

# MEMORANDUM

Agenda Item No. 7(A)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

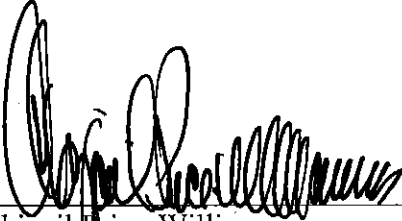
**DATE:** March 5, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to zoning; creating sections 33-122.5 and 30-423 of the Code; 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 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

**This item was amended at the 2-13-19 Transportation and Finance Committee to (1) add the word “minimum” to the headings in the table included in section 33-122.5 to clarify that the number of required EVSE-Ready Spaces is a minimum standard that may be exceeded; and (2) add a new section 4 to indicate that the provisions of sections 33-122.5 and 33-423 shall not take effect until 90 days from the effective date of the ordinance.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:** March 5, 2019

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

**Subject:** Fiscal Impact Statement for Ordinance Relating to Zoning; Parking Requirements for Electric Vehicles

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The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs.

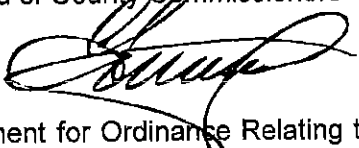
A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt  
Deputy Mayor

FIS01819 190029

# Memorandum



**Date:** March 5, 2019  
**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners  
**From:** Carlos A. Gimenez   
Mayor  
**Subject:** Social Equity Statement for Ordinance Relating to Zoning- Establishing Off-Street Parking  
Requirements for Electric Vehicles

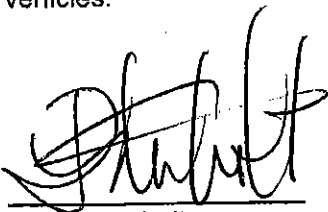
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The proposed ordinance relating to zoning, creates Sections 33-122.5 and 30-423 of the Code of Miami-Dade County (Code), defining the terms and establishing off-street parking requirements for electric vehicles.

The proposed ordinance defines the terms pertaining to Electric Vehicles (EV) and electric vehicle infrastructure such as Electric Vehicle Supply Equipment (ESVE), ESVE Space (parking), ESVE-Ready Space. The ordinance establishes two set of criteria, one to be used prior to January 1, 2022 and one after that date. The January 1, 2022 date is significant because most car makers have announced that they will be switching to mostly EV production lines. Thus, the number of EVs is expected to increase considerably upon that date.

Parking spaces specifically designed for charging of EV will be required 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. The number of required EVSE/ EVSE-Ready spaces will be based on the total number of off-street parking spaces. The provision to install infrastructure needed to enable EV charging stations, on a prospective basis, at multi-family residential buildings, offices and businesses as part of the parking requirements for new construction is considered to be more cost-effective than having to retrofit.

The proposed ordinance represents the first step at the zoning code level towards addressing the growing number of electric vehicles and the infrastructure needed to support them. Implementation of the proposed ordinance would contribute towards achieving resilience goals regarding electric powered vehicles.

A handwritten signature in black ink, appearing to read "Jack Osterholt". The signature is written in a cursive style with a horizontal line underneath it.

Jack Osterholt  
Deputy Mayor

190029



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** March 5, 2019

**FROM:** Abigail Prince-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(A)

3-5-19

ORDINANCE NO. \_\_\_\_\_

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

**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 on a prospective basis 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,

**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:

**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.
- (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<< <sup>1</sup> 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 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.

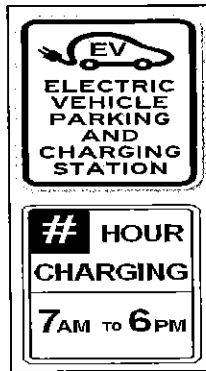


Figure 1. *Electric Vehicle Charging Station Sign*

<sup>1</sup> Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.



**Section 2.** Section 30-423 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

**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.

**Section 3.** The County Mayor or County Mayor's designee is hereby directed to conduct a study and prepare a report regarding the appropriate percentage of required off-street EVSE-Ready 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 County Mayor's 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 4.** >>The provisions of sections 33-122.5 and 30-423 shall not take effect until 90 days from the effective date of this ordinance.

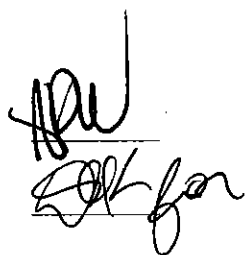
**Section 5.**<< If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section >>6.<<[[5.]]** 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 >>7.<<[[6\*]]** 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:

Two handwritten signatures are present. The top signature is in dark ink and appears to be 'JAW'. The bottom signature is in black ink and appears to be 'E Pulgar'. Both signatures are written over horizontal lines.

Prepared by:

James Eddie Kirtley  
Annery Pulgar Alfonso

Prime Sponsor:        Commissioner Daniella Levine Cava