

CITY OF ORLANDO
COUNCIL AGENDA ITEM

H/O 2nd Rd
#2

Items Types:

Hearings/Ordinances/2nd Read

District: ALL

Contract ID:

Exhibits: Yes

Grant Received by City?: No

For Meeting of:

August 23, 2021

From:

Document Number:

On File (City Clerk) : Yes

Draft Only: No

Subject:

Ordinance No. 2021-47 Amending Chapter 61 of the Land Development Code Regarding Electric Vehicle Readiness (LDC2021-10006)(Economic Development)

Summary:

Through the passage of this Electric Vehicle (EV) Readiness code, the future development of commercial and multifamily housing in the City of Orlando will be more equipped to support the rapid increase in electric vehicle adoption and mitigate the disproportionately high retrofit expenses to install EV charging infrastructure in the future. This EV Readiness code requires a portion of parking spaces in certain developments to meet current EV charging needs and prepare for future demand. The requirement sunrises in January 2022, and has thresholds so that the requirements apply to larger projects.

To date, the City of Orlando's Land Development Code (LDC) contains no regulations addressing EV parking. This amendment will add minimum requirements for certain new developments and substantial enlargements to provide EV parking accommodations.

This proposal was recommended for approval by the Municipal Planning Board (MPB) at its June 2021 meeting, who's recommendation was accepted by City Council on June 28, 2021. Since the MPB meeting, the City Attorney's office has assisted in adding language clarifying that only new parking spaces will be subject to the requirement as a result of a substantial enlargement as part of this proposal.

Fiscal & Efficiency Data:

No fiscal impact.

Recommended Action:

Adopting Ordinance No. 2021-47 and authorizing the Mayor and City Clerk to execute on behalf of the City, upon final review and approval by the City Attorney.

Agenda Item attachment(s) on file in the City Clerks Office.

Note: All agenda items must be in the City Clerk's office by Noon Friday, six(6) business days prior to the regular Monday City Council meeting.

Contact: Shannon Stegman, Project Manager, Shannan.Stegman@cityoforlando.net; Sarah Tait, Assistant City Attorney, Sarah.Taitt@cityoforlando.net

Approved By:

Department

Date and Time

City Council Meeting: 8-23-21

Item: 12-2 Documentary: 2108231202

ATTACHMENTS:

Name:	Description:	Type:
Electric Vehicles FINAL ordinance 7-7-21 (1).pdf	Ordinance 2021-47	Backup Material
LDC2021-10006 EV Readiness FINAL.pdf	MPB Report	Backup Material

"Enhance the quality of life in the City by delivering public services in a knowledgeable, responsive and financially responsible manner."

ORDINANCE NO. 2021-47

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
2 OF ORLANDO, FLORIDA, RELATING TO THE
3 ELECTRIC VEHICLE READINESS; AMENDING
4 CHAPTER 61, PART 3, OF THE LAND DEVELOPMENT
5 CODE TO ADD SUBPART 3G, ENTITLED ELECTRIC
6 VEHICLE READINESS; PROVIDING LEGISLATIVE
7 FINDINGS, AND FOR CODIFICATION, CORRECTION OF
8 SCRIVENER'S ERRORS, SEVERABILITY, AND AN
9 EFFECTIVE DATE.

10
11 **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the city of
12 Orlando, Florida (the "city"), adopt or amend and enforce land development regulations
13 that are consistent with and implement the city's adopted comprehensive plan; and
14

15 **WHEREAS**, section 163.3202(3), Florida Statutes, encourages the use of
16 innovative land development regulations and requires that all land development
17 regulations be combined into a single land development code for the city; and
18

19 **WHEREAS**, from time to time, amendments and revisions to the city's adopted
20 comprehensive plan (the "Growth Management Plan"), progress in the field of planning
21 and zoning, or changes to state law make it necessary or desirable to amend the land
22 development regulations of the city; and
23

24 **WHEREAS**, since 2007, the city has been working to transform into one of the
25 most environmentally friendly, socially equitable, and economically vibrant cities in
26 America; and
27

28 **WHEREAS**, to achieve this vision, the city launched Green Works Orlando to
29 support city operations, community partners, businesses, and residents in becoming a
30 leading city at the forefront of innovation and sustainability; and
31

32 **WHEREAS**, through the adoption of the 2018 Green Works Orlando Community
33 Action Plan, the city established the goal to reduce greenhouse gas emissions 90% by
34 2040; and
35

36 **WHEREAS**, automotive manufacturers have committed to 100% electric
37 passenger fleets in the near-term including GM (2035), Volvo (2030), Range Rover Jaguar
38 (2025), and Honda (2040), and Ford has committed \$24 billion towards EV fleet
39 development by 2025. Ride hail services including Lyft and Uber have also committed to
40 100% electric services by 2030; and
41

