

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: July 25, 2023

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB23-0616 - ORD - EV Parking Requirements Revision.**

RECOMMENDATION

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

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).

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency 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 is consistent with the goals, objectives, and policies of the Comprehensive Plan.

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

Consistent – The proposed amendment does not create an isolated district unrelated to adjacent or nearby districts.

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

Consistent - The proposed ordinance does modify the scale of development, as such the amendment is not out of scale with the needs of the neighborhood or the city.

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

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure as the maximum floor area ratio (FAR) is not modified.

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

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

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

Consistent – The increased rate of EV adoption and ensuring that different types of EVs in the City have the ability to park and charge, makes the passage of the proposed change necessary.

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

Consistent – The proposed ordinance amendment 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 from what is currently permitted, as the FAR is not being modified by this ordinance.

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

Consistent – The proposed change will not affect light and air to adjacent areas.

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

Consistent – The proposed change will 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 will likely 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.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Partially Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Consistent – The proposal will impact the resiliency of the City with respect to sea level rise by lowering greenhouse gas emissions.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Consistent – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

BACKGROUND

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 upon 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 (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 upon 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 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 upon 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.

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.

Electric Vehicle Parking Amendments

ORDINANCE NO. _____

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 an Ordinance was adopted by the City Commission 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 763,00 in 2020, an increase of almost 400%; and

WHEREAS, with the increasing numbers of electric vehicles, an increase in 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, "Defintions," 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

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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 member of the public 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 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 ____ day of _____, 2023.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

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

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