

**AN ORDINANCE TO AMEND CHAPTER 27, ZONING, OF THE CODE OF THE CITY OF BROOKHAVEN**

WHEREAS, Section 1.03(b)(25) of the Charter of the City of Brookhaven grants the City of Brookhaven the power to provide comprehensive planning and regulation through zoning and subdivision requirements to ensure a safe, healthy, and aesthetically pleasing community; and

WHEREAS, In early 2019, the City announced its Sustainable Brookhaven Initiative, which renews the City's focus on developing environmental, financial and organizational policies that proactively promote a greener community; and

WHEREAS, the Mayor and City Council find that amendments to the zoning regulations of the City related to electric vehicle charging stations are necessary in furtherance of the Sustainable Brookhaven Initiative.

**BE IT ORDAINED** by the Mayor and Council of the City of Brookhaven, Georgia and it is hereby ordained by the authority of same:

**SECTION I:**

The identified sections of Chapter 27, Zoning, are amended to read as shown in the attached mark-up.

**SECTION II:**

**Severability:** Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

**SECTION III:**

**Repeal of Conflicting Provisions:** All ordinances, part of ordinances, maps, or regulations in conflict herewith are repealed.

**SECTION IV:**

**Effective Date:** This ordinance shall be effective immediately upon adoption.

**SO ORDAINED**, this 23<sup>RD</sup> day of July, 2019.

Approved by:

Approved as to Form and Content

\_\_\_\_\_  
John Arthur Ernst Jr., Mayor

\_\_\_\_\_  
Christopher Balch, City Attorney

Attest: \_\_\_\_\_  
Sandra Bryant, Deputy City Clerk

SEAL

**DIVISION 13-4. GENERAL DEFINITIONS**

**Sec. 27.1363 Terms Beginning with “E”**

**Electric vehicle.** Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. “Electric vehicle” includes: (1) battery electric vehicles; and (2) plug-in hybrid electric vehicles.

**Electric vehicle (EV) Charging Station.** A public or private parking space that is served by battery charging station equipment.

**Electric vehicle charging station, private (restricted-access)** . An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

**Electric vehicle charging station, public.** An EV charging station that is accessible to and available for use by the general public.

**Electric vehicle parking space.** Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

**Electric vehicle supply equipment (EVSE).** The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

**Electric vehicle supply equipment (EVSE) infrastructure.** The equipment, as defined by the National Electrical Code, which is provided to support future electric vehicle charging. This shall include, but not be limited to: the design load placed on electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder / branch circuits, the installation of raceways, both underground and surface mounted, to support the electrical vehicle supply equipment.

**Equipment compound.** An area surrounding or near the base of a wireless support structure within which are located wireless communication facilities.

**DIVISION 8-4. PARKING CREDITS AND REDUCTIONS**

**Sec. 27.776 Electric Vehicle Charging Stations**

In parking garages and parking lots containing more than 10 parking spaces, each parking space equipped with public electric vehicle charging equipment is credited as 2 motor vehicle parking spaces for purposes of satisfying the minimum off-street parking ratios of [Table 8-1](#). Said credit shall be limited to a maximum of ten percent (10%) of the required parking. To receive credit, each electric vehicle charging station-equipped parking space shall be publicly accessible and be identified by signs.

**DIVISION 7-11. ACCESSORY USES**

**Sec. 27.698 Electric Vehicle Charging Stations**

## TA19-20 MARK-UP An Ord to Amend Ch 27 Zoning (electric vehicle charging stations) FINAL072319

- a. General
  1. Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zoning districts.
  2. Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.
  3. At least five percent (5%) of the required minimum off-street parking in all new developments located in RM, commercial, employment, mixed use, master planned development, or Peachtree Road districts and all new developments designated as residential housing projects shall be electric vehicle parking spaces equipped with public electric vehicle charging stations.
  4. All new dwellings located in RS, R3, and RSA districts shall provide EVSE infrastructure to accommodate future installation of EVSE. Said EVSE infrastructure shall:
    - a. Include a raceway, which is continuous from the branch circuit/feeder panel location to the future electric vehicle parking space;
    - b. The raceway shall be a minimum of 1" (one inch) in size; and,
    - c. The EVSE infrastructure raceway shall include a pull rope or line installed for future conductor installation, with the raceway sealed and labeled for future use.
  5. All electric vehicle charging stations and EVSE infrastructure shall be installed per the requirements of the construction and technical codes referenced in Chapter 7, Buildings and Construction, of the Code of the City of Brookhaven.
- b. Parking
  1. Public electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements in accordance with Sec. 27.216.
  2. Public electric vehicle charging stations shall be reserved for parking and charging electric vehicles. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.
- c. Equipment
  1. Vehicle charging equipment shall be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.
  2. Wheel stops, bollards, or similar device shall be installed to separate vehicles from EVSE.
- d. Posted Information
  1. Information shall be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
  2. Public electric vehicle charging stations shall be posted with signage indicating that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.
- e. Maintenance

Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.