

ORDINANCE 3203-21

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" SUBSECTION 58-86 "OFF-STREET PARKING AND LOADING REGULATIONS" SO AS TO ADD REGULATIONS FOR ELECTRIC VEHICLE CHARGING INFRASTRUCTURE IN MULTI-FAMILY AND NON-RESIDENTIAL PARKING LOTS AND PARKING GARAGES, PROVIDING FOR VESTING, CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Park's Off-Street Parking and Loading Regulations portion of the Land Development Code does not currently contain provisions for off-street parking facility requirements for electric vehicles;

WHEREAS, according to the U.S. Department of Energy, the benefits of electric vehicles include improved air quality, reduction of carbon emissions, quieter and more livable streets, and decreased dependency on fossil fuels;

WHEREAS, the City of Winter Park is located within an urban area which is subject to ever increasing levels of carbon emissions generated by fossil fuel powered engines which over time will result in mandatory vehicle emissions testing and potential loss of Federal transportation dollars due to inability to meet healthy air quality levels (See attached document entitled "Orange County FACT SHEET, Transportation-Critical Air Quality Considerations, November, 2019). The City of Winter Park houses within its boundaries one of only two air quality monitoring stations within Orange County that capture samples for measurement needed for local compliance with Federal regulations.

WHEREAS, a significant number of industry stakeholders are urging electric utilities to support the buildout of electric vehicle infrastructure to aid the development of the electric vehicle usage which in turn will decarbonize the transportation sector, promote energy independence, and increase electric retail sales resulting in a net benefit to all stakeholders;

WHEREAS, Florida ranks within the top five states nationally for sales of electric vehicles;

WHEREAS, the City should continue its support of plug-in electric vehicles and its efforts in constructing electric vehicle and plug-in hybrid electric vehicle charging infrastructure as this further supports the City's Sustainability Action Plan;

WHEREAS, the proposed amendment is consistent with the City's Vision of Winter Park as the city of arts and culture, cherishing its traditional scale and charm while building a healthy and sustainable future for all generations;

WHEREAS, the Planning and Zoning Board, after notice and public hearing, has considered the proposed amendments to the Off-Street Parking and Loading Regulations portion of the Land Development Code, more specifically described herein, and submitted its recommendation to the City Commission;

WHEREAS, the City Commission, after notice and public hearing, has considered the proposed amendments to the Off-Street Parking and Loading Regulations portion of the Land Development Code, the recommendations of the Planning and Zoning Board and all public comments;

WHEREAS, the proposed amendment to the Off-Street Parking and Loading Regulations portion of the Land Development Code is consistent with the City of Winter Park Comprehensive Plan;

WHEREAS, a companion technical amendment ordinance is proposed in Chapter 22, Buildings and Building Regulation, Section 22-28, Sub-section 2703 covering National Electrical Code criteria for installation along with Chapter 553 Statutory justification;

WHEREAS, the portions of Chapter 58, Land Development Code, Article III, Zoning Regulations that are to be amended and modified as described in each section and amended to read as shown herein.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK:

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified within Section 58-86 "Off-street Parking and Loading Regulations", adding subsection (c)(6) "Electric Vehicle Charging Station Infrastructure and Electric Vehicle Parking Space Requirements" in the "Zoning" Article of the Land Development Code to read as follows:

Sec. 58-86. Off-Street Parking and Loading Regulations.

(c)(6) Electric Vehicle Charging Station Infrastructure and Electric Vehicle Parking Space Requirements.

- a) Intent and purpose. The intent of this section is to facilitate and encourage the use of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that will also accommodate future technology advancements.

b) Definitions. For the purposes of this section, the following definitions shall apply:

1. Charging means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment and is actively charging at some point during the charging session.
2. Electric vehicle means any motor vehicle registered to operate on public roadways that operates either partially or exclusively on electric energy. Electric vehicles (EVs) include: (a) Battery-powered electric vehicles; (b) Plug-in hybrid electric vehicles; (c) electric motorcycles; and (d) Fuel cell vehicles.
3. Electric vehicle charging level means the standardized indicators of electrical force, or voltage, amps and kilowatts by which an electric vehicle's batteries are recharged. EV recharging equipment is commonly known as Electric Vehicle Service Equipment (EVSE) and can output either Alternating Current (AC) or Direct Current (DC). EVSE are technically not chargers, they are power supply units, the charger is onboard the vehicle. The onboard charger helps manage the charging session and converts an AC input to DC to charge the vehicle's batteries; if a DC input is supplied the charger passes the power directly to the batteries. The terms Level1 (L1), Level2 (L2), and Level3 (L3) are the most common charging levels; L3 is also referred to DCFC or DC Fast Charging, and include the following specifications:
 - a) Level-1 is considered slow charging. Voltage including the range from 0 through 120.
 - b) Level-2 is considered medium charging. Voltage is greater than 120, up to 240.
 - c) Level-3 is considered fast or rapid charging, is also referred to DCFC or DC Fast Charging. Voltage is greater than 240.
4. Electric vehicle charging station means battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
5. Electric vehicle charging station infrastructure means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
6. Electric vehicle parking space means any off-street parking space that is equipped with an electric vehicle charging station that is exclusively for use by electric vehicles.

