

Electric Vehicle Parking Amendments

ORDINANCE NO.

2024-4579

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 1, "GENERAL PROVISIONS," ARTICLE II, "DEFINITIONS," BY AMENDING SECTION 1.2.1, ENTITLED "GENERAL DEFINITIONS," BY AMENDING THE DEFINITION OF ELECTRIC VEHICLE CHARGING LEVEL; AND BY AMENDING CHAPTER 5, "OFF-STREET PARKING," ARTICLE II, "VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS," BY AMENDING SECTION 5.2.12, ENTITLED "ELECTRIC VEHICLE PARKING," TO INCREASE THE MINIMUM REQUIREMENTS FOR ELECTRIC VEHICLE PARKING SPACES AND CHARGING STATIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") has declared 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, electric vehicles generate reduced greenhouse gas emissions as compared to gasoline and diesel-powered vehicles; and

WHEREAS, on January 13, 2016, the City Commission adopted an Ordinance establishing the City's current electric vehicle parking requirements for new construction; and

WHEREAS, the number of electric vehicles sold in the U.S. has increased from approximately 159,000 in 2016 to more than 800,000 in 2022, an increase of more than 500%; and

WHEREAS, with increasing numbers of electric vehicles on the road, an increase to the parking requirements for electric vehicles is warranted; and

WHEREAS, it is in the best interest of the City to encourage and support an increased rate of adoption for electric vehicles; 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. Chapter 1, "General Provisions," Article II, "Definitions," Section 1.2.1 is hereby amended as follows:

**CHAPTER 1
GENERAL PROVISIONS**

* * *

**ARTICLE II.
DEFINITIONS**

Sec 1.2.1 General Definitions

* * *

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. Level 3 (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.

* * *

SECTION 2. Chapter 5, "Off-Street Parking," Article II, "Vehicle Parking, Bicycle Parking and Off-Street Loading Requirements," Section 5.2.12 is hereby amended as follows:

**CHAPTER 5
OFF-STREET PARKING**

* * *

**ARTICLE II
VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS**

* * *

Sec. 5.2.12. Electric vehicle parking.

- a. Except in single-family residential districts, wherever off-street parking is provided, electric vehicle parking spaces shall be required in accordance with the following standards:
 - i. Commercial and hotel. In all commercial, industrial and mixed-use zoning districts, as well as developments within any district that contain hotel units, the following requirements shall apply:
 - 1. Level 2 Charging. A minimum of 10% of the required parking spaces shall be equipped with an electric vehicle charging station rated at Level 2 or higher.
 - 2. Level 3 Charging. When 60 or more parking spaces are required, a minimum of two (2) spaces shall be equipped with an electric vehicle charging station rated for Level 3 charging. For every additional 60 required parking spaces, one additional Level 3 charging station shall be required. When required, Level 3 charging stations shall be made available to any tenant, guest, invitee, or other patron of the property with an electric vehicle for active charging and may not be reserved for building patrons.

3. Exclusive Use. When more than 20 off-street parking spaces are required, all electric vehicle parking spaces shall be reserved for the exclusive use of electric vehicles.
- ii. Residential. Residential multifamily developments shall comply with the following requirements regardless of zoning district:
 1. Level 2 Charging. A minimum of 10% of the provided off-street parking spaces shall be equipped with an electric vehicle charging station rated at Level 2 or higher.
 2. Guest Parking: When guest parking is required, a minimum of 10% of the required guest parking spaces shall be equipped with an electric vehicle charging station rated at Level 2 or higher.
 3. EV-Ready Spaces. All parking spaces that are not equipped with a Level 2 or higher charging station, shall be required to have an electrical power supply rated at 240 volts or greater installed for each parking space, for the future installation of electrical vehicle charging stations rated at Level 2 or higher.
 4. Level 3 Charging. For developments of 60 units or more, a minimum of two (2) spaces shall be equipped with an electric vehicle charging station rated for Level 3 charging. For every additional 60 units, one additional Level 3 charging station shall be required. All required Level 3 charging stations shall be made available to all residents, guests, invitees and employees. Only those Level 3 charging stations that exceed the minimum requirements may be reserved for individual units.
 5. Mechanical Parking. When mechanical parking is utilized, where access to a charging station is not feasible, a Level 3 charging station shall be required for every ten (10) spaces that do not include an electrical power supply rated at 240 volts or greater.
 - iii. Stand-alone Parking Garages and Lots. Stand-alone parking garages and parking lots in any zoning district shall comply with the following requirements:
 1. Level 2 Charging. A minimum of 10% of the provided parking spaces shall be equipped with an electric vehicle charging station rated at Level 2 or higher.
 2. Level 3 Charging. When more than 60 parking spaces are provided, a minimum of two (2) spaces shall be equipped with an electric vehicle charging station rated for Level 3 charging. For every additional 60 required parking spaces, one additional Level 3 charging station shall be required.
 3. Exclusive Use. When more than 20 off-street parking spaces are provided, all electric vehicle parking spaces shall be reserved for the exclusive use of electric vehicles.
 4. Mechanical Parking. When mechanical parking is utilized, where access to a charging station is not feasible, a Level 3 charging station shall be required for every ten (10) spaces that do not include an electrical power supply rated at 240 volts or greater.

