



ULDC REVISIONS - PERMISSION TO ADVERTISE

BCC HEARING, JANUARY 11, 2023

I. General Data

Project Name: Electric Vehicle Charging Stations
Articles: 1, 4, 6
Project Manager: Jerome Ottey, Senior Site Planner
Agency Manager: Lisa Amara, Zoning Director
Staff Recommendation: Staff recommends **approval** based on the findings and conclusions presented in this report.

II. Item Summary

Summary: The item is a request for permission to advertise a Board initiated proposed revision revising the Unified Land Development Code ("Code"). This is Phase I of a series of amendments to the Code to implement direction from the Board regarding electric vehicle charging station requirements and implementation. This item proposes to revise and update the requirements for Electric Vehicle Charging Stations (EVCSS) in Articles 1, 4, and 6 of the Code as follows:

- Relocate and modify the requirements in Art. 4 to Art. 6, relating to EVCSS, as the Electric Vehicle Charging Station Facility use is being deleted from the Code.
- To revise the approval process to encourage the installation of EVCSS throughout the County

Assessment: As demonstrated in this report, the proposed revision to the EVCS requirements serve to update and more accurately reflect the growing trend of EV (electric vehicle) ownership, to streamline the approval process, and remove existing restrictions to provide the necessary infrastructure to charge EVs. The specific requirements associated with the full installation of EVCSS have also been updated, taking into consideration the present conditions and trends in Florida and the wider United States of America. Staff anticipates providing additional amendments in 2023 to include requirements for commercial and industrial uses.

III. Hearing History

Board of County Commissioners Permission to Advertise: January 11, 2023

LDRAB Recommendation: *Scheduled for January 17, 2023*

Board of County Commissioners First Reading: *January 26, 2023*

Board of County Commissioners Adoption: *February 23, 2023*

IV. Intent

This proposed amendment revises the requirements for EVCSs in the Code and affects Art.1, General Provisions, Art. 2, Application Processes and Procedures, Art. 4, Use Regulations, and Art. 6, Parking, Loading, and Circulation, and will allow for easier installation of EVCSs through the Building Permit processes and procedures. Specific changes are shown in strike out and underline in Exhibit 1-A.

- Updates to Art. 4.B.2.C.10, EVCS Facility to relocate the requirements for the installation of EVCSs and remove it as a use in the Code, resulting in EVCSs being regulated simply as a site element and not a use.
- Revise the provisions for Art. 6.B.3.A.1.d.4), Electric Vehicle Charging Parking Spaces (EVCPS) to streamline the approval and installation process for the installation of EVCSs

V. Background

Electric vehicles are the future of transportation, and ownership of these vehicles has been steadily increasing. One benefit to the County is that widespread adoption of EVs may mitigate the effects of climate change through the use of less carbon-intensive energy. Increased presence of EV charging stations will reduce “range anxiety”, one of the perceived obstacles to EV ownership. The Electric Vehicle Charging Station (EVCS) Facility use was added to Art. 4 of the Code in Ord. 2018-018 to create standards for EVCSs as a result of the emerging trend of EV ownership at the time. As part of Ord. 2019-034, requirements related to EVs were further revised to separate requirements based on whether a fee is charged or not. Art. 4.B.2.C.10, EVCS Facility was revised to include the requirements for EVCSs that had a fee charge and Art. 6.B.3.A.1.d.4), EVCPS to account for EVCSs that do not have a fee charge, which included residential developments. Ordinance 2019-034, adopted on August 22, 2019 was the last substantial update to Code related to EVCSs. This amendment stems from the growing trend towards EV ownership and the associated requirement for EVCSs, allowing for easier installation through a more streamlined process and the removal of restrictions currently in the Code. This will allow for a market-driven effort to increase EVCS installation, and will encourage Property Owners to implement the infrastructure where the need arises.

At the October 27, 2022 Board of County Commissioners Hearing, the Office of Resilience, along with the Zoning Division was directed by the Board to revise the Unified Land Development Code (ULDC) to remove restrictions to the installation of EVCS throughout Unincorporated Palm Beach County for existing developments, and that Staff research and provide EVCS requirements for Commercial and Industrial developments. The Board also directed Staff to look into County-owned properties and vehicular fleet to potentially retrofit County-owned properties with EVCSs and begin the process of replacing vehicular fleet with electric vehicles. Staff was also directed to consult with the Gold Coast Builders Association and American Legislative Exchange Council to gather information on issues that have emerged from the electric vehicle pre-emption law FS 377.707 for “fuel retailers”.

VI. Data and Analysis

This section provides data and analysis, including an examination of consistency with the Comprehensive Plan.

A. Proposed Amendment

This revision is comprised of several components, each of which is discussed separately below and corresponds with the specific strike out and underline changes to the Code shown in **Exhibit 1**.

