

**BCC Meeting: March 5, 2019
Research Notes**

Item No. 7A

File No. 190516 (190029)

Researcher: JFP Reviewer: TD

ORDINANCE RELATING TO ZONING; CREATING SECTIONS 33-122.5 AND 30-423 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING OFF-STREET PARKING REQUIREMENTS FOR ELECTRIC VEHICLES; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR MISUSE OF PARKING SPACES DESIGNATED FOR ELECTRIC VEHICLE CHARGING; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT A STUDY AND PREPARE A REPORT REGARDING THE APPROPRIATE PERCENTAGE OF REQUIRED OFF-STREET ELECTRIC VEHICLE PARKING SPACES, TAKING INTO CONSIDERATION FACTORS SUCH AS EVOLVING NEED AND DEMAND; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 190029]

ISSUE/REQUESTED ACTION

Whether the Board should authorize creation of Sections 33-122.5 and 30-423 of the Code of Miami-Dade County, establishing off-street parking requirements for Electric Vehicles and providing for enforcement and penalties for misuse of parking spaces designated for Electric Vehicle charging. Also, direct the County Mayor to conduct a study and prepare a report regarding the appropriate percentage of required off-street electric vehicle parking spaces.

APPLICABLE LEGISLATION/POLICY

The proposed ordinance relating to zoning creates **Sections 33-122.5 and 30-423 of the Code of Miami-Dade County**, defining the terms and establishing off-street parking requirements for electric vehicles.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

Department/Requester: None

This item was forwarded to the BCC with a favorable recommendation following a public hearing before the Transportation and Finance Committee at its February 13, 2019 meeting. Prior to passage, the following amendments were incorporated into the item:

- 1) The word *minimum* was added before the language *Required Off-Street EVSE-Ready Spaces* in the chart included in Section 33.122.5.
- 2) Added language indicating that the provisions of sections 33-122.5 and 30-423 shall not take effect until 90 days from the effective date of the ordinance.

The item was forwarded to the BCC as amended. Prior to passage, the following discussion transpired:

Commissioner Heyman asked the question of whether garages are included in the ordinance's definition of off-street parking. Commissioner Heyman also questioned the rationale behind the mandated study if the justification for the ordinance is already evident, and the long-range due date of two years after the implementation date. A representative from Development Services clarified that garages are included in "off-street parking". Commissioners Jordan and Higgins echoed Commissioner Heyman's concerns regarding the due date of the mandated study.

Commissioner Bovo asked how many Electric Vehicles currently existed on our roads. A representative from Development Services responded that 1% of vehicles on the road are Electric Vehicles and mentioned that the ordinance requires an Electric Vehicle-ready space, not necessarily the charging mechanism. He also clarified that the ordinance only applies to Miami-Dade County.

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Commissioner Bovo asked if this item presents a fiscal impact to Miami-Dade County. Deputy Mayor, Alina Hudak, responded that there is no fiscal impact to Miami-Dade County.

Commissioner Higgins asked if the ordinance would apply to the Rapid Transit Zones. The representative from Development Services responded that yes, it does apply.

ANALYSIS

The proposed ordinance creates Sections 33-122.5 and 30-423 of the Code of Miami-Dade County to address the growing use of Electric Vehicles and the associated need to accommodate Electric Vehicles with appropriate charging stations. The new provisions of the Code establish off-street parking requirements for Electric Vehicles and provide for enforcement and penalties for misuse of parking spaces designated for Electric Vehicle charging. The proposed ordinance also directs the County Mayor to conduct a study and prepare a report regarding the appropriate percentage of required off-street electric vehicle parking spaces to be provided to the Board by January 1, 2021.

While the certain benefits of Electric Vehicles are clear—improved air quality, reduction of carbon emissions, quieter and more livable streets, and decreased dependency on fossil fuels—greater use of Electric Vehicles is met with the perceived challenge of insufficient charging support infrastructure in local communities. This item seeks to begin to remedy this problem.

The proposed ordinance stipulates the requisite number of parking spaces for Electric Vehicles with two sets of criteria, one to be used prior to January 1, 2022 and one after that date, given that most automakers in the industry have announced that they will be switching to mostly Electric Vehicle production lines in 2022. The trajectory of this ordinance is in line with research suggesting more than 90 per cent of all passenger vehicles in the U.S., Canada, Europe and other wealthy countries could be electric by 2040.

The provisions of Sections 33-122.5 and 30-423 will not take effect until 90 days from the effective date of the ordinance, per the amendment made at committee.

The following is the proposed language for newly created Section 33-122.5 of the County Code.

Sec. 33-122.5. Electric Vehicle Supply Equipment Requirements.

Parking spaces specifically designed for charging of Electric Vehicles 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 or 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 or 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, Level 2 EVSE that is capable of charging electric vehicles.

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(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.

(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 disabled below the quantity required by the Florida Building Code.

Total Number of Required Off-Street Parking Spaces	Minimum Required Off-Street EVSE-Ready Spaces (Prior to January 1, 2022)*	Minimum Required Off-Street EVSE-Ready Spaces (On or after January 1, 2022)*
Up to 9 spaces	1	1
10 or more	10 percent of the required parking spaces, but in no event less than 1 EVSE-Ready Space.	20 percent of the required parking spaces, but in no event less than 1 EVSE-Ready Space

*In the event of a fraction, the number shall be rounded up.

(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 aboveground 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*

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The following is the proposed language for newly created Section 30-423 of the County Code.

Sec. 30-423. Penalty for misuse of parking spaces designated for electric vehicle charging.

- (1) The definitions set forth in section 33-122.5 shall apply to this section.
- (2) No person shall stop, stand, or park a vehicle within any parking space designated for charging of electric vehicles where charging equipment has been installed, or otherwise block access to such parking space, unless that vehicle is connected to electric vehicle supply equipment, as defined in section 33-122.5, provided, however, that this restriction shall not apply to any person who makes use of an EVSE Space that is specifically assigned to, or wholly owned by, that person.
- (3) 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.
- (4) 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 Florida Department of Highway Safety and Motor Vehicles.
- (5) Violators of this section shall be punished by the maximum fine for a non-moving violation pursuant to chapter 318, Florida Statutes.

ADDITIONAL INFORMATION

Electric Cars May Rule the World's Roads by 2040

<https://news.nationalgeographic.com/2017/09/electric-cars-replace-gasoline-engines-2040/>