**Zoning, Permitting, and Codes – Guiding Questions**

**Background**

Building codes, parking ordinances, and zoning ordinances can influence electric vehicle (EV) infrastructure planning by creating design standards, requiring a minimum number of EV-ready spaces for new construction, or allowing EV charger installation as part of zoning ordinances. This document provides guiding questions to help determine existing codes and ordinances, identify opportunities to update those codes and ordinances, and streamline permitting processes to accelerate EV charger deployment. The questions below will help you identify whether your jurisdiction’s existing regulations create challenges building out EV infrastructure and then strategize potential updates. Use your responses to these guiding questions to draft the permitting and codes memo available as a downloadable template in Module 6.

**Overview**

* How feasible is proposing a new building code and/or ordinance? What internal and external support and resources would your jurisdiction need to move that forward?
* Have you engaged with your local zoning board (or equivalent entity) around updating your jurisdiction’s codes and ordinances to better support EV infrastructure development? If so, how receptive was the board to potential updates? What challenges do you anticipate if updates are needed? What additional information might help you overcome those challenges?

**Building Codes**

Building codes ensure construction meets fire, electrical, plumbing, and other health and safety requirements. These codes can be based on national or international standards, which are adopted either automatically or through subsequent processes at the state or local level, and are enforced at the local level through permitting and inspection processes. These subsequent processes at state and local levels can result in requirements that exceed requirements set by model code making entities (e.g., International Code Council).

* In your jurisdiction, are building codes set at the state level or can the local government adopt building codes that supersede state codes (home rule)?
* How do current building codes address EV charging equipment?
  + Do building codes support consistent approaches for EV-ready parking spaces?
  + Do building codes require new construction and major renovations to incorporate EV charging infrastructure?
  + Do they require EV chargers to be UL certified?
* What work is needed to incorporate EV infrastructure into building projects? Refer to the [Alternative Fuels Data Center (AFDC) electricity codes and ordinances webpage](https://afdc.energy.gov/fuels/electricity-codes-and-ordinances).
* Is the local government interested in passing minimum requirements for EV-ready parking spaces (i.e., requiring new construction and major renovations to incorporate a certain percentage of parking spaces to be EV-ready)?
  + If so, what approach will be taken to develop the requirement and incorporate it into regulations?

**Zoning Ordinances**

Zoning ordinances regulate land use, including what can be built on a property. In the context of EV readiness, local governments can use zoning ordinances to control where EV charging stations are allowed or prohibited. Zoning can also be used to incentivize or require EV charging stations.

* Is a zoning variance required for EV charging infrastructure projects? Can chargers be installed as an accessory use?
* How are EV charger uses defined?
* Do current zoning ordinances allow EV charging stations at existing buildings and new buildings?
* How do current ordinances address how EV-only charging spaces count toward minimum parking requirements?

**Parking Ordinances**

Parking ordinances are used to manage public enforcement of parking policies and apply to publicly accessible EV charging stations, including municipal lots, privately operated parking lots or garages, and on-street locations.

* Do your jurisdiction’s parking ordinances have clear design requirements for EV charging equipment and parking spaces?
* Are safety requirements for EV charging spaces clearly defined?
* What is the minimum number of EV charging spaces that must be compliant with the Americans with Disabilities Act?
* What signage is approved for EV charging spaces and wayfinding?
* Can local law enforcement personnel enforce regulations around EV charging space usage?
* Do EV-only spaces count toward minimum parking requirements?

**Permitting**

* Does the funding source you will use to purchase the charging equipment have any requirements related to permitting or environmental review (e.g., National Environmental Policy Act, National Historical Preservation Act, floodplain management)?
* How could the local government increase transparency of the permitting process (e.g., online application, checklists specific to permits for EV charger projects, and timelines that expedite permit approvals for EV charger projects)?
* How could the local government shorten timelines and reduce the administrative burden (e.g., limit approvals to an administrative or health and safety review or allow concurrent review between departments, accept electronic signatures)?
* What would the process look like to make these changes? What barriers are there to implementing those changes, and how might you address them?

**Curbside EV Charging**

* Can you identify specific zones where curbside charging should be permitted and/or restricted?
  + Are there areas in your community with a density of multifamily housing and/or on-street parking?
* Will you need an updated permitting process to support residents who want to install curbside EV charging infrastructure? Will you need to update the encroachment regulations to permit safely running charging cords across sidewalks, with consideration for people using the sidewalk?
* What updates to parking ordinances or other ordinances are needed to enable necessary enforcement (e.g., towing gas-powered cars parked in a designated EV charging spot, setting time limits to encourage turnover)?
* What existing street infrastructure and assets (e.g., streetlights, lampposts, utility poles) could potentially be leveraged to support curbside charging?

**Creating EV-Friendly Regulations**

* How do current building codes, zoning ordinances, and parking ordinances support or hinder EV charging station development?
* What updates are needed for your jurisdiction to become EV-friendly? See the [AFDC electricity infrastructure planning webpage](https://afdc.energy.gov/fuels/electricity-infrastructure-planning) for more information on EV-friendly regulations.
* Are there nearby jurisdictions that have adopted (or are proposing to adopt) updated regulations to support EV charging station development? If so, how could you coordinate with those entities on model language and regional consistency for projects?
* Can parking review requirements for installation of EV charging stations as an accessory use in a parking space be streamlined or eliminated?