- **Art. 1.H.2, Definitions.** To add definitions for Electric Vehicle Charging Stations and EV Charging Levels for the different levels of EVCSs that may be installed.
- **Art. 4.B.2.C. Definitions and Supplementary Use Standards for Specific Uses.** The Electric Vehicle Charging Station Facility use was added to the Code in 2018 by Ordinance No. 2018-018 as a standalone use intended for developments that would provide electric vehicle charging, similar to the provision of fuel by Retail Gas and Fuel uses. Since the

adoption of this Ordinance, no development has been constructed in this way. There is a trend within the County towards EV ownership but the growth has not been significant enough to warrant such a use. For this reason, the EVCS Facility use is removed from Art. 4, and the related provisions relocated under Art 6, to allow for the regulation as a parking site element. This will result in easier processing and implementation of EVCSs throughout the County.

- **Art. 6.B.3.A.1.d.4), Electric Vehicle Charging Parking Space (EVCPS).**
 - o The definition of EVCPS is revised to remove the fee reference. The current Code requirements for EVCSs are based on whether a fee is charged or not. The fee requirement was added to the Code to differentiate requirements and approval processes for Residential and Non-residential uses. This amendment proposes to allow EVCSs regardless of use through the Building Permit process and procedures. This will allow for a more streamlined process and encourage the installation of EVCSs through the removal of additional approval processes.
 - o Current Code requires that the applicable usage fees for the charging of an EV be displayed on the sign designating a parking space for EV charging. This requirement is stricken from the Code as usage fees for charging stations are usually displayed digitally on the EVCS itself. The required signs are not usually digital, which makes it more difficult for changes in fees to be properly displayed on these signs.
 - o To ensure that there will still be adequate parking spaces for vehicles that are not EVs, restriction on the percentage of the total number of EVCPSs relative to the number of regular parking spaces required for a site is revised.
 - o An exception has been added for EVCPSs that have been installed by residential property owners for their personal use, where the specific requirements for the Design and Construction standards will not apply.

B. Consistency with the Comprehensive Plan

The proposed amendments will ensure consistency with the Comprehensive Plan. The official Consistency Letter from the Planning Division will be provided at a later date.

VII. Assessment and Conclusions

As demonstrated in this report, the proposed amendment to the EVCS requirements of the Code serves to update and more accurately reflect the growing trend of EV ownership, and support the necessary infrastructure for the recharging of these vehicles. The proposed amendment is consistent with the Comprehensive Plan.

This revision also proposes minor changes to the Code to account for industry requirements and procedures. As such, staff recommends ***approval*** of this revision.

EXHIBIT 1

ELECTRIC VEHICLE CHARGING STATIONS (EVCSs)

This exhibit revises the following Articles:

- ARTICLE 1 – GENERAL PROVISIONS
- ARTICLE 4 – USE REGULATIONS
- ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. *Stricken and italicized* means text to be totally or partially relocated. Relocation notes are shown in brackets as [Relocated to:] or [Relocated from:]. Unaltered text omitted for brevity is indicated by a series of four bolded periods....

Part 1. ULDC Art. 1.H.2, General Provisions, Definitions and Acronyms, Definitions (page 52, Supplement 30), is hereby amended as follows:

CHAPTER H DEFINITIONS AND ACRONYMS

....

Section 2 Definitions

E. Terms defined herein or referenced Article shall have the following meanings:

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 - 10. Elderly Person – as defined in the Plan.
 - 11. **Electric Vehicle (EV) Charging Level** – the level of voltage of electrical output by an electric vehicle charging station (EVCS) at which the battery of an EV is recharged. The standardized levels are generally as follows:
 - a. **AC Level 1** – 120 volts (1.4 to 1.9 kilowatts) of electrical output to an EV.
 - b. **AC Level 2** – 240 volts (19.2 kilowatts or less) of electrical output to an EV.
 - c. **DC Fast Level 3** – 480 volts (50 kilowatts or more) of electrical output to an EV.
 - 12. **Electric Vehicle Charging Station (EVCS)** – Infrastructure that supplies electric energy for the charging of EVs. EVs shall include, but not be limited to: battery-powered electric vehicles, plug-in hybrid electric vehicles, and electric motorcycles. The service is provided to the public and the facility can be manned or unmanned. [Ord. 2018-018] [Ord. 2019-034] [Partially relocated from: Art. 4.B.2.C.10.a]
 - 13. **Electrical Transmission Line Street** – the area necessary for construction and maintenance of a 230-kilovolt or greater Electrical Transmission Line, as provided in F.S. § 403.52.
-[Renumber accordingly]

