C.004 (SPI-3)

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generators and similar devices as well as electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-18D.004 (SPI-4)

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures, to include devices for the generation of energy such as solar panels, wind generators and similar devices as well as electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-18E.008(6) (SPI-5)

(6) Devices for the generation of energy, such as solar panels, wind generators and similar devices, when not located in or to the front of the main building and electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE when not located in or to the front of the main building.

Sec. 16-18F.004(6) (SPI-6)

(6) Repealed.

(6) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE are permitted as an accessory structure and shall be subject to design review by AUDC.

Sec. 16-18G.004(6) (SPI-7)

(6) Devices for the generation of energy, such as solar panels, wind generators, and similar devices, when not located in or to the front of the main building and electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE when not located in or to the front of the main building.

Sec. 16-18K.004(4) (SPI-11)

(4) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE are permitted as an accessory use in all subareas where devices for the generation of energy, such as solar panels, wind generators, and similar devices when not located in or to the front of the main building.

Sec. 16-18K.004(5) (SPI-11)

(5) Battery exchange stations shall be permitted where service stations are permitted.

Sec. 16-18I.008(2) c (SPI-12)

c Battery exchange stations shall be permitted where service stations are permitted.

Sec. 16-18I.008(5). (SPI-12)

(5) *Accessory uses and structures* Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and shall specifically include clubhouses, pools and other recreation amenities, child care facilities, greenhouses and, storage and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained in section 1618I.026 and elsewhere in this chapter; and electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE.

Sec. 16-18O.006. Permitted accessory uses and structures. (SPI-15)

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained in section 16-18O.022 and elsewhere in this chapter, and electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE.

Sec. 16-18O.028 1 r. Specific regulations for commercial subareas.(SPI-15)

r. Service stations with or without car washes, and battery exchange stations.

Sec. 16-18P.006. Permitted accessory uses and structures. (SPI-16)

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically include clubhouses, pools, and other recreation amenities, and parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained in section 16-18P.022 and elsewhere in this chapter, and electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE.

Sec. 16-18P.028 1 l Specific regulations for subarea 1: Midtown Commercial.
(SPI-16 Subarea 1)

l. Service stations and battery exchange stations, except east of Spring Street.

**Sec. 16-18P.030 1 g Specific regulations for subarea 3: Juniper East.
(SPI-16 Subarea 1)**

g. Service stations and battery exchange stations shall be prohibited except along Ponce de Leon Avenue.

Sec. 16-18Q.006. Permitted accessory uses and structures. (SPI-17)

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically include clubhouses, pools, and other recreation amenities, ~~and~~ parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained in section 16-18Q.021 and elsewhere in this chapter, and electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

**Sec. 16-18R.005(2). Permitted principal uses and structures, permitted accessory uses and structures, and special permits.
(SPI-18)**

2. *Permitted accessory uses and structures:* Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically include clubhouses, pools, and other recreation amenities, ~~and~~ parking to serve authorized residential and non-residential uses within the district subject to the restrictions contained in section 16-18R.021 and elsewhere in this chapter, and electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE.

Sec. 16-18R.005 1 c. Permitted principal uses and structures, permitted accessory uses and structures, and special permits. (SPI-18)

c. Battery exchange stations shall be permitted where service stations are permitted.

Sec. 16-18T.005 2 d . Permitted principal uses and structures. (SPI-20)

c. Battery exchange stations shall be permitted where service stations are permitted.

Sec. 16-18T.006. Permitted accessory uses and structures. (SPI-20)

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, ~~and~~ parking to serve authorized residential and non-residential uses within the district subject to the restrictions contained elsewhere in this chapter, and electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE.

Accessory parking structures and lots for required parking are permitted within three hundred (300) feet of primary use as measured from the nearest property line, without a special exception.

Sec. 16-18U.008 5 Permitted principal uses and structures. (SPI-20)

5 Battery exchange stations shall be permitted where service stations are permitted.

Sec. 16-18U.009. Permitted accessory uses and structures.

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, ~~and~~ parking to serve authorized residential and non-residential uses within the district subject to the restrictions contained elsewhere in this chapter, and electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE.

Accessory parking structures and lots for required parking are permitted within 300 feet of primary use as measured from the nearest property line, without a special exception.

