



City of Dania Beach Community Development Memorandum

DATE: 3/26/2024

TO: Mayor and Commissioners

FROM: Ana M. Garcia, ICMA-CM, City Manager

VIA: Candido Sosa-Cruz, ICMA-CM, Deputy City Manager
Eleanor Norena, CFM, Director
Corinne Lajoie, AICP, Deputy Director

SUBJECT: TX-096-23: The applicant, the City of Dania Beach, is requesting a text amendment to the City's Code of Ordinances, Land Development Code (LDC) adding electric vehicle (EV) charging station regulations.

Request:

Text Amendment introducing regulations for EV charging stations.

Background:

As more communities are looking toward ways to reduce their reliance on fossil fuels, electrical vehicles have been seen as a sustainable alternative to gasoline-powered engines. Florida currently has the second highest electric vehicle sales in the nation, and this trend is expected to continue to grow. Proper charging station regulations are needed to address the growing transition to electric vehicles, safeguard the public from potential risks and provide for parking and design regulations for the charging stations. These changes are similar to the regulations found in the cities of Pembroke Pines and Plantation.

The regulations will require certain developments to be EV capable by setting numerical requirements for charging stations based on zoning and development typology, and location requirements within site plans. The regulations will require specific signage and markings for all electric vehicle spaces. The requirements of these regulations shall apply to new development, redevelopment, infill development, and any substantial enlargement and/or alteration of structures requiring a public hearing.

On December 20, 2023, the Green Advisory Board discussed the proposed text amendment and are in support of the application.

This application requires the Planning & Zoning Board to make a recommendation to the City Commission. This application will then require two (2) readings at the City Commission.

Budgetary Impact

No fiscal impact to City.

Recommendation

Community Development staff recommend the City Commission approve the new Electric Vehicle Charging Station regulations to the City's Code of Ordinances, Land Development Code on first reading.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, “LAND DEVELOPMENT REGULATIONS”, OF THE CITY CODE OF ORDINANCES, AT ARTICLE 265, “OFFSITE PARKING REQUIREMENTS”, TO CREATE SECTIONS 268-185 THROUGH 265-189 RELATING TO ELECTRIC VEHICLE CHARGING STATION REQUIREMENTS AND AS A PERMITTED USE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to amend the Land Development Code in order to provide for standards relating to electric vehicle charging station standards and requirements, and to include those standards in the City’s Code; and

WHEREAS, the City desires to modify Chapter 28 of the Land Development Regulations to amend Article 265, entitled “Offsite Parking Requirements: in order to include standards and procedures for installing electric vehicle charging stations.

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

Section 1. That the preceding “WHEREAS” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2 That Chapter 28 of the City’s Code of Ordinances entitled “Land Development Regulations”, to amend Article 265, entitled “Offsite Parking Requirements”, to read as follows:

**CHAPTER 28
LAND DEVELOPMENT REGULATIONS**

* * *

ARTICLE 265. – OFFSITE PARKING REQUIREMENTS

* * *

265.185 – ELECTRIC VEHICLE CHARGING STATIONS AND PARKING SPACES

Sec. 265-185. – Purpose:

The purpose of this section is to provide effective electric vehicle charging abilities throughout the City. Where any other provisions of the City of Dania Beach Code of Ordinances directly conflict with the regulation of electric vehicles (sections 265-185 through 265-189) the regulation of electric vehicles shall be controlled. All operations of electric vehicle charging stations shall comply with applicable Federal, State, and local laws, rules, and regulations. As electric vehicle technology continues to evolve, the City's Community Development Director, or his/her designee will review new systems and other adaptations, as may be required.

Sec. 265-186. – Definitions:

(A) Electric Vehicle. Abbreviated as (EV).