ULDC ART. 4.B.2.C.10, USE REGULATIONS, USE CLASSIFICATION, COMMERCIAL USES, DEFINITIONS AND SUPPLEMENTARY USE STANDARDS FOR SPECIFIC USES, ELECTRIC VEHICLE CHARGING STATION FACILITY (PAGES 25 AND 37 TO 40, SUPPLEMENT 30), IS HEREBY AMENDED AS FOLLOWS:

CHAPTER B USE CLASSIFICATION

Section 2 Commercial Uses

A. Commercial Use Matrix

[illegible]

□ □ □ □

C. Definitions and Supplementary Use Standards for Specific Uses

~~10. Electric Vehicle Charging Station Facility~~

~~a. Definition~~

~~A facility that provides infrastructure that supplies electric energy for the charging of electric vehicles for a fee. Electric vehicles shall include, but not limited to: battery-powered electric vehicles, plug-in hybrid electric vehicles, electric motorcycles, and fuel cell vehicles. The service is provided to the public and the facility can be manned or unmanned. [Ord. 2018-018] [Ord. 2019-034] [Partially relocated to: Art. 1.H.2.E.12]~~

~~b. Location Criteria for Principal Use~~

- ~~1) An EVCS facility shall comply with Art. 5.E.2, Location Criteria. [Ord. 2018-018]~~
- ~~2) An EVCS facility with a CL-FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria. [Ord. 2018-018]~~
- ~~3) I-95 or Turnpike Interchanges~~

~~A parcel with a Commercial High (CH) Future Land Use designation within one-half mile of an I-95 or Turnpike interchange shall be exempt from the location criteria listed above. [Ord. 2018-018]~~

~~c. Design and Construction Standards for Stations for Principal or Accessory Use~~

- ~~1) The location of the EVCS (charger and/or charging space(s)) shall not be located in the following areas: [Ord. 2018-018]~~
 - ~~a) required loading areas; [Ord. 2018-018]~~
 - ~~b) required landscape buffers, islands, or medians; and, [Ord. 2018-018]~~
 - ~~c) Any other areas that will impede vehicular or pedestrian traffic circulation or visibility. [Ord. 2018-018]~~
- ~~2) All EV parking spaces shall be a minimum of nine feet in width by 18.5 feet in length. The charging unit may be installed in front of the space or on the side. An optional pedestrian access aisle (between 18 inches to two feet) may be provided between the unit and the vehicle. Two adjacent EVCS spaces may utilize the same access aisle; [Ord. 2018-018] [Partially relocated to: Art. 6.B.3.A.1.d.4)c)(3)]~~
- ~~3) EV spaces shall be painted green, or shall be marked by green painted lines or curbs; [Ord. 2018-018] [Relocated to: Art. 6.B.3.A.1.d.4)c)(4)]~~
- ~~4) A canopy, if provided, shall not exceed 15 feet in height over the charging unit; [Ord. 2018-018] [Relocated to: Art. 6.B.3.A.1.d.4)c)(5)]~~
- ~~5) Each EV space shall be marked by a sign designating the parking space as an electric vehicle parking space, in accordance with Art. 8.B.2, Small Signs and the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal Highway Administration. Each sign shall include the following information: [Ord. 2018-018] [Relocated to: Art. 6.B.3.A.1.d.4)c)(6)]~~
 - ~~a) Voltage and amperage levels; [Ord. 2018-018]~~
 - ~~b) Any applicable usage fees; [Ord. 2018-018]~~
 - ~~c) Safety information; and, [Ord. 2018-018] [Relocated to: Art. 6.B.3.A.1.d.4)c)(6)(a)]~~
 - ~~d) Contact information for the owner of the charging station, to allow a consumer to report issues relating to the charging station. [Ord. 2018-018] [Relocated to: Art. 6.B.3.A.1.d.4)c)(6)(b)]~~
- ~~6) A generator, if provided, shall comply with Art. 5.B.1.A.19, Permanent Generators. [Ord. 2018-018] [Relocated to: Art. 6.B.3.A.1.d.4)c)(7)]~~

~~d. Accessory Use~~

~~EVCS shall be permitted as an accessory use to non-residential uses when a parking space(s), equipped with EVCS infrastructure, is provided within the parking lot or vehicular service area of a principal use for public or private use. An accessory EVCS may be Permitted by Right located in any zoning district subject to the following: [Ord. 2018-018] [Ord. 2019-034]~~

~~1) Accessory to Non-Residential Uses~~

~~Shall not exceed a maximum of 20 spaces or ten percent of the total required parking spaces for the use or, whichever is less. [Ord. 2018-018] [Ord. 2019-034]~~

