



DeKalb County Department of Planning & Sustainability

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Planning Commission Hearing Date: July 11, 2024

Board of Commissioners Hearing Date: July 25, 2024

TEXT AMENDMENT ANALYSIS

AGENDA NO.10: 2024-0652 ZONING CASE NO.: TA-24-1247032 COMMISSION DISTRICTS: All

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27-ZONING ORDINANCE, TO AMEND SECTION 4.1.3 (USE TABLE) AND TO ESTABLISH SECTION 4.2.61 (ELECTRIC VEHICLE CHARGING STATIONS) RELATED TO THE INTRODUCTION OF REGULATIONS OF ELECTRIC VEHICLE (EV) CHARGING STATIONS.

REASON FOR REQUEST:

As initiated by the Department of Planning & Sustainability, DeKalb County recognizes the need to adapt zoning regulations to accommodate emerging technologies and promote sustainable transportation infrastructure. With the increasing popularity of electric vehicles (EVs) and the growing demand for EV charging infrastructure, there is a pressing need to integrate provisions for Electric Vehicle Charging Stations (EVCS) into the zoning ordinance, particularly in non-residential areas. This multi-faceted proposal represents the collaboration of the following departments: Planning & Sustainability, Land Development, Code Compliance Administration, and the Finance Departments. EV charging stations are currently not regulated, yet they exist and consideration of how to manage them, particularly within our zoning districts, is needed.

This proposal introduces a new term and definition. *EV charging station* is: “a dedicated infrastructure facility designed to provide electrical power for the purpose of charging electric vehicles (EVs)”. Typically equipped with one or more charging points, these stations may be in public or private spaces, including parking lots, fueling stations, commercial areas, and other designated areas, to support the widespread adoption of electric vehicles and promote sustainable transportation solutions.” This term shall encompass the installation, operation, and maintenance of Electric Vehicle Charging Stations (EVCS), including but not limited to Level 2 and DC Fast Chargers, designed to provide electric power for the charging of electric vehicles. EVCS may include associated equipment such as charging ports, power management systems, signage, and any ancillary infrastructure necessary for their proper functioning. The cities of Atlanta, Jonesboro, Covington, Cobb County, and Clayton County all allow EVCS by right as an accessory use.

This amendment aims to facilitate the widespread adoption of electric vehicles by ensuring convenient access to charging facilities. By incorporating EVCS provisions into the zoning ordinance, the County seeks to support environmentally friendly transportation options and reduce carbon emissions. In summary, the proposed regulatory framework consists of the following:

- Zoning
 - By-right, commercial, accessory use (administrative approval)
 - Supplemental Regulations

- Application fee (new fee required)
- Primary Structure required

KEY:	P - Permitted use																									
	Pa - Permitted as an accessory use																				SA - Special administrative permit from Director of Planning					
																					SP - Special land use permit from BOC (SLUP)					
Use	RE	BLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section	
Electric Vehicle Charger (Accessory to Fuel Pumps)								Pa	Pa	Pa			Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓

The proposed use table proposes allowing EVCS in all zoning districts that permit commercial uses (MR1; MR2; RM-HD; HR-1; HR-2; HR-3; OI; OD; MU-1; MU-2; MU-3; MU-4; MU-5; NS; C-1; C-2; M).

This proposal was circulated among all five community councils with a focus on EV charging stations. Initial feedback gathered from the community includes:

- Allowing ample time for community feedback through platforms like Engage DeKalb.
- Ensuring proper oversight for EV charging station installations, including clear guidelines for property owners applying for Business Licenses.
- Establishing monitoring mechanisms for EV charging stations to ensure compliance with tax and fee obligations.
- Clearly outlining penalties for non-compliance and specifying which taxes and fees they apply to (e.g., First offense - \$100, Second offense - \$500, Third offense - \$1,000, Fourth offense - license revoked).
- Implementing effective notification systems for neighboring areas, such as obtaining letters of support or using a Special Land Use Permit (SLUP).
- Setting parking regulations per EV charging unit.
- Ensuring adequate staffing levels in both Code Enforcement and Business License Departments, with revenues generated from EV charging stations supporting staff resources.
- Providing 24/7 contact information online for EV charging station owners.
- Allowing motion-detected security lighting at night, regardless of the closing hours of any principal structure.