Sec. 16-18V.005. Use regulations. (SPI-20)

3. *Permitted Accessory Uses and Structures:* Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, other recreation amenities, ~~and~~ parking to serve authorized residential and non-residential uses within the district, subject to the restrictions contained elsewhere in this Chapter, and electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE.

Sec. 16-19A.004. Permitted accessory uses and structures. (PD-H)

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures, with parking provided as appropriate, also to include: (i) devices for the generation of energy such as solar panels, wind generators and similar devices; and (ii) electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Sec. 16-19B.004. Permitted accessory uses and structures. (PD-MU)

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted in this district. Devices for the generation of energy, such as solar panels, wind generators and similar devices, as well as electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE are allowed.

Sec. 16-19C.004. Permitted accessory uses and structures. (PD-OC)

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted in this district. Devices for the generation of energy, such as solar panels, wind generators and similar devices, as well as electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE are allowed.

Sec. 16-19D.004. Permitted accessory uses and structures. (PD-BP)

Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted in this district, to include eating and drinking establishment; catering establishments; delicatessens and bakeries with products sold at retail on the premises. Devices for the generation of energy, such as solar panels, wind generators and similar devices, as well as electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE are allowed.

Sec. 16-19E.004. Permitted accessory uses and structures. (PD-CS)

Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures, also to include: (i) devices for the generation of energy such as solar panels, wind generators and similar devices; and (ii) electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

**Sec. 16-20A.006(16) General regulations.
(Cabbagetown Historic District)**

(16) Accessory structures and uses. Accessory structures and uses that are customarily incidental and subordinate to permitted principal uses and structures are allowed. These include the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- a) Carriage houses, tool and garden sheds, greenhouses, private garages and similar structures shall be unattached, located to the rear of the principal building within the buildable area of the lot, and shall not project beyond the front of the principal building. In addition, they shall be located in the least visible location within permissible areas. The commission may require screening with appropriate plant or fence materials if said structure is visible from the public right-of-way;
- b) Satellite dishes, devices for the generation of energy, such as solar panels, shall be attached to a building and shall not be visible from any public right-of-way; ~~and~~
- c) Home occupations; and

d) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

**Sec. 16-20B.004(2) c. Ponce de Leon Corridor regulations.
(Druid Hills Historic District)**

c) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

**Sec. 16-20B.005(2) e. Fairview Road regulations.
(Druid Hills Historic District)**

e) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

**Sec. 16-20B.006 (2) e. Springdale/Oakdale/Lullwater regulations.
(Druid Hills Historic District)**

e) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

**Sec. 16-20C.004(2) c. Auburn Avenue Residential District Subarea 1.
(Martin Luther King Historic District)**

c) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

**Sec. 16-20C.005 (2) f Residential District Subarea 2.
(Martin Luther King Historic District)**

(2) *Permitted accessory uses and structures:*

f) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

**Sec. 16-20C.006(2). Institutional District Subarea 3.
(Martin Luther King Historic District)**

(2) *Permitted accessory uses and structures:* Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include: (i) devices for the generation of energy such as solar panels, and similar devices; and (ii) electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE. In addition, retail uses subject to the limitations set forth in section 16-20.004.

**Sec. 16-20C.007(1) t. Auburn Commercial District Subarea 4.
(Martin Luther King Historic District)**

t. Service stations and battery exchange stations.

**Sec. 16-20C.007(2). Auburn Avenue Commercial District Subarea 4.
(Martin Luther King Historic District)**

(2) *Permitted accessory uses and structures:* Uses and structures which are customarily incidental and subordinate to permitted uses and structures, to include: (i) devices for generation of energy such as solar panels and similar devices; and (ii) electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE. Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 40 percent of the total floor area on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.

**Sec. 16-20C.008(1) r. Edgewood Commercial District Subarea 5.
(Martin Luther King Historic District)**

r Service stations and battery exchange stations.

**Sec. 16-20C.008. Edgewood Commercial District Subarea 5.
(Martin Luther King Historic District)**

(2) *Permitted accessory uses and structures:* Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, to include: (i) devices for generation of energy such as solar panels; electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE; and other devices such as satellite discs. Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail on the premises; and no storage for such merchandise shall occupy more than 40 percent of the floor area on the premises. No off-premises storage of such merchandise shall be permitted in the district as either a principal or accessory use.

