



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA PERTAINING TO ELECTRIC
VEHICLE BATTERY CHARGING AND BATTERY EXCHANGE STATIONS**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160A-381, the Town of Nags Head (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160A-363, which allows the Town to combine certain land development ordinances into a unified ordinance; and

WHEREAS, given both the public and private interest in the installation of electric vehicle charging stations these amendments to the Town's regulations are necessary to support these facilities; and

WHEREAS, the Board of Commissioners finds that these text amendments are consistent with the goals, objectives, and policies of the Town's adopted Comprehensive Plan, and that this action is reasonable and in the public interest and is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Unified Development Ordinance as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language, unless provisions are noted as being deleted and/or replaced in their entirety. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Unified Development Ordinance of the Town Code shall be amended as follows:

- PART I. That **Section 6.5.3.**, be amended by adding "Electric Vehicle Charging Station (as a principal use)" and "Electric Vehicle Battery Exchange Station (as a principal use)" to those uses listed under COMMERCIAL, prior to "Other Commercial Uses".
- PART II. That **Section 6.6, Table of Uses and Activities**, be amended by deleting "Battery Charging/Exchange Station" and the entire associated row from the use.
- PART III. That **Section 6.6, Table of Uses and Activities**, be amended by inserting "Electric Vehicle Charging Station" as a permitted Accessory Use, to follow "Docking Facility, Accessory to Restaurant," to be denoted with a "PS" within the R-1, R-2, R-3, CR, C-1, C-2, C-3, C-4, SPD-20, SED-80, and SPD-C zoning districts, subject to supplemental regulations contained in Section 7.17; and, by inserting "Electric Vehicle Battery Exchange Station" as a permitted Accessory Use, before "Garage," to be denoted with a "PS" within the C-2 zoning district, subject to supplemental regulations contained in Section 7.16.
- PART IV. That **Section 7.17** be deleted in its entirety and replaced as follows:

SECTION 7.17 ELECTRIC VEHICLE CHARGING STATION.

Electric vehicle charging stations shall be permitted only as an accessory use in accordance with Section 6.6, Table of Uses and Activities, subject to the following requirements:

7.17.1. Standards for Single-Family and Two-Family Dwellings. Electric vehicle charging stations shall be allowed as an accessory use to single-family and two-family dwellings. When located outside a structure, such stations shall be subject to the same dimensional regulations as HVAC and other similar mechanical and electrical equipment. Such stations shall not exceed residential building code electrical limitations.

7.17.2. Standards for Institutional, Commercial and Multi-Family Development. The following standards shall apply to the accessory installation and use of electric vehicle charging stations:

7.17.2.1. Generally. Electric vehicle battery charging stations shall be located in close proximity to the parking spaces that they are intended to serve and shall be subject to the same minimum yard and/or setback requirements to which parking spaces and mechanical equipment are subject. Electric vehicle battery charging stations accessory to a nonconforming use shall not be considered to be an extension or expansion of such nonconforming use.

7.17.2.2. Number Permitted; Reserved Use of Spaces; Required Parking. As an accessory use, the number of parking spaces available for the charging of electric vehicles shall not be more than 40% of the total available parking spaces. Vehicles using an electric vehicle charging station shall be parked in a parking space, with one parking space meeting the stall width requirements of Table 10-8, Commercial Parking Area Requirements, provided per station charging port. Parking spaces used to access electric vehicle charging stations are not required to be reserved by the property owner for the parking of electric vehicles; however, if such spaces are reserved for the use of electric vehicles, such spaces shall not be used to meet minimum required parking for the site and use.

7.17.2.3. Signage. Each electric vehicle charging station and associated parking spaces should provide signage indicating the voltage and amperage levels, and any applicable limitations on the use or reservation of parking spaces, limits on time, days and hours of operation, fees, and/or safety information. Spaces not reserved for electric vehicles shall also indicate that such spaces are not so reserved.

7.17.2.4. Maintenance. Charging station equipment should be maintained in all respects, including the functioning of the charging equipment.

7.17.2.5. Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, charging equipment shall not interfere with accessibility.

7.17.2.6. Lighting. Where charging station equipment is installed, adequate site lighting should also be provided unless charging is for daytime use only.

PART V. That **Table 10-2, Required Parking by Use**, be amended to delete the Battery Charging/Exchange Station use and the parking requirement therefore.

PART VI. That Appendix A, Definitions, be amended as follows:

~~**Battery charging station** means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed federal, state, and/or local requirements.~~

~~**Electric vehicle battery**~~ **Battery exchange station** means a fully automated facility that provides through labor or automation the exchange and replacement of will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery batteries in electric vehicles with a fully charged battery through a fully automated process, which meets or exceeds federal, state, and/or local requirements. Such stations may be provided as a service or accessory to an automobile repair use; such stations are not permitted as a principal use.

Electric vehicle charging station means an electrical component assembly or cluster of component assemblies designed to charge batteries within electric vehicles and which meet or

~~exceed federal, state, and/or local requirements. Such stations may be privately available or available to the generally public depending upon the use to which they are accessory; stations are not permitted as a principal use a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle. An electric vehicle charging station is permitted as an accessory use to any principal use.~~

~~**Electric vehicle parking space** means any marked parking space that identifies the use to be exclusively for an electric vehicle.~~

PART VII. That the **Table of Contents for Article 7** be amended by changing the title of Section 7.17 to "Electric Vehicle Charging Station".

ARTICLE IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect upon the date of adoption by the Board of Commissioners.


Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:


John Leidy, Town Attorney

Date adopted: May 5, 2021

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS