

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: November 24, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **Ordinance Amendment**
File No. 2282 – Electric Vehicle Parking Ordinance

REQUEST

File No. 2282. ELECTRIC VEHICLE PARKING. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY CREATING SECTION 130-39, ENTITLED "ELECTRIC VEHICLE PARKING REQUIREMENTS," TO PROVIDE MINIMUM REQUIREMENTS FOR ELECTRIC VEHICLE PARKING SPACES AND CHARGING STATIONS; AMENDING ARTICLE III, "DESIGN STANDARDS," BY CREATING SECTION 130-72, ENTITLED "ELECTRIC VEHICLE PARKING SPACE STANDARDS," TO ESTABLISH DESIGN STANDARDS FOR ELECTRIC VEHICLE PARKING SPACES; AND AMENDING ARTICLE V, "FEE IN LIEU OF PARKING PROGRAM," SECTION 130-132, ENTITLED "FEE CALCULATION," TO ESTABLISH AN ADDITIONAL FEE IN LIEU OF PARKING FOR ELECTRIC VEHICLE PARKING SPACES, AND SECTION 130-134, ENTITLED "DEPOSIT OF FUNDS; ACCOUNT," TO PROVIDE THAT FUNDS GENERATED BY THE ADDITIONAL FEE IN LIEU OF PARKING FOR ELECTRIC VEHICLE PARKING SPACES SHALL BE DEPOSITED IN THE CITY'S SUSTAINABILITY AND RESILIENCY FUND; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY/ BACKGROUND

On January 14, 2015, at the request of Commissioner Micky Steinberg, the City Commission referred the item for discussion to the Land Use and Development Committee (Item C4I). On March 3, 2015 the Land Use and Development Committee recommended that the City Commission refer an Ordinance to the Planning Board to amend the City Code to establish electric vehicle parking requirements for new development.

On July 8, 2015, while discussing an item to approve a Request for Proposals extending the City's Electric Vehicle Charging Station Network (Item C2B), at the request of Commissioner Micky Steinberg, the City Commission referred the attached Ordinance to the Sustainability and Resiliency Committee and the Land Use and Development Committee.

On July 22, 2015, the Sustainability and Resiliency Committee discussed the item and

continued the item pending an update. On July 29, 2015, the Land Use and Development Committee recommended that the City Commission refer the attached Ordinance Amendment to the Planning Board, with a modification to establish a minimum applicability requirement.

On September 2, 2015, the City Commission referred the item to the Planning Board (Item C4D).

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.

Consistent – The proposed ordinance amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

The amendment is consistent with *Transportation Element Policy 3.4: Sustainable Development, Housing Element Objective 8: Energy Efficiency and Renewable Resources, and Conservation/Coastal Zone Management Element Policy 2.10* of the *City of Miami Beach 2025 Comprehensive Plan*, which seek to improve energy efficiency and improve air quality.

2. Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.

Not applicable – The proposed amendment does not modify district boundaries.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Not applicable – The proposed Ordinance does not affect the scale of development.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent – The proposed ordinance will not increase the level of intensity of development and will not affect the load on public facilities.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable – The proposed change does not modify existing district boundaries.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – Concerns with greenhouse gas emissions that are generated from fossil fuel powered vehicles and the impact on climate change and rising sea levels makes the passage of the proposed change necessary.

7. Whether the proposed change will adversely influence living conditions in the

neighborhood.

Consistent – The proposed change will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not create or increase traffic congestion.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposed ordinance will not reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

ANALYSIS

The availability of strategically placed charging stations throughout the City promotes electric vehicles by making their use more convenient. Benefits to the City from increased electric vehicle (EV) use include improved air quality, quieter and more livable streets, and decreased dependency on fossil fuels. However, one of the inherent challenges for this technology to gain mainstream acceptance is analogous to the "chicken or the egg" conundrum. If EV charging stations are not readily available, the driving public is hesitant to invest in an EV due to "range anxiety" resulting in trips that are in close proximity to only known EV charging stations points. The expansion of EV charging stations is necessary in order to establish a network of stations that will allow this technology to flourish.

The City Commission asked staff to provide research for the discussion regarding EV stations in future development projects for residential and commercial properties. The analysis below

describes programs that include incentivizing existing commercial and residential properties to add EV stations, and requiring new developments to provide EV stations.

Electric Vehicle Program

Per the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, projects are eligible to earn a LEED credit for incorporating EV charging stations into their design. This credit is awarded when projects install EV supply equipment in 2% of all parking spaces used by the project. These parking spots would be clearly identified and reserved for the sole use of plug-in electric vehicles. It is suggested that the City use the LEED credit requisites as a baseline for requiring new development to provide EV parking spaces. To implement this requirement, the City must amend the off-street parking section of the Land Development Regulations to include these provisions.

The proposed Ordinance requires new non-single family development to provide 2% of the required parking, with a minimum of one space for EV parking. However, since small business and residential buildings may have difficulties in providing sufficient parking for customers and residents, the proposed Ordinance only requires that those spaces be set aside for the exclusive use of electric vehicles when ten or more parking spaces are required pursuant to the Land Development Regulations. In addition, the Ordinance provides guidelines to ensure that the spaces are appropriately marked.

When a development is not providing parking as a result of participation in the "fee in lieu of providing required parking program", an additional \$2,000 will be charged for those spaces that were required to provide EV charging stations. This fee is based on the average cost of an EV charging station. The revenue is proposed to be deposited into the "Sustainability and Resiliency Fund" that is being established in a separate Ordinance amendment.

In 2014, the Town of Surfside passed an ordinance that requires all new multifamily or hotel development with 20 or more units shall provide access to 220 volt capability throughout the garage to offer charging opportunities to residents and guests. Their ordinance does not require the installation of stations only the installation of the required electrical infrastructure throughout the entire garage, which will allow properties to connect EV charging in the future. The proposed ordinance includes similar requirements. This will allow for electric vehicle charging stations to be installed throughout the parking area as the demand increases.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

TRM/MAB/RAM/ESW/FCT

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Electric Vehicle Parking

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY CREATING SECTION 130-39, ENTITLED "ELECTRIC VEHICLE PARKING REQUIREMENTS," TO PROVIDE MINIMUM REQUIREMENTS FOR ELECTRIC VEHICLE PARKING SPACES AND CHARGING STATIONS; AMENDING ARTICLE III, "DESIGN STANDARDS," BY CREATING SECTION 130-72, ENTITLED "ELECTRIC VEHICLE PARKING SPACE STANDARDS," TO ESTABLISH DESIGN STANDARDS FOR ELECTRIC VEHICLE PARKING SPACES; AND AMENDING ARTICLE V, "FEE IN LIEU OF PARKING PROGRAM," SECTION 130-132, ENTITLED "FEE CALCULATION," TO ESTABLISH AN ADDITIONAL FEE IN LIEU OF PARKING FOR ELECTRIC VEHICLE PARKING SPACES, AND AMENDING SECTION 130-134, "DEPOSIT OF FUNDS; ACCOUNT," TO PROVIDE THAT FUNDS GENERATED BY THE ADDITIONAL FEE IN LIEU OF PARKING FOR ELECTRIC VEHICLE PARKING SPACES SHALL BE DEPOSITED IN THE CITY'S SUSTAINABILITY AND RESILIENCY FUND; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") declares that it is in the interest of the public health, safety, and welfare of its residents and visitors to reduce pollutants in the air, on the lands, and in the waters of the City; and

WHEREAS, greenhouse gas ("GHG") emissions from gasoline and diesel powered vehicles trap heat in the atmosphere and contribute to the warming of the Earth; and

WHEREAS, greenhouse gas emissions also contribute to sea level rise, which is a growing and imminent threat to the health, safety, and welfare of residents, visitors, and businesses in Miami Beach; and

WHEREAS, the City has endorsed the pledge in the Compact of Mayors to reduce GHG emissions at the City-level, track progress, and enhance resilience to climate change, in a manner that is consistent with and complimentary to national level climate protection efforts; and

WHEREAS, to meet the requirements of the pledge in the Compact of Mayors, the City shall build and complete a community-wide GHG inventory with a breakdown of emissions for buildings and transport sectors, set a target to reduce its GHG emissions, and conduct a climate change vulnerability assessment; and

WHEREAS, electric vehicles generate reduced greenhouse gas emissions as compared to gasoline and diesel powered vehicles; and

WHEREAS, Chapter 130, entitled "Off-Street Parking," at Article II, "Districts; Requirements," sets forth the minimum requirements for off-street parking spaces; and

WHEREAS, Chapter 130, entitled "Off-Street Parking," at Article V, "Fee in Lieu of Parking Program," requires developers, property owners, and/or operators to pay a fee when new developments or uses are not able to provide required off-street parking; and

WHEREAS, the Mayor and City Commission desire to encourage electric vehicle use, in order to reduce greenhouse gas emissions, by requiring off-street parking facilities to provide electric vehicle parking spaces and charging stations; and

WHEREAS, where it is not feasible to provide electric vehicle parking spaces, the Mayor and City Commission desire to require a fee in lieu of electric vehicle parking of \$2,000 per space, in addition to the existing fee in lieu of parking, which is currently set at \$40,000 per space; and

WHEREAS, funds generated from the fee in lieu of electric vehicle parking shall be deposited in the City's Sustainability and Resiliency Fund, which funds shall be used to provide public improvements that increase the sustainability and resiliency of the City; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

SECTION 1. The City of Miami Beach Land Development Regulations, at Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," are hereby amended as follows:

**CHAPTER 130
OFF-STREET PARKING**

* * *

ARTICLE II. – DISTRICTS; REQUIREMENTS

* * *

Sec. 130-39. – Electric vehicle parking.

(a) Definitions.

- (1) Electric vehicle means any motor vehicle registered to operate on public roadways that operates either partially or exclusively on electric energy. Electric vehicles include (1) battery-powered electric vehicles; (2) plug-in hybrid electric vehicles; (3) electric motorcycles; and (4) a fuel cell vehicle.
- (2) Electric vehicle charging level means the standardized indicator of electrical force, or voltage, at which the battery of an electric vehicle is recharged.
 - a. Level 1 transfers 120 volts (1.4–1.9 kW) of electricity to an electric vehicle battery.

- b. Level 2 transfers 240 volts (up to 19.2 kW) of electricity to an electric vehicle battery.
 - c. DC fast charging transfers a high voltage (typically 400-500 volts or 32-100 kW, depending on the electrical current) of direct current to vehicle batteries.
- (3) Electric vehicle parking space means an off-street parking space that is equipped with an electric vehicle charging station.
 - (4) Electric vehicle charging station means battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
- (b) Except in single-family residential districts, wherever off-street parking is required pursuant to the land development regulations, a minimum of two percent (2%) of the required off-street parking spaces, with a minimum of one (1) parking space, shall contain electric vehicle parking spaces, in accordance with the following standards:
- (1) In commercial zoning districts, where ten (10) or more off-street parking spaces are required by the land development regulations, all electric vehicle parking spaces shall be reserved for the exclusive use of electric vehicles.
 - (2) In commercial and residential multifamily zoning districts, electric vehicle parking spaces shall, at a minimum, be equipped with an electric vehicle charging station rated at electric vehicle charging level 2.
 - (3) For residential uses, electric vehicle charging stations shall be limited to the use of building residents and their invited guests.
- (c) Any residential multifamily or hotel development with 20 or more units shall install and provide access to electrical power supply rated at 240 volts or greater, in all off-street parking facilities, to allow for the installation of additional electric vehicle parking spaces in the future for the exclusive use of residents, guests, invitees, and employees.

SECTION 2. The City of Miami Beach Land Development Regulations, at Chapter 130, "Off-Street Parking," Article III, entitled "Design Standards," are hereby amended as follows:

ARTICLE III. - DESIGN STANDARDS

* * *

Sec. 130-72. - Electric vehicle parking space standards.

Electric vehicle parking spaces and charging stations required pursuant to section 130-39 shall meet the following design standards, in addition to all other design standards set forth in this article:

- (1) Electric vehicle parking spaces shall be painted green, or shall be marked by green painted lines or curbs.
- (2) Each electric vehicle parking space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration.
- (3) Each electric vehicle charging station shall be equipped with a sign that includes the following information: (i) voltage and amperage levels, (ii) any applicable usage fees, (iii) safety information, and (iv) contact information for the owner of the charging station, to allow a consumer to report issues relating to the charging station.
- (4) Electric vehicle charging stations shall contain a retraction device, coiled cord, or a fixture to hang cords and connectors above the ground surface.
- (5) Electric vehicle charging stations shall be screened from view from the right of way, with the exception of alleys.
- (6) Electric vehicle charging stations shall be maintained in good condition, appearance, and repair.

SECTION 3. The City of Miami Beach Land Development Regulations, at Chapter 130, "Off-Street Parking," Article V, "Fee in Lieu of Parking Program," are hereby amended as follows:

ARTICLE V. - FEE IN LIEU OF PARKING PROGRAM

* * *

Sec. 130-132. - Fee calculation.

- (a) New construction. The fee in lieu of providing parking for new construction shall be satisfied by a one-time payment at the time of issuance of a building permit of \$40,000.00 per parking space. In addition to the fee in lieu of parking, a fee in lieu of electric vehicle parking of \$2,000 shall apply to each required electric vehicle parking space not provided. The amount of such fee may be changed in accordance with subsection (d) of this section.

* * *

- (b) *Annual evaluation.* The amount determined to be the city's total average cost for land acquisition and construction of one parking space, and the purchase and installation of an electric vehicle parking station, shall be evaluated yearly each May by the planning director based upon the Consumer Price Index (CPI). If determined appropriate, the city commission may amend the fee structure in this section by resolution.

* * *

Sec. 130-134. - Deposit of funds; account.

- (a) Funds generated by the fee-in-lieu program pursuant to subsections 130-132(a) and (b) above, collected prior to March 20, 2010, shall be deposited in a city account (divided into three districts, for north, middle and south) specifically established to provide parking and related improvements in the vicinity (within the north, middle or south district, as applicable) of the subject property. Funds generated by the fee in lieu of electric vehicle parking shall be deposited into the Sustainability and Resiliency Fund established in chapter 133 of the land development regulations. Expenditures from these funds shall require city commission approval.

SECTION 3. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, 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 4. REPEALER.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect on April 1, 2016 following adoption.

PASSED and **ADOPTED** this ___ day of _____, 2015.

Philip Levine
Mayor

Rafael E. Granado
City Clerk

First Reading:
Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language