(B) ELECTRIC VEHICLE CHARGING STATION (EVCS) OR CHARGING STATION means an electric vehicle supply equipment station in a private or public parking space that delivers electricity or transfers electric energy to a battery or other energy storage device in an electric vehicle and is classified based on the following levels:

- (1) Level 1 operates on a 15 to 20-amp breaker on a 120-volt AC circuit. Level 1 Electric Vehicle Supply Equipment (EVSE) is found in common low-density residential single-family or duplex homes. On average it takes level 1 charger 40-50+ hours to fully charge a Battery Electric Vehicle (BEV) and 5-6 hours to charge a Plug-in Hybrid Electric Vehicle (PHEV).
- (2) Level 2 operates on a 40 to 100-amp breaker on a 208 or 240-volt AC circuit. Level 2 chargers offer a faster rate of charging and are common in homes, workplaces, and public parking lots. Level 2 chargers can charge a BEV in 5-10 hours and a PHEV in 1-2 hours.
- (3) Level 3 operates on a 60 amp or higher breaker on a 480 volt or higher three-phase circuit with special grounding equipment. Level 3 operates on a direct current as opposed to an alternating current and offers the fastest charging capabilities. With BEV's being charged in 20 minutes to 1 hour. PHEVs currently cannot be charged by level 3 chargers.

(C) OPERATOR means the auto manufacturer representative of an auto manufacturer, representative of an auto manufacturer, developer, shopping center property management company, free-standing building owner, or lessee, responsible for the installation, management, and operation of electric vehicle service and charging stations.

Sec. 265-187. – Applicability:

- (A) The requirements relating to electric vehicles and electric vehicle charging stations of this part shall apply to new development, redevelopment, infill development or substantial enlargement and/or alteration of structures requiring a public hearing. Only new parking spaces added as part of a substantial enlargement or alteration are subject to the requirements of these regulations relating to electric vehicles and electric vehicle charging stations. this subsection.
- (B) ~~EV~~ Electric vehicle charging stations may be located within new or existing enclosed parking garages or within new or existing surface parking areas.

- (C) Operators of electric vehicle charging stations must apply for a business tax receipt in compliance with City Code Chapter 15, unless restricted for private use to employees at no cost to the employee, or if the charging station is located at an owner-occupied single family residential property. All operators of electric vehicle charging stations are required to obtain a building permit for the installation and operation of the charging station.
- (D) ~~EV~~ Electric vehicle charging stations will be considered an accessory and an amenity use when the service is offered free of charge ~~and an accessory use~~. Amenity-use electric vehicle charging stations are permitted within all residential, non-residential, and mixed-use zoning districts.
- (E) For the purposes of minimum parking space calculations, electric vehicle spaces shall count towards meeting a maximum of ten percent (10%) of the minimum parking requirements, rounded down. This shall not apply to freestanding single-family structure.

<u>Required EV Parking Spaces in Future Developments</u>		
<u>Type</u>	<u>EV Capable**</u>	<u>EVSE Installed (threshold)**</u>
<u>Single-Family/Duplex Development</u>	<u>One hundred percent (100%)</u>	<u>N/A</u>
<u>Multifamily Residential, Hotel, Mixed-Use, Parking Structures (except for Affordable or Workforce Housing Garages)</u>	<u>Twenty percent (20%)</u>	<u>Five percent (5%) of the total number of required parking spaces. If five (5) percent calculates to a fractional number, that fractional number must be rounded up to the next higher whole number.</u>
<u>Commercial* (includes Retail, Entertainment, Institutional, Restaurant, Office, Public, Service, and Recreational uses)</u>	<u>Twenty percent (20%)</u>	<u>Five percent (5%) (requirement begins at 250 spaces)</u>
<u>Industrial</u>	<u>Ten percent (10%)</u>	<u>Two percent (2%) (requirement begins at 250 spaces)</u>

Sec. 265-188. – General Requirements:

- (A) Electric Vehicle Parking spaces shall meet all performance standards of this subsection.

- (B) Electrical Vehicle Supply Equipment (EVSE) will be located in parking spaces clearly marked for EV charging and shall be installed per the requirements of the current National Electrical Code, as adopted and amended by the State of Florida.
- (C) Where parking is the primary use of the property, electric vehicles charging stations shall be permitted. For all other uses, electric vehicle charging shall be deemed accessory to the primary use.
- (D) Accessory use electric vehicle charging station parking spaces shall be specifically designated for charging an electric vehicle with a sign referencing F.S. 366.94(3)(a), as may be later amended. One exclusive use parking space, per charging station shall be required adjacent to each charging unit. Under F.S. 366.94(3)(a), it is unlawful for a person to stop, stand, or park a vehicle that is not capable of using an electrical recharging station within any parking space specifically designated as an electric vehicle charging stations.

Sec. 265-189. – Electric Vehicle Charging Station Minimum Requirements:

- (A) Electric Vehicle Charging Station as an Amenity Use – Level 1 and 2
 - (1) Level 1 and 2 electric vehicle charging stations will be considered an amenity use when the service is offered free of charge and shall be subject to the following requirements:
 - (a) Permitted in all zoning districts.
 - (b) An electric vehicle charging station sign shall be posted at the electric vehicle charging station stating, "Electric Vehicle Charging Station." Signs shall be no less than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (electric vehicle charging). Single-family and duplex stations are not required to meet the MUTCD standards.
 - (c) All equipment components, including but not limited to functioning, shall be maintained at all times.
 - (d) Current contact information, including but not limited to a telephone number for a representative or department of the operator of the charging station shall be posted on each station as a contact to report all issues relating to the particular station.
- (B) Electric Vehicle Charging Station as an Accessory Use – Levels 2 and 3
 - (1) Electric vehicle charging stations will be considered an accessory use when there is a monetary transaction or subscription associated with the service.
 - (2) Level 2 and 3 electric vehicle charging stations shall be permitted to classify as an accessory use and shall be subject to the following requirements:
 - (a) Are permitted in all zones.
 - (b) An electric vehicle charging station sign shall be posted at the electric vehicle charging station stating, "Electric Vehicle Charging Station." Signs shall be no less than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for

sign designation (electric vehicle charging). Single-family and duplex stations are not required to meet the MUTCD standards.

- (c) Accessory use of electric vehicle charging stations shall be permitted based on the availability of surplus parking.
- (d) EVSE must be concealed from the road right of way by landscape or other means and maybe permitted in landscape and utility buffers, subject to prior approval of City staff.
- (e) All equipment components, including but not limited to functioning shall be maintained at all times.
- (f) Current contact information, including but not limited to a telephone number for a representative or department of the operator of the charging station shall be posted on each station as a contact to report all issues relating to the particular station.

(C) Electric Vehicle Service Stations as a Principal Use – Level 3

- (1) Electric vehicle service stations shall be the principal use which shall include but is not limited to the following services: Charging, repair, retail, and maintenance.
 - (a) Permitted operations including charging stations with an output of greater than or equal to 480 volts, lithium-ion car battery replacement, and electric vehicle maintenance.
 - (b) Operators of electric vehicle charging stations must apply for a business tax receipt in compliance with Chapter 15 of the City Code of Ordinances.
 - (c) All equipment components, including but not limited to functioning shall be maintained at all times.
 - (d) All principal operators must have a Lithium-ion battery fire safety plan during the routine annual inspection.
 - (e) An electric vehicle charging station sign shall be posted at the electric vehicle charging station stating, "Electric Vehicle Charging Station." Signs shall be no less than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (electric vehicle charging). Single-family and duplex stations are not required to meet the MUTCD standards.

Sec. 265-190. – Location:

- (1) Placement or installation of electric vehicle charging equipment must be identified during the site plan approval process.
- (2) EVs charging stations shall not interfere with vehicle, bicycle or pedestrian access and circulation, or with required landscaping, above ground or underground infrastructure.
- (3) EV charging stations shall not be located within dedicated drainage or utility easements.
- (4) EV charging stations for single family locations shall not be permitted in the front of the building.

Sec. 265-191. – Design Standards:

- (1) Charging equipment must be mounted on the wall or on a structure at the end of the electric vehicle parking space provided.
- (2) Charging devices may not be placed within the dimensions of a space or entrance to a space. Electric vehicle parking spaces for non-single family residential use shall be marked by green lines, symbols, or curbs.
- (3) When cords and connectors are not in use, retraction devices and locations for storage shall be located sufficiently above the pedestrian surface and the parking lot to reduce conflicts with pedestrians and vehicle maneuvering.
- (4) Cords, cables, and connector equipment shall not extend across the path of travel in any sidewalk or walkway.
- (5) Equipment mounted on structures such as pedestals, lighting posts, bollards, or other protective devices shall be located in a manner that does not impede pedestrian, bicycle, or transit travel.
- (6) For EV charging stations installed on surface parking lots, all cabinets, switchgear and other transmission equipment (other than charging posts or connectors) related to the station shall be completely enclosed. For EV charging stations installed in enclosed parking garages, all equipment (other than charging posts or connectors) related to the station shall have safety screens around the equipment.
- (7) EV charging stations in residential and mixed-use zoned areas shall be constructed in a manner harmonious with surrounding aesthetics.
- (8) Additional landscape screening may be required for mechanical equipment such as transformers associated with charging equipment, consistent with mechanical equipment screening requirements and the current edition of the Florida Building Code.

* * *

Section 3. That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 5. It is the intention of the Mayor and City Commission of the City of Dania Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Dania Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. That this Ordinance shall be effective 10 days after passage on second reading.

PASSED on first reading on _____, 2024.

PASSED AND ADOPTED on second reading on _____ 2024.

First Reading:

Motion by: _____

Second by: _____

Second Reading:

Motion by: _____

Second by: _____

FINAL VOTE ON ADOPTION: Unanimous _____

Yes No

Commissioner Joyce L. Davis _____

Commissioner Tamara James _____

Commissioner Marco Salvino _____

Vice Mayor Lori Lewellen _____

Mayor Archibald J. Ryan IV _____

ATTEST:

ELORA RIERA, MMC
CITY CLERK

ARCHIBALD J. RYAN IV
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

EVE A. BOUTSIS
CITY ATTORNEY



City of Dania Beach, Florida
Department of Community Development
Planning and Zoning Division
(954) 924-6805 X3643
(954) 922-2687 Fax

Standard Development Application

- ☐ Administrative Variance
- ☐ Land Use Amendment
- ☐ Plat
- ☐ Rezoning
- ☐ Site Plan
- ☐ Special Exception
- ☐ Variance
- ☐ Other: _____

Date Rec'd: 12/20/2023

Petition No.: TX-096-23

Other: _____ (SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Failure to attend may impact the disposition of the application. The applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division.

The City's DRC process requires a hard copy of the application and application fee payment to be submitted to City Planning staff BEFORE electronic submittal will be accepted for processing. Applications will only be accepted on the submittal date identified on the annual DRC Meeting Deadline schedule. The application must identify the number of proposed residential dwelling units and/or the square footage of commercial/industrial use, as applicable. Once the application and fee are received a file number will be issued which must be used to identify the project when submitting electronically. Once the file number is issued, the applicant has 24 hours to load the plans electronically. Failure to submit within 24 hours will require the application to begin again the following month.

Location Address: City Wide

Lot(s): _____ Block: _____ Subdivision: _____

Recorded Plat Name: _____

Folio Number(s): _____ Legal Description: _____

Applicant/Consultant/Legal Representative (**circle one**) City of Dania Beach

Address of Applicant: _____

Business Telephone: _____ Home: _____ Fax: _____

E-mail address: _____

Name of Property Owner: City of Dania Beach

Address of Property Owner: 100 W Dania Beach Blvd

Business Telephone: _____ Home: _____ Fax: _____

Explanation of Request: Text amendment to the LDC, Chapter 28, to add the regulations and requirements for electronic vehicle charging stations.

*Please provide proposed **Plat Name** & **Criteria Statement** as required by the City's **Land Development Code**.*

Prop. Net Acreage: _____ Gross Acreage: _____ Prop. Square Footage: _____

Existing Use: _____ Proposed Use: _____

Is property owned individually, by a corporation, association, or a joint venture? _____

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize _____ (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
Was acknowledged

By: [Signature]
(Owner / Agent signature*)

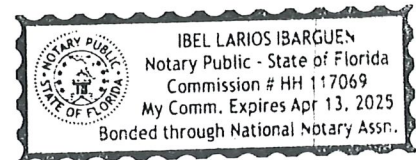
BEFORE ME THIS 20th DAY OF December, 2023

By:

Eleanor Norena.
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary [Signature]
(Signature of Notary Public – State of Florida.)



Personally known X or Produced Identification _____

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

***ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF
BEFORE PROCESSING OCCURS.***