

FACT SHEET



Improving Permitting and Zoning for EV Fast Charging Stations

STRATEGIES FOR STATE AND LOCAL ACTION

A Potential Bottleneck

In the absence of state and local government action, local permitting and zoning processes could significantly delay the development of a robust national network of electric vehicle (EV) charging stations, including those funded under the National Electric Vehicle Infrastructure (NEVI), Charging and Fueling Infrastructure (CFI), and other federal and state EV charging programs. Station developers report that current permitting timeframes for direct current fast charging (DCFC) stations are highly variable across local jurisdictions. In some jurisdictions, they can secure a permit in a few weeks, while in others it can take many months or even more than a year to get a permit approved.

Requests for permit approvals are likely to increase dramatically in the next several years because of NEVI and other federal and state funding for DCFC stations. As a result, local governments with lengthy and complex processes could soon encounter a major backlog of projects seeking approval, leading to delays for charger deployment.

Some local governments have adopted best practices to streamline the permitting process for DCFC stations, and to clarify the status of charging stations in zoning codes. While zoning and permitting are local government functions, some states have also taken steps to inform local jurisdictions about these leading practices and to encourage or require their adoption.

This fact sheet highlights actions that state energy, environmental, transportation, and community development agencies and other state and local policymakers can take to improve permitting and zoning for DCFC stations, and provides a list of resources to further explore solutions.

Permitting and Zoning Basics

Before construction can begin on an EV charging station, developers need to receive approval from the authority having jurisdiction (AHJ). While the approval process for DCFC projects varies based on the jurisdiction, it typically includes at least two main components, permitting and zoning.

Permitting reviews ensure the planned project meets all relevant codes and standards (e.g., state building and electrical codes) and requires sign-off from the building department. Approval often includes multiple reviews, such as architectural and electrical, among others. Conducting these reviews sequentially, rather than concurrently, usually results in a longer permitting process. After the charging station is built, AHJs usually require the project to undergo an inspection to ensure it aligns with the permitted plans.

Zoning reviews determine whether the planned project is an allowed use of the property, as set out by the AHJ's zoning code. While these reviews can sometimes be done administratively by AHJ staff in the planning department, they are often carried out by a local zoning board. Zoning boards make approval decisions on proposed projects when it is unclear whether the proposed use is allowed under the local zoning code, or the developer is seeking an exception to the code.

In the absence of clear zoning requirements, planning department staff and zoning board members are responsible for interpreting local ordinances and determining whether applications meet the relevant approval criteria. This can lead to unclear and lengthy processes. For example, if aesthetic project design elements (e.g., fencing and shrubbery) are not clearly addressed in the AHJ's zoning requirements, the developer may be asked to redesign and resubmit the project plan for zoning approval. Further, unclear project design requirements may result in different interpretations within an AHJ.

Best Practices for Local Governments

There are several steps an AHJ can take to improve the permitting and zoning processes for DCFC stations.

PERMITTING

Standardize the permit review and inspection process. AHJs can streamline the review process by providing concurrent reviews for architectural, electric, and any other reviews necessary for permit approval. It is also important to standardize the permit review and inspection process and to make the grounds for rejecting a permit application clear up front.

Make the process for permitting DCFC stations clear and transparent. AHJs should clearly identify required application materials, where to find the permit application, permitting steps and associated timelines, any fees involved, and key points-of-contact. Fact sheets and checklists are a convenient way to convey this information. Prominently featuring permits, fact sheets, and checklists online makes it easy for station developers to locate this information.

Offer options to submit permit applications electronically. Providing permit application forms online, ideally in a fillable PDF application that accepts electronic signatures, and allowing permit applications to be submitted online or via email makes it easier for station developers to submit applications and for permitting staff to receive and process them.

Offer pre-application meetings, designate an EV charging point person, and share knowledge with other AHJs. Inviting DCFC station developers to meet with permitting staff during siting and project development enables staff to become familiar with proposed projects and to identify potential issues for station developers to consider. Larger jurisdictions may benefit from developing in-house expertise and designating a “Charging Station Permitting Expert” as the point person on EV charging applications. It can also be useful for AHJ staff to coordinate with neighboring AHJs to share best practices and identify ways to make the process more consistent regionally.

ZONING

Amend local ordinances to clarify that DCFC is an accessory use. Modifying the zoning code to designate charging stations as a permissible accessory use explicitly authorizes their development if they are not the primary purpose of the property. It can also allow administrative review and approval by AHJ staff, avoiding the need for zoning board review. Administrative approval can significantly streamline the zoning process by saving time and resources for AHJ staff, zoning boards, and station developers. Clearly identifying required design elements, health and safety standards, and any exceptions to the accessory use designation can help ensure an objective set of standards for project approval.

Amend local ordinances to count EV charging spaces toward minimum parking requirements. Minimum parking requirements can be a barrier to siting charging stations when EV charging spaces are not explicitly counted as parking spaces. In such cases, station developers either cannot build a station in that location or need to apply for a zoning variance, which takes additional time and resources.

State Action

There are several actions states can take to help local governments enact streamlined processes.

Develop resources in coordination with your state's League of Cities and Towns. Guidance documents and model ordinances can be a valuable tool for local governments as they seek to streamline their permitting process for DCFC stations. Providing these resources also helps to create consistency across jurisdictions. Working with the state's League of Cities and Towns or an equivalent organization can give legitimacy to the resources developed, enable materials to be publicized through their communication channels, and generate more local government buy-in.