By setting clear definitions, zoning requirements, and operational standards, this amendment aims to facilitate the widespread adoption of electric vehicles by ensuring convenient access to charging facilities while sufficiently protecting surrounding properties. Therefore, the Planning & Sustainability Department recommends approval.

STAFF RECOMMENDATION: APPROVAL

AN ORDINANCE TO AMEND CHAPTER 27, SECTION 27-ARTICLE 4 OF THE DEKALB COUNTY ZONING ORDINANCE, TO ADD SUPPLEMENTAL REGULATIONS FOR ELECTRIC VEHICLE CHARGING STATIONS PER SECTION 4.2.61 OF THE DEKALB COUNTY ZONING ORDINANCE, AND FOR OTHER PURPOSES.

WHEREAS, the use of electric vehicles is becoming increasingly popular as a cleaner and more environmentally friendly alternative to traditional gasoline-powered vehicles; and

WHEREAS, the availability of electric vehicle charging stations is essential to support the widespread adoption of EVs and to ensure that drivers have convenient and reliable access to charging infrastructure; and

WHEREAS, the installation of electric vehicle charging stations in public and private spaces will promote the growth of the EV market, reduce greenhouse gas emissions, and enhance air quality in our community and

WHEREAS, the County has set a goal to reduce its carbon footprint and promote sustainable transportation options, and electric vehicle charging stations are a key component of achieving this goal; and

WHEREAS, the installation of electric vehicle charging stations will provide a convenient and affordable option for residents and visitors to charge their vehicles, reducing the need for gasoline-powered vehicles and promoting a cleaner environment; and

WHEREAS, the County has an opportunity to lead by example and demonstrate its commitment to sustainable transportation options by installing electric vehicle charging stations in public parking facilities and other accessible locations.

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that Chapter 27 of the Code of DeKalb County, as revised 1988, is hereby amended as follows:

PART I. ENACTMENT

By creating Section. 4.2.61 *Chapter 27, of the Code of DeKalb County, as revised 1988, to read as follows:*

Sec. 4.2.61. - Electric Vehicle Charging Stations

- A. Design of Electric Vehicle Charging Stations must adhere to the standards delineated in Article 5, Section 7, of Chapter 27 for accessory structures.
- B. Charging stations must adhere to the setback requirements of no less than fifteen (15) feet from all street rights-of-way to ensure they do not obstruct traffic flow. Additionally, any accessory buildings or structures associated with charging stations should comply with the minimum side yard setback for the district or ten (10) feet, whichever is less, and must maintain a distance of at least ten (10) feet from a front or rear lot line in any district.
- C. Structures must not exceed a height of ten (10) feet or the height of the principal structure, whichever is less.
- D. Lighting must be directed downward and switched off within thirty (30) minutes after the facility closes. Use of specific types of lighting is prohibited and must otherwise meet the requirements of Article 5.6.1.
- E. Dedicated parking spaces for Electric Vehicle Charging Stations must be provided with a sign that identifies the parking space as designated for use by electric vehicles that are actively charging. These parking spaces may be counted towards meeting minimum parking space requirements as per Article 6.1.16.
- F. Electric Vehicle Charging Stations are classified as accessory structures and are permitted within front, side, and rear yards of properties.
- G. Utility structures associated with EV Charging Stations shall meet the supplemental requirements as described in Sec. 4.2.56.
- H. Electric Vehicle Charging Stations (EVCS) are allowed in all zoning districts that permit commercial uses as a principal or accessory use, including but not limited to:

MR1, MR2, RM-HD, HR-1, HR-2, HR-3, OI, OD, MU-1, MU-2, MU-3, MU-4, MU-5, NS, C-1, C-2, and M.

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- I. Each Electric Vehicle Charging Station must include clear signage indicating that the parking spot is reserved exclusively for Electric Vehicles (EV) or Plug-in Hybrid Electric Vehicles (PHEV).
 - J. Signage for EV charging stations must comply with the following size and placement guidelines:
 - a. Signs shall not exceed two (2) square feet in area.
 - b. Signs must be placed at a height of five (5) to seven (7) feet above ground level to ensure visibility.
 - c. Signage must be positioned directly in front of or adjacent to the EV charging station parking spot.
 - d. Signage that meets these criteria is permitted by right and does not require additional permits or approvals.