

## ORDINANCE 3204-21

### **AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO BUILDINGS; AMENDING CHAPTER 22 TO INCORPORATE TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE REQUIRING ELECTRIC VEHICLE CHARGING PROVISIONS TO THE WINTER PARK BUILDING CODE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Building Code Act of 1998 directed the Florida Building Commission to establish a statewide uniform building code known as the Florida Building Code; and

**WHEREAS**, the Seventh Edition of the Florida Building Code shall be in effect throughout the State of Florida as of December 31, 2020; and

**WHEREAS**, the enforcement of the Florida Building Code is the responsibility of local governments; and

**WHEREAS**, the City of Winter Park actively participates in the enforcement of building construction regulation for the benefit of the public health, safety and welfare of its citizens; and

**WHEREAS**, the City of Winter Park desires to facilitate the enforcement of the Florida Building Code by enacting technical amendments which meet the needs of its citizens; and

**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; and Winter Park has seen a substantial increase of electric vehicles among residents and visitors to the City;

**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 Construction Board of Adjustments & Appeals, has considered the proposed amendments to Building 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 Building Code, the recommendations of the Construction Board of Adjustments & Appeals and all public comments;

**WHEREAS**, the City Commission hereby makes findings that certain technical amendments for the provision of electric vehicle infrastructure and stations are needed for the health, safety and public welfare of its citizens; and

**WHEREAS**, the City finds that such local technical amendments to the Florida Building Code adopted pursuant to this Ordinance meet the requirements for local amendments pursuant to section 553.73(4)(b), Florida Statutes; and

**WHEREAS**, the City finds that such local technical amendments adopted pursuant to this Ordinance are no more stringent than necessary to address the local needs for same, the additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities, and the additional requirements do not introduce a new subject not addressed in the Florida Building Code; and

**WHEREAS**, the City has determined that all technical amendments enacted hereby are based upon a review of local conditions, which review demonstrates by evidence or data that the City exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code; and

**WHEREAS**, the City has and shall make readily available, in usable format, all technical amendments adopted as referenced herein, and the City has considered and shall include

in its transmittal to the Florida Building Commission a fiscal impact statement which documents the costs and benefits of the proposed technical amendment. Such fiscal impact state includes the impact to local government relative to enforcement, the impact to property and building owners, as well as to industry, relative to the cost of compliance; and

**NOW, THEREFORE, BE IT ENACTED by the people of the City of Winter Park, Florida, as follows:**

**Section 1.** All of the "WHEREAS" clauses mentioned above are fully incorporated herein.

**Section 2.** Article II, "Building Code," Chapter 22 of the Code of Ordinances of the City of Winter Park is hereby amended within Section 22-28, Sub-section 2703 to read as follows:

Technical amendments to the Florida Building Code:

Florida Building Code, Building Volume

**Section 2703 shall be added as follows:**

2703 Electric Vehicle Charging Station Infrastructure and Electric Vehicle Parking Space Requirements.

Section 2703.1 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.

Section 2703.2 Electric Vehicle Charging Station Infrastructure, Readiness requirements and technical criteria for buildings is hereby adopted as referenced herein and in Section 58-86 (5) of the Land Development Code.

- 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. Electric vehicle means any motor vehicle registered to operate on public roadways that operates either partially or exclusively on electric energy. Electric vehicles include: (a) Battery-powered electric vehicles; (b) Plug-in hybrid electric vehicles; (c) electric motorcycles; and (d) Fuel cell vehicles.

2. 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 on board 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 120volts.
    - b) Level-2 is considered medium charging. Voltage is greater than 120 volts, up to 240 volts.
    - c) Level-3 is considered fast or rapid charging, is also referred to DCFC or DC Fast Charging. Voltage is greater than 240 volts.
  3. 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.
  4. 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.
  5. 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.
  6. Multi-family project means occupancy classifications listed as Residential Groups R-1, R-2 and R-4 as defined in Section 310 of the Florida Building Code and the parking lot(s) serving those occupancies.
  7. Non-residential project means occupancy classifications listed in Sections 303-309 and 311 and 312 of the Florida Building Code and the parking lot(s) serving those occupancies.
- c) Readiness requirements –multi-family and non-residential projects. 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 the requirements of the Florida Building Code, Chapter 27, Section 2701 in accordance with NFPA 70 (National Electric Code) for the installation.

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 as referenced in the Land Development Code, Article III, "Zoning Regulations" Section 58-86 (5)(c).
  2. Non-residential properties 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 also referenced in the Land Development Code, Article III, "Zoning Regulations" Section 58-86 (5)(c).
- 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 (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. ~~Exclusive use. Electric vehicle parking spaces shall be reserved for the exclusive use of electric vehicles, actively engaged in a recharging session.~~
  3. 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.
  4. 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.
5. Lighting. Site lighting shall be provided where an electric vehicle charging station is installed.
  6. 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.
  7. 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. (3) Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner pursuant to state statutes.
  8. 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. 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) Exceptions. Where the installation of one or more electric vehicle parking spaces, 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 3.** It is the intention of the city commission of the city that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the city; and that sections of this ordinance may be numbered or renumbered or lettered or relettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be numbered or renumbered or lettered or relettered and typographical errors which do not affect the intent may be authorized by the city manager, without need of public hearing, by filing a corrected or recodified copy of same with the city clerk.

**Section 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5.** If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses or phrases under application shall not be affected thereby.

**Section 6.** This ordinance enacting amendments to the Florida Building Code shall be transmitted to the Florida Building Commission within 30 days.

**Section 7. Effective Date.** Once adopted, this Ordinance shall not become effective until July 15, 2021 and after this Ordinance has been received by and the amendments set forth in Section 2 of this Ordinance are published by the Florida Building Commission for 30 days.

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

---

Mayor Steven Leary

Attest:

---

City Clerk Rene Cranis