Provide resources on your website and partner with planning organizations to publicize them. Once resources are developed, post them in prominent locations on state websites. Presentations, social media, and working with regional planning agencies, metropolitan planning organizations, and associations of planners are effective ways to amplify the importance of action and the availability of resources.

Conduct individual outreach to high-priority jurisdictions. There may be key jurisdictions that warrant individual outreach. Such jurisdictions could include large municipalities, jurisdictions with a high number of planned DCFC installations, jurisdictions along designated Alternative Fuels Corridors, and jurisdictions at the junction of major roadways, among others.

Consider passing state laws that require AHJs to adopt a streamlined permitting process. A state-wide requirement can accelerate local adoption and improve consistency across jurisdictions. Consistency helps station developers address permit requirements more efficiently and accelerates the pace at which they can deploy DCFC stations. States that have passed legislation report that successful implementation of state-wide requirements involves significant outreach along with deploying the other strategies identified in this fact sheet. Dedicating a staff person to oversee and support implementation can also help speed the process.

Both California and New Jersey have enacted legislation that requires local jurisdictions to adopt a streamlined permitting process for EV charging stations.

CALIFORNIA

In 2015, California enacted a law (AB 1236) that requires all cities and counties to develop an expedited, streamlined permitting process for EV charging stations, including the adoption of a streamlining ordinance and checklist. The law also limits project review to health and safety requirements. Building on this, California enacted a new law in 2021 (AB 970) that sets binding timelines for review periods based on project size and clarifies that spots designated for EV charging count toward minimum parking requirements.

To assist AHJs in complying with these laws, the Governor's Office of Business and Economic Development (GO-Biz) developed several resources and conducted extensive outreach to individual jurisdictions and through associations, such as the Rural County Representatives of California.

Achieving consistent compliance with the legislation is taking time. However, adding a dedicated GO-Biz staff person to work collaboratively with AHJs to address their concerns and troubleshoot problems accelerated local efforts to streamline permitting.

NEW JERSEY

In 2021, New Jersey enacted a law (P.L. 2021, c. 171) requiring the development of a model statewide municipal EV ordinance. In response, the Department of Community Affairs (DCA) developed the model ordinance with support from the Department of Environmental Protection (DEP) and the Board of Public Utilities (BPU). Once adopted by DCA, the ordinance automatically went into effect in all New Jersey municipalities. To reduce confusion, DCA encouraged all municipalities to formally adopt the ordinance in their local code.

The model ordinance includes mandatory sections that define all EV charging stations as a permitted accessory use and stipulates that each EV space counts toward minimum parking requirements. It also includes an optional section, which municipalities can modify, that provides reasonable standards on signage,

safety, setback requirements, and parking enforcement of EV charging stations. Aesthetic decisions, such as lighting, are still determined by the AHJ. AHJs can also pass their own alternative ordinance if it meets the minimum requirements outlined in the state law.

To raise awareness of the ordinance, senior staff from DCA, DEP, and BPU engaged in an extensive public outreach campaign that included a press release, social media communications, and numerous speaking engagements.

While permitting DCFC stations is the responsibility of local governments, states can take proactive steps, such as providing education and technical assistance and enacting legislative requirements, to ensure that local processes do not slow the build out of a robust and convenient national charging network. Taking these steps now is critical for preventing future project bottlenecks. The strategies suggested in this fact sheet are not exhaustive but are intended to serve as a starting point for exploring potential solutions.

Additional resources are listed below.

GO-Biz. Electric Vehicle Charging Station Permitting Guidebook (Second Edition). January 2023. <https://business.ca.gov/wp-content/uploads/2019/12/GoBIZ-EVCharging-Guidebook.pdf>

This document provides detailed information on how local jurisdictions can streamline the local permitting process for EV charging stations to comply with AB 1236 in California.

Northeast States for Coordinated Air Use Management. Preparing Our Communities For Electric Vehicles: Facilitating Deployment of DC Fast Chargers. May 2019. <https://www.nescaum.org/documents/dcfc-permit-streamlining-whitepaper-final-5-14-19.pdf>

This document is a primer for local jurisdictions on EVs, charging stations, and streamlining the permitting process.

New Jersey Department of Community Affairs. Model Statewide Municipal EV Ordinance. September 2021. nj.gov/dca/dlps/home/modelEVordinance.shtml

This website provides information about New Jersey's model ordinance, including a link to the ordinance.

New York State Energy Research and Development Authority. DC Fast Charger Streamlined Permitting Guidebook for Local Governments. February 2020. <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/Clean-Energy-Siting/DC-Fast-Charger-Guidebook.pdf>

This document presents best practices for a streamlined permitting process and includes model permitting ordinances and a sample EV charging station permit application.

Sustainable Energy Action Committee, Rocky Mountain Institute, and Interstate Renewable Energy Council. Planning and Zoning Guidance for Electric Vehicle Charger Deployment. July 2023. <https://sustainableenergyaction.org/resources/planning-and-zoning-guidance-for-electric-vehicle-charger-deployment/>

This document provides detailed guidance on best practices for local governments to streamline the permitting and zoning process for EV charging stations.

The Northeast States for Coordinated Air Use Management (NESCAUM) developed this fact sheet as a partner supporting a joint initiative between the National Association of State Energy Officials, American Association of State Highway and Transportation Officials, and the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy. The fact sheet builds on NESCAUM's earlier and ongoing work with the Multi-State Zero Emission Vehicle Task Force to identify and share best practices for streamlining DCFC station permitting. For more information, contact Jesse Way at NESCAUM (jway@nescaum.org).