~~Except in single-family residential districts, wherever off-street parking is required pursuant to the land development regulations, a minimum of two percent of the required off-street parking spaces, with a minimum of one parking space, shall contain electric vehicle parking spaces in accordance with the following standards:~~

- a. ~~In commercial zoning districts where 20 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.~~
- b. ~~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.~~
- c. ~~For residential uses, electric vehicle charging stations shall be limited to the use of building residents and their invited guests.~~
- d. ~~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 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

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

SECTION 5. 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 Miami Beach City Code. 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 6. EFFECTIVE DATE.

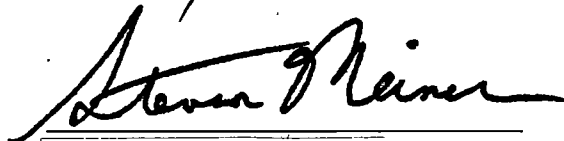
This Ordinance shall take effect ten days following adoption.

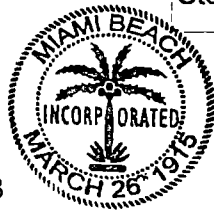
PASSED and ADOPTED this 31 day of January, 2023.

ATTEST



 Rafael E. Granado, City Clerk

FEB 06 2024

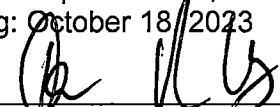

 Steven Meiner, Mayor



APPROVED AS TO
 FORM AND LANGUAGE
 & FOR EXECUTION

 8-30-23
 City Attorney NK Date

First Reading: September 13, 2023
 Second Reading: October 18, 2023

Verified By: 
 Thomas R. Mooney, AICP
 Planning Director

Sponsored by Commissioner Alex J. Fernandez
 Co-Sponsored by Commissioner Tanya K. Bhatt
 Co-Sponsored by Commissioner Laura Dominguez

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Alina T. Hudak, City Manager
DATE: January 31, 2024

10:20 a.m. Second Reading Public Hearing

SUBJECT: ELECTRIC VEHICLE PARKING AMENDMENTS

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 1, "GENERAL PROVISIONS," ARTICLE II, "DEFINITIONS", BY AMENDING SECTION 1.2.1, ENTITLED "GENERAL DEFINITIONS," BY AMENDING THE DEFINITION OF ELECTRIC VEHICLE CHARGING LEVEL; AND BY AMENDING CHAPTER 5, "OFF-STREET PARKING," ARTICLE II, "VEHICLE PARKING, BICYCLE PARKING AND OFF-STREET LOADING REQUIREMENTS", BY AMENDING SECTION 5.2.12, ENTITLED "ELECTRIC VEHICLE PARKING," TO INCREASE THE MINIMUM REQUIREMENTS FOR ELECTRIC VEHICLE PARKING SPACES AND CHARGING STATIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the City Commission adopt the subject ordinance.

BACKGROUND/HISTORY

On November 16, 2022, at the request of Commissioner Ricky Arriola, the City Commission referred a discussion (C4 T) to the Land Use and Sustainability Committee (LUSC) pertaining to electric vehicle (EV) parking requirements. On January 25, 2023, the LUSC discussed the item and continued it to the March 1, 2023, LUSC meeting for additional discussion.

On March 1, 2023, the LUSC discussed the item and continued it to the May 10, 2023, LUSC meeting, with direction to staff to draft an ordinance based upon the recommendations in the LUSC memorandum and the following:

1. Minimum of 10% of spaces in new construction shall be dedicated to Level 2 chargers or higher.
2. Parking spaces in new construction shall be hardwired for EV charging.
3. Study mechanisms to require a minimum number of Level 3 chargers in common areas.

On May 10, 2023, the LUSC discussed a draft ordinance and recommended that the City Commission refer the proposed ordinance to the Planning Board. On June 28, 2023, the City Commission referred the item to the Planning Board (item C4 L).

On November 15, 2023, Commissioner Alex Fernandez agreed to become the new sponsor for the ordinance.

On January 13, 2016, an Ordinance was adopted by the City Commission establishing the City's current electric vehicle (EV) parking requirements for new construction. Except for single-family districts, Level 2 charging stations are currently required for 2% of the required parking spaces for new developments.

ANALYSIS

In 2016, when the EV parking requirements were established, the 2% rate for Level-2 charging stations was based on the requirements of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, which requires that 2% of all parking spaces used by a project contain EV parking spaces, to be awarded a LEED credit. Generally, developers will provide more than the required number of EV spaces if there is a demand, or private parking spaces will be individually retrofitted with charging stations.

The City currently does not have any requirements for Level 3 chargers (Direct Current (DC) Fast Chargers), which are equivalent to the Tesla Fast Charger. Only Tesla cars are equipped to utilize Tesla chargers, but Tesla cars can utilize generic Level 3 fast chargers. Such chargers are typically used for quick charging for long-range travel along major highways.

The attached ordinance updates and amends the current EV parking requirements in the Land Development Regulations of the City Code (LDRs). The following is a summary of the proposed amendments contained in the attached draft ordinance:

1. Use. Different requirements for EV parking are established based on residential, hotel or commercial uses, as well as stand-alone parking garages and parking lots.
2. Level 2 Chargers. Requires that for all uses, as well as stand-alone parking garages and lots, a minimum of 10% of the provided parking (for residential/hotel and stand-alone garages and lots) or required parking (for commercial development) shall be equipped with an electric vehicle charging station rated at Level 2 or higher. When guest parking is required, a minimum of 10% of the guest parking must also be equipped with Level 2 chargers.
3. EV-Ready Spaces. For residential use, any spaces that are not equipped with Level 2 chargers must be equipped with a minimum 240-volt electrical supply for the future installation of Level 2 chargers.
4. Mechanical Parking. When mechanical parking is provided in residential construction, where it is not feasible to provide power or a charging station for an elevated vehicle, a Level 3 charger must be provided for every ten (10) mechanical parking spaces where power cannot be supplied.
5. Level 3 Chargers. The following are proposed requirements for Level 3 charging stations:

a. Commercial Development and Hotels: Two (2) Level 3 chargers are required when 60 or more parking spaces are required, and one (1) additional Level 3 charger for every additional 60 required spaces. Additionally, all Level 3 charging stations must be made available to any member of the public with an electric vehicle for active charging, and they shall not be limited to patrons of the building only.

b. Standalone Parking Garages and Lots: Same requirements for commercial development but based on parking spaces provided, as opposed to required spaces.

c. Residential Multifamily: A minimum of two (2) Level 3 chargers are required when 60 or more units are provided, and one additional Level 3 charger is required for each additional 60 units.

d. Access: For residential development, required Level 3 chargers must be made available to all residents, guests, invitees, and employees. Only non-required Level 3 chargers may be reserved for individual units.

PLANNING BOARD REVIEW

On July 25, 2023, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0).

UPDATE

The subject ordinance was approved at First Reading on December 13, 2023, with no changes.

BUSINESS IMPACT ESTIMATE

In accordance with Section 166.041(4), Florida Statutes, the City of Miami Beach is required to assess whether a Business Impact Estimate is required for the subject ordinance. As noted in the attached and published on the City's website on January 11, 2024, a Business Impact Estimate is not required for the subject ordinance as it implements an amendment to the Land Development Regulations.

LOBBYIST DISCLOSURE

In accordance with Resolution No. 2023-32857, adopted by the City Commission on December 13, 2023, the following information has been provided by the primary item sponsor as it relates to the subject ordinance amendment:

1. Was the Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

2. If so, specify name of lobbyist(s) and principal(s): Not Applicable

SUPPORTING SURVEY DATA

According to the 2022 Miami Beach Community Survey, 39% of residents responding to the survey indicated being satisfied or very satisfied with the City's efforts to be a "green" or sustainable city. Encouraging the use of electric vehicles by establishing enhanced requirements for charging infrastructure will promote greater sustainability.

FINANCIAL INFORMATION

No Fiscal Impact Expected

CONCLUSION

The Administration recommends that the City Commission adopt the subject ordinance.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Environment & Infrastructure - Reduce greenhouse gas emissions and heat.

Legislative Tracking

Planning

Sponsor

Commissioner Alex Fernandez and Co-sponsored by Commissioners Bhatt and Dominguez

ATTACHMENTS:

Description

- D Ordinance
- D BIE Statement SIGNED

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139. www.miamibeachfl.gov

TO: Mayor Steven Meiner and Members of the City Commission
FROM: Alina T. Hudak, City Manager *Rickelle Williams for*
MEETING DATE: January 31, 2024
SUBJECT: BUSINESS IMPACT ESTIMATE FOR:

**ELECTRIC VEHICLE PARKING AMENDMENTS
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF
MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY
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MINIMUM REQUIREMENTS FOR ELECTRIC VEHICLE PARKING SPACES
AND CHARGING STATIONS; AND PROVIDING FOR CODIFICATION,
REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

Is a Business Impact Estimate Required?

Yes No (If no, please check one of the boxes below)

If one or more boxes are checked below, this means the City of Miami Beach has determined that a Business Impact Estimate for the above-referenced Ordinance is not required by State law.

- The proposed Ordinance is required for compliance with Federal or State law or regulation;
- The proposed Ordinance relates to the issuance or refinancing of debt;
- The proposed Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed Ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the City;
- The proposed Ordinance is an emergency ordinance;
- The Ordinance relates to procurement; or
- The proposed Ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;**
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or**
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.**

If none of the above exceptions apply, this Business Impact Estimate is hereby provided in accordance with Section 166.041(4), Florida Statutes.

1. A summary of the proposed Ordinance and its purpose is more fully set forth in the Commission Memorandum accompanying the Ordinance, as well as in the recitals to the Ordinance itself, which are attached hereto.

2. An estimate of the direct economic impact of the proposed Ordinance on private, for-profit businesses in the City of Miami Beach, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed Ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Not Applicable

3. Good faith estimate of the number of businesses likely to be impacted by the proposed Ordinance:

Not Applicable

4. Additional comments: