

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. **DRAFT**

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; CREATING SECTIONS 30-451 AND 33-122.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING OFF-STREET PARKING REQUIREMENTS IN CONNECTION WITH ELECTRIC VEHICLES; PROVIDING PENALTIES FOR MISUSE OF PARKING SPACES DESIGNATED FOR ELECTRIC VEHICLE CHARGING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the benefits of electric vehicles include improved air quality, reduction of carbon emissions, quieter and more livable streets, and decreased dependency on fossil fuels; and

WHEREAS, Florida ranks within the top five states nationally for sales of both electric vehicles and hybrid vehicles; and

WHEREAS, per statistics from the United States Department of Transportation Federal Highway Administration, Floridians drive an average of 26 miles per day, per capita; and

WHEREAS, for most electric vehicles, an overnight charge offers a minimum range of 40 to 50 miles, thus providing drivers with sufficient charge for daily use; and

WHEREAS, automakers are investing over \$90 billion in the development of electric and hybrid models to be released within the next five years; and

WHEREAS, in 2017, General Motors announced an all-electric path to zero emissions with the introduction of at least 20 new all-electric vehicles that will launch by 2023; and

WHEREAS, in early 2018, Ford announced an \$11.1 billion investment in global electric vehicles and established a dedicated team to manage the endeavor, with the goal of releasing a

total of 40 electrified models globally by 2022, including 16 full-battery electric vehicle models;
and

WHEREAS, one perceived barrier to greater dependency upon electric vehicles is inadequate and insufficient charging support infrastructure in local communities; and

WHEREAS, a high percentage of the costs of installing electric vehicle charging stations stems from the electrical modifications that oftentimes need to be made to accommodate the new demand; and

WHEREAS, by reducing the electrical changes needed, and including the electrical conduit pipes during initial construction when it is cheaper, the overall costs of charging stations can be significantly reduced; and

WHEREAS, given the global trend within the coming years, governmental agencies around the world are working on strategies to facilitate the establishment of the electric-hybrid vehicle supportive infrastructure; and

WHEREAS, provision for electric vehicle parking at multi-family residential buildings, offices, and businesses is critical to supporting the use of electric vehicles; and

WHEREAS, accordingly, this Board wishes to require the installation of certain infrastructure needed to enable future electric vehicle charging stations as part of the parking requirements set forth in the Code for new construction on a prospective basis,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 33-122.5 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

>>Sec. 33-122.5. Electric Vehicle Supply Equipment (EVSE) Requirements.

Parking spaces specifically designed for charging of Electric Vehicles (EV) shall be required in accordance with the following provisions for all new uses other than single-family, duplex, or townhouse, and properties with a current CU and occupancy for a church or religious use.

(1) Definitions.

- (a) Electric Vehicle (EV) shall mean any vehicle that operates either partially or exclusively on electrical energy from an off-board source that is stored on-board for motive purpose.
- (b) Electric Vehicle Supply Equipment (EVSE) shall mean a unit of fueling infrastructure that supplies electric energy for the recharging of electric vehicles and plug-in hybrids.
- (c) EVSE Space shall mean a parking space equipped with, at a minimum, a Level 2 EVSE that is capable of charging electric vehicles providing a full charge within 8 hours or overnight.
- (d) EVSE-Ready Space shall mean a parking space with full circuitry installed in accordance with the Florida Building Code and ready for the charger to be connected provided with the equipment necessary to support future EVSEs.

(2) Required number of EVSE Spaces and EVSE-Ready Spaces. The number of required EVSE Spaces or EVSE-Ready Spaces shall be determined based on the total number of off-street parking spaces, as shown in the table below. EVSE Spaces shall count toward off-street parking requirements; however, in no event shall providing such spaces reduce the number of parking spaces for the physically handicapped or disabled

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

below the quantity required by the Florida Building Code.

<u>Total Number of Required Off-Street Parking Spaces</u>	<u>Required EVSE-Ready Off-Street Parking Spaces (Prior to January 1, 2022)*</u>	<u>Required EVSE-Ready Off-Street Parking Spaces (On or after January 1, 2022)*</u>
<u>Up to 9 spaces</u>	<u>1</u>	<u>1</u>
<u>10 or more</u>	<u>10 % of the required parking, but in no event less than 1 EVSE-Ready Space.</u>	<u>20 % of the required parking, but in no event less than 1 EVSE-Ready Space.</u>
<u>* In the event of a fraction, the number shall be rounded up.</u>		

- (3) Fees. The EVSE operator may charge a fee for electric vehicle charging.

- (4) Signage and Markings. All electric vehicle parking spaces shall be prominently designated with a permanent above-ground sign which shall conform to Figure 1 below entitled "Electric Vehicle Charging Station Sign." The bottom of the sign must be at least 5 feet above grade when attached to a building, or 7 feet above grade for a detached sign. The property owner or operator may establish the hours during which vehicles may be charged and the length of charging time permitted per vehicle, provided such information is depicted on the sign in the manner shown in the figure below.



Figure 1. Electric Vehicle Charging Station Sign<<

Section 2. Chapter 30, Article IIB of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>**ARTICLE IIB. PARKING SPACES FOR ELECTRIC VEHICLES**

Sec. 30-451. Penalty for misuse of parking spaces designated for electric vehicle charging.

- (1) No person shall stop, stand, or park a vehicle within any parking space designated for charging of Electric Vehicles (EV) where charging equipment has been installed, or otherwise block access to such parking space, unless that vehicle is connected to Electric Vehicle Supply Equipment (EVSE), as defined in section 33-122.5-actively charging. It is provided, however, that the foregoing restriction shall not apply to any person who makes use of an EVSE Space that is specifically assigned to, or owned by, that person. Whenever a law enforcement or parking enforcement officer finds a vehicle in violation of this section, the officer shall:
 - (a) Have the vehicle relocated to any lawful parking space or facility, whether by the owner, operator, or other person responsible for the vehicle, or by involuntary means such as towing. Whenever a vehicle is relocated, any cost of such relocation shall be charged to the owner, operator, or other person responsible for the vehicle, and may be made a lien against the vehicle if not paid in the time permitted; or
 - (b) Charge the person in violation with a noncriminal traffic infraction.
- (2) Whenever evidence shall be presented in any court of the fact that any vehicle was found to be parked in violation of this section, it shall be prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the Division of Motor Vehicles.
- (3) Violators of this section shall be punished by the maximum fine for a non-moving violation pursuant to Chapter 318, Florida Statutes.<<

Section 3. The County Mayor or designee is hereby directed to conduct a study and prepare a report regarding the appropriate percentage of required EVSE-Ready off-street parking spaces, taking into consideration factors such as evolving need and demand. If the study and report

justify an increase or decrease in the required percentage set forth in this ordinance, the County Mayor or designee shall prepare legislation to amend the code accordingly. The required report shall be provided to this Board by January 1, 2021, and shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 43. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 54. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 65. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency: _____

Prepared by: _____

James Eddie Kirtley
Annery Pulgar Alfonso

Prime Sponsor: Commissioner Daniella Levine Cava