- c) Readiness requirements for multi-family residential and non-residential properties. In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, all new development shall provide electric vehicle charging station infrastructure per this section. The infrastructure shall be installed per Technical Amendments to the Florida Building Code found in Chapter 22, Section 2703 of the City of Winter Park Code of Ordinances.
1. Readiness requirements for new multi-family residential projects that require a Conditional Use, shall be determined as part of the Conditional Use approval process.
 2. Non-residential properties (such as commercial, office, institutional or industrial uses, or any combination thereof) with surface parking or parking structures, shall provide the electrical capacity and buried raceway necessary to accommodate the future hardwire installation, at the minimum, a Level-2 vehicle charging station, for a minimum ratio of 10% of the total required parking spaces. Electric vehicle parking spaces provided in excess of the required electric vehicle parking spaces shall be counted toward meeting the readiness requirement. Required electric vehicle parking spaces shall not count toward meeting the readiness requirement
- d) Electric vehicle parking space requirement for multi-family residential and non-residential properties. Electrical vehicle parking requirements for new multi-family residential projects that require a Conditional Use, shall be determined as part of the Conditional Use approval process. All non-residential properties (such as commercial, office, institutional or industrial uses, or any combination thereof) are required to provide one electric vehicle parking space equipped with an electrical vehicle charging station per every 20 required off-street parking spaces (such spaces shall be counted toward meeting the overall parking requirement and any EV parking spaces in excess of the required electric vehicle parking spaces shall count toward meeting the readiness requirement; required electric vehicle parking spaces shall not count toward meeting the readiness requirement) in accordance with the following standards:
1. Minimum standards. Electric vehicle parking spaces shall, at a minimum, be equipped with an electric vehicle charging station rated at electric vehicle charging Level 2.
 2. Fees. Nothing herein shall prohibit the charging of a fee for the use of an electric vehicle charging station by a resident, guest, invitee or employee.
 3. ADA Accessible Spaces. A minimum of one (1) electric vehicle parking space must be located adjacent to a required accessible parking space such that the electric vehicle charging station can be shared between an accessible parking space and electric vehicle parking space. A minimum five (5) feet wide

accessway must be provided by the accessible electric vehicle parking space if the accessway is not already provided as part of the planned accessible parking space.

4. Lighting. Site lighting shall be provided where an electric vehicle charging station is installed.
 5. Equipment Standards and Protection. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.
 6. Signage. (1) Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station. (2) Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment and is actively charging at some point during the charging session. (3) Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner pursuant to state statutes.
 7. Maintenance. Electric vehicle charging stations shall be maintained in good condition in all respects, including the functioning of the equipment, by the property owner. Removal of any required EV charging stations is prohibited except for repair or replacement of equipment. A phone number or other contact information shall be provided on the equipment for reporting when the equipment is not functioning or other problems are encountered.
- e) Exception. Where the installation of one or more electric vehicle parking spaces, and/or the installation of electric vehicle charging station infrastructure to allow for the future installation of electric vehicle charging stations, are required by this article, an exception may be granted by the Building Official through the site plan approval process only where it is demonstrated that the extension of the electrical power supply to the effected location is physically impractical. Financial impracticality is not a valid criterion for granting such an exception.

SECTION 2. VESTING. In order to not adversely affect development projects that may be in process and for which expenditures have been made in reliance upon the

existing code provisions, the City will allow such development or building permit applications to be subject to the parking code existing prior to the adoption of this Ordinance, provided such development projects or permits have been submitted prior to the effective date of this Ordinance.

SECTION 3. SEVERABILITY. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of the remainder of this Ordinance.

SECTION 4. CODIFICATION. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Winter Park, Florida, except for Sections 6-10;

SECTION 5. CONFLICTS. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on July 15, 2021 after its adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 10th day of March, 2021.

Mayor Steven Leary

ATTEST:

City Clerk Rene Cranis