42 **WHEREAS**, electric vehicles reduce greenhouse gas emissions by 64% on a per
43 mile basis when powered on the Florida electric grid, as compared to gasoline and diesel-
44 powered vehicles; and

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45
46 **WHEREAS**, as recognized by the Legislature of the State of Florida, the use of
47 electric vehicles “conserves and protects the state’s environmental resources, provides
48 significant economic savings to drivers, and serves an important public interest;” and
49

50 **WHEREAS**, the Florida Department of Transportation has published initial
51 recommendations for the state’s Electric Vehicle Master Plan that includes
52 recommendations for the state to develop model zoning and building codes to incorporate
53 Electric Vehicle Supply Equipment (EVSE); and
54

55 **WHEREAS**, in order to reduce greenhouse gas emissions, the city desires to
56 encourage electric vehicle use by including provisions in the land development code for
57 electric vehicle readiness; and
58

59 **WHEREAS**, at its regularly scheduled meeting of June 15, 2021, the Municipal
60 Planning Board recommended to the City Council of the City of Orlando, Florida (the
61 “Orlando City Council”), that the provisions of this ordinance are consistent with the
62 applicable provisions of the city’s adopted Growth Management Plan, are in the best
63 interest of the public health, safety, and welfare, are in harmony with the purpose and
64 intent of the Land Development Code of the City of Orlando, Florida (the “Land
65 Development Code”), will not result in disorderly and illogical development patterns, and
66 will not result in incompatible land uses; and
67

68 **WHEREAS**, the Orlando City Council hereby finds and determines that this
69 ordinance is consistent with the applicable provisions of the city’s adopted Growth
70 Management Plan, is in the best interest of the public health, safety, and welfare, is in
71 harmony with the purpose and intent of the city’s Land Development Code, will not result
72 in disorderly and illogical development patterns, and will not result in incompatible land
73 uses; and
74

75 **WHEREAS**, the Orlando City Council hereby finds and declares that this ordinance
76 is in the best interest of the public health, safety, and welfare.
77

78 **NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF**
79 **ORLANDO, FLORIDA, AS FOLLOWS:**
80

81 **SECTION 1. CHAPTER 61, PART 3, AMENDED.** Chapter 61, Part 3, Land
82 Development Code, is hereby amended to add subpart 3G, entitled Electric Vehicle
83 Readiness, to read as follows:
84

85 **PART 3. - PARKING AND LOADING**
86
87

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88
89 **Secs. 61.355—61.359. - Reserved.**

90
91 **3G. - ELECTRIC VEHICLE (EV) READINESS**

92
93 **Sec. 61.360. - Purpose of Electric Vehicle Parking Requirements.**

94
95 The requirements of this Part are intended to provide electric vehicle charging
96 abilities distributed throughout the City to serve public mobility needs, prepare for
97 emerging electric vehicle technologies, improve air quality, and achieve City
98 sustainability goals, including climate change mitigation.

99
100 **Sec. 61.361. - Applicability.**

101
102 The requirements of this Part shall apply to new development or substantial
103 enlargement of structures. Only the new parking spaces added as part of a
104 substantial enlargement are subject to the requirements of this Part.

105
106 **Sec. 61.362. - General Requirements.**

107
108 (a) Electric vehicle parking spaces shall meet all performance standards of Ch. 61
109 Part 3.

110
111 (b) EV Readiness requirements are categorized in two levels as follows:

- 112
113 • EV Capable: These parking spaces prepare for future Electric Vehicle Supply
114 Equipment (EVSE) installation by providing dedicated electrical capacity in
115 the service panel (40amp breaker for every two EV Capable two spaces) and
116 conduit to the EV Capable space. These spaces do not require wiring to the
117 space or a receptacle.
118
119 • EVSE Installed: These parking spaces are reserved for EVs and provide
120 drivers the opportunity to charge their electric vehicle using EV charging
121 stations rated at a minimum of 32amp 7.2 kW. These spaces should be
122 installed per the requirements of the National Electrical Code (NFPA 70) as
123 adopted and amended by the State of Florida.

124
125 **Sec. 61.363. - Number of Spaces Required.**

126
127 The parking requirements of this Part are intended to provide minimum standards
128 and do not count towards maximum parking requirements. The EV parking
129 requirements are based on a percentage of the minimum required parking spaces of
130 Part 3 of this Chapter.

131
132 **Sec. 61.364. - Location.**

133

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<u>TYPE</u>	<u>EV Capable**</u>	<u>EVSE Installed (threshold)**</u>
<u>Certified Affordable Multi-family Housing</u>	<u>20%</u>	<u>N/A</u>
<u>Multifamily, Hotel, all parking structures</u>	<u>20%</u>	<u>2%</u> <u>(requirement begins at 50 spaces)</u>
<u>Commercial (non-residential)* (office, retail, and public, recreational & institutional uses)</u>	<u>10%</u>	<u>2%</u> <u>(requirement begins at 250 spaces)</u>
<u>Industrial (employee parking only)</u>	<u>10%</u>	<u>2%</u> <u>(requirement begins at 250 spaces)</u>

*Commercial projects for fuel retailers in which *automotive services* is the primary use are excluded from requirements contained in this Part.

