

**City of Fayetteville Staff Review Form**

**2020-1186**

**Legistar File ID**

**1/19/2021**

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Leif Olson

12/31/2020

SUSTAINABILITY/RESILIENCE (631)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

Staff recommends approval of an ordinance amending the Unified Development Code to permit and regulate electric vehicle charging stations on commercial properties that are accessible for public use with an electric usage fee.

**Budget Impact:**

|  |  |
|--|--|
| Account Number                               | Fund   |
| Project Number                               | Project Title  |
| <b>Budgeted Item?</b> <u>NA</u>              | <b>Current Budget</b> \$                    -  |
|  | <b>Funds Obligated</b> \$                    -   |
|  | <b>Current Balance</b> <span style="border: 1px solid gray; padding: 2px;">\$                    -</span>  |
| <b>Does item have a cost?</b> <u>NA</u>      | <b>Item Cost</b>   |
| <b>Budget Adjustment Attached?</b> <u>NA</u> | <b>Budget Adjustment</b>   |
|  | <b>Remaining Budget</b> <span style="border: 1px solid gray; padding: 2px;">\$                    -</span> |

V20180321

**Purchase Order Number:** \_\_\_\_\_

**Previous Ordinance or Resolution #** \_\_\_\_\_

**Change Order Number:** \_\_\_\_\_

**Approval Date:** \_\_\_\_\_

**Original Contract Number:** \_\_\_\_\_

**Comments:**



**MEETING OF JANUARY 19, 2021**

**TO:** Mayor and City Council

**THRU:** Susan Norton, Chief of Staff  
Garner Stoll, Development Services Director  
Jonathan Curth, City Planning Director

**FROM:** Peter Nierengarten, Environmental Director

**DATE:** December 31, 2020

**SUBJECT: Amend Fayetteville Code of Ordinances: Electric Vehicle Charging Stations:** Submitted by the Sustainability Department for revisions to the Fayetteville Code of Ordinances for electric vehicle charging stations available for public use.

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**RECOMMENDATION:**

Staff recommends approval of an ordinance amending the Unified Development Code to permit and regulate electric vehicle charging stations on commercial properties that are accessible for public use with an electric usage fee.

**BACKGROUND:**

Electric vehicles are increasingly common and are primarily being purchased by consumers in an effort to be more environmentally sustainable. Increasingly, staff is getting inquires by commercial property owners that are interested in installing electric vehicle (EV) charging stations on their property or at their businesses. In many cases these property/ business owners would like to convert their fleet to EV vehicles that would be charged overnight and allow their EV charging stations to be available to the public for an electricity usage fee during daytime hours. However, the City's development codes do not currently have standards or regulations for installing or operating EV charging stations.

Sustainability staff is also currently working with several City Departments and Divisions on collecting and reporting data, policies, programs and projects for submittal to LEED for Cities and Communities certification. Development codes related to permitted EV charging stations by right for commercial and industrial land uses is one of the actions that LEED for Cities and Communities rewards credit.

**DISCUSSION:**

The Sustainability Department in consultation with Planning Staff have drafted amendments to the Fayetteville Code of Ordinances for publicly accessible EV charging stations. The primary issues proposed in the revisions include the following:

- Adding an Electric Vehicle Charging Station definition to the Unified Development Code Chapter 151: Definitions.
- Amending UDC Chapter 164: Supplementary District Regulations to contain EV charging station regulations.

The Planning Commission unanimously forwarded these proposed code amendments to the City Council at their December 14, 2020 meeting.

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

Proposed UDC Amendments in strike-out and bold

**Amend Unified Development Code Chapter 151: Definitions by adding the following language:**

***Electric Vehicle Charging Station (Supplementary District Regulations).* Publicly accessible Electric Vehicle Charging Stations shall have a minimum amperage of 30 amps on a 240-volt circuit and shall be a "Level 2" EV Charging Station or higher. Publicly accessible electric vehicle charging stations shall be networked for remote access to online management tools through an online portal known as an EVSE network.**

**Amend Unified Development Code Chapter 164: Supplementary District Regulations section 164.02 - Accessory Structures and Uses by adding the following language:**

Accessory Structures and Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning, Chapters 160 through 165, and to the following general conditions:

(A) *Accessory Structures.*

- (1) *When Erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
- (2) *Integral Part of Principal Structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
- (3) *Height and Setback Restrictions.* Accessory structures 10 feet or less in height shall maintain a minimum side setback of 3 feet and a minimum rear setback of 5 feet from the property lines. Accessory structures greater than 10 feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which it is located.
- (4) *Build-to Zones.* Accessory structures shall be exempt from meeting the requirements of the build-to zone in any zoning district.
- (5) *Size of Accessory Structure(s).* Any accessory structure(s) shall be 50% or less of the size of the principal structure, except for accessory roof mounted solar energy systems and accessory ground mounted solar energy systems. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.
- (6) *Shared Accessory Structures.* Shared accessory structures may be constructed across common property lines, subject to all building and fire codes. Building setbacks for shared accessory structures may be administratively varied to permit zero lot line

development. Easements for driveway access and maintenance of the structure and driveway shall be provided prior to the issuance of a building permit. For purposes of calculating size of shared accessory structures, only that portion of the shared accessory structure on the lot with the principal structure shall count toward the maximum allowable size.

(7) *Accessory Ground Mounted Solar Energy Systems.* An accessory ground mounted solar energy system shall be considered an accessory structure and shall be subject to applicable accessory structure requirements.

**(8) *Electric Vehicle Charging Stations.* Electric Vehicle Charging Stations that are publicly accessible shall be considered an accessory use in all commercial, mixed-use, industrial, and institutional zoning districts. Publicly accessible electric vehicle charging stations shall be reserved for the parking and charging of electric vehicles only and information shall be posted indicating that the space is reserved for electric vehicle charging purposes only. Electric vehicle charging equipment must be designed and located to not impede pedestrian, bicycle or wheelchair movement. Property owners may collect a service fee for the use of an electric vehicle charging station. Information shall be posted identifying voltage and amperage levels and any type of use, fee, or safety information related the electric vehicle charging station. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number, email address, or some other contact information must be provided on the charging equipment for reporting when it is not functioning, or for when other problems are encountered.**

(B) *Swimming Pools.* Swimming pools shall not be located in any required front setback.