**Sec. 16-20G.006(10) Specific regulations.
(West End Historic District)**

(10) *Accessory Structures:* Accessory structures, such as carriage houses, smoke houses, greenhouses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, air conditioners and heating units, shall be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structures. In addition, said structures shall be located in the least visible location within permissible

areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.

**Sec. 16-20I.006(4) h Specific regulations – Residential Subarea I.
(Adair Park Historic District)**

h. *Accessory structures:* Accessory structures, such as carriage houses, smoke houses, greenhouses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, air conditioners and heating units, can be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.

**Sec. 16-20J.006(6) h Specific regulations – Residential Subarea I
(Whitter Mill Historic District)**

(6) *Architectural Standards:*

h. *Accessory structures:* Accessory structures, such as carriage houses, smoke houses, tool sheds, greenhouses, tenant and alley houses, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, air conditioners and heating units, shall be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.

**Sec. 16-20K.007(2)(B) 13. Specific regulations – Residential Subarea I.
(Grant Park Historic District)**

(2) *Architectural Standards:*

(B) *Design Standards and Criteria for New Principal Structures.*

13. Accessory structures, such as carriage houses, smoke houses, tenant and alley houses, private garages, carports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and mechanical equipment shall be located to the side and/or rear of the principal structure within the buildable area of the lot and shall not project beyond the front of the principal structure. If mechanical equipment is visible from a public street, screening with appropriate plant or fence materials is required.

Sec. 16-20L.006 6 e Specific regulations for Inman Park Core District, Subarea 1. (Inman Park Historic District)

e. Devices for the generation of energy, such as solar panels, wind generators and similar devices, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, but not located in or to the front of the principal structure.

Sec. 16-20M.015(4)(e). Permitted accessory uses and structures. (Oakland City Historic District)

(4) Devices for the generation of energy, such as solar panels, wind generators electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, and similar devices, but not located in front of the principal structure

Sec. 16-20P.006 3 h . Specific regulations. (Sunset Avenue Historic District)

h. *Accessory structures:* Accessory structures, such as carriage houses, smoke houses, garages, car ports, electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE, tool sheds, greenhouses, tenant and alley houses, air conditioners and heating units, shall be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials may be required if said structure is visible from the public right-of-way.

Sec. 16-32.005(7)(a). Permitted principal uses and structures. (Neighborhood Commercial District)

(a) Automobile service stations and battery exchange stations, but not providing regular automobile maintenance service, automobile repair shops or car washes.

Sec. 16-32.006. Permitted accessory uses and structures. (Neighborhood Commercial District)

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, including electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE. Except as otherwise herein provided, no merchandise shall be stored other than that to be sold at retail within the district. No storage shall be provided in any portion of a building adjacent to any public sidewalk or public park or plaza.

**Sec. 16-32M.002(1) e . Specific regulations.
(Inman Park Neighborhood Commercial District)**

(e) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE allowed in the side or rear of the building as an accessory to another.

**Sec. 16-33.005. Permitted accessory uses and structures.
(Live Work District)**

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, ~~and~~ parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained elsewhere in this Chapter, and electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE.

Accessory parking structures and lots for required parking are permitted within 300 feet of primary use as measured from the nearest property line and within the same zoning district, without a special exception.

**Sec. 16-34.005. Permitted principal uses and structures.
(Mixed Residential Commercial District)**

1. Automobile service stations, battery exchange stations, car washes.

**Sec. 16-34.006. Permitted accessory uses and structures.
(Mixed Residential Commercial District)**

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, and other recreation amenities, ~~and~~ parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained elsewhere in this chapter, and electric vehicle charging stations equipped with Level 1, Level 2, and/or DC Fast Charge EVSE.

Accessory parking structures and lots for required parking are permitted within 300 feet of primary use as measured from the nearest property line, without a special exception.

**Sec. 16-35.006. Permitted accessory uses and structures.
(Multi-Family Residential District)**

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures, shall be limited to use by residents, and specifically include home occupation subject to limitations set forth in subsection 16-29.001(17), clubhouses, pools, and other

recreation amenities, ~~and~~ parking to serve authorized residential and nonresidential uses within the district subject to the restrictions contained elsewhere in this chapter, and electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

Accessory structures shall meet the following additional requirements:

1. Shall be placed to the rear of the principal structure.
2. Shall not exceed the height of the principal structure.
3. Accessory parking lots for required parking shall be located within 300 feet of primary use as measured from the nearest property line.
4. Accessory free-standing parking deck structures for required parking are permitted in MR-3 through MR-6 districts within 300 feet of primary use as measured from the nearest property line.