**All partial space requirements are rounded down.

Placement of the EV Capable and EVSE Installed required spaces must be identified during the Master Plan approval process.

Sec. 61.365. - Design.

- (a) Charging equipment must be mounted on the wall or on a structure at the end of the electric vehicle parking space provided.
- (b) No charging devices may be placed within the dimensions of a space, on the sides, or entrance to a space.
- (c) When cords and connectors are not in use, retraction devices or locations for storage shall be located sufficiently above the pedestrian surface and the parking lot as to reduce conflicts with pedestrians and vehicle maneuvering.
- (d) Cords, cables, and connector equipment shall not extend across the path of travel in any sidewalk or walkway.
- (e) Equipment mounted on structures such as pedestals, lighting posts, bollards, or other device shall be located in a manner that does not impede pedestrian, bicycle, or transit travel.
- (f) Alternative designs may be approved by the Zoning Official.
- (g) Additional landscape screening may be required for mechanical equipment such as transformers associated with charging equipment, consistent with mechanical equipment screening requirements.

Sec. 61.366. - Accessibility.

- (a) A minimum of one (1) EVSE Installed space must be located adjacent to an ADA designated space to provide access to the charging station.

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- (b) The accessible space must be designated as an EV reserved space.
- (c) The EVSE Installed accessible spaces should have all relevant parts located within accessible reach, and in a barrier-free access aisle for the user to move freely between the EVSE and the electric vehicle.

Sec. 61.367. - Signage.

All EVSE Installed parking spaces should be designated following MUTCD standards.

SECTION 2. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 3. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 4. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. IMPLEMENTATION. The requirements of this ordinance shall be implemented upon a first application for a building permit for a new development or substantial improvement filed with the City on or after January 1, 2022.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this 19 day of JULY, 2021.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this 10 day of AUGUST, 2021.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this 23 day of AUGUST, 2021.

BY THE MAYOR OF THE CITY OF ORLANDO, FLORIDA:



Mayor

ORDINANCE NO. 2021-47

208
209 ATTEST, BY THE CLERK OF THE
210 CITY COUNCIL OF THE CITY OF
211 ORLANDO, FLORIDA:

212 SMH
213 _____
214 City Clerk

215 Stephanie Herdobia
216 _____
217 Print Name

218
219 APPROVED AS TO FORM AND LEGALITY
220 FOR THE USE AND RELIANCE OF THE
221 CITY OF ORLANDO, FLORIDA:

222 Melissa Clarke
223 _____
224 Assistant City Attorney

225 Melissa Clarke
226 _____
227 Print Name

Orlando Sentinel

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**State Of Illinois
County Of Cook**

Before the undersigned authority personally appeared Amy Houser, who on oath says that he or she is an Advertising Representative of the ORLANDO SENTINEL, a DAILY newspaper published at the ORLANDO SENTINEL in ORANGE County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of 11150-Public Hearing Notice, August 23, 2021 at 2:00 p.m., Ordinance #2021-47 was published in said newspaper in the issues of Aug 10, 2021.

Affiant further says that the said ORLANDO SENTINEL is a newspaper Published in said ORANGE County, Florida, and that the said newspaper has heretofore been continuously published in said ORANGE County, Florida, each day and has been entered as periodicals matter at the post office in ORANGE County, Florida, in said ORANGE County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Amy Houser

Signature of Affiant

Name of Affiant

Sworn to and subscribed before me on this 12 day of August, 2021,
by above Affiant, who is personally known to me (X) or who has produced identification ().



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped

NOTICE OF PROPOSED ENACTMENT

On Monday, August 23, 2021, the Orlando City Council will consider proposed ordinance #2021-47, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO THE ELECTRIC VEHICLE READINESS; AMENDING CHAPTER 61, PART 3, OF THE LAND DEVELOPMENT CODE TO ADD SUBPART 3G, ENTITLED ELECTRIC VEHICLE READINESS; PROVIDING LEGISLATIVE FINDINGS, AND FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE. A public hearing on this ordinance will be held during Council's regular meeting beginning at 2:00 p.m., in City Council Chambers, Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. If a person decides to appeal any decision made by Council with respect to any matter considered at the hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is based. The proposed ordinance may be inspected by the public at the Office of the City Clerk located on the 2nd floor of Orlando City Hall, 400 S. Orange Ave., Orlando, Florida. Qualified persons with disabilities needing auxiliary aid or service, or other assistance, so they can participate equally in this meeting should contact the Office of the City Clerk at (407) 246-2251 as soon as possible but no later than 48 hours before the meeting.

OS7009513

8/10/2021

7009513