~~110. Financial Institution~~

~~....[Renumber accordingly]~~

Part 3. ULDC Art. 6.B.3.A.1.d.4) Parking, Loading, and Circulation, Parking and Loading, Design and Materials, Dimensions and Layout, Dimensions, Alternative Vehicle Parking, Electric Vehicle Charging Parking Space (EVCPS) (page 19, Supplement 30), is hereby amended as follows:

CHAPTER B PARKING AND LOADING

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Section 3 Design and Materials

A. Dimensions and Layout

1. Dimensions

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d. Alternative Vehicle Parking

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1 4) **Electric Vehicle Charging Parking Space (EVCPS)**

2 A parking space that provides infrastructure that supplies electric energy for the
3 charging of ~~electric vehicle EVs, without a fee, is associated with the principal use, and~~
4 ~~is. EVCPSs shall count as~~ part of the required number of parking spaces, ~~shall be~~
5 ~~considered an EVCPS. Any parking space that requires a fee is subject to Art.~~
6 ~~4.B.2.C.10, Electric Vehicle Charging Station Facility pursuant to Table 6.B.1.B,~~
7 ~~Minimum Parking and Loading Requirements and shall not exceed 50 percent of the~~
8 ~~total number of required parking spaces. [Ord. 2019-034] [Ord. 2020-001]~~

9 a) **~~Non-Residential Uses~~Approval Process**

10 ~~Shall not exceed a maximum of 20 spaces or ten percent of the total required~~
11 ~~parking spaces for the use or uses in the development, whichever is less. An~~
12 ~~EVCPS is Permitted by Right. [Ord. 2019-034] [Relocated from: below]~~

13 b) **~~Residential Uses~~**

14 ~~An EVCPS is Permitted by Right. [Ord. 2019-034] [Relocated to: above]~~

15 **cb) Design and Construction Standards**

16 (1) ~~Each EV space shall be marked by a sign designating the parking space as~~
17 ~~an electric vehicle parking space, in accordance with Art. 8.B.2, Small Signs~~
18 ~~and the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal~~
19 ~~Highway Administration. Each sign shall include the information pursuant to~~
20 ~~Art. 4.B.2.C.10.c.5)a), c), and d). Vehicles that are not capable of using the~~
21 ~~Electrical Vehicle Charging Station are prohibited from parking in this space;~~
22 ~~and The EVCS may be allowed to encroach into landscape areas a maximum~~
23 ~~of five feet, provided that existing trees are preserved.~~

24 (2) ~~EV spaces shall be painted green, or shall be marked by green painted lines~~
25 ~~or curbs. [Ord. 2019-034] The EVCS is exempt from the screening~~
26 ~~requirements of Art 5.B.1.A.20.a.2). Screening Requirements.~~

27 (3) ~~The EVCS may be installed in front of the space or on the side. An optional~~
28 ~~pedestrian access aisle (between 18 inches to two feet) may be provided~~
29 ~~between the unit and the vehicle. Two adjacent EVCPSs may utilize the same~~
30 ~~access aisle; [Ord. 2018-018] [Partially relocated from: Art. 4.B.2.C.10.c.2)]~~

31 (4) ~~EVCPSs shall be painted green, or shall be marked by green painted lines or~~
32 ~~curbs; [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.3)]~~

33 (5) ~~A canopy, if provided, shall not exceed 15 feet in height over the charging unit;~~
34 ~~[Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.4)]~~

35 (6) ~~Each EVCPS shall be marked by a sign designating the parking space as an~~
36 ~~electric vehicle parking space, in accordance with Art. 8.B.2, Small Signs and~~
37 ~~the Manual on Uniform Traffic Control Devices (MUTCD) of the Federal~~
38 ~~Highway Administration. Each sign shall include the following information:~~
39 ~~[Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.5)]~~

40 ~~(a) Safety information; and, [Ord. 2018-018] [Relocated from: Art.~~
41 ~~4.B.2.C.10.c.5)c)]~~

42 ~~(b) Contact information for the owner or operator of the charging station, to~~
43 ~~allow a consumer to report issues relating to the charging station. [Ord.~~
44 ~~2018-018] [Relocated from: Art. 4.B.2.C.10.c.5)d)]~~

45 (7) ~~A generator, if provided, shall comply with Art. 5.B.1.A.19, Permanent~~
46 ~~Generators. [Ord. 2018-018] [Relocated from: Art. 4.B.2.C.10.c.6)]~~

47 **(8) Exception**

48 ~~The requirements above shall not apply to areas designated for outdoor~~
49 ~~storage or display of vehicles for Vehicle Sales and Rental uses, and EVCPSs~~
50 ~~installed by a residential Property Owner for personal use. This exception shall~~
51 ~~include EVCPSs installed in deeded parking spaces and within a private~~
52 ~~parking space, garage, or driveway of a SFD, Townhouse, Cottage Home, or~~
53 ~~ZLL.~~