**Sec. 16-36.008. Permitted and prohibited uses and structures.
(BeltLine Overlay District)**

3. *Permitted accessory uses and structures:* Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically includes clubhouses, pools, other recreation amenities, ~~and~~ parking to serve authorized residential and non-residential uses within the district, subject to the restrictions contained elsewhere in this chapter, and electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.

== End of amendments ==

ATTACHMENT “C”

EXHIBIT "C"

Amendments to City Code Sec. 16-28.014

Sec. 16-28.014. Off-street parking requirements, general provisions.

Explanatory notes:

Numbering of the amendments is based on the electronic version of the City Code as presented by the Municipal Code Corporation as codified through Ordinance No. 2013-68(13-O-1397), approved December 11, 2013.(Supp. No. 60):

New text is shown by underline. Deletions of text are shown by strikethrough. Where existing text is shown, it is intended to remain unchanged. No amendment or repeal of the provisions of City Code Section 16-29.014 is intended except as set forth hereinbelow.

Amendatory language:

(5) *Other limitations on use of off-street parking and loading areas:* No required unenclosed off-street parking and loading area shall be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies; and no other area on a lot shall be used for such purposes. Notwithstanding the foregoing prohibition, the servicing of equipment required for EVSE or electric vehicle charging stations is permitted.

(11) Incentive for electric vehicles charging stations and parking. Where off street parking is required to be provided or where the off-street parking requirement is being met by parking on a private street, each electric vehicle charging station, as defined in Section 16-29.001, shall be counted as a parking space and shall reduce the required parking by one additional parking space; provided however that a total of no more than 10 percent of the number of off-street parking spaces required by the district regulations for the entire parcel shall be allowed to be reduced by the use of this incentive. Where at least two electric vehicle charging stations are provided, the 10 percent reduction incentive may be accomplished by providing electric vehicle only parking spaces provided however that the number of electric vehicle only parking spaces to be counted for the incentive shall always be correlated to the number of electric vehicle charging stations. In no case shall the use of this incentive reduce the requirement to provide at

least one off street parking for each single family dwelling unit, duplex, triplex or quadraplex.

(a) The provisions of this section shall apply to any required parking and may be used to reduce the degree of nonconformity of parcels with nonconforming parking.

(b) Electric vehicle parking spaces shall be reserved for the exclusive parking of an electric vehicle.

(c) Electric vehicle charging stations shall be reserved exclusively for the charging and parking of a vehicle that is connected to the EVSE for electric charging purposes.

(d) When an electric vehicle charging station is removed or becomes inoperable for more than fourteen consecutive days, the parking reduction granted by this section shall no longer remain in effect and the required parking shall be provided.

(e) The incentive provided by this section shall be granted by special administrative permit.

(i) As a part of the application, the site plan for the parking spaces where the electric vehicle charging station or electric vehicle parking is to be located shall be provided.

(ii) The special administrative permit shall at all times be conditioned on the electric vehicle charging station or electric vehicle parking meeting the design standards and other criteria for electric vehicle parking and charging facilities set forth in this part.

(iii) Failure to maintain the conditions of the special administrative permit shall be cause to revoke the incentive and require the installation of the parking required by the district regulations.

-- End of amending language --

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ATTACHMENT “D”

ATTACHMENT D

Section 16-28.017 - Design standards and other criteria for electric vehicle parking and charging facilities.

The following design criteria apply to electric vehicle parking and electric vehicle supply equipment ("EVSE") where provided for the use of the general public as a part of off-street parking:

- (1) Electric vehicle parking and charging stations, as defined in Section 16-29.001(56), should be equal to parking space size and performance standards as provided in these regulations. The installation of an EVSE should not reduce the electric vehicle charging station's length to below the size and standards required under Section 16-28.014.
- (2) Criteria for electric vehicle parking and charging stations in off-street parking facilities
 - (a) Installation of EVSE shall meet National Electric Code Article 625 as it may be from time to time amended;
 - (b) EVSE must be mounted on the wall or on a structure at the end of the space provided and shall be placed at least 4.5 feet above the parking surface of the space. No charging devices may be placed within the dimensions of a space on the sides or entrance to a space
 - (c) EVSE mounted on structures such as pedestals, lighting posts, bollards, or other device shall be located as to not impede pedestrian travel or create trip hazards.
 - (d) Way finding signs, if installed, shall be placed to effectively guide the motorists to the electric vehicle parking space and/or charging station. Private regulatory signage shall be placed in a manner that shall not interfere with any parking space, drive lane or exit.
 - (e) Each electric vehicle charging stations and parking spaces for which any parking incentive was granted shall be reserved for use as an electric vehicle charging station or as electric vehicle reserved parking. If time limits or usage requirements for are to be enforced by vehicle immobilization or non-consensual towing, the posting of signage that complies with the requirements of the City Code applicable to vehicle immobilization or non-consensual towing shall be observed. Vehicle immobilization or non-consensual towing may be enforced for electric vehicle charging stations and parking spaces by the owner or operator of the parking spaces even which no parking incentive was granted.

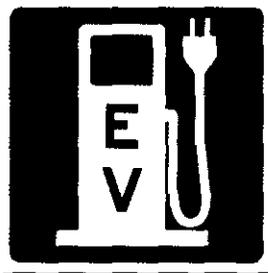
- (f) Electric vehicle charging stations and parking spaces for which any parking incentive was granted shall be operational at all times. When an electrical vehicle parking station is not operational for fourteen consecutive days, it shall be considered to have been removed from service. The failure to maintain the number of electric vehicle charging stations and parking spaces shall be cause to require the installation of the number of parking spaces required by the district regulations.
- (g) A phone number or other contact information shall be provided when the station is not functioning in a manner that allows electric vehicles to be charged
- (3) Criteria for electric vehicle parking and charging stations on private streets
- (a) On-street parking spaces designated and equipped to be electric vehicle charging stations spaces for which any parking incentive was granted on private streets shall be for the exclusive purpose of electric charging.
- (b) For the purpose of reducing cable management issues and placing the electric vehicle charging station closer to crosswalks and curb ramps, such charging stations shall be installed to use the last space on a block face in the direction of travel wherever possible.
- (c) In perpendicular or angle parking configurations, electric vehicle supply equipment should be centered, or to the left, in front of the electric vehicle charging station for single connectors, and placed between two electric vehicle charging stations for dual connectors.
- (i) EVSE must be mounted on the wall or on a structure at the end of the space provided and shall be placed at least 4feet above the parking surface of the space. No charging devices may be placed within the dimensions of a space on the sides or entrance to a space
- (ii) EVSE mounted on structures such as pedestals, lighting posts, bollards, or other device shall be located as to not impede pedestrian travel or create trip hazards
- (d) Where a variation is grated to allow the electric vehicle charging station in parallel parking configurations, EVSE should be installed near the front of the electric vehicle charging station based on the direction of travel.
- (e) When electric vehicle supply equipment is placed in a sidewalk or walkway adjacent to the on-street electric vehicle charging station, it should not interfere with the minimum pedestrian clearance widths as defined in Chapter 11B of the American Disability Act Standard as it may be from time to time amended.
- (f) When cords and connectors are not in use, retraction devices or locations for storage shall be located sufficiently above the pedestrian surface and the



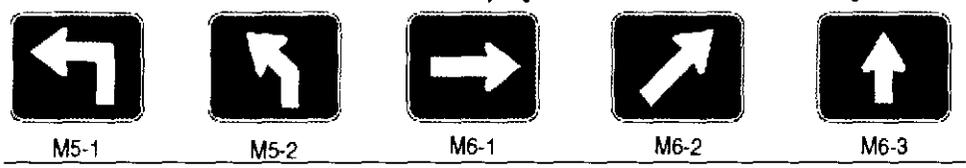
parking lot as to reduce conflicts with pedestrians and vehicle maneuvering. Cords, cables, and connector equipment shall not extend across the path of travel in any sidewalk or walkway.

