

## CITY COMMISSION FACT SHEET

**File ID:** (ID # 7675)

**Title:** AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), BY AMENDING ARTICLE 1, SECTION 1.2 OF THE MIAMI 21 CODE, TITLED "DEFINITIONS", AND ARTICLE 3, SECTION 3.6.1 OF THE MIAMI 21 CODE, TITLED "OFF-STREET PARKING STANDARDS", TO PROVIDE FOR A DEFINITION OF ELECTRIC VEHICLE CAPABLE ("EV CAPABLE") PARKING SPACES; REQUIRING THAT TWENTY PERCENT (20%) OF NEW PARKING SPACES CONSTRUCTED MEET THE EV CAPABLE STANDARDS BY ACCOMMODATING ELECTRIC VEHICLE CHARGING AND ITS ASSOCIATED INFRASTRUCTURE; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

**APPLICANT(S):** Arthur Noriega V, City Manager, on behalf of City of Miami

**PURPOSE:** This will amend Article 1, Section 1.2, titled "Definitions" and Article 3, Section 3.6.1, entitled "Off-Street Parking Standards" to provide for a definition of Electric Vehicle Capable ("EV Capable") parking spaces; requiring that 20% of new parking spaces constructed meet the EV Capable standards by accommodating electric vehicle charging and its associated infrastructure.

**FINDING(S):**

PLANNING DEPARTMENT: Recommended approval

PLANNING, ZONING AND APPEALS BOARD: Recommended approval on July 15, 2020, by a vote of 9-0.



**City of Miami  
Legislation  
Ordinance  
Enactment Number**

City Hall  
3500 Pan American Drive  
Miami, FL 33133  
www.miamigov.com

**File Number: 7675**

**Final Action Date:**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), BY AMENDING ARTICLE 1, SECTION 1.2 OF THE MIAMI 21 CODE, TITLED "DEFINITIONS", AND ARTICLE 3, SECTION 3.6.1 OF THE MIAMI 21 CODE, TITLED "OFF-STREET PARKING STANDARDS", TO PROVIDE FOR A DEFINITION OF ELECTRIC VEHICLE CAPABLE ("EV CAPABLE") PARKING SPACES; REQUIRING THAT TWENTY PERCENT (20%) OF NEW PARKING SPACES CONSTRUCTED MEET THE EV CAPABLE STANDARDS BY ACCOMMODATING ELECTRIC VEHICLE CHARGING AND ITS ASSOCIATED INFRASTRUCTURE; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Planning, Zoning and Appeals Board ("PZAB"), at its meeting on July 15, 2020, following an advertised public hearing, adopted Resolution No. PZAB-R-20-026 by a vote of nine to zero (9-0), Item No. PZAB.6, recommending approval of the Zoning Text Change as stated herein; and

WHEREAS, electric vehicles eliminate ground level air pollution and reduce overall vehicular emissions, thus improving air quality and public health; and

WHEREAS, the number of electric vehicles and plug-in hybrid vehicles as a percentage of new vehicles sold nationwide has quadrupled in less than five (5) years; and

WHEREAS, lack of charging infrastructure is one of the main hindrances to broader adoption of electric vehicles; and

WHEREAS, on October 22, 2009, the City Commission adopted Ordinance No. 13114 as the Zoning Ordinance of the City of Miami, Florida ("Miami 21 Code"); and

WHEREAS, Article 3, Section 3.6.1 of the Miami 21 Code regulates off-street parking standards; and

WHEREAS, by requiring a portion of newly constructed off-street parking spaces to provide this charging infrastructure, it will facilitate an increase in electric and plug-in hybrid vehicle ownership; and

WHEREAS, consideration has been given to the goals, objectives, and policies of the Miami Comprehensive Neighborhood Plan ("MCNP"), the Miami 21 Code, and other City of Miami ("City") regulations; and

WHEREAS, consideration has been given to the need and justification for the passage of the proposed Zoning Text Changes, including changed or changing conditions that make the passage of the proposed Zoning Text Change necessary; and

WHEREAS, the City Commission finds that it is in the best interest of the City and its residents to approve the Zoning Text Change as specified herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Article 1, Section 1.2 of the Miami 21 Code, titled "Definitions/Definition of Terms", is further amended in the following particulars:<sup>1</sup>

"ARTICLE 1. DEFINITIONS

\* \* \*

1.2 DEFINITIONS OF TERMS

\* \* \*

Electric Vehicle Capable (EV Capable): A parking space that is equipped with infrastructure to support installation of 40 Amp, 208 or 240-Volt, electric vehicle charging equipment. Spaces must be within one hundred (100) feet from a supporting electrical panel location. Infrastructure may include but is not limited to raceways or conduit from parking locations to electrical panels, space for additional electrical panels, space for overprotection devices, conduit connecting electrical panels to distribution equipment, and space for additional distribution equipment.

\* \* \*\*

Section 3. Article 3, Section 3.6.1 of the Miami 21 Code, titled "General to Zones/Off-Street Parking Standards", is further amended in the following particulars:<sup>1</sup>

"ARTICLE 3. GENERAL TO ZONES

\* \* \*

3.6.1 OFF-STREET PARKING STANDARDS

\* \* \*

f. 20% of all newly constructed parking spaces must be EV Capable. In no case will this be less than one (1) required space and the calculated number shall always be rounded up for any fraction of a space. This requirement does not apply to dwellings without a designated parking space located on the premises nor does this requirement apply to parking spaces located in the public right-of-way.

\* \* \*\*

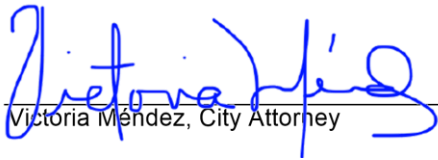
<sup>1</sup> Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material. \_\_\_\_\_  
City of Miami File ID: 7675 (Revision: ) Printed On: 10/13/2020

Section 4. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Miami 21 Code, which provisions may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or other appropriate word to accomplish such intention.

Section 6. This Ordinance shall be effective immediately upon its adoption.<sup>2</sup>

APPROVED AS TO FORM AND CORRECTNESS:



Victoria Mendez, City Attorney

8/28/2020

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<sup>2</sup> This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.



# City of Miami PZAB Resolution

City Hall  
3500 Pan American Drive  
Miami, FL 33133  
www.miamigov.com

Enactment Number: PZAB-R-20-026

File ID: 7602

Final Action Date: 7/15/2020

**A RESOLUTION OF THE MIAMI PLANNING, ZONING AND APPEALS BOARD ("PZAB"), RECOMMENDING APPROVAL TO THE MIAMI CITY COMMISSION OF AN ORDINANCE AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), BY AMENDING ARTICLE 1, SECTION 1.2, TITLED "DEFINITIONS" AND ARTICLE 3, SECTION 3.6.1, ENTITLED "OFF-STREET PARKING STANDARDS" TO PROVIDE FOR A DEFINITION OF ELECTRIC VEHICLE CAPABLE ("EV CAPABLE") PARKING SPACES; REQUIRING THAT 20% OF NEW PARKING SPACES CONSTRUCTED MEET THE EV CAPABLE STANDARDS BY ACCOMODATING ELECTRIC VEHICLE CHARGING AND ITS ASSOCIATED INFRASTRUCTURE; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, electric vehicles eliminate ground level air pollution and reduce overall vehicular emissions, thus improving air quality and public health; and

WHEREAS, the number of electric vehicles and plug-in hybrid vehicles as a percentage of new vehicles sold nationwide has quadrupled in less than five (5) years; and

WHEREAS, lack of charging infrastructure is one of the main hindrances to broader adoption of electric vehicles; and

WHEREAS, on October 22, 2009, Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida was adopted as the City of Miami's ("City") Zoning Ordinance ("Miami 21 Code"); and

WHEREAS, Article 3, Section 3.6.1 of the Miami 21 Code regulates off-street parking standards; and

WHEREAS, by requiring a portion of newly constructed off-street parking spaces to provide this charging infrastructure, it will facilitate an increase in electric and plug-in hybrid vehicle ownership; and

WHEREAS, consideration has been given to the goals, objectives, and policies of the Miami Comprehensive Neighborhood Plan, the Miami 21 Code, and other City regulations; and

WHEREAS, consideration has been given to the need and justification for the passage of the proposed changes, including changed or changing conditions that make the passage of the proposed change necessary; and

WHEREAS, PZAB finds that it is in the best interest of the City and its residents to recommend approval / denial of the amendment as specified herein;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING, ZONING AND APPEALS BOARD OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted and incorporated as if fully set forth in this Section.

Section 2. The PZAB hereby recommends to the City Commission to amend the Miami 21 Code by amending Article 1, Section 1.2, entitled "Definition of Terms" in the following particulars:<sup>1</sup>

ARTICLE 1. DEFINITIONS

\* \* \*

1.2 DEFINITIONS OF TERMS

\* \* \*

**Electric Vehicle Capable (EV Capable):** A parking space that is equipped with infrastructure to support installation of 40 Amp, 208 or 240-Volt, electric vehicle charging equipment. Spaces must be within one hundred (100) feet from a supporting electrical panel location. Infrastructure may include but is not limited to raceways or conduit from parking locations to electrical panels, space for additional electrical panels, space for overprotection devices, conduit connecting electrical panels to distribution equipment, and space for additional distribution equipment.

\* \* \*

Section 3. The Miami 21 Code, should be further amended by amending Article 3, Section 3.6.1 in the following particulars:

ARTICLE 3. GENERAL TO ZONES

\* \* \*

3.6.1 OFF-STREET PARKING STANDARDS

\* \* \*

f. 20% of all newly constructed parking spaces must be EV Capable. In no case will this be less than one required space and the calculated number shall always be rounded up for any fraction of a space. This requirement does not apply to dwellings without a designated parking space located on the premises, nor does this requirement apply to parking spaces located in the public right-of-way.

\* \* \* \*

<sup>1</sup> Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

Section 4. This Resolution shall be effective immediately upon its adoption.

APPRO

*[Signature]*

07/15/2020  
Execution Date

Francisco Garcia, Director  
Department of Planning

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

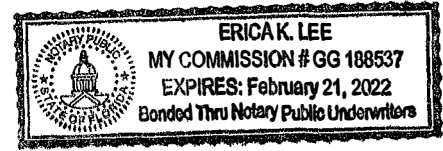
Personally appeared before me, the undersigned authority, Olga Zamora, Clerk of the Planning, Zoning and Appeals Board of the City of Miami, Florida, and acknowledges that s/he executed the foregoing Resolution.

SWORN AND SUBSCRIBED BEFORE ME THIS 15 DAY OF July, 2020

Erica Lee  
Print Notary Name

*[Signature]*  
Notary Public State of Florida  
My Commission Expires:

Personally know  or Produced I.D. \_\_\_\_\_  
Type and number of I.D. produced \_\_\_\_\_  
Did take an oath \_\_\_\_\_ or Did not take an oath \_\_\_\_\_



Q1. First Name

David

Q2. Last Name

Polinsky Phd

Q3. Email Address

david@fortisdesign.build

Q4. Address

31 NW 23 Street Miami, FL 33127

Q5. Agenda Item (please fill out a separate form if you will be commenting on multiple items)

PZAB 6. 7602 : Zoning Text - Electric Vehicles ▼

Q6. Are you a lobbyist?

- Yes  
 No

Q7. If yes, have you registered?

*This question was not displayed to the respondent.*

Q8. Please visit <https://www.miamigov.com/Services/Doing-Business/Register-as-a-Lobbyist> to register as a lobbyist with the City of Miami.

*This question was not displayed to the respondent.*



Q9. Please enter your public comment:

I am in support of this legislation generally, however I believe PZAB should ask the Planning department to revise the legislative text. A requirement for 20% EV Capable spaces assumes (1) that proposed parking facility contains self-parked assigned parking spaces and (2) that charger type is of 1 "slow" 110 VAC type which take 8-10 to charge, so that an EV owner could charge from their own space every night. If on the other hand, the garage is valet operated and/or has fast 480 VAC chargers - which charge in less than 1 hour, then you could service the same 20% threshold of EV vehicles with only 1-2% of spaces being EV capable. Legislation needs to address these important details, or else it is imposing an unreasonable burden on property owners. Of note is that chargers are getting faster over time and shared use garages should be encouraged over those that are based on assigned parking spaces.

**Location Data**

**Location:** ([39.634094238281, -106.75879669189](#))

**Source:** GeoIP Estimation

