

PROPOSED ORDINANCE NO. 2017-24
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA CREATING SECTION 155.082 TO BE ENTITLED “ELECTRIC VEHICLE CHARGING STATIONS” WITHIN CHAPTER 155 ENTITLED “ZONING CODE” TO PROVIDE FOR DEFINITIONS, TO PROVIDE FOR STANDARDS AND GUIDELINES RELATED TO THE INSTALLATION AND USE OF ELECTRIC VEHICLE CHARGING STATIONS AS PRINCIPAL, ACCESSORY AND AMENITY USES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the last few years the world has witnessed the advent of electric vehicles (EV) followed by their proliferation worldwide; and

WHEREAS, in recent months, according to the NBC News Tech section, most automakers have announced some form of “electrification” and by the middle of the coming decade, conventional hybrids, plug-in hybrids, and pure battery-electric vehicles could account for approximately one-third of all new vehicle sales; and

WHEREAS, also according to the NBC News Tech section, as millions more battery cars take to the road, more and more will not be able to charge at home or office, so dependence on public chargers will grow; and

WHEREAS, according to the Dayton Daily News, the vice president of product development of General Motors, the biggest American automaker stated that General Motors believes in an all-electric future; and

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WHEREAS, while electric vehicle charging is still a new frontier in Florida, City Planning staff has recently seen an increase in electric vehicle stations queries throughout the City; and

WHEREAS, the City has been permitting individual units for residential, personal use as well as accessory uses to shopping centers and car dealerships; and

WHEREAS, due to the most recent wave of mass-market models, the City Staff anticipates there will be an increase in charging station requests in the near future; and

WHEREAS, City Planning Staff finds it appropriate and necessary to formalize and establish development standards relating to electric vehicle charging stations by amending the City's existing Zoning Code; and

WHEREAS, the City Commission has considered City staff's proposed recommendations to update the City's Land Development Code and finds that it is in the best interests of the City to adopt this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

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Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. Section 155.082 of the City's Code of Ordinances entitled "Electric Vehicle Charging Stations" is created as follows:

Sec.155.082. Electric Vehicle Charging Station

(A) Purpose

- (1) The purpose of this chapter is to ensure the effective installation of electric vehicle charging stations. Where any other provisions of the City of Pembroke Pines Code of Ordinances directly conflict with this chapter, this chapter shall control.
- (2) All operations of electric vehicle charging stations shall comply with applicable federal, state, local laws, rules and regulations.

(B) Definitions:

- (1) **ELECTRIC VEHICLE CHARGING STATION or CHARGING STATION** means an electric vehicle supply equipment station in a private or public parking space which 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:
 - (a) Level 1 operates on a fifteen to twenty amp breaker on a one hundred twenty volt AC circuit.
 - (b) Level 2 operates on a forty to one hundred amp breaker on a two hundred eight or two hundred forty volt AC circuit.

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(c) Level 3 operates on a sixty amp or higher breaker on a four hundred eighty volt or higher three phase circuit with special grounding equipment.

(d) As electric vehicle technology continues to evolve, the City's Planning & Economic Development Director will review new systems and determine the equivalent level of electric vehicle charging station pursuant to the City's established level classifications.

(2) OPERATOR means the auto manufacturer, representative of 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.

(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, maintenance, retail, and / or repair.

(a) Permitted operations including charging stations with an output of greater than or equal to 480 volts, car battery replacement, and vehicle maintenance.

(b) Electric vehicle service station must meet the requirements set forth in Chapter 155.149 and 155.265 – 155.275 .

(c) Operators of electric vehicle service stations must apply for a local business tax receipt or use permits in compliance with Chapter 115 of the City Code of Ordinances.

(D) Electric vehicle charging station as an accessory use/Level 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.

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- (2) Level 2 & 3 electric vehicle charging stations shall be permitted to classify as an accessory use and shall be subject to the following requirements:
- (a) Permitted in B-3, C-1, M-1, M-2, M-3, M-4, and M-5 zoning districts where underlying land use permits such use.
 - (b) Signage: Maximum 1.5 square feet in size per unit.
 - (c) Accessory use electric vehicle charging stations shall be permitted based on availability of surplus parking, at the discretion of the City Manager or his or her designee.
 - (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. Pursuant to 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 accessory use electric vehicle charging station pursuant to the requirements of this subsection.
 - (e) Count: 6 – 20 electric vehicle charging stations per shopping center or free-standing building shall be permitted, at the discretion of the City Manager or his or her designee.
 - (f) Equipment 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 by City staff.
 - (g) Electric vehicle charging stations must be visible from the road right of way.

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- (h) Operators of electric vehicle charging stations must apply for a local business tax receipt or use permits in compliance with Chapter 115 of the City Code of Ordinances.
- (i) All equipment components, including but not limited to functioning, shall be maintained at all times.
- (j) 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 contact to report all issues relating to the particular station.
- (E) Electric vehicle charging station as an amenity use/Level 1 and 2.
- (1) Electric vehicle charging stations will be considered an amenity use when the service is offered free of charge.
- (2) Level 1 & 2 electric vehicle charging stations shall be permitted to be classified as an amenity use and shall be subject to the following requirements:
- (a) Permitted in all zoning districts.
- (b) Signage: Maximum 1.5 square feet in size per unit.
- (c) Amenity use electric vehicle charging stations spaces will count towards the required parking set forth in Chapter 155 of the City Code of Ordinances.
- (d) Amenity use electric vehicle charging station parking spaces shall not be exclusively designated for charging an electric vehicle.
- (e) Count: A maximum of 5 electric vehicle charging stations per shopping center or free-standing building shall be permitted.
- (f) All equipment components, including but not limited to functioning, shall be maintained at all times.
- (g) Current contact information, including but not limited to a telephone number for a representative or department of the operator of the

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charging station shall be posted on each station as contact to report all issues relating to the particular station

Section 3. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Section 6. This Ordinance shall become effective upon passage and adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ___ DAY OF
_____, 2017.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING,
THIS ___ DAY OF _____, 2018.

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:

By: _____
MAYOR FRANK C. ORTIS

MARLENE D. GRAHAM
CITY CLERK

ORTIS

CASTILLO _____

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MONROIG _____

SCHWARTZ _____

SIPLE _____

APPROVED AS TO FORM:

OFFICE OF THE
CITY ATTORNEY

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