(4) Signage: The signage associated with electric vehicle charging stations and the reservation of parking spaces for electric vehicles shall be considered incidental signs as defined in the Sign Ordinance. Incidental signs may contain only information and directives concerning the use of the electric vehicle charging stations and the reservation of parking spaces for electric vehicles. No commercial message shall be allowed to be displayed on an incidental sign associated electric vehicle charging stations and the reservation of parking spaces for electric vehicles although the name of the manufacturer or installer of the station may be displayed on the equipment installed at the stations. Where any text or logo other than that contained in this subsection is necessary to provide the general public with information on the operation of the electric vehicle charging stations, a sign permit shall be required. The following signs are allowed without a sign permit.

(a) General service signs

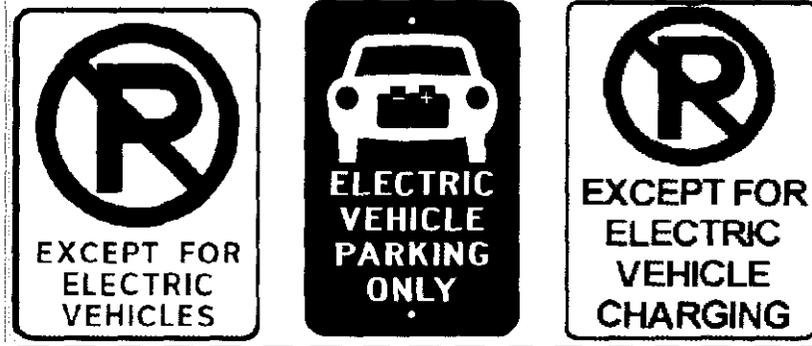


Advance Turn and Directional Arrow Auxiliary Signs for use with General Service Signs



An EV general service sign may be displayed without an associated advance turn and direction arrow but no advance turn and direct arrow may be displayed without an EV general service sign. These signs should be no smaller than 12" x 18" and no larger than 18" x 124." The bottom of sign shall be 7' above ground

(b) Private regulatory mounted signage



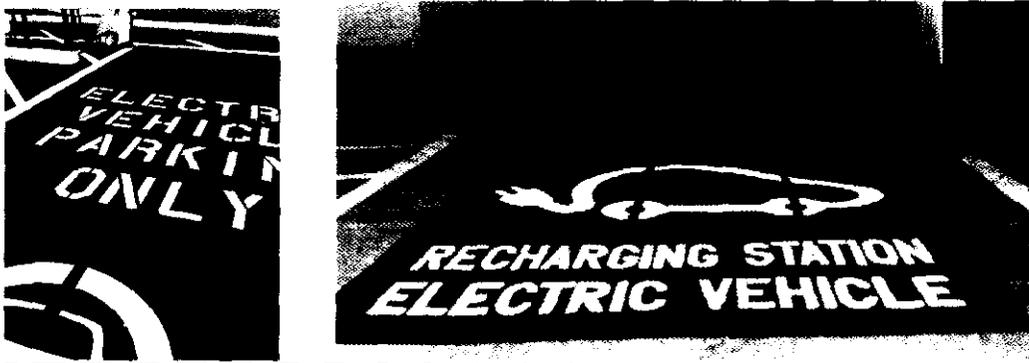
i. EV Parking Only

ii. EV Parking Only

iii. EV Charging Only

One private regulatory sign may be located on each space and must be placed to conform to the design guidelines for parking spaces.

(c) On-Space Striping: the following on space striping is permitted in lieu of or in addition to a mounted private regulatory sign



(5) Minimum landscaping requirements for surface electric vehicle parking and charging station lots. The requirements of City of Atlanta Code of Ordinances, chapter 158 vegetation, article II, tree protection, section 30, parking lot requirements shall apply to electric vehicle charging stations spaces in addition to the street tree planting requirements, with additional requirements as follows:

(a) All parking bays shall be terminated with a landscape strip a minimum width of five feet and equal to the length of the parking bay.

(b) All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum mature height of 30 inches; and

(c) All required landscaped buffer strips, regardless of length, shall have a minimum of one tree planted per 30 feet of length with a minimum caliper of two and one-half inches.”



(d) Existing parking lots shall not be required to reduce the number of parking spaces by more than three percent as a result of implementing the following surface parking lot landscaping regulations.

(6) Where EVSE is being used exclusively for the charging of vehicles for commercial or industrial uses and is not being made available for the general public, the installation of such equipment shall not be required to meet the criteria for parking spaces made available to the general public but shall be required to be installed to meet National Electric Code Article 625 as it may be from time to time amended.

